

Regular Meeting Revised Agenda

Date: June 16, 2022
 Time: 4:00 pm
 Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

			Pages
1.	CALL TO ORDER	4:00 PM - 4:05 PM	
	“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”		
2.	APPROVAL OF AGENDA		
3.	REPORTS	4:05 PM - 4:25 AM	
3.1.	Trustee Reports		
3.2.	Chair's Report		
3.3.	<i>Electoral Area Director's Report</i>		4 - 4
3.4.	First Nation Reports		
4.	TOWN HALL	4:25 PM - 4:35 PM	
5.	MINUTES	4:35 PM - 4:40 PM	
5.1.	Local Trust Committee Minutes dated March 12, 2022 – for adoption		5 - 11
5.2.	Section 26 Resolutions-Without-Meeting - none		
5.3.	Advisory Planning Commission Minutes - none		
6.	BUSINESS ARISING FROM MINUTES	4:40 PM - 5:00 PM	
6.1.	Follow-up Action List dated June 9, 2022		12 - 12
7.	APPLICATIONS, REFERRALS AND BYLAWS	5:00 PM - 5:30 PM	
7.1.	GB-DP-2017.2 (Weston) - Staff Report		13 - 71

7.2.	GB-RZ-2020.1 (Gabriola Housing Society GHS) - Bylaw Nos. 306, 307 and 308) - Staff Report	72 - 103
7.3.	Email dated June 14, 2022 from Chair Rogers regarding Bylaw No. 308 (Housing Agreement)	104 - 104
8.	LOCAL TRUST COMMITTEE PROJECTS	5:30 PM - 5:45 PM
8.1.	Ecological Protection Zone - Staff Report	105 - 110
9.	DELEGATIONS	5:45 PM - 6:00 PM
9.1.	Sibyl Frei, Steven Earle and Tobi Elliott of the Gabriola Land Stewards Society - Presentation - Community Service Zoning Designation for Gabriola	111 - 115
10.	CORRESPONDENCE	6:00 PM - 6:10 PM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10.1.	Email dated February 10, 2022 from J Eastick regarding Statistics Canada and Reverse Record Check	116 - 116
10.2.	Email dated May 30, 2022 from G. Coford regarding Sunken Boat in Degnan Bay	117 - 120
	----- BREAK 6:10 pm to 6:40 pm -----	
11.	NEW BUSINESS	6:40 PM - 6:55 PM
11.1.	Development Approval Information Bylaw No. 150 and New Development Permit Area DP-11 - for discussion	121 - 130
12.	REPORTS	6:55 PM - 7:10 PM
12.1.	Climate Change Action Update	
12.2.	First Nations Relationship Building	
12.3.	Trust Conservancy Report - none	
12.4.	Applications Report dated June 9, 2022	131 - 134
12.5.	Trustee and Local Expense Report dated May, 2022	135 - 135
12.6.	Adopted Policies and Standing Resolutions	136 - 138
12.7.	Local Trust Committee Webpage	
13.	WORK PROGRAM	7:10 PM - 7:30 PM

13.1. Top Priorities Report dated June 9, 2022 139 - 139

13.2. Projects List Report dated June 9, 2022 140 - 144

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for Thursday, July 28, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre

15. ADJOURNMENT 7:30 PM - 7:30 PM

Date: June 16, 2022

To: Gabriola Island Local Trust Committee

From: Vanessa Craig, RDN Director Area B

Subject: Electoral Area Director's Report

Dear Chair Rogers and Trustees Langereis and Colbourne,

I have the following updates to share:

- Huxley Park: The opening celebration for the Gabriola skatepark at Huxley Park was a huge success! Thank to Trustee Langereis for coming by.
- The RDN's Regional Parks and Trails Strategy survey has closed and the data are being analysed. The feedback received will help inform the next draft of the strategy. Updates can be found at the following link: <https://www.getinvolved.rdn.ca/rdnparkstrails>
- The feasibility study on the potential costs and function of creating a community health and wellbeing planner position/contract is continuing. The second stakeholder meeting with members of the Health and Wellness Collaborative happened this week and I thank Scott Colbourne for his participation. The draft is anticipated to be circulated to members for comment in the next few weeks.
- After endorsing the Community Wildfire Resiliency Plan at the Electoral Area Services Committee, a Motion was made at the Board to refer them back to the committee for additional discussion. The reports were again endorsed and will appear on an upcoming Board meeting agenda.
- The current election bylaw restricts mail ballot voting to eligible voters who meet the following criteria:
 - a) Persons who have a physical disability, illness or injury that affects their ability to vote at another voting opportunity;
 - b) Persons who expect to be absent from the Regional District of Nanaimo on general voting day and at the times of all advance voting opportunities; or
 - c) Persons who reside in the following areas of the Regional District of Nanaimo that are remote from voting places at which they are entitled to vote: (i) DeCourcy Island; (ii) Mudge Island.

During the Board meeting this week the Board endorsed making mail-in ballots an option for all eligible voters in the upcoming local government elections in the RDN.

- Members of the Area B POSAC met for a site tour of some parks to discuss park projects, and subsequently met for the POSAC meeting. During the meeting the committee discussed the planned parks/trails and recreation master plan for Gabriola scheduled to occur in 2023.
- The Gabriola Arts Council, Gabriola Museum, Island Futures, and Mudge Island Citizen's Society all were awarded Community Grants through the RDN Community Grant program.
- A community survey is still open until June 17th. It's a short check-in survey with questions about satisfaction with RDN services, how you get information about the RDN and satisfaction level as well as other survey questions. <https://tinyurl.com/57ahjv3b>

Upcoming

- RDN meetings are continuing in hybrid mode with some Directors/staff in person at the RDN Board room (and the public able to attend) and the rest online.
- The next Board meetings are June 28th, July 12th, and July 26th (1 pm start)
- The next Electoral Area Services Committee meeting is July 7th (1 pm start)

Respectfully submitted,

Vanessa Craig



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: May 12, 2022
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

Members Present: Dan Rogers, Chair
 Kees Langereis, Local Trustee
 Scott Colbourne, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
 Sonja Zupanec, Island Planner
 Nadine Mourao, Recorder

Others Present: There were approximately 2 (two) members of the public in attendance.

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Rogers called the meeting to order at 10:32 am, welcomed the public and introduced Trustees, Staff and Recorder. Chair Rogers, Trustee Colbourne, and Trustee Langereis acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Colbourne reported the following and his attendance at the following meetings and events:

- Condolences to the family of Gail Lund;
- Chris Straw posthumously nominated for Community Stewardship Awards;
- Ferry Advisory Committee meeting;
- Social Planning Service function with community members and Gabriola Health & Wellness Collaborative;
- Interested in report on engagement results for the Trust Policy Statement Review; and
- Will not run for re-election in October.

Trustee Langereis reported the following and his attendance at the following meetings and events:

- Meeting with Gabriola Museum and citizens about Community Heritage Commission;
- Trust Programs Committee (TPC) meeting;
- Next week Regional Planning Committee (RPC) meeting;
- Reading 581 pieces of correspondence regarding Trust Policy Statement Review;
- Expressed sadness on the passing of Gail Lund; and
- Not going to be running for re-election next term.

3.2 Chair's Report

Chair Rogers reported the following:

- Impressed by the dedication and hard work of Trustees over this term;
- TPC vetting nominees for the Community Stewardship Awards, announcement of winner anticipated in June;
- A report on full engagement and correspondence on the Trust Policy Statement Review to be compiled for the consideration of TPC and Executive Committee (EC);
- June 21 – 23, 2022 EC electronic meeting;
- Noted the 20th anniversary of Howe Sound Community Forum, and elected representatives of communities around Howe Sound coming together in the spirit of cooperation; and
- Changes within the Trust include the Director of Planning has left his position to become the Director of Legislative Services.

3.3 Electoral Area Director's Report

Vanessa Craig's, Regional District of Nanaimo (RDN) Electoral Area B summarized the report and noted the following:

- Opening celebration for Huxley Park's skatepark on May 28, 2022 from 12:30 – 1:30 pm;
- RDN's Regional Parks and Trails Strategy survey has closed updates may be found at <https://www.getinvolved.rdn.ca/rdnparkstrails>;
- Feasibility study on potential costs and function of creating a Community Health and Wellbeing Planner position underway;
- Electoral Area Services Committee (EASC) and the Board endorsed report on Fuel Management Prescription of the 707 Community Park and the park is now on the list of prohibited parks under Bylaw No. 1801, 2019;
- Community Wildfire Resiliency Plan for Area B report identifying steps for the RDN to take and grants to improve community's resiliency to wildfire;
- Meeting with Gabriola Health & Wellness Collaborative;
- EASC received building permit activity update;
- RDN Board requested Bylaw Enforcement tools review;
- Requested letter of support to Ministry of Transportation and Infrastructure (MoTI) from Trustees for a playground zone and crosswalk at Huxley Park; and
- Requested MoTI look at North/South road and North/South road/Taylor Bay intersections.

3.4 First Nation Reports

Chair Rogers noted continuing First Nations engagement around the Trust Policy Statement Review process and Cultural Heritage Mapping.

4. TOWN HALL

No comments from the public.

5. MINUTES

5.1 Local Trust Committee Minutes dated April 7, 2022 – for adoption

By general consent the Local Trust Committee meeting minutes of April 7, 2022 were adopted.

5.2 Section 26 Resolutions-Without-Meeting - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated May 3, 2022

Received.

7. APPLICATIONS, REFERRALS AND BYLAWS

7.1 GB-RZ-2020.1 (Gabriola Housing Society - GHS) - Staff Report - for decision

Planner Zupanec provided an overview of the report which asked the Local Trust Committee (LTC) to consider two amendments to proposed Bylaw No. 308 (Housing Agreement) and noted the following points:

- Email correspondence between Gabriola Housing Society (GHS) and Snuneymuxw First Nations indicated that Snuneymuxw does not oppose the proposed Paisley Place development and they will meet with GHS in the future to finalize a prioritization statement in the housing agreement; if there are wording changes, an amendment may be required; and
- Two minor amendments provided clarity on definition of low and moderate income limits according to the BC Housing definition and household income to not exceed low and moderate BC Housing income limits.

Discussion ensued and the following key points were noted by Trustees:

- Concerned with definition of affordable housing funder to include “other”, interested in “similar” agencies rather than “other”;
 - Planner Zupanec noted that affordable housing funders are in the business of providing affordable housing grants to support building affordable housing units, these similarities are captured in “other” to include other agencies that provide affordable housing grants;
- Section c. i. indicated “either/or” concerned that “or” may indicate no income limits;
- Interested in Galiano Island’s Official Community Plan (OCP) definition of affordable housing of no more than 30% median income of the area;
- Concerned with tying affordability to median income as this measurement may be skewed by higher incomes and may result in unaffordable rental units;

- In a housing crisis we must work together with others and the flexibility in Housing Agreement allows for that;
- Understood need for locking down provisions, however, balance in flexibility needed for obtaining affordable housing funding; and
- Content with the safeguards for low and moderate income rent affordability in Housing Agreement.

Ian Scott and Nancy Hetherington Peirce noted the following:

- Looking for flexibility in Housing Agreement as there is intense competition for government affordable housing funding, flexibility allows GHS to pursue broader avenues of funding for affordable housing;
- Non market and market rents not assigned to units, allowing flexibility for people and practicalities; and
- Market rental units are linked to local market rents within RDN and local area.

GB-2022-041

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be amended by:

- a. adding the following text at the end of Section C. Affordable rental housing eligibility, subsection i. b) “, and in no circumstance shall the Household’s Annual Household Income exceed the Low and Moderate Income Limits.”; and
- b. adding the following after the definition of “Lands” in Article 1. a): “Low and Moderate Income Limits means the Low and Moderate Income Limits as published by BC Housing from time to time.”

CARRIED

Trustee Langereis Opposed

GB-2022-042

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be amended by removing the word “other” in the definition of “Affordable Housing Funder” in Article 1, section a. Definitions and replacing that word with “similar”.

DEFEATED

Trustee Colbourne and Chair Rogers Opposed

GB-2022-043

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020”, be read a second time as amended.

CARRIED

Trustee Langereis Opposed

GB-2022-044

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020”, be read a third time.

CARRIED

Trustee Langereis Opposed

GB-2022-045

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Trustee Langereis Opposed

By general consent the meeting was recessed at 12:34 pm and reconvened at 12:46 pm.

7.2 Bylaw No. 311 - for consideration of adoption

GB-2022-046

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 311 cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be adopted.

CARRIED

8. LOCAL TRUST COMMITTEE PROJECTS

Planner Zupanec noted that the Density Donation Outreach project is ongoing and Planning Manager Kauer hoped that the Ecological Zone project Staff report would be on the next regular meeting agenda.

The Active Transportation Project final report engagement continues with community agencies.

Chair Rogers requested that all correspondence be put in meeting Agendas to ensure public transparency.

9. DELEGATIONS - none

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Community Heritage Commission - Trustee Langereis - for discussion

Trustee Langereis met with Gabriola Museum Society and community members regarding establishing a Community Heritage Commission and noted the following key points:

- Supported Gabriola Museum Society with initiative as it fits within the Museum’s mandate and noted the Museum’s good working relationship with Snuneymuxw First Nations;
- Interested in a more informal committee so not to impact work load of Staff, enquired on options to establish an advisory committee; and
 - Staff to report back to LTC on structure of Advisory Planning Commission and if possible to establish a more informal Community Heritage Commission that does not have to adhere to strict administrative pieces.

Trustees noted the following points:

- Other islands have Heritage Registries but not Commissions;
- Interested in a simple way to do this important work rather than making it into a full project;
- Suggested RDN as a possible partner;
- Interested in Snuneymuxw First Nations inclusion on Community Heritage Commission; and
- Committee may inform heritage overlay mapping and reconciliation activities across the Trust Area.

GB-2022-047

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee request Staff explore the feasibility of establishing a Community Heritage Commission.

CARRIED

11.2 Annual Report - Staff Report

GB-2022-048

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the following text for inclusion in the 2021-2022 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing:

The Gabriola Island Local Trust Committee (GBILTC) held seven regular business meetings, one Public Hearing and two special business meetings in the 2021/22 fiscal year, for a total of 10 meetings.

Work for this period focused on advancing the GBILTC priority to address the Housing Options and Impacts Review Project.

The GBILTC also advanced bylaws to allow an expansion of community uses and a 24 unit affordable housing proposal.

From April 1, 2021 to March 31, 2022, the GBILTC received and considered applications for four development variance permits, three development permits, two liquor and cannabis board referrals, and three temporary use permits. During the same time period staff also reviewed 72 building permit referrals, two crown lease referrals, and one subdivision referral for development proposals in the Gabriola Island Local Trust Area.

The GBILTC applied for, and received, a Union of British Columbia Municipalities active transportation grant to conduct a transportation-planning project. As a result, planning students from Vancouver Island University developed a multi-modal visioning document that addressed safe pedestrian and bicycle connections between the Gabriola Island ferry terminal and the newly installed trail on North Road.

CARRIED

12. REPORTS

12.1 Climate Change Action Update

Received and Chair Rogers noted his attendance at the Salish Sea Ecosystem Conference and recommended viewing the recorded sessions.

12.2 First Nations Relationship Building - none

12.3 Trust Conservancy Report dated March 22, 2022

Received.

12.4 Applications Report dated May 3, 2022

Received.

12.5 Trustee and Local Expense Report - none

12.6 Adopted Policies and Standing Resolutions

Received.

12.7 Local Trust Committee Webpage

No updates requested.

13. WORK PROGRAM

13.1 Top Priorities Report dated May 4, 2022

Received.

13.2 Projects List Report dated May 4, 2022

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, June 16, 2022 at 4:00 pm at the Gabriola Arts and Heritage Centre

15. CLOSED MEETING - none

16. ADJOURNMENT

By general consent the meeting was adjourned at 1:27 pm.

Dan Rogers, Chair

Certified Correct:

Nadine Mourao, Recorder

Follow Up Action Report

Gabriola Island

07-Apr-2022

Activity	Responsibility	Dates	Status
1 Density Donation Outreach Program: - revised project charter endorsed (update budget to reflect actual spent in last fiscal) - prepare a draft information package for the program and refer to HAPC for review and comment before going to LTC - try to coordinate mail out with any Trust wide mail out initiatives	Sonja Zupanec		In Progress

12-May-2022

Activity	Responsibility	Dates	Status
1 BL 308 (Housing Agreement) amended; given 2nd and 3rd readings; forward to EC for approval.	Becky McErlean Sonja Zupanec		Completed
2 BL 311 (Fees) adopted.	Becky McErlean		Completed
3 Staff to report back to LTC on feasibility of establishing a community heritage commission.	Heather Kauer		In Progress
4 LTC endorses annual report text.	Heather Kauer		Completed

File No.: GB-DVP-2017.1 & GB-DP-2017.2

DATE OF MEETING: June 16, 2022

TO: Gabriola Island Local Trust Committee

FROM: Stephen Baugh, Planner 2
Northern Team

SUBJECT: Revegetation Plan for Compensatory Planting
Applicant: Robert Fenton
Location: Acorn Island; PID 009-796-045; DISTRICT LOT 19 (FLAT TOP ISLANDS)
NANAIMO DISTRICT

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve the revegetation plan prepared by JPH Consultants and attached to this report as Attachment 1 as sufficient to meet requirement 3(b) of Covenant CA7939129.

REPORT SUMMARY

The purpose of this report is to present a revegetation plan submitted by the property owner of the above property to the Gabriola Local Trust Committee (LTC) to determine if it is sufficient pursuant to Covenant CA7939129 registered on Title and granted to the LTC by the owner. The covenant was granted by the owner prior to issuance of a Development Variance Permit (GM-DVP-2017.1) and Development Permit (GM-DP-2017.2) for the subject property.

Staff are recommending the LTC approve the revegetation plan as sufficient.

BACKGROUND

Acorn Island is a private island located east coast of Gabriola Island. In 2017, Islands Trust received a Development Permit and Development Variance Permit application for the property as a result of bylaw enforcement action. The LTC made the following resolutions at the meeting of November 28, 2019:

GB-2019-117

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2017.1 conditional upon confirmation of registration of the restrictive environmental covenant as amended by the Local Trust Committee on September 12, 2019 and the registration of a notice on the subject property land title pursuant to Section 32 of the Heritage Conservation Act for the protection of archaeological resources.

CARRIED

GB-2019-118

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2017.2 following the issuance of GB-DVP-2017.1.

CARRIED

In April of this year staff received confirmation that both the environmental covenant and the Section 32 Heritage Conservation Act notice were both registered on title and as a result the DVP and DP were issued on April 28, 2022.

Some of the requirements of environmental covenant, CA7939129 (Attachment 2), require the submission of reports to the LTC for approval, including the revegetation plan that is the subject of this report. The Covenant also requires that two engineer's reports be submitted to the LTC for analysis of the Riprap Wall.

To address requirement 3(b) of the Covenant the applicant has submitted the plan which is attached to this report as Attachment 1.

3(b) *within 3 months of the date of issuance of the Development Variance Permit, submit the revegetation plan to the GILTC for its approval as to the sufficiency of the plan*

The Covenant also states that the GILTC may withhold approval if the document does not achieve the purpose contemplated for the plan. The purpose of the revegetation plan is to provide compensatory planting for areas destroyed or degraded by the construction of a house and Riprap Wall.

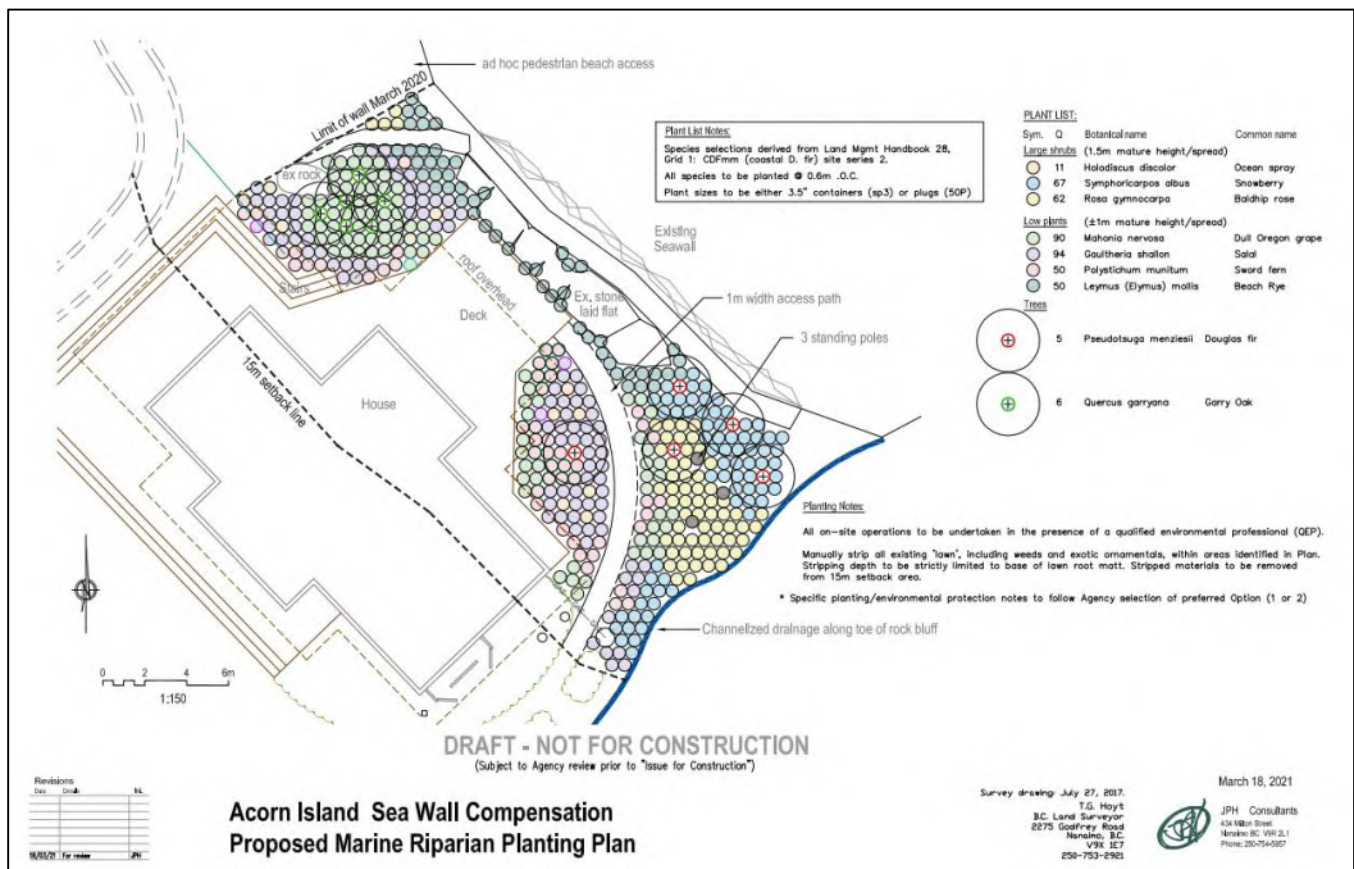


Figure 1 Revegetation Plan

ANALYSIS

Issues and Opportunities

The requirements for the revegetation plan are listed in the covenant as:

- Be prepared by a member of the BC Society of Landscape Architects with experience in landscaping with plants native to the southern Gulf Islands
- Apply to the area of Land that was disturbed by the construction of the dwelling and the Riprap Wall
- Include provision of compensatory habitat in respect of riparian habitat that has been destroyed or degraded by the construction of the house and Riprap Wall
- Involve the removal of non-native vegetation and the planting of native species. In particular, the native species listed in Section 4.1.1.1 of the Addendum to the Covenant.

The object of this part of the covenant is to ensure that the riparian habitat that was destroyed or degraded by the construction of the Dwelling and the Riprap Wall are replaced by appropriate vegetation that is suitable to the marine riparian environment, non-native vegetation is removed, and that the work is completed in a reasonable timeframe. The applicant has provided documentation to staff showing that the compensation planting work has already been substantially completed (Attachment 3).

Rationale for Recommendation

Staff find that the revegetation plan meets all of the requirements of the covenant with the exception that some species listed in the addendum were not planted including Arbutus, Shore pine and Bigleaf maple. However, this is addressed in the report that accompanies the revegetation plan. The report states Arbutus would not be possible to plant without disturbing an archaeological site, the Bigleaf maple is not suitable for this particular location, and that the site can only support a very limited variety of trees given the biogeoclimatic sub-zone of this specific location. Given the reasons provided and that the vegetation plan consists entirely of species selected to be appropriate for this site staff consider the revegetation plan sufficient to achieve the purpose of providing a compensatory habitat in respect of the house and Riprap Wall that were constructed on the site.

The LTC should be aware that the compensation planting in accordance with the revegetation plan submitted in Attachment 1 has already been completed and future changes to the planting should ensure existing native vegetation is maintained and remains established despite any disturbance as a result of the future compensatory planting taking place.

ALTERNATIVES

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

1. Ask the applicant to provide an amended plan

The LTC may ask the applicant to amend the revegetation plan if the document does not, in its reasonable opinion, achieve the purpose contemplated for the plan. The LTC could provide their own recommended amendments or request that a qualified professional amend the plan. Staff note that if a qualified professional amends the plan, this would be done at the Owner's cost. If this alternative is selected, the LTC should state the reasons for delaying approval. Recommended wording for the resolution is as follows:

1. *That the Gabriola Island Local Trust Committee request the owner to submit a revised revegetation plan prepared by JPH Consultants, or another person with equivalent qualifications, that includes [insert information/alterations required to address deficiencies of report].*

NEXT STEPS

If the LTC agrees with the staff recommendation, the owner can proceed to maintain all plantings to ensure their survival and replace any specimens that do not survive transplantation.

