Islands Trust

A NOTICE OF A BUSINESS MEETING OF **THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:15 AM on Thursday, April 17, 2014 at the Women's Institute,
476 South Road, Gabriola Island, BC

AGENDA

		Page No.	****Approx. Time****
1.	**CALL TO ORDER**		10:15 am
2.	**APPROVAL OF AGENDA**		
3.	**MINUTES**		
3.1	Local Trust Committee Special Meeting Minutes of March 12, 2014 - *for adoption*	1	
3.2	Local Trust Committee Public Hearing Record of March 12, 2014 – *for adoption*	4	
3.3	Local Trust Committee Meeting Minutes of March 13, 2014 – *for adoption*	9	
3.4	Local Trust Committee Special Meeting Minutes of April 3, 2014 – *for distribution*		
3.5	Section 26 Resolutions Without Meeting - *none*		
3.6	Gabriola Island Advisory Planning Commission Meeting Minutes - *none*		
3.7	Mudge Island Advisory Planning Commission Meeting Minutes - *none*		
3.8	Gabriola Island Agricultural Advisory Commission Meeting Minutes - *none*		
4.	**BUSINESS ARISING FROM MINUTES**		
4.1	Follow-up Action List dated April 8, 2014 - *attached*	23	
4.2	October 30, 2014 meeting date to be rescheduled to November 13, 2014 – *for discussion*		
5.	**CORRESPONDENCE** *"Correspondence specific to an active development application and/or project will be received by the Gabriola Island Local Trust Committee when that application or project is on the Agenda for Consideration"*		
6.	**REPORTS**		10:30 am
6.1	**Work Program Reports**		
	6.1.1 Top Priorities Report & Projects List dated April 7 2014 - *attached*	25	
6.2	**Applications Log**		
	6.2.1 Report dated April 7, 2014 - *attached*	29	
6.3	**Trustee and Local Expenses**		
	6.3.1 Expenses posted to month ending March 2014 - *attached*	32	

7.	**NEW BUSINESS**		
7.1	Gulf Islands Groundwater Protection Toolkit 7.1.1 Memorandum dated March 19, 2014 - *attached*	33	
7.2	Upcoming Protocol Meeting with Regional District of Nanaimo – agenda items – *for discussion*		
8.	**TRUSTEES' REPORT**		10:45 am
9.	**CHAIR'S REPORT**		
10.	**REGIONAL DIRECTOR'S REPORT**		
11.	**DELEGATIONS**		
12.	**TOWN HALL SESSION**		
13.	**APPLICATIONS AND PERMITS -** *none*		
14.	**LOCAL TRUST COMMITTEE PROJECTS**		11:00 am
14.1	Official Community Plan/Land Use Bylaw Review		
	14.1.1 Parks Rezoning – *verbal update*		
	14.1.2 Parks Rezoning Email from J. Eastick, March 25, 2014 – *for response*	60	
	14.1.3 Agriculture Policies – *verbal update*		
	14.1.4 Climate Change Policy Implementation Staff Report dated April 7, 2014 - *attached*	61	
	14.1.5 Climate Change Policy Implementation Letter from L. Hellenius, March 28, 2014 - *attached*	70	
	14.1.6 Riparian Areas Regulation Implementation Staff Report dated April 3, 2014 - *attached*	71	
15.	**BYLAWS**		11:30 pm
15.1	Proposed Bylaw No. 266 cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012 "- *for consideration of third reading and submission to Executive Committee*	92	
16.	**ISLANDS TRUST WEBSITE** Gabriola Pages – *for discussion* The Gabriola Island Local Trust Committee Website can be found at: http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola.aspx		
17.	**NEXT MEETING:** Thursday, May 14, 2014 at 10:15 a.m. at the Women's Institute, 476 South Road, Gabriola Island, BC		
18.	**TOWN HALL SESSION –** ***time permitting***		
19.	**ADJOURNMENT**		12:00 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice

Gabriola Island
Local Trust Committee
Minutes of a Special Business Meeting
to Hold a Community Information Meeting
Regarding
Proposed Bylaw Nos. 265 and 266

Date of Meeting:	**Wednesday, March 12, 2014**
Location:	**Gabriola Island Community Hall** **2200 South Road, Gabriola Island, BC**
Members Present:	David Graham, Chair Sheila Malcolmson, Local Trustee Gisele Rudischer, Local Trustee
Staff Present:	Courtney Simpson, Regional Planning Manager Lisa Webster-Gibson, Planning Clerk Jessie Sherk, Recorder
Media and Others Present:	Approximately (53) members of the pubic and (2) members of the local media were in attendance

1. CALL TO ORDER

Chair Graham called the Community Information Meeting to order at 7.00 pm. He introduced himself, Local Trustees and staff.

2. INTRODUCTIONS AND OPENING REMARKS FROM THE CHAIR AND TRUSTEES

Chair Graham explained the purpose of the Community Information Meeting and summarized the agenda. He explained that there would be a Public Hearing following the Community Information Meeting where everyone would have a chance to be heard.

3. BYLAW NOS. 265 AND 266 RIPARIAN AREAS REGULATION IMPLEMENTATION

Planning Manager Simpson gave a presentation on the proposed bylaws aided by a slide presentation. Some members of the public stated that their ditches are dry most of the year so they could not support fish and questioned why a manmade ditch is now being considered riparian.

Planning Manager Simpson explained that if a watercourse only has water in it for a few months of the year, that water might flow into other areas below that actually do have fish or could support fish. She mentioned that the public is encouraged to come to the Islands Trust office and speak to a planner about their specific properties.

A member of the public stated that the new regulations would mean that they could not build a guest cottage. She wondered who will help pay for the costs associated with that.

Trustee Malcolmson remarked that being in the Development Permit Area (DPA) does not mean that the property is undevelopable. Also noted was that when the Province was asked about compensation for landowners, it was advised that that is not in their plan. She also stated that it is extremely rare that a Qualified Environmental Professional (QEP) cannot find a way to develop the property and that they will be able to come up with solutions to make it work. Lastly, it was noted that since 2005 that concern has not been experienced in other local governments.

Chair Graham clarified that the cost of a QEP on Denman Island was a little over $1000. Other communities have been able to find retired biologists living in their community to do the assessments at a local rate.

Other questions and answers from the public, staff and trustees included:

- The criteria used during the simple assessment to reduce or eliminate properties from the DPA included the width of the existing and potential vegetation at the streamside and the type and extent of vegetation.
- The simple assessment performed by Madrone did not include any new field work.
- The Local Trust Committee decided to have Madrone conduct the simple assessment based on the feedback received at the last Public Hearing. Any further assessments have to be conducted on a property-specific scale at the cost of the property owner.
- Field work for stream mapping was conducted at the end of 2011 and beginning of 2012, during the winter season, based on recommendations that stream mapping is done in times of high water flow so it is easier to see where the streams are. It is not recommended to map in the dry season.
- The previous approach to notifying property owners when the mapping was done, was to send a letter asking the property owner to let Islands Trust know if they do not grant permission for anyone to enter on to their property. Due to the negative feedback received about this approach, Islands Trust will not be using this approach if there is future mapping and will require positive confirmation from the property owner before the biologist enters the property.
- Islands Trust has a certain responsibility to uphold the laws set by the Province and they are not legally able to say no to this regulation.
- The Gabriola Island Local Trust Committee has done as much mapping and made as many exemptions as possible. The Local Trust Committee is one of the last of 105 local governments to implement Riparian Areas Regulation

(RAR). They have done everything possible to lessen the impacts for property owners.

- In most areas of Gabriola Island, a QEP will determine that development can occur between 10-15 metres back from a stream in this DPA.
- Other local governments that are being asked to implement this regulation include the Lower Mainland and the Okanagan.
- The enforcement of bylaws and regulations on Gabriola Island is complaint driven.
- If a property should have been included in the RAR, but was missed in the original mapping, this would have to be brought to the attention of Local Trust Committee at such time it would need to be mapped and added to the DPA.
- The Madrone Report is available to the public on the Islands Trust website.
- There are current and historical reports of fish in watersheds on Gabriola Island.
- The biologist's reports met all the criteria of the RAR.

4. ADJOURNMENT

By general consent, the meeting was adjourned at 8.03 pm.

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David Graham, Chair

CERTIFIED CORRECT:

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Jessie Sherk, Recorder

Public Hearing Record
Received for Information
By Local Trust Committee

DRAFT

Gabriola Island
Local Trust Committee
Public Hearing Record Regarding:

PROPOSED BYLAW NO. 265 CITED AS "GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN (Gabriola Island) BYLAW 166, 1997, AMENDMENT NO, 1, 2012"
AND

PROPOSED BYLAW NO. 266 CITED AS "GABRIOLA ISLAND LAND USE BYLAW 177, 1999, AMENDMENT NO. 1, 2012"

Date of Meeting:	**Wednesday, March 12, 2014**
Location of Meeting:	**Gabriola Island Community Hall** **2200 South Road, Gabriola Island, BC**
Members Present:	David Graham, Chair Sheila Malcolmson, Local Trustee Gisele Rudischer, Local Trustee
Staff Present:	Courtney Simpson, Regional Planning Manager Lisa Webster-Gibson, Planning Clerk Jessie Sherk, Recorder
Media and Others Present:	Approximately (53) members of the pubic and (2) members of the local media were in attendance

1. CALL TO ORDER

Chair Graham called the Public Hearing to order at 8:05 pm. He read a formal opening statement that invited all persons who believe that their interest in property is affected by the proposed bylaws to speak or to present written submissions. Also noted was that all submissions must be received by the Local Trust Committee before the close of the hearing. Chair Graham also pointed out the binder available for public viewing that includes all previous submissions from members of the public and all referrals.

2. Proposed Bylaw 265 cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2012" and Proposed Bylaw 266 cited as "Gabriola Island Land Use Bylaw 177, 1999 Amendment No. 1 2012"

Planning Manager Simpson summarized the referrals and any responses received noting that the most detailed response came from The Ministry of Forests Lands and

Natural Resource Operations who support the Official Community Plan amendment and have some concerns that the exemptions in the Land Use Bylaw amendment are too extensive.

3. PUBLIC COMMENTS

Bob Andrew, 445 Taylor Bay Road
Bob stated that he highly supports the bylaws and feels that it does not go far enough. He stated that water is the most important natural resource in the world, period. He feels that this is not about fish; it is about water and everything that's in it. He stated that water is a very vital process in the community and we all need to be in control of it for the livelihood of this island.

Cheryl Boorer, 895 Tansy Drive
Cheryl agrees that we need some Riparian Areas Regulation but the costs that will be incurred to the landowners are not fair.

Bart Jessup, 776 Roxanne Blvd.
Presenting on behalf of Gabriola Citizens Rights Coalition, Mr. Jessup supplied handouts for the public to refer to. He stated that what this rights group wants is protection of fish without undue regulation of non-fish areas. He stated that they believe they are providing a series of alternatives that are reasonable and sensible. He then read out the evidence that supports his opposition to the bylaws and made the following claims:

- The Madrone reports were inconsistent when identifying dry ditches
- Riparian Areas Regulation can possibly void your insurance
- The science is politically based and he feels that the science changes depending on what report has been purchased
- The evidence of fish is not supported
- There are legislative issues surrounding this and it is contrary to other government initiatives
- This is a massive effort to remove the peoples' rights to use their own land
- Assumptions that fish are present is not science

Mr. Jessop stated that it is important that a vigilant public be alert to defend their own interests against this sort of process. He also spoke of the largest Fraser River salmon return being the largest in recorded history. He stated that this return was not predicted and it indicates the relatively poor understanding of the factors that regulate their production and survival.

Eric Moeller, 940 Horseshoe Road
Mr. Moeller stated that he has been involved with the riparian issue for more than a year and he knows that the Local Trust Committee has no choice but to make a decision on this regulation. He stated that the real bottom line is the Provincial Government and he encouraged people to write to the Province about their concerns. He also suggested the public file an appeal on their property taxes.

Sue Hendry, 461 Daniel Way
Ms. Hendry objects to the bylaws especially considering the Riparian Areas Regulation is required only in certain areas of the province. She feels there is a select group of property owners being penalized. She stated that she is requesting that a process be put in place where affected properties could be given an opportunity for reassessment of their Streamside Protection and Enhancement Area. Also suggested was cost sharing with the Islands Trust and the Province for these costs. She also noted that Madrone stated they were not mandated to look for fish; therefore, they were looking for watercourses not riparian areas. She stated that her watercourse as well as many others on Gabriola dries up for many months of the year so how could fish life be sustained? She stated that these properties do not meet the criteria for Riparian Areas Regulation. She requested that the Local Trust Committee meet the bylaw with only a 15 meter Streamside Protection and Enhancement Area for the island.

Tom Gilligan, 1055 McClay Way
Mr. Gilligan stated that he is new to the island and is in favor of protecting fish and watersheds. He stated that the Canadian Charter of Rights clearly maintains the right for each and every Canadian to be treated equally. By selecting some to bear the burden of implementing these bylaws and to do so without regard for the negative economic impact that may be created for some individuals and not others is an injustice that will need to be addressed. At the very least, the possibility that the implementation of these bylaws will create such a burden needs to be evaluated or some procedure set in place to do so in the immediate future. He stated that he believes that the value of his property will be negatively impacted by these proposed bylaws. He stated that his concern is that it will decrease in value relative to other similar properties that were not included in the development permit area. His argument is that it is irresponsible of the Islands Trust to implement these bylaws until some process of evaluating the possible negative impact on a case-by-case basis is carried out. He then compared the actions of Islands Trust to the negative impacts that the BC Ferries have had recently on the community.

Moyra Watson-White, 1055 McClay Way
Ms. Watson-White stated that she has found this very stressful and it has decreased the enjoyment in her home. She stated that human habitat is equally important as fish habitat.

Owen Clearkin, Peterson Road
Mr. Clearkin wished to speak against the Riparian Areas Regulation included in the bylaws but noted that he is not an enemy of fish. He stated that he is surprised that the government convinced the local governments to push Gordon Campbell's last piece of legislation. He stated that this is all about the money. This legislation is closely linked to the new *Water Act* coming soon and eventually water rates on our taxes. He spoke of the ditch on his property saying that due to the terrain, water quality and it being dry for months out of the year make it extremely unlikely to support fish. He stated that public hearings are a way of defending decisions that have already been made. Example of this was the ferry meetings. He remarked that important meetings should be conducted in the summer when the other half of the residents are here. He is troubled by how much this has cost the taxpayers so far. He wondered who would pay for this. He stated that

he hopes there is transparency and that ethics will guide the Local Trust Committee's choice. He stated that he values his freedom and would not give up his rights for a possible fish habitat. He asked if the values of what they are proposing outweigh abusing the property rights of the citizens. He addressed the public and stated that he believes that property owners are the best stewards of the land.

Paul Metcalf, North Road
Mr. Metcalf sympathizes with Local Trust Committee but feels this outlines a fundamental flaw in the Islands Trust system. He stated that they are elected representatives of the people but tonight they are just messengers from Victoria.

Doug Hodges, Wildwood Crescent
Mr. Hodges wondered what kind of fish are coming through Wildwood Crescent.

Jeff Forbes, Wildwood Crescent
Mr. Forbes stated that everyone agrees that the watersheds are important. He also noted that in regard to streams and ditches, there should be a fair study done in the summer and winter months. He also stated that he is more than willing to have a biologist come on to his property and that it is not fair to penalize people for the possibility of fish.

Bart Jessup, 776 Roxanne Blvd.
Mr. Jessup continued his submission on behalf of the Gabriola Citizens Rights Coalition. Referring again to his handout he stated that Madrone confirmed that fish sampling was beyond the scope of their assessment. He feels there is conflict over this report, legislative issues and conflict between the Federal Fisheries, the Provincial Riparian Areas Regulation and the Islands Trust. He stated that he feels that Gabriola residents' properties are being compromised by inter-jurisdictional conflicts and that local bylaws should not proceed until these conflicts are resolved and publicly reviewed. He also stated that the Riparian Areas Regulation admits that the biological science is uncertain and that this is not the way that public welfare should be determined. Mr. Jessup stated that the third reading for these bylaws should be delayed until the government conflicts are resolved and that the Local Trust Committee work plan should be replaced with one that emphasizes conservation in the form of parks and opportunities for prosperity. He also suggested putting the Riparian Areas Regulation on a referendum in the 2014 local election voting.

Chair Graham asked if there were any other members of the public wishing to speak. He then called a second time for submissions to the Public Hearing. He asked the pubic to submit their written submissions as well. Chair Graham then called a third and final time for public submissions. Hearing none, Chair Graham closed the public hearing.

4. ADJOURNMENT

Chair Graham declared the Public Hearing closed at 8:45 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

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Jessie Sherk, Recorder

Gabriola Island
Local Trust Committee
Minutes of a Regular Meeting

Date of Meeting:	Thursday, March 13, 2014
Location:	Women's Institute 246 South Road, Gabriola Island, BC
Members Present:	David Graham, Chair Gisele Rudischer, Local Trustee Sheila Malcolmson, Local Trustee
Staff Present:	Courtney Simpson, Regional Planning Manager Sonja Zupanec, Planner Mike Richards, Grants Administrator Jessie Sherk, Recorder
Media and Others Present:	Zero (0) members of the public and two (2) local media representatives were present.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:16 am. Staff and trustees were introduced. He also introduced Mike Richards, the newly hired Grants Administrator who was present to observe the meeting. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Late item added: Bylaw No. 274 as an attachment to 14.1.2 Agriculture Policies

By general consent the agenda was approved, as amended

3. MINUTES

3.1 Local Trust Committee Meeting Minutes of February 20, 2014

The following amendment to the minutes was presented for consideration:

- Page 8, under “Permeable Parking Surfaces”, in the first and second sentence, change permeable “paving” to permeable “surfaces”.

By general consent the Local Trust Committee meeting minutes of February 20, 2014 were adopted, as amended.

