



Salt Spring Island Local Trust Committee

Regular Meeting Agenda

Date: Thursday, March 16, 2023
Time: 9:30 a.m.
Location: 64 Learning Hub
122 Rainbow Road

	Pages
1. CALL TO ORDER	9:30 AM - 9:30 AM
2. APPROVAL OF AGENDA	
3. PREVIOUS MEETINGS	9:30 AM - 9:35 AM
3.1 Draft Minutes of the Salt Spring Island Local Trust Committee	
3.1.1 <u>Draft Minutes of the February 9, 2023 SS LTC Regular Meeting</u>	5
For Adoption	
3.1.2 <u>Draft Minutes of the January 26, 2023 SS LTC Special Meeting</u>	17
For Adoption	
3.2 Resolutions Without Meeting Report - None	
3.3 Advisory Planning Commission - None	
3.4 Local Trust Committee Public Hearing Record - None	
4. BUSINESS ARISING FROM MINUTES	9:35 AM - 9:40 AM
4.1 Follow-Up Action List	21
Report dated March 2023	
5. COMMUNITY INFORMATION MEETING	
6. PUBLIC HEARING	
7. REPORTS	9:40 AM - 10:00 AM
7.1 Policy and Standing Resolutions List	31
For Information	
7.2 Future Projects Report	42

Report dated March 2023

7.3 Active Projects List 45

Report dated March 2023

7.4 Applications with Status Report 49

Report dated March 2023

7.5 Expense Report

7.5.1 Report dated December 2022 62

7.5.2 Report dated January 2023 63

7.6 Islands Trust Conservancy Board Report 64

Report dated February 2023

7.7 Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report - None

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Proposed Bylaw No. 530 - Accessory Dwelling Units

For Consideration

8.2 Discussion on opportunities for workforce housing 66

Staff Memo

.....BREAK UNTIL 12:00 NOON.....

9. TRUSTEE REPORTS 12:00 PM - 12:10 PM

Verbal Report

10. CHAIR'S REPORT 12:10 PM - 12:15 PM

Verbal Report

11. CRD DIRECTOR'S REPORT 12:15 PM - 12:20 PM

Verbal Report

12. CORRESPONDENCE 12:20 PM - 12:25 PM

Please visit the Applications and Projects pages on the Islands Trust website for recent public submissions.

For Applications, go to: <http://www.islandstrust.bc.ca/SSIapplications>

For Projects, go to: <http://www.islandstrust.bc.ca/SSIprojects>

12.1	R. Tarasoff to LTC - Dated February 9, 2023 - Concerning funding for SSIWPA	69
	For Information	
12.2	F. Attorp to MOTI - Dated March 3, 2023 - Concerning the Vortex Tourism Resort	70
	For Information	
12.3	SS LTC to Rogers - Dated February 14, 2023 - Concerning the letter sent to Rogers-CREST on behalf of Chair Peterson	80
	For Information	
12.4	Rogers to LTC - Dated February 27, 2023 - Concerning Rogers' response to the letter sent on February 14, 2023	86
	For Information	
12.5	J. Clark to LTC - Dated March 7, 2023 - Concerning current work being conducted at the Rogers-CREST Channel Ridge Tower site	89
	For Consideration	
12.6	O. McOuat to LTC - Dated March 7, 2023 - Concerning current work being conducted at the Rogers-CREST Channel Ridge Tower Site	95
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	For Information	
12.9	D. Pattison to LTC - Dated March 8, 2023 - Concerning current work being conducted at the Rogers-CREST Channel Ridge Tower Site	99
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12.10	D. Wilson to LTC - Dated March 8, 2023 - Concerning current work being conducted at the Rogers-CREST Channel Ridge Tower Site	101
	For Information	
12.11	Rogers to RPM Hutton - Dated March 8, 2023 - Concerning current work being conducted at the Rogers-CREST Channel Ridge Tower Site	102
	For Information	

13.	DELEGATIONS	
13.1	M. Leichter - concerning next steps for Ganges planning	106
13.2	Island Pathways - concerning provincial funding for the Salish Sea Trail Network	111
14.	TOWN HALL AND QUESTIONS	
15.	APPLICATIONS AND REFERRALS	
15.1	SS-CL-2022.3 - S. Horsburgh, Bayshore Planning - Saanich Inlet Staff Report	116
16.	OTHER BUSINESS	
16.1	New Business	
16.1.1	<u>Galiano Island Local Trust Committee Referral of Draft Bylaw Nos. 283 and 284</u> For Consideration	197
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16.1.3	<u>Draft Bylaw No. 535 - Freedom of Information and Protection of Privacy Bylaw</u> For Consideration	240
16.2	Special Meetings - Conducting Additional Meetings/Times Staff Report	245
17.	CLOSED MEETING - None	
18.	UPCOMING MEETINGS The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on April 13, 2023 at the 64 Learning Hub, 122 Rainbow Road, Salt Spring Island.	
19.	ADJOURNMENT	



Salt Spring Island Local Trust Committee Minutes of Regular Meeting

Date: Thursday, February 9, 2023

Location: SD64 Learning Hub
122 Rainbow Road, Salt Spring Island

Members Present: Timothy Peterson, Chair
Laura Patrick, Local Trustee (Zoom)
Jamie Harris, Local Trustee

Staff Present: Chris Hutton, Regional Planning Manager (RPM)
Anthony Fotino, Island Planner (Zoom)
Chris Buchan, Planner 1 (Zoom)
Rob Pingle, Planning Team Assistant
Sarah Shugar, Recorder

Others Present: Gary Holman, Capital Regional District (CRD) Salt Spring Island Electoral Area Director
Gulf Islands Driftwood Reporter
Approximately 25 members of the public

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed, recorded, and made available for electronic public attendance.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 9:30 a.m. He welcomed everyone to a meeting of the Salt Spring Island Local Trust Committee and introduced himself, the Trustees and staff. Chair Peterson humbly stated gratitude to live and work in Coast Salish First Nations treaty and traditional territory.

2. APPROVAL OF AGENDA

The following additional items were presented for inclusion in the agenda:

- 4.2 Communications
- 7.7 Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report Dated January 2023
- 8.1 SSIWPA Special Property Tax Requisition – Fiscal 2023/24 – Staff Report
- 9.1.4 UBCM Housing Summit – Trustee Patrick
- 9.1.5 OCP Amendments Regarding Housing – Trustee Harris
- 9.3 First Nations Consultations Procedure – Trustee Patrick
- 13.9 M. Welman on behalf of the Salt Spring Housing Council to LTC - Dated February 6, 2023
- Concerning LTC Agenda Item 9.2 on SS LTC February 9, 2023 Agenda

- 13.10 K. Scott, Lyackson First Nation to LTC - Dated February 9, 2023 - Opposition To Vortex Referral Update for 2661 & 2621 Fulford-Ganges Road ("The Vortex")

By general consent, the agenda was adopted as amended.

3. PREVIOUS MEETINGS

3.1 Rise and Report - January 26, 2023 SS LTC In-Camera Meeting

The following Rise and Report item was brought forward from the January 26, 2023 SS LTC In-Camera Meeting: That the Salt Spring Island Local Trust Committee requests staff to continue work on Proposed Bylaw No. 530 Accessory Dwelling Units, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022" and complete the tasks identified in the resolutions passed on September 06, 2022.

3.2 Draft Minutes of the Salt Spring Island Local Trust Committee

3.2.1 Draft Minutes of the December 13, 2022 SS LTC Regular Meeting

The following item was presented for consideration:

- Item 7.1 - Replace "issues" with "issued".

By general consent, the minutes of December 13, 2022 Salt Spring Island Local Trust Committee Regular meeting were adopted as amended.

3.2.2 Draft Minutes of the January 26, 2023 SS LTC Special Meeting

Staff will bring back the January 26, 2023 SS LTC Special Meeting draft minutes with more discussion points for adoption at the next meeting.

3.3 Resolutions Without Meeting Report dated February 2023

The report was received.

3.4 Minutes of the Advisory Planning Commissions – None

3.5 Salt Spring Island Local Trust Committee Public Hearing Record – None

4. BUSINESS ARISING FROM MINUTES

4.1. Follow Up Action List dated February 2023

The report was received.

A Trustee spoke to the following items status are noted as complete although the materials are not completed: Proposed Bylaw No. 526 - Farmworker Housing, Proposed Bylaw No. 530 - Accessory Dwelling Units, Proposed Bylaw No. 530 - Accessory Dwelling Units

Proposed Bylaw No. 530 - Accessory Dwelling Units Proposed Bylaw No. 530 - Accessory Dwelling Units Proposed Bylaw No. 530 - Accessory Dwelling Units. Staff will update the item status to "in progress" until the materials are complete.

4.2 Communications

A Trustee expressed support for a formal process for Trustee communication with the public. There was discussion regarding scheduling town hall sessions in the evening to be more accessible for people to attend outside of regular working hours. RPM Hutton advised the LTC has a communications policy and a communications specialist on staff. Staff recommending consideration of budget needed to schedule evening town hall meetings. There was a suggestion to schedule three evening town hall meetings and invite the Driftwood to attend. Staff will bring back costs to schedule evening town hall sessions. Trustee Patrick will contact the Salt Spring Exchange and the Driftwood newspaper regarding options for ongoing LTC communications.

5. COMMUNITY INFORMATION MEETING – None

6. PUBLIC HEARING – None

7. REPORTS

7.1 Policy and Standing Resolutions List

The report was received.

7.2 Active Projects Report dated February 2023

The report was received.

7.3 Future Projects Report dated February 2023

The report was received.

7.4 Applications with Status Report dated February 2023

The report was received.

7.5 Expense Report dated November 2022

The report was received.

7.6 Islands Trust Conservancy Board Report - None

7.7 Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report January 2023

The report was received.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Water Sustainability

Planner Fotino presented a staff report dated February 7, 2023 regarding Salt Spring Island Watershed Protection Alliance (SSIWPA) Special Property Tax Requisition 2023/24.

In discussion the following items were noted:

- The Financial Planning Committee is looking into whether the SSIWPA tax requisition can be specific to Salt Spring Island to address the concerns of Piers Island residents.
- SSIWPA is in the final phase of creating a 10-year strategic plan for a Watershed Protection and Stewardship Plan for Salt Spring Island that includes coordinating the work of the Capital Regional District, Islands Trust, North Salt Spring Waterworks District and the Province.
- Due to \$32,000 of projected surplus 2022/23 funds, the SSIWPA 2023/24 budget could be reduced to \$43,500.
- A Trustee expressed concerns that SSIWPA is taking resources that could be allocated to increasing workforce housing and that water protection is addressed by the Riparian Areas Regulations (RAR), proof of water regulations and rainwater catchment regulations.
- There was a question regarding how appointment of the new CRD Local Community Commission (LCC) in May 2023 would impact water management on Salt Spring Island.

SS-2023-05

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request that Trust Council include a special tax requisition of \$43,500 in the 2023/24 budget to fund the ongoing collaboration work of the Salt Spring Island Watershed Protection Alliance, and that the Request for Decision titled 'Salt Spring Island Water Sustainability – Special Property Tax Requisition be forwarded to Trust Council for consideration.

CARRIED

The meeting recessed for a break at 10:51 a.m. and reconvened at 10:55 a.m.

9. OTHER BUSINESS

9.1 New Business

9.1.1 North Pender Island Local Trust Committee Referral of Proposed Bylaw No. 232

A North Pender Island Local Trust Committee Referral dated January 19, 2023 regarding proposed North Pender Island Local Trust Committee Bylaw No. 232 was presented.

SS-2023-06

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee respond to the North Pender Island Local Trust Committee to indicate interests are unaffected by Draft Bylaw No. 232.

CARRIED

9.1.2 Saanich Inlet Roundtable - For Discussion

Trustee Patrick expressed interest in attending the Saanich Inlet Roundtable meetings and noted there are approximately four Saanich Inlet Roundtable meetings per year.

SS-2023-07

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee appoint Trustee Patrick to attend the Saanich Inlet Roundtable meetings and that expenses be covered.

CARRIED

9.1.3 BC Ferries Performance Term 6 Comment Period - For Discussion

Trustee Patrick presented meeting notes September 30, 2022 regarding dated "BC Ferry Service Inc. Performance Term Six Submission". David Courtney spoke on behalf of the Patrons of Route 6, Salt Spring Island encouraged the LTC to write a letter of support for a two-ferry Vesuvius/Crofton service and include support for improvements to the Fulford Ferry terminal.

SS-2023-08

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to prepare a letter from Salt Spring Island Local Trust Committee Chair to the BC Ferry Commissioner and copy the Minister of Transportation and Infrastructure requesting BC Ferries work in partnership with Salt Spring Island Local Trust Committee to link ferry terminal and service planning to proactive community planning that supports sustainable growth within the mandate of the Islands Trust.

CARRIED

9.1.4 UBCM Housing Summit – Trustee Patrick

Trustee Patrick expressed interest in attending the Union of BC Municipalities Housing Summit that will be held April 4-5, 2023.

SS-2023-09

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee approve the expenses for Trustee Patrick to attend the April 2023 Union of BC Municipalities (UBCM) Housing Summit in Vancouver.

CARRIED

9.1.5 OCP Amendments Regarding Housing – Trustee Harris

Trustee Harris requested staff to clarify the Official Community Plan (OCP) amendments that would be needed to facilitate an increase in workforce housing. RPM Hutton advised an OCP Amendment project charter including purpose, objectives, budget and deliverables to be presented at a future meeting.

SS-2023-10

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to clarify the amendments that would be needed in the Salt Spring Island Official Community Plan (OCP) in order to facilitate opportunities for workforce housing.

CARRIED

The meeting recessed at 11:49 a.m. for a lunch break and reconvened at 12:12 p.m. Item 10 – Trustee Reports was considered when the meeting reconvened. Items 9.2 and 9.3 were considered following item 16.3.

9.2 Advisory Planning Commissions and Special Advisory Planning Commissions for SS LTC Projects (Task Forces) - Staff Report (Deferred from the January 26, 2023 SS LTC Special Meeting)

RPM Hutton presented a staff report dated January 26, 2023 regarding Advisory Planning Committee, Housing Action Program Task Force, and Ganges (Shiya'hwat/SYOW T) Village Task Force.

In discussion the following comments were noted:

- Support was expressed for the Housing Action Program Task Force to continue to provide support for housing initiatives and the OCP/LUB Amendment Project.
- Bryce Chapman, member of the Housing Action Program Task Force expressed support for the Housing Action Program Task Force to continue work on housing initiatives and expressed concern that there was no notice regarding ending the work of the Housing Action Program Task Force.

SS-2023-11

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee defer consideration of disbanding the Housing Action Program Task Force pending further information on how the relationship between the Housing Action Program Task Force and Islands Trust can continue.

CARRIED

SS-2023-12

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to incorporate use of the Advisory Planning Commission in accordance with the report from the Regional Planning

Manager on the Project Charters for the Ganges (Shiya'hw/SYOWT) Village Area Plan Project and the OCP/LUB Amendment Project.

CARRIED

SS-2023-13

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee acknowledge the work of the Ganges Village Planning Task Force and that ongoing work has been incorporated into the Advisory Planning Commission (APC), request the Chair to provide letters of acknowledgement to each Commissioner, thank them for their service and invite them to apply to the APC.

CARRIED

9.3 First Nations Consultations Procedure – Trustee Patrick

Trustee Patrick suggested proactive communications with First Nations.

SS-2023-14

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to explore options to enter into interim protocols for meaningful and respectful engagement between the Salt Spring Island Local Trust Committee and the WSÁNEĆ Leadership Council, the Cowichan Nation Alliance and the Salt Spring Island local Indigenous organization.

CARRIED

10. TRUSTEE REPORTS

Trustee Patrick presented the following report:

- MLA Adam Olsen and the Rural Island Economic Partnership will host a Rural Island Housing Panel and action lab in April 2023. The Rural Island Housing Panel will consist of representatives from organizations that have successfully built housing projects. They will share their successes and frustrations and end with recommending what needs to change at the various levels of government to facilitate housing on rural islands.
- Attended Salt Spring Health Advancement Network's (SSHAN) strategic planning workshops. The SSHAN draft vision statement is "A collaborative and connected community working for the well-being of all".
- Attended two Salt Spring Island Housing Council meetings.
- Trustee Patrick has been appointed to the Financial Planning Committee and Chair of the Regional Planning Committee.
- Attended a SSIWPA meeting in January regarding the 10-year strategic plan for a Watershed Protection and Stewardship Plan for Salt Spring Island that includes coordinating the work of the Capital Regional District, Islands Trust, North Salt Spring Waterworks District and the Province.
- Attended the Climate Caucus 2023 Summit an event for elected officials across Canada.
- Transitions Salt Spring is hosting a workshop for developing forest management practices to improve wildfire resiliency on February 27, 2023.
- Trustee Patrick spoke to the need for effective communication with the public on important topics.

11. CHAIR'S REPORT

Chair Peterson reported he will attend an Executive Committee meeting on February 13 to plan for the next Trust Council to be held March 7 to 9, 2023. Attended a Trust Programs Committee meeting in January. Chair Peterson will attend Governance and Management Review Committee meeting on February 10, 2023 to review the recommendations in the Islands Trust Governance Report dated March 2022. Attended a meeting with Salt Spring Solutions, Transition Salt Spring and community members on February 8, 2022. Chair Peterson reported he will be back on Salt Spring Island on April 12, 2023 and welcomed members of the public and community groups to schedule meeting time with him.

12. CRD DIRECTOR'S REPORT

Director Holman presented the following report:

- The Local Community Commission (LCC) election will be held on May 27, 2023 and the first LCC meeting will be held in June 2023.
- Attended a meeting with the North Salt Spring Waterworks District (NSSWD) to propose establishing an interagency working group regarding water availability for affordable housing, suites and cottages within the NSSWD area.
- The CRD Board approved the provisional budget in September 2022 and the final budget will be approved in March 2023.
- Salt Spring Island Transit is scheduled to receive five new buses in 2023.
- Encouraged the LTC to express support for moving the location of the Rogers Communications tower further away from residences in the area.
- The Province provided \$170,000 Clean BC Organic Infrastructure and Collection Program funding to the Community Composting Facility at Burgoyne Bay Community Farm. The CRD provided \$100,000 Community Works funding. The CRD will own the facility and the Salt Spring Abattoir will operate the facility. The Community Composting Facility, the Salt Spring Abattoir and The Farmland Trust Root food processing, distribution and storage facility are part of the Salt Spring Island Area Farm Plan.
- Director Holman will host a public meeting regarding the CRD draft budget in March 2023.

13. CORRESPONDENCE

13.1 O. McQuat to LTC - Dated December 15, 2022 - Concerning Rationale for Rescindment re: Rogers-CREST Channel Ridge Tower

The correspondence item was received.

13.2 O. McQuat to LTC - Dated December 15, 2022 - Concerning 2001 Cellular Antenna Procedural Guideline

The correspondence item was received.

13.3 BC Housing to LTC, with C. Hutton, Regional Planning Manager Salt Spring Office response - Dated January 3, 2023 - Concerning Community Advisory Committee update for 154 Kings Lane, SSI

The correspondence item was received.

- 13.4 G. Holman, CRD Director Salt Spring Island to LTC - Dated January 5, 2023 -Concerning support for alternative location for Rogers/CREST Channel Ridge Communications tower**

The correspondence item was received.

- 13.5 T. Shah, Watt Consulting Group to LTC - Dated January 9, 2023 - Concerning Salt Spring Island Active Transportation Network Plan - Invitation to Stakeholder Workshop February 7, 2023**

The correspondence item was received.

- 13.6 T. Lannan, North Salt Spring Waterworks District to LTC - Dated January 19, 2023 - Concerning North Salt Spring Waterworks District Moratorium Policy**

The correspondence item was received.

- 13.7 P. McAllister and J. Wilkinson to G. Holman, CRD Director SSI and MLA A. Olsen, cc. LTC - Dated January 17-25, 2023 - Concerning the Vortex Proposal**

The correspondence item was received.

- 13.8 J. Lannan to LTC - Dated January 31, 2023 - Concerning Letter of Support request for Gulf Islands Early Learning Society**

The correspondence item was received.

SS-2023-15

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee provide a letter from the Chair in support of Gulf Islands Early Learning Society BC property tax assessment appeal.

CARRIED

- 13.9 M. Welman on behalf of the Salt Spring Housing Council to LTC - Dated February 6, 2023 - Concerning LTC Agenda Item 9.2 on SS LTC February 9, 2023 Agenda**

The correspondence item was received.

- 13.10 K. Scott, Lyackson First Nation to LTC - Dated February 9, 2023 - Opposition To Vortex Referral Update for 2661 & 2621 Fulford-Ganges Road ("The Vortex")**

The correspondence item was received.

14. DELEGATIONS

- 14.1 M. Leichter - concerning Salt Spring Island Water Supplies and Suppliers**

Maxine Leichter presented a document entitled “Delegation to Local Trust Committee February 9, 2023 By Maxine Leichter”. This is background information for Trustee Peterson and new staff regarding Salt Spring Island water supplies and suppliers including potable water sources and constraints.

14.2 J. McClean - Concerning Summerside Townhouse Development

Jenny McClean presented concerns regarding the Summerside Townhouse Development at 107 Atkins Road including the lack of affordable family, workforce and senior housing in the Ganges Village and that the project has stalled. Expressed interest to the Ganges Village Planning process and the process of selection of membership to the Advisory Planning Commission.

15. TOWN HALL AND QUESTIONS

Chair Peterson opened the Town Hall at 12:50 p.m.

Julian Clark spoke on behalf of Concerned Residents of Canvasback Place concerning the proposed Rogers Telecommunication Tower at Channel Ridge and submitted a package of materials entitled “February 9, 2023 LTC Meeting – Julian Clark, Canvasback Place, here to discuss the Proposed Rogers Tower on behalf of the Concerned Residents of Canvasback and a draft letter to Rogers Communications & CREST. Mr. Clark asked why the LTC has not sent the letter agreed to at the December 13, 2022 LTC meeting and encouraged the LTC to include the reasons for rescinding the concurrence decision. RPM Hutton advised he would prioritize sending the letter and include reasons for rescinding the concurrence decision.

David Courtney spoke on behalf of Patrons of Route 6 (Vesuvius/Crofton) and requested the LTC to provide feedback regarding Fuford Ferry Terminal issues to the BC Ferries Commissioner prior to the close of submissions on March 31, 2023.

A member of the public expressed concerns regarding application SS-DP-2018.14 (The Vortex) and read correspondence from Karyn Scott of Lyackson First Nation and Tracy Fleming of Cowichan Tribes. The member of the public requested the LTC to have meaningful consultation with First Nations and asked whether permits from the BC Archaeology Branch were received. Planner Fotino advised he is not aware any permits have been received from the BC Archaeology Branch at this time.

Glen Stevens spoke on behalf of concerned residents for the environmental pollution of local harbours and requested the LTC to make the “Clean and Safe Harbour Initiative” a priority in 2023. Mr. Stevens suggested an amendment to Salt Spring Island Land Use Bylaw to require live-aboard vessels and other vessels in the harbour to have a permit. The permit fees would help pay for program administration and enforcement. It is important that vessels have appropriate waste disposal and containment equipment to keep the sewage pollution out of the harbour.

Two members of the public expressed support a Clean and Safe Harbour Initiative.

16. APPLICATIONS AND REFERRALS

16.1. SS-DP-2018.14 - J. Verville, Kirsten Reite Architecture - 2661 and 2621 Fulford-Ganges Road, SSI ("The Vortex")

Planner Fotino presented a staff report dated February 2, 2023 regarding a Development Permit application to construct 17 commercial guest accommodation units, a restaurant, and accessory facilities at 2621 and 2661 Fulford-Ganges Road.

In discussion the following comments were noted:

- In light of the correspondence item 13.10 received at the meeting from Lyackson First Nation and Cowichan Tribes regarding the application, it is important to ensure that the LTC has adequately consulted with First Nations.
- Chair Peterson spoke to Trust Council Declaration of Reconciliation and the Province has not set clear policy regarding First Nations consultation.

SS-2023-16

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee approve Development Permit SS-DP-2018.14 and request that staff issue SS-DP-2018.14, as well as corresponding Development Variance Permit SS-DVP-2021.24 subject to any outstanding conditions therein (2661 and 2621 Fulford-Ganges Road).

CARRIED

16.2 SS-SUB-2011.2 - R. Spencer, Spencer's Excavating - 159 Collins Road, SSI

Planner Fotino presented a staff report dated January 17, 2023 regarding a covenant for a proposed 4 lot subdivision.

SS-2023-17

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of PID 029-374-294; Lot 1 Section 3 Range 1 West North Salt Spring Island Cowichan District Plan EPP14611, and designate the Chair and a Trustee of the Salt Spring Island Local Trust Committee to sign the covenant for SS-SUB-2011.2 (159 Collins Road).

CARRIED

SS-2023-18

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee, pursuant to Section 512 of the Local Government Act, grant a 10% parcel frontage waiver on the subject property (159 Collins Road).

CARRIED

16.3 SS-LCRB-2021.1 - M. Forbes, Salt Spring Brewing Corp. - 270 Furness Road, SSI (Salt Spring Ales)

Planner Fotino presented a staff report dated January 5, 2023 regarding the public consultation requirement for a liquor license application submitted by Salt Spring Island Brewing for their lounge and patio on 270 Furness Road.

SS-2023-19

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee requests staff to undertake notification and schedule a Community Information Meeting (CIM) for a referral application SS-LCB-2022.1 for Salt Spring Brewing Lounge.

CARRIED

17. CLOSED MEETING – None

18. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on March 16, 2023 at the SD64 Learning Hub, 122 Rainbow Road. Please see the meeting calendar on the Islands Trust website at www.islandstrust.bc.ca for current meeting information and location.

19. ADJOURNMENT

By general consent the meeting adjourned at 2:38 p.m.

Timothy Peterson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



Salt Spring Island Local Trust Committee Minutes of a Special Meeting

Date: Thursday, January 26, 2023

Location: Electronic Meeting

Members Present: Tim Peterson, Chair
Jamie Harris, Local Trustee
Laura Patrick, Local Trustee

Staff Present: Chris Hutton, Regional Planning Manager
Louisa Garbo, Island Planner
Rob Pingle, Recorder

These minutes follow the order of the agenda although the sequence may have varied.

1. CALL TO ORDER

Chair Peterson called the meeting to order at 1:03 p.m. and welcomed everyone to an electronic meeting of the Salt Spring Island Local Trust Committee. Chair Peterson introduced himself, the Trustees, staff and attendees and humbly stated gratitude to live and work in Coast Salish First Nations treaty and traditional territory.

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. CLOSED MEETING

3.1. Motion to Close the Meeting

SS-2023-01

At 1:05 p.m., **it was MOVED and SECONDED** that the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Section 90 (1)

- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and that staff be invited to remain.

CARRIED

3.2. Motion to Open the Meeting

SS-2023-02

At 1:59 p.m., it was **MOVED and SECONDED** that the Salt Spring Island Local Trust Committee re-open this meeting to the public subject to Section 89 of the Community Charter.

CARRIED

3.3. Rise and Report

That the Salt Spring Island Local Trust Committee request staff to continue work on Proposed Bylaw No. 530 Accessory Dwelling Units, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022" and complete the tasks identified in the resolutions passed on September 06, 2022.

4. BUSINESS ITEMS

4.1. Discussion On Strategic Directions and Work Program Review

RPM Hutton presented a staff report dated January 26, 2023 regarding what Trustees hope to achieve in the upcoming term and review of the current work plan to align anticipated staffing capacities and project guidelines of current Trust Council Policy and to initiate work on potential business cases in Fiscal Year 2024/2025.

In discussion the following items were noted:

- It is difficult to proceed with Ganges Village Area Planning when the North Salt Spring Waterworks District moratorium on new water connections is impacting all housing projects within Ganges Village. There is a question regarding what role the LTC has in the NSSWD water moratorium. Staff noted the ongoing work with the NSSWD regarding the water moratorium and water availability.
- It is difficult to proceed with Ganges Village Area Planning when there is work to be done regarding redesignation of properties in the Agricultural Land Reserve (ALR) within and surrounding the Ganges Village. There is a question regarding what role the LTC has in the process of redesignation of properties within the ALR.
- The capacity of the Ganges Sewer Treatment Plant needs to be addressed as part of the Ganges Village Area Plan.
- There was a suggestion to focus on specific Official Community Plan (OCP) updates instead of an overall OCP review.
- There was a suggestion to prioritize a project that would upzone Rural and Rural Upland zoned properties for workforce ownership housing to be controlled by a Housing Authority.
- Support was expressed for the Islands Trust to work as a coordinating body and for interagency collaboration to increase housing stock.

- There was a suggestion to focus on quick, meaningful deliverables to address the lack of workforce housing.
- There was discussion regarding Wildfire Resiliency. Staff noted the concept of Interface Wildfire Hazards Development Permit Areas came into practice following the 2003 Kelowna area wildfires and most Wildfire DPA's are based on FireSmart principles, incorporate fuel management practices and aim to increase the safety of the community. A Trustee expressed concerns regarding the Coastal Douglas Fir project including the education materials. A Trustee suggested inviting Salt Spring Island Fire Rescue to meet with the LTC regarding Wildfire Resiliency. A Trustee suggested staff provide an update regarding the CRD Wildfire Resiliency Mapping project.
- A Trustee expressed support to address the Short Term Vacation Rental issue including working with the accommodations sector and the CRD on a business licence program.
- A Trustee expressed support to address Fulford Village planning including the impacts of a ferry terminal upgrade and water availability.
- A Trustee suggested there is general consensus to work on an Accessory Dwelling Units project.
- A Trustee suggested there is general consensus for a focused OCP Review project although the LTC will have to define what the review would include.
- Trustees expressed support for an in person Strategic Planning meeting that includes maps and resources.

SS-2023-03

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to schedule an in-person special meeting for a strategic planning session in April.

CARRIED

4.2. Advisory Planning Commissions and Special Advisory Planning Commissions for SS LTC Projects (Task Forces)

RPM Hutton presented a staff report dated January 26, 2023 regarding Advisory Planning Commissions, the Housing Action Program Taskforce and the Ganges (Shiya'hwt/SYOWT) Village Taskforce. Staff noted the Advisory Planning Commission Terms expire on June 1, 2023.

SS-2023-04

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee defer the Advisory Planning Committee, Housing Action Program Task Force, and Ganges Village Task Force report to the February 9, 2023 LTC meeting.

CARRIED

5. ADJOURNMENT

By general consent the meeting adjourned at 3:27 p.m.

Tim Peterson, Chair

CERTIFIED CORRECT:

Rob Pingle, Recorder

DRAFT

Follow Up Action Report

Salt Spring Island

11-Oct-2022

Activity	Responsibility	Dates	Status
1 2023-2024 Budget - Consideration of sending both local trustees to attend the Union of BC Municipalities convention in 2023 It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee request staff to add a budget allocation for two Local Trustees to attend the Union of BC Municipalities convention in 2023.	Chris Hutton		Completed

13-Dec-2022

Activity	Responsibility	Dates	Status
1 Salt Spring Island Local Trust Committee 2023 Regular Business Meeting Schedule That the Salt Spring Island Local Trust Committee request staff to explore options for meetings to be held later in the day and additional opportunities to increase public participation.	Chris Hutton Rob Pingle		In Progress

Follow Up Action Report

Salt Spring Island

13-Dec-2022

Activity	Responsibility	Dates	Status
2 Committee Appointments for 2022-2026 That the Salt Spring Island Local Trust Committee request staff to explore options for the role of the Local Trust Committee and Salt Spring Island Watershed Protection Alliance (SSIWPA) through the Watershed Protection Strategic Plan Project.	Anthony Fotino Chris Hutton		Completed
3 Draft 2023/24 Budget Changes Directed by Financial Planning Committee That the Salt Spring Island Local Trust Committee request staff to prepare a work plan to support the 2023/24 special tax requisition that improves the alignment of activities currently done under the Salt Spring Island Watershed Protection Alliance (SSIWPA) with Islands Trust's work on Freshwater Sustainability Strategy implementation and related existing functions (as recommended in the April 2022 Islands Trust Salt Spring Island Watershed Stewardship and Protection Coordination Situation and Options Identification Report).	Anthony Fotino Chris Hutton		In Progress

Follow Up Action Report

Salt Spring Island

13-Dec-2022

Activity	Responsibility	Dates	Status
4 Delegations - J. Clark, Spokesperson for Concerned Residents of Canvasback Place - Concerning the Proposed Rogers Telecommunication Tower at Channel Ridge That the Salt Spring Island Local Trust Committee request staff coordinate with CREST and the CRD to draft a letter requesting that the Rogers Communications Tower be relocated and that the letter be signed by the Chair.	Chris Hutton Jennifer Baddeley		Completed

26-Jan-2023

Activity	Responsibility	Dates	Status
1 Discussion On Strategic Directions and Work Program Review That the Salt Spring Island Local Trust Committee request staff to schedule an in-person special meeting for a strategic planning session in April.	Chris Hutton Rob Pingle		In Progress

Follow Up Action Report

Salt Spring Island

26-Jan-2023

Activity	Responsibility	Dates	Status
2 Discussion On Strategic Directions and Work Program Review That the Salt Spring Island Local Trust Committee defer the Advisory Planning Committee, Housing Action Program Task Force, and Ganges Village Task Force report to the February LTC meeting.	Chris Hutton Daniela Murphy Rob Pingle		Completed

09-Feb-2023

Activity	Responsibility	Dates	Status
1 Draft Minutes of the Salt Spring Island Local Trust Committee Draft Minutes of the December 13, 2022 SS LTC Regular Meeting The following item was presented for consideration: ·Item 7.1 - Replace "issues" with "issued". By general consent, the minutes of December 13, 2022 Salt Spring Island Local Trust Committee Regular meeting were adopted as amended. Draft Minutes of the January 26, 2023 SS LTC Special Meeting Staff will bring back the January 26, 2023 SS LTC Special Meeting draft minutes with more discussion points for adoption at the next meeting.	Jennifer Baddeley Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

09-Feb-2023

Activity	Responsibility	Dates	Status
2 Water Sustainability That the Salt Spring Island Local Trust Committee request that Trust Council include a special tax requisition of \$43,500 in the 2023/24 budget to fund the ongoing collaboration work of the Salt Spring Island Watershed Protection Alliance, and that the Request for Decision titled 'Salt Spring Island Water Sustainability - Special Property Tax Requisition be forwarded to Trust Council for consideration.	Anthony Fotino Chris Hutton		Completed
3 North Pender Island Local Trust Committee Referral of Proposed Bylaw No. 232 That the Salt Spring Island Local Trust Committee respond to the North Pender Island Local Trust Committee to indicate interests are unaffected by Draft Bylaw No. 232.	Daniela Murphy		Completed
4 Saanich Inlet Roundtable - For Discussion That the Salt Spring Island Local Trust Committee appoint Trustee Patrick to attend the Saanich Inlet Roundtable meetings and that expenses be covered.	Chris Hutton		Completed

Follow Up Action Report

Salt Spring Island

09-Feb-2023

Activity	Responsibility	Dates	Status
5 BC Ferries Performance Term 6 Comment Period - For Discussion That the Salt Spring Island Local Trust Committee request staff to prepare a letter from Salt Spring Island Local Trust Committee Chair to the BC Ferry Commissioner and copy the Minister of Transportation and Infrastructure requesting BC Ferries work in partnership with Salt Spring Island Local Trust Committee to link ferry terminal and service planning to proactive community planning that supports sustainable growth within the mandate of the Islands Trust.	Chris Hutton Jennifer Baddeley		In Progress
6 UBCM Housing Summit - Trustee Patrick That the Salt Spring Island Local Trust Committee approve the expenses for Trustee Patrick to attend the April 2023 Union of BC Municipalities (UBCM) Housing Summit in Vancouver.	Chris Hutton		Completed
7 OCP Amendments Regarding Housing - Trustee Harris That the Salt Spring Island Local Trust Committee request staff to clarify the amendments that would be needed in the Salt Spring Island Official Community Plan (OCP) in order to facilitate opportunities for workforce housing.	Chris Hutton Louisa Garbo		Completed

Follow Up Action Report

Salt Spring Island

09-Feb-2023

Activity	Responsibility	Dates	Status
8 Advisory Planning Commissions and Special Advisory Planning Commissions for SS LTC Projects (Task Forces) - Staff Report (Deferred from the January 26, 2023 SS LTC Special Meeting) That the Salt Spring Island Local Trust Committee defer consideration of disbanding the Housing Action Program Task Force pending further information on how the relationship between the Housing Action Program Task Force and Islands Trust can continue.	Chris Hutton Louisa Garbo		In Progress
9 Advisory Planning Commissions and Special Advisory Planning Commissions for SS LTC Projects (Task Forces) - Staff Report (Deferred from the January 26, 2023 SS LTC Special Meeting) That the Salt Spring Island Local Trust Committee request staff to incorporate use of the Advisory Planning Commission in accordance with the report from the Regional Planning Manager on the Project Charters for the Ganges (Shiya'hwt/SYOWT) Village Area Plan Project and the OCP/LUB Amendment Project.	Chris Hutton Louisa Garbo		In Progress

Follow Up Action Report

Salt Spring Island

09-Feb-2023

Activity	Responsibility	Dates	Status
10 Advisory Planning Commissions and Special Advisory Planning Commissions for SS LTC Projects (Task Forces) - Staff Report (Deferred from the January 26, 2023 SS LTC Special Meeting) That the Salt Spring Island Local Trust Committee acknowledge the work of the Ganges Village Planning Task Force and that ongoing work has been incorporated into the Advisory Planning Commission (APC), request the Chair to provide letters of acknowledgement to each Commissioner, thank them for their service and invite them to apply to the APC.	Jennifer Baddeley Louisa Garbo		In Progress
11 First Nations Consultations Procedure - Trustee Patrick That the Salt Spring Island Local Trust Committee request staff to explore options to enter into interim protocols for meaningful and respectful engagement between the Salt Spring Island Local Trust Committee and the W_SÁNEC Leadership Council, the Cowichan Nation Alliance and the Salt Spring Island local Indigenous organization.	Chris Hutton		In Progress

Follow Up Action Report

Salt Spring Island

09-Feb-2023

Activity	Responsibility	Dates	Status
12 J. Lannan to LTC - Dated January 31, 2023 - Concerning Letter of Support request for Gulf Islands Early Learning Society That the Salt Spring Island Local Trust Committee provide a letter from the Chair in support of Gulf Islands Early Learning Society BC property tax assessment appeal.	Chris Hutton Jennifer Baddeley		In Progress
13 SS-DP-2018.14 - J. Verville, Kirsten Reite Architecture - 2661 and 2621 Fulford-Ganges Road, SSI ("The Vortex") That the Salt Spring Island Local Trust Committee approve Development Permit SS-DP-2018.14 and request that staff issue SS-DP-2018.14, as well as corresponding Development Variance Permit SS-DVP-2021.24 subject to any outstanding conditions therein (2661 and 2621 Fulford-Ganges Road).	Anthony Fotino Daniela Murphy		Completed

Follow Up Action Report

Salt Spring Island

09-Feb-2023

Activity	Responsibility	Dates	Status
14 SS-SUB-2011.2 - R. Spencer, Spencer's Excavating - 159 Collins Road, SSI That the Salt Spring Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of PID 029-374-294; Lot 1 Section 3 Range 1 West North Salt Spring Island Cowichan District Plan EPP14611, and designate the Chair and a Trustee of the Salt Spring Island Local Trust Committee to sign the covenant for SS-SUB-2011.2 (159 Collins Road). That the Salt Spring Island Local Trust Committee, pursuant to Section 512 of the Local Government Act, grant a 10% parcel frontage waiver on the subject property (159 Collins Road).	Anthony Fotino Rob Pingle		In Progress
15 SS-LCRB-2021.1 - M. Forbes, Salt Spring Brewing Corp. - 270 Furness Road, SSI (Salt Spring Ales) That the Salt Spring Island Local Trust Committee requests staff to undertake notification and schedule a Community Information Meeting (CIM) for a referral application SS-LCB-2022.1 for Salt Spring Brewing Lounge.	Anthony Fotino Rob Pingle		In Progress



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2010-02-04	SSI-11-10	Bylaw Enforcement Reports	It was MOVED and SECONDED , that the Salt Spring Island Local Trust Committee directs staff to provide quarterly in-camera and public reports on on-going and current bylaw enforcement investigations and actions in the Salt Spring Local Trust Area. <u>CARRIED</u>
2013-01-10	SSI-09-13	North Salt Spring Waterworks District Reporting	It was MOVED and SECONDED , that the Salt Spring Island Local Trust Committee request the North Salt Spring Waterworks District to report back to the Local Trust Committee every two years from the date of adoption of Proposed Bylaw 461 on: a) changes in water demand by the North Salt Spring Waterworks District customers with new secondary suites within the pilot area; b) total withdrawal from its system in relation to its licensed capacity; c) impacts on the Maxwell Lake, St. Mary Lake, and the district's water supply in general that can be attributed to the introduction of secondary suites within the pilot area. <u>CARRIED</u> *Bylaw 461 was adopted May 2, 2013



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2016-06-02	SS-2016-114	Grantville Neighbourhood lawful non-conforming sewage disposal field repair or replacement	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt “Standing Resolution 2” as specified in Appendix 2 of the staff report dated May 25, 2016. (shown below): That the Salt Spring Island Local Trust Committee direct staff to administer and enforce Bylaw 484 according to the following policies: 1. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and pursuant to Local Government Act Section 529, the Salt Spring Island Local Trust Committee considers that the following actions do not constitute maintenance, alteration, or extension, and therefore require a development variance permit application to the Salt Spring Island Local Trust Committee: a) Removal and replacement of the dispersal system in its entirety. 2. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and where a health hazard exists as defined under the B.C. Public Health Act, an Authorized Person may carry out immediate, temporary repairs of the system that result in a further contravention to Bylaw 484 than that existing at the time the repair or alteration was started to prevent or contain the hazard. Permanent repairs or alterations that result in a further contravention of Bylaw 484 than that existing at the time the repair or alteration was started, or 1(a) above, should be supervised by a Professional and will require a development variance permit application to the Salt Spring Island Local Trust Committee following resolution of the emergency. 3. “Authorized Person” and “Professional” have the same meaning as in the Sewerage System Regulation. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2017-03-02	SS-2017-16	Quarterly Application Summary Staff Reports	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to provide a quarterly summary of application tracking. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-08-16	SS-2018-177	Cannabis Regulation	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • 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: ○ Name of the applicant and a description of the proposal in general terms; ○ The location of the proposed establishment and the subject site; ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; ○ How public comments may be submitted to the Local Trust Committee. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-12-06	SS-2018-278	Cannabis – Processing of Notice to Local Authorities	It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee adopt the following standing resolution: that the Salt Spring Island Local Trust Committee request that Notices of Intention to apply for a Federal Cannabis License be included in the Local Trust Committee Regular Meeting agenda package. <u>CARRIED</u>
2019-04-30	SS-2019-88	Families as Stakeholders	It was MOVED and SECONDED, That the Salt Spring Island Local Committee direct staff to include families as stakeholders in Project Charters and to propose family oriented engagement techniques, or to explain why such inclusion is not appropriate. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-08-27	SS-2019-153	STVR	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee rescind Resolution SS-2017-120 and adopt the following new short-term vacation rental enforcement policy: that given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short-Term Vacation Rentals (STVRs) that have one or more of the following characteristics will be subject to proactive enforcement: 1. They are advertised on the Internet, newspapers or other media; 2. More that one dwelling on the lot is simultaneously made available for STVRs; 3. While the property is rented persons are staying in tents, trailers, or Recreational Vehicles; 4. There are issues related to health and safety; 5. There is a written complaint by owners or residents on nearby lots about bona fide nuisance issues such as noise or parking congestion related to the STVR; 6. The owner of the property uses more than one property on Salt Spring Island as an STVR; that a Short-Term Vacation Rental (STVR) is defined as rental of a dwelling, suite, or cottage in a residential zone for less that 30-day periods; that a Short-Term Vacation Rental (STVR) is defined as the rental of a dwelling, suite, cottage, camping unit, accessory building or structure for a commercial guest accommodation use in a non commercial or commercial guest accommodation zone for less than a 30-day period; that nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-11-26	SS-2019-253	Reconciliation	It was MOVED and SECONDED, that the Salt Spring 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. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-12-17	SS-2019-275	Referral of Items to the Agricultural Advisory Planning Commission	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee refer Agricultural Land Commission applications directly to the Agricultural Advisory Planning Commission, prior to consideration by the Salt Spring Island Local Trust Committee when: a) Applications demonstrate either that local farming or the greater community would benefit and conditions of Official Community Plan policy B.6.2.2.16 apply, or b) Applications are for public recreation use and are consistent with the Official Community Plan. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2020-04-28	SS-2020-045	Policy Options for Bylaw Enforcement Compliance on Unlawful Uses	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, temporarily cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-06-29 Amended 2021-11-09 Amended 2022-02-15	SS-2021-109 SS-2021-214 SS-2022-017	Unlawful Dwellings	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to amend standing resolution SS-2021-109 to state that enforcement activities will be deferred for all existing unlawful dwellings being used for residential purposes until there are safe, secure appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances: a. there are concerns regarding health and safety; b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; d. there are concerns of possible contamination of wells or other drinking water sources; e. unlawful dwellings are in environmentally sensitive areas; f. there are non-permitted campgrounds; and, g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question. <u>CARRIED</u>
2021-06-29	SS-2021-111	Bylaw Enforcement Policy on Portable Sawmills	It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following enforcement policy: Enforcement on portable sawmills will be deferred while the Local Trust Committee considers amendments to the Land Use Bylaw. <u>CARRIED</u>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-11-09	SS-2021-213	Residential Use in Commercial Accommodations	It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force’s recommendation to defer enforcement of residential use in commercial accommodations, such as cabins, hotels, guest houses, and motels that provide long-term (more than 30 days) residency in order to offer an interim solution to the housing needs on Salt Spring Island. <u>CARRIED</u>
2021-12-14	SS-2021-237	First Nations Consultation for Proposed Antenna Systems	It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the “Strategy for Antenna Systems” in the Local Trust Area: a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders; b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites; c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act; d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase <u>CARRIED</u>

Future Projects Report

Salt Spring Island

1. *OCP Amendments*

Responsible

Date Received

06-Oct-2020

- First Nations Heritage and Cultural Site Protection (Jan. 2015)
- Piers Island Bill 27 OCP Update (Dec. 2015)
- Marine Environment Protection (Foreshore Audit) (June 2016)
- Official Community Plan Review (Nov. 2017)
- Development of a Music Strategy (June 2020)
- Waste Transfer Stations (Waste Management Plan) (July 2020)
- Add a map of the Salish Sea Trail (Oct. 2021)
- Add public access to lake and marine shorelines as an eligible community amenity in Section H.3.2 of the Salt Spring Island Official Community Plan (Feb. 2022)

2. *Land Use Bylaw Amendments*

Responsible

Date Received

Future Projects Report

Salt Spring Island

06-Oct-2020

- Outer Islands (Feb. 2015)
- LUB Update: Affordable Housing (June 2015)
- Accessory Buildings Without a Principle Use (Dec. 2016)
- Technical and Minor Amendments (Mar. 2017)
 - Limit fence height to 2.4m; increase dock width from 1.2m to 1.5m; culverts as structures in waterbody setbacks
- Reduce Permitted Lot Coverage in Rural Upland Zones (Aug. 2018)
- Ganges Village Planning - Harbourwalk (Oct. 2019)
- Commercial Truck Parking and Storage (July 2020)
- Regulate Cannabis Production (Sept. 2020)
- Portable Sawmills (Nov. 2020)
- Review of the residential zoning of islets (Jul. 2022)
- Impacts of future lake levels of St. Mary Lake (Aug. 2022)

3. *Direct Bylaw Enforcement*

Responsible

Date Received

- Bylaw Enforcement Policies (Feb. 2015)
- Short Term Vacation Rentals (STVRs) (May 2017)

06-Oct-2020

4. *Administrative Processes and Procedures*

Responsible

Date Received

Future Projects Report

Salt Spring Island

·Land Use Contracts (Feb. 2015)

06-Oct-2020

·Soil Removal Bylaw update (Feb. 2015)

·Adding requirement for signs in the Development Procedures Bylaw (Jan 2020)

·Improving Communications (Mine permits for aggregate pits and quarries.) (Jan. 2020)

5. *Advocate*

Responsible

Date Received

·none listed

06-Oct-2020

Active Projects Report

Salt Spring Island

1. Housing Action Program

Responsible

Dates

Feb. 3, 2022 - report to SS LTC includes secondary suites draft bylaw, advancing tiny homes pilot project, consideration of OCP amendments-LTC request amendments to focus on accessory dwelling units

Nov. 18, 2021 - SS LTC meet with members of agricultural community - request staff to amend Bylaw 527 (housing in the ALC and large farming properties) and send out to referrals

Nov. 9, 2021 - SSLTC pass numerous resolutions including: deferring enforcement for unpermitted residential use in specific circumstances, requesting RPC to consider expediting affordable housing applications, request potential bylaw amendments to permit accessory dwelling units (including secondary suites).