Submitted By:	Stephen Baugh Planner 2	May 30, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	June 2, 2022

ATTACHMENTS

1. Revegetation Plan
2. Covenant CA7939129
3. Substantial Completion of Compensatory Planting



March 16, 2021

Islands Trust

Northern Team
200 1627 Fort Street
Victoria, BC V8R 1H8

By email: grichardson@islandstrust.bc.ca

Attention: Gary Richardson, *Island Planner*

Re: GB-DVP-2017.1 (Weston- Acorn Island) - PID 009-796-045, District Lot 19 (Flat Top Islands), Nanaimo District - Marine Riparian Habitat Compensation Planting

Dear Mr. Richardson;

Following are our recommendations for establishing a 15 metre width habitat compensation planting at the main residence on Acorn Island near Gabriola Island, British Columbia. The purpose of the planting is as compensation for un-permitted construction of a sea wall on the subject property and for construction of the house in contravention of the required setbacks. The compensation planting is a requirement of:

Rob: can you provide the details here? Who is requiring (Islands Trust _____) - file # or other reference?

The proposed planting is based on:

- Communications with Robert Fenton Law Corporation and Caurinus Environmental consultants
- An on-site investigation accompanied by Robert Fenton, Erin O'Brien of Caurinus and Jack Reid, caretaker for the Acorn Island property on behalf of the owners - Ms Judith Weston.
- over 30 years experience as a practicing professional landscape architect in British Columbia and over 15 years specifically in marine soft shore protection and marine riparian* habitat restoration on SE Vancouver Island.

* "marine riparian" area (or 'zone') - means the transitional area ('ecotone') between the upland, terrestrial ecosystem and the upper, intertidal portion of the marine ecosystem. In legal land survey, the point at which marine influences are superseded by permanent terrestrial vegetation marks the Natural Boundary.

Credentials and Experience

JPH Consultants is a Vancouver Island based landscape architectural consultancy with over 15 years of design- and field experience in assessing low-bank marine shoreline erosion; in remediation using soft shore protection techniques; and in restoring marine riparian habitat 'function' as described further in this report.

Our initial shoreline projects in Campbell River (Dick Murphy Park 2004 & 2008) were the first significant projects of their type on the Island - chosen by the Green Shores initiative for the pilot application of their rating system for more sustainable management of marine shoreline. Green Shores is a Stewardship Centre for BC inter-agency program that provides science-based tools and best practices to minimize the impacts of development and to restore shoreline ecosystem function.

JPH has specialized in native plant community conservation and remediation for BC Parks including preparing vegetation management plans for Rath Trevor Beach, MacMillan (Cathedral Grove); Stawamus Chief and Shannon Falls Provincial Parks.

JPH provided expert opinion and advice to Islands Trust regarding an unlawfully constructed sea wall on Thetis Island (reference: *Marine Area - Seawall - TH-DVP-2015.2 – Trincomali Holdings - Impact Assessment, July 15, 2016*).

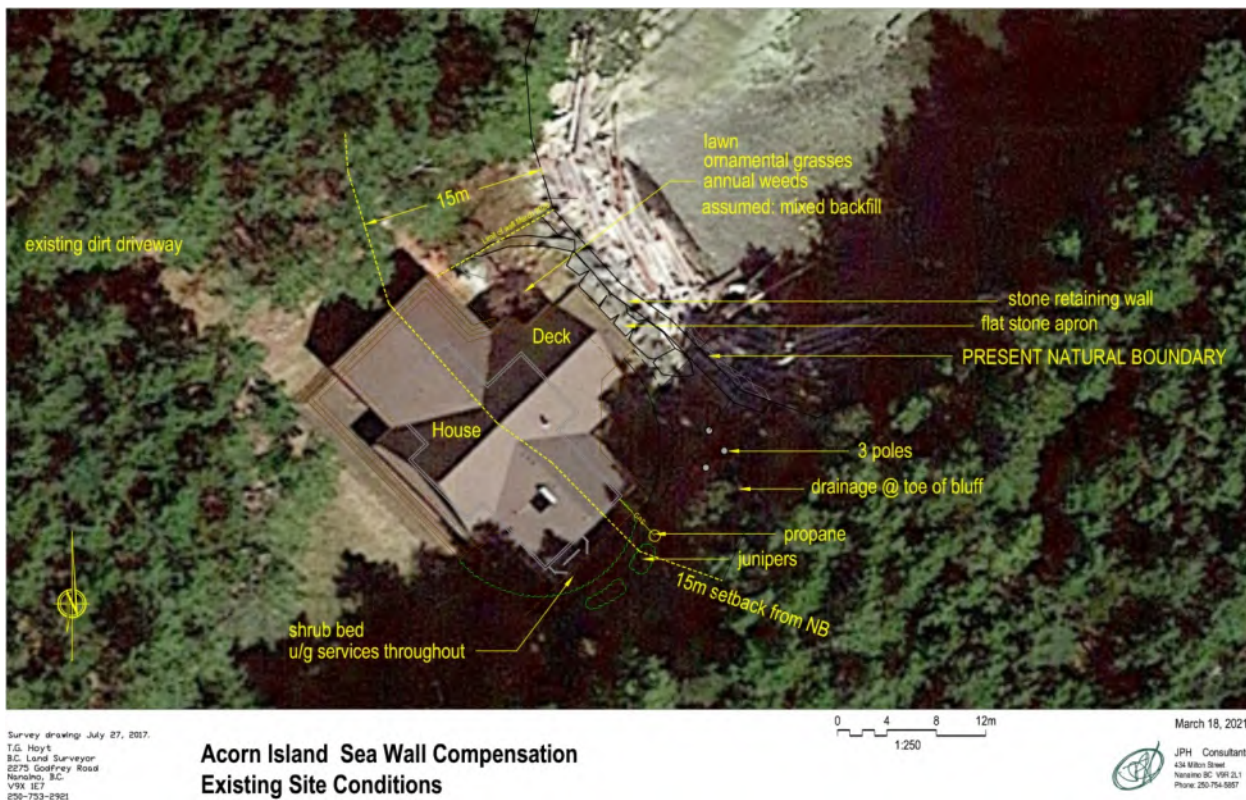
General Background Information

Acorn Island is one of the Flat Top Island group, located at the east end of Gabriola Island BC (**Map 1** Location Plan - right).

Approximately ten hectares (9.7), in size, the Island has a main house plus a number of smaller accessory structures.



This report focuses *only* on the main house site - specifically the area behind an un-permitted stone seawall on the shoreline immediately adjacent the house (**Map 2** - Main house and retaining wall - existing conditions - below). Note extent of mid-day shade cast by the trees on the ridge to the SE.



Mapping & Data Sources

The maps and plans presented herein are based on a July, 2017 legal land CAD survey file provided by Tom Hoyt, BCLS, and are drafted to scale.

Satellite imagery is derived from Google Earth Pro - using a GIS 'path' (line) of defined length for insertion into the CAD file, at scale. Note: that the image is not 'ortho-rectified' (i.e. not tied to the NAD83 coordinate system) and is only used to provide contextual information in an interpretive underlay.

Inventory/Assessment *(Map 2- Existing Conditions, preceding page)*

On-site inventory/assessment - JPH visited the property on Jan 21, 2020 - accompanied by Robert Fenton, LL.B?, Dr Erin O'Brien, registered professional biologist (R.P.Bio.) of Caurinus Environmental consultants and Jack Reid, caretaker for the Acorn Island property.

The purpose of the site visit was:

- to ascertain existing conditions between the sea wall and a 15m setback proposed to contain a 'marine riparian' plant community; and to determine the potential to provide the 'ecological services' of a functioning marine riparian zone (refer to Assessment Results and Discussion)
- to document natural and culturally-influenced site factors beyond the riparian strip that would constrain or support the establishment of a proposed plant community; and
- to assess existing site factors affecting logistics of implementing a planned marine riparian planting; and
- to characterize the existing forest community - confirming growing conditions (i.e. summer soil moisture and fertility) and species representation.

During our site visit we mapped and photographed all relevant features/factors within the general area of the main house - that were not included in the survey drawing.

We estimated the proposed extent of the compensation planting with a 30m metric tape measure - to determine conflicts with, or adjustments to functional aspects of: accessing doors, walking around the house and accessing and maintaining above- and below-grade services infrastructure. We also mapped existing vehicular and pedestrian circulation patterns.

Finally we estimated the extent of soil disturbance behind the sea wall and for the main house excavation footprint for both the foundation of the structure; and the installation of water lines, cisterns, septic system infrastructure - located at the southeastern end of the house.

Assessment Results and Discussion

General Site Characterization

Acorn Island (*Image 1 - right*) is one of the Flat Top Islands, a group of relatively low, small, forested islands within 0.5km of the Silva Bay Marina at the east end of Gabriola Island, BC.

The island has no constructed roads or public infrastructure. Access to the property is by boat, docking at a private dock on the NW side of the island. Originating from the dock area is a network of vehicular 'tracks' that have provided the means to move materials and so forth between the dock and the house, and to other structures at various diffuse locations on the island.

The following climatic data is from the Meteoblue website (www.meteoblue.com) for Gabriola Island - used under Creative Commons licensing 'BY-NC-SA' - for data use)

Storm Exposure: Storm exposure is a consideration in assessing site suitability with respect to wind firmness of proposed plantings - and in determining appropriate riparian plant selections.

Acorn is an 'outside' island in the group and so is exposed to the seasonal weather systems that cross the Salish Sea. Due to the island form, shape and orientation, however, the house is relatively sheltered from winter storm winds originating from the predominant (60%) SE, ESE and East directions. The house site is similarly sheltered from the second-most common storm wind direction (30%), originating from NW-N compass quadrant; as well as less common (10%) storms from the NE, that typically have lower sustained wind speeds.

Precipitation: Precipitation amounts are highest during the period of November-March - corresponding to the period when plant uptake of soil moisture is lowest i.e. during winter dormancy. In contrast, the May-September summer period has low precipitation and 'water deficit' conditions routinely develop through the months of July - September. With water deficit, moisture losses in the soil exceed moisture inputs - from precipitation and ground water. On typical forested sites (see below) *established* plants are summer-drought-adapted and become dormant through the moisture-deficit months.

Seasonal precipitation patterns affect which species to plant and when. It also affects availability of water to 'irrigate' plantations.



Bedrock and Soils: We understand that the main house site has potential archaeological significance (midden) - excavation is counter-indicated. We thus did not dig soil pits to assess depth, texture and 'A' horizon development (the location of available nutrients). The following surface observations are based on extensive local experience of geographically-similar sites in the Nanaimo area of SE Vancouver Island.

The upland areas of the island are predominantly bedrock (Nanaimo series sandstone) underlying thinly developed soils (reflected in the relatively low-productivity forest).

The house site is located at the bottom of a drainage landform between two low, roughly parallel ridgelines. Through the passage of geological time differential erosion of the sandstone strata resulted in erosion/formation of both the bay itself, and the drainage draw leading inland from it. Soils accumulated downslope - yielding a 'u'-shaped site suitable for *potential* habitation where the drainage meets the shoreline. In its predevelopment topographic form one would expect to find a concave cross section between the low ridgelines. However the terrain around the house is not u-shaped. It is flat and level (**Images 2 & 3** - below).

Image 2 - Notice the 'signature' relationship between forested bluffs and the bay form - a fanning/widening throat approaching the sea is a clear sign of the pre-existing drainage pattern. Seasonal drainage would be expected to flow at an intermediate point between the bluffs in a drainage 'draw' - however it has been re-contoured and levelled. Drainage has been diverted to the toe of the southeasterly bluff



(**Image 3** - right). Drainage is in an *artificial* position - it has been diverted from a lower position in the pre-existing draw - to between the bluff face and the flat lawn fill. All of the soil on this side of the House has been disturbed/re-graded. Note lawn area disturbance for propane service line. Sub-surface sanitary and water services will have been excavated for as well.



The significance of the as-found landscape form (levelled):

1. The grading activities associated with the house and the sea wall construction will have resulted in native soils being moved, mixed and in some cases, inverted with back filling.
2. Sufficient available soil depths - for mitigative planting - are substantiated by existing planting beds at the SE side of the house.
3. The NW side of the house at the driveway track is in 'cut' (i.e. was *excavated* to design grade while the SE side of the house is on fill.

Items 1 and 3 are further discussed in the Analysis and Recommendations section

Existing Vegetation - The following is based on our site interpretation using "A Field Guide for Site Identification and Interpretation for the Vancouver Forest Region - Land Management Handbook No. 28". Acorn Island falls within the "moist maritime coastal Douglas fir "biogeoclimatic" sub-zone: i.e. CDFmm - Site Series 2: poor soil nutrient regime and very dry summer soil moisture regime.

Site series 2 is distinguished from moister, more productive series by having minor components of Garry oak (*Quercus garryana*) and arbutus (*Arbutus menziesii*) typically on south and west-facing openings, *but* with a general absence of bigleaf maple (*Acer macrophyllum*), western redcedar (*Thuja plicata*) and grand fir (*Abie grandis*)

Existing trees (predominantly Douglas firs) exhibit low diameter and taper with compact crowns and are growing on thinly-soiled bedrock. Over much of the built-upon portion of the Island, understory vegetation is either absent or limited to small isolated copses of salal (*Gaultheria shallon*); snowberry (*Symphoricarpos albus*); ocean spray (*Holodiscus discolor*) and baldhip rose (*Rosa gymnocarpa*).

(Image 4 - right)

Foreground: Typical non-native landscape including lawn annual weeds and exotic grasses in foreground - on disturbed fill soils.

None of the species planted behind the sea wall is appropriate for the marine riparian zone.

Back ground: With an under-developed soil profile and very dry ('xeric') summer soil moisture - site series 2 locations can only support a very limited variety of trees. The trunk of a Garry oak is just visible at the right margin of the image (off-site).



The existing native vegetation reveals that (a) the site is droughty in the summer; (b) species diversity (particularly with trees) is low and is limited by low soil moisture and (c) growing site productivity - expressed in the short annual tip growth of the firs - is also low.

These important ecological factors constrain what species and sizes will survive and how/when they should be planted and tended (see Analysis and Recommendations section).

Analysis & Recommendations

Marine Riparian Function - Ecosystem 'function' (process or 'service') is the capacity or capability of the ecosystem to do something that is potentially useful to people. The conceptual framework attempts to deal with the nexus between social and ecological complexity by asking questions of what functions are lost, gained or compromised with alteration - both, to the (assumed) natural functioning of the ecotone between two systems (e.g. terrestrial and marine) and; to the services benefitting the social sphere.

To date the ecosystem services research in British Columbia has been concentrated in fresh water ecosystems - for the management of salmonid spawning and rearing habitats.- and where the connection between ecosystem 'health' and socio-economic interest is clear. Although there are a number of assumed relationships between (for example) the marine riparian shoreline and the distribution of forage fish spawning substrate on the beach, or eel grass beds in the nearshore - the interrelationships generally remain incompletely quantified.

The following brief summary of recent research on the *marine* riparian ecotone is based on: Brennan, J.S., and Culverwell, H., 2004 "Marine Riparian: An Assessment of Riparian Functions in Marine Ecosystems".

- There is a lack of directed study for defining all *marine* riparian functions/values - therefore a lack of definitive standards and practices to protect, enhance or mitigate impacts therein.
- Marine riparian function is assumed to be similar to freshwater riparian function.
- Early research indicates that altering the physical shoreline can cause changes in the biological structure, functioning and use of shoreline and nearshore habitats. Removal of shoreline vegetation can reduce the provision of shade, insects and woody debris to the intertidal zone for forage fish which are resources for salmon.

The following marine riparian ecosystem functions are derived from Brennan and Culverwell. Where applicable, the services that may have been compromised with construction of a seawall, are analyzed for mitigation.

1. **Soil/slope stability and sediment control** - The current site is level to gently sloping and has complete surface vegetation. Sediment and erosion control are not an issue from the terrestrial side. The future risk for landward erosion from storm waves at the wall is unknown.
2. **Wildlife habitat** - Vegetative habitat for wildlife is generally absent in the area directly abutting the back of the wall. Structurally there is nothing above the ground plane, which is mostly covered in exotic (non-native grasses). Typically ecotones such as marine riparian ones exhibit higher habitat biodiversity reflected in higher faunal diversity, however such diversity is absent at the main house shoreline. Stacked/un-mortared stone walls do provide cover and rearing habitat for small mammals (mink) and invertebrates.
3. **Microclimate** - Due to their proximity and orientation, the forest-covered bluffs paralleling the main house site provide moderating shade during the hotter and drier months of summer (see Map 2, page 2 - satellite image dated August 2016). Shorter duration, mid-day sun will be a limiting factor in (a) which shoreline species likely occurred prior to home construction (under that light regime) and therefore (b) which mitigative riparian planting will be best adapted.
4. **Water quality** - this is typically an urban consideration. Because the site is remote, unpaved and not used industrially or subject to intense development - water quality is likely unaffected*.

* assuming no use of garden herbicides, pesticides or fertilizers.

5. **Nutrient input** - Organic detritus is a principal food source for food webs in the intertidal zone and nearshore. The intertidal zone extends from low tide to the existing natural boundary and represents the active zone in which twice-daily tides rise and lower - to intermediate points in calm weather and to the natural boundary in large winter storm conditions under a high tide.

Currently the potential for nutrient input is very low at mid-point behind the wall, however the flanking, forested landforms support this function at the two bay sides. Note that deciduous trees (in form

and ecological function) are presumed to deliver larger amounts of detritus to the intertidal. However, very dry and nutrient poor site series (i.e. CDFmm site series 2) do not support red alder or bigleaf maple - two regionally-common deciduous species that would often fulfill that ecological function in the moister, richer coastal Douglas fir site series.

Arbutus and Garry oak are the common broadleaf trees in site series 2. Arbutus is present *on-site*, however, in stunted form due to limited sunlight hours. These individuals do not substantively contribute to either shading or nutrient input at the beach. Garry oak are shade intolerant as well and are not present on-site - however there is one, within 20m of the NE boundary of the compensation area - on the south-facing side of the bay. While Garry oak is slow growing there is potential to introduce them into the NE side of the site which has sufficient sun exposure to support them. Eventually they will be large enough to contribute to the beach nutrient budget and will contribute to species diversity in the canopy.

6. **Fish prey production** - while researchers suggest the functional linkages between riparian areas and marine aquatic systems few establish direct linkage between specific prey species originating in the marine riparian with marine fish. Studies of juvenile salmonids in estuarine areas such as the Fraser estuary and in Puget Sound suggest (by stomach contents sampling) that terrestrial insects can constitute a large proportion of their diet
7. **Large Woody Debris** - while with fresh water ecosystems the role of large woody debris (LWD) is well understood in its contribution to structural diversity in the water and on the bank, contributions to marine riparian function have not been well understood. At the beach drift logs are a more significant input in the intertidal where they accumulate with high density in locations such as the compact beach fronting the main house.

Summary of Marine Riparian Function - Slope stability; terrestrial erosion prevention; preservation of water quality and habitat complexity with large woody debris are ecological functions not affected or at play at the house site. Microclimate factors (a dry shady site) constrain the establishment of mitigative riparian vegetation and limit the variety of species suitable for the site. While the relationship between wildlife habitat, nutrient delivery to the nearshore and fish prey production is imperfectly understood, management efforts to protect or reinstate marine riparian function have been advanced/instituted under the precautionary "Do no further harm" principal.

Riparian Planting Recommendations

The following section is to be read in conjunction with JPH drawing - "Proposed Marine Riparian Planting Plan" (next page). In addition to the biophysical parameters discussed above, the plan options necessarily incorporate pragmatic, logistical considerations:

- retaining essential functionality of household activities such as exterior circulation;
- maintenance access for service infrastructure (SE end of house);
- the main house area is constrained - archaeologically - excavation is not allowed;
- The foregoing point implies that imported soil should be used to 'cap' the site and to plant in without any disturbance to the as-found ground.
- there is no availability of soil resources of any kind on Acorn Island
- provisions for watering and maintenance for 2 growing seasons should be incorporated in the works



Plant List Notes:
Species selections derived from Land Mgmt Handbook 28, Grid 1: CDFmm (coastal D. fir) site series 2.
All species to be planted @ 0.6m .O.C.
Plant sizes to be either 3.5" containers (sp3) or plugs (50P)

PLANT LIST:			
Sym.	Q	Botanical name	Common name
Large shrubs (1.5m mature height/spread)			
○	11	Holodiscus discolor	Ocean spray
○	67	Symphoricarpos albus	Snowberry
○	62	Rosa gymnocarpa	Baldhip rose
Low plants (±1m mature height/spread)			
○	90	Mahonia nervosa	Dull Oregon grape
○	94	Gaultheria shallon	Salal
○	50	Polystichum munitum	Sword fern
○	50	Leymus (Elymus) mollis	Beach Rye

Trees			
⊕	5	Pseudotsuga menziesii	Douglas fir
⊕	6	Quercus garryana	Garry Oak

Planting Notes:
All on-site operations to be undertaken in the presence of a qualified environmental professional (QEP).
Manually strip all existing 'lawn', including weeds and exotic ornamentals, within areas identified in Plan. Stripping depth to be strictly limited to base of lawn root matt. Stripped materials to be removed from 15m setback area.
* Specific planting/environmental protection notes to follow Agency selection of preferred Option (1 or 2)

DRAFT - NOT FOR CONSTRUCTION
(Subject to Agency review prior to "Issue for Construction")

Revisions		
Date	Details	Init.
18/03/21	For review	JPH

**Acorn Island Sea Wall Compensation
Proposed Marine Riparian Planting Plan**

Survey drawing: July 27, 2017.
T.G. Hoyt
B.C. Land Surveyor
2275 Godfrey Road
Nanaimo, B.C.
V9X 1E7
250-753-2921



March 18, 2021
JPH Consultants
434 Milton Street
Nanaimo BC V9R 2L1
Phone: 250-754-5857

Plan Options Considered

The following 2 options would accomplish the objective of establishing a marine riparian compensation planting between the rock wall at the beach top - to a point 15m inland behind the wall - as shown on drawing sheet 2 of 2. *The options only vary in the substrate to be planted into.*

The net aerial extent of the setback area in each case is 219m². This figure excludes a proposed 1m width pathway to the SE side yard to access propane, water, sanitary and electrical services for maintenance and repair, watering and so forth. Note that the 15m setback marginally encroaches 2 low non-native shrub areas by approx 1m at the SE side of the house. Partial removal of the clumps of vegetation will precipitate decline of the remainder. We therefore recommend leaving these minor encroachments into the 15m set back. The junipers and mugho pines there are not considered invasive in our area.

Planting Option 1 - Import Growing Medium and Plant

Considerations/Logistics:

- Existing lawn and horticultural grasses *must* be removed within the 15m setback area. This can be manually stripped (sod cutter or shovel-skim technique). Either way this will result in approx 38-50mm disturbance of the existing soil surface - and removal of the sod to a composting site outside of the setback area.
- A minimum depth of 100mm (4") of growing medium (soil plus amendments - compost) is required to enable planting of small container-grown restoration species - such as cuttings, plugs and 3.5-4" 'pots' - without significant penetration of the existing soils
- Both options* would require 'shoulder season' execution due to the summer drought period - September 15-October 15 is the preferred window - to promote rooted establishment during the appropriate physiological season.
- Barge delivery of materials and equipment is feasible at Acorn Island.
- Barge delivery is tides-, weather- and currents-dependent. Accessing the bay requires planning for conveyance time - to arrive at high tide (to access the beach). The estimated conveyance time (per trip) is 5-6 hrs round trip. Off-loading must be efficiently undertaken (additional time to conveyance) so that the barge can be backed out in advance of the tide dropping.
- Because the bay is too shallow for the tugboat - a second 'pusher' skiff is required to deliver the barge from the bay mouth to the beach - and back.
- In order to deliver the material onto the site a compact piece of equipment (backhoe or 'Bobcat') must be transported and landed above the beach (i.e. without 'walking' it on the upper beach sediments). The barge ramp is 7.3m length - this must be done at high tide.
- The growing medium plus a small piece of equipment delivered to site can be achieved in one trip and will allow efficient off-loading of soil (the time/costs dramatically raise with non-mechanized off-loading (e.g. wheel barrow or use of a 'slinger' truck). Typically for this sort of work, spanning the beach face (ramped or otherwise), DFO will require specially prepared equipment with canola hydraulics
- The delivery operation described above - *with ideal tides and weather* might be accomplished in an 8-10 hour day. This implementation option is priced approximately as follows:

(a) Site preparation (lawn removal) in advance of growing medium delivery. Estimates include 1 hr travel to site each way. (2 landscaper crew @ combined. \$150/hr 10 hrs = \$ 1500); Oversight by Monitor (10 hrs @ \$150/hr = \$1500. **Sub-total site preparation \$3000.**

(b) Delivery only) Tug rate \$400/hr + crew/pusher boat \$250/hr + small excavator \$150/hr = \$850/hr X 10 hrs estimated time. **Sub-total \$8500.**

(c) Blended growing medium (60:40 commercially prepared blend of compost and coarse sand) 18 m³ total volume required @ \$100/ m³ delivered to barge in Nanaimo only. **Sub-total \$1800.**

(d) Plant materials estimate: 435 native plugs, cuttings and 3.5" containers planted @ 0.61cm centers x \$5.50/plant (2.5 X wholesale cost) - delivered only. **Sub-total \$2392.50**

(e) Planting - including soil spreading and planting (2 landscaper crew @ combined \$150/hr 20 hrs = \$ 3000); Oversight by Monitor (20 hrs @ \$150/hr = \$3000). **Sub-total Planting Operation \$6000.**

Total Implementation Cost Estimate - Option 1: \$21,692.50

* NOTE: QEP/Archaeological monitoring services - extra to amount above.