3.2 Section 26 Resolutions Without Meeting - None

3.3 Gabriola Island Advisory Planning Commission Meeting Minutes - None

3.4 Mudge Island Advisory Planning Commission Meeting Minutes - None

3.5 Gabriola Island Agricultural Advisory Commission Meeting Minutes - None

4. BUSINESS ARISING FROM MINUTES

4.1 Follow-up Action List dated March 5, 2014

Regional Planning Manager Simpson gave an update on the first item on the list stating that she has contacted Regional District of Nanaimo staff to arrange the next protocol meeting. Dates in early May will be discussed by email.

It was noted that the second item under January 16, 2014, an expenditure of $450 for special projects, should be marked as complete.

5. CORRESPONDENCE

5.1 Letter dated February 28, 2014 from Patricia Maloney, Chair, Gabriola Housing Society

It was noted that the writers of the letter were incorrect about the actions taken by the Local Trust Committee at its February meeting, that the beliefs attributed to the trustees by the letter writer of this and item 5.2 are untrue, and that letters have already been sent to both. Resolution 036 describes the decision of the Local Trust Committee on their work program at the February meeting. Discussion ensued amongst the trustees.

5.2 Letter dated February 28, 2014 from Charlie Cheffins, Chair, People for a healthy Community Gabriola Society

Received.

5.3 Email dated March 3, 2014 from Jacinthe Eastick regarding RDN Bylaw 1399

Planning Manager Simpson read a letter from the Regional District of Nanaimo that addresses the questions raised in the email. Discussion ensued between staff and trustees. It was noted that the Land Use Bylaw supersedes the Regional District of Nanaimo regulations.

6. REPORTS

6.1 Work Program Reports

6.1.1 Top Priorities Report and Projects List dated March 5, 2014

Trustees and staff discussed the Mudge and DeCourcy Islands greenhouse gas emission inventories, and asked to receive advice that had been given to the Executive Committee acting as a Local Trust Committee for the Ballenas Winchelsea Islands that basic greenhouse gas emission goals without an inventory satisfied the legal requirement for small islands with small population and little development.

6.2 Applications Log

6.2.1 Report dated March 5, 2014

The report was reviewed.

6.3 Trustee and Local Expenses

6.3.1 Expenses posted to month ending February 2014

Reviewed for information.

The possibility of getting an appreciation gift for the Advisory Commission members was discussed.

GB-2014-049
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee release up to $350 for Advisory Planning Commission appreciation gifts from local expense account 65240-620.

CARRIED

7. NEW BUSINESS

7.1 Change of Meeting date (October 30, 2014)

Staff and trustees discussed changing the date of the meeting. It was noted that Trustee Malcolmson is not available on October 30.

GB-2014-050
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee request that staff reschedules the October 30 Local Trust Committee business meeting.

CARRIED

7.2 Regional District of Nanaimo Referral Regarding Bylaw 500.389, 2014 and 1285.19, 2014

Trustee Rudischer read her response to the bylaws. Discussion ensued between Trustees and staff.

GB-2014-051
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee's response to the Regional District of Nanaimo's Bylaws "500.389, 2014 and 1285.19, 2014" be "interests unaffected".

CARRIED

7.3. Eelgrass Mapping – Memorandum dated February 19, 2014

Planning Manager Simpson noted that the author of the memorandum was not present. A large map was displayed for observation. Discussion ensued.

Staff was requested to bring this item back to a future agenda when there is more time for discussion.

8. TRUSTEES' REPORT

Trustee Rudischer reported that she met with the RCMP and Regional Director Houle to discuss their priorities for next year. Based on the safety survey that was carried out last year, impaired driving was identified as something they will be focusing on. She also attended Trust Council on Hornby Island and the ferry protest in Victoria. Yesterday at a BC Ferries meeting, as a member of the Ferry Advisory Committee, Trustee Rudischer listened to proposals intended to lessen the impact of the service cuts. She noted that staff made a good presentation at last night's public hearing on the Riparian Areas Regulation (RAR). She noticed that it was not as well attended as previous meetings and she is hoping this is because the changes made have addressed a lot of the issues raised previously. She noted that most speakers still oppose the regulation.

Trustee Malcolmson reported that the Local Trust Committee had a session last month on the Natural Areas Protection Tax Exemption Program. There was still a good turnout despite the snowfall and power outage, and she appreciated the coverage from the media so that those not attending could hear about it. She noted that Kate Emmings from the Islands Trust Fund did a great presentation and encouraged people to apply for this program. She also remarked that she appreciates all the planning staff support. Trustee Malcolmson shared that she has been asked to be on the Union of British Columbia Municipalities Select Committee on Ferries. She noted that municipalities have been trying to pass resolutions for years that ferries should be treated as part of the highway systems and they are doing a short order economic impact assessment. She thinks that the report that will be presented at the Association of Vancouver Island and Coastal Communities Convention next month will be a sign that there are serious economic impacts from the proposed cuts and there is a lot more work to be done. Trustee Malcolmson also stated that although BC Ferries has not made this announcement yet, everything she has heard sounds like there will still be 5:40 am until

11:00 pm service from Monday to Friday, 6:40 am until 11:00 pm service on Saturdays, and 6:40 am until 10:30 pm on Sundays. She stated again that this is just what they heard and not what has been committed to.

9. CHAIR'S REPORT

Chair Graham reported on the quarterly Trust Council meeting on Hornby Island last week, noting that an increase of zero percent to the budget was approved. Also noted was that they had a very thorough presentation from the Provincial Treaty Negotiators. Chair Graham commended the people who provided the food saying they did great job in providing locally sourced foods at the meeting.

10. REGIONAL DIRECTOR'S REPORT - None

11. DELEGATIONS - None.

12. TOWN HALL SESSION - None

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Official Community Plan/Land Use Bylaw Review

14.1.1 Climate Change Policy Implementation

Planner Zupanec gave a verbal update. She reminded the trustees that April 3, 2014 is tentatively scheduled for a Community Information Meeting on climate change implementation at the Haven at 6:30 pm and that it will be something similar to the Agriculture Open House in terms of promotion and advertising. Discussion ensued.

14.1.2 Agriculture Policies
Staff Report dated February 28, 2014

Planner Zupanec explained that the purpose of this report was to introduce the two draft bylaws and to review the public input they received at the open house. She noted that there is support in general for secondary suites on Agricultural Land Reserve properties and some indication of a preference for flexibility on a larger size suite.

This discussion was then put on hold to review 13.1.1, as the applicants for 13.1 had arrived.

13. APPLICATIONS AND PERMITS

13.1 GB-DVP-2014.2 (Intrascape – Madrone 2)

13.1.1 Staff Report dated February 28, 2014

Planner Zupanec explained the application for amendment to a development permit issued by the Local Trust Committee In October, 2012. The full sized plans were reviewed and discussed by the Chair and Trustees.

The applicant asked about the process of adding a covered bike rack to Phase 1 and stated that hopefully there will be an easier way to encourage people to do things that are positive rather than require a development permit for such a minor construction. He also noted that he would be adding a charging station for electric vehicles.

Planner Zupanec remarked that it would be good for the Local Trust Committee to look at including other exemptions in the development permit guidelines when considering climate change policies, as the way it is written now has very few exemptions for this type of minor construction.

It was noted that this is exactly why they have opened up this area of the bylaw and why they are doing the climate change review.

GB-2014-052
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee instruct staff to issue development permit GB-DP-2014.2 (Intrascape Developments Inc.) as per the attached permit to amend GB-DP-2012.3.

CARRIED

14.1.2 Agriculture Policies
Staff Report dated February 28, 2014

Staff and trustees continued discussion regarding secondary suites in the Agricultural Land Reserve.

GB-2014-053
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee direct staff to amend the definition of secondary suite to be as follows – secondary suite means an accessory, self-contained dwelling unit located in the Agricultural Land Reserve wholly within a building that is a single real estate entity which otherwise contains a single family dwelling and having a lesser floor area of 968 square feet or 40 percent of the habitable floor area of the principle dwelling whichever is less.

Staff and Trustees discussed the motion on the floor.

GB-2014-054
It was MOVED and SECONDED,
that the resolution be amended to specify properties two hectares or larger.

CARRIED

GB-2014-053
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee direct staff to amend the definition of secondary suite to be as follows – secondary suite means an accessory, self-contained dwelling unit located in the Agricultural Land Reserve wholly within a building that is a single real estate entity which otherwise contains a single family dwelling and having a lesser floor area of 968 square feet or 40 percent of the habitable floor area of the dwelling whichever is less and to specify properties 2 hectares or larger.

CARRIED

Staff and Trustees discussed the Regional District of Nanaimo's protocol regarding building permits and the expectation that there would be approvals from the health authority.

GB-2014-055
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee include a requirement in the secondary suite regulations that the applicant must have the approval of the local health authority with respect to the provision of sewage disposal.

CARRIED

Staff and Trustees discussed agri-tourism accommodations. It was noted that all implications to the staff recommendation would be flagged at the Community Information Meeting for public input.

GB-2014-056
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee support the staff recommendation on agri-tourism accommodation.

CARRIED

Staff and Trustees discussed accessory cottages and staff recommendations.

GB-2014-057
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee direct that the draft bylaws include an information note qualifying the agricultural zone provision for cottage residential in light of Agricultural Land Commission policies, and include specific language permitting one manufactured home for the use of immediate family or temporary farm worker housing.

CARRIED

The Chair and Trustees discussed properties with a farm plan that would support full time workers in the cottage. Concerns regarding farms with fulltime workers being penalized, as well as scenarios that don't support food security was addressed by staff.

Planner Zupanec then started discussion regarding farm stand size restriction and explained her suggestions to the trustees. A typo was noted in the report where it should have read that the existing land use bylaw allows "not closer than 6 meters of the front lot line".

Also mentioned was a potential communal farm stand/bus shelter noting that this might trigger the need for a development variance permit.

Size of signs was discussed as well as addressing realistic needs for smaller scale producers.

GB-2014-058
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee support staff recommendation on farm stand size and siting.

CARRIED

Planner Zupanec noted that after the meeting she would be updating the draft bylaws based on today's recommendations and advised that the new draft be referred to the Agricultural Advisory Commission within 30 days. She added the draft should be referred to the Agricultural Land Commission and Ministry of Agriculture as well. She advised that if those early referrals are finished, they may be able to review the initial responses at the next Local Trust Committee meeting which means that by the May 14, 2014 meeting, they will have received all the input needed for consideration of first reading. Planner Zupanec then went through what the next steps would be. Discussion ensued regarding how these regulations will be monitored.

The following errors and areas needing attention in the draft bylaw 275 were noted:

- Page 1, b) 2. First bullet, should remove the words "or exterior lot line" after "…(14.8 feet) from any *interior* side"
- Also in that bullet, the bigger zones are needing attention

- Citation error on gage 4, h) i. Should read "Under item D.2.6.3 a. 1 and 2 "

Staff and Trustees discussed the definition of "seasonal" in the draft bylaw.

GB-2014-059
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee definition of "seasonal" be as follows: seasonal means a use or activity in a facility or area for less than 7 consecutive months per year

CARRIED

GB-2014-060
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee definition of "temporary" be as follows: temporary means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities, for less than 7 consecutive months of the year. The building or structure may be used for other permitted uses during the course of or for the remainder of the year.

CARRIED

It was noted that if this would become an impediment to people having workers look after their farms, it would be heard at the public consultation.

It was flagged that staff should look further into section B.1.2.1 in the Land Use Bylaw to be sure it doesn't contradict what is being put in for agri-tourism accommodations.

GB-2014-061
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee direct staff to revise Draft Bylaw Nos. 274 and 275 as directed.

CARRIED

GB-2014-062
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee direct staff to refer both draft bylaws to the Agricultural Advisory Commission, Agricultural Land Commission and Ministry of Agriculture for early referral and comments

CARRIED

It was noted that Trustees would like to see the revised bylaws for review before they are sent out.

By general consent the meeting was recessed at 12:36 pm and reconvened at 1:10 pm.

14.1.3 Parks Rezoning
Staff Report dated March 3, 2014

Planner Zupanec explained the purpose of this report and summarized the responses to the early referrals. She then went through the staff recommendations. It was noted that the staff recommendation of allowing special events in all park zones, might not have been the intent in the resolution made at the January 16th meeting. Discussion ensued amongst staff and Trustees with the result being that Trustees agree to disagree when it comes to special events being permitted in parks, and that the Chair supports the staff recommendation.

GB-2014-063
It was MOVED and SECONDED,
that the Gabriola Island Local Trust committee rescind first reading to proposed Bylaw No. 272 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2013”.

CARRIED

GB-2014-064
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee revise Draft Bylaw 272 in section 1.d) e) and f) as follows “special events under permit by the Regional District of Nanaimo or BC Parks.”

CARRIED

Trustee Rudischer was opposed.

Speaking to the motion, Trustee Malcolmson stated that she believes this reflects the response given by the Gabriola advisory parks groups, Regional District staff and she believes this is consistent with the Official Community Plan and policy statement.

GB-2014-065
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee revises Draft Bylaw 272 section 2. l) by changing the zoning on the land designated as “Park” on Plan EPP11544 from Institutional 3 to Parks 3-Active Recreation Community Park as show on Plan No. 7 attached to and forming part of this bylaw.

CARRIED

Trustee Malcolmson spoke to the motion saying she appreciates the community looking ahead on this and agrees that it’s a great opportunity.

GB-2014-066
It was MOVED and SECONDED,
that the Gabriola Island Local Trust give first reading to Proposed Bylaw No. 272 cited as “Gabriola island Land Use Bylaw 177, 1999, Amendment No 1. 2013” as revised.

CARRIED
Trustee Rudischer was opposed

GB-2014-067
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee direct staff to schedule a community information meeting for proposed bylaws and consider the consultation for the Gabriola Island parks rezoning project pursuant to s. 879 of the Local Government Act to be sufficient and that staff be requested to schedule a public hearing and publish notification in the appropriate newspapers.

CARRIED

Staff and trustees then discussed dates for the community information meeting. It was noted that it might be beneficial to combine topics and include the Climate Implementation Bylaw in the meeting. It was also agreed that an evening meeting is best.

14.2 Housekeeping Bylaw Amendments

14.2.1 Staff Report dated March 3, 2014

Planning Manager Simpson explained the intention of the staff report noting that it is very preliminary. She stated that this is second on the Top Priorities List but the Local Trust Committee has directed that its priority should be in the middle of that list. She noted that the timeline is dependent on the progress of priority items ahead of this one as well as the determination of the scope of the project.

Each item on the Table of Potential Housekeeping Amendments to Gabriola Island Land Use Bylaw and Official Community Plan was reviewed and discussed. Staff were asked to double check the direction given by the Local Trust Committee regarding office use on institutional zones. The following comments were made on other items:

- Signs – B.4.3 already allows third party signs so more investigation is needed into the recommended housekeeping amendment. The golfcourse clubhouse has a much broader use than yacht club outstations.
- Animals – the intent of the current bylaw provision is to allow keeping of animals for personal use on small lots and an expanded use to also allow animals to be raised for sale on larger lots
- Gabriola Island Recycling Organization – It was suggested that retail sales of used items only should be permitted.
- Grammar – D.3.2.a.i was flagged for staff to look into.

- Typos – D.2.2.1 It should stay as "Principal Permitted Uses" instead of "permitted principal uses" in order to stay in line with the rest of the bylaw.
- Bylaw Enforcement – staff will get back to the trust committee about what new bylaw enforcement policies are being referred to.

GB-2014-068
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee endorse the March, 2014 Table of Potential Housekeeping Amendments to Gabriola Island Land Use Bylaw and Official Community Plan.

CARRIED

15. BYLAWS

15.1 Draft Bylaw 265 cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2012" for consideration of third reading and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval

Staff and trustees discussed if the public hearing input identified the need for any new changes to the bylaw amending the Official Community Plan. Planning Manager Simpson noted that in reviewing the comments, nothing stands out to her that needs to be changed; most of the specific comments relate to the bylaw amending the Land Use Bylaw.. Discussion ensued.

15.2 Draft Bylaw 266 cited as Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012" for consideration of third reading and submission to executive committee

The concerns voiced at the public hearing were reviewed and discussed at length. Trustees made the following comments:

- This is the provincial framework given to all local governments in the areas that were identified as being under development pressure.
- The RAR reports that the Local Trust Committee has seen have identified fish in the Horseshoe watershed, Hoggan Lake and that there are fish historically in Dick Brook.
- The Riparian Areas Regulation is not only about streams that have fish in them but is also about water connected to and that feeds fish habitat.
- The staff advice given and the expert reports are accurately capturing and interpreting the responsibility given to the Local Trust Committee by the Provincial Government.
- The mapping was properly done in the wet months. The advice from staff and what has been seen in other local governments is that the Madrone mapping fits British Columbia's RAR description and this has been confirmed by three private RAR reports in two watersheds.
- Three different layers of mapping have been completed.

- The simple assessment was completed not because the Madrone mapping was thought to be incorrect, but because the Local Trust Committee had a hope that they could narrow the scale of the impact, which they did.
- Overall, the Local Trust Committee has already delayed this regulation for seven years and has taken three and one-half years to implement locally.
- There were no other new exemptions suggested at the public hearing.
- Existing buildings are not affected and eight new exemptions have been added since the first public hearing in September.
- The proposed bylaws do allow fire control, farming, emergency and flood measures and food production use of land.

It was the general feel of the Committee that everything that can be done has been done to lessen the impact of this regulation for property owners and that the Province continues to be committed to this.

It was noted that the Islands Trust policies and goals give a direction that supports the RAR. It was recognized that even though the Local Trust Committee is representing the public, there is a mandate from the Province requiring them to implement this regulation.

GB-2014-069
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee give third reading to proposed Bylaw No. 265 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw No.166, 1997, Amendment No 1, 2012”.

CARRIED

GB-2014-070
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee submit Bylaw No 265 Cited as “Gabriola Official Community Plan (Gabriola Island) Bylaw No. 166, 1997, Amendment No. 1, 2012” to the Executive Committee for approval.

