



Saturna Island Local Trust Committee

Regular Meeting Agenda

Date: April 27, 2018
Time: 12:30 pm
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

	Pages
1. CALL TO ORDER	12:30 PM - 1:00 PM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	
6.1 Local Trust Committee Minutes Dated March 8, 2018 (for Adoption)	4 - 11
6.2 Section 26 Resolutions-without-meeting Report	
none	
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	1:00 PM - 1:15 PM
7.1 Follow-up Action List Dated April 2018	12 - 12
8. DELEGATIONS	
none	
9. CORRESPONDENCE	
<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	

9.1	CRD Regional Parks - March 15, 2018 Letter re: Gulf Islands Regional Trails Plan (attached)	13 - 13
10.	APPLICATIONS AND REFERRALS	1:15 PM - 1:45 PM
10.1	SA-TUP-2018.1 (Johnson) - Staff Report (attached)	14 - 25
10.2	SA-RZ-2018.1 (Hall) - Staff Report (attached)	26 - 43
11.	LOCAL TRUST COMMITTEE PROJECTS	1:45 PM - 2:15 PM
11.1	First Nations Relationship Building - Staff Report (attached)	44 - 54
11.2	Secondary Suites Review - Staff Report (attached)	55 - 61
12.	REPORTS	2:15 PM - 2:40 PM
12.1	Work Program Reports (attached)	
12.1.1	<u>Top Priorities Report Dated April 2018</u>	62 - 62
12.1.2	<u>Projects List Report Dated April 2018</u>	63 - 63
12.2	Applications Report Dated April 2018 (attached)	64 - 65
12.3	Trustee and Local Expense Report Dated February 2018 (attached)	66 - 66
12.4	Adopted Policies and Standing Resolutions (attached)	67 - 68
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Report	
12.8	Trust Fund Board Report Dated April 2018	69 - 70
13.	NEW BUSINESS	2:40 PM - 3:30 PM
13.1	Briefing - Land-use Planning Implications of Fisheries and Oceans Canada (attached) <i>Integrated Geoduck Management Framework March 2018</i>	71 - 93
13.2	Annual Report for LTC Endorsement - Staff Report (attached)	94 - 96
13.3	Approval Process for Community Water Systems on Salt Spring Island - EC Memo & Attachment (attached) for information	97 - 126
13.4	Ministry of Transportation & Infrastructure's Fresh Water Requirements for Subdivisions - Discussion	

14. UPCOMING MEETINGS

14.1 **Next Regular Meeting Scheduled for June 14, 2018, at the Community Hall, Saturna Island**

15. TOWN HALL

16. CLOSED MEETING

none

17. ADJOURNMENT

3:30 PM - 3:30 PM



DRAFT

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

Saturna Island Local Trust Committee Minutes of Regular Meeting

Date: March 8, 2018
Location: Saturna Recreation and Cultural Centre
104 Harris Road, Saturna Island, BC

Members Present: George Grams, Chair
Paul Brent, Local Trustee
Lee Middleton, Local Trustee

Staff Present: Gary Richardson, Island Planner
Sharon Lloyd-deRosario, Legislative Clerk/Recorder

Others Present: There were approximately 20 members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 12:33 p.m. He acknowledged that the meeting was being held in the territory of the Coast Salish First Nations and introduced the panel.

A member of the public commented that on FaceBook the meeting was advertised for 1:00 p.m; Chair Grams acknowledged this comment and asked the committee if they would like to adjust the agenda with regard to the Town Hall time, to accommodate late arrivals.

2. APPROVAL OF AGENDA

The committee agreed to amend the agenda by moving Item 3-Town Hall to after Item 9.

By general consent the agenda was approved as amended.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated October 23, and December 10, 2017

By general consent the Local Trust Committee meeting minutes of October 23 and December 10, 2017 were adopted as presented.

6.2 Section 26 Resolutions-without-Meeting Report Dated March 2018

Received for information.

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated March 2018

Received for information.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

None

3. TOWN HALL AND QUESTIONS

In general the community members made comments regarding their concerns with the Speculation Tax and the issues around rental shortages and how island density, affordable housing, short-term vacation rentals, rental of cottages and recycled houses may be options to increase this shortage. The protection of the Coastal Douglas Fir through advocacy was also raised.

The Committee and the Island Planner addressed some questions from the community members.

10. APPLICATIONS AND REFERRALS

10.1 SA-RZ-2012.1 (Nepenthe Holdings) - Staff Memo - Bylaws No. 117 & 118

It was acknowledged that both interested parties were in attendance at the meeting: John Money, present; and applicant Alan Peretz, via telephone.

Planner Richardson, referring to his staff report, gave a quick summary that included some background information and rationale for the recommendations.

SA-2018-001

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee proposed Bylaw No. 117, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2017,” be adopted.

CARRIED

SA-2018-002

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee proposed Bylaw No. 118, cited as “Saturna Island Land Use Bylaw No. 78, 2002, Amendment No. 1, 2017,” be adopted.

CARRIED

The applicant thanked the Planner and the Local Trust Committee for their hard work on this project.

10.2 Mayne Island Local Trust Committee Bylaw No 172 Referral

SA-2018-003

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee resolved their interests were unaffected by Mayne Island Local Trust Committee Bylaw No. 172.

CARRIED

10.3 Mayne Island Local Trust Committee Bylaw No 171 Referral

SA-2018-004

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee resolved their interests were unaffected by Mayne Island Local Trust Committee Bylaw No. 171.

CARRIED

10.4 North Pender Island Local Trust Committee Bylaws No. 116 & 117 Referral

SA-2018-005

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee resolved their interests were unaffected by North Pender Island Local Trust Committee Bylaws No. 216 & 217.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw (LUB) Technical Review - Staff Report

Planner Richardson gave a brief summary of his staff report. There was a discussion on suggested changes. He answered a couple of questions from the trustees and the public

regarding derelict vehicles, basically stating that there can be further amendments/strikeouts made to the bylaw if regulating derelict vehicles is not required.

The following changes were suggested:

- Section 2.9.1 – strike out
- Section 1.4.1 – add in “24 hours notification”
- Flag for discussion – the allowance of low docks with no railings

SA-2018-006

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee direct staff to prepare a Draft Land Use Bylaw incorporating the amendments contained in the draft Land Use Bylaw document with highlighted amendments dated March 1, 2018.

CARRIED

SA-2018-007

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee direct staff to prepare a draft Official Community Plan Bylaw amendment in order to identify the National Park Reserve Lands within the Saturna Island Local Trust area.

CARRIED

11.2 Secondary Suite Review - Staff Report

Planner Richardson gave a review of his staff report advising that this topic will be on the next Local Trust Committee business meeting agenda.

SA-2018-008

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee endorse the attached project charter regarding the implementation of Secondary Suites within the Saturna Island Local Trust Area.

CARRIED

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated March 2018

Planner Richardson reviewed the report advising that Fiona McRaid had created a staff report for Item 1; however, the planning department had no time to review it before the meeting. He added that all the items 1 to 3 will be on the next meeting agenda.

12.1.2 Projects List Report Dated March 2018

Planner Richardson stated that all projects remain on the list.

12.2 Applications Report Dated March 2018

Planner Richardson advised that the first application being SA-RZ-2012.1 was dealt with today and will come off the report, and advised that all other applications are ongoing.

12.3 Trustee and Local Expense Report Dated December 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

None

12.6 Chair's Report

Chair Grams invited the trustees to report out first.

12.7 Trustee Report

Trustee Brent reported that, as a member of the Financial Committee, there is an 8-million dollar budget and is moving towards approval, advising that this budget will include the addition of a Fresh Water Specialist; the continuing position of First Nations Specialist; new computers for newly-elected officials this year; and that he would be attending Trust Council next week.

Trustee Middleton stated he would like to introduce a motion at the "New Business" section of the agenda regarding the Speculation Tax, to take to Trust Council to modify the application of the tax.

Trustee Middleton reported that Park's Interim Management Plan failed with improper approach with first nations, and will be striking an interim plan that embraces solutions; that Metro Vancouver have put a slow-down speed zone in shipping lanes to protect the orca residents; that Trust Fund Board have identified species at risk at East Point; and are doing some fundraising to purchase the area to make a park.

Chair Grams reported that the Minister is agreeable to some *Islands Trust Act* changes, such as renaming of the Trust Fund Board to Islands Trust Conservancy; however, it took

little traction as the Minister is too busy to make legislative changes at this time. He spoke to the issue of tankers in the area and that there is some movement.

12.8 Trust Fund Board Report Dated November 2017

Received for information.

13. NEW BUSINESS

13.1 Housing Agreement Administration - Briefing

Received for information.

13.2 Japanese Canadian Historic Places Project - Briefing

Received for information.

13.3 Executive Committee re: Farm Industry Review Board and Aquaculture - Staff Memo and Attachment

Received for information.

13.4 New Item: Speculation Tax and March Trust Council

SA-2018-009

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee request that Executive Council place a debate about the Province's Speculation Tax on the agenda at the March Trust Council meeting, in order to arrive at a Federation-wide advocacy position to modify the application of the Speculation Tax on the Trust Area.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for April 12, 2018, at the Community Hall, Saturna Island

The committee advised that the next meeting has been rescheduled to April 27, 2018, at the Community Hall.

15. TOWN HALL

Community members spoke in favour of a Water Specialist for the Trust Area; there was a discussion around rainwater catchment and the limiting of potable water no longer being a requirement.

Trustee Middleton asked staff to put the Ministry of Transportation and Infrastructure's Fresh Water requirements for subdivisions on the next Local Trust Committee meeting agenda.

Principle housing and long-term rentals were acceptable to the community to assist in the affordable housing issues; the Speculation Tax was discussed again, along with an exemption clause for the OCP addressing affordable housing.

Generally, the members of the public expressed appreciation for the committee taking the affordable housing issue so seriously.

Trustee Brent thanked the community for attending and taking the time to give the committee their input.

SA-2018-010

It was MOVED and SECONDED,

That the Saturna Island Local Trust Committee request that staff investigate an exclusion clause addressing affordable housing in the Official Community Plan.

CARRIED

16. CLOSED MEETING

16.1 Motion to Close the Meeting

SA-2018-011

It was MOVED and SECONDED,

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

- Adoption of In-Camera Meeting Minutes Dated June 15, 2017
- APC Memberships Term

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Grams recalled the regular meeting to order at 2:42 p.m.

16.3 Rise and Report

There was no reporting out from the In-Camera session.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:43 p.m.

George Grams, Chair

Certified Correct:

Sharon Lloyd-deRosario, Recorder

Follow Up Action Report

Saturna Island

08-Mar-2018

Activity	Responsibility	Target Date	Status
Minutes dated October 23, 2017 adopted as drafted.	Lori Foster		Done
Minutes of December 10, 2017 adopted as drafted.	Lori Foster		Done
SA-RZ-2012.1 (Nepenthe Holdings Ltd. and Money Family Projects Ltd.) - Show Proposed Bylaw 117 and 118 as adopted. - Done - Consolidate Bylaw 117 into OCP and 118 into LUB.(SLD) - Close File (GR)	Gary Richardson Sharon Lloyd-deRosario		Done
Mayne Island LTC Bylaws 171 and 172. Advise MILTC that SILTCs interests are unaffected.	Sharon Lloyd-deRosario		Done
North Pender LTC Bylaws 116 and 117. Advise NPLTC that SILTCs interests are unaffected	Sharon Lloyd-deRosario		Done
LUB Technical Review Project - staff to prepare draft bylaw.	Gary Richardson		On Going
Secondary Suite Review Project - project charted to be updated showing endorsement date, posted to the website. - staff to prepare report for April 27 LTC meeting for the LTC to consider.	Gary Richardson Sharon Lloyd-deRosario Lori Foster		Done



Making a difference...together

Regional Parks

490 Atkins Avenue
Victoria, BC, Canada V9B 2Z8

T: 250.478.3344

F: 250.478.5416

www.crd.bc.ca/parks

March 15, 2018

File No: 6130.30
Gulf Islands Regional Trails Plan

To various government agencies:
(sent by email)

RE: CAPITAL REGIONAL DISTRICT – GULF ISLANDS REGIONAL TRAILS PLAN

Over the past year, the Capital Regional District (CRD) has been developing a plan for regional trails on the Gulf Islands (Galiano, Mayne, North Pender, South Pender, Salt Spring and Saturna Islands).

The planning process included engagement to gather initial input from the public, First Nations and government agencies in early 2017 before drafting the plan, a second round of engagement between August-September 2017 on the draft regional trails plan, and finalizing the plan over the fall-winter 2017-2018, following consideration of all comments received. On March 14, 2018, the CRD Board approved the Gulf Islands Regional Trails Plan.

The plan envisions the development of approximately 50 km of new trails on the six islands that will connect ferry terminals with key island destinations. Cooperation with partners will be key to the successful implementation of the plan, which is anticipated to occur over a number of years. The Gulf Islands Regional Trails Plan is available through the CRD website at:
<https://www.crd.bc.ca/project/gulf-islands-regional-trails-plan>

The CRD would like to thank all participants in the planning process and look forward to working with you on future regional park projects.

Sincerely,

Brett Hudson
Acting Senior Manager

cc: Karla Campbell, Salt Spring Island, CRD (email)
June Klassen, Southern Gulf Islands Electoral Area, CRD (email)
John Hicks, Planning & Protective Services, CRD (email)
Carolyn Stewart, Regional Parks, CRD (email)

CS:amm



DATE OF MEETING: April 27, 2018
TO: Saturna Island Local Trust Committee
FROM: Gary Richardson, Island Planner, Southern Team
SUBJECT: Temporary Use Permit Application for 109 East Point Road
Applicant: Aleah Johnson

RECOMMENDATION

1. That the Saturna Island Local Trust Committee approve issuance on Temporary Use Permit SA-TUP-2018.1 (Johnson).

REPORT SUMMARY

The purpose of the report is to consider a new Temporary Use Permit (TUP) for a food vending vehicle (double decker bus) to allow for the bus to be operated as a café and allow for an outdoor seating area.

In summary the above recommendation to issue the TUP is supportable. A previous TUP for the same use was issued in 2012 and renewed once for three years. This use has been permitted for the past 6 years and there have been no complaints regarding its operation made to the Islands Trust.

It has not been opposed by any neighbouring property owners and it meets the guidelines of the OCP. Additionally the proposed permit contains conditions to ensure that the use does not unreasonably impact the local area.

BACKGROUND

The applicant is applying for a Temporary Use Permit (TUP) for the purpose of permitting the following additional uses:

- a) Mobile food vending vehicle (double decker bus) operated as a café; and
- b) Outdoor café seating area.

The stated purpose of the facility is to provide a mobile food vending bus on the subject lot in order to sell coffee, beverages, baked goods, breakfast items and to-go lunch items through the take out window.

The waterfront property is located at 109 East Point Road and is currently used for residential purposes and the proposed use. The property is a 0.24 ha (0.6 acre) Rural General (RG) zoned site. The surrounding lots are mostly in the RG zone with the exception of the community hall which is zoned Community Service (CS). There is an existing residence on the lot as well as a building that was previously used for internet services. The lot is located in an area close to the ferry terminal, pub, public dock, store and community hall.

A previous permit was issued June 27, 2012 and renewed June 18, 2015. The present permit expires on June 18, 2018

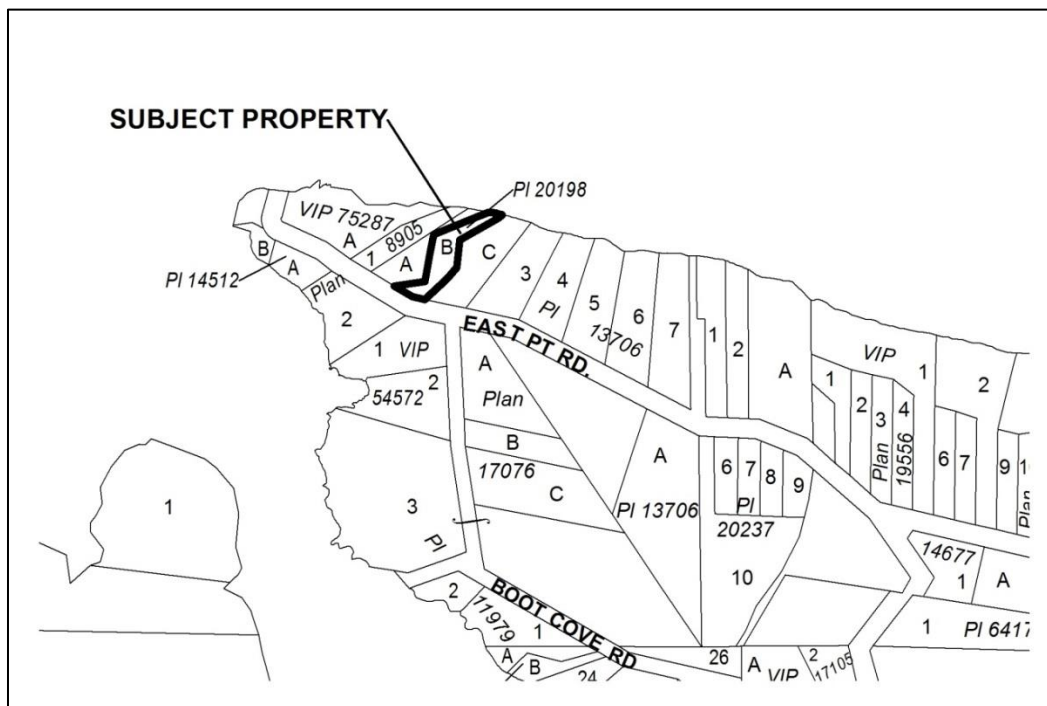


Figure 1 – Location Map



Figure 2 – Aerial Photograph of Site and Surrounding Area



Figure 3 – Aerial Photography of Property

ANALYSIS

Official Community Plan:

The guidelines for TUPs are contained in Part H of the Saturna OCP. Conformity of the proposal is analysed in the TUP guidelines attachment 2.

In summary the proposal complies with the guidelines contained in the OCP.

Land Use Bylaw:

The property is zoned Rural General (RG) in the Saturna Island Land Use Bylaw No. 78, 2002. The zone permits residential use.

Issues and Opportunities

Applicant's Rationale for the Proposed Use

In their application to the Islands Trust the applicant states, "shortage of commercially zoned land on Saturna Island in which to legally operate my small business"

Response to Neighbour and Public Notification

At the time of publication of this staff report, staff had only received one response from one neighbor that supports the issuance of the TUP; however she is concerned about the maintenance of her driveways as it's directly across from this business and people use it as a turn-around area.

At the LTC meeting of April 27 staff will provide a verbal summary of all correspondence received.

Permit Conditions

The proposed TUP contains the same 7 conditions that were contained in the previous TUP which have worked well for the last 6 years. The conditions relate to: screening, parking, lighting, number of seats, site plan and what is to take place if the use is discontinued.

Consultation

See statutory requirements below.

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents on or before February 9, 2018 and published in the Gulf Islands Driftwood newspaper April 18, 2018 edition. Notice was also posted to the Saturna Island community bulletin boards. The notification period will end at 4:30 p.m. on April 26, 2018.

Rationale for Recommendation

Has been operating without any complaints for 6 years.

Limited commercial property available on Saturna Island.

Complies with OCP guidelines.

No concerns brought forward as a result of recent notification.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Gary Richardson, Island Planner	April 19, 2018
Concurrence:	Robert Kojima, RPM	April 20, 2018

ATTACHMENTS

1. Proposed Permit
2. OCP Guidelines
3. Site Context
4. TUP Notice



PROPOSED

**SATURNA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SA-TUP-2018.1 (Johnson)**

109 East Point Road

To: Aleah Johnson

1. This Permit applies to the land described below:

Lot B, Section 18, Saturna Island, Cowichan District, Plan 20198, shown on Schedule "A", which is attached to and forms part of this Permit.

2. This Permit is issued for the purpose of permitting the operation of a mobile food vending vehicle (double decker bus) as a café on the above referenced lot and is subject to the following conditions:

- a) the owner must not remove any existing vegetative screening;
- b) the owner must provide parking for a minimum of one (1) vehicle on the property;
- c) outdoor lighting must not be directed onto surrounding properties;
- d) the number of indoor seats is limited to twenty seats (20);
- e) the number of outdoor seats is limited to twenty-two seats (22); and
- f) the food vending vehicle, outdoor seating and parking shall be sited substantially in accordance with Schedule "B", which is attached to and forms part of this permit.
- g) the bus and associated structures must be removed if the use is discontinued for 6 months or if the permit expires.

3. This Permit expires on,

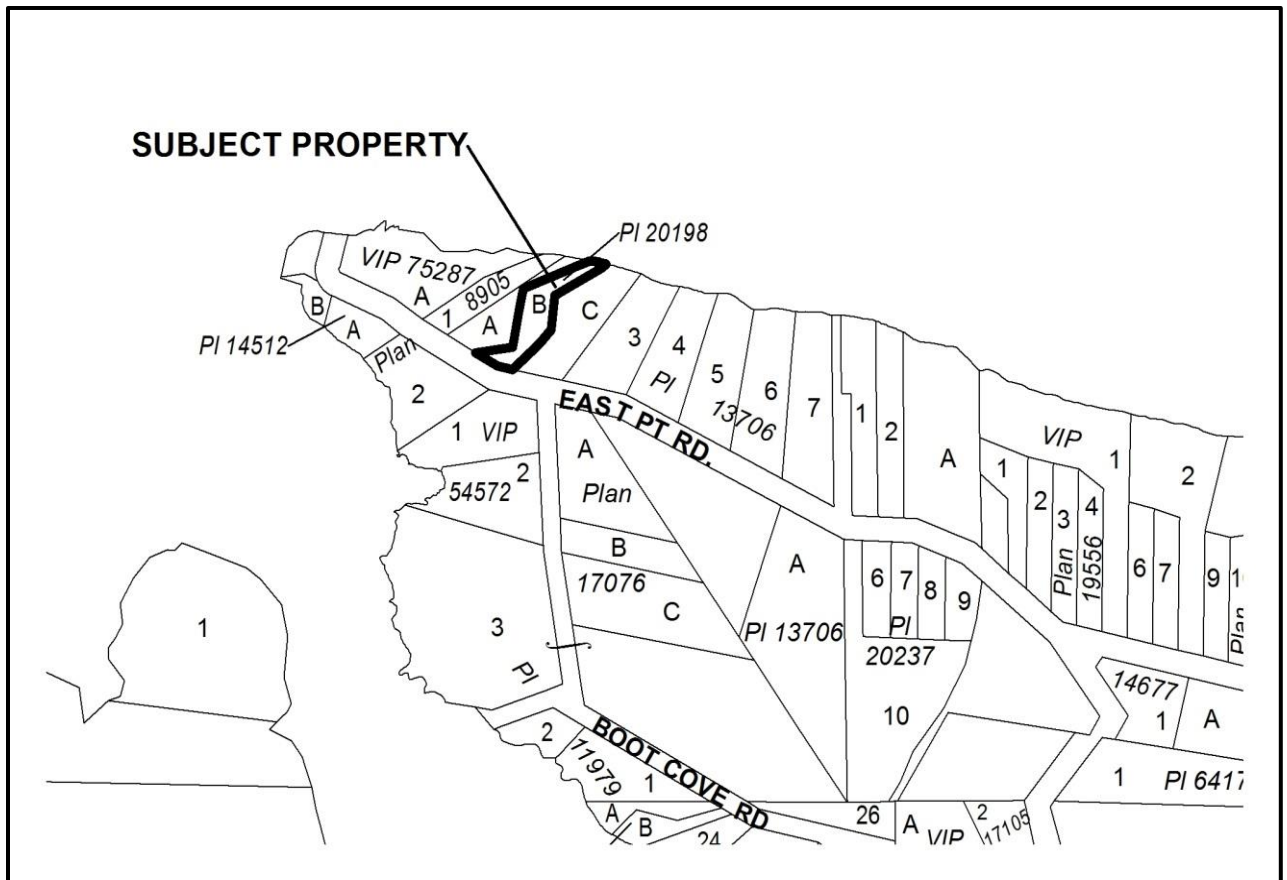
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE SATURNA ISLAND LOCAL TRUST COMMITTEE, THIS XX DAY OF XXXX, 20XX.

