



Gabriola Island Local Trust Committee Regular Meeting Agenda

Date: September 27, 2018
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Pages

- | | | |
|---|--|---------|
| 1. CALL TO ORDER | 10:15 AM - 10:15 AM | |
| "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. APPROVAL OF AGENDA | | |
| 3. TOWN HALL AND QUESTIONS | 10:15 AM - 10:25 AM | |
| 4. COMMUNITY INFORMATION MEETING - None | | |
| 5. PUBLIC HEARING - None | | |
| 6. MINUTES | 10:25 AM - 10:35 AM | |
| 6.1 | Local Trust Committee Minutes dated August 16, 2018 – for Adoption | 4 - 13 |
| 6.2 | Local Trust Committee Community Information Meeting Minutes dated September 9, 2018 - for Adoption | 14 - 17 |
| 6.3 | Section 26 Resolutions-Without-Meeting Report dated September 19, 2018 | 18 - 18 |
| 6.4 | Advisory Planning Commission Minutes - None | |
| 7. BUSINESS ARISING FROM MINUTES | 10:35 AM - 11:00 AM | |
| 7.1 | Follow-up Action List dated September 20, 2018 | 19 - 22 |
| 7.2 | Gabriola Island Local Trust Committee Fees Bylaw No. 300 - for Adoption | 23 - 25 |
| 7.3 | Gabriola Local Trust Committee BEN Bylaw No. 298 - for Adoption | 26 - 49 |
| 7.4 | Response from Executive Committee Regarding Rainwater Harvesting Standards Advocacy - Memorandum | 50 - 50 |
| 8. DELEGATIONS - None | | |

9. CORRESPONDENCE

11:00 AM - 11:10 AM

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

- | | | |
|-----|--|---------|
| 9.1 | Email dated August 14, 2018 from H. Reid | 51 - 52 |
| 9.2 | Letter dated August 20, 2018 from B. Thomson | 53 - 58 |
| 9.3 | Email dated September 15, 2018 from L. Carter | 59 - 59 |
| 9.4 | Letter dated September 18, 2018 from A. Lessard regarding BC Heritage Registry - Gabriola Community Hall | 60 - 60 |

10. APPLICATIONS AND REFERRALS

11:10 AM - 12:00 PM

- | | | |
|------|--|-----------|
| 10.1 | GB-TUP-2018.1 (Garner) - Staff Report | 61 - 102 |
| 10.2 | GB-TUP-2018.2 (Lenz) - Staff Report | 103 - 128 |
| 10.3 | GB-DP-2018.4 (Kent) - Staff Report | 129 - 180 |
| 10.4 | GB-RZ-2016.1 (Potlatch) - Staff Report | 181 - 198 |
| 10.5 | Regional District of Nanaimo Standardization of Development Permit Area and Temporary Use Permit Areas - Proposed Bylaw Referral | 199 - 200 |

BREAK - 12:00 - 12:20

11. CLOSED MEETING

12:20 PM - 12:30 PM

- | | | |
|------|---|--|
| 11.1 | Motion to Close the Meeting | |
| | <i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the purpose of considering adoption of In-Camera Minutes dated May 3, 2018 and August 16, 2018 AND that the recorder and staff attend the meeting.</i> | |
| 11.2 | Recall to Order | |
| 11.3 | Rise and Report | |

12. LOCAL TRUST COMMITTEE PROJECTS

12:30 PM - 1:30 PM

- | | | |
|------|---|-----------|
| 12.1 | Water Taxi Zoning Review Project - Staff Report | 201 - 231 |
| 12.2 | Mudge Island Lot Coverage Review Project - Staff Report | 232 - 238 |
| 12.3 | First Nations Relationship Building - Briefing | 239 - 244 |

13.	REPORTS	1:30 PM - 1:50 PM
13.1	Work Program Reports	
13.1.1	Top Priorities Report dated September 19, 2018	245 - 245
13.1.2	Projects List Report dated September 19, 2018	246 - 248
13.2	Applications Report dated September 20, 2018	249 - 258
13.3	Trustee and Local Expense Report dated July, 2018	259 - 259
13.4	Adopted Policies and Standing Resolutions	260 - 261
13.5	Local Trust Committee Webpage	
13.6	Chair's Report	
13.7	Trustee Reports	
13.8	Electoral Area Director's Report	
13.9	Trust Conservancy Report - None	
14.	NEW BUSINESS	1:50 PM - 2:20 PM
14.1	Local Trust Committee 2014 - 2018 Term Summary Report	262 - 269
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Thursday, November 22, 2018 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC	
16.	TOWN HALL	2:20 PM - 2:30 PM
17.	ADJOURNMENT	2:30 PM - 2:30 PM

Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: August 16, 2018
Location: Heron Room, The Haven
240 Davis Road, Gabriola Island, BC

Members Present: Laura Busheikin, Chair
Melanie Mamoser, Local Trustee
Heather O'Sullivan, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
Jaime Dubyna, Planner 1
Warren Dingman, Bylaw Enforcement Officer
Nadine Mourao, Recorder

Others Present: There were approximately thirteen (13) members of the public and one (1) member of the media in attendance

1. CALL TO ORDER

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

Chair Busheikin called the meeting to order at 10:43 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, Staff and Recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Updated 10.2 Applications Report dated August 16, 2018.

By general consent the agenda was approved as amended.

3. MINUTES

3.1 Local Trust Committee Minutes dated July 12, 2018 – for Adoption

By general consent the Local Trust Committee meeting minutes of July 12, 2018 were adopted.

3.2 Local Trust Committee Special Meeting Minutes dated July 12, 2018 - for Adoption

By general consent the Local Trust Committee Special meeting minutes of July 12, 2018 were adopted.

3.3 Section 26 Resolutions-Without-Meeting Report - None

3.4 Advisory Planning Commission Minutes - None

4. TOWN HALL AND QUESTIONS

Members of the public made the following comments:

- Regarding the Mudge Island Lot Coverage Review Project – Staff Report and Draft Bylaw Nos. 301 Official Community Plan (OCP) and 302 Land Use Bylaw (LUB);
 - Asked for clarification regarding bylaw changes to the OCP and LUB; Staff noted that the OCP would allow for the increase in lot coverage and the LUB would contain specifics for lot coverage and implementation;
- Recommended Trustees reject Draft Bylaw No. 301 OCP, approve Draft Bylaw No. 302 LUB and referring Draft Bylaw No. 302 LUB to the Advisory Planning Commission (APC) was unnecessary; and
- Opposed conditions found on Page 12 of the Staff report, under Alternatives, regarding indoor meeting facilities.
- The Mudge Island OCP does not mention 10% lot coverage and therefore there is no need to make amendments to the OCP.

5. CORRESPONDENCE

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

5.1 Email dated July 25, 2018 from K. Langereis

Trustees reviewed the 2015 agenda where transfer of the residential densities from Coats Marsh to the Density Bank was referenced and noted the following:

- The Nature Trust opposed the transfer of those densities at that time;
- The Regional District of Nanaimo (RDN) was ambivalent to this topic, although appreciated recent RDN comments that indicated that they have no concerns with Coats Marsh being rezoned to a Park;
- Asked for clarification on whether the Nature Trust has a legal right to determine what happens with the densities?
 - Staff responded that zoning of the property should be consistent with the obligations of the owners to protect the property in perpetuity; and

Howard Houle, RDN Director Electoral Area B stated:

- the RDN has been issued a tax receipt and if the density is transferred the Canadian Revenue Agency would need to be advised; and
- At the end of the email dated July 12, it stated that the RDN has been spoken to, however, he is not able to find out who from the RDN has been spoken to.

GB-2018-058

It was **MOVED** and **SECONDED**

that the Gabriola Island Local Trust Committee request Staff to liaise with Regional District of Nanaimo Staff regarding the potential transfer of densities from the Northwest ¼ of Section 10 (Coats Marsh Regional Park) to the Gabriola Island Density Bank and clarify the mechanism for implementing transfer of densities to the Gabriola Island Density Bank.

CARRIED

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated August 8, 2018

Received for information

Trustees requested that previous terms' Trustees be posted to the webpage as soon as possible, as it may be helpful to those who come forward in the next election.

6.2 Gabriola Island Local Trust Committee Fees Bylaw - Staff Report and Draft Bylaw No. 300

Regional Planning Manager Kjerulf summarized the Staff report in consideration of Draft Bylaw No. 300 to replace Gabriola Island Trust Fees Bylaw No. 245. The adoption of new LTC Fees bylaw would adjust LTC application fees to account for inflation and include new fees for Liquor and Cannabis Regulation Branch (LCRB) applications and OCP and LUB amendment applications for affordable, seniors, and special needs housing. Bylaw No. 300 is based on the Islands Trust Council Model Application Fee Schedule, with an adjustment for inflation based on the Bank of Canada rate of inflation between 2007 and present, and aligns with Islands Trust Council Policy 5.6.i – Application Processing Services.

Discussions ensued and the following was noted by Trustees:

- The Development Permit (DP) for the Riparian Area (RAR) should be lower than fees for other development permits; and
- On page 20 of agenda package, Table 1, column 1, item 5, Trustees debated the use of commas and would like it to read simply "affordable housing", to clarify that fees are for affordable housing when the applicant is a registered charity or non-profit society.

GB-2018-059

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be amended as follows:

1. Amend Table 1, Column 1, Item 5 by removing ", rental, seniors or special needs";
2. Amend Table 2, Column 2, Item 2 to change to \$240.00; and
3. Ensure consistency in the use of Oxford commas.

CARRIED

GB-2018-060

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a first time as amended.

CARRIED

GB-2018-061

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a second time.

CARRIED

GB-2018-062**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a third time.

CARRIED**GB-2018-063****It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

6.3 Request to Defer Advisory Planning Commission (APC) Meeting for GB-RZ-2018.1 (Melville) – for Discussion

Trustee O’Sullivan declared that she had a conflict of interest with the upcoming item, due to the fact that she has a financial interest in the marine area subject to this zoning application.

Trustee O’Sullivan left the meeting at 11:50 am.

GB-2018-064**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee waive the 40-day timeline for referral to the Gabriola Island Advisory Planning Commission for the rezoning GB-RZ-2018.1 (Melville).

CARRIED

Trustee O’Sullivan returned to the meeting at 11:54 am.

7. CLOSED MEETING

7.1 Motion to Close the Meeting

GB-2018-065**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(c),(d),(f) and (i) labour relations; adoption of In-Camera Meeting Minutes dated May 3, 2018; Bylaw Enforcement and receipt of advice that is subject to solicitor-client privilege AND that the Recorder and Staff attend the meeting.

CARRIED

Chair Busheikin closed the meeting to the public at 11:54 am.

7.2 Recall to Order

By general consent the meeting was recalled to order 12:54 pm.

7.3 Rise and Report

The committee reported that it received information regarding bylaw enforcement and legal advice on the Mudge Island OCP.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Mudge Island Lot Coverage Review Project - Staff Report and Draft Bylaw Nos. 301 (OCP) and 302 (LUB)

Regional Planning Manager Kjerulf summarized the Staff report which included potential amendments to the Mudge Island OCP as an in-scope activity, with an amended public consultation process and timeline, as well as consideration of draft Bylaw Nos. 301 (OCP) and 302 (LUB), and options to amend these bylaws to achieve compliance with the Islands Trust Policy Statement (ITPS) and the following was noted:

- OCP Bylaw No. 301 would enable lot coverage of greater than 10% under defined circumstances, which would be implemented through LUB Bylaw No. 302; and
- The ITPS includes policies and directives that the bylaws are required to address and it was found that there were a number of policies that the proposed increase in lot coverage bylaw did not comply:
 - No mitigation to protect the Douglas-fir/Dull Oregon-grape (species at risk) ecological community;
 - No mitigation for anticipated climate change or sea level rise;
 - No mitigation for impacts on groundwater resources; and
 - No mitigation/protection of numerous mapped existing and potential archaeological sites.

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

- Understood that Mudge Island residents are seeking a more immediate solution than what can be achieved in the current Staff Report;
- Draft Bylaw No. 299 presented at the Special Meeting on July 12, 2018 complied with the OCP and perhaps that approach is preferable;
- Identified three changes in Draft Bylaw No. 299 to buildings and structures that would not be included in calculating lot coverage:
 - Part 5, Subsection 4.1, Sub E is too restrictive and possible options include exempting pervious driveways, footpaths, and parking spaces as required by the LUB;
 - Part 5, Subsection 4.1, Sub L amend to one woodshed with a floor area no greater than 15 square metres to allow for increased wood storage;
 - Suggested exempting outbuildings for small livestock and local food production, with a floor area no greater than 15 square metres, as the Mudge Island OCP, Policy 2 on climate change encourages agriculture and the sharing of local food production; and
- Requested Draft Bylaw to be sent for referral after this LTC meeting rather than after next LTC meeting.

GB-2018-066

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend Draft Bylaw No. 299 to replace Part 5, Subsection 4.1, Sub E with “pervious ground-level foot paths, driveways, and parking spaces”, in Sub L change “10 square metres” to “15 square metres” and add “Sub N outbuildings to be used for small livestock and/or local food production with a floor area no greater than 15 square metres.”

CARRIED

GB-2018-067**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Checklist and determined that Bylaw No. 299 as amended cited as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED**GB-2018-068****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee Bylaw No. 299 cited as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018” be read a first time.

CARRIED**GB-2018-069****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer proposed Bylaw No. 299 to Islands Trust Bylaw Enforcement, Ministry of Forests, Land, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, Agricultural Land Commission, Snuneymuxw First Nation and all Hul’qumi’num Treaty Group members and all other First Nations identified as having interests in the Gabriola Local Trust Area per the Province of British Columbia Consultative Areas Database.

CARRIED**GB-2018-070****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to schedule a Community Information Meeting on Mudge Island for Bylaw No. 299.

CARRIED

Chair Busheikin noted the following regarding the conditions found on page 12 of the Staff Report concerning Advisory Planning Commission meetings:

- The inclusion of the Trustee, Staff and Recorder is standard language; and
- We are working in a regulated and legislated context that requires due diligence.

8.2 Water Taxi Zoning Review Project – Memorandum

Planner Jaimie Dubyna provided an overview of responses from the Water Taxi questionnaire. As per the Project Charter, Staff will provide an analysis of questionnaire results and recommendations for next steps at the next LTC regular meeting.

9. NEW BUSINESS**9.1 Cannabis Production in the Agricultural Land Reserve (ALR) - for Discussion**

Received for information.

GB-2018-071**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee amend the activity for Cannabis Production and Retail Sales on the Projects List to include “including on Agricultural Land Reserve”.

CARRIED

9.2 Islands Trust Conservancy - Regional Conservation Plan Briefing

Chair Busheikin provided an overview and noted that Denman LTC put this topic on their discrete Project List.

GB-2018-072

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request assistance from the Islands Trust Conservancy and Gabriola Island Staff to create a map of the Gabriola Local Trust Area incorporating conservation modelling and eco system mapping data.

CARRIED

9.3 Bylaw Enforcement Notification Bylaw Amendments - Staff Report

Bylaw Enforcement Officer Dingman provided the Local Trust Committee with copies of the schedules to draft Bylaw Enforcement Notification Bylaw No. 263, 2011. Officer Dingman presented the Staff report that recommended amendments to the LTC Bylaw Enforcement Notification Bylaw No. 263, 2011 (BEN) so that changes in the Gabriola, Mudge and DeCourcy Island LUBs are included and noted the following:

- Most of the penalties for voluntary compliance can be adjusted to zero;
- That various housekeeping amendments can be made; and
- The North Shore Registry would no longer be used for adjudication; LTC Bylaw Enforcement can now do adjudications themselves, and if people need a hearing to dispute a fine they could meet on Gabriola Island or in Nanaimo.

GB-2018-073

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018", be read a first time.

CARRIED

GB-2018-074

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018", be read a second time.

CARRIED

GB-2018-075

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification, 2011, Amendment No. 1, 2018", be read a third time.

CARRIED

GB-2018-076**It was MOVED and SECONDED**

that Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification, 2011, Amendment No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED**9.4 Trust Programs Committee – Service Integration – Briefing**

Trustee O'Sullivan provided an overview of the Briefing which requested input from the LTC / Bowen Island Municipality about any service integration concerns.

GB-2018-077**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee advises Trust Programs Committee that the Local Trust Committee has experienced barriers to engaging service providers and other agencies when addressing the following topics:

- 1) Working with other agencies such as Ministry of Transportation and Infrastructure and the Regional District of Nanaimo with respect to Village Core planning;
- 2) Working with the Regional District of Nanaimo with respect to park planning;
- 3) Affordable housing specifically in relationship to the Regional District of Nanaimo, which has the power to hold land;
- 4) The question of responsibility shared by BC Ferries and the Ministry of Transportation and Infrastructure in regard to Gabriola's ferry line issues;
- 5) Enforcement of Regional District of Nanaimo bylaws, which impact on, or are impacted by land use planning (i.e. noise);
- 6) Scheduling of meetings as per protocol agreements with other agencies; and
- 7) Receiving written referral responses from other agencies (i.e. Agriculture Land Commission.)

CARRIED**10. REPORTS****10.1 Work Program Reports****10.1.1 Top Priorities Report dated August 8, 2018**

Received for information.

10.1.2 Projects List Report dated August 8, 2018

Received for information.

10.2 Applications Report dated August 8, 2018

Received for information.

10.3 Trustee and Local Expense Report dated June, 2018

Received for information.

10.4 Adopted Policies and Standing Resolutions

Received for information.

10.5 Local Trust Committee Webpage

See Follow-up Action List to update past Trustee information.

10.6 Chair's Report

Chair Busheikin reported the following:

- Attended the Executive Committee (EC) meeting on Salt Spring Island and noted:
 - Reviewed a draft of the Trans Mountain Pipeline letter to be sent in September;
 - Passed a resolution regarding preparation of a media release for anchorages, a letter to Transport Canada, and planning for another round table event later this year;
 - Looking at how the Trust provides local planning services;
 - Planning for Union of BC Municipalities annual convention in September;
 - Planning for Trust Council on Keats Island;
 - Discussed *Islands Trust Act* amendments; and
 - Passed a resolution to request a Staff Report with recommendations on the Trust Council Committee structure.