CARRIED

GB-2014-071
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee submit Bylaw No. 265 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997, Amendment No. 1,2012” be submitted to the Minister of Community Sport and Cultural Development for approval.

CARRIED

GB-2014-072
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee request that staff advise the Trust Committee whether changes to proposed Bylaw 266 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012” are recommended based on public hearing input.

CARRIED

GB-2014-073
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee request that staff advise whether there are implementation measures the Local Trust Committee could adopt to lessen the financial impact and increase understanding of Riparian Areas Regulation when and if implemented.

CARRIED

16. ISLANDS TRUST WEBSITE - None

17. NEXT MEETING:

Thursday, April 17, 2014 at 10:15 am at the Women's Institute, 476 South Road, Gabriola Island, BC.

20. TOWN HALL SESSION - None

21. ADJOURNMENT

By general consent the meeting adjourned at 2:15 pm.

____
David Graham, Chair

CERTIFIED CORRECT:

____
Jessie Sherk, Recorder

Islands Trust

Follow Up Action Report w/ Target Date

Gabriola Island
Jul-18-2013

No.	Activity	Responsibility	Target Date	Status
1	Add the topic of "notification to property owners that Development Permits may be required to the next RDN protocol meeting agenda, in relation to the landowners' comments for GB-DP-2013.1 (Gaviola Island).	Courtney Simpson	Jan-31-2014	On Going
1	Submit resolution to Trust Council to amend development application forms to include climate change considerations such as energy efficiency, renewable energy, and carbon sequestration.	Sonja Zupanec	Jan-31-2014	On Going

Nov-28-2013

No.	Activity	Responsibility	Target Date	Status
1	Refer draft bylaw 273 with the amendments discussed November 28 to the APC and the RDN building inspection, but after having held a CIM for property and business owners in the Village Commercial zones.	Sonja Zupanec	Jan-16-2014	On Going

Jan-16-2014

No.	Activity	Responsibility	Target Date	Status
1	Staff to report back on possibility of closing old, dormant applications. (new target date of May, 2014)	Courtney Simpson	May-14-2014	On Going

Mar-13-2014

No.	Activity	Responsibility	Target Date	Status
1	Parks Rezoning Project - First Reading given as revised on March 13. Staff to update bylaw; post to website and coordinate CIM and PH (on same date) on a weekday evening.	Lisa Webster-Gibson Sonja Zupanec	Mar-28-2014	On Going

1	Proposed Bylaw 265 given Third reading and referral to EC and Minister.	Lisa Webster-Gibson	Apr-17-2014	On Going
1	Follow up on Project List item "Mudge and DeCourcy greenhouse gas emissions inventories" to detemine if this inventory is required given the small size and population of the islands.	Courtney Simpson	Apr-17-2014	On Going
1	Determine if there is a past resolution to add Instiutional zoning for offices to the housekeeping bylaw amendments list in relation to the Arts Council use of the Women's Institute. (New target date of May, 2014)	Courtney Simpson	May-14-2014	On Going
1	Staff to advise whether there are implementation measures the Local Trust Committee could adopt to lessen the financial impact and increase understanding of Riparian Areas Regulation when and if implemented.	Courtney Simpson	Jun-26-2014	On Going
1	Bring Eelgrass memo dated February 19, 2014 back to a future LTC meeting agenda with time to discuss. Include only the memo and not attached report.	Courtney Simpson	Apr-16-2015	On Going

Print Date: Apr-07-2014

Islands Trust

Top Priorities

Gabriola Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	**Gabriola Planning Area OCP Review:**	This a targeted OCP/LUB review and each topic is listed and described below in order of priority	Jan-19-2012	Courtney Simpson	Sep-01-2014	On Going
1	*1) Riparian Areas Regulation*	Implement the provincial Riparian Areas Regulation (RAR) and reduce fee for DP 3 application to $200. Bylaws 265 and 266 Public Hearing held Sept 4, 2013. Simple Assessment conducted by Madrone to reduce DPA area from 30m where possible.	Jun-28-2011	Courtney Simpson	Sep-14-2014	On Going
1	*2) Rezoning new RDN Parks and ITF nature reserves*	First reading given Jan 16/14 to both bylaws with amendments as per resolution. Referrals to be sent to select agencies and First Nations.	Nov-29-2012	Sonja Zupanec	Sep-01-2014	On Going
1	*3) Review and amend OCP & LUB to increase local food security and farmland protection*	LTC endorsed changes in March 2014 and early referral to AAC and ALC sent prior to conisderation of first reading May 2014.	Jan-19-2012	Sonja Zupanec	Sep-01-2014	On Going
1	*4) Implement OCP climate change policies into LUB*	CIM held April 3 and LTC to consider possible revisions at April LTC meeting.	Jan-07-2013	Sonja Zupanec	Sep-01-2014	On Going

1	*5) Consider density transfer affordable housing policies for cottage densities*	Not started				On Going
1	*6) Review DP-7 form and character guidelines for Village Core, and review OCP/LUB to make Village more pedestrian friendly, and to consider passive solar, renewable energy and energy efficient design.*	Overlaps with implementing climate change policies into the LUB and partially addressed in those staff reports.	Jan-17-2013	Sonja Zupanec	Sep-01-2014	On Going
1	*7) Update the 2010 build out map and report (including the number of existing and potential residential cottages and a list of forestry parcels with the potential for density transfer)*	Not started				On Going
1	*8) Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals*	Not started				On Going
2	**Housekeeping Bylaw Amendments**	Note: the priority for this item falls after #4 (climate change policies) in the OCP targeted review list.	Feb-20-2014	Courtney Simpson	Sep-01-2014	On Going
3	**Snuneymuxw First Nation Protocol Agreement Implementation**	May 16, 2013 resolution to delay spending this budget until after top priority 1 (OCP/LUB review) topics have gone to public hearing.		David Marlor Courtney Simpson	Mar-31-2014	On Going
4	**Development Approval Information bylaw**	Draft prepared. January 17, 2013 resolution to submit to EC. Draft will require review after bylaws 265 and 266 receive third reading.	Jun-28-2012	Sonja Zupanec	Jun-30-2013	On Going

Islands Trust

Projects

Gabriola Island

No.	Description	Activity	Received/Initiated	Status
1	Review OCP and LUB to include protective measures for biodiversity.	Species and Ecosystems at Risk (SEAR) Local Government Working Group my have resources for this project.	Jan-19-2012	On Going
1	Review OCP and LUB to improve protection of coastal areas.		Jan-19-2012	On Going
1	Review OCP and LUB to protect water quality and quantity.		Jan-19-2012	On Going
1	Bylaw enforcement staff requested to provide a report on methods of proactive enforcement on advertised unlawful dwellings, as that is the point they are most likely to be unoccupied.		Nov-01-2012	On Going
1	Bylaw enforcement staff requested to provide an update on proactive enforcement of unlawful foreshore structures.		Nov-01-2012	On Going
2	Mudge and DeCourcy Island greenhouse gas emission inventories		Jan-27-2011	On Going
2	DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments. Topics include: • park areas without park zoning • DAI Bylaw		Apr-21-2011	On Going
2	Hazardous areas and steep slopes development permit area • also consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain		Feb-21-2013	On Going
2	Forage Fish Mapping Workshop	March, 2013 resolution	Sep-05-2013	On Going

3	Land Based Aquaculture	Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.	Jan-16-2014	On Going
3	First Nations cultural references in land use planning	Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola.	Jan-27-2011	On Going

Print Date: Apr-07-2014

Islands Trust

Applications w/ Status - Gabriola Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2014.1	Intrascape Developments Inc. **Planner:** Sonja Zupanec	Jan-29-2014	development of 6790 square feet of leasable area within one building - addition of second building to phase 2 of Madrona Marketplace

Planning Status

Status Date: Feb-05-2014

Planner reviewing file.

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2007.1	Donald and Brad Powell **Planner:** Courtney Simpson	Feb-16-2007	725 Church Street To rezone a portion of approximately 2 acres from institutional to seniors.

Planning Status

Status Date: May-08-2013

No new information from applicant

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2009.1	Williamson & Associates **Planner:** Courtney Simpson	Nov-09-2009	Proposed Density Transfer - transfer of lands off South Road (south of 707 park) to lands off Daniel Way in the Locke Bay Development Permit Area to create 10 new lots.

Planning Status

Status Date: Apr-23-2013

Nothing new - still waiting to hear from applicant

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	Oct-06-2008	To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 51803I) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT)

Planner: Marnie Eggen

Planning Status

Status Date: Oct-25-2013

PLA exension

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2010.2	Gary and Jane McCollum and Krul	Aug-13-2010	1520 McCollum Road Create 7 parcels

Planner: Linda Prowse

Planning Status

Status Date: Apr-23-2013

File reopened - Correspondence from MOTI says subdivision file is ongoing and that Preliminary Layout Approval has not yet been given

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors	Dec-23-2010	To create 2 parcels on Daniel Way (THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644)

Planner: Marnie Eggen

Planning Status

Status Date: Mar-14-2014

PLA received

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2012.2	Don Powell	Oct-24-2012	725 Church Street - subdivision to create one new lot and a remainder lot

Planner: Linda Prowse

Planning Status

Status Date: Mar-18-2014

MOTI sent notification that the subdivision is NOT being approved. If the reasons for non-approval are not overcome in 1 year, the file will be closed. Note that Islands Trust staff re-sent our subdivision referral response as the notice of non-approval indicated that MOTI had not received it.

File Number	Applicant Name	Date Received	Purpose

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.2	Centre Stage Holdings Ltd.	Aug-09-2013	Subdivision to 6 lots

Planner: Linda Prowse

Planning Status

Status Date: Sep-27-2013

Subdivision Referral Review Report sent to MOTI, applicant and LTC

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.3	Smythies & Associates	Oct-28-2013	411 Daniel Way subdivision to create 2 parcels

Planner: Linda Prowse

Planning Status

Status Date: Mar-14-2014

MOTI did NOT give approval for this subdivision. The applicant has 1 yeard to overcome the two reasons for non-approval, and then the file will be closed.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.4		Nov-13-2013	Driftwood Drive, Mudge Island Boundary Adjustment

Planner: Marnie Eggen

Planning Status

Status Date: Feb-13-2014

Referral Report complete, forwarded to MOTI

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2014.1	Aaron & Jessica Dewarle	Jan-16-2014	565 South Road, Gabriola Is. Vacation Rental Application

Planner: Marnie Eggen

Planning Status

Status Date: Jan-31-2014

Planner processing application

Islands Trust

LTC EXP SUMMARY REPORT F2014

Invoices posted to Month ending March 2014

620 Gabriola	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-620	LTC "Trustee Expenses"	1,600.00	155.29	1,444.71
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	5,000.00	3,031.33	1,968.67
65210-620	LTC - Local Exp - APC Meeting Expenses	1,000.00	1,226.61	-226.61
65220-620	LTC - Local Exp - Communications	500.00	454.30	45.70
65230-620	LTC - Local Exp - Special Projects	3,500.00	434.67	3,065.33
65240-620	LTC - Local Exp - Miscellaneous	1,000.00	0.00	1,000.00
TOTAL LTC Local Expense		11,000.00	5,146.91	5,853.09
Projects				
73001-620-2001	Gabriola OCP/LUB	12,000.00	9,318.74	2,681.26
TOTAL Project Expenses		12,000.00	9,318.74	2,681.26

Memorandum

Date March 19, 2014

To Local Trust Committees
Planning Staff
Bowen Island Municipality

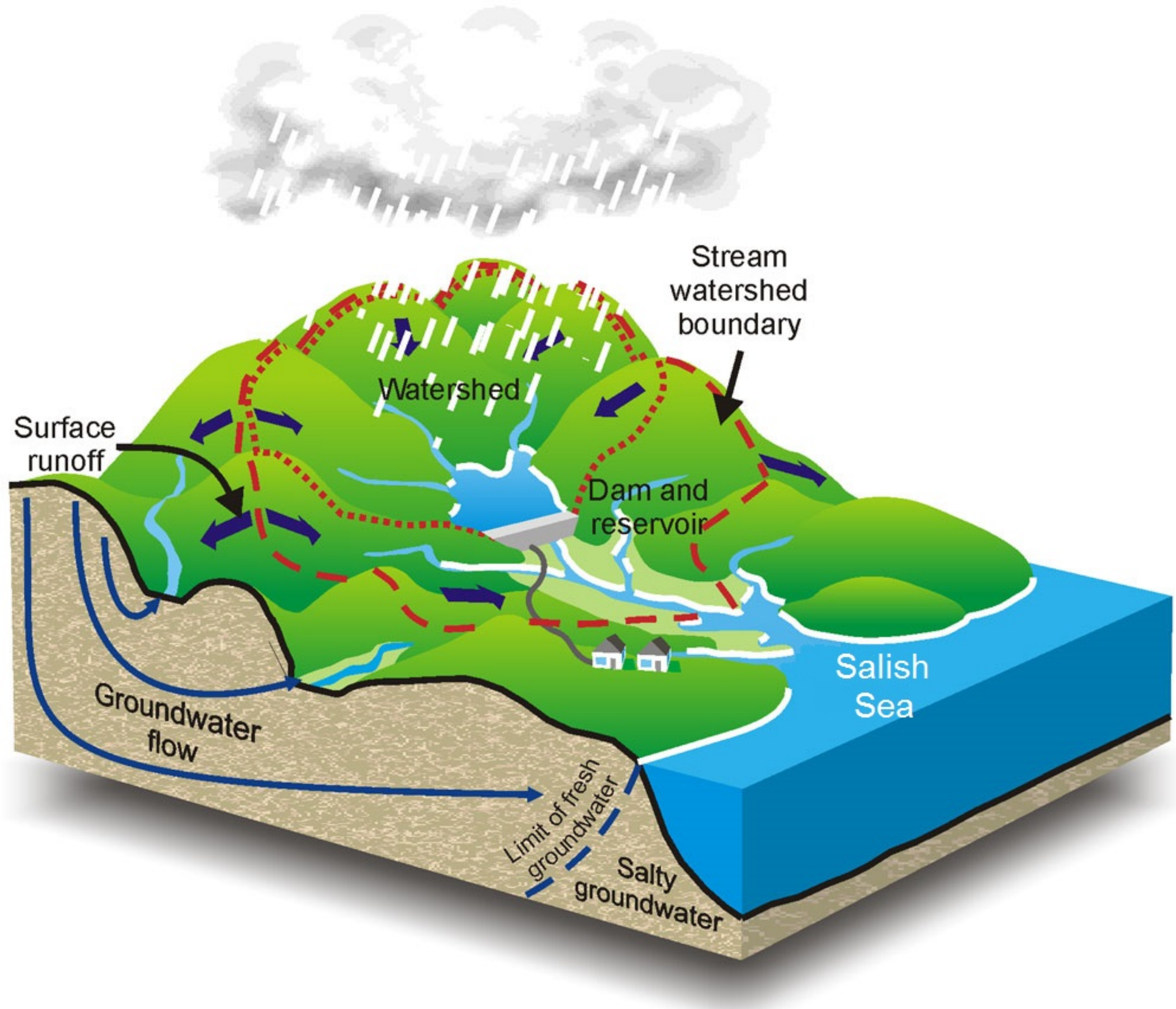
From Local Planning Committee

Re *Gulf Islands Groundwater Protection - A Regulatory Toolkit*

At its meeting on March 4-6, 2014, the Islands Trust Council passed a resolution requesting that the attached toolkit be circulated to all Local Trust Committees, planning staff and Bowen Island Municipality so that they are aware of some of the options available for the protection of groundwater.

This toolkit addresses options for the islands to consider in order to safeguard their water supplies now and into the future. The intent of this toolkit is to enable Local Trust Committees, planning staff and Bowen Island Municipality to choose the correct tool for the project at hand that suits their island.

Attachment: *Gulf Islands Groundwater Protection - A Regulatory Toolkit*



Gulf Islands Groundwater Protection

A Regulatory Toolkit

Prepared by Kris Nichols, LPC Island Planner

January 30, 2014

Islands Trust

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Introduction

Islanders are taking voluntary actions to steward and conserve water, island organizations educate and manage their water resources, and the Islands Trust has a strong focus on the importance of voluntary actions to protect water quality and quantity. A sample can be viewed here: http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx.

This project discussion paper is only about what regulatory options are available if islanders and trustees want to proceed down the regulatory route; it is not the only route to protect groundwater quality and quantity.

The Islands Trust Local Planning Committee (LPC) has on their work program the development of water quality and quantity toolkit and development of a model bylaw. This report includes a toolkit, a model Development Permit Area (DPA) bylaw and a model Development Approval Information Area (DAI) Provisions that will assist all Local Trust Committees (LTC) in addressing the issue of water conservation.

This report addresses options for the islands to consider in order to safe guard their water supplies now and into the future. The protection of a safe adequate water source will remain a priority for the Islands and will become increasingly important as the Islands continue to develop. Reaching the full potential of water conservation requires comprehensive and long-term strategic planning.

There is an ever increasing need to balance the water supply requirements for area growth against future sustainability and environmental needs. The issue of water quality and quantity has been a long standing issue on the Gulf Islands. Local Trust Committees (LTC) have approached the issue differently from no action to developing development permit area guidelines and specific water conservation bylaws or subdivision servicing regulations. However, it is believed that to plan for the future of the Islands is to include the protection of water – groundwater and surface water. Groundwater is inextricably linked to the amount of surface water which many island ecosystems and habitats rely on which is another reason why an island's groundwater supply should be protected and sustainably used.

