



Gabriola Island Local Trust Committee

Regular Meeting Addendum

Date: July 11, 2019
Time: 10:30 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

	Pages
4. REPORTS 10:45 AM - 11:05 AM	
4.3 <i>Electoral Area Director's Report</i>	2 - 3
7. APPLICATIONS AND REFERRALS 11:40 AM - 1:00 PM	
7.3 <i>GB-DP-2019.2 (0858317 BC LTD and Kuprowsky - Daniel Way) - Staff Report</i>	4 - 51
7.4 <i>GB-TUP-2019.1 (Dewarle - Renewal of GB-TUP-2016.2) - Staff Report</i>	52 - 64
8. LOCAL TRUST COMMITTEE PROJECTS 1:20 PM - 2:20 PM	
8.3 <i>Cannabis Regulations Project - Staff Report</i>	65 - 75
14. CLOSED MEETING 3:30 PM - 3:40 PM	
14.1 <i>Motion to Close the Meeting</i>	
<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering Adoption of In-Camera Meeting Minutes dated April 11 2019 and Bylaw Enforcement and that the recorder and staff attend the meeting.</i>	
14.2 <i>Recall to Order</i>	
14.3 <i>Rise and Report</i>	

Date: July 11 2019

To: Gabriola Island Local Trust Committee

From: Vanessa Craig, RDN Director Area B

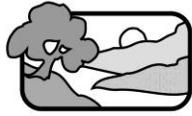
Subject: Electoral Area Director's Report

- Village Way Trail update: the plans are still being finalized with MOTI.
- The RDN Board approved our Strategic Plan after considering public input. You can find it and other long-term plans here: <https://www.rdn.bc.ca/long-term-plans>
- The Drinking Water and Watershed Protection (DWWP) Action Plan Steering Committee has met twice with the RDN's Technical Advisory Committee (which includes Will Schuba) in structured-decision-making workshops. In the first workshop we identified focal areas, and in the second we identified and prioritized actions. In September we will review a draft Action Plan developed by Econics, which is the company contracted to assist with this process.
- The Parks and Open Spaces Committee (POSAC) met June 17th. To promote information exchange about island parks, the Gabriola Recreation Society and Gabriola Land and Trails Trust provided updates on their activities. In addition to discussions about a delegation's request for funding support and items of correspondence, the committee reviewed and approved the 5-year project plan for community parks in Area B. Agendas and Minutes for RDN meetings (including Board meetings) are available through the RDN calendar: www.rdn.bc.ca/events. We recognized that RDN Parks staff time for Area B might be heavily booked for 2020 if both the Village Way Path and the Huxley Park Phase 2 projects go ahead, which has implications for capacity for other projects. The next POSAC meeting will be held October 7th, 10:30 am at the Gabriola Arts & Heritage Centre. If Trustees would like to submit a report highlighting any issues of relevance to park planning or management on the island, I would be happy to include it on the agenda.
- An ongoing concern of Fire Chief Rick Jackson is how to dispose of land-clearing debris to minimize fire risk. When a site is cleared, provincial and RDN regulations govern if/when to burn debris, prohibit moving debris between properties for burning, and control waste management. Alternatives to burning such as piling or burying debris create fire risk or land instability. Rick and I were joined by Larry Gardner, RDN Manager of Solid Waste; Luc Lachance, Ministry of Environment Section Head for Solid Waste; Doug Gardiner, RDN Fire Services Coordinator; and Dion Klassen, RDN Bylaw enforcement representative. We toured example properties identified by Chief Jackson. Because the properties we viewed were large, the disposal of land clearing debris could have been addressed through existing burning regulations. However, the issue of waste disposal is still of concern on smaller lots. We've continued to follow up to determine how a business could address waste disposal on island, and obtained additional information about costs for either bringing a chipper/grinder to Gabriola, or transporting debris off-island for disposal.
- Thank you to Trustees Langereis and Colbourne for participating in a meeting with MOTI personnel. I feel it was very productive and that we were able to raise issues of concern to island residents. As a follow-up I will be meeting with RCMP personnel to discuss the issue of derelict vehicles at El Verano and Wharf Road. I would be happy to have participation from one or more Trustees at the meeting, or I'm happy to receive information on concerns that I can raise during

the meeting. One of the issues that we discussed during our meeting with MOTI was the North Road/Barrett Road intersection, which has been the site of multiple accidents. Since that meeting there was yet another accident at the intersection. MOTI has referred the issue to the province's engineers to determine what steps can be taken to make the site safer.

- Some other activities that might be of interest:
 - The Board agreed to explore the idea of Development Cost Charges to fund parks acquisition and infrastructure expansion. We will be receiving a report that looks at the possibilities of using DCC's for regional parks and/or community parks. Regional parks are those considered of significance across the entire RDN area, and the acquisition of the park and the maintenance costs are shared amongst all the areas and municipalities in the RDN. We currently have 2 regional parks on Gabriola – Descanso Bay Regional Park and Coats Marsh Regional Park. Community parks are those where the funding to acquire them and maintenance costs all come from that area. The RDN has a map showing all of our community and regional parks here: <https://www.rdn.bc.ca/electoral-area-b-community-parks>
 - The Board will review the parcel tax for the Regional Parks and Trails capital funds for the 2020 budget with the goal of ensuring the RDN has adequate funds to be able to acquire regional parks.
 - The Board referred the issue of cannabis regulation to the RDN's Agricultural Advisory Committee for review and recommendations to the Board. The Board also requested that Chair Thorpe write a letter to Minister Donaldson emphasizing concerns raised by Union of BC Municipalities President Arjun Singh, outlining concerns about cannabis regulation and requesting that government consider a moratorium on non-soil bound cannabis production until local governments can create or amend bylaws to address the issue. See agenda item 7.3.2, and additional information starting page 225 on the agenda. <https://rdn-pub.escribemeetings.com/FileStream.ashx?DocumentId=8663>

Respectfully submitted,
Vanessa Craig



File No.: GB-DP-2019.2 (Williamson & Associates)

DATE OF MEETING: July 11, 2019
TO: Gabriola Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Application for Development Permit 3 - Riparian Areas &
Development Permit 6 – Escarpment Areas
Applicant: Williamson & Associates
Location: 835 Chelwood Road and Daniel Way, (PID 000-105-287 and 009-739-602)

RECOMMENDATION

- 1. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2019.2 (Williamson and Associates).**

REPORT SUMMARY

The applicant seeks to obtain a Development Permit (DP) in order to facilitate subdivision on the subject properties, portions of which are located within Development Permit Area No. 3 (DP-3) – Riparian Areas and Development Permit Area No. 6 (DP-6). Pursuant to Sections F.3.2.1 and F.6.1.1 of the Gabriola Island Land Use Bylaw No. 177 (LUB), a DP is required to be issued by the LTC prior to subdivision being approved by the Provincial Approving Officer.

BACKGROUND

This application is a result of a condition of subdivision for a proposed two-lot subdivision on the subject property PID 009-739-602 and a lot line adjustment between subject properties PID 000-105-287 and 009-739-602. Portions of proposed lots fall within DP-3 and DP-6 as shown in Attachment 1. No development or tree removal is proposed in the 30-metre Riparian Assessment Area (RAA). The *Riparian Areas Regulation* (RAR) Assessment report has established an 11.1 metre and a 15 metre Streamside Protection and Enhancement Area (SPEA) along Castell Brook. No buildings or structures are proposed within the SPEA. No tree removal is proposed within the DP-6. A DP is required to be issued by the LTC prior to subdivision being approved.

Site context information about the subject properties is contained with Attachment 1. Applicable DP guidelines are included in Attachment 2. The proposed development is shown on the site plan attached to the draft Development Permit in Attachment 3.

permit area of 30 metres on both sides of a stream, measured from the high water mark. The OCP includes a poorly defined escarpment area where a slope of greater than 80% requires geotechnical assessment.

The objectives of DP-3 Riparian Areas are:

1. To protect the biological diversity and habitat values of riparian and aquatic ecosystems
2. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation
3. To minimize adverse impacts of land use practices on fish habitat, which includes plant habitats in riparian areas.

The objectives of DP-6 Escarpment Areas are to protect development from natural hazards, including terrain instability, erosion, land slippage, rock falls, subsidence, debris flows and flooding or changes to stormwater runoff due to development on or in proximity to lands with excessive slope conditions.

The proposed development complies with the objectives and policies of the Official Community Plan.

Land Use Bylaw:

The subject properties are zoned Large Rural Residential (LRR) and Resource (R) pursuant to the LUB. The guidelines for DP-3 are contained within Section F.3.4 and the guidelines for DP-6 are contained within Section F.6.3 of the LUB.

The proposed development complies with applicable development permit guidelines (see Attachment 2).

Issues and Opportunities

DP-3 Riparian Areas

The applicant has submitted a *Riparian Areas Regulation (RAR)* assessment report prepared by Toth and Associates Environmental Services, dated May 27, 2019, which forms part of the draft permit (Attachment 3). The RAR report has been assessed and approved for methodological compliance by Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) staff. The RAR report contains recommendations intended to meet the DP-3 guidelines for development. Two different SPEAs are established along Castell Brook (11.1 metre and 15 metre) and no development as part of the subdivision application is proposed within the 30 metre Riparian Assessment Area. Report recommendations have been included as conditions in the draft Development Permit.

DP-6 Escarpment Areas

The applicant has also submitted a geotechnical hazard assessment prepared by Lewkowich Engineering Associates Ltd., dated January 29, 2019 which contains recommendations intended to address the DP-6 guidelines, and which forms part of the draft permit (Attachment 3).

Consultation

A community information meeting and/or public consultation and notification are not required for DP applications.

Rationale for Recommendation

Staff advises that the guidelines for DP-3 and DP-6 appear to be satisfied through the recommendations of the RAR report and geotechnical hazard assessment report, and these recommendations have been included in the draft DP. The LTC is obliged to issue the development permit if the applicable development permit guidelines have been satisfactorily addressed.

Staff recommends issuance of the Development Permit as noted in the recommendation listed on page 1 of the staff report.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application due to non-compliance with one or more development permit guidelines. Staff advise that the implication of this alternative is that the applicant would need to reapply for a DP in order to satisfy conditions of subdivision. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-DP-2019.2 due to non-compliance with the following development permit guideline(s): [identify specific development permit guidelines].

2. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust [requested information to be provided by the LTC].

NEXT STEPS

Should the LTC decide to issue the Development Permit, the applicant may continue with advancing the remaining conditions of the subdivision application.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	July 2, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	July 2, 2019

ATTACHMENTS

- 1. Attachment 1 – Site Context
- 2. Attachment 2 – Development Permit Area Guidelines Checklist
- 3. Attachment 3 – Draft Development Permit

ATTACHMENT 1 – SITE CONTEXT GB-DP-2019.2(WILLIAMSON AND ASSOCIATES)

LOCATION

Legal Description	LOT 1, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 32376 THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644
PID	PID: 000-105-287 and PID: 009-739-602
Civic Address	835 Chelwood Road, and a lot on Daniel Way, Gabriola Island
Lot Size	2.03 hectares (5.03 acres) and 10.46 hectares (25.85 acres)

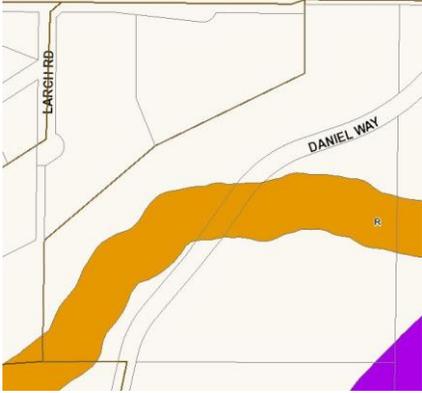
LAND USE

Current Land Use	835 Chelwood Road: One existing single family residential dwelling and secondary suite Daniel Way lot: vacant
Surrounding Land Use	Residential, Park, Agricultural

HISTORICAL ACTIVITY

File No.	Purpose
GB-RZ-2009.1 (<i>closed</i>)	Application withdrawn in 2014
GB-SUB-2011.1 (<i>open</i>)	To create 2 parcels on Daniel Way
GB-DP-2012.4 (<i>closed</i>)	DP 2 Lock Bay Area and DP 6 Escarpment Areas Issued to facilitate subdivision
GB-SUB-2017.2 (<i>open</i>)	Lot line adjustment between 835 Chelwood and lot on Daniel Way