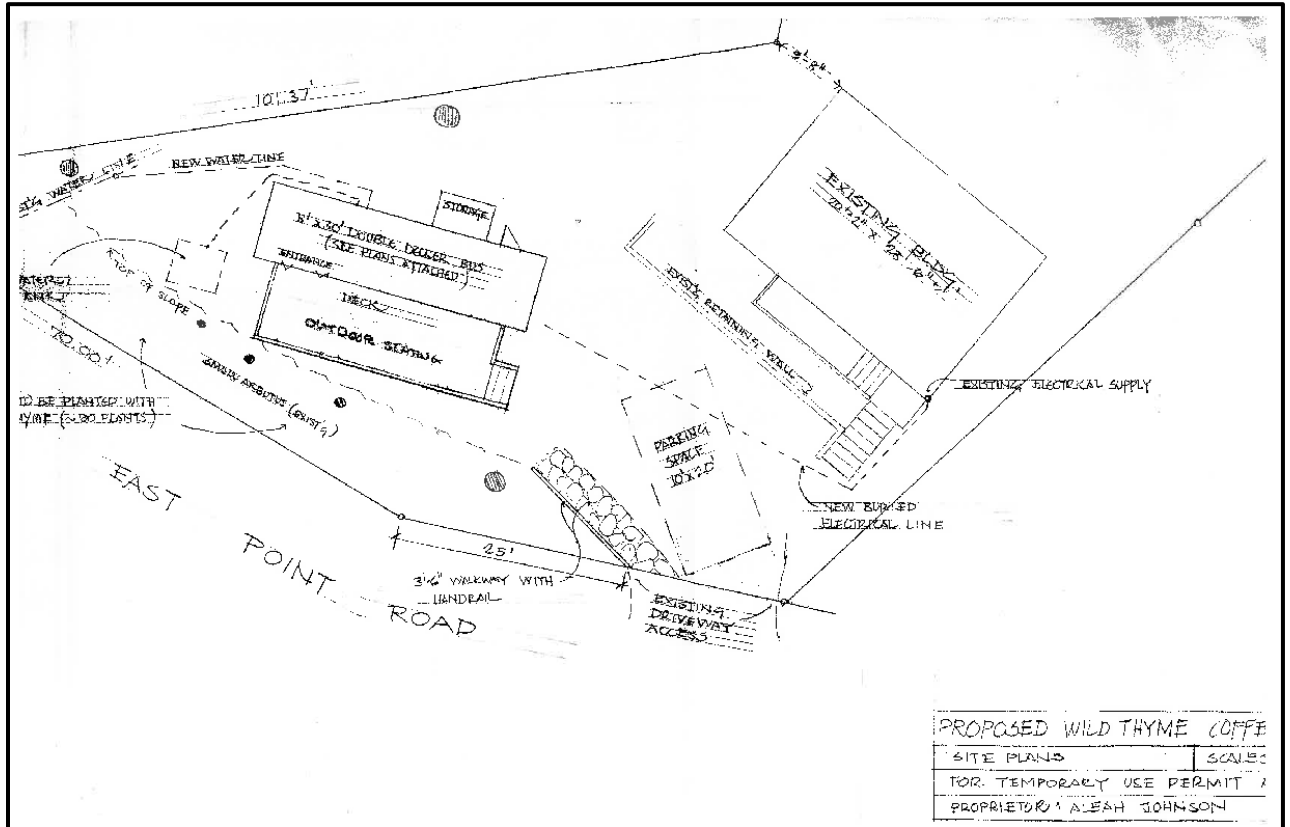
Deputy Secretary, Islands Trust

Date Issued

SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-TUP-2018.1
SCHEDULE A



SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-TUP-2018.1
SCHEDULE B



Attachment 2 – OCP Guidelines

The following objectives and guidelines apply to Temporary Use Permits being considered in the Saturna Island Local Trust Area:

The objectives for issuing Temporary Commercial and Industrial Use permits include testing the compatibility of a proposed land use, which may have not been anticipated, with existing uses.

	Applicable Permit Guidelines	Comments
H.1.2	Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.	The LGA now allows for a TUP to be issued for up to 3 years and renewed once for up to 3 years.
H.1.3	Permitted uses should be consistent with the policies of the designation and the provisions of H.1.1.	The proposal is consistent with the objectives for issuing TUPs in that: its for a short term use; and it's a test of the compatibility of the proposed land use, which may have not been anticipated, with existing uses.
H.1.4	Permitted uses should not preclude or compromise future permitted uses on the affected lot.	The proposal will not preclude further uses on the lot as it is mobile and it is recommended that a condition be added to the permit that bus be removed and that the site be returned to its original condition if the use ceases for more than 3 months or if the permit expires.
H.1.5	Uses should not be allowed if they conflict with any ongoing planning policies or programs.	This proposal does not conflict with any present or anticipated planning initiatives.
H.1.7	Permit conditions must make reference to measures dealing with the following points: a) general activity levels that will not create any disturbance apparent beyond the property's boundaries; b) adequate landscape buffering	(a) The proposed permit requires existing screening to be maintained and that outdoor lighting not shine onto surrounding properties.

	or distance separation to adjacent lots; c) provision of off-street parking spaces consistent with regulatory bylaws; d) reclamation measures that will restore the permit area to suitability for its designated primary use; and e) adequate supervision of the site.	(b) There is sufficient distance and screening between the proposed use and adjacent lots. (c) The parking shown on the site plan (1 space) does not comply with the requirements of the LUB which is 1 per 3 seats (see comments below). (d) It is recommended that a condition be added to the permit that bus be removed and that the site be returned to its original condition if the use ceases for more than 3 months or if the permit expires. (e) The staffing of the site during hours of operation should provide for adequate supervision of the site.
H.1.8	In addition, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with the neighborhood and may include an undertaking for restoration of the site and a security deposit to guarantee performance of the conditions.	Hours of operation and staffing have not been included in the draft permit as demand will dictate hours of operation and staffing levels. A security deposit for restoration of the site is not deemed necessary as the use is being carried out in a bus which is easily removed from the site.
H.1.11	In reviewing applications and establishing permit conditions, the Local Trust Committee should consider the climate change impacts of the proposed use.	The location of the café should reduce car trips as it is close to the ferry, community hall, public dock, pub and store.

ATTACHMENT 3 – SITE CONTEXT

LOCATION

Legal Description	Lot B, Section 18, Saturna Island, Cowichan District, Plan 20198
PID	003-518-787
Civic Address	109 East point Road

LAND USE

Current Land Use	Residence and a Double Decker Bus (Café) with indoor and outdoor seating
Surrounding Land Use	

HISTORICAL ACTIVITY

File No.	Purpose
SA-TUP-2012.1	Food Bus - Café approved and renewed – 6 years

POLICY/REGULATORY

Official Community Plan Designations	Rural (R) designation
Land Use Bylaw	Rural General (RG) Zone – primarily residential use
Covenants	Right of Way 290785G – BC hydro and Power Authority Easement D67598 – Appurtenant to Lot A, Plan 20198
Bylaw Enforcement	None

SITE INFLUENCES

Sensitive Ecosystems	Nothing shown for site of TUP
Hazard Areas	
Archaeological Sites	No shown on Archaeological Data (RAAD) information indicating any archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.]
Climate Change Adaptation and Mitigation	The location of the café should reduce car trips as it is close to the ferry, community hall, public dock, pub and store.
Shoreline Classification	Not Applicable



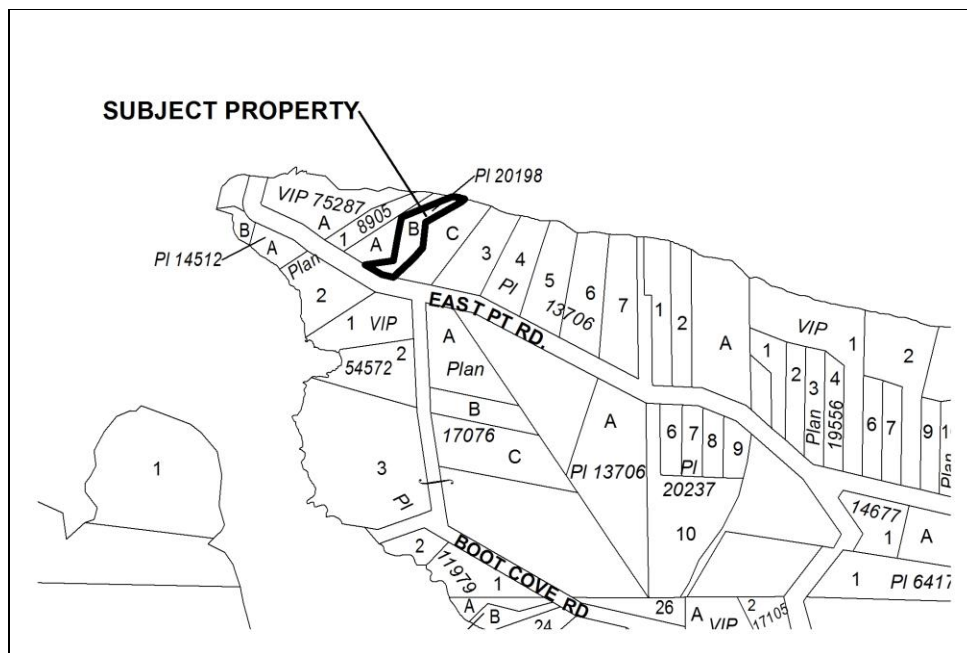
Islands Trust

**NOTICE
SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-TUP-2018.1**

NOTICE is hereby given that the Saturna Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot B, Section 18, Saturna Island, Cowichan District, Plan 20198.

The purpose of this temporary use permit would be to permit a mobile food vending vehicle (double decker bus) to be located and operated as a commercial café at 109 East Point Road on Saturna Island. The bus will contain food preparation facilities (kitchen) as well as indoor table seating. An outdoor seating area is also being proposed. The permit could be issued for up to three years and the owner may apply to the Saturna Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in the following sketch:



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

For the convenience of the public additional copies of the Proposed Permit may be inspected at various Notice Boards on Saturna Island, B.C., commencing.

If you have any questions or comments please contact the Planner, Gary Richardson at (250) 405-5157; for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867 before 4:30 p.m.,. Written comments may be mailed to Islands Trust, 200 – 1627 Fort Street, Victoria, BC V8R 1H8; faxed to (250) 405-5155; or emailed to information@islandstrust.bc.ca before 4:30 p.m.,.

The Saturna Island Local Trust Committee may consider the issuance of the permit at the Saturna Local Trust Committee Meeting being held at 12:30 p.m., at Saturna Island Community Hall, 105 East Point Road, Saturna Island BC.

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

Kathy Jones, Deputy Secretary



File No.: SA-RZ-2018.1 (Hall/Saturna
Garage and Contracting Ltd.)

DATE OF MEETING: April 27, 2018

TO: Saturna Island Local Trust Committee

FROM: Gary Richardson, Island Planner
Southern Team

SUBJECT: Proposed Subdivision Density Transfer from the North East ¼ of Section 2, Saturna Island, Cowichan District, Except Part in Plan 31309 to Lot A, Plan EPP34445, Saturna Island, Cowichan District

Applicant: Ron Hall (NE ¼ Sec 2)

Barry Crooks (Lot A)

Location: Hall property - 206 Narvaez Bay Road

Crooks property – 104 Narvaez Bay Road

RECOMMENDATION

1. That the Saturna Island Local Trust Committee request staff to prepare a draft bylaw to amend Saturna Island Official Community Plan Bylaw No. 70, 2000 to amend the OCP designations on the North East ¼ of Section 2, Saturna Island, Cowichan District, Except Part in Plan 31309 and Lot A, Plan EPP34445, Saturna Island, Cowichan District to facilitate the transfer of 29 subdivision densities from the North East ¼ of Section 2 to Lot A.
2. That the Saturna Island Local Trust Committee request staff to prepare a draft bylaw to amend Saturna Island Land Use Bylaw No. 78, 2002 to amend the zoning on the North East ¼ of Section 2, Saturna Island, Cowichan District, Except Part in Plan 31309 and Lot A, Plan EPP34445, Saturna Island, Cowichan District to facilitate the transfer of 29 subdivision densities from the North East ¼ of Section 2 to Lot A.

REPORT SUMMARY

This report analyses a recent application made by Ron Hall and Barry Crooks to transfer subdivision density from an approximately 146.5 acre predominantly Rural General (RG) zoned lot to an approximately 112.5 acre Forest General (FG) portion of a lot. Both have addresses on Narvaez bay Road. The number of lots presently permitted on the RG zoned portion of the Hall property is 29. The present number of lots permitted on the FG zoned portion of the Crooks property is 2. Various zones and OCP designations apply to the two properties. This report comments on the appropriateness of moving the density from one lot to another. The report also recommends that the LTC direct staff to draft bylaws to that if adopted would implement the request being made in the application.

BACKGROUND

An application to rezone two large properties was received January 2018. The application is to transfer subdivision density from one lot to another.

NE ¼ of Section 2 (Hall Property)

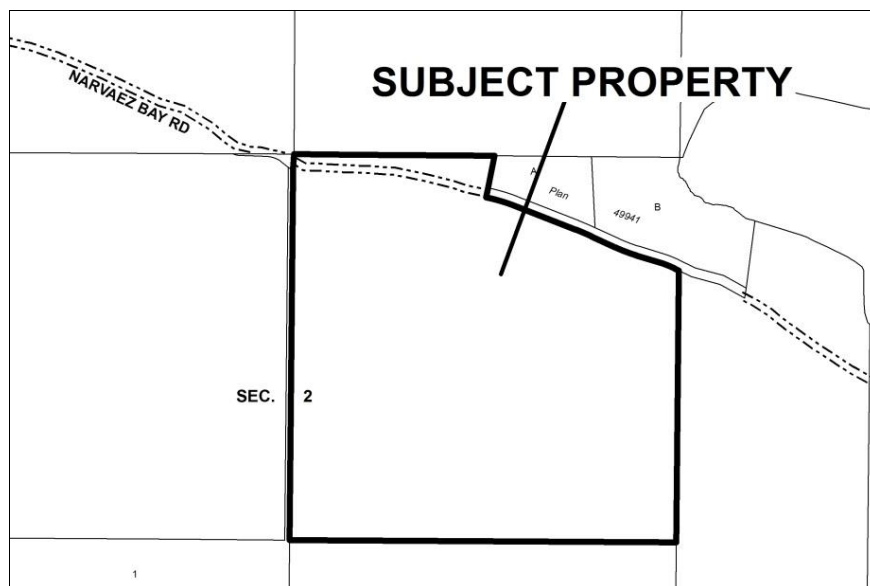
The lot at 206 Narvaez Bay Road (NE ¼ of Section 2) is considered the donor lot in the proposed transfer as it is the lot that the density is to be transferred from. The lot is presently zoned RG (145.5 acres) and Farmland (1 acre). The average area required for subdivision in the RG zone is 5 acres; therefore the lot has a subdivision potential of 29 lots. Each lot could potentially have a residence and a cottage sited on it which could result in a total of 29 residences and 29 cottages. **Attachment 4** shows the zoning on the lot and areas in each zone.

The lot is almost surrounded on three sides by the Gulf Islands Nation Park Reserve and to the South is a large undeveloped lot zoned Forest General (FG). A large portion of the lot is in the Provincial Agricultural Land Reserve (**Attachment 5**). The whole lot is currently in Managed Forest.

The applicant's rational for removing density from this lot can be summarized as follows:

- The change to FG zoning will be compatible with the historical and present use of the property for forestry.
- The property is classified as managed forest by the BC Assessment Authority.
- The change would significantly reduce the development potential of a property that lies in the midst of Parks Canada Lands.

PLAN 1 – SUBJECT PROPERTY (NE ¼ of Section 2)



PLAN 2 – ORTHOPHOTO (NE ¼ OF SECTION 2)



LOT A, PLAN EPP34445

The lot at 104 Narvaez Bay Road (Lot A, Plan EPP34445) is considered the receiver lot in the proposed transfer as it is the lot that the density is to be transferred to.

The portion of the lot subject to this application is presently zoned FG (112.5 acres) RG (4.8 acres) and W (5.1 acre). The average area required for subdivision in the FG zone is 50 acres; therefore the FG portion of the lot has a subdivision potential of 2 lots. The average area required for subdivision in the RG zone is 5 acres; therefore the lot has no subdivision potential. The average area required for subdivision in the W zone is 25 acres; therefore the lot has no subdivision potential. Each FG lot could potentially have a residence and a cottage sited on it which could result in a total of 2 residences and 2 cottages. The IC portion of the lot has not been included in the calculation as there is an active application to subdivide the IC portion off from Lot A.

Attachment 3 shows the zoning on the lot and areas in each zone.

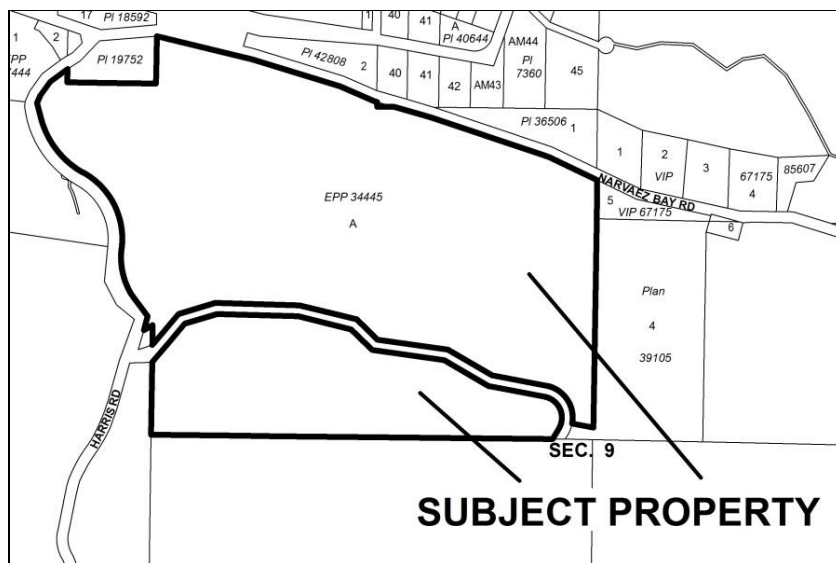
To the North are predominantly small residential lots zoned Rural General. To the South are large Watershed, Forest Reserve and Wilderness Reserve zoned lots. To the West are Community Service zoned lands (recreation centre and fire hall) and two large Rural General zoned lots. To the East there are two large Forest General zoned lots and one smaller Rural General zoned Lot. The lot is also very close to the Saturna General Store, Post Office and Café which are at the intersection of East Point and Narvaez Bay Roads.

The applicants rational for adding density to this lot can be summarized as follows:

- More appropriate location for density from a community planning perspective.

- Development of this property would provide much better access to the centralized facilities of Saturna, where the general store, post office, café and recreation centre are within walking distance.
- Development on this property would be closer to the BC ferries, the public dock, and other commercial facilities located in the Lyall Harbour area.
- Because of the proximity to the emergency services building, the residents of this lot would see better response time to emergency situations that may occur.

PLAN 3 – SUBJECT PROPERTY (104 NARVAEZ BAY ROAD)



PLAN 4 – ORTHOPHOTO (104 NARVAEZ BAY ROAD)



The applicants suggest that the effect of the rezoning of the two properties aligns positively with a number of factors that the Local Trust Committee is to consider and to promote in the OCP with respect to future development of the island.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

This proposal is consistent with the following excerpts from the policy statement:

- Protects un-fragmented forest ecosystems from potentially adverse impacts of growth, development and land use.
- Preserves agricultural land for future and current use.
- Retention of large land holdings and parcel sizes for sustainable forestry use.
- Achieve efficient use of the land base without exceeding density limits defined in OCP.

Official Community Plan:

- Proposal complies with overall density limits (density cap) specified in section C.1.3 of the OCP.
- The present OCP designations of the lots will require amending as they do not support the zoning changes requested in this application.
- Proposal addresses climate change mitigation and adaptation by creating a more compact, connected and complete community.

Land Use Bylaw:

The zoning on the lots falls within several zones if this proposal proceeds the 145.5 acres of RG zoning on the donor lot would be changed to FG. The 112 acres of FG would be changed to a hybrid RG(a) zoning to allow 29 lots to be created.

Issues and Opportunities

The OCP would generally support both lots being in the forest designation as they are large undeveloped lots; however, on balance the lot at 104 Narvaez Bay road is better suited for development for the following reasons:

- Reduce GHG emissions closer to retail, recreational and ferry. Reduce car trips and distance.
- Creates new residential density near the commercial core on a main transportation route.
- Could be used for accessible housing.

The portion at 206 Narvaez road is best suited for Forest General for the following reasons:

- Makes for a large contiguous piece of land with limited development potential adjacent to National Park Reserve and other FG zoned land.
- Moves density from a lot that is further away from amenities.
- Reducing the development potential on the property also protect the large portion of the lot that is in the ALR from being developed and/or being surrounded by development.

Consultation

A community information meeting is recommended as part of the bylaw review process. Also the draft bylaws will be forwarded to government agencies, First Nations and other groups and individuals as appropriate. If the draft bylaws proceed to public hearing all statutory notification requirements will be complied with.

Rationale for Recommendation

The removal of density from the NE1/4 of section 2 is recommended for the following reasons:

- Consistent with ITPS policy as due to its location, surrounded by GINPR lands, it creates a large un-fragmented forest ecosystem.
- Helps preserve land within the ALR.
- Retains large land holding capable of sustainable forestry.
- Forestry zoning is consistent with historical and present use of the property.
- Forestry zoning is consistent with the BC Assessment Authority classification of Managed Forest that applies to the property.
- The distance of the property from island amenities makes it somewhat remote and would require more frequent and longer car trips to access.

The addition of density to Lot A is recommended for the following reasons:

- Provides walking distance access to the: café, store, post office, emergency services, recreation centre, recycling depot and health centre. Should provide for less car trips.
- Future housing on this property would benefit people that don't drive.
- Shorter distance to ferry and public dock which should provide for shorter car trips.
- The initial phase of the CRD trails plan shows a trail connection from the ferry terminal and public dock at Lyall Harbour to the vicinity of this property; therefore biking and walking to the ferry, public dock and amenities located in Lyall Harbour would be easier and safer.
- Shorter emergency response times due to distance from emergency services building.
- Creates a more complete, connected and compact community by locating density close to amenities.

Overall transferring density from the NE ¼ of Sec. 2 to Lot A achieves efficient use of the land base without exceeding the density limits defined in the OCP.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision.

2. Deny the application

The LTC may deny the application.

NEXT STEPS

- 1) Prepare draft bylaws
- 2) Schedule a CIM
- 3) Refer Draft Bylaws to First Nations and Agencies

Submitted By:	Gary Richardson, Island Planner	April 19, 2018
Concurrence:	Robert Kojima, RPM	April 20, 2018

ATTACHMENTS

1. Site Context 104 Narvaez Bay Road (Saturna Garage and Contracting Ltd. property)
2. Site Context 206 Narvaez Bay Road (Hall property)
3. Map showing zoned areas of lot
4. Map showing zoned areas of lot
5. ITPS/OCP Policies
6. Maps showing ALR on NE ¼ Section 2

ATTACHMENT 1 – SITE CONTEXT 104 NARVAEZ BAY ROAD

LOCATION

Legal Description	Lot A, Plan EPP34445, Section 8 and 9, Saturna Island, Cowichan District
PID	029-389-038
Civic Address	104 Narvaez Bay Road

LAND USE

Current Land Use	The portions zoned Forest General (FG) and Rural General (RG) are currently used as a mill site and unmanaged forest. The portion of the lot zoned Industrial Comprehensive (IC) is the only area with buildings. An application has been received to subdivide the IC portion off from the rest of the lot. There is also a small portion of Watershed (W).
Surrounding Land Use	To the North are predominantly small residential lots zoned Rural General. To the South are large Watershed, Forest Reserve and Wilderness Reserve zoned lots. To the West are Community Service zoned lands (recreation centre and fire hall) and two large Rural General zoned lots. To the East there are two large Forest General zoned lots and one smaller Rural General zoned Lot. The lot is also very close to the Saturna General Store, Post Office and Café which are at the intersection of East Point and Narvaez Bay Roads.

HISTORICAL ACTIVITY

File No.	Purpose
SA-SUB-2012.3	Boundary Adjustment – completed - file closed
SA-SUB-2018.1	Current subdivision application to subdivide off IC portion- in process - file open

POLICY/REGULATORY

Official Community Plan Designations	The property contains areas in three different OCP designations: Watershed, Forestland and Rural There are no Development Permit Areas on the lot.
Land Use Bylaw	The property (not including the IC zoned portion) contains areas in three different zones: Watershed, Forest General and Rural General.
Covenants	Right of Ways: 282020G, 290433G, 402386G – BC Hydro and Power Authority Covenant EM55929 – CRD and Province of BC – setbacks from Money Creek Covenant EM55930 – Province of BC (MoE) – setbacks and regulations with respect to development in the vicinity of Money Creek Covenant EM55935 – Province of BC (MoTI) and CRD – Geotechnical Hazard Lands identified. Need to determine location. Covenant CA3948286 – Saturna LTC – subdivision density limit Easement EV154817 – need to determine location.

Bylaw Enforcement	none
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SITE INFLUENCES

Species at Risk	None shown on mapping
Sensitive Ecosystems	No sensitive features shown for this lot on the Islands Trust Sensitive Ecosystem Mapping.
Hazard Areas	There are a few small hazard areas shown on hazard mapping
Archaeological Sites	In reviewing the Remote Access to Archaeological Data (RAAD) information there are no archaeological sites are noted within the property; however the mapping shows areas of archaeological potential. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Moving residential density closer to amenities and the ferry would have an impact on car trips, reducing GHG emissions.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – SITE CONTEXT 206 NARVAEZ BAY ROAD (HALL PROPERTY)

LOCATION

Legal Description	The North East ¼ of Section 2, Saturna Island, Cowichan District, Except Part in Plan 31309
PID	004-521-889
Civic Address	206 Narvaez Bay Road

LAND USE

Current Land Use	Currently in Managed Forest #350. Applicant has advised that it will remain in Managed Forest
Surrounding Land Use	Gulf Islands National Park Reserve to the East and West. Large undeveloped RG zoned lot to the South. Mostly Gulf Islands National Park Reserve to the North. Two RG zoned lots to the North East.