Background

In British Columbia, water is owned by the Crown and not by individual land owners. Surface water is regulated by the *Water Act*. British Columbia is the last jurisdiction in Canada without groundwater legislation or licensing (i.e. protection). The intent of the Province in the near future is to integrate groundwater and surface water allocation. The Province is working to finalize the new *Water Sustainability Act* (see: http://www.livingwatersmart.ca/water-act/)

which would require all existing and new large groundwater users to apply for and obtain a water licence (e.g. waterworks, community wells, industrial and agricultural users). This proposed legislation will replace the *Water Act*. The proposed legislation would not include individual residential well users, but it would in high risk areas (priority areas) where for instance aquifers are under stress due to over use. To establish the Islands Trust as a priority area would be beneficial, but this cannot be established until the new legislation is in place. This would enable closer evaluation with the province on providing regulation for the protection of aquifers/ground water. Something all islands would benefit from.

An aquifer is the area underground where spaces between gravel, sand, clay, or rock fill with water. Water stored underground is called groundwater. There are different types of aquifers. When water is found in cracks and pores in the rock, we call this a 'bedrock' aquifer. When water is found in the spaces between sand and gravel, we call this a 'sand and gravel', or 'unconsolidated' aquifer.

There are two types of aquifers that exist in the Gulf Islands: sand and gravel layers and fractured bedrock. Fractured bedrock provides the primary source of freshwater for the majority of the island residents. Fractures in the bedrock located below the water table are filled with water and tapped by wells. The density of fractures and proximity to major faults determine the water yield from individual wells.

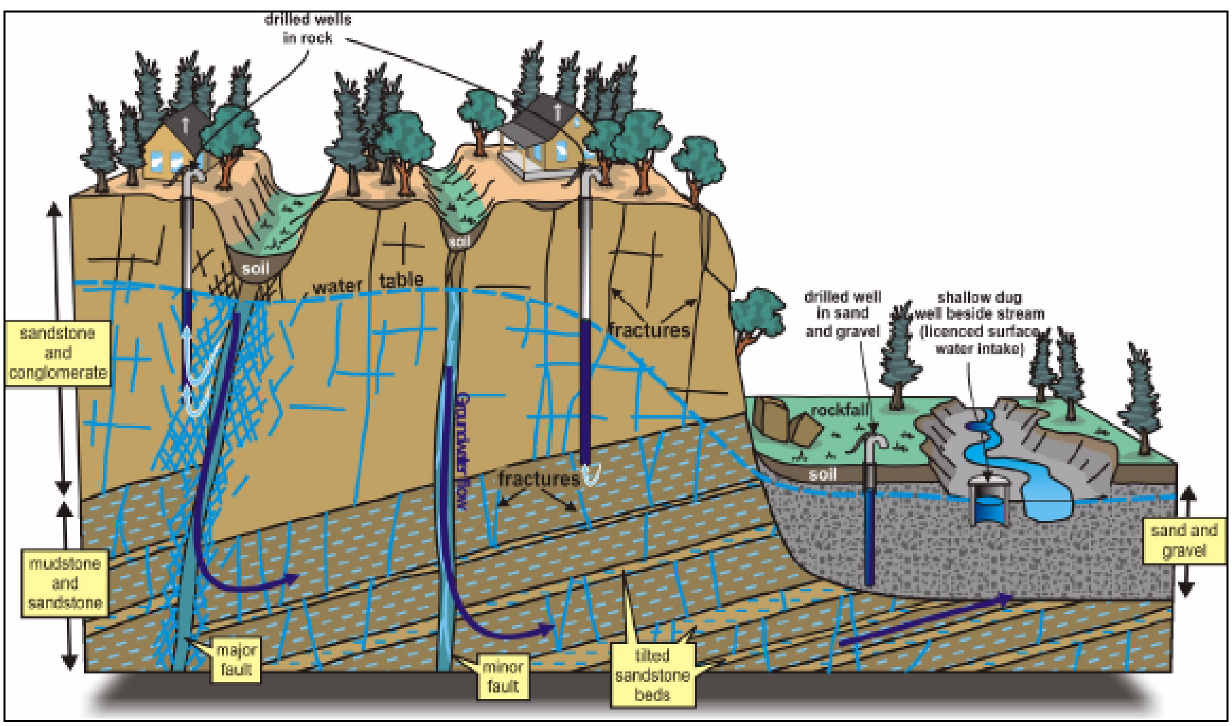


Figure 1. Ground water fills cracks and pores below the water table.

Source: Natural Resources Canada (http://ngwd-bdnes.cits.nrcan.gc.ca/service/api_ngwds:def/en/brief/pr_j03_mj.html)

Development pressures will continue to raise concerns over adequate quantity and quality of water on the Islands. The drinking water in the Gulf Islands comes from a variety of sources – private water systems, improvement districts, regional district water systems, individual wells, surface water all which rely on a safe supply of groundwater from aquifers. There are specialized systems that do not rely on groundwater such as rainwater catchment and desalinization. A few residents rely on bottled/trucked water.

Sustainable practices are required to conserve and protect fresh groundwater sources. There is currently no system to understand the cumulative impacts of individual wells drilled. There are a number of issues that impact the quality and quantity of groundwater such as saline intrusion, land use impacts (i.e. types and amount of uses), well interference, surface contamination, topography, recharge rates, soils, vegetation cover, geology, proximity to the sea, liquid waste (i.e. septic system) and seasonal water shortage. Climate change may also have an impact on groundwater supplies. The protection of existing groundwater supplies is significantly easier than finding alternative water sources on the islands. Groundwater also plays an important role in maintaining base flows in rivers and streams, which are critical in providing wildlife habitat and maintaining fish spawning areas and wetlands.

The Islands Trust has an important role to play in groundwater protection. It controls long-range development (Official Community Plans) and land use planning, zoning, development permit areas, bylaw enforcement, subdivision servicing bylaws. The Regional Districts and the Ministry of Transportation and Infrastructure (MoTI) have jurisdiction for water utilities and subdivision approvals, respectively. Island Health (formerly VIHA) has jurisdiction, through registered installers, for the approval of septic fields.

In addition to land use controls, there are several water conservation practices (e.g. low flow toilets, showers, rainwater collection, etc.) for residential home owners that should be encouraged to promote the sustainable use of water. Much of what will make the difference will not necessarily come from regulations, but from the community and its water use practices.

The Islands Trust decisions about how and where land is developed impacts groundwater quality and quantity. Therefore, the Island communities expect that the Islands Trust will manage land development to protect both water quality and quantity of groundwater. Often local government policy on groundwater is often unmanaged and unmeasured. With improved information, the Islands Trust can improve its impact on water quality and quantity. Even low density development can impact the rate of groundwater extraction through the use of wells and the ability of water to infiltrate into aquifers with development in recharge areas. Islands Trust communities have very few alternative sources of water than what they are currently using. Groundwater protection should be an overarching priority informing all land use decisions.

What is the Islands Trust Doing Currently?

The Islands Trust has recognized the significance of protecting the groundwater. Some islands have addressed water protection through development permit areas such as Salt Spring Island with its Development Permit Area 5 for the protection of Community Well Capture Zones or Galiano Island with its Development Permit Area 4 which addresses the protection Elevated Groundwater Catchment Areas. Some Islands such as Saturna Islands have specific requirements for areas of the island that have gone through studies around their groundwater. On the East Point area of Saturna Island where there is limited water quality and quantity the zoning bylaw requires that the lots contain a cistern for the storage of water. Galiano Island also has a similar bylaw requirement for areas identified as Water Management Areas and the requirement for extra cistern water storage.

In Gabriola's OCP they recognize the importance of groundwater by stating that, "there are known problems with inadequate soil percolation for septic disposal and groundwater supply because of the complex nature of groundwater flow through fractures in the bedrock. " Their OCP also "does not support the further creation of small lot residential areas except as permitted through density averaging provisions of this plan." The OCP also has a number of Water Supply Advocacy Policies that present a number of requests to the Ministry of Health and the Ministry of the Environment.

What Information is Available to Islands Trust Staff Currently?

Currently, staff have a number of sources of information that are available to them. In-house, staff have access to mapping (TAPIS) which indicates intrinsic vulnerability mapping for aquifers and various ecosystem mapping. The aquifer mapping relates specifically too how vulnerable the aquifer may be to contaminants primarily and therefore is useful for identifying land uses (industrial vs. residential). In general the islands are rural in nature with primarily large lots (> 1 acre) and therefore the vulnerability mapping has limited applicability. Both of these are valuable in determining areas where some groundwater issues may occur. Some islands as indicated previously may have specific development permits areas that can also be shown on TAPIS as well as specific zoning.

Some islands have also done advanced studies beyond what is available from the Islands Trust in general. Some have done studies for specific areas such as Saturna's East Point which was used to prescribe certain bylaw regulations (i.e. cistern requirement). Gabriola Island being part of the Regional District of Nanaimo has some of the best mapping related to groundwater and aquifers available as a result of programs the RDN has initiated.

There are several other sources of information that are available and can be used in evaluating water quality and quantity. One good source is the provincial well database on the Ministry of

Environment's website: http://www.env.gov.bc.ca/wsd/data_searches/wells/. It should be noted that unless the well is being monitored the information being provide by this well data base is a snapshot in time.

The Trust Area Services (TAS) is currently putting together an Islands Trust Water Resource Education Materials Project which will identify existing education materials by creating an inventory; to identify information gaps and if necessary develop options to address these gaps. There is a great deal of literature available on water conservation initiatives which are as important in the protection of water quality and quantity as protecting the source. Ensuring a sustainable use of the water source is beneficial. Utilizing sustainable practices is no longer a fad, but the norm.

See: http://www.islandstrust.bc.ca/trust-council/advocacy/groundwater-regulation-advocacy.aspx

Local Government Jurisdiction

The Islands Trust role in groundwater sustainability is limited to land use powers to:

- Ensure that rainwater is returned to streams and aquifers;
- Protect headwaters, riparian areas and other vulnerable aquifer recharge areas;
- Prevent groundwater contamination by limiting and regulating potentially polluting uses over aquifers and in groundwater recharge areas through zoning;
- Direct development to appropriate locations where the sufficiency of groundwater for domestic or commercial uses has been thoroughly assessed on a watershed scale before development occurs;
- Regulate storage and application of fertilizers and compost;
- Obtain information about the location of existing and new wells (including geothermal wells) when new development occurs; and
- Develop well protection plans.

The following will outline tools that will present some options in addressing the objectives listed in Table 1. The tools are for the development of Official Community Plans (OCP), Land Use Bylaws (LUB), Development Permit Areas (DPA), Development Approval Information (DAI) Bylaws and water conservation tools.

Official Community Plan

(*Local Government Act*, Part 26, Division 2)

Purpose: to establish a vision and policies for community development.

- Guides how and where new development occurs
- Directs LTCs and staff to undertake groundwater protection measures
- Raise awareness within a community of groundwater issues and areas of concern
- Establishes and contains the guidelines for development permit areas.

To ensure that policies and land use designations are most effective they should be based on data collection and mapping of recharge areas, local aquifers and areas of limited or critical supply. OCPs can contain explicit policies for groundwater protection.

Given that new bylaws cannot be in direct conflict with the OCP, it permits the ability for the OCP to contain policies on groundwater sustainability that will set the foundation for other bylaws (i.e. zoning) to contain specific and enforceable standards. OCPs can also establish policies around groundwater protection that can influence how development applications are reviewed/evaluated, for instance requirements placed on subdivisions.

Some examples of effective OCP policy areas for aquifer and groundwater protection:

- Protect aquifers by establishing development permit areas that require buffer zones and site specific attention through permitting prior to development.
- Designate aquifer protection zone(s) and development permit areas for which studies may be required.
- Commit the Local Trust Committee to an integrated water management planning approach that will coordinate action on the community water supply, rainwater management, green infrastructure and government regulations (e.g. RAR)
- Specify site design that maintains natural hydrologic cycles, including performance based measures such as managing rain water on site and not net increase in post development flows.
- Encourage cluster development that minimizes impervious surfaces and other impacts across the landscape.
- Direct LTCs to encourage communities to practice water conservation and protection.

It is important that OCPs are interpreted such that policy has an impact and considered in all land use decisions. The policies in the OCP are in many instances only as good as the subsequent bylaws.

Land Use Bylaw - Zoning

(*Local Government Act*, Part 26, Division 7)

Purpose: to regulate what, and where and how much of, activities may occur on specific parcels of land.

- Regulates use and density of property to direct development away from groundwater-limited or aquifer recharge areas
- Can limit lots sizes to reduce density in groundwater scarce areas
- Can prohibit potentially polluting uses in areas where aquifers must be protected.
- Sets standards on aspects of development that will have an impact on the water resources on the site or in an area (e.g. setbacks from riparian areas)
- Can encourage groundwater sensitive development by clustering development through rezoning and possibly utilizing density bonus provisions.
- Can leverage habitat protection or water-efficient amenities when rezoning.

Zoning permits the Local Trust Committee (LTC) to regulate the use and density and development standards (e.g. height, setbacks) through creating specific zones. Zoning for aquifer/groundwater protection would direct specific developments away from groundwater sensitive or aquifer recharge areas or prohibiting potential contaminating uses.

For instance, zoning can protect groundwater by keeping rural aquifer areas as rural zoning with low density and low risk uses. Zoning can regulate development by:

- Directing development to appropriate locations;
- Requiring development to be setback from riparian areas;
- Limiting the total impermeable site coverage;

- Establishing appropriate lot sizes;
- Limiting density;
- Requiring appropriate drainage; and
- Prohibiting potentially polluting uses in areas where aquifers must be protected.

Local Trust Committees (LTC) should review the zoning in areas that are important for aquifer protection and adjacent to riparian areas to ensure that no polluting land uses are permitted. In those areas that require aquifer/groundwater protection a form of aquifer zoning is recommended. The intent being to apply it to aquifer recharge areas, well capture zone areas and watersheds particularly ones that are relied upon for potable water. This zoning could have particular characteristics for:

- Maintaining large lots
- Increased setbacks from watercourses
- Lessened lot coverage requirements to encourage clustering of development and lessening road construction
- Amount of impervious lot coverage

Impermeable Site Coverage

It is not uncommon for zoning bylaws to address the total impermeable site coverage in a zone. This limits the amount of runoff generated. To exceed this site coverage, a development variance permit would be required.

New zoning bylaws increasingly contrast between "actual" and "effective" impermeability of a site.

Actual impermeability means the amount of the site covered by surfaces through which water will not infiltrate. This is what is generally addressed in many zoning bylaws.

Effective impermeability relates to how much of the total rainfall on a site is infiltrated into the ground. This can be enhanced through storm water detention, bio-filtration and ensuring that drainage occurs onsite.

For example where some sites may have 60% actual impervious meaning that water does not penetrate 60% of the site, but by utilizing techniques to ensure that water drainage remains on the site it may be possible to have an effective permeability significantly less than the actual impermeability. This could be achieved by a combination of drainage standards implemented through subdivision servicing bylaws and zoning regulations.

Although tough to measure, there would be benefits to ensuring actual impermeability is lessened and effective impermeability is increased.

Protecting Groundwater

The clustering of development on a portion of a site is a form of groundwater-sensitive development. There is a possibility voluntary amenity provision such as water efficient infrastructure by including it as part of a rezoning or amenity density bonus. The applicant would have to choose an amenity density bonus zoning option that includes amenities that protect groundwater.

An amenity density bonus would permit an applicant to apply for increased density on a site in return for providing the LTC with an amenity. Some examples of LTC amenities could be:

- Building design that conserves water;
- Water efficient landscaping;
- Enhancement of riparian habitat;
- Dedication of wetlands; and
- Preservation of streams and other unique environmental attributes.

It may also be possible for an LTC to require cash-in-lieu amenity provided that the zoning bylaw specifies which cash-in-lieu contribution are favored (i.e. for what?).

Development Permit Area (DPA) Designation

To require applicants for development to obtain a permit that specifies conditions to protect groundwater/aquifers.

Development Permit Areas (DPAs) are areas designated in an OCP (in some cases a zoning bylaw) to which particular guidelines apply. A DPA may be designated for the protection of the natural environment or to promote water efficiency/conservation that will address watershed health. (see *Local Government Act* s. 919.1(i)) In order for the DPA to be effective it is important for the DPA to integrate surface water along with groundwater considerations. Generally, DPAs prohibit site disturbance before development approval which gives the LTC time to evaluate the development against established DPA guidelines. The DPA may include requirements for such things as landscaping, the siting of buildings, and the type and placement of trees and vegetation.

Some examples of guidelines are:

- Mandate replanting and rehabilitation of disturbed areas
- Erosion and sediment control (site specific plan)
- Environmental impact assessments/hydrologic studies to satisfaction of the Local Trust Committee
- Consistency between pre and post development hydrology
- Vegetation as per landscape plan
- Incorporate standards from other levels of government (e.g. Riparian Areas Regulation)
- Limits as to the amount of impermeable surfaces
- Specify areas that must remain clear of development

It is best to have a DPA as a companion tool with zone-specific requirements for groundwater protection as DPAs cannot be used to limit the amount of development permitted on a site. Nor can they address building construction standards that are addressed through the respective regional district building permit process.

DPAs do permit the LTC to monitor environmental conditions as the development progresses and for a limited amount of time post development. This is done through the collection of a security to ensure that works to complete permit conditions are finalized. If this is not done, then the intent is to use the funds/security to complete the conditions. Therefore, the security is returned only if the conditions are met.

See Appendix 1 - Development Permit Area Model Bylaw

In addition to having a stand-alone DP for groundwater/aquifer protection there are options where various guidelines could be implemented within existing DP areas for such land uses as industrial. The following guidelines are taken from the Regional District of Nanaimo's Area A OCP (Cedar Development Permit Area).