POLICY/REGULATORY

Official Community Plan Designations	<p>Land Use Designation: R – Resource & RR – Large Rural Residential</p> <p>Development Permit Area 3 – DP-3 – Riparian Areas</p>  <p>Development Permit Area 6 – DP-6 – Escarpment Areas</p>
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Land Use Bylaw	Zone: 835 Chelwood Road: Large Rural Residential (LRR) Daniel Way lot: Resource (R)
Covenants	FB289064 – Easement providing access from Daniel Way to neighbouring lot to the West. CA1218883 – Between Daniel Way lot and adjacent lot to the south: restrictive covenant restricting disturbance of native vegetation within 20 metres of southerly boundary of the Daniel Way lot.
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor directly affects a property adjacent to an ITC owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Plan	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MEDIUM/HIGH.
Species at Risk	None mapped.
Sensitive Ecosystems	Wetland, Riparian Area, Mature Forest
Hazard Areas	Low to Moderate Risk
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping indicates archaeological potential on the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware 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	No construction is anticipated as a part of the subdivision. Identified SPEA in the RAR Assessment Report would assist with retaining vegetation along the riparian area and restricting development in close proximity to the stream.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property to be within a moderately high vulnerability area.
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES - GB-DP-2019.2 (WILLIAMSON AND ASSOCIATES)

GABRIOLA ISLAND DPA No. 3 RIPARIAN AREAS

Guideline	Complies	Planner Comments
<p>F.3.4.1 In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.</p>	yes	<p>The RAR Assessment Report provided by the QEP has indicated that no development is proposed in the identified Streamside Protection and Enhancement Area (SPEA).</p> <p>No construction is proposed, only the subdivision of land. The QEP has recommended that no measures are required.</p>
<p>F.3.4.2 The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.</p>	yes	<p>The RAR Assessment Report provided by the QEP has established two SPEAs; one area is 11.1 metres and another area is 15 metres from the high water mark of Castell Brook.</p> <p>Staff have included a condition in the permit that no development, including vegetation or tree removal, shall take place within the SPEA identified by the QEP.</p>
<p>F.3.4.3 Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's</p>	yes	<p>The RAR Assessment Report provided by the QEP has indicated that no development is proposed in the identified Streamside Protection and Enhancement Area (SPEA).</p> <p>No construction is proposed, only the subdivision of land. The QEP has recommended that no measures or monitoring are required.</p>

expense may be required during construction and development phases, as specified in a development permit.		
F.3.4.4 If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.	yes	The RAR Assessment Report provided by the QEP indicates that a post assessment report by a QEP is not required.
F.3.4.5 The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.	yes	No variances are requested.

GABRIOLA ISLAND DPA NO. 6 ESCARPMENT AREAS

Guideline	Complies	Planner Comments
F.6.3.1 There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.	yes	Geotechnical engineer has indicated that the land is considered safe for the intended subdivision provided the recommendations in the geotechnical report are followed.
F.6.3.2 There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.	yes	No tree or vegetation removal is proposed.



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DRAFT
DEVELOPMENT PERMIT GB-DP-2019.2
(Williamson and Associates)

To: George Kuprowski and 0858317 BC Ltd.

1. This Development Permit (the "Permit") applies to:

PID: 000-105-287

LOT 1, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 32376

PID: 009-739-602

THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644

2. Whereas the subject property as described above lies within "Development Permit Area No. 3 – Riparian Areas" and "Development Permit Area No. 6 - Escarpment Areas" designated under the Gabriola Island Official Community Plan Bylaw No. 166, this permit is issued under the Gabriola Island Land Use Bylaw No. 177 and authorizes the **subdivision of land** in accordance with the following schedules attached to and forming part of this permit:

a. Schedule "A" – Conceptual Layout, Williamson & Associates, December 14, 2018

b. Schedule "B" – Riparian Areas Regulation (RAR) Assessment Report, Toth and Associates Environmental Services, May 27, 2019

c. Schedule "C" – Geotechnical Hazard Assessment, Lewkowich Engineering Associates Ltd., January 29, 2019

3. The Permit is subject to the following conditions:

3.1 No development, including vegetation or tree removal, shall take place within the Streamside Protection and Enhancement Area (SPEA) identified in the Riparian Areas Regulation (RAR) Assessment Report attached as Schedule "B".

This permit does not relieve the applicant from complying with the provisions of *the Gabriola Island Official Community Plan Bylaw No. 166, 1997* and *the Gabriola Island Land Use Bylaw No. 177, 1999*, nor does it provide permission to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS -- DAY OF ----, 2019.

Deputy Secretary, Islands Trust

Date Issued

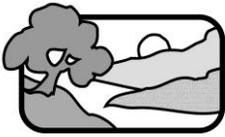
IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE --- DAY OF ---, 2021 THIS PERMIT AUTOMATICALLY LAPSES.



DRAFT

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2019.2
(Williamson and Associates)**

Schedule "A" – Preliminary Lot Layout



Islands Trust

DRAFT

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2019.2
(Williamson and Associates)**

Schedule "B" – Riparian Areas Regulation (RAR) Assessment Report, Toth and Associates Environmental Services, May 27, 2019



DRAFT
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2019.2
(Williamson and Associates)

**Schedule "C" – Geotechnical Hazard Assessment, Lewkowich Engineering Associates
Ltd., January 29, 2019**

SCHEDULE "B" - GB-DP-2019.2

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date

I. Primary QEP Information

First Name	Steve	Middle Name	
Last Name	Toth		
Designation	R.P.Bio	Company	Toth and Associates
Registration #	1788	Email	stoth@shaw.ca
Address	6821 Harwood Drive		
City	Lantzville	Postal/Zip	V0R 2H0
Prov/state	BC	Country	Canada
		Phone #	250-390-7602

III. Developer Information

First Name	Brian	Middle Name	
Last Name	Henning		
Company	0858317 BC Ltd.		
Phone #	250-756-7723	Email	brian@vibcls.ca
Address	P.O. Box 348, 1885 Martin Road		
City	Gabriola	Postal/Zip	V0R 1X0
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Subdivision > 6 Lot Single Family		
Area of Development (ha)	12.53	Riparian Length (m)	475
Lot Area (ha)	12.53	Nature of Development	New
Proposed Start Date	2019-06-15	Proposed End Date	2019-12-31

V. Location of Proposed Development

Street Address (or nearest town)	Daniel Way, Gabriola Island						
Local Government	Islands Trust			City: Regional District of Nanaimo			
Stream Name	Castell Brook						
Legal Description (PID)	009-739-602			Region: Vancouver Island			
Stream/River Type	Stream			DFO Area: South Coast			
Watershed Code	925-380000-65800						
Latitude	49	11	24	Longitude	123	49	43

Table of Contents for Assessment Report

I. Primary QEP Information..... 1
III. Developer Information..... 1
IV. Development Information..... 1
V. Location of Proposed Development..... 1
Section 1. Riparian Area Assessment of watercourses on the Sandwell Properties Development, Gabriola Island..... 3
 1.1 Introduction 3
 1.2 Description of Fisheries Resource..... 3
 1.3 Field Survey Results..... 3
 1.4 Land Use Bylaws..... 4
 1.5 SPEA Setbacks 4
 1.6 Comments..... 4
Section 2. Results of Detailed Riparian Assessment 4
Section 4. Measures to Protect and Maintain the SPEA 10
Section 5. Environmental Monitoring..... 11
Section 6. Photos..... 11
Section 7. Professional Opinion..... 15

Index of Figures

Figure 1. Subdivision Plan 8
Figure 2. Setbacks and Features on September 2017 air photo..... 9

Index of Photographs

Photograph 1. View of wide floodplain associated with beaver dams in Reach 1. 11
Photograph 2. View of beaver dam in Reach 1..... 12
Photograph 3. View of Reach 2. 12
Photograph 4. View downstream on Castell Brook through Reach 2. 13
Photograph 5. View upstream through cascade barriers below Daniel Way. 13
Photograph 6. View of extensive accumulation of driftwood at the mouth of the salt marsh..... 14

Section 1. Riparian Area Assessment of watercourses on the Sandwell Properties Development, Gabriola Island.

1.1 Introduction

This report (Assessment # 5736A) has been revised to correct an error in the SPEA setback information provided on Figure 2 and in Section 2, Reach 2, which had incorrect channel width data resulting in an average channel width of 4.0 m, instead of 5.0 m.

Toth and Associates Environmental Services conducted a bio-inventory, and riparian area assessment of watercourses on the 12.53 ha subject properties on Daniel Way, Gabriola Island on April 30, 2010. The proposed development (Figure 1) includes subdivision application.

The property consists of a fairly large tract of forested land with small clearings associated with previously developed residences, driveways, farming and logging. Aspects are variable but primarily south and easterly. Topographic contrasts associated with ravines and rock outcrops are prevalent with topography ranging from approximately sea level to 48m. Hardwoods including red alder and bigleaf maple dominate ravine side slope areas while Douglas-fir, western redcedar and western hemlock stands are prevalent on upslope areas. Forest cover age ranges from pole-sapling to mature forest.

1.2 Description of Fisheries Resource

No information was found for Castell Brook from searches of online government websites (FIDQ, EcoCat, Habitat Wizard). The only sources of information were found on the Gabriola Streamkeepers website (<https://www.galitt.ca/gabriolastreamkeepers.html>) and in the Gabriola, Valdes, Thetis and Kuper Islands Water Allocation Plan (https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-planning/water_allocation_gabriola.pdf).

1.3 Field Survey Results

Castell Brook (Figure 2) was noted as having several limitations to fish potential associated with chronic siltation, cascade barriers and beaver dams. Fish were not observed within the stream. The stream was divided into three reaches based on channel gradient and morphology. Reach 1 consisted of a wide floodplain wetland section associated with persistent beaver use (Photographs 1 & 2). Reach 2 was comprised of semi-confined riffle run channel and included barriers to upstream fish passage immediately downstream of Daniel Way (Photographs 3 - 5). Reach 3 included a low gradient section of stream / man-made ditch through farmlands and young pole-sapling stage red alder upstream of Daniel Way.

Castell Brook discharges to a large (approximately 6.6 ha) inter-tidal salt marsh (Figure 2). Fish access to the salt marsh appears to be restricted due to a vast accumulation of driftwood (approximately 5,600 m²) at the north end of the wetland (Photograph 7).

1.4 Land Use Bylaws

Castell Brook is identified on Schedule D of the Gabriola Island Official Community Plan (OCP Bylaw No. 166, 1997) as a Riparian Areas Development Permit Area (DPA).

Section 9.1 of the Gabriola Island OCP indicates that “the Riparian Areas Development Permit Area, DP-3, includes all land designated on Schedule D of this plan, which are Streamside Protection and Enhancement Areas (SPEA) as determined using simple assessment methodology under the Riparian Areas Regulation and which includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook; or
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b).”

1.5 SPEA Setbacks

The SPEA setbacks for Reach 1 are 30 m. The SPEA setbacks for Reach 2 are 15 m and for Reach 3 are 11.1 m. All setback distances are measured as horizontal distance perpendicular from high water mark.

1.6 Comments

Although it has been 9 years since our original field assessment, it is our understanding based on discussion with the proponent that no development has occurred within the riparian assessment area since our original survey. Any physical development proposed within the riparian assessment area since our original assessment would have triggered the Local Government’s requirement for a RAR Assessment. Our review of the most recent air photos (September 2017) did not indicate any visible changes and on a drive past this property in December 2018 we did not note any changes.