April 27, 2021-12 persons appointed to Housing Task Force. Task Force Meetings ongoing.

Jan. 22, 2021 - Project Charter. Adopted.

Dec. 15, 2020 - LTC resolves that any further consideration of Bylaw No. 471 (TUPs for Residential use) take place in the context of LTC's 'Housing Challenges and Solutions' project.

Feb 15, 2022 - SS LTC endorsed the Tiny Homes Village Pilot Project, amended the standing resolution SS-2021-109 as recommended by the Housing Action Task Force, and requested staff to amend proposed Bylaw 528 Secondary Suites to be broadened.

April 19, 2022 - Proposed Bylaw 530 Accessory Dwelling Unit (ADU) was read for the first time.

May 15, 2022 - RFP for the consultant to conduct public engagement was canceled due to a project budget cut.

Louisa Garbo

Rec'd: 06-Oct-2020
Target: 01-Oct-2022

Active Projects Report

Salt Spring Island

July 12, 2022 - Proposed Bylaw 526 Farmworkers Housing was read for the first and second time, and Proposed Bylaw 530 was read the second time.

Aug 9, 2022 - SS LTC endorsed the business case for the major amendment to the SS OCP.

Aug 18, 2022 - Public hearing for the Proposed Bylaws 526 and 530.

Sept 6, 2022 - Proposed Bylaw was read for the third time, and Proposed Bylaw 530 was put on hold to address First Nations and the public's concerns.

Review and Update of Development Permit Areas under Item 1 - OCP Amendments per LTC request.

2. Ganges (Shiya'hwt/Syowt) Village Planning

Responsible

Dates

March 26 & 27, 2022-AHNE facilitates a workshop with GVTF. Final Report of all engagement activities anticipated for April or May LTC meeting.

Louisa Garbo

Rec'd: 08-Jun-2020
Target: 31-Mar-2022

Nov. 9, 2021 - Ahne Studio finalizes engagement plan with SS LTC and task force. Ahne and staff begin numerous engagement activities including: survey, ideas fair, walk shops, stakeholder virtual events, school engagement, pop-up engagement and community design charrette.

Task Force Meetings are ongoing.

March 11, 2021-TC approved \$97,000 project budget

Nov. 10 2020 - Project Charter, Public Engagement Framework, and Task Force Terms of Reference adopted. Endorsed applying for C2C funding.

Active Projects Report

Salt Spring Island

Dec 14, 2022 - SS LTC endorsed funding for the Task Force to have a two-day workshop facilitated by Ahne Studio.

April 19, 2022 - Ahne Studio presented the engagement summary to SS LTC.

3. *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)*

Responsible

Dates

November 30, 2022 - Ongoing work with Transition Salt Spring to conduct and facilitate a fire risk management workshop with funding as directed by the LTC at its Oct. 11 regular meeting.

Louisa Garbo

Rec'd: 17-Dec-2019

Target: 01-Dec-2022

July, 2022 - Ongoing conversations with wildfire ecologists to consider direct award of contract

June, 2022 - RFP for wildfire ecologist (unsuccessful)

Oct. 5, 2021 - SSLTC endorse 2022/23 business case that includes: First Nations engagement, funds for a density bonus zoning appraisal report, a fire ecology analysis and workshop, and education and communication materials.

Science Working Group Meetings: Nov. 18, 2020; April 12, 2021; June 15, 2021; July 13, 2021

April 27, 2021 - education materials received

July 28, 2020 - Project Charter endorsed. Phase 1: Information gathering and analyzing, consultation, and education.

Potentially develop a wildfire protection DPA

Active Projects Report

Salt Spring Island

4. *Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection.*

Responsible

Dates

Currently includes: Coordination of SSIWPA; Development of Proof of Water Bylaw; Weston Lake Water Availability Study; Watershed Strategic Plan; Ongoing well-monitoring.

Sept. 6, 2022: Draft Lake Weston Study received, referred to various agencies and organizations; and to coordinate a discussion with POLIS and other groups for Water Sustainability Act considerations.

April 2022: Draft Weston Lake Study being reviewed by staff; Contract issued for phase 2 of Watershed Strategic Plan; staff seeking LTC direction on reduced SSIWPA budget.

Nov. 19, 2021: kick off meeting with Econics for phase 1 of Watershed Strategic Plan: a Situational Analysis

July 15, 2021: Signed MOU submitted to CRD for Weston Lake Study. RFP posted (Nov. 2021)

May 25, 2021: LTC approves project charter of Watershed Protection Plan

April 27, 2021: MOU approved for Weston Lake Assessment

March 11, 2021 - TC budget approve: \$75,500 special tax requisition for 2021/22 SSIWPA; up to \$80,000 from surplus funds to spend on a watershed strategic plan and Weston Lake Watershed Assessment
Proof of Water for subdivision is in the work.

Anthony Fotino
William Shulba

Rec'd: 07-Jun-2012
Target: 30-Dec-2022

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
SS-BOV-2022.1	Robertson, Terrence	27-Jun-2022	Variances to lot coverage and natural boundary setback - 351 Mountain Park Dr, SSI

Planner: Rob Pingle

Planning Status

Status Date: 01-Nov-2022

Spoke with applicants counsel - indicated that we require a DVP (or rezoning) by November 15, 2022 or file to BE for ticketing and fines.

Status Date: 14-Oct-2022

E-mail from applicant proposing rezoning for seasonal cottage. Response: non-staff support and require a DVP or Rezoning application by October 31, 2022 or refer back to BE

Status Date: 11-Oct-2022

Spoke with Richard Margetts (Johns Southward - counsel for applicant) and forwarded e-mail information. He will respond within the week.

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.10	Nagel, Uta	14-Sep-2021	Carport and Shed within DPA 4, 6 & 7 - 770 Beaver Point Road

Planner: Rob Pingle

Planning Status

Status Date: 14-Oct-2022

Applicant hiring Dave Gooding to undertake Geotechnical and RAPR reporting in early 2023.

Status Date: 31-Aug-2022

File reassigned to Planner Testemale

Status Date: 25-Apr-2022

File reassigned to Jason Youmans.

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.4	UCG Universal Consulting Group LTD Planner: Anthony Fotino	15-Mar-2021	NEW TASTING ROOM, WASHROOM/ACCESSORY BUILDING, CARETAKER'S COTTAGE, 4-PLEX - 270 Furness Road
Planning Status			
Status Date: 01-Feb-2023 Planner received updated materials			
Status Date: 31-Aug-2022 File reassigned to Planner Fotino			
Status Date: 01-Feb-2022 Follow-up email to applicant re. application status			

File Number	Applicant Name	Date Received	Purpose
SS-DP-2022.5	Polaris Land Surveying Planner: Chris Buchan	04-May-2022	Permit to allow subdivision in DPA 7 - 536 Beaver Point Road, SSI
Planning Status			
Status Date: 09-Mar-2023 Applicant to submit required reports			
Status Date: 03-Feb-2023 Meeting booked with applicant - w/ Buchan			
Status Date: 31-Jan-2023 In applicants court - to submit revised RAPR report			

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2022.7	Polaris Land Surveying INC	10-Aug-2022	Dock in DPA3 - 250 Collins Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 30-Jan-2023

DP requires qualified professional updates / separate variance application required

Status Date: 30-Jan-2023

File transferred to Planner Fotino

Status Date: 12-Jan-2023

File transferred to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DP-2022.8	Robert Barnard Design LTD	31-Aug-2022	Development Permit for water service and road within DPA 4 & 6 - 701 Cranberry Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 27-Jan-2023

File assigned to Planner Buchan

Status Date: 08-Sep-2022

File assigned to Planner Fotino

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.17	Nagel, Uta	13-Sep-2021	Carport and Shed within the setback - 770 Beaver Point Road

Planner: Rob Pingle

Planning Status

Status Date: 23-Nov-2022

Request for professional credentials for D Gooding to undertake a geotechnical analysis (30 days) Both outstanding req. reports 90 days or to BE.

Status Date: 14-Oct-2022

Applicant hiring Dave Gooding to undertake Geotechnical and RAPR reporting in early 2023

Status Date: 07-Oct-2022

E-mail(s) to applicant requesting further professional reporting as per DAI Letter.

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.22	UCG	09-Dec-2021	Setback Variance for Brewery and Retaining Wall - 270 Furness Road

Planner: Anthony Fotino

Planning Status

Status Date: 31-Aug-2022

File reassigned to Planner Fotino

Status Date: 25-Apr-2022

File reassigned to Jason Youmans.

Status Date: 13-Dec-2021

File forwarded to planner for review - SS-DVP-2021.22

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.23	Shalbaf, Sina	13-Dec-2021	Variance for structure setback to a water body - 150 Margolin Drive

Planner: Rob Pingle

Planning Status

Status Date: 18-May-2022

E-mail communication with applicant - QEP report submission for September.

Status Date: 25-Apr-2022

File reassigned to Planner Phil Testemale.

Status Date: 21-Mar-2022

Awaiting QEP report in support of variance application

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.7	Craig, Brian	26-Feb-2021	Variance for Gate House and Beach Stairs - 344 Reginald Hill Road

Planner: Stephen Baugh

Planning Status

Status Date: 02-Feb-2023

Planner waiting for information from applicant.

Status Date: 25-Apr-2022

File reassigned to Planner Stephen Baugh.

Status Date: 01-Sep-2021

Revised site plan required

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2022.12	Polaris Land Surveying	02-May-2022	Variances to allow a boundary adjustment - 744 Lower Ganges Road, SSI

Planner: Stephen Baugh

Planning Status

Status Date: 02-Feb-2023

Applicant to provide additional information.

Status Date: 15-Aug-2022

File re-assigned to Planner Baugh

Status Date: 06-May-2022

Planner Youmans assigned to file - SS-DVP-2022.12

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2022.13	Polaris Land Surveying	04-May-2022	Variances to allow subdivision - 536 Beaver Point Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 31-Jan-2023

Buchan completed background analysis - requested meeting with applicant in the first week of Feb

Status Date: 12-Jan-2023

Planner Buchan assigned to file

Status Date: 06-Jan-2023

Planner Fotino assigned to file

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2022.17	Wiebe, Jesse	22-Aug-2022	Setback variance for sewerage system - Lot A North End Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 26-Jan-2023

Applicant going to provide signed and stamped engineering material. All other materials have been provided. Once engineering materials have been obtained, application can be put onto LTC agenda

Status Date: 25-Aug-2022

Planner Fotino assigned to file

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.1	Kirzinger, Murray	25-Jan-2023	Vary setbacks - 114 Ontario Place, SSI

Planner: Chris Buchan

Planning Status

Status Date: 31-Jan-2023

In applicants court - Applicant to submit survey plan

Status Date: 30-Jan-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.2	Wilbur, Stephen	24-Feb-2023	LUB Variance to allow for three stories in a SFD - 175 Donore Road, SSI

Planner: Chris Buchan

Planning Status

Status Date: 28-Feb-2023

File assigned to Planner Buchan

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.3	Noble, Jordan	28-Feb-2023	Variance to allow for a larger and combined accessory building and auxiliary cottage - 38 McKenzie Cres, PI

Planner: Chris Buchan

Planning Status

Status Date: 06-Mar-2023

Planner Buchan assigned to the file

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
SS-LCB-2022.1	Thrive Advisors	06-Jul-2022	Tasting room expansion - 270 Furness Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 31-Aug-2022

File reassigned to Planner Fotino

Status Date: 11-Jul-2022

File assigned to Planner Youmans

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2017.2	Fernando & Tammy Dos Santos	15-Feb-2017	Proposal to permit 30 affordable housing dwelling units and common building - 221 Drake Road, SSI.
Planner: Anthony Fotino			
Planning Status			
Status Date: 31-Aug-2022 File reassigned to Planner Fotino			
Status Date: 19-Jul-2022 File transferred to Planner Youmans			
Status Date: 29-Apr-2022 Meeting with applicant and W. Shulba. Applicant indicates water system management/ownership work is on-going.			
File Number	Applicant Name	Date Received	Purpose
SS-RZ-2021.1	Sea Isle Development Group	28-Jan-2021	Rezoning from existing R6 to R2 to permit the construction of a 6 unit Strata Development - 114 Swanson Rd
Planner: Anthony Fotino			
Planning Status			
Status Date: 06-Jan-2023 Planner Fotino assigned to file			
Status Date: 19-Jul-2022 Application in abeyance due to staff resources\n			
Status Date: 30-May-2022 Applicant indicates a desire to move forward with application. Staff to report to SS LTC at an upcoming meeting.			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2021.3	Chapman, Bryce	14-Jun-2021	To amend OCP land use designation from Channel Ridge Residential (CRR) on the East side of the property to Residential Designation (RN) and to amend Land Use Bylaw zoning from R6(a) to R8 on same portion - 361 Sunset Drive

Planner: Anthony Fotino

Planning Status

Status Date: 31-Jan-2023

Applicant has revised application. New review of revised application needed

Status Date: 06-Jan-2023

File assigned to Planner Fotino

Status Date: 01-Dec-2022

Application to be deferred to first meeting in 2023 to provide time for additional review.

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.1	Pilot Yellow Adventures Inc	26-Oct-2022	Rezoning property to allow for four SFD - Sec 50 Musgrave Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 02-Nov-2022

File assigned to Planner Fotino

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.2	Gulf of Georgia Land & Timber LTD	29-Nov-2022	To address issues arising from the Temporary Use Permit - 151 Lower Ganges Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 10-Jan-2023

File assigned to Planner Fotino

Applications

Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.2	Kerrigan, Neil	27-Jun-2022	Pond construction - 155 Alexander BLVD, SSI

Planner: Chris Buchan

Planning Status

Status Date: 27-Jan-2023

Planner contacted applicant, site visit conducted.

Status Date: 27-Jan-2023

File on hold until confirmation is received from I.T. Conservancy regarding land covenant option.

Status Date: 09-Jan-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.3	Diggin' It Excavating LTD	15-Jul-2022	Leveling property for development - 131 Knott Pl, SSI

Planner: Chris Buchan

Planning Status

Status Date: 27-Jan-2023

Applicant contacted - in abeyance as they are completing application requirements

Status Date: 09-Jan-2023

Planner Buchan assigned to the file

Status Date: 19-Jul-2022

Planner Caproff assigned to the file

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2011.2	Spencer's Excavating	29-Apr-2011	Proposed 4 Lot Subdivision - 159 Collins Road, SSI

Planner: Anthony Fotino

Planning Status

Status Date: 12-Oct-2022

File assigned to Planner Fotino

Status Date: 20-Jul-2022

File assigned to Planner Zupanec

Status Date: 04-Jul-2022

Follow up to request approved storm water management plan copy.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.2	Polaris Land Surveying Inc	25-Jan-2021	Proposed 2 lot boundary adjustment and acquisition of road dedication to ensure all remains are within the cemetery boundary - 744 LOWER GANGES RD

Planner: Stephen Baugh

Planning Status

Status Date: 03-Oct-2022

Applicant working on PLR conditions.

Status Date: 24-Jun-2022

File re-assigned to Stephen

Status Date: 25-Apr-2022

File reassigned to Geordie Gordon

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.2	Miller, Denis	15-Feb-2023	Proposed 3 Lot Bare Land Strata, 2101 Fulford-Ganges Road, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 23-Feb-2023

File re-assigned to Planner Belcher

Status Date: 15-Feb-2023

File assigned to Planner Buchan

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

655 Salt Spring	Invoices posted to Month ending December 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	<u>1,744.00</u>	<u>158.84</u>	<u>1,585.16</u>
		<u>1,744.00</u>	<u>158.84</u>	<u>1,585.16</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	5,465.00	3,371.61	2,093.39
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	150.00	849.00
65220-655	LTC - Local Exp - Communications	1,500.00	500.00	1,000.00
65230-655	LTC - Local Exp - Special Projects	<u>1,391.00</u>	<u>0.00</u>	<u>1,391.00</u>
TOTAL LTC Local Expense		<u>9,355.00</u>	<u>4,021.61</u>	<u>5,333.39</u>
Projects				
73001-655-4020	Salt Spring Ganges Village Area Planning	19,000.00	15,423.81	3,576.19
73001-655-4034	SSIWPA Coordinator Expense	60,000.00	38,790.00	21,210.00
73001-655-4035	SSIWPA Events & Communications Expense	0.00	2,639.26	-2,639.26
73001-655-4036	SSIWPA Meetings Expense	0.00	82.64	-82.64
73001-655-4037	SSIWPA Project - Weston Lake	30,000.00	27,293.60	2,706.40
73001-655-4038	SSIWPA Project - Watershed Protection Plan	38,400.00	24,262.50	14,137.50
73001-655-4113	Salt Spring Protect CDF Ecosystem	32,000.00	0.00	32,000.00
73001-655-4119	Salt Spring Housing Challenges & Solutions	<u>25,000.00</u>	<u>3,569.75</u>	<u>21,430.25</u>
TOTAL Project Expenses		<u>204,400.00</u>	<u>112,061.56</u>	<u>92,338.44</u>

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending January 2023

655 Salt Spring	Invoices posted to Month ending January 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	1,744.00	158.84	1,585.16
		<u>1,744.00</u>	<u>158.84</u>	<u>1,585.16</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	5,465.00	3,371.61	2,093.39
65210-655	LTC - Local Exp - APC Meeting Expenses	999.00	150.00	849.00
65220-655	LTC - Local Exp - Communications	1,500.00	500.00	1,000.00
65230-655	LTC - Local Exp - Special Projects	1,391.00	0.00	1,391.00
TOTAL LTC Local Expense		<u>9,355.00</u>	<u>4,021.61</u>	<u>5,333.39</u>
Projects				
73001-655-4020	Salt Spring Ganges Village Area Planning	19,000.00	15,423.81	3,576.19
73001-655-4034	SSIWPA Coordinator Expense	60,000.00	43,615.00	16,385.00
73001-655-4035	SSIWPA Events & Communications Expense	0.00	2,639.26	-2,639.26
73001-655-4036	SSIWPA Meetings Expense	0.00	82.64	-82.64
73001-655-4037	SSIWPA Project - Weston Lake	30,000.00	27,293.60	2,706.40
73001-655-4038	SSIWPA Project - Watershed Protection Plan	38,400.00	24,262.50	14,137.50
73001-655-4113	Salt Spring Protect CDF Ecosystem	32,000.00	0.00	32,000.00
73001-655-4119	Salt Spring Housing Challenges & Solutions	25,000.00	3,569.75	21,430.25
TOTAL Project Expenses		<u>204,400.00</u>	<u>116,886.56</u>	<u>87,513.44</u>



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY January 24, 2023 BOARD MEETING

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

- Nominations for the Chair, Vice-Chair and Financial Planning Committee (FPC) representative were held. Trustee Adams was elected Chair of ITC Board, Trustee Smith was elected Vice-Chair, and Trustee Yates was elected as the FPC representative.
- The ITC Board discussed the ITC ex officio seat on the Governance Committee, noting the ITC Chair will appoint a member to the committee. Shortly after the ITC meeting, the ITC Chair appointed Trustee Grant Scott as the ITC Board's ex-officio member on the Islands Trust Council's Governance Committee.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022. The ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the draft 2023-2025 Islands Trust Conservancy Interim Plan in November 2022 and directed staff to forward it to the Minister of Municipal Affairs by December 31, 2022, for review and approval. A meeting has been set to discuss the plan with Ministry staff. Staff will inform the ITC Board of the outcomes.
- The ITC Board reviewed and approved the 2026-2030 ITC Plan Project Charter.
- The ITC Board reviewed and approved the 2023-2026 Species at Risk Program Project Charter.
- The ITC Board reviewed the 2023/24 ITC Budget briefing from the Financial Planning Committee. The ITC Board discussed potential budget reductions and moved that ITC Budget has been carefully considered potential budget reductions and their implications, and concluded that its budget request is necessary and responsible going forward.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received reports on covenants and acquisitions for information.
- ITC registered a 11.35 hectare covenant, known as the Livingstone Covenant on Lasqueti island. This covenant is the first covenant on Lasqueti and is part of the Natural Area Protection Tax Exemption (NAPTEP) Program. It was gifted through the Federal Ecological Gifts Program.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY

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

- ITC Board reviewed and approved the ITC NAPTEP Covenants Monitoring Report for 2022, and directed staff to address management concerns as identified in the report.
- ITC Board reviewed and approved the ITC Nature Reserve Monitoring Report 2022.

5. COMMUNICATIONS AND OUTREACH

- ITC has updated its website to include information about the species at risk program, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>
- ITC is hosting Species at Risk focussed speaker series between February 16 and April 12, 2023. For more information, see <https://islandstrust.bc.ca/conservancy/species-at-risk/>

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board received a legacy donation of \$25,000 for the purposes of implementing a Western Screech-Owl research project on Link Island.
- The ITC Board reviewed an application from the Nature Conservancy of Canada and awarded a \$50,000 Opportunity Fund Grant for the acquisition of 161 ha (397 acres) of conservation lands on Reginald Hill on Salt Spring Island.
- The ITC Board awarded a \$4,614.75 grant from the Morrison Waxler Biodiversity Legacy Fund Grant program to expand the existing Nighthawk Hill NAPTEP covenant on North Pender Island.

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)

MEMORANDUM

DATE OF MEETING: March 16, 2023
TO: Salt Spring Island Local Trust Committee
FROM: Louisa Garbo, Island Planner
Salt Spring Island Team
SUBJECT: Discussion on opportunities for workforce housing

PURPOSE

On February 9, 2023, SS LTC passed the following resolution and requested staff to provide some clarification on a proposed amendment to the Salt Spring Island Official Community Plan (SS OCP) in the Business Case on policies as they related to housing issues on the island:

That the Salt Spring Island Local Trust Committee request staff to clarify the amendments that would be needed in the Salt Spring Island Official Community Plan (OCP) in order to facilitate opportunities for workforce housing.

This memorandum identifies some of the potential SS OCP policy sections to be considered, both directly and indirectly affecting affordable housing policies that support additional housing options on the Salt Spring Island.

It is important to point out that the OCP amendment process must be done with the support of the 13 First Nations with territorial interests on Salt Spring Island. Furthermore, there is no minor amendment process under the *Local Government Act*; whether the objective is to amend one minor item or a complete overhaul of the SS OCP, the legislation requires that the same procedures to follow, including final approval by the Ministry.

BACKGROUND

The Housing Action Program was established as a result of the Housing Working Group's report submitted to the SS LTC in September 2020. The SS LTC approved the Project Charter that initiated the amendment to the SS OCP in January 2021. The SS LTC also appointed a Special Project Advisory Planning Commission (aka the Housing Action Program Task Force) to assist in the process. The Task Force submitted a recommendation to SS LTC to expand secondary suites in more zones, which initiated the process to draft Bylaw No. 526 to amend the secondary suites section in the Salt Spring Island Land Use Bylaw No. 355, 1999 (SS LUB).

The SS LTC recommended expanding secondary suites to allow more housing types to be permitted on the island. Proposed Bylaw No. 530 on Accessory Dwelling Units (ADUs) to provide additional housing options on Salt Spring Island was created and draft Bylaw 526 subsequently merged with Proposed Bylaw No. 530. The Salt Spring Island Local Trust Committee (SS LTC) gave the Proposed Bylaw No. 530 the second reading on July 12, 2022, followed by a public hearing on August 18, 2022. Upon public testimony and First Nations opposition, at the post-public hearing on September 6, 2022, the SS LTC requested staff to revise the bylaw by researching and exploring various options. The comment on the Proposed Bylaw No. 530's inconsistency with the SS OCP was the growing theme from the opposition and First Nations. Through research review and consultation with legal advisor, it has been determined

that amending the SS OCP is necessary to ensure success of the proposals to permit ADUs in more zones. Issues on infrastructure servicing, climate change, and the protection of First Nations archeological and heritage interests as they relate to housing are best addressed through policies established in the SS OCP.

DISCUSSION

SS OCP

In addition to the simple fact of community preference to amend the SS OCP to better address housing issues, there is a need to update policies within the SS OCP to ensure implementation of current best practices related to environmental protection, population projections related to carrying and servicing capacities. The highlight of policy sections to be reviewed under the proposed SS OCP amendment include:

- Overall Goals and Objectives: Policies such as A.5.2.5 on making zoning changes that would result in more development or greater impacts on areas identified as Environmentally Sensitive, and A.6.2.2 on energy efficiency attributes and climate change adaptation and mitigation impacts with increase in density or significant change of use.
- Background Note: Statement such as Salt Spring Island under current residential zoning is estimated to be about 8150 and the population estimate of 17,000 have been interpreted as regulatory clause, which should be reviewed and clarified.
- Land Use Objectives and Policies Section: Policies such as B.2.1.2.1 Zoning changes that would result in a larger island population than is expected and exceptions to this policy to be few and minor; B.2.2.2.13 amending the Land Use Bylaw to allow secondary suites in dwellings as affordable housing under certain circumstances and making zoning changes incrementally; and B.2.2.2.16 on seasonal cottages should continue to be allowed wherever they are allowed by current zoning.
- Related policy sections: Climate Change, First Nations, and Infrastructure Servicing.

Previous Unimplemented Recommendations

Amending the SS OCP and SS LUB is a lengthy process, and do not in and of themselves achieve actions, but rather to guide those actions. Strategic tools promoted by the Salt Spring Island and at the Islands Trust-wide level have been undertaken to varying levels of success. SS LTC may wish to consider advancing immediately or improving upon some of these implementation tools to support workforce housing. Some of these implementable actions would require active engagement, advocacy and funding. The following is a summary of existing strategies to consider (note that the wordings are cited directly from the documents):

In [Salt Spring Island Community Affordable Housing Strategy \(CAHS\) Action Plan](#), published in 2011, cited actions to improve access to workforce housing:

Action Plan #14

- Establish a system to strengthen security of rental tenure
- Improve connections between landlords and tenants
- Establish a housing registry
- Educate on landlord and tenant rights to help improve landlord-tenant communication and relations
- Facilitate the more challenging landlord -tenant relationships
- Provide more advocacy for those unable to effectively advocate for themselves
- Help landlords and tenants get assistance in securing rent supplements, funding for damage deposits and late rents.

The [Housing Working Group Report](#), done in 2020, offered the following implementation action:

- Establish integrated solutions board
- Implement actions
- Monitor other community policy innovations that fit project vision – modify and adopt
- Conduct ongoing consultation and data collection for accountability to the vision
- Draft, process and implement OCP and LUB amendments

The Islands Trust 2016 [Final Report Community Housing in the Trust Area](#):

- Explore the potential striking and staffing a Housing Committee for the administration of Housing Agreements
- Explore the potential with BC Housing to negotiate administration of Housing Agreements on behalf of all the Local Trust Committees
- Allocate a budget to have in-house staff design and implement a program to hold and administer housing agreements on behalf of local trust committees
- Explore the potential for the creation of an affordable housing Land Trust

Finally, it is worth referencing the recommendations provided by the Housing Action Program Task Force in their [final report](#); albeit explicit citing of workforce housing, the recommendations aim to achieve the same goal of providing additional housing options:

- Increase interagency collaboration and advocacy for affordable housing
- Support gentle and moderate density in appropriate areas
- Enable alternative housing types
- Reduce Environmental Impact per Capita through Homeplate, Ecovillage, and Flexible Zoning as well as Ecological Building credits and Transferring Density closer to village centers
- Decrease current and future housing loss due to short-term vacation rental activity

Submitted By:	Louisa Garbo, Island Planner	March 3, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	March 7, 2023

ATTACHMENTS

None

From: tarasoff <[REDACTED]>
Sent: Thursday, February 9, 2023 9:08 PM
To: SSIInfo
Subject: Re SSIWPA

Hi there,

Please forward the following letter to the three trustees. Having tried to send to them as a group, I am told one of the addresses is wrong and therefore isn't being 'sent' and stays in my outbox.
Thank you for the help.RT.

Dear Trustees,

I would like to add my opposition to continuing funding for the so-called coordinator of water entities here on Salt Spring.

It is the failure of the Trustees at the time to not recognize the value of the work done by volunteers and to listen to their expertise. Contracting out decision making ? Has it worked ? What evidence is there that this paid position is necessary .

It was unfortunate that the newly appointed, " coordinator" describe to me that the existing players were "amateurs". Let us recall who those amateurs were at the time.Two that come to mind are the late Mike Larmour and John Sprague.

Mike Larmour spent his life in the field of water protection and donated his land for protection and John Sprague, the eminent nationally recognized limnologist who had fortuitously retired to Salt Spring and been part of this " amateur" group from the beginning.

The slight to these men as well as others with professional backgrounds (and not) but willing to serve the community in retirement is of great concern. Let's not undermine the value that they brought and continue to bring. Harnessing this energy is what makes Salt Spring unique. Witness the response to the efforts of the Burgoyne Bay composting team by MLA of the Environment, Aman Singh, (Driftwood Feb 8th..) "Salt Spring is the place to do it. the quality of volunteers that you have, and the dedication to the environment, and the earth is amazing." Don't waste it.

Respectfully submitted.,
Ruth Tarasoff.

PS NB, the site of the Islandstrust.bc.ca/budget is closed. Please see that it is re-opened so that islanders can contribute to the discussion. Thank you.

Sent from my iPad

From: Frants Attorp <[REDACTED]>
Sent: Friday, March 3, 2023 10:27 AM
To: rob.flemming@mla.leg.bc.ca
Cc: directorssi; Olsen.MLA, Adam; SSInfo; May, Elizabeth - M.P.
Subject: Vortex Tourist Resort - Fulford Harbpur
Attachments: Gooding Hydrology.pdf; 2020 Salt Spring Archives Calendar FINAL 4 (1).pdf

To:

Honourable Rob Flemming

BC Minister of Transportation and Infrastructure

March 3, 2023

On Thursday, February 9, 2023, the Salt Spring Local Trust Committee (LTC) approved a development permit for a major tourist resort at 2621 and 2661 Fulford-Ganges Road, despite repeated warnings from their own staff and others that the site is subject to future flooding, especially from storm surges. See attached CRD flood-projection maps, as well as an independent hydrologist's report classifying the lower lot as "coastal flood hazard land".

In listening to the official recording of the LTC meeting of December 17, 2019 (1:30 mark), I note that the applicant made the following comments regarding the flood hazard:

"That (Fulford-Ganges Road) is a provincial road. That road is managed by the Ministry of Transportation and Infrastructure. And that's really the primary protection related to flooding if you're referring to sea level change. That's a provincial mandate to protect that road. That road services the entire of Salt Spring Island.... That's really what creates the opportunity to develop this site. It's not, for example, Drummond Park on Isabella Point Road which has none of that implied provincial protection."

These comments by the applicant at a public meeting raise a number of questions that I hope you will answer:

1. Does MOTI have any obligation to protect this proposed resort or any other private land from flooding due to climate-change-induced sea level rise and related storm surges?

2. Does the stretch of road in front of the proposed resort have any special MOTI protections not afforded the road beside Drummond Park—as claimed by the applicant?

3. According to the Islands Trust, the flood hazard comes, not just from sea water washing over Fulford-Ganges Road, but from water backing up in Fulford Creek and flooding the property from behind. Does this potential flooding of the resort impact MOTI's road maintenance planning in any way? For example, could it result in continuous in-filling of the estuary rather than construction of a bridge similar to the one that existed in 1905 (see attached historical photo)?

4. The road in front of the proposed resort, including the bridge, has never been formally dedicated to the province. What implications does this have for MOTI and Salt Spring Island?

Best regards,

Frants Attorp



Link to CRD flood projection maps:

https://www.crd.bc.ca/docs/default-source/climate-action-pdf/reports/appendix-a-to-attachment-1-map-book-part-2.pdf?sfvrsn=c3835cca_6



Fulford Creek & Bridge [1905]. This narrow bridge on the Fulford to Ganges Road spanned the estuary from St. Paul's Catholic Church to the Isabella Point Road junction.

January 15, 2020

Kathy Reimer MSc RPBio
Island Stream and Salmon Enhancement Society
Saltspring Island, BC

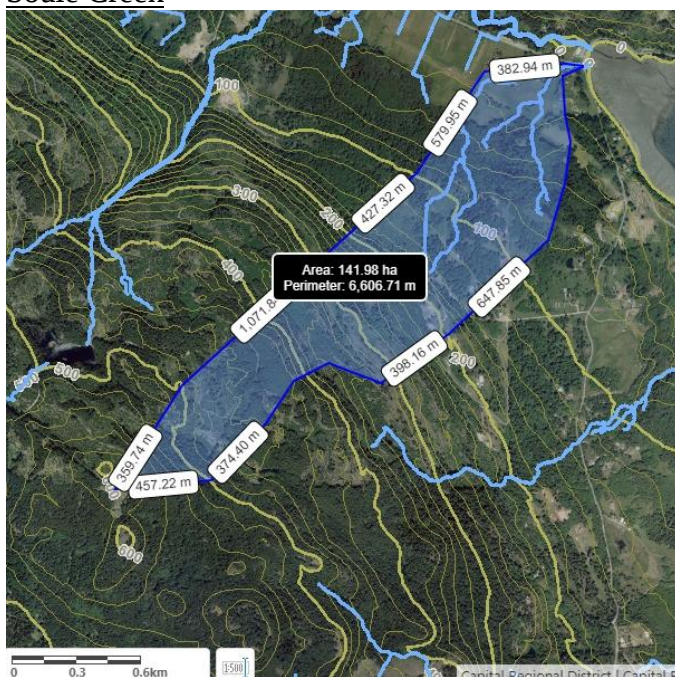
Proposed developments at 2621 & 2661 Fulford Ganges Rd and planning priorities around Fulford Creek, Soule Creek, and their estuaries, and coastal flood hazard management

The proposed development at 2621 and 2661 Fulford Ganges Rd (F-G) should be planned in a manner which preserves or enhances the values of the estuary and the two fish streams running beside or through the property. Gooding Hydrology has prepared this brief assessment of the streams and estuary, and some priorities to consider.

Fulford Creek

Fulford Creek is a well known salmon and trout stream, which has been impacted by many of development's cumulative effects, from its headwaters to the estuary. A portion of 2621 and most of 2661 F-G's 'developable area' are fill which has been placed in the salt marsh estuary. This fill was a large loss to the productivity of the fishery, and to waterfowl and other aquatic animals. It is hoped that Islands Trust would not give any variance reducing the protected area or SPEA (Streamside Protection & Enhancement Area) prescribed by the Riparian Area Regulation. Additional trees should be planted in this SPEA to provide shade for the stream and estuary along this south side of Fulford Creek.

Soule Creek



Soule Creek, though less well known, is also a salmon and trout stream. It has a drainage basin of approximately 142 hectares, shown to left, and year round flows. This stream crosses through an arch culvert across F-G Rd into the 2661 F-G property, and runs beside the road for around 26 meters before crossing the road again to the estuary. Photos are provided in appendix 1.

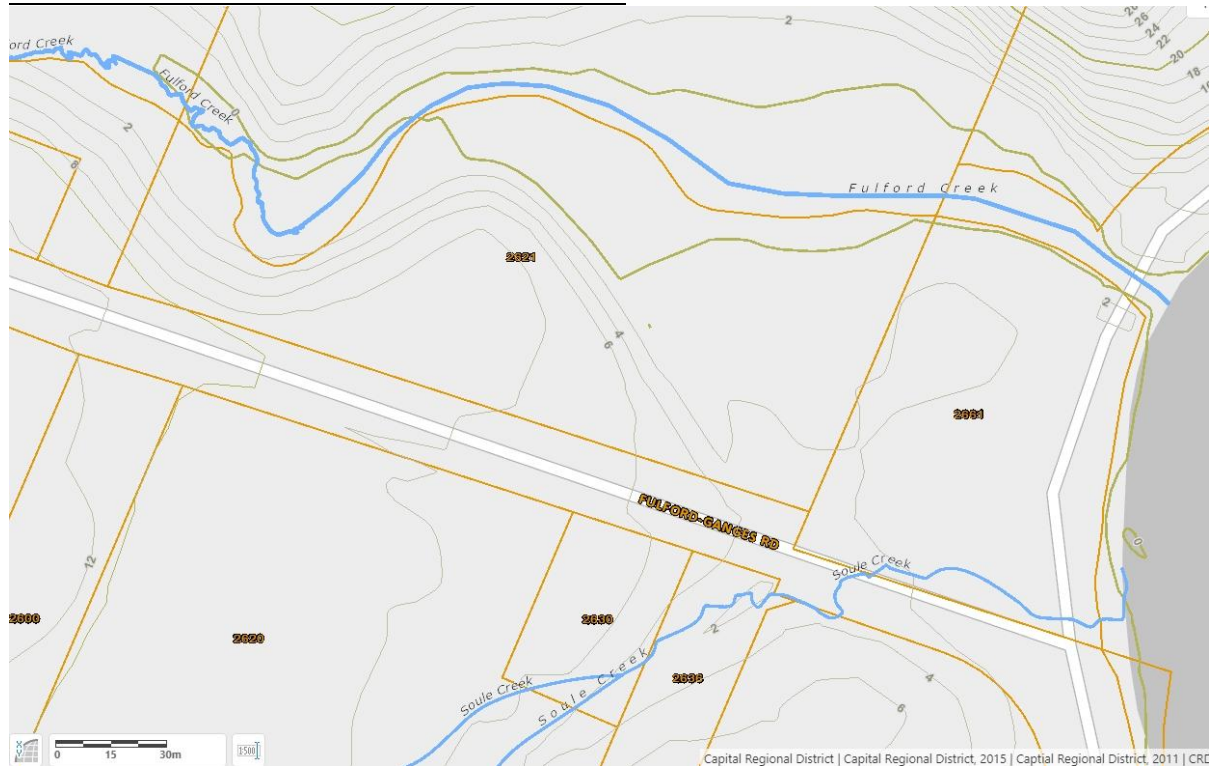
Under the Riparian Area Regulation, Soule Creek is defined as a fish stream, not a ditch, and must be treated as such even where running alongside the road.

Phone: [REDACTED]

Salmon and trout have been observed by locals upstream of the upper crossing of F-G Rd, which indicates they can achieve passage through the two culverts. The reach of Soule Creek running through 2661 F-G, between the two F-G Rd culverts, is a 'run' morphology, with no diversity, and no pool or LWD structure which would allow fish to rest between culverts. This reach also has almost no riparian shrub or tree vegetation. A priority in development should be the restoration and protection of this reach of stream, including a riparian planting plan for the 10 m SPEA.

Soule Creek Estuary has an approximately 46 m long channel below F-G Rd. This area is scarce and valuable fish, waterfowl, and shore bird habitat. Water quality in Soule Creek is important to maintaining this habitat's productivity. It is a concern that a variance has been given to reduce the distance between Soule Creek and the proposed project's septic system, especially as the entire property is frequently saturated and most of it is less than 2 m above sea level (asl) as seen on the contour map below. There is a risk that water quality in the lower stream and estuary will be affected.

2 m interval contours on 2621 and 2661 F-G Rd



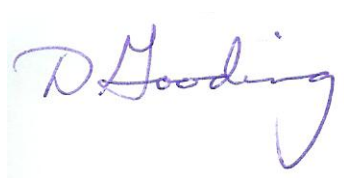
Coastal Flood Hazard

The BC Ministry of Environment in 2011 published “Guidelines for Management of Coastal Flood Hazard Land Use”, with standards which the Ministry of Transportation and Infrastructure requires be met in the subdivision process. While this is not a subdivision proposal, the Islands Trust should consider these standards when reviewing project proposals at low elevations near the coast. A graph showing estimated sea level rise to year 2100, and Table 3-2 giving Flood Construction Levels taken from these guidelines are attached as appendix 2.

The property at 2661 F-G Rd, with only a small portion above the 2 m asl contour line, and with a relatively long fetch to allow wave formation in certain winds, must be considered as coastal flood hazard land. An estimated year 2100 sea level rise of 0.83 m (possible twice this amount), extreme high tide, surge and wave allowances, with a 0.6 m freeboard sets the safe Flood Construction Level at 5.0 m above current sea level.

Development as one property

Planning of development of these two properties as a single combined property would allow the higher value buildings to be located at a safer flood level, and provide an opportunity to locate a septic system where it is less likely to impact stream or estuary water quality.



Dave Gooding, P.Eng.