Groundwater Protection

1. *The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.*
2. *The RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that any run off, rain water, or other liquid from any of the proposed land uses, buildings and impervious surfaces does not negatively impact groundwater quality. The plan must include recommendations on how to minimize the risk of deleterious substances entering the groundwater. The RDN should require the applicant to implement the report's recommendations in the proposed development.*
3. *The RDN shall require that drainage from all impervious surfaces and areas where vehicles and machinery are stored, cleaned, operated, and maintained be directed through an appropriately sized and engineered sedimentation, oil, water and grease separator or other engineered solution to the satisfaction of the RDN. The engineer must provide an appropriate maintenance schedule.*
4. *The RDN may require the applicant to enter into a Section 219 covenant registering on title the maintenance schedule and a commitment to maintain the sedimentation, oil, water and grease separator as per the engineer's recommendations.*
5. *Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported.*

Development Approval Information Areas (DAI) Bylaw

Development Approval Information (DAI) Areas Bylaws are to establish areas in which local governments may request additional information from applicants for zoning, development permits, or temporary use permits. The purpose of a DAI is to enable the LTC to obtain expert assessment of the impact of a development on the community at the expense of the applicant.

A DAI bylaw enables the development of site specific information to inform decision making and the ability to require specialized information (e.g. impact assessments, etc.).

The requirement for a detailed assessment may be triggered by an application for a rezoning, a development permit or a temporary use permit. The information required is usually in the form of a professional report and would be used by staff and the LTC in determining permit conditions.

In the case of groundwater the LTC could request a hydrological assessment of:

- The availability of groundwater;
- Cumulative effects of groundwater use;
- Other environmental impacts.

The intent of establishing this DAI is to ensure that potential negative impacts of proposed major developments are identified and documented as part of the development review process and to provide the LTC with complete information to properly assess and mitigate conditions caused by that development. Where reports identify negative impacts, the LTC will require mitigation by the applicant as part of a development permit to improve the proposal and minimize potential negative impacts on hydrology, the environment, and the neighbourhood.

In order for a LTC to establish a DAI bylaw in an OCP it must prepare a bylaw that sets out what information the LTC may require and specific policies and procedures to be followed. DAI may be valuable in that if a bylaw is established and concerns are raised about specific developments specific information can be requested that can go beyond DPAs guideline requirements.

See Appendix 2 - Development Approval Information Model Provisions

Subdivision Servicing Bylaws

The intent of these bylaws is to establish standards for the subdivision of land that maximizes infiltration of water and minimizes impervious surfaces and evaluates the sustainability of new groundwater withdrawal from a specific aquifer.

Subdivision servicing bylaws set the standards by which works and services must be constructed when land is divided into new parcels. Standards that support groundwater quality and supply can be included in subdivision servicing bylaws. They can require each proposed lot to have a reliable source of potable water, and can establish infiltration, drainage and permeability standards. Subdivision servicing standards can direct development to mimic natural hydrology by requiring rainwater infiltration and limiting impervious surfaces. If an LTC has established a wellhead protection area that is regulated by zoning or a development permit area, the requirements could also be included in a subdivision servicing bylaw.

Land developments generally have two water supply options generally a stand-alone water source (surface or well) or a community water system. Of course, on the islands there are other water source options that do not involved groundwater/aquifers such as rainwater collection or desalinization.

Approvals are based on one time “proof of water” evaluations that generally do not give consideration to long-term ground water consideration such as impacts of future development or cumulative impacts of developments over time in a watershed. Most bylaws will contain requirements that each new parcel created have a potable water source and a specific flow rate depending on the type of development proposed. However, this “proof of water” focuses on yield and quality of each well and not the sustainability and protection of the aquifer system as a whole. Some LTCs do require an evaluation of long term sustainability and a qualified professional’s hydrology report especially where a development will be drawing on the aquifer in a greater quantity than single family development (e.g. higher density development, commercial uses, etc.).   On-going monitoring should be implemented in sensitive aquifers or groundwater-limited areas.

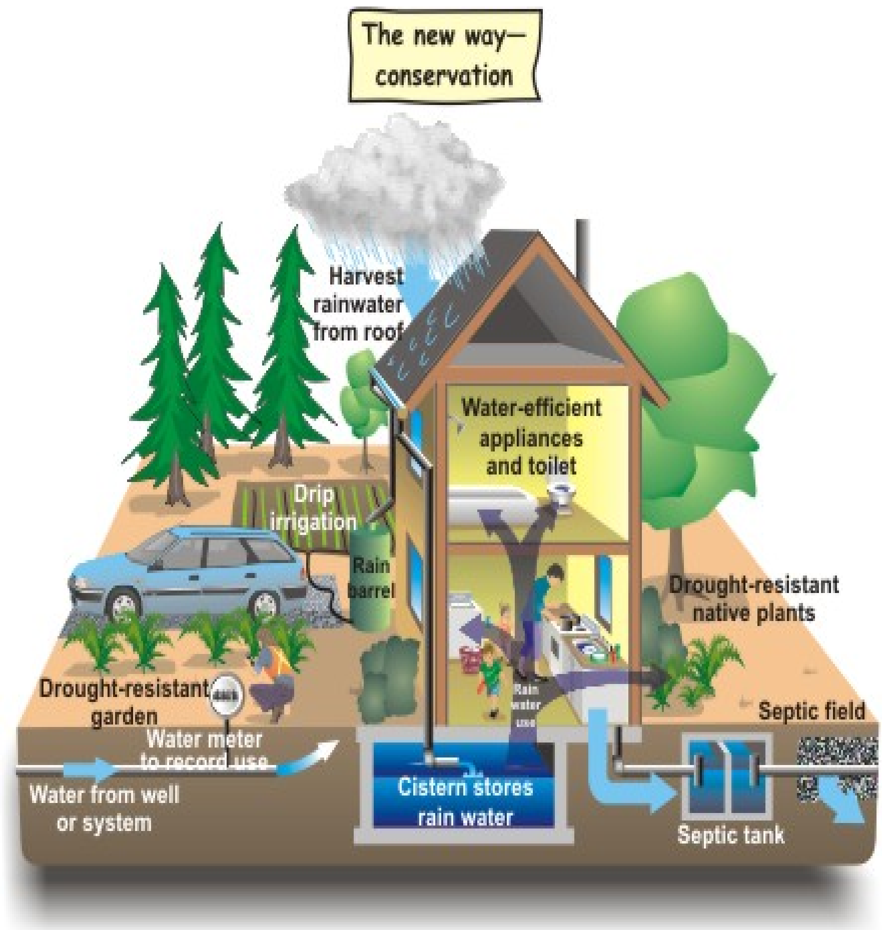
There may also be instances when “proof of water” is not required with some subdivisions such as the creating of large lots (> 20 acres) or boundary adjustments where sources of water have historically been proven.

Community water approvals (>3 connections) are dealt with through the provincial government (i.e. Vancouver Island Health Authority). If lots are to connect to a community system, the LTC has an option to require that unused wells (if any) be closed in accordance with the Ground Water Protection Regulation (GWPR) by establishing a well closure bylaw thereby protecting the groundwater/aquifer and possible contamination. Given that Island Health is involved in these community wells it may be possible to ensure monitoring is done, however, there are not that many community wells on the islands.

Water Conservation Tools – General Information

In addition to regulatory requirements that an LTC can implement, there are a number of water conservation tools that should be encouraged on the islands. These are less regulatory and more voluntary in nature. Given the groundwater source the islands are reliant on it is important that each resident does their own part to lessen the water demand. The protection of a quantity and quality of water should not be solely reliant on regulatory processes. Education and awareness is also a big part of what is needed in the sustainable use of water on the Islands – a resource used by all. Water conservation practices should become common place for all residents and visitors to the Gulf Islands.

The Trust Programs Committee has initiated a site to educate islanders about water issues and options to promote sustainable use or reuse of water. The intent is that educational materials will be regularly posted on the Islands Trust website as a resource and part of the necessary community outreach. http://www.islandstrust.bc.ca/trust-council/projects/water-resource-information-for-islanders.aspx



Source: Regional District of Nanaimo. For indoor and outdoor tips: http://www.rdn.bc.ca/cms.asp?wpID=877 , http://www.rdn.bc.ca/cms.asp?wpID=878 and http://www.rdn.bc.ca/cms.asp?wpID=2155

Overview

The intent of this toolkit is to provide a variety of tools (options) that will enable LTCs and planners to choose the correct tool for the project at hand that suits their island. The tools presented will aim to achieve the actions presented in Table 1. The following table outlines five objectives for groundwater protection and possible actions that local government can take.

Groundwater Protection Objectives and Actions:

#	Objective	Description	Local Government Actions
1	Minimize impacts on water sources	Streams depend on groundwater, especially during low-flow (baseflow) conditions. Groundwater pumping from many aquifers connected to surface water bodies can deplete or capture surface water flows. Retaining sufficient groundwater retains the health of fish-bearing streams and the security of community water supplies.	• Establish watershed protection zones supported by containment boundaries to preserve hydrologic function between aquifers and surface water sources • Establish well protection areas to capture zones to protect drinking water • Prohibit potentially polluting uses in critical aquifer recharge areas as well as capture or wellhead protection areas. • Understand composition of underlying aquifers
2	Sustain aquifers at healthy levels	Prevent over-use of aquifers and impacts on natural aquifer recharge to promote a healthy water balance. If this does not happen, the aquifer goes into decline and eventual depletion. Maintaining and monitoring water levels promotes healthy habitat and sustainable water supply.	• Plan land uses based on sustainable yield, not site-specific reports on proof of water. • Commit to integrated watershed management planning to coordinate action on community water supply, rainwater management, green infrastructure, and other regulations (e.g. Riparian Areas Regulation requirements) • Require all new development to provide evidence of a sustainable water source as a condition of subdivision or through the development permit process. • Monitor aquifer quality and quantity in partnership with other levels of government.
3	Maximize infiltration	Rainwater and snowmelt infiltration is key to aquifer recharge. Infiltration rates are affected by soil permeability, the amount of topsoil, and the rate that water moves across a landscape (as affected by vegetation, slope, etc.)	• Prohibit or limit development in groundwater recharge areas. • Protect sensitive ecosystems (e.g. wetlands) by establishing development permit areas that require buffer zones and special permitting before development takes place • Preserve baseflows in fish-bearing streams by maximizing groundwater recharge. • Infiltrate virtually all rainwater by limiting effective imperviousness to less than a specific percent. This includes maintaining extensive natural areas above recharge zones. • Implement cluster development through rezoning to maximize land available for

			infiltration. • Maintain native soils and vegetation (e.g. trees and other absorbent landscaping) • Establish landscaping standards for soil depth and type of landscape materials • Promote engineered infiltration systems such as infiltration ponds, vegetated swales, bioswales (i.e. grassy or vegetated areas besides roads and parking areas) or splash pads of gravel or other hard material • Create bioretention areas • Use permeable paving • Require alternative design standards and best management practices that maintain ecosystem functions (e.g. reducing impervious surfaces) • Use green roofs • Specify site design that causes no net increase in post-development flows • Maximum wetland recharge
4	Reduce groundwater use	The less the resource is extracted, the better the chances are that the system will maintain its natural balance. Each aquifer has a carrying capacity that should be considered before intensive use.	• Minimize leakage and waste within public water distribution systems (i.e. regional systems, improvement districts, etc.) • Reduce peak and annual demand for groundwater through water demand management approaches • In groundwater limited areas, limit development and require other water sources (i.e. rainwater and cisterns) • Enact restrictions on outdoor water use where a community water system is used • Promote use of native vegetation and landscaping to minimize water irrigation demand • Promote awareness for low flow devices to be installed in all new developments • Encourage individuals and non-government organizations to practice water conservation and protection
5	Protect groundwater quality	Protecting quality is critical to promoting healthy habitat and ensuring the safety and security of the potable water supply.	• Map and understand the vulnerability of aquifers • Minimize risks from point and non-point (i.e. from a diffuse source such as agricultural runoff, roads) source contaminants by prohibiting or regulating uses that could contaminate fish-bearing streams or aquifer recharge areas, capture zones or wellhead protection areas • Design sites to prevent increases in post-development flows that can pick up contaminants

			• Develop and implement a wellhead protection plan • Establish a local water quality testing program • Adopt a well closure bylaw • Plan developments to protect groundwater recharge areas

Table 1: Primary Source: Groundwater Bylaws Toolkit (2009)

Information Note: Well Protection Toolkit

A set of voluntary guidelines developed by the Ministry of Environment to assist communities in developing well protection plans to prevent contamination of their well water supply. A well protection plan contains practical, protective measures to minimize and prevent undesirable impacts from land use activities on the source of water for the community well.

See:
http://www.env.gov.bc.ca/wsd/plan_protect_sustain/groundwater/wells/well_protection/acrobat.html

APPENDIX 1: Development Permit Area X – Groundwater Protection DPA

2.1 Designation

All lands shown on Schedule _X_ as being a groundwater protection area are designated as a development permit area.

Alternately may be designated based on an elevation

2.2 Authority

The Groundwater Protection Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity and Section 919.1(i) of the Local Government Act for the establishment of objectives to promote water conservation.

Legislative basis of designation

2.3 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia."

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is environmentally sensitive to development.

It is policy of the Islands Trust Council that Local Trust Committees address measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,
- water quality is maintained, and

The [Groundwater Study prepared by…] concluded that … and recommended the measures in order to preserve and protect groundwater resources:

Note: insert reference to professional report supporting designation of DPA (if applicable) and summarize key conclusions and recommendations

The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for private wells
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services
- to mitigate the impacts of development on sub-surface water supplies

2.4 Development Approval Information

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the *Local Government Act*. The designation of these areas for this purpose is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impact of the proposed activity or development on the community or the natural environment.

See DAI for impact assessment report requirements

2.5 Applicability

A development permit is required for the subdivision of land, construction of a new residence or commercial or industrial building, land alteration, or the cutting of trees in excess of the number exempted below.

2.6 Exemptions

The following activities are exempt from any requirement for a development permit:

a) Repair, maintenance, alteration, additions to, or reconstruction of existing lawful buildings, structures or utilities, including those that are lawfully non-conforming (a building permit may still be required)

b) Construction of a dwelling or subdivision of land that is, or will be, serviced by a community water system.

This is based on the DPA being intended to address impacts of individual wells

c) Construction of a dwelling where the dwelling:
   a) Is not to be connected to a groundwater source; and,
   b) Is entirely serviced with water through stored and treated rain water which meets or exceeds Canadian Drinking Water Standards.

A report from an engineer or other qualified professional may be required to satisfy the Islands Trust/Regional District that the proposed rainwater system has adequate capacity to meet the year-round water demands of the dwelling being proposed and that water will be stored and treated to meet potable water standards.

d) Development on land that is subject to a conservation covenant under section 219(4) of the *Land Title Act* in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the *Land Title Act* .

e) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving asphalting or similar surfacing.

f) The placement of temporary buildings or structures

g) All vegetation removal except for cutting and removal of more than 5 trees (with a trunk diameter greater than 20 centimetres measured 1.5 metres above the ground) within a 12-month period on any one lot.

From other RD bylaws and steep slope DPA, could be revised based on specific recommendations

h) Removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.

i) Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.

j) Forest management activities, as defined in the Private Managed Forest Land Regulation, on land classified as managed forest land under the *Private Managed Forest Land Act*.

k) Land alteration that does not alter the natural contours of the land.

Intended to ensure cut and fill or blasting requires a permit. Language could be revised to be more specific based on recommendations

l) The construction of an accessory building or structure with a lot coverage of less than $100m^2$, provided the accessory building or structure is not connected to a supply of water.

Exempts small non-plumbed buildings, lot coverage could be altered based on specific recommendations

m) Construction of fences.

n) Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
   i. Forest fire, flood and erosion protection works;
   ii. Protection, repair or replacement of public facilities;
   iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
   iv. Bridge repairs.

o) Works undertaken by a local government or a body established by a local government.

2.7 Guidelines

1. In general, development should minimize negative impacts on the quality and quantity of subsurface water supplies.

2. Where a qualified professional hydrogeologist or engineer has made recommendations for mitigation measures, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of groundwater supply quality or quantity consistent with the measures and recommendations described in the report.

Authorizes LTC to implement conditions of professional report

3. Where the a qualified professional hydro-geologist or engineer's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a hydro-geologist or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
4. Where an application involves the subdivision of land, layout of the subdivision should be designed to:

    a) replicate the function of a naturally vegetated watershed;

    b) maintain the hydraulic regime of surface and groundwater pre-development flow rates;

    c) not interfere with groundwater recharge;

    d) not introduce or remove material where it would cause erosion of or the filling in of natural watercourses or wetlands.
5. The LTC may require the applicant to install a groundwater monitoring device in at least one well within each proposed subdivision. The LTC may require an agreement to be registered on title to allow a designated person or agency to access the property to collect the data from the device.

    Appropriate where there is an agency or community group able to monitor wells

6. Where rainwater management is recommended by the report, rainwater should be retained on-site and managed using methods such as vegetated swales, rain gardens, or other methods which allow rainwater to return to the ground.

7. Where rainwater harvesting is recommended by the report for the construction of a new dwelling unit:

    Revise to read all buildings where commercial, industrial or institutional buildings are permitted by zoning

    a) Dwelling units should be sited to allow for the optimal placement of a gravity fed rainwater collection tank which collects rainwater from the roof leaders of the dwelling unit which capture the majority of the rainwater flows.
    b) Dwelling units should be designed to maximize opportunities for rainwater catchment from all roof surfaces.
    c) Impervious surfaces should be minimized. The use of impervious paved driveways shall be discouraged.

d) The LTC may require that all new dwelling units include an external rainwater harvesting system such which includes the following:

   i. External equipment for collecting and distributing rainwater from the dwelling unit roof;

   ii. A storage tank(s) with a minimum storage capacity of 18,000 litres which is designed for rainwater collection and is rated for potable use;

   iii. A pumping system;

   iv. An overflow handling system.

e) All external pipe, plumbing fixtures, and hose bibs where rainwater is used shall be clearly marked with "Non-Potable Water Do Not Drink".

f) Where external rainwater harvesting equipment is required as a condition of the permit, the LTC shall encourage the applicant to install dedicated plumbing lines within proposed dwelling units to make use of stored rainwater for flushing toilets and other non-potable uses.