10.7 Trustee Reports

Trustee O'Sullivan reported the following:

- Attended the Capital Regional District (CRD) forum on Service Integration with representatives from various levels of governments, service providers and community members including Jim Ramsay and Dyan Dunsmoor-Farley from Village Vision and Julie Sperber, the Community Economic Development Officer for RDN Electoral Area B.

Trustee Mamoser deferred her report.

10.8 Electoral Area Director's Report - none

10.9 Trust Conservancy Report July, 2018 - none

11. TOWN HALL

No comments from the public.

12. UPCOMING MEETINGS

12.1 Next Regular Meeting Scheduled for Thursday, September 27, 2018 at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

13. COMMUNITY INFORMATION MEETING - None

14. PUBLIC HEARING - None

15. DELEGATIONS - None

16. APPLICATIONS AND REFERRALS - None

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:40 pm.

Laura Busheikin, Chair

Certified Correct:

Nadine Mourao, Recorder



Gabriola Island Local Trust Committee Minutes of Special Meeting

Date: September 9, 2018
Location: Mudge Island Driftwood Drive Public Access
 Mudge Island, BC

Members Present: Melanie Mamoser, Local Trustee, Acting Chair
 Heather O'Sullivan, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Teresa Rittemann, Island Planner
 Nadine Mourao, Recorder

Others Present: There were approximately twenty-five (25) members of the public in attendance

1. CALL TO ORDER

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

Acting Chair Mamoser called the meeting to order at 1:00 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, Staff and Recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING

3.1 Planner Presentation - Mudge Island Targeted OCP/LUB Review

Planner Rittemann provided a handout and summarized the draft amendments to Proposed Bylaw No. 299.

3.2 Proposed Gabriola Island Local Trust Committee Bylaw No. 299

Various buildings and structures in the Rural Residential zone would not contribute to the 10% maximum lot coverage calculation, as listed in the new subsection 5.1(4.1). This would allow for a reasonable build out on an average small lot on Mudge Island, while maintaining a low density of buildings and structures in the rural environment consistent with the Official Community Plan (OCP). Some of the main exemptions included:

- Cistern, dugouts, ponds, and similar catchment systems for the collection and storage of water, and similarly water towers that are for fire-fighting purposes;
- Garden beds and 15 square metres (161.4 square feet) of accessory buildings (for domestic food security and to encourage local food production. Any additional

accessory buildings in excess of 15 square metres for this purpose, would continue to contribute to lot coverage;

- Pervious ground-level foot paths, driveways and parking spaces;
- 80% of Mudge Island lots are 0.4 hectares (1 acre); thus, on these smaller lots, up to 100 square metres (1,076 square feet) of outdoor, unenclosed deck space would continue to contribute to lot coverage;
- Many Mudge Islanders use wood to heat their dwellings, and therefore one woodshed up to 15 square metres (161.4 square feet) in size is proposed to be exempted from the 10% lot coverage calculations; a second woodshed or any area of a woodshed in excess of 15 square metres would continue to contribute to the maximum 10% lot coverage calculations; and
- Wells, utilities, pump/utility houses, and septic systems are all required for rural island life on Mudge and are therefore proposed to be excluded from the maximum lot coverage.

3.3 Questions and Answers Session

Members of the public asked the following questions, Staff and Trustees answered as follows:

- If you have a cistern in a pump utility house, does that count towards the 10% lot coverage?
 - The cistern would need to be separate from the building to be excluded from the lot coverage calculation.
- Are these bylaw amendments going forward or does my property built previously have to comply with the new bylaw?
 - If you have a property and there is a bylaw in place and you build according to that bylaw legally and then down the road the bylaw is changed there are provisions in the *Local Government Act* that allow you to continue using the property as originally allowed, this is called legally non-conforming.
- What happens when a structure was built 30 metres from the boundary of the sea and the waterfront changes due to erosion?
 - Should that situation arise, the property owner may then show when the structure was built it was not within the setback from the sea.
- Recognized that this is a huge improvement over the previous draft of Bylaw No. 299, as they have a long driveway and wanted to thank Staff and Trustees.
- Why does this Draft Bylaw not address increasing the maximum 10% lot coverage?
 - It was decided to move forward with lot exemptions rather than proceeding with the lengthier process of OCP amendments to increase the 10% lot coverage calculation.
- Is the square footage of a house included in the maximum 10% lot coverage calculation?
 - The footprint of the house is included in the lot coverage calculation.
- How does the maximum 10% lot coverage calculation work for 5 or 10 acre lots?
 - The maximum 10% lot coverage stays the same regardless of the size of the lot.
- Why does Mudge Island have a maximum 10% lot coverage and other islands have 15% or 20%?

- Mudge Island was consulted for their first Mudge Island OCP and Land Use Bylaw (LUB), at that time the conservation-based approach to preserve and protect the natural integrity of Mudge Island was first and foremost; and
- At that time the maximum 10% lot coverage was set as a mechanism to ensure that the maximum buildout does not affect the character of the more rural island.
- The Mudge Island OCP does not reference the maximum 10% lot coverage, why can we not increase the lot coverage percentage without opening up the OCP?
 - The Mudge Island OCP does not specify 10% lot coverage; however, the OCP would have to be amended in order to increase the percentage in the LUB; and
 - At the previous Local Trust Committee (LTC) meetings, a staggered tiered percentage based on lot size approach was proposed; however, it is likely that this approach would be rejected by the Executive Committee (EC).
- It is Mudge Islanders' responsibility to invest in the process; we have a LUB that does not work; this is a good start and next step is to review and amend the OCP.
- In 5 or 10 years, Mudge Island will see a substantial increase in population; there has to be a plan for this to happen; this is a great first step.
- What are the next steps?
 - There will be a Staff report presented for the LTC with recommendations to move forward with Draft Bylaw No. 299; the Draft Bylaw will then need second and third reading, Community Information Meeting, Public Hearing, referral to various agencies with a waiting period for agency responses, EC approval, and LTC approval.
- What are the chances of the process not reaching completion?
 - We believe that this version of Draft Bylaw No. 299 will not be rejected by the EC.
- Mudge Islanders have asked that whatever can be done to expedite the process should be done, such as, combining the second and third reading, waiving public hearing and providing a public notice as they anticipate no objections to this version of Proposed Bylaw No. 299.
- Are the agencies listed for referral a standard procedure?
 - All of the zoning amendments go through agency consultation particularly First Nations; however, this is not a provincially legislated procedure but a recommended best practice.
- If we proceed with Draft Bylaw No. 299, does this limit us to further pursue the goal of increasing the maximum 10% lot coverage calculation?
 - There is no time limitation to approach the LTC in this regard.
- This is the best step that we have at the moment and these changes will help with the majority of the lots; the next project for the Mudge Island Advisory Planning Commission (APC) will be to review the Mudge Island OCP.
- Asked for clarity on Subsection 5.1(4.1) (l) and (n) woodsheds and accessory buildings for small livestock and food production, what if the buildings are greater than 15 square metres? Does this then count towards lot coverage?
 - Staff will review the wording of these two points to clarify in the Proposed Bylaw.

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:56 pm.

Trustee Mamoser, Acting Chair

Certified Correct:

Nadine Mourao, Recorder



Islands Trust

Gabriola Island

Print Date: September 19, 2018

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2018-05	In Favour	"That the Gabriola Island LTC accept a covenant under S.219 of the Land Title Act from the registered owners of 1575 Hess Road, legally described as Lot 28, S.9, Gabriola Island, Nanaimo District, Plan 30347, PID: 001-272-578, & authorize the chair...	13-Sep-2018

Follow Up Action Report

Gabriola Island

07-May-2015

Activity	Responsibility	Target Date	Status
Staff to schedule a meeting with Snuneymuxw First Nation as per our protocol agreement.		11-Jun-2015	On Going

08-Sep-2016

Activity	Responsibility	Target Date	Status
RDN annual protocol meeting topics: 1. Enforcement of RDN Noise Bylaw; 2. Mudge Island Public Dock; 3. Regulations for temporary dwellings being connected to a sewage disposal system 4. Village North Road street improvements (2a+2b of Village Vision submission to the LTC Jan. 3, 2018); RDN and Islands Trust staff will coordinate on the scheduling of a protocol meeting following the 2018 BC Local Government Election.	Ann Kjerulf		On Going

08-Jun-2017

Activity	Responsibility	Target Date	Status
Request staff to work with GALLT to organize a gathering with the Snuneymuxw First Nation.		29-Jun-2017	On Going

13-Jul-2017

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

First Nations Relationship with Snuneymuxw Nation: LTC resolution to endorse the project charter and commit to hosting one or two public events on Gabriola and/or Mudge. Request staff draft an amendment to the introduction of the OCPs as per staff recommendation.

31-Jul-2017

On Going

07-Sep-2017

Activity	Responsibility	Target Date	Status
GB-DVP-2017.1 - LTC resolution to defer consideration of the applications until First Nation and Arch Branch input are received. Enter into cost recovery agreement with the applicant for preparation of restrictive covenant. See minutes of Sept 8 for LTC requested changes to covenant restrictions.	Teresa Rittemann	29-Sep-2017	On Going

14-Jun-2018

Activity	Responsibility	Target Date	Status
Staff to provide LTC with standard resolution language around enforcement of "limited public market" provisions in the LUB; First Nations relationship building.	Sonja Zupanec		On Going
GB-RZ-2016.1 (Potlatch) - LTC accepted draft final s.2019 covenant as presented and appointed Chair and one Trustee as signatories of the final executable version. Staff to coordinate signatures and registration of covenant on titles.	Sonja Zupanec Ann Kjerulf		Done
Staff to draft a standing resolution with respect to First Nation Relationship Building.	Ann Kjerulf	27-Sep-2018	Done

12-Jul-2018

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

GB-RZ-2018.1 - Staff to refer July 2018 report to the APC, Archaeology Branch and First Nations for comment.	Teresa Rittemann	On Going
Housing Options Review Project Phase 2 - LTC amended draft project charter as per minutes; endorsed Project Charter and post to web. Staff to prepare work plan and budget request. DONE Refer July 2018 report to the APC for comment on engagement strategy and return to LTC for consideration upon confirmation of budget approval.	Sonja Zupanec	On Going
Staff to post Housing Needs Assessment Report to the Latest News section of the Gabriola website and Resources page (done). Staff to post previous terms and Trustee names to webpage where appropriate (done - posted to Trustee Corner webpage).	Emily Kozak	Done

16-Aug-2018

Activity	Responsibility	Target Date	Status
Bylaw 300 (Application Fees) amended and given 1st, 2nd and 3rd readings; forward to the Islands Trust Executive Committee for consideration. Approved by the Executive Committee September 5, 2018.	Becky McErlean Ann Kjerulf	29-Aug-2018	Done
Bylaw 298 (Bylaw Enforcement Notification) given 1st, 2nd and 3rd readings; forward to the Islands Trust Executive Committee consideration. Approved by the Executive Committee September 5, 2018.	Ann Kjerulf	29-Aug-2018	Done
Staff to liaise with Regional District of Nanaimo staff regarding the potential transfer of densities from the Northwest quarter of Section 10 (Coats Marsh Regional Park) to the Gabriola Island Density Bank.	Ann Kjerulf	27-Sep-2018	Done

Follow Up Action Report

Staff to clarify the mechanism for implementing transfer of densities to the Gabriola Island Density Bank.	Sonja Zupanec	27-Sep-2018	On Going
Bylaw 299 (Mudge LUB) amended and given 1st reading; refer to agencies and First Nations; staff to schedule a community information meeting on Mudge Island. CIM scheduled for September 9, 2018 on Mudge Island.	Becky McErlean Teresa Rittemann	27-Sep-2018	Done
Advise Trust Programs Committee that the LTC has experienced barriers to service delivery (see GB LTC Aug. 16 minutes).	Ann Kjerulf	23-Aug-2018	Done
Staff to advise LTC on how to integrate conservation data and mapping resources when considering projects and applications.	Sonja Zupanec	27-Sep-2018	On Going
Defer APC Meeting to discuss referral GB-RZ-2018.1 (Melville) to allow the applicant to attend the meeting.	Penny Hawley Teresa Rittemann	09-Nov-2018	On Going

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 300

A BYLAW TO PRESCRIBE FEES FOR AMENDING BYLAWS, ISSUING PERMITS, EXAMINING APPLICATIONS FOR SUBDIVISION, AND EXAMINING OTHER REFERRALS AND APPLICATIONS

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Gabriola Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1 Citation

- 1.1 This bylaw may be cited as the "Gabriola Island Local Trust Committee Fees Bylaw, 2018".

2 Interpretation

- 2.1 In this bylaw:

“Applicant” means the person authorized under the Gabriola Island Local Trust Committee Development Procedure Bylaw No. 114, 1992 to make the application;

“Islands Trust” means the Director of Local Planning Services or his/her authorized representative;

“Application Fee” means the monetary amount payable to the “Islands Trust”.

3. Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4 the applicant must deliver to the Islands Trust the corresponding application fee in the amount shown in Column 2.

TABLE 1 – Bylaw Amendments	
Column 1	Column 2
1. Official Community Plan amendment	\$5,250
2. Official Community Plan amendment in combination with a consistent application for amendment to a Land Use Bylaw	\$5,900
3. Land Use Bylaw, Zoning Bylaw or Subdivision Bylaw amendment	\$5,250
4. Land Use Contract amendment	\$5,250
5. Official Community Plan or Land Use Bylaw amendments for affordable housing and the applicant is a registered charity or a non-profit society	\$1,000

TABLE 2 – Permits		
Column 1		Column 2
1.	Development permit in respect of a protection areas: DP-1, DP-2, DP-4, DP-5, AND DP-6	\$525
2.	Development permit in respect of the following protection area: DP-3	\$240
3.	Development permit in respect of form and character area	\$800
4.	Development permit amendment	\$200
5.	Development variance permit in respect of a residential development	\$850
6.	Development variance permit in respect of a commercial, industrial or institutional development	\$1,125
7.	Development permit in combination with a companion application for a development variance permit in respect of a residential development	\$925
8.	Development permit in combination with a companion application for a development variance permit in respect of a commercial, industrial or institutional development	\$1,125
9.	Temporary use permit	\$1,300
10.	Temporary use permit renewal	\$200

TABLE 3 – Subdivision Referrals		
Column 1		Column 2
1.	Application for Subdivision Review – first parcel	\$1,300
2.	Application for Subdivision Review – every additional parcel that would be created by the proposed subdivision	\$130
3.	Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$400

TABLE 4 – Other Applications		
Column 1		Column 2
1.	Board of Variance	\$1,200
2.	Strata Conversion	\$1,300
2.	Liquor & Cannabis Regulation Branch – Liquor License	\$1,000
3.	Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License	\$2,000
4.	Liquor & Cannabis Regulation Branch – Temporary License Change	\$100
5.	Zoning Confirmation Letter	\$100

- 3.2 An application administration fee in the amount of \$100.00 being a portion of the fee referred to in Table 1, Table 2, Table 3 or Table 4 is not refundable in any event.
- 3.3 An application administration fee in the amount of \$50.00 being a portion of the fee referred to in Table 2, Table 3, and Table 4 is not refundable in any event.
- 3.4 Subject to Section 3.2 and Section 3.3, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.
- 3.5 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,300.

4. Extraordinary Costs

- 4.1 In the event the costs of processing, inspection, advertising and administration in respect of an application are estimated by the Islands Trust to exceed 150% (percent) of the applicable fee, the Applicant shall pay to the Islands Trust prior to the processing of the application the estimated actual costs of processing, site inspection, advertising and administration.
- 4.2 To the extent the amount paid under Subsection 4.1 exceeds the actual costs of processing, inspection, advertising and administration related to the application, the Islands Trust shall refund the excess amount to the Applicant.
- 4.3 To the extent the amount paid under Subsection 4.1 is less than the actual costs of processing, inspection, advertising and administration, the Islands Trust shall invoice the Applicant for the excess amount which shall become a debt due and payable to the "Islands Trust".

5. Severability

- 5.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

6. Repeal

- 6.1 "Gabriola Island Local Trust Committee Fees Bylaw No. 245, 2007", is repealed upon adoption of this bylaw.

READ A FIRST TIME this 16th day of August , 2018

READ A SECOND TIME this 16th day of August , 2018

READ A THIRD TIME this 16th day of August , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
5th day of September , 2018

ADOPTED this day of , 20XX

Chairperson

Secretary

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 298

A BYLAW TO AMEND THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 263, 2011

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

1. Gabriola Island Local Trust Committee Bylaw cited as “Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011” is hereby amended as follows:
 - i. Part 1.0 INTERPRETATION, Section 1.2, delete the words “North Shore Bylaw Notice Adjudication Registry” and replace with “Islands Trust”;
 - ii. Part 6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM, Section 6.2 is deleted in its entirety and replaced with “The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8”;
 - iii. Part 7.0 SCREENING OFFICERS, Section 7.2, Subsection 7.2.(2) is deleted in its entirety and replaced with “Bylaw Enforcement Manager”;
 - iv. Part 8.0 BYLAW ENFORCEMENT OFFICERS, Section 8.0(a) is deleted in its entirety and replaced with “Bylaw Enforcement Manager”;
 - v. Schedule A – Gabriola Island Land Use Bylaw No. 177, 1999 Contraventions and Penalties, is deleted in its entirety and replaced by “Schedule A - Gabriola Island Land Use Bylaw No. 177, 1999 Contraventions and Penalties”, attached to and forming part of this bylaw;
 - vi. Schedule B – Mudge Island Land Use Bylaw No. 228, 2007 Contraventions and Penalties, is deleted in its entirety and replaced by “Schedule B – Mudge Island Land Use Bylaw No. 228, 2007 Contraventions and Penalties”, attached to and forming part of this bylaw;
 - vii. Schedule C – DeCourcy Island Zoning Bylaw No. 44, 1987 Contraventions and Penalties, is deleted in its entirety and replaced by “Schedule C – DeCourcy Island Zoning Bylaw No. 44, 1987 Contraventions and Penalties”, attached to and forming part of this bylaw.
2. This Bylaw may be cited as “Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018.”