Section 2. Results of Detailed Riparian Assessment

Date:	May 27, 2019
Description of Water bodies involved (number, type)	1 – Stream
Stream	X
Number of reaches	3
Reach #	1

Channel width and slope and Channel Type

	Channel Width(m)	Gradient (%)	
starting point	8.0	0.5	I, <u>Steve Toth</u> (<i>name of qualified environmental professional</i>), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u> (<i>name of developer</i>); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the
upstream	11.0	1.0	
	14.0		
	12.8		
	16.5		
downstream	14.5	0.5	
	9.8		
	13.0		
	7.5		
	18.0		
Total: minus high /low	111.6	2.0	

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

mean	12.4	0.7	Schedule to the Riparian Areas Regulation.
	R/P	C/P	
Channel Type	X		

Site Potential Vegetation Type (SPVT)

	Yes	No	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
SPVT Polygons		X	
Polygon No:	1		
SPVT Type	LC	SH	TR
			X
Method employed if other than TR			

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	30					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	30	South bank	Yes	X	No	
SPEA maximum	30	(For ditch use table3-7)				

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	30					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	NA	South bank	Yes		No	
SPEA maximum	30	(For ditch use table3-7)				

Stream	X
Number of reaches	3
Reach #	2

Channel width and slope and Channel Type

	Channel Width(m)	Gradient (%)	I, <u>Steve Toth</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point upstream	3.3		
	3.9		
	5.0		
	6.6		
downstream	5.3		
	4.3		
	4.9		
	5.5	7	
	5.1		
	4.6		
	6.5		
Total: minus high /low mean	45.1	7	
	5.0	7	
Channel Type	R/P	C/P	S/P
			X

Site Potential Vegetation Type (SPVT)

Yes	No
-----	----

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

SPVT Polygons	<input type="checkbox"/>	X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes		
Polygon No:	1		Method employed if other than TR		
SPVT Type	LC	SH	TR		
	<input type="checkbox"/>	<input type="checkbox"/>	X		

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	15	South bank	Yes	X	No	
SPEA maximum	15	(For ditch use table3-7)				

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	NA	South bank	Yes		No	X
SPEA maximum	15	(For ditch use table3-7)				

Stream	X
Number of reaches	3
Reach #	3

Channel width and slope and Channel Type

	Channel Width(m)	Gradient (%)	
starting point	3.9	1.0	I, <u>Steve Toth</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream	4.6		
	4.5		
	3.2		
downstream	2.9		
	3.3		
	3.8		
	4.0		
	3.5		
	2.9	1.0	
	4.1		
Total: minus high /low mean	33.2	2.0	
	3.7	1.0	
	R/P	C/P	S/P
Channel Type	X		

Site Potential Vegetation Type (SPVT)

SPVT Polygons	<input type="checkbox"/>	X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes		
Polygon No:	1		Method employed if other than TR		
SPVT Type	LC	SH	TR		
	<input type="checkbox"/>	<input type="checkbox"/>	X		

Zone of Sensitivity (ZOS) and resultant SPEA

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	11.1						
Litter fall and insect drop ZOS (m)	11.1						
Shade ZOS (m) max	11.1	South bank	Yes	X	No		
SPEA maximum	11.1	(For ditch use table3-7)					
Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	11.1						
Litter fall and insect drop ZOS (m)	11.1						
Shade ZOS (m) max	NA	South bank	Yes		No	X	
SPEA maximum	11.1	(For ditch use table3-7)					

I, Steve Toth, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer 0858317 BC Ltd.;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Figure 1. Subdivision Plan

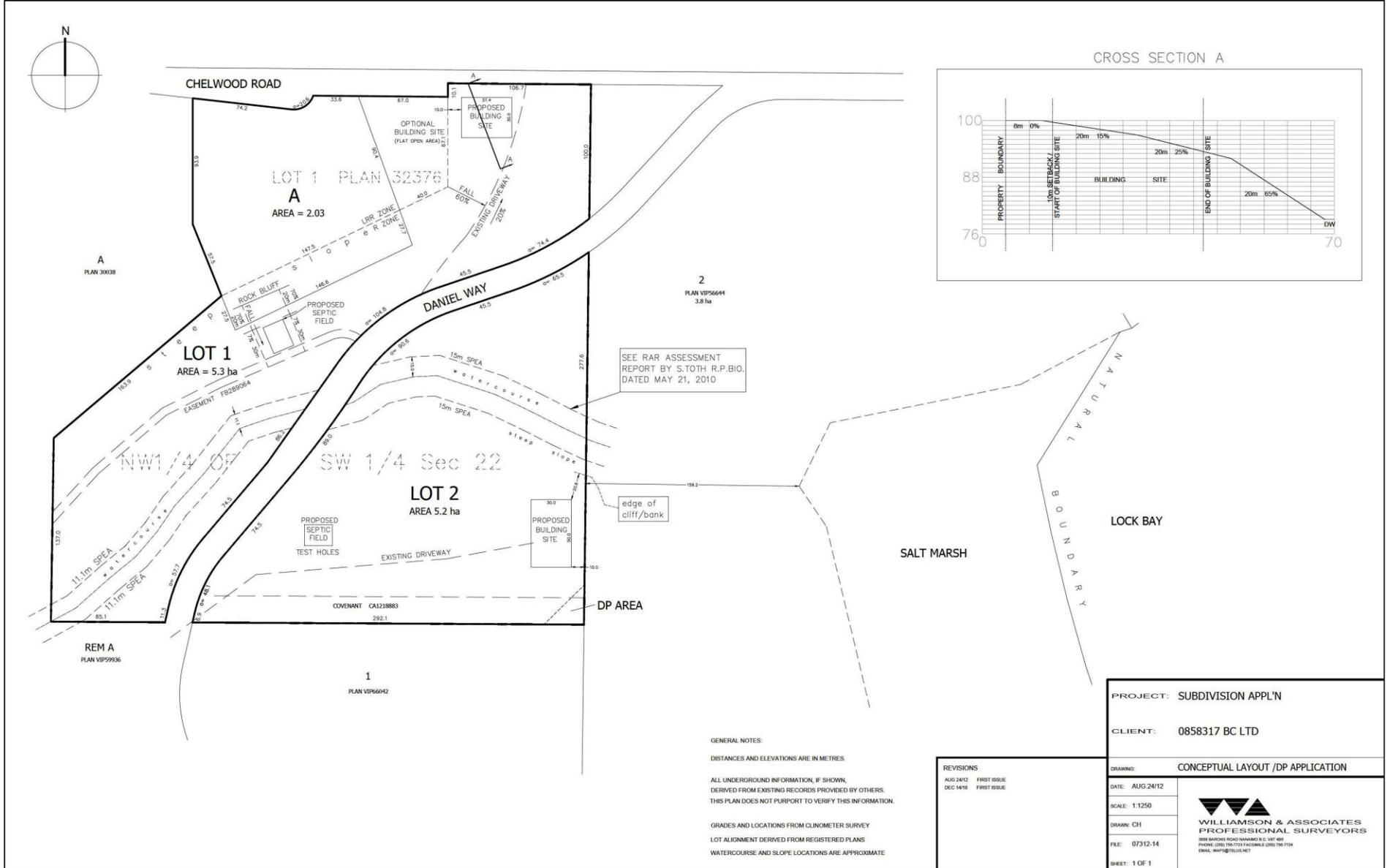
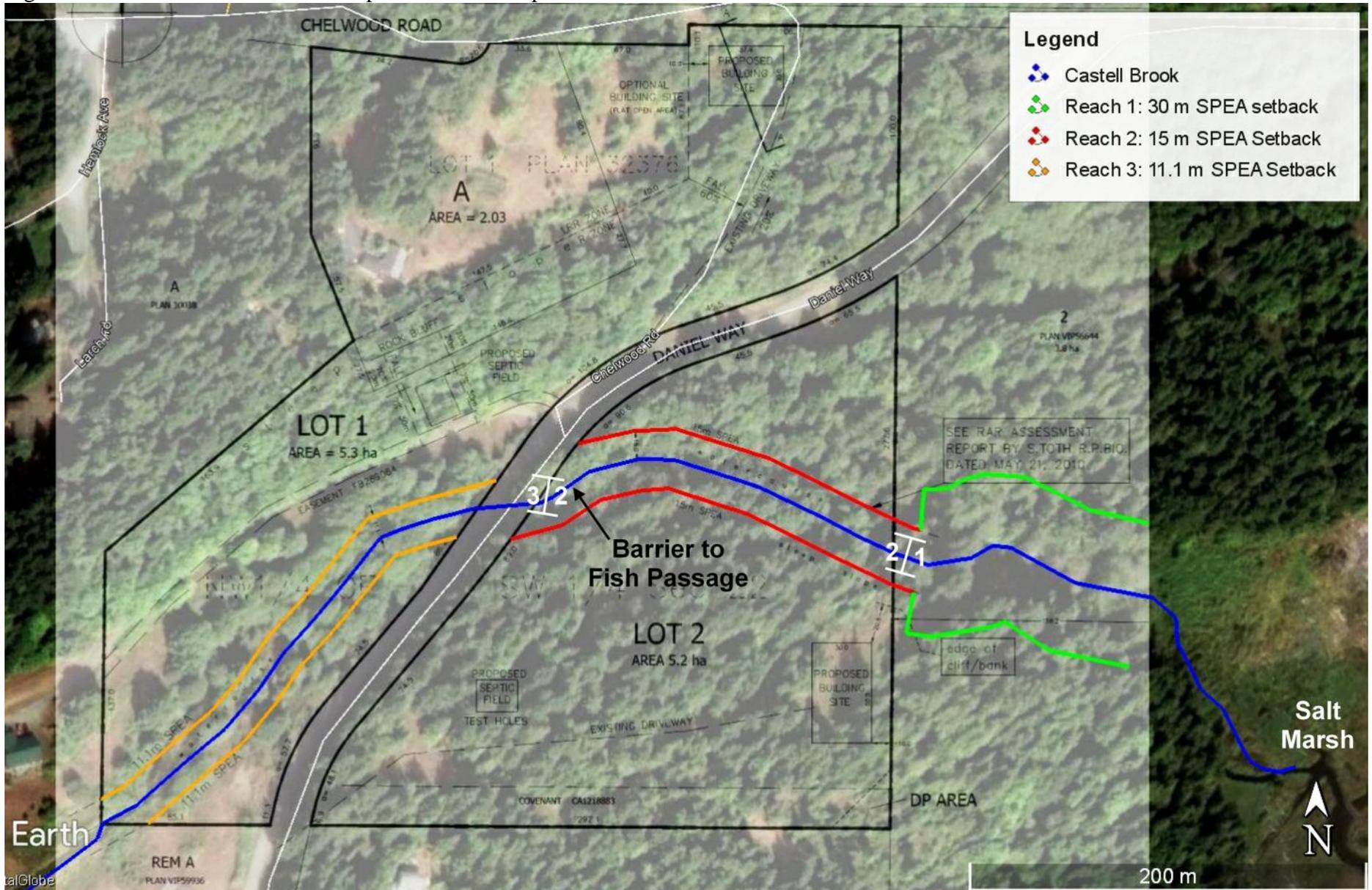


Figure 2. Setbacks and Features on September 2017 air photo



Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	There were no danger trees identified during the survey.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
2. Windthrow	The proposed development is subdivision and does not include physical development within the riparian assessment area. Any future physical development of the property is unlikely to increase potential for windthrow within the SPEAs as these areas are contained within relatively protected ravines, or consist of pole-sapling red alder with little potential to be susceptible to windthrow.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
d. Slope Stability	Steep slopes on the property are located outside the SPEAs, with the exception of Reach 2 of Castell Brook. No development would be permitted within the steep slope areas adjoining the SPEAs.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
e. Protection of Trees	The proposed development is for subdivision and does not involve physical disturbance.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
d. Encroachment	The proposed development is for subdivision and does not involve physical disturbance.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
e. Sediment and Erosion Control	The proposed development is for subdivision and does not involve physical disturbance.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
d. Stormwater Management	The proposed development is for subdivision and does not involve physical disturbance.
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>0858317 BC Ltd.</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation</p>	
e. Floodplain Concerns (highly mobile channel)	There were no floodplain concerns identified on the property.

I, Steve Toth, hereby certify that:

- f. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- g. I am qualified to carry out this part of the assessment of the development proposal made by the developer 0858317 BC Ltd.;
- h. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation

Section 5. Environmental Monitoring

The proposed development is for subdivision. No physical development is proposed and therefore environmental monitoring and post development reporting are not required.

Section 6. Photos



Photograph 1. View of wide floodplain associated with beaver dams in Reach 1.



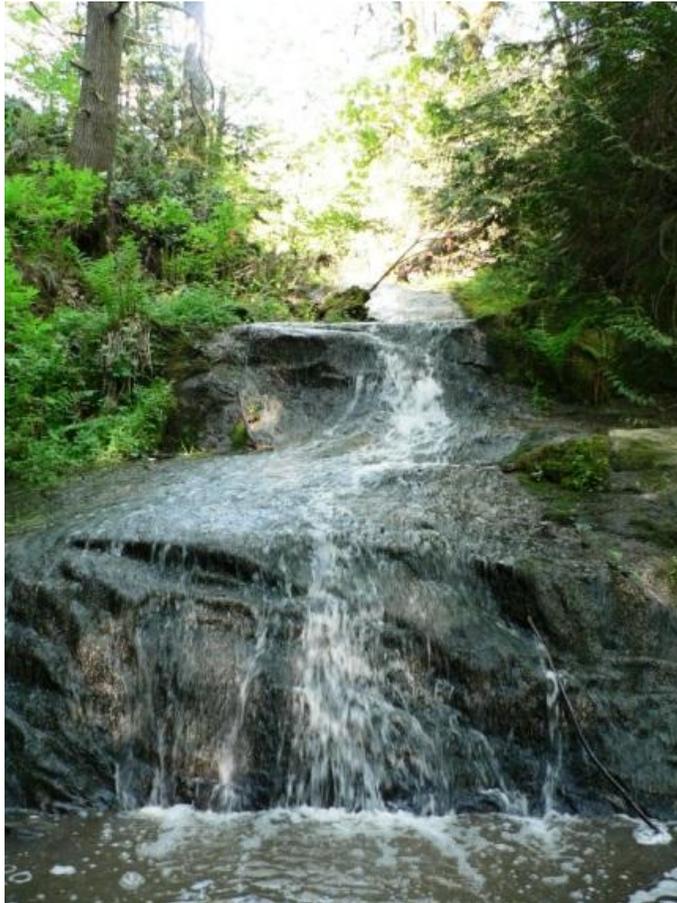
Photograph 2. View of beaver dam in Reach 1.