Appendix 1: Photos

Photo 1: Soule Creek upstream of F-G Rd



Photo 2: Soule Creek on 2661 F-G Rd and culvert to estuary



Photo 3: Upper Soule Creek estuary below F-G Rd



Photo 4: Lower Soule Creek estuary. Note the many ducks, which were in the Soule estuary mouth prior to being disturbed by the photographer



Appendix 2: Excerpts from BC MoE ‘Guidelines for Mgt of Coastal Flood Hazard Land Use’, 2011, regarding Flood Construction Levels and Sea Level Rise

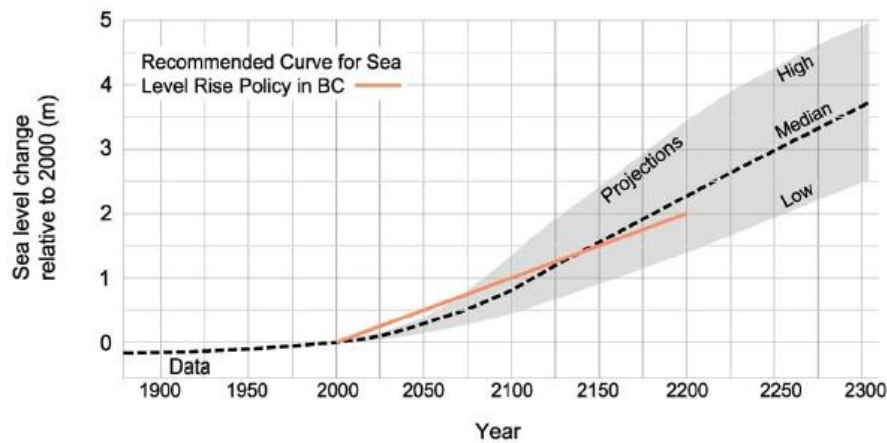


Figure 3-1: Projections of Global Sea Level Rise

Table 3-2: Preliminary Flood Construction Reference Plane (FCRP) and FCL for 2100 for Specific Areas in Coastal British Columbia
Elevations relative to CGD

	Fraser River Delta	Vancouver Harbour	Squamish River Delta	East Vancouver Island	West Vancouver Island	Central and North Coast
Global SLR Allowance	1.0 m					
Regional Adjustment ¹	+0.21 m	0 m	0 m	-0.17 m	-0.27 m	-0.22 m
High Tide ² (HHWLT m CGD)	2.0 m	1.9 m	2.05 m	1.6 m	2.0 m	3.8 m
Surge Allowance ³	1.7 m	1.4 m	1.3 m	1.3 m	1.3 m	1.7 m
Wave Effect Allowance ⁴	0.65 m	0.65 m	0.65 m	0.65 m	0.65 m	0.65 m
Flood Construction Reference Plane (FCRP)	5.6 m	5.0 m	5.0 m	4.4 m	4.7 m	6.9 m
Freeboard ⁵	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m	0.6 m
Flood Construction Level (FCL)	6.2 m	5.6 m	5.6 m	5.0 m	5.3 m	7.5 m

From: Jennifer Baddeley
Sent: Tuesday, February 14, 2023 3:01 PM
To: 'Michael.Krenz@rci.rogers.ca'
Cc: Chris Hutton; Jamie Harris; Laura Patrick; Timothy Peterson; 'ken.pungente@ised-isde.gc.ca'; 'susan.hart2@ised-isde.gc.ca'; 'ghorth@crest.ca'; 'ssiepc@crd.bc.ca'
Subject: Wireless Telecommunication Site at Channel Ridge
Attachments: SS-CELLA-2020.1_2023-02-09_Ch. Peterson to ISED Rogers.pdf

Good afternoon Michael,

Please see attached to this email a letter from Chair Peterson regarding the wireless telecommunication site at Channel Ridge on Salt Spring Island, BC.

Cheers,

Jenn Baddeley (*she/her/hers*)

Office Administrative Assistant

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

T: 250-538-5609 | 250-537-9144 www.islandstrust.bc.ca

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

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

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṠÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláitxw, Xwémalhwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



1 - 500 Lower Ganges Road Salt Spring Island BC V8K 2N8
Telephone 250.537.9144 Fax 250.537.9116
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867
Email ssiinfo@islandstrust.bc.ca
Web www.islandstrust.bc.ca

February 14, 2023

File No: SS-CELLA-2020.1

Rogers Communications Inc.
c/o Michael Krenz

[Delivered via email to Michael.Krenz@rci.rogers.ca]

Dear Michael Krenz,

Re: Wireless Telecommunications site at Channel Ridge, Salt Spring Island

As you may be aware, local elections were held on September 15th and a two of three Trustees are new to the Salt Spring Island Local Trust Committee (LTC). The CRD Director was also re-elected.

I am writing to inform you that, along with the CRD Director Holman, the LTC has reviewed the file regarding your proposal to site a 40-metre cell tower at Channel Ridge. It is evident a great deal of time and effort has gone into this endeavour; by you, past members of the LTC, and by the residents most impacted by such a siting. We are aware that the previous LTC action in March 2022 to rescind the original July 2021 concurrence decision was appropriate, well within the jurisdiction granted to the land use authority within CPC 2-0-03, and consistent with direction provided to the LTC by the federal regulator (ISED) in October 2021.

Therefore, as communicated to you on November 8, 2022 by the previous Chair of the LTC, I am writing to advise you that the newly-elected LTC are in full agreement with the decision to rescind concurrence and advise Rogers to indefinitely suspend any development at the proposed site. Furthermore, we wish to be completely transparent in why we have reached this conclusion, and have thus provided the most significant reasons for rescission in an appendix to this letter.

I wish to further inform you that both the LTC and CRD are interested in working with Rogers and CREST to find a more appropriate location to site this proposed tower. Our staff are willing to work with you to locate a site that better meets the Salt Spring Island Local Trust Committee Antenna System Siting & Consultation Protocol, as well as your operational needs. We hope you can see the merit in moving forward with an alternate site.

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Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis



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Email ssiinfo@islandstrust.bc.ca
Web www.islandstrust.bc.ca

Yours sincerely,

Timothy Peterson
Salt Spring Island Local Trust Committee Chair, Islands Trust
250-607-7094

Cc: Ken Pungente, Director, Coastal Offices, STS-Western Region, ISED
Susan Hart, Executive Director General, Spectrum Management Operations
Gordon Horth, Executive Director, CREST
John Wakefield, Salt Spring Island Emergency Program Coordinator

Attachment:

1. Appendix – Reasons for LTC Rescission

APPENDIX – REASONS FOR LTC RESCISSION

A letter dated May 17, 2022 by Mr. Ken Pungente, ISED, informed the Salt Spring Island Local Trust Committee (SS LTC) that ISED was not supportive of the decision on March 22, 2022 to rescind the tower siting concurrence, stating there was no valid rationale provided to support the rescindment.

The SS LTC has reviewed the correspondence with ISED from October 2021 related to what constitutes valid rationale for rescindment, and have reviewed all information provided from ROGERS/CREST in their application. What follows is the SS LTC's rationale for the rescindment:

1. On October 8, 2021, Islands Trust staff reached out to the ISED Spectrum Management & Telecommunications branch to seek guidance on options available to the SS LTC post-issuance of the statement of concurrence. ISED's response on October 13, 2021 was as follows:

"Good day Kristine. Rescinding a letter of concurrence is not typical in situations such as this. If you believe that the LTC based its decision on inaccurate or incomplete information, then you may be able to consider this action."

2. In review of the ROGERS/CREST May 31, 2021 application submitted to the SS LTC requesting concurrence for a ROGERS cell tower at the Channel Ridge site, the application stated, "ROGERS and CREST have completed the public consultation process, following Islands Trust draft Model Public Consultation Protocol for Local Trust Areas." This was as we expected since SS LTC staff had previously directed the Proponents to use the draft Model Protocol as a guideline in their application process.
3. We have found multiple, substantive and material areas where the Proponents did not follow nor complete the draft Model Protocol, including (but not exhaustive):
 - a. **Section 3.2 G 5 Public Information Sessions** requires that *"The LTA requests the Proponent chair a public information meeting for all proposed Telecommunication Antenna System(s) exceeding 15 metres in height or where there is significant public interest in the new free standing proposed Telecommunication Antenna System."*

The SS LTC requested the Proponents to hold an in-person meeting in November 2021 and the request was not completed.

b. **Section 3.2 G 2(a) (1&2) Pre-Consultation with the LTA** requires that Prior to submitting an antenna system proposal:

- i. the Proponent provides the LTA representative potential locations and invites feedback on preferred locations and/or designs; and,
- ii. *Site Investigation Meeting* – Based on comments from the pre-consultation step, the Proponent will provide a summary of a site-specific location, including **Alternative Locations**: summary of what other alternative locations were considered; and,
- iii. give opportunity for the LTA to provide initial feedback to the Proponent; and,
- iv. identify any potential *sensitive community* locations as defined by this policy.

At no time prior to their November 19, 2020 tower proposal did the Proponents hold pre-consultation sessions with the SS LTC, and furthermore, the Proponents never suggested any alternative sites nor considered the *sensitive community* locations as defined in the draft Model Protocol. Furthermore, we have subsequently learned Rogers negotiated a land use agreement with Onni in January 2020 for the specific siting proposed; a full 11 months before approaching the SS LTC.

- c. **Section 4.2 C Discouraged Locations** provides definitions that would eliminate the proposed Channel Ridge site as a viable option. Discouraged Locations for siting a Telecommunications Antenna System include:
 - i. Locations directly in front of doors, windows, balconies or residential frontages.
 - ii. Land zoned for nature protection.
 - iii. Environmentally sensitive ecosystems as defined in the Official Community Plan.
 - iv. Medium and high density residential areas as defined by the Local Trust Area.
- d. **Section 3.2 G 2(b) Application Submission to the LTA** requires in paragraph **VIII Title Search**: a copy of a title search (dated within the past 30 days of proposal submission) and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the Telecommunication Antenna System is proposed on;

The Proponents failed to inform the SS LTC in their application submission about **Covenant FB102667** – which states the Lands must not be built upon except in accordance with the Master Development Plan. That Master Development Plan does not include the siting of a cell tower.

4. Subsequent to the concurrence decision, the SS LTC were made aware that there is a complex of archaeological sites atop of Channel Ridge (the location proposed by the Proponents), including several inland shell middens, lithic scatters, a hearth feature, and two petroglyph rock art boulders. This is information the Proponents should have included in their application, however, it was omitted.

As a result, we consider the application to have been incomplete. Had we known about the archaeological importance of this site to First Nations, the SS LTC would have required both an archaeological assessment as well as a consultation with vested First Nations and requested their concurrence.

CPC 2-0-03 enables the Land Use Authority to define the protocol that must be completed by a Proponent to obtain a concurrence decision. By statements made in their application, the Proponents clearly knew that completion of the draft Model Protocol was required for concurrence. The Proponents falsely asserted they had fulfilled the protocol, provided inaccurate information, and omitted material information in their application, which are valid reasons for rescindment of the concurrence decision.

From: Michael Krenz - EXT <Michael.Krenz@rci.rogers.com>
Sent: Monday, February 27, 2023 9:36 AM
To: Jennifer Baddeley
Cc: Chris Hutton; Jamie Harris; Laura Patrick; Timothy Peterson; ken.pungente@ised-isde.gc.ca; susan.hart2@ised-isde.gc.ca; ghorth@crest.ca; ssiepc@crd.bc.ca
Subject: RE: Wireless Telecommunication Site at Channel Ridge
Attachments: Islands Trust W2176 North Saltpring Channel Ridge letter 27Feb2023.pdf

Good morning

Attached is Rogers reply.

Thank you.

Mike Krenz
672-515-9534

From: Jennifer Baddeley <jbaddeley@islandstrust.bc.ca>
Sent: February 14, 2023 3:01 PM
To: Michael Krenz - EXT <Michael.Krenz@rci.rogers.com>
Cc: Chris Hutton <chutton@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>; Laura Patrick <lpatrik@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; ken.pungente@ised-isde.gc.ca; susan.hart2@ised-isde.gc.ca; ghorth@crest.ca; ssiepc@crd.bc.ca
Subject: Wireless Telecommunication Site at Channel Ridge

Good afternoon Michael,

Please see attached to this email a letter from Chair Peterson regarding the wireless telecommunication site at Channel Ridge on Salt Spring Island, BC.

Cheers,

Jenn Baddeley (she/her/hers)

Office Administrative Assistant

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

T: 250-538-5609 | 250-537-9144 www.islandstrust.bc.ca

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This communication is confidential. We only send and receive email on the basis of the terms set out at www.rogers.com/web/content/emailnotice

Ce message est confidentiel. Notre transmission et réception de courriels se fait strictement suivant les modalités énoncées dans l'avis publié à www.rogers.com/aviscourriel

February 27, 2023

Islands Trust
Salt Spring Island Local Trust Committee
Attention: Timothy Peterson, Chair

By email jbaddeley@islandstrust.bc.ca and ssinfo@islandstrust.bc.ca

Dear Chair Timothy Peterson,

This will acknowledge receipt of your February 14, 2023 letter concerning Rogers telecommunication site at Channel Ridge on North Salt Spring Island.

Please contact Michael Krenz at 672-515-9534 or Michael.Krenz@rci.rogers.ca for further information.

Regards,



Michael Krenz
Rogers Communications Inc.

c. Gord Horth, CREST
c. Ken Pugente, ISED
c. Susan Hart, ISED

From: Julian Clark <[REDACTED]>
Sent: Tuesday, March 7, 2023 5:05 PM
To: Timothy Peterson; Jamie Harris; Laura Patrick; SSInfo
Cc: 'william steiner'; 'Mary Maclean'; 'Scott Maclean'; 'Lorraine Clark'; 'elaine senkpiel'; 'Lynn Steiner'; 'Connie Nichols-Ledger'; 'Garth Hendren'; 'Sue Farrant'; 'Richard Farrant'; 'Paul Pattison'; 'Diana Pattison'; [REDACTED]; 'directorssi'
Subject: Activity at Rogers Proposed Channel Ridge Tower Site
Attachments: 2022-11-08_PLuckham to Krenz.pdf; Luckham letter to Krenz re holding off construction.pdf

Salt Spring Island Trustees,

On behalf of the Concerned Residents of Canvasback (CROC), I wanted to make you aware that Rogers has been active at the proposed Channel Ridge cell tower site over the past couple of days.

Yesterday there were surveyors at the site re-staking the specific placement of the proposed tower. Apparently, the original stakes had been removed. This is not something our group condones, and in fact we have clearly expressed our desire that everyone involved in our campaign be both respectful and abide with the law.

Today, a subcontractor to Rogers had a couple of employees at the site all day. Trylon is a full service cell site developer out of Ontario. This contractor put up video cameras on the property and placed No Trespassing signs at the gate. This placement is before a trailhead into the Channel Ridge trail system, preventing the public from accessing that trailhead.

CROC approached the Trylon employees and shared the following:

- Information about the dangerous holes on the site they should be careful of
- Our desire that the No Trespassing signs be moved back so as to not impede access to the Channel Ridge trails
- The July 20, 2022 letter (attached) from the LTC Chair to Rogers stating:
 - "I hereby request that any development activities associated with the construction of the wireless telecommunication site at Channel Ridge be suspended pending the outcome of Islands Trust legal counsel review of materials associated with the application."
- The Nov 8, 2022 letter (attached) from the LTC Chair to Rogers stating
 - "please be advised that the LTC stands by its decision to rescind concurrence, and that any development activities associated with the construction of the wireless telecommunication site at Channel Ridge should be suspended."

The Trylon employees informed us their instructions were to come to the site every day this week and, after installing the cameras and signs, to simply sit in their car and report on any activity. We made it clear that the surveyors work yesterday was, and any further site development would be, in contravention to the suspension order issued by the LTC. We also made it clear that in the event any further development work begins, we will activate the protests and picketing we deployed last summer to prevent any developers from accessing the site.

By their actions over the past two days, Rogers are ignoring the LTC order to suspend development activities. It is also clear Rogers are ignoring the other directive provided in the November 8th letter:

” If Rogers wishes to proceed with the antenna siting, we advise you to begin a dispute resolution process through ITSD as permitted through the application process.”

The LTC cannot allow anyone, especially one of Canada’s largest public companies, to make false statements in their application to develop property on Salt Spring Island and then, when the false statements are discovered, ignore the fact that the LTC has pulled their acceptance of the development. If you allow Rogers to develop this site against the wishes of the Trustees, your authority over land use will be significantly diminished.

We therefore implore you to obtain a court injunction preventing Rogers from developing the proposed site. CPC 2-0-03 makes it clear that the local land use authority must concur with a proposed cell tower siting. The regulators (ISED) indicated in writing that if you were provided inaccurate or incomplete information during the application process that you may rescind your original concurrence. There has been ample evidence that statements made in Rogers application were inaccurate and that there was material information missing from the application. CPC 2-0-03 enables Rogers to file a dispute resolution with ISED in the event they don’t agree with your position. They have not done this. Instead, it appears they feel they can simply bully their way to develop this tower.

It is imperative you act immediately to ensure that doesn’t happen! I, along with other CROC members, will be in attendance at the March 16th meeting to ensure everything possible is done to prevent Rogers from trivializing your land use authority and building a tower in a location that is not compliant with the tower siting protocol in place.

Respectfully,

Julian Clark
Spokesperson for The Concerned Residents of Canvasback

08 November 2022

IT File: SS-CELLA 2020.1

Rogers Communications Inc.
c/o Michael Krenz

[Delivered via email to Michael.Krenz@rci.rogers.ca]

Dear Michael Krenz,

Re: Wireless Telecommunication Site at Channel Ridge (W2716 - North Saltspring Island)
PID: 000-638-391
Legal: SECTION 13, RANGE 2 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT EXCEPT
PARCEL A (DD 100250-I), PLAN VIP61967, VIP68921, VIP73646, VIP76155, VIP83807 AND
EPP16666

This letter is to advise you that the following resolution was passed by the Salt Spring Island Local Committee at their meeting of October 11, 2022:

SS-2022-167

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request Chair Luckham to write a letter to Rogers concerning the Salt Spring Island Local Trust Committee's rescindment of the tower siting concurrence decision.

CARRIED

In accordance with the above and previous resolutions, please be advised that the LTC stands by its decision to rescind concurrence, and that any development activities associated with the construction of the wireless telecommunication site at Channel Ridge should be suspended. If Rogers wishes to proceed with the antenna siting, we advise you to begin a dispute resolution process through ITSD as permitted through the application process. Please acknowledge receipt of this confirmation of the LTC's position and request.

I further reiterate that the LTC does not concur with the Rogers tower siting in Channel Ridge, and that we have advised that you reconsider siting any future antenna system with consideration for the Salt Spring Island Local Trust Committee Antenna System Siting & Consultation Protocol.

Please do not hesitate to contact the Salt Spring Islands Trust office at (250) 537-9144 should you have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'P. Luckham', with a stylized, cursive script.

Peter Luckham
Chair, Salt Spring Island Local Trust Committee

Cc: Ken Pugente, ISED Canada
Samuel Sugita, Rogers Communications Inc.
Gordon Horth, CREST Emergency Communications



Northern Office
700 North Road
Gabriola Island, BC V0R 1X3
Ph: 250-247-2063
northinfo@islandstrust.bc.ca
DENMAN, GABRIOLA, GAMBIER,
HORNBY, LASQUETI, THETIS,
BALLENAS-WINCHELSEA

Victoria Office
200 - 1627 Fort Street
Victoria, BC V8R 1H8
Ph: (250) 405-5151
southinfo@islandstrust.bc.ca
GALIANO, MAYNE, NORTH
PENDER, SATURNA, SOUTH
PENDER

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

20 July 2022

IT File: SS-CELLA-2020.1

Rogers Communications Inc.
c/o Michael Krenz

[Delivered via email to Michael.Krenz@rci.rogers.ca]

Dear Michael Krenz,

Re: Wireless Telecommunication Site at Channel Ridge (W2716 - North Saltspring Island)
PID: 000-638-391
Legal: SECTION 13, RANGE 2 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT EXCEPT PARCEL A (DD 100250-I), PLAN VIP61967, VIP68921, VIP73646, VIP76155, VIP83807 AND EPP16666

This letter is to advise you that the following resolutions were passed by the Salt Spring Island Local Committee at their meeting of July 12, 2022:

SS-2022-103

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to retain a legal counsel to prepare a letter of response to the May 17, 2022 ISED letter in consideration of relevant materials received to date.

CARRIED

SS-2022-104

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request Chair Luckham to contact Michael Krenz of Rogers requesting suspension of activities at Channel Ridge pending a letter from Islands Trust legal counsel and follow up with a letter of the above request.

CARRIED

In accordance with these resolutions, I hereby request that any development activities associated with the construction of the wireless telecommunication site at Channel Ridge be suspended pending the outcome of Islands Trust legal counsel review of materials associated with the application.

Please do not hesitate to contact the Salt Spring Islands Trust office should you have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'P. Luckham', with a stylized, cursive script.

Peter Luckham
Chair, Salt Spring Island Local Trust Committee

Cc: Ken Pungente, ISED Canada
Samuel Sugita, Rogers Communications Inc.
Gordon Horth, CREST Emergency Communications

From: Oona McOuat <[REDACTED]>
Sent: Tuesday, March 7, 2023 8:42 PM
To: Timothy Peterson; Jamie Harris; Laura Patrick; SSInfo; 'directorssi'
Subject: Please force Rogers to stop cell tower development on Channel Ridge

Dear Timothy, Jamie, Laura and Gary,

I was appalled to learn today that Rogers is forging ahead at the Channel Ridge site despite your clear directive not to. This blatant lack of respect cannot be accepted. This large corporation must respect the LTC's authority and rights, and I encourage you to put an immediate legal stop to further development.

Remember, although ISED has the final say about tower siting in Canada, as the LUA, the LTC is entitled to enter into an official dispute resolution process with the proponent, Rogers, and to give valid reasons for refusing this tower, reasons which were not adequately discussed in the original application process.

And there are many:

- Given that this site is adjacent to a nature reserve and sensitive watershed we should be concerned about **the environmental effects on flora and fauna**, with a specific emphasis on the effects on birds, bats and other wildlife (collisions with towers, electrocution, entanglement, habitat disturbance and fragmentation, the effects of lighting needed to conform to aeronautical requirements, RFR which may disorient natural navigation fields or affect reproductive or other biological systems.)
- **the fire hazard this tower poses**, especially in a drought-prone forested area
- **its close proximity to homes**, including effects of noisy cooling fans and aeronautical lights
- **procedural errors** - specifically the fact that **the antenna siting protocol we had in place was not used for this siting**
- **the demonstrated archaeological significance of this site to First Nations**
- the **lack of valid demonstrated need and community support** for this project.

I encourage you to act on this quickly.

I hope to have the opportunity to meet Timothy and Jamie one of these days. My work schedule does not permit me to attend LTC meetings as currently scheduled,

All the Best,
Oona McOuat
Salt Spring Island

Oona McOuat
[REDACTED]



The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) are confidential and may contain privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.



Virus-free. www.avast.com

From: Allen Schoen <[REDACTED]>
Sent: Wednesday, March 8, 2023 10:34 AM
To: peterson@islandstrust.bc.ca; Jamie Harris
Subject: thank you in advance for rejecting the tower on channel ridge

Thank you in advance for rejecting and stopping the placement of the cell tower on channel ridge.

In addition to the numerous reasons stated below, I congratulate you on rejecting this for the sake of all living beings on saltspring island. I thank you for listening to your deepest heart and protecting your children, grandchildren and all family members from what you know is wrong to do. Thank you for rejecting it because of feeling from your heart and not coming from your head, your wallet or listening to group think and peers.

In addition, this site is adjacent to a nature reserve and sensitive watershed and there is a very good chance it could have:

- **environmental effects on flora and fauna, with a specific emphasis on the effects on birds and bats (collisions with towers, the effects of lighting needed to conform to aeronautical requirements, RFR which may disorient natural navigation fields or affect reproductive or other biological systems.)**
- **the fire hazard it poses, especially in a drought-prone forested area**
- **its close proximity to homes, including effects of noisy cooling fans and aeronautical lights**
- **procedural errors - specifically the fact that the antenna siting protocol we had in place was not used for this siting**
- **the lack of valid demonstrated need and community support for this project.**

For all these reasons and more, I want to acknowledge you for rejecting this and make sure the corrupt corporations are not moving ahead against the law and the environment

You are being congratulated for listening to what you know is right, listening to your heart for the sake of your own children, grandchildren, relatives and your own next 7 generations.

Kind regards,

Allen Schoen, DVM, MS, PhD (retired)

From: David Miller <[REDACTED]>
Sent: Wednesday, March 8, 2023 6:52 AM
To: SSIInfo
Subject: Rogers

Dear SSI Info,

I do not support Rogers moving forward with this tower given that the LTC has revoked approval of this site! They have refused to comply with the ISED's dispute resolution so therefore should not be allowed to go ahead with their plans.

Sincerely

David Miller

SS Island Resident

From: Diana Pattison <[REDACTED]>
Sent: Wednesday, March 8, 2023 3:52 PM
To: Timothy Peterson; Jamie Harris; Laura Patrick; SSInfo; directorssi
Subject: Please stop Rogers in Channel Ridge ASAP

Hi there Timothy, Laura, Gary, and Jamie,

I'm Diana Pattison, I live at [REDACTED] from where the proposed Rogers cell tower site is located. I just reached out to each of you via phone and left a voicemail.

I am not surprised, but I am so angry and alarmed that Rogers has subcontracted a new company, Trylon, to proceed with building the tower at the site. Rogers didn't communicate any of the history to the contractors on site (or so they say), so it took **residents** to tell the new company workers in person that Rogers does not currently have permission to proceed at this site. Ridiculous!

I am deeply concerned and exhausted from monitoring this chain of events. We are not police and yet we regular people are having to keep watch over the egregious actions of a major corporation in our small neighborhood. The fact that they've strapped cameras to the trees because they don't trust the residents is disgusting and ironic. They are the ones who don't have permission to be here!

Yet again, we and our neighbours and community of roughly ~200 people that we have on "watch" for this issue, are having to spend our time guarding and keeping an eye over these new contractors. The Trylon contractors have been instructed to keep watch on the site / access road for the next week. They have 1-2 trucks sitting parked each day (minus lunch break) keeping watch for picketing or anyone trying to tamper with the surveyor markings.

Silence is permission and this company CANNOT be allowed to monitor this site nor take action towards building. They do not have authority to build there!

We are ready to picket at a moment's notice. I am continually thankful for our incredible community that pulls together and deeply cares about this island. Our LTC board included!

Our local land use authority / LTC already told them "NO", and here comes Rogers again, taking over the site as if they have every right to do so.

We need to match their actions with a court injunction ASAP or at the very least, law enforcement at the site to uphold the wishes of our local authority.

On a personal note, I find it incredibly intimidating to be in conflict with these contractors, we need the support of law enforcement and our LTC, leading the way. We shouldn't be having to stand up by ourselves out here. I am [REDACTED] and

have a [REDACTED]. I am not backing down from this but it's taking everything I have.

I am desperately asking each of you to take action.

Thank you.

Diana Pattison

[REDACTED]

From: Dulcy Wilson <[REDACTED]>
Sent: Wednesday, March 8, 2023 11:11 AM
To: Jamie Harris; Laura Patrick; SSInfo; directorssi; Timothy Peterson
Subject: Rogers Tower

I want the LTC to honor your revoking of the permit to install the Rogers tower on Channel Ridge. The reasons are many:

- the environmental effects on flora and fauna, with a specific emphasis on the effects on birds and bats (collisions with towers, the effects of lighting needed to conform to aeronautical requirements, RFR which may disorient natural navigation fields or affect reproductive or other biological systems.)
- the fire hazard it poses, especially in a drought-prone forested area
- its close proximity to homes, including effects of noisy cooling fans and aeronautical lights
- procedural errors - specifically the fact that the antenna siting protocol we had in place was not used for this siting
- the lack of valid demonstrated need and community support for this project.

Stop trying to destroy Salt Spring.

Sincerely
Dulcy Wilson
Salt Spring Island

From: Michael Krenz - EXT <Michael.Krenz@rci.rogers.com>
Sent: Wednesday, March 8, 2023 1:44 PM
To: Chris Hutton <chutton@islandstrust.bc.ca>
Subject: RE: Wireless Telecommunication Site at Channel Ridge

As discussed.

Mike Krenz
672-515-9534

From: Chris Hutton <chutton@islandstrust.bc.ca>
Sent: March 8, 2023 12:15 PM
To: Michael Krenz - EXT <Michael.Krenz@rci.rogers.com>
Subject: RE: Wireless Telecommunication Site at Channel Ridge

Michael,

I have gotten some feedback from the community that work is going on at the Canvasback site. Can you advise what is going on?

Chris Hutton, RPP, MCIP (he/him)
Regional Planning Manager
Islands Trust | 250-538-5608

From: Michael Krenz - EXT <Michael.Krenz@rci.rogers.com>
Sent: Monday, February 27, 2023 9:36 AM
To: Jennifer Baddeley <jbaddeley@islandstrust.bc.ca>
Cc: Chris Hutton <chutton@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>; Laura Patrick <lpattick@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; ken.pungente@ised-isde.gc.ca; susan.hart2@ised-isde.gc.ca; ghorth@crest.ca; ssiepc@crd.bc.ca
Subject: RE: Wireless Telecommunication Site at Channel Ridge

Good morning

Attached is Rogers reply.

Thank you.

Mike Krenz
672-515-9534

From: Jennifer Baddeley <jbaddeley@islandstrust.bc.ca>
Sent: February 14, 2023 3:01 PM
To: Michael Krenz - EXT <Michael.Krenz@rci.rogers.com>
Cc: Chris Hutton <chutton@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>; Laura Patrick <lpattick@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; ken.pungente@ised-isde.gc.ca

isde.gc.ca; susan.hart2@ised-isde.gc.ca; ghorth@crest.ca; ssiepc@crd.bc.ca

Subject: Wireless Telecommunication Site at Channel Ridge

Good afternoon Michael,

Please see attached to this email a letter from Chair Peterson regarding the wireless telecommunication site at Channel Ridge on Salt Spring Island, BC.

Cheers,

Jenn Baddeley (*she/her/hers*)

Office Administrative Assistant

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

T: 250-538-5609 | 250-537-9144 www.islandstrust.bc.ca

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

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

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOŖEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṪÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁELP, WSIKEM, Xeláltxw, Xwémalhkwi, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

This communication is confidential. We only send and receive email on the basis of the terms set out at www.rogers.com/web/content/emailnotice

Ce message est confidentiel. Notre transmission et réception de courriels se fait strictement suivant les modalités énoncées dans l'avis publié à www.rogers.com/aviscourriel



Coastal British Columbia District
Lower Mainland Office
Spectrum Management Operations
1700 – 13401 108th Ave.
Surrey, BC V3T 5V6

May 17, 2022

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Attention: Mr. Peter Luckman
 Chair, Salt Spring Island Trust Local Trust Committee

Dear Mr. Luckman:

**Subject: ROGERS Telecommunication Tower Proposal
 W2716 at Channel Ridge, Salt Spring Island**

I am writing to address your letter dated April 6, 2022 to Rogers Communications Inc. (Rogers) and its agent Cypress Land Services (Cypress) informing them of the decision to rescind the July 27, 2021 concurrence for the above mentioned antenna tower proposal W2716 at Channel Ridge, Salt Spring Island.

Please be informed that our office does not support your decision to rescind the concurrence.

Since the issuance of concurrence, by the Salt Spring Island Local Trust Committee (SS LTC), the only change in circumstances is the SS LTC's November 9, 2021 adoption of a new antenna siting protocol. Given the date of the policy adoption, it is not to be retroactively applied.

Our review of the conduct of the consultation process also found that Rogers was in compliance with Innovation Science and Economic Development's default process. SS LTC's July 27, 2021 concurrence also implied its satisfaction with how the process was conducted and its conclusion.

In addition, SS LTC did not provide any other valid rationale to support the rescindment.

Please reach out to the undersigned if you have any further questions.

Yours truly.

Ken Pungente
Director, Coastal Offices, STS-Western Region
Innovation, Science and Economic Development Canada / Government of Canada
Ken.Pungente@ised-isde.gc.ca / Tel: 250-470-5033

Directeur, bureaux côtiers, SST-Region de l'Ouest
Innovation, Sciences et Développement économique Canada / Gouvernement du Canada
Ken.Pungente@ised-isde.gc.ca / Tél: 250-470-5033

c.c. Rogers Communications and Cypress Land Services

Delegation By Maxine Leichter to Salt Spring Island Local Trust Committee
Presented March 16, 2023

This delegation is about next steps for Ganges planning. I'll review what was done over the past two years which I see having two main elements, 1) work done by the consultant, Ahne Studio and 2) the Ganges Task Force.

Ahne was paid nearly \$70,000, conducted extensive public consultation. They produced a 106 page Summary with detailed wish lists for Ganges. This report has many good ideas. I've attached three pages with priorities. However, a critical piece appears to be missing. Their contract said they were to provide "key considerations for the area plan" and "recommendations on solutions explored by the participants". I could not find this critical information in their report.

Also, the outreach to the public provided no information on which agencies have authority over what tasks and no information on constraints. Many of the wished-for priorities (such as dense housing, recreation or the Harbour Walk, are outside the authority of the Islands Trust or face constraints such as lack of water and sewage treatment capacity.

These considerations should have been provided to the public because lack of such, sets up the community for disappointment when their opinions are sought but not acted on. However, the consultant was not instructed to include those factors. Hopefully, next time, this public information will be required.

Next, about the Ganges Task Force: This group met 17 times and there were 5 staff reports. This certainly represents a substantial cost in staff time. What did this produce? I have not seen any written output.

To find out why, I looked at their guidance documents. There was a Framework that gave the Task Force the job of guiding the engagement process. However, the Engagement Plan was written before the Task Force ever met. So, it isn't clear if or how they guided it. Also, the Task force Terms of Reference lack a requirement for written output, but rather instructing them *"to assist in the development of the "Ganges Village Area Plan," and to advise the Salt Spring Island Local Trust Committee (LTC) on matters related to Ganges Village planning process."*

But the Engagement Framework did have such a requirement, describing their *"... hands-on role in creating and implementing engagement activities in the community under the direction of the LTC and coordinated by Islands Trust staff. ...The Task Force will facilitate discussions and host community events, review summary documents from the engagement sessions prepared by Islands Trust staff, and provide the LTC with recommendations on plan concepts, policy options, and the draft Ganges Village Area Plan."* I am not aware that any of this was done. This is a real problem. Before forming new Task Forces, it should be determined why there was so little output from this group and what should be done differently next time to achieve a more productive outcome.

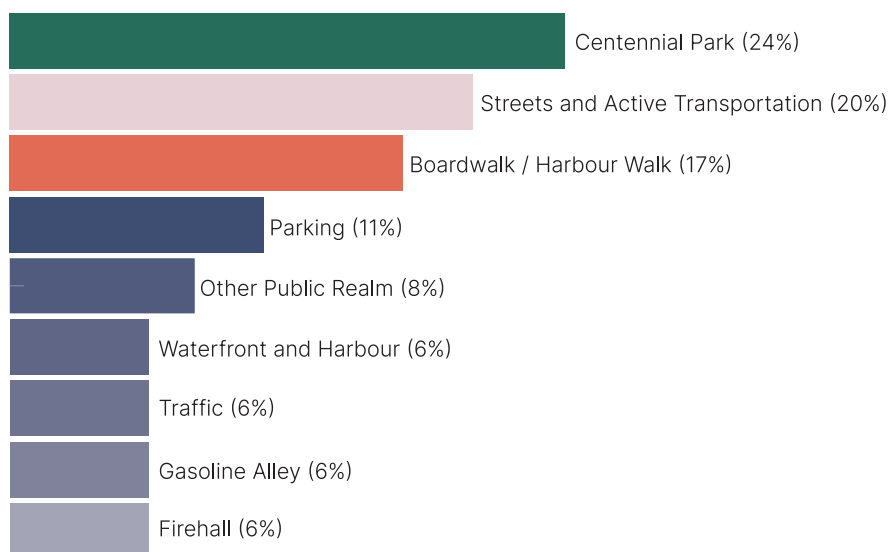
This is all important for the future because there was a request for about \$100,000 for more Ganges Planning. I do not know the current status of that budget item. I suggest that enough public outreach has been done. Perhaps next steps could be for staff to go over the community wishes, pull out those over which the Trust has jurisdiction, evaluate their feasibility and state **exactly what action the LTC could take to implement them.** I urge you to concentrate on what YOU can do. Other agencies can be requested to undertake certain tasks. But then, it is up to them to do that work or not.

Regarding First Nations, we have heard many times that they have almost no capacity to engage with us unless they are paid to do this. Before any plan is hatched, Trust staff should ask the relevant First Nations what it would take for them to engage on Ganges Planning and what outcomes they might want. Let's not spend huge sum unless specific **action outcomes** are likely.

Challenged Area:

What place would benefit from improvement in the future?

Almost 280 responses to this question were received and coded by theme. The following chart presents the themes that were each mentioned more than 10 times, highlighting the proportion of responses that included each theme. Some responses included more than one theme.

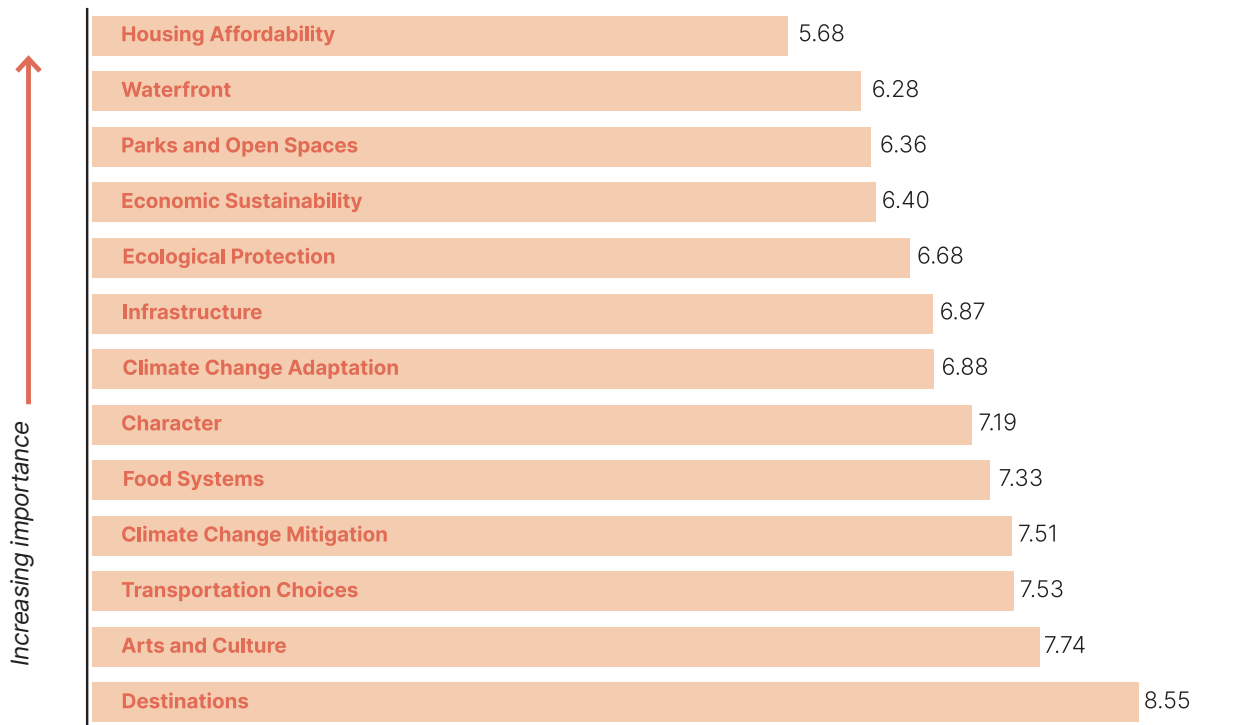


Quotes in the following pages are representative of those received for each theme.

Priorities

A plan helps address a wide range of community priorities. Which ones are most important to you?

Overall, the highest rated priority was “affordable housing”, followed by the “waterfront”, “parks and open spaces”, and “economic sustainability”. The lowest rated priority was “diversity of year round destinations” however it is important to note that the overall ratings were fairly similar across the priority areas. In other words, the difference between the highest rated priorities and lowest rated priorities was fewer than three places out of 13.



Overview

To complement the online survey and promote visibility of the area planning process, a series of engagement activities were hosted in and around the village from December 2nd to December 5th, 2022. These included an afternoon Community Ideas Fair hosted at the public library, which invited participation in diverse stations such as interactive mapping, design activities, prioritization exercises, “big ideas” brainstorms, children’s activities, and more.

Approximately **28 residents participated in the Ideas Fair and over 100 residents offered input through pop up stations.**

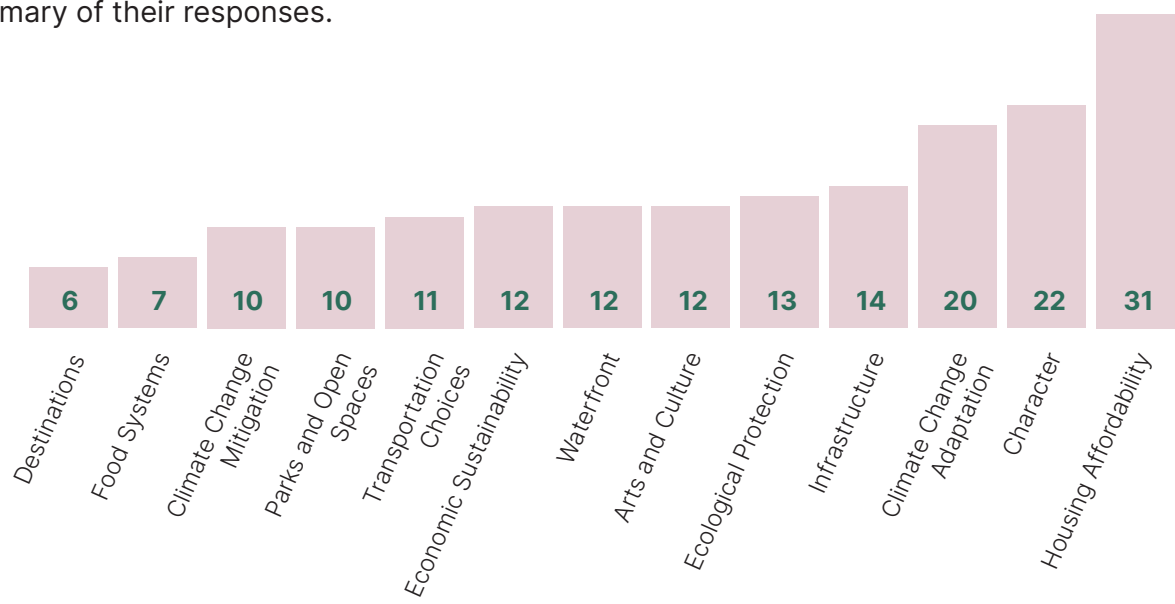
The following pages summarize the input that was gathered through these various efforts.

As several questions were overlapping in nature between pop ups and the activities of the Ideas Fair, the responses have been combined for efficiency. These include Priorities, Vision, Honouring First Nations Territory, and Mapping.

Priorities

Participants were asked to identify their top five most important priorities for the future of the village across 13 categories. Below are a summary of their responses.

Participants were also offered the opportunity to share other priorities not listed. No participants provided additional priorities.



From: Robin Jenkinson <[REDACTED]>
Sent: Wednesday, February 22, 2023 3:25 PM
To: Jamie Harris <jharris@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: Chris Hutton <chutton@islandstrust.bc.ca>; Bob MacKie <[REDACTED]>
Subject: Island Pathways delegation & resolution request for March 16 LTC meeting

Hi Laura, Jamie, and Tim,

Islands Trust has been provisionally offered \$25,000 towards advancing pedestrian and cycling safety from Fulford to Vesuvius along the proposed route of the Salish Sea Trail Network, which hooks in with Vancouver Island regional multi-use trails.

Already, Island Pathways with Islands Trust was awarded a Federal Active Transportation Fund grant of \$50,000 to fund a Salt Spring Island-based contractor to advance the project (hiring to take place in March), which serves as the required match for this \$25k grant on offer from the Province.

To secure these funds, the Province requires an updated agreement cover letter/resolution from the LTC, similar to what was passed this past March for the federal grant (example attached) and authorized signatures on the grant contract (also attached).

This planning funding will be used to develop an Active Transportation Network Plan for the Salt Spring portion of the Salish Sea Trail Network. Ideally, it would dovetail with Island Pathways' work.