HISTORICAL ACTIVITY

File No.	Purpose
SA-ALR-2004.1	Request for exclusion from the ALR – file closed

POLICY/REGULATORY

Official Community Plan Designations	Mostly Rural Designation with a 1 acre portion of Farmland in the North West corner.
Land Use Bylaw	145 acres of Rural General and 1 acre of Farmland
Other Regulations	Large portion of property in ALR see attachment 5
Covenants	Right of ways: 287719G, 368167G – BC Hydro and Power Authority Easement – provides access to Lot 1, Plan 49833
Bylaw Enforcement	none

SITE INFLUENCES

Species at Risk	None shown on mapping
Sensitive Ecosystems	No sensitive features shown for this lot on the Islands Trust Sensitive Ecosystem Mapping.
Hazard Areas	Hazard mapping shows mostly moderate and low risk slope hazard areas.
Archaeological Sites	In reviewing the Remote Access to Archaeological Data (RAAD) information there are no archaeological sites are noted within the property; however the mapping shows areas of archaeological potential in the North East area of the lot. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be

	contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.]
Climate Change Adaptation and Mitigation	Moving density closer to amenities including the ferry, should reduce distance and frequency of car trips, reducing GHG emissions.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

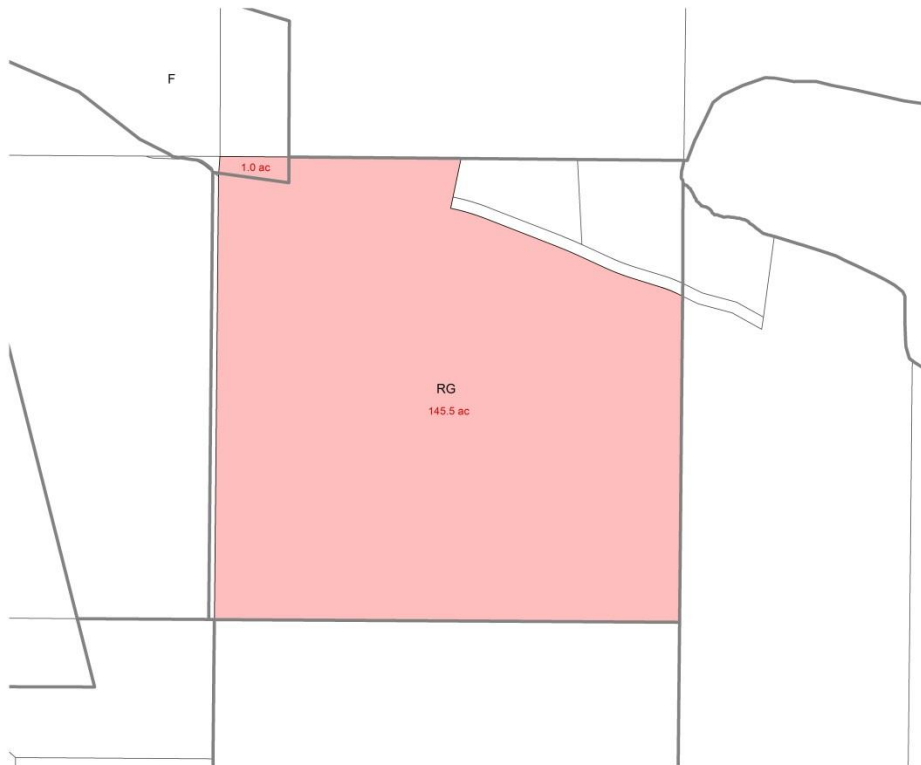
Attachment 3

Zoning on Lot A Plan EPP34445 (Crooks)



Attachment 4

Zoning on NE ¼ Section 2 (Hall)



ATTACHMENT 5 – POLICIES

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
Directive Policy 3.2.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of un-fragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.	yes	
Directive Policy 4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	yes	
4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address: • the retention of large land holdings and parcel sizes for sustainable forestry use, and • the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.	yes	Makes a larger un-fragmented forest ecosystem
Directive Policy 5.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.	yes	
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	yes	

SATURNA ISLAND LTC OFFICIAL COMMUNITY PLAN BYLAW NO. 70

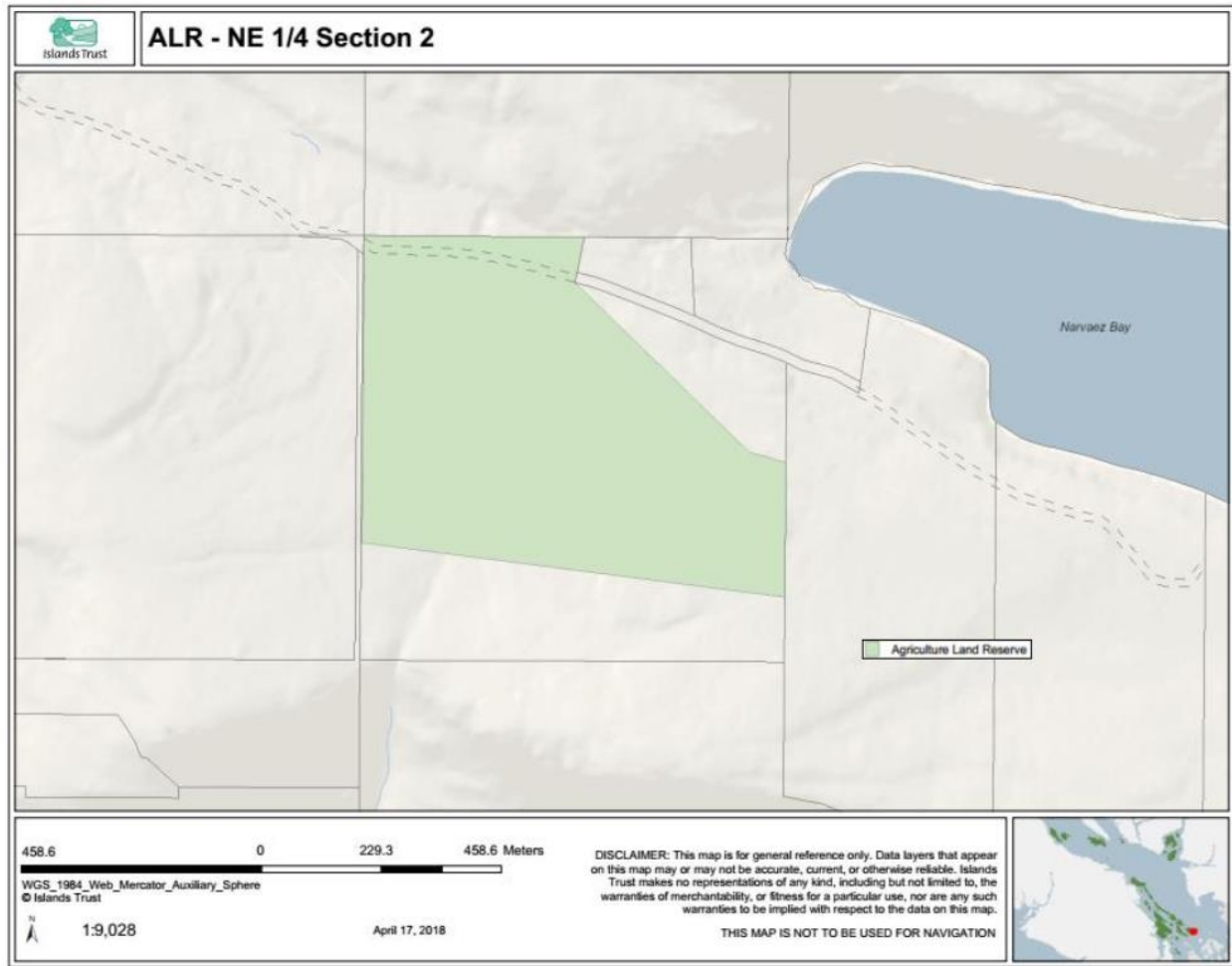
OCP Objective/Policy	Complies	Planner Comments
c.1.3 From the date of adoption of the Plan, no rezoning, development permit, temporary permits, or other planning tool or device available to the local trust committee should be used to increase the maximum subdivision capacity, or total residential density of any island within the Area.	yes	

c.1.7 The Saturna Island Local Trust Committee should ensure that land use planning and development support reductions in greenhouse gas emissions and efforts to adapt to climate change impacts.	yes	
C.3.10 To move towards a land use pattern that results in a more compact, complete and connected community, with new residential development occurring in locations accessible to services.	yes	
D1.1 Rural To protect the character of neighbourhoods, separate zones in regulatory bylaws should provide for the following uses: a) Rural Residential for single-family homes and private recreation uses; b) Rural General where home based industry will be mixed with family homes and cottages, includes all home based occupations customary to a rural area; c) Rural Comprehensive for large parcels when more than 5 principal residences are desired on a lot to accommodate co-operatives or joint land ownership; d) Multiple Family Residential; e) Industrial, with distinctions made between differing scales of industrial use; f) Commercial; g) Commercial Recreation and Accommodation; h) Public Utility and other public uses, which may include environmental conservation; and i) The Local Trust Committee may consider allowing for mixed uses in locations in close proximity to services.	Choose an item.	
D.1.2 The Saturna Island Local Trust Committee, when zoning Rural designated land, shall ensure that on lots with more than one base designation, the residential density will not exceed one primary residence and one cottage per 2.02 hectares (5 acres) of the Rural designated area in the parcel, plus any density received from any Watershed, Farmland, Wilderness Reserve, Forest or Heritage Forest designated portions of the lot and any density granted from the Community Amenity Density Reserve.		
D.1.4 Rural Subdivision Capacity: The maximum number of lots that can be created shall equal the acreage of the lot designated rural divided by five (5) except where: a) a restrictive covenant limits further subdivision then it shall be the amount specified in the covenant; b) the lot has split designations then section D.7 applies; or c) density from the Community Amenity Density Reserve is granted in exchange for an amenity.		

D2 Farmland The Farmland designation includes lands where soil conditions and topography have created areas suitable for agriculture. The objectives of this designation are: to support agriculture; to enhance local food security; to preserve arable Farmland and to prevent conversion of Farmland to uses that may degrade or impair the land's long-term agricultural potential or productivity.		
D3 watershed The Watershed designation identifies some of the major high-elevation recharge areas and catchment basins capable of being dammed for fresh water storage and use. The objective of this designation is to protect and ensure that the quality and quantity of fresh water resources are not degraded. D.3.2 No residential, commercial accommodation or industrial use is to be permitted in Watershed designated areas of a lot.		
D4 Forest The Forest designation identifies areas traditionally used or held for forestry purposes. The objectives of this designation are to: • maintain the traditional value of a forestry economy, • manage forestry to minimize erosion and runoff, • retain the moisture absorbing characteristics of the forests, • preserve the fertility of forest soils, • provide habitat for indigenous plant and animal species, and • enhance the growth, harvesting, and regeneration of forests, generally.		
D.4.4 Forest Subdivision Capacity: The maximum number of lots that can be created shall equal the acreage of the lot designated forest divided by twenty (20) except where: - a restrictive covenant controls further subdivision then it shall be the amount specified in the covenant; - the lot has split designations then section D.7 applies; or - density from the Community Amenity Reserve has been granted.		
E5 Climate Change Mitigation and Adaptation E.5.2 The Local Trust Committee should consider climate change as a factor in land use decision-making.	yes	

E.5.3	The Local Trust Committee should support land uses that result in a more compact, complete and connected community.		
E.1.1	Land identified on the Open Space Map, Schedule "D", designates high priority areas suitable for acquisition and preservation.		

Attachment 6 – ALR on NE ¼ of Section 2





DATE OF MEETING: April 27, 2018
TO: Saturna Island Local Trust Committee
FROM: Gary Richardson
Southern Team

SUBJECT: OCP Amendment to Incorporate First Nations Interests/History

Location: Saturna Island Local Trust Area

RECOMMENDATION

1. That the Saturna Island Local Trust Committee direct staff to proceed with reviewing the Draft 1 version of the First Nations OCP amendment and to bring amended wording and associated mapping to the next LTC meeting for the LTCs consideration.

REPORT SUMMARY

This report has been prepared to obtain direction from the Saturna LTC as to how it wants to proceed with amending the Saturna OCP with regards to First Nations interests/history.

There are two different OCP amendment drafts attached for the LTCs consideration.

BACKGROUND

October 20, 2016 a staff report was presented to the LTC regarding “Long Term relationship building program with local First Nations.” The LTC passed the following resolutions at the October 20 meeting:

SA-2016-032

It was MOVED and SECONDED

that the Saturna Island Local Trust Committee embark on developing an annual plan of constructive actions that demonstrate a commitment to improving respectful relationships between residents and visitors of Saturna Island and the local First Nations with asserted interests in Saturna Island.

SA-2016-033

It was MOVED and SECONDED

that the Saturna Island Local Trust Committee direct staff to organise a public event focused on having SENCOTEN-speaking elders of knowledge-holders talk about how the WSANEC (Saanich)

people view and connect historically and culturally with the waters and land of Saturna Island and its surrounding area.

The LTC hosted a community event November 2016 where local First Nations connected with community members.

A project charter was endorsed February 17, 2017. One of the objectives in the project charter is to prepare a draft OCP amendment to reflect First Nations history on Saturna.

Draft mapping has been prepared showing First Nations place names on Saturna Island. The mapping will be advanced with the OCP wording that the LTC proceeds with.

Fiona Macrauld, Senior Policy Analyst has prepared two versions of text to amend the OCP. Both versions are in draft form and have not been reviewed by planning staff; however they have both been put on the agenda to obtain LTC direction. Once direction is given planning staff will work with Fiona Macrauld to prepare the draft wording into a form to be considered by the LTC as an OCP amendment.

Rationale for Recommendation

- The 2017 project charter envisioned a short amendment to the OCP similar to Draft 1.
- If LTC gives direction to proceed with Draft 2, a new project charter, with a longer timeline will need to be prepared.

ALTERNATIVES

1. Proceed with First Nations OCP amendment Draft 2

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Gary Richardson Island Planner	April 23, 2018

ATTACHMENTS

1. Draft 1 – First Nations OCP amendment
2. Draft 2 – First Nations OCP amendment
3. Project Charter

OCP AMENDMENT DRAFT 1

In the Saturna Island Local Trust Area, there is a high level of uncertainty regarding current and future First Nations ownership and management of the land base. As of 2018, many things are in a state of flux because of evolving provincial, national and international recognition of Aboriginal Title.

1. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international instrument adopted by the United Nations on September 13, 2007. It describes a minimum standard of rights for the “survival, dignity and well-being of the indigenous peoples of the world.” Additionally, Article 26 states that “Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired,” and it directs governments to recognize these territories. UNDRIP was endorsed by Canada in 2010 and officially adopted it in May 2016.

2. In 2015, the Truth and Reconciliation Commission issued ‘Calls to Action’ to redress the legacy of residential schools and to advance the process of Canadian reconciliation. Several of these calls to action speak to the recognition of aboriginal rights over land. In particular, action 47 calls on all levels of government, including local governments, to “repudiate concepts used to justify European sovereignty over Indigenous peoples and lands... and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.” (Truth and Reconciliation Commission of Canada, 2015).

3. In 2014, the Supreme Court of Canada handed down a decision in the case of the *Tsilhqot’in Nation* vs. *British Columbia*. In that decision, the court concluded that the Tsilhqot’in Nation has Aboriginal title to over 1,750 square kilometers of their traditional lands, previously deemed Crown land. *Tsilhqot’in* also confirmed that where Aboriginal title has not been established, the Crown has a duty to consult with and accommodate First Nations with stated land claims.

4. The Saturna Island Local Trust Committee works with 13 separate First Nations with asserted Aboriginal rights and title, and treaty rights, and with different customs, history, culture and expectations of engagement.

OCP AMENMENT DRAFT 2

March 8, 2018

APPENDIX A: DRAFT OCP AMENDMENTS

DRAFT AMENDMENTS FOR CONSIDERATION

PART A – INTRODUCTION

A.1 REVIEW PROCESS FOR THE PLAN

Original Text:

Reviewing and revising the Saturna Island Official Community Plan (this Plan) has been an opportunity to bring the community together to renew its shared vision for its future. It is hoped that the Plan will stand the test of setting a reasonable and distinct limit to growth so that the unique amenities of this lovely place will not be gradually destroyed by the continuous sequential development so frequently referred to as progress. Recognition of limitation comes as a part of island life. For most residents, it is willingly chosen and its benefits are something to be celebrated. Each island is limited and limiting growth is vital to achieving the object of the *Islands Trust Act*.

Since this review process began, large tracts of private land have been purchased under the Pacific Marine Heritage Legacy for conservation and park purposes. The impact of visitors to a large scale national park will require continuous attention and monitoring to assess the overall impact of human uses on the environment of the area.

Proposed New Text:

Reviewing and revising the Saturna Island Official Community Plan (the Plan), or any Official Community Plan, is about capturing the changes and assumptions that the community members want to have considered for future land use. The Plan is meant to stand the test of time and for that reason a simple analogy may be a helpful tool for contextualizing the impetus for this review and revision: if one could see this Plan as a door that has only been partially open and the purpose of these revisions is to open the door much wider. The evolution of this Plan over the years was a reflection of the time and space in which it was written and that, with new knowledge and understanding, that door needs to be opened to more fully accommodate important factors that were previously discounted or minimized.

The Saturna community, like the rest of Canada, has become increasingly aware in recent years of the scale and nature of the institutional discrimination that Indigenous peoples in Canada have endured. Our community, also like the rest of Canada, has also seen significant court decisions that have helped clarify the rights and responsibilities of both Indigenous peoples and the Crown especially with regard to land rights and title. If the trajectory of these kinds of court cases continues – as it appears it will –

preparing for changes to the underlying assumptions about land-use in the Plan is a gesture of due diligence and respect.

The progress of helping the Saturna community understand the impetus behind these changes have taken place for over a year and are consistent with the official First Nations Engagement Principles Policy 6.1.i that was unanimously endorsed by the Trust Council of Islands Trust in December 2016 (see Schedule “H”).

A.2 THE ISLANDS TRUST ACT “OBJECT”

Original Text:

Over the years the provincial legislature has reaffirmed the Islands Trust object.

“The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” (sec.3 *Islands Trust Act*).

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers “to preserve and protect” an amenity, it is not acting in bad faith, but carrying out its assigned duty under the *Islands Trust Act*. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the “object”, than would be acceptable in other local governments in British Columbia. The Court’s decision affirmed the powers and obligation of each Local Trust Committee to further the object of the *Islands Trust Act*.

Proposed New Section Title and Text:

A.2 OPENING THE DOOR TO A BROADER CONTEXT

Without debate, we now know that the region of the Gulf of Georgia, including the local Saturna Island area was likely the most populated region north of Mexico before the 1770s due to its mild climate and rich marine resources relative to the rest of North America. This dense Indigenous population is estimated to have been between 200,000 and one million. Over the century between the 1770s and 1860s, four distinct epidemics of disease wiped out 60-90% of population each time, ending with the last smallpox epidemic in 1862-63. It is for this reason that Saturna Island, her Associated Islands have such a rich archaeological record of villages, human remains, and reveals an historical record of a rich and sophisticated culture before contact with European settlers. This place was extensively used and densely populated less than 250 years ago by Indigenous peoples. These contributing factors of depopulation also explain how the islands came to appear empty for others to settle in the late 19th century.

As a Canadian society we have also come to know some of the adversities that followed those that survived the epidemics and their descendants – forced segregation of Indigenous communities from other Canadians on small reserve lands, forced residential school traumas for the children of our local First Nations up until 1984, substandard care (and worse) in segregated Indian Hospitals, the large scale Sixty's Scoop of Indigenous children into adoptive and foster care of non-Indigenous families, and many more deeply unfortunate social and institutionalized forms of discrimination based on race. It is this very unfortunate legacy that explains why Indigenous interests in Saturna have been so silent for so long.

So, with knowledge comes responsibility.

As Canada comes to terms with restitutions and apologies for this sustained wrongdoing, courts grapple with making wrongs right, and Indigenous communities are starting to find their voices in expressing their long-held connections to land, individual Canadians, including the community members of Saturna, are asking what implications this has for them. Many see this as the early stages of a bigger societal shift in Canada, especially with regard to how we share the land with the Indigenous people who have been denied so much for so long.

The “social contract” of the Plan that was first initiated in 1976, and further articulated in 2001, was primarily between the province, Islands Trust, the residents of Saturna and the federal government through Parks Canada’s management of large tracts of land on Saturna. It was a noble “social contract” based on the shared objective of preserving and protecting the ecological features of the Local Trust Area. However, many features of the Plan such a definitions, criteria for decision-making, and growth-limiting concepts such as residential ceiling densities and unused development allotments did not consider factors like Aboriginal title, Aboriginal rights, treaty rights or the broad range of uses Tsawout and Tseycum First Nations may chose for their 145.7 ha (360 acres) reserve lands.

PART B – THE CONTEXT

B.1 SATURNA’S FIRST PLAN (1976) - THE SOCIAL CONTRACT, and

B.2 THE SOCIAL CONTRACT RENEWED

Original Text:

B.1 SATURNA’S FIRST PLAN (1976) – THE SOCIAL CONTRACT

The policies of the 1976 Plan rested on wide agreement that the Island should not accommodate a population in excess of 2000. Using an average of 2.5 persons per household resulted in a future maximum of 800 households. It was seen to be fair that existing lot configurations and uses could continue, but that future development would need to be constrained within fixed development allotments. Existing lots already subdivided were subtracted from 800 and the balance allotted.

Concerns about fresh water supply led to the Watershed designation for catch basins, which could be dammed for fresh water storage, and gravity-fed to potential use areas. Based on its past use, Forestlands were designated to ensure forests would continue as a renewable

resource and a characteristic attribute of the land. Lands with soils suitable for agriculture were designated as Farmland. Ecological Reserves, small undeveloped islands and not easily accessed Crown lands were designated as Wilderness reserves. On larger lots, a cottage in conjunction with each household, seemed a good solution to accommodate visitors or provide rental opportunities. Islanders also supported flexibility for those establishing and managing local businesses as being appropriate to the rural character of Saturna Island.

Assurance that the Plan would be implemented so that each owner would receive no more nor less than their development allotment, was central in accepting the restrictions which the 1976 Plan imposed. To address skepticism concerning implementation, restrictive covenants were to be required in certain circumstances to ensure proper compliance. A slow but even rate of development was considered the most desirable in maintaining community stability and optimizing benefits. Belief that the 1976 Plan's development limitations were equitable and that each property's development potential was secure, has given owners the opportunity to postpone development or to develop gradually, as the community had hoped.

B.2 THE SOCIAL CONTRACT RENEWED

This Plan leaves the residential density ceiling essentially unchanged. This Plan supports slow gradual development and encourages options that postpone reaching maximum build-out. Some of its development policies provide options which are expected to reduce the overall maximums depending on the choices made by individual owners using and developing their land.

When implementing any Plan policy, the Committee will take care to ensure the result does not increase the development ceiling. A series of policies are directed to achieving this principle. This approach is considered the best way to fulfill the object of the *Islands Trust Act* while assuring property owners who delay development that their property's unused development allotment will remain available in the future.

The Plan represents a contract between the community's residents, landowners and the Saturna Island Local Trust Committee. The fundamental object of the policies of this Plan is to preserve and protect the area's community and its environment and amenities through sustainable or limited use.

Proposed New Section Title and Text:

B.1 THE SOCIAL CONTRACT, EXPANDED

There are 13 First Nations with asserted rights and title, and treaty rights in the Saturna Local Trust Area (for a list see Schedule "I"). As the BC Treaty Process progresses and courts continue to clarify Douglas Treaty rights, our understanding of the nature, scope and limitation of these rights and title will evolve. However, we can state what has been defined and has been accepted as general fact:

Aboriginal Title: although there is some legal caution around defining Aboriginal title using common law concepts, it is generally accepted that Aboriginal title to the land is based on an Indigenous group's traditional use and occupancy of an area and is a communally held right not an individual's right. In 1997, the Supreme Court of Canada ruled in the *Delgamuukw* case that Aboriginal title is a property

right to the land itself - not just the right to hunt, fish and gather. It is *sui generis*, meaning the source of authority to this land title is not from the Crown but is unique, defined and governed by the Indigenous legal principles of those who hold the Aboriginal title. In other words, making it of local relevance, Saturna Island, in its entirety, has always had Aboriginal title and always will – 10,000 years ago and 10,000 years to come – and is only limited in that the land cannot be used by the Indigenous community in such a way as to deny the benefits of the land to future generations.

Aboriginal Rights: Aboriginal rights are also collective rights that flow from Indigenous peoples' continued use and occupation of certain areas. Although these specific rights may vary between Indigenous groups, in general they include rights to the land, rights to subsistence resources and activities, the right to self-governance, and the right to practice their culture and customs, including language and religion. Aboriginal rights are protected under s.35 of the *Constitution Act, 1982*. Again, to make it of local relevance, Saturna Island has been used by Indigenous peoples for millennia – and is still used - and the activities they did here during that time have a right to continue.

Treaty Rights: Treaty rights are the Aboriginal rights explicitly set out in a treaty in exchange for something that is regarded as equivalent in value. On Saturna there are two types of treaty rights – modern treaty rights that were negotiated in the Tsawwassen Final Agreement in 2009 and the pre-Confederate treaty rights guaranteed in the Douglas Treaties that apply to the five Saanich First Nations (Tsawout, Tseycum, Tsartlip, Pauquachin and Malahat Nations) who are direct descendants of the signatories in 1850-1854. For over 60 years, the Saanich Nations have been using the courts to have their Treaty rights acknowledged and clearly defined such as the right “to hunt over unoccupied lands”, “to fish as formally” and “our village sites and enclosed fields are to be kept for our own use, for the use of our children, and for those who may follow after us”. Many of these pre-Confederate treaty rights, as they apply to the Saturna area, are still being brought to the courts to be fully acknowledged or defined.