Planting Option 2 - Dibble-planting

Dibble-planting is practiced by tree planters. The dibble is inserted into the soil and wiggled to pry a space for a tree plug or shrub whip to be slid into the resultant crevice. No actual excavation occurs. The soil is parted; a plant is slipped in; a boot heel closes the slit in the soil.

In this scenario we envision an archaeological monitor witnessing each ground penetration. The actual penetration would be 4-6 inches. Repeated strikes of archaeological significance would cancel the operation.

Considerations/Logistics:

- Existing lawn and horticultural grasses *must* be removed within the 15m setback area. This can be manually stripped (sod cutter or shovel-skim technique). Either way this will result in approx 38-50mm disturbance of the existing soil surface - and removal of the sod to a composting site outside of the setback area.
- The entire operation could be undertaken using existing caretaker transport.

(a) *Site preparation (lawn removal) in advance of growing medium delivery. Estimates include 1 hr travel to site each way. (2 landscaper crew @ combined. \$150/hr 10 hrs = \$ 1500); Oversight by Monitor (10 hrs @ \$150/hr = \$1500. **Sub-total site preparation \$3000.***

(b) *Plant materials estimate: 435 native plugs, cuttings and 3.5" containers planted @ 0.61cm centers x \$5.50/plant (2.5 X wholesale cost) - delivered only. **Sub-total \$2392.50***

(c) *Planting - (2 landscaper crew @ combined \$150/hr 10 hrs = \$ 1500); Oversight by Monitor (10 hrs @ \$150/hr = \$1500). **Sub-total Planting Operation \$3000.***

Total Implementation Cost Estimate - Option 2: \$8,392.50

** NOTE: QEP/Archaeological monitoring services - extra to amount above.*

Option Considerations

Both, Options A and B, following 2 years of basic maintenance (weeding and watering) should yield the same result: establishment of a juvenile marine riparian planting that can survive beyond the establishment period without further maintenance or supplementary watering.

Implementation of Option A, relative to 'B', entails higher environmental risk as it would require navigating to, landing on and off-loading across the beach. It would also require excavating equipment to off-load soil. In stopping, turning and backing in confined areas such equipment typically disturbs/churns the top 2-4 inches of existing soil (in our experience the tighter the space the more pronounced this effect).

Report Summary

This report assesses impacts on the marine riparian zone attributed to the construction of a seawall on Acorn Island and it provides a compensation planting plan of marine riparian species for a 15 metre setback area behind the wall.

The undersigned has over 15 years of direct professional experience with marine riparian habitat assessment and impact mitigation and is an accepted QEP for softshore protection in the SE Vancouver Island region.

The currently existing Natural Boundary on the subject site i.e. top of subject wall (*T Hoyt, BCLS Survey, 2017*) is planted in lawn, primarily. This is a 'habitat-poor' condition for the marine riparian zone. Other than the prevention of erosion, it provides none of the ecological services - such as shading and contribution of organic detritus to the intertidal habitat zone - that are attributable to an intact, natural marine riparian plant community.

The goal of the proposed work is to compensate for the loss of marine riparian habitat resulting from the construction of the seawall. The objective is to remove all lawn and exotic invasive grasses and replace with a 15m native riparian planting strip with species that would be expected to be found at this locale. Site constraints include summer drought; thin, low fertility soils and limited direct sunlight hours. The site is further constrained by archaeological concerns that preclude excavation.

A planting prescription is shown in plan based on dense plantings of small restoration stock of native marine riparian species. Either of the 2 proposed options, carried out in accordance with the plan and monitored by a qualified environmental professional, would meet the objective of re-establishing a native riparian plant community.

The options proposed:

Option 1 - Planting into barged-in soil. Excavating equipment is necessary to unload it across the beach. All operations on the Island are to be monitored continuously by a QEP.

Option 2 -Planting directly into the existing soil without excavation. No imported materials required except plants. Planting operations would be continuously overseen by an archaeological monitor with authority to halt the operation if significant artifacts are discovered/struck with the dibble.

The proposed plantings (see plan) include:

- medium and tall dry, part-shade tolerant species such as snowberry, bald hip rose and ocean spray;
- ground-cover plants such as sword fern; salal and dull Oregon grape
- beach rye directly behind the wall and off the end of the existing deck
- Douglas fir is the sole conifer adapted to this site (CDFmm, site series 2) and is planted where there is space to accommodate its mature spread
- Of the 2 broadleaf species adapted to the subject site conditions (Garry oak and arbutus) Arbutus is unavailable for either Option 1 or 2 - as a plug or 3.5" container plant. Garry oaks can be acquired as plugs and are included in the sunny area of the planting plan.

With both options the optimum time to undertake the work would be between September 15th and October 15th.

Respectfully,

JPH Consultants Inc.



J. Patrick (Pat) Harrison, MBCSLA, QEP

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE

Dec-18-2019 18:24:15.001

CA7939129

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 41 PAGES

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Lisa Ehrlich Digitally signed by
93ST4R Lisa Ehrlich 93ST4R
Date: 2019.12.18
18:22:09 -08'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Salvador Davis and Co.

Notaries Public

101 - 9830 Second Street

Sidney

BC V8L 3C6

LTO File No. 10166

Phone No. 250-656-3951

Document Fees: \$74.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

009-796-045

DISTRICT LOT 19 (FLAT TOP ISLANDS) NANAIMO DISTRICT

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

JUDITH MARY WESTON

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

700 NORTH ROAD

GABRIOLA ISLAND

BRITISH COLUMBIA

V0R 1X3

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Robert Fenton

Barrister & Solicitor

9888 Canal Road

South Pender Island, BC V0N 2M3

250-629-6774

Y	M	D
19	11	27

Judith Mary Weston

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

PAGE 2 of 41 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Leslie Rebecca McErlean

Y	M	D
19	11	28

Gabriola Island Local Trust Committee
by its authorized signatory:

Commissioner for Taking Affidavits in British Columbia

700 North Road
Gabriola, BC V0R 1X3
Commission Expires June 30, 2022_____
Name: Daniel John Rogers

(as to both signatures)

Name: Scott Colbourne**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

SECTION 219 COVENANT**TERMS OF INSTRUMENT – Part 2****WHEREAS:**

- A. The Owner is the registered owner of District Lot 19 Nanaimo District ("Lot 19"); and
- B. Lot 19 is within a development permit area designated for the protection of the natural environment, its ecosystems and biological diversity in the Gabriola Island Official Community Plan, and is identified as a rare woodland habitat in the Sensitive Ecosystem Inventory of the Province of British Columbia; and
- C. The Owner or the Owner's predecessors in title constructed certain structures on Lot 19, including a residential dwelling and a boulder wall, which activities impacted the natural environment; and
- D. Lot 19 is the subject of a Biophysical Survey prepared by Kayt Chambers R.P. Bio. dated May, 2017, a copy of which is attached to this Agreement as Schedule A (the "Biophysical Survey"); and
- E. Lot 19 is also the subject of a Mitigation and Compensation Measures addendum prepared by Kayt Chambers R.P. Bio. dated June 26, 2017, a copy of which is attached to this Agreement as Schedule B (the "Addendum");
- F. The Addendum provides recommendations regarding the restoration and enhancement of the environment of Lot 19 that was impacted by construction activities, and recommends that such measures be set out in a conservation covenant or other protection instrument for the Land; and
- G. The Owner has applied to the Gabriola Island Local Trust Committee (GILTC) for certain authorizations for the activities that may have disturbed the natural environment, and wishes in connection with the applications to grant the covenants set out in this Agreement pursuant to s. 219 of the *Land Title Act*;

NOW THEREFORE in consideration of the premises and the sum of \$1.00 now paid by the GILTC to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), the parties agree as follows:

Interpretation**1. In this Agreement**

"Development Variance Permit" means a development variance permit issued by the GILTC pursuant to application GB-DVP-2017.1;

"GILTC" means the Gabriola Island Local Trust Committee

"Land" means the land described in item 2 of Part 1 of this General Instrument;

"Riprap Wall" means that certain boulder wall described in and depicted on page 15 of

the Biophysical Survey;

"Species at Risk" means a threatened or endangered species as defined under the *Species at Risk Act* (Canada).

Restoration and Enhancement of Riparian Habitat

2. The Owner must not occupy any residential dwelling on the Land, or allow or permit any other person to occupy any residential dwelling on the Land, unless the Owner has complied with the recommendations regarding Riparian Vegetation Loss set out in Section 5.1 of the Addendum.
3. Without limiting the generality of Section 2, the Owner must do the following:
 - (a) engage a member of the British Columbia Society of Landscape Architects with experience in landscaping with plants native to the southern Gulf Islands, to prepare a revegetation plan in respect of the area of the Land that was disturbed by the construction of the dwelling house and the Riprap Wall, which plan shall include the provision of compensatory habitat in respect of riparian habitat that has been destroyed or degraded by the construction of the dwelling house and the Riprap Wall, the removal of non-native vegetation, and the planting of species listed in Section 4.1.1.1 of the Addendum;
 - (b) within 3 months of the date of issuance of the Development Variance Permit, submit the revegetation plan to the GILTC for its approval as to the sufficiency of the plan;
 - (c) within 12 months of the date of issuance of the Development Variance Permit, implement the plan under the supervision of the landscape architect; and
 - (d) maintain all plantings so as to ensure the survival of all transplanted vegetation, replacing as required any specimens that do not survive transplantation.

Protection from Erosion

4. The Owner must not occupy any dwelling house on the Land unless the Owner has complied with the recommendations regarding Marine Shoreline Erosion set out in Section 5.2 of the Addendum.
5. Without limiting the generality of Section 4, the Owner must do the following:
 - (a) within 3 months of the date of issuance of the Development Variance Permit, engage a hydrological engineer to prepare a baseline erosion and sediment control analysis of the Riprap Wall, and to monitor erosion and sedimentation processes in the vicinity of the wall for at least 5 years;

- (b) within 6 months of the date of issuance of the Development Variance Permit, submit the analysis to the GILTC for its approval as to the sufficiency of the analysis;
- (c) at the conclusion of the monitoring period specified in subsection (a), or earlier if the hydrological engineer determines that the ultimate impact of the wall can be evaluated with reasonable certainty, engage the hydrological engineer to prepare a report setting out the engineer's conclusions as to whether the Riprap Wall is causing long-term negative impact on the stability of the adjacent shoreline and the engineer's recommendations as to measures that are required to mitigate or, if practicable, eliminate any such impact;
- (d) submit the report to the GILTC for its approval as to the sufficiency of the report and recommendations;
- (e) implement the hydrological engineer's recommendations under the supervision of the engineer within a reasonable time; and
- (f) if recommended by the hydrological engineer, engage the hydrological engineer or another suitably qualified person to monitor, for the period of time recommended by the hydrological engineer, and report to the Owner and the GILTC on the effectiveness of the erosion control or mitigation measures that have been undertaken.

Protection of Sensitive Habitats and Species at Risk

6. The Owner must not do, or permit any other person to do, any of the following on any portions of the Land that are described in section 7:
- (a) operate any motorized vehicle except an all-terrain vehicle (ATV) or utility task vehicle (UTV) that is operated exclusively within a grass and dirt trail that is no wider than 1.5 metres and has the route shown by the thick black line on the map attached to this Agreement as Schedule C.
 - (b) deposit any earth, fill or other material for the purpose of filling in or raising the level of the Land or for any other purpose;
 - (c) remove or damage any vegetation, except to comply with this Agreement or any condition contained in any development permit issued by the GILTC, or to remove a specimen of a plant species that is not native to the Land;
 - (d) remove or displace any soil or beach material, unless the work is being done in the course of an archaeological assessment authorized under the *Heritage Conservation Act* and in accordance with the terms of any permit issued under that Act; or
 - (e) construct, erect or place any building, modular home, mobile home or unit,

improvement or structure of any kind.

7. The areas of the Land to which section 6 applies are the following:
- (a) areas within 15 m landward of the natural boundary of the Land as defined in the *Land Act*;
 - (b) areas within 15 m of the seasonal wetlands identified in the Biophysical Survey as Swamp #1 and Swamp #2;
 - (c) areas within 15 m of the year-round freshwater pond identified in the Biophysical Survey;
 - (d) areas within 100 m of the leaf canopy of any specimen of Garry oak;
 - (e) areas within 100 m of the trunk of any tree that contains a nest of an eagle; and
 - (f) areas within 100 m of any portion of the habitat of any specimen of a Species at Risk of whose existence the Owner is aware, or ought reasonably to be aware.

General Terms and Conditions

- 8. The Owner shall be entitled to a discharge of this Agreement, at the cost of the Owner, if the GILTC has not issued the Development Variance Permit within 12 months of the date of registration of this Agreement in the Land Title Office.
- 9. The Owner shall be entitled to a modification of this Agreement to delete sections 2 through 5 with the exception of 3 (d), at the cost of the Owner, if the Owner's obligations under those sections have been fully discharged.
- 10. Where this Agreement refers to the approval of a plan, analysis or report by the GILTC, the GILTC may withhold approval if the document does not, in its reasonable opinion, achieve the purpose contemplated for such a plan, analysis or report by the Biophysical Survey or the Addendum, and may for that purpose engage the author of the Biophysical Survey and Addendum or another person having equivalent qualifications, at the Owner's cost, to provide advice.
- 11. The Owner will indemnify and save the GILTC harmless from all actions, causes of action, claims, demands, suits, losses, damages, debts, accounts, liabilities, costs, expenses and compensation of any kind, including fees of solicitors and other professional advisors, arising out of any breach, violation or non-performance by the Owner of the covenants set out in this Agreement.
- 12. No term, condition, covenant or other provision or breach of this Agreement will be considered to have been waived by the GILTC unless such waiver is expressed in writing by the GILTC and any such waiver is not a waiver of any other term, condition, covenant, or other provision or any other breach of this Agreement.

13. This Agreement extends to, is binding upon and enures to the benefit of the parties and their respective heirs, executors, administrators, successors and assigns.
14. In this Agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.
15. This Agreement will be interpreted according to the laws of the Province of British Columbia.
16. Where there is a reference to an enactment of the Province of British Columbia or Canada in this Agreement, that reference includes a reference to any subsequent enactment of the Province of British Columbia or Canada of like effect and, unless the context otherwise requires, all statutes referred to in this Agreement are enactments of the Province of British Columbia.
17. If any section of this Agreement, or any part of a section, is found to be illegal or unenforceable, that part or section, as the case may be, will be considered separate and severable and the remaining parts or sections, as the case may be, will not be affected and will be enforceable to the fullest extent permitted by law.
18. This Agreement will be registered as a charge against the Land pursuant to section 219 of the *Land Title Act*.

" SCHEDULE 'A' "

Acorn Island Biophysical Survey – May, 2017

**For The Gabriola Island Local Trust Committee (Islands Trust) on
behalf of Chris and Judy Weston**

By Kayt Chambers, R.P.Bio., Baynes Sound Environmental

Statement of Qualifications

Kayt Chambers is a professional biologist (R.P.Bio. #1967) with over two decades of field biology experience. She has worked as a field technician in marine, freshwater, and terrestrial environments in a range of habitats within the Pacific Northwest region. Specifically, Kayt has conducted site inventories for marine intertidal areas, riparian areas (marine and freshwater), and constructed (and natural) wetlands. Her work with species-at-risk includes sampling for fish, mollusks, and amphibians.

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1.0 INTRODUCTION

The owners of Acorn Island have built a house and deck on the footprint of a residential building adjacent to the backshore of a narrow marine inlet on the northeast side of the island (refer to the Site Survey Plan). As part of the construction of the house and deck, shoreline protection was installed along the backshore in the form of a riprap rock wall (Figures 1 and 2).

This report is a summary of a Site Background Analysis and Preliminary Site Inventory as per the requirements of the Gabriola Island Local Trust Committee, Development Permit (DP) area for the Flat Top Islands (refer to map in Appendix A).

Figure 1. Subject house built on beachfront.

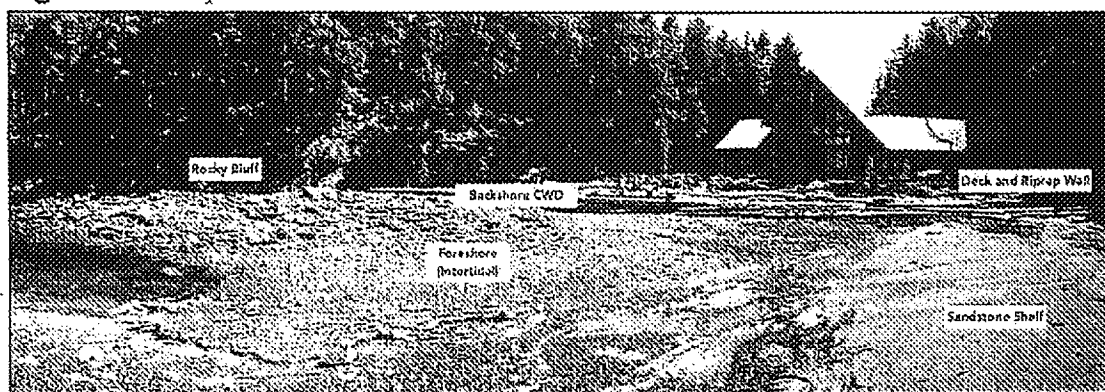
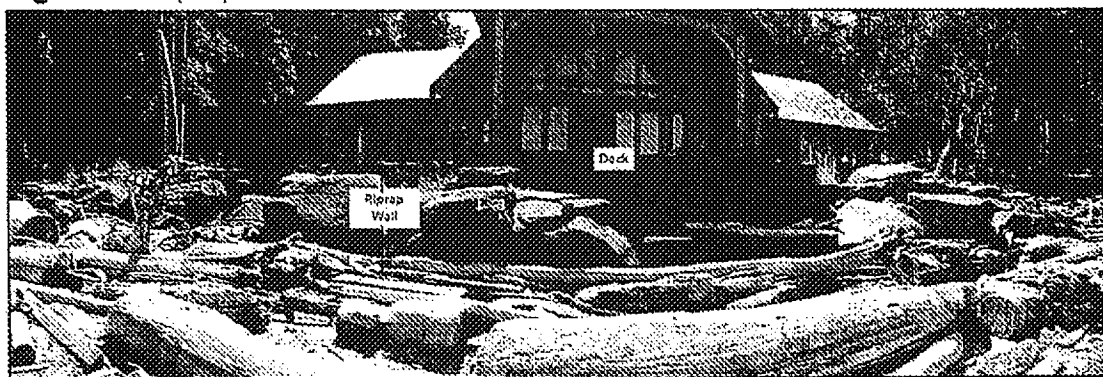


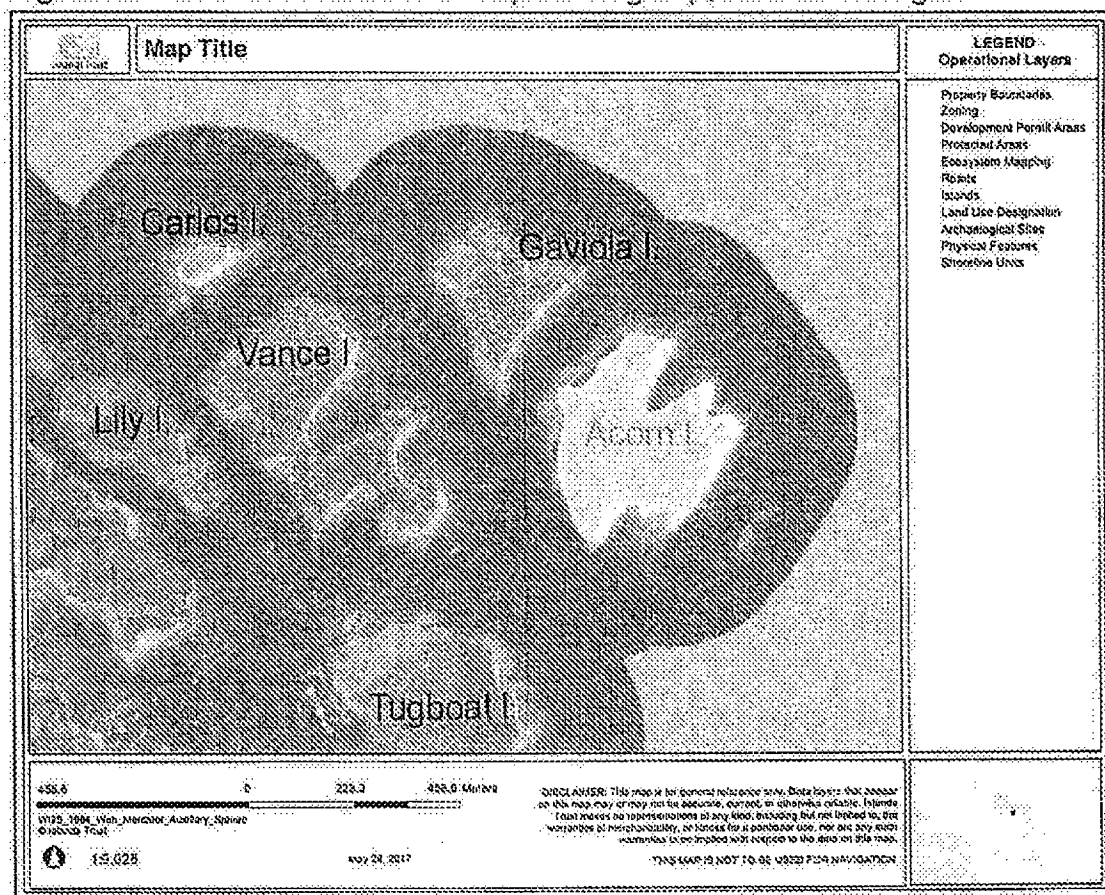
Figure 2. Riprap wall constructed on backshore habitat of shoreline.



1.1 Site Background Analysis:

Acorn Island is a 24-acre island located in the Georgia Strait off the southeast end of Gabriola Island (Figure 3). It is one of a dozen islets called the Flat Top Islands that are located at the entrance to Silva Bay, and one of the only in this group that is designated as *Woodland Habitat* by the provincial Sensitive Ecosystem Inventory (SEI)¹ (refer to Appendix B for SEI Atlas Mapsheet 92G012).

Figure 3. Acorn Island in the Flat Top Island group, Strait of Georgia.



SEI Woodland Habitats are dry, open ecosystems consisting of between 10-25% tree cover with mixed stands of Garry oak/*Arbutus*, Garry oak/*Douglas-fir* and/or *Arbutus*/*Douglas-fir*. The open forest cover can be an indicator of shallow soils and bedrock outcroppings, creating a diversity of habitats that attract a wide range of species.

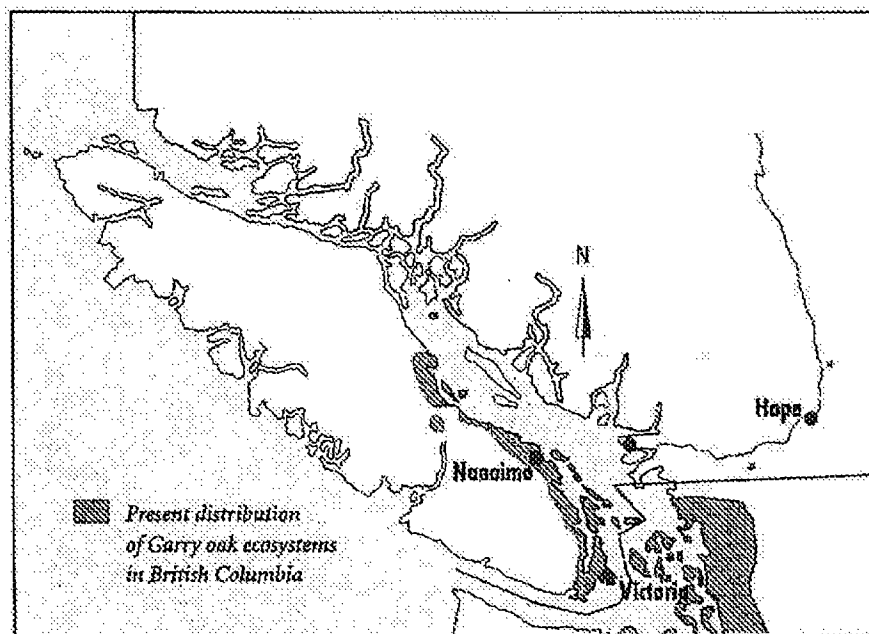
¹ Ministry of Environment EcoCat: The Ecological Reports Catalogue. Sensitive Ecosystem Inventory Maps (<http://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=2124>) as retrieved on 29-May-17.

This report is a summary of a biophysical assessment of the habitat surrounding the subject house, deck and riprap wall recently built by the owners of Acorn Island. Recommendations for habitat restoration and enhancement are given in Section 6.0.

1.1.1 SAR and Sensitive Ecosystem Occurrences

Numerous organisms with species-at-risk (SAR) status are associated with Garry Oak Ecosystems on islands within this region. For example, according to the Garry Oak Ecosystem Recovery Team (GOERT), the SAR that inhabit these threatened ecosystems include nearly 70 plant species, 20 invertebrates (insects and other species), 15 birds, 3 mammals, and 2 reptiles². The distribution of these ecosystems is limited to the southeast coast of Vancouver Island and nearby Gulf Islands in British Columbia, as well as a small area in the lower mainland (refer to Figure 4).