I and maybe others would like to come to the meeting as a delegation to answer any questions that you may have.

Thank you kindly! ~ Robin Jenkinson

Rising Tide for the Salish Sea Trail

By Luke Campbell

As I rolled along silently in the early spring morning air, awash in moonlight, pedalling my way to Long Harbour, I wondered what this place was like before—before the sound of the rooster waking the hens, the dog in the distance barking on his walk, the sound of a car approaching—before settlers arrived on Salt Spring.

I realized that I have a lot of learning to do, becoming a new Islander, that there is something important and special about connecting to the land and giving thanks for those who came before us. We live in one of the most beautiful places in the world, on the unceded territories of the Coast Salish Peoples, who have stewarded Salt Spring Island for well over 5000 years. Part of the way I can honour their work and history is connecting with Nature and transporting myself in a manner respectful of the Earth. I can ride my bike and encourage and help others to do so safely, which is why I'm helping Island Pathways advance the Salish Sea Trail.

The Trail Network Concept

In 1999, Salt Spring joined the CRD Regional Trail Initiative, and Island Pathways ultimately proposed that trails be linked together in a cycling loop to help build momentum and support for our island cycling infrastructure and as an asset for the entire province, with the hopes that this would garner the needed support from levels of government to build our part of the network.

In 2006, the CRD released the proposed Victoria, Salt Spring, Cowichan Trail Circuit map. It was later informally named “the Salish Sea Trail”. Momentum built like the high tide, and then receded.

In 2018, Brenda Guiled, Island Pathways Board Member, posed the question “Is it time to revive the Salt Spring Island Regional Trail Task Force?”. Her comprehensive presentation (available at islandpathways.ca) provides us all with a much-needed history lesson on this long-term effort!

Salish Sea Trail Working Group

Tidewaters started to rise again when Salt Spring Solutions gathered nearly 1700 signatures on an online safe-cycling petition featuring the Salish Sea Trail concept. This led to the formation of the Salish Sea Trail Working Group, with representation from all three levels of government, plus stakeholders like us.

Since Autumn 2020, work has been done, sections of the path identified, different groups logically taking the lead

for certain sections of the segments of the trail from Vesuvius to Fulford.

Ultimately, shovel-ready planning and construction must be completed. For, activities over the past 40 years have resulted in very few quality cycling routes, outside of the pilot cycling path in north Ganges.

In late 2021, members of Island Pathways' “Cycling Salt Spring” committee were asked to join the task force. It's our job to keep the importance of the riders front and centre, as Salt Spring Solutions steps back to focus on our Island's housing crisis.

Next Steps

After getting up to speed and being informed by Elizabeth May's office about a federal Active Transportation grant, Cycling Salt Spring spearheaded an application in March to build public awareness and a stronger presentation about the Salish Sea Trail Loop to attract major trail construction funding.

As federal and provincial levels of governments come to realize the amount of change that will be required to meet official environmental/greenhouse gas commitments, more and more funding must be allocated at all levels to promote cycling. Active transportation is a very cost-effective part of the solution.

The first step on Salt Spring will need to be construction of good, safe cycling infrastructure so that more Islanders will choose the two wheels over four for more of their trips. We have a lot of work ahead, but I think we finally are feeling a tsunami of collaborative change is underway. If we don't make positive changes soon, we already can see, Mother Nature will.



the informally named Salish Sea Trail Network



WE NEED A CONCERTED EFFORT BY ELECTED LOCAL, REGIONAL, PROVINCIAL, AND FEDERAL REPRESENTATIVES TO GET FUNDING FROM INFRASTRUCTURE, COMMUNITY, TOURISM, HEALTH, AND SPORT SOURCES TO COMPLETE THE (INFORMALLY NAMED) SALISH SEA TRAIL NETWORK.



left: 3 regional districts are connected by this trail network.

right: 9 B.C. electoral districts

middle right: 5 federal ridings

far right: 14 First Nations





Next steps:



Resource funding for complete survey of the 20 km Fulford-Ganges roadway between Vesuvius and Fulford ferry terminals



Resource funding for complete engineering design and project costing for the safe active transportation corridor



Conduct public engagement on draft design concept of the safe active transportation corridor, to help determine aspects such as location of signage and amenities along the route



Resource funding and conduct RFP process



Finish the Trail!



Let's finish the

Salish Sea Trail Network

.....
The missing link on
Salt Spring Island

The concept for the Salish Sea Trail Network was conceived almost 15 years ago and the network is now 90 percent complete.

Connecting the safe, mostly off-road Lochside, Galloping Goose, Cowichan Valley Regional, and E&N Railway trails, this cycling, walking and active transportation network provides safe and climate-friendly access through some of the most populated and scenically stunning parts of coastal B.C.



The only section missing is the tricky 20 km stretch between the Vesuvius and Fulford ferry terminals on Salt Spring Island, where a narrow two-lane roadway without curbs, a lack of navigable shoulders, dangerous blind crossings, and sometimes fast-moving traffic (which includes BC Transit buses and large refrigerator and dump trucks) all make cycling a dangerous transportation choice and deterring all but the most courageous and athletic cyclists.



Project benefits include:



Boosts local economies across the region with ideal Green Recovery project



Supports low impact eco-tourism, aligning with region's existing brand



Leads to a healthier population by enabling safe active transportation modes



Lowers transportation emissions from residents and tourists



Improves safety on Salt Spring's main roadway, which hasn't been upgraded in 20 years



Bringing the main road between the Vesuvius and Fulford ferry terminals up to modern safety standards will bring many benefits to the community, the region, and all who come to enjoy Salt Spring

More information:

Salish Sea Trail Network Working Group
c/o Adam Olsen, MLA, Saanich North and the
Islands Constituency Office

(250) 655-5600

adam.olsen.mla@leg.bc.ca

Salish Sea Trail
Working Group



DATE OF MEETING: March 16, 2023

TO: Salt Spring Island Local Trust Committee

FROM: Charly Caproff, Planner 1
Southern Team

COPY: Chris Hutton, Regional Planning Manager
Salt Spring Island Team

SUBJECT: Referral Request for a Commercial General Use Crown Lease (Proponent - 668599 B.C. Ltd.)
Description: Referral No. 150628182 - 004
Location: 4625 Lanes Road, Cowichan Bay, BC

RECOMMENDATION

That the Salt Spring Island Local Trust Committee receive the referral request for a Commercial General Use Crown Lease application (Referral No. 150628182 - 004), and direct staff to respond to the referral, indicating that the interests of the Islands Trust are unaffected by this application.

REPORT SUMMARY

To provide the opportunity for the Salt Spring Local Trust Committee to comment on a Crown Lease referral in Cowichan Bay, in consideration of Trust Council Policy No. 5.9.2, which refers to the outer boundary of the Islands Trust Area.

BACKGROUND

The applicant is seeking approval for construction of a commercial dock for moorage of approximately 6 vessels and extension of the existing waterlot by 851.17 m² (9162 ft²). Details of this application can be found in Attachment 1. The project's marine area is situated within the Salt Spring Local Trust Area and the Outer Boundary of the Islands Trust Area, which is defined as: *the boundary of the Islands Trust Area that is adjacent to Vancouver Island and the British Columbia mainland*. As per subsection of Trust Council Policy No. 5.9.2:

- 2.2 Should Islands Trust planning staff receive enquiries about proposed construction pursuant to s. 32 of the Islands Trust Act (unzoned areas) that is not within the area identified in C.1.1, they should advise that the local trust committee may wish to comment on the proposal in accordance with the Islands Trust object, the *Islands Trust Policy Statement* and any relevant Official Community Plan.

The project's marine area is not contained within Salt Spring Island's Official Community Plan (Bylaw No. 434) or Land Use Bylaw (Bylaw No. 355). See Fig. 1 and Fig. 2 below for reference.

Subject Property – 4625 Lanes Road, Cowichan Bay, BC

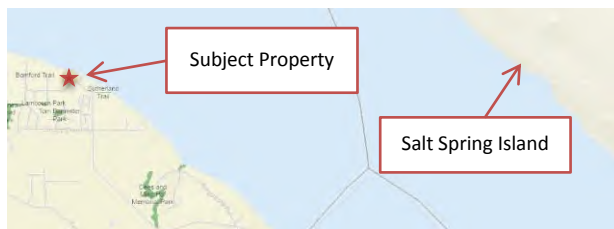
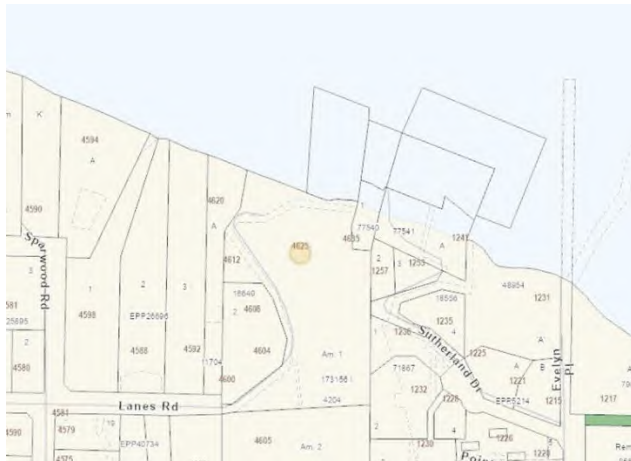


Fig. 1 – Property location relative to Salt Spring Island

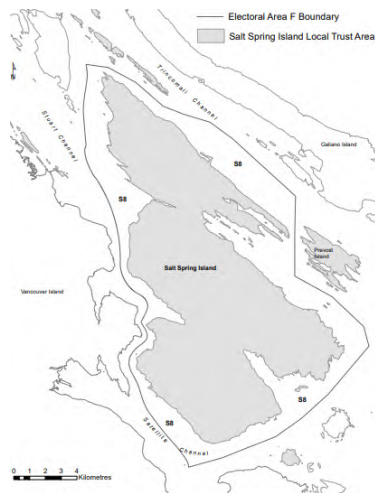
Islands Trust Water Zones



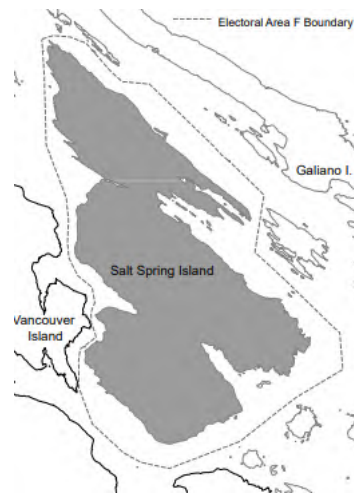
WATER ZONING DRAFT	
■	Aquaculture (aquaculture, mariculture, harvesting)
■	Conservation (conservation, protection)
■	Development (marinas, yacht clubs, ferry docks, boat ramps, log sorting)
■	General (private residential docks permitted)
■	No structures permitted except by resolution of Local Trust Committee
■	Water outside Islands Trust jurisdiction

TRUST ADMINISTRATIVE BOUNDARIES

—	International Boundary
—	Municipality Foreshore
—	Trust Area Boundary
—	Regional District Boundary
—	Far Northern Extent of Trust Area



Salt Spring Land Use Bylaw No. 355



Salt Spring Official Community Plan Bylaw No. 434

Fig. 2 – Salt Spring Island OCP and LUB Boundaries

The proposal will allow the Crown applicants to reconstruct a wharf, which currently consists of derelict creosote piles, for use as a commercial dock. The applicant retained an environmental consulting firm to provide a Construction Environmental Management Plan (CEMP) to mitigate risks to the ecosystem and have confirmed that the proposed commercial dock meets Cowichan Valley Regional District (CVRD) zoning requirements. The proposed plans have been reviewed by Fisheries and Oceans Canada, who have provided recommendations to avoid and mitigate potential effects to fish and fish habitat (Attachment 1).

ANALYSIS

Trust Council Policy No. 5.9.2.

Trust Council Policy No. 5.9.2 (Attachment 2) is intended to provide a consistent approach to land use planning, regulation and advocacy along the outer boundary of the Islands Trust Area for all local trust committees.

Referrals for applications where no zoning is in force is addressed in subsection 2.2 of the policy, as mentioned in the Background section. This section advises that local trust committees should be given the opportunity to provide advocacy comments only through the approval process of other agencies. Such advocacy recommendations should be based on the Islands Trust Object, the Islands Trust Policy Statement, or any relevant Official Community Plan.

As Planning Services are prioritized within existing zoning boundaries, there is limited capacity to undertake additional engagement or technical analysis of referrals in the Outer Boundary of the Islands Trust.

This analysis is therefore limited to providing relevant aspects of the applicable policies which may form the basis of LTC's advocacy recommendations.

Islands Trust Object

The Object of the Trust is contained in s. 3 of the *Islands Trust Act*:

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, First Nations, other persons and organizations and the government of British Columbia.

Islands Trust Policy Statement

The following policies address the treatment of marine commercial development and moorage in the Islands Trust Area according to the [Islands Trust Policy Statement](#):

3.4. Coastal and Marine Ecosystems

- 3.4.2 It is Trust Council's policy that marine areas be protected and coastal zone management principles be defined in consultation with agents of the government of British Columbia, the government of Canada, Crown corporations, municipalities, regional districts, non-government organizations, property owners and occupiers.

4.5 Coastal Areas and Marine Shorelands

- 4.5.3 It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.
- 4.5.4 It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.
- 4.5.5 It is Trust Council's policy that development should be directed to sites away from:
- areas of environmental sensitivity, and
 - areas of naturally occurring stocks of clams or oysters.

Non-Applicable Policies

A mentioned previously, the subject area is not within the jurisdiction of any Islands Trust Official Community Plan, or Land Use Bylaw.

Shoreline

Islands Trust shoreline mapping does not cover the area in question.

Notification and Consultation:

While notification has not been circulated by Islands Trust, as a referral in the Outer Boundary of the Islands Trust, notification or consultation is neither required nor recommended.

RECOMMENDATIONS:

1. That the Salt Spring Island Local Trust Committee receive Crown Lease (668599 B.C. Ltd.) (Referral No. 150628182 - 004), and direct staff to respond to the referral, indicating that the interests of the Islands Trust are unaffected by this application.

NEXT STEPS

Staff will provide the referral response to the Province.

Submitted By:	Charly Caproff, Planner 1	March 3, 2023
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ATTACHMENTS

1. Crown Referral



Crown Land Tenure Application

Tracking Number: 100343765

Applicant Information

If approved, will the authorization be issued to
an Individual or Company/Organization? Company/Organization

What is your relationship to the
company/organization? Agent

APPLICANT COMPANY/ORGANIZATION CONTACT INFORMATION

Applicant is an Individual or an Organization to whom this authorization Permit/Tenure/Licence will be issued, if approved.

Name: 668599 B.C. Ltd.

Doing Business As:

Phone: 1 604-835-5555

Fax:

Email: scott@mcintosh1.ca

BC Incorporation Number: BC0668599

Extra Provincial Inc. No:

Society Number:

GST Registration Number:

Contact Name: Scott McIntosh or Karla Swan

Mailing Address: 4625 Lanes Rad Road
Cowichan Bay BC V0R 1N2

AGENT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Sharon Horsburgh

Phone: 250-710-0238

Daytime Phone:

Fax:

Email: sharon@bayshoreplanning.com

Mailing Address: 6499 Genoa Bay Road
Duncan BC V9L 5Y3

Letter(s) Attached: Yes (Wilcuma foreshore authorization[75682].pdf)

ELIGIBILITY

Question	Answer	Warning
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Do all applicants and co-applicants meet the eligibility criteria for the appropriate category as listed below?	Yes	
---	-----	--

Applicants and/or co-applicants who are Individuals must:

1. be 19 years of age or older and
2. must be Canadian citizens or permanent residents of Canada. (Except if you are applying for a Private Moorage)

Applicants and/or co-applicants who are Organizations must either:

1. be incorporated or registered in British Columbia (Corporations also include registered partnerships, cooperatives, and non-profit societies which are formed under the relevant Provincial statutes) or
2. First Nations who can apply through Band corporations or Indian Band and Tribal Councils (Band or Tribal Councils require a Band Council Resolution).

TECHNICAL INFORMATION

Please provide us with the following general information about you and your application:

EXISTING TENURE DETAILS

Do you hold another Crown Land Tenure? Yes
Please specify your file number: Amending File 1403826
If you have several file numbers, please make a note of at least one of them above. Example numbers: 1234567, 153245, others

ALL SEASONS RESORTS

The All Seasons Resorts Program serves to support the development of Alpine Ski and non-ski resorts on Crown land. For more detailed information on this program, please see the operational policy. If you have further questions, please contact FrontCounter BC.

Are you applying within an alpine ski resort? No

WHAT IS YOUR INTENDED USE OF CROWN LAND?

Use the "Add Purpose" button to select a proposed land use from the drop down menu.

In some situations, such as short-term, low-impact use of Crown land or docks/moorage that meet specific criteria, Crown land use is allowed without needing to apply for authorization. Some examples are uses listed within the Land Use Policy - Permissions and, for docks/moorage, within the Private Moorage policy.

For all application types, you should review the Land Use Policy that describes your intended use of Crown land to determine if your activity is permissible under the Land Act.

Purpose	Tenure	Period
Commercial General Year-round Operation	Lease	More than thirty years

ACCESS TO CROWN LAND

Please describe how you plan to access your proposed crown land from the closest public road: The land is accessed from the upland parcel at 4625 Lanes Road Cowichan Valley. There is an easement to the foreshore that can be accessed by the upland properties.

COMMERCIAL GENERAL

Applies to all general commercial uses of Crown upland and aquatic land not covered under more specific land use policies, including policy for filming, marinas and golf courses.

Specific Purpose: Year-round Operation
Period: More than thirty years
Tenure: Lease

TOTAL APPLICATION AREA

Please give us some information on the size of the area you are applying for.

Please specify the area: 0.455 hectares

ALL SEASONS RESORT

If your activities include more than one million dollars in Recreational Infrastructure and more than 100 Commercial Bed Units, your activities may fall under the All Seasons Resort Policy.

Are you applying to build an all season resort as defined under the All Seasons Resort Policy, including more than one million dollars in Recreational Infrastructure and more than 100 Commercial Bed Units? No

IMPORTANT CONSIDERATIONS

Are you intending to use the land as a shooting range or shooting club for discharge of firearms? No

ADDITIONAL QUESTIONS

In many cases, you might require other authorizations or permits in order to complete your project. In order to make that determination and point you in the right direction, please answer the questions below. In addition, your application may be referred to other agencies for comments.

Is the Applicant or any Co-Applicant or their Spouse(s) an employee of the Provincial Government of British Columbia? No

Are you planning to cut timber on the Crown Land you are applying for? No

Are you planning to use an open fire to burn timber or other materials? No

Do you want to transport heavy equipment or materials on an existing forest road? No

Are you planning to work in or around water? Yes

1. If you will be working in or around fresh water, you will require a Water Sustainability Act Change Approval or Notification from the Province.
2. The federal Department of Fisheries and Oceans might need to review your project.
3. Review the Transport Canada website if the Navigation Protection Act applies.

Does your operation fall within a park area? No

LOCATION INFORMATION

LAND DETAILS

DRAWINGS

Please provide information on the location and shape of your Crown land application area. You can use one or more of the tools provided.

☒ I will upload a PDF, JPG or other digital file(s)

MAP FILES

Your PDF, JPG or other digital file must show your application area in relation to nearby communities, highways, railways or other land marks.

Description	Filename	Purpose
Tenure Renewal Area	Area of interest evaluation...	Commercial General

ATTACHED DOCUMENTS

Document Type	Description	Filename
Management Plan	Updated Management Plan	Updated Management Plan.pdf
Other	Applicant signature	receipt and co applicant si...
Other	Correspondence to assign the Lease	File No1403826 Wilcuma Rei...

Other	Foreshore fill detail	21-09-02 - Wilcuma Lodge - ...
Other	Marine Habitat Assessment Report	4625 Lanes Road, Cowichan B...
Other	Original Tenure	Attachment 3 2021--02-24 Te...
Other	Photos and property information	Site Photos.pdf
Other	Property Title Search	Attachment 2 TITLE-CA881268...
Other	Rent arrears payment	Receipt for arrears[2305843...
Other	Security payment	Figure 6 File No 1403825_se...
Site Plan	4625 Lanes Road Upland Survey	Attachment 2 Survey 2021.pdf
Site Plan	Site Plan and Infrastructure Improvements	K036 - Bay Shore Planning -...
Site Plan	Water lot survey	Sept_20-8780_FSH3[76054].pdf

PRIVACY DECLARATION

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company /

Organization:

Contact Name:

Contact Address:

Contact Phone:

Contact Email:

Bayshore Planning Services Inc

Sharon Horsburgh

6499 Genoa Bay Rd, Duncan, BC V9L 5Y3

250-710-0238

sharon@bayshoreplanning.com

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

OTHER INFORMATION

Is there any other information you would like us to know?

The application Fee is for Commercial General.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Crown Land Tenure Application Fee	\$250.00	GST @ 5%: \$12.50	\$262.50	\$-262.50

OFFICE

Office to submit application to:

Nanaimo

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC?

No

APPLICANT SIGNATURE

Applicant Signature

Date

OFFICE USE ONLY

Office Nanaimo	File Number 1403826	Project Number
	Disposition ID	Client Number

Management Plan

Please describe the details of your project to the extent known. Consult the guidance document for further information on regulatory requirements, rational for why the information is required, and how to find required information.

The scope and the timing for response will be provided. If information is requested and not received, it may result in the disallowance of the application.

Information on these topics may be required as part of the application processing and if further detail is necessary that is not part of the application and management plan received, you will be contacted and requested to provide additional information. In some circumstances, the use of a qualified professional to complete the plan may be required.

If you need more space in any section please attach additional detail to this document and reference the pertinent section.

1.0 Background

1.1 Project Overview

Describe the intended use for which authorization is requested, including construction and/or phased development details:

We are requesting the transfer of the expired water lot lease 101846/File No. 1403826 to the new owners. Based on the configuration of the upland property, along with the presence of cabins within the tenured area, we are requesting a "commercial lease" for the wharf structure.

The proposed wharf structure is consistent with the commercial zoning and permitted uses on the upland property:

- 1) The property is Zoned Commercial Four (C-4) and permits a hotel on the 5 acre parcel. The C-4 Zoning also allows a guest house and B&B. The cabins and driveway access to the cabins are built on fill that is within the tenured area. The cabins were rented to long term tenants and are now being renovated as they require maintenance work.
- 2) There are two other privately owned residential properties that share the upland easement and this provides the connection point to the wharf

1.2 Investigative Work

If any preliminary investigative work has been carried out, with or without an investigative authorization, provide details on work completed, incomplete or on-going from previous term. Please provide comments on any archaeological work, new technology or any First Nations agreements undertaken.



Activity	Brief Description of Activity	Status (e.g. Complete, incomplete, ongoing)	Comments / Milestones
Zoning Bylaw confirmation	Confirmed the proposed dock meets zoning requirements with the Cowichan Valley Regional District.	Complete	Met with Cowichan Tribes onsite to discuss project.
Archaeological review	Discussion with Cowichan Tribes.	Complete	
Marine Habitat Assessment (MHA) and Pile Removal Plan	QEP - MHA	Complete	
Construction Site Visit	Preamble to construction	Complete	

1.3 First Nations Consultation

Describe any contact you may have had, including the name of the First Nation(s) and representatives contacted including a description of any discussion of potential adverse effects from the proposed activity and any discussed mitigation measures.

2.0 Location

2.1 Description



Provide a general description of the location of the project. Include activities such as traffic patterns and volume; parking; drilling and sampling etc.

The wharf is located on private lands at 4625 Lanes Road Cowichan Bay. The property is accessed via Lanes Road. There is ample parking located on the upland property and cleared access is available at the proposed wharf location.

The Foreshore Plan of Amended Lot 1 (DD 1731561) Section 4&5, Range 6 Plan 4204 and District Lot 521 are within Cowichan District. This application is for a replacement wharf for commercial lease. The approach to the wharf will be from the driveway at the top of bank. The driveway is on private property and located away from public access roads.

The remains of the existing wharf consists of wooden pilings will be removed as per the pile removal plan. All works around water will be monitored by a qualified environmental professional. Work will be done to meet the requirements outlined by the Department of Fisheries and Oceans in their Letter of Advice and works will be timed with the fisheries window.

Proposed construction material for the new wharf is that of non-combustible material.

2.2 Location Justification

Provide your reasons/justification of the need for this type of project at this location. For example, is the activity close to a main highway for truck access purposes; or adjacent to other examples of this use - ie. is the proposed marina close to an existing marina



This moorage will be for the enjoyment of the property owners and guests of the upland residences and cabins. The wharf access will be made available to those that share the easement. The neighbouring property and Cherry Point Marina has been associated with providing recreational boaters with Marine access for generations. This area continues to be a place where access to safe and secure marinas is in short supply.

2.3 Seasonal Expectations of Use

When will the Project require use of the land? Include information on key works during construction phases as well as operations phase and indicate seasons or full year activities. Please reference [reduced risk fish windows](#) as required by DFO:



Project Phase (Construction / Operations)	Brief Description of Activity / Works	Season
Construction Phase- Design drawings have been prepared and reviewed for the for construction purposes. All construction will be accomplished in one week by a professional marine construction company. Operations- Access available from up land property for moorage of small recreational vessels.	Construction- All work will be performed from a crane barge on the water. The ramp and walkway will be engineered off site and delivered to the site by barge for installation. Operations- Moorage for small recreational vessels	As per DFO timing window Construction phase Operation Phase- Year round

3.0 Infrastructure and Improvements

3.1 Facilities and Infrastructure

Detail any new and existing facilities, infrastructure or processes proposed and any ancillary uses. Provide details of planned construction methods and materials, and construction scheduling.

Facility/Infrastructure/Process	Construction Methods/Materials	Construction Schedule
Dock construction Removal of existing wood pilings and remnants of the original abutment and wharf.	SEE UPDATED MEMO (3.1 Construction Meth_Mat_20220809)	As per DFO timing window once Crown Lands renews and is transferred to the owners of 4625 Lanes Road, Cowichan Bay.

3.2 Access

Identify existing and proposed roads used for access and their use by season. Include any proposed connections that require either a Ministry of Transportation and Infrastructure permit for connection or use of a Forest Service Road and what type of FS road and types of vehicles expected. Include information on any road use agreements and include the volume of traffic during construction/operation and phase or season that the traffic is expected.



Roadway/Proposed Connection	Existing/Proposed	Existing Road Classification	Road Permittee Information and Road Use Agreements	Traffic Volume		Mitigation of Traffic Effects
				Construction Phase	Operations Phase	
Access to project Site via ocean waterfront area- by barge	Existing	N/A	N/A	N/A	N/A	N/A

3.3 Utility Requirements and Sources

Describe utility requirements and sources, include agreements in place or underway allowing access to utilities. Utilities include power generation, electrical or gas transmission or distribution lines, telecommunications.



The upland property has the following utilities: BC Hydro, Cable, and well water. These utilities are not required within the project area for construction phases but use of electrical may be connected for lighting at connection area and wharf during the operation phase.

3.4 Water Supply

Identify water requirements for construction and operation phases (e.g. surface water and/or groundwater), including sources, location, volume and a general description of infrastructure planned to meet water supply requirements, include any agreements outside of Water Act Authorizations, such as Municipal water supply.

Project Phase Construction/ Operation	Water Requirement (e.g. Surface water or ground water, etc)	Source/location	Volume	Infrastructure Description	Agreements
All	Not required	N/A	N/A	N/A	N/A



3.5 Waste Collection Treatment and Disposal

Identify any waste disposal (note septic system required), sewage, sanitation facilities and refuse disposal proposed. Include agreements in place or underway such as Health Regional Board Sewage Disposal Permits etc.

Project Phase (Construction/ Operation)	Is there a water requirement (e.g. Surface water or ground water, etc)	Discharge distance to closest body of water (well, lake, etc.)	Volume of daily discharge	Infrastructure Description	Existing Agreements
All	Not required	None	None	N/A	None

3.6 FireSmart

Identify any proposed actions to incorporate FireSmart best practices in the tenure area. For more information visit www.FireSmartBC.ca



The wharf is located on private lands at 4625 Lanes Road Cowichan Bay. The property is accessed via Lanes Road. There is ample parking located on the upland property and cleared access is available at the proposed wharf location.

4.0 Environmental

Describe any significant impacts and proposed mitigation for the following environmental classes:

4.1 Land Impacts

4.1.1 Vegetation Removal

Is any timber removal required?

☐ Yes ☒ No

Are any areas of vegetation to be cleared, outside of timber removal?

☐ Yes ☒ No

4.1.2 Soil Disturbance

Will there be any areas of soil disturbance, including clearing, grubbing, excavation and levelling?

☐ Yes ☒ No

Is the area to be excavated a Brownfield site or has the potential to be contaminated?

☐ Yes ☒ No

Is there potential for disturbance of archaeological, paleontological fossils or historical artifacts?

☐ Yes ☒ No

4.1.3 Riparian Encroachment



Will any works be completed within or adjacent to the riparian zone of any water body? If your project is within 30 meters of a watercourse and you intend to: disturb soil, remove plants, construct, install works for flood protection, develop drainage systems or service sewer or water systems the Riparian Areas Regulation may affect your development.

☐ Yes ☒ No

4.1.4 Pesticides and Herbicides

Will there be any use of pesticides or herbicides during construction, operations and/or maintenance?

☐ Yes ☒ No

4.1.5 Visual Impacts

Will there be any adverse effects of the projects, and any potential adverse effects on sight lines to the project area from surrounding areas likely to be used for scenic viewing by residents or other users?

☐ Yes ☒ No

4.1.6 Archaeological Sites

Are there any known or high potential (Arch Procedure) archaeological sites within the project area?

Have you conducted an AIA or engaged an archaeologist to assist with your investigations?

4.1.7 Construction Methods and Materials

Identify the types of construction materials, the methods used, their impacts, and any mitigations:

Construction Material/Method	Impacts	Mitigations
Aluminum 6061T-6	Inert to the environment	None
Hot dipped Galvanized chain	Inert to the environment	None
Steel Piles	Iron Corrosion preventable	Protected by zincs
Concrete float	Inert to the environment	Manufactured off site.

4.2 Atmospheric Impacts

4.2.1 Sound, Odour, Gas or Fuel Emissions

Will the project construction or operation cause any of the following to disturb wildlife or nearby residents:

Sound? ☐ Yes ☒ No

Odour? ☐ Yes ☒ No

Gas? ☐ Yes ☒ No

Fuel Emissions? ☐ Yes ☒ No

4.3 Aquatic Lands

4.3.1 Drainage Effects

Will the project result in changes to land drainage?

☐ Yes ☒ No

4.3.2 Public Access

Will the project result in changes to public access?

☐ Yes ☒ No

4.3.3 Flood Potential

Will the project result in a potential for flooding?

☐ Yes ☒ No

4.4 Fish and Wildlife Habitat

4.4.1 Disturbance to Fish/Wildlife and Fish/Wildlife Habitat

Will the project result in adverse effects to wildlife or wildlife habitat?

[\(BC Wildlife Act\)](#)

☐ Yes ☒ No

Will the project (construction or operations phase) occur in and around streams, lakes, estuarine or marine environments?

☒ Yes ☐ No

Is the project (construction or operations phase) likely to increase erosion or sedimentation?

☐ Yes ☒ No

Will the project (construction or operations phase) require water diversion?

☐ Yes ☒ No

Will the project threaten or endanger species at risk in the area?

[Species At Risk Act](#)

☐ Yes ☒ No

5.0 Socio-Community

5.1 Land Use

Describe the current community setting or any locally known use areas on or near the project area.

Cherry Point is an area is know for its Marine facilities and is located close to Cowichan Bay. There is a shortage of secure moorage facilities in the Cowichan Valley area. The upland owners and the neighbouring property currently have numerous boats and the proposed wharf can be used by the owners of properties on the 4525 Lanes Road easement and visiting guests of the cabins.

The owners have numerous vessels, one of which is a 30 ft Zodiac (similar style to the Coast Guard) which have been used in the past to respond to boats in distress. The location of the proposed wharf will provide additional security to the neighbourhood and safe moorage for visitors. The wharf is well situated to assist with monitoring abandon boats that tend to slip their mooring buoys in the Cowichan Bay area. Safe and secure moorage is in very short supply in Cowichan Valley and the neighbours have all responded very favourably to the proposed improvements of the new wharf.

5.1.1 Land Management Plans and Regional Growth Strategies

Are there any land and resource management plans, coastal plans, provincial, regional growth strategies or local government plans with zoning, or management policies or use restrictions in place that could limit or preclude your proposed use of the land? (Please refer to the [Union of BC Municipalities \(UBCM\)](#), and check the websites of the municipality, regional district or other organization with jurisdiction including your project area.)

☐ Yes ☒ No

5.2 Socio-Community Conditions

5.2.1 Adjacent Users or Communities

Is the project likely to restrict public access, or the ability, or the ability of adjacent land owners or tenure holder to access their property or tenures?

☐ Yes ☒ No

5.2.2 Existing Services

Provide a description any increased demand on fire protection and other health facilities and emergency services arising from your Project, including proposed management or mitigation measures.



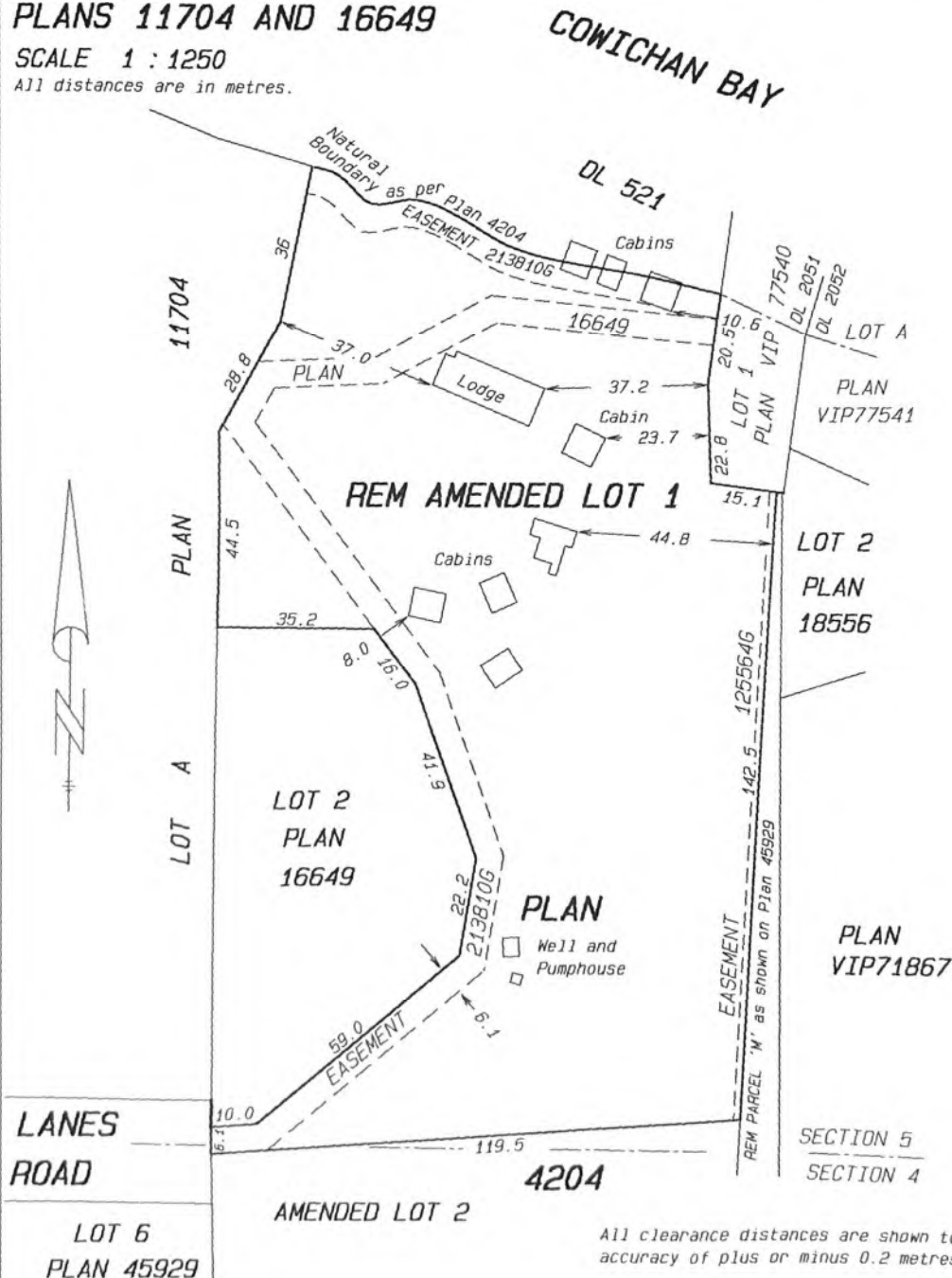
There shall be no increased demand for fire protection or other health services.

**B.C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION FOR
AMENDED LOT 1 (DD 173156I),
SECTIONS 4 AND 5, RANGE 6,
COWICHAN DISTRICT, PLAN 4204,
EXCEPT THOSE PARTS IN
PLANS 11704 AND 16649**

SCALE 1 : 1250

All distances are in metres.

Note: Amd Lot 1 lies within the C.V.R.D.
Area D and is Zoned C-4.
Bylaw setback requirements are as follows:
Buildings and Structures
Front 7.5 m
Side 6.0 m
Rear 6.0 m
High water mark of the Sea 15.0 m



All clearance distances are shown to an accuracy of plus or minus 0.2 metres.

The purpose of this plan is for the protection of the mortgagee only and not for the re-establishment of property boundaries.

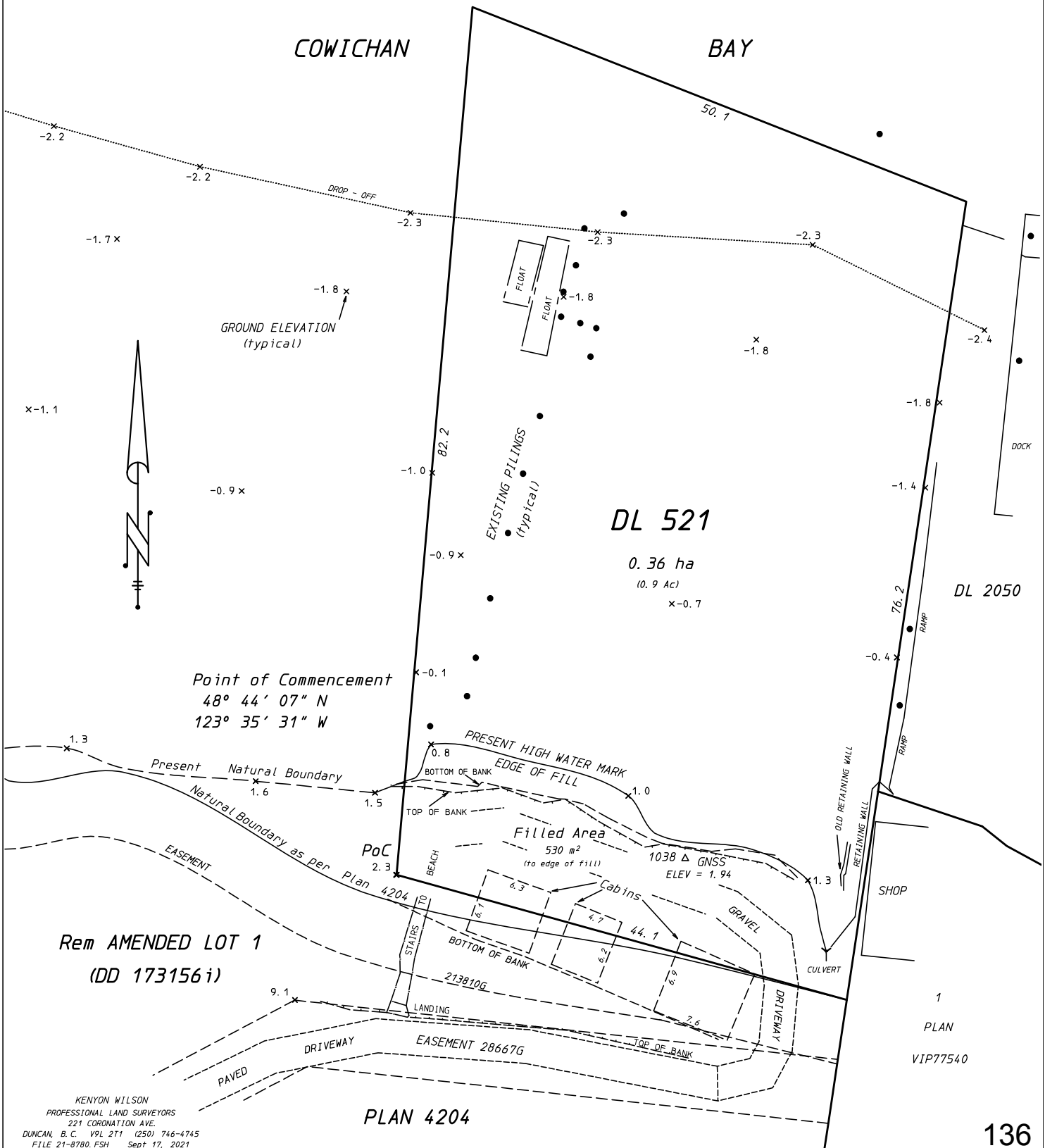
This is to certify that the location of the structures shown on the above lot, with respect to the boundaries, is correct this 21st day of April, 2005.