Photograph 3. View of Reach 2.



Photograph 4. View downstream on Castell Brook through Reach 2.



Photograph 5. View upstream through cascade barriers below Daniel Way.



Photograph 6. View of extensive accumulation of driftwood at the mouth of the salt marsh.

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date

1. I/We Steve Toth

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*,
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer 0858317 BC Ltd., which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
- b) if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.



Lewkowich Engineering Associates Ltd.
geotechnical • health, safety & environmental • materials testing

0858317 BC Ltd. c/o Williamson & Associates
3088 Barons Road
Nanaimo, BC
V9T 4B5

File: F6583.01
January 29, 2019

Attention: Mr. Brian Henning

**PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT
LOTS 1 & 2 DANIEL WAY, GABRIOLA ISLAND, BC**

SUBJECT: GEOTECHNICAL HAZARD ASSESSMENT

Dear Mr. Henning:

1. INTRODUCTION

As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out a geotechnical hazard assessment of the proposed subject development. This report provides a summary of our findings and recommendations. Specifically, our evaluations have taken into account those natural hazards which may affect the safe development of the land.

2. BACKGROUND

- a. We understand that the proposed development consists of subdividing the parent parcel into two (2) independent single-family residential lots based on the proposed subdivision layout plan provided by Williamson & Associates Professional Surveyors. The plan also indicates a lot boundary adjustment/ land exchange with the adjacent parcel to the north (see reference No. 3); which will facilitate an optional building site specific to Lot 1. We also understand the site contains a steep slope (escarpment) with concerns regarding slope stability.
- b. The Gabriola Island Community Plan (Bylaw No. 166, 1997 – Development Permit Areas [Schedule C]) indicates that the property is located within a development permit area for:
 - DP-6 “Protection of Development from Hazardous Conditions” for an escarpment/ slope >80%
 - DP-2 “Protection of the Natural Environment” – specific to Lock Bay

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 2 of 14



3. ASSESSMENT OBJECTIVES

Our assessment, as summarized within this report, is intended to meet the following objectives:

- i. Determine whether the land is considered safe for the use intended (defined for the purposes of this report as a two [2] lot subdivision), with the probability of a geotechnical failure resulting in property damage of less than;
 - 2% in 50 years for geotechnical hazards due to seismic events, including slope stability; and,
 - 10% in 50 years for all other geotechnical hazards
- ii. Determine whether the proposed development and construction poses or constitutes a detrimental impact (from a geotechnical perspective) on the subject property or adjoining properties;
- iii. Identify any geotechnical deficiency that might impact the design and construction of the development, and prescribe the geotechnical works and any changes in the standards of the design and construction of the development that are required to ensure the land, buildings, and Works and Services are developed and maintained safely for the use intended; and
- iv. Acknowledge that Approving Officers and Building Officials may rely on this report when making a decision on applications for the development of the land.

4. ASSESSMENT METHODOLOGY

A site-specific steep slope geotechnical hazard assessment was conducted on December 4, 2018; which included the following:

- i. Desktop study of relevant background information (plans, drawings, reports,) from other consultants.

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 3 of 14



- ii. We have reviewed the Gabriola Island Official Community Plan (Schedule C) with respect to natural hazards.
- iii. We conducted an on-site field assessment to determine the current soil, hydrological and slope conditions.
- iv. The field assessment was supplemented by a desktop review of the local geological conditions, as well as terrain analysis and air photo interpretation of the subject property and associated slopes.
- v. Reference to; Engineers and Geoscientists of British Columbia (EGBC) “Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in British Columbia”. See attached Appendix D: Landslide Assessment Assurance Statement.

5. SITE CONDITIONS

5.1 General

- a. The legal address of the parent property is: **THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644**



- b. The subject property is located in the northern region of Gabriola Island on the south side of Chelwood Road. The property can be accessed from the North off Chelwood Road or from the South off Daniel Way. Daniel way bisects the property on a diagonal; which effectively separates the two (2) proposed lots.
- c. The terrain throughout the property varies. Along the northern limits of the parent parcel/ proposed Lot 1 exists a steep slope/ escarpment (>80%). The escarpment varies in height up to 25m and starts to taper out to a shallower inclination towards the northeast. The south half of the parent parcel (south side of Daniel Way) is gently undulating and declines to the north/ north east with approximately 30m of vertical relief.

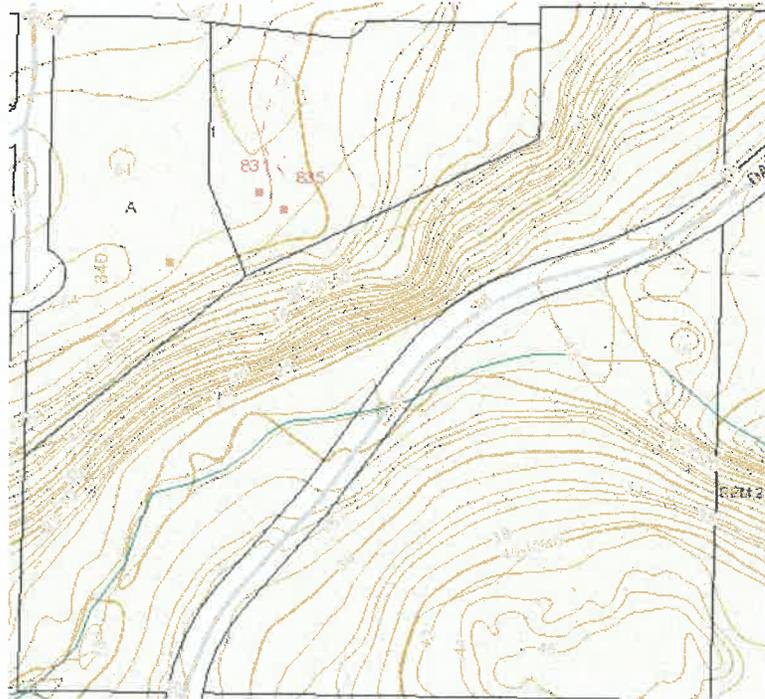


Figure 2: Topographic map (LIDAR) of the subject property from the Regional District of Nanaimo Online GIS Mapping

- d. An existing, driveway (~20%) incised into the steep slope was observed off Daniel Way; which connects to Chelwood Road.

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 5 of 14



- e. The terrain is generally vegetated with a moderate to dense cover of second – third growth forest comprised of immature to mature coniferous and deciduous trees, including a moderate amount of tall grasses, vines, and miscellaneous ground cover.
- f. The only observed watercourse is Castell Creek. Castell Creek enters the site at the approximate southwest corner of Lot 1 and flows in a northeasterly direction and exits the site at the northern limits of Lot 2.

5.2 Soil Conditions

- a. A subsurface investigation was not included as part of this hazard assessment. Visual reconnaissance of the site allowed for observations of minor soil exposures within the property.



Figure 3: Showing bedrock outcrops (sandstone) on the crest of the escarpment looking west from the parent lot (Lot 1).

- b. Generally, subsurface soil conditions, as observed during our field review and as encountered by this office in similar investigations in the area, consist of a layer of topsoil,

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 6 of 14



underlain by compact to dense, naturally deposited sand and gravel, underlain by sandstone bedrock.

- c. Based on the existing topography of the subject property and the surrounding properties, we expect that negligible fill materials are present within the subject property with the exception of the existing driveway off Daniel Way connecting to Chelwood Road. As the driveway was incised into the existing slope, fill material will be present throughout the driveway.

5.3 Groundwater and Surface Water

- a. The only registered watercourse on the property is Castell Creek. The head waters from Castell Creek enter the site at the approximate southwest corner of Lot 1 and flows in a northeasterly direction and exits the site at the northern limits of Lot 2.
- b. No other watercourses were observed during the geotechnical walkthrough of the site.
- c. Groundwater flows can be expected to fluctuate seasonally with cycles of precipitation. Groundwater conditions at other times and locations can differ from those observed within the time of our investigation.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 General

From a geotechnical point of view, the land is considered safe for the use intended (defined for the purposes of this report as a two [2] lot subdivision), with the probability of a geotechnical failure resulting in property damage of less than

- 2% in 50 years for geotechnical hazards due to seismic events, including slope stability; and,
- 10% in 50 years for all other geotechnical hazards

Provided the recommendations in this report are followed.

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 7 of 14



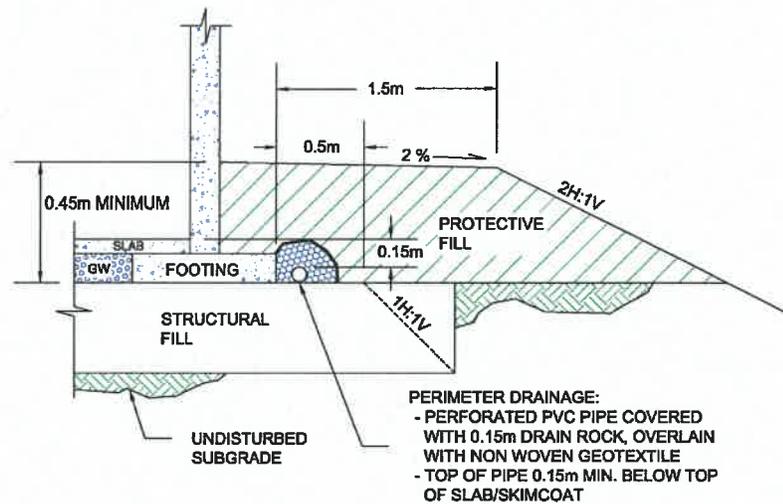
6.2 Removal of Unsuitable Materials and General Excavation Recommendations

- a. Prior to construction, all unsuitable materials should be removed to provide a suitable base of support. Unsuitable materials include any non-mineral material such as vegetation, topsoil, peat, fill or other materials containing organic matter, as well as any soft, loose, or disturbed soils.
- b. Ground water ingressing into any excavations should be controlled with a perimeter ditch located just outside of the building areas, connected to positive drainage.
- c. The Geotechnical Engineer is to confirm the removal of unsuitable materials and approve the exposed competent inorganic subgrade.

6.3 Structural Fill

- a. Where fill is required to raise areas that will support buildings, slabs, or pavements, structural fill should be used. The Geotechnical Engineer should first approve the exposed subgrade in fill areas, to confirm the removal of all unsuitable materials.
- b. Structural fill should be inorganic sand and gravel. If structural fill placement is to be carried out in the wet season, material with a fines content limited to 5% passing the 75 μ m sieve should be used, as such a material will not be overly sensitive to moisture, allowing compaction during rainy periods of weather.
- c. Structural fill should be compacted to a minimum of 95% of Modified Proctor maximum dry density (ASTM D1557) in foundation and floor slab areas, as well as in paved roadway and parking areas.
- d. Structural fills under foundations, roadways, and pavements should include the zone defined by a plane extending down and outward a minimum 0.5m from the outer edge of the foundation at an angle of 45 degrees from horizontal to ensure adequate subjacent support. This support zone is shown figure below.

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 8 of 14



- e. Compaction of fill should include moisture conditioning as needed to bring the soils to the optimum moisture content and compacted using vibratory compaction equipment in lift thicknesses appropriate for the size and type of compaction equipment used.
- f. A general guideline for maximum lift thickness is no more than 100mm for light hand equipment such as a “jumping-jack,” 150mm for a small roller and 300mm for a large roller or heavy (>500 kg) vibratory plate compactor or a backhoe mounted hoe-pac or a large excavator mounted hoe-pac, as measured loose.
- g. It should be emphasized that the long-term performance of buildings, slabs, and pavements is highly dependent on the correct placement and compaction of underlying structural fills. Consequently, we recommend that structural fills be observed and approved by the Geotechnical Engineer. This would include approval of the proposed fill materials and performing a suitable program of compaction testing during construction.

6.4 Foundation Design & Construction

- a. Prior to construction, the building area should be stripped to remove all unsuitable materials to provide an undisturbed natural soil subgrade for the footing support.