Figure 4. Garry Oak Ecosystem Distribution



² Garry Oak Ecosystem Recovery Team, Species-at-Risk list (http://www.goert.ca/publications_resources/species_at_risk.php) as retrieved on 16-May-17.

As part of the regulatory requirements under the Islands Trust Official Community Plan for Gabriola Island (and the Flat Top Islands), a Development Permit is required for land development prior to construction. As well, sensitive ecosystems such as those associated with Garry oaks require field assessment prior to a proposed development under the federal *Species-at-Risk Act (SARA)* and/or the provincial *Wildlife Act* to allow for adequate mitigation planning.

The Garry Oak Ecosystem Recovery Team (GOERT) is a provincial organization with a mandate to protect and recover the threatened Garry oak and associated ecosystems³.

According to GOERT, Garry oak ecosystems found in this region include “a complex of closely related coastal bluff, maritime meadow, vernal pool, grassland, rock outcrop and transitional forest ecosystems”. A multi-species approach is employed under GOERT to maximize the protection of as many threatened species with common biological characteristics and/or habitat requirements as possible.

1.1.2 Site Description

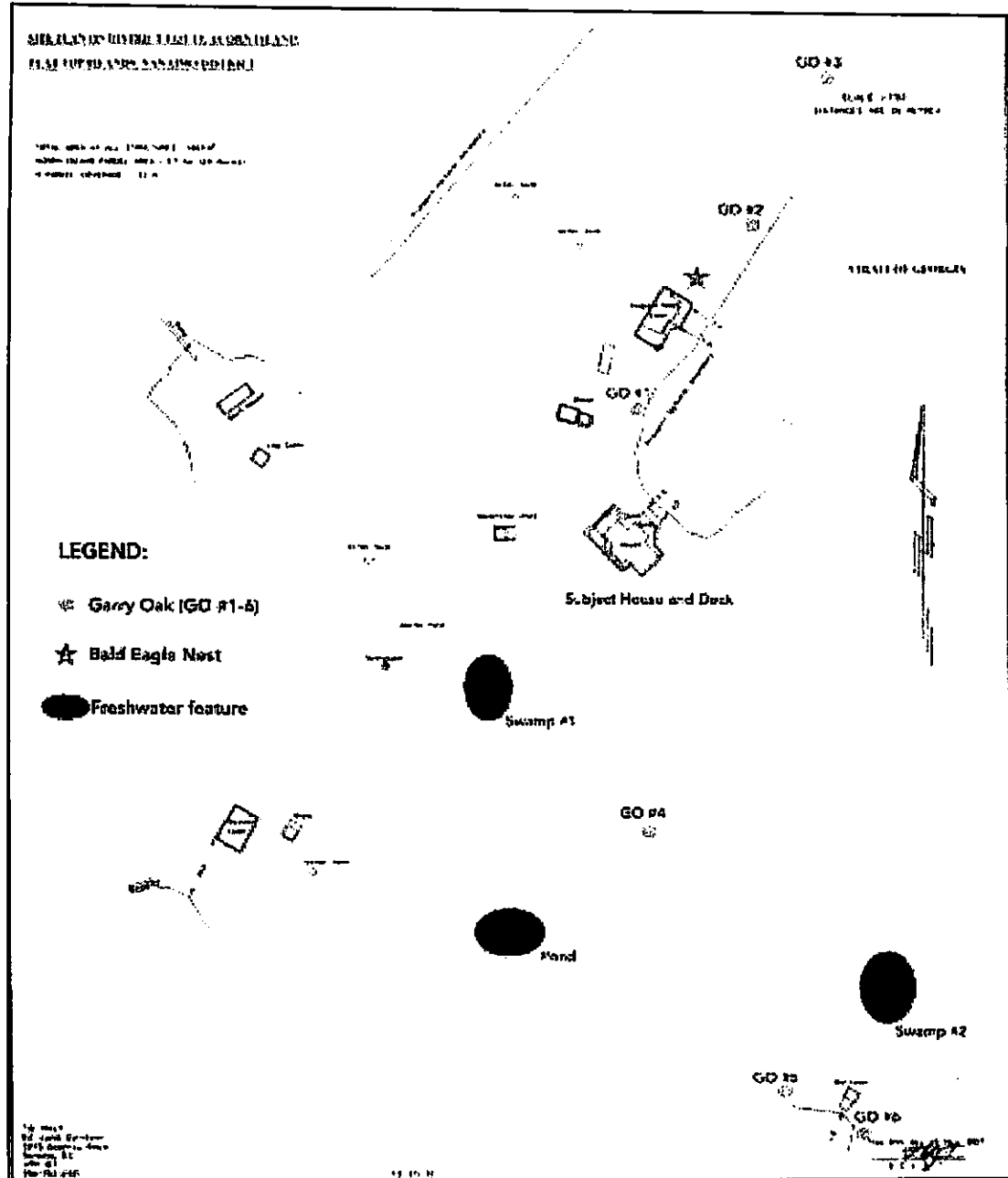
As previously described, the house is adjacent to the shoreline of a narrow inlet on the northeast side of Acorn Island (Photo 1). The inlet is defined by sandstone shelf on the northwest side (Photo 2) and sandstone bluff on the southeast side (Photo 3). The narrow bay at the foot of the inlet (adjacent to the house) contains a small pocket of fine sediments (sand/gravel/shell) covered in coarse woody debris (CWD).

A deck extends from the northeast side of the house to the shoreline, and a riprap rock wall was built in the backshore between the deck and the beach (Photo 4). The riparian area surrounding the house is landscaped with lawn and some ornamental conifer bushes and grasses (Photos 5 and 6).

Refer to Section 3.1 for a detailed description of the beach and property surrounding the house.

³Garry Oak Ecosystem Recovery Team (<http://www.goert.ca/about/index.php>) as retrieved on 16-May-17.

Site Survey Plan:



Note: Garry oaks, Eagles nest, and water feature locations are approximate only.

1.1.3 Raptor and Heron Nests

The provincial Best Management Practices (BMPs) for development activity near established Bald eagle (*Haliaeetus leucocephalus*) nests⁴ and Great-blue heron (*Ardea Herodias*) nests⁵ were reviewed prior to this field survey.

1.1.4 Fish-bearing Watercourses

The provincial Fish Inventories Data Queries (FIDQ) resource⁶ was checked prior to this field survey. FIDQ provides easy access to BC lake, stream and fish data from the provincial BC Geographic Data Warehouse (BCGW).

2.0 METHODS

Prior to the field survey, a background review of environmental information for Acorn Island and the surrounding region included reference to:

- i. The provincial Conservation Data Centre (CDC) Species and Ecosystem database⁷,
- ii. The Ministry of Environment Ecological Reports Catalogue (EcoCat) Sensitive Ecosystem Inventory,
- iii. The Best Management Practices for Garry Oak and Associated Ecosystems⁸,
- iv. The Environmental Guidelines for Urban and Rural Land Development in British Columbia (Develop With Care: Section 4, Environmentally Valuable

⁴ The Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet #10 Bald Eagles and Ospreys (<http://www.wildlifetree.ca/docs/Fact-Sheet-10-eagles-osprey.pdf>) as retrieved on 30-May-17.

⁵ The Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet #11 Great blue herons (<http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/Fact-Sheet-11-herons.pdf>) as retrieved on 30-May-17.

⁶ Ministry of Environment Fish Inventories Data Queries (<http://a100.gov.bc.ca/pub/fidq/searchWatershedDictionary.do>) as retrieved on 16-May-17.

⁷ Conservation Data Centre BC Species and Ecosystems Explorer (<http://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/species-and-ecosystems-explorer>) as retrieved on 01-May-17.

⁸ Best Management Practices for Garry Oak and Associated Ecosystems (<http://www.goert.ca/documents/GOERT-BMPs.pdf>) as retrieved on 16-May-17.

Resources)⁹, and

- v. The Stewardship Series Coastal Shore Stewardship: A Guide for Planners, Builders, and Developers on Canada's Pacific Coast¹⁰.

2.1 Survey Targets:

A property designated as Woodland Habitat (i.e., mixed stands of Garry oak/Arbutus, Garry oak/Douglas-fir and/or Arbutus/Douglas-fir) in the Georgia Strait by the SEI Atlas has the potential to have numerous species-at-risk (some of which can be difficult to locate in the field). As such, the target species for this preliminary site survey included any plants or animals that are known to have SAR status or are unusual in this bioregion.

2.2 Field Survey:

The field survey of Acorn Island was designed with reference to the provincial Develop With Care (2014) Bio-Inventory Terms of Reference document¹¹. Assessment of the main house site involved a detailed search for Environmentally Valuable Resources (EVRs) within the marine intertidal and riparian habitats surrounding the subject house on May 17th, 2017.

⁹ Develop With Care: Section 4, Environmentally Valuable Resources (<http://www.env.gov.bc.ca/wid/documents/bmp/devwithcare/DWC-Section-4.pdf>) as retrieved on 16-May-17.

¹⁰ Provincial Stewardship Series. Coastal Shore Stewardship: A Guide for Planners, Builders and Developers (<http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/368207/part1.pdf>) as retrieved on 16-May-17.

¹¹ Develop With Care, Appendix B: Bio-Inventory Terms of Reference (<http://www.env.gov.bc.ca/wid/documents/bmp/devwithcare/DWC-Appendices-A-F.pdf>) as retrieved on 16-May-17.

3.0 RESULTS

3.1 Preliminary Site Inventory

3.1.1. Plant Community

The plant species assemblage and predominant forest cover on Acorn Island closely resemble the Coastal Douglas-fir Moist Maritime (CDFmm/02) sub-variant Douglas-fir/Arbutus plant community. Garry oak trees are present but widely dispersed (refer to the Site Survey Plan) and the majority of the forest cover on the island exceeds the 10-25% that defines an SEI Woodland Habitat (see Photos 7 and 8).

The tree species observed (in approximate order of higher to lower dominance) includes Douglas-fir (*Pseudotsuga menziesii*), Arbutus (*Arbutus menziesii*), Shore pine (*Pinus contorta* var. *contorta*), Trembling aspen (*Populus tremuloides*), Garry oak (*Quercus garryana*), Bigleaf maple (*Acer macrophyllum*), Saskatoon (*Amelanchier alnifolia*), and Red alder (*Alnus rubra*).

The shrub species observed are Salal (*Gaultheria shallon*), Common snowberry (*Symphoricarpos albus*), Oceanspray (*Holodiscus discolor*), and the invasive English Holly (*Ilex aquifolium*).

The forb species observed are Broad-leaved stonecrop (*Sedum spathulifolium*), Scouring-rush (*Equisetum hyemale*), Dull Oregon-grape (*Mahonia nervosa*), Sword fern (*Polystichum munitum*), Bracken fern (*Pteridium aquilinum*), Common rush (*Juncus effusus*), *Carex* sp., and various grass and moss species.

None of the SAR plant species commonly associated with Garry Oak Ecosystems were observed. This lack of observation does not verify the absence of these rare organisms, however.

3.1.2. Marine Habitat

The shoreline of Acorn Island is characterized by a series of sandstone shelves, low elevation rocky bluffs, and pocket bays with cobble/gravel/shell sediment accumulations.

The marine biota observed on the intertidal beach in front of the subject house includes Rockweed (*Fucus distichus*), Bull kelp (*Nereocystis leutkeana*), Sea cauliflower (*Leathesia difformis*), the invasive Wireweed (*Sargassum muticum*), Sea lettuce (*Ulva lactuca*), Hairy shore crabs (*Hemigrapsus oregonensis*), Purple shore crabs (*Hemigrapsus nudus*), a Red rock crab (*Cancer productus*), Pacific oysters (*Crassostrea gigas*), Little-brown barnacles (*Chthamalus dalli*), Sitka periwinkles (*Littorina sitkana*), Checkered periwinkles (*Littorina scutulata*), Pacific blue mussels (*Mytilus trossulus*) and Aggregating anemones (*Anthopleura elegantissima*).

A number of unidentified marine birds were also observed.

3.1.3. Topography and Terrestrial Habitat

Acorn Island is characterized as a low relief and composed of the relatively young Gabriola formation sandstone bedrock¹².

The forest displays evidence of shallow topsoil with the relatively small stature of the Douglas-firs and other tree species. The stunted growth of this forest could also be attributed to the wind and saline conditions resulting from exposure to the Georgia Strait.

Terrestrial vertebrate species observed include Mule deer (*Odocoileus hemionus*), Canadian geese (*Branta canadensis*), and a variety of songbirds.

The provincial Wildlife Tree Atlas¹³ has documented two Bald eagle nests on the eastern side of Acorn Island. A third nest was observed above the small cabin called the Eagles Nest Cabin (Photo 9) near the main house, but no eagles were observed in the nest.

The provincial Best Management Practices (BMPs) for development activity near established Bald eagle (*Haliaeetus leucocephalus*) nests¹⁴ in rural areas

¹² Gabriola Land & Trails Trust – Gabriola's Geology (<http://www.galtr.ca/geology.html>) as retrieved on 27-May-17.

¹³ BC Wildlife Tree Atlas (<http://www.wildlifetree.ca/atlas.html>) as retrieved on 16-May-17.

¹⁴ The Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet #10 Bald Eagles and Ospreys (<http://www.wildlifetree.ca/docs/Fact-Sheet-10-eagles-osprey.pdf>) as retrieved on 30-May-17.

recommends a minimum of a 100-m buffer distance from nest tree to proposed construction. For Great-blue heron (*Ardea Herodias*) nests¹⁵, the minimum buffer distance is 200-m. No Great-blue heron nests (i.e., rookeries) were observed, however.

The provincial Fish Inventories Data Queries (FIDQ) resource¹⁶ was checked prior to the site survey. No fish-bearing watercourses were documented for Acorn Island and no drainages suitable as anadromous fish habitat were observed.

3.1.4. Land-uses

A variety of small residential and storage buildings exist on the island (refer to the Site Plan). The land-uses are apparently limited to seasonal residency and recreation. There was no observed evidence of resource extraction or other new development on the island.

3.1.5. Hydrology

The observed freshwater features include a couple of seasonal, rain-fed swamps (Photos 10 and 11), and a man-made shallow pond (Photo 12) that provides year-round drinking water. There were no freshwater streams or other drainage features observed.

Drainage off the main house is directed into a perimeter drain¹⁷ while the deck appears to be constructed to allow some infiltration between slats.

The septic field is built to receive both the sewage and grey water discharge from the main house¹⁸.

¹⁵ The Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet #11 Great blue herons (<http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/Fact-Sheet-11-herons.pdf>) as retrieved on 30-May-17.

¹⁶ Ministry of Environment Fish Inventories Data Queries (<http://a100.gov.bc.ca/pub/fidq/searchWatershedDictionary.do>) as retrieved on 16-May-17.

¹⁷ Personal communication with Michael Zane on 27-May-17.

¹⁸ Personal communication with Michael Zane on 17-May-17.

3.1.6. Slope Stability

The riprap rock wall is located at the interface of the backshore and the upland terrestrial habitat. A small amount of shoreline erosion is evident adjacent to the riprap rock wall (Photo 13), and shoreline stability concerns like this are probably prompted the installation of the riprap wall in front of the main house by the owners.

The subject shoreline is best categorized as a Rocky Shore habitat type as described in the provincial Coastal Shore Stewardship document¹⁹:

A rocky shore typically consists of a solid rock bench across the intertidal zone, that may or may not extend up to the high tide line. Thin gravel and boulder veneer deposits are often found on these benches, but usually cover less than 10 percent of the intertidal area. This type of shore can also be a near vertical rock cliff that may extend above and below the intertidal zone. Sand, gravel and cobble sediment deposits often form small beaches near the high tide line. Rocky shores are resistant to erosion and do not provide a significant supply of unconsolidated sediment to the coast.

¹⁹ Provincial Stewardship Series. Coastal Shore Stewardship: A Guide for Planners, Builders and Developers on Canada's Pacific Coast (<http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/368207/part1.pdf>) as retrieved on 16-May-17.

3.2 Photos:



Photo 1. Narrow bay in front of subject house.



Photo 2. Sandstone shelf bedrock is on northwest side of inlet.

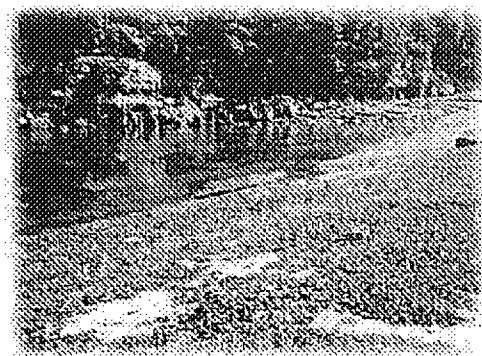


Photo 3. Sandstone bluff in background is on the southeast side of inlet.



Photo 4. Riprap rock wall built on backshore between the deck and beach.

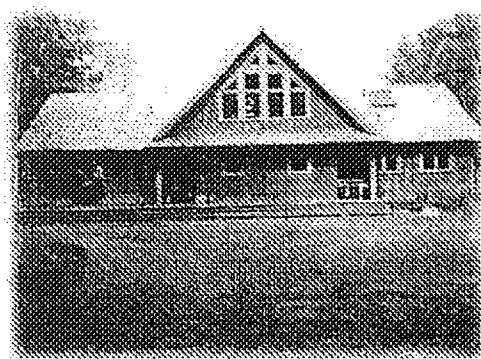


Photo 5. Backside of house showing lawn area.

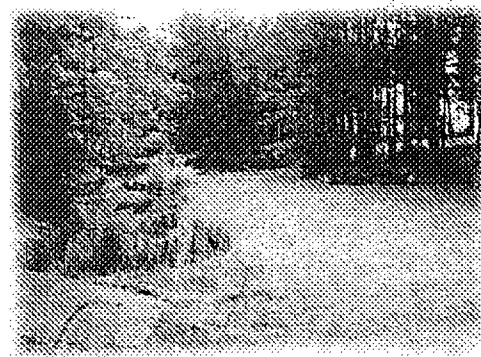


Photo 6. Landscaped area behind subject house.



Photo 7. Dominant forest type found on Acorn Island.

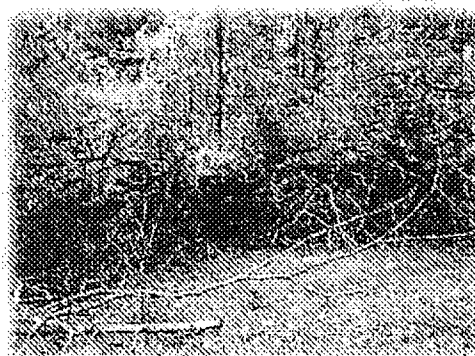


Photo 10. Seasonal wetland in thicket behind the subject house.



Photo 8. Garry oak tree found in the Douglas-fir dominant forest in the middle of Acorn Island.



Photo 11. Seasonal wetland behind the Old Cabin on south side of island.



Photo 9. Bald eagles nest above Eagles Nest Cabin.



Photo 12. Year round pond located between Old Cabin and Bayview Cabin on south side of island.



Photo 13. Minor erosion is evident on the backshore adjacent to the riprap wall.



Photo 16. Garry oak tree on shore of inlet in front of subject house.

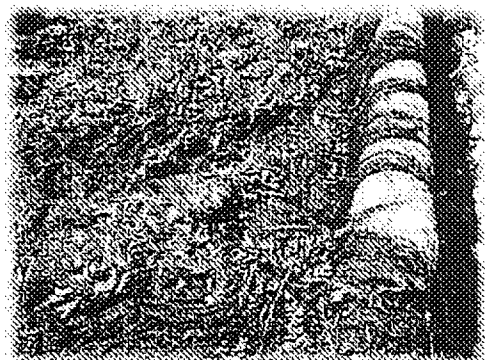


Photo 14. Invasive Japanese wireweed washed up on subject beach.



Photo 17. Single Garry oak tree on headland to northeast of subject house.



Photo 15. The subject beach is clogged with driftwood.

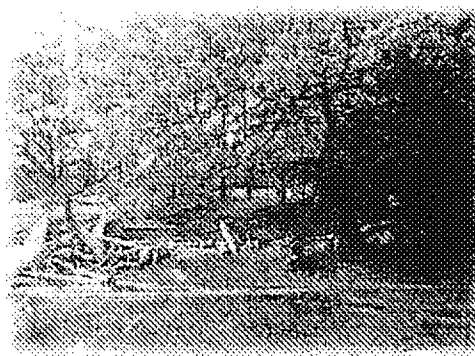


Photo 18. Garry oak tree on south shoreline of island near Old Cabin

4.0 DISCUSSION

4.1 Marine Intertidal Habitat:

As stated in the provincial Develop With Care: Environmentally Valuable Resources document²⁰:

The "coastal zone" is the area where interaction of the sea and land processes occurs; where terrestrial ecosystems meet marine ecosystems and where freshwater mingles with saltwater. It is an area of high biological values used by shorebirds, otter, crab, young salmon, heron, and many, many more species. To maintain these biologically rich and productive places, the coastal zone needs: (a) natural erosion and deposition patterns for continued longshore drift, which keeps the beaches and spits intact; (b) natural vegetation along the backshore for bank stability, shelter and shade (e.g., forage fish eggs); and (c) drift logs, rocks, vegetation and other natural components washed up by the tides and deposited by streams.

The subject beach is a small pocket beach with fine sediment protected by a narrow, rocky inlet. The inlet has a northeast aspect and is probably impacted by waves from northerly winter storms. Storm surge waves occur when the wind and pressure generated by a storm act on a large body of shallow, coastal water, creating waves one-metre on average above the normal high tide.²¹ Fortunately, in this case, the coastline is extremely deep off the prevailing wind sides of Acorn Island (i.e., north and east), and the inlet is narrow which acts to diffuse much of the oncoming wave energy. As such, shoreline erosion is less of an issue than if the house fronted on an open beach.

The shoreline bio-inventory revealed that the invasive brown seaweed Japanese wireweed (*Sargassum muticum*) inhabits the inlet. Japanese Wireweed (Photo 14) is a large, fast growing brown seaweed that forms dense monocultures. It

²⁰ Provincial Develop With Care: Environmentally Valuable Resources document (<http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC-Section-4.pdf>) as retrieved on 31-May-17.

²¹ Provincial Stewardship Series. Coastal Shore Stewardship: A Guide for Planners, Builders and Developers (<http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/368207/part1.pdf>) as retrieved on 31-May-17.

impedes boat traffic and swimmers, and reproduces via floating fragments and can be spread easily²². Otherwise, no marine SAR or other invasive species were observed.

The fine sediment types (sand/gravel/shell) in the pocket bay adjacent to the subject development are favourable for forage fish spawning, but the site is very isolated and clogged with driftwood (CWD) which impedes access by these fish (Photo 15). The lack of accessibility and small habitat area make it very unlikely that this site serves as valuable forage fish spawning habitat.

4.2 Upland Habitat:

The SEI Woodland Ecosystem designation for Acorn Island can be refined to the Douglas-fir/Shore pine/Arbutus (CDFmm/02) plant community²³ based on estimates of the tree canopy coverage (%) and species assemblage. It is important to note that this forest type can include Garry oaks as a sub-dominant species as found on the subject property (see Photos 8 and 16-18).

The CDFmm/02 plant communities are typically:

- i. The driest of the forested communities in the CDFmm subzone.
- ii. Small patch communities (5-50 ha) with a tree layer dominated by Douglas-fir and Arbutus.
- iii. With a canopy cover ranging from 40 to 90%.
- iv. With a minor component of Shore pine and/or Garry oak present.
- v. With a shrub layer including Oceanspray, Dull oregon-grape, Common snowberry, tall Oregon-grape, baldhip rose, and Saskatoon berry.
- vi. With a herb layer including a number of graminoids (e.g., Western fescue, Alaska oniongrass, Blue wildrye, California brome, Long-stoloned sedge, and Many-flowered wood-rush), as well as Pacific sanicle, Big-leaved

²² Invasive Species Council of British Columbia, Aquatic Invasive Plants (http://bcinvasives.ca/documents/Aquatic_Invasive_Plants_-_Plant_Notes.pdf) as retrieved on 31-May-17.

²³ BC's Coast Region: Species & Ecosystems of Conservation, Plant Community: Douglas-fir/Arbutus (http://ibis.geog.ubc.ca/biodiversity/factsheets/pdf/plant%20communities/douglasfir_arbutus_cdfmm02.pdf) as retrieved on 29-May-17.

- sandwort, Purple peavine, White fawn lily, Trailing blackberry, and bracken fern.
- vii. The moss layer is variable within the plant community (1-40% cover) and is most prevalent on outcrop bedrock areas where trees and shrubs are unable to establish. The moss layer features Electrified cat's-tail moss, Oregon beaked-moss, Step moss and various Clad lichens.

As previously mentioned, two seasonal wetlands were also observed on Acorn Island. These freshwater habitats require further investigation to determine if rare or sensitive plants are present. One of these wetlands is situated within 100-m of the subject house (refer to the Site Survey Plan).

It is noteworthy that there were no invasive, non-native plants observed other than the occasional English holly bush on the island (although further investigation may reveal other invasive species present).

4.3 Garry Oak Ecosystems:

As stated in the Sensitive Ecosystem Inventory (East Vancouver Island and Gulf Island 1993-1997) document²⁴:

Historically, frequent lightning-induced wildfires, aboriginal burning, and elk and deer grazing prevented coniferous forests from crowding out the oak woodlands. Fires thinned out competing coniferous species, recycled nutrients into the soil, released and scarified seeds, and maintained the open woodland canopy for sunlight to enter. All of these processes are critical to maintaining woodland health and the natural cycles in the ecosystem.