Reserve Lands: Reserve land is defined as a tract of land, the legal title to which is vested in the Crown, which has been set apart by the Crown for the exclusive use and benefit of a First Nation. All the “village sites and enclosed fields” referred to in the Douglas Treaties – as identified by the Nations themselves – were regarded as their reserves, as it was an important part of Douglas's reserve policy to allow Indians to select as much land as they wanted. However, the Joint Indian Reserve Commission of 1876-78 were tasked by the province and Canada with reducing what they considered to be too generous an allotment by James Douglas. On March 3, 1877 Indian Reserve 7 on Saturna Island was set aside for the exclusive use of Tsawout and Tseycum First Nations. Some insight as why these lands on Saturna were chosen, and for whom, may be found in the special instructions to the Commission by the province “not to allow allotments of any unnecessarily large reserves such as would interfere with White Settlement... [and] as little as possible to interfere with any existing tribal arrangements; and... they were to be careful to not disturb the Indians in the possession of any villages, fishing stations, fur trading posts, settlements, or clearings which they might occupy, and to which they might be specially attached”. So, with some caution, the reserve lands on Saturna can be assumed to have been chosen due to their remoteness from land demands of the “White Settlement” of that time and the special attachment the Saanich Nations had to that place on Saturna.

B.3 NATIONAL PARK PROPOSAL

Original Text:

While the community was developing this Plan, the Federal government acquired private land adjacent to Crown land parcels under a "Pacific Marine Heritage Legacy" program to preserve representative lands of this bioregion. The program was a joint Federal/Provincial scheme with both governments contributing to land acquisition. The community recognized that the nature of the island lifestyle could change dramatically with increased visitors and potential related services for visitors to the Park.

When the national park is established, Parks Canada zoning policies will determine appropriate use of the land. As required by the *Canada National Park Act*, ecological integrity shall be the first priority when considering all aspects of the management of the national park. Federal Crown lands managed by the Crown are not subject to local government zoning and only if the lands revert to private hands will the prescriptions in this Plan apply. The Community will work with the Federal government in a Parks Management Planning process to ensure there is some certainty over future uses.

Proposed New Section Title and Text:

B.2 PARKS, LANDS AND RESERVE LANDS

All existing National Park Reserves are, by definition, proposed National Parks. This state of lands being held "in reserve" means that the Saturna lands now in the Gulf Islands National Park Reserve are intended to become full Park status once all Indigenous claims are resolved. Given the complexity of those claims based on 13 First Nations asserted Aboriginal rights and title, and treaty rights on Saturna, the assumptions made about these lands in the Plan need to consider a broader range of possibilities for future land-use than just the status quo of its current natural state, size and jurisdictional authority.

Likewise, the 145.7 hectares of unoccupied reserves lands need to be considered in the Plan in a way that assumes Tsawout and Tseycum First Nations may develop these lands in any way they choose. With regard to the reserve lands in particular, the Plan needs to consider that First Nations are statistically the fastest growing population in Canada and that, here in BC, the reserve land allocations are the smallest in the country which is creating considerable housing crises for First Nations. Also to be considered is the current desire for almost all First Nations to engage in economic development opportunities on reserve lands to try to alleviate the level of poverty the Nations have had to endure for over 150 years.

The Saturna community, with more than half of its total lands currently unoccupied and in a natural state needs to recognize that those same lands are waiting the resolution of First Nations claims or decisions. Saturna is well-positioned to engage with their local First Nations in a more meaningful way; to work together to revisit the land-use policies in the Plan that may have assumed those lands would stay in their current natural state. They may well stay in that state but the Plan needs to acknowledge that, although that may be one outcome, there may be other uses that those lands may be needed for.

B.4 PURPOSE, and

B.5 ADVOCACY POLICIES

Original Text:

B.4 PURPOSE

The purpose of the Plan is to further the object of the *Islands Trust Act* through strong long-

range policy guidelines respecting land use and servicing for the Saturna Island Local Trust Area (“the Area”). Policies are to direct and guide future actions of the Saturna Island Local Trust Committee and inform other levels of government and the general public of the community’s expectations for the use and development of the Area. The Saturna Island Local Trust Committee cannot adopt land use bylaws that conflict with either the Islands Trust Policy Statement or the policies of its Official Community Plan.

B.5 ADVOCACY POLICIES

Some of the Plan’s policies address issues that are the responsibility of other levels of government and their agencies. These policies are included for the information and guidance of other levels of government when exercising their responsibilities within this community and are identified throughout the Plan as “advocacy policies”. When the responsibilities of other levels of government impact the Area’s community, this Plan directs the Saturna Island Local Trust Committee in making representations on any action, contemplated action, or enforcement activity. In this regard particular attention shall be given to the: use of Crown lands and lands acquired under the Pacific Marine Heritage Legacy; use of Crown foreshore; scale and type of roads, highways, and trails; transportation policies; and protection of the environment.

To avoid dissipating the Saturna Island Local Trust Committee’s limited resources, its attention is to be focused first on implementing and ensuring compliance with those policies where it has direct authority and a reasonable expectation to accomplish the policy objective

Proposed New Section Title and Text:

B.3 PURPOSE OF THE PLAN AND ADVOCACY

As the Plan has always stated, either implicitly or in clear language, recognition of limitation comes as part of island life and limiting growth is vital to preserving and protecting the values of this place. There is a common acceptance that there is an ultimate cap to the volume of human activities that impact the environment of this island area before those cherished values start to be lost.

The purpose of the Plan is to state guidelines that address important ecological threats to the Saturna Island Local Trust Area. These are guidelines that acknowledge there have been many changes affecting Saturna since 1976 and there continues to be broad societal shifts that will affect it going into the future. The Plan is about stating those guidelines not just for the Local Trust Committee and their decisions, but also for the larger range of stakeholders with interests in Saturna and their decisions.

If anything, recent years have reminded us that we are not “an island unto ourselves” but rather part of a much bigger company of partners who share our objective of preserving and protecting the unique qualities of Saturna. So let us put our stated guidelines for the ideal forward and invite First Nations, Islands Trust, the Capital Regional District, the province and Canada to share with us their vision of Saturna’s cherished values. Together we can craft a vision for future land use with our eyes and ears wide open to the hopes and goals of a more broadly defined “Saturna community”.

First Nations Relationship Building - Charter v1

Saturna Island Local Trust Committee

Date: February 7, 2017

Purpose: To continue to build meaningful relationships with First Nations with an interest in Saturna Island.

Background: The Saturna Local Trust Committee (LTC) initiated a project as one of their top priorities on October 20, 2016 to allow for a project that facilitates a long term First Nations relationship building program that reflects a thriving and sustainable relationship with First Nations.

Objectives

- Amend Saturna OCP to reflect First Nations history on Saturna Island
- Encourage CRD to identify appropriate locations for on-island signage or monument(s) identifying First Nations place names and/or history.

In Scope

- Research First Nations History on Saturna Island
- Prepare text amendments to the OCP explaining First Nations history on Saturna Island
- Prepare OCP map Schedule identifying First Nations place names
- Initiate a process with CRD to discuss on-island signage

Out of Scope

- Research and comment on First Nations heritage designations
- Extraordinary research
- Land Use Bylaw amendments

Workplan Overview

Deliverable/Milestone	Date1)
1) Research First Nations history on Saturna Island prepare initial report	For April 20, 2017 LTC Mtg.
2) Discuss locations with CRD for First Nations signs/monuments	May-September 2017
3) Prepare report and recommended OCP amendments	For June 15, 2017 LTC Mtg.
4) Schedule a CIM	July/August 2017
5) Prepare draft OCP amendment bylaw and final staff report for LTCs consideration	For October 19, 2017 LTC Mtg.
6) Public hearing for OCP amendment bylaw	January 2018

Project Team

Gary Richardson, Island Planner	Project Manager
Fiona MacRaid	Senior Policy Advisor
Sharon Lloyd-deRosario	Admin Support
Regina Robinson	Admin Support

RPM Approval:

Name of RPM

Date:

LTC Endorsement:

Res #: SA-2017-02

Date: 2017-02-17

Budget

Budget Source:

Fiscal	Item	Cost
2017/2018	CIM	500.00
2017/2018	Research assistance	1000.00
2017/2018	Advertising	500.00
2017/2018	Meeting(s) with CRD (from technical budget)	500.00
2018	Public Hearing to be combined and funded from public hearing budget for LUB amendments	54
	Total	2500.00



DATE OF MEETING: April 27, 2018
TO: Saturna Island Local Trust Committee
FROM: Gary Richardson, Island Planner
Southern Team
SUBJECT: Secondary Suite Review

RECOMMENDATION

1. That the Saturna Island Local Trust Committee request staff to prepare a draft bylaw to amend Saturna Island Official Community Plan Bylaw No. 70, 2000 to allow secondary suites within residences, within the Saturna Island Local Trust Area.
2. That the Saturna Island Local Trust Committee request staff to prepare a draft bylaw to amend Saturna Island Land Use Bylaw No. 78, 2002 to allow secondary suites within residences, within the Saturna Island Local Trust Area.

REPORT SUMMARY

The purpose of this report is to analyse the request made by the Saturna LTC to review allowing secondary suites within the Saturna Island Local Trust Area.

BACKGROUND

This issue was identified as a Work Program Priority by Resolution-Without-Meeting November 22, 2017.

A project charter was endorsed March 8, 2018.

Secondary suites are typically affordable, ground oriented and market based housing units. Given the number of single family residences on Saturna Island, and its aging population, the ability to provide legal secondary suites could assist the community in addressing its perceived housing diversity and affordability issues in appropriate locations.

The CRD is preparing a housing needs assessment report for the southern gulf Islands. When the study is available it will be reviewed and referenced with respect to this project.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The policy statement does not support increased density nor intensity of use in areas which are known to have a problem with the quality or quantity of the supply of fresh water.

Growth is to be compatible with the preservation and protection of the environment, natural amenities, resources and community character.

Should achieve efficient use of land base without exceeding density limits defined in the OCP.

Address policies related to aesthetic, environmental and social impacts of development.

Official Community Plan:

- No rezoning, development permit, temporary permits, or other planning tool or device available to the local trust committee should be used to increase the maximum subdivision capacity, or total residential density of any island within the Area.
- The type, scale, and concentration of development, including the ultimate resident and visitor populations, are to be managed to preserve the quiet rural atmosphere.
- When relating to matters of development, affordability, special needs, or rental opportunity, the Saturna Island Local Trust Committee is to consider the community's desire to maintain social and economic diversity.
- To move towards a land use pattern that results in a more compact, complete and connected community, with new residential development occurring in locations accessible to services.
- The Local Trust Committee may consider amending zoning to permit secondary dwelling units in appropriate locations.

Land Use Bylaw

The Land Use Bylaw Does not permit secondary suites.

Issues and Opportunities

The following are some other issues for the LTC to consider:

1. Definition:

As an example, the definition of a secondary suite in the Salt Spring Island Land Use Bylaw No. 355 is:

“secondary suite” means an accessory, self-contained dwelling unit, located within a building that otherwise contains a dwelling unit, and having a lesser floor area than the principal dwelling unit.”

2. Location:

The option being recommended is to permit suites in all zones that allow ‘residential’ as a permitted use. This option could have the potential of allowing an increase in residential development in areas that are subject to a water supply deficiency. The carrying capacity of the land with respect to sewage disposal and potable water

availability could be compromised if this option was implemented by a high percentage of land owners. Consequently, secondary suites should not be permitted on the East Point peninsula or the Saturna Beach neighborhood do to groundwater issues.

Zones with a 'residential' use are: Rural Residential, Rural General, Rural Comprehensive Development, Multiple Family Residential, Commercial Recreation and Accommodation, Commercial, Industrial Storage and Repairs, Farmland, Farm Resort, Farm Retreat, Forest General, Forest Residential, and Wilderness Reserve. As an alternative, the LTC could consider only permitting secondary suites in primarily residential zones; for example, Rural Residential, Rural General, and Rural Comprehensive Development.

Another alternative to allowing suites in all residences would be to locate suites in areas around higher density areas with amenities available close by. This would allow the occupiers of the suites to access local amenities such as the ferry and shopping. This would be particularly advantageous to people that do not own a vehicle or have mobility problems. This would leave the large lot areas with lower density unchanged, maintaining the rural character of those areas.

Allowing suites to be concentrated along transportation corridors is also an alternative. This would facilitate the ease of travel, and potentially reduce the distance traveled by car. In this option suites would be permitted in residences located adjacent to main roads.

Suites could also be limited to large lot zones. The advantage of this option is that the carrying capacity of the land with respect to sewer and water would be easier to maintain on large lots. The increase in activity associated with an increase in residential use would not be as noticeable on a large lot. The rural community character could more easily be maintained. This would likely require the occupier of the suite to own a vehicle.

Suites could be limited to small lot areas. This would allow for a higher concentration of suites within a more confined area. This option would be more likely to change the rural character of the island and create fairly dense neighborhoods over time if more suites are constructed. The carrying capacity of the land with respect to sewer and water is more likely to be exceeded if this option is implemented.

3. Number of suites per lot/residential unit:

If one suite per residential unit is permitted this could result in several suites being constructed on one lot with multiple residential units. Regulations could allow one suite per residential unit or one suite per lot, or some other variation.

4. Water:

An increase in demand for potable water is a concern if secondary suites are permitted in areas with low water recharge. Secondary suites could be limited to areas where there is ample potable water supply. Previous hydrogeology studies identified the East Point and Saturna Beach areas as having water shortage problems. The LTC may consider requiring cisterns for households with secondary suites for non-potable use (or if desired by the owner, potable use).

6. Size:

It is recommended that the size of the suite be restricted. If the size is not restricted a full dwelling-sized secondary suite could be constructed which would have the effect of allowing a duplex. The Salt Spring Island LUB secondary suite regulations restrict the floor area of secondary suites to a maximum of 90 m². Consistency with the BC Building Code should be considered when determining a maximum floor area. The BC Building Code states that a suite cannot have a floor area larger than 90 m² (968 ft²).

7. Owner Occupancy:

LTC may want to consider if there should be owner occupancy of the principal residential unit as a restriction of secondary suite construction and use. Although this is a common requirement in secondary suite bylaws, it may not be enforceable. Conversely, not restricting owner occupancy would increase flexibility for the property owner. The property owner would have the option to rent both the residential unit and secondary suite.

8. Parking:

The LTC may want to consider requiring the property owner to provide off-street parking for the secondary suites. In most cases, requiring 1 parking stall per suite is adequate. This will address any concerns about parking congestion on residential streets.

9. Secondary Suite Containment and Entrance:

BC Building code requires the secondary suite to be wholly contained within the residential unit and that there must be a separate exit/entrance door for the suite.

10. Subdivision:

Another issue is the possibility that the secondary suite could be subdivided from the principal residential unit under the Land Title Act or the Strata property act. This would defeat one of the purposes of allowing suites, which would be to provide affordable rental accommodation.

11. OCP:

The OCP will be required to be amended if secondary suites are permitted. This can be accomplished by adding an enabling statement in the designations where secondary suites would be permitted.

Consultation

A community information meeting is recommended as part of the bylaw review process. Also the draft bylaws will be forwarded to government agencies, First Nations and other groups and individuals as appropriate. If the draft bylaws proceed to public hearing all statutory notification requirements will be complied with.

Rationale for Recommendation

- Staff is recommending secondary suites be permitted in all zones that permit a residence and that one suite be permitted per residence. This seems reasonable as zones permitting multiple residences are large lots which would minimize the impact of each dwelling having a secondary suite.
- Secondary suites should not have a floor area larger than 90 m² (968 ft²), be on the ground floor of a building, and have a separate entrance to the outside. This is to be consistent with the BC building code.
- That secondary suites not be permitted on East Point or Saturna Beach areas. This is due to groundwater concerns in those areas.

- Permitting secondary suites on all areas of the island will allow property owners and the market to determine where suites will be constructed. This gives flexibility and opportunity for all residential land owners to have equal opportunity to construct a suite.
- Due to the small size of the secondary suites and due to them being constructed within the footprint of an existing dwelling they should not impact the aesthetic, environmental and social balance on the island beyond what an existing residence would do.
- Allowing secondary suites could assist the community in addressing its perceived housing diversity and affordability issues.
- The housing can be created without public expenditures or the involvement of community organizations.
- Experience on other islands that have permitted secondary suites is that the uptake on the building of suites is very slow and gradual.
- The general manager planning and protective services at the Capital Regional District has confirmed to Islands Trust staff that the CRD will not issue a building permit for a secondary suite without it meeting all requirements of servicing. Confirmation that there is capacity in both the water supply and sewer system is required before a building permit is issued. If the LTC permits secondary suites in zoning, they will still need to be approved through the building permit process.

ALTERNATIVES

1. Request amendments.

LTC can request bylaws be drafted that allow suites on a more restricted basis such as only on large lots, one per permitted residence or only in specific zones.

NEXT STEPS

Next step outlined in the project charter is to draft bylaws for the LTCs consideration in May 2018.

Submitted By:	Gary Richardson, Island Planner	April 20, 2018
Concurrence:	Robert Kojima, RPM	April 20, 2018

ATTACHMENTS

1. ITPS/OCP Policies

ATTACHMENT # 1 – POLICIES

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
4.4.2 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: •neither the density nor intensity of land use •water quality is maintained, and •existing, anticipated and seasonal demands for water are considered and allowed for.	yes	
5.2.3 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	yes	
5.2.4 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.	yes	
5.2.5 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	yes	

<NAME OF OFFICIAL COMMUNITY PLAN>

OCP Objective/Policy	Complies	Planner Comments
C.1.3 - From the date of adoption of the Plan, no rezoning, development permit, temporary permits, or other planning tool or device available to the local trust committee should be used to increase the maximum subdivision capacity, or total residential density of any island within the Area.	Choose an item.	

C.3.2 - The type, scale, and concentration of development, including the ultimate resident and visitor populations, are to be managed to preserve the quiet rural atmosphere.	yes	
C.3.5 - When relating to matters of development, affordability, special needs, or rental opportunity, the Saturna Island Local Trust Committee is to consider the community's desire to maintain social and economic diversity.	yes	
C.3.10 - To move towards a land use pattern that results in a more compact, complete and connected community, with new residential development occurring in locations accessible to services.	yes	
E.5.14 - The Local Trust Committee may consider amending zoning to permit secondary dwelling units in appropriate locations.	yes	
F.5.4 - The Saturna Island Local Trust Committee will permit and promote rainwater cisterns and ponds for fire protection, irrigation, and to supplement or as an alternate source of potable water for households.	yes	

Top Priorities

Saturna Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	First Nations Relationship Building	A long term program to support a thriving and sustainable relationship with First Nations Staff report and recommended OCP wording to be prepared for LTCs consideration at April 27, 2018 LTC Mtg.	16-Sep-2016	Gary Richardson	
2	LUB Technical Review	Draft bylaw being prepared for the LTCs consideration.	16-Sep-2016	Gary Richardson	31-Mar-2018
3	Secondary Suite Review	Staff report prepared for March 27, 2018 LTC Mtg.	22-Nov-2017	Gary Richardson	01-Dec-2018



Projects

Saturna Island

Description	Activity	R/Initiated
Shoreline Review		17-Jun-2016
Review Density Transfer Mechanisms		16-Sep-2016
Amenity Zoning Review		16-Sep-2016



Islands Trust

Print Date: April 23, 2018

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SA-RZ-2018.1	Ronald Hall & Saturna Garage and Contracting Planner: Gary Richardson	15-Jan-2018	To amend zoning of two properties.
Planning Status			
Status Date: 31-Jan-2018 Preliminary Staff Report to be prepared for April 27, 2018 LTC Mtg.			
Status Date: 16-Jan-2018 opened file, *** issued split payment two receipts 3770 & 3771. Mapping request & notified LTC.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2017.1	RONALD H HALL Planner: Gary Richardson	22-Nov-2017	Subdivision to create a new parcel.
Planning Status			
Status Date: 06-Apr-2018 Staff sent response to MoTI March 12, 2018			
Status Date: 04-Dec-2017 Fees received, LTC notified - new application/referral.			
Status Date: 29-Nov-2017 Received application, sent subdivision fee request.			

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2018.1	RONALD HALL Planner: Gary Richardson	01-Feb-2018	Create one lot with one remainder.
Planning Status			

Applications

Status Date: 06-Apr-2018

Staff sent response to MoTI April 4, 2018.

Status Date: 15-Feb-2018

Fees received, notified LTC, gave file to Planner.

Status Date: 01-Feb-2018

opened file, sent fee request to applicant. RPM to assign planner.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SA-TUP-2018.1	NETT	28-Feb-2018	continue to operate as a business, use of parking lot and driveway, business operates as a coffee shop inside double decker bus.

Planner: Gary Richardson

Planning Status

Status Date: 23-Apr-2018

Staff report and draft permit prepared for April 27, 2018 LTC Mtg.

Status Date: 14-Mar-2018

open file, process fees, await planner assignment

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending February 2018

650 North Pender	Invoices posted to Month ending February 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	1,500.00	31.80	1,468.20
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	4,000.00	3,694.51	305.49
65210-650	LTC - Local Exp - APC Meeting Expenses	600.00	377.10	222.90
65220-650	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-650	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,600.00</u>	<u>4,071.61</u>	<u>1,528.39</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	0.00	5,000.00
73001-650-4054	North Pender Waste Management Review	7,000.00	6,458.02	541.98
73001-650-4086	North Pender Secondary Suites Review	5,000.00	345.89	4,654.11
73001-650-4087	North Pender Housing Needs Assessment	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>19,000.00</u>	<u>6,803.91</u>	<u>12,196.09</u>

Saturna Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 16/07	SA-LTC-16-07	Travel Trailer or Camper	It was Moved and Seconded that staff be directed to not take enforcement action against property owners when a travel trailer or camper is located on a lot when: The travel trailer or camper is being used for recreational purposes by the owners of the lot and; The travel trailer or camper is being used intermittently and for short periods not exceeding two months. Not withstanding this direction, staff is to take action to prevent the recreational use of travel trailers or campers on inappropriately zoned land if: The travel trailer or camper is being used as a second residence or; The trailer or camper is situated within the setbacks for a structure or; There are serious safety issues, unsightliness, noise, or health problems related to the use or; A complaint based on the above three items is received from a person who owns neighboring property. Nothing in this direction should be interpreted by a property owner as giving permission to violate the Land Use Bylaw and the Saturna Island Trust Committee may change this policy at any time and may give direction to enforce the Bylaw at any time.
2.	August 20/08	SA-LTC-43-08	Bylaw Enforcement: Short Term Vacation Rentals	It was Moved and Seconded THAT given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, STVRs not permitted by Section 2.16.10 of the Saturna Island Land Use Bylaw No. 78 that have one or more of the following characteristics will be subject to enforcement: 1. They are advertised on the internet, newspapers or other media; 2. They are not managed by the property owner; - More than one STVR per constructed residence on the lot is simultaneously made available for STVR; 4. While the property is rented persons are also staying in tents, trailers, or RV's; 5. There are issues related to health and safety; 6. There is a written complaint by owners or residents about bona fide nuisance issues such as noise or parking congestion related to the STVR;

				7. The owner of the property uses more than one property on Saturna Island as an unpermitted STVR. And THAT nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.
3.	February 25/09	SA-LTC-09-09	Adopt LTC Minutes by RWM	It was Moved and Seconded that the Saturna Island Local Trust Committee draft minutes be adopted by Resolution without meeting within 30 days of the meeting and posted to the website.
4.	June 22/11	SA-LTC-	Adopting In Camera Minutes	It was Moved and Seconded that the Saturna Island Local Trust Committee adopt a Standing Resolution to direct staff to place the in camera minutes on the agenda when there is a need to close the meeting or at least once a year.
5.	February 9/12	SA-LTC-11-12	Adopt SOL policy	It was Moved and Seconded that where a Liquor Control and Licensing Branch Special Occasion Licence referral relates to a property where Saturna Island Land Use Bylaw No. 78, 2002 permits public assembly uses, such as halls, recreation facilities or restaurants, and where there have been no issues related to parking or past complaints for the preceding three years, planning staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration



**Trust Fund Board Report
to Local Trust Committees
and Bowen Island Municipality
April 2018**



‘Salish View’ Acquisition Project, Lasqueti Island

Following the successful conclusion of the Fairyslipper Forest acquisition partnership on Thetis Island, our next joint campaign is underway on Lasqueti Island. The Trust Fund Board and Lasqueti Island Nature Conservancy have signed an agreement to frame the campaign to purchase and protect “Salish View”, an 11.6 hectare property contiguous to Squitty Bay Provincial Park. Look out for the upcoming official launch of this campaign and visit the Lasqueti Island Nature Conservancy website (<http://www.lasqueti.ca/LINC>) to learn how you can support this small community’s ambitious project.

Opportunity Fund Grant for Saturna Wetland Conservation Project

The Trust Fund Board is contributing a grant from the Opportunity Fund to support a phase one environmental assessment for a property containing wetland ecosystems on Saturna Island. This is the first step towards the possible securement of this land, which supports valuable biodiversity. The project is being spearheaded by neighbourhood residents.

Dragonfly Commons Conservation Proposal, Salt Spring Island

There are times when the Trust Fund Board makes the difficult decision to decline a conservation proposal. The Trust Fund Board decisions must balance the protection of biodiversity values in accordance with the Regional Conservation Plan, with potential risks and long-term costs, such as property management challenges. TFB considered a proposal to covenant approximately half of a property to be developed as a high density affordable housing project. The small size, landscape context and complexity of eventual ownership were factors that led to a TFB decision to decline this proposal

Fairyslipper Forest Nature Reserve, Thetis Island

Negotiations are beginning with Thetis Island Nature Conservancy and Cowichan Community Land Trust to establish a conservation covenant on Fairyslipper Forest.

Medicine Beach Nature Sanctuary, North Pender Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is being finalized.

Morrison Marsh Nature Reserve, Denman Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is also being finalized.