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 9 of 14



-
- b. Foundation loads should be supported on natural undisturbed soil approved for use as a bearing stratum by our office, or structural fill, and may be designed using the following values:
- i. For foundations constructed on structural fill, as outlined in Section 6.3 of this report, a Service Limit State (SLS) bearing pressure of 150 kPa, and an Ultimate Limit State (ULS) of 200 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.
 - ii. For foundations constructed on the dense glacial till, an SLS bearing pressure of 150 kPa, and a ULS bearing pressure of 200 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.
 - iii. For foundations constructed on sedimentary bedrock, an SLS bearing pressure of 250 kPa, and a ULS bearing pressure of 350 kPa may be used for design purposes. These values assume a minimum 0.45m depth of confinement or cover.
- c. Exterior footings should be provided with a minimum 0.45m depth of ground cover for frost protection purposes.
- d. Prior to placement of concrete footings, any bearing soils that have been softened, loosened, or otherwise disturbed during the course of construction should be removed, or else compacted following our recommendations for structural fill. Compaction will only be feasible if the soil has suitable moisture content and if there is access to heavy compaction equipment. If no structural fill is placed, a smooth-bladed clean up bucket should be used to finish the excavation.
- e. The Geotechnical Engineer should evaluate the bearing soils at the time of construction to confirm that footings are based on appropriate and properly prepared founding material.

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 10 of 14



6.5 Pavement Design – On Site Roadways (Private)

- a. Any organic or deleterious material should be removed from beneath the designated roadway, driveway, or parking areas prior to subgrade preparation. If fill is required to bring the subgrade up to the desired elevation, structural fill should be used.
- b. The subgrade should be proof rolled after final compaction and any areas showing visible deflections should be inspected and repaired. The pavement should be sloped to provide adequate drainage as per the design and direction of the civil consultant.

6.6 Steep Slopes & Setbacks

- a. As discussed, along the northern extent of the parent parcel/ proposed Lot 1 exists a steep slope/ escarpment. The escarpment varies in height up to 25m and starts to taper out to a shallower inclination towards the northeast – in proximity to the proposed Lot 1 building location. A review of the natural soil geology in the sloping area indicates a thin layer of compact soils over sandstone bedrock.
- b. The escarpment is considered to be in a stable condition with very little continued erosion due in part to the established vegetation, and the presence of shallow bedrock. Additionally, there were no visual signs of potential global (full slope height) instability (i.e. tension cracks, toe heave, or ponded water) observed. Therefore, slope movement would likely be confined to surficial sloughing and/or erosion of non-vegetated localized areas steeper than 2H:1V (26°).
- c. We have reviewed a cross section from WAPS of the proposed building location for Lot 1 (Figure 4). The cross section indicates approximately 6-7m of vertical relief to the southeast at approximately 15-25% (9-14°) across the proposed building location. The proposed building location borders a much steeper section of slope 65% (33°) to the east, southeast.

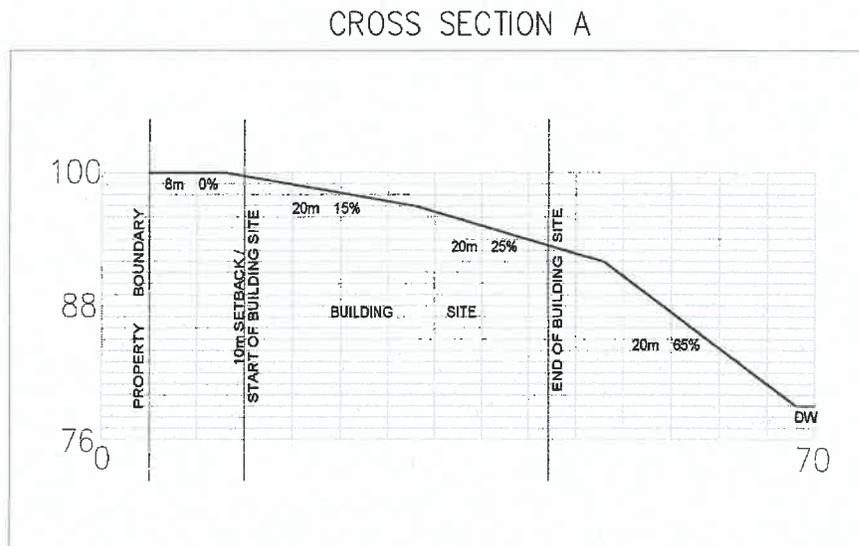


Figure 4: Cross section from the WAPS drawings (Reference No. 4)

- d. With respect to the safe siting of a future residence, it is our opinion that the proposed building site is considered safe, as the site consists of sedimentary bedrock, which does not exceed an inclination of more than 33°.
- e. The WAPS drawings also indicates an optional building site location; now within the new land exchange boundary. It is our opinion that the optional building site would be a more suitable location as the area is generally flat and is not immediately bordered by a steep slope.
- f. The south half of the parent parcel (south side of Daniel Way) is gently undulating and declines to the north/ north east with approximately 30m of vertical relief. The WAPS drawing indicates that the proposed building location is sited 20.6m from the defined crest of the bank. We have reviewed the proposed building location for Lot 2 and conclude that the siting location is safe. The 20.6m distance from the crest in relation to the height of the bank satisfies our requirement with respect to a safe setback; which is based off a 2H:1V (26°) projection line from the tow of the bank to the ground surface.
- g. Landslides can also occur due to human activity or by failure of infrastructure (septic tanks,

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 12 of 14



drainage and deposit fields, irrigation or water systems, stormwater disposal, etc.). The concentrated discharge of collected stormwater can lead to erosion, earth movement, or slope failure. However, since the subject property consists of near surface bedrock, global stability would not be affected by water erosion.

- h. Therefore, we conclude that the escarpment does not pose a significant risk of a landslip hazard, as defined by guidelines established by the Engineers and Geoscientists of British Columbia (EGBC), provided our recommendations are followed.

6.7 Seismic Issues

- b. No compressible or liquefiable soils were observed during our site-specific assessment.
- c. Based on the 2012 British Columbia Building Code, Division B, Part 4, Table 4.1.8.4.A, "Site Classification for Seismic Site Response," the soils and strata encountered would be "Site Class C" (Very dense soil and soft rock).

6.8 Vegetation

- a. Due to the near surface bedrock, vegetation removal near the crest of the escarpment would not affect global stability. Although, areas of bare soil should be re-vegetated as soon as practical to reduce erosion potential and subsequent turbid water flows.
- b. Historical logging activity has had no effect on the mainly bedrock slope. The subdivision development will also not change the slope stability with respect to vegetation, as there would be fewer disturbances to vegetation by subdivision when compared to logging.

7. GEOTECHNICAL ASSURANCE AND QUALITY ASSURANCE

The 2012 British Columbia Building Code requires that a Geotechnical Engineer be retained to provide Geotechnical Assurance services for the proposed development works.

Geotechnical Assurance services include review of the geotechnical components of the plans and supporting documents, and responsibility for field reviews of these components during

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 13 of 14



construction.

8. ACKNOWLEDGEMENTS

Lewkowich Engineering Associates Ltd. acknowledges that this report may be requested by the Building Inspector (or equivalent) of the Regional District of Nanaimo. It is acknowledged that the Approving Officers and Building Officials may rely on this report when making a decision on application for development of the land. We acknowledge that this report has been prepared solely for, and at the expense of the client. We have not acted for or as an agent of the Regional District of Nanaimo in the preparation of this report.

9. LIMITATIONS

The conclusions and recommendations submitted in this report are based upon the information available at the time of this assessment. The recommendations given are based on the anticipated subsurface soil conditions, current construction techniques, and generally accepted engineering practices. No other warrantee, expressed or implied, is made. If unanticipated conditions become known during construction or other information pertinent to the structure becomes available, the recommendations may be altered or modified in writing by the undersigned.

Client: 0858317 BC Ltd. c/o Williamson & Associates
Project: Lots 1 & 2 Daniel Way, Gabriola Island, BC
File #: F6583.01
Date: January 29, 2019
Page: 14 of 14



10. CLOSURE

Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or additional requirements at this time, please contact us at your convenience.

Respectfully Submitted,
Lewkowich Engineering Associates Ltd.

John Hessels, AScT
Senior Technologist



Chris Hudec, M.A.Sc., P.Eng.
Senior Project Engineer

Attachments

1. Appendix D: Landslide Assessment Assurance Statement

References

1. The Regional District of Nanaimo Online GIS Mapping
2. British Columbia Geological Survey (BCGS) Online Geoscience Map
3. Williamson & Associates Professional Surveys drawing titled: "Site Plan – Chelwood Road Boundary Adjustment," File No. 07312-8, Sheet 1 of 1, Revision 00, Dated December 14, 2016 (attached).
4. Williamson & Associates Professional Surveys drawing titled: "Conceptual Layout/ DP Application," File No. 07312-14, Sheet 1 of 1, Dated August 24, 2012 (attached).

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Date: February 4, 2019 File# F6583

Regional District of Nanaimo

6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2

Jurisdiction and address

With reference to (check one):

- Land Title Act (Section 86) – Subdivision Approval
- Local Government Act (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644; Lots 1 & 2 Daniel Way

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer or Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted field work on and, if required, beyond the Property
- 4. Reported on the results of the field work on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - 6.2 estimated the *landslide hazard*
 - 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the Approving Authority has adopted a *level of landslide safety* I have:
 - 7.1 compared the *level of landslide safety* adopted by the Approving Authority with the findings of my investigation
 - 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the Approving Authority has **not** adopted a *level of landslide safety* I have:

- 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- 8.3 compared this guideline with the findings of my investigation
- 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

- Check one
- the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
 - the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment report*,

- Check one
- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"
- Check one
- with one or more recommended registered covenants.
 - without any registered covenant.
- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
 - for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"
- Check one
- with one or more recommended registered covenants.
 - without any registered covenant.
- for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
 - for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Chris Hudec, M.A.Sc., P.Eng.
Name (print)

Feb 4
, 2019
Date

Signature

^[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse."

1900 Boxwood Road, Nanaimo, BC, V9S 5Y2

Address

250 756 0355

Telephone



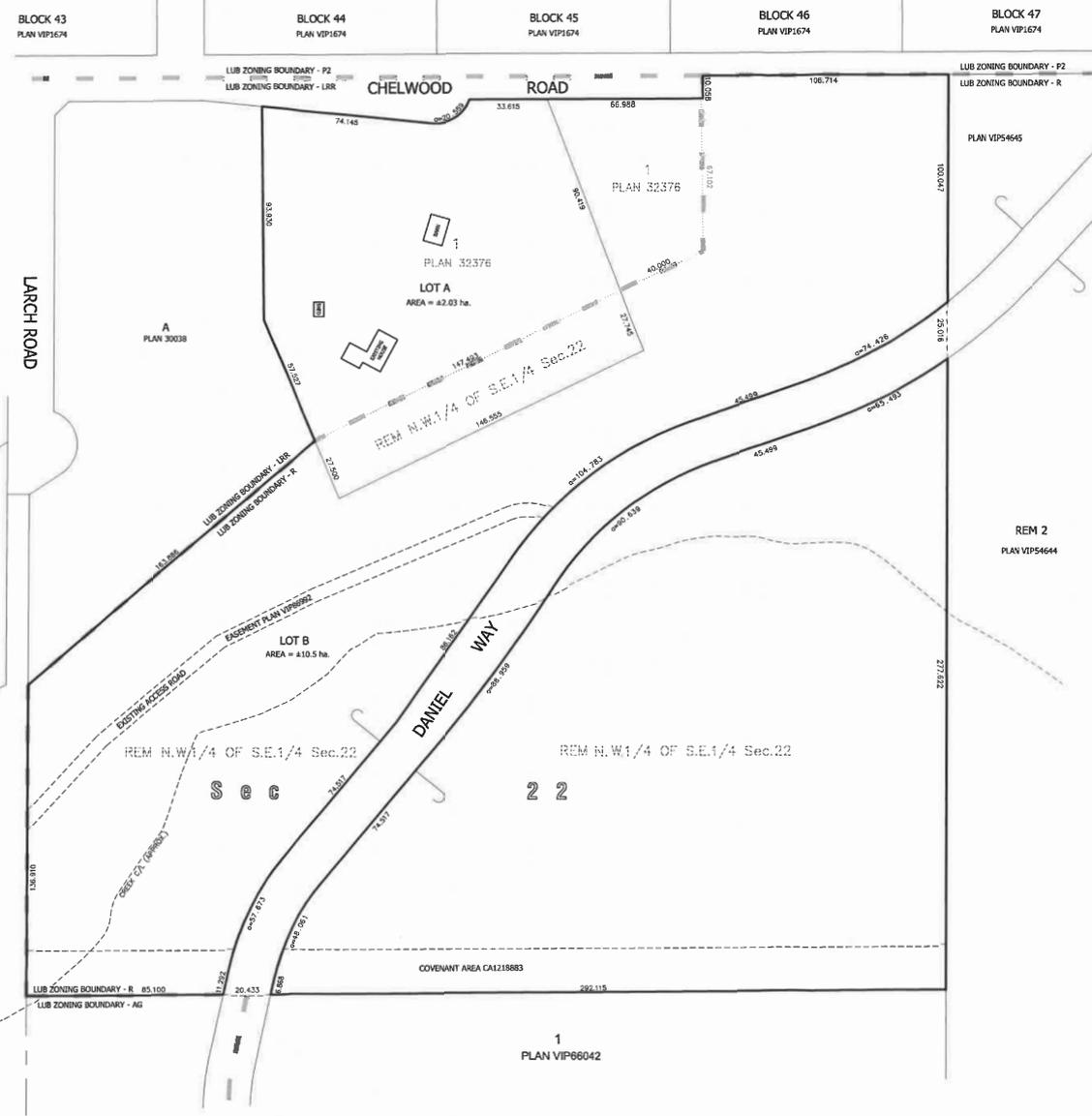
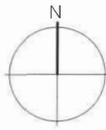
(Add Professional seal here)

If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Lewkowich Engineering Associates Ltd.

and I sign this letter on behalf of the firm.