On Acorn Island, it is likely that the forest has become conifer dominated through a lack of these processes at work in recent history. The observed Douglas-fir/Shore pine/Arbutus (CDFmm/02) plant community does not exclude Garry oak trees and is an ecosystem that is associated with Garry Oak Ecosystems (i.e., it may contain some of the rare SAR associated with them).

²⁴ SEI East Vancouver Island and Gulf Islands 1993-1997: Volume 1: Methodology, Ecological Descriptions, and Results
(http://a100.gov.bc.ca/appsdata/acat/documents/r2124/SEI_4206_rpt1_1111625239116_8be42252200c4f0283b18cac66eed366.pdf) as retrieved on 31-May-17.

4.4 Species-at-Risk:

There is a possibility that rare SAR exist on Acorn Island. The Bald eagles nests and the occasional Garry oak tree were the only observed sign of SAR present in this preliminary field survey. Both the forest understory and the wetland habitats require a more detailed field investigation to determine SAR presence or absence.

5.0 CONCLUSIONS

This assessment has revealed several important ecological aspects of Acorn Island. The time available for the field investigation was limited and therefore does not meet the scope requirements of a complete bio-inventory. It has, however, pointed at habitat conditions that do not support the presence of a Garry Oak Ecosystem, but rather an undisturbed coniferous forest. The absence of fire on Acorn Island has probably allowed the Douglas-fir/Shore pine/Arbutus (CDFmm/02) plant community to become the dominant forest type while Garry oak trees remain scarce.

The target species for this preliminary site survey included any plants or animals that are known to have SAR status or unusual in this bioregion. Garry oak trees and Bald eagles nests were encountered (both species are provincially yellow-listed), and require stewardship on Acorn Island. Although other SAR were not encountered in this field investigation, they may be present. A more detailed field investigation is required to confirm the presence or absence of SAR on this property.

Two seasonal wetlands were identified by an abundance of *Carex* spp. growth and visible standing surface water. These habitats, along with the man-made pond, may reveal rare species assemblages upon further investigation. No freshwater drainage or other feature was observed that would be favourable habitat for anadromous salmonids.

The marine foreshore habitat (including the intertidal beach area) in front of the subject house may be negatively impacted by the riprap rock wall installation. Hard, vertical structures such as this remove riparian vegetation from the backshore environment, eliminate natural habitat complexity along the shoreline, and simplify intertidal habitats. Without baseline information about the former condition of these habitats prior to the shoreline hardening, it is difficult to measure the extent of the impacts.

6.0 RECOMMENDATIONS

6.1 Habitat Restoration

The voluntary efforts of landowners and citizens are essential to the conservation and enhancement of sensitive and other important ecosystems such as marine shorelines. Restoration of the riparian backshore habitat on a site where shoreline hardening has occurred requires specific localized actions:

- i. Install natural vegetation along the backshore for bank stability, shelter and shade;
- ii. Use a 'soft' option such as a soil bio-engineering solution to address further shoreline erosion;
- iii. Avoid constructing retaining walls—they often transfer wave energy to neighbouring shorelines and restrict wildlife access to the waterfront;
- iv. Avoid clearing the backshore of native vegetation—it can encourage the establishment of nuisance or non-native species, which can grow quickly and eliminate native species;
- v. Remove non-native, invasive plant species in backshore and riparian habitats (including landscaped areas) and allow (or plant) natural, native plants to grow there.

6.2 Habitat Enhancement

If the Islands Trust determines that the subject riprap wall has had a net negative impact on the shoreline at the house site and requires compensation on Acorn Island, habitat enhancements involving the maintenance or creation of the following could be employed:

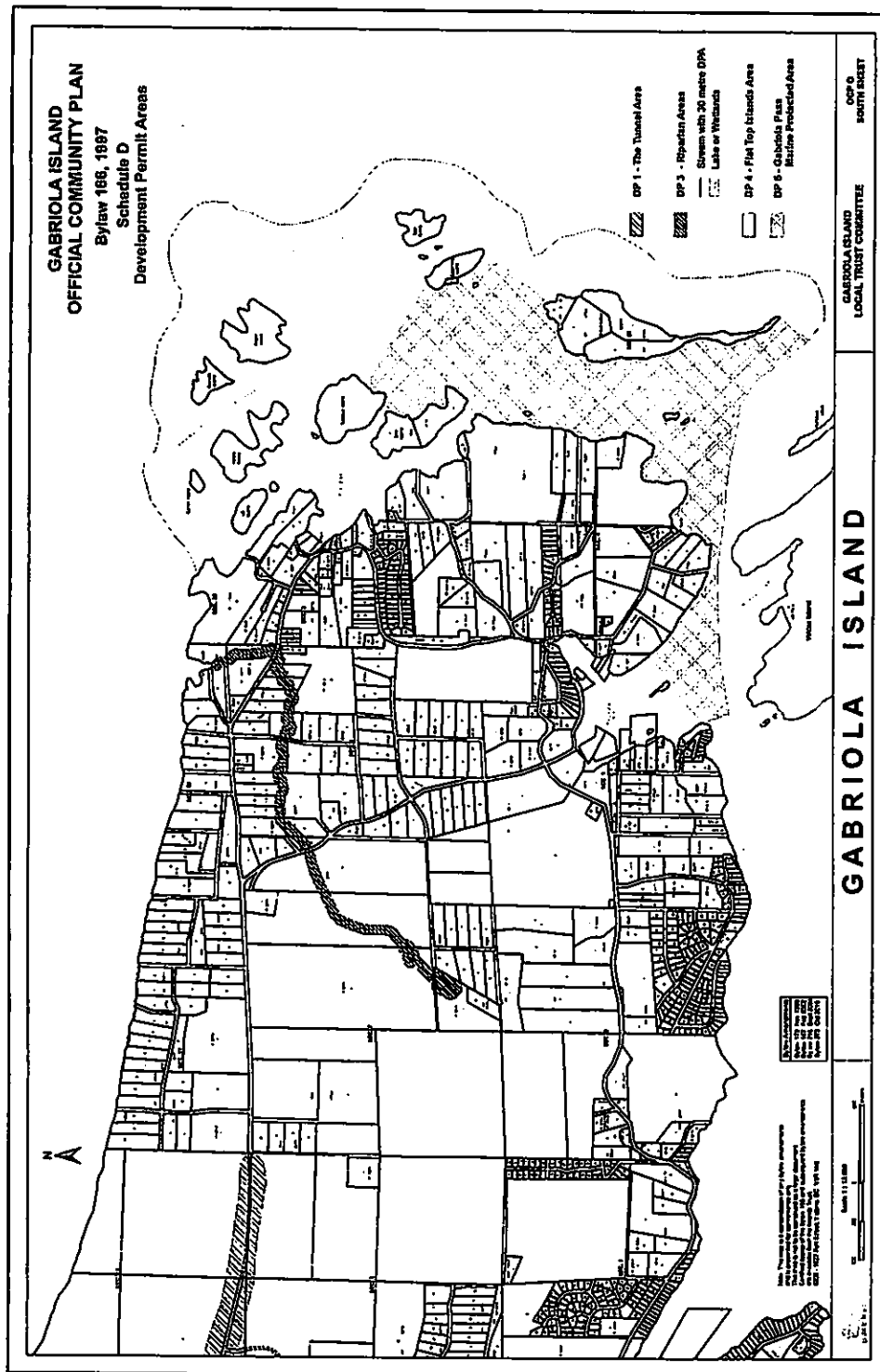
- Low gradient, natural shorelines;
- Riparian areas free of migratory barriers such as walls or other structures;
- Intact riparian forests free from invasive species that provide shade to the shoreline.

Private landowners are encouraged by local governments and conservation organizations to become active stewards of rare or threatened species and/or

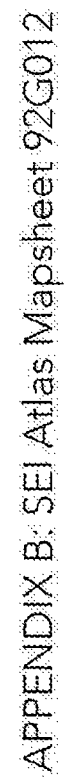
ecosystems if they possibly inhabit their lands²⁵:

Federal policy for identification and protection of critical habitat emphasizes "cooperation and stewardship first" – recognizing that while "SARA contains strong mechanisms and powers for the federal government to directly and unilaterally regulate the protection of residence and critical habitat in Canada, cooperative, voluntary measures must be viewed as the first option to securing the protection required for these crucial elements to species recovery." This approach is reiterated in the 2005 Canada-British Columbia Agreement on Species at Risk which affirms as principles that: "stewardship by land and water owners and users is fundamental to preventing species from becoming at risk and in protecting and recovering species that are at risk"; "cooperative, voluntary measures are the first approach to securing the protection and recovery of species at risk"; and "Canada and British Columbia are committed to carrying out consultations with those who may be directly affected by protection and recovery of species at risk."

²⁵ GOERT Questions and Answers: Legislation and Policy for the Protection of Garry Oak Ecosystems (http://www.goert.ca/documents/QandA_Legislation_and_Policy.pdf) as retrieved on 16-May-17.



APPENDIX A: Gabriola Island DP 4 for the Flat Top Islands



SCHEDULE "B"

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2017.2 (WESTON)**

Schedule "C" – Baynes Sound Environmental, Supplemental Letter



Baynes Sound Environmental
PO Box 1017
Cumberland, B.C.
V0R 1S0

June 26th, 2017

Attn: Local Trust Committee, Gabriola Island, Islands Trust

**RE: Recommended Mitigation and Compensation Measures for the Riprap
Wall and House Installed in the Backshore on Acorn Island**

1. Introduction:

This letter is an addendum to the Acorn Island Biophysical Survey Report (submitted May, 2017) to provide detailed recommendations for mitigation and compensation of the backshore habitat impacted by the installation of a riprap rock wall and house on this property. Specifically, the estimated impacts to riparian vegetation, shoreline stability, and rare or threatened species habitats on Acorn Island are addressed.

The field survey for this assessment was conducted in the post-construction phase which means that the baseline habitat conditions are not known for the site. It is important to mention that the original habitat conditions are estimates from observations of adjacent shoreline and riparian habitat areas near the site. It's also important to keep in mind that an older house existed in the same location before this development occurred.

For an overview of the site and the subject development, refer to Section 1.0 of the survey report.

2. Methods:



Baynes Sound Environmental: <http://baynessoundenvironmental.com/>

Refer to the Acorn Island Biophysical Survey Report (May, 2017), Section 2.0 for a summary of the methods used for this habitat assessment.

3. Results:

Refer to the Acorn Island Biophysical Survey Report, Section 3.0 for a summary of the results found by this habitat assessment.

4. Discussion

As stated in the biophysical report for this property, the forest type on Acorn Island resembles a Coastal Douglas-fir Moist Maritime (CDFmm/02) sub-variant Douglas-fir/Arbutus plant community.

Garry oak trees are widely dispersed on the island along with other confirmed sensitive habitat features including: two seasonal wetlands, a year-round pond, Bald eagle nest(s), and pocket beaches along the marine shoreline that appear suitable for forage fish spawning.

For the purposes of this study, these features have been grouped into the following three categories based habitat type and ecosystem function.

4.1 Riparian Vegetation

4.1.1. Ecosystem Function and Estimated Impacts

Riparian vegetation is important for the proper functioning condition of all aquatic habitats. It serves to provide shade, water retention, erosion control and wildlife habitat.

In the case of the subject house and riprap wall, most of the riparian vegetation has been removed along the marine shoreline and requires remediation. The riparian areas around the two seasonal wetlands and the year-round freshwater pond on the island appears intact and well-functioning.



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Baynes Sound Environmental: <http://baynessoundenvironmental.com/>

4.1.1.1 Marine Shoreline

The riparian zone extends approximately 15 m from the high-high-tide line in a marine environment. This zone is where shoreline stability is formed (or lost), and where a unique assemblage of riparian plants with salinity tolerance become established.

Adjacent to the subject site, the undisturbed marine riparian zone is composed of a mix of Douglas-fir (*Pseudotsuga menziesii*), Arbutus (*Arbutus menziesii*), Shore pine (*Pinus contorta* var. *contorta*), Garry oak (*Quercus garryana*), and Bigleaf maple (*Acer macrophyllum*). Shrubs include Salal (*Gaultheria shallon*), Common snowberry (*Symphoricarpos albus*), and Oceanspray (*Holodiscus discolor*).

The riprap rock wall and house have eliminated most of the riparian vegetation within the footprint of this development, while replacing some of this area with non-native plant species.

4.2 Marine Shoreline Stability

4.2.1. Ecosystem Function and Estimated Impacts

The shoreline of Acorn Island is characterized by a series of sandstone shelves, low elevation rocky bluffs, and pocket bays with cobble/gravel/shell sediment accumulations. The subject house and riprap wall are located adjacent to a small pocket bay at the head of a narrow inlet that is naturally confined by sandstone bedrock and bluff.

In general, localized shoreline stability is enhanced by hard shoreline structures (such as bedrock) and well-rooted riparian vegetation (see Section 4.1 above). These features function to prevent sediments from eroding from the immediate shoreline (as a result of tidal action or storm surge events), but often transfer wave energy to adjacent shorelines causing erosion nearby.

Shoreline sediment accumulations that result from shoreline erosion can negatively impact intertidal habitat areas by infilling interstitial spaces important for invertebrates (and other species), and/or changing the beach sediment composition completely.



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Baynes Sound Environmental: <http://baynessoundenvironmental.com/>

There is a small amount of shoreline erosion evident adjacent to the subject riprap rock wall that appears to be adding a small volume of fine sediment and organic matter to the adjacent pocket beach.

The subject riprap rock wall is located along a soft sediment (i.e., non-bedrock) interface along the backshore and the upland terrestrial habitat, but does not span the entire length of the fine sediment shoreline of this inlet. Although the wall is likely preventing an increase in shoreline erosion by protecting the softer ground at the head of the inlet, it is also likely transferring wave energy outward to the shoreline segments not protected by bedrock (as evidenced by erosion mentioned above).

Shoreline stability concerns like the erosion described above are what prompted the landowners to install the riprap wall in front of their new house, as well as concern for beach wood accumulation under the new deck. It's important to note that similar shoreline protections are in place naturally at this site by way of the sandstone bedrock lining most of the inlet.

4.3 Rare or Threatened Species

4.3.1 Ecosystem Function and Estimated Impacts

Maintaining biodiversity and unique habitats for rare or threatened species on private property like this is important for maintaining functional ecosystem(s) across wider landscapes. It is important to remember that a lack of observation of a rare or threatened species in an area does not confirm its absence unless the field investigation has targetted a particular species.

Garry Oak trees were observed on the subject property but do not represent a Garry Oak Ecosystem in this location. Bald Eagle presence on Acorn Island was also evident by the confirmed nest within 100-m of the subject house (refer to Section 2.2.3 of the biophysical report for more detail).

5. Conclusions:

For the shoreline and riparian area impacted by the construction of the subject house and riprap wall, the following measures are recommendations to mitigate and compensate for



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estimated habitat losses, and should be written into a conservation covenant(s) or other protection measures by the Islands Trust for this property.

5.1 Riparian Vegetation Loss:

In the case of the subject development, most of the native riparian vegetation was removed along the marine shoreline and this habitat loss requires localized remediation.

The riparian zone extends from the high tide line to 15-m inland and requires a natural density of native trees and shrubs to provide required shade, erosion control and wildlife habitat along the shoreline.

A variety of seedling trees and shrubs should be transplanted into the riparian zone around riprap wall and house (see Section 4.1.1.1. of this report for a list of suggested species). The owners should hire a professional landscaper with expertise in Native Plant Landscaping to produce a plan designed to restore or compensate for losses in shoreline vegetation function around the development site.

5.1.1. Garry Oak Trees:

It is unclear whether any Garry oak trees were removed during the subject development, but for future construction it is recommended that a Protected Root Zone is established for each individual Garry oak tree nearby by installing a circle of protective fencing around the dripline of each tree¹. Lateral roots of Garry Oak trees can extend beyond the dripline by as much as twice the crown radius, so it is important to protect as large an area as possible around the tree with fencing prior to the start of construction.

5.1.2. Bald Eagle's Nest Trees:

The provincial Best Management Practices (BMPs) for development activity near established Bald eagle (*Haliaeetus leucocephalus*) nests² in rural areas recommends a

¹ The Best Management Practices for Garry Oak and Associated Ecosystems (http://www.goert.ca/documents/GOERT_BMPs.pdf) as retrieved on 16 May 17.

² The Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet #10 Bald Eagles and Ospreys (http://www.wildlifetree.ca/docs/Fact_Sheet_10_eagles_osprey.pdf) as retrieved on 30 May 17.



minimum of a 100-m buffer distance from nest tree to proposed construction and these setbacks must be established prior to approval of any proposed future development.

5.2 Marine Shoreline Erosion

5.2.1. Shoreline Stability

There is little evidence that the subject shoreline has been de-stabilized as a result of the installation of the riprap wall aside from a little erosion adjacent to the wall on one end. The gaps between the wall ends and the beginning of the sandstone bedrock that constrains the shoreline on either side of the wall could be protected with a soft-engineered approach such as a log-crib structure if the erosion becomes more pronounced. A baseline erosion and sediment control study should be established in the present and monitored in the future to determine if the riprap wall is having long-term, cumulative negative impact on the surrounding shoreline.

If it is found that there is a net-negative impact, then the owner will need to hire a bioengineering specialist with experience in shoreline stabilization for specific design and installation requirements for this site.

5.2.2. Forage Fish Spawning Habitat:

The loss of fine sediment recruitment from the shoreline by the wall for forage fish spawning habitat is not a large concern given the small area of this pocket beach and the high volume of beach log accumulation in the high intertidal area which likely acts to prevent spawning. It is important to mention that forage fish spawning activity has not been confirmed on Acorn Island and that compensatory measures will not be recommended unless spawning is confirmed.

5.3 Impacts to Species-at-Risk Habitat

No Species-at-Risk (SAR) habitat aside from Garry Oak trees and Bald Eagles nests were identified in this preliminary biophysical assessment. A more detailed field investigation may reveal SAR on Acorn Island although it will not be possible to confirm whether or not SAR were directly impacted by the subject development. As such, it is recommended that the following sensitive habitats be protected in the future by the following buffers (with



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conservation covenant(s) or other protection measures developed by the Islands Trust on this property):

- The two seasonal wetlands should receive a 15-m riparian buffer setback.
- The year-round freshwater pond should receive a 15-m riparian buffer setback.
- All marine shorelines should receive a 15-m riparian buffer setback.

The setback areas for all three habitat types should restrict future development and motorized vehicle access, and be designed to provide maximum protection for sensitive SAR possibly residing in these areas.

Please do not hesitate to contact me if you have any questions.

Sincerely,

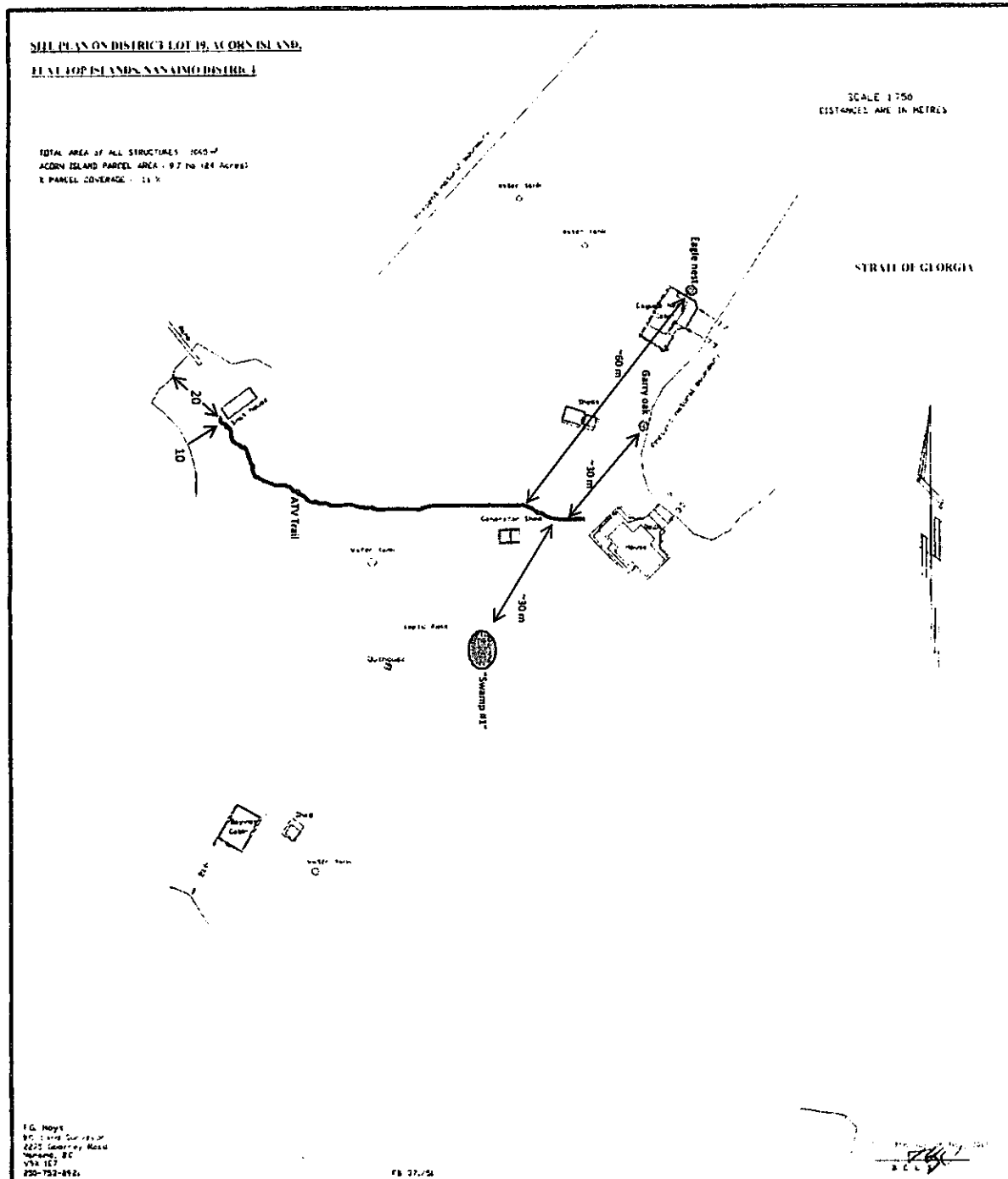
Kayt Chambers, R.P.Bio.
kayt.chambers@gmail.com
(250) 650-5143



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Baynes Sound Environmental: <http://baynessoundenvironmental.com/>

SCHEDULE C

ATV/UTV ACCESS ROUTE





JPH CONSULTANTS

434 Milton Street, Nanaimo, BC V9R 2L1
Phone/fax: 250-816-4613

www.jphconsultants.ca

Date: April 19, 2022

Robert Fenton Law Corporation

rob@rflawoffice.ca

cc laura-jean@topographics.ca

colleen@aquilla.ca

Jude.Weston@rimex.com

Attention: Robert Fenton

Re: GB-DVP-2017.1 (Weston- Acorn Island) - PID 009-796-045, District Lot 19 (Flat Top Islands), Nanaimo District - Marine Riparian Habitat Compensation Planting
Certification of Substantial Completion of the Work

Dear Sir;

The marine riparian habitat compensation planting work, as proposed in our March 16, 2021 assessment report and planting plan, was executed and completed by April 14, 2022 by Topographics Landscape Architecture (the Contractor), Gabriola Island.

The work was inspected by the undersigned on that date and determined to be Substantially Complete with a minor plant deficiency valued at 2.8% of the Contract amount.

1. Lawn was stripped, and exotic (non-native) and invasive plants within the 15m planting zone were removed- to a composting pile well-outside of the designated riparian area.
2. Exposed soils within the treatment area were found to be a sandy loam, *free of any objects other than soil to the maximum required planting depth of 10cm*. Based on our professional experience the soil texture and consistency appear characteristic of non-native ('import') soil, likely barged to the Island for landscape purposes.
3. All plants in the list were supplied and planted as prescribed EXCEPT 12 *Mahonia nervosa* plants (rejected) representing 2.8% of the total 424 plants in the plan.
4. The rejected 12 *Mahonia* plants are to be replaced/planted expeditiously (prior to May 15).
5. The proposed 1m width access path shown in the plan was left in sod cover to facilitate maintenance and access to the utilities at the south side of the house.
6. A plant establishment inspection will be undertaken by the undersigned, with the Contractor present, in latter June. In remote, off-grid projects where a restoration planting strategy has been employed, a maximum 15% mortality of plants is generally deemed to be acceptable.
7. The Contractor is not responsible to maintain and tend the plantation. Their remaining responsibility extends to supplying 12 replacement *Mahonia* plants
8. Plant maintenance guidelines, covering watering and tending the plantation for the following calendar year are provided under separate cover to the Owner's site maintenance staff (J. Reid).



Rosa gymnocarpa being planted in this image at 60cm 'on center'.

With sufficient watering, as the spring/summer weather progresses, plant materials are expected to establish roots; the deciduous species will flush new leaves; and modest growth will occur in most plants*.

*Note that Garry oaks are very slow to grow and those planted are small. These will need to be protected from inadvertent trampling or encroachment by weeds.

Recommendation

Other than replacement of the rejected 2.8% of the plant material this certifies that the Contractor has completed the Work in accordance with the "Acorn Island Sea Wall Compensation - Proposed Marine Riparian Planting Plan".

We recommend payment of the Contract Amount upon invoice receipt, with a 2.8% holdback.