First Nations – Regional Conservation Plan

A goal of our new Regional Conservation Plan (RCP) is to strengthen relationships with First Nations to identify and collaborate on shared conservation goals. Letters are being sent to all First Nations with traditional territory in the Trust Area to provide information about the RCP and offer available mapping for sharing. The Islands Trust Fund would like to connect with First Nations that might have an interest in the RCP. If local trust committees or Bowen Island Municipality are developing relationships with First Nations, it would be helpful to explore how ITF can use this opportunity to connect.

Regional Conservation Plan and Local Trust Committees and BIM

The RCP contains a lot of valuable information for local trust committees and Bowen Island Municipality, but it is a large, comprehensive document. Islands Trust Fund will be extracting information and maps pertinent to each local trust area and BIM that can be included on local website pages. The Trust Fund Board encourages LTCs and BIMs to identify how Official Community Plans can be updated to reflect new information contained in the RCP and associated data and mapping. ITF will also be producing a summary brochure on the RCP.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, LPS Karen Hurley, TAS	Date Prepared:	March 2, 2018
SUBJECT:	Land-use planning implications of Fisheries and Oceans Canada <i>Integrated Geoduck Management Framework 2017</i>		

PURPOSE: To inform local trust committees about the land-use implications of the of Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017*

BACKGROUND:

At the November 2, 2017 meeting the Executive Committee requested that:

Local Planning Services and Trust Area Services staff collaborate on the preparation of a briefing for local trust committees about the land-use planning implications of the DFO 2017 Integrated Geoduck Management Framework.

The Fisheries and Oceans Canada (DFO) *Integrated Geoduck Management Framework 2017* (IGMF) guides the management of geoduck clam aquaculture, including siting guidelines for new applications for inter-tidal and sub-tidal geoduck aquaculture, as well as for applications for size increases to existing shellfish aquaculture operations.

Currently in the Islands Trust Area, most shellfish aquaculture tenures are limited to Baynes Sound because this area has the best conditions for the raising of these types of shellfish. Wild geoduck clams are more widespread in the Islands Trust marine areas, and, under the IGMF, there is potential for geoduck clam aquaculture operations to be installed in wild geoduck habitats. As a result, staff expects that Geoduck clam aquaculture tenures could be applied for in many other locations throughout the Trust Area but would be influenced and/or limited by:

- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck clam aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework 2017, applicants are now able to apply for aquaculture licenses throughout the B.C. coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck clams among many possible species that could be implemented at this time on many Gulf Islands, including: Lasqueti, Hornby, Salt Spring, and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck clams; however, operators could apply to have them added to the license, including: Thetis (5), Gabriola (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman.

Attached are maps of the Islands Trust Area, indicating areas that currently permit aquaculture and/or limited aquaculture.

Under IGMF 2017, there is also the potential for the opening up of wild geoduck areas to DFO applications for both intertidal and subtidal geoduck clam aquaculture licenses in various sites in the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas on attached maps).

DFO staff, however, is not expecting a large number of new or amendment applications for geoduck clam aquaculture and have advised that throughout BC there “are currently 57 facilities licensed for geoduck. Of this, 25 are licensed for intertidal, of which only 6 have approved harvest plans, and only 2 have ever reported production, the last being in 2015.” DFO staff has also confirmed that “the addition of geoduck to an existing licence requires an amendment with full DFO review. Any proposed addition of non-standard infrastructure (including geoduck tubes) would also trigger a review of the application by the BC government.

Implications of the IGMF

In British Columbia, the province has responsibility for issuing tenures for aquaculture and the federal government has responsibility for issuing licenses for the operation and management of aquaculture.

Under s.479 of the *Local Government Act*, local trust committees have the authority to zone the surface of the marine areas. However, aquaculture is a federally regulated industry and local zoning cannot infringe on the federal authority. Therefore, local trust committees are limited to determining the location that it deems suitable for aquaculture operations but cannot restrict the species grown in the tenure area. Local trust committees could regulate siting and size of buildings and structures as part of its s.479 authority, provided that such regulations do not restrict the aquaculture operations as licensed by the federal government.

Any areas suitable for geoduck clam aquaculture that are already zoned for aquaculture uses could be used to grow and harvest geoduck. Operator licenses may already include geoduck clams, or they could be added to the aquaculture license, likely without a referral process.

Areas that are not zoned for aquaculture would require a rezoning application before they could be used for aquaculture (including geoduck clams).

ATTACHMENT(S):

1. 2018 Island Trust water zoning maps (with index map)
2. Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area, November 12, 2017
3. Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017* (IGMF)
4. IGMF Maps associated with Islands Trust Area -- Pacific Fisheries Management Areas: attached and at DFO website
 - a. 14 South - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - b. 16 - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - c. 17 - Gabriola, Galiano, Mudge and Thetis Islands
 - d. 18 - Saturna, Salt Spring Islands (all SSI Conditional Closure)
 - e. 19 - James, Sidney Islands

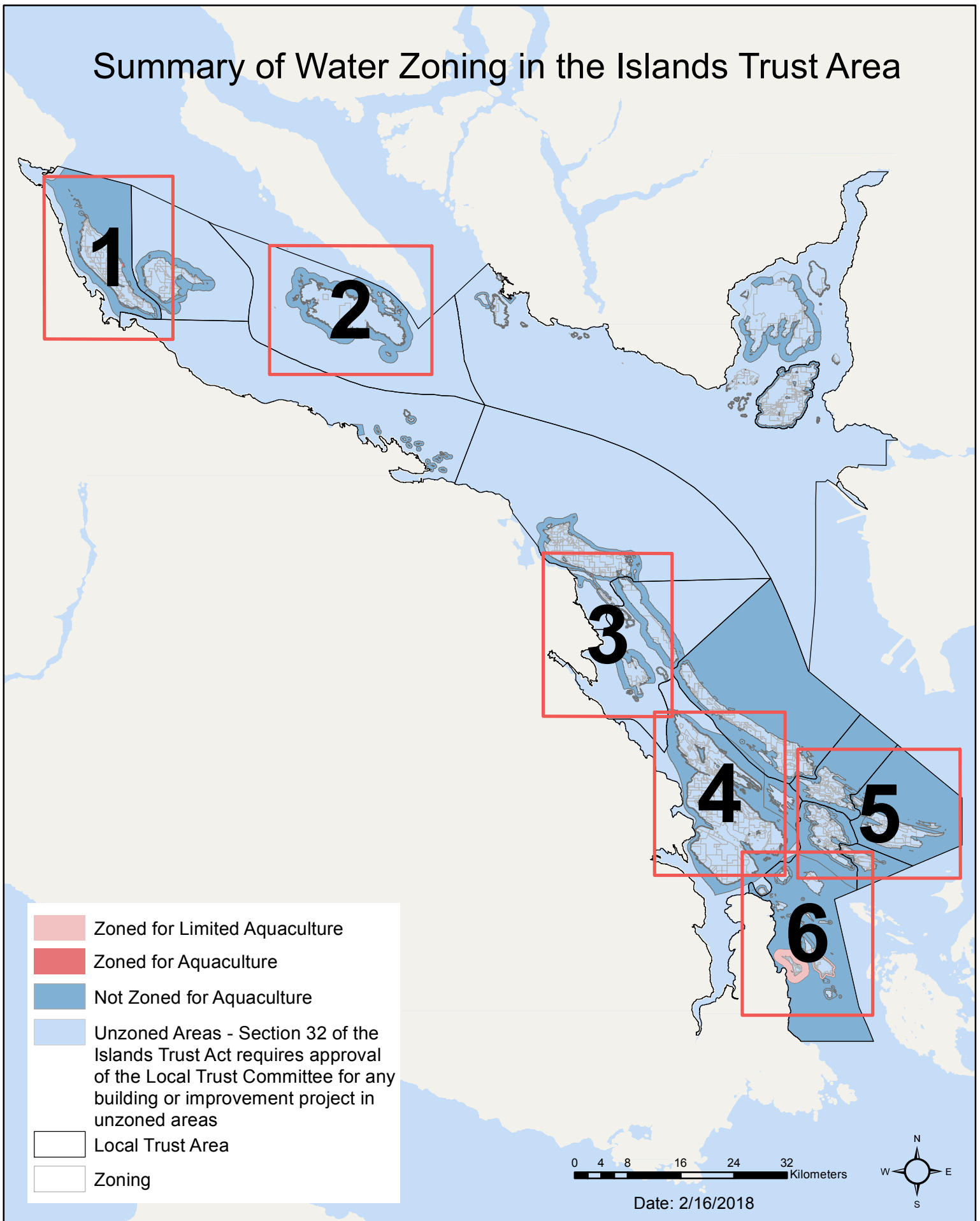
FOLLOW-UP:

TAS staff will continue to monitor any new information on geoduck clam aquaculture. Further follow-up at the direction of Local Trust Committees.

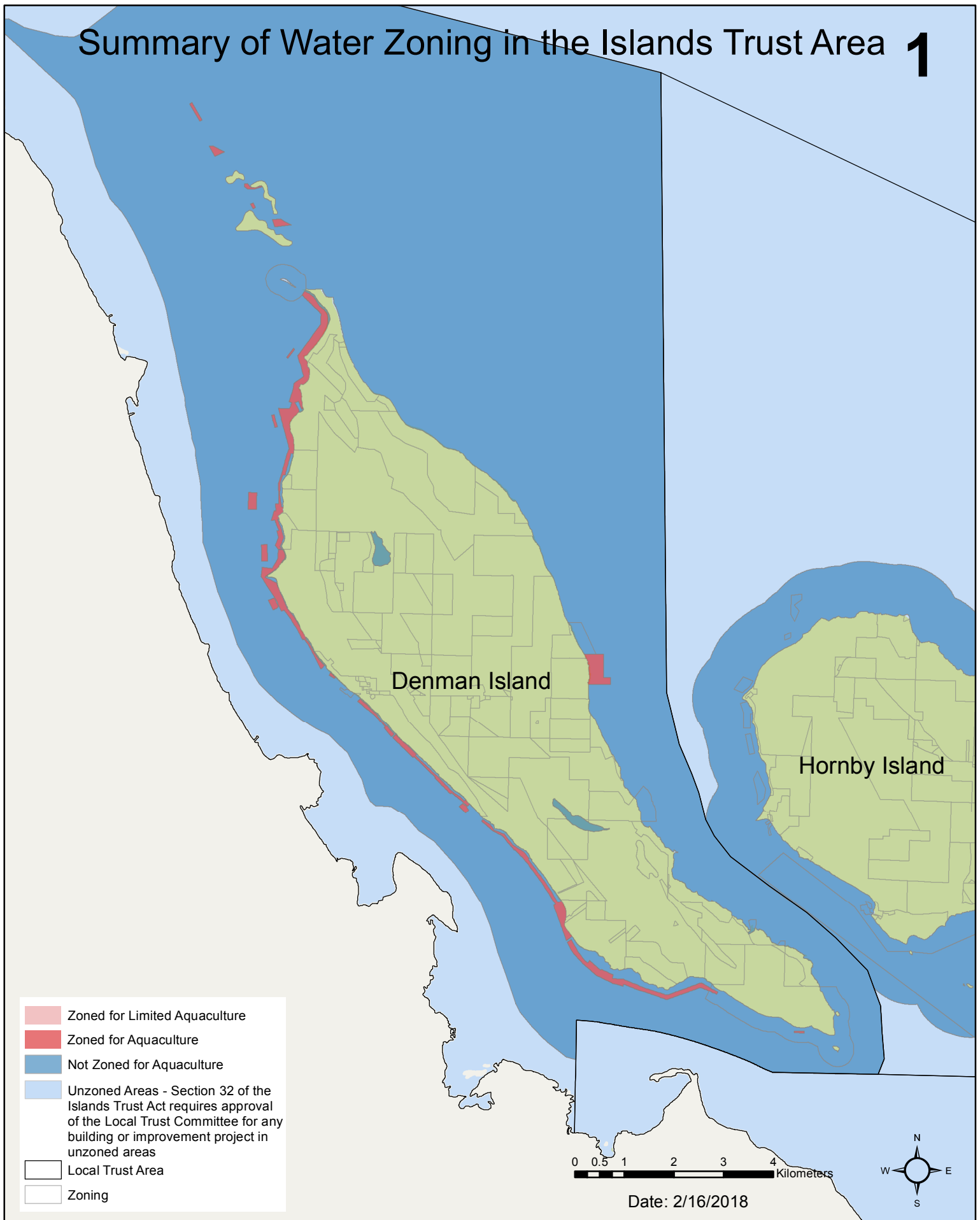
Prepared By: David Marlor, Local Planning Services
Karen Hurley, Trust Area Services

Reviewed By/Date: Clare Frater, Trust Area Services, March 5, 2018

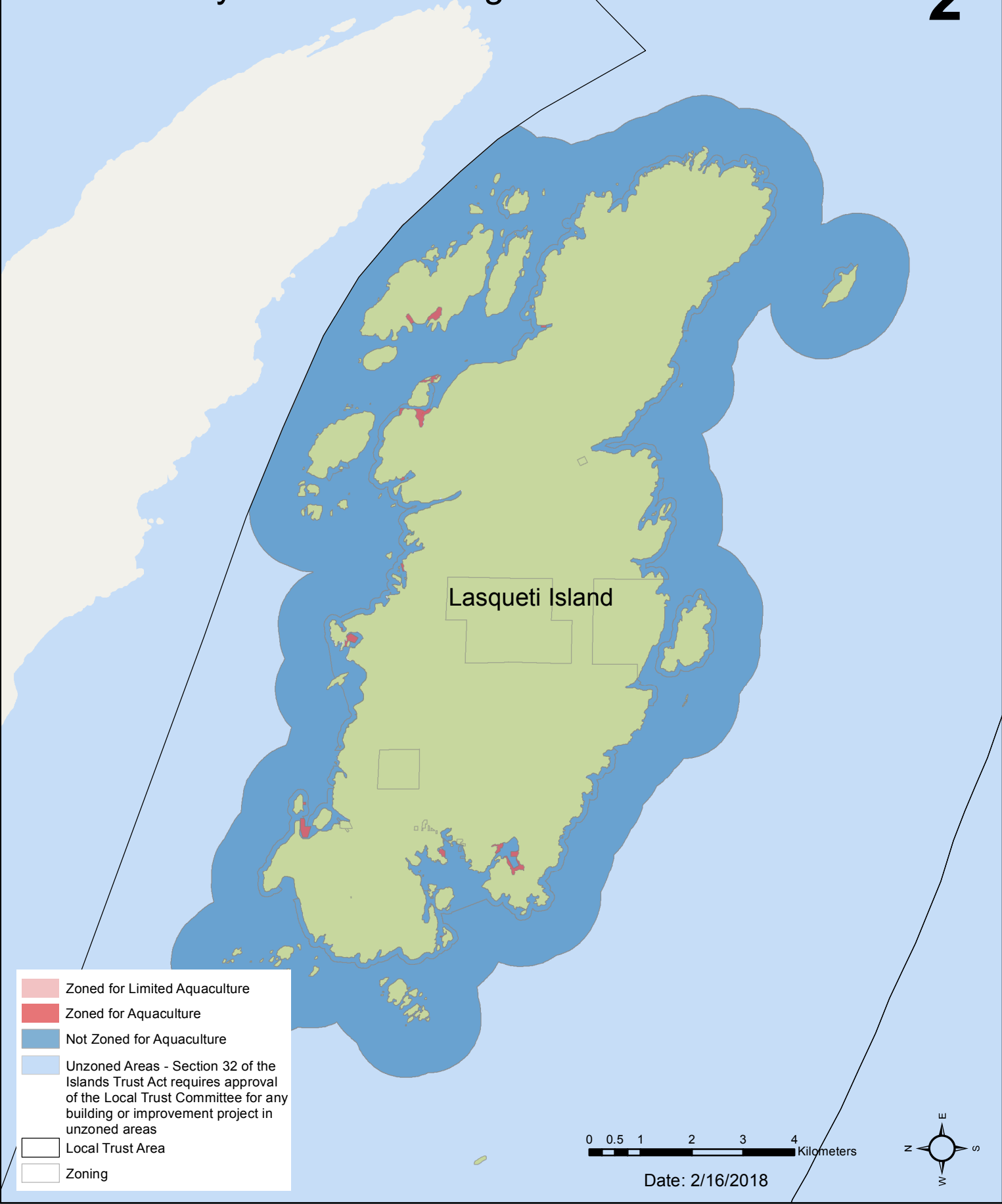
Summary of Water Zoning in the Islands Trust Area



Summary of Water Zoning in the Islands Trust Area 1



Summary of Water Zoning in the Islands Trust Area **2**



Summary of Water Zoning in the Islands Trust Area **3**

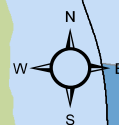
Gabriola Island

Thetis Island

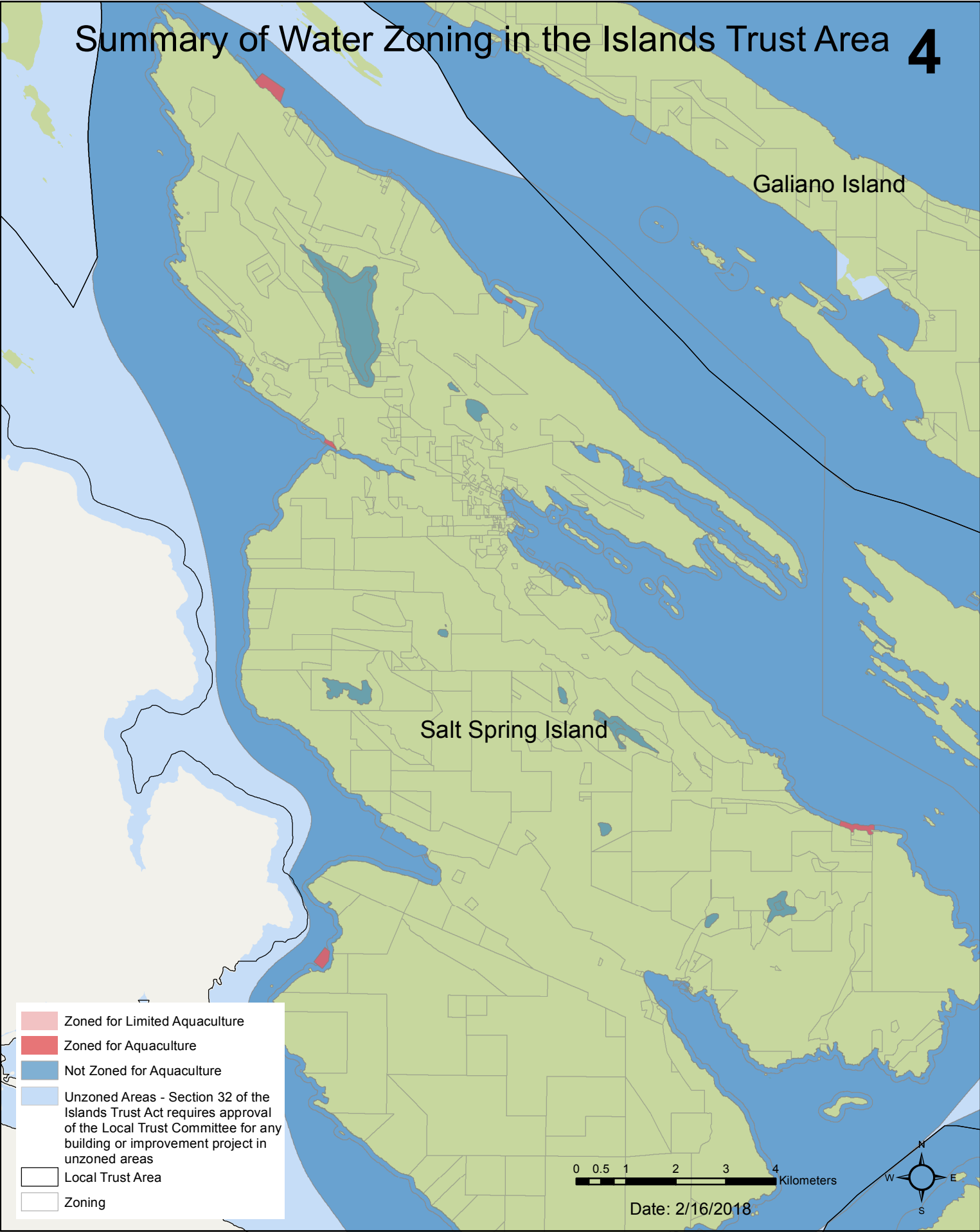
-  Zoned for Limited Aquaculture
-  Zoned for Aquaculture
-  Not Zoned for Aquaculture
-  Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
-  Local Trust Area
-  Zoning

0 0.5 1 2 3 4 Kilometers

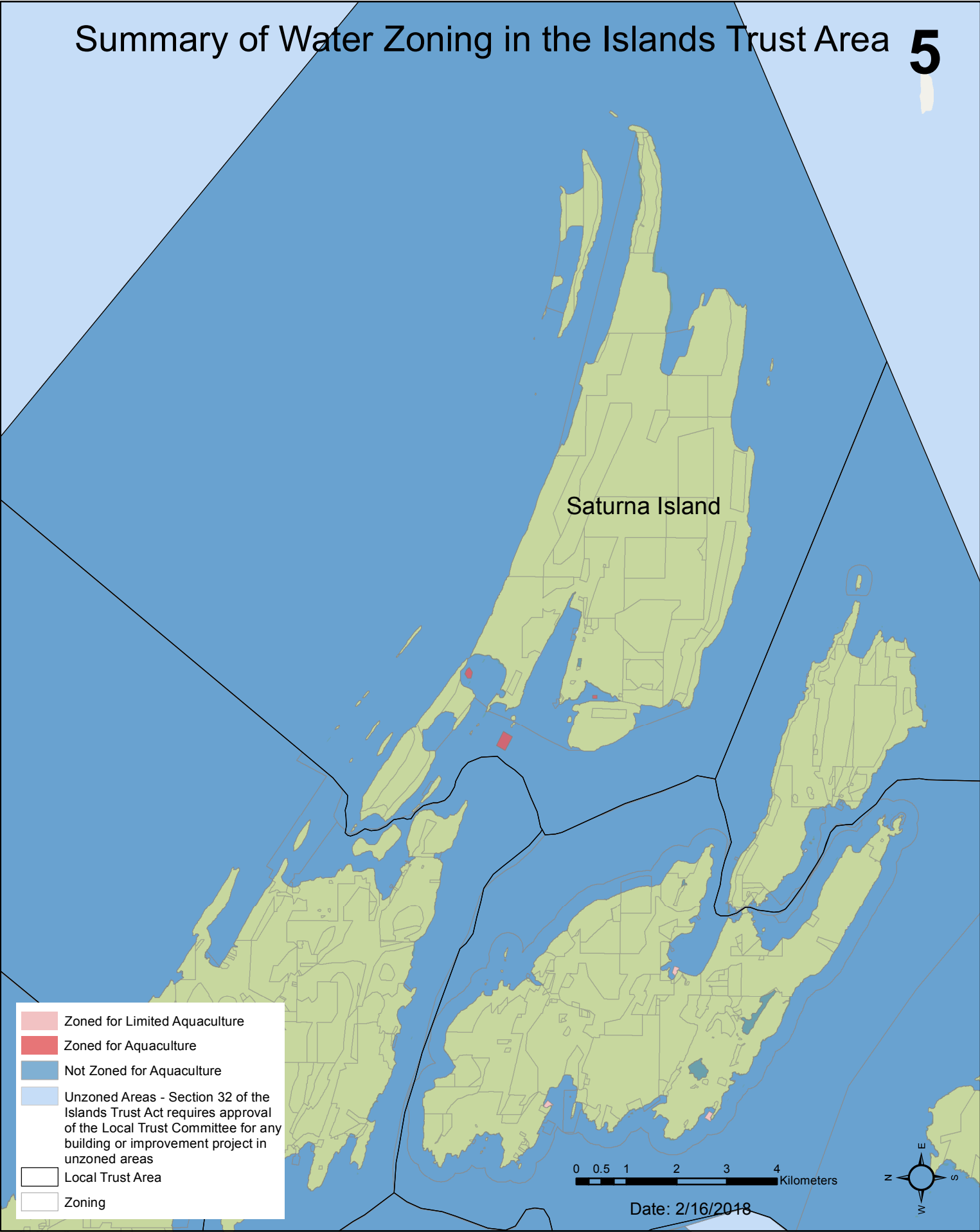
Date: 2/16/2018



Summary of Water Zoning in the Islands Trust Area 4



Summary of Water Zoning in the Islands Trust Area 5



Summary of Water Zoning in the Islands Trust Area 6

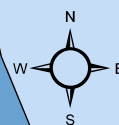
Salt Spring Island

Sidney Island

-  Zoned for Limited Aquaculture
-  Zoned for Aquaculture
-  Not Zoned for Aquaculture
-  Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
-  Local Trust Area
-  Zoning

0 0.5 1 2 3 4 Kilometers

Date: 2/16/2018



Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area

**By Karen Hurley, PhD, Senior Policy Advisor
November 12, 2017**

On June 21, 2017, the Islands Trust Council requested Executive Committee to investigate the potential impacts associated with geoduck aquaculture in the Islands Trust Area and, as appropriate, initiate advocacy.

This report has been produced using review of the latest scientific peer-reviewed research on impacts from geoduck clam aquaculture, as well as conversations and meetings with staff from the Department of Fisheries and Oceans (DFO), the BC Ministry of Agriculture, the BC Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD), Vancouver Aquarium and members of the Association of Denman Island Marine Stewards. *Given the limited staff time available for this project, and the lack of definitive science, this report offers only an overview of potential impacts and highlights area worthy of further study.*

During a review of the issue, two major themes emerged: there is uncertainty as to the expected scale of the industry now that DFO's 2017 Geoduck Integrated Management Framework is in force and therefore there is uncertainty about the, scale of the potential impacts. There is also uncertainty about the extent to which geoduck aquaculture might occur in the intertidal zone.