(Print name of firm)



PARENT PROPERTIES:

1. REMAINDER OF THE N.W. 1/4 OF THE S.E.1/4 OF SECTION 22 GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22028, 30038, 32376 AND VIP54644 (PID: 009-739-602) AREA = ±10.5 ha.
2. LOT 1, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 32376 (PID: 000-105-287) AREA = ±2.04 ha.

NO.	DATE	REVISION
00	DEC. 14, 2016	FIRST ISSUED

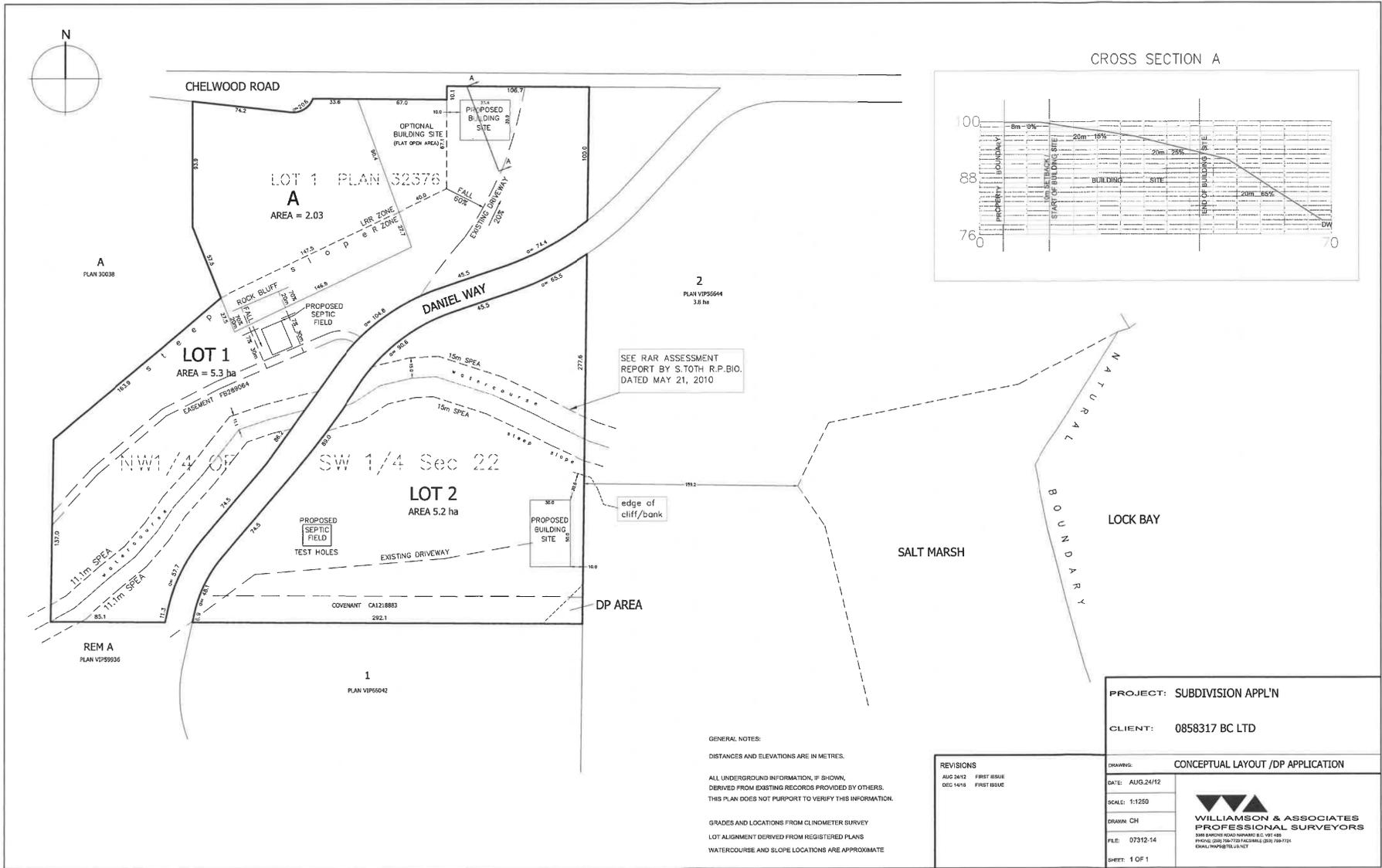
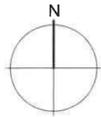
GENERAL NOTES:

- PARENT LOT ALIGNMENTS AND AREAS DERIVED FROM FIELD SURVEYS AND REGISTERED SURVEY PLANS.
- NEW LOT DIMENSIONS AND AREAS ARE PRELIMINARY.
- PURPOSE OF THIS BOUNDARY ADJUSTMENT IS TO EXCHANGE 1.6 ACRES OF LAND BETWEEN THE PARENT PROPERTIES.
- RELIEF SHOWN ARE APPROXIMATE & TAKEN FROM 2011 AERIAL PHOTOGRAPHY.
- LAND USE ZONING BOUNDARIES AS PER SCHEDULE "B", LAND USE BYLAW (LUB) #177 AND ARE FOR INFORMATION ONLY.

PROJECT: CHELWOOD ROAD BOUNDARY ADJUSTMENT
 CLIENT: 0858317 B.C. LTD.
 DRAWING: SITE PLAN

WILLIAMSON & ASSOCIATES
 PROFESSIONAL SURVEYORS
 308 BUCKLE ROAD, NANAIMO, B.C. V1Y 4E2
 PHONE: (250) 756-7711 FAX: (250) 756-7714
 EMAIL: wsa@wsa.net

SCALE: 1:1000
 DRAWN: T.J.H.
 FILE: 07312-0
 SHEET: 1 OF 1



GENERAL NOTES:
DISTANCES AND ELEVATIONS ARE IN METRES.
ALL UNDERGROUND INFORMATION, IF SHOWN, DERIVED FROM EXISTING RECORDS PROVIDED BY OTHERS. THIS PLAN DOES NOT PURPORT TO VERIFY THIS INFORMATION.
GRADES AND LOCATIONS FROM CLINOMETER SURVEY
LOT ALIGNMENT DERIVED FROM REGISTERED PLANS
WATERCOURSE AND SLOPE LOCATIONS ARE APPROXIMATE

REVISIONS	
AUG 24/12	FIRST ISSUE
DEC 14/18	FIRST ISSUE

PROJECT: SUBDIVISION APPL'N	
CLIENT: 0858317 BC LTD	
DRAWING: CONCEPTUAL LAYOUT /DP APPLICATION	
DATE: AUG.24/12	<p>WILLIAMSON & ASSOCIATES PROFESSIONAL SURVEYORS 3888 BARDON ROAD VANANCO B.C. V8T 4B8 PHONE: (250) 766-7707 FACSIMILE: (250) 766-7704 EMAIL: WAPS@TELUS.NET</p>
SCALE: 1:1250	
DRAWN: CH	
FILE: 07312-14	
SHEET: 1 OF 1	



File No.: GB-TUP-2019.1 / GB-TUP-2016.2 (Dewarle)

DATE OF MEETING: July 11, 2019
TO: Gabriola Island Local Trust Committee
FROM: Bronwyn Sawyer, Planner 2
Northern Team
SUBJECT: Renewal of Temporary Use Permit for Commercial Vacation Rental
Applicant: Aaron and Jessica Dewarle
Location: 565 South Road, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Temporary Use Permit GB-TUP-2019.1, a renewal of Temporary Use Permit GB-TUP-2016.2 (Dewarle), for a term of three years from the date of renewal.

REPORT SUMMARY

This report considers the renewal of the Temporary Use Permit for a guesthouse located at 565 South Road. The applicants plan to continue operating the commercial vacation rental that was permitted by Temporary Use Permit in 2016.

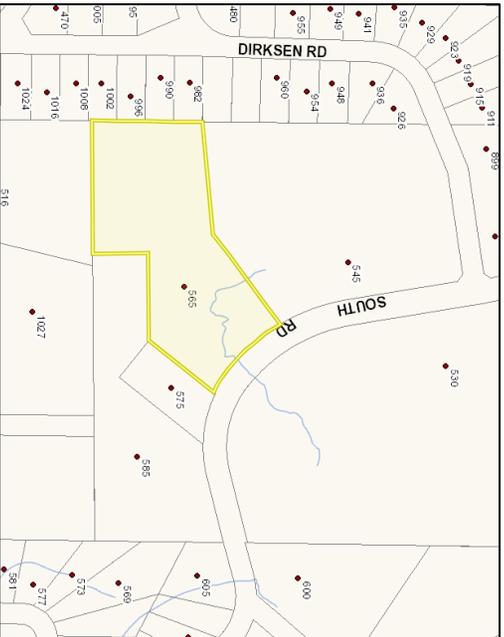


Figure 1: Context Map



Figure 2: Orthophoto

BACKGROUND

Temporary Use Permit (TUP) GB-TUP-2016.2 was issued for the subject property in 2016. At the time, there had been a complaint that the property owners were operating a commercial vacation rental in an accessory building. Several issues were resolved over the course of the original TUP application process, including the issuance of a

development variance permit for the building used for the commercial vacation rental and a Regional District of Nanaimo building permit issued to convert the garage to a dwelling unit.

The Local Trust Committee may issue a permit that allows commercial activities to take place under conditions specified in the permit. The 2016 TUP, which was issued for a period of three years as per Section 497 of the *Local Government Act*, has recently expired and the property owners would like to renew the TUP for three years. The *Local Government Act* states that a TUP may be renewed only once; if after a three-year renewal, the property owners wish to continue their commercial vacation business on the subject property, a rezoning will be required.

ANALYSIS

Policy/Regulatory

Official Community Plan (OCP) policies and the TUP guidelines were reviewed in the previous staff report (GB-TUP-2016.2) dated April 11, 2016 and are addressed in Attachment 1.

Land Use Bylaw:

The property is zoned Large Rural Residential (LRR) in the Gabriola Island Land Use Bylaw No. 177. The intent of the TUP is to allow a use that is not otherwise permitted in the LRR. In this case, the use of commercial vacation rental is not permitted in the LRR zone and, therefore, a TUP is required.

Issues and Opportunities

No issues have been noted with the original TUP. It is expected that the OCP guidelines and conditions of the TUP will continue to be met.

As part of the 2016 TUP, the Registered Onsite Wastewater Practitioner recommended a maintenance schedule and the applicants have confirmed that the maintenance schedule has been followed. The applicants have been asked if they have applied for a groundwater licence from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD); they have not. Existing users have until March 31, 2022 to apply for a water license.

Consultation

There have been no concerns or issues reported associated with the original TUP (Attachments 2 and 3).

In accordance with the *Local Government Act*, there is no statutory requirement to notify prior to the renewal of a TUP. Although there is no formal process regarding notifications as part of the renewal of commercial vacation rental TUPs in the *Local Government Act* or in Gabriola Island Trust Committee Development Procedure Bylaw No. 114, 1992, notices were mailed to neighbours within 100 metres of the subject property on June 21, 2019. No comments have been received.

Rationale for Recommendation

There have been no concerns raised by neighbours as part of the notification process and it is understood that the terms and conditions outlined in the 2016 TUP have been adhered to and are considered acceptable to the community.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that the existing commercial vacation rental will be required to close as a non-permitted use. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-TUP-2019.1 for the follows reasons [insert reasons].

NEXT STEPS

If the TUP renewal is granted, a rezoning will be required to permit the use permanently on the subject property.