Sincerely;

JPH Consultants

J. Patrick (Pat) Harrison, Registered Landscape Architect, BCSLA

DATE OF MEETING: June 16, 2022

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Consideration of adoption of Proposed Bylaw Nos. 306 (OCP); 307 (LUB) and 308 (Housing Agreement), Paisley Place, Gabriola Housing Society

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 306, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”, be adopted
2. That Gabriola Island Local Trust Committee Bylaw No. 307, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”, be adopted.
3. That Gabriola Island Local Trust Committee Bylaw No. 308, cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020”, be adopted.

REPORT SUMMARY

The purpose of this report is for the Gabriola Island Local Trust Committee (LTC) to consider final reading/adoption of Bylaw Nos. 306, 307 and 308 which would amend the designation and zoning of the subject properties to enable the development of up to 24 units of affordable rental housing in the Gabriola village area and establish a new environmental protection development permit area.

BACKGROUND

Proposed Bylaw Nos. 306 (OCP) and 307 (LUB) were approved by the Executive Committee (EC) on January 13, 2021 and Bylaw 306 was approved by the Minister of Municipal Affairs and Housing on May 10, 2021. Proposed Bylaw No. 308 (Housing Agreement) was approved by the Executive Committee on June 8, 2022. The EC also passed the following resolution:

EC-2022-074 It was Moved and Seconded,

That Islands Trust Executive Committee recommend to Gabriola Island Local Trust Committee that before it adopts Bylaw No. 308, that the interests of Snuneymuxw First Nation in this bylaw are confirmed. **CARRIED**

Rationale for Recommendation

The Gabriola Housing Society (GHS) is continuing to work to establish meetings with Snuneymuxw First Nation to build relationships and develop the necessary wording for a prioritization statement to secure housing in the Paisley Place development for Snuneymuxw members. An amendment to the housing agreement is intended to be presented to the LTC for consideration as soon as feasible, as an administrative bylaw amendment. The GHS intend to apply for BC Housing funding in 2023 with the necessary zoning, housing agreement and a development permit in place. Should the bylaws be approved by the LTC today, there is still sufficient time for GHS and Snuneymuxw to finalize a mutually agreed upon administrative amendment to the housing agreement prior to funding confirmation.

Given that the Executive Committee of the Islands approved Bylaw No. 308, and that the GHS and Chair of the Islands Trust have indicated their ongoing commitment to engage with Snuneymuxw, staff recommends, as per page 1 of this report, that the LTC approve all three bylaws related to this application.

ALTERNATIVES

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

1. Defer consideration of final reading/adoption of bylaws until a prioritization statement is proposed by GHS and Snuneymuxw, for LTC consideration. Should the LTC consider this alternative, the delay in bylaw adoption and processing/issuance of a Development Permit may adversely impact the applicant's ability to be successful in securing funding through BC Housing in 2023.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	June 8, 2022
Concurred By:	Heather Kauer, RPP, MCIP, Regional Planning Manager	June 9, 2022

ATTACHMENTS

- Bylaw No. 306 (OCP)
- Bylaw No. 307 (LUB)
- Bylaw No. 308 (Housing Agreement)

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306**

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

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 Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”.

2. Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997,” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.

READ A FIRST TIME THIS 25TH DAY OF JUNE , 2020

READ A SECOND TIME THIS 22ND DAY OF OCTOBER , 2020

PUBLIC HEARING HELD THIS 7TH DAY OF JANUARY , 2021

READ A THIRD TIME THIS 7TH DAY OF JANUARY , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

13TH DAY OF JANUARY , 2021

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

10TH DAY OF MAY , 2021

ADOPTED THIS _____ DAY OF _____ , 202x

Chair

Secretary

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306
Schedule "1"

1. **Schedule "A"** of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:
 - 1.1 **Schedule A - Preface, Map Schedules**, III. Schedule D is amended by replacing the words "and 9" with ", 9 and 11".
 - 1.2 **Section 2 - General Land Use and Residential Development**, Subsection **2.0 General Land Use, General Land Use Policies**, clause "k)" is amended by replacing the words "Special Needs residents and Seniors" with "Special Needs residents, Seniors and multiple-dwelling affordable housing."
 - 1.3 **Section 2 - General Land Use and Residential Development**, Subsection **2.1 Residential Land Use, General Residential Policies**, clause "a)" is amended by replacing the words "Special Needs and Seniors' affordable housing" with "Special Needs, Seniors and multiple-dwelling affordable housing."
 - 1.4 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing the third bullet text "Low-income families" and replacing it with "Low to moderate income families, as set out in a housing agreement."
 - 1.5 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing the following:

"Affordable housing means housing that costs no more than 30% of a household's gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Canada Census information)."
 - 1.6 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing "Currently there are two Seniors' housing developments on Gabriola (designated as Seniors and Special Needs (SSN) in Schedule B of this Plan), and no other types of Multi-dwelling Affordable Housing development", and replacing it with, "Currently there are two Seniors' housing developments (designated as Seniors and Special Needs (SSN) in Schedule B of this Plan). To accommodate the provision of multi-family affordable housing, the Plan supports the creation of a new designation (MAH) and zone that is compliant with the objectives and policies of this section."
 - 1.7 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Objectives**, Objective "1" is amended by deleting "Low-income families" and replacing it with "low to moderate income families".
 - 1.8 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause "a)" is amended by removing "9.3" and replacing it with "9.4".

1.9 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “c)” is amended by removing “Section 904” and replacing it with “Section 482”.

1.10 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “c)” is amended by deleting the words “for seniors and Special Needs residents”.

1.11 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “d)” text is deleted and replaced with the following text:

“Densities for the creation of Multi-dwelling Affordable Housing for low to moderate income families shall come only from:

- i. banked densities as noted in Appendix 2 (Density Bank) of this plan, or
- ii. if there are insufficient densities in the Density Bank, the shortfall in densities may be provided based on the merits of the proposal, using the following criteria:
 - lot size;
 - proximity to the Village Core, public transportation and community amenities;
 - availability of sufficient water supply for the proposed number of dwelling units;
 - availability of an area of sufficient size and appropriate characteristics to meet provincial health authority requirements for an on-site sewage treatment system capable of servicing the proposed number of dwelling units;
 - demonstrated community need; and
 - provided that a housing agreement is in place to ensure affordability is maintained in perpetuity.”

1.12 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “h)” is amended by removing “Section 905” and replacing it with “Section 483”.

1.13 **Section 2 – General Land Use and Residential Development**, Subsection **2.7 Home Occupational Use, Home Occupational Policies**, clause “a)” is amended by adding “or Multi-dwelling Affordable Housing as identified in Schedule B of this Plan” after “a single-dwelling residential use”.

1.14 **Section 9 – Development Permit Areas**, Subsection **9.1 Development Permits for Protection of the Natural Environment**, is amended by adding a new development permit area “**DP-11 Environmental Protection**” after “**DP-5 Gabriola Pass Area**”:

“DP-11 Environmental Protection

Development Permit Area 11 (Schedule D) is designated according to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity. The area is also designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of

a report from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below. The Development Permit Area should not be interpreted as a prohibition on development activity but as identification of areas where professional assessment and specific development adaptation measures are required.

Justification

Gabriola Island has significant natural areas that support important plants and animal habitats. This development permit area is intended for the protection of sensitive ecosystems that are generally classified as mature forest, woodland, herbaceous, cliff, wetland and freshwater. These ecosystems are sensitive to development due to their rarity and potential vulnerability to disturbance.

Objective

The objectives of this development permit area are as follows:

- a. To preserve, protect, restore or enhance environmental features and sensitive ecosystems on Gabriola Island.
- b. To manage development in environmentally sensitive areas.
- c. To minimize the loss of sensitive ecosystems.
- d. To increase protection for species at risk.
- e. To encourage retention of Coastal Douglas-fir and associated ecosystems.
- f. To manage development in an environmentally sensitive manner.

Information Note: Development Permit Area Guidelines for DP-11 Environmental Protection are in the Gabriola Island Land Use Bylaw."

1.15 **Appendix, Appendix 1 Definitions**, is amended by adding a new definition of "affordable housing":

"affordable housing" residential dwelling units rented or owned under the terms of a housing agreement registered on title in favour of the Local Trust Committee."

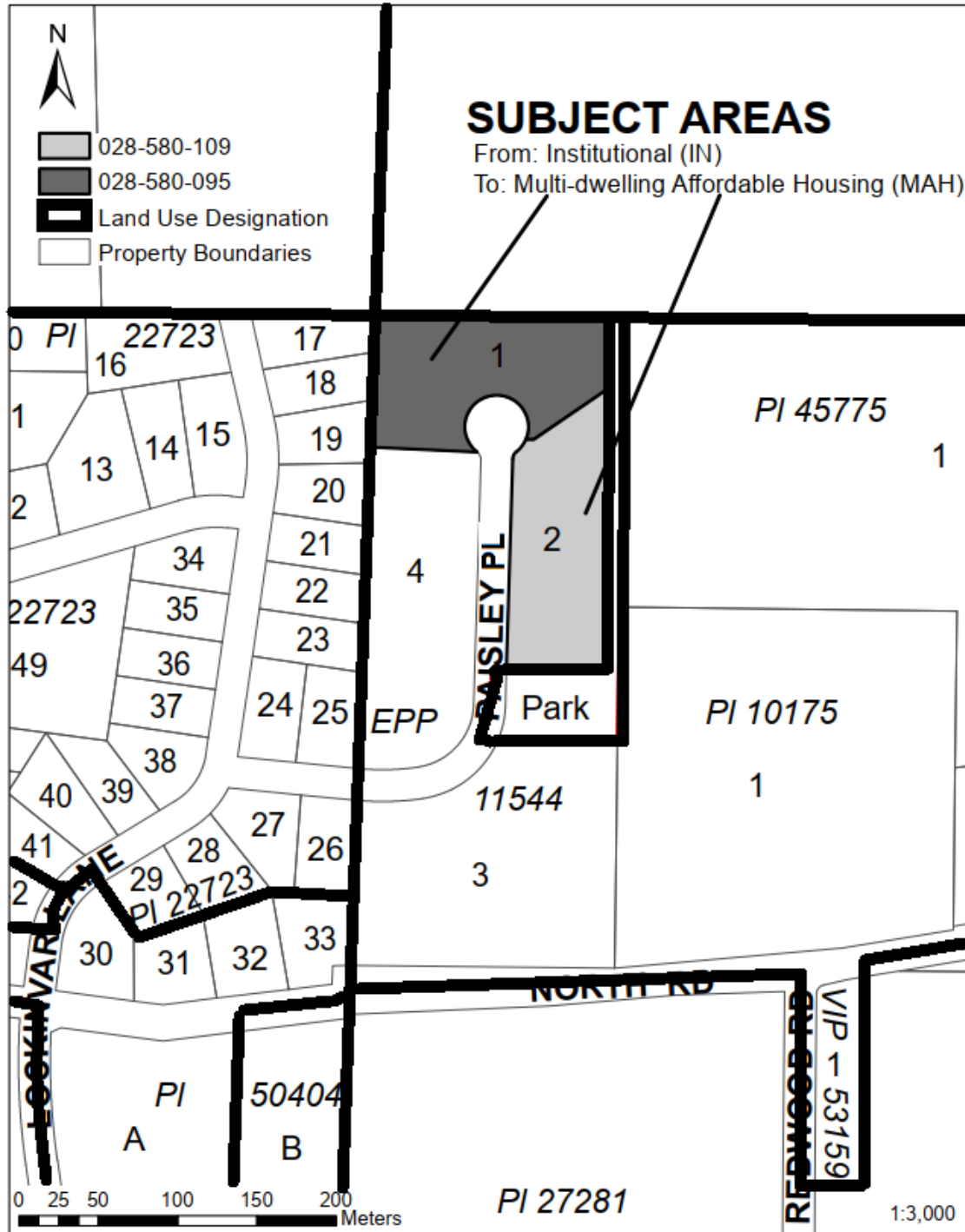
1.16 **Appendix, Appendix 1 Definitions**, by removing the word "multiple-dwelling" and replacing it with "multi-dwelling".

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306
Schedule “2”

1. **Schedule “B” – Land Use Designations – North Sheet** of the Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997 is amended as follows:
 - 1.1. On those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) the land use designation is changed from “Institutional” to “Multi-dwelling Affordable Housing” as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 166 as are required to effect this change.
 - 1.2. On those lands described as LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) the land use designation is changed from “Institutional” to “Multi-dwelling Affordable Housing” as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 166 as are required to effect this change.
2. **Schedule “D” – Development Permit Areas – OCP D North Sheet** of the Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997 is amended as follows:
 - 2.1. **Schedule “D” – Development Permit Areas – OCP D North Sheet**, is amended by designating within Development Permit Area “DP-8 – Multi-dwelling Affordable Housing” on those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) and LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) and in those areas as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule “D” of Bylaw No. 166 as are required to effect this change.
 - 2.2. **Schedule “D” – Development Permit Areas - OCP D North Sheet**, is amended by designating a new Development Permit Area “DP 11 – Environmental Protection” on those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) and LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) and in those areas as shown on Plan No. 3 attached to and forming part of this bylaw and by making such alterations to Schedule “D” of Bylaw No. 166 as are required to effect this change.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306

Plan No. 1



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 307

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, 2020”.

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

READ A FIRST TIME THIS 25TH DAY OF JUNE 2020

READ A SECOND TIME THIS 22ND DAY OF OCTOBER 2020

PUBLIC HEARING HELD THIS 7TH DAY OF JANUARY 2021

READ A THIRD TIME THIS 7TH DAY OF JANUARY 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

13TH DAY OF JANUARY 2021

ADOPTED THIS _____ DAY OF _____ 202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307**

Schedule “1”

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 **Part B - GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES**, is amended by inserting a new Subsection “B.1.4 Site-Specific Zones” after Subsection “B.1.3 Use of Undersized Lots”, as follows:

- “B.1.4.1** The Multi-dwelling Affordable Housing 1 (MAH1) zone is only applicable to the following lots:
- a. LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095); and
 - b. LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109).”

1.2 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.2 Permitted Home Occupations Uses**, is amended by adding the following Article:

- “B.3.1.3** *Home occupation* uses in the Multi-dwelling Affordable Housing 1 (MAH1) zone may only occur within the dwelling unit of the principal operator.”

1.3 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.2 Permitted Home Occupations Uses**, is amended by adding the following Article:

- “B.3.2.2** Despite Article B.3.2.1, the following *home occupation* uses and no other are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:
- a. Business and professional offices that receive no clients or visitors to the *lot*;
 - b. Catering and food preparation for sale elsewhere or delivery, with delivery occurring between the hours of 8 a.m. and 6 p.m.;
 - c. Production of art and craft goods for sale elsewhere, provided no open flame is required in making the art or craft goods and no toxic fumes are produced during their creation.”

1.4 **Part B – GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause “b)”** is amended by adding the words “except in the Multi-dwelling Affordable Housing 1 (MAH1) zone,” immediately after the opening words “Home occupations”.

1.5 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause “i)”** is amended by adding the following after “Signage is permitted for all home occupations in accordance with Section B.4 of this Bylaw”:

“, except for those home occupation uses that occur on a lot within the Multi-dwelling Affordable Housing 1 (MAH1) zone, and then no signage is permitted.”

- 1.6 **Part B – GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause “I)”** is amended by adding the words “permitted in the zone” immediately after the word “stand”.

- 1.7 **Part B – GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1,** is amended by inserting new clause “m” as follows:

“m. In the Multi-dwelling Affordable Housing 1 (MAH1) zone, the total floor area for *home occupation* use must not exceed 30% of the total floor area of the *dwelling unit* in which the *home occupation* occurs.”

- 1.8 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.5 Employees,** is amended by adding the following:

“**B.3.5.2** Despite Article B.3.5.1, in the Multi-dwelling Affordable Housing 1 (MAH1) zone, home occupations must be operated solely by residents of the dwelling unit in which the home occupation occurs.”

- 1.9 **Part B - GENERAL REGULATIONS, Section B.4 SIGNS, Subsection B.4.1 Number and Total Sign Area, Article B.4.1.1** is amended by adding the following:

Column 1	Column 2	Column 3
<i>Zone</i>	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
Residential Zones		
MAH1	2 per lot	4.0 sq.m. (43.0 sq.ft.) per lot

- 1.10 **Part B - GENERAL REGULATIONS, Section B.5 PARKING, Subsection B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles, Article B.5.1.1, Table 2: Parking Requirements** is amended by adding the following:

Column 1	Column 2	Column 3	Column 4
Use	Standard Parking Requirements	Accessible Parking Requirements	Bicycle parking requirements
RESIDENTIAL			
two family dwelling	1.25 per unit	Greater of 1 or 1 per 10 units	1 per unit without a garage

- 1.11 **Part C - ESTABLISHMENT OF ZONES**, Section **C.1 DIVISION INTO ZONES**, Subsection **C.1.1 Land Based Zones**, Article **C.1.1.1 Residential Zones**, insert new zone “MAH1 Multi-dwelling Affordable Housing 1” after “SSN Seniors and Special Needs”.
- 1.12 **Part D - ZONES**, Section **D.1 RESIDENTIAL ZONES**, insert new Subsection D.1.4 Multi-dwelling Affordable Housing 1 (MAH1) after Subsection **D.1.3 Seniors and Special Needs (SSN)** as shown on **Appendix 1** attached to and forming part of this bylaw.
- 1.13 **Part F - DEVELOPMENT PERMIT AREA GUIDELINES** is amended by adding a new Subsection **F.11 DP 11-Environmental Protection** as shown on **Appendix 2** attached to and forming part of this bylaw.
- 1.14 **Part G - DEFINITIONS**, Section **G.1 DEFINITIONS**, “*dwelling – multiple family*” is amended by adding the word “principal” after “more” and before “dwelling units”.
- 1.15 **Part G - DEFINITIONS**, Section **G.1 DEFINITIONS**, is amended by adding the following definitions in alphabetical order:

<i>“dwelling, two family</i>	<i>a building consisting of two principle dwelling units;</i>
<i>residential rental tenure</i>	means the granting of a right to occupy a <i>dwelling unit</i> as living accommodation where the minimum occupancy period is thirty consecutive days, and where the <i>dwelling unit</i> is not owned by a <i>dwelling unit</i> occupant, but where regular payments are made to the owner for the use of the <i>dwelling unit</i> ;

2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:
 - 2.1 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
 - 2.2 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307

Appendix 1

D.1.4 Multi-dwelling Affordable Housing 1 (MAH1)

D.1.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

a. Permitted *Principal* Uses

- i *multiple family* residential
- ii *two family* residential

b. Permitted *Accessory* Uses

- i *home occupations*, subject to Section B.3

D.1.4.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

a. Permitted *Buildings* and *Structures*

- i *Multiple family dwellings* and *two family dwellings*, to a maximum of 12 *dwelling units* per hectare (4.85 units per acre) and a maximum of 24 *dwelling units* per *lot*.
- ii Three *buildings* per *lot* that exclude a *pump/utility house*, woodshed and garden shed, and that are *accessory* to all *dwelling units*.
- iii The average size of all *dwelling units* on a *lot* must not be greater than 83 square metres (900 sq.ft.).

D.1.4.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Multi-dwelling Affordable Housing 1 (MAH1) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of *buildings* or *structures* is 9.0 metres (29.5 feet).

b. *Building* and *Structure* Siting Requirements

- i Except for a sign, *fence*, or *pump/utility house*, the minimum *setback* for *buildings* and *structure* is:
 - 3.0 metres (9.8 feet) from the *front lot line*;
 - 10.0 metres (32.8 feet) from any *lot line* that is not a *front lot line*.
- ii Despite item D.1.4.3.b.i, the minimum *setback* of *buildings* and *structures* from a *lot line* that coincides with a *lot* in the same zone is 0.0 metres.

c. Lot Coverage Limitations

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot* area.

d. Subdivision Requirements

- i The minimum lot area is 1.0 hectares (2.47 acres).

e. Form of Tenure

- i One hundred percent (100%) of the *dwelling units* in the Multi-dwelling Affordable Housing 1 (MAH1) zone shall be limited to *residential rental tenure*.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307**

Appendix 2

F.11 DP-11 Environmental Protection

F.11.1 Applicability

- F.11.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.11.2.1:
- a. subdivision of land;
 - b. construction of, addition to, or alteration of a building or other structure;
 - c. alteration of land.
- F.11.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

F.11.2 Exemptions

- F.11.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, property owners must meet any other local, provincial or federal requirements:
- a. Activities on land in respect of which the Islands Trust has received a written statement from a registered professional biologist with relevant experience certifying the absence of a sensitive ecosystem within the area that would be affected by the proposed work;
 - b. Gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
 - c. Manual removal of invasive species in accordance with best management practices;
 - d. Manual planting of native vegetation conducted in accordance with best management practices;
 - e. The construction of a trail if all of the following apply:
 - i. The trail is 1 metre wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips);
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels a stream, the trail is more than 5 metres away from the high water mark of the stream.

- f. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- g. Ecological restoration and enhancement projects undertaken or authorized by a public body;
- h. The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation, including general repair or replacement of a septic field on the same spot;
- i. Pruning or topping that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone;
- j. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- k. The repair and maintenance of existing roads, driveways, paths and trails provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfaces;
- l. Works undertaken by a local government or a body established by a local government;
- m. An application resulting in a lot consolidation.

F.11.3 Guidelines

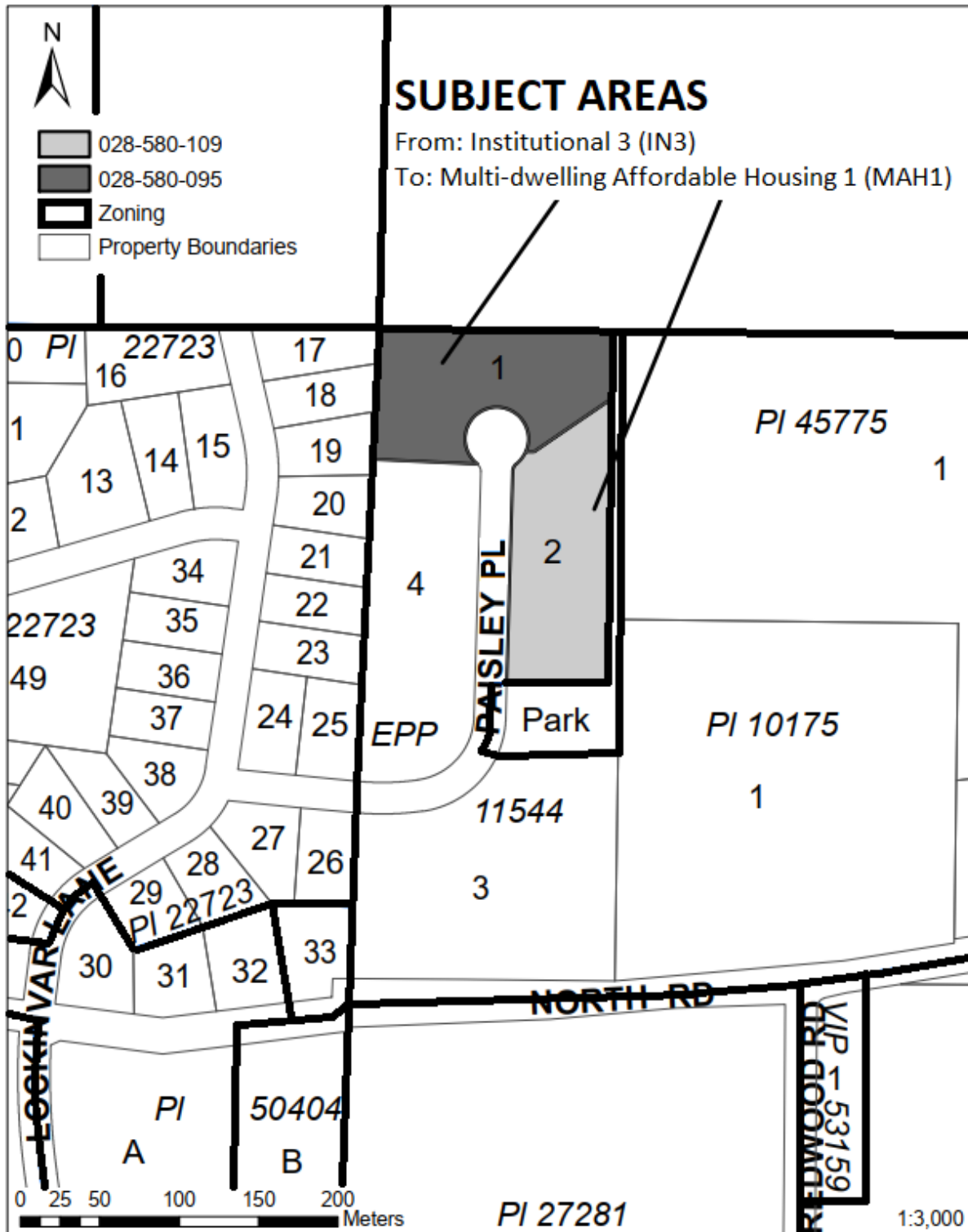
Prior to undertaking any development activities within DP-11 that are not exempted by F.11.2.1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.11.3.1 Minimize the area cleared and disturbed for development within the context of the permitted use and density.
- F.11.3.2 Site buildings and associated infrastructure to minimize removal of vegetation and to allow sufficient undisturbed space around retained significant mature or established trees to protect root systems.
- F.11.3.3 Native vegetation and trees shall be retained wherever possible.
- F.11.3.4 Vegetation clearing shall occur during the least risk timing window for bird species as recommended by a qualified professional. If works cannot be completed during this window, a qualified professional shall be retained to survey the area prior to clearing to rule out the presence of nesting birds or other species.
- F.11.3.5 Where this area includes trees that bear the nest of eagles or other species of birds, a buffer area around each nest tree shall be left undisturbed. The size of the buffer shall be determined prior to development by a qualified professional, with advice from the provincial ministry responsible for the environment and wildlife or the Canadian Wildlife Service.