8. Where tree removal which is not exempt from the requirement for a permit:

   a) Removal of trees from steep slopes should only be allowed where necessary and where replacement vegetation / erosion control measures are established. Plans delineating extent of vegetation / tree removal and location of proposed construction, excavation and / or blasting, may be required.

   b) All development should be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

   c) Existing, native trees should be retained wherever possible and trees to be retained near development should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.

   d) If the area has been previously cleared of trees, or is cleared during the process of development, replanting requirements may be specified in the development permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas should not require planting.

e) Tree species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and should be selected for erosion control and/or wildlife habitat values as needed. Suitably adapted, non-invasive, non-native trees may also be considered acceptable.

f) All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead trees should be replaced at the owner's expense in the next regular planting season. Permits may include, as a condition, the provision of security to guarantee the performance of terms of the permit.

9. Roads, driveways, trails and pathways should follow the contours of the land and appropriately manage drainage.

10. Parking areas should be located and constructed so as to minimize erosion and water pollution by controlling storm runoff. Structural measures such as catch basins, oil separators, bio-filtration trenches or swales, unpaved or permeable all-weather surfaces should be considered for this purpose.

11. The Local Trust Committee may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

APPENDIX 2: Model DAI Bylaw Provisions

1. 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 the natural environment, its ecosystem and biological diversity and Section 919.1(1)(i) for the establishment of objectives to promote water conservation, for the purpose of requiring development permits for Groundwater Protection, the report shall consist of a hydrogeological assessment report containing 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. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included where development would occur on slopes exceeding 20% grade.

    b. A map showing the ownership and locations of all currently used water wells, springs and surface water features within a minimum radius of 1.0 km from the development site.

    c. A site inventory, providing information on existing pre-development conditions, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, surface water bodies, and topography.

    d. A background analysis that includes the following known information on the site:

        - A description of the hydrogeological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;
        - A conceptual model of groundwater occurrence and groundwater-surface interaction;
        - A description of existing users within 1.0 km of the development site;
        - A preliminary pre-development water budget;
        - Water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination;
        - Methodology and, if applicable, uncertainties and limitations of the report.

    e. A description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, 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.

f. An impact assessment consisting of:

   - Cumulative effects analysis;
   - Impact to existing groundwater users, identification of the potential groundwater protection issues in the area and risk of saline intrusion;
   - Impact to surface water where applicable;
   - Other potential impact implications.

g. Conclusions and recommendations consisting of:
   - A summary of results and impact assessment;
   - An unqualified statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
   - Where such a statement cannot categorically be made, specific recommendations on well and aquifer protection measures which would result in the requirement being met.

h. 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.

From: Jacinthe [mailto:pandje@shaw.ca]
Sent: March-25-14 8:35 AM
To: Sonja Zupanec
Cc: EMcCulloch@rdn.bc.ca; Courtney Simpson; Sheila Malcolmson; Gisele Rudischer; David Graham; Howard Houle

Subject: Re: RDN Bylaw 1399

Hi Sonja,

Thank you very much for your input.

Bylaw 1399 is titled: A BYLAW TO PROVIDE FOR THE REGULATION OF PARK USE IN THE REGIONAL DISTRICT OF NANAIMO. Hence my original question.

I have been brain-washed over more than 30 years to believe that the Islands Trust is the authority having jurisdiction over land-use. I am looking for clarification and resolution as to which of the two entities is legally in charge of "REGULATION of PARK USE" and enforcement of Bylaw infractions in Parks on the Island. I presume that the the answer to that question would apply to all the other Islands in the Trust Area.

I can understand and appreciate that a Trust Committee may delegate its land-use authority in Federal, Provincial and Regional Parks but I do not agree that the use of Community Parks shall be regulated by their respective Regional District. I was informed that a Tai Chi group or a nature class or yoga session or anything other group activity creating no non-human sounds, disturbance or traffic congestion require a permit (albeit free) in order to legally happen. I resent that...I do not agree with that. I am of the opinion that our Community Plan and Land Use Bylaw should regulate the use of our Community Parks. I was informed by the Chair of my Local Trust Committee to expect an answer from the Trust perspective as well. I am looking forward to see if the interpretation will be the same.

Thank you again for following-up on my question, Yours truly, Jacinthe

-----Original Message-----
From: Sonja Zupanec
Sent: Monday, March 24, 2014 12:52 PM
To: pandje@shaw.ca
Cc: McCulloch, Elaine (EMcCulloch@rdn.bc.ca) ; Courtney Simpson ; Sheila Malcolmson ; Gisele Rudischer ; David Graham

Subject: RDN Bylaw 1399

Hi Jacinthe,

Your question to the Gabriola LTC relates to s. 3.1 of the RDN Bylaw 1399 and is: "Am I correct to believe that the mention of land-use jurisdiction in parks on Gabriola Island is beyond the power of the RDN? I understood that the RDN had jurisdiction over the management of the Parks in the Gabriola Island Trust Area but that the regulations of their use falls under the Local Trust Committee's jurisdiction?"

The short answer is nowhere in RDN Bylaw 1399 does it mention "land use jurisdiction". A copy of the bylaw is attached. The RDN has jurisdiction over management and park use services. It doesn't appear that the RDN is "ultra vires" with respect to jurisdiction.

As you may know, the Gabriola LTC has the authority to regulate the development and use of the land, including parkland owned by either the province or RDN. The LTC exercises its authority (to regulate the development and use of the land) in direct consultation and collaboration with the park land owners. This is to ensure the regulations reflect the intended service provision of each agency in parkland acquisition and parkland planning. The LTC protocol agreement with the RND clarifies that in clear language and is further reinforced in Objectives 4.2(1 through 5) in the Gabriola Official Community Plan.

Hope that helps. If you have questions about the Gabriola Land Use Bylaw parks zones you can contact me directly.

Sonja Zupanec, RPP
Island Planner
Islands Trust
700 North Road, Gabriola Island, B.C. V0R 1X3
Ph: 250.247.2211 or toll free 1.800.663.7867
Fx: 250.247.7514
www.islandstrust.bc.ca

Preserving Island communities, culture and environment

P Please consider the environment before printing this email

STAFF REPORT

Date: April 7, 2014

File No.: 6500-20 Climate Change Policy Implementation

To: Gabriola Island Local Trust Committee
For meeting of April 17, 2014

From: Sonja Zupanec, Island Planner

Copy: Courtney Simpson, Regional Planning Manager

Re: Climate Change Policy Implementation – Revisions to Draft Bylaw No. 273

PURPOSE:

The purpose of this report is to present options to revise draft bylaw No. 273 (attached) for consideration by the Gabriola Island Local Trust Committee (LTC) based on staff recommendations and input received at the April 3, 2014 community information meeting (CIM).

COMMUNITY INFORMATION MEETING:

A CIM was held on April 3, 2014 at the Haven - Phoenix Auditorium to introduce the draft bylaw and solicit input from residents, business owners and property owners. A comprehensive information package was mailed/hand delivered to village commercial property and business owners and advertising included newspaper and social media ads. All relevant project material and presentation slides have been available to the public on the project website. Six attendees participated in the CIM providing input to the LTC primarily on permeable parking requirements in the draft bylaw.

Staff is recommending changes be considered only for the section of draft bylaw no. 273 dealing with development permit guidelines. All other draft provisions are considered by staff to be ready for early referral to the Advisory Planning Commission (APC) and the Regional District of Nanaimo (RDN).

STAFF COMMENTS:

The following recommendations are presented as options for the LTC to strengthen the provisions in the draft bylaw prior to referral of the draft bylaw to the APC and the RDN.

Permeable Parking Surfaces:

Currently the draft bylaw stipulates a new development permit guideline for DP-7 The Village Centre:

“F.3.7.8 Off street parking spaces must be surfaced using permeable material such as gravel or engineered permeable materials or pavers, with the exception of accessible parking spaces which may be surfaced with hard or impermeable surfacing.”

Input received at the CIM clearly supported a revision for permeable paving to not be a requirement for parking stalls because of concerns with snow removal, oily water separators, hindrance to mobility and accessibility, and poor performance to meet water quality objectives.

The LTC may wish to consider replacing draft guideline F.3.7.8 with the following guideline to ensure storm water management options are implemented, without being prescriptive about which specific technologies are employed. This guideline derives from the Leadership in Energy and Environmental Design (LEED) standards for storm water management:

“F.3.7.8 On-site storm water management plans shall be required and implemented to reduce impervious cover, promote infiltration and capture and treat storm water runoff from 90% of the average annual rainfall using acceptable best management practices.”

The LTC may also wish to expand current DP-7 guideline #8 “Landscaping shall facilitate water retention” to also address landscaping and green space protection, while discouraging expansive use of water dependent lawns. The following is suggested for consideration:

“Landscaping shall facilitate water retention and the use of lawns is discouraged unless for specific effect such as a gathering or play area.”

If the LTC wishes to go further with DP-7 guidelines to address water infiltration and landscaping, the inclusion of the following guideline can be considered:

“Landscape islands of trees and shrubs shall be used in parking areas located at a minimum of every 15 stalls to break up expanses of paving and parking and capture and infiltrate runoff.”

<u>Exemptions for Development Permits:</u>

Currently there are no exemptions for the DP-7 guidelines to encourage greenhouse gas emission reduction infrastructure such as bicycle racks/shelters, bus shelters or electric vehicle charging stations. Staff recommends the following new DP exemption be considered by the LTC prior to early referral:

“For the following types of development a Development Permit shall not be required:

iv. The installation of bicycle racks, bicycle or bus shelters or electric vehicle charging stations”

Currently there are also no exemptions for the DP-7 guidelines for small scale additions such as awnings for pedestrian walkways, minor additions to existing buildings or minor additions to accessory buildings for increased recycling or garbage storage. The following new DP exemption is proposed for LTC consideration:

"v. additions resulting in less than a 5% increase in floor area of a principle building or an accessory building where no changes to parking, landscaping or access to the site are proposed."

Staff recommends the draft bylaw be revised as deemed appropriate by the LTC and sent for early referrals to the APC and RDN prior to consideration of first reading.

RECOMMENDATIONS:

THAT the Gabriola Island Local Trust Committee revise draft bylaw No. 273 with revisions deemed appropriate and proceed with early referrals prior to LTC consideration of first reading.

Prepared and Submitted by:

Sonja Zupanec	April 7, 2014
Sonja Zupanec, RPP Island Planner	Date

Concurred in by:

Courtney Simpson	April 7, 2014
Courtney Simpson, RPP, MCIP Regional Planning Manager	Date

Attachments:

1. Draft Bylaw No. 273

DRAFT

Gabriola Island Local Trust Committee

BYLAW NO. 273

****

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177

****

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. Bylaw No. 177, cited as "Gabriola Island Land Use Bylaw No. 177, 1999" is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2013"

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 201x
READ A SECOND TIME THIS	DAY OF	, 201x
READ A THIRD TIME THIS	DAY OF	, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 201x
ADOPTED THIS	DAY OF	, 201x

SECRETARY **CHAIRPERSON**

Gabriola Island Local Trust Committee

Bylaw No. 273

Schedule 1

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

   a) To section B.5 Parking:

      i. insert a new article B.5.2.2 as follows: "In calculating the parking spaces required in Table 2 of B.5.1.1, for commercial uses in the Village Commercial 1, Village Commercial 2, and District Commercial zones, the standard parking requirements in column 2 are to be maximum parking requirements; for all other zones and uses listed in Table 2 of B.5.1.1, standard parking requirements are to be minimum parking requirements.";

      ii. insert a new article B.5.2.3 as follows: "Where parking spaces are designated for the use of motorcycles or scooters, such designated motorcycle/scooter parking spaces shall each be counted as the provision of 0.5 required vehicle parking spaces, to a maximum of 15% of required parking spaces.";

      iii. replace article B.5.3.3 with " Accessible parking spaces must be a minimum of 3.7 metres in width and 6.25 metres in length and have an unobstructed vertical clearance of at least 2.0 metres."

      iv. insert a new article B.5.3.4 as follows: "Despite B.5.3.2 parking spaces for motorcycles or scooters must be a minimum of 1.4 metres in width and 2.5 metres in length."

      v. Insert a new article B.5.3.5 as follows: "Despite B.5.3.2 parking spaces for small vehicles must be a minimum of 2.4 metres in width and 4.6 metres in length."

      vi. Insert a new article B.5.3.6 as follows: "Where a building or use provides more than 10 parking spaces, 20% of the total spaces may be reduced to 2.4 metres in width and 4.6 metres in length and marked with the words 'SMALL VEHICLE ONLY' on the pavement or facing wall."

      vii. Replace article B.5.4.2 with "All accessible parking spaces, small vehicle and motorcycle/scooter parking spaces must be located adjacent to a main entrance of a building for which the parking is required and marked with a sign or symbol identifying each space reserved for such parking. Priority location adjacent to a main entrance must be for accessible parking spaces"

      viii. to B.5.1 add the words "and Bicycles" after "Automobiles"; and

ix. insert a new Column 4 to Table 2: Parking Requirements as follows:

Table 2: Parking Requirements			
Column 1	**Column 2**	**Column 3**	**Column 4**
Use	**Standard Parking Requirements**	**Accessible Parking Requirements**	**Bicycle parking requirements**
RESIDENTIAL			
single family dwelling	2 per *dwelling unit* plus 1 per *boarder*	None required	None required
cottage	2 per *cottage*	None required	None required
multiple family dwelling	1.25 per unit plus 1 per employee	Greater of 1 or 1 per 10 units	1 per unit without a garage
HOME OCCUPATIONS			
galleries and live theatre	1 per 16 square metres (172.2 square feet) of *floor area* or performance area used	None Required	None required
teaching of arts and crafts	1 per 2 students plus 1 per employee	None Required	None required
bed and breakfast	1 per rental room plus 1 per non-resident employee	None Required	None required
Instructional classes	1 per employee and 1 per 2 clients	None Required	None required
watercraft and bicycle rental	1 per 2 rentals	None Required	None required
other *home occupations*	1 per employee	None Required	None required
COMMERCIAL			
Village Commercial and District Commercial shopping centres	1 per 16.0 square metres (172.2 square feet) of leasable *floor area* in the *building*	Greater of 1 or 1 per 50 parking stalls	1 per 250 square metres (2690 square feet) of leasable *floor area* in the *building*
restaurants and bars	1 per 3 seats	Greater of 1 or 1 per 50 parking stall	1 per 15 seats
nurseries and greenhouses	1 per 16.0 square metres (172.2 square feet) of *floor area* of the retail sales *building*	Greater of 1 or 1 per 50 parking stall	1 per 10 parking stalls
Offices	1 per 35 square metres (376.7 square feet) of *floor area*	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls

Table 2: Parking Requirements			
Column 1	**Column 2**	**Column 3**	**Column 4**
Use	**Standard Parking Requirements**	**Accessible Parking Requirements**	**Bicycle parking requirements**
mini-storage	1 per 5 mini-storage units	Greater of 1 or 1 per 50 parking stalls	None required
tourist accommodation except campgrounds	1 per sleeping unit plus 1 per 3 seats in a food or beverage area	Greater of 1 or 1 per 20 accommodation units	Greater of 1 or 1 per 10 sleeping units
marina	1 per 2 boats berthed on an annual basis and 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 20 parking stalls
golf course	50 per nine holes plus 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 20 parking stalls
limited public market	1 per vendor	Greater of 1 or 1 per 50 parking stalls	None required
INDUSTRIAL			
light industry and shipyard use	1 per 2 employees	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees
boat building school	1 per 2 students and 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 10 of the total number of students and employees
PUBLIC SERVICE AND UTILITY			
Church	1 per 2 metres of pews	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
community halls, auditoriums, lodges, theatres	1 per 4 seats	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
schools, elementary	1 per 1 employee	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees plus 1 per 10 students
schools – secondary	1 per employee plus 1 per 10 students	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees plus 1 per 8 students
library, post office	1 per 20.0 square metres (215.2 square metres) of *floor area*	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
police station	1 plus 1 per employee	Greater of 1 or 1	None required

Table 2: Parking Requirements			
Column 1	**Column 2**	**Column 3**	**Column 4**
Use	**Standard Parking Requirements**	**Accessible Parking Requirements**	**Bicycle parking requirements**
		per 50 parking stalls	
fire hall	1 per 1 employee or volunteer	Greater of 1 or 1 per 50 parking stalls	None required
Museums	1 per 30.0 square metres (322.9 square feet) of *floor area*	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
Medical Offices and Clinics	1 per 20 m^2 (215 ft^2) of *floor area*.	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls

x. Insert new subsection B.5.5 as follows:

"**Standards for Bicycle Parking Spaces**

B.5.5.1 Each bicycle *parking space* must be accessible to a highway or vehicle *parking lot* via an access aisle that is not less than 1.2 metres (3.9 feet) in width.

B.5.5.2 Bicycle *parking space*s must be at least 0.8 metres (2.6 feet) in width and 1.8 metres (5.9 feet) in length with a minimum overhead clearance of 1.2 metres (3.9 feet).

B.5.5.3 Bicycle *parking space*s must include a fixed *structure* that supports the bicycle frame in a stable position without damage to the wheels, frame or components and that enables the frame and both wheels to be locked to the *structure* by the cyclist's own locking device. Protection from precipitation must be provided for 50 per cent of all spaces required.

B.5.5.4 Bicycle *parking space*s are to be located at the primary entrance to the *building* or use being served."

b) To section F.7 DP-7 The Village Centre:

i. To F.7.3.7 to add the following text after "eating areas": "and businesses should open to the street to create a greater sense of intimacy and walkability in the village core"; and

ii. Add the new Guidelines as shown below after F.7.3.7 and renumber the subsequent guidelines accordingly:

“F.3.7.8 Off-street parking must be surfaced using permeable material such as gravel or engineered permeable materials or pavers, with the exception of accessible parking spaces which may be surfaced with hard or impermeable surfacing.