Submitted By:	Bronwyn Sawyer, MCIP, RPP Planner 2	July 4, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	July 8, 2019

ATTACHMENTS

- 1. Site Context
- 2. Notice
- 3. Draft Temporary Use Permit

ATTACHMENT 1 – SITE CONTEXT AND POLICIES

LOCATION

Legal Description	Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP569191
PID	018-331-840
Civic Address	565 South Road
Lot Size	2.56 Ha

LAND USE

Current Land Use	Residential/agriculture
Surrounding Land Use	LRR zoning to south and north SRR zoning to west Agriculture zoning across South Road

HISTORICAL ACTIVITY

File No.	GB-DVP-2015.2 GB-TUP-2014.1 GB-TUP-2016.2
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POLICY/REGULATORY

Islands Trust Policy Statement	<p><i>Directive Policy</i></p> <p>4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.</p> <p>4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.</p> <p>5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.</p>
Gabriola Island Official Community Plan No. 166, 1997	<p>DP-3 Riparian Areas</p> <p>Temporary Use Permit Designations and Guidelines</p> <p>h) For commercial rental of single-dwelling residential units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply:</p> <p>i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;</p> <p>ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood;</p> <p>iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider</p>

	<p>issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues;</p> <p>iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued;</p> <p>v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;</p> <p>vi. The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles;</p> <p>vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load;</p> <p>viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;</p> <p>ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week;</p> <p>x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit;</p> <p>xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);</p> <p>xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;</p> <p>xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;</p> <p>xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;</p> <p>xv. a condition of the permit should limit the number of bedrooms to: a maximum of 3 on lots smaller than 2.0 hectares; and a maximum of 4 on lots of 2.0 hectares or larger;</p> <p>xvi. a condition of the permit should prohibit recreational vehicles or camping;</p> <p>xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application;</p> <p>xviii. the Local Trust Committee may require water metering;</p>
--	---

- xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities; and
- xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts.

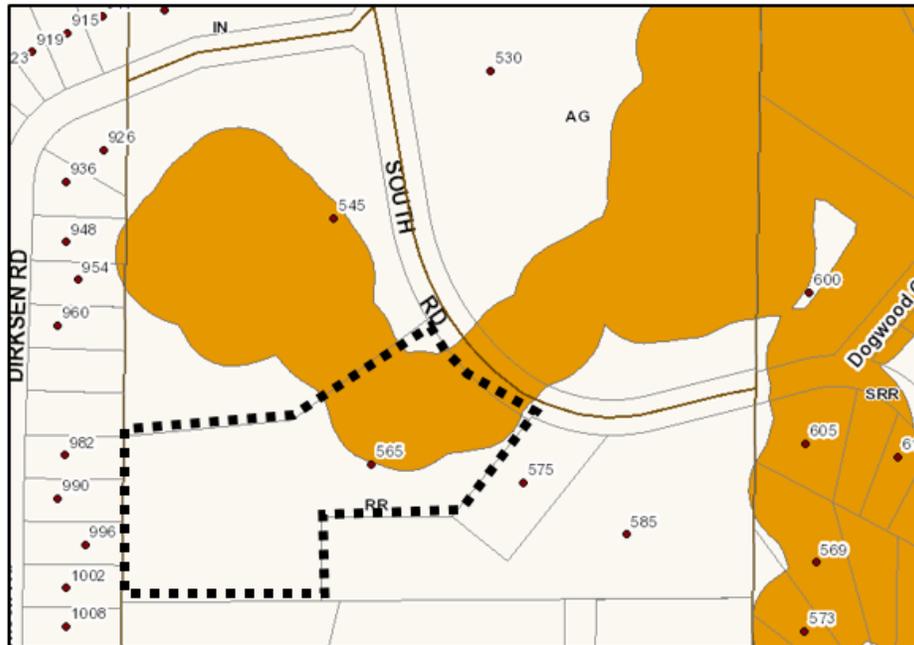


Figure 1: OCP designations and DP-3

Item	Submitted	Compliant	Comments
The Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood	No changes proposed	Yes	
The Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing	Not required in original TUP	Yes	No concerns have been raised by neighbours
A temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	N/A		Not in ALR
The landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest	No	Yes	This requirement was met in the 2016 TUP; however there is no information that a non-domestic water licence has been obtained from the Province has been provided as part of the renewal

	The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	Yes. In original TUP application.	Yes	Based on 2016 TUP information and drawing submitted
	The landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	Yes. In original TUP application.	Yes	In the 2016 TUP review, a maintenance schedule was to be followed. Maintenance confirmed by applicant.
	The landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code	Yes. In original TUP.	Yes	No inspection information supplied for this application; however, inspection took place for original TUP.
	The owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	Yes. In original TUP.	Yes	Stated address of property owners is that of the commercial vacation property
	A condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit	To be done upon issuance of TUP	To be completed	
	A condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	No	Yes	No signage. Confirmed by applicant
Gabriola Island Land Use Bylaw No. 177, 1999	<p>B.6.3 Commercial Vacation Rentals</p> <p>B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee</p>			

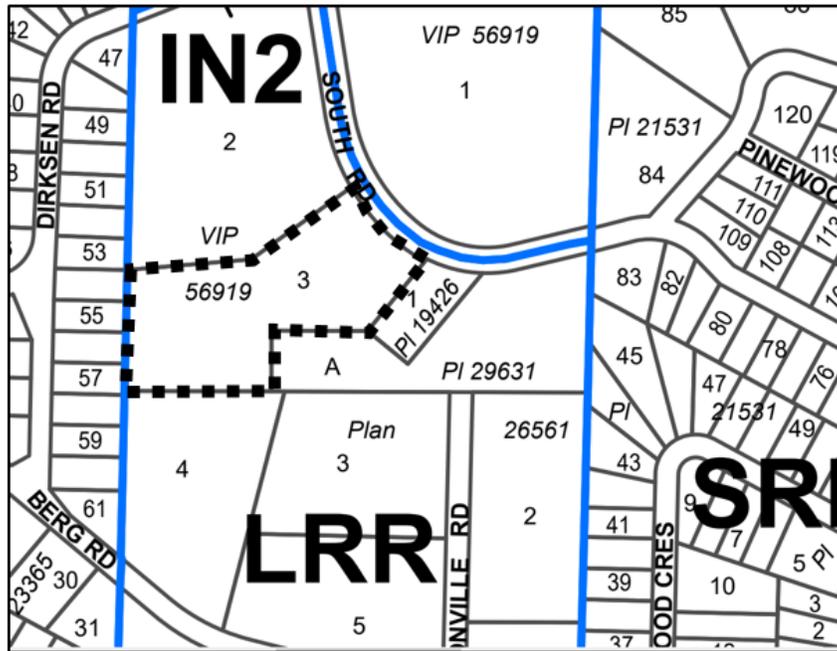


Figure 2: Zoning

Large Rural Residential (LRR):

D.1.2.1. Permitted Uses

a. Permitted Principal Uses

i. single family residential

ii. agriculture, including the sale of agricultural products grown or raised on the lot, but excluding animal husbandry on lots less than 2.0 hectares (4.94 acres)

b. Permitted Accessory Uses i home occupation, subject to Section B.3 ii secondary suite residential, on lots 2.0 hectares (4.94 acres) or larger, subject to Subsection B.6.3.

iii. boarding and breeding kennels, accessory to a residential use, on lots 2.0 hectares (4.94 acres) or larger iv boarding and riding stables, on lots 2.0 hectares (4.94 acres) or larger, accommodating no more than 1 horse per 0.2 hectares (0.5 acres) to a maximum of 30 horses per lot v keeping of animals for the personal use of the resident or landowner

vi. agri-tourism

Other regulations	Assessment of the septic system was done as part of the 2016 TUP application. Regular pumping was stated in the maintenance schedule.
Covenants	EG92506 EG92507 (Gabriola Island LTC –subdivision)
Bylaw Enforcement	GB-BE-2013.4

SITE INFLUENCES

Islands Trust Regional Conservation Plan (2018-2027)	Islands Trust Conservancy staff was notified of the TUP renewal. No recorded issues over the past three years. No impact anticipated with proposed use (vacation rental).
Species at Risk	None mapped
Sensitive Ecosystems	ITEM - Mature Forest/Rural
Hazard Areas	None mapped

Archaeological Sites	No works proposed. The owners and applicant should be aware that there is a chance that the property may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act.
Climate Change Adaptation and Mitigation	No tree or vegetation removal proposed. Car travel/trips can be expected with a vacation rental use.



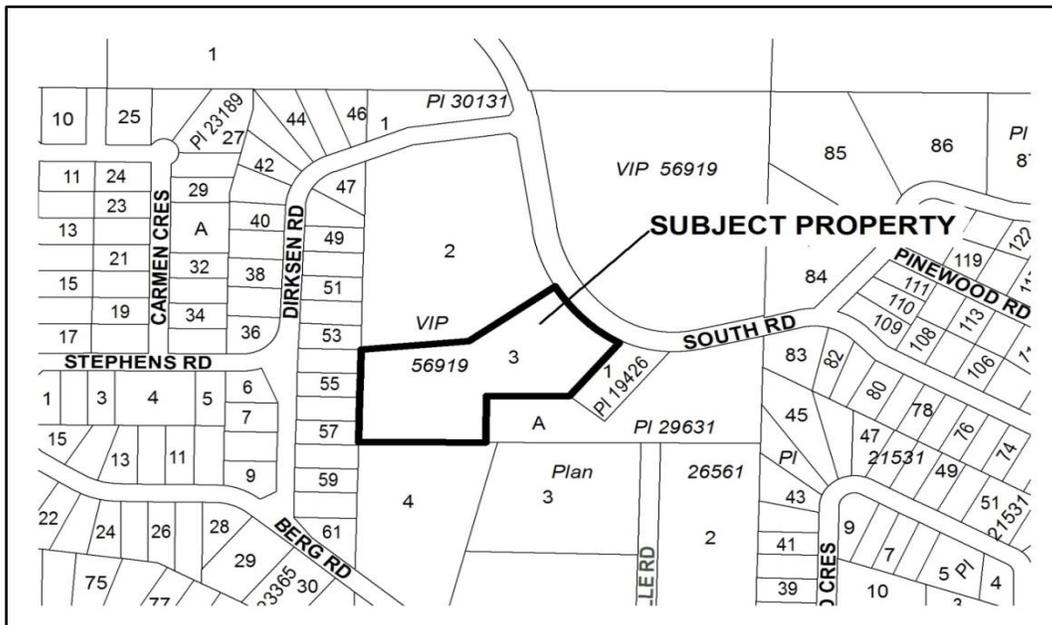
NOTICE
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2019.1 (Dewarle)

(RENEWAL OF PERMIT - GB-TUP-2016.2)

NOTICE is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing the renewal of a Temporary Use Permit, pursuant to Section 497 of the *Local Government Act*.

The purpose of this Permit is to allow the owner to operate a commercial vacation rental on a property legally described as: Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP56919

The general location of the subject area is shown on the following sketch:



A copy of the Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing **June 28, 2019** and continuing up to and including **July 10, 2019**.

Also, attached for your convenience, is a copy of the Permit.

Enquiries or comments should be directed to Bronwyn Sawyer, Planner 2 at (250) 247-2207, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 247-7514; or by email to: bsawyer@islandstrust.bc.ca, before **4:00 p.m., July 10, 2019**. The Gabriola Island Local Trust Committee may consider a resolution allowing for the renewal of the permit during the regular business meeting starting at **10:30 a.m., July 11, 2019**, at the Gabriola Arts & Heritage Centre, located at 476 South Road, Gabriola 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.

Becky McErlean
Deputy Secretary

	<p>GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2019.1 (Dewarle)</p> <p>(RENEWAL OF PERMIT - GB-TUP-2016.2)</p>
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To: Jessica and Aaron Dewarle

1. This Permit applies to the land described below:

PID 018-331-840

Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP56919, shown on Schedule "A", which is attached to and forms part of this Permit.

2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the owner to operate a commercial vacation rental on their property and is subject to the following conditions:
 - a) the owner, or their delegate, will be available by telephone 24 hours/day, seven days per week at (250) 247-7457 Any changes to this phone number must be providing to the Islands Trust within seven (7) working days;
 - b) the owners must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
 - c) the landowner posts for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets [if pets permitted]. The guest information also reminds guests that they are in a residential area, not a commercial area;
 - d) the owner must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
 - e) the owner must provide accommodation for a minimum of two vehicles on the property;
 - f) the owners are restricted to the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;
 - g) the owners are prohibited from renting or providing motorized personal watercraft to rental clients;
 - h) the maximum number of guests is limited to 2 persons per bedroom;
 - i) the number of bedrooms is limited to a maximum of 3;
 - j) recreational vehicles and camping are prohibited; and
 - l) the holder of the Permit, landowner, manager, or management company will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw

Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner, manager, management company or commercial vacation renter for the purpose of investigating a complaint.