READ A FIRST TIME THIS	16 TH	DAY OF	AUGUST	,2018
READ A SECOND TIME THIS	16 TH	DAY OF	AUGUST	,2018
READ A THIRD TIME THIS	16 TH	DAY OF	AUGUST	,2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	5 TH	DAY OF	SEPTEMBER	,2018
ADOPTED THIS		DAY OF		,20XX

Chair

Secretary

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.1.2.1(a)	Non Permitted Accessory Building Used For Human Habitation	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.1(b)	Rental Of Personal Water Craft	\$150.00	\$112.50	\$225.00	Yes	100%
B.1.2.1(c)	Disposal Of Sewage/Waste Originating Outside Of Area Covered By Gabriola Land Use Bylaw	\$500.00	\$375.00	\$750.00	Yes	100%
B.1.2.1(d)	Use Of Building/Structure/Vessel In Water Area As Residence	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.1(e)	Use Of Land/Building/Structure For Gaming Activities	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.1(f)	Wrecking/Storage Of Derelict Vehicles	\$150.00	\$112.50	\$225.00	Yes	100%
B.1.2.1(f)	Operating Junkyard/Garbage Dump	\$150.00	\$112.50	\$225.00	Yes	100%
B.1.2.1(g)	Use Of Land/Building/Structure For Drive-through Service	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.1.(h)	Non Permitted Game Farming	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.1.(i)	Use of Land/Building/Structure For Manufacturing or Researching Genetically Engineered Seeds/Plants or Animals	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.2	Non Permitted Building/Structure In Water Zones	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.3(a)	More Than One (1) Dwelling Unit	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.3(a)	More Than One (1) Cottage On A Lot	\$300.00	\$225.00	\$450.00	Yes	100%
B.1.2.3(b)	Accessory Structure Contains Toilets/Bathrooms And/Or Food Preparation Areas	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.1.1(a)	Encroachment Into Setback From Watercourses/Sea	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.1.1(b)	Encroachment Of Septic Disposal Sewage Field Into Setback From Sea/Lake/Stream/Wetland	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.1.2	Encroachment Into Setback From A Bluff	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.1.3	Inadequate Landscape Screen To Protect Nesting Trees	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.1.4(a)	Encroachment Of Structure Into Setback From Zone Boundary	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.3.2	Building/Structure Exceeding Maximum Permitted Height	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.2.4.1	Fence Exceeding Maximum Permitted Height	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.5.1(a)	Pump/Utility House Exceeding Maximum Permitted Floor Area	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.5.1(b)	Pump/Utility House Exceeding Maximum Permitted Height	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.6.1(a)	Retaining Wall Exceeding Maximum Permitted Height	\$300.00	\$225.00	\$450.00	Yes	100%
B.2.7.1	Fail To Meet Landscape Screen Regulations	\$100.00	\$75.00	\$150.00	Yes	100%
B.2.9	Over-Height Landscape Screen/ Landscaping/Fences/Building/ Structure On Corner Lot	\$100.00	\$75.00	\$150.00	Yes	100%
B.2.10	Fail To Provide Landscape Screen For Bulk Transportation Containers	\$100.00	\$75.00	\$150.00	Yes	100%
B.3.1.1	Home Occupation Not Conducted By Permanent Resident	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.1.2	Permanent Resident Not Principal Worker/Operator Of Home Occupation	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.2.1	Non Permitted Home Occupation	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.3.1(a)	Home Occupation Not Accessory To Principal Residential Use Of The Property	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.3.1(b)	Exceed Maximum Permitted Floor Area For Home Occupation	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.3.1(c)	Exterior Indication Of Home Occupation	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.3.1(d)	Home Occupation Producing Vibration/Smoke/Dust/Odour/ Litter/Electrical Interference/Fire Hazard/Effluence/Glare Detectable Outside The Boundaries Of The Lot	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.3.1(e)	Home Occupation Producing Noise Detectable Outside Lot Boundaries	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.3.1(f)	Home Occupation Contaminating Soil/Surface Water	\$300.00	\$225.00	\$450.00	Yes	100%
B.3.3.1(g)	Drainage/Catchment Mechanisms Not Maintained Or Impervious Barrier/Container Not Preventing Contamination Of Unpaved Area	\$300.00	\$225.00	\$450.00	Yes	100%
B.3.3.1(h)	Fail To Provide Required Parking For Home Occupation	\$250.00	\$187.50	\$425.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.3.4.1	Non Permitted Home Industry	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.4.2(a)	Home Industry Operated On Non Permitted Lot	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.4.2(b)	Fail To Provide Screening Of Home Industry	\$100.00	\$75.00	\$150.00	Yes	100%
B.3.4.2(c)	Exceed Maximum Combined Areas For Home Industry	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.4.2(d)	Operation Of Home Industry Outside Of Permitted Hours/Days	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.4.2(e)	Home Industry Encroaching Lot Line Setback	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.5	Exceed Permitted Number Of Employees In Home Occupation	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.6.1(a)	Bed & Breakfast Exceeds Permitted Temporary Accommodation Bedrooms	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.6.1(b)	Bed & Breakfast Temporary Accommodation Bedrooms Not Reduced In Direct Proportion To Number Of Bedrooms Used For Boarders	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.6.1(c)	Use Of Accessory Building For Bed & Breakfast	\$300.00	\$225.00	\$450.00	Yes	100%
B.3.6.1(d)	Bed & Breakfast Serving Meals Other Than Breakfast	\$250.00	\$187.50	\$375.00	Yes	100%
B.3.6.2(e)	Bed & Breakfast Providing Additional Cooking Facilities	\$250.00	\$187.50	\$375.00	Yes	100%
B.4.1.1	Exceed Maximum Permitted Signs	\$150.00	\$112.50	\$225.00	Yes	100%
B.4.1.1	Exceed Maximum Permitted Sign Area	\$150.00	\$112.50	\$225.00	Yes	100%
B.4.1.2	Real Estate Sign Exceeding Maximum Size	\$150.00	\$112.50	\$225.00	Yes	100%
B.4.1.2	Fail To Remove Real Estate Sign Within Two (2) Weeks Of Sale	\$150.00	\$112.50	\$225.00	Yes	100%
B.4.1.3	Non Permitted Illuminated Sign	\$150.00	\$112.50	\$225.00	Yes	100%
B.4.1.4	More Than One (1) Home Occupation Sign	\$150.00	\$112.50	\$225.00	Yes	100%
B.4.1.4	Home Occupation Sign Exceeding Maximum Permitted Area	\$150.00	\$112.50	\$225.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.4.3.	Third Party Signs, Temporary Signs and Temporary Directional Signs Exceeding Maximum Permitted Area	\$150.00	\$112.50	\$225.00	Yes	100%
B.5.1.1	Fail To Provide/Maintain Required Off-road Parking Spaces	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.3.1	Fail To Provide Adequate Manoeuvring Aisle	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.3.2	Fail To Meet Parking Space Size Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.3.3	Fail To Meet Accessible Parking Space Size Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.3.4	Fail to Meet Required Motorcycle/Scooter Parking Space Size Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.3.5	Fail to Meet Required Small Vehicle Parking Space Size Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.3.6	Fail to Provide/Maintain Required 'Small Vehicle Only' Parking Space Size and Identification Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.4.1	Parking Spaces On Non Permitted Lot	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.4.2	Fail To Locate and Identify Accessible, Small Vehicle and Motorcycle/Scooter Parking Spaces Adjacent To Main Entrance	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.4.3	More Than 50% Of Setback Used For Parking/Manoeuvring	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.4.3	Parking Space Located Within 1.5 Meters (4.9 Feet) Of Property Boundary	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.5.1	Fail to Provide Bicycle Parking Spaces to Access Aisle Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.5.2	Fail to Meet Required Bicycle Parking Space Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.5.3	Fail to Meet Required Bicycle Parking Infrastructure Standards	\$250.00	\$187.50	\$375.00	Yes	100%
B.5.5.4	Fail to Provide Required Bicycle Parking Space Location Requirements	\$250.00	\$187.50	\$375.00	Yes	100%
B.6.1.1	More Than Four (4) Boarders	\$250.00	\$187.50	\$375.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
B.6.2.1	Fail To Enclose/Screen/Fence Equipment When Market Closed	\$100.00	\$75.00	\$150.00	Yes	100%
B.6.2.2	Market Vendor Sign Exceeds Maximum Permitted Size	\$150.00	\$112.50	\$225.00	Yes	100%
B.6.2.3	Permanent Structure Used Primarily For Market	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.3.1	Use Of Cottage For Overnight Accommodation On Less Than A Monthly Basis	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.3.2	Exceed Maximum Permitted Floor Area Of Cottage	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.4.1(a)	Use Of Temporary Dwelling Without Building Permit For Principal Dwelling	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.4.1(b)	Inadequate Screening Of Trailer/Recreational Vehicle Used As Temporary Dwelling	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.4.1(c)	Trailer/Recreational Vehicle Used As Temporary Dwelling Not Connected To Approved Sewage System	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.4.2	Exceed Combined Total Of Two (2) Tents/Tent Trailers/Camper Vehicles/Travel Trailers/Recreational Vehicles Used For Seasonal Accommodation	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.4.2	Exceed Maximum Permitted Days Of Seasonal Accommodation Use	\$300.00	\$225.00	\$450.00	Yes	100%
B.6.5.1	Non Permitted Storage Of Unlicensed Vehicle	\$150.00	\$112.50	\$225.00	Yes	100%
D.1.1.1	Non Permitted Use In Small Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.1.2	Non Permitted Building/Structure In Small Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.1.3(a)	Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Small Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.1.3(b)	Exceed Maximum Permitted Lot Coverage In Small Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.2.1	Non Permitted Use In Large Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.1.2.2	Non Permitted Building/Structure In Large Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.2.3(a)	Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Large Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.2.3(b)	Exceed Maximum Permitted Lot Coverage In Large Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.3.1	Non Permitted Use In Seniors And Special Needs Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.3.2	Non Permitted Building/Structure In Seniors And Special Needs Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.3.3(a)	Building/Structure Exceeds Maximum Permitted Height In Seniors And Special Needs Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.3.3(b)	Encroachment Of Building/Structure Into Setback In Seniors And Special Needs Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.3.3(c)	Exceed Maximum Permitted Lot Coverage In Seniors And Special Needs Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.1.3.3(e)	Dwelling Unit Exceeds Maximum Permitted Area In Seniors And Special Needs Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.1.1	Non Permitted Use In Agricultural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.1.2	Non Permitted Building/Structure In Agricultural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.1.3(a)	Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Agricultural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.1.3(b)	Exceed Maximum Permitted Lot Coverage In Agricultural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.2.1	Non Permitted Use In Forestry Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.2.2	Non Permitted Structure/Building In Forestry Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.2.3(a)	Encroachment Of Building/Structure Into Setback In Forestry Zone	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.2.2.3(b)	Exceed Maximum Permitted Lot Coverage In Forestry Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.3.1	Non Permitted Use In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.3.2	Non Permitted Structure/Building In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.3.3(a)	Building/Structure Exceeds Maximum Permitted Height In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.3.3(b)	Encroachment Of Building/Structure Into Setback In Forestry/Wilderness Recreation 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.4.1	Non Permitted Use In Resource Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.4.2	Non Permitted Building/Structure In Resource Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.4.3(a)	Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Resource Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.4.3(b)	Exceed Maximum Permitted Lot Coverage In Resource Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.6.1	Non Permitted Use In Resource Residential 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.6.2	Non Permitted Building/Structure In Resource Residential 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.6.3(a)	Encroachment Of Building/Structure Into Setback In Resource Residential 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.6.3(b)	Exceed Maximum Permitted Lot Coverage In Resource Residential 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.7.1	Non Permitted Use In Gravel Pit Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.7.2	Non Permitted Building/Structure In Gravel Pit Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.7.3(a)	Building/Structure Exceeding Maximum Permitted Height In Gravel Pit Zone	\$300.00	\$225.00	\$450.00	Yes	100%

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GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.2.7.3(b)	Encroachment Of Building/Structure Into Setback In Gravel Pit Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.7.3(c)	Exceed Maximum Permitted Lot Coverage In Gravel Pit Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.8.1	Non Permitted Use In Comprehensive Development Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.2.8.2	Non Permitted Building/Structure In Comprehensive Development Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D2.8.3(a)	Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Comprehensive Development Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D2.8.3(b)	Building/Structure Exceeding Maximum Permitted Height In Comprehensive Development Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D2.8.3(c)	Exceed Maximum Permitted Lot Coverage In Comprehensive Development Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.1.1	Non Permitted Use In Village Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.1.2	Non Permitted Building/Structure In Village Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.1.3(a)	Building/Structure Exceeding Maximum Permitted Height In Village Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.1.3(b)	Encroachment Of Building/Structure Into Setback In Village Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.1.3(c)(i)	Exceed Maximum Permitted Lot Coverage In Village Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.1.3(c)(ii)	Exceed Maximum Permitted Floor Area Ratio In Village Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.1.3(e)	More Than Ten (10) Vehicles Offered For Sale/Rent on Lot In Village Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.2.1	Non Permitted Use In Village Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.2.2	Non Permitted Building/Structure In Village Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

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GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.3.2.3(a)	Building/Structure Exceeding Maximum Permitted Height In Village Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.2.3(b)	Encroachment Of Building/Structure Into Setback In Village Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.2.3(c)(i)	Exceed Maximum Permitted Lot Coverage In Village Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.2.3(c)(ii)	Exceed Maximum Permitted Floor Area Ratio In Village Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.2.3(e)	Exceed Maximum Permitted Combined Floor Area In Village Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.3.1	Non Permitted Use In District Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.3.2	Non Permitted Building/Structure In District Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.3.3(a)	Building/Structure Exceeding Maximum Permitted Height In District Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.3.3(b)	Encroachment Of Building/Structure Into Setback In District Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.3.3(c)(i)	Exceed Maximum Permitted Lot Coverage In District Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.3.3(c)(ii)	Exceed Maximum Permitted Floor Area Ratio In District Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.3.3(e)	More Than Ten (10) Vehicles Offered For Sale/Rent In District Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.4.1	Non Permitted Use In Local Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.4.2	Non Permitted Building/Structure In Local Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.4.3(a)	Building/Structure Exceeding Maximum Permitted Height In Local Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

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GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.3.4.3(b)	Encroachment Of Building/Structure Into Setback In Local Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.4.3(c)	Exceed Maximum Permitted Lot Coverage Local Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.5.1	Non Permitted Use In Local Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.5.2	Non Permitted Building/Structure In Local Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.5.3(a)	Building/Structure Exceeding Maximum Permitted Height In Local Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.5.3(b)	Encroachment Of Building/Structure Into Setback In Local Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.5.3(c)(i)	Exceed Maximum Permitted Lot Coverage In Local Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.5.3(c)(ii)	Exceed Maximum Permitted Floor Area In Local Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.6.1	Non Permitted In Local Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.6.2	Non Permitted Building/Structure In Local Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.6.3(a)	Building/Structure Exceeding Maximum Permitted Height In Local Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.6.3(b)	Encroachment Of Building/Structure Into Setback In Local Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.6.3(c)	Exceed Maximum Permitted Lot Coverage In Local Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.6.3(e)(i)	Mini Storage Exceeds Maximum Permitted Floor Area In Local Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.6.3(e)(ii)	Fail To Provide Screening Of Mini Storage In Local Commercial 3 Zone	\$100.00	\$75.00	\$150	Yes	100%
D.3.7.1	Non Permitted Use In Ferry Parking Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.7.2	Non Permitted Building/Structure In Ferry Parking Zone	\$250.00	\$187.50	\$375.00	Yes	100%

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GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.3.7.3(a)	Exceed Maximum Permitted Lot Coverage In Ferry Parking Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.7.3(c)(i)	Fail To Screen Parking Area In Ferry Parking Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.7.3(c)(ii)	Non Permitted Or Inadequate Parking Area Surface/Drainage In Ferry Parking Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.7.3(c)(iii)	Fail To Deflect Lighting Towards Surface of Parking Area	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.8.1	Non Permitted In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.8.2	Non Permitted Building/Structure In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.8.3(a)	Building/Structure Exceeds Maximum Permitted Height In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.8.3(b)	Encroachment Of Building/Structure Into Setback In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.8.3(c)(i)	Exceed Maximum Permitted Lot Coverage In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.8.3(c)(ii)	Exceed Maximum Permitted Floor Area In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.8.3(e)(i)	Exceed Maximum Permitted Size Of Tourist Accommodation Unit In Tourist Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.8.3(e)(ii)	Non Permitted Cooking Facilities In Tourist Accommodation Unit In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.8.3(e)(iii)	Tourist Accommodation Unit Occupancy Exceeds Maximum Time Period In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.8.3(e)(iv)	Campsite Occupancy Exceeds Maximum Time Period In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.8.3(e)(v)	Non Permitted Licensed Liquor Establishments In Tourist Commercial 1 Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.9.1	Non Permitted In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.3.9.2	Non Permitted Building/Structure In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.9.3(a)	Building/Structure Exceeds Maximum Permitted Height In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.9.3(b)	Encroachment Of Building/Structure Into Setback In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.9.3(c)(i)	Exceed Maximum Permitted Lot Coverage In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.9.3(c)(ii)	Exceed Maximum Permitted Floor Area In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.9.3(e)(i)	Exceed Permitted Number Of Campsites In Tourist Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.9.3(e)(ii)	Tent/Tent-Trailer/Camper Vehicle/Recreation Vehicle On Campsite For More Than 60 Days A Year	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.9.3(e)(iii)	Campsite Occupied By Person Consecutively Or Cumulatively For More Than 60 Days Within A Year In Tourist Commercial 2 Zone	\$250.00	\$187.50	\$375.00	Yes	100%
D.3.10.1	Non Permitted In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.10.2	Non Permitted Building/Structure In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.10.3(a)	Building/Structure Exceeds Maximum Permitted Height In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.10.3(b)	Encroachment Of Building/Structure Into Setback In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.10.3(c)(i)	Exceed Maximum Permitted Lot Coverage In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.10.3(c)(ii)	Exceed Maximum Permitted Floor Area In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.3.10.3(e)(i)	Exceed Maximum Permitted Floor Area For Sales Of Products/Services In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.3.10.3(e)(ii)	Non Permitted Outdoor Storage In Industrial – Light 1 Zone	\$100.00	\$75.00	\$150	Yes	100%
D.3.10.3(e)(iii)	Non Permitted Storage Of Hazardous Materials In Industrial – Light 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.1.1	Non Permitted Use In Provincial And Regional Park Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.1.2	Non Permitted Building/Structure In Provincial And Regional Park Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.1.3(a)	Building/Structure Exceeds Maximum Permitted Height In Provincial And Regional Park Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.1.3(b)	Encroachment Of Building/Structure/campsite Into Setback In Provincial And Regional Park Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.1.3(c)	Exceed Maximum Permitted Lot Coverage In Provincial And Regional Park Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.2.1	Non Permitted Use In Parks 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.2.2	Non Permitted Building/Structure In Parks 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.2.3(a)	Building/Structure Exceeds Maximum Permitted Height In Parks 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.2.3(b)	Encroachment Of Building/Structure Into Setback In Parks 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.2.3(c)	Exceed Maximum Permitted Lot Coverage In Parks 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.3.1	Non Permitted Use In Parks 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.3.2	Non Permitted Building/Structure In Parks 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.3.3(a)	Building/Structure Exceeds Maximum Permitted Height In Parks 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.3.3(b)	Encroachment Of Building/Structure Into Setback In Parks 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.3.3(c)	Exceed Maximum Permitted Lot Coverage In Parks 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.4.4.1	Non Permitted Use In Institutional 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.4.2	Non Permitted Building/Structure In Institutional 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.4.3(a)	Building/Structure Exceeds Maximum Permitted Height In Institutional 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.4.3(b)	Encroachment Of Building/Structure Into Setback In Institutional 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.4.3(c)(i)	Exceed Maximum Permitted Lot Coverage In Institutional 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.4.3(c)(ii)	Exceed Maximum Permitted Floor Area In Institutional 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.5.1	Non Permitted Use In Institutional 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.5.2	Non Permitted Building/Structure In Institutional 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.5.3(a)	Building/Structure Exceeds Maximum Permitted Height In Institutional 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.5.3(b)	Encroachment Of Building/Structure Into Setback In Institutional 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.5.3(c)	Exceed Maximum Permitted Lot Coverage In Institutional 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.6.1	Non Permitted Use In Institutional 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.6.2	Non Permitted Building/Structure In Institutional 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.6.3(a)	Building/Structure Exceeds Maximum Permitted Height In Institutional 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.6.3(b)	Encroachment Of Building/Structure Into Setback In Institutional 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.6.3(c)	Exceed Maximum Permitted Lot Coverage In Institutional 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.7.1	Non Permitted Use In Institutional 4 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.7.2	Non Permitted Building/Structure In Institutional 4 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