- F.11.3.6 Avoid removal of mature and old Douglas-fir and western red cedar trees to the extent possible. Trees with unique identified wildlife habitat or unique habitat potential should be retained and incorporated into the design.
- F.11.3.7 Where species at risk or critical habitat for species at risk have been observed, requirements to protect species at risk and mitigation measures shall be in accordance with the federal *Species At Risk Act* (SARA) and with the provincial *Wildlife Act*.
- F.11.3.8 An assessment of the environmental impact, including mitigation measures required, prepared by a qualified professional, shall be required prior to any new developments or the expansion of existing development.
- F.11.3.9 Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.
- F.11.3.10 Efforts shall be made in construction and maintenance activities to source goods, supplies and services on-island to reduce greenhouse-gas emissions related to transportation.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307

Plan No. 1



PROPOSED

LAND TITLE ACT

TERMS OF INSTRUMENT – PART 2

Housing Agreement and Section 219 Covenant
(Section 438 Local Government Act and Section 219 Land Title Act)

THIS AGREEMENT DATED FOR REFERENCE THE [day] OF [month], 20__ is BETWEEN:

GABRIOLA HOUSING SOCIETY, a society incorporated under the laws of the province of British Columbia under number [S-0060928] and having its office at P.O. Box 76, Gabriola Island, B.C., V0R 1X0

(the “Owner”);

AND:

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

(the “Trust Committee”)

WHEREAS:

- A. The Owner is the registered owner of the Lands situated at Lot 1 and Lot 2 Paisley Place on Gabriola Island, British Columbia and legally described as:

PID 028-580-095

LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544

and

PID 028-580-109

LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544

(collectively, the “Lands”);

- B. The Owner intends to construct on the Lands a residential development that will include Affordable Housing Units (hereinafter defined) to rent, by way of a Tenancy Agreement, at an affordable rate to Qualified Occupants (hereinafter defined);
- C. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local*

PROPOSED

Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;

- D. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- E. As a condition of rezoning the Lands, the Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement and to restrict the use of, and construction on, the Lands and the use of the Affordable Housing Units constructed on the Lands, on the terms and conditions of this Agreement, to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- F. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

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

Article 1

a. **Definitions** – In this Agreement:

“Appropriate Accommodation” means accommodation that is affordable, suitable and adequate according to Household income, size and composition;

“Affordable Housing Funder” means BC Housing, Canada Mortgage and Housing Corporation or other agency that provides a grant or preferential rate loan to support the development of Affordable Housing Units on the Lands;

“Affordable Housing Unit” means a studio, 1 bedroom, 2 bedroom or 3 bedroom Dwelling Unit on the Lands in respect of which the construction, tenure, rental and occupancy are restricted in accordance with sections b through e of this Agreement;

“Affordable Market Unit” means an Affordable Housing Unit on the Lands where the rental price is linked to market conditions on Gabriola Island or the Regional District of Nanaimo region, the rental rate is approved by an Affordable Housing Funder, and meets the occupancy criteria set out in section c;

“Annual Household Income” means the combined gross income of all adult members of a Household, as shown on line 150 of the preceding year’s T1 General Income Tax and Benefit return;

“BC Housing” means the British Columbia Housing Management Commission;

PROPOSED

“Dwelling Unit” means a dwelling unit as defined in the Gabriola Island Land Use Bylaw No. 177, 1999, as amended or replaced from time to time;

“Household” means one or more individuals;

“Housing Income Limits” means the maximum gross household income for eligibility in an affordable housing program (for each category of dwelling unit), based on figures established by the Canadian Mortgage and Housing Corporation, and are intended to reflect the minimum income required to afford Appropriate Accommodation in the private market, as published by BC Housing from time to time;

“Lands” means those parcels of land legally described as PID 028-580-095, LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 and PID 028-580-109, LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544;

“Low and Moderate Income Limits” means the Low and Moderate Income Limits as published by BC Housing from time to time;

“Qualified Occupant” means a person who meets the eligibility criteria for tenancy as set out in Schedule “B”;

“Qualified Renter” means a Household which meets the eligibility criteria for a residential tenancy of an Affordable Housing Unit, as set out in section c of this Agreement;

“Residential Tenancy Act” means the *Residential Tenancy Act* (British Columbia); and

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

b. Agreement over the Lands – Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Owner covenants and agrees that the Lands may be used only in accordance with the following conditions:

- i. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit issued by the Trust Committee, and any building permit issued by the Regional District of Nanaimo and this Agreement;
- ii. the Lands must at all times be used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement;
- iii. it will design, construct and maintain in a reasonable state of repair the Affordable Housing Units on the Lands, including Affordable Market Units in accordance with the terms of this Agreement;
- iv. it will design and construct only triplexes and duplexes on the Lands. If an Affordable Housing Funder requires a different configuration of Affordable Housing Units, that configuration must be approved by the Trust Committee;

PROPOSED

- v. the Lands must not be used or occupied for residential purposes unless the buildings are constructed to meet:
 - 1. the performance requirements of the BC Energy Step Code 3 energy efficiency standards established by the British Columbia Building Code Regulation, B.C. Reg. 264/2012 (the “Performance Standards”) of the *Building Act* (BC) , or
 - 2. if required by an Affordable Housing Funder, a different energy performance target, and
 - 3. the Owner has provided to the Trust Committee a Compliance Report from a certified energy advisor that the building has been constructed and is operating in accordance with item 1 or item 2, as the case may be;
 - vi. the development on the Lands will be constructed with a Type 3 advanced secondary treatment sewerage system, or equivalent alternative as approved by the Affordable Housing Funder, that meets similar performance criteria.
- c. **Affordable rental housing eligibility** - The Owner covenants and agrees that the Affordable Housing Units on the Lands will only be occupied under all of the following criteria:
- i. either:
 - a. the Household’s Annual Household Income must be less than or equal to BC Housing’s Housing Income Limits, or
 - b. if the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction or operation of affordable housing on the Lands, the Household meets the income and/or non-financial criteria imposed on the occupancy of the relevant Affordable Housing Unit on the Lands established by such Affordable Housing Funder, which may include but are not limited to, the requirement that a member of the Household has certain physical or mental disabilities, is a senior receiving the Guaranteed Income Supplement, or is a recipient of social or disability assistance and in no circumstance shall the Household's Annual Household Income exceed the Low and Moderate Income Limits.
 - ii. the Household will occupy the Affordable Housing Unit as their permanent, principal, and sole residence;
 - iii. the Household is comprised of at least one Qualified Occupant; and
 - iv. the Household complies with application criteria established by the Owner acting reasonably as a responsible landlord such as credit and reference checks or property rules regarding smoking and pets.
- and The Owner covenants and agrees to:
- v. include in every Tenancy Agreement a prohibition on subletting, including short-term vacation rentals, and a provision entitling the Owner to terminate the Tenancy Agreement in accordance with the *Residential Tenancy Act* in the event of any breach of that prohibition;
 - vi. deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect

PROPOSED

- vii. of any Affordable Housing Unit within 10 days of any request to do so; specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Affordable Housing Unit, and provide to each tenant, upon their request, a copy of this Agreement; and
 - viii. in the event a Qualified Occupant dies while resident in an Affordable Housing Unit, allow the surviving spouse and/or adult child who were resident with the Qualified Occupant at the date of the Qualified Occupant's death to continue to rent the Affordable Housing Unit for the longer of:
 - a. the balance of the fixed term under the Tenancy Agreement; or
 - b. twelve (12) months on the same terms, including monthly rent, set out in the Tenancy Agreement.
- d. **Rental rates** - The Owner covenants and agrees that:
 - i. the rent payable by a Qualified Renter for an Affordable Housing Unit, exclusive of utilities, must not exceed 30% of the gross monthly Household income of the Qualified Renter, except in the case of an Affordable Market Unit; and
 - ii. it will not require any tenant under a Tenancy Agreement to pay any extra charges or fees for use of any well or septic system, or property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.
- e. **Affordable Housing Units** – The Owner covenants and agrees that:
 - i. It will not rent an Affordable Market Unit unless the Affordable Market Unit is approved by an Affordable Housing Funder and there are other Affordable Housing Units occupied by Households whose income does not exceed the Housing Income Limits; and
 - ii. not more than 30% of the Affordable Housing Units on the Land will be Affordable Market Units unless:
 - a. the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction or operation of affordable housing on the Lands, and
 - b. having more than 30% of the Affordable Housing Units on the Land be Affordable Market Units is necessary to meet the requirements of such Affordable Housing Funder; and
 - c. the Owner,
 - (i) notifies the Trust Committee in writing a minimum of 3 weeks before an upcoming Trust Committee meeting that, unless it secures additional funding by a specified date, it needs to increase the number of Affordable Market Units available for rent by a specified percentage to meet the funding requirements of the Affordable Housing Funder, and
 - (ii) sends a representative to the Trust Committee meeting to answer questions about the aforementioned notificationin which case the number of Affordable Housing Units on the Land used and occupied as Affordable Market Units will be equivalent to the number required by the Affordable

PROPOSED

Housing Funder to meet the requirements of the Affordable Housing Funder as specified to the Trust Committee under this subsection c.

- f. **Order to Comply** – If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the Owner by the Trust Committee.
- g. **Statutory Declaration from Owner** – The Owner shall deliver to the Trust Committee by the end of January of each year, a completed statutory declaration, substantially in the form attached as Schedule “A”, sworn by the Owner, in relation to the Affordable Housing Units. The Owner irrevocably authorizes the Trust Committee to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement.
- h. **Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act* and subject to the concurrent delivery of such a notice to the Owner.
- i. **No Transfer** – The Owner must not transfer the Lands, other than to another non-profit organization or society incorporated under the *Societies Act*, having as its objective the management of affordable housing, or the Provincial Rental Housing Corporation.
- j. **Society Standing** – The Owner must maintain its standing as a society under the *Societies Act*, and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.
- k. **Specific Performance of Agreement** – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Affordable Housing Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee’s Land Use Bylaw, as amended from time to time.
- l. **Assignment** – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- m. **Indemnity** – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.

PROPOSED

- n. **Release** – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heir, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
- o. **Trust Committee Powers Unaffected** – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
- p. **No Public Law Duty** – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.
- q. **No Waiver** – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.
- r. **Arbitration** – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Affordable Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* of British Columbia.
- s. **Notice on Title** – The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, and agrees that the Owner will register a notice of this Agreement against title to the Lands.
- t. **Covenant Runs with the Land** – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner’s successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.
- u. **Limitation on Owner’s Obligations** – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
- v. **Amendment** – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.

PROPOSED

- w. **Notices** – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.
- x. **Enurement** – This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.
- y. **Remedies Cumulative** – The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
- z. **Severability** – Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
- aa. **Joint and Several** – In the case of more than one owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.
- bb. **Included Words** – Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
- cc. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
- dd. **Joint Venture** – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.
- ee. **Time of Essence** – Time is of the essence in this Agreement.
- ff. **Further Assurances** – The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.
- gg. **Priority** – The Owner agrees to do everything necessary at the Owner's expense to ensure that this

PROPOSED

Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement.

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

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

PROPOSED

SCHEDULE "A"

OWNER STATUTORY DECLARATION

CANADA

PROVINCE OF BRITISH COLUMBIA

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

I, _____

declare that:

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

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

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

PROPOSED

SCHEDULE “B”

Eligibility Criteria for Tenancy for a Qualified Occupant

To be eligible for tenancy, an applicant must be 19 years or older, and must, in no particular order of priority, be either:

- i. A Gabriola Island resident who has been living on Gabriola Island for no less than one year;
- ii. A non-resident of Gabriola Island who has been working on Gabriola Island for an average of a least 20 hours per week for no less than of one year; or
- iii. A registered member of Snuneymuxw First Nation, regardless of current location of residence or work.

Where there are no applicants for a vacant Affordable Housing Unit who meet the foregoing eligibility criteria, and this would result in the Affordable Housing Unit being vacant for more than one month, eligibility for tenancy will be expanded to include any applicant aged 19 years or older who, in no particular priority order, is either:

- iv. A former resident of Gabriola Island who has lived away from Gabriola Island for no more than seven consecutive years;
- v. A Gabriola Island resident who has been living on Gabriola Island for less than one year;
- vi. A non-resident of Gabriola Island who has verifiable work on Gabriola Island starting within 60 days of the commencement of the tenancy that will be for an average of at least 20 hours per week;
- vii. A non-resident of Gabriola Island who has been working on Gabriola Island for an average of 20 hours per week for less than one year;
- viii. A person with an Immediate family member whose principal residence is on Gabriola Island. “Immediate family member” means a child or parent or sibling, to whom the person is related by blood, adoption or marriage or common-law relationship; or
- ix. A status, non-status and/or self-identifying Indigenous, Inuit, or Métis person.

Where there are no applicants for a vacant Affordable Housing Unit who meet the foregoing eligibility criteria, and this would result in the Affordable Housing Unit being vacant for more than one month, eligibility for tenancy will be expanded to include any applicant 19 years of age or older who is permitted as a tenant by an Affordable Housing Funder.

From: Dan Rogers <drogers@islandstrust.bc.ca>
Sent: Tuesday, June 14, 2022 1:25 PM
To: Gabriola Island Local Trust Committee <GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca>; EC <ec@islandstrust.bc.ca>; Laura Patrick <lpattick@islandstrust.bc.ca>
Subject: Fw: Gabriola Bylaw 308 - Housing Agreement

This is a formal note to the staff and the Gabriola LTC about comments I made at an Executive Committee meeting regarding Bylaw 308 on June 8th 2022. I ask this note be included in the record for the meeting of the LTC of June 16h as I am unavailable to attend. I thank Vice-Chair Patrick for chairing the meeting.

On June 8th, 2022 the Executive Committee was discussing Bylaw 308 as is its responsibility under the process of the Trust as the LTC had given the bylaw 2nd and 3rd reading on May 12th, 2022. During the EC meeting there was discussion regarding the clause about Housing Affordability. At that time I incorrectly indicated that at the time of the Public Hearing on Bylaws 306 and 307 In January 2021, the draft Housing Agreement had a provision that required the LTC to give its approval on any change on Affordability required by a Housing Funder.

Upon review of the file, I have been reminded that at the time of the Community Information Meeting and Public Hearing (January 2021) on bylaws 306 and 307, there was no such provision in the draft Housing Agreement. Post Public Hearing (and 2nd and 3rd reading of those two bylaws) , in March of 2021 the LTC considered a number of possible changes to the Housing Agreement suggested by staff and commented on by the Applicant. While a number of motions were made, no further readings of bylaw 308 were conducted until May of 2022.

Since the March 2021 LTC, the Housing Agreement was the subject of discussions between staff, the applicant and legal counsel and the newest version (approved by legal counsel) was presented in April of 2022 and again in May of 2022 and given further readings.

I wish to be clear that when I spoke at the Executive Committee meeting of June 8th, I was incorrect to state that the draft Housing Agreement before the public at the Public Hearing in January 2021 on bylaws 306 and 307 contained language requiring LTC approval on changes to Housing Affordability. I apologize for making public comments to that effect. I lost track as to the sequence of events given the passage of time.

I am sure that staff will bring the attention of the LTC the correct order of events and the motions passed by Executive Committee.

Best Regards

Dan Rogers

Dan Rogers
Trustee, Gambier Islands Trust Area
Vice-Chair Islands Trust
drogers@islandstrust.bc.ca
604-220-1500

File No.: File Number(s)
(File Name or Cross Ref. No.)

DATE OF MEETING: June 16, 2022
TO: Gabriola Island Local Trust Committee
FROM: Anthony Fotino, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Ecological Protection Zone Project

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee waive the requirement for a public hearing on Bylaw No. 313 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022" as the Bylaw is consistent with the Gabriola Island Official Community Plan No. 166, 1997, and request staff to proceed with public notification as per Section 467 of the Local Government Act.

REPORT SUMMARY

This report provides the Gabriola Island Trust Committee (LTC) with staff's recommended next steps in regards to the Ecological Protection Zone rezoning application.

BACKGROUND

The application seeks to develop a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177, including redesignating Burren's Acres Nature Reserve and Elder Cedar Nature Reserve to a park or conservation/protection type zone. Further, to explore the possibility of including the rezoning of 707 Community Park donor lands added via Potlatch rezoning process. A map of the subject lands can be found in the below appendix.

This project is the result of the Gabriola Island LTC resolution dated July 13, 2017 to amend its Top Priorities List to include the development of a new ecological protection zone for Land Use Bylaw no.177 , including the redesignation of Burren's Acres Nature Reserve and Elder Cedar Nature Reserve. The Charter was amended twice, with a third on November 28, 2019 to include Elder Cedar Nature Reserve in the project scope.

The most recent LTC resolution on this file is dated October 21, 2021:

GB-2021-092

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request Staff to add the "Development of an Ecological Protection Zone" project back to the Top Priority List after the "IN1 Zoning Review" project is completed.

CARRIED

Issues and Opportunities

The proposed redesignation is consistent with the Gabriola Island Official Community Plan. Therefore is the opportunity to streamline the process and forego the required public hearing component. This would make for a more time efficient timeline.

Consultation

Once the decision is made regarding the public hearing, staff will recommend referral of the bylaw to First Nations, School District (SD) 68, and other agencies and local governments..

Rationale for Recommendation

It is staff's opinion that, as per s.467 of the Local Government Act, the required public meeting requirement for this rezoning can be bypassed as it is consistent with the policies of the Official Community Plan.

ALTERNATIVES

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

1. Proceed with Public Hearing

The LTC may wish to hold public hearing for the proposed bylaw. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that the statutory public hearing be held for the "Ecological Protection Zone" project after first [and second] reading of the bylaw.

2. Proceed no further with the project

The LTC may choose not to proceed with this project at this time. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to remove "Development of an Ecological Protection Zone" from the Top Priorities List and place it on the LTC Projects List.

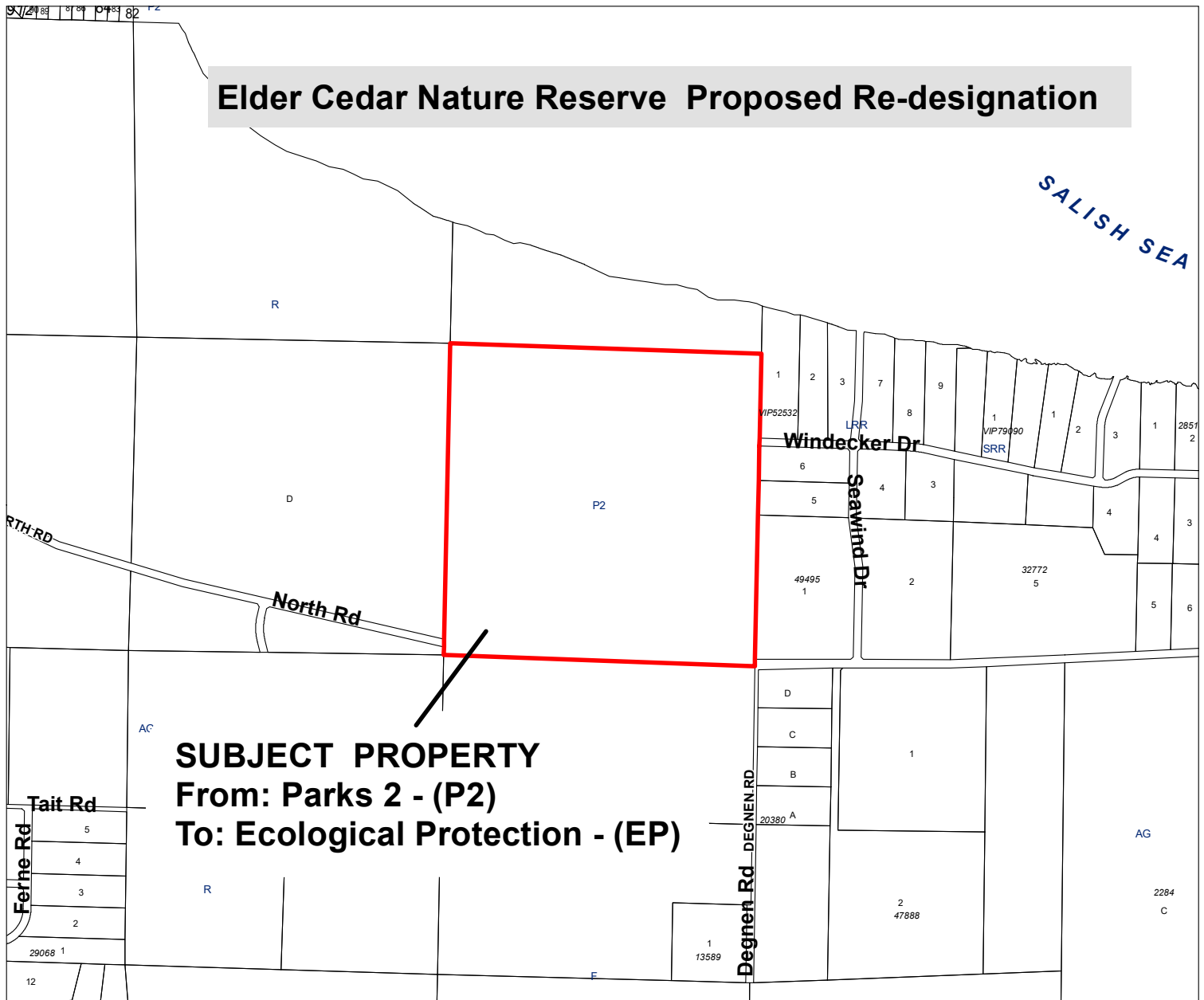
NEXT STEPS

Upon the Committee's resolution, staff will draft a bylaw for the subject area. Staff would present the bylaw at the next LTC meeting for first reading.

Submitted By:	Anthony Fotino, M.Pl Island Planner	May 31, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	Select Date.

ATTACHMENTS

1. Updated Redesignation Figures



S'ul-hween X'pey (Elder Cedar) and Burrens Acres Nature Reserve Proposed Re-designation

SALISH SEA

Lock Bay
SANDWELL
PROVINCIAL PARK

SUBJECT PROPERTY
From: Parks 2 - (P2)
To: Ecological Protection - (EP)

707 Community Park

SUBJECT PROPERTY
From: Large Rural Residential - (LLR)
To: Ecological Protection - (EP)

S'ul-hween X'pey (Elder Cedar) Nature Reserve Proposed Re-designation

SALISH SEA

SUBJECT PROPERTY
From: Parks 2 - (P2)
To: Ecological Protection - (EP)

SEC. 16

SEC. 15

707 Community Park

SEC. 17

S'ul-hween X'pey (Elder Cedar) Nature Reserve Proposed Re-designation

SUBJECT PROPERTY

From: Parks 2 - (P2)

To: Ecological Protection - (EP)

SALISH SEA

SEC. 16

SEC. 17

WINDECKER DR

Windecker Dr

JOLLY BROTHERS RD

SEAWIND DR

Seawind Dr

SANDS RD

North Rd

TAIT RD

Tait Rd

DEGNEN RD Degnen Rd

June 2, 2022

To: Trustees Kees Langereis, Scott Colbourne, and Dan Rogers

The Board of the Gabriola Island Land Stewards Society (GILSS) is asking the Gabriola Local Trust Committee to consider establishing a new “Community Service” land use designation in the Gabriola Official Community Plan. GILSS believes that none of the current zones meet the GILSS intent to secure land for a wide range of purpose undertaken on a parcel of land. Community Service zones are already in place on islands in the Trust, including Galiano and Hornby.

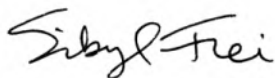
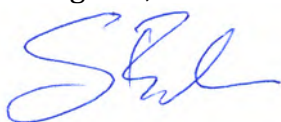
The health and well-being of many community members is limited by lack of access to land that could be used to achieve food security, attain shelter and sustain livelihoods. Land with Community Service zoning could be used for a variety of activities such as farming, living and working the land, learning centers, and social enterprises that benefit participants and the community.

GILSS intends to partner with other Gabriola community organizations in serving identified community priorities through land acquisition. Working together to preserve special landscapes in which community needs are met improves health and well being, instills hope and builds relationships.

Land Trusts play a significant and valuable role in land conservation. There are a number of Land Trusts on the islands dedicated to monitoring, stewarding and defending conserved lands (GaLTT, Islands Trust Conservancy, etc). Community Land Trusts, like GILSS, have the capacity to address broader issues that reflect changing community needs and connect people to land in other powerful ways. Community Land Trusts can bring healthy food to the table, support the development of affordable housing, contribute to the local economy, provide land based education and nurture community. Community ownership and stewardship of significant land resources provide opportunities to sustain human well-being help communities become more resilient, innovative and successful.

GILSS is a non-profit registered charity. GILSS aims to benefit Gabriolans and Snuneymuxw First Nation members by acquiring and stewarding land on Gabriola Island under a community ownership model that promotes long-term community benefits, affordability and sustainability, and enables democratic local planning.

Best regards,



Steven Earle and Sibyl Frei
on behalf of the Gabriola Island Land Stewards Society

2/06/22

Gabriola Island Land Stewards Society Community Service Designation Proposal

The GILSS Board would like to encourage the Gabriola Local Trust Committee to establish a new land use designation of “Community Service” in the Gabriola Official Community Plan (OCP) and Land Use Bylaws (LUBs).