The potential impacts discussed in this report include damage to habitat vital to other species including herring, reduced bird foraging, microplastic contamination, human health, chemical contamination, garbage and ocean acidification.

It is worth noting at the outset that, to date, there are no studies that evaluate the potential impacts of geoduck aquaculture at the ecosystem level or the cumulative impacts of an expanded industry in the Salish Sea, though most researchers call for this level of study to be done.

A description of geoduck clam aquaculture practice is attached as Appendix 1.

Geoduck aquaculture has taken place in British Columbia since the early 1990s. In that time, interest in geoduck aquaculture has continued to grow as demand for the giant clam, especially in China, has sent prices soaring. Many, including Trust Area First Nations, see the emerging geoduck aquaculture industry as a significant opportunity for economic development and long-term employment for local residents. Compared to Washington State the industry in BC is at an early stage, but with the recent approval of a DFO Integrated Geoduck Management Framework 2017 (IGMF) is poised to expand.

There are concerns in island communities that DFO has insufficiently considered ecosystem and cumulative impacts. In creating the IGMF, DFO chose to limit their consideration and scientific analysis geoduck aquaculture at the policy level to the principle of 'conservation', which was narrowly defined: "conservation and long-term sustainability of wild geoduck stocks is the first priority." No mention is made in the IGMF of protection of the marine environment, fish habitat or human health. DFO staff advises that broader ecological impacts will be assessed at the licence application level. This raises concern that assessment at the individual licence will result in insufficient consideration of cumulative impacts regionally.

Concerns about geoduck aquaculture impacts are not new. In 2007, the BC Legislature’s Special Committee on Sustainable Aquaculture [recommended](#) that:

“No new species are to be approved for commercial aquaculture without a consensus of independent peer-reviewed science demonstrating that the potential impact on the marine environment is minimal”. (7.5)

Recently approved geoduck clam tenures must be rescinded until conditions in Recommendation 7.5 are met”. (7.6)

Staff’s review of the available science did not result in an impression that there is scientific consensus that the potential impacts of intensive aquaculture in the Trust Area, including geoduck aquaculture, are certain to be minimal. Staff noted that many articles conclude with calls for additional research. As far as staff knows at this time, the 2007 recommendation to rescind the approved geoduck clam tenures was not acted on.

There are also strong feelings in island communities about aquaculture impacts generally. Residents are concerned that, in the past, aquaculture operators have not taken responsibility for lost equipment/garbage and that DFO is insufficiently monitoring and enforcing conditions of the licenses. Residents also seem to have a lack of trust in the adequacy of the federal government’s oversight of aquaculture, due to changes to the *Fisheries Act* in 2012 that significantly [weakened](#) the federal government’s role in fish habitat protection. There also appears to be a lack of clarity with members of the public regarding the respective roles and authorities of DFO, FLNRORD and Islands Trust.

Potential impacts of geoduck clam aquaculture

A summary of potential impacts identified by staff is below:

1. Potential damage to habitat vital to other species, including herring

There is limited local data available about habitat impacts associated with the geoduck industry so staff reviewed articles about impacts in Puget Sound, a nearby region that has more experience with intensive geoduck clam aquaculture. A review of the scientific literature related to geoduck aquaculture in Puget Sound reveals that there is an active debate among scientists as to the severity of the impacts or potential impacts. That said, most of the scientific reports call for additional research on ecological impacts even as geoduck aquaculture intensifies. Key among these are:

- *MacDonald et al.* (2013) report negative impacts on fish and snail habitat by geoduck aquaculture gear and suggest further research to understand impacts to forage fish populations.
- *Dethier et al.* (2007), marine scientists, raised [concerns and questions](#) about geoduck aquaculture impacts to habitat, marine species and ecosystem functions. Staff understands these questions remain unanswered.

In 2013, DFO scientists conducted a one-year study on potential impacts of geoduck clam intertidal aquaculture in a small study area (not a large commercial operation) near Nanoose, BC. This study concluded that there are limited ecologically-significant effects of intertidal geoduck aquaculture. The exceptions found were that after liquefaction of the geoduck site during harvesting the sediment structure took 123 days to recover, and that there was a lack of seasonal increase in infaunal (beings that live in the sand such as forage fish) abundance and richness after harvesting. The study recommended more research on a larger scale.

Robinson et al. (2013) describe how Pacific sand lance do not have a swim bladder, so when they are not foraging they bury into the intertidal or subtidal sand and they also aestivate in the sand (like hibernation) when food is scarce. A reduced number of forage fish and invertebrates living in the sand and finer ocean floor sediments after liquefaction from the stingers (inserted to a one metre depth) is not surprising because their habitat has been significantly changed. As *Dethier et al. (2007)* write: organisms in the intertidal zone are adapted to small scale disturbances – this large scale disturbance with stingers is not part of their evolutionary history.

Staff notes that it remains unclear whether geoduck aquaculture will occur in the intertidal zone. Although not specific to the geoduck industry's activities, a 2002 review of BC shellfish aquaculture in Baynes Sound assigned the impacts of site clearing with a rake and other harvesting activity as High Severity on forage fish intertidal habitat.

Doug Hay, PhD, who spent most of his career as a research scientist with DFO, and who continues to serve as scientist emeritus addressing issues related to herring and other forage fish, cautions that pertinent environmental impact analysis of risks to forage fish species have never been done. He suggests that nobody knows if geoduck aquaculture could jeopardize the amount and quality of spawning habitat for herring or other forage fish species such as surf smelt or sand lance, but that, the loss of vital spawning habitat could lead to declines in abundance of forage fish species, including herring, which in turn could impact other species, especially seabirds. Within the Trust Area, forage fish provide up to 50% of the diet of Chinook salmon that are the primary food of the Southern Resident orcas. Using spawning records back to 1928, Dr. Hay explains that the most important herring spawning areas occur on only 10% of the total BC coastline. *Lambert Channel, between Denman and Hornby Islands, is the largest area of herring habitat in BC with 35% of BC's total herring spawning area.* In addition, Dr. Doug Hay cautions that, collectively, we are all taking herring for granted, especially in the Strait of Georgia, and taking big risks with geoduck aquaculture in herring spawning areas. He recommends additional research on this topic.

The IGMF permits geoduck aquaculture in many parts of the herring spawning area of Baynes Sound and Lambert Channel (Denman and Hornby Islands). This is herring habitat that is defined as Vital by DFO.

2. Potential impacts to species due to reduced foraging

There is also concern that intensive intertidal geoduck aquaculture may negatively impact birds through alienation of foraging habitat in the inter-tidal zone as well as birds being caught in the predator netting. Baynes Sound and other marine areas within the Trust Area are important bird habitats. .

Ferriss et al. (2016) undertook modelling for Puget Sound that found that the gear associated with geoduck aquaculture including PVC pipes and anti- predator nets may, if the already intensive industry more that doubles in that region, have an impact on the Puget Sound food web because of changing forage opportunities including a substantial decrease of most resident birds including great blue herons and reduction in wild salmon.

There is widespread use of netting in the aquaculture industry. Given this, staff was interested to read studies that that the anti-predator nets (APN), which were created to reduce bird and crab predation of aquaculture clams, have not been effective in reducing bird foraging behavior or crab predation. In fact, the nets have increased the number of small predatory crabs in Baynes Sound to the point that Dr. Leah Bendell (2014) suggests that “it is likely that maximum bivalve productivity within Baynes Sound has been reached in that any further gains hoped to be achieved through seeding will not be realized as a consequence of predation.”

Staff also learned that in a 2015 study, also focused on Baynes Sound, Dr. Bendell, documents how the anti-predator nets degrades the sediment geochemical characteristics, are hazards to wildlife and humans, and provides a place for sea lettuce to take hold, which contributes to poor water quality and a likely loss of ecological function on the sea bed. More research is recommended by the author.

3. Microplastic contamination

The plastic anti-predator netting and PVC pipes used in inter-tidal geoduck aquaculture may impact the marine environment as they break down in the saltwater and sun exposure. A recent research paper from Washington State explains that the “contribution from larger marine plastic debris to microplastic formation is greatest on beaches where UV light and wave action can enhance degradation.” According to Feldman (2002) PVC is a poorly photostable polymer especially the matt finish PVC, like the ones used in geoduck aquaculture, and can be severely weathered in outdoor uses where weathering is caused by heat, mechanical action (waves), algae and their enzymes (biodegradation). During a visit to Baynes Sound in early August, staff observed abandoned and in-place anti-predator netting and PVC pipe sections that were exposed to wave action and sunlight and, as a result, were in various states of weathering.

A 2014 paper by Jean-Pierre Desforges, Peter Ross, Vancouver Aquarium researcher, and others, documented extremely high levels of microplastics in the Strait of Georgia, of which 80% is fibrous plastics. In a 2015 paper by the same researchers found that zooplankton are eating these microplastic particles. Dr. Ross also explained to staff that researchers have found that the type of microplastic differs according to where you are looking. For example PVC microplastic is denser than water and therefore tends to be found in the sediments, while fibres are more buoyant and are found in the water column. Dr. Bendell argues that aquaculture plastic gear including ‘oyster blue’ rope, netting, and plastic net bags are contributing to the highly fibrous composition of microplastics in Baynes Sound. All of the researchers suggest that additional research is required, especially in terms of ecological consequences.

DFO and the BC Shellfish Growers Association also recognise that aquaculture gear may be a source of microplastics. In 2016 they initiated a collaboratively funded research project to investigate: *Microplastics and Shellfish Aquaculture: Presence, Extent, Potential Impacts and Mitigation Measures* including the type of microplastics and potential sources. The research is expected to be completed by December 31, 2017.

4. Human health

If undertaken, intertidal geoduck clam installations would involve anti-predator nets to protect the juvenile geoducks. There is a human health concern associated with the rebar used to hold the anti-predator nets (APN) in place because it tends to erode quickly at the bend and then break off, forming a point. These points are hazardous if stepped or fallen on – as happened on Denman Island twice in the summer of 2017 in clam tenures.

5. Chemical contamination

Lead line is a product used to attempt to hold the netting in place. This product is used throughout the fishing industry. It is made of a loosely braided nylon with lead balls inside. In the intertidal zone, if the nylon braid erodes there is a risk of [animals or birds ingesting](#) the lead balls. Future research is warranted.

6. Garbage

Garbage and gear abandonment is a long standing aquaculture issue, acknowledged by provincial staff and addressed in the BC Shellfish Growers *Environmental Code of Practice*. Staff observed an unsuccessful geoduck operation intertidal zone on the south end of Denman Island where the gear was obviously abandoned and causing potential danger to humans, marine species and birds.



Abandoned geoduck aquaculture gear in the intertidal zone of Denman Island.



Lead line with anti-predator netting (APN)



APN: a hazard to humans and other species

All images Denman Island. Photo credit: Karen Hurley

7. Ocean Acidification

Marine research by *Bendell et al.* (2014) in Baynes Sound suggests that increased number of clams, including geoduck clams, could further increase acidification of the ocean. Climate change is increasing the [acidification of the ocean](#). Lower pH levels in the ocean threaten sea life, including shellfish, and in turn, acidification of the ocean may speed up climate change.

Emerging activities that will increase understanding of impacts:

On August 10th, 2017 the US Center for Food Safety launched a [lawsuit](#) against the US Army Corp of Engineers for approving a massive expansion of aquaculture, predominantly geoduck aquaculture, in Puget Sound without fully considering cumulative impacts across the state, including the use of pesticides.

As an outcome of the Herring forum hosted in February 2017 by the Association for Denman Island Marine Stewards, various stakeholders are considering possible methods to investigate the cumulative impacts of aquaculture on Baynes Sound. In November 2017, the Trust Programs Committee approved a project charter for a Baynes Sound/Lambert Channel forum project charter. It is expected that geoduck aquaculture will be one of the topics discussed.

There are upcoming opportunities for those involved in geoduck and other aquaculture to work in partnership for the health of marine ecosystems. These include a DFO working group on use of plastics in aquaculture and a planned 2018 Islands Trust/World Wildlife Fund Baynes Sound/Lambert Channel Forum that will bring together First Nations and other governments as well as industry and community stakeholders to identify issues and recommend solutions that will contribute to improving the health of the marine ecosystem.(Project charter attached).

It is possible that new research on this topic may be presented at the 2017 Salish Sea Ecosystem Conference in Seattle in April 2017.

Conclusion:

Staff's initial review of this topic reveals that, although as in any scientific topic there is ongoing debate, there are potential impacts associated with an expanded geoduck industry worthy of further study, particularly if there is to be farming in the inter-tidal zone. These include: negative impacts to herring spawning habitat, bird forage opportunities, contributions to the microplastics load, human health, contamination and garbage. There are also many long-standing requests for research into the potential ecosystem level and cumulative effects of geoduck clam aquaculture.

Attachments:

1. Appendix 1: How does geoduck clam aquaculture work?
2. Appendix 2: What part of the Trust is, or could be, available for geoduck aquaculture?
3. Appendix 3: Baynes Sound/Lambert Channel 2018 forum project charter
4. Link: [Integrated Geoduck Management Framework 2017](#)
5. Link: [Maps: Integrated Geoduck Management Framework](#)
6. Link: [Herring Spawning Map Lambert Channel and Baynes Sound](#)
7. Link: [April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework](#)

Appendix 1

How does geoduck clam aquaculture work?

The geoduck is the world's largest burrowing clam and one of the longest lived species: maximum age recorded is over 140 year. It is now a lucrative wild fishery in the luxury food market. It is generally not consumed locally, but predominantly flown to consumers in China, and therefore, is expected to have a very high carbon footprint.

Aquaculture trials have been underway in BC for 18 years and geoduck hatcheries exist in BC, including Baynes Sound. It is unknown at this time what type of geoduck aquaculture will be conducted within the Islands Trust Area. DFO and FLNRO staff have indicated that there will likely not be much intertidal geoduck aquaculture, especially on the large scale conducted in Puget Sound but that small intertidal areas are possible, and subtidal aquaculture could be conducted. Both are untried methods in the Islands Trust Area and staff observed a failed and abandoned geoduck intertidal installation on Denman Island.

Geoduck aquaculture in the intertidal zone involves placing hatchery-raised juvenile geoduck clams into PVC pipes (that have been inserted into the sand with an auger), sometimes each PVC pipe is covered with a fine net under a rubber band, and then the entire area is covered with anti-predator nets (APN). Attempts are made to hold the APN in place with bent rebar and sometimes with lead line. The intertidal PVC pipes and predator nets are kept in place for 18 months to two years. Subtidal geoduck aquaculture, involves divers placing the hatchery juvenile geoducks in the sand and then installing a mesh 'canopy net' over the area. Industry standards do not exist yet for subtidal geoduck aquaculture as it is a new method.

The geoducks are then left to grow for five to seven years. During this time the site should be maintained to ensure that the netting is intact and not covered with algae or seaweed. In both intertidal and subtidal geoduck aquaculture (and similar to wild geoduck), once they reach suitable maturity the geoducks are removed by liquefying the sand with high pressure water from a 'wand' or 'stinger' and then removing the geoducks alive by hand. Adult geoducks may be buried to a depth of 1m and sediment liquefaction may occur down to such depths.

In Puget Sound, Washington geoduck clam aquaculture has been financially successful resulting in large areas of the intertidal zone being used by aquaculture companies.



Puget Sound geoduck aquaculture. Photo from *Aquaculture North America* magazine. February 4, 2014

At this time, BC does not have a large geoduck aquaculture industry and according to staff at DFO and in the geoduck industry, most geoduck aquaculture trials in BC have not been successful. A 2012 report prepared for DFO includes a profitability ratio that indicates a -2.5% rate of return after 10 years and 1.7% rate of return after 15 years. A BC Ministry of Agriculture and Lands 2005 report assessed the economics of subtidal geoduck aquaculture and concluded that because of the high costs of the juvenile geoducks and the placement and removals by divers "the results could range from highly successful businesses to unfortunate business failures. Prospective geoduck farmers [operators] will need to carefully consider the opportunities and risks associated with developing a sub-tidal geoduck enterprise."

Appendix 2

What part of the Trust Area is, or could be, available for geoduck aquaculture?

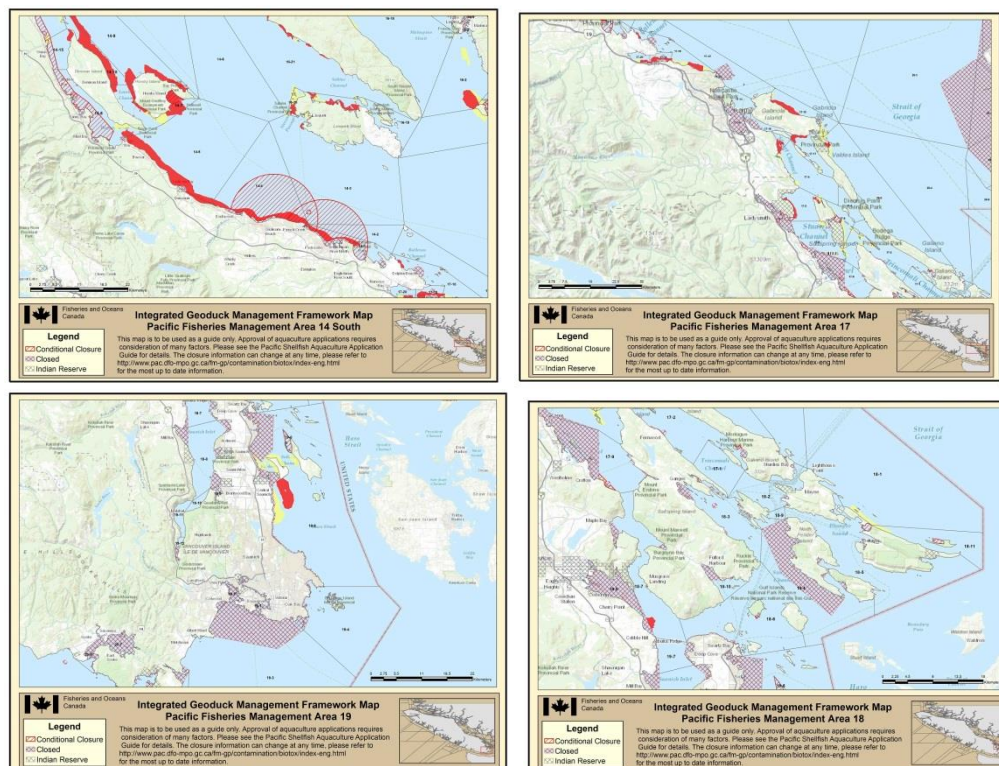
Although aquaculture impacts are now felt most strongly on Denman Island, geoduck aquaculture has the potential to be more prevalent Trust Area wide. Geoduck aquaculture could occur in various places throughout the Trust Area but would be influenced and/or limited by:

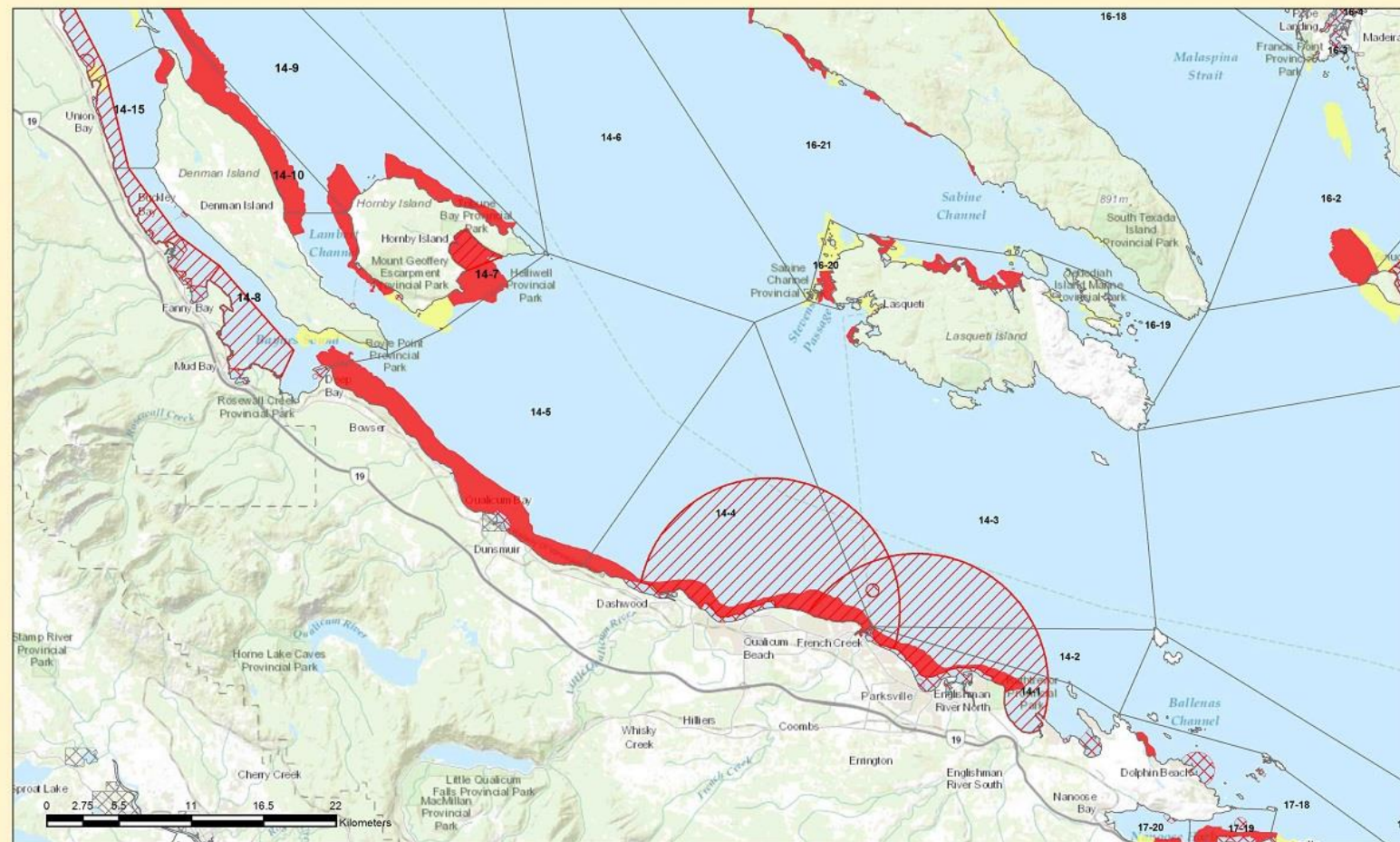
- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework (IGMF) 2017, applicants are now able to apply for aquaculture licenses throughout the BC coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The Province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck among many possible species that could be implemented at this time on many Gulf Islands, including Lasqueti, Hornby, Salt Spring and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck; however, operators could apply to have them added to the license. These islands include Thetis (5), Gabriola, (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman. April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework (attached) includes mapping Islands Trust Area that indicates current zoning in the permits aquaculture and/or limited aquaculture.

Under DFO's IGMF 2017 there is also the potential for the opening up of wild geoduck areas for both intertidal and subtidal geoduck aquaculture zones throughout the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas). [IGMF maps](#).