F.3.7.9 Where a building or use provides more than 25 parking spaces, one electric vehicle charging station must be provided and marked with a sign or symbol identifying the space is reserved for charging/parking an electric vehicle.”.

c) To section G.1 Definitions:

i. amend the definition of “floor area” to delete “the outer surface of the exterior walls” and replace with “the interior surface of the exterior walls”;

ii. amend the definition of “parking area” by adding the words “and bicycles” after “motor vehicles”; and

iii. amend the definition of “parking space” by adding the words “or bicycle” after “motor vehicle”.

From: Hellenius
To: Sonja Zupanec
Subject: letter of comment
Date: March-28-14 3:37:57 PM

Dear Ms Zupanec,

We would like to express our support of the following proposed change to the definition of "floor area":

c) To section G.1 Definitions:
i. amend the definition of “floor area” to delete “the outer surface of the exterior walls” and replace with “the interior surface of the exterior walls”

My husband, Peter, and I have purchased an 8.5 acre property with our son, Rob, daughter-in-law, Gillian and grandson, Merlin. We will all be living on this property permanently - Rob and Gillian will build the main dwelling, and Peter and I will be building and living in the "cottage". This will be our retirement home for hopefully the next 20 to 30 years, so we are trying to plan for all the eventualities of growing old and remaining in our own home. This means having large enough doors, passageways and kitchen area should we have mobility issues in the future and require a walker or wheelchair. It is a challenge in this size of space and, unfortunately, when you are making use of every inch thicker walls with higher insulatiing value the are just not feasible. Changing the definition from “the outer surface of the exterior walls” to “the interior surface of the exterior walls” will allow us to use the walls with thicker insulation.

We would also like to express our support in allowing an extra floor area for mechanical rooms that contain green building systems. We would like our building to be as "green" as possible, and having the mechanical room attached to the cottage, rather than in a separate building, would be good.

If it is not too inconvenient, please advise me when this may be in front of the board and what transpires.

We are planning on building our new home this summer or early fall.

Thank you,
Linda Hellenius

STAFF REPORT

Date: April 3, 2014 **File No.:** 6500-20 (Gabriola RAR)

To: Gabriola Island Local Trust Committee
For meeting of April 17, 2014

From: Courtney Simpson, Regional Planning Manager

Re: **Proposed Bylaw 266 – Riparian Areas Regulation Post Public Hearing**

OVERVIEW:

The Local Trust Committee (LTC) held a second public hearing on Bylaws 265 and 266 on March 12, 2014. Following the hearing, the LTC gave third reading to Bylaw 265 and referred it to the Islands Trust Executive Committee and the Ministry of Community, Sport and Cultural Development. The purpose of this staff report is to provide recommendations for minor amendments to proposed Bylaw 266 based on submissions received before the close of the public hearing, and to recommend third reading and referral to the Islands Trust Executive Committee.

STAFF COMMENTS:

Based on review of public hearing submissions, staff recommends several minor changes shown on a marked up version of proposed Bylaw 266 in Attachment 1. These recommended changes are in response to the March 2, 2014 submission from Kees Langereis, shown in Attachment 2. Staff only recommends changes to DP-3, although this submission does point out areas where clarity in other DPA's could be improved. As the scope of this project did not include a review of the text of these existing DPA's, and there are not significant concerns of clarity, staff does not recommend any changes are made to the text of other DPA's at this time.

RECOMMENDATIONS:

Staff recommends THAT the Gabriola Island Local Trust Committee:

1. Give third reading to proposed No. 266 cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012" as revised; and
2. Refer proposed Bylaw No. 266 cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012" to the Islands Trust Executive Committee.

Prepared and Submitted by:

Courtney Simpson *April 3, 2014*

Regional Planning Manager Date

Attachments:
1. Proposed Bylaw 266 – marked up version
2. March 2, 2014 public hearing submission on Bylaw 266 from Kees Langereis

ATTACHMENT 1

PROPOSED

Gabriola Island Local Trust Committee

BYLAW NO. 266

****

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177

****

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. Bylaw No. 177, cited as "Gabriola Island Land Use Bylaw No. 177, 1999" is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012"

READ A FIRST TIME THIS	14	DAY OF	March	, 2013
READ A SECOND TIME THIS	16	DAY OF	January	, 2014
PUBLIC HEARING HELD THIS	12	DAY OF	March	, 2014
READ A THIRD TIME THIS		DAY OF		, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2014
ADOPTED THIS		DAY OF		, 2014

SECRETARY **CHAIRPERSON**

Gabriola Island Local Trust Committee

Bylaw No. 266

Schedule 1

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

1. Adding a new part, immediately following “Part E – Subdivision”, as follows:

Part F – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 9 of the Gabriola Island Official Community Plan and their locations are shown in Schedules C and D of that Plan.

F.1 DP-1 The Tunnel

F.1.1 Applicability

F.1.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.1.1.2 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.1.2 Guidelines

Prior to undertaking any applicable development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.1.2.1 A 183 metre (600 foot) wide tree canopy and shrub buffer shall be retained along North Road, measured 90.8 metres (300 feet) on either side of the centre line of the existing right-of-way, except in the case of land in the ALR, in which case the canopy buffer shall not be less than 30 metres.

F.1.2.2 Construction within the buffer area shall be limited to:

a. roads
b. trails, and
c. public utility works (within a road right-of-way)

F.1.2.3 Where a utility corridor crosses the buffer area, the alignment shall be perpendicular to North Road so as to minimize the removal or disturbance of natural vegetation.

F.1.2.4 Roads shall alter the natural vegetation as little as possible and the number of accesses to North Road shall be limited to two on each side of North Road.

F.1.2.5 Water supply storage, utility buildings and wells shall be located outside of the tree canopy area.

F.1.2.6 Trees greater than 30.4cm (12”) calliper, measured 5 feet from the ground, shall not be cut or damaged.

F.1.2.7 Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

F.2 DP-2 Lock Bay Area

F.2.1 Applicability

F.2.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.2.1.2 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.2.2 Guidelines

Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.2.2.1 There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.

F.2.2.2 Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.

F.2.2.3 There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.

F.2.2.4 Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.

F.2.2.5 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 an existing development.

F.2.2.6 Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.

F.2.2.7 Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).

F.2.2.8 Areas subject to flooding shall be subject to a 30 metre setback from the natural boundary of the sea, unless waived by the Ministry of Environment.

F.2.2.9 Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

F.3 DP-3 Riparian Areas

F.3.1 Definitions

F.3.1.1 Terms used in Section F.3 that are defined in the provincial *Riparian Areas Regulation* ~~are intended to be interpreted in accordance with~~have the same meaning as the definition given in the Regulation, as it may be amended from time to time.

F.3.2 Applicability

F.3.2.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.3.3.1:

a. subdivision of land~~,~~ ~~as defined in Section 872 of the *Local Government Act*~~

b. construction of, addition to, or alteration of a building or other structure
c. removal, alteration or destruction of vegetation
d. disturbance of soils
e. creation of non-structural, impervious or semi-impervious surfaces
f. application of artificial fertilizer, pesticides or herbicides
g. any other development, as that term is defined under the provincial *Riparian Areas Regulation*

F.3.2.2 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.3.3 Exemptions

F.3.3.1 The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

a. for certainty, all uses that are not residential, commercial or industrial or accessory to such a use

b. interior or ~~structural~~ exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure ~~on an existing foundation or footprint~~ to an extent that does not alter, extend or otherwise increase the footprint

c. repair or replacement of a septic field on the same spot

d. the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property

e. With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, and the roots/stumps are left in the ground.~~, and the cutting does not result in land alteration~~

f. gardening and yard maintenance activities, not involving the ~~cosmetic~~ 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

g. manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices

h. pruning of not more than two trees in one growing season and 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 in one growing season, topping, or the pruning or removal of a structural root within the critical root zone

i. ecological restoration or enhancement projects undertaken or authorized by a public body

j. work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*

k. emergency procedures to prevent, control or reduce immediate threats to life or property including:

   i. emergency actions for flood-protection and erosion protection,

   ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and

   iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*

l. farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Gabriola Island Land Use Bylaw 177

m. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas

n. The construction of a private trail if all of the following apply;

   i. The trail is 1 meter 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 the stream, the trail is more than 5 meters away from the high water mark of a stream.

o. Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared

p. The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

F.3.4 Guidelines

Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.3.4.1 In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

F.3.4.2 The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.

F.3.4.3 Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

F.3.4.4 If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.

F.3.4.5 The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

F.4 DP-4 Flat Tops Islands Area

F.4.1 Applicability

F.4.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.4.1.2 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.4.2 Guidelines

Prior to undertaking any applicable development activities within DP-4, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.4.2.1 There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.

F.4.2.2 Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.

F.4.2.3 There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

F.4.2.4 Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.

F.4.2.5 Other than within existing marine lease areas, applicant shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.

F.4.2.6 Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.

F.4.2.7 Septic systems shall not be constructed within 30 metres of the natural boundary of any watercourse (including a body of water or the sea).

F.4.2.8 Areas subject to flooding shall be subject to a 15 metre setback unless waived by the Ministry of Environment.

F.4.2.9 Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

F.5 DP-5 Gabriola Pass Area

F.5.1 Applicability

F.5.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.5.1.2 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.5.2 Guidelines

Prior to undertaking any applicable development activities within DP-5, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.5.2.1 Other than within existing marine lease areas, applicants shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.

F.5.2.2 There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

F.6 DP-6 Escarpment Areas

F.6.1 Applicability

F.6.1.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.6.2.1:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land.

F.6.1.2 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.6.2 Exemptions

F.6.2.1 In cases where the Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.

F.6.3 Guidelines

Prior to undertaking any development activities within DP-6, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.6.3.1 There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.

F.6.3.2 There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.

F.7 DP-7 The Village Centre

F.7.1 Applicability

F.7.1.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.7.2.1:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.7.1.2 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.7.2 Exemptions

F.7.2.1 The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other application local, provincial or federal requirements.

a. building painting, structural alterations and repairs of a minor nature that do not require a building permit

b. building repairs and maintenance where the materials to be used are of the same type and form as the existing materials

c. the installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in this Bylaw

F.7.3 Guidelines

Prior to undertaking any development activities within DP-7, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.7.3.1 The character of each development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.

F.7.3.2 The development shall incorporate small scale building designs with such amenities as public walkways and outdoor open spaces for use by the public.

F.7.3.3 Natural vegetation and trees shall be retained or planted and maintained for screening of parking and storage areas and to enhance the atmosphere of public open spaces. Safety and visibility shall be considered in landscape design.

F.7.3.4 Lighting should be kept to the minimum necessary for pedestrian safety and visibility, in order to maintain a low level of light in the night-time atmosphere.

F.7.3.5 Signs made from natural materials or incorporating material produced by local artisans and crafts people are encouraged.

F.7.3.6 Pedestrian requirements (i.e. walkways), shall be incorporated into the development.

F.7.3.7 Off-street parking shall be designed to be as unobtrusive as possible and where possible, located to the rear of the parcel away from public open spaces and eating areas.

F.7.3.8 Landscaping shall facilitate water retention

F.7.3.9 Exterior surfaces of local and/or natural materials such as wood, stone or brick shall be encouraged.

F.7.3.10 Facilities for recycling shall be provided in garbage collection areas.

F.8 DP-8 Multi-dwelling Affordable Housing

F.8.1 Applicability

F.8.1.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.8.2.1:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.8.1.2 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.8.2 Exemptions

F.8.2.1 The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

a. building painting, structural alterations and repairs of a minor nature that do not require a building permit

b. building repairs and maintenance where the materials to be used are of the same type and form as the existing materials

c. the installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in this Bylaw

F.8.3 Guidelines

Prior to undertaking any development activities within DP-8, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.8.3.1 The character of the development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.

F.8.3.2 Natural vegetation and trees shall be retained or native vegetation planted and maintained for screening of parking and storage areas. Safety and visibility shall be considered in landscape design.

F.8.3.3 Landscaping shall facilitate water retention.

F.8.3.4 Facilities for recycling shall be provided in garbage collection areas.

F.8.3.5 Lighting is to be kept to a minimum necessary for pedestrian safety and visibility. Lighting in off-street parking areas shall be adequate for security purposes.

F.8.3.6 Signs made from natural materials or incorporating materials produced by local artisans and craft people are encouraged.

F.8.3.7 Off-street parking shall be designed to be as unobtrusive as possible and, where possible, located to the rear of the parcel.

F.8.3.8 Exterior surfaces of buildings and structure shall reflect a locally crafted character and be comprised of natural local materials such as wood or stone.

F.8.3.9 Common area amenities shall be provided prior to alteration and/or occupancy.

F.8.3.10 A vegetation screen shall be provided within the required setback area which provides and adequate visual screen of the intended use from an adjoining residential parcel.

F.8.3.11 Bicycle storage areas and structures, bicycle and pedestrian paths and areas for community garden space shall be provided as a means of decreasing greenhouse gas emissions.

F.8.3.12 Where possible, water conservation measures and energy efficient building siting and design shall be provided.

F.9 DP-9 Light Industrial Use

F.9.1 Applicability

F.9.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.9.1.2 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.9.2 Guidelines

Prior to undertaking any development activities within DP-9, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.9.2.1 The character of the development shall be in keeping with the island environment and, with the exception of points of access to the property, adequate natural vegetation screening shall be maintained along the perimeter of the property.

F.9.2.2 No buildings shall be located closer than 30m from a watercourse of the high water mark of the sea.

F.9.2.3 A site plan shall be provided to illustrate where on site the off-street parking and equipment storage is to be accommodated and in no case shall any equipment, materials or vehicles used in association with the industrial use be located on an adjoining parcel or a public road right-of-way.

2. Re-numbering “Part F – Definitions” and all sub-sections under that part accordingly.

3. To current “Part F – Definitions” insert the following new definition in alphabetical order:

“*landscaped area”* means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete;”

ATTACHMENT 2

March 2, 2014

Comments on the draft Gabriola Island Land Use Bylaw # 266

Following are my comments/questions on the draft bylaw #266. These comments and questions are not intended to reflect either a pro or con position to the overall intent of the bylaw.

The following layout is used for each Development Permit Area (DPA) section or subsection commented on:

A. a copy of the specific bylaw section (italicized) in question,
B. identification of any policy changes arising from the transfer of Official Community Plan (OCP) policy to the Land Use Bylaw (LUB), and
C. comments, questions and/or suggestions.

DP-1 The Tunnel

Section F.1.2.1

A. Bylaw extract

F.1.2.1

A 183 metre (600 foot) wide tree canopy and shrub buffer shall be retained along North Road, measured 90.8 metres (300 feet) on either side of the centre line of the existing right-of-way, except in the case of land in the ALR, in which case the canopy buffer shall not be less than 30 metres

B. No change from current OCP wording

C. Comments

Section F.1.2.1- establishes a 183 meter buffer along North road comprised of the tree canopy and shrubs in that area. The buffer is to be "retained". However, the new draft bylaw for the corresponding change to the OCP uses the term “maintained” in its “Justification” section. There is a slight difference in meaning between the words “retain” and “maintain”. There is inconsistency in terminology between the OCP and LUB.

The “buffer” is comprised of 2 components- the tree canopy and shrubs. Yet, the section subsequently makes reference to a 30 metre “canopy buffer” with respect to ALR land. I believe this should refer to “buffer” or “buffer area”. Current wording implies only the tree canopy portion of the buffer area is reduced to 30 metres. It could potentially be read to mean the shrub component of the area is still 183 meters for ALR land.

Other sections in DP1 refer to “buffer area”, “buffer” or “tree canopy area”. There is inconsistency in use of terminology.

<u>Sections F.1.2.2 and F.1.2.5</u>

A. Bylaw extract

F.1.2.2

Construction within the buffer area shall be limited to:

a. roads

b. trails, and

c. public utility works (within a road right-of-way)

F.1.2.5

Water supply storage, utility buildings and wells shall be located outside of the <u>tree canopy</u> area

B. No change from current OCP wording

C. Comments

<u>Section F.1.2.2</u>- limits "construction" to roads, trails and public utility works in the buffer area.

<u>Section F.1.2.5</u> precludes placement of wells, water supply storage and utility buildings outside of the “canopy area”. I assume this should refer to “buffer area” for reasons cited in F.1.2.1 discussion.

Secondly, utility buildings related to utility works are presumably allowed in subsection F.1.2.2, albeit, limited to the road right of way. The reference to “utility buildings” in section F.1.2.5 appears to include utility building related to “public utility works”. Should subsection 5 be subject to subsection 2?

<u>Section F.1.2.7</u>

A. Bylaw extract

F.1.2.7

Where this area includes trees that bear the nests of eagles or <u>other species of birds</u>, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service

B. No change from current OCP wording

C. Comments

Section F.1.2.7- refers to "nests of eagles and other birds". The reference to "or other species of birds" is very broad in scope and ignores the issue of current nest use or current nest condition.

The new comparable section in DP-3 is more appropriate in that it uses section 34 of the Wildlife Act (see extract below) to determine level of protection. In addition, applying the DP-3 approach here provides consistency in meaning between comparable provisions in the bylaw.

This section also refers to a buffer within the overall buffer area. Presumably it and sections F.1.2.3, F.1.2.4, F.1.2.5 and F.1.2.6 are applicable only to the allowable construction under F.1.2.2.

Extract from Wildlife Act

Birds, nests and eggs

34 *A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys*

(a) a bird or its egg,

(b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or

(c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

Section DP-3 Riparian

Section F.3.1.1

A. Bylaw extract

F.3.1.1

Terms used in Section F.3 that are defined in the provincial Riparian Areas Regulation are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time

B. New provision

C. Comments

Section F.3.1.1 states that terms used in this bylaw that are also defined in the Riparian regulation are "intended to be interpreted in accordance with..." the riparian regulation.

The use of the phrase "intended to be interpreted" implies discretion in how a word in the bylaw may be interpreted. Is that the intent?

If that is not the intent, then the section should simply state that terms used in this section that are defined in the riparian regulation have the same meaning as that in the riparian regulation.