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Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.4.7.3(a)	Building/Structure Exceeds Maximum Permitted Height In Institutional 4 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.7.3(b)	Encroachment Of Building/Structure Into Setback In Institutional 4 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.7.3(c)	Exceed Maximum Permitted Lot Coverage In Institutional 4 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.7.3(e)	Fail To Screen Parking Area In Institutional 4 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.8.1	Non Permitted In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.8.2	Non Permitted Building/Structure In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.8.3(a)	Building/Structure Exceeds Maximum Permitted Height In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.8.3(b)	Encroachment Of Building/Structure Into Setback In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.4.8.3(c)	Exceed Maximum Permitted Lot Coverage In Yacht Club Outstation – Upland Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.1.1	Non Permitted Use In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.1.2	Non Permitted Structure In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.1.3.(a)	Structure Exceeds Maximum Permitted Height In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.1.3.(b)	Encroachment Of Structure Into Setback In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.1.3.(c)(i)	Non Permitted Building In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.1.3.(c)(ii)	Non Permitted Commercial Or Industrial Use In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.2.1	Non Permitted Use In Water Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.5.2.2	Non Permitted Building/Structure In Water Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.2.3(a)	Building/Structure Exceeds Maximum Permitted Height In Water Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.2.3(b)	Encroachment Of Building/Structure Into Setback In Water Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.2.3(c)	Non Permitted Residential Use Of Vessels In Water Commercial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.3.1	Non Permitted Use In Water Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.3.2	Non Permitted Structure In Water Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.3.3(a)	Structure Exceeds Maximum Permitted Height In Water Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.3.3(b)	Encroachment Of Structure Into Setback In Water Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.3.3(c)	Non Permitted Building In Water Commercial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.4.1	Non Permitted Use Of Structure In Water Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.4.2	Non Permitted Structure In Water Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.4.3(a)	Structure Exceeds Maximum Permitted Height In Water Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.4.3(b)	Encroachment Of Structure Into Setback In Water Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.4.3(c)	Non Permitted Building In Water Commercial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.5.1	Non Permitted Use In Water Industrial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.5.2	Non Permitted Building/Structure In Water Industrial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.5.3(a)	Building/Structure Exceeds Maximum Permitted Height In Water Industrial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.5.5.3(b)	Encroachment Of Building/Structure Into Setback In Water Industrial 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.6.1	Non Permitted Use In Water Industrial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.6.2	Non Permitted Structure In Water Industrial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.6.3(a)	Structure Exceeds Maximum Permitted Height In Water Industrial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.6.3(b)	Non Permitted Building In Water Industrial 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.7.1	Non Permitted Use In Water Industrial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.7.2	Non Permitted Structure In Water Industrial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.7.3(a)	Structure Exceeds Maximum Permitted Height In Water Industrial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.7.3(b)	Encroachment Of Structure Into Setback In Water Industrial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.7.3(c)	Non Permitted Building In Water Industrial 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.8.1	Non Permitted Use In Water Protection 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.8.2	Non Permitted Structure In Water Protection 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.8.3(a)	Structure Exceeds Maximum Permitted Height In Water Protection 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.8.3(b)	Encroachment Of Structure Into Setback In Water Protection 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.8.3(c)(i)	Non Permitted Building In Water Protection 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.8.3(c)(ii)	Non Permitted Commercial Or Industrial Use In Water Protection 1 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.9.1	Non Permitted Use In Water Protection 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.9.2	Non Permitted Structure In Water Protection 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule A
GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply to the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
D.5.9.3(a)	Structure Exceeds Maximum Permitted Height In Water Protection 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.9.3(b)	Encroachment Of Structure Into Setback In Water Protection 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.9.3(c)(i)	Non Permitted Building In Water Protection 2 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.9.3(c)(ii)	Non Permitted Commercial Or Industrial Use	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.10.1	Non Permitted Use In Water Protection 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.10.2	Non Permitted Structure In Water Protection 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.10.3	Non Permitted Building In Water Protection 3 Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.11.1	Non Permitted Use In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.11.2	Non Permitted Structure In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.11.3(a)	Structure Exceeds Maximum Permitted Height In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.11.3(b)	Encroachment Of Structure Into Setback In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
D.5.11.3(c)	Non Permitted Building In Water Yacht Club Outstation Zone	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule B
MUDGE ISLAND LAND USE BYLAW NO. 228, 2007
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.1	Non Permitted Use/Structure	\$300.00	\$225.00	\$450.00	Yes	100%
3.2.1(a)	Storage And Disposal Of Domestic/Hazardous/Toxic Waste	\$300.00	\$225.00	\$450.00	Yes	100%
3.2.1(b)	Bridges/Causeways/Tunnels/Utility Lines Connecting Islands	\$300.00	\$225.00	\$450.00	Yes	100%
3.3.2	Encroachment Of Building/Structure Into Setback	\$300.00	\$225.00	\$450.00	Yes	100%
3.3.3	Encroachment Of Trough/Manure Pile Into Setback	\$300.00	\$225.00	\$450.00	Yes	100%
3.3.4	Encroachment Into Setback From Natural Boundary Of Wetland/Watercourse/Sea/Body Of Water	\$300.00	\$225.00	\$450.00	Yes	100%
3.3.5	Encroachment Into Setback From Natural Boundary Of Sea	\$300.00	\$225.00	\$450.00	Yes	100%
3.4.1(a)	Building/Structure Exceeds Height Restriction	\$300.00	\$225.00	\$450.00	Yes	100%
3.4.1(b)	Fence Exceeds Height Restriction	\$300.00	\$225.00	\$450.00	Yes	100%
3.5.1	Non Permitted Use Of Building/Structure For Overnight Accommodation	\$300.00	\$225.00	\$450.00	Yes	100%
3.5.3	Non Permitted Residential Use Of Vessel/Building/Structure Located On Waters	\$300.00	\$225.00	\$450.00	Yes	100%
3.6.1	Non Permitted Home Occupation	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(a)	Home Occupation Not Accessory To Active Residential Use	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(b)	Home Occupation Not Carried Out By Minimum One Permanent Resident Or Permanent Resident Not Sole/Principal Worker And Operator Or More Than Two People Employed At Any Given Time	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(c)	Fail To Retain Residential Appearance On Home Occupation Premises	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(d)	Home Occupation Produces Excessive Vibration/Smoke/Dust/Odour/Litter/Electrical Interference/Fire Hazard/Effluent/Glare Detectable Outside Boundaries Of Lot	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(e)	Create/Permit Noise Which Disturbs Persons/Clearly Audible Off Lot Of Home Occupation	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(f)	Home Occupation Results In Contamination Of Any Soil/Surface Water	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(g)	Inappropriate/Not Maintained Mechanisms To Prevent Spills/Contaminations For Paved And Unpaved Areas Used for Vehicle/Engine/Equipment/Appliance/Vessel Construction Or Repairs	\$250.00	\$187.50	\$375.00	Yes	100%

Schedule B
MUDGE ISLAND LAND USE BYLAW NO. 228, 2007
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.6.2(h)	Home Occupation Not Entirely Conducted In Single Family Dwelling Unit Or Non-residential Accessory Building And Exceeds Maximum Floor Area Restriction	\$250.00	\$187.50	\$375.00	Yes	100%
3.6.2(i)	Non Permitted Use Of Outdoor Space For Home Occupation	\$300.00	\$225.00	\$450.00	Yes	100%
3.7.1	Inadequate Landscape Screen	\$100.00	\$75.00	\$150.00	Yes	100%
3.8.1(a)	Inadequate Landscape Screen Or Unapproved Sewage Disposal System For Recreational Vehicles/Tents/Campers Used As Residential Dwellings	\$200.00	\$150.00	\$300.00	Yes	100%
3.8.1(b)	Exceed Time Period Of Recreational Vehicles/Tents/Campers Used As Seasonal Non-commercial Accommodation	\$300.00	\$225.00	\$450.00	Yes	100%
3.8.2	Temporary Residential Use Of Vehicles/Tents/Campers During Construction Of Dwelling Not Ceased Upon Occupancy Of The Dwelling	\$300.00	\$225.00	\$450.00	Yes	100%
3.9.1	Wrecking/Storage Of Vehicles/Vessels Or Use Of Parcel As Junkyard	\$150.00	\$112.50	\$225.00	Yes	100%
3.9.2	Inadequate Screening Of Unlicensed Vehicles/Vessels Undergoing Repair Or Exceed Maximum Number Vehicles/Vessels	\$150.00	\$112.50	225.00	Yes	100%
5.1.1	Non Permitted Principal Use In A Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.1.2	Non Permitted Accessory Use In A Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.1.3	Non Permitted Building/Structure In Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.1.4	Exceed Maximum Lot Coverage In Rural Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.1.5	Cottage Exceeds Maximum Permitted Floor Area	\$300.00	\$225.00	\$450.00	Yes	100%
5.1.6	Encroachment Into Setback In Rural Residential Zone On Lots 0.4 Hectares Or Less	\$300.00	\$225.00	\$450.00	Yes	100%
5.1.7	Encroachment Into Setback In Rural Residential Zone On Lots Greater Than 0.4 Hectares	\$300.00	\$225.00	\$450.00	Yes	100%
5.2.1	Non Permitted Use In A Park And Institutional Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.2.2	Non Permitted Building/Structure In Park And Institutional Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.2.3	Exceed Maximum Lot Coverage In Park And Institutional Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.2.4	Encroachment Into Setback In Park And Institutional Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.3.1	Non Permitted Use/Structure In Water Zone	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule B
MUDGE ISLAND LAND USE BYLAW NO. 228, 2007
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
5.3.2	Float/Dock/Wharf Exceeds Area Restriction	\$300.00	\$225.00	\$450.00	Yes	100%
5.3.3	Access Ramp/Pier/Walkway Connecting To Float/Dock/Wharf Exceeds Width Restriction	\$300.00	\$225.00	\$450.00	Yes	100%
5.3.4	Storage Structure Exceeds Maximum Height/Floor Area Restrictions In Water Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.3.5	Encroachment Into Setback In Water Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.1	Non Permitted Principal Use In A Water Marina Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.2	Non Permitted Accessory Use In A Water Marina Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.3	Non Permitted Building/Structure In Water Marina Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.5	Storage Structure Exceeds Maximum Height/Floor Area Restrictions In Water Marina Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.6	Encroachment Into Setback In Water Marina Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.7	Bulletin Boards Exceed Maximum Height/Area Restrictions In Water Marina Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.8	Inappropriate Deflecting Of Lighting Or Lighting Structure Exceeds Maximum Height Restriction In Water Marina Zone	\$300.00	\$225.00	\$450.00	Yes	100%
5.4.9	Non Permitted Parking Area Surface Or Inadequate Drainage And Pollution Measures In Water Marina Zone	\$250.00	\$187.50	\$375.00	Yes	100%
6.1.1	Exceed Maximum Number/Area Of Signs	\$150.00	\$112.50	\$225.00	Yes	100%
6.1.2(a)	Home Occupation Sign Exceeds Permitted Combined Face Area	\$150.00	\$112.50	\$225.00	Yes	100%
6.1.2(c)	Real Estate Signs Exceed Maximum Area/Permitted Time Period To Be Displayed	\$150.00	\$112.50	\$225.00	Yes	100%
6.2	Non Permitted Animated/Illuminated/Flashing Sign	\$150.00	\$112.50	\$225.00	Yes	100%
6.3	Obsolete Sign Not Removed Immediately	\$150.00	\$112.50	\$225.00	Yes	100%
7.1.1	Fail To Provide/Maintain Off-road Parking	\$250.00	\$187.50	\$375.00	Yes	100%
7.1.2	Parking Space Does Not Meet Size Requirements	\$250.00	\$187.50	\$375.00	Yes	100%
7.1.3	Fail To Provide Off Road Parking Spaces On Lot/Site Containing Use/Building/Structure Being Served	\$250.00	\$187.50	\$375.00	Yes	100%
7.2	Fail To Provide Minimum Number Of Parking Spaces Required	\$250.00	\$187.50	\$375.00	Yes	100%

Schedule C
DECOURCY ISLAND ZONING BYLAW NO. 44, 1987
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1	Non Permitted Use/Structure	\$300.00	\$225.00	\$450.00	Yes	100%
2.6	Non Permitted Guest Cottage/Guest Cottage Exceeds Floor Area Restriction	\$300.00	\$225.00	\$450.00	Yes	100%
2.7	Non Permitted Transient Vessel	\$300.00	\$225.00	\$450.00	Yes	100%
3.1(a)	Non Permitted Use In A Settlement Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.1(b)	Non Permitted Building/Structure In Settlement Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.1(c)(i)	Exceed Site Density In Settlement Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.1(c)(ii)	Building/Structure Exceeds Height Restriction In Settlement Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.1(c)(iii)	Encroachment Into Setback In Settlement Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.1(c)(iv)	Exceed Maximum Lot Coverage In Settlement Residential Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.2(a)	Non Permitted Use In Rural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.2(b)	Non Permitted Building/Structure In Rural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.2(c)(i)	Exceed Site Density In Rural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.2(c)(ii)	Building/Structure Exceeds Height Restriction In Rural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.2(c)(iii)	Encroachment Into Setback In Rural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.2(c)(iv)	Exceed Maximum Lot Coverage In Rural Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.3(a)	Non Permitted Use In Public Recreation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.3(b)	Non Permitted Building/Structure In Public Recreation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.3(c)(i)	Building/Structure Exceeds Height Restriction In Public Recreation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.3(c)(ii)	Encroachment Into Setback In Public Recreation Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.4(a)	Non Permitted Use In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.4(b)	Non Permitted Building/Structure In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.4(c)(i)	Non Permitted Residential Use In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.4(c)(ii)	Non Permitted Building In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.4(c)(iii)	Encroachment Into Setback In Water General Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.5(a)	Non Permitted Use In Mariculture Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.5(b)	Non Permitted Building/Structure In	\$300.00	\$225.00	\$450.00	Yes	100%

Schedule C
DECOURCY ISLAND ZONING BYLAW NO. 44, 1987
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
	Mariculture Zone					
3.5(c)(i)	Non Permitted Residential Use In Mariculture Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.6(a)	Non Permitted Use In Centralized Moorage Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.5(b)	Non Permitted Building/Structure In Centralized Moorage Zone	\$300.00	\$225.00	\$450.00	Yes	100%
3.5(c)(i)	Use Of Land/Water/Structures As Yacht Club/Yacht Club Outstation In Centralized Moorage Zone	\$300.00	\$225.00	\$450.00	Yes	100%



File No.: 5420-30 [correspondence]

DATE OF MEETING: September 27, 2018
TO: Gabriola Island Local Trust Committee
FROM: David Marlor, RPP, Director
Local Planning Services
COPY: Clare Frater, Director, Trust Area Services
SUBJECT: Response from Executive Committee Regarding Rainwater Harvesting Standards Advocacy

PURPOSE

The purpose of this memorandum is to advise of the Executive Committee's decision in relation to the Gabriola Island Local Trust Committee request regarding rainwater harvesting standards advocacy.

At its regular business meeting on September 5, 2018, the Executive Committee passed the following resolution:

It was Moved and Seconded that the Executive Committee advise the Gabriola Island Local Trust Committee that staff is monitoring provincial policy developments regarding rainwater harvesting standards and will report back to the Executive Committee.

BACKGROUND

At its September 5, 2018 business meeting, the Executive Committee received the following request from the Gabriola Island Local Trust Committee:

GB-2018-004 (January 18, 2018)

It was Moved and Seconded that the Gabriola Island Local Trust Committee refer point 2c of the Village Vision Delegation's submission to the Trust Programs Committee for consideration:

"adopt a co-ordinated inter-agency (Islands Trust, RDN and MOTI) approach to: c) the development of standards that would allow for safe rainwater harvesting for potable use in multi-family, commercial and institutional settings".

After discussions with the Director of Trust Area Services, this request was redirected to the Executive Committee as an advocacy issue.

NEXT STEPS

Staff will monitor and report back to the Executive Committee on any policy developments on this issue.