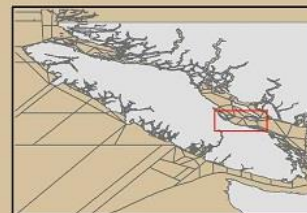
Fisheries and Oceans
Canada

Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 14 South

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





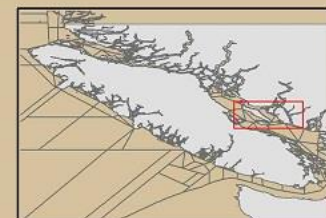
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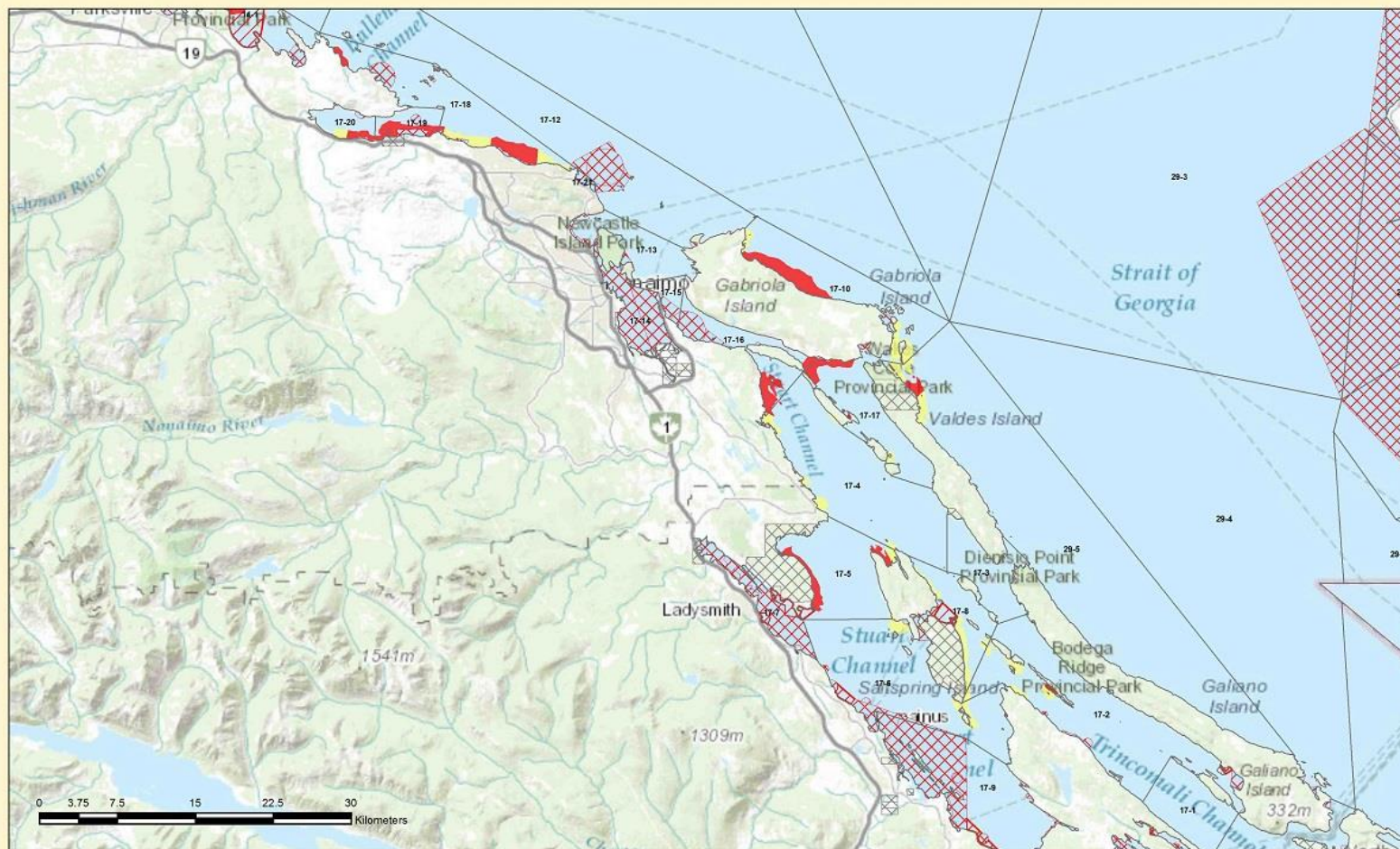
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- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 16

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





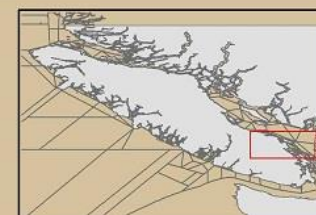
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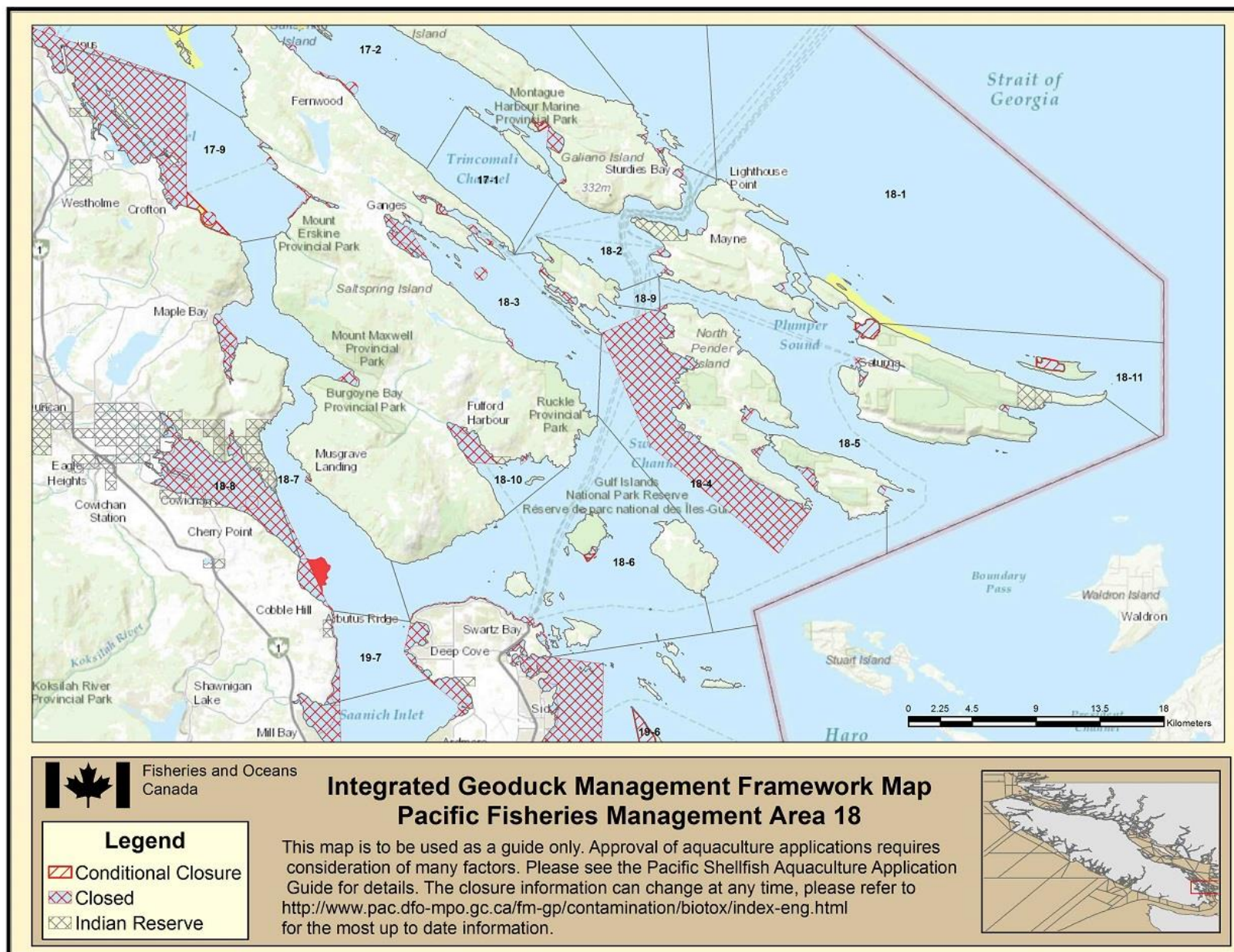
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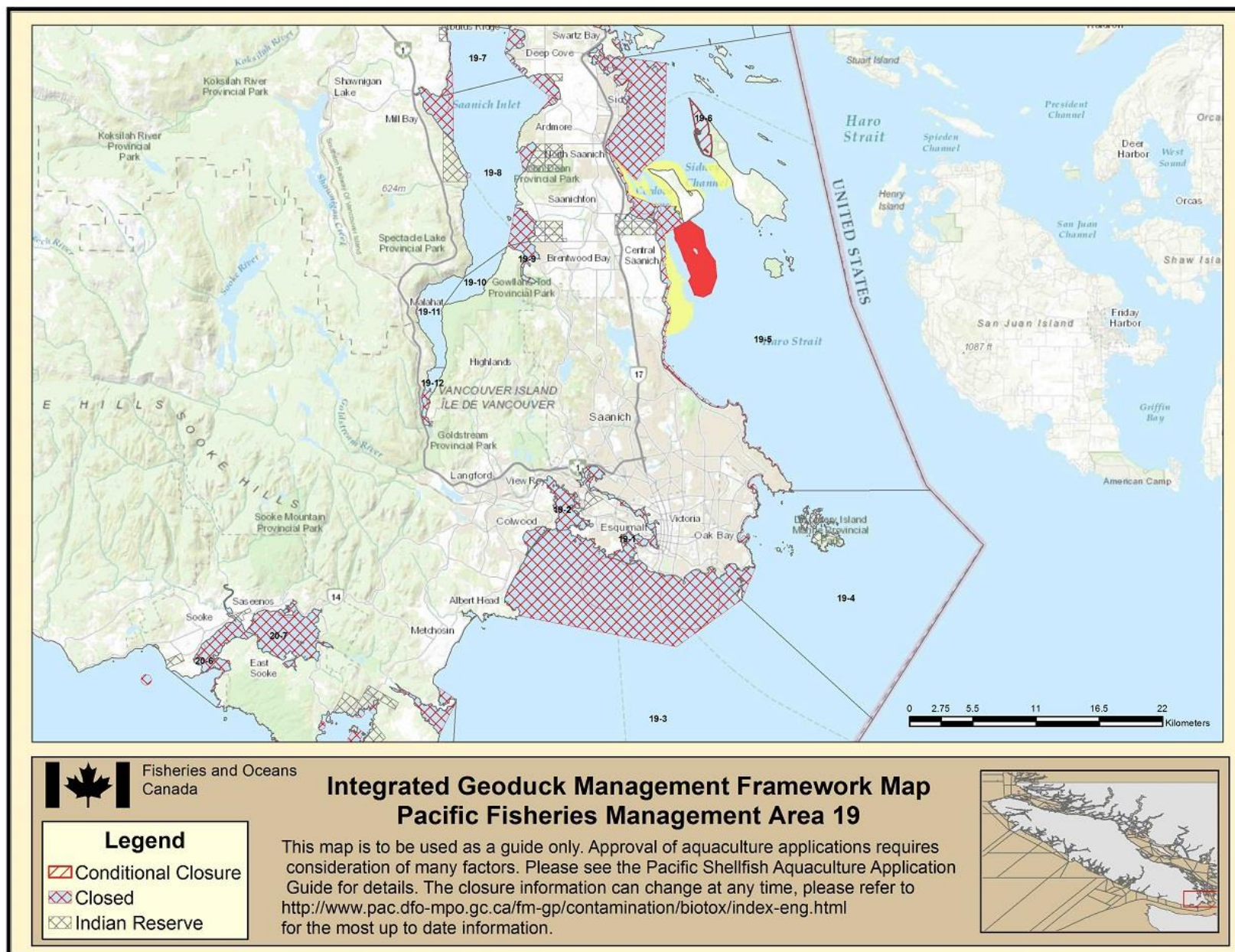
- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 17

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.







DATE OF MEETING: April 27, 2018
TO: Saturna Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Management
Southern Team
COPY: David Marlor, DLPS
SUBJECT: **2017-2018 annual report – approval of Saturna Island Local Trust Committee section**

RECOMMENDATION

1. That the Saturna Island Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

PURPOSE: Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2018 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). The Executive Committee approved the format and outline of the 2017-2018 Annual Report at its meeting on April 9, 2018.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 19-21 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee on June 6 and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about activities with First Nations may be included within committee reports.

OTHER: N/A

RELEVANT POLICY(S): Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

ATTACHMENT(S): Saturna Island Local Trust Committee input to Annual Report (draft)

ALTERNATIVES

1. That the Saturna Island Local Trust Committee approves the attached text (as amended) for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Submitted By:	Robert Kojima, Regional Planning Manager	April 18, 2018
Concurrence:	[Managing Staff Name, Credentials Title]	Select Date.

ATTACHMENTS

1. Saturna Island Local Trust Committee input to Annual Report (draft)

Saturna Island Local Trust Committee

The Saturna Island Local Trust Committee held three regular business meetings in the 2017–2018 fiscal year, as well as one Community Information Meeting, two special meetings and one public hearing.

Work for this period focused on advancing the Local Trust Committee (LTC) priorities to address First Nations relationship building, and technical amendments to the Land Use Bylaw. The LTC also initiated a new project to permit and regulate secondary suites.

The Saturna Island Local Trust Committee received and considered applications for one development variance permit and two rezonings.

As part of its initiative to build relationships with First Nations, the Saturna Island LTC held a community workshop in December 2017 with First Nations elders and community members.

The Saturna Island LTC adopted two bylaws to allow a density transfer that would permit subdivision of a property with multiple dwellings.



File No.:

DATE OF MEETING: Select date.
TO: Local Trust Committees and Bowen Island Municipality
FROM: David Marlor, Director of Local Planning Services
SUBJECT: Approval Process for Water Supply Systems on Salt Spring Island

PURPOSE

At its regular business meeting on February 7, 2018, the Executive Committee received the report “Approval Process for Water Supply Systems on Salt Spring” from the Salt Spring Island Local Trust Committee. The Executive Committee passed the following resolution:

that staff forward the report on approval processes for water supply systems on Salt Spring Island to local trust committees and Bowen Island Municipality.

ATTACHMENTS

1. Attachment 1: Approval Process for Community Water Systems on Salt Spring Island

BRIEFING

To: Executive Committee **For the Meeting of:** February 7, 2018

From: Susan Palmer, MCIP, RPP **Date Prepared:** January 11, 2018
SLP Consulting
Salt Spring Island Team

SUBJECT: Issue Paper: Approval Processes for Water Supply Systems on Salt Spring Island, January 11, 2018, amended

PURPOSE:

Salt Spring Island Local Trust Committee (SSI LTC) referred the attached report (*Approval Processes for Water Supply Systems on Salt Spring Island*) at its meeting on January 18, 2018 to the Executive Committee for information. The key purpose of the report was to inform the SSI LTC of the agencies involved in approving water supply systems and to propose options for implementing Official Community Plan policy regarding water supply and the following Islands Trust Policy Statement policy that:

neither the density or intensity of land use is increased in areas known to have a problem with the quality or quantity of the supply of freshwater.

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee forward the “Approval Process for Water Supply Systems on Salt Spring Island” report to Executive Committee for information.

ATTACHMENT(S):

1. Report: Approval Process for Water Supply Systems on Salt Spring Island

Prepared By: Susan Palmer

Reviewed By/Date: David Marlor, Director of Local Planning Services/Jan 31, 2018

V3 Water Paper.docx

SLP Consulting

1/18/2018 – including amendment submitted at the Salt Spring Island Local Trust Committee Meeting

EXECUTIVE SUMMARY

In response to an application to rezone land to allow for a multi-family residential project, the Salt Spring Island Local Trust Committee (LTC) directed staff at its meeting on October 5, 2017 to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

Key findings of the investigation are:

- Islands Trust Policy Statement Policy 4.4.2 stipulates the importance of ensuring an adequate supply of water prior to increasing the density or intensity of land use ('neither the density or 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')
- the Salt Spring Island Official Community Plan (OCP) reinforces the importance of ensuring an adequate supply of water to support proposed increases in density; the OCP supports the use of alternative water sources such as groundwater, rainwater and greywater
- Islands Trust does not have a role in approving water supply systems
- the approval process(es) for water supply systems involves several provincial and local government agencies (Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD), Vancouver Island Health Authority (VIHA) and Capital Regional District Building Inspections (CRD))
- different sources of water may be used to meet demand for different types of water use (e.g., rainwater may be used for irrigation)
- indoor water use (potable water) may be met through groundwater or surface water sources approved by VIH
- demand for indoor water use is calculated on a per capita basis and the approving agencies (VIHA and CRD) have guidelines and/or regulations that stipulate the occupancy rates used to calculate water demand. Both agencies have the ability to exercise discretion in the application of the guidelines and/or regulations to address situations where the occupancy rates may not be typical
- generally, approval of a water supply system would occur after zoning is in place due to the level of detail needed and the high cost of preparing the application (e.g., engineered design of the water supply system)
- housing for special needs populations may have different occupancy rates than those set out in provincial guidelines and may require VIHA to exercise discretion in determining an appropriate occupancy rate from which to assess the proposed water supply system.

Six options for implementing Islands Trust and Salt Spring Island Official Community Plan policy regarding land use and water supply were evaluated. Five options are consistent with Islands Trust

mandate (land use planning) and the tools available to implement policy and enforce bylaws. All five options require that the water supply system be capable of supporting the proposed number of dwelling units prior to adoption of the rezoning bylaw. An option to cap occupancy rates through a legal mechanism such as an affordable housing agreement or a restrictive covenant is not recommended because Islands Trust does not have a legislative tool to enforce occupancy. That is, occupancy cannot be enforced through the land use bylaw.

APPROVAL PROCESSES FOR COMMUNITY WATER SYSTEMS ON SALT SPRING ISLAND

Due to the moratorium placed by North Salt Spring Water District (NSSWD) on adding new connections to their water system, the Salt Spring Island Local Trust Committee (LTC) has received numerous rezoning applications for multi-unit housing projects that rely on alternative water sources to service the proposed developments. All of the proposed projects include affordable housing either for the entire project or as an amenity bonus. The LTC has identified provision of affordable housing as a priority issue and therefore has indicated its desire to give serious consideration to these proposals.

Providing water to multi-unit housing developments using alternative water sources (groundwater, rainwater and water conservation) is treading into new territory for the LTC and raises numerous questions about how such applications should be assessed. In addition to Trust and OCP policies, there are numerous provincial guidelines and regulations that regulate water source and the design, construction, operation and maintenance of a water supply system.

On October 5, 2017, the LTC directed staff to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

The purpose of this report is to:

- clarify the approval process for an independent water supply system and the approval agencies involved
- review Official Community Plan (OCP) policy regarding the use of groundwater, rainwater and water conservation (e.g. greywater) as it relates to the determination of density
- identify the criteria used by approval agencies to determine demand for water for multi-unit residential developments
- propose options for implementing OCP water supply policy
- assess proposed options
- make recommendations for a consistent approach to assessing rezoning applications based on new water supply systems and the use of alternative water sources
- test the proposed approach using the Croftonbrook rezoning application (SS-RZ-2017.4) as an example.

1. APPROVING AGENCIES AND SEQUENCE OF WATER SUPPLY SYSTEM APPROVALS

Development proposals that require rezoning based on a community water supply system using groundwater must receive approval from four different agencies before they can proceed to the construction phase. First, approval of a groundwater license from the Ministry of Forest, Lands Natural Resource Operations and Rural Development (MFLNRORD) is required to support the rezoning application. Rezoning is the next phase of the approval process and decisions on rezonings are made by the LTC. The third phase involves Vancouver Island Health Authority (VIHA) which is responsible for issuing construction and operating permits for water supply systems. The final phase of a project requires issuance of a building permit from CRD Building. Table 1 elaborates on the mandate for each

agency and provides an overview of the criteria and conditions considered before a license or permit is approved. Figure 1 illustrates the approval sequence for rezoning based on a rural residential community water supply system and the approving agencies involved.

A. Well Water License (MFLNRORD)

Application to the Water Authorization Section of the MFLNRORD for a well water license is a first step for approval of a water supply system. This determines the amount of groundwater that may be withdrawn without impacting long-term sustainability of the water supply for the proposed development as well as supply to neighbouring wells and water sources that support fish habitat. The SSI OCP also requires that agricultural activities not be impacted.

Water quality is also determined at this stage and any measures required to ensure the water supply meets Canadian drinking water guidelines are identified.

B. Zoning (LTC)

The rezoning phase is a preliminary design phase that sets the basic parameters for the development – primarily land use, density and/or intensity of use, built form, access and traffic circulation among other things. The rezoning application is assessed in terms of how well it addresses Trust Policy Statement directives and OCP policy. Applicants must demonstrate that there is sufficient water to support the proposed development based on provincial regulations. As well, community input is invited and the LTC considers all of the relevant information at a public hearing before proceeding with third reading of a bylaw. A schematic plan is often provided at this stage to assess whether the site is suitable for the proposed land use.

C. Community Water Supply System (VIHA)

VIHA defines a water supply system as a system which services more than one dwelling unit.

Water supply systems must be designed and operated to ensure that there is sufficient water to service the proposed development and that the quality of water meets the Guidelines for Canadian Drinking Water Quality. The focus is on ensuring a safe drinking water supply.

There are two main considerations regarding water supply systems – water demand and water source.

i. Water Supply System Construction Permit

The Drinking Water Protection Regulation requires that a construction permit be obtained from a Public Health Engineer or Drinking Water Officer prior to construction of the water supply system (VIHA). The Guidelines for the Approval of Water Supply Systems recommend that application for a construction permit should be made at least 60 days before construction is anticipated to begin. Applicants are advised to refer to the

MFLNRORD Design Guidelines for Rural Residential Community Water Systems, 2012 (Design Guidelines) prior to designing the system and applying for a construction permit.

ii. **Water Supply System Operating Permit**

The Drinking Water Protection Regulation requires that an operating permit be obtained from a local Environmental Health Officer or the Drinking Water Officer before the water source(s) can be used. This permit would be issued after a water supply system has been constructed.

D. Building Permit (CRD Building)

Before the Building Inspector can issue a building permit they must ensure a sufficient supply of water to meet all water demand requirements of the specific project. This includes water for indoor use, irrigation and fire protection. If a community water supply system is proposed, issuance of a construction permit by VIHA must be confirmed. In the event that water for fire protection is being provided by a water district, confirmation from the relevant agency (i.e., North Salt Spring Water District – NSSWD) must also be received.

The BC Building Code makes provision for consideration of alternative solutions including:

- the use of greywater for toilet flushing
- the use of rainwater for irrigation
- alternative occupancy rates for determining indoor use water demand
- enhanced water conservation features.

Alternative solutions must be supported by evidence provided by a code consultant and/or a report from a professional engineer certifying that the alternative proposal is appropriate for the specific situation.

2. TRUST AND OCP POLICY

Broad land use policy is established in the entire Trust area in the Islands Trust Policy Statement. Policy (4.4.2) requires that Official Community Plans (OCP) and regulatory bylaws (e.g. zoning bylaws) ensure that:

‘neither the density or 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’.

This statement is reinforced by OCP objectives and policies aimed at protection of water resources (Policy A.4.2.2) and ensuring that proposed developments have an adequate supply of potable water and water for fire protection (Policy B.2.2.3.b). The SSI Official Community Plan (OCP) supports the use of rainwater and water conservation programs to supplement the use of groundwater to meet the demand for water for proposed projects (Policies C.3.2.2.1 and C.3.3.2.2). (See Attachment 1 for OCP

Policies) That is, the policy supports using greywater and rainwater catchment in order to achieve higher densities than would otherwise be possible.

3. CRITERIA USED BY APPROVING AGENCIES FOR ASSESSING WATER SUPPLY

Criteria used in determining water demand for a project varies dependent on the mandate of each agency and the stage of the proposal. Different agencies also have different roles in evaluating the appropriateness and capacity of the proposed supply. Following is an overview of agency mandate, evaluation criteria and conditions.

A. Water Demand

i. LTC

Land Use Bylaw 355 does not specifically address standards for water supply unless a subdivision is involved. In that context, it notes that a proposed water supply system is subject to provisions of VIHA regulations (LUB Sec 5.5.2) (See Attachment 2). Trust and SSI OCP policy require that the SSI LTC ensure an adequate supply of water at the rezoning stage. Options for establishing criteria for a rezoning application are provided in the following section (Section 4).

ii. VIHA (Water Supply System – Construction)

MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems* (2012) identify four basic demand parameters for the design of a new water system:

- a. Average Day Demand (ADD) is used *"to verify source capacity in form of license limitations; to derive peak demands from metering data"*
- b. Maximum Day Demand (MDD) is a *"critical design parameter for sizing reservoirs, pumps and treatment works between source and balancing storage..."*
- c. Peak Hour Demand is used to size *"pipes, pumps and treatment works between balancing storage and customers"*
- d. Fire Flow Demand is a *"critical design parameter for determining maximum network flows, verifying minimum system pressures, sizing pipes/pumps/treatment works between fire storage and customers/fire hydrants."*

MDD is the *"single highest total 24 hour daily consumption occurring over a one year period"* and is comprised of the following components:

- a. Indoor demand – is calculated based on a **per capita demand of 230 Litre/day and occupancy rates based on the BC census (e.g., 2.5 persons per multi-family dwelling)**

Indoor water demand is further broken down as follows:

- Drinking
 - Sanitary
 - Toilets
 - Showers/bathwater
 - Dishwashing, household cleaning
 - Laundry
- b. Irrigation demand – is dependent on a number of factors such as climatic zone, evapotranspiration, size of area, soil type, type of crop, etc.
- c. Water loss allowance- is calculated based on physical design parameters such as length of mains, number of service connections, average operating pressure
- d. Fire flow demand - is based on the Fire Underwriters Survey.

The *Design Guidelines* state that when groundwater is the proposed source, the **Maximum Day Demand (MDD) must not exceed total developed groundwater capacity or the dependable yield of the well**. Total water demand for a project is determined in accordance with Table 2: Water Demand.

iii. CRD Building

BC Building Code bases all design parameters on two persons per bedroom. An applicant can propose alternative solutions (e.g., different occupancy rates per bedroom) under seal of a professional engineer (civil).

B. Water Source

If not connected to a public water utility, groundwater is typically the major source for supplying water to service a development. A well water license is issued by MFLNRORD which will specify how much water may be withdrawn on a daily basis. If the availability of groundwater is not sufficient to meet the needs of the development, supply may be supplemented by water from a water district for fire protection and/or the use of rainwater and/or greywater as allowed by provincial regulations. However, use of these latter two water sources is limited as follows:

- Rainwater – irrigation
- Greywater – toilet flushing.

Demand for water can also be reduced through other water conservation measures such as metering, low- flush toilets, composting toilets, low-flow plumbing fixtures, and water efficient appliances (washing machines and dishwashers).

Highlights of the approval process for the use of a water source are outlined in Table 3: Water Source.

4. OPTIONS FOR IMPLEMENTING OCP POLICY

Islands Trust mandate is land use planning and Trust policy is clear that proposals must have sufficient water to support proposed density and intensity of land use. Tools available to Islands Trust for managing density and intensity relate to the built form and include factors such as number of dwelling units, floor area, site coverage, building height, and building envelope. Proposals that require more water than is available through groundwater sources alone (e.g., rainwater, greywater, etc.), pose a dilemma at the zoning stage since approval of a water supply system is granted by other agencies after zoning is in place. It is generally not feasible to design a water supply system until zoning is secured due to the level of detail the design entails and the costs involved in engineering the design of the system.