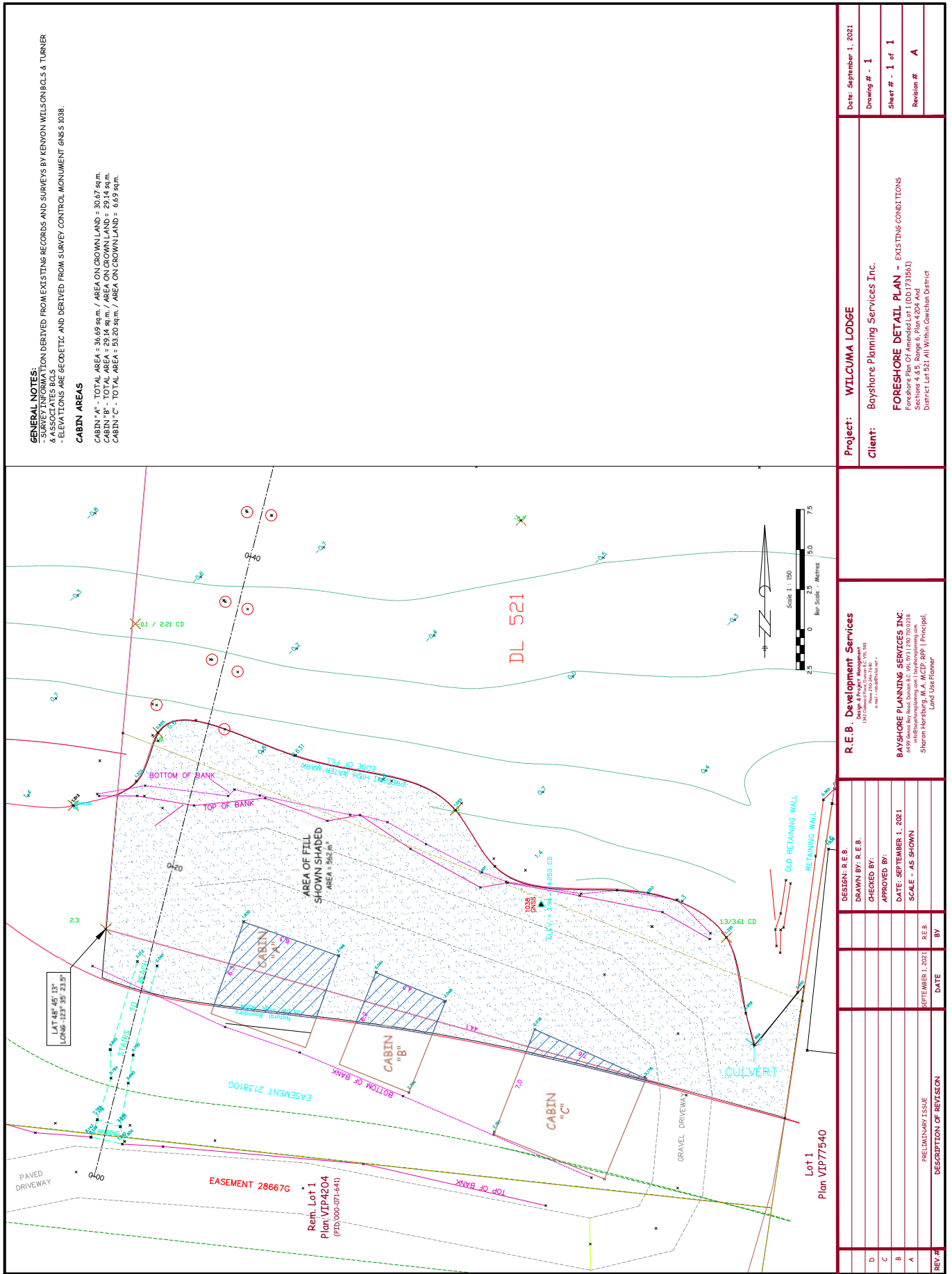
KENYON WILSON
PROFESSIONAL LAND SURVEYORS
#221 CORONATION AVENUE
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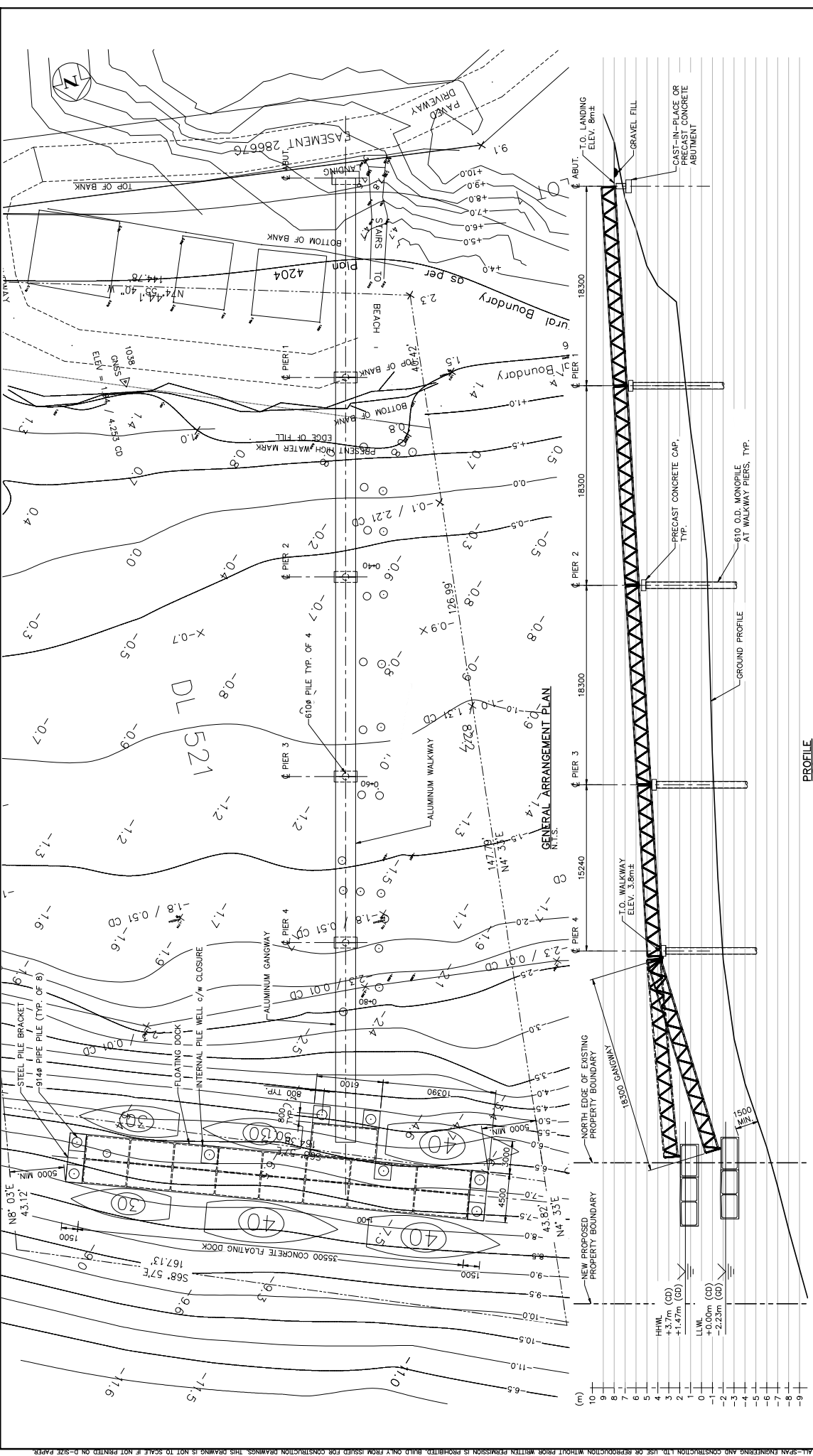
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THIS DOCUMENT IS NOT VALID UNLESS
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THE FORSHORE OF AMENDED LOT 1 (DD 173156I),
SECTIONS 4 AND 5, RANGE 6, PLAN 4204,
AND DISTRICT LOT 521,
ALL OF COWICHAN DISTRICT.

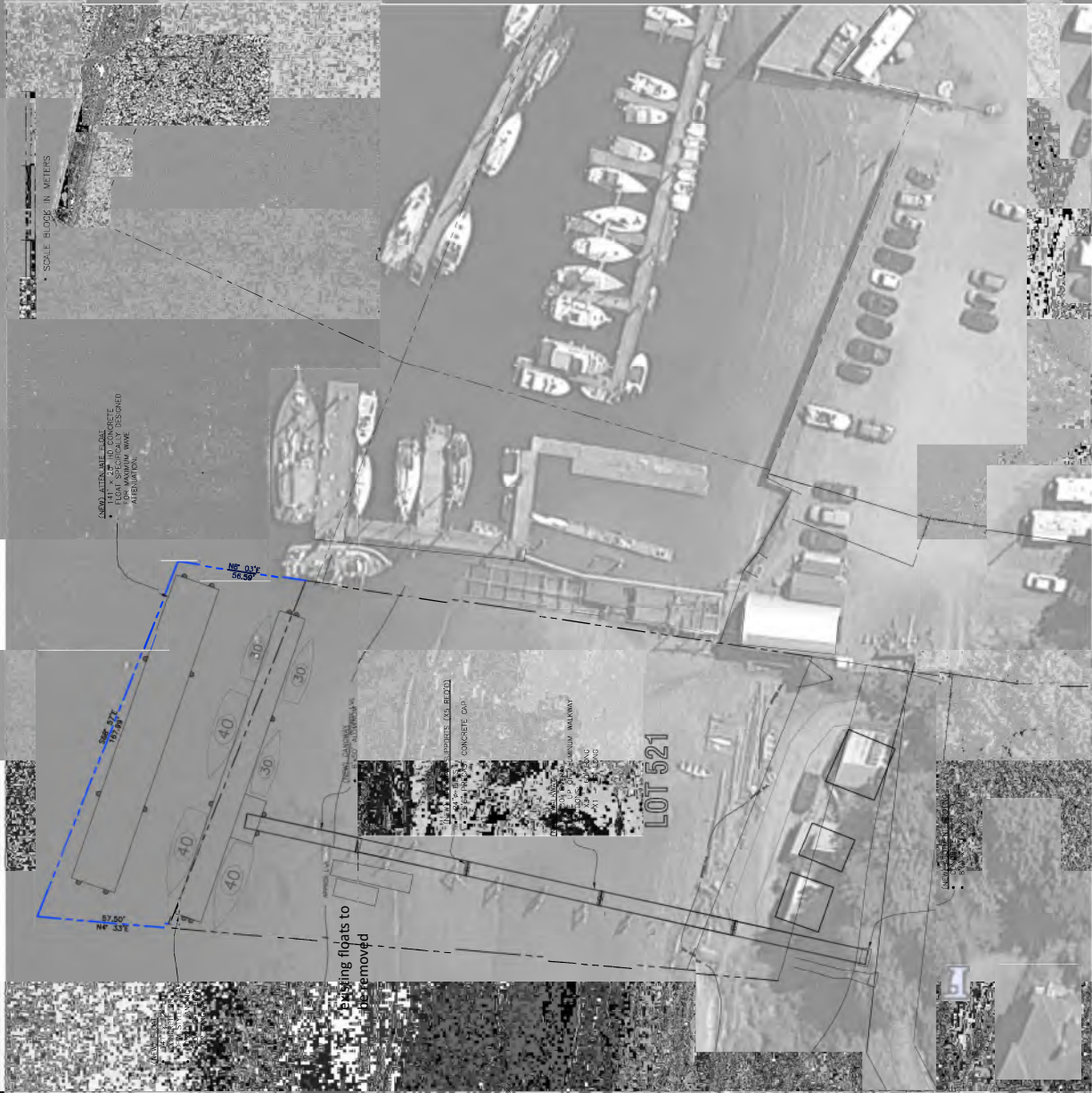
ALL DISTANCES AND ELEVATIONS ARE IN METRES.
ELEVATIONS ARE GEODETIC REFERRING TO GNSS STATION 1038.







PERMIT TO PRACTICE PERMIT NUMBER: 502275 Expiry Date: September 30th, 2025 ALL-SPAN ENGINEERING & CONSTRUCTION LTD. #201 – 7199 VANTAGE WAY DELTA, B.C. CANADA V4G 1K7 E-mail: all-span@allspan.net PHONE: (604) 940-2212 FAX: (604) 940-1516		CLIENT		H					DATE	02/02/22
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THE INFORMATION AND DETAILS ON THIS DRAWING MUST
BE CHECKED AND APPROVED BY AN ENGINEER OR OTHER
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THESE DRAWINGS ARE PRELIMINARY.

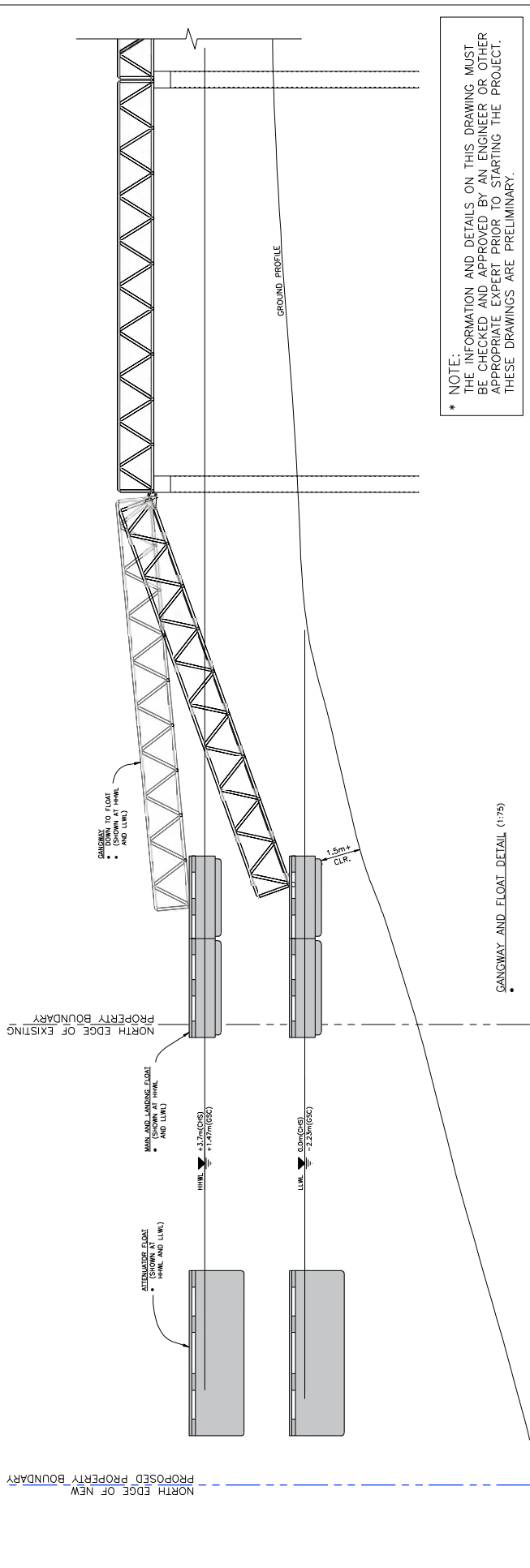
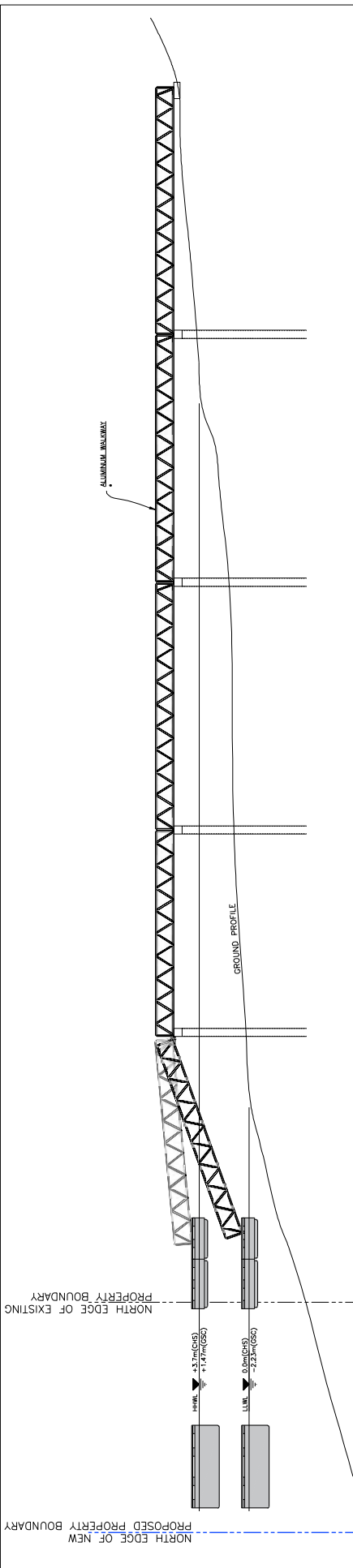
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WILCUMA LODGE	
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InterTidal Design	
Saltspring Island B.C. Telephone: (250) 592-7551 Website: www.intertiddesign.ca	
DESIGN BY: KRISTIN TUTTLE	DESIGN BY:
DATE: 10-MAR-2021	CHECKED BY:
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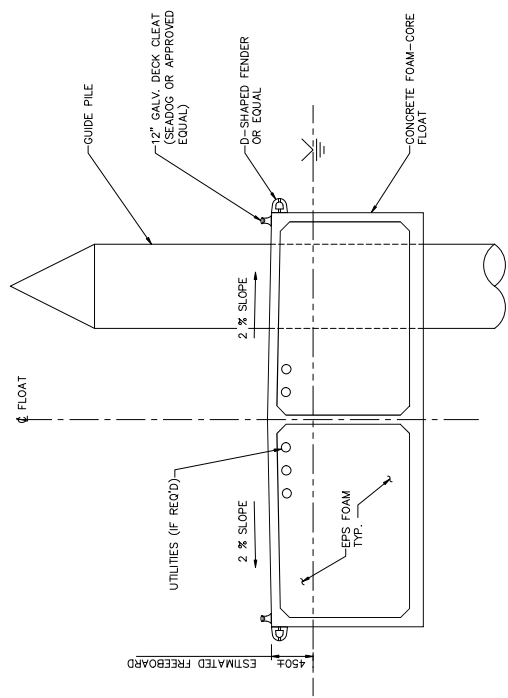
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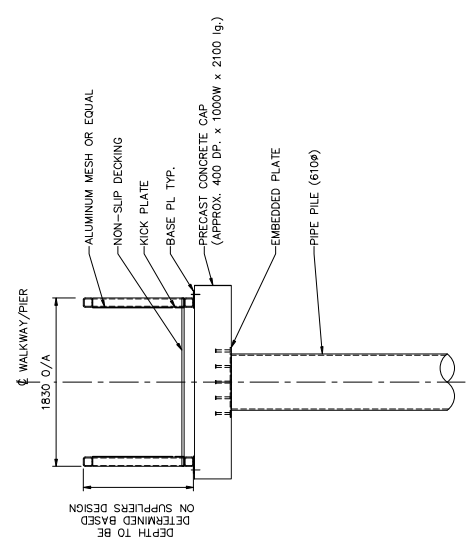


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THESE DRAWINGS ARE PRELIMINARY.

InterTidal Design Sailingport Island B.C. Telephone: (250) 536-7551 Website: www.intertidaldesign.ca		DRAWN BY: KRISTIN TUTTLE DATE: 10-MAR-2021 FILE NO.: AS SHOWN		BAY SHORE PLANNING SERVICES INC. WILCUMA LODGE	
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TYPICAL FLOAT SECTION
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TYPICAL SECTION AT PIER
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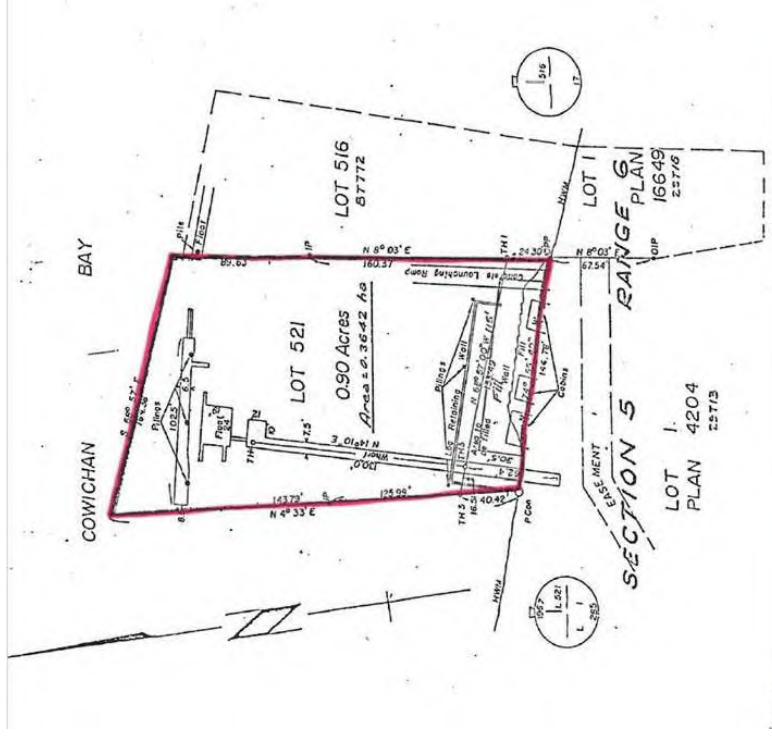
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ALL-SPAN
ENGINEERING & CONSTRUCTION LTD.

#201 - 7199 VANTAGE WAY
DELTA, B.C. CANADA V4G 1K7
E-mail: all-span@all-span.bc.ca
PHONE: (604) 940-2212 FAX: (604) 940-1516

PERMIT TOPRACTICE
PERMIT NUMBER: 000273
ISSUED FOR MGFUNRO PERMIT APPL. ONLY

FILE No. 140386 | Attachment 3: Photos



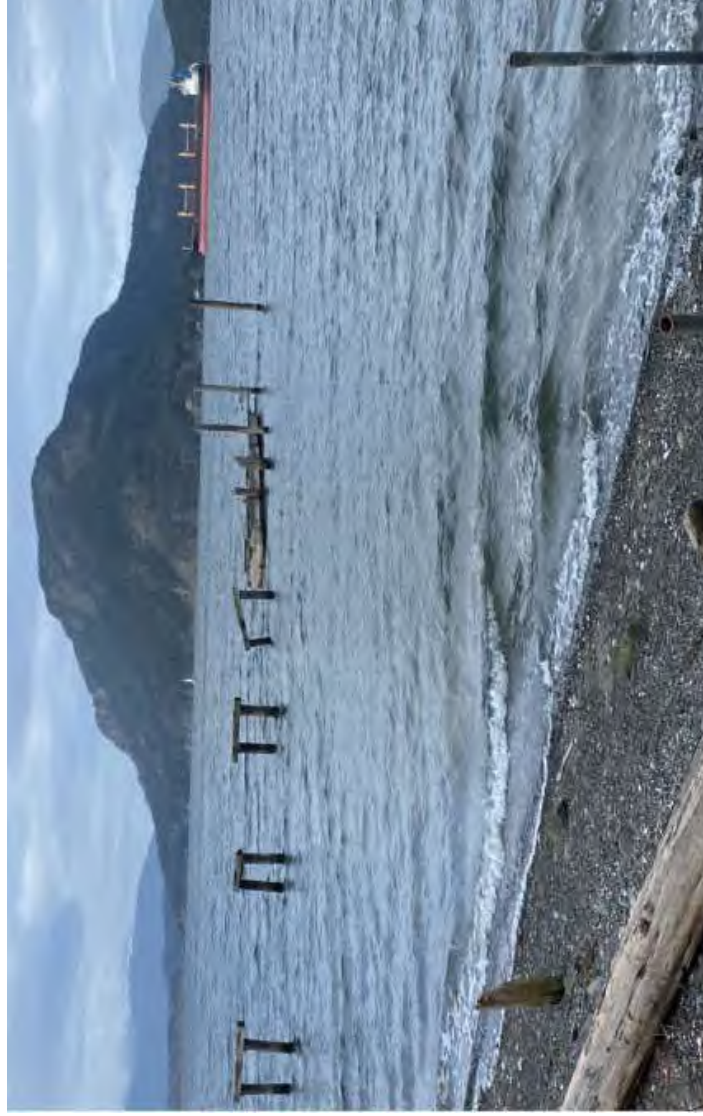
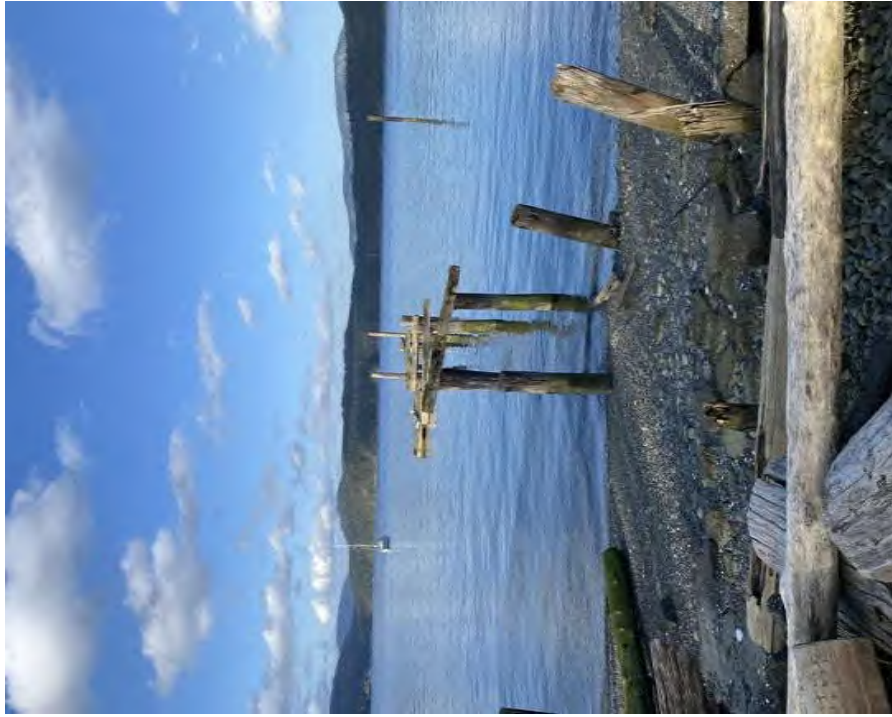
GOSSIP ISLAND
REPLACEMENT DOCK EXAMPLE

LEASE AREA WITH PROPOSED DOCK

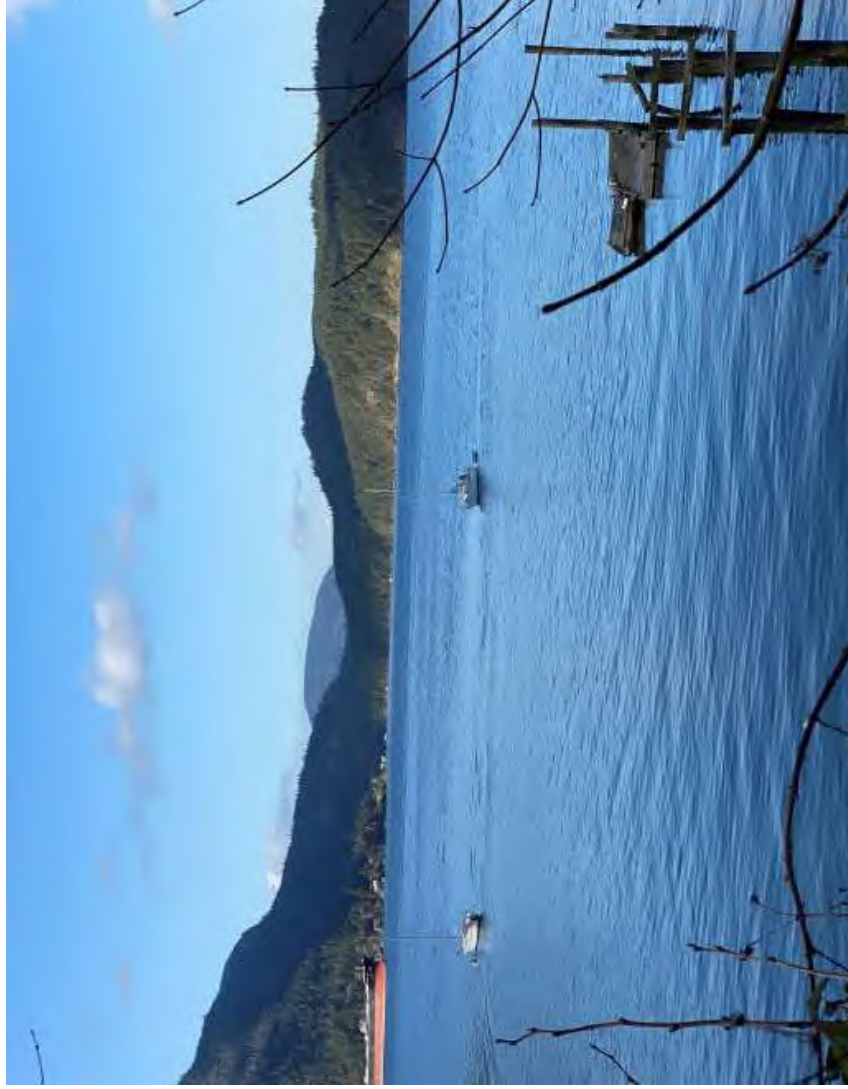
Remaining Wharf & Float Structure



Existing Pilings



Sail boats moored off the Dock



Beach property



Boat Houses











Sharon Horsburgh, MCIP RPP
Bayshore Planning Services Inc.
250-710-0238
sharon@bayshoreplanning.com
<https://bayshoreplanning.com>

August 26, 2022

P.J. Reid, Authorizations Officer
Crown Land Authorizations
Ministry of Forests
West Coast Natural Resource Region
142 – 2080 Labieux Rd, Nanaimo BC, V9T 6J9

Dear PJ:

RE: MANAGEMENT PLAN: SECTION 3 – INFRASTRUCTURE AND IMPROVEMENTS

3.1 FACILITIES AND INFRASTRUCTURE | CONSTRUCTION MATERIALS AND METHODS

The construction materials and methods are based on the Engineered Design Drawings produced by All Span Engineering on February 4th 2022. The following works to replace the existing structure will be done in accordance with DFO letter of advice and will use building materials that meet best management practises for construction of the wharf structure and float system.

Structures will be designed in accordance with the following codes and standards, latest editions of the following:

- National Building Code of Canada
- Structural Commentaries User's Guide - NBC 2012 Part 4 Of Division B
- British Columbia Building Code
- Limit States Design of Steel Structures CSA S16
- Design of Concrete Structures CSA A23.3
- Canadian Foundation Manual, 4th Ed.

3.2 UPLAND CONNECTION POINT:

Please see [AllSpan Design Drawings](#): (i) The wharf/walkway will be connected to the upland property formed above the present natural boundary on private property where there is an existing concrete landing (abutment) located at 48°73'567.45"N 123°59'188.51. At this location existing concrete stairs lead to the beach and this will be modified to so the wharf can be incorporated into the existing concrete/rock landing. The abutment will be reinforced by installing steel rebar and will be epoxy grouted in place to provide the connection point to the wharf. The concrete abutment/foundation will be approximately 8'(L) x 3' (w) x 1.5' deep. This wharf structure will align with the existing concrete stairs to provide easy access to the float for Wilcuma residents and guests.

3.3 ALUMINUM WALKWAY AND GANGWAY:

The walkway and gangway structures will be fabricated from aluminum tube sections, design of these structures will be completed by the fabricator's design engineer and will be part of the supply package. The aluminum walkway will connect to the wharf abutment at the top of bank.

Dimensions:

- (i) Walkway: 70m L x 1.83m W = (128.1m²). Will connect to a hinged gangway/ramp.
 - (ii) Gangway/Ramp: 18.30 m L x 1.83m W = (33.49m²). The gangway connects to a landing float.
 - (iii) Landing Float: 6.1 m L x 3m W = (18.1m²). Will connect to the concrete float.
 - (iv) Concrete Float: 35.5 m x 4.5 m. = (159.75m²)
- Total Sq.M=339.44 m²**

Source: All Span design Drawings Feb 4th 2022.

Design Considerations:

- (i) Gangway supports shall be designed by the supplier's engineer to support the specified design loads.
- (ii) Aluminum gangway and walkway spans shall be designed by supplier's engineer in accordance with CSA S157.
- (iii) Aluminum welding shall conform to CSA W59.2. qualifications of fabricators shall conform to CSA DIV. 1 OR 2.
- (iv) Welding shall conform to CSA W59 and shall be performed by certified welders.

3.4 STEEL PIPE PILES

Single steel piles with concrete caps will be used to support the walkway and to anchor the floats. The piles will be reinforced and shall conform to CSA G30.18M, Grade 400R. Pipe piles shall conform to ASTM A252, Grade 3. Minimum yield strength = 310 MPA. Structural steel shall conform to CSA G40.20/G40.21M. Rolled shapes and plate = 350W.

3.5 ANCHOR BOLTS

Anchor bolts shall conform to ASTM A307 U.N.O. bolts shall be galvanized in accordance with ASTM A153.

3.6 FLOATS

The floats will be made from concrete and will be assembled locally at Pacific Industrial Marine's facility in Cowichan Bay. The floatation system will be made from heavy duty HPDE with Styrofoam sealed billets.

3.7 DECKING

The walkway decking will be wood.

3.8 CONSTRUCTION METHODS

The new wharf will follow Best Management practices. The existing alignment and the structure has been designed to meet DFOs guidelines and the letter of advise attached in this application will be followed. As such, the water lot has been slightly extended to achieve the current depths as specified by DFO for the float. All materials used in construction will be inert to the environment.

The proposed design has taken into consideration wind and wave parameters as outlined in the general notes by All Span Engineering Design Drawings Sealed by a Professional Engineer.

The floating dock has been designed to have sufficient strength to resist the applied environmental loads including wind, waves, current, snow and vessel impact specified on the drawings.

The construction company is local and uses materials which reduce the impact on the marine environment to the greatest degree possible. All materials will arrive by barge and will be installed with a barge and crane. Repositioning the barge will be kept as efficient as possible to minimize impact throughout the construction process.

All best management practices will be followed as required and the construction project has been designed to avoid the small area of eel grass located next to the neighbouring marina. Pile driving to install the piles for the project will avoid the herring spawning season. In accordance with DFO work is proposed to occur during the least risk window that is identified as such: Complete pile removal and installation works within the least risk timing window for Area 18 – Cowichan will be the Winter window: December 1 – February 15). Due to the proximity of the site to the Cowichan Estuary there is no summer window, therefore construction will be scheduled for the winter as this presents the least risk timing window.

3.9 CONCRETE

It is not anticipated that concrete pouring will be carried out in the intertidal zone.

A small concrete abutment is proposed to be poured in place on the upland property for the walkway above the present natural boundary above the high high-water mark (HHWM). The floating docks are to be concrete and will be assembled off-site and transported with a barge.

Based on the existing structure it is unlikely that any rock will be encountered, and we are reducing the number of pilings required as we are using aluminum walkways versus wooden walkways. If any of the piling locations encounter rock, we may elect to drill the pilings. Pile placement will be reassessed or drilling operations would deploy a down hole hammer drill with the piling acting as the drill casing, and sediment controlled using a cyclonic separation. Turbidity will be minimized through this process and monitored for acceptable levels.

All equipment is regularly maintained and free of oil leaks, Clarity hydraulic oil is used in all equipment and is inherently biodegradable.

3.10 REMOVAL OF EXISTING PILINGS

All existing treated wooden pilings will be removed as per DFO guidelines and in accordance with the management plan prepared by a biologist. will be onsite to monitor the work and the will safely be disposed in a licensed disposal facility.

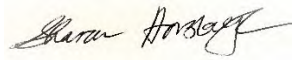
3.11 ENVIRONMENTAL IMPACT ANALYSIS

A Marine Habitat Assessment and an addendum has been prepared and the proposed dock construction should be manageable with standard construction mitigation measures. No changes to fish habitat are expected that would impair the habitat's capacity to support the life processes of fish. In accordance with DFO's letter of advice we have engaged a Registered Biologist to undertake environmental monitoring and Cowichan Tribes Beach Monitoring Team have been invited to work alongside our QEP.

Eel Grass – there is an area in the SE corner of the water lot that has a small patch of eel grass. This area will be marked with floatation markers so crews will be made aware to avoid the area. There is no hard armouring planned for the shoreline to control erosion.

For more information, please contact Sharon Horsburgh: sharon@bayshoreplanning.com.

Best regards,



Sharon Horsburgh, M.A. RPP MCIP
Principal, community Land Use Planner
Bayshore Planning Services Inc.



Fisheries and Oceans
Canada

Pacific Region
Ecosystem Management Branch
3190 Hammond Bay Road
Nanaimo, BC
V9T 6N7

Pêches et Océans
Canada

Région du Pacifique
Direction de la gestion des écosystèmes
3190, rue Hammond Bay
Nanaimo, (C.-B.)
V9T 6N7

June 9, 2022

Our file Notre référence
22-HPAC-00233

Scott McIntosh, Karla Swan
4625 Lanes Road
Duncan, BC V0R 1N2

Via email: scott@mcintosh1.ca

Dear Scott McIntosh and Karla Swan,

Subject: Moorage Facility Construction, Cowichan Bay, Cowichan Bay – Implementation of Measures to Avoid and Mitigate the Potential for Prohibited Effects to Fish and Fish Habitat

The Fish and Fish Habitat Protection Program (the Program) of Fisheries and Oceans Canada (DFO) received your proposal on February 18, 2022. We understand that you propose to install a commercial dock for moorage of 4-6 vessels in Cowichan Bay. The project includes:

- Removal of derelict creosote timber piles from a previous dock on the site;
- Installation of four 610 mm diameter and eight 914 mm diameter steel piles **by vibratory hammer**;
- Installation of an approximately 89 m long elevated aluminum walkway from the shore to the moorage float; and
- Installation of a pre-cast concrete float (4.5 m × 45.7 m) at the end of the walkway and anchored to the steel piles.

Our review considered the following information:

- *Request for Review* form submitted by email on February 18, 2022;
- *Marine Habitat Assessment Addendum*, dated February 2, 2022, prepared by Aquaparian Environmental Consulting Ltd., submitted by email on February 18, 2022;
- *Design Drawings* dated February 3, 2022 and *Design Basis Memorandum* dated February 1, 2022, prepared by All-Span Engineering and Construction Ltd., submitted by email on February 18, 2022; and
- *Marine Habitat Assessment Report* dated March 18, 2021, prepared by Bayshore Planning Services Inc. and intertidal site photos provided by email on May 31, 2022.

Your proposal has been reviewed to determine whether it is likely to result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*; and
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*.

The aforementioned outcomes are prohibited unless authorized under their respective legislation and regulations.

We understand the following aquatic species listed under the *Species at Risk Act* may use the area in the vicinity of where your proposal is to be located:

- Killer Whale (Northeast Pacific Southern Resident Population) listed as Endangered;
- Killer Whale (Northeast Pacific Transient and Offshore Populations) listed as Threatened; and
- Yelloweye Rockfish (Pacific Ocean Inside Waters Population), Harbour Porpoise (Pacific Ocean Population), Humpback Whale (North Pacific Population), and Steller Sea Lion, all listed as Special Concern.

To avoid and mitigate the potential for prohibited effects to fish and fish habitat (as listed above), we recommend implementing the measures listed below:

- Conduct environmental monitoring, including water quality monitoring, during all project activities that may result in potential negative effects to fish and fish habitat.
- Complete pile removal and installation works within the least risk timing window for Area 18 – Cowichan (Summer window: July 1 – October 1; Winter window: December 1 – February 15). Due to the proximity of the site to the Cowichan Estuary (no summer window), the winter least risk timing window is preferred for construction.
- Conduct works during daylight hours and weather conditions that permit visual observations of fish and marine mammals.
- Minimise the duration of in-water works.
- Salvage motile invertebrate species in association with pile extraction and return to nearby waters.
- Ensure vessels are not operating in shallow water causing direct physical disturbance to the seabed/habitat from propeller scour.
- Water-based equipment used for pile removal and installation is not to ground upon the seabed except for the use of anchors or spuds needed to keep the equipment in place.
- Minimize movements/repositioning of the barge and subsequent spudding to minimize physical disturbance to the seabed. No spudding or anchoring is to occur within eelgrass beds.
- Direct pull and vibratory extraction are the preferred methods for pile extraction and contractors should be experienced in creosote pile removal. Piles should be removed slowly to minimize turbidity in the water column as well as sediment disturbance.

- Dispose of removed creosote piles so that deleterious substances do not enter the marine environment. Deploy containment booms around creosote piles prior to removal.
- Piles should not be dragged on the seabed following removal but rather lifted clear by machine.
- If piles are required to be cut and left in place, it is recommended that they are cut off below the mudline.
- Manage sediment that may be adhered to removed timber piles by disposing of the sediment in an appropriate location (e.g., at an upland facility approved to take the material) rather than depositing in fish habitat or in any area where it may re-enter fish-bearing waters.
- Develop and implement a debris management plan for pile removal to address debris (e.g., treated wood fragments, sawdust, cuttings, etc.) entering the marine environment.
- If there is a risk of harm to a marine mammal from direct contact, temporarily suspend construction until there is no longer a risk of harm from direct contact or the individual has not been sighted for 30 minutes.
- The following mitigation measures are applicable to pile installation by vibratory hammer only:
 - Establish a 500 m marine mammal exclusion zone around the project site prior to pile installation.
 - Monitor for marine mammals for at least 30 minutes prior to the start of pile installation by vibratory hammer. If a marine mammal enters the exclusion zone, temporarily suspend pile installation until the individual has left the exclusion zone or has not been sighted for 30 minutes.
- Use grated-decking dock components (or similar) wherever possible to minimize shading impacts.
- Develop and implement a site-specific debris management plan designed to avoid and mitigate the introduction of materials associated with dock installation.
- Avoid the use of expanded polystyrene (Styrofoam) floats for docks and other floating infrastructure unless the foam is encapsulated to prevent its release into the marine environment.
- Develop and implement a response plan to avoid a spill of deleterious substances.
- Ensure equipment is in good working condition, and free of leaks prior to conducting works in or near fish habitat.

Provided that you incorporate these measures into your plans, the Program is of the view that your proposal is not likely to result in the contravention of the above mentioned prohibitions and requirements.

Should your plans change or if you have omitted some information in your proposal, further review by the Program may be required. Consult our website (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>) or consult with a qualified environmental consultant to determine if further review may be necessary. It remains your responsibility to remain in compliance with the *Fisheries Act*, the *Species at Risk Act* and the *Aquatic Invasive Species Regulations*.

It is also your Duty to Notify DFO if you have caused, or are about to cause, the death of fish by means other than fishing and/or the harmful alteration, disruption or destruction of fish habitat. Such notifications should be directed to the DFO-Pacific Observe, Record and Report phone line at 1-800-465-4336 or by email at DFO.ORR-ONS.MPO@dfo-mpo.gc.ca.

Please notify the Program by email at Andrew.MacInnis@dfo-mpo.gc.ca at least 10 days before starting your project, ensuring your file number and appropriate on-site contact information is included. We recommend that a copy of this letter be kept on site while the work is in progress. It remains your responsibility to meet all other federal, provincial and municipal requirements that apply to your proposal.

Please note that the advice provided in this letter will remain valid for a period of one year from the date of issuance. If you plan to execute your proposal after the expiry of this letter, we recommend that you contact the Program to ensure that the advice remains up-to-date and accurate. Furthermore, the validity of the advice is also subject to there being no change in the relevant aquatic environment, including any legal protection orders or designations, during the one year period.

If you have any questions with the content of this letter, please contact the undersigned at our Nanaimo office by phone at 250-739-0429 or by email at Andrew.MacInnis@dfo-mpo.gc.ca. Please refer to the file number referenced above when corresponding with the Program.

Yours sincerely,



Andrew MacInnis
Senior Biologist
Fish and Fish Habitat Protection Program

c.c.: Sharon Horsburgh, Bayshore Planning Services Inc., sharon@bayshoreplanning.com



February 4, 2022

Scott McIntosh & Karla Swan
668599 BC Ltd
4625 Lanes Road, Cowichan Bay BC
V0R 1N2

C/O Sharon Horseburgh
Bayshore Planning Services Inc

Via Email: sharon@bayshoreplanning.com

**RE: MARINE HABITAT ASSESSMENT ADDENDUM
COMMERCIAL DOCK 4625 LANES ROAD COWICHAN BAY
WILCUMA LODGE PROPERTY**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by Bayshore Planning Services Inc. to complete an addendum to a Marine Habitat Assessment for the proposed reconstruction of a commercial dock fronting 4625 Lanes Road, located in the Cherry Point area of Electoral Area D within the Cowichan Valley Regional District (CVRD). The property is a historic development known as Wilcuma Lodge resort and the old dock located on the west boundary of the surveyed water lot is gone with only the derelict piles remaining. The project will include removal of the old rotted piles and replacement with a new dock. The new dock will accommodate approximately 6 vessels 9m – 12m in length.

Aquaparian is familiar with the property after having completed a Riparian Areas Protection Regulation (RAPR) assessment in 2017 for the previous owners of the property. Aquaparian reviewed a recent Marine Habitat Assessment (MHA) of the proposed new dock alignment completed by Christine Brophy RBTech and Robert Crandall ASCT dated March 18, 2021 which documented the marine habitat conditions within the project site and reviewed the preliminary dock design and alignment. As understood, a new BC Crown Lease for the water lot is required as the old dock has been gone for a long time and because the lease boundary needs a slight adjustment. The preliminary dock design has also been revised recently to reduce the footprint by replacing a separate wave attenuator with a strengthened terminal dock secured by piles. The terminal dock will have sufficient strength to resist forces from wind, current and waves, eliminating the need for a separate wave attenuator for protection. The revised dock detailed design site plans have been provided by All-Span Engineering & Construction Ltd. and are included with this addendum letter as Appendix A.

This addendum letter is intended to reflect the dock design changes and associated impacts as well as to provide a Construction Environmental Management Plan (CEMP) to mitigate risks associated with pile removal, pile installation and concrete pouring near the shoreline. The CEMP has been included with this report as Appendix B.

2.0 PROJECT DESCRIPTION

The proposed dock reconstruction is roughly within the same alignment as the old dock and will include removal of derelict piles and construction of a new commercial-type moorage comprised of a walkway, gangway and floating dock. As understood from drawings and information provided by All-Span Engineering & Construction at the time of writing this Addendum, the proposed dock system will have the following components:

1. Elevated aluminum walkway supported by four 24" diameter steel piles. The walkway is 1.8m wide and 70m long and will be secured to the shore by a small concrete abutment.
2. Hinged aluminum gangway that is 1.8m wide and 18.3m long; and,
3. A concrete foam-core floating dock measuring 4.5m wide and 45.7m long. The dock will be assembled from 2 or 3 sections and will include a 3m X 6m integral landing float segment to attach to the gangway. The site plan identifies that the float will be secured by eight 24" steel piles.

The dock components are expected to be pre-fabricated and brought to the site. As understood, detailed design of the floating dock, walkway piers and abutment will commence after permits are granted.

Piles are expected to be driven into the sea bed using a vibro hammer suspended from a crane on a barge at a high tide. The MHA documented soft sand shoal and mudflat sea floor, so a vibro hammer is expected to be sufficient to complete the pile installations; however, if hard substrate is encountered below the sand/mud, use of an impact hammer may be required to bring the piles to refusal depth. The small concrete abutment is expected to be poured in place above the shoreline and attached to the walkway.