Submitted By:	David Marlor, RPP, Director of Local Planning Services	September 5, 2018
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From: [REDACTED]
Sent: Tuesday, August 14, 2018 12:25 PM
To: gbltcwebmail
Subject: Contact Form Submission

Contact: Gabriola Island Local Trust Committee
Name: Hilary Reid
Email: [REDACTED]

If you would like to be contacted using a different method than E-mail, please enter the details:

Write your message: To Hon. Marc Garneau, Minister of Transport Cc: Hon. Sheila Malcolmson, MP, Nanaimo-Ladysmith; Vancouver Fraser Port Authority; Gabriola Island Local Trust Committee August 14th, 2018 Dear Mr. Garneau: Re: Freighter Anchorage-Pylades Channel, South Coast British Columbia My husband and I just spent from August 8th to 12th at our family property located on the south east end of Gabriola Island. We were shocked and dismayed to see a large freighter, the Panama- registered Croatia Nature, anchored near the north end of Pylades Channel in the small body of water between our property on Gabriola Island and DeCourcy Island. This is the first time in 15 years of owning this property that we have observed a freighter moored in this spot. We are very concerned about the impact of having freighter anchorages in this area for a number of reasons. First, Pylades Channel, a major traffic hub for small craft, already sees a sizeable amount of recreational boat traffic. The waters at the north end of Pylades Channel are rendered unpredictable and often unsafe due to the strong currents which flow through Gabriola Passage; in fact, most small craft only attempt this Passage during slack tides, as the currents can be quite dangerous. Having a large obstacle like a freighter in mid-channel presents a navigational hazard to boats already contending with other vessels, tugs, sea planes, and strong currents. Second, this freighter moorage location impedes access to Pirates Cove, a lovely public Marina on DeCourcy Island, adjacent to a large marine park where people camp and picnic. Pirates Cove is also a destination for float planes to land and take off, and a freighter moored in the immediate vicinity will certainly make their job more hazardous. The north end of Pylades Channel, bounded by Valdez on its eastern side, also includes a log booming area adjacent to Valdez, and is heavily used by tug boats guiding very large flotillas of logs through the Channel both day and night, depending on tides and currents. A freighter in this particular location makes for a very daunting obstacle for these working boats to manoeuvre around, especially in this channel of strong currents coming out of Gabriola Passage. Another major concern is that there are many full time and recreational residences on Gabriola, DeCourcy and Ruskin Islands around the northern end of Pylades Channel that will experience the negative impacts from noise, water, and air pollution resulting from freighters mooring in the area. This area is normally very quiet, so we were quite disturbed by the amount of industrial noise and air pollution generated by this freighter—we could hear the obnoxious rumble of its generators continuously over the five days we visited. Many people swim off Gabriola's Spring Beach and other beaches in the area, and there are no guarantees that large international freighters in such close proximity to these beaches will abide by Canadian rules for not leaking oil or dumping bilge water or other effluent while at anchor. E coli counts at many Vancouver beaches are currently so high that several of these beaches are closed to swimming; pollution from boat traffic is strongly suspected as a major contributor. At least as concerning, my marine biologist husband and I have personally observed pods of Killer Whales migrate through this area, and are troubled that the noise and pollution generated by these massive ships will negatively impact

their feeding and migration behaviour. We have also witnessed Humpback and Gray whales utilizing this end of Pylades Channel, as well as harbour seals, sea lions, otters and numerous eagles, hawks, herons and other seabirds. Juvenile salmon can annually be observed feeding along Gabriola's adjacent shoreline, and we have witnessed herring spawning on nearby Spring Beach. As a major rearing and foraging corridor for such an abundance of important marine life, this is no place for disruptive large tankers to be weighing anchor. As a further environmental concern, this anchorage, as mentioned, is located very near Gabriola Passage, which was seriously considered for Marine Protected Area status, and is now a Rockfish Conservation Area. Locating a freighter anchorage next to a Rockfish Conservation Area is short-sighted to say the least, given the serious concerns with plummeting Rockfish populations on BC's South Coast. Further, we anticipate that there was no environmental assessment completed of the impacts of the chain and anchor dragging on the ocean's floor. Due to the strong currents through Gabriola Passage and the wind which funnels up Pylades Channel, we observed this vessel circling in a broad arc. There is no doubt this would negatively impact the important benthic organisms on the ocean bed. The southern Gulf Islands are unique, environmentally diverse and beautiful, and attract more visitors to their shores every year. It is our opinion that these inside waters are simply not appropriate for anchoring large freighters and introducing industrial level noise, air and water pollution and bottom impacts. For these and all the other reasons above, we strongly urge the government to eliminate this area from further anchorage use in the South Coast. I look forward to a response to this letter at your early convenience. Sincerely, Hilary Reid, Co-owner,

[REDACTED]

August 20, 2018

Gabriola Island Local Trust Committee
700 North Road
Gabriola BC V0R 1X3



Re: Preserving, protecting, and restoring the natural environment

A short history...

In 1987 our home at [REDACTED] Gabriola, was largely a half-acre barren grass field, with an outbuilding and mobile home, circa 1968.

I loved the location, but not so much the lot. Historically it was the site of one of the over-development plans on the island (Wildwood Estate 550 lot subdivision proposal/[REDACTED]; Farm subdivision 1970s) that preceded the establishment of the Islands Trust in 1974.

It was because of the establishment of the Islands Trust that I chose to buy property here in 1977. (I had been renting on the mainland for my working career.) I made that choice because I truly believed that my property on Gabriola would remain a haven for my retirement, immune from development: preserved and protected. I used my property here as a get-away from the city - on days off and holidays - until I was able to retire and live here full-time.

In 1993 my partner [REDACTED] offered to build us a house. We carefully planned it to fit with a rustic rural look, and used locally-milled cedar siding, and locally-sourced materials. The house was completed in 1994.

The "Naturescape" began in earnest at this time, with hardscaping and rain water catchment features put in first. The larger tree plantings then took place around the perimeter of the lot, with Austrian Black Pine (*Pinus nigra*) chosen for slow growth, and upright, pyramidal habit. Also at this time we planted several Weeping Alaska Cedar (*Chamaecyparis nootkatensis* "Pendula"), also of similar habit. After the exterior large trees were planted, interior and sub-planting began, and continued to this day. This was all documented to Naturescape BC, and was done in part to encourage wildlife, and to increase the number of plants available to use up greenhouse gases.

I found out about the Naturescape program purely by accident. It was started, I believe, by the Campbell government, yet to this day it does not appear to be actively promoted/advertised. (Our new neighbours had never heard of it, but have asked us how to join). And on the occasions we've told the Islands Trust about it, they do not seem at all interested. Sadly, in 1999, despite our efforts of appeal to the Local Trust Committee, they pushed through a "home occupation" bylaw allowing, in my view, an intensity of business uses (2 per 1/2 acre lot!) that gives the owner the right to "pave over the half acre" with buildings and parking lots to accommodate the requirements of the bylaw. This seems to be the total opposite of preserving and protecting the natural environment. (See attachment presented to the Islands

Trust Council meeting of March 27-29, 2007)

In May 1998 we proudly achieved Naturescape registration number 3285, and posted the two signs we were given at the front and rear gates. Our current accumulation of plantings, which were not on the lot in 1987, includes 219 mature trees, 499 bushes (including immature trees and shrubs), and 2,465 perennial plants.

I request, first, that our politicians be pro-active in advertising and informing Gulf Islanders (and others) of this valuable program, as by its nature it encourages the planting of greenhouse gas-eating plants.

Secondly, given the state of climate change, and that trees and plants are the best carbon capture and storage technology the world has at present, what is ANY level of government doing to at least record/recognize the significant contributions we - and others like us - have made to reducing the level of carbon dioxide in the atmosphere?

I look forward to your written reply.

Yours truly,

Bruce Thomson

Gabriola, BC

cc Doug Routley MLA; Sheila Malcolmson MP

Presented at Islands Trust Council
Quarterly Business Meeting
Gabriola Island
March 27 - 29, 2007

Kim Benson's February 27/07 editorial entitled "Improving the Islands Trust" provides a timely introduction to the issues of:

- 1) "Governance", and the "...preserve and protect..." *raison d'etre* for the Islands Trust Act and;
- 2) Bylaw Enforcement.

1) Ms. Benson notes that there are "...increasing pressures from development, tourism and population growth...". I agree with this. However, I believe that many of the development and regulatory decisions undertaken by the Trust have only served to **enhance** these pressures. The basis for this belief lies right here on Gabriola.

In 1999 the Gabriola Local Trust Committee, for some reason, decided that it needed to make it easier for people to make a living without leaving the island. Thus it amended the Zoning Bylaw dealing with Home Occupations. The changes included a statement that **"...any occupation is a home occupation..."** and went on to list a few obvious industrial exceptions. In order to accommodate this commercialization of residential areas, parking regulations were included that not only allowed, but actually **required** as many as 14 parking spaces (see attached drawing). As well, there was an attempt (now under revision, but not elimination) to allow and define home-based **industrial activity**, eg. repair of vehicles including body repair, heavy equipment, boats, trailers, etc.

In addition, and in my opinion the very worst of the changes, the Bylaw greatly encouraged the growth of B&B's and vacation rentals. Three bedrooms are allowed for B&B use on lots under 2.0 Hectares (on Gabriola many of these lots are 1/2 acre), with no limit on the number of guests (except such limits imposed by the Fire Regulations, of which there is no mention in the Home Occupation Bylaw). These accommodation-based businesses attract large numbers of people - it is their purpose. This puts great additional stress on water supply, sewage disposal systems, the road network, not to mention the neighbours.

2) In a February 5, 2007 memo reviewing the Gabriola Home Occupation Bylaw, the planner [redacted] makes what to me is a startling statement: **"The LTC has no obligation to prosecute anyone for breaching its bylaws."** (emphasis mine)

This being so, it begs the question "Why do I attend the LTC tea parties (where they don't even serve tea!) every month where Bylaws are considered and adopted by the score?" I agree that we do not want a police state, but this position seems to me to send a message that the Trust finds bylaw enforcement distasteful.

Indeed this seems to be the case: there was only mild interest in a web page advertising (since 2002) a B&B/Kayak Rental establishment with a 1000 sq ft., 2-bedroom suite, a separate bedroom upstairs, and a "no breakfast" option. No one seemed concerned about the fact that, for this to comply with the Bylaw, the use of a 1000 sq ft suite leaves only 23 sq ft for the third bedroom.

The foregoing two items are intended to illustrate my concern about how the Islands Trust has operated to date. The encouragement of home-based business of all types only makes a place more attractive to live. Those who use these services (including prospective residents) think it's great that they don't have to leave the island for them. And those who operate a business have fewer regulations and lower cost to deal with. All of which are the right things to do **if you are trying to enlarge your community**, or to make it more **"sustainable"**, whatever that really means.

I fail to understand how the activities described above (and this is just a few of them) are compatible with the mandate to "...preserve and protect...". I can only conclude that there must be some other definition of these words that I have not been made privy to.

I believe that before the Trust can deal with any of the "Strategic Initiatives" mentioned in Kim Benson's editorial, **it must provide a clear definition of just what the phrase "preserve and protect" really means..** And it must unequivocally state **just what it is that is being preserved and protected.** Is it the water supply; the scenic beauty; the livability; the peace and quiet; the economic opportunity?

or: — "UNIQUE WAY OF LIFE" ?

Clearly the Islands Trust Act has not functioned to "preserve and protect" the islands as they were in 1975. So

why should anyone expect that the islands will be any better preserved and protected in the future?

I have heard some say that "Well, yes, of course that's right. But it might have been much worse." To me, all this means is that it might have been worse **sooner**. Current discussion of sustainability seems to centre around growth; the need for **increased** population to "sustain" social and economic activity (Kim Benson implies as much in her editorial). Well, I believe that if "preserve and protect" is to mean **exactly** what it says, there must also be discussion of what is **unsustainable**. For example, the **maximum population** an island can handle, with respect to both permanent residents and visitors, before sewage begins percolating into wells and flowing into ditches.

If limiting the population of an island is an impossibility, then the notion of "preserving and protecting" becomes one of "planning and processing", that is, merely "directing" the development that **will** take place. (It is similar to movie production: there **will be** a movie - how bad it is depends on the Director.) And such "planning and processing" will eventually **have** to take into account such matters as where to put the water lines, and how big the sewage treatment plant will need to be.

I believe that items 1) and 2) above illustrate that all we have been doing over the last 30 or so years is just "planning and processing". And that we have made only a lukewarm attempt to enforce the few Bylaws that do describe what we are trying to achieve.

The effort to make the Islands "sustainable" - economic and social entities of their own - will **not** "preserve and protect" them for the future unless drastic action is taken soon.

Thank you for your interest and attention.

Russ Congdon
Gabriola Island

attachment

200'

58

19.7' SETBACK

4.9' SETBACK

4.9' SETBACK

108.9'

4 BR HOUSE
2178 ft²

SEPTIC FIELD
40' 90'

DWELLING 1

DWELLING 2

1

2

3

4

5

6

7

8

9

10

11

12

ACCESSORY BUILDING
2178 ft²

HOME OCC.
WITHIN ACC. BLDG
1023 ft²

→ AISLE →

SCALE:
1" = 20'

100' FROM WELL TO SEPTIC

DECEMBER 2001

GABRIELA HOME OCCUPATION BYLAW
- Parking requirements on 1/2 acre lot for
Bicycle Rental/Kayak Rental (12 of each allowed)

4.9' 6.4'

From: Lisa Carter [REDACTED]
Sent: Saturday, September 15, 2018 8:23 AM
To: Heather O'Sullivan; Sonja Zupanec
Cc: Gabriola Island Local Trust Committee; Becky McErlean; Penny Hawley
Subject: RE: Contact Form Submission

Hi Heather, I'll have a look at an Agenda for info on the standing resolution on Communications Towers and Antennae. Does this mean something is being done about improving the current situation?

Thanks again,

Lisa

Ps I realized that I'd sent you my unedited message. Please replace it with the message below.

As you are aware, cell phone service on Gabriola is poor or nonexistent for many of us. Surely Islands Trust must be responsible, in part at least, for working toward the elimination of this problem. As noted in the third part of your objectives, the LTC will work to "Sustain island character and healthy communities". I believe a healthy community, among other things, should have the ability to remain connected to one another in the case of power outages or natural disasters such as wild fires. In our case, analogue phones do not work during power outages and we have no cell phone coverage on our property. We are not alone with regards to this. As global warming is a real and present threat to us all, it's time to take a hard look at what can be done to assure we can stay connected to one another. It could save lives. I'd very much like to hear back from you with your views and suggestions. Respectfully yours, Lisa Carter

dewhirst lessard
consulting
2095 Thompson Road Gabriola
1251 Cardero Street Vancouver
604-328-5821 dewhirstlessard@shaw.ca

September 18, 2018

Gabriola Island Local Trust Committee
700 N Rd, Gabriola, BC V0R 1X3

CC: Joyce Babula, [REDACTED]
Iachelli Elizabeth, [REDACTED]

Re: Gabriola Community Hall on the BC Heritage Registry

Members of the Gabriola Island Local Trust Committee,

We respectfully request this project to be added to your agenda. As Heritage consultant, member of the Canadian Association of Heritage Professionals, we just completed a Statement of Significance for the Gabriola Community Hall (property). We would now like to have the historic site listed on the BC Heritage Register.

The Gabriola Island Community Hall Association (GICHA) submitted an application to receive a grant from the Heritage BC's Legacy Fund for a roof maintenance project. Heritage BC requires a Statement of Significance for the subject property in order to complete the submission. We contacted the Heritage Branch this week and the registrar suggested that we approach the Island Trust to assist us in listing the Community Hall on the BC Heritage Register.

Regards



André Lessard B.Arch, CAHP, LEED AP
dewhirst lessard consulting

DATE OF MEETING: September 27, 2018

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 1
Northern Team

SUBJECT: Temporary Use Permit for a Commercial Vacation Rental in a Residential Zone

Applicant: Kevan and Julia Garner

Location: 671 Balsam Street, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Temporary Use Permit GB-TUP-2018.1 for a commercial vacation rental for a period of three (3) years from date of issuance, subject to the following conditions:
 - a) the single family dwelling and subject property must maintain a residential appearance, and the existing vegetative screening or fencing must not be removed;
 - b) parking for a minimum of two (2) vehicles for the commercial vacation rental use must be provided on the property;
 - c) the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - d) neighbours within a 100 metre radius of the commercial vacation rental must be provided with a contact phone number, and a copy of the temporary use permit;
 - e) information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - f) a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - g) the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is three (3);
 - h) the maximum number of people that can stay in the commercial vacation rental is a maximum of two (2) guests per bedroom, for a maximum of six (6) guests at any given time;
 - i) the maximum number of signs advertising the commercial vacation rental is restricted to one (1) sign, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - j) the rental or provision of motorized personal watercraft to rental clients is prohibited;
 - k) the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited; and
 - l) the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.

2. That the Gabriola Island Local Trust Committee include a statement on the Temporary Use Permit GB-TUP-2018.1 to emphasize that it is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.

REPORT SUMMARY

This report concerns an application for a Temporary Use Permit (TUP) for the temporary operation of a commercial vacation rental within the single family dwelling on the subject property. Pursuant to Section 3.8 (a) of the Gabriola Island Official Community Plan (OCP), a temporary use permit may be issued for commercial vacation rentals within land designated Small Rural Residential (SRR). Staff are recommending approval subject to conditions.

BACKGROUND

The subject property is located at 671 Balsam Street on Gabriola Island, as shown in Figure 1. The property is approximately 0.23 ha (0.56 acres) in area, and is surrounded by residential properties.

A bylaw complaint was received on July 23, 2017 regarding the unpermitted use of the subject property. Islands Trust Bylaw Enforcement staff observed that the single family dwelling on the subject property has been rented as a commercial vacation rental contrary to the zoning provisions in the Gabriola Island Land Use Bylaw (LUB), and subsequently opened bylaw enforcement file GB-BE-2017.14. The bylaw enforcement file is being held in abeyance while the TUP application proceeds.

The Gabriola Island Local Trust Committee (LTC) may issue a permit that allows commercial activities to take place under the conditions specified in the permit, including the posting of security to ensure compliance with the terms of the permit. Notice of the intent to consider the issuance of a TUP must be given. Under a TUP, the specified uses may be carried out for a period of up to three years, and may be renewed a further three years. Staff note that issuance of a TUP should not be interpreted as support for a permanent zoning change.



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

This application is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

The subject property is designated as Small Rural Residential (SRR) in the Official Community Plan (OCP), and is not within any Development Permit Areas.

Subject to Section 3.8 (a), Temporary Use Permits may be issued for:

vii. commercial vacation rentals within areas designated on Schedule B as 'Small Rural Residential', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'.

Section 3.8 (h) provides guidelines when considering issuance of a temporary use permit. Based on the information provided by the application and through issuance of the TUP subject to conditions (as noted on Page 1), staff consider the application to be consistent with the TUP Guidelines. See Attachment 2 for staff assessment of the Temporary Use Permit Guidelines in Section 3.8 (h).