Section F.3.2.1

A. Bylaw extract

F .3.2.1

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.3.3.1:

a. subdivision, as defined in Section 872 of the Local Government Act
b. construction of, addition to, or alteration of a building or other structure
c. removal, alteration or destruction of vegetation
d. disturbance of soils
e. creation of non-structural, impervious or semi-impervious surfaces
f. application of artificial fertilizer, pesticides or herbicides
g. development, as that term is defined under the provincial Riparian Areas Regulation

B. New provision

C. Comments

Each of the 9 DPAs requires a development permit if there is any activity involving
(1) subdivision of land or
(2) construction of, alteration to or addition to a building or structure.

DPAs 1, 2 and 4 to 9, also list "alteration of land" as the third factor.

DP-3, however, does not. In place of "alteration of land" it sets out 5 factors triggering a permit.

I assume that these 5 additional factors are intended to expand or reduce the scope of the phrase "alteration of land".

In section F.3.2.1 (a) reference is made to "subdivision" as defined in the *Local Government Act*. The other DPAs simply refer to "subdivision" as a trigger for a Development Permit. Is there a reason for this distinction? Note too that this definition of "subdivision" is already included in the Riparian regulation definition of "development" referenced in subparagraph (g) and, therefore, not really necessary.

In section F.3.2.1 (g) reference is made to “development” as defined in the Riparian regulation (see below for copy of that definition). However, the items listed in F.3.2.1 (a), (c), (d) and (e) of the draft bylaw are already included in the Riparian regulation incorporated by (g). These are redundant.

I note that in paragraph (b) “construction” is also redundant in that it is included in the Riparian regulation definition. The draft LUB provision does, however, add the new criteria of “addition to” and “alteration of”.

Paragraph (f) triggers a development permit application if “artificial fertilizers, pesticides or herbicides” are to be applied. Consequently, natural organic type pesticides, fertilizers and herbicides are not a trigger for a development permit application. Is that the intent?

Lastly, I assume the above criteria apply to the entire Riparian Area not just the SPEA?

Extract from Riparian regulation:

"development" means any of the following associated with or resulting from the local government regulation or approval of residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the Local Government Act*:*

> *(a) removal, alteration, disruption or destruction of vegetation;*
>
> *(b) disturbance of soils;*
>
> *(c) construction or erection of buildings and structures;*
>
> *(d) creation of nonstructural impervious or semi-impervious surfaces;*
>
> *(e) flood protection works;*
>
> *(f) construction of roads, trails, docks, wharves and bridges;*
>
> *(g) provision and maintenance of sewer and water services;*
>
> *(h) development of drainage systems;*
>
> *(i) development of utility corridors;*
>
> *(j) subdivision as defined in section 872 of the* Local Government Act*;*

Section F.3.3.1

A. Bylaw extract

F.3.3.1

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

a. for certainty, all uses that are not residential, commercial or industrial or accessory to such a use

B. New provision setting out activities exempt from the need for a development permit.

C. Comments

F.3.3.1 (a) exempts uses that are not "residential, commercial or industrial". Other land uses such as "recreational" and "institutional" are exempt. Is this intended?

Section F.3.31 (b)

A. Bylaw extract

(b) interior or structural exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure on an existing foundation or footprint to an extent that does not alter, extend or increase the footprint

B. New provision

C. Comments

F.3.3.1 (b) – this subsection is difficult to understand. Is the intent to establish that any interior or exterior renovations, repairs, reconstruction or necessary maintenance to a building or structure that is now a grandfathered use within the DPA, including the SPEA, are exempted if they do not expand the current footprint, whether that is determined by its current foundation or actual lot coverage if no foundation.

This provision, however, appears to state that any exterior "non-structural" change would require a development permit. I read the words "interior" and "structural external" as modifying the subsequent phrase "alterations, renovations, maintenance, reconstruction or repair".

Also, given that there is a distinction made between "foot print" and "foundation" is there a need to add "foundation" at the end of the subsection?

Section F.3.3.1 (e)

A. Bylaw extract

(e) With the exception of nesting trees protected under Section 34 of the Wildlife Act, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration

B. New provision that incorporates previous OCP provision protecting bird nests but eliminates reference to advice from a professional on buffer area size.

C. Comments

<u>In F.3.3.1 (e),</u> tree or vegetation cutting, within certain limits, is permitted if it does not result in land alteration. The presumption then is that the cutting of vegetation or trees can occur with or without any consequential alteration to land.

This concept, by extrapolation, would apply to all the DPAs and may open to argument whether any tree/vegetation removal does or does not cause "alteration of land". Is there a definition of "alteration of land" applicable to local government? How does one determine if tree cutting would result in alteration to land? Does the retention of the roots and stump meet the test of not altering the land? Is slope of land a criteria?

Section F.3.3.1 (f)

A. Bylaw extract

f. gardening and yard maintenance activities, not involving the cosmetic application of pesticides, within a pre-existing landscaped area, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land

B. New provision

C. Comments

<u>F.3.3.1 (f)</u> refers to the "cosmetic" application of pesticides. Does this open up argument that the exemption applies to artificial pesticide application for non-cosmetic reasons? I assume "cosmetic" means for purposes of plant appearance as opposed to plant protection from harm for purposes of food growing. Is the term "cosmetic" a well-established "word" meaning application for any reason. Does this section allow for the application of such products for non-cosmetic reasons?

There is no corresponding exemption for “herbicides” or “fertilizers” applied for other than cosmetic reasons. Is that intended?

It may be better to take the word “cosmetic” out to avoid confusion.

Presumably, natural organic type pesticides (e.g. such as BTK or diatomaceous earth) would be allowed if the intention is not for cosmetic purposes.

Lastly, the ending phrase “including mowing, pruning, planting**,** and minor soil disturbance that does not alter the general contours of the land” is unclear in meaning.

Is there a need to delete the “comma” after the word “planting”? Is the phrase “that does not alter the general contours of the land” intended to apply only to “minor soil disturbance”?

Section F.3.4.2

A. Bylaw extract

F.3.4.2

*The development permit **should** not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner **should** be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures **should** be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA*

B. New provision

C. Comments

Subsection F.3.4.2 states the development permit “should not allow” any development activities within the SPEA. Is there any activity a permit could allow or should this be a “must”? See additional “should” underlined in extract above.

DP-6 Escarpment areas

Section F.6.2.1

A. Bylaw extract

F.6.2.1

In cases where the Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.

B. No change from current OCP wording

C. Comments

F.6.2.1 negates the need for a development permit if the building inspector requires a geo-tech report setting our precautionary measures.

How would this exemption be applied? I was advised that a DP (development permit) was required prior to a building permit, yet the geo-tech report required by the building inspector negates the need for a DP application.

It seems that the secondary process (building permit) may negate the need for the initial process (DP application). Does the phrase "prior to undertaking any development activities" refer to actual construction and not an "application process"? Will or does the building inspector, prior to the issuance of a building permit, provide some documentation to the trust or applicant that a geo-tech report would be required?
Or does the building inspector, knowing about this exemption, issue a building permit if he or she requires a geo-tech report?

DP-7 The Village Centre

Section F.7.2.1

A. Bylaw extract

F 7.2.1
The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other application local, provincial or federal requirements.

a. building painting, structural alterations and repairs of a minor nature that do not require a building permit
b. building repairs and maintenance where the materials to be used are of the same type and form as the existing material

B. No change from current OCP wording

C. Comments

This section lists exemptions from the need for a development permit.

The phrase in paragraph (a) "that do not require a building permit" is redundant with respect to "painting".

If the intent is to apply that phrase to “structural alterations” and “minor repairs” then the section may be clearer if

(i) the “comma” after the word “painting” is replaced with the word “and” and
(ii) the word “and” located between the words “alterations” and “repairs” is replaced with the word “or”.

Secondly, is paragraph (b) a stand-a-lone provision or is it subject to paragraph (a)? No reference is made to a need for a building permit in the paragraph (b). If (a) and (b) are interrelated it may be better to combine them and have painting as an exemption on its own.

The above questions/comments also apply to the comparable provision in DP-8 Multi-Dwelling Affordable Housing.

Thank you for the opportunity to comment.

Kees Langereis

250-247-8281

Gabriola Island Local Trust Committee

BYLAW NO. 266

****

A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177

****

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. Bylaw No. 177, cited as "Gabriola Island Land Use Bylaw No. 177, 1999" is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2012"

READ A FIRST TIME THIS	14	DAY OF	March	, 2013
PUBLIC HEARING HELD THIS	12	DAY OF	March	, 2014
READ A SECOND TIME THIS	16	DAY OF	January	, 2014
READ A THIRD TIME THIS		DAY OF		, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2014
ADOPTED THIS		DAY OF		, 2014

______________________________ SECRETARY

______________________________ CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 266

Schedule 1

Schedule "A" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw No. 177, 1999", is amended by:

1. Adding a new part, immediately following "Part E – Subdivision", as follows:

Part F – DEVELOPMENT PERMIT AREA GUIDELINES

Information Note: Development Permit Areas are designated and described in Section 9 of the Gabriola Island Official Community Plan and their locations are shown in Schedules C and D of that Plan.

F.1 DP-1 The Tunnel

F.1.1 Applicability

F.1.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.1.1.2 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.1.2 Guidelines

Prior to undertaking any applicable development activities within DP-1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.1.2.1 A 183 metre (600 foot) wide tree canopy and shrub buffer shall be retained along North Road, measured 90.8 metres (300 feet) on either side of the centre line of the existing right-of-way, except in the case of land in the ALR, in which case the canopy buffer shall not be less than 30 metres.

F.1.2.2 Construction within the buffer area shall be limited to:

a. roads
b. trails, and
c. public utility works (within a road right-of-way)

F.1.2.3 Where a utility corridor crosses the buffer area, the alignment shall be perpendicular to North Road so as to minimize the removal or disturbance of natural vegetation.

F.1.2.4 Roads shall alter the natural vegetation as little as possible and the number of accesses to North Road shall be limited to two on each side of North Road.

F.1.2.5 Water supply storage, utility buildings and wells shall be located outside of the tree canopy area.

F.1.2.6 Trees greater than 30.4cm (12") calliper, measured 5 feet from the ground, shall not be cut or damaged.

F.1.2.7 Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

F.2 DP-2 Lock Bay Area

F.2.1 Applicability

F.2.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.2.1.2 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.2.2 Guidelines

Prior to undertaking any applicable development activities within DP-2, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.2.2.1 There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.

F.2.2.2 Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.

F.2.2.3 There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.

F.2.2.4 Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.

F.2.2.5 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 an existing development.

F.2.2.6 Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.

F.2.2.7 Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).

F.2.2.8 Areas subject to flooding shall be subject to a 30 metre setback from the natural boundary of the sea, unless waived by the Ministry of Environment.

F.2.2.9 Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

F.3 DP-3 Riparian Areas

F.3.1 Definitions

F.3.1.1 Terms used in Section F.3 that are defined in the provincial *Riparian Areas Regulation* are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

F.3.2 Applicability

F.3.2.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.3.3.1:

a. subdivision, as defined in Section 872 of the *Local Government Act*

b. construction of, addition to, or alteration of a building or other structure
c. removal, alteration or destruction of vegetation
d. disturbance of soils
e. creation of non-structural, impervious or semi-impervious surfaces
f. application of artificial fertilizer, pesticides or herbicides
g. development, as that term is defined under the provincial *Riparian Areas Regulation*

F.3.2.2 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.3.3 Exemptions

F.3.3.1 The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

a. for certainty, all uses that are not residential, commercial or industrial or accessory to such a use

b. interior or structural exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure on an existing foundation or footprint to an extent that does not alter, extend or increase the footprint

c. repair or replacement of a septic field on the same spot

d. the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property

e. With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration

f. gardening and yard maintenance activities, not involving the cosmetic application of pesticides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land

g. manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices

h. pruning of not more than two trees in one growing season and 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 in one growing season, topping, or the pruning or removal of a structural root within the critical root zone

i. ecological restoration or enhancement projects undertaken or authorized by a public body

j. work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*

k. emergency procedures to prevent, control or reduce immediate threats to life or property including:

    i. emergency actions for flood-protection and erosion protection,

    ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and

    iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*

l. farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Gabriola Island Land Use Bylaw 177

m. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas

n. The construction of a private trail if all of the following apply;

    i. The trail is 1 meter 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 the stream, the trail is more than 5 meters away from the high water mark of a stream.

o. Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared

p. The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

F.3.4 Guidelines

Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.3.4.1 In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

F.3.4.2 The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.

F.3.4.3 Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

F.3.4.4 If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.

F.3.4.5 The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

F.4 DP-4 Flat Tops Islands Area

F.4.1 Applicability

F.4.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.4.1.2 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.4.2 Guidelines

Prior to undertaking any applicable development activities within DP-4, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.4.2.1 There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.

F.4.2.2 Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.

F.4.2.3 There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

F.4.2.4 Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.

F.4.2.5 Other than within existing marine lease areas, applicant shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.

F.4.2.6 Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.

F.4.2.7 Septic systems shall not be constructed within 30 metres of the natural boundary of any watercourse (including a body of water or the sea).

F.4.2.8 Areas subject to flooding shall be subject to a 15 metre setback unless waived by the Ministry of Environment.

F.4.2.9 Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

F.5 DP-5 Gabriola Pass Area

F.5.1 Applicability

F.5.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.5.1.2 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.5.2 Guidelines

Prior to undertaking any applicable development activities within DP-5, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.5.2.1 Other than within existing marine lease areas, applicants shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.

F.5.2.2 There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

F.6 DP-6 Escarpment Areas

F.6.1 Applicability

F.6.1.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.6.2.1:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land.

F.6.1.2 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.6.2 Exemptions

F.6.2.1 In cases where the Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.

F.6.3 Guidelines

Prior to undertaking any development activities within DP-6, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.6.3.1 There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.

F.6.3.2 There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.

F.7 DP-7 The Village Centre

F.7.1 Applicability

F.7.1.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.7.2.1:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.7.1.2 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.7.2 Exemptions

F.7.2.1 The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other application local, provincial or federal requirements.

a. building painting, structural alterations and repairs of a minor nature that do not require a building permit

b. building repairs and maintenance where the materials to be used are of the same type and form as the existing materials

c. the installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in this Bylaw

F.7.3 Guidelines

Prior to undertaking any development activities within DP-7, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.7.3.1 The character of each development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.

F.7.3.2 The development shall incorporate small scale building designs with such amenities as public walkways and outdoor open spaces for use by the public.

F.7.3.3 Natural vegetation and trees shall be retained or planted and maintained for screening of parking and storage areas and to enhance the atmosphere of public open spaces. Safety and visibility shall be considered in landscape design.

F.7.3.4 Lighting should be kept to the minimum necessary for pedestrian safety and visibility, in order to maintain a low level of light in the night-time atmosphere.

F.7.3.5 Signs made from natural materials or incorporating material produced by local artisans and crafts people are encouraged.

F.7.3.6 Pedestrian requirements (i.e. walkways), shall be incorporated into the development.

F.7.3.7 Off-street parking shall be designed to be as unobtrusive as possible and where possible, located to the rear of the parcel away from public open spaces and eating areas.

F.7.3.8 Landscaping shall facilitate water retention

F.7.3.9 Exterior surfaces of local and/or natural materials such as wood, stone or brick shall be encouraged.

F.7.3.10 Facilities for recycling shall be provided in garbage collection areas.

F.8 DP-8 Multi-dwelling Affordable Housing

F.8.1 Applicability

F.8.1.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.8.2.1:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.8.1.2 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.8.2 Exemptions

F.8.2.1 The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

a. building painting, structural alterations and repairs of a minor nature that do not require a building permit

b. building repairs and maintenance where the materials to be used are of the same type and form as the existing materials

c. the installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in this Bylaw

F.8.3 Guidelines

Prior to undertaking any development activities within DP-8, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.8.3.1 The character of the development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.

F.8.3.2 Natural vegetation and trees shall be retained or native vegetation planted and maintained for screening of parking and storage areas. Safety and visibility shall be considered in landscape design.

F.8.3.3 Landscaping shall facilitate water retention.

F.8.3.4 Facilities for recycling shall be provided in garbage collection areas.

F.8.3.5 Lighting is to be kept to a minimum necessary for pedestrian safety and visibility. Lighting in off-street parking areas shall be adequate for security purposes.

F.8.3.6 Signs made from natural materials or incorporating materials produced by local artisans and craft people are encouraged.

F.8.3.7 Off-street parking shall be designed to be as unobtrusive as possible and, where possible, located to the rear of the parcel.

F.8.3.8 Exterior surfaces of buildings and structure shall reflect a locally crafted character and be comprised of natural local materials such as wood or stone.

F.8.3.9 Common area amenities shall be provided prior to alteration and/or occupancy.

F.8.3.10 A vegetation screen shall be provided within the required setback area which provides and adequate visual screen of the intended use from an adjoining residential parcel.

F.8.3.11 Bicycle storage areas and structures, bicycle and pedestrian paths and areas for community garden space shall be provided as a means of decreasing greenhouse gas emissions.

F.8.3.12 Where possible, water conservation measures and energy efficient building siting and design shall be provided.

F.9 DP-9 Light Industrial Use

F.9.1 Applicability

F.9.1.1 The following activities shall require a development permit whenever they occur within the DPA:

a. subdivision of land
b. construction of, addition to, or alteration of a building or other structure
c. alteration of land

F.9.1.2 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.9.2 Guidelines

Prior to undertaking any development activities within DP-9, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.9.2.1 The character of the development shall be in keeping with the island environment and, with the exception of points of access to the property, adequate natural vegetation screening shall be maintained along the perimeter of the property.

F.9.2.2 No buildings shall be located closer than 30m from a watercourse of the high water mark of the sea.

F.9.2.3 A site plan shall be provided to illustrate where on site the off-street parking and equipment storage is to be accommodated and in no case shall any equipment, materials or vehicles used in association with the industrial use be located on an adjoining parcel or a public road right-of-way.

2. Re-numbering “Part F – Definitions” and all sub-sections under that part accordingly.

3. To current “Part F – Definitions” insert the following new definition in alphabetical order:

“*landscaped area”* means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete;”