VIHA and CRD Building play important roles in ensuring a sufficient supply of water for developments that propose to service the development through a community water supply system. At a minimum, an approved water construction permit will take into account indoor use based on the number of dwelling units and water loss allowance. A building permit cannot be issued unless there is a proven supply of water sufficient to meet all water demands generated by a specific project design (e.g. indoor use, water loss allowance, irrigation and fire protection). Both agencies use occupancy rates as the basis for determining water demand for indoor use for residential projects. Occupancy rate refers to the number of people per dwelling unit or bedroom.

If the well water license authorizes daily withdrawal that is less than that required in the Subdivision Regulations for dwelling units, submission of a preliminary water study by a civil engineer is needed in order to confirm that the Maximum Day Demand (MFLNRORD *Design Guidelines*) will not exceed the dependable yield of the well. The content recommended for the water report is outlined in Section 6 (Recommendations for Implementing Trust and OCP Policy).

5. ASSESSMENT OF OPTIONS

Assessment of rezoning applications that rely on alternative water sources requires the following information in addition to a hydrogeological report:

- Confirmation that a well water license has been issued from MFLNRORD
- submission of a preliminary water study prepared by a civil engineer that:
 - confirms there is sufficient groundwater available to support all water demand types for the proposal (i.e., Maximum Day Demand does not exceed the licensed daily withdrawal amounts), or
 - where MDD would exceed the sustainable yield as set out in the well water license, the preliminary water study shall:
 - identify all proposed water sources

- identify how each type of water demand will be serviced (i.e., which water source will service which water demand type)
- estimate the total number of residents the available groundwater will support based on the sustainable yield of the well (as approved in the well water license) and use of supplementary water sources (e.g., greywater, rainwater)
- estimate how many dwelling units the proposed water supply system would service based on occupancy rates set out in MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems*.

Six options were developed to test how Trust and OCP policy regarding density and the adequacy of water supply could be satisfied under different conditions (Table 4: Assessing Alternative Options for Implementing Trust and OCP Water Policy). The options were developed during discussions with the applicant for the Croftonbrook proposal. Analysis of the options was prepared by SSI Islands Trust staff and planning consultant. Two key situations were tested:

- occupancy rates are based on those set out in provincial guidelines and regulations
- occupancy rates are lower than those set out in provincial guidelines and regulations.

Options One to Three rely on occupancy rates set out in provincial guidelines and regulations (MFLNRORD Design Guidelines and BC Building Code) as the basis for determining how many dwelling units (density) the supply of water can support. **These options are all consistent with the Trust mandate, the number of dwelling units there is sufficient water for would be known or confirmed prior to bylaw adoption.** All of these options can be enforced through the bylaw. Options Four to Six are based on occupancy rates that relate to a specific project design and/or target occupant type (e.g., those at risk of homelessness).

Options Four and Five are proposed in order to allow consideration of proposals that have unique household and water supply characteristics (e.g., small household size and use of alternative water sources). Option Four sets density based on built form parameters (e.g. dwelling unit size) intended to limit total occupancy. The number of dwelling units there is sufficient water for would be known at the public hearing stage.

Option Five proposes that third reading be given to the bylaw and that final bylaw adoption be withheld until confirmation has been received from VIHA that a water supply system construction permit has been issued that would support the proposed density. This option has the advantage of providing the applicant with the comfort that the rezoning will proceed provided the condition for proof of sufficient water supply has been met. It further ensures that density would not be increased unless the water supply system construction permit verifies a sufficient supply of water to service the proposed development. If a permit is issued for a lower density, the applicant would need to request that third reading be rescinded and re-read with the lower density consistent with the approved water supply system construction permit.

6. RECOMMENDATIONS FOR IMPLEMENTING OCP POLICY

Trust and OCP policy require the applicant to demonstrate there is sufficient water for the density (number of dwelling units) they are seeking approval for. In situations where there is insufficient groundwater to meet all water demand types in accordance with the Subdivision Regulations, then consideration of the use of rainwater for irrigation and greywater for toilet flushing would be consistent with OCP policy. As well, water for fire protection purposes may, subject to their approval, be supplied by NSSWD for proposals that are within the service area. Use of these other water sources reduces the demand for groundwater so that only drinking water and sanitary requirements (except potentially for toilet flushing) need be provided for.

It is *recommended* that rezoning proposals that rely on alternative water sources be assessed based on information that can be confirmed at the time of public hearing (Options 1-4). Alternatively, LTC could consider giving third reading of a bylaw and withhold final adoption pending confirmation from VIHA that there is a sufficient supply of water to support the proposed development. In all cases, information required prior to public hearing would include a preliminary water study submitted by a professional engineer (civil). The study should:

- identify all proposed water supply sources
- identify the amount of water available from each water supply source
 - if the proposal relies on NSSWD to supply water for fire protection purposes, written confirmation of the agreement is required from the District
- identify which water source will supply each type of water demand
- estimate how much water is required to service each type of water demand
- estimate how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day)
- calculate how many dwelling units the proposed water supply system would support based on occupancy rates set out in MFNLORD Design Guidelines.

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

It is noted that preparation of a preliminary water study by a professional engineer does not guarantee that the approving agencies would accept it without modification. However, SSI Islands Trust staff is comfortable that it is reasonable to rely on the conclusions of such a report at the public hearing stage based on reliance on professional standards. If the LTC wants to consider situations where there is insufficient water to meet MDD based on MFLNRORD occupancy rates, there are two recommended options for advancing a bylaw.

- i. The bylaw would be drafted with specific parameters defining the maximum number of dwelling units, maximum floor areas for specific unit types and the maximum number of dwelling units based on floor area (Option 4). The number and size of units should be calculated based on an occupancy rate of 2 persons per bedroom as per the BC Building Code. This approach is consistent with the Trust mandate for land use and would be enforceable through the bylaw. It poses a slight risk that overcrowding may occur that may lead to overuse of the groundwater. This approach limits the applicant's flexibility to vary the design of the project as they get into the more detailed design phases of the project.
- ii. Final adoption of the bylaw is withheld until a water supply system construction permit has been issued by VIHA (Option 5). This option has the advantage of providing assurance to the applicant that the rezoning will be finalized pending confirmation from VIHA that the water supply system is sufficient to meet the water demands of the proposal. It also gives LTC the tools to implement ITPS and OCP policy by withholding final bylaw adoption if confirmation of sufficient water supply for the proposed density is not confirmed through the VIHA approval process. In this event, LTC has the option to rescind third reading of the bylaw and, subject to the applicant's consent, to re-read it with a density consistent with that set out in the VIHA water supply construction permit.

7. CROFTONBROOK: HOW MUCH DENSITY CAN THE WATER SUPPLY SUPPORT

The Croftonbrook proposal for the provision of water is relatively complex – it relies on a combination of groundwater, greywater, and rainwater to meet water needs for indoor use, toilet flushing and irrigation respectively. NSSWD has confirmed that they will provide water for fire fighting and suppression – i.e., a sprinkler system as well as fire hydrants. With respect to supply, the MFLNRORD *Design Guidelines for Rural Residential Community Water Systems* stipulate that the “total developed groundwater capacity or dependable yield of well(s) must equal or exceed the Maximum Day Demand”.

A. Supply:

A preliminary water study prepared by Stantec is based on the following information and assumptions for water supply:

- A maximum of 19.2 cubic metres of water per day or 19,180 litres per day may be withdrawn per day in accordance with the well water license issued by MFLNRORD
- Greywater use for toilet flushing based on LEED Canada data
- Rainwater use for irrigation.

B. Demand:

The Stantec study calculates water demand based on assumptions provided by the applicant (78 residents in 54 dwelling units) and applies MFLNRORD Operations Design Guidelines design parameters to determine Maximum Day Demand (MDD). The calculation for MDD is based on:

- Estimate of water loss allowance based on project design assumptions (e.g., number of connections, pipe length, etc.)
- Groundwater use for all indoor uses except for toilet flushing (assuming 78 residents)
- Greywater use for toilet flushing
- Irrigation demand is met solely through rainwater catchment
- NSSWD provides water for sprinklers and fire hydrants (NSSWD has confirmed they will provide the necessary hook-ups).

Accordingly, the MDD for the project equals 18,240 litres per day. Based on these assumptions, the Stantec preliminary report indicates that there is sufficient water to support 78 residents assuming that greywater is used for toilet flushing.

C. Analysis

The occupancy rates assumed in the Stantec study were provided by the applicant based on the housing director's experience to date managing Salt Spring subsidized housing and the small size of the proposed dwelling units.

These rates are not consistent with those set out in the MFLNRORD's *Design Guidelines* (e.g., 2.5 persons per multi-family dwelling).

i. MFLNRORD's *Design Guidelines*

Using MFLNRORD's occupancy rates, 78 residents would result in the equivalent of 31 dwelling units. Conversely, 54 dwelling units would be assumed to support 135 people.

The Stantec study did not consider how many residents there is sufficient water for if greywater is not used. The following calculations indicate that 71 residents could be supported if greywater is not used for toilet flushing:

Total amount of groundwater available (approved groundwater license): 19,180 L/day
Estimate of water loss (Stantec study): 2,640 L/day

Amount of water available for indoor use: 16,540 L/day

VIHA per capita demand for indoor use: 230 L/day

There is enough water for $(16,540/230)$: 71 residents

ii. CRD Building Code Requirements

The BC Building Code establishes an occupancy rate of 2 persons per bedroom for all design parameters. Based on this criterion, the unit mix in the Croftonbrook proposal would require water for 144 residents.

iii. Alternatives

VIHA and CRD Building both have discretion in applying design parameters related to occupancy rates. With respect to VIHA approvals for a water supply construction permit, it is feasible that the applicant may receive approval for more dwelling units than the usual occupancy rates would yield based on small unit sizes proposed (especially for units less than 400 sq.ft.) and submission of supporting information acceptable to the agency. In this event, the actual number of dwelling units VIHA deems the water system is suitable for would not be determined until after third reading has occurred— when the water construction permit is approved.

Similarly, the applicant can submit an alternative solutions report to CRD Building to support the proposal for a reduced occupancy rate based on the relatively small unit sizes. It would not be known at the public hearing stage whether or not the Building Inspector would approve a building permit based on alternative occupancy rates since a permit cannot be applied for until zoning is in place.

A proposal based on land use planning tools that LTC can employ for converting occupancy rates into dwelling unit density is set out in Attachment 1.

8. CONCLUSIONS

This paper provides an overview of the approval process for water supply systems and examines the various methods for addressing Trust and SSI OCP policy aimed at ensuring there is a sufficient supply of freshwater to support proposed land use density. The tools available to the Trust and LTC to ensure this policy is addressed appropriately are limited to land use and built form parameters and do not include the ability to control occupancy rates. VIHA and CRD Building both play important roles in ensuring that proposed projects have a sufficient supply of water to meet demand. Further, VIHA is also charged with ensuring that water supply systems comply with limits on the amount of groundwater that may be withdrawn on a daily basis.

Six options were assessed for addressing Trust and OCP water policy when a new water supply system is proposed types (Table 4: Assessment of Options for Implementing Trust and OCP Water Policy). Five options explore the situation when there is insufficient groundwater to meet all water demand types. The assessment indicates that there are five viable options (Options 1-5) under the Trust mandate – all rely on submission of a preliminary water study by a professional engineer (civil) that estimates how many residents that water supply will support and converts that number into dwelling units.

The fact that both VIHA and CRD Building must also ensure the sufficiency of water supply for a specific project, does not relieve the Trust and LTC from the obligation to address the Trust Policy Statement directive that:

‘neither the density or 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’.

As previously identified in this paper, these agencies have specific mandates to fulfill that are distinct from land use planning. They use design parameters suitable to their mandate, such as occupancy rates, for ensuring that water supply is sufficient. The Trust and LTC must rely on the tools available to them under the *Islands Trust* and *Local Government Acts* for implementing the mandate and policies of the Trust (land use, density, built form, etc.). This has implications for how rezoning proposals that rely on the approval of a water supply system by VIHA can be evaluated by the Trust and LTC. In summary, this means that either:

- the proposal demonstrates a sufficient supply of water for the proposed number of dwelling units based on provincial occupancy rates, or
- final adoption of the bylaw is withheld pending issuance of a water supply system construction permit from VIHA confirming sufficient water supply to service the proposed development.

Figure 1: Sequence of Water Supply Approvals and Approving Agencies

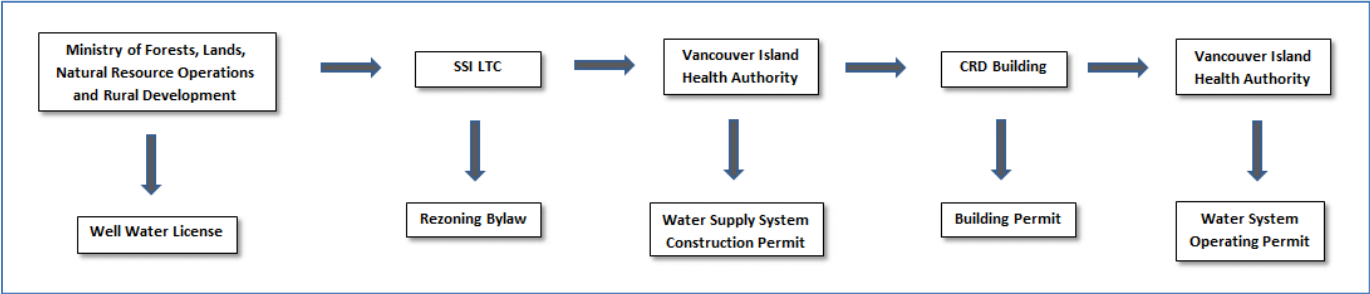


Table 1: Water Supply Systems Approval Process

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Well Water License	MFNRORD – Water Authorization Branch	1. Protect quality and quantity of groundwater source 2. Approve groundwater use for drinking water, irrigation, firefighting, water loss allowance, agriculture, industry, etc.	1. Results of hydrogeological report and drill tests 2. Specifies how much water may be withdrawn on a daily basis 3. Specifies treatment to make water potable (if necessary)
Water Supply System Construction Permit	VIHA-Water Supply Systems Construction	1. Ensure safety of drinking water supply from source to tap	1. Water Quantity: Based on Maximum Day Demand (MDD) a. Indoor Use: Based on per capita demand for drinking water, showers, laundry, household cleaning, toilet flushing b. Average Day Demand (ADD): Used to derive peak demands and to verify source capacity for lake sources c. Water Loss Allowance: Based on specifics of system design and construction d. Irrigation: Based on specifics of land area, climatic zone, soil type, etc. e. Firefighting: Fire Underwriters Survey <i>Note: MDD cannot exceed dependable yield of well.</i> 2. Water Quality: Treatment based on Canadian guidelines for safe drinking water 3. Other: a. Must approve water source b. VIHA requires confirmation from a water district that it will agree to independent system w/l their service area before moving ahead with the application

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Building Permit	CRD	Ensures building code requirements are met for drinking water quality and water quantity needs for indoor, irrigation, and firefighting purposes	1. Requires confirmation from VIHA re water system construction permit. 2. Requires confirmation from NSSWD that water will be provided for firefighting purposes. 3. Determines if greywater can be used for toilet flushing.
Water System Operating Permit	VIHA-Water System Operations	Ensures water supply system is operated according to provincial regulations for safe drinking water	1. Certifies operator – annual renewal required 2. Monitors system operation

Table 2: Water Demand

Water Demand Type	Approval Authority	Permit	Legislation, Regulations and Guidelines	Water Quantity
Indoor Use • Drinking • Sanitary ○ Showers/bathwater ○ Toilet Laundry, dishwashing, etc.	VIHA -Water Supply System	Construction permit for water supply system	Drinking Water Protection Act and Regulations	230L/person/day
	CRD – Building Permit	Building permit	BC Building Code	230 L/day based on 2 persons /bedroom
Water Loss Allowance	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable*
Irrigation	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable**
	CRD Building	Building permit	BC Building Code	
Fire Protection	CRD Building	Building permit	BC Building Code	NSSWD***
Total	MOTI		Subdivision Regulations	1600L/DU/day

*Factors that determine the water loss allowance relate to specifics of water system design and construction – length of pipes, etc.

**Factors that determine water demand for irrigation include area of land to be irrigated, climatic zone and evapotranspiration rates, crop or planting types, etc.

*** NSSWD has confirmed a commitment to provide water for fire protection purposes (sprinklers and fire hydrant for the Croftonbrook proposal).

Table 3: Potential Water Sources

Water Source	Approval Authority	Legislation, Regulations and Guidelines	Water Demand Type	License/Permit Required
Groundwater	MFLNRORD - Water Authorizations Section	Water Sustainability Act and Regulations	Potentially all	Well water license
Rainwater	Drinking Water Protection Act and Regulations	Drinking Water Protection Act and Regulations	Irrigation	Construction permit for water supply system
	CRD Building	BC Building Code		
Greywater	CRD Building Inspections	BC Building Code	Toilet flushing	Building permit
Water Conservation	Water Supply System – VIHA	Drinking Water Protection Act and Regulations	All	Construction permit for water supply system
	Water Supply Operating – VIHA	Drinking Water Protection Act and Regulations	All	Operating permit for water supply system
	CRD Building Inspections	BC Building Code		Building Permit
Water District	NSSWD	Letters patent	Fire Protection	N/A

Table 4: Assessment of Options for Implementing Trust and OCP Water Policy

All options are for proposals that require construction of a new water supply system in order to provide sufficient water to service a proposed development. In all cases, the proposal would require submission of a preliminary water study prepared by a civil engineer. The options were developed in consultation with the applicant for the Croftonbrook application. The analysis was conducted by SSI Islands Trust staff and planning consultant.

Option 1: There is sufficient groundwater to meet all water demand types – the exception may be that NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant).

Occupancy rates are as set out in MFLRORD *Design Guidelines for Rural Residential Community Water Systems*.

Option 2: Greywater use is needed in order to supplement groundwater use for indoor water demand. Rainwater is used for irrigation. NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant) Occupancy rates are as set out in MFLRORD *Design Guidelines*.

Option 3: The engineer's preliminary water study indicates there is not sufficient water (groundwater with or without greywater) available to support the proposed number of dwelling units. The applicant chooses to either drill for more water and/or reduce the density so that there is sufficient water to support the proposed number of dwelling units. If another well is drilled, the new proposal shall be supported by issuance of another well water license and a revised preliminary water study.

Options 5-6: Occupancy rates are lower than those set out in provincial guidelines and regulations. This scenario can be adapted to include the potential use of greywater, rainwater and water from NSSWD for fire protection.

Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 1: Proposed bylaw establishes maximum number of DUs based on preliminary water study	The number or dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report.	Islands Trust would enforce any land use violations. VIHA would enforce regulations regarding water supply.	N/A	Fits well with Trust mandate Clear and transparent with respect to density considered at third reading
Option 2: Proposed bylaw establishes maximum number of DUs based on water supplied with and without use of greywater as per preliminary water study	The number of dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report. Two densities would be proposed based on whether greywater was used.	As above. The number of DUs built would be confirmed at the building permit stage depending on whether greywater was used or not.	Provides flexibility to applicant.	As above.
Option 3: Drill another well and/or reduce the density to align with the supply of water	Application for a wellwater license takes 6-8 months. This may affect project funding.	As above for Islands Trust and VIHA.	This provides another option for applicants to consider.	As above.
Occupancy Rates are Lower than set out in Provincial Guidelines and Regulations				
Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 5: Withhold final adoption of bylaw pending VIHA confirmation there is	Confirmation that there is there is sufficient water for the proposed number of dwelling units would not be known at the PH	As above. The construction permit for the water system should clearly indicate the number of dwelling	Reduces risk for the applicant to undertake detailed design of water supply system.	A conditional approval of the bylaw is consistent with normal practice provided the condition is

Option	Timeliness	Enforceability	Flexibility	Feasibility
sufficient water** if VIHA approval is for a lesser density, third reading could be rescinded and re-read with a density consistent with VIHA permit.	stage.	units the approval is for.		identified at the public hearing stage.
Option 6: Occupancy caps written into housing agreement or restrictive covenant	The number of dwelling units there is sufficient water for would not be confirmed at the public hearing stage. Occupancy would be determined by public hearing stage based on the preliminary water study.	Islands Trust does not have a mandate to enforce occupancy. Enforcement would require court action. CRD Building would be required to enforce any Building Code violations.	Islands Trust enforcement options would be limited to court action.	This is not feasible for Islands Trust as it extends beyond the land use planning mandate.

*Converting occupancy rates to dwelling units: This option provides a method for converting the number of occupants into physical design parameters that can be written in a land use bylaw – i.e., maximum number of total units, maximum floor areas per unit type (e.g., studio, one bedroom, 2 bedroom), and the maximum number for each unit type (Attachment 3). The purpose of capping dwelling unit size is to place a zoning bylaw control on the number of occupants each dwelling unit can accommodate.

**After third reading of the bylaw, the applicant would submit an application for a water supply system construction permit based on occupancy rates that are lower than those set out in MFLNRORD's *Design Guidelines*. VIHA would exercise their discretion in determining if the water supply was adequate to meet the water demand for the proposed number of dwelling units.

Final adoption of the bylaw would be withheld until confirmation is received from VIHA that a water supply system construction permit has been issued and that the number of dwelling units serviced is consistent with the proposed bylaw. This process is based on the premise that the Trust and OCP water policy would be satisfied because final adoption of the bylaw would not occur until after the project has been approved for a water construction permit and building permit.

Attachment 1: SSI Official Community Plan Policies

A.4.2.2 To maintain and restore the community's natural capital as represented by such items as our agricultural and forest land base, our potable water supplies, and primary value of our natural and unspoiled rural character.

B.2.2.2.3.b All rezoning applications for affordable housing projects should include evidence of

- a. need for housing
- b. an adequate water supply for potability and fire protection
- c. means of sewage disposal
- d. energy and water efficient building design
- e. not degrading a sensitive ecosystem
- f. not being sited in an area subject to hazardous conditions.

C.3.2.2.1 When the Local Trust Committee receives rezoning applications for land use inside the boundaries of a community water system, it will refer the application to the operators of the affected system. They will ask if water could be supplied to the new development, considering the needs of their existing customers and the provision of water for firefighting, and any properties already zoned for further development. When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water supply system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or underdeveloped properties already zoned for further development. Should such zoning changes be proposed, the applicant could be encouraged to supplant other water supplies so that the application should be considered. Examples are rainwater catchment, groundwater use or a water conservation program.

The Local Trust Committee should make an exception to the above policy within the North Salt Spring Waterworks District to allow community facilities or affordable housing projects to proceed. However such changes should only be made if the Committee is satisfied that the District is likely to receive a sufficiently larger water license.

C.3.3.2.2 In addition to Policy C.3.2.2.1, the Local Trust Committee should not make zoning changes within the North Salt Spring Waterworks District that could mean that water will not be available (under the District's existing license) for the following projects (in order of priority):

- a. essential services such as hospitals and schools needed within the district to serve the island's projected population
- b. special needs and affordable housing needed in the community.

Attachment 2: SSI Land Use Bylaw Excerpt

Section 5.5.2 Each lot in a proposed subdivision must be supplied with sufficient water to supply all uses, buildings, and structures permitted on the lot by this Bylaw according to the standards set out in Table 1. Where more than one use is permitted on a lot, the amount of water to be supplied is the sum of the amounts required for each permitted use, calculated separately.

Information Note: If more than one dwelling unit is connected to the same source of water, the water system is subject to Vancouver Island Health Authority regulations of water supply systems, the Drinking water Protection Act, and may be subject to the Water Utility Act.

Attachment 3: Converting Occupancy Rates into Dwelling Units

Use of this method requires submission of a preliminary water study by a professional engineer (civil) that:

1. Identifies all proposed water supply sources
2. Identifies the amount of water available from each water supply source
3. Identifies which water source will supply each type of water demand (indoor use, water loss allowance, irrigation, fire protection)
4. Estimates how much water is required to service each type of water demand (Maximum Day Demand (MDD))
5. Estimates how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day).

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

Determination of Maximum Density:

Prepare a proposal based on the maximum number of residents that the water supply system can service:

1. Establish maximum floor areas based on BC Building Code occupancy rates of two persons /bedroom (e.g., two bedroom units would be a maximum of XX m²)
2. Establish the distribution of unit sizes
3. Calculate total occupancy based on the number of units and unit size
4. Total occupancy is not to exceed the number of residents there is sufficient water for as estimated in the engineer's preliminary water study.

Croftonbrook Example

The following calculations are based on the Croftonbrook rezoning proposal in order to test a method for converting occupancy rates into dwelling unit density. The application proposes a maximum of dwelling 54 units and 78 residents. The Stantec preliminary water study provides an estimate of water loss allowance and how much greywater would be used for toilet flushing (Scenario 2).

Scenario 1: Without Greywater

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Estimate of water loss:	<u>2,640 L/day</u>
Amount of water available for indoor use:	16,540 L/day

VIHA per capita demand for indoor use:	230 L/day
There is enough water for (16,540/225):	71 residents

Average occupancy rate for 54 dwelling units (71/54): residents/DU	1.31
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*Single occupant units: Maximum floor area - 400 sq ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 37 single occupant units – 37 residents

17 double occupant units – 34 residents

Total Occupants: 71

Total Dwelling Units: 54

*These unit sizes need to be confirmed as being appropriate for one and two person occupancies.

Scenario 2: With Greywater (Stantec Study)

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Indoor use (based on 230 L/day for 78 residents):	17,940 L/day
Greywater:	-2,340 L/day
Water Loss Allowance:	<u>+2,640 L/day</u>
Maximum Day Demand:	18,240 L/day

Average occupancy rate for 54 dwelling units (78/54): residents/DU	1.44
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*Single occupant units: Maximum floor area - 400 sq. ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 36 single occupant units – 36 residents

21 double occupant units – 42 residents

Total Occupants: 78

Total Dwelling Units: 54

*As noted above.

Sources

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