Land Use Bylaw:

The subject property is zoned Small Rural Residential (SRR) in the Land Use Bylaw (LUB). The applicant's proposal for use as a commercial vacation rental does not comply with the Home Occupation regulations in Section B.3 of the LUB (see Attachment 1); thus the applicant is applying for a TUP to permit a commercial vacation rental as required in Section B.6.3.1 of the LUB:

B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.

Issues and Opportunities

Bylaw Enforcement

This TUP application is a result of Bylaw Enforcement file GB-BE-2017.14, for the operation of an unlawful commercial vacation rental (short term vacation rental) use on the property. The bylaw enforcement file is being held in abeyance while this TUP application proceeds.

Beds in Accessory Buildings

During a site visit on May 18, 2018, staff observed beds inside two of the accessory buildings on the subject property. Currently the LUB prohibits:

B.1.2.1 (a) use of a secondary building or structure, other than a secondary suite or accessory single family dwelling, for human habitation, including cooking and/or overnight accommodation, except as permitted in Article B.6.4.1.

The applicant has stated that they do not intend to use the beds in the accessory buildings as part of the proposed commercial vacation rental, and that these are for personal use as both an art studio and storage building. Staff note that the online advertisement for the subject property's commercial vacation rental indicates

that there are only two bedrooms and two beds in total in the cottage for rent, and that total occupancy is for four guests. The draft TUP found in Attachment 3 of this report would permit the owner to operate a commercial vacation rental within the single family dwelling only.

Charges on Title

Staff note that a restrictive covenant (391133G) is charged to the title of the subject property held by Gabriola Wildwood Estates Ltd. and dated December 10, 1969. The restrictive covenant restricts the use on the subject property to the following:

- “dwelling-houses together with all necessary outbuildings for one family on each lot”
- “No commercial enterprises may be established or carried on on the lands except those of a literary or artistic nature not employing more than one person full time.”

Islands Trust does not hold the covenant and has no role in seeking compliance with the terms and conditions of covenants between private parties.

Water

There are concerns related to commercial vacation rentals and the increased pressure on water resources that may occur from this use. Generally, commercial vacation rentals result in an increased use of water for laundry and other cleaning activities following each guest’s departure. This application proposes to rent out the existing single family dwelling and does not propose to increase the number of water fixtures/appliances, or increase the number of people who would typically stay in the dwelling.

Guideline Section 3.8 (h) (v) in the OCP addresses water use for commercial vacation rental applications:

- v. *the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;*

While staff consider the applicant has met this requirement by submitting a written plan that describes the history of water level, well test results and the number of cisterns on the lot, it is unclear whether the amount required in the guideline will continue to be met. Staff have provided a breakdown of the submitted well test to ascertain whether OCP guideline 3.8 (h) (v) may be met:

<u><i>Requirement:</i></u> 227 L per guest per day @ 6 guests (max. capacity) 227 x 6 = 1362 L required per day for max. capacity	<u><i>February 7, 2018 Well Yield:</i></u> Minutes per day x litres recharged per minute 1440 x 4.55 = 6552* L produced on February 7, 2018 *(not including cistern and well storage capacity)
--	--

While the data from February 7, 2018 appears to exceed the requirement in OCP guideline 3.8 (h) (v), the well test provides only a “snapshot” of the current water level at the time of the test. The well test reflects water levels in the month of February when levels are typically higher, and does not reflect levels during the dry season (July to November) and during the high season for commercial vacation rentals.

The Islands Trust’s Freshwater Specialist recommends that a pumping test be conducted during the dry season over a minimum 4-hour period, followed by an assessment report completed by a professional hydrogeologist to gain a clearer understanding of whether there is sufficient groundwater available for the proposed use over time. Staff note that the TUP guidelines do not support requiring this type of assessment and reporting.

However, the LTC may consider requiring this more intensive testing if a subsequent rezoning application is made to allow the proposed use on a permanent basis.

Staff note that the BC *Water Sustainability Act* (WSA), introduced in 2016, brought in new licensing requirements for use of groundwater for non-domestic purposes, and that these requirements may apply to this proposal. Due to the WSA being relatively new legislation, groundwater licensing requirements are still being confirmed; however, it is staff's understanding that property owners with commercial vacation rentals are required to apply for a commercial groundwater license.

Staff recommend that the LTC specify on the permit that the applicants are required to obtain any necessary approvals for groundwater use under the WSA or any subsequent legislation. It is not recommended that the permit be withheld until the applicant has secured any required water license, as it is staff's understanding that the groundwater licensing processing times may take over a year. If, as recommended, a TUP is issued without delay for a three year term, the LTC could review and consider any required water licensing documentation upon a subsequent application for TUP renewal or rezoning.

If the LTC wishes to monitor commercial vacation rental use water consumption, they may consider requiring water metering in accordance with Guideline 3.8 (h) (xviii), which states:

xviii. the Local Trust Committee may require water metering;

Staff note that water metering is more commonly used in jurisdictions that use community water systems. It may be possible to install water meters on well apparatuses to monitor consumption. If the LTC is interested in this option, they should consider requesting staff to carry out further research on well water meters to further determine the feasibility of this option.

Consideration should also be given to reviewing the TUP guidelines related to water use and supply for commercial vacation rentals, as there are opportunities to strengthen the guidelines to enhance water conservation. The LTC may wish to add this type of review to its projects list.

Consultation

No community consultation beyond the public notification requirements, including neighbourhood notification and a newspaper advertisement referenced below, has been undertaken. A Community Information Meeting is not required for this application.

Statutory Requirements

In accordance with Section 494 of the *Local Government Act*, neighbours must be notified of a TUP application. Notice of the proposed TUP was delivered on Wednesday, September 12, 2018 to all property owners and occupants of properties within 100 metres of the subject property. A notice of the proposed TUP was published in the *Gabriola Sounder* newspaper on Wednesday, September 19, 2018 edition.

No correspondence has been received at the completion time of this report, but may be received before or during the LTC meeting. Correspondence may be sent to northinfo@islandstrust.bc.ca.

Referrals

This application does not trigger the requirement for agency or First Nations referrals; however the LTC may do so if it determines that any agencies or First Nations may have an interest.

Rationale for Recommendation

Staff consider the proposal to meet the guidelines outlined in Section 3.8 of the OCP for the consideration of the issuance of a TUP for a commercial vacation rental. As such, staff are recommending that the LTC approve issuance of TUP application GB-TUP-2018.1 for a period of three years, subject to a number of conditions. The draft permit found in Attachment 4 of this report has been developed in accordance with the OCP guidelines in Section 3.8. See staff's recommendation on Page 1 of this report.

ALTERNATIVES

1. Request further information

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

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

2. Impose additional permit conditions

The LTC may choose to impose additional permit conditions in accordance with OCP guideline 3.8 (h) (xvii) which states, "such other considerations as are deemed applicable with respect to a specific commercial vacation rental application."

3. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-TUP-2018.1 for the following reasons...[to be provided by the LTC].

NEXT STEPS

If the LTC agrees with staff recommendation, the TUP in Attachment 4 will be issued.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 1	September 12, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 13, 2018

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – TUP Guidelines in the Gabriola Island OCP
3. Attachment 3 – Copy of Public Notice
4. Attachment 4 – Draft Permit
5. Attachment 5 – Site Plan
6. Attachment 6 – Sample of Guest Information Letter
7. Attachment 7 – Water Plan including Well Water Supply – Flow Test dated February 7, 2018
8. Attachment 8 – Septic System Compliance Letter dated February 15, 2018
9. Attachment 9 – Occupancy Permit
10. Attachment 10 – Fire Inspection Letter dated February 14, 2018

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 35, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22540
PID	003-330-460
Civic Address	671 Balsam Street
Lot Area	0.23 ha (0.56 acres)

LAND USE

Current Land Use	Residential; Occasional commercial vacation rental Existing buildings and structures include: • a 2-bedroom cottage, • an art studio, • a garden studio, • two greenhouses, • a woodshed, • a pump house, and • two cisterns.
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GB-BE-2017.14 (open)	Commercial vacation rental occurring without a Temporary Use Permit.

POLICY/REGULATORY

Official Community Plan No. 166, 1997	The subject property is within the Small Rural Residential (SRR) land use designation. Not within any Development Permit Areas.
Land Use Bylaw No. 177, 1999	The subject property is within the Small Rural Residential (SRR) zone. Permitted Principal uses in the SRR zone include Single family residential. Permitted Accessory uses in the SRR zone include Home occupations (including Bed and Breakfasts), subject to regulations in B.3. B.3.1.1 Home occupation uses must be carried out by at least one permanent resident of the premises in which the home occupation is located; B.3.6.1 The following additional regulations apply to bed and breakfast home occupations: a. On lots: i. less than 0.5 hectares (1.24 acres), a maximum number of two bedrooms may be used for bed and breakfast accommodation;

	d. Breakfast is to be the only meal served; e. No additional set of cooking facilities may be provided for the bed and breakfast use. B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.
Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants, Parks/Protected Areas, Steep Slopes, or Watercourses.
Covenants	Restrictive Covenant 391133G – (privately held, 1969) restricting the use of land to one dwelling and necessary outbuildings, and no commercial enterprises excepting those of a literary or artistic nature.
Bylaw Enforcement	GB-BE-2017.14 – File is currently Open. A file was opened on July 25, 2017 regarding unlawful commercial vacation rental use (less than 30 days) of the dwelling unit on the subject property. This Temporary Use Permit application is proceeding as a result.

SITE INFLUENCES

Islands Trust Fund	Application does not directly affect an Islands Trust Fund Board-owned property or conservation covenant.
Regional Conservation Strategy	Map 8 of the Regional Conservation Plan estimated importance of habitat composition is low-medium.
Species at Risk	None mapped.
Sensitive Ecosystems	The subject property is within a Young Forest ecosystem.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100 metres of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is in a low vulnerability area.

ATTACHMENT 2 – TUP GUIDELINES IN THE GABRIOLA OCP

OCP Subsection 3.8(h)

For commercial rental of single-dwelling residential units, when considering the issuance of a temporary use permit for a Commercial Vacation Rental, the following guidelines apply:

Guideline	Submitted	Compliant?	Planner Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals	<i>TBD by LTC</i> <i>There are currently no other active TUPs for commercial vacation rentals in this neighbourhood.</i>		
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood	<i>TBD by LTC</i> <i>Staff are recommending that the permit include a condition that the dwelling unit and subject property are to maintain a residential appearance.</i> <i>See condition included in draft permit.</i>		
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues	<i>TBD by LTC</i> <i>Staff are recommending that the permit include a condition that the existing vegetative screening or fencing must not be removed.</i> <i>See condition included in draft permit.</i>		
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	<i>n/a</i>	<i>n/a</i>	<i>Not in the ALR.</i>
v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest	Yes.	Yes.	At a permitted maximum of 6 guests , the applicant is required to provide 1,372 litres (300 imperial gallons) per day. Currently the single family dwelling provides lodging for up to 4 guests.

			A flow test conducted by Red Williams Well Drilling Ltd. on February 7, 2018 indicates that the well's flow rate is approx. one gallon per minute. The applicant has installed two 1500-gallon cisterns for rainwater collection; one of which has been connected to the existing well to provide reserves during drought conditions. The applicant has provided a copy of a receipt dated May 21, 2018 for the most recently purchased 1500-gallon cistern.
vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	Yes.	Yes.	Included as a condition of the permit. Staff conducted a site visit and are satisfied that the parking requirement can be met, as shown on the site plan (Attachment 5), which indicates parking for three (3) vehicles.
vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	Yes.	Yes.	R. Bye, Registered Onsite Wastewater Practitioner (ROWP), of Small Time Excavating, provided an Assurance of Compliance letter dated February 15, 2018 (Attachment 8) stating that the Onsite Wastewater System is capable of supporting the Vacation Rental occupancy load not exceeding daily waste water flow of 1000 L/day or 219 gal/day.
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code	Yes.	Yes.	The applicant has submitted a copy of the Regional District of Nanaimo Building Inspection Service Occupancy Permit dated October 17, 1994 (Attachment 9). The applicant has submitted a letter dated February 14, 2018 (Attachment 10) from Fire Chief Rick Jackson, of the Gabriola Fire Department, indicating that the residence meets the requirements of the B.C. Fire Code for the purpose of short term rental accommodation.

ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	----	Included as a condition of the permit. The applicant has stated that a neighbour that permanently resides on Gabriola Island acts as the operations manager when they are not available.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	----	Included as a condition of the permit.
xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted)	Yes.	----	Included as a condition of the permit. The applicant submitted an example letter that provides the required information for guests (see Attachment 6).
xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	----	Included as a condition of the permit.
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	----	Included as a condition of the permit.
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	----	Included as a condition of the permit.

xv. a condition of the permit should limit the number of bedrooms to: • a maximum of 3 on lots smaller than 2.0 hectares; and • a maximum of 4 on lots of 2.0 hectares or larger	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	----	Included as a condition of the permit.
xvi. a condition of the permit should prohibit recreational vehicles or camping	<i>Not a submission requirement</i> <i>See condition in draft permit</i>	----	Included as a condition of the permit.
xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application	<i>TBD by LTC</i> <i>Staff are recommending that, as a condition of the permit, the landowner is responsible for ensuring that they hold valid home insurance and liability insurance for this use.</i> <i>See condition included in draft permit.</i>		
xviii. the Local Trust Committee may require water metering	<i>TBD by LTC</i>		
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities	<i>n/a</i>	<i>n/a</i>	Copy of occupancy permit submitted (Attachment 9).
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts	<i>TBD by LTC</i> <i>Staff are recommending this be included in the guest information package.</i> <i>See condition included in draft permit.</i>		



Gabriola Island Local Trust Committee

TEMPORARY USE PERMIT NOTIFICATION

NOTICE is hereby given that the Gabriola Island Local Trust Committee will consider a Resolution to issue a Temporary Use Permit pursuant to Section 493 of the *Local Government Act* for Lot 35, Section 22, Gabriola Island, Nanaimo District, Plan 22540 (PID 003-330-460, Application GB-TUP-2018.1, 671 Balsam Street, Gabriola Island).

The purpose of the proposed permit is to permit the operation of a commercial vacation rental within the single family dwelling on the subject property.

The location of the property subject to the proposed permit is shown on the following sketch:



Enquiries or comments should be directed to Jaime Dubyna at 250-247-2063, or by email to: northinfo@islandstrust.bc.ca.

A copy of the proposed permit is attached and may also be inspected at the Islands Trust Northern office at 700 North Road, Gabriola Island between the hours of 8:30 a.m. and 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays up to Wednesday, September 26, 2018.

The Gabriola Island Local Trust Committee will consider the proposed permit at a meeting on **Thursday, September 27, 2018** beginning at 10:15 a.m. at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island. Please refer to the posted agenda available on the Islands Trust website (www.islandstrust.bc.ca) at the beginning of that week for an indication of where this application is to be placed on the agenda.

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

Claire Olivier,
Acting/Legislative Clerk

 Islands Trust	GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2018.1 (Garner) 671 Balsam Avenue, Gabriola Island
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To: Kevan Garner and Julia S. Garner

1. This Permit applies to the land described below:

PID 003-330-460

Lot 35, Section 22, Gabriola Island, Nanaimo District, Plan 22540.

2. This Permit is valid for a period of three years from the date of issuance.
3. This Permit is issued for the purpose of permitting a commercial vacation rental within the single family dwelling.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance, and the existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with a contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area.
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 6 guests at any given time;
 - 4.8 the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is 3;
 - 4.9 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.10 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.11 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;

- 4.12 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedules A and B attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

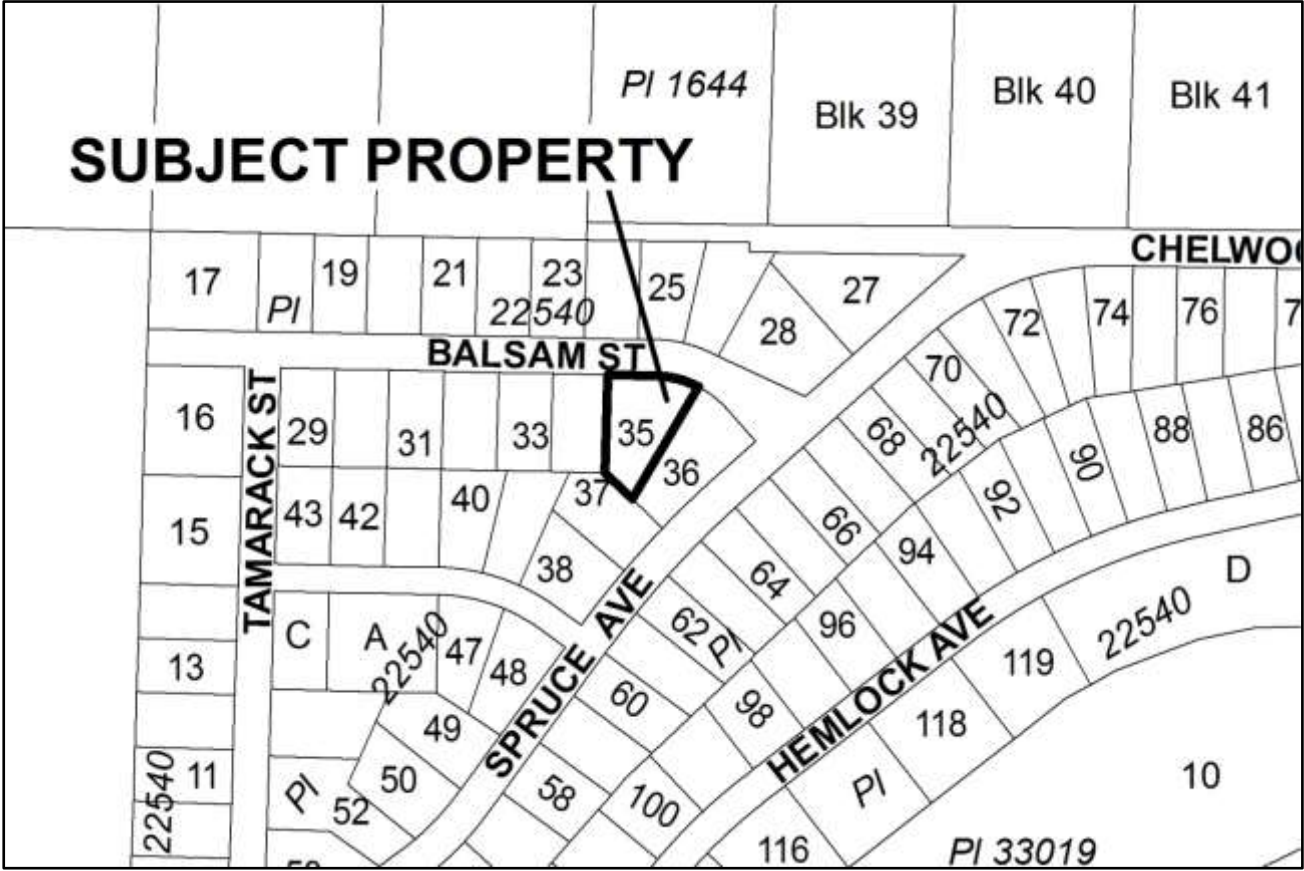
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF _____, 20__.