Establishment of such a zone in the OCP for community uses would contribute to simplifying the rezoning process on land intended for community benefit and help to develop the attending LUBs in a timely manner.

The Value of a Community Services Zone:

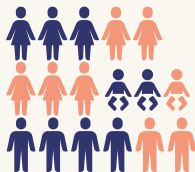
1. Establishes a “Community Services” designation that recognizes the essential needs of residents of the Gabriola Island community.
2. Places priority on security of land and enhancement of a healthy community in a manner that diminishes the exclusion and vulnerability of resident’s (including Snuneymuxw First Nation members) access to sustainable living, work and housing on Gabriola.
3. Ensures the development of affordable and supportive housing, community amenities, food production, small scale economic development, sustainable energy, community water supply and education be permitted on land designated for “Community Service” use.
4. Ensures non-profit, community acquisition or lease of land selected for Community Service.
5. Ensures cooperation with the Snuneymuxw First Nation and other island organizations to promote and improve the quality of life for the most vulnerable Gabriola Island residents.
6. Ensures the importance of affordable and long term housing security on the island, particularly as it affects young people and their families, Indigenous people, other people of colour, and seniors.
7. Ensures accessibility where it is most diminished or denied.
8. Ensures that any land can be acquired and zoned for “Community Services” if not zoned within the ALR.

9. Ensures that buildings, parking and sewage treatment adhere to best practices and sustainable designs, and that surface and groundwater resources are protected.
10. Ensures lease and maintenance and affordable housing agreements for long-term use and care of land and amenities.
11. Ensures planning for future generations and protection of ecosystems are always foremost in planning.
12. Ensures legal layers of protection such as ecological covenants and land protection policies are developed and sustained in perpetuity.
13. Ensures community resource sharing is invited with respect and reciprocity.

GILSS is a community land trust with the goals of acquiring and stewarding land on Gabriola Island for long-term community benefits.

COMMUNITY DRIVEN

Our aim is to benefit Gabriolans and Snuneymuxw First Nation members, especially those living in poverty, by helping fill community needs for affordable housing, sustainable food production, and small-scale economic development.



How do I work with GILSS?

GILSS is seeking to partner with Gabriola-based groups through **long-term leases of land** which GILSS stewards for community benefit.



Land is acquired through donation or purchase....



- Social Services Organizations
- Small Business Organizations
- Agriculture Organizations
- Housing Organizations

TYPES OF PROJECTS WE SUPPORT



- affordable or supportive housing -

- access to farmland -

- education about farming -

- social programs -

- small-scale community economic development -



CHARITABLE STATUS

As an official charity, GILSS can issue tax receipts for donations of: **land, cash, securities**, or other **assets** that GILSS can use to purchase land.

MEMBERSHIP

Open to residents of Gabriola, members of Snuneymuxw First Nation, and organizations that are co-operatives, non-profit societies or charities that operate on Gabriola Island, or have as their purpose the social well-being of individuals and groups within the Gabriola Local Trust Area.



Join GILSS to support a new model of land stewardship!

We **invite** residents of Gabriola Island, Indigenous people on whose traditional territory we live, and organizations that work with people living on Gabriola **to become members** of the Gabriola Island Land Stewards Society.



Membership fees are **\$10/year** for individuals, and a sliding scale of **\$50 to \$100/year** for organizations.

If you are interested in joining the Society or making a donation to GILSS, please contact us at:
gabriolaislandlss@gmail.com
or via our website **gabriolaislandlss.ca**.

GABRIOLA ISLAND
GILSS
LAND STEWARDS SOCIETY



<http://gabriolaislandlss.ca> · gabriolaislandlss@gmail.com

From: Jacinthe [REDACTED]
Sent: February 10, 2022 9:04 AM
To: Dan Rogers; Kees Langereis; Scott Colbourne
Subject: Census

Dear Trustees,

The Census Demographics data released on February 9, 2022 is for the whole of the Gabriola Island Trust Area.

Would you please consider making a formal request to Stats Canada to do a Reverse Record Check (RRC) to determine the actual growth for each of the three main inhabited Islands in your Trust Area?

Thanking you for your time and consideration of my request,

Jacinthe Eastick

[REDACTED]
Gabriola Island, BC
V0R 1X7

From: [REDACTED]
Sent: Monday, May 30, 2022 6:54 PM
To: lisamarie.barron@parl.gc.ca; Sheila Malcolmson; Doug Routley; Kees Langereis; Scott Colbourne; Dan Rogers; Vanessa Craig
Subject: Sunken boat Degnen Bay Gabriola Island

Hi All

You are elected representatives of local municipal Provincial and federal government for Gabriola. (Except Sheila Malcolmson who resides on Gabriola, but still has a voice in the BC legislature) Here are the results of not heeding the warnings I have been writing to you about for many months. Live aboard boat Miss Sandy sunk and spilling diesel into Rockfish conservation area 17!! It's time to stop the talking, robust immediate action is required.

To our three Gabriola island trustees Kees, Dan and Scott I want this letter and the pictures included on the agenda of the next trust meeting for discussion.

This serious environmental problem could have been averted if all levels of government had responded in a timely manner to the derelict and neglected boats in Degnen Bay.

Lamenting the different jurisdictions that govern the ocean and sea floor and doing nothing about the pollution by boaters will not save the ocean.

Affirmative action in a timely manner is essential.

Your Sincerely
Gavin Coford
Degnen Bay
Gabriola island



👍 1

1 comment

👍 Like

💬 Comment







**ISLANDS TRUST COUNCIL
BYLAW NO. 150**

A bylaw to establish procedures and policies for requiring development approval information for
the Gabriola Island Local Trust Area

WHEREAS the Gabriola Island Local Trust Committee, pursuant to s.920.01 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

The Islands Trust Council, pursuant to s.920.1 of the *Local Government Act* and s.29(3.1) of the *Islands Trust Act*, enacts as follows:

PART I TITLE

1. This Bylaw may be cited for all purposes as "Gabriola Island Local Trust Committee Development Approval Information Bylaw No. 150, 2013".

PART II PURPOSE

2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community.

PART III APPLICATION OF BYLAW

3. The requirements of this Bylaw apply to:
 - a. applicants for amendments to a bylaw of the Gabriola Island Local Trust Committee enacted under s.903 of the *Local Government Act*;
 - b. applicants for a development permit; and
 - c. applicants for a temporary use permit,if the activity or development that is the subject of the application is in an area specified for the provision of development approval information in Gabriola Island Official Community Plan Bylaw No. 166, Mudge Island Official Community Plan Bylaw No. 227 or Decourcy Island Official Community Plan Bylaw No. 16, or is an activity or development for which development approval information is otherwise required by those Bylaws.
4. The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the *Environmental Assessment Act*.
5. Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.

PART IV PROCEDURE

6. The official assigned from time to time to provide planning services to the Gabriola Island Local Trust Committee is the official for the purposes of this Bylaw.

7. Within 30 days of receipt of an application an official shall determine whether and to what extent development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.
8. An official may determine that all or part of the required development approval information must be provided for each application, either in a report described in Sections 15 through 18 in the case of development permit applications described in those sections, or pursuant to terms of reference that establish the scope of the required impact information for applications described in Section 21.
9. An applicant may request reconsideration by the Local Trust Committee of a decision of an official under this Bylaw within 30 days of the date on which the decision is mailed faxed or emailed to them.
10. A request for reconsideration must be delivered in writing to the Planning Clerk and must set out the grounds on which the applicant considers the requirement is inappropriate and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.
11. The Planning Clerk must place each request for reconsideration on the agenda of the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 days prior to that meeting.
12. The Planning Clerk must notify the applicant and any other person who the Planning Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.
13. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

PART V S. 920 (DEVELOPMENT PERMIT) APPLICATION REQUIREMENTS

14. For Development Permit applications specified in Sections 15 through 18 of this bylaw, the applicant shall provide, as part of the development permit application, all or part of a report in the specified form as determined by the official.
15. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Riparian Areas**, the report shall contain the following information:
 - a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, the locations of the top of bank, high water mark, Streamside Protection and Enhancement Area (SPEA) widths, the width of any zones of sensitivity, and measures to maintain the integrity of the SPEAs. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.
 - b. A site inventory providing a description and evaluation of the riparian values, including species of fish that frequent the waterbody, and riparian features and habitat present.
 - c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to

hydrological systems, alterations affecting the watercourse, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

- d. An assessment of the nature and extent of the impact of the proposed development. For a stream, as defined under the *Riparian Areas Regulation*: the results of the riparian assessment, using a detailed or simple assessment as indicated in the *Riparian Areas Regulation*, and establishing the SPEA width for the subject parcel. For other watercourses, that is, those that do not meet the definition of a stream under the *Riparian Areas Regulation*: an assessment of anticipated impacts on riparian habitat and features, the watercourse, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development.
 - e. For a stream, as defined under the *Riparian Areas Regulation*: a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment and sediment and erosion control. For other watercourses, that is, those that do not meet the definition of a stream under the *Riparian Areas Regulation*: recommended measures to limit, mitigate and manage the impacts of the proposed development on riparian habit and features, the watercourse, and site hydrology.
 - f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
 - g. Recommended actions to restore or enhance riparian functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
 - h. For a stream, as defined under the *Riparian Areas Regulation*, professional certification by the Qualified Environmental Professional(s) preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that:
 - i. If the development is implemented as proposed 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, or
 - ii. If the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the 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.
16. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Shoreline and Marine areas (Gabriola Pass, Flat Top Islands and Lock Bay Areas)**, the report shall contain the following information:
- a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, natural boundary of the sea, the landward development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and

significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.

- b. A site inventory, providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport. This baseline assessment may require the involvement of several suitably qualified professionals.
 - c. For land based developments, a site background analysis that includes the following known information on the site:
 - A check for observed species and ecosystems at risk;
 - A description of the context of the site including the use of adjacent lands and proximity to protected areas;
 - A check for the presence of raptor and heron nests; and
 - A check for the presence of fish-bearing watercourses.
 - d. A description of the proposed development detailing construction (e.g. buildings, dock, ramp, road or driveway, etc), cut and fill, blasting, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
 - e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified site conditions, including but not limited to marine and terrestrial habitat, site hydrology, marine sediment transport, and public access to and along the foreshore. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.
 - f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial and marine habitats, as well as geomorphic, hydrological and coastal processes. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.
 - g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
 - h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
17. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for the purpose of requiring development permits for **Ecosystem Protection (The Tunnel)**, the report shall contain the following information:
- a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and

driveways, topographic features and significant features identified in the site inventory and conservation evaluation. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.

- b. A site inventory, commenting on the ecosystem classification, and based on current best practices, such as the Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field, providing information on the existing plant communities, aquatic and terrestrial habitats, sensitive ecosystems, nesting trees, the presence of rare species and rare plant communities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.
 - c. A site background analysis that includes the following known information on the site:
 - A check for observed species and ecosystems at risk;
 - A description of the context of the site including the use of adjacent lands and proximity to protected areas;
 - A check for the presence of raptor and heron nests;
 - A check for the presence of fish-bearing water courses.
 - d. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
 - e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.
 - f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.
 - g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
 - h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
18. For an application for a permit within a development permit area designated under s. 919.1(1)(b) of the *Local Government Act* for protection of development from **Steep Slopes**, the report shall contain the following information:
- a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the topographic features and showing natural slope contours in 1 to 5 metre contour intervals, significant natural features, current and

proposed buildings and structures, roads and driveways, proposed site grading and post development contours. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.

- b. An assessment of potential geotechnical hazards that may affect the subject site and neighbouring properties including all issues related to site drainage, soil slippage (surface or deep seated), rock fall hazards, seismic constraints, site clearing and vegetation retention. This should include a summary of the method of hazard analysis and the level of field work.
 - c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options and any recommended mitigation measures.
 - d. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
 - e. Where applicable, the report must meet the report guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia, May 2010, including submission of Schedule D (Landslide Assessment Assurance Statement).
19. Development Approval Information required in Sections 15 through 18 must be prepared by a professional or professionals, with qualifications specified in the table below, and in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training; except that the official may approve the involvement of a person having different qualifications if demonstrated, relevant, experience and qualifications are in the official's opinion suitable for the preparation of the information being provided in relation to a particular development permit application:

TYPE OF INFORMATION	CONSULTING PROFESSIONAL
Riparian Areas	Qualified Environmental Professional
Shoreline and Marine	Geotechnical/hydrological and marine considerations: • Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.) Biological / environmental considerations: • Registered Professional Biologist (R.P. Bio.)
Tree & Natural Vegetation Protection	Registered Professional Biologist (R.P. Bio.) or Registered Professional Forester (RPF)
Steep Slopes	Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)

20. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of the bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, the official may require the applicant to provide, at the applicant's

expense, further information reasonably required to comply with the bylaw, but a requirement for further information may be imposed once only.

PART VI TERMS OF REFERENCE

21. Within 30 days of the receipt of an application for the following:

- a. amendments to a bylaw of the Gabriola Island Local Trust Committee enacted under s.903 of the *Local Government Act*,
- b. a temporary use permit,

the official shall provide to the applicant written Terms of Reference for the preparation of information on the impact of the activity or development that is the subject of the application.

22. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:

- a. the natural environment of the area affected, including sensitive ecosystems and the habitat of rare or threatened species, including surrounding habitats impacted by the development activity ;
- b. hazards, including geological, flood, stormwater, and wildfire hazards;
- c. greenhouse gas emissions, anticipated energy usage, and carbon emissions;
- d. groundwater resources;
- e. local infrastructure, including highways, ferry, water supply and sewage systems, fire protection systems, solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;
- f. local and off-island public or community facilities;
- g. local and off-island commercial services and employment opportunities;
- h. affordable and seniors housing needs;
- i. agricultural reserve lands and agricultural and forestry uses in the vicinity of the development;
- j. cultural heritage resources including resources of historical, cultural, archaeological, paleontological or architectural significance whether on land or underwater; and
- k. aesthetic values including the visual appearance of the development from adjacent properties, public lands, or the sea, and the effect of any artificial lighting proposed.

23. In addition to any matter listed in s.22, the official may include in the Terms of Reference any other matter on which the official considers information ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.

24. The Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, and in all cases must address any particular information requirements specified for such an application in any development application procedures bylaw of the Local Trust Committee.
25. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and
 - a. the object of the Islands Trust set out in the *Islands Trust Act*;
 - b. the Islands Trust Policy Statement;
 - c. the Islands Trust Fund Plan; and
 - d. in the case of a proposed zoning amendment, the official community plan of the Local Trust Committee.
26. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, and may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.
27. The Terms of Reference must specify the date by which and the form and the number of copies in which the impact information will be provided.

PART VII PREPARATION OF DEVELOPMENT APPROVAL INFORMATION

28. The applicant must prepare the impact information in accordance with the accepted Terms of Reference and within the time specified in the Terms of Reference must provide it to the Local Trust Committee, at the applicant's expense.
29. For every matter within the scope of s.22 that is included in the Terms of Reference, the applicant must
 - a. identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
 - b. identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;
 - c. evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
 - d. make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided,

all in accordance with generally accepted impact assessment methodology.
30. If the Terms of Reference specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the

information, unless that information was included in the approved Terms of Reference.

31. Within 10 business days of receipt of the information, the official must advise the applicant whether the proposed person is acceptable, and if the person is not acceptable the official must advise the applicant in writing of the reason and may propose one or more alternative acceptable persons. If such advice is not provided by the end of the tenth business day, the official is deemed to have accepted the proposed person.
32. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the Terms of Reference, either in scope, level of detail, accuracy or in any other respect, the official may require the applicant to provide, at the applicant's expense, further information reasonably required to comply with the Terms of Reference, but a requirement for further information may be imposed once only. If the additional information is found to be deficient by the official, the application will be declined.

PART VIII INDEPENDENT REVIEW

33. If the official considers that the impact information provided by the applicant, or any portion of it, requires an independent review prior to being considered by the Local Trust Committee, the official may require the applicant to provide such a review of the information including the methodology used in its preparation.
34. The official may specify that the independent review be conducted by a member of the relevant professional association, and may specify terms of reference for the review.
35. The applicant must arrange for the independent review to be conducted and submitted in writing to the Local Trust Committee, at the applicant's expense and within the time specified by the official.

PART IX PROPRIETARY RIGHTS IN INFORMATION

36. The information that is provided to the Local Trust Committee pursuant to this Bylaw is required by the Local Trust Committee in the exercise of its powers under the *Local Government Act* and the *Islands Trust Act*. Every report or other document provided to the Local Trust Committee pursuant to this Bylaw must accordingly contain an express grant of permission to the Local Trust Committee to use and reproduce the information contained in the report or other document for non-commercial purposes.

READ A FIRST TIME THIS	19 TH	DAY OF	JUNE	, 2014.
READ A SECOND TIME THIS	19 TH	DAY OF	JUNE	, 2014.
READ A THIRD TIME THIS	19 TH	DAY OF	JUNE	, 2014.
ADOPTED THIS	29TH	DAY OF	JUNE	, 2014.



SECRETARY



CHAIR

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2021.1	Centre Stage Holdings (J.E. Anderson & Associates) Planner: Sonja Zupanec	20-May-2021	PID: 003-134-806 DP application for protection of development from hazardous conditions DPA6, relating to subdivision application.
Planning Status			
Status Date: 07-Jun-2022 File on hold pending receipt of updated proposed subdivision layout.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.3	Van Herwaarden, Lynn Planner: Margot Thomaidis	24-Aug-2016	PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance.
Planning Status			
Status Date: 02-May-2022 Emails exchanged with new Agent for the applicant: Agent disagrees with Bylaw Violation Notice stating that the proposed violations are legal non-conforming and do not require a DVP/DP. Agent thinks the issue was considered resolved. Planner clarified by sharing BVN letters from 2015.			
Status Date: 27-Apr-2022 Applicant and new agent requesting information about bylaw enforcement history.			
Status Date: 07-Apr-2022 Staff followed-up with email to request additional information and confirm options and next steps.			

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2021.4	Kevin Barfoot Contracting Planner: Margot Thomaidis	14-Nov-2021	PID: 004-537-262 Variance to setback compliance. Civic address: 1091 Sea Fern Lane, Mudge Island, BC.
Planning Status			
Status Date: 20-May-2022 Planner reviewed file. Followed up with applicant; additional information required to complete review, including geotech.			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 14-Dec-2021 Planner reviewing file.			
File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.2	Beath & Kew, Laurie-Jean & Diane Planner: Stephen Baugh	18-May-2022	PID: 027-768-686 Building deck on split zone lot. Civic address: 861 Sharie Road, Gabriola Island, BC.
Planning Status			
Status Date: 20-May-2022 File opened & assigned.			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2020.1	Gabriola Housing Society (Nancy Hetherington Peirce) Planner: Sonja Zupanec	15-Jan-2020	PIDs: 028-580-095 and 028-580-109 Affordable housing project. Civic address: Lots 1 & 2 Paisley Place, Gabriola Island, BC.
Planning Status			
Status Date: 07-Apr-2022 LTC gave 1st reading as amended to BL 308 (Housing Agreement)			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 08-Jul-2021 Bylaw 306 (OCP) received Statutory Approval (Minister of Municipal Affairs), dated May 10, 2021.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.2	Williamson & Associates Planner: Heather Kauer	19-Jan-2017	PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC
Planning Status			
Status Date: 30-Nov-2021 Final planner review completed. Letter of approval submitted to MOTI. Awaiting confirmation of subdivision registration.			
Status Date: 21-Jan-2021 LTC accepts covenant.			
Status Date: 20-Oct-2020 Applicant signs cost recovery agreement. Legal counsel, planner and applicant reviewing covenant.			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2022.1	Garner, Kevan & Julia	06-Jan-2022	PID: 003-330-460 Temporary Use Permit renewal of GB-TUP-2018.1. Civic: 671 Balsam Street, Gabriola Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 25-May-2022

Planner awaiting additional information from applicant.

Status Date: 02-Feb-2022

Planner reviewed application. Applicant was advised that supplemental information is required to complete the application.

Status Date: 07-Jan-2022

File opened & assigned. Waiting for fee.

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

620 Gabriola	Invoices posted to Month ending May 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	643.00	0.00	643.00
LTC Local				
65050-620	LTC "Executive Expense on LTC's"	1,714.00	0.00	1,714.00
65200-620	LTC - Local Exp - LTC Meeting Expenses	3,708.00	943.90	2,764.10
65210-620	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-620	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-620	LTC - Local Exp - Special Projects	612.00	0.00	612.00
TOTAL LTC Local Expense		<u>7,433.00</u>	<u>943.90</u>	<u>6,489.10</u>
Projects				
73001-620-4097	Gabriola Housing Options & Impacts	1,500.00	0.00	1,500.00
73001-620-4105	Gabriola Ecological Protection Zone	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>3,000.00</u>	<u>0.00</u>	<u>3,000.00</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	June 14, 2018	GB-2018-040	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee; - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical; - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms; - The location of the proposed establishment and the subject site; - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered; - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - How public comments may be submitted to the Local Trust Committee.
2.	November 22, 2018	GB-2018-122	Applications for Federal Cannabis License	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
3.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local

				First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
4.	April 11, 2019	GB-2019-038	Limited Public Markets Enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets: a) Islands Trust Bylaw Enforcement Staff are directed to not enforce Section B.6.2 of Gabriola Island Land Use Bylaw No. 177, 1999 when limited public markets are operated indoors, but rather to inform the operators of the applicable land use regulations; b) This enforcement policy does not permit violation of the Land Use Bylaw and the Gabriola Island Local Trust Committee may at any time, by resolution, modify or rescind this policy or give direction to expand enforcement activities.
5.	April 11, 2019	GB-2019-040	S219 Covenant	It was MOVED and SECONDED

			Signatories	that the Gabriola Island Local Trust Committee adopt the following standing resolution: that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.
6.	July 30, 2020	GB-2020-053	Proactive unlawful STVR enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt as a standing resolution to authorize proactive enforcement of unlawful Short Term Vacation Rentals.

Top Priorities Report

Gabriola Island

<i>Develop Ecological Protection Zone</i>	Responsible	Dates
Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties.	Anthony Fotino	
<i>0. Density Donation Outreach Program</i>	Responsible	Dates
To identify and work with Gabriola Island land owners who wish to voluntarily donate un-used density from vacant land or parcels with subdivision potential and deposit the density potential into the Gabriola Island Density Bank, for future use in relocating density for affordable housing elsewhere on the island.	Sonja Zupanec	Rec'd: 22-Nov-2018

Projects Report

Gabriola Island

1. *DeCourcy Island OCP and Bylaw Review*

Responsible

Date Received

Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).

21-Apr-2011

2. *Hazardous areas/Steep Slopes DPA*

Responsible

Date Received

Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain

21-Feb-2013

3. *Coastal areas protection*

Responsible

Date Received

Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area

19-Jan-2012

4. *First Nations cultural references*

Responsible

Date Received

Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.

Lisa Wilcox

27-Jan-2011

5. *Eelgrass protection*

Responsible

Date Received

Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).

14-May-2014

Projects Report

Gabriola Island

6. *Snuneymuxw Protocol Agreement*

Responsible

Date Received

Implementation of Snuneymuxw First Nation Protocol Agreement

22-Jan-2015

7. *Gabriola Village Plan*

Responsible

Date Received

Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core

02-Apr-2015

8. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation

02-Apr-2015

9. *Green Energy*

Responsible

Date Received

Consider policy and regulatory mechanisms to encourage green and renewable energy

02-Apr-2015

10. *Commercial Vacation Rental Review*

Responsible

Date Received

Review bylaws with respect to temporary use permits for commercial vacation rentals

07-May-2015

11. *LUB Amendments*

Responsible

Date Received

Projects Report

Gabriola Island

- Review of temporary sawmill regulations
- Definition of personal use of animals for SRR zoned lots
- Review of how cisterns, solar panels and parking are regulated as structures subject to lot coverage calculations
- Review of section B.2.1.1 for variances within DP3
- Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland
- IN1 zoning to ensure consistent with existing Arts Council use.
- definition and regulations for limited public market, and INI zone uses pertaining to market sales
- correction to WC3 mapped location to coincide with Green Wharf

08-Sep-2016

12. *Water Resource Planning*

Responsible

Date Received

Review of water requirements at the time of subdivision

14-Jun-2018

13. *Water Taxi Feasibility*

Responsible

Date Received

Follow up items emerging out of water taxi feasibility (completed fall 2018)

22-Nov-2018

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

Responsible

Date Received

Implementation of the report recommendations into OCP policy and LUB regulations.

24-Jan-2019

Projects Report

Gabriola Island

15. <i>GB LUB Accessory Buildings</i>	Responsible	Date Received
Review of regulations pertaining to the order of construction of accessory buildings on lots.		12-Sep-2019
16. <i>Review of model antenna strategy</i>	Responsible	Date Received
		27-Feb-2020
17. <i>Cannabis Production Regulations</i>	Responsible	Date Received
Review options to allow cannabis production in zones other than 'agriculture' and possible ways to regulate odour, noise, water use and light pollution related to agricultural activities when permitted in a zone.		15-Apr-2021
18. <i>Update the IN1 zone to reflect community resource and recycling centre range of uses.</i>	Responsible	Date Received
		13-May-2021
19. <i>Review and update DAI bylaw</i>	Responsible	Date Received
		13-May-2021
20. <i>Heritage Conservation Areas</i>	Responsible	Date Received

Projects Report

Gabriola Island

Recognize areas of cultural significance - consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturnina.

03-Mar-2022

21. *Review LUB Regulations for Housing in the ALR*

Responsible

Date Received

Review regulations to ensure flexibility for housing options in ALR are consistent with recent ALC changes.

07-Apr-2022