Preceding dock installation, approximately twenty-eight 12"-24" diameter derelict wooden piles treated with creosote will be removed. Piles are expected to be pulled out of the substrate using a crane on a barge at a high tide, if possible. If piles break, they will be cut at the mud line at a

low tide or using divers. Creosote treated wood waste will be removed from the site and disposed of at an appropriate licensed upland facility.

3.0 IMPACT ASSESSMENT

The proposed dock construction is expected to result in temporary and short term impacts to fish habitat during installation of the walkway, gangway, dock float and piles, while permanent impacts include a minor loss of seabed habitat for the footprint of the piles and some degree of shading to the marine floor from dock components, particularly the concrete float.

Though installation of twelve new piles will result in 3.48m² of permanent loss of benthic sand/mud habitat, removal of an estimated 28 derelict creosote-treated 12-24" wooden piles will have a positive impact on benthic fish and marine invertebrate habitat by removing a source of contamination to sea floor sediments resulting in an increase of benthic habitat over time. The MHA identified that benthic habitat within the study area was observed to support an abundance of the following shellfish species: butter clam (*Saxidomus gigantea*), Nuttall's cockle (*Clinocardium nuttallii*), Pacific oyster (*Crassostrea gigas*) and Pacific geoduck (*Panopea abrupta*). Review of the underwater photographs included in the MHA determined that a bivalve siphon identified as a geoduck is actually a horse clam (*Tresus capax*) siphon. However, it is expected that this site provides suitable habitat for geoduck as well. A review of the DFO Shellfish Harvesting online map for Subarea 18-8 identifies that harvesting is closed for "all bivalve shellfish including butter clams, geoduck clams, horse clams, littleneck clams, manila clams, cockles, razor clams, softshell clams, varnish clams, mussels, oysters, pink scallops, scallops, spiny scallops." The DFO Shellfish Harvesting map is included with this report as Figure 1.

From past dock projects, Aquaparian has observed that new piles are rapidly re-colonized by algae and sessile invertebrates within the first year following installation. In the MHA, a small patch of eelgrass was identified. The piles can be placed to avoid impacts to the eelgrass. This may include identifying the location of the eelgrass at low tide and marking it with a float prior to pile placement works.

The proposed walkway, gangway and floating dock are expected to have a surface area of approximately 126m², 33m² and 206m², respectively for a total area of 365m². The aluminum walkway will be elevated over the foreshore intertidal area. The hinged gangway will rise and fall with the changing tide cycles. The elevation of the narrow walkway and gangway (<2m wide) above the water will allow open exposure of the sun as it tracks across the sky during the day providing sufficient sunlight to the seabed underneath to allow for continual growth of marine flora. Additionally, while the gangway rises and falls with tides, a variation of shading

and light will result from its motion. As only a small, isolated patch of eelgrass was observed and kelp is minimal due to a sand/mud bottom, the dock is not expected to have a significant negative impact on marine flora growth as a result of shading.

Short-term disturbances from dock installation, pile removal and pile driving activities include temporary water quality impairment from suspended sediments, potential for deleterious substances (i.e. creosote waste, concrete leachate, hydrocarbons, etc.) to enter the marine environment as a result of pile removal, concrete work for the abutment, accidental leaks or spills from heavy machinery or equipment, or noise disturbance to fish, marine mammals and sea birds during pile driving. All short term impacts are expected to be prevented or manageable if all mitigation measures outlined in the attached CEMP are in place prior to and during construction works.

4.0 CLOSURE

Findings and recommendations provided in this addendum are based on the construction designs provided at the time of writing this document. If significant changes to the design or expected construction methodology occur prior to construction, Aquaparian is to be provided an opportunity to review and revise this document accordingly.

Recommendations are based on existing site conditions and past project experience with working in and near marine environments and in accordance with generally accepted practices within the profession of biology and natural resource management. No other warranty is made, either expressed or implied.

Any questions regarding this report or its findings, please contact the undersigned. Aquaparian trusts that the information provided in this report meets your requirements.

Regards,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD



Jeni Rowell, B.Sc.
Biologist-in-Training



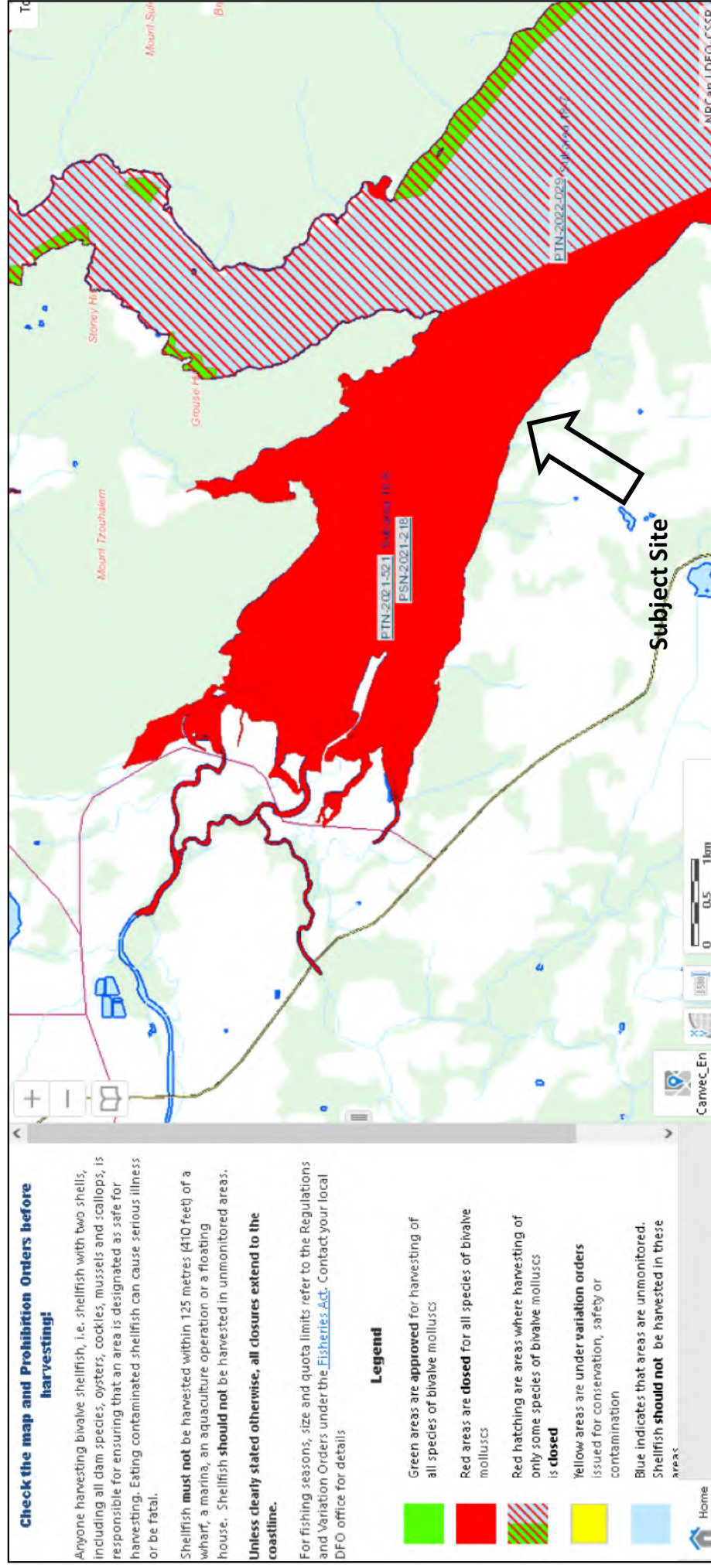
Sarah Bonar, B.Sc., R.P.Bio
Senior Biologist/Principal

Z:\PROJECTS\PROJECTS\N861 WILCUMA LODGE MARINA ADDENDUM\4625 LANES RD WILCUMA LODGE DOCK ADDENDUM FEB 2022.DOCX

FIGURE 1

**DFO SHELLFISH HARVESTING MAP
BIVALVE CLOSURES (SUBAREA 18-8)**

**FIGURE 1 – DFO SHELLFISH HARVESTING MAP
BIVALVE CLOSURES**

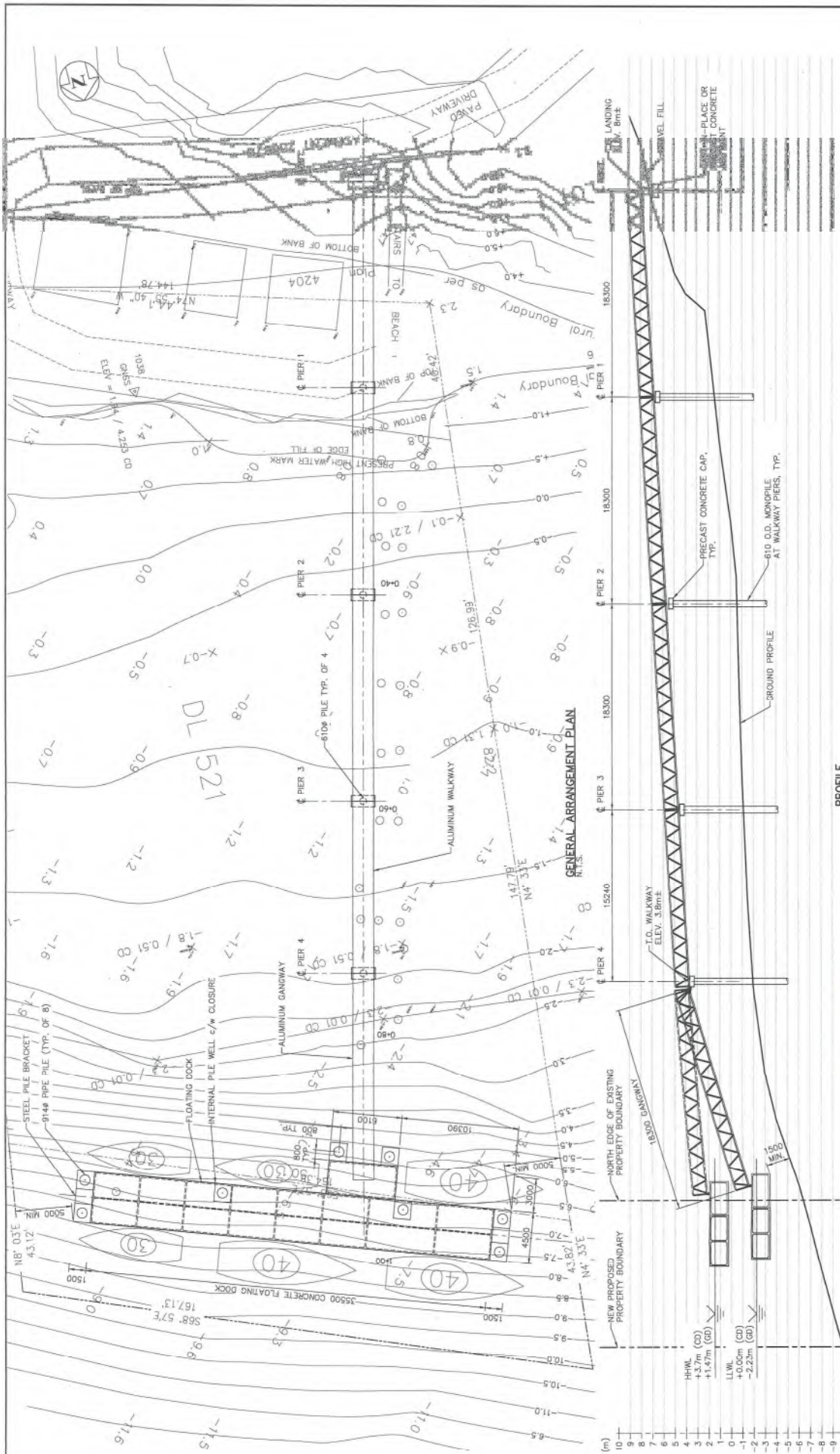


****Closed for All bivalve shellfish including butter clams, geoduck clams, horse clams, littleneck clams, manila clams, cockles, razor clams, softshell clams, varnish clams, mussels, oysters, pink scallops, scallops, spiny scallops.**

APPENDIX A

ENGINEER DESIGN DRAWINGS
(ALL-SPAN ENGINEERING & CONSTRUCTION)





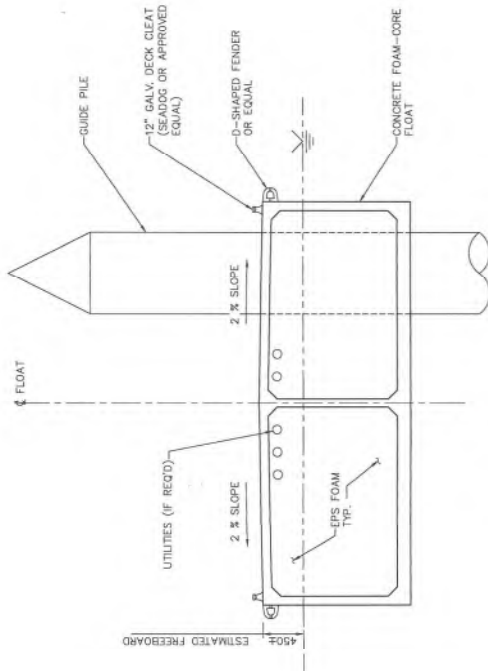
PROFILE
N.T.S.



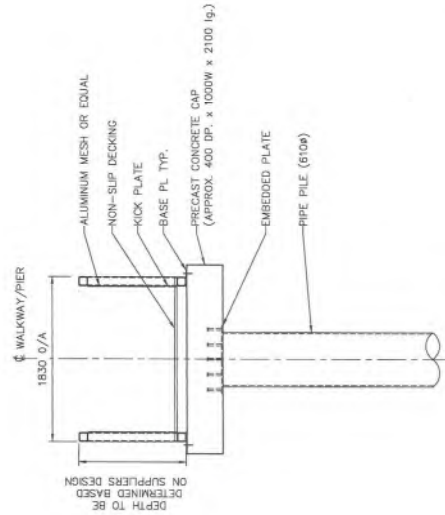
ALL-SPAN
ENGINEERING & CONSTRUCTION LTD.
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DELTA, B.C. CANADA V4C 1A7
E-mail: all-span@shaw.ca
PHONE: (604) 940-2212 FAX: (604) 940-1516

CLIENT
668599 BC LTD.
PROJECT
WILCUMA LODGE MARINA
DRAWING TITLE
GENERAL ARRANGEMENT

REV	DESCRIPTION	BY	DATE	SCALE	DATE
A	ISSUED FOR MFLNRO PERMIT	SM	22004	AS SHOWN	02/02/22
B				DRAWN BY	
C				DESIGN BY	
D				CHECKED BY	
E				APPROVED BY	
F					
G					
H					



TYPICAL FLOAT SECTION
1/25



TYPICAL SECTION AT PIER
1/25



ALL-SPAN
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PERMIT TO PRACTICE
PROFESSIONAL ENGINEER
BC REG. NO. 12271

Rev. 5, 2012

CLIENT	668599 BC LTD.	DATE	02/02/22
PROJECT	WILCUMA LODGE MARINA	SCALE	AS SHOWN
DRAWING TITLE	TYPICAL SECTIONS	DRAWN BY	N.T.
		DESIGN BY	S.M.
		CHECKED BY	D.M.
		APPROVED	
		PROJECT No.	22004
		ISSUED FOR MFLNRD PERMIT APPL. ONLY	03/02/22 S.M.
		DATE	18/
		DESCRIPTION	
		DRAWING No.	3
		REV.	A

APPENDIX B

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)





February 4, 2022

Scott McIntosh & Karla Swan
668599 BC Ltd
4625 Lanes Road, Cowichan Bay BC
V0R 1N2

C/O Sharon Horseburgh
Bayshore Planning Services Inc

Via Email: sharon@bayshoreplanning.com; scott@mcintosh1.ca

**RE: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)
COMMERCIAL DOCK 4625 LANES ROAD COWICHAN BAY
WILCUMA LODGE PROPERTY**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd. (Aquaparian) was retained by Bayshore Planning Services Inc. to complete an addendum to an existing Marine Habitat Assessment completed by Christine Brophy RBTech and Robert Crandall ASCT dated March 18, 2021 including this Construction Environmental Management Plan (CEMP) for the proposed reconstruction of a commercial dock fronting 4625 Lanes Road in Cowichan BC.

The proposed upgrades include removal of derelict creosote-treated wooden piles and the re-building a new dock system complete with an elevated walkway, gangway and a concrete float. The walkway and float will be supported and secured by 24" steel piles.

The following CEMP has been created to mitigate potential environmental impacts during the construction phase of the project. All mitigation measures are to be taken to avoid the death of fish and/or the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat under the federal *Fisheries Act* 2019. The project will be submitted to Fisheries and Oceans Canada (DFO) for a project review.

In addition, all project work will require submission of a Minor Works permit application to Transport Canada's Navigation Protection Program.

This CEMP has been formulated to be used as a stand-alone document to be provided to the successful construction contractor and is appended to the Marine Habitat Assessment

addendum to support agency permitting applications and a crown lands application for a water lot line adjustment.

This CEMP is based on the most current detailed dock design plans provided to Aquaparian by All-Span Engineering & Construction Ltd. (February 3, 2022) at the time of writing the addendum and this CEMP. This CEMP is to be considered a living document that may need to be revised if the project plans change or if additional measures are required by DFO.

2.0 PROJECT DESCRIPTION

The General Contractor and sub-contractors shall be required to review and have a copy of the most up-to-date document on site at all times during the construction of the project.

Currently, the project is expected to require the following construction activities:

1. The removal of 28 derelict piles. The piles are creosote-treated wood piles that are reportedly rotting and sun-bleached, over 50 years old. Extracted creosote treated components will be taken off site to be disposed at a certified hazardous waste disposal facility.
2. Installation of an elevated aluminum walkway, a hinged gangway and a concrete float. The walkway and float will be supported/secured by 24" steel piles. The dock components are expected to be prefabricated off site and barged/floated into place. The pile installation works will be completed using a barge and crane with piles installed by vibratory pile driving. Potentially, they may need to be finished to refusal depth with drop hammer / impact hammer if necessary. And,
3. It is assumed a concrete abutment will be cast-in-place at the shoreline to attach the new metal walkway to shore.

3.0 ENVIRONMENTAL CONCERNS

- Negative impacts to fish or fish habitat from suspension of marine sediments during pile removal and pile driving;
- Temporary underwater acoustic / auditory noise impacts to fish, seabirds and marine mammals during pile installation. Auditory noise impacts may result in temporary disturbance to fish (avoidance) and may also impact marine mammals within a determined distance from the work area if they are in the area. The generation of overpressure during impact (drop hammer pile driving) activities (if used) can result in

serious adverse effects to fish and marine mammals and would require mitigation measures;

- The potential for deleterious substances (hydrocarbons, uncured concrete, creosote treated wood waste etc) entering the marine environment during demolition / construction resulting in impaired changes to water quality (i.e. toxicity and alkalinity); and,
- The potential for accidents and malfunctions during all marine construction works including equipment failure, spills, and navigational hazards.

4.0 ENVIRONMENTAL MONITOR ROLES AND RESPONSIBILITIES

It is expected that in-water works including pile removal and installation will require that a qualified Environmental Monitor (EM) is on site. The role of the EM is to inspect, evaluate and report on the compliance and effectiveness of work practices and environmental protection and mitigation procedures and to recommend and oversee improvements to the CEMP, as necessary. Works within/near the marine environment are to be conducted in compliance with the following environmental acts, regulations and guidelines:

- Fisheries and Oceans Canada (DFO). 2012. Best Management Practices for Pile Driving and Related Operations (South Coast Area). pp.5.;
- November 2003. Best Management Practices for Pile Driving and Dredging and Related Operations – BC Marine and Pile Driving Contractors Association. Information Document;
- DFO Projects Near Water and Measures to Avoid Harm: <https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>;
- Department of Fisheries and Oceans “Working Near Water in BC & Yukon” B.C.;
- Develop with Care 2012, Environmental Guidelines for Urban and Rural Land Development in British Columbia;
- Transport Canada – Navigable Waters Protection Division;
- Ministry of Water Land and Air Protection, February 2002. A Field Guide to Fuel Handling, Transportation and Storage;
- NOAA <https://www.fisheries.noaa.gov/resource/document/technical-guidance-assessing-effects-anthropogenic-sound-marine-mammal-hearing>. Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing, Underwater Acoustic Thresholds for Onset of Permanent and Temporal Threshold Shift. Revised April 2018;
- Spill Reporting Regulation;
- BC Guidelines for Industry Emergency Response Plans;
- CSA Z731-03-CAN/CSA Emergency Preparedness and Response standards;

- *Fisheries Act;*
- *Environmental Management Act;*
- *Migratory Birds Convention Act;* and,
- *Species at Risk Act.*

The EM shall have the authority to advise the Contractor(s) to modify or halt construction operations / activities that conflict with safe environmental practices and procedures. The EM shall be directly involved in all environmental protection and mitigation works as outlined in this document. Mitigation measures include general objectives related to environmental protection and a site-specific action plan to control impacts to fish and wildlife during construction activities.

The EM should hold a pre-construction (project kick-off) meeting with the construction crew(s) to review environmental protection requirements identified within this document. The frequency of environmental monitoring for the project will be activity specific with daily or weekly site visits as required by the risk level of the construction activity.

Environmental monitoring and inspection records are to document activities on site, environmental issues, photographs, measurements and environmental incidents. Copies of the monitoring reports are to be sent to the project manager/owner for further distribution as required. The EM will provide daily monitoring during pile removal and installation works. Tasks include the following:

- Have an understanding of all aspects of the Project including the contract documents, project-related authorizations, agency guidelines, permits, CEMP and other documents, and confirm if all mitigation measures contained within are being appropriately implemented;
- Review the Contractor's plans for sediment control during project start-up preparation, construction of the concrete abutment, and removal and installation of piles;
- Measure underwater ambient noise (baseline) and during and impact pile driving (drop hammer) activity, if used, to determine potential impacts to fish and marine mammals. The EM will record underwater acoustic sound levels and overpressure to determine if a marine mammal exclusion zone is required that would be determined by exceedance of 206 dB (rms re 1µPa) (noise threshold) or 30 kPa (over-pressure threshold) at distances from the impact (drop hammer) pile driving method (based on the DFOs currently accepted marine mammal acoustic threshold values). A qualified EM (with experience in marine projects) is to be on site to monitor the determined exclusion zone during impact hammering works. As such, every effort should be made to ensure fish and marine mammals are not exposed to values above this threshold;

- Provide daily monitoring reports documenting construction activities, environmental protection measures put in place, issues of compliance, water quality results, environmental incidents and recommendations provided by the EM to ameliorate environmental concerns. The EM reports will also include photo documentation of site conditions during the site visit. Monitoring reports will be completed after each site visit.
- Provide additional guidance to the Contractor with regards to the protection of fish and fish habitat;
- Maintain / inspect detailed project records including amendments to the CEMP, tailboard meeting log sheet, environmental concern/incident reports and dated photographs and inspection reports;
- Periodically monitor on-site machinery for oil leaks and follow-up any repairs prior to machinery being mobilized on site; and,
- Have the authority to temporarily suspend or shut down the work and immediately contact DFO should fish, fish habitat or marine mammals be at risk;

4.2 CONTRACTOR ENVIRONMENTAL RESPONSIBILITIES

The Contractor's environmental responsibilities include:

- Review and be completely familiar with mitigation measures outlined in this CEMP document and any other permits or approvals required for the project.
- Installing and maintaining mitigation measures to meet the objectives identified in this report;
- Daily inspection of equipment for wear and leaks;
- Daily spill prevention and management, waste management and disposal;
- Maintain supplies of emergency spill management equipment and crew response training. Maintain up-to-date training records throughout the project;
- Spill reporting to the EM and other relevant personnel/agencies as per the Spill Reporting Procedure (Section 5.4);

- Work with the EM to facilitate monitoring activities and communications (access to barge and surrounding area, regular communication of construction schedule and other relevant information); and,
- Work with the EM if additional measures are necessary to meet the guidelines set out in this report.

5.0 ENVIRONMENTAL PROTECTION MEASURES

The purpose of the following Environmental Protection Measures is to work with the Contractor(s) to ensure environmental compliance as per the *Fisheries Act* and to follow the terms and conditions, regulatory permits and approvals for the project. The following sections outline various protection measures to address during construction.

General Environmental Protection Measures	Section 5.1
Spill Prevention	Section 5.2
Spill Management Plan	Section 5.3
Spill Reporting Procedures	Section 5.4
Sediment Control	Section 5.5
Derelict Pile Removal	Section 5.6
Pile Driving	Section 5.7
Concrete Management	Section 5.8
Fish & Fish Habitat	Section 5.9
Marine Mammals	Section 5.10
Migratory Seabirds	Section 5.11

5.1 General Environmental Protection Measures

Fisheries and Oceans Canada, Area 18, Cowichan includes the coast of Vancouver Island from Swartz Bay (included) to Grave Point (included). It also includes all of the Gulf Islands south of Sturdies Bay on Galiano Island (excluded) but excludes the portion of Saltspring Island north of Swartz Bay, and the portion of Galiano Island north of Sturdies Bay. The area also extends east into open water 2 km past the easternmost tip of the Gulf Islands. The area excludes the part of Saanich Inlet south of Hatchet Point. The following are the applicable time periods when the timing windows of least risk are open for Cowichan:

- Summer Window:
 - July 1 – October 1;
 - Summer windows do not apply for Cowichan/Koksilah Estuary.
- Winter Window:
 - December 1 – February 15.

- The Contractor is to ensure the emergency response plan and spill response training programs are up-to-date. The Contractor is to regularly verify all environmental protection equipment is mustered on site (as required) such as spill containment booms, spill prevention kits, sediment control booms, bubble curtain and compressor system, filter fabric, tarps, site safety signage, hazardous material storage, garbage storage, etc. The EM is to periodically check that all environmental protection equipment is available and fully stocked on the barge;
- The working barge and scows used during construction shall avoid coming to ground during works. Contractor to monitor local tide tables and weather at all times;
- The Spill Response Plan and Emergency Response Plan are to be posted on the working barge and on land (information board); and,
- All machinery will have biodegradable oils (if possible) and spill kits on board.

5.2 Spill Prevention

- The Contractor is to complete daily inspections to verify all heavy equipment on the working barge and on land is in good working order, clean and free of leaks. The EM will conduct periodic equipment inspections when on site to look for leaks;
- Storage of deleterious substances on the working barge and on land such as Gerry cans, oil, paint etc. should be located in a containment area to prevent accidental spills from entering the marine environment. Fuel Gerry cans, oil containers or chemicals used outside of the storage area to be placed in secondary containment bin such as a Rubbermaid tub;
- Washing of machinery or equipment will not take place on the working barge or within 30m of the foreshore or other drainages;
- The discharge of ballast tank water from the barge will not be allowed to occur into water. Ballast water should be discharged to land or into a containment tank for later discharge to a land-based facility;
- Appropriate spill control equipment (spill kits) will be kept on site during the work. Operating personnel are to be familiar with the contents and use of the spill response equipment and the location and operation of emergency 'shut-offs' of equipment;

- Hazardous waste material generated in the course of the project (oil adsorbent pads, oily & grease covered rags, containers, creosote treated timber, etc.) shall be disposed of in compliance with regulations. Hazardous waste material (on the working barge and on land) shall be stored in closed and labelled waste disposal containers for later disposal at the contractor's facility in order to avoid contact with wildlife;
- Any fuel storage must be properly stored in clean Transport Canada approved tidy-tanks or in approved secondary containment facilities. Fuel storage tanks over 250L must be equipped with auto shutoff valves. Small fuel tanks must be stored within containment areas/containment bins;
- The Contractor shall ensure that all fuel transfers are attended by qualified staff that are familiar with Spill Response Procedures, are adequately trained in their respective duties and are present and alert at all times during refuelling;
- The Contractor shall inspect all temporary and permanent fuel storage tanks / Gerry cans to ensure there are no potential leaks prior to, during and after filling;
- Gerry cans and other potentially deleterious material containers with a potential for spills / leaks should be stored in secondary containment with at least 110% capacity;
- Wrap hose connections with sorbent material to catch any leaks and drips during fuel / oil transfer to/from the storage tanks;
- If a leak is observed from any equipment while on-site, stop the equipment immediately and place drip trays and/or sorbent matting under the leak. "Repair the leak, or Replace the Tank, Hose or Connector Assembly immediately before operating the equipment again";
- Do not fill tanks to the top. Leave adequate head-space to ensure that overfilling does not occur; and,
- At least one spill containment boom should be on site for immediate deployment in case of accidental spill.

5.3 Spill Management Plan

- Spill prevention practices are to be implemented prior to construction including preparation and posting of emergency spill response procedures on the working barge;



203-321 Wallace Street, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

- The 24-hour Emergency Management BC (EMBC) phone number **(1-800-663-3456)** is to be posted on the working barge. EMBC is to be called immediately to report any spills of deleterious substances to water;
- EM shall conduct water quality monitoring for hydrocarbon sheens from fuel, hydraulic oil and grease and follow Spill Reporting Matrix as identified in Table 2 of this document;
- Spill Prevention and Emergency Response Plans shall be communicated by the Contractor to all field crews at the pre-work orientation meeting and at regular intervals thereafter and will be strictly enforced;
- Containment, recovery and clean-up procedures are to be in place and site personnel are to be trained as necessary by the Contractor;
- Special Waste (i.e. material with >3% oil by mass) and contaminated soil must comply with the *Environmental Management Act* and regulations;
- Project emergency contact list is to be provided to the Contractor prior to the start of the work; and,
- Spill kit contents shall be consistent with requirements outlined in Table 9.3 of A Field Guide to Fuel Handling, Transportation and Storage (MWLAP and MoFR 2002). **Immediate replacement of any used spill kit contents is essential.**

Spill Response Procedure:

- 1. MAKE THE AREA SAFE**
- 2. STOP THE FLOW (when possible)**
- 3. REPORTING**
- 4. SECURE THE AREA**
- 5. CONTAIN THE SPILL**
- 6. NOTIFY/REPORT (EMBC 1-800-663-3456)**
- 7. CLEAN-UP**
- 8. SPILL REPORT**

1. MAKE THE AREA SAFE

- Evaluate risk to Personal/Public and Environmental Safety;
- Wear appropriate Personal Protective Equipment (PPE);
- Never rush in, always determine the product spilled before taking action;
- Warn people in the immediate vicinity; and,



- Ensure no ignition sources if spill is a flammable material.

2. STOP THE FLOW (when possible and safe to do so)

- Act quickly to reduce the risk of environmental impacts;
- Close valves, shut off pumps or plug holes/leaks; and,
- Stop the flow or the spill at its source.

3. REPORTING

- Notify Project Manager and Environmental Officer or alternate of incident (provide spill details).

4. SECURE THE AREA

- Limit access to the spill area; and,
- Prevent unauthorised entry onto the site.

5. CONTAIN THE SPILL

- If upland, block off and protect drains and culverts; deploy booms for waterborne spills;
- If upland, prevent spilled material from entering drainage structures (ditches, culverts, drains);
- Use spill sorbent material or containment boom to contain the spill;
- If necessary, use a dyke or any other method to prevent any discharge on site (upland); and,
- Make every effort to minimize contamination.

6. NOTIFICATION

- When necessary the first external call should be made to the EMBC 1-800-663-3456 to report spill (24 Hour).
- Spills would then be reported to the appropriate ministries/agencies to allow for immediate response by appropriate staff.
- For spills to aquatic habitat, collection of water samples shall be undertaken to characterize the nature and extent of the release;
- Provide necessary spill details to other external agencies; and,
- The Contractor to complete an Environmental Incident Report (EIR) with a copy of the EIR to be included in the EM's monitoring report.

7. CLEAN-UP

- Determine required cleanup options;
- Mobilize recovery equipment and cleanup crew and direct cleanup activities;

- Dispose of all equipment and/or material used in clean up (e.g., used sorbent, oil containment materials, etc.) in accordance with MFLNRO requirements;
- Accidental spills may produce hazardous wastes (e.g., material with > 3% oil by mass) and contaminated soil. All waste disposals must comply with the *Environmental Management Act* and Regulations; and
- Replenish spill response kits and equipment.

8. SPILL REPORT

- Provide the required reporting – internal or external reporting requirements. Submit report to regulators, as necessary.

5.4 Spill Reporting Protocol

For incidents that pose a threat to the environment or human safety as identified by the *Environmental Management Act* Spill Reporting Regulation, the first external call shall be made to EMBC (formerly PEP) **1-800-663-3456 (24 hour)**;

Spill prevention and emergency response procedures shall be communicated to all field crews at the start of the project and thereafter at regular intervals throughout the contract. An environmental incident is one that has caused, or has the potential to cause, one or more of the following:

- Environmental damage;
- Adverse effects to fish, wildlife or other environmental resources;
- Adverse publicity with respect to the environment; and
- Legal action with respect to violation of statutes or environmental damage.

Examples of an environmental incident include, but are not limited to:

- Spills of oil, hydraulic fluid or other hazardous chemicals; and,
- Discharges of deleterious substances into water.

Table 1 below provides details and contact information for individuals to be contacted in the event of an emergency. The list in Table 1 is to be updated to include contract personnel and other relevant individuals retained for the construction phase of the project.

TABLE 1: EMERGENCY CONTACT LIST

NAME	EMPLOYER	POSITION	Office PHONE #	MOBILE #
TBD	TBD	Contractor Project Manger	-	-



203-321 Wallace Street, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Sarah Bonar	Aquaparian Env. Cons.	Environmental Monitor	250-591-2258	250-714-8446
Jeni Rowell	Aquaparian Env. Cons.	Environmental Monitor	250-591-2258	250-532-166
Environment Canada Spill Report Line			604-666-6100	
Emergency Management BC (EMBC)		(formerly Provincial Emergency Program – PEP)	800-663-3456	
Fisheries and Oceans		DFO-Pacific Region 24hr emergency	604-666-0384 604-666-3500	
Canadian Coast Guard Marine Pollution Reporting			1-800-889-8852	
Marine Spills in International Waters			1-800-645-7911	
Emergency Response Service (Fire, RCMP)			911	
Worksafe BC		Emergency and Accident Reporting After hours	888-621-7233 866-922-4357	
Poison Control Centre			1-800-567-8911	
BC One			1-800-474-6886	

The EM shall document any spills (that occur while on site) by Environmental Incident Report (EIR). In addition, it may be necessary in some situations for the EM to notify regulatory agencies with respect to environmental incidents. Agency reporting requirements are provided in Table 2 and shall be included in any Spill Prevention and Emergency Response documentation prepared for the project. A report to EMBC will generate a file number and EMBC will notify other agencies as required.

TABLE 2. SPILL REPORTING MATRIX

Substance	Quantity	External Reporting Requirements	Internal Reporting Requirements
Any spill into water	ANY	EMBC,	EIR
Oil & waste oil	>100L	EMBC	EIR
Oil with >50ppm PCB	>1kg	EMBC	EIR
Flammable or non-flammable gas	10kg	EMBC	EIR
Toxic or corrosive waste	>5kg	EMBC	EIR
Hazardous waste	>5L	EMBC	EIR

Where a spill occurs, the person who immediately before the spill had possession, charge or control of the spilled substance shall take all reasonable and practical action, having due regard for the safety of the public and of himself or herself, to stop, contain and minimize the effects of the spill.

Environmental incidents are to be reported to the project team within 24 hours following an incident to the following:

- Project Manager and Project Coordinator;
- Regulatory Authority of interest if externally reportable limits are met or exceeded.

The incident report is to include the following information:

- (a) The reporting person's name and telephone number,
- (b) The name and telephone number of the person who caused the spill,
- (c) The location, date and time of the spill,
- (d) The type and quantity of the substance spilled,
- (e) The cause and effect of the spill,
- (f) Details of action taken or proposed,
- (g) A description of the spill location and of the area surrounding the spill,
- (h) The details of further action contemplated or required,
- (i) The names of agencies on the scene, and
- (j) The names of other persons or agencies advised concerning the spill.

5.5 Sediment Control

Works within the upland are limited to a small landing or concrete abutment to secure the walkway to the shore and will include a small excavation and cast-in-place concrete works.

- Upland erosion & sediment control:
 - Works should be avoided during heavy rainfall;
 - Do not allow sediment-laden waters to migrate off site, to marine waters or to drainages/catch basins; and,
 - Minimize areas of exposed or disturbed soil and cover with a layer of gravel or straw as soon as possible to reduce soil erosion.
- A silt curtain of appropriate length and depth, as approved by a QEP, will be made available and employed to contain silt from the surrounding area during pile removal/installation works;
- Water quality (turbidity) will be monitored by the EM during activities generating siltation of the marine environment throughout the water column (as deemed necessary). The following guidelines apply to the Project where “background” is defined as the level at an appropriate adjacent reference site that is neither affected by works at the site, nor by sediment-laden, induced suspended sediments, or induced turbidity resulting from works or activities with the Project of work site:
 - Change from background of 8NTU at any one time for a duration of 24hr during clear waters;
 - Change from background of 2NTU at any one time for a duration of 30 days during clear waters;

- Change from background of 5NTU at any time when background is 8-50NTU during turbid water;
- Change from background of 10% when background is >50NTU at any time during turbid water;

(Summary of water quality guidelines for turbidity, suspended and benthic sediments. For complete details (including definitions for background, clear flow, and turbid flow) see Caux et al. (1997) (<http://www.env.gov.bc.ca/wat/wq/BCguidelines/turbidity/turbiditytech.pdf>)

Should the project result in NTU levels in excess of the criteria outlined above, the EM will determine the necessity for use of a silt curtain. If turbidity is significantly elevated outside the silt curtain such that it poses immediate harm to fish or fish habitat, additional measures will be employed to control water quality such as: temporary work stoppages. Those works and activities that might be contributing to these conditions must be halted until measures that will ensure compliance with the criteria outlined above are put in place.

5.6 Derelict Pile Removal

- When possible, pull out piles to minimize sediment contamination generated from creosote leaching;
- Vibratory extraction is the preferred method for pile removal when possible unless piles are too short or decayed for the vibro hammer to grip;
- Pull piles out slowly to minimize turbidity in the water column as a result of sediment disturbance;
- If piles break off or can't be pulled out of the sea bed, they must be cut off at the mud line. Depending at the depth that the pile is located, this activity may be possible to do at low tide or else it may require a commercial diver to be retained.
- If cutting of treated wood piles is required, no creosote treated sawdust or debris is to be allowed to enter marine waters. Any creosote sawdust generated from chainsaw cuttings is to be contained (using a containment boom) and removed (with a dip net) for disposal as hazardous waste material;
- If possible, safely collect and relocate motile marine organisms (i.e. sea stars, crabs) back to the marine water if found on removed piles; and,

- Creosote treated piles designated for disposal are to be considered as hazardous waste. Dispose of any creosote treated wood waste and old piles at a licensed upland disposal facility.

5.7 Pile Driving

- Pile driving shall be completed in compliance with DFO *“Best Management Practices for Pile Driving and Related Operation”* (2003 and 2013);
- Pile driving will be achieved from a small barge during high tide. No crane is permitted to drive over the exposed intertidal area during low tide;
- Vibratory installation is expected to be employed to install the 24” steel piles. There is potential that a drop hammer may be required to bring the piles to refusal depth. During pile removal / installations, the EM will monitor water quality to determine if the turbidity meets water quality guidelines. If necessary, measures will be employed to control turbidity such as deployment of a weighted silt curtain taking care to prevent fish entrapment. Water quality will be monitored inside and outside the silt curtain at mid-water and 1m below surface and compared to baseline readings outside the work area. If required, the silt curtain is to remain in place until suspended sediments have dropped out of the water column and turbidity has decreased to below threshold levels (as determined by the EM);
- Marine weather forecasts shall be monitored daily by the Contractor. The installations and extractions of docks and piles should not be conducted during high winds or rough sea conditions;
- Hydroacoustic monitoring is not required for the vibratory pile driving as this method is anticipated to produce non-impulse sound and low levels of underwater noise. If an impact hammer is used, hydroacoustic monitoring is to be conducted during pile installation in order to establish and maintain marine mammal exclusion zones based on the DFOs currently accepted marine mammal acoustic threshold value of 160 dB (rms re 1µPa) and to ensure that acoustic and over-pressure levels do not exceed the acoustic threshold (160 dB (rms re 1µPa)) and over-pressure threshold (30 kPa) for fish; and,
- The EM will have the authority to shut down the work and/or activity and immediately contact DFO should fish or fish habitat be at risk.

5.7 Concrete Management

- As understood, cast-in-place concrete pouring on the foreshore may be required for the concrete abutment to tie-in to the walkway. It is assumed that concrete will be mixed on site. No uncured concrete or concrete pour water is to enter marine waters or other drainages. High pH laden water caused by uncured concrete is harmful to fish;
- Complete concrete pour at the lowest tide;
- Do not deposit, directly or indirectly, concrete, cement, mortars and other Portland cement or lime containing materials into the marine environment;
- To neutralize accidental spills or pour water, keep a full carbon dioxide (CO₂) tank with regulator, hose and gas diffuser available prior to all concrete works and ensure workers are adequately trained to use it correctly. pH is to be monitored by the EM in the event of a spill. pH is to be between 6.5 – 9.0 pH units with a turbidity of <25 NTU, and the turbidity is less than 25 NTU measured to an accuracy of +/- 2NTU;
- Ensure concrete forms are tight and are not filled to overflowing;
- Ensure all concrete pump hose and pipe connections are sealed and locked properly;
- No concrete equipment / tools are to be washed down within 30m of the shoreline work area. If necessary, a waste water settling container or vacuum truck should be brought on site to capture concrete laden waste water. A qualified EM will measure the pH of the waste water and provide notification to the Contractor as to when and how the water can be discharged. The pH is to be neutralized if necessary and must measure between 6.5 – 9.0 pH units with a turbidity <25 NTU before discharge. Waste concrete will not be allowed to enter the marine environment and will be disposed of off site at certified disposal facility; and,
- Work in dry (no or low precipitation) weather conditions if possible and during falling low tide when working below the high tide level.

5.8 Fish & Fish Habitat

- Prior to construction start-up, ensure all copies of permits and approvals, and a copy of this CEMP is on site. All work is to be conducted in accordance with the *Fisheries Act* and *Navigable Waters Protection Act*, and other applicable legislation;
- The EM will complete monitoring of all in-water pile driving and pile removal to ensure mitigation measures are working effectively to meet water quality guidelines;
- The EM shall provide guidance to the Contractor with regards to fish and fish habitat;
- The working barge and scows used during work activities shall not be allowed to come to ground during works;
- No use of ammonium nitrate-fuel oil mixtures is permitted due to the production of toxic bi-products (ammonia). Biodegradable fluids should be used for heavy equipment if possible;
- Installation of the dock piles for the project is to avoid the herring spawning season (typically between Feb 15 – April 30). The preferred working window for pile installation is May 15 – December 1 of a given year.
- If impact pile driving is required (drop hammer), hydroacoustic monitoring for the pile installation works will be required to ensure that sound and pressure levels generated from the pile driving are not in exceedance of 206 dB (rms re 1µPa) (noise threshold) or 30 kPa (over-pressure threshold). Though unlikely when using this size of pile, if noise and over-pressure thresholds are exceeded, a bubble curtain will need to be deployed to dampen noise and overpressure impacts;
- All mitigation measures are to be taken to avoid the death of fish and/or the Harmful Alteration, Disruption or Destruction of fish habitat under the federal *Fisheries Act*;
- In the case that dead or dying fish does occur from project activities observed, the dead / dying fish are to be collected (when it is safe to do so). The EM will identify and enumerate the fish, inform the contractor and include in the monitoring reports. All dead fish are to be placed in garbage bags and disposed of immediately at nearest certified landfill. In the case of serious harm to fish or marine mammals, the EM is to immediately report the event to DFO (call DFO Observe, Record and Report at 1-800-465-4336) and complete an incident report for the event; and,

- The EM will have the authority to shut down the work or activity and immediately contact DFO should fish or fish habitat be at risk.