Deputy Secretary, Islands Trust

Date Issued

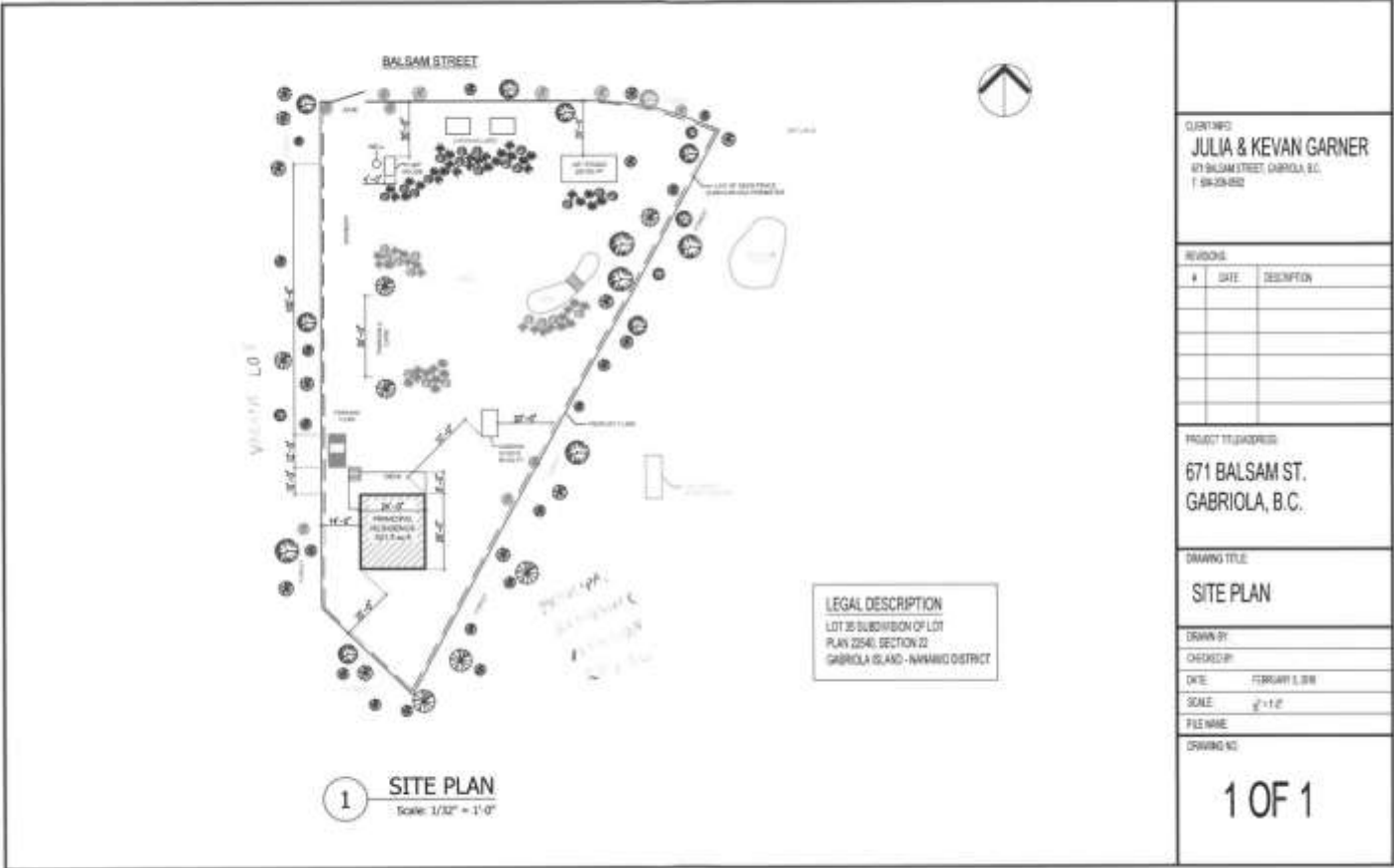
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2018.1 – Garner

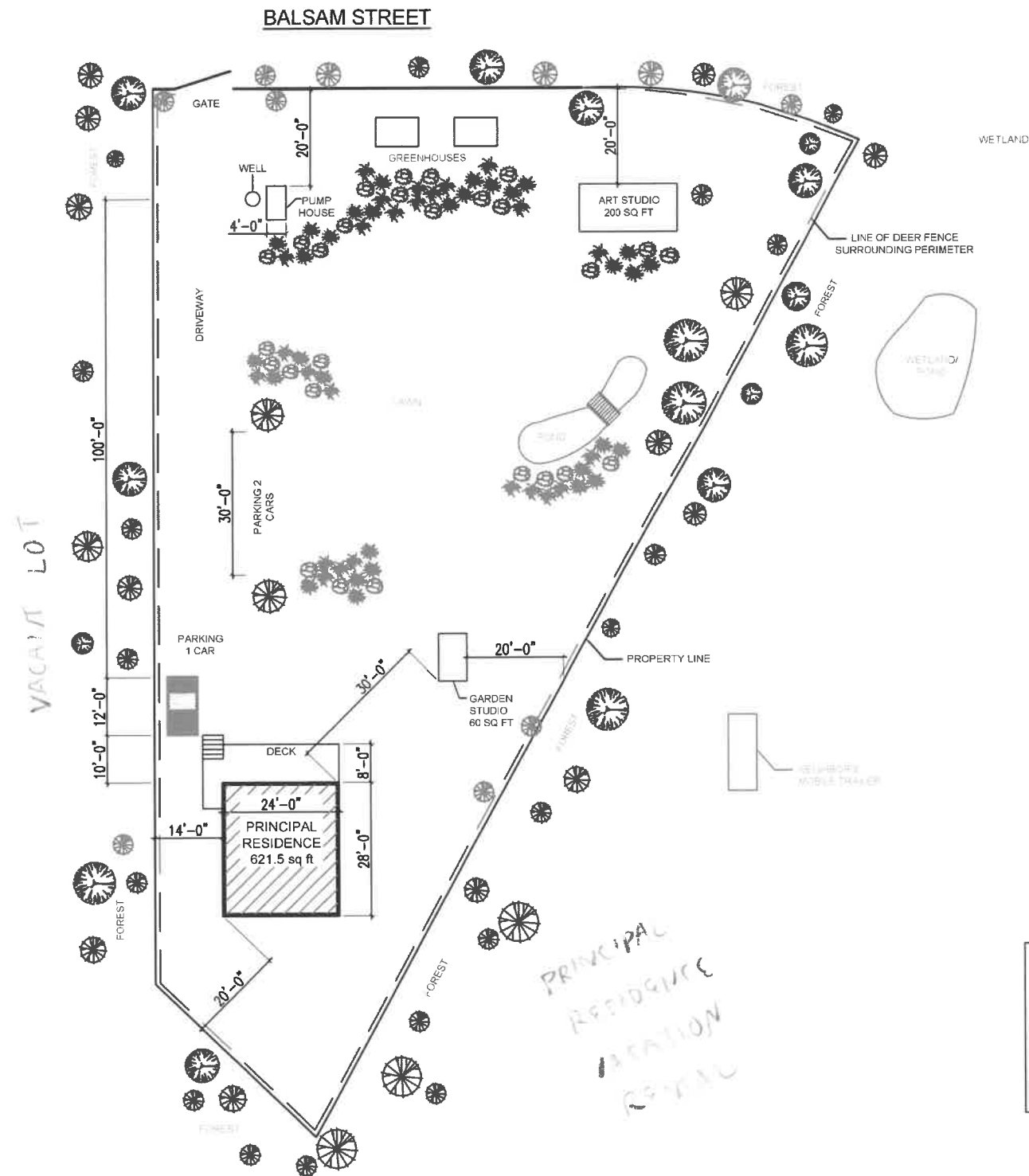
SCHEDULE “A”



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2018.1 – Garner**

SCHEDULE “B”





LEGAL DESCRIPTION
 LOT 35 SUBDIVISION OF LOT
 PLAN 22540, SECTION 22
 GABRIOLA ISLAND - NANAIMO DISTRICT

1 SITE PLAN
 Scale: 1/32" = 1'-0"

CLIENT INFO:
JULIA & KEVAN GARNER
 671 BALSAM STREET, GABRIOLA, B.C.

REVISIONS:		
#	DATE	DESCRIPTION

PROJECT TITLE/ADDRESS:
671 BALSAM ST.
GABRIOLA, B.C.

DRAWING TITLE:
SITE PLAN

DRAWN BY:
 CHECKED BY:
 DATE: FEBRUARY 5, 2018
 SCALE: 1/32" = 1'-0"
 FILE NAME:
 DRAWING NO.

1 OF 1

Gabriola Cottage 671 Balsam

Tips and tricks for enjoying our neighbourhood



JULIA KEVAN AND ELISE GARNER

August 9, 2018

Authored by: Julia Garner

Helpful hints on Gabriola Island

Noise Bylaw and House Rules:

Please be respectful of our neighbours and enjoy the peace and quiet that make this island a sanctuary:

Nanaimo Noise Control Bylaw No. 1082 (attached addendum)

House Rules

Water Conservation:

Please conserve water and limit the number of showers, laundry and toilet flushes. The drilled well has a pump that automatically shuts off if the water level is below a certain limit. We rarely have any issues even in the summer when conditions can be quite dry but it is still important to be **water-conscious**.

Septic System: (septic field is located to the right along the driveway)

Do not dispose of any solid items (see list below) and be careful with the amount of toilet paper that you use.

- Coffee grounds
- Disposable diapers
- Sanitary napkins or tampons
- Kitty litter
- Hair combings
- Dental floss
- Cigarette butts
- Condoms
- Fat grease or oil
- Paper towels or bandages

Location of Fire Extinguisher and Emergency Instructions for Medical Clinic or 911

One is by garbage can in kitchen, one is on the post by the bed upstairs. See poster by phone for emergency instructions. (location and numbers of medical clinic, fire hall, dental clinic)

Compost and Garbage - Reduce, reuse and recycle

Take out garbage and put out in garbage bins by gate. Recycle all paper, glass and plastics.

All compost (vegetables only) can be put out with in the bins by the Wood Shed.

Please ensure floors are swept and that there are no crumbs or food left out because it attracts mice.

Front Gate:

ALWAYS make sure that it is closed and secure because the deer are extremely voracious and the garden will quickly be eaten by these beautiful creatures.

Electrical Baseboard Heating

Turn all thermostats down to 10 degrees when you leave.

Control of Pets:

Dogs are not allowed in the pond which we have nurtured to be frog-friendly. Ensure that your dog is leashed once they are off the property and pick up after your dog.

We have lots of birds and bird houses. Try to keep you cat indoors as much as possible.

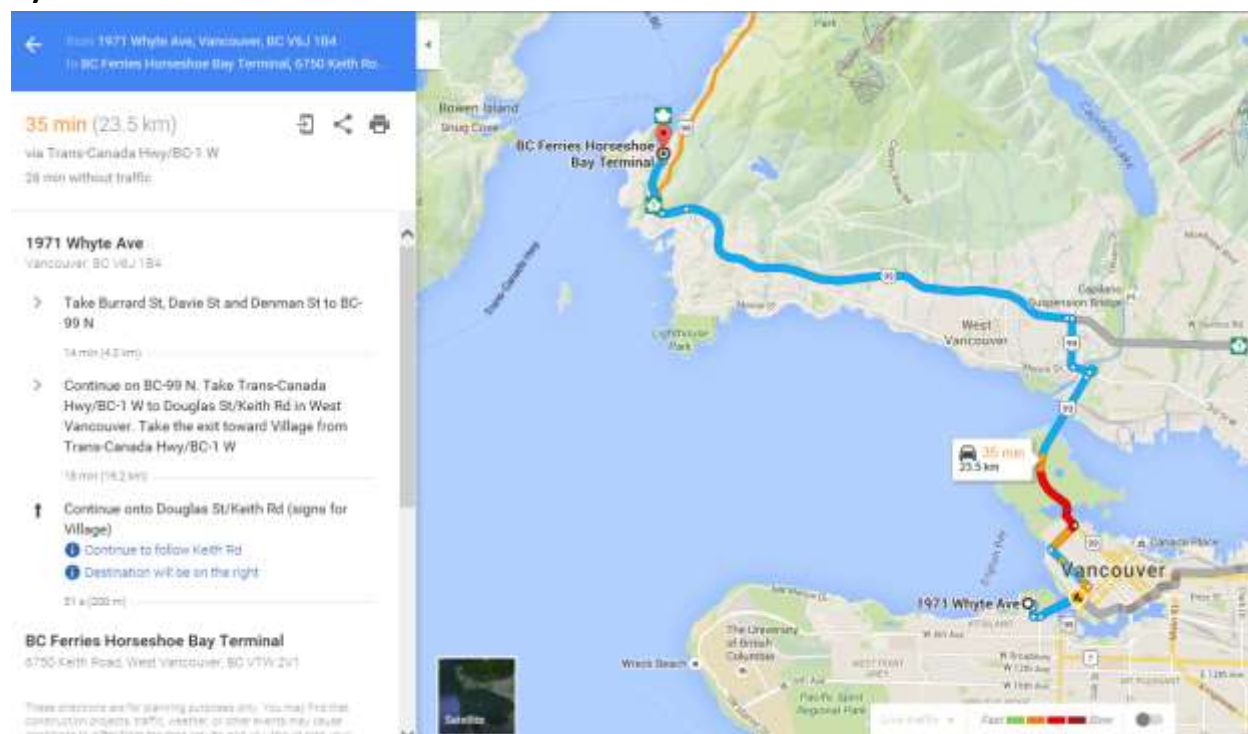
How to get there:**From Vancouver to Horseshoe Bay:**

Plan for about 4 to 5 hours for the trip if you drive and a leisurely day if you take transit:

- ✓ 30 to 45 minutes to drive from Vancouver onto the TransCanada 99 Sea to Sky Highway to Horseshoe Bay
- ✓ 2 hr on the first ferry from Horseshoe Bay to Nanaimo
- ✓ 20 min on the second ferry from Nanaimo to Gabriola

Reservations for the Horseshoe Bay to Departure Bay Ferry are recommended. You have to arrive within 35 minutes of departure time otherwise you will lose the reservation.

By Car:



Drive through downtown, cross Lions Gate Bridge and take exit to West Vancouver onto Taylor Bay Road. Drive a few blocks up Taylor Bay Road and take left to get onto Hwy 99

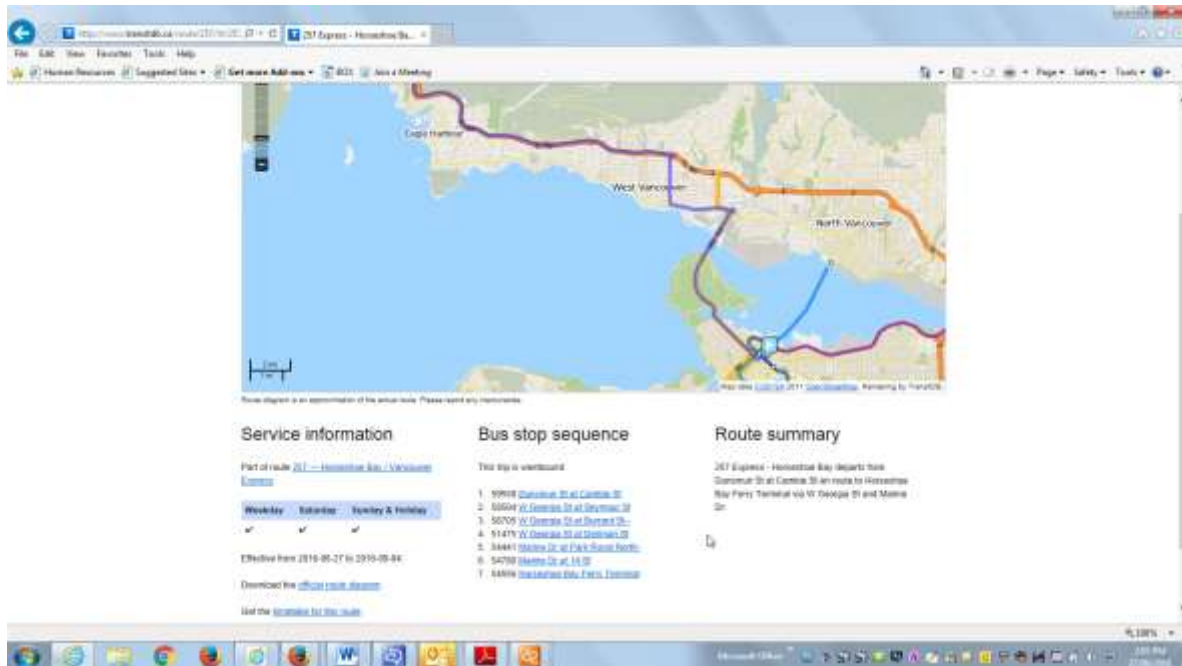
- ✓ Take Horseshoe Bay ferry to Departure Bay ferry to get to Nanaimo.
- ✓ Turn left onto Island Hwy N, continue towards downtown Nanaimo. Turn left onto Esplanade. Turn Left onto Front St. Turn slight right onto Nanaimo-Gabriola Ferry. (about a 5 minute drive)
- ✓ Take Gabriola ferry (about 20 minutes to cross)

Transit:

Take Mcdonald 22 or Dunbar bus from Cypress & Cornwall to Burrard and W. Georgia Stop 58705.