3. This Permit expires three years from date of renewal.
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 GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____.

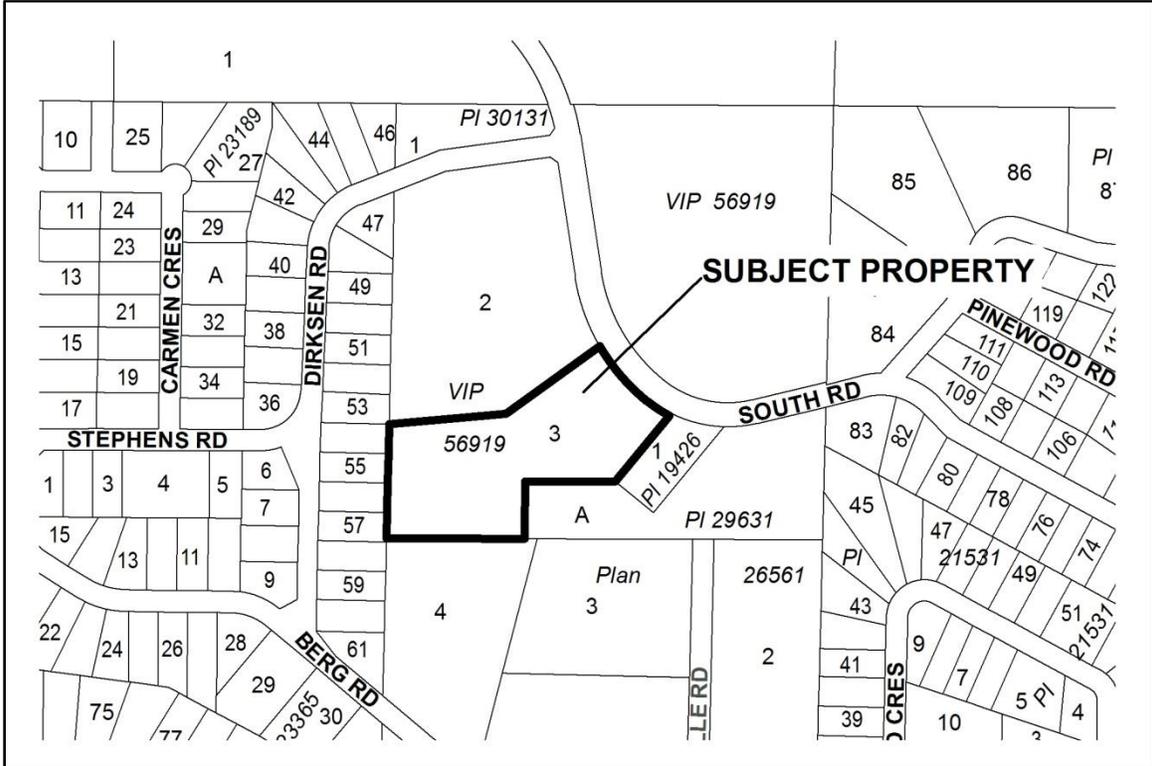
Deputy Secretary, Islands Trust

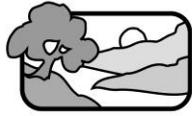
Date Issued

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2019.1

(RENEWAL OF PERMIT - GB-TUP-2016.2)

SCHEDULE A





File No.: 6500-20
(GB Cannabis Regulations)

DATE OF MEETING: July 9, 2019
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Cannabis Regulations Project – Draft Bylaw No. 303

RECOMMENDATION

- 1. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", is not contrary to or at variance with the Islands Trust Policy Statement.**
- 2. That Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", be read a first time.**
- 3. That Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019" be referred to the following agencies and First Nations for comment: Gabriola Advisory Planning Commission; Snuneymuxw First Nation; Agricultural Land Commission; Regional District of Nanaimo; and Islands Trust Bylaw Compliance and Enforcement.**

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider first reading and referral of Bylaw No. 303 (Attachment 1) to amend the Gabriola Island Land Use Bylaw, 1999 (LUB), by adding definitions and regulations related to cannabis and cannabis production. Amendments are needed to reflect the introduction of the federal *Cannabis Act* and changes to Agricultural Land Commission (ALC) regulations. Proposed amendments are consistent with recent legislation and policies of senior government agencies, and with the Gabriola Official Community Plan (OCP).

BACKGROUND

The LTC endorsed the Top Priority “Cannabis Regulations” project on May 16, 2019. The project seeks to update the LUB to ensure consistency with federal and provincial policies and legislation, and the Gabriola Official Community Plan (OCP).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) expresses the commitments of Trust Council and directives to local trust committees regarding the protection of agricultural land. The directive policies have been reviewed to confirm consistency with the ITPS (Attachment 2).

Official Community Plan:

As reported previously, the OCP contains statements regarding industrial and agricultural uses. Heavy industrial uses are explicitly discouraged while light industrial uses are to be evaluated “on their own merits” subject to various criteria. Agricultural policies generally support the preservation and protection of agricultural land. Staff interpret the policies to mean that proposals for cannabis production should be subject to evaluation and approval by the LTC on a case by case basis, rather than be permitted outright.

Land Use Bylaw:

The LUB currently includes regulations regarding marihuana production based on the Minister’s Bylaw Standards (MBS).¹ These regulations are now outdated given the recent introduction of the federal *Cannabis Act* and changes to the ALC regulations. The draft bylaw seeks to amend the LUB as follows:

Amendment	Comments
1. Amend definition of agriculture to exclude cannabis production	The exclusion of cannabis production from the definition of agriculture is required as “agriculture” is a permitted use in many zones. The <i>Agricultural Land Reserve Use Regulation</i> identifies cannabis production as a farm use hence cannabis production would continue to be permitted within the ALR.
2. Amend definition of horticulture to exclude cannabis production	The exclusion of cannabis production from the definition of horticulture is required as “horticulture” is a permitted use in many zones.
3. Add definitions of cannabis production and cannabis products	Defined uses may be generally or specifically permitted (or prohibited) in zones.
4. Add general prohibition for cannabis production	The general prohibition clarifies that cannabis production is generally prohibited in all zones except as permitted in the ALR. Cannabis production may be permitted if specifically listed as a permitted use in a zone.
5. Amend height provision to refer to cannabis production rather than medical marihuana production	The MBS for the height of production facilities is 15.0 metres.

¹ Ministry of Agriculture: Regulating Medical Marihuana Production Facilities in the Agricultural Land Reserve, March 2015: Accessed July 10, 2019. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/medical-marihuana/medical_marihuana_discussion_paper_march_2_2015_final.pdf

	<i>A height regulation may be varied upon application to the Gabriola Island LTC or Board of Variance.</i>
6. Replace indoor marihuana production with cannabis production in the list of permitted uses in the A1 zone.	Maintains previous policy direction to allow marihuana production in the A1 zone.
7. Amend setback provision to refer to cannabis production rather than medical marihuana production AND increase setback from 30 m to 60 m from any lot line.	The MBS refer to a minimum setback of 30 m where a buffer is provided and 60 m where no buffer is provided. The LUB currently has no buffer requirements. Hence, a 60 m setback is suggested. <i>A setback regulation may be varied upon application to the Gabriola Island LTC or Board of Variance.</i>
8. Add a lot coverage limitation in the A1 zone for buildings and structures used for cannabis production to 200 square metres	Given the policy language in the Gabriola OCP, staff recommend that the size of a cannabis production facility be constrained. 200 square metres is the maximum size of a micro cultivation production facility under federal regulations. Note, the current 15 metre height limit could allow a larger facility (on multiple floors). <i>A lot coverage regulation may be varied upon application to the Gabriola Island LTC or Board of Variance.</i>

The LTC may wish to consider further amendments to address the siting, size or location of buildings or structures for cannabis production such as maximum floor/surface area, maximum lot coverage, minimum setbacks, minimum lot size or vegetative screening and buffering requirements. The LTC could also be more restrictive by not identifying cannabis production as a permitted use in the A1 zone. Regardless, cannabis production would continue to be permitted in the ALR subject to ALC regulations, which are currently listed in [Part 2, Section 8 of the ALR Use Regulation](#).²

Climate Change

The Islands Trust Council recently passed a climate emergency resolution, which requires consideration of potential climate change impacts in relation to development applications or bylaw amendment proposals. In this particular case, the LTC should consider the potential negative impacts of large-scale industrial cannabis facilities within the LTA, including a reduction in pervious surfaces, loss of productive agricultural land, potential groundwater extraction and potential greenhouse gas emissions.

Project Charter

Introduction of Bylaw No. 303 for first reading is consistent with the project charter endorsed May 16, 2019.

Consultation

The project charter includes a bylaw consultation phase; the LTC is asked to consider consultation with agencies, First Nations and other affected persons. Staff have recommended limited consultation (given the intent to ensure

² Agricultural Land Reserve Use Regulation: http://www.bclaws.ca/civix/document/id/complete/statreg/30_2019#section8

compliance with current legislation and policies) including referral to the Gabriola Advisory Planning Commission, Agricultural Land Commission, Regional District of Nanaimo and Islands Trust Bylaw Compliance and Enforcement.

Rationale for Recommendation

The recent introduction of the *Cannabis Act* and *Regulations* and changes to provincial legislation have created a new regulatory framework for cannabis. The LUB should be amended in order to be consistent with new legislation and to ensure continued alignment with OCP policies. The Cannabis Regulations project seeks to address current deficiencies in LTC regulations and provide an avenue for community consultation during the bylaw amendment process. The staff recommendation is included on Page 1 of the report.

ALTERNATIVES

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

- 1. **Amend draft Bylaw No. 303, prior to first reading**
- 2. **Receive for information**

NEXT STEPS

Subject to concurrence with the staff recommendations, the bylaw will be referred to agencies and First Nations and the Gabriola Island LTC website will be updated accordingly.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	July 9, 2019
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ATTACHMENTS

- 1. Draft Bylaw No. 303
- 2. ITPS Directive Policies Checklist

DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 303

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation:

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as shown on Schedule 1, attached to and forming part of this bylaw:

READ A FIRST TIME THIS _____ DAY OF _____, 2019

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

READ A SECOND TIME THIS _____ DAY OF _____, 20XX

READ A THIRD TIME THIS _____ DAY OF _____, 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 20XX

ADOPTED THIS _____ DAY OF _____, 20XX

Chair

Secretary

Gabriola Island Local Trust Committee
Bylaw No. 303
Schedule 1

Schedule “A” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by adding the following text to the definition of “agriculture” after the word “farm”:

“but excludes cannabis production”

2. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by deleting the definition of “horticulture” in its entirety and adding the following definition:

“horticulture the cultivation of fruits, vegetables, or ornamental plants for economic gain, but excludes cannabis production;”

3. Part G – DEFINITIONS, G.1 DEFINITIONS is amended by adding the following definitions:

“cannabis production the production, cultivation, synthesis, harvesting, altering, propagating, processing, packaging, storage, distribution or scientific research of cannabis or cannabis products as permitted by the *Cannabis Act* (Canada), and any subsequent regulations or acts which may be enacted henceforth, but excludes the growing of cannabis by an individual for their personal use and consumption;

cannabis products plant material from cannabis and any products that include cannabis or cannabis derivatives, intended for human consumption;”

4. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.2 Prohibited Uses and Buildings, Article B.1.2.1 Prohibited Uses is amended by adding:

j. cannabis production except as permitted on land within the Agricultural Land Reserve.

5. Part B – GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.2.3 Height, Article B.2.3.2, Clause e. is deleted in its entirety and replaced with:

e. 15.0 metres (49 feet) for buildings used exclusively for cannabis production.

6. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.1 Permitted Uses, Clause a. Permitted Principal Uses, Item v is deleted in its entirety and replaced with:

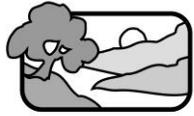
“v Cannabis production;”

7. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item iii last bullet is deleted in its entirety and replaced with:

“ • The minimum setback for buildings, structures used for cannabis production is 60 metres (98.4 feet) from any lot line and 150 metres (492.13 feet) from any school, park or institutional zone.”

8. Part D - ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause b. Lot Coverage Limitations, Item ii text is amended by adding the following bullet:

“ • The maximum combined lot coverage of buildings and structures used for the purpose of cannabis production is 200 square metres (2152 square feet).”



File No.: 6500-20

File Name: GB Cannabis Regulations.

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council’s guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council’s position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>