5.9 Marine Mammals

- If impact pile driving is required (drop hammer), the EM will record underwater acoustic sound levels (at a distance of 10m or less from the noise source depending on access and safety) to determine if a marine mammal exclusion zone is required that would be determined by exceedance of 160 dB (rms re 1µPa) (noise threshold) at distances from the impact pile driving (based on the DFOs currently accepted marine mammal acoustic threshold values). A qualified EM that has experience working on marine projects in the marine environment is to be on site to determine and monitor the “exclusion zone” during impact pile driving works. As such, every effort should be made to ensure marine mammals are not exposed to values above this threshold including the use of a bubble curtain to dampen noise impacts;
- If a marine mammal exclusion zone is required, the following will apply: for at least 30 minutes prior to commencing impact pile driving activities, a qualified EM shall conduct visual observations to determine if marine mammals are within the exclusion zone;
- If a marine mammal is present within the exclusion zone prior to the start of works, the activity shall be delayed until such a time as the marine mammal has been observed to leave the exclusion zone;
- If the marine mammal is not observed leaving the exclusion zone but is also not observed within the exclusion zone, a reasonable amount of time that will be determined based on the size of the exclusion zone, will be allowed to pass and then the EM will notify the foreman to do a “soft start” or “ramp up”. Small underwater detonation devices (i.e. seal bombs) are not to be used;
- If any disturbance or distress of marine mammals is observed, all operations shall be shut down and notification provided to the local fisheries officer or the **DFO reporting hotline 1-800-465-4336**. The EM shall record all occurrences or negative effects to fish or marine mammals during Project works in their monitoring reports;
- Any dead, stranded, sick or injured marine mammals observed in the Project area shall be reported to the EM and to DFO. The cause of death or injury shall be investigated, and if related to work activities, mitigation measures to prevent future occurrences will be implemented; and,

- The EM will have the authority to shut down the work should marine mammals be at risk.

5.10 Migratory Seabirds

- When on site, the EM to monitor migratory seabird activity within the surrounding area and to provide guidance to the Contractor on environmental protection and mitigation measures; and,
- Pile caps are to be added as soon as possible upon final installation of piles to avoid birds from falling into them.

6.0 ENVIRONMENTAL MONITORING REQUIREMENTS

- It is recommended that high-risk activities are to be monitored. Full-time monitoring should occur during pile removal/installation activities using impact methods (drop hammer), shoreline earthworks and concrete works. The project environmental monitor will prepare environmental monitoring reports for each visit to be submitted to the contractor for further distribution as required. Daily monitoring reports to be submitted within 48hrs.
- Environmental monitoring reports should include the following: date, times, documenting work activities on site, environmental issues and incidents, environmental mitigation measures employed, environmental recommendations, unresolved issues, photographs and measurements (turbidity measurements, underwater acoustic monitoring results). And,
- In the case of a spill, significant fish kill or other environmental incident of concern occurs, the Contractor is to complete an Environmental Incident Report of the event, and must describe the activity, level of spill, disturbance or concern, mitigation measures taken and photo documentation.

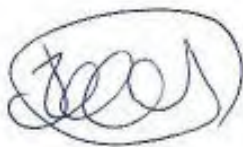
7.0 CONCLUSION

This document has been formulated using standard environmental protection guidelines and regulations for working within the marine environments. This document should be considered a living document that can be changed and/or updated as required during detailed design or issuance of permits or approvals with additional requirements.

If there are any questions regarding the content of this document, please contact the undersigned.

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.

Prepared by:



Jeni Rowell, B.Sc.
Biologist-in-Training



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

Z:\PROJECTS\PROJECTS\N861 WILCUMA LODGE MARINA ADDENDUM\APPENDIX B - WILCUMA LODGE CEMP.DOCX

8.0 REFERENCES

BC Marine and Pile Driving Contractors Association. 2003. Best Management Practices for Pile Driving and Related Operations. November, 2003.

BC Ministry of Environment. Ambient Water Quality Guidelines (Criteria) for Turbidity, Suspended and Benthic Sediments. Available: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/waterquality/water-quality-guidelines/approved-wqgs/wqg_summary_aquaticlife_wildlife_agri.pdf. (Accessed January 19, 2022).

Fisheries and Oceans Canada (DFO). Aquatic Species at Risk Map. Available: <https://www.dfo-mpo.gc.ca/species-especes/sara-lep/map-carte/index-eng.html> (Accessed January 19, 2022).

Fisheries and Oceans Canada (DFO). 1992. Land Development Guidelines for the Protection of Aquatic Habitat. Available: http://www.sxd.sala.ubc.ca/9_resources/fed_%20files/fed%20land%20development%20guidelines.pdf. (Accessed January 19, 2022).

MOE. 2012. Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia. Available: <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices/develop-with-care>. (Accessed January 19, 2022).

Ministry of Water Land and Air Protection, February 2002. A Field Guide to Fuel Handling, Transportation and Storage. Available: https://www2.gov.bc.ca/assets/gov/environment/waste-management/industrial-waste/industrial-waste/oilandgas/fuel_handle_guide.pdf. (Accessed January 19, 2022).

National Marine Fisheries Service. 2016 (Rev. 2018). Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing: Underwater Acoustic Thresholds for Onset of Permanent and Temporary Threshold Shifts. U.S. Dept. Of Commer., NOAA. NOAA Technical Memorandum NMFS-OPR-55, 178pp.

DESIGN BASIS MEMORANDUM

Project:	WILCUMA LODGE MARINA FLOATING DOCK AND WALKWAY	File No.:	22-004
Location:	Cowichan Bay, BC	Date:	February 1, 2022
To:	Sharon Horsburgh (Bayshore Planning Services Inc.), Scott McIntosh (668599 B.C. Ltd)		
Re:	Floating Dock and Walkway Design Basis		

Description:

The Wilcuma Lodge Marina is located in Cowichan Bay on Vancouver Island, British Columbia.

The project involves construction of a new walkway 1.8m wide by approximately 70m long, gangway 1.8m wide by 18.3m long and a concrete foam-core floating dock 4.5m wide by 45.7m long. The floating dock is to accommodate approximately 6 vessels 9m to 12m in length, moored at the dock.

Reference Documents (attached) :

- 1) Wilcuma Lodge Marina Project No. 22-004 Dwgs. 1 to 3 dated 01/02/22 by All-Span Engineering & Construction Ltd., issued for MoFLNRO permit application, dated 01/02/22.

Scope and Design Basis:

Scope:

All-Span Engineering & Construction Ltd. (All-Span) has been engaged by 668599 B.C. Ltd to produce permit drawings for the marina structures including the floating dock and access walkway as shown on the attached drawings.

The walkway and gangway structures will be fabricated from aluminum tube sections, design of these structures will be completed by the fabricator's design engineer and will be part of the supply package.

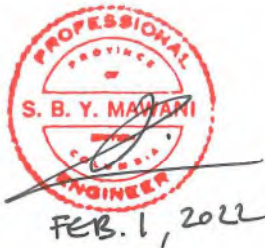
Detailed design of the remaining components including the floating dock, walkway piers and abutment will commence once a permit is granted.

Design Basis:

- A wind and wave study has not been completed for this site. Assumed design wind and wave parameters are as per those listed in the general notes on the drawings.
- The floating dock is not intended to act as a breakwater and as such is not designed to function or perform as one. The floating dock will be designed to have sufficient strength to resist the applied environmental loads including wind, waves, current, snow and vessel impact specified on the drawings.

- A geotechnical investigation has not been completed for this site at this time. It is recommended a geotechnical engineer be engaged at the detailed design phase to confirm axial and lateral load capacity of walkway pier piles, determine maximum bearing pressures for the walkway abutment, seismic requirements and oversee a lateral load test for the floating dock piles.
- The walkway and gangway aluminum truss structures will be designed by the fabricator's engineer. These structures are to be designed for the dead, live, snow and wind loads specified on the drawings.
- The walkway substructure including the piers and abutment will be designed for dead, live, wind, snow and seismic loads as specified on the drawings.

I trust this meets your requirements at this time.



A red circular professional engineer seal for S. B. Y. Mawani, dated FEB. 1, 2022. The seal contains the text "PROFESSIONAL ENGINEER" and "S. B. Y. MAWANI". A signature is written across the seal.

Shaheeda Mawani, M.Eng., P.Eng.
Senior Design Engineer

Attachments: Wilcuma Lodge Marina Project No. 22-004 Dwg. 1 to 3 dated 01/02/22 by All-Span Engineering & Construction Ltd.,
Issued for MoFLNRQ permit application, dated 01/02/22.



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Galiano Island Local Trust Area Bylaw No.: 283 and 284 Date: February 7, 2023

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

Bylaw 283 - Amendments to OCP including Groundwater Protection DPA

- Minor changes to OCP language.
- Updates to relevant policies and objectives to facilitate consistency with revised language, the new Groundwater Recharge Protection DPA, and other proposed changes to the OCP and the LUB.
- Replacement of Schedule D – Water Resources, with Schedule D – Groundwater Regions.
- Replacement of Schedule G – DPA Area 4: Elevated Groundwater Catchment, with DPA 4: Groundwater Recharge Protection.
- New DPA guidelines which would amend the DPA guidelines for Galiano's Elevated Groundwater Catchment DPA. Amendments include: reference to 2021 mapping of recharge areas, additional exemptions including clustering development and professional reliance, changes consistent with introduction of cistern requirements for new builds, and changing the name of the DPA.
- The draft Bylaw includes the Schedule map for the 5 hectare critical aquifer coverage option.

Bylaw 284 - Amendments to the Land-Use Bylaw

- New definitions.
- Cistern Requirements for all new builds (18,000 litres). Increase in cistern size for secondary suites to 18,000 litres. Captured and stored water is not required to be potable or connected to the dwelling except in the Water Management Areas as per existing regulation 13.23.
- References to "rainwater" with respect to cisterns has been changed to "freshwater" to support the capture and retention of groundwater as well as rainwater.
- Updates to regulations related to proof of water for subdivision.

GENERAL LOCATION:

Galiano Island Local Trust Area

OTHER INFORMATION:

Additional information is available at: <https://islandstrust.bc.ca/island-planning/galiano/projects/>

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.

Narissa Chadwick

(Signature)

Name: Narissa Chadwick

Title: Island Planner

Contact Info Tel: 250-405-5189

Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER →

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs
Ministry of Transportation and Infrastructure
Ministry of Water Land and Natural Resources –
Water Stewardship Branch

Regional Government

CRD- Building Inspection

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Adjacent Local Trust Committees and Municipalities

Mayne Island Local Trust Committee
Salt Spring Island Local Trust Committee
Thetis Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx Nation
Lyackson First Nation
Malahat First Nation
Musqueam Indian Band
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

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

Galiano Island Local Trust Area

 (Island)

 (Signature)

 (Date)

283/284

 (Bylaw Number)

 (Name and Title)

 (Agency)

DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 283

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

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

1. CITATION

This Bylaw may be cited for all purposes as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022”.

2. SCHEDULES

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

3. SEVERABILITY

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

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

CHAIR

SECRETARY

**GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 283**

SCHEDULE 1

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

1. Table of Contents Section V is amended by deleting “4. Development Permit Area 4 – Elevated Groundwater Catchment Areas” and replacing it with “4. Development Permit Area 4 – Groundwater Recharge Protection”.
2. Section II Land Use, Residential Policy “o)” is amended by deleting “Community, Sport and Cultural Development” and replacing it with “Municipal Affairs”.
3. Section II Land Use, Subsection 5.4 Light Industry, Light Industry Advocacy Policy “m)” is amended by inserting “recharge and” after “groundwater” and before “catchment areas”.
4. Section III Services, Subsection 2 Water Supply, Water Supply Objectives is amended by deleting Objectives 1-4 in entirety and replacing with:
 - “1) to ensure an adequate supply of potable freshwater to all users now and into the future,
 - 2) to ensure that groundwater use, and alteration to the land does not pollute or otherwise increase the vulnerability of groundwater regions,
 - 3) to protect critical groundwater recharge areas by evaluating land use decision based on available groundwater vulnerability data and applying the precautionary principle to land use decisions, and
 - 4) to consider and address climate change impacts on freshwater supply and quality.”
5. Section III Services, Subsection 2 Water Supply, Water Supply Policies is amended by deleting policy “a)” in its entirety and replacing it with:
 - “a) Areas identified to be key areas for water supply , fresh water catchment, storage and recharge shall be preserved and protected.

Land identified through groundwater recharge mapping to have significant recharge potential shall be designated as a development permit area for the protection of the watershed.”

6. Section III Water Supply, Water Supply Policy “b) vi)” is amended by deleting “elevated groundwater catchment” and replacing it with “groundwater recharge protection”.
7. Section III Water Supply, Water Supply Policies is amended by removing policy “c)” in its entirety and replacing it with “c) Regulations may require new developments to provide cisterns.”
8. Section IV Conservation and Environment is amended by deleting all instances of “Fresh Water” and replacing them with “Freshwater”.
9. Section IV Conservation and Environment, Freshwater Advocacy Policies is amended by deleting “and the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, and Ministry of Forests, Lands and Natural Resource Operations” and replacing it with “and relevant Provincial Ministries”.
10. Section V Development Permit Areas is amended by deleting subsection “4. Development Permit Area 4-Elevated Groundwater Protection” in its entirety and replacing it with:

“4. Development Permit Area 4 – Groundwater Recharge Protection

4.1 Description of Area

Development Permit Area 4 includes critical groundwater recharge areas identified on Schedule G. Critical groundwater recharge areas contain hydrogeological conditions that facilitate aquifer recharge and/or transmit contaminants to an underlying aquifer. Factors considered in the identification of critical aquifer recharge areas include topography, remote sensing, satellite multispectral analysis depth to water table, presence of highly permeable soils, land-cover analysis, structural geology, presence of flat terrain, and the presence of more permeable surficial geology.

4.2 Authority

The Groundwater Recharge Protection Development Permit Area is designated a development permit area pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity and Section 488(1)(i) of the *Local Government Act* for the establishment of objectives to promote water conservation.

4.3 Special Conditions and Objectives that Justify the Designation

It is 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.”

It is Provincial legislation in Section 473(1)(d) of the Local Government Act 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 environmentally sensitive to development.

The Islands Trust Council has committed to identifying, protecting and, where possible, restoring or rehabilitating groundwater recharge areas in the Trust Area.

It is policy of the Islands Trust Council that Local Trust Committees 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, and
- the quality and quantity of drinking water sources for current and future Trust Area residents is preserved and protected, and
- the overall health of watersheds and ground water in the Islands Trust Area is protected.

Mapping of recharge and water balance completed in 2021 for Galiano Island identifies that the island has a number of areas of critical concern with respect to groundwater vulnerability.

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for groundwater wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development and climate change on groundwater supplies

4.4 Development Approval Information

The Groundwater Recharge Protection DPA is also designated an area for which development approval information (DAI) may be required according to Section 485(1) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

4.5 Applicability

A development permit is required for the subdivision of land, construction of, addition to or alteration of a building or other structure, or land alteration, including the cutting of trees, unless exempted below.

4.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a) Development for which Islands Trust has been provided with a written statement from a registered professional hydrogeologist with relevant experience certifying that the proposed would have no impact on critical groundwater recharge.

- b) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required).
- c) Dwellings, cottages, accessory buildings and structures, and associated land alteration that are clustered within a residential home plate not exceeding an area of 1000m², and one access driveway and overhead utility lines and poles outside of the residential home plate
- d) Land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act*.
- e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphalt or similar surfacing.
- f) Removal of invasive species.
- g) Cutting and removal of up to 5 trees per hectare (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.
- h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
- i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*.
- j) Forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*.
- k) The construction of an accessory building or structure with a lot coverage of less than 100m².
- l) Construction of trails or fences that does not alter contours of the land.
- m) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
 - iv. Bridge repairs.
- n) Works undertaken by a local government or a body established by a local government.
- o) Works authorized under a provincial statute.

4.7 Guidelines

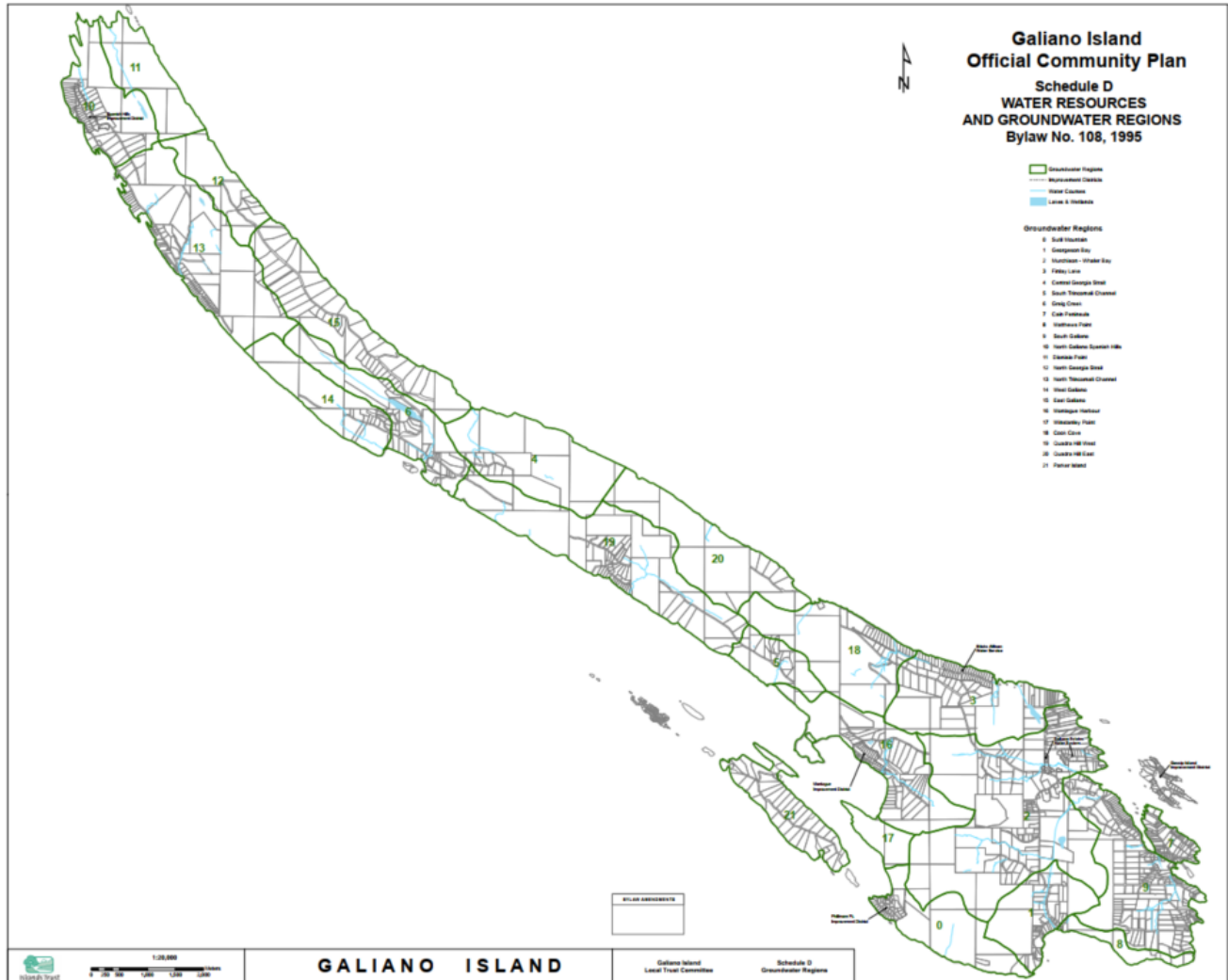
The *Local Government Act* prohibits construction of buildings and structures and the alteration of land and subdivision in Development Permit Area 4 unless the owner first obtains a development permit. Development permits will be issued in accordance with the following guidelines.

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.
2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the permit conditions may include a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.
3. Where the qualified professional hydrogeologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydrogeologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be, to the greatest extent possible, designed to:
 - a) replicate the function of a naturally vegetated watershed;
 - b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;
 - c) minimize interference with groundwater recharge;
 - d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. Where freshwater collection and storage cisterns are required as a condition of the construction of a building, impervious surfaces should be minimized.
6. Where freshwater collection cisterns are required as a condition of construction of a building, the LTC may require that all new dwelling units include:
 - i. External equipment for collecting and distributing rainwater from the dwelling unit roof;
 - ii. A pumping system;
 - iii. An overflow handling system.
7. The use of impervious paved driveways shall be discouraged.
8. Where tree removal is not exempt from the requirement for a permit:
 - a. Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.

- b. All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
 - c. Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
 - d. If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.
 - e. Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.
 - f. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.
9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage. The construction of roads and utility corridors and other activities involving the disturbance of the soil, must be conducted in such a manner that the productivity of the local groundwater recharge area is not impaired through soil compaction, altered surface drainage patterns, siltation, erosion, or salt water intrusion.
10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.
11. Permits may include minor variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area."
12. Section VI Development Approval Information, Subsection 2. Special Conditions "ii" is amended by deleting "elevated groundwater catchments" and replacing it with "groundwater recharge".
13. Schedule "D – Water Resources" is removed and replaced with Schedule "D – Groundwater Regions" as shown on Plan No.1 attached and forming part of this bylaw.

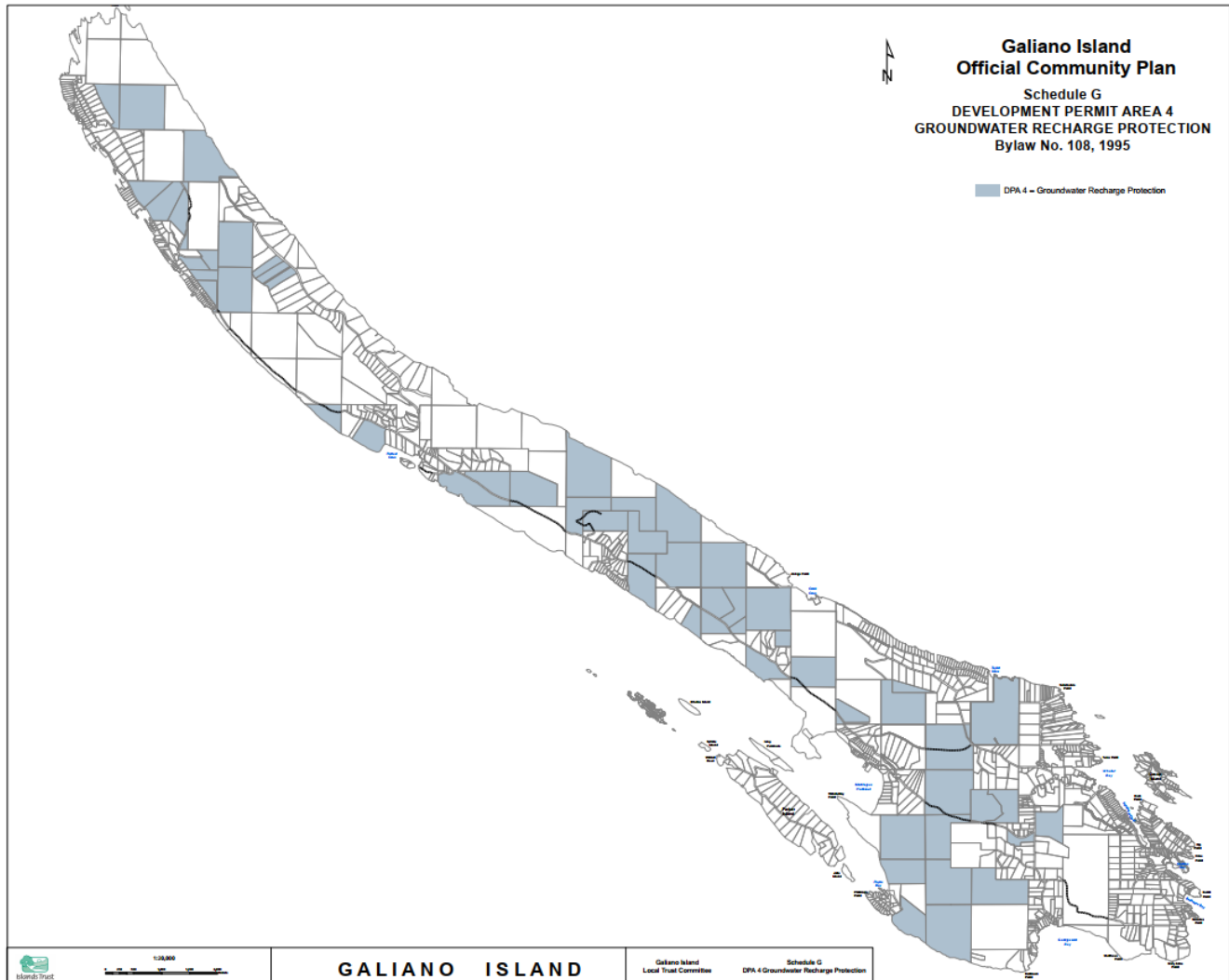
14. Schedule "G – Development Permit Area 4: Elevated Groundwater Catchment" is removed and replaced with Schedule "G – Development Permit Area 4: Groundwater Recharge Protection" as shown on Plan No.2 attached and forming part of this bylaw.

GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 283
Plan No.1



GALIANO ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 283
Plan No.2

Schedule G – Development Permit Area 4: Groundwater Recharge Protection



DRAFT

GALIANO ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 284

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

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

1. Citation

This bylaw may be cited for all purposes as “Galiano Island Land Use Bylaw No. 127, 1999, Amendment No. 1, 2022”.

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

2.1 Section 2 General Regulations, Subsection 2.28– Secondary Suites is amended by removing 2.28.6 in entirety and replacing it with “ 2.28.6 A building permit for a property outside a water service area shall not be issued for a secondary suite unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the property.”

2.2 Section 2 General Regulations is amended by inserting “Cistern Requirements” as a new heading under Section 2.28.

2.3 Section 2 General Regulations is amended by inserting, under the heading “Cistern Requirements” the following:

“2.29 A building permit for a property outside a water service area shall not be issued for a new building to be used as a dwelling, including a cottage, unless a cistern (or combination of cisterns) for the storage of freshwater having a capacity of at least 18,000 litre is installed on the property.

2.30 The floor area occupied by any cistern located in a building and the housing provided for such cistern is excluded from the calculation of the floor area of the building and the lot coverage of the lot on which it is located. “

2.4 Section 13 Subdivision and Development Regulations 13.23 is amended by removing “16,000” and replacing it with “18,000”.

2.5 Section 13 Subdivision and Development Regulations is amended by deleting 13.24 through 13.29 in its entirety and replacing it with the following and by making such consequential numbering alterations to effect this change.

“Standards for Potable Water Supply

Information Note: If more than one dwelling unit is connected to the same source of water, the water system may be subject to the Drinking Water Protection Act, the Water Utility Act or other regulations pertaining to water supply systems.

Information Note: Water obtained from a stream, or non-domestic groundwater use requires a licence under the Water Sustainability Act.

- 13.24 Where potable water is proposed to be supplied to lots in a subdivision by an established community water system, the applicant for subdivision must provide written confirmation from the community water system that it is able to supply potable water for the permitted principal use and density to each lot.
- 13.25 Where potable water is proposed to be supplied to lots in a subdivision by creating a community water system, the applicant for subdivision must provide proof of all authorizations required under the *Drinking Water Protection Act*, the *Water Utility Act* or any other enactment pertaining to water supply systems.
- 13.26 Where potable water is proposed to be supplied to lots in a subdivision from a stream, the applicant for subdivision must provide proof of authorization in the form of a water licence confirming that the total volume of water granted to the licence holder is able to supply potable water for domestic uses at the volume specified in Table 1 to each lot.
- 13.27 Where potable water is proposed to be supplied to lots in a subdivision by drilled wells the applicant for subdivision must provide written certification under seal of a hydrogeologist that:
- Each well has been constructed in accordance with the *Groundwater Protection Regulation*;
 - Each well has been constructed in accordance with Sections 13.29, 13.30 and 13.31;
 - Each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on each lot in accordance with Table 1;
 - Each well for which a water licence has not been issued has sufficient available groundwater volume for all permitted non-domestic, non-agricultural, non-park, non-conservation area principal uses for each lot at the permitted density of use; and
 - Includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.

TABLE 1 DOMESTIC POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE	VOLUME (litres per day)
<i>Per lot (including one dwelling)</i>	2000

<i>Each additional permitted dwelling and cottage per lot</i>	2000
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- 13.28 Where the potable water is proposed to be supplied to lots in a subdivision by drilled wells, for any well where a water licence has not been issued the applicant for subdivision must also provide written certification under seal of a hydrogeologist:
- Results of a water quality analysis, completed by an accredited laboratory;
 - A plan of the proposed subdivision indicating the location where each water sample was taken;
 - A statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
 - Confirmation, based on the accredited laboratory water quality analysis, that each proposed water supply source is potable, or can be made potable, with a treatment system; and
 - Confirmation, based on the accredited laboratory water quality analysis of chloride concentrations, that each drilled well is not likely to be affected by the intrusion of saline groundwater or sea water in accordance with the Province of British Columbia guidance documents.
- 13.29 Where a water license has not been issued and where potable water is proposed to be supplied to lots in a subdivision by a drilled well, a pumping test shall be carried out on each well in a proposed subdivision by:
- pumping groundwater, at a constant rate, for a minimum period of 12 hours; and
 - withdrawing the total daily required volume specified in section 13.27 over a maximum period of 24 hours; and
 - monitoring groundwater levels continuously during the pumping test and during the recovery period.
- 13.30 Where potable water is to be supplied by a drilled well a sounding tube or wellhead port must be installed to enable the insertion of water level monitoring equipment.
- 13.31 Drilled wells used for the purposes of subdivision must not be located within 50 metres of the natural boundary of the sea.
- 13.32 If the daily required volume of potable water cannot be supplied in accordance with Section 13.24 or if the certification in Subsections 13.27(c) and 13.27(d) cannot be made, the Approving Officer may nonetheless approve the subdivision provided that the applicant grants a s.219 covenant to the Galiano Island Local Trust Committee and the Capital Regional District that restricts the development of the subdivision to the uses or density of the uses for which a certification has been made under Sections 13.24 or 13.27.
- 13.33 Where the certification under subsection 13.28(d) states that a water supply is not potable but can be made potable with a treatment system, the Approving Officer may approve subdivision provided that the applicant grants a s. 219 covenant under the *Land Title Act* to the Galiano Island Local Trust Committee and the Capital Regional District that requires on-going treatment of the water to potable water standards recommended by a hydrogeologist.

- 13.34 For the purposes of subdivision, drilled wells impacted by seawater intrusion or whose operation is likely to cause seawater intrusion are not permitted sources of potable water.
- 13.35 For the purposes of subdivision, alternative potable water supplies including, but not limited to, shallow dug wells, rainwater catchment and desalination are not permitted sources of potable water.
- 13.36 The requirements of Sections 13.24-13.35 do not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of lots or permitted dwelling units, provided that all lots in the subdivision are currently serviced by existing wells, community water system connection or water licence.
- 2.6 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by inserting the following in alphabetical order:
- ““aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.
- “groundwater” means water naturally occurring below the surface of the ground.
- “Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the Professional Governance Act, Engineers and Geoscientists Regulation.
- “potable” means water that is safe to drink, fit for domestic purposes and meets the Heath Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.”
- “pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.
- 2.7 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:
- ““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

are currently serviced by existing wells, community water system connection or water licence.”

- 2.5 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by adding the following in alphabetical order:

““aquifer” means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.

“groundwater” means water naturally occurring below the surface of the ground.

“Hydrogeologist” means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the Professional Governance Act, Engineers and Geoscientists Regulation.

“potable” means water that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution.”

“pumping test” means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on aquifer characteristics.

- 2.6 Section 17 Interpretation, Subsection 17.1 Definitions, is amended by removing the definition of “community water system” in its entirety and replacing it with:

““community water system” means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.”

DATE OF MEETING: March 16, 2023

TO: Salt Spring Island Local Trust Committee

FROM: Chris Hutton, Regional Planning Manager
Salt Spring Island Team

SUBJECT: BC Active Transportation Grant – Salish Sea Trail Network, Island Pathways

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee supports community efforts to complete the Salt Spring Island segment of the Salish Sea Trail, and endorses Island Pathways' application to the BC Active Transportation Grants Network Planning stream to match funds from the recently successful Federal Active Transportation Network Planning Grant to a maximum of \$25,000, provided that Islands Trust is named as the eligible recipient for the grant.
2. That the Salt Spring Island Local Trust Committee direct that staff will not disburse grant funds to Islands Pathways until Island Pathways enters into a service contract for a maximum of \$25,000 to prepare a Salish Sea Trail Network Plan. Details of the contract will require clearer articulation of the services to be provided, including:
 - a. Provision of a project charter indicating:
 - i. The purpose, goal, deliverables, schedule and budget of the project.
 - ii. An engagement strategy with the public and other government stakeholders
 - iii. A strategy to engage the 13 First Nations on whose traditional and Treaty territory the project lies.
 - b. Assurance that no invoice will be paid from the Islands Trust until Island Pathways has submitted satisfactory reporting the BC Active Transportation Grants to enable compensatory disbursement.

REPORT SUMMARY

The purpose of this report is to provide Salt Spring Island Local Trust Committee (LTC) with background information, analysis, and recommendations regarding how to proceed with support for a successful application to the BC Active Transportation Grant.

BACKGROUND

Through the Spring-Fall, 2022, Island Pathways (IP) successfully applied to the Infrastructure Canada Active Travel Fund Planning and Design Stream for a \$50,000 grant to enable completion of active transportation infrastructure on Salt Spring Island. A letter of support (Attachment 1) from the LTC Chair acknowledges that IP's work supports implementation of the Salt Spring Island OCP regarding active transportation options. The LTC also asked staff to continue to participate in the Salish Sea Trail Network SSTN group.

Prior to the Oct. 21, 2022 application deadline, IP submitted a grant to the BC Active Transportation Grants Program (BCAT) on behalf of Islands Trust. Neither the LTC nor staff were aware that this application had been made. Island Pathways indicated that they applied as Islands Trust because the grant is available to local governments, but not community groups. For information, the CRD could apply as they were and are doing a Salt Spring Island Active Transportation Network Plan under the same grant program (previous year).

In November 2022, IP reached out to a Local Trustee to request a resolution to accompany the application, which was forwarded to RPM Hutton and the standing LTC. While LTC members indicated support, staff determined that an RWM would not be possible to subsequently endorse the resolution at an open LTC by the then-imposed December 1 deadline, due to a lack of a final schedule. In follow-up discussions with staff, IP was advised to reach out to the LTC advocating further opportunities to consider such a project in the LTC projects work plan. At the time, staff and IP assumed that the grant would not proceed as the requisite resolution has never been provided.

Staff were therefore surprised to receive a conditional grant offer BCAT, subject to provision of the requisite LTC resolution on February 14, 2023. The BCAT program released a news release of the successful program grantees, including Salt Spring Island LTC on February 16. Ultimately, staff requested that the BCAT program provide an extension March 17 to sign the conditional grant agreement in order to present this report to the LTC and seek the resolution to support the grant.

ANALYSIS

Policy/Regulatory

The intent of this section is to identify the most significant/relevant policies, regulations and guidelines and provide an explanation as to how the application/project/initiative responds to each of these key statements. Is the application/project/initiative consistent with the policy/regulatory framework or not? If not, why? Avoid long lists with no corresponding analysis. Subheadings may include, for instance:

Official Community Plan:

The current OCP pre-dates and envisions the on-road route between Ganges and Fulford as a multi-use trail network connection.

Land Use Bylaw:

The land use bylaw provides for subdivision control to require provision of road dedication for widening and trail construction. At this time, this mainly consists of widening to achieve a 20 m road right of way and conventional shoulder bike lanes. An improved network plan could provide a better understanding of a build-out cross-section to clarify land needs. Note that road widening through subdivision is miniscule strategy to achieve road widening, particularly where most of the route frontage is rural and zoning does not support subdivision.

Issues and Opportunities

The following list of issues must be considered in contemplating whether or not to proceed with acceptance of this grant.

Staff Capacity and Work Plan:

The Salt Spring Office currently has two unfilled staff positions. The office is also about to undertake two very large, public-facing policy projects that require more staff time. Overall, there is no staff resources capacity to manage

this grant. Conversely, further work through the OCP/LUB Update project, and the Ganges (Shiya'hwat/SYOWT) Village Area Plan would benefit from information from an active transportation plan.

Financial Accountability:

As the recipient of the grant funds, Islands Trust is financially accountable for the efficient administration of this grant in order to receive disbursement related to the project. In simple terms this means that if the BC Active Transportation Grants Program is not satisfied that expenses and products match the conditions of the grant, funds will not be paid. To navigate these risks, a recommendation is suggested that would require Island Pathways to enter into a contract that requires them to undertake all reporting for the grant to ensure that disbursement will be paid to the Islands Trust before invoices will be paid to Island Pathways from Islands Trust.

Strategic Approach:

The LTC should further consider that, given the late nature of this application, there has been no strategic consideration as to whether the proposed project description represents the best approach for Islands Trust and that and IP is the best party to do this work. This is an important consideration because acceptance of the grant at this time could limit LTC's ability to pursue a similar plan with Provincial Funding in the future.

Consultation

No consultation would be required on the part of the Islands Trust regarding this project. The creation of such a plan impacts the interests of many people, businesses, and organizations in the community. Useful plans cannot be achieved without informed understanding and endorsement of the wider community, and therefore, it is incumbent on the Islands Trust to ensure that planning under this grant includes broad and meaningful engagement. This has been addressed as a requirement in the recommended service contract.

First Nations

Of particular importance, the Islands Trust has articulated a [Reconciliation Declaration](#) that speaks to the establishment and maintenance of respectful relationships between Indigenous and non-Indigenous Peoples, and strives to create opportunities for knowledge-sharing. The recommendation includes a requirement that a service contract includes consideration of how the project proponents will engage with First Nations and seek to incorporate indigenous knowledge and understanding.

Rationale for Recommendation

Community groups, such as Island Pathways are an illustration of the powerful impact that community groups can have on the betterment of communities. Their action and activism in free society is illustrative of the many ways that governments rely on the communities they serve to collaboratively bring forward and achieve community vision. That said, there is considerable accountability in the management of public funds, and the LTC must ensure that in the process of executing this project, expenses are responsible and do not compromise efficient management of financial and human resources.

The recommendation is that LTC endorse this grant, subject to conditions that protect the interests of the Islands Trust. This is primarily embodied in the proposed service contract.

ALTERNATIVES

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

1. Require that Islands Trust act as Recipient for Both Grants

The LTC may wish to undertake overview of funding approvals for Federal Active Travel Grant. This would not prohibit LTC and IP from collaborating on a similar project in future years. Recommended wording for the resolution is as follows:

1. *That the Salt Spring Island Local Trust Committee supports community efforts to complete the Salt Spring Island segment of the Salish Sea Trail, and endorses Island Pathways' application to the BC Active Transportation Grants Network Planning stream to match funds from the recently successful Federal Active Transportation Network Planning Grant to a maximum of \$25,000, provided that Islands Trust is named as the eligible recipient for the grant.*
2. *That the Salt Spring Island Local Trust Committee direct that staff will not disburse grant funds to Islands Pathways until Island Pathways enters into a service contract for a maximum of \$75,000 to prepare a Salish Sea Trail Network Plan. Details of the contract will require clearer articulation of the services to be provided, including:*
 - a. *Provision of a project charter indicating:*
 - i. *The purpose, goal, deliverables, schedule and budget of the project.*
 - ii. *An engagement strategy with the public and other government stakeholders*
 - iii. *A strategy to engage the 13 First Nations on whose traditional and Treaty territory the project lies.*
 - b. *Assurance that no invoice will be paid from the Islands Trust until Island Pathways has submitted satisfactory reporting to both the Canada Active Travel Grant and the BC Active Transportation Grants to enable compensatory disbursement.*

2. Decline the grant

The LTC may decline the application. This would not prohibit LTC and IP from collaborating on a similar project in future years. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that staff notify the BC Active Transportation Grants Program that it declines the conditional grant offer.

NEXT STEPS

If LTC moves the recommendation, staff will sign the conditional grant offer and proceed to work with Island Pathways on the preparation of a service contract.

Submitted By:	Chris Hutton, RPP, MICP, Regional Planning Manager	March 8, 2023
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ATTACHMENTS

1. Letter of Support for Island Pathways application to Canada Active Travel Grant, dated March 23, 2022
2. BC Active Transportation Grants Program Application from Island Pathways
3. BC Active Transportation Grants Program Conditional Grant Offer



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

Telephone **250.537.9144**

Toll Free via Enquiry BC in Vancouver 604.660-2421. Elsewhere in BC **1.800.663.7867**

Email ssiinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

March 23, 2022

File: 3070 - Government-to-Government/Salish Sea Trail Network

Infrastructure Canada
Active Transportation Fund
ATF-FTA@infc.gc.ca

Dear Active Transportation Fund Project Team,

Re: Active Transportation Fund, Island Pathways, Salt Spring Island

The Salt Spring Island Local Trust Committee (SS LTC) wishes to express its support for Island Pathways' application to the Infrastructure Canada Active Transportation Fund Planning and Design Stream. Award of this grant to Island Pathways will enable the completion of critical planning and design work to advance the longstanding goal of safe, accessible active transportation infrastructure on Salt Spring Island.

At its meeting of March 22, 2022, SS LTC passed the following resolution:

SS-2022-046

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee supports community efforts to complete the Salt Spring Island segment of the Salish Sea Trail, endorses Island Pathway's proposed Federal Active Transportation Network Planning Grant application, and will serve as an eligible recipient for the grant if and as necessary.

CARRIED

This resolution followed one made October 5, 2021 that enabled Islands Trust staff to participate in the Salt Spring Island Salish Sea Trail Network Working Group, a committee chaired by Saanich North and the Islands MLA Adam Olsen and comprised of elected officials and staff from agencies of jurisdiction, as well as members of the local cycling and walking community who are now leading this Active Transportation Fund grant application:

SS-2021-200

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee endorse in principle the completion of the Salt Spring Island segment of the Salish Sea Trail Network.

CARRIED

While it predates the Salish Sea Trail name, Salt Spring Island Official Community Plan (OCP) Bylaw No. 434 emphasizes the community's desire for enhanced pedestrian and cycling infrastructure along Fulford-Ganges Road, as in the following policies:

C.2.2.2.5 The Ministry of Transportation and Infrastructure and the Salt Spring Island Transportation Commission should be encouraged to develop a bicycle and pedestrian network to be developed as part of the Ganges Public Pathway System, the island's public trail system and as part of the CRD's Regional Trail Network. This network should consist of off-road trails as well as on-road bicycle lanes. Roads that should be given priority for the development of bicycle routes are included on Map 4. All other roads on the island should also be considered bicycle routes, although lower traffic speeds mean that separate paths may not be required. The construction of those bicycle lanes that provide a safe route to public schools is identified as a priority in development of island bicycle paths. Bicycle lanes should be developed in consultation with the Salt Spring Island Transportation Commission, in coordination with Salt Spring's overall transportation strategy.

C.2.2.2.18 The Ministry of Transportation and Infrastructure, the Salt Spring Island Parks and Recreation Commission, Salt Spring Island Transportation Commission, and the local bicycling community are encouraged to cooperate with the Local Trust Committee to develop the roadside bicycle lanes shown on Map 4.

OCP Map 4, referenced in the foregoing policies, is appended to this letter and includes the proposed route of the Salt Spring Island segment of the Salish Sea Trail Network stretching from the Fulford to Vesuvius Bay ferry terminals, which is described in detail in the Island Pathways grant application.

For the health and safety not only of Island residents, but also the considerable number of tourists that visit Salt Spring Island year-round, as well as helping reduce our community's contribution to climate change, the SS LTC hope that you will support this grant application to advance development of the Salt Spring Island segment of the Salish Sea Trail Network.

Yours truly,



Peter Luckham
Chair, Salt Spring Island Local Trust Committee
Islands Trust

cc: Salt Spring Island Local Trust Committee
Gary Holman, Director, Electoral Area F
Adam Olsen, MLA, Saanich North and the Islands
Island Pathways, Salt Spring Island

Attachments:

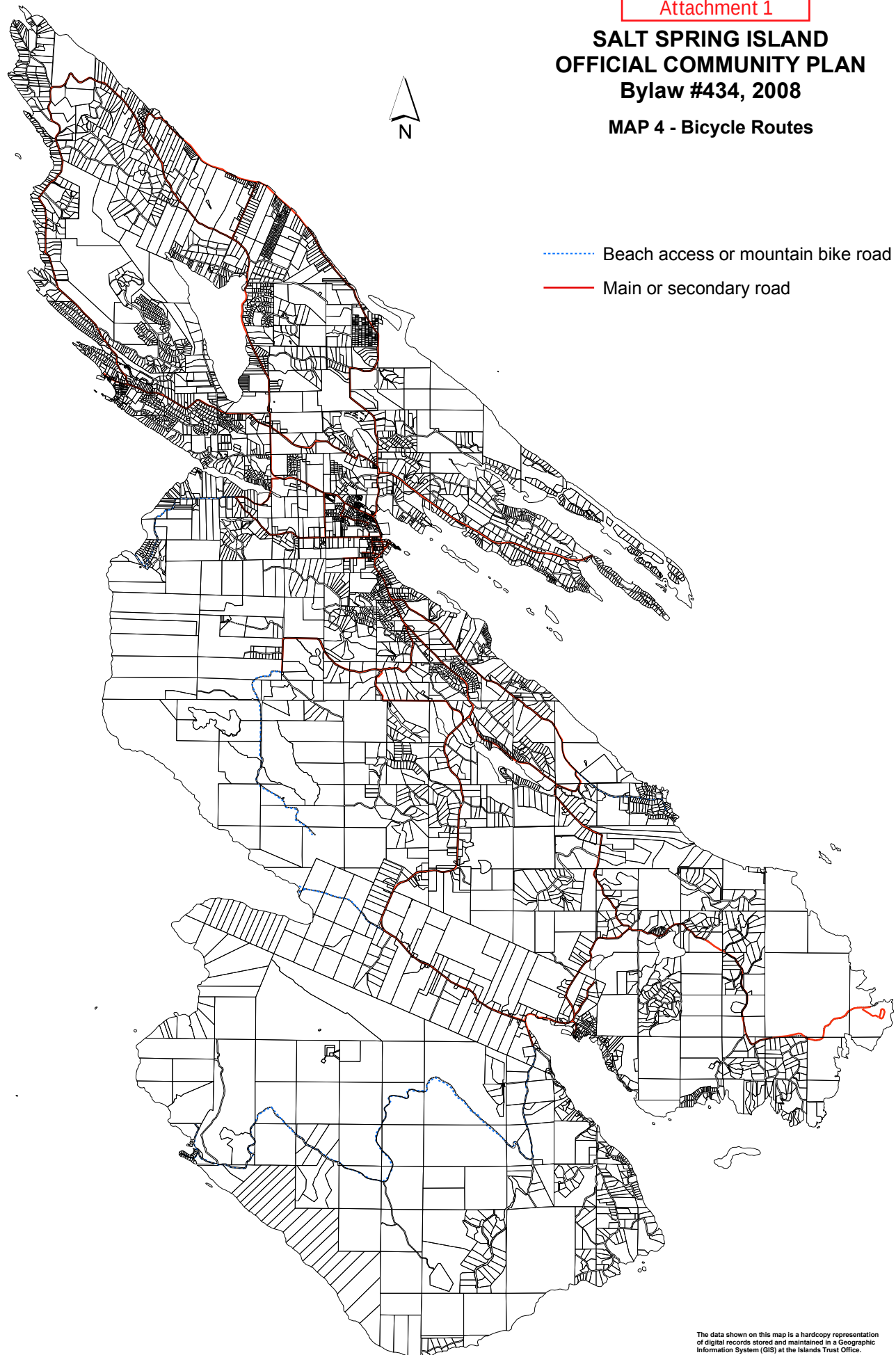
- 1) Map 4, Salt Spring Island Official Community Plan Bylaw No. 434

**SALT SPRING ISLAND
OFFICIAL COMMUNITY PLAN
Bylaw #434, 2008**

MAP 4 - Bicycle Routes



- Beach access or mountain bike road
- Main or secondary road



The data shown on this map is a hardcopy representation of digital records stored and maintained in a Geographic Information System (GIS) at the Islands Trust Office.

BRITISH
COLUMBIAMinistry of Transportation
and Infrastructure

BC ACTIVE TRANSPORTATION NETWORK PLAN APPLICATION FORM 2022/2023

Submit the completed application form in fillable PDF format (not printed and scanned) along with the Network Planning Cost Estimate, Signature Form, Council/Board/Band Council Resolution/Approval, and any other supporting documentation via email to BCATgrants@gov.bc.ca by 11:59PM on October 21, 2022.

If more space is needed than the form allows, you may refer to an attached supplement. If you require further information or assistance, please read the Program Guidelines, review the [BC Active Transportation Infrastructure Grants Program website](#), or contact program staff at BCATgrants@gov.bc.ca.

Information collected is subject to [BC's Freedom of Information and Protection of Privacy Act](#).

SECTION 1. CONTACT INFORMATION

Legal name of applicant: Islands Trust ; Salt Spring Island Local Trust Area		Census 2021 Population: 11,635
Applicant Address: 500 Lower Ganges Rd #1 City: Salt Spring Island Postal Code: V8K 2N8		
Check which applies:		
☐ Indigenous Government	☐ Municipality	☒ Islands Trust
☐ Regional District or an Electoral Area of a Regional District		
☐ Indigenous Economic Development Corporation where the Nation is the shareholder		
Primary Contact Name: Robin Jenkinson		Phone:
Title: Island Pathways, Volunteer		Email:
Primary Contact Address:		City: Salt Spring Island Postal Code:

SECTION 2. REQUIREMENTS IN ORDER TO ADVANCE (Project may be ineligible if any of the answers to the questions below is "NO")

- Is the population of the community less than 25,000? ☒ Yes ☐ No
The Province supports smaller communities through 50% cost-sharing of up to \$50,000 for development of an Active Transportation Network Plan. Larger communities are not eligible.
- Is the Active Transportation Network Plan Cost Estimate form submitted with your application? ☒ Yes ☐ No
- Has the Council/Board/Band Council Resolution/Approval been obtained and submitted with your application? See requirements in Program Guidelines. ☒ Yes ☐ No
Note that if an authorized resolution is not available by the application deadline due to meeting schedules, a draft resolution with anticipated date of submission for fully authorized resolution may be submitted with application package. The fully authorized resolution must be submitted by December 1, 2022.

SECTION 3. COMPONENTS

- Project Title: [Salish Sea Trail Network; Salt Spring Segment, Gulf Islands, BC](#)
- Description (high level scope outline):
[Island Pathways, with partners, requests Active Travel Funding to advance over 30 years of efforts to establish a cycling route from Fulford to Vesuvius on Salt Spring Island, as part of a larger regional trail loop \(please see](#)
- Will the Active Transportation Network Plan address conflicts caused by traffic congestion? ☒ Yes ☐ No
- Will the Active Transportation Network Plan support active transportation commuting? Active transportation is defined as human-powered forms of commuting to work, school, recreation, socializing or running errands. ☒ Yes ☐ No
- Will the Active Transportation Network Plan include access to major destinations within a municipality, regional districts and/or provincial active transportation routes (e.g. major employers business districts, schools, hospitals, recreation areas, shopping, trails, transit)? Describe: ☒ Yes ☐ No



6. Will the Active Transportation Network link to any of the following?

- ☒ Transit ☐ Aviation ☐ Train ☒ Ferries ☐ Park and Ride ☒ Roads
☐ Other Describe: [Connecting the safe, mostly off-road Lochside, Galloping Goose, Cowichan Valley Regional, and](#)

SECTION 4. HEALTH AND ECONOMY

1. Describe how the Active Transportation Network Plan will align with the community's goals and priorities related to healthy living.

[Salt Spring has a chronic shortage of workers because the cost of housing is exceedingly high in relationship to the average income. Families spend a much higher proportion of their income on housing than pretty much anywhere else in Canada. As a result, home and health care workers as well as retail and grocery store workers, teacher assistants, small business employees are all in high demand continuously because so many residents](#)

2. Describe the potential economic benefits to your community (e.g. *construction of the infrastructure will provide local jobs; enhance tourism, connect retail centres and employment*).

[Salt Spring is a major tourist destination, with visitors coming from all over the world as well as from Southwestern BC, most notable is the island's closeness to Vancouver, Victoria, Duncan and Nanaimo. Because the island is only accessible by ferry, which results in long car line-ups and waits, especially on weekends and during holidays, the current lack of cycling infrastructure limits the potential growth for environmentally safe tourism. By offering a](#)

SECTION 5. SAFETY

1. What are some of the safety issues in your community that will be addressed in your Active Transportation Network Plan (e.g. *stairway linking neighbourhoods to schools; sidewalks for safer pedestrian travel; bike paths linking the town centre to recreation areas*)?

Please provide details on how the Active Transportation Network Plan will address safety concerns, including supporting documentation and quantitative data or anecdotal data. ([ICBC Statistics](#) and crash maps for the province and Transport Canada's [National Collision Database](#) provides data on bicycle and pedestrian collisions with vehicles).

[Since 1988, Island Pathways volunteers have worked to advocate and educate for safer active transportation options on Salt Spring Island and for better regional connections. While Salt Spring Island remains a popular destination for bicycle tourism, many locals have become more reluctant to ride due to higher traffic volumes on rural roads with narrow, gravelly shoulders. Released in October 2021, Island Pathways' video "Road Smarts](#)

2. Provincially funded active transportation projects must be consistent with best practices for active transportation design. Indicate which documents you plan to use in network plan development:

- ☒ [BC Active Transportation Design Guide](#) (This is the preferred document)
☒ [Guideline for the Development of Bicycle Facilities \(4th Edition\)](#)
☐ [Urban Bikeway Design Guide](#)
☒ [Bikeway Traffic Control Guidelines for Canada](#)
☐ Other
(specify): _____

SECTION 6. TIMING, CONSULTATION AND MONITORING

1. Will the Active Transportation Network Plan be complete and approved by March 2024? ☒ Yes ☐ No

2. Describe any consultation and/or engagement you will be undertaking, include key stakeholders, methodology and possible timing. [Working with MLA Adam Olsen's office, consultation will occur with local Indigenous communities, in particular regarding the naming and branding of the](#)



3. Describe any data collection you will be undertaking, and if/how longer-term data collection will be a part of the Active Transportation Network Plan.

Island Pathways conducts seasonal bike counts for the Capital Regional District (CRD) using their methodology. These will continue. Furthermore, a number of hands-up and family surveys have been conducted on student travel modes at Salt Spring Elementary as part of ongoing active school travel projects.

4. Describe how you will monitor the implementation of the Active Transportation Network Plan to ensure success.

The Salish Sea Trail Network Working Group, including representatives from MP Elizabeth May, MLA Adam Olsen, CRD Director Gary Holman, BC Ferries, Islands Trust Planners, MoTI, and other stakeholders including Island Pathways, has met monthly since 2020 to monitor and advance this project. These meetings are expected to continue and this proposal has been approved and is the outcome of these meetings.

SECTION 7. PARTNERSHIPS

1. What other agencies have right-of-way(s) within the proposed Active Transportation Network Plan area (e.g. provincial highway, railway, BC Hydro)? Please list all agencies.

Private, MoTI, BC Hydro, BC Ferries. ur goal is to strategically advance planning and design work along the Salish Sea Trail route to methodically create "shovel ready" capital projects that are eligible for funding. Several partners have plans to conduct feasibility/construction design and construction in the next few years for specific segments of this 20 km trail across Salt Spring Island. This planning project would connect these in a coherent regional trail

2. Will the above agencies be consulted during the development of the Active Transportation Network Plan?

☒ Yes ☐ No

SECTION 8. PROJECT COST INFORMATION

Please see Program Guidelines for information on eligible costs, ineligible costs, and third-party contributions.	Total Estimated Project Cost	\$ 100,000.00	(A)
	Total Estimated Eligible Project Cost (must match Cost Estimate)	\$ 100,000.00	(B)
	Third party contribution(s) or in-kind/donated contributions:	\$ 50,000.00	(C)
Grant request must be 50% of total eligible costs less third-party or in-kind funding, or \$50,000, whichever is less.	Total Estimated Eligible Project Cost less third party or in-kind contributions: (B) – (C)	\$ 50,000.00	(D)
	Grant Request: 50% of (D) or \$50,000, whichever is less	\$ 50,000.00	(E)
Applicant Share: (A) – (C + E)		\$ 50,000.00	



SECTION 9. DOCUMENT CHECKLIST *Attach documents*

- ☒ Active Transportation Network Plan Cost Estimate
- ☒ Council/Board/Band Council Resolution/Approval OR Draft Resolution with Anticipated Submission Date for Fully Authorized Resolution (Note that fully authorized resolution must be submitted by December 1, 2022)
- ☒ Signature Form
- ☒ Complete Application Form



February 14, 2023

Peter Luckham
Chair, Salt Spring Island Local Trust Committee
Islands Trust
500 Lower Ganges Rd #1
Salt Spring Island, BC V8K 2N8

Dear Peter Luckham:

Re: B.C. Active Transportation Network Plan Grant Program
Project #065OA126726 – Active Transportation Network Plan

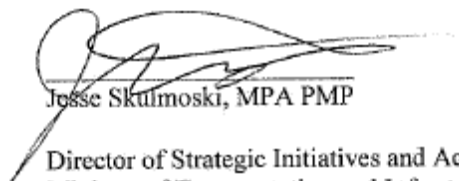
Please find attached a Conditional Grant Agreement (CGA) between the Ministry of Transportation and Infrastructure and the Islands Trust for the above project which has been approved to a maximum provincial contribution of **\$25,000**. Please ensure a PDF version of the signed Agreement is emailed to BCATgrants@gov.bc.ca by **February 24, 2023**.

The funding approval is embargoed from public or media notice pending a B.C. Government public announcement later this week.

Funding will be paid out as detailed in Schedule B 'Payment Terms and Conditions'. Schedule A 'Project Information and Reporting Requirements' outlines the various reporting requirements that must be submitted. Please visit the [B.C. Active Transportation Infrastructure Grants Program](#) website to access online forms. The project must be completed by **March 31, 2024**.

If you have any further questions, please do not hesitate to contact Rosita Petruzzelli, Senior Analyst, at (778) 974-5361 or rosita.petruzzelli@gov.bc.ca.

Sincerely,



Jesse Skulmoski, MPA PMP
Director of Strategic Initiatives and Active Transportation Grants
Ministry of Transportation and Infrastructure

Attachment

Copy: Robin Jenkinson, Island Pathways, Volunteer
Islands Trust

CONDITIONAL GRANT AGREEMENT

THIS AGREEMENT dated for reference the 14th day of February, 2023 (the “Reference Date”)

BETWEEN:

His Majesty the King in Right of the Province of British Columbia, represented by the Minister of Transportation and Infrastructure

(“the Ministry”)

AND:

Islands Trust

(the “Recipient”)

for the **Active Transportation Network Plan – Project #065OA126726**

BACKGROUND

The Ministry wishes to provide to the Recipient through the B.C. Active Transportation Infrastructure Grants Program on the terms and conditions in this Agreement, reimbursement of the Recipients expenses paid and incurred in relation to the development of an **Active Transportation Network Plan**, to a maximum of **\$25,000** or **50%** of the total Eligible Project Costs, whichever is less.

AGREEMENT

In consideration of the promises set out herein, and other good and valuable consideration (the receipt and sufficiency of which is acknowledged by each of the parties), the parties agree as follows:

DEFINITIONS

1.01 In this Agreement:

- (a) **“Authorized Representative”** means the person or persons with authority to legally bind the Recipient to the obligations set out in this Agreement;
- (b) **“Commencement Date”** means the date identified as such in Schedule A;
- (c) **“Eligible Project Costs”** means all costs considered by the Ministry to be direct and necessary for the successful implementation of the Project, incurred during the period commencing **October 21, 2022** and ending **March 31, 2024** and listed as Eligible Project Costs in section 1 of Schedule C, and excludes Ineligible Costs as listed in section 2 of Schedule C;
- (d) **“Event of Default”** means any of the events described in section 13.01;
- (e) **“Ineligible Project Costs”** means all costs described or listed, as applicable, in section 2 of Schedule C;
- (f) **“Material”** means all findings, data, specifications, drawings, spreadsheets, evaluations, working papers, reports, surveys documents (both printed and electronic), material, databases, procedures manuals whether complete or otherwise that have been produced, received or acquired by, or provided by or on behalf of the Ministry to the Recipient as a result of this Agreement;

- (g) **“Project”** means the project described in Schedule A;
- (h) **“Project Completion”** means when the Active Transportation Network Plan as described in Schedule A has been completed;
- (i) **“Term”** means the period in section 3.01; and
- (j) **“Total Approved Amount”** has the meaning given to it in section 2.01.

PAYMENT

- 2.01 The Ministry will, subject to the Recipient's compliance with the terms of this Agreement, pay to the Recipient a total amount which will not exceed the lesser of **50%** of the total Eligible Costs or **\$25,000** (the “Total Approved Amount”), subject to section 17.02, being the maximum amount approved to be paid to the Recipient under this Agreement, in the amounts and at the times set out in Schedule B.

TERM OF AGREEMENT

- 3.01 The Term of this Agreement will begin on Commencement Date and will expire 9 months after Project Completion unless sooner terminated by the Ministry.

REPRESENTATIONS AND WARRANTIES

- 4.01 The Recipient represents and warrants to the Ministry, with the intent and understanding that the Ministry will rely thereon in entering into this Agreement, that on execution of this Agreement and at all times thereafter:
- (a) all information statements, documents and reports furnished or submitted by the Recipient to the Ministry in connection with or pursuant to this Agreement are true and correct to the best of the Recipient's knowledge;
 - (b) the Recipient has no knowledge of any fact that materially adversely affects, or so far as it can foresee might materially adversely affect, the Recipient's properties, assets, financial condition, business or operations, in such a way as to affect its ability to fulfill its obligations under this Agreement;
 - (c) the Recipient is not in breach of, or in default under, any law, statute or regulation applicable to or binding on it that may affect the Project;
 - (d) the Recipient has the power and capacity to accept, execute and deliver this Agreement; and
 - (e) this Agreement is binding upon and enforceable against the Recipient in accordance with its terms.
- 4.02 All statements contained in any certificate, application or other document delivered by or on behalf of the Recipient to the Ministry under this Agreement, or in connection with any of the transactions contemplated hereby, will be deemed to be representations and warranties by the Recipient under this Agreement.
- 4.03 All representations, warranties, covenants and agreements made herein, and all certificates, applications or other documents delivered by or on behalf of the Recipient, are Material and will conclusively be deemed to have been relied upon by the Ministry and will continue in full force and effect during the continuation of this Agreement.

RELATIONSHIP

- 5.01 No partnership, joint venture, agency or other legal entity will be created by, or will be deemed to be created by, this Agreement or any actions of the parties pursuant to this Agreement.
- 5.02 The Recipient is an independent entity and is not the contractor, employee or agent of the Ministry with respect to the Project.
- 5.03 The Recipient will not in any manner whatsoever commit or purport to commit the Ministry for the payment of money to any person in relation to this Agreement.

RECIPIENT'S OBLIGATIONS

- 6.01 The Recipient will:
 - (a) carry out the Project in accordance with the terms of this Agreement;
 - (b) at the request of the Ministry, fully inform the Ministry of the work done and to be done by the Recipient in connection with the Project;
 - (c) at the request of the Ministry, permit the Ministry at all reasonable times to examine and copy the Material;
 - (d) expend funds received as under this Agreement in accordance with the terms of this Agreement and only for the purpose of carrying out the Project;
 - (e) obtain the prior written consent of the Ministry for any changes to the scope of the Project;
 - (f) observe, abide by and comply with all laws, by-laws, orders, directions, rules and regulations of any competent government including of the Province of British Columbia or any branch or agency thereof directly or indirectly applicable to the Recipient of this Agreement;
 - (g) if requested by the Ministry, provide evidence satisfactory to the Ministry that the representations and warranties set forth in section 4.01 are true and correct;
 - (h) file all tax, corporate information, if applicable, and other returns required to be filed by the laws of British Columbia or Canada, and will comply with all workers' compensation legislation and other similar legislation to which the Recipient may be subject, and will pay all taxes, fees and assessments calculated to be due by the Recipient under those laws;
 - (i) inform the Ministry at least 21 days in advance of making public announcements regarding the Project to ensure sufficient time to coordinate any government communications opportunities; and
 - (j) repay all monies forthwith upon demand by the Ministry if the terms and conditions of this Agreement are not complied with or adhered to.

RECORDS

7.01 The Recipient will:

- (a) establish and maintain accurate books of account and records, including the invoices, documents, statements and reports referenced in this Agreement, in relation to the Project in a manner acceptable to the Ministry (including supporting documentation of all expenditures related to the Project);
- (b) permit the Ministry at any time or times during normal business hours, to copy or audit, or both, any or all of the books of account and records (including supporting documents) referred to in subsection (a) of this section;
- (c) provide to the Ministry a statement of all work done and expenditures made on or in connection with the Project; and
- (d) maintain all such accounts, records and information for 10 years after Project Completion.

STATEMENTS AND ACCOUNTING

8.01 In order to receive final payment, the Recipient will submit to the Ministry within 6 months of Project Completion:

- (a) **Final Active Transportation Network Plan** as described in Schedule A; and
- (b) **Summary of Expenditures**, in form and content satisfactory to the Ministry, supported by invoices and verifying documentation, information, statements, reports, and explanations, as applicable, substantiating that such items constitute Eligible Costs, such statement to be certified true and correct by the Authorized Representative.

8.02 Within 15 days of the delivery of a written demand from the Ministry, the Recipient will provide the Ministry with such information and documents with respect to the Recipient or the Project, including the invoices, documents, statements and reports referenced in section 8.01 of this Agreement, sufficient to enable the Ministry to consider whether the claimed items or any of them, constitute Eligible Costs.

8.03 Unless otherwise previously agreed in writing by the Ministry, all documentation, information, statements, reports, and explanations contemplated in sections 8.01 and 8.02 must be submitted to the Ministry, by electronic mail addressed to: BCATgrants@gov.bc.ca.

APPROPRIATION

9.01 Notwithstanding any other provision of this Agreement, the payment of money by the Ministry to the Recipient pursuant to this Agreement is subject to:

- (a) there being sufficient monies available in an appropriation, as defined in the B.C. Financial Administration Act (the "FAA"), to enable the Ministry in any fiscal year when any payment of money by the Ministry falls due pursuant to this Agreement, to make that payment; and
- (b) Treasury Board, as defined in the FAA, not having controlled or limited, pursuant to the FAA, expenditure under any appropriation referred to in subsection (a) of this section.

REPORTS

- 10.01 The Recipient will deliver to the Ministry such written reports, including but not limited to those set out in Schedule A, in a form and content satisfactory to and prepared by a person acceptable to the Ministry, as the Ministry may from time to time request concerning one or both of the progress of the Project under this Agreement and the financial condition of the Recipient.

CONFLICT OF INTEREST

- 11.01 The Recipient will not, during the Term, perform a service for or provide advice to any person, or entity where the performance of such service or the provision of the advice may or does in the reasonable opinion of the Ministry, give rise to a conflict of interest between the obligations of the Recipient to the Ministry under this Agreement and the obligations of the Recipient to such other person, or entity.

CONFIDENTIALITY

- 12.01 Subject to the laws of the Province and Canada, the Recipient will treat as confidential all information or Material supplied by the Recipient as a result of this Agreement and will not permit the publication, release or disclosure of the same without the prior written consent of the Ministry or except if such disclosure is necessary to enable the Recipient to fulfill its obligations under this Agreement.

DEFAULT

- 13.01 Any of the following events will constitute an Event of Default, namely:

- (a) the Recipient fails to comply with any provision of this Agreement;
- (b) any representation, certification, or warranty made by the Recipient in pursuant to, as a result of or in connection with this Agreement is untrue or incorrect;
- (c) any information, statement, certificate, report or other information or document furnished or submitted by or on behalf of the Recipient pursuant to, as a result of or in connection with this Agreement is untrue or incorrect;
- (d) the Recipient ceases to operate;
- (e) a change occurs with respect to any one or more, including all, of the properties, assets, financial condition, business or operations of the Recipient which, in the opinion of the Ministry, materially adversely affects the ability of the Recipient to fulfill its obligations under this Agreement or to complete the Project;
- (f) an order is made or a resolution is passed or a petition is filed for the liquidation or winding up of the Recipient;
- (g) the Recipient becomes insolvent or commits an act of bankruptcy or makes an assignment for the benefit of its creditors or otherwise acknowledges its insolvency;
- (h) a bankruptcy petition is filed or presented against, or a proposal under the Bankruptcy Act (Canada) is made by, the Recipient;
- (i) a receiver or receiver-manager of any property of the Recipient is appointed; or

- (j) the Recipient permits any sum which is not disputed by the Recipient to be due by it to remain unpaid after legal proceedings have been commenced to enforce payment thereof.
- 13.02 Upon the occurrence of any Event of Default and at any time thereafter the Ministry may, notwithstanding any other provision of this Agreement, at its complete discretion and exercisable by written notice to the Recipient:
- (a) declare all or a portion of the monies paid under this Agreement to be due and payable by the Recipient to the Ministry and such monies will immediately become due and payable without presentment, demand, protest or any other notice of any kind to the Recipient, all of which are hereby expressly waived; and
 - (b) terminate this Agreement by giving at least ten (10) days written notice of termination.
- If the Ministry terminates this Agreement under paragraph (b) above, the Ministry may pay a portion of Project Eligible Costs described in section 2.01, in respect of such portion of the Work that was completed to the Ministry's satisfaction before termination. This payment will be calculated solely by the Ministry, acting reasonably, and may include set off of amounts due from the Recipient. This payment will discharge all the Ministry's obligations pursuant to this Agreement and the Recipient agrees to release the Ministry from all other liability under this Agreement.
- 13.03 Any rights, powers and remedies conferred on the Ministry under this Agreement or under any statute or law are not intended to be exclusive and each shall be cumulative and in addition to and not in substitution for every other right, power and remedy existing or available to the Ministry under this Agreement, any other agreement, at law or in equity.
- 13.04 The exercise by the Ministry of any right, power, or remedy will not preclude the simultaneous or later exercise by the Ministry of any other right, power or remedy.

MINISTRY

- 14.01 The Recipient will contact the Ministry for all matters pertaining to the Project.

INDEMNITY

- 15.01 The Recipient will at all times indemnify and save harmless His Majesty the King in Right of the Province of British Columbia ("the Province"), as represented by the Minister of Transportation and Infrastructure ("the Minister"), and the employees, servants, and agents of the Minister and the Province, from and against all claims, actions, causes of action, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether such interest, fines or costs are court ordered or otherwise and whether before or after the expiration or termination of this Agreement) where the same or any of them are sustained in any way in connection with, pursuant to or as a result of this Agreement, which indemnity will survive the expiration or sooner termination of this Agreement.

ASSIGNMENT AND SUBCONTRACTING

- 16.01 The Recipient will not, without the prior written consent of the Ministry, assign or in any way transfer, whether directly or indirectly, this Agreement or any part of this Agreement including any right or rights of the Recipient under this Agreement.
- 16.02 The Recipient will ensure that any contracts it awards in relation to the Project will be awarded in a way that is transparent, competitive, and consistent with value for money principles.

OTHER FUNDING

- 17.01 If the Recipient receives, or has received, for or in respect of the Project, funding from any person, firm, corporation or other government or governmental body, including in-kind contributions then the Recipient will forthwith provide the Ministry with full and complete particulars thereof. In-kind contributions may include volunteer hours and/or donated professional labour, services, space and materials, which are provided at no cost or below fair market value to the Recipient.
- 17.02 The Ministry reserves the right to recalculate the maximum B.C. Active Transportation Infrastructure Grants Program contribution to the Project under this Agreement as a result of funding identified in section 17.01.

NOTICES

- 18.01 Any notice, consent, waiver, statement, other document or payment and any or all of the Material that either party may desire or be required to give or deliver to the other will be conclusively deemed validly given or delivered to and received by the addressee, if delivered personally on the date of delivery, if delivered electronically on the date of transmission, or, if mailed on the fifth business day after the mailing of the same in Canada by prepaid post addressed, if to the Ministry:

Ministry of Transportation and Infrastructure
Attn: B.C. Active Transportation Infrastructure Grants Program
PO Box 9850 Stn Prov Govt
5D - 940 Blanshard Street
Victoria BC V8W 9T5
BCATgrants@gov.bc.ca

and if to the Recipient:

Islands Trust
500 Lower Ganges Rd #1
Salt Spring Island, BC V8K 2N8
execadmin@islandstrust.bc.ca

- 18.02 Either Party must give written notice to the other party of any change of address of the party giving such notice and after the giving of such notice, the address therein specified will, for purposes of section 18.01, be conclusively deemed to be the address of the party giving such notice.
- 18.03 Any notice, report, direction or other document transmitted by facsimile transmission from either party will be conclusively deemed validly given to and received by the intended recipient.

NON-WAIVER

- 19.01 No term or condition of this Agreement and no breach by the Recipient of any such term or condition will be deemed to have been waived unless such waiver is in writing and signed by a duly authorized representative of the Ministry.
- 19.02 The written waiver by the Ministry of any breach by the Recipient of any term or condition of the Agreement will not be deemed a waiver of such term or condition of any subsequent breach by the Recipient of the same or any other term or condition of this Agreement.

ENTIRE AGREEMENT

- 20.01 This Agreement constitutes the entire agreement between the parties with respect to the subject matter of this Agreement.

FURTHER ACTS AND ASSURANCES

- 21.01 Each of the parties will, upon the reasonable request of the other, make, do, execute or cause to be made, done or executed all further and other lawful acts, deeds, things, devices, documents, instruments and assurances whatever for the better or more perfect and absolute performance of the terms and conditions of this Agreement.

TIME OF ESSENCE

- 22.01 Time will be of the essence of this Agreement.

SURVIVAL OF PROVISIONS

- 23.01 All of the provisions of this Agreement in favour of the Ministry and all of the rights and remedies of the Ministry, whether at law or in equity, will survive any expiration or sooner termination of this Agreement.

INTERPRETATION

- 24.01 This Agreement will be governed by and construed in accordance with the laws of the Province of British Columbia.
- 24.02 The headings appearing in this Agreement have been inserted for reference and as a matter of convenience and in no way define, limit or enlarge the scope of any provision of this Agreement.
- 24.03 Any reference to a statute in this Agreement, whether or not that statute has been defined, includes all regulations at any time made under or pursuant to that statute and any amendments to that statute.
- 24.04 In this Agreement wherever the singular or neuter is used it will be construed as if the plural or masculine or feminine, as the case may be, had been used where the context so requires.
- 24.05 The Schedules to this Agreement are an integral part of this Agreement as if set out at length in the body of this Agreement.
- 24.06 No amendment or modification to this Agreement will be effective unless it is in writing and duly executed by the parties.
- 24.07 If any provision of this Agreement or the application to any person or circumstances is invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to any other person or circumstance will not be affected or impaired thereby and will be enforceable to the extent permitted by law.
- 24.08 All dollar amounts expressed in this Agreement refer to lawful currency of Canada.
- 24.09 Unless the context otherwise indicates, any reference to this Agreement means this instrument and all of the Schedules attached to it, and any reference to any section or subsection by number is a reference to the appropriate section or subsection in this Agreement.
- 24.10 Nothing in this Agreement operates as a consent, permit, approval or authorization by the Province of British Columbia or by any ministry, branch or agency thereof, to or for anything related to the Project that by

statute the Recipient is required to obtain unless it is expressly stated in this Agreement to be such a consent, permit, approval or authorization.

- 24.11 This Agreement will be executed in counterparts by each party under this Agreement signing the original or PDF copy of the Agreement and deliver it to the other party by email, courier or post, or such other method agreed by the parties.

SUCCESSORS AND ASSIGNS

- 25.01 This Agreement will continue for the benefit of and be binding upon both the Recipient and its successors and permitted assigns, and the Ministry and its assigns.

EFFECTIVE DATE

- 26.01 Notwithstanding the date of execution or delivery of this Agreement, this Agreement is effective as of the Reference Date.

IN WITNESS WHEREOF the parties hereto have executed this Agreement by their duly authorized representatives or officers as follows:

Signed on behalf of His Majesty the King)
in the right of the Province of British Columbia,)
by a duly authorized representative of the)
Minister of Transportation and Infrastructure)

Name:

Title:

Date: _____, 2023

Signed on behalf of the **Islands Trust**

Authorized Representative

Name:

Title:

Date: _____, 2023

SCHEDULE A - PROJECT INFORMATION AND REPORTING REQUIREMENTS

PROJECT INFORMATION

1. Project Title: Active Transportation Network Plan – Project #065OA126726.
2. The Project will develop an Active Transportation Network Plan.
3. At a minimum, the Project will consist of the following elements:
 - a. Acknowledgement of funding from the B.C. Active Transportation Infrastructure Grant Program
 - b. Community Profile:
 - i. Population, economic drivers, geography and weather
 - ii. Main destination points and land use
 - c. Strategic Context:
 - i. How ATNP supports community goals (e.g. OCP)
 - ii. How ATNP aligns with B.C.'s CleanBC goals
 - d. Data Collection:
 - i. Current state (baseline) of walking and cycling in community (e.g. counters, manual counts, Stats Canada data, origin-destination studies)
 - ii. Highlight known crash sites and current safety issues (e.g. police reports, ICBC, anecdotal)
 - iii. Current cumulative km's of AT infrastructure
 - e. Potential GHG emissions reductions with AT infrastructure
 - f. Community consultation summary
 - i. Community consultation process, results, and any future commitments
 - g. Plan & Implementation:
 - i. Map
 - ii. Include existing active transportation infrastructure and where residents currently walk or ride
 - iii. Include proposed AT infrastructure
 - iv. Include maintenance of infrastructure post construction
 - v. Implementation Plan
 - vi. Prioritization of phases
 - vii. Funding
 - viii. Construction schedules
 - ix. Maintenance Plan
 - x. Year over year GHG emissions reductions

Optional appendix:

 - i. Infrastructure design or cross section (option to prepare project specific design for first priority project using principles in the B.C. Active Transportation Design Guide (e.g. Universal Design)
4. The Commencement Date of the Project is **October 21, 2022**, and the Project Completion Date shall be no later than **March 31, 2024**.

REPORTING REQUIREMENTS

1. The Recipient will submit to the Ministry progress reports, in a form established by the Ministry, on the Project which will include the percentage of project completed to date and commentary on any concerns or issues that have occurred. The progress reports are due and in response to a request from the Ministry, at a minimum on the following dates during the Term:
 - March 1
 - June 1
 - September 1
 - December 1
2. In order to receive grant payment, within 6 months of Project Completion, the Recipient must submit to the Ministry:
 - Summary of Expenditures including back-up invoices, as required under section 8.01 of this Agreement; and,
 - Final Active Transportation Network Plan, as required under section 8.01 of this Agreement.

SCHEDULE B - PAYMENT TERMS AND CONDITIONS

1. The Ministry will, subject to the Recipient's compliance with the terms of this Agreement, pay to the Recipient for the Project the following:
 - (a) An initial payment, upon signing of this Agreement, of **\$12,500** will be issued to the Recipient.
 - (b) The final payment will be issued to the Recipient after completion of the Project, upon receipt by the Ministry of information and documentation as required by the terms of this Agreement including without limitation sections 8.01 and 8.02 of this Agreement.
 - (c) The final payment will be the Total Approved Amount or **50%** of the total Eligible Costs, whichever is less, after subtracting the initial payment made by the Ministry pursuant to this Agreement, and subject to adjustment pursuant to section 17.02.
 - (d) Unless otherwise previously agreed in writing by the Ministry, all documentation, information, statements, reports, and explanations contemplated in sections 8.01 and 8.02 must be submitted to the Ministry, by electronic mail addressed to: BCATgrants@gov.bc.ca.
2. Despite any other term of this Agreement, in no event will the Ministry pay to the Recipient any amount or amounts that in the aggregate exceed, the lesser of:
 - (a) **\$25,000** or
 - (b) **50%** of the actual Eligible Costs of completing the Project, as defined in Schedule A or
 - (c) Any recalculated B.C. Active Transportation Infrastructure Grants Program funding amount, as per section 17.02.

SCHEDULE C- ELIGIBLE AND INELIGIBLE PROJECT COSTS

1. ELIGIBLE PROJECT COSTS

Eligible Project Costs are all costs considered by the Ministry to be direct and necessary for the successful implementation of the Project, incurred between the Commencement Date and the Project Completion Date set out in Schedule A.

Eligible Project Costs include the following:

- (a) consultant fees (including travel costs, engineer assessment, etc.);
- (b) printing costs; and
- (c) community engagement and consultation costs.

2. INELIGIBLE PROJECT COSTS

Ineligible Project Costs include the following:

- (a) costs incurred prior to the Commencement Date or after the Project Completion Date set out in Schedule A of this Agreement;
- (b) administrative overhead expenditures (e.g. office supplies, phone bills, etc.);
- (c) taxes for which the Recipient is eligible for a tax rebate and all other costs eligible for rebates;
- (d) legal costs; and
- (e) catering costs.

REQUEST FOR DECISION

To: Salt Spring Island Local Trust Committee **For the Meeting of:** March 16, 2023
From: David Marlor, Director, Legislative Services **Date Prepared:** March 6, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

1. That Salt Spring Island Local Trust Committee Bylaw No. 535, cited as “Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023” be given first, second and third reading.
2. That the Salt Spring Island Local Trust Committee Bylaw No. 535, cited as “Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023

Alternative:

1. That draft Bylaw No. 535 be amended, and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.
2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 6, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	March 9, 2023

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY
BYLAW NO. 535**

A Bylaw to designate the head of the Salt Spring Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Salt Spring Island Local Trust Committee the authority to designate a person as the head of the Salt Spring Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Salt Spring Island Local Trust Committee the authority to set any fees the Salt Spring Island Local Trust Committee requires to be paid under section 75 of the Act,

THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 535, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Salt Spring Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Salt Spring Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Salt Spring Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 333, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this _____ DAY OF _____, 20__

READ A SECOND TIME this _____ DAY OF _____, 20__

READ A THIRD TIME this _____ DAY OF _____, 20__

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

RECONSIDERED AND FINALLY ADOPTED THIS _____ DAY OF _____, 20__

Chairperson

Secretary

Salt Spring Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 535 - Schedule 'A'

Schedule of Maximum Fees

Item	Description of Services		Fees
1	(a)	Application Fee	\$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:		
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually	\$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e)	for shipping copies	actual costs of shipping method chosen by applicant
	(f)	for copying records	
	(i)	floppy disks	\$2 per disk
	(ii)	CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii)	computer tapes	\$40 per tape, up to 2 400 feet
	(iv)	microfiche	\$3 per fiche
	(v)	microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
	(vi)	microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii)	photographs, colour or black and white	\$5 to produce a negative \$12 each for 16" x 20" photograph \$9 each for 11" x 14" photograph \$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
	(viii)	photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix)	dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(x)	dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi)	scanned electronic copy of a paper record	\$0.10 per page
	(xii)	photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xiii)	slide duplication	\$0.95 each
	(xiv)	audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
	(xv)	video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2		the actual cost to the public body of providing that service

DATE OF MEETING: March 16, 2023
TO: Salt Spring Island Local Trust Committee
FROM: Chris Hutton, Regional Planning Manager
Salt Spring Island Team
SUBJECT: Conducting Additional Meetings/Times

RECOMMENDATION

That the Salt Spring Island Local Trust Committee request staff to organize future Salt Spring Island Local Trust Committee Regular Business Agendas to place the town hall and delegation items at the beginning of the agenda, following the call to order; and remove the public hearing and community information meeting items to a separate agenda, as necessary to commence at 12:30 pm on the same day as the Regular Meeting, when needed.

REPORT SUMMARY

The purpose of this report is to provide clarity regarding the availability of resources and options to allow the Salt Spring Island Local Trust Committee (LTC) to conduct additional meetings or meeting in the evenings to allow for greater public input.

BACKGROUND

At its December 13, 2022 Regular Meeting, the LTC passed the following resolution:

SS-2022-172

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to explore options for meetings to be held later in the day and additional opportunities to increase public participation.

CARRIED

ANALYSIS

Policy/Regulatory

Salt Spring Island Local Trust Committee Meeting Procedures

[Salt Spring Island Local Trust Committee Meeting Procedures Bylaw No. 529, 2021](#) outlines procedures for meetings of the Local Trust Committee. Specifically, Bylaw 529 outlines procedures for the annual establishment of a schedule of regular business meetings. Regular business meetings are intended to facilitate conduct of the regular business of the LTC, including the consideration of land use applications, receiving updates and providing guidance on LTC projects and work plan items, as well as bringing of new business to LTC for consideration.

Bylaw 529 also provides procedures for hearing from the individuals and groups on a wide range of topics through town hall, and on pre-identified topics through delegation procedures. Additionally, regular business meetings include legislated engagement process relating to land use bylaws and permits (public hearings and public input periods).

Bylaw 529 also provides procedures for the calling of special meetings. These meeting are useful in cases where:

1. A topic is expected to be attended by more people than the regular venue can hold;
2. The LTC believes that a topic is large enough that discussion would monopolize time available on the agenda to the detriment of regular business.
3. The LTC wishes to engage the public more informally on a specific issue

The staffing and budgeting of the Salt Spring Office anticipates the patterns of regular business that our LTC must address, with the expectation of some need for extraordinary special business meetings. These special meetings are subject to resources availability. With regard to budgeting and resourcing, the scheduling of frequent special meetings not related to pertinent and timely LTC business is not advised. The LTC may wish to note that the upcoming OCP/LUB Review and Ganges (Shiya'hwt/SYOWT) Area Plan projects will potentially require additional staff resources. Budgets for these projects do not include special LTC meetings outside the procedural updates and legislated consideration in the adoption process.

With regard to staffing outside of office hours, where the LTC wishes to have special engagement sessions, resource management of the meeting may mean that it would only be staffed by a minute taker and the RPM, possibly attending remotely.

Policy 4.1.2 – Local Trust Committee Meeting Guidelines

Trust Council Policy [4.1.2](#) provides regulation relating to the rule of order and supplements statutory rules and procedure requirements for regular and special LTC meetings. In addition, a model agenda that is attached is generally followed on SSI for regular LTC meetings.

LTC has identified a desire to create opportunities to be engaged in hours when residents are better able to access them, presumably in evenings. This is common challenge for local government bodies, and there are numerous ways of addressing it. One option is to hold evening meetings. These meetings are much more costly as regular meetings are typically attended by staff, and evening work has expenses relating to overtime, factors into compensation negotiations, and long-term can impact staff recruitment and retention.

The model agenda illustrates another challenge: it is contained in one agenda. The current Salt Spring model of holding Town Hall mid-day creates pressure to finish the preceding business in order to respect the time of residents who attend for this opportunity to speak.

A number of alternatives to evening meetings are potentially more cost effective solutions to address the issue of public access.

1. More closely follow the model agenda in Policy 4.1.2 by moving Town Hall, delegations and other public input to earlier in the day:

This practice would allow for attendants to have assurance that the Town Hall and other input elements of the agenda will start on time, without putting undue stress on other items in the agenda. The other advantage is that it would give those speaking at Town Hall the opportunity to speak to any item ahead on the agenda. Something that is not always achieved when Town Hall is scheduled for mid-day. The drawback of this practice is that the early start time may be challenging for anyone who works regular day time hours.

2. Publish a separate agenda for Delegations, Town Hall, Community Information Meetings, and Public Hearings in a separate agenda whose start time overlaps the regular agenda.

Under this system, Regular LTC would start at the regular time (9:30am), however a separate agenda would be published (in conformance with notification and posting requirements) with the above noted items to start at a later time (ex. 12:30 pm). The regular meeting would be adjourned until after the overlapping agenda business is complete, and resume thereafter. Given the importance of legislated engagement processes to the durability of LTC decision-making, ensuring that the public has a high level of access to make representations would benefit from the certainty offered by a separate, overlapping schedule. Extending this to various other input opportunities would provide greater access for the public as well.

This approach also has the benefit of enabling presenting staff to allocate less time waiting for public hearing items to start, enabling them to undertake other tasks that may not be possible under the current system.

3. A hybrid of having legislated engagements (Public hearings and input) on an overlapping agenda and scheduling discretionary engagement (delegations and town hall) at the beginning of the meeting.

This approach would provide the greatest certainty around engagement timing by splitting legislated and discretionary engagement activities; ensuring that each engagement period session is shorter.

Rationale for Recommendation

Staff recommend that the LTC not consider scheduling special engagement meetings or late night meetings outside of a pressing need to do so, or as part of a LTC projects. Trustees have numerous opportunities to engage in community outside of the structure of LTC meetings, and these opportunities afford greater opportunities for frank and non-linear conversation.

As an alternative, in order to provide greater access to LTC in a more cost-effective and reliable way, staff recommend that moving legislated public engagement activities to a separate overlapping agenda and moving the town hall and delegations to the beginning of the meeting would provide greater certainty to those wishing to attend this portion of the agenda.

ALTERNATIVES

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

1. Request further information

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

That the Salt Spring Island Local Trust Committee request staff to report back on the following items:

a. [list items]

2. Receive for information

The LTC may receive the report for information

NEXT STEPS

If the LTC approves the recommendation, staff will amend the agenda for the next Regular LTC meeting.

Submitted By:	Chris Hutton, RPP, MCIP Regional Planning Manager	March 9, 2023
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