Take 257 Horseshoe Bay Express bus to Horseshoe Bay. Bus stops right in front of Ferry Terminal.

- ✓ Take Horseshoe Bay ferry to Departure Bay ferry to get to Nanaimo.
- ✓ Turn left and walk along the seawall to the Gabriola Ferry. It is a very pleasant 1 hour stroll or about half an hour by bike. There is a cute little Mexican place where you can have lunch (Penny's Palapas) as well as coffee shops and ice cream stores.
- ✓ Ferry leaves on an hourly basis to get to Gabriola.



When you get to Gabriola

1. When you get to Gabriola, Immediately turn left onto Taylor Bay Road, continue straight ahead and stay on this road past Twin Beaches mall, past Berry Point road, up the hill (Norwich) until you reach Balsam. It is the first house on your left (flag with frog is above gateway.) This will take about 10 minutes.

Gertie Bus is now available on Gabriola

Gertie Bus Schedule

or Taxi at 250 247-0049

Ferry Schedules:

Mobile HorseShoe Bay Ferry - <http://www.bcferries.com/schedules/wireless/>

Gabriola Ferry Cam - www.ferrycam.clayrose.com/ -Very useful for monitoring ferry traffic

Contacts:

[REDACTED]

Internet

WIFI Password : [REDACTED]
[REDACTED]

NETFLIX and Streaming ROKU TV is available

Our Favourite Places and Things to do:

- ✓ Surf Lodge Restaurant and Pub – great sunsets located on Berry Point road down the hill and turn right, about 15 minute walk or 5 minute drive
- ✓ Woodfire Pizza, (Sharon and Chris Hooten – family run business – great food!)
- ✓ Madrona's - Really good coffee, smoothies and sandwiches located near Ferry
- ✓ The Kitchen – located in Folk Life Village (more great food)
- ✓ Art galleries, (Hive in Folk Life, Pier in Drumbeg)
- ✓ Shopping (Wishbone or Nature Spirit Market or Folk Life Village, Gabe Shop)
- ✓ Farmers market on Saturdays 10:00 to 2:00 pm
- ✓ Swimming in front of Surf Lodge on the beach (our favourite spot)
- ✓ Drumbeg National Park – great for kayaking and walking/reading on the beach
- ✓ Lunch at Sylva Bay Marina on the deck looking at the boats
- ✓ Sandwell Beach – beautiful view of the ocean
- ✓ Twin Beaches – very shallow water which is good for kids (about 10 minute drive)
- ✓ Malaspina Caves
- ✓ Kayaking near Malaspina beach (5 minute drive away)

Kayak, extra bicycle – located in crawl space.

How to use the Adobe Oven: (only when Fire hazard is Low)

Create a wood fire, add 15 to 20 coals and wait about 3 hours until temperature drops. Fire started (really HOT!)



3 Hours later (temperature is probably around 450 to 500)



Move coals and wood to the side and place bricks flat. Temperatures are very high so please be very careful not to get burned and always use oven mitts.

Pizza or bread must be in small loaves or baguette container and need to be rotated every 5 minutes. Everything will be done in about 10 to 15 minutes.

Place baguette container on bricks or if you're cooking other things, use cast iron or pizza paddle and place on bricks. Watch like a hawk to avoid burning.



Sourdough Recipe that worked for me (bookmark is on the IPAD)

<http://www.baking-sense.com/2016/03/01/sourdough-bread-baking-sense/>

Use sourdough starter in fridge and add yeast, then follow rest of recipe

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1082

**A BYLAW TO REGULATE OR PROHIBIT OBJECTIONABLE NOISE WITHIN
ELECTORAL AREA ‘B’**

WHEREAS the Regional District of Nanaimo has converted its authority under Supplementary Letters Patent and established an extended service for noise control under Section 799(1)(b) of the Municipal Act;

AND WHEREAS the Board believes that:

- (a) certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; and
- (b) it is desirable to regulate or prohibit them;

AND WHEREAS it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct of reasonable daily activity at reasonable times;

AND WHEREAS the advertising provisions under Section 839 of the Municipal Act have been met;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled, enacts as follows:

1. INTERPRETATION

In this bylaw:

“Board” means the Board of Directors of the Regional District of Nanaimo.

“Bylaw Enforcement Officer” includes a Peace Officer and a person appointed by the Board as a Bylaw Enforcement Officer.

“Continuous Noise” means any noise or sound continuing for a period of more than three (3) minutes or during periods totalling more than three (3) minutes in any fifteen (15) minute period of time.

“District” means the Regional District of Nanaimo.

“Motor Vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or

other motor vehicles running only upon rails, or traction engine, farm tractor or self-propelled implement of husbandry.

Bylaw No. 1082

Page 2

“Persistent” means enduring or constantly repeated.

“Real Property” means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.

“Residential Premises” means land upon which is located a building or structure, including a mobile home used seasonally or permanently for human occupancy.

2. TITLE

This bylaw may be cited as the “Regional District of Nanaimo Gabriola Island Noise Control Regulatory Bylaw No. 1082, 1998”.

3. JURISDICTION

This bylaw is applicable to and enforceable within that portion of Electoral Area ‘B’ known as “Gabriola Island” as shown in heavy black on the map attached to this bylaw as Schedule ‘A’.

4. OBJECTIONABLE AND DISTURBING NOISES

The acts listed in Schedule ‘B’ to this bylaw are considered by the Board to cause noises or sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts.

5. GENERAL PROHIBITION

No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on or is emitted from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

6. PROHIBITION BY TIME OR PLACE

Without limiting Section 5 of this bylaw, no person shall commit, cause or permit the commission of an act listed in Schedule ‘B’ to this bylaw which results in the emission of a continuous noise which is audible at a residential premises in the vicinity or in a public place during the period of time specified in respect of that act in Schedule ‘B’;

7. EXCEPTIONS

The prohibitions contained in Sections 5 and 6 of this bylaw do not apply to the emission of sound in connection with an act listed in Schedule 'C'.

8. INSPECTION AND ENTRY

A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the Board, to ascertain whether the regulations or directions of this bylaw are being observed.

Bylaw No. 1082
Page 3

9. SCHEDULES

Schedules 'A', 'B' and 'C' form a part of and are enforceable in the same manner as this bylaw.

10. PENALTY

- (a) A person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction for the first offence, to a penalty of not less than \$100 and not more than \$2,000, and for a second or subsequent offence, to a penalty of not less than \$250 and not more than \$2,000.
- (b) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

11. SEVERABILITY

If any provision of this bylaw is held to be beyond the power of the Regional District by any Court of competent jurisdiction, then the provision may be severed from the remainder of the bylaw without affecting the validity of any other provision.

12. REPEAL

"Gabriola Island Noise Control Regulating Bylaw No. 862, 1992" and amendments thereto are hereby repealed.

Introduced and read three times this 13th day of January, 1998.

Advertised in accordance with Section 839 of the Municipal Act this 20th day of February, 1998.

Adopted this 10th day of March, 1998.

SCHEDULE 'B'

PROHIBITIONS OF TIME

Act	Prohibited Period of Time
1. The operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and designed for the production, reproduction or amplification of sound, including but not limited to radios, record players, compact disc players, televisions, receivers and audio and video tape players.	At all times
2. The operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law.	10:00 p.m. to 8:00 a.m.
3. Persistent barking, calling, whining or other similar persistent sound made by a domestic pet, other animal or bird, kept or used for a purpose other than agriculture.	At all times
4. Persistent yelling and shouting.	At all times
5. The operation of a motor vehicle other than on a highway or other place intended for its operation.	At all times
6. The operation of a motor vehicle on a highway in a manner which results in tires squealing, racing its engine or without effective unmodified exhaust or intake muffling device which is in good working order and in constant operation.	At all times
7. The operation of a mechanical device, including but not limited to power saws and compressors.	8:00 p.m. to 8:00 a.m.

SCHEDULE 'C'

EXCEPTIONS

Sound emitted in connection with:

1. Emergency Measures Undertaken
 - (a) for the immediate health, safety or welfare of any person or persons, or
 - (b) for the preservation or restoration of property

unless the sound is of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
2. Works or activity associated with and necessarily incidental to:
 - (a) construction, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things;
 - (b) excavating, grading or filling land; (c) well drilling.

between 8:00 a.m. and 8:00 p.m. on any day.
3. Works or activity associated with and necessarily incidental to:
 - (a) installing, altering, repairing or removing public facilities or utilities; or
 - (b) repairing or raising a highway between 7:00 a.m. and 10:00 p.m. on any day.
4. Traditional, religious or other activities listed below:
 - (a) fireworks;
 - (b) special events held under Regional District of Nanaimo Special Events Bylaw No. 1010, 1996; (c) church bells.
5. Shouting in relation to games played in a community park.

671 Balsam St. Gabriola Island

WATER CONSERVATION PLAN

Feb 17th, 2018

To whom it may concern:

Our property has a 1600 gallon cistern and a couple of extra small cisterns for gathering rainwater for our garden. We have never had issues with running out of water in the last 13 years since we purchased the property in 2005. Even during dry spells, the pond has water and the grass remains green during the height of summer. We try to conserve water and our garden (except for some fuschias and lilies) have drought-tolerant plants. In the information brochure that we provide to our guests, we have emphasized the importance of water conservation and included guidelines to ensure the health of the septic system.

I have attached the original well log from Windecker in 1991, the water history that we received when we purchased the property as well as the well log provided by Red Williams Drilling.

For the septic certification, Bob Bye replaced the existing septic tanks (see attached receipts) and asked for the extra well that was on the property to be closed (see well closure report from Red Williams Drilling). We also had the secondary tank pumped out by Van Isle Septic.

Within the next year, we plan on having Summer Rain connect a small cistern to the existing well so that there is always a reserve available for the primary house, as a contingency, in case of extreme drought situations.

Regards,

Julia Garner

RED WILLIAMS WELL DRILLING LTD.

OFFICE ADDRESS: 1125 Smithers Rd. Parksville

**MAILING ADDRESS: 980 Pratt Road, Qualicum Beach, B.C.
V9K 1W5**

Phone Number (250) 248-4551

Fax Number (250) 248-4555

E-mail redwoodcentre@shaw.ca

G.P.M. WELL ASSESSMENT

CUSTOMER: GARNER, JULIA

E-MAIL: juliagarner@telus.net

SITE ADDRESS: 671 BALSAM AVENUE

DATE: 2018 FEBRUARY 7TH

TYPE OF WELL: SIX INCH DRILLED WELL

I.D. PLATE # - 43718

WATER LEVEL: APPROX. 13 FEET

WATER SAMPLE TAKEN: NO

PUMPING LEVEL @ APPROX. 85 FEET

FLOW RATE: ASSESSED @ APPROX. ONE GALLON PER MINUTE

WELL DEPTH: APPROX. 90 FEET

**FIELD TECHNICIAN: Andy Neggers – CERTIFIED WELL DRILLER – PUMP
TECHNICIAN**

NOTE: This report is an assessment of the current status of the well on this date. This report does not guarantee the water quality or quantity of the wells' potential in the future. This assessment was done for residential use only.



Ministry of
Environment

- ☐ Well Construction Report
☒ Well Closure Report
☐ Well Alteration Report

Red Williams Well
Drilling Ltd.
9800 Grant Street
Vancouver, BC V6P 1A1
250.248.5552

Min/ID Plate Number: 43715
Min/Tag Number: 68895
☐ Confirmation/alternative specs. attached
☐ Original well construction report attached

Red lettering indicates minimum mandatory information.

See reverse for notes & definitions of abbreviations.

Owner name: Julia and Kevin Garner
Mailing address: 1971 WHITE AVENUE Town VANCOUVER Prov. BC Postal Code V6J 1B4
Well Location: Address: Street no. 671 Street name Balsam Town GABRIOLA ISLAND
(*) Legal description: Lot 35 Plan 22540 D.L. _____ Block _____ Sec. _____ Twp. _____ Rg. _____ Land District _____
(*) PID: 603.330.460 (and) Description of well location (attach sketch, if nec.): WITHIN PROPERTY BOUNDARIES

NAD 83: Zone: 19 UTM Easting: _____ m Latitude (see note 3): 49° 11' 29.04
(see note 2) UTM Northing: _____ m Longitude: 123° 50' 20.17

Method of drilling: ☒ air rotary ☐ cable tool ☐ mud rotary ☐ auger ☐ driving ☐ jetting ☐ excavating ☐ other (specify): _____

Orientation of well: ☒ vertical ☐ horizontal Ground elevation: 174 ft (asl) Method (see note 4): _____

Class of well (see note 5): Water Supply Sub-class of well: Domestic

Water supply wells: Indicate intended water use: ☐ private domestic ☐ water supply system ☐ irrigation ☐ commercial or industrial ☐ other (specify): _____

Lithologic description (see notes 7-14) or closure description (see notes 15 and 16)

From ft (bgl)	To ft (bgl)	Relative Hardness	Colour	Material Description (Use recommended terms on reverse. List in order of decreasing amount, if applicable)	Water-bearing Estimated Flow (USgpm)	Observations (e.g., fractured, weathered, well sorted, silty wash); closure details
0	1			PEA GRAVEL BACKFILL		
1	16			BENTONITE		CLOSURE PLUG
16	35			PEA GRAVEL BACKFILL		
35	38			BENTONITE		
38	58			PEA GRAVEL BACKFILL		
58	61			BENTONITE		
61	81			PEA GRAVEL BACKFILL		
81	84			BENTONITE		
84	100			PEA GRAVEL BACKFILL		

Casing details

From ft (bgl)	To ft (bgl)	Dia in	Casing Material / Open Hole	Well Thickness in	Drive Shoe
0	14	6			

Screen details

From ft (bgl)	To ft (bgl)	Dia in	Type (see note 18)	Slot Size
------------------	----------------	-----------	--------------------	-----------

Surface seal: Type: _____ Depth: _____ ft

Method of installation: ☐ Poured ☐ Pumped Thickness: _____ in

Backfill: Type: _____ Depth: _____ ft

Liner: ☐ PVC ☐ Other (specify): _____

Diameter: _____ in Thickness: _____ in

From: _____ ft (bgl) To: _____ ft (bgl) Perforated: From: _____ ft (bgl) To: _____ ft (bgl)

Developed by:

☐ Air lifting ☐ Surging ☐ Jetting ☐ Pumping ☐ Bailing

☐ Other (specify): _____ Total duration: _____ hrs

Notes: _____

Well yield estimated by:

☐ Pumping ☐ Air lifting ☐ Bailing ☐ Other (specify): _____

Rate: _____ USgpm Duration: _____ hrs

SWL before test: _____ ft (btoc) Pumping water level: _____ ft (btoc)

Obvious water quality characteristics:

☐ Fresh ☐ Salty ☐ Clear ☐ Cloudy ☐ Sediment ☐ Gas

Colour/odour: _____ Water sample collected: ☐

Well driller (print clearly):

Name (first, last) (see note 19): PAUL A. NEGGERS

Registration no. (see note 20): 220 0503 2904

Consultant (if applicable; name and company): _____

DECLARATION: Well construction, well alteration or well closure, as the case may be, has been done in accordance with the requirements in the Water Act and the Ground Water Protection Regulation.

Signature of Driller Responsible: Paul A. Neggers

PLEASE NOTE: The information recorded in this well report describes the work and hydrogeologic conditions at the time of construction, alteration or closure, as the case may be. Well yield, well performance and water quality are not guaranteed as they are influenced by a number of factors, including natural variability, human activities and condition of the works, which may change over time.

white: Customer copy
cyan: Driller copy
pink: Ministry copy
Sheet 1 of 1

Final well completion data:

Total depth drilled: _____ ft Finished well depth: _____ ft (bgl)

Final stick up: _____ in Depth to bedrock: _____ ft (bgl)

SWL: _____ ft (btoc) Estimated well yield: _____ USgpm

Artesian flow: _____ USgpm, or Artesian pressure: _____ ft

Type of well cap: _____ Well disinfected: ☐ Yes ☐ No

Where well ID plate is attached: _____

Well closure information:

Reason for closure: No longer needed

Method of closure: ☒ Poured ☐ Pumped

Sealant material: BENTONITE Backfill material: PEA GRAVEL

Details of closure (see note 17): _____

Date of work (YYYY/MM/DD):

Started: 2018/02/07 Completed: 2018/02/07

Comments: _____

D. WINDECKER WATER WELLS

R.R.#1, SITE 3, GABRIOLA, B.C., VOR 1X0

PHONE: 247-9391

WELLS L 3

Depth

Material

Owner Jeff Snowball

Address _____

Location Lot #34 Balsam Ave.

Plan 22540 Sec. 22

Date begun Aug. 13 Completed Aug. 16

Yield 7 Gallons per minute

Static water level 8 feet from surface

Pumping water level 90 feet from surface

Casing used 14'

Bottom of casing 14 feet from surface

Stick-up above ground 0 feet

Screen used -----

Top of Screen ----- feet from surface

Bottom of Screen ----- feet from surface

Sources of water: 11 gpm at 40 feet

6 gpm at 68 feet

 gpm at feet

 gpm at feet

Rig No.

Driller:

MINIMUM CHARGE FOR DRILLING 30 Feet

3/4 JET PUMP 2 LINGS
CHECK VALVE
1" HP SUBMERIBLE 1/4" & 1/2"
6" CASING
1/2" ROPE

overburden

12'

shale

70'

sandstone &
shale in layers

100'

well complete

WATER HISTORY

ADDRESS # 671 BALSAM STREET

DATE May 20 2005 (when originally filled out by Seller)

Water supply is a Gulf Island issue that some urban buyers may not understand. As a tool to be clear on the water circumstances during your use, please fill in the following information sheet. Please be complete with your answers, as Buyers will use this information for their water management decisions and as a starting place for further investigations. Buyers must recognize that long term owners may not be able to document their use from home purchase time and will answer all questions with usage over more recent times. Owners who rent out their homes may not be able to give complete answers.

A. How long have you lived in this house?

5 years

B. Have you ever had your water tested for fecal or total coliforms, or minerals? If so, when & what were the results? (If you have had it tested more than once, please list the results & dates for each time or if you have copies please attach).

We never tested - but it was tested in 1998.

C. Have you ever run your well dry? If so, what were the circumstances around it? How long did it take to recover? Is this a regular occurrence?

Never run dry.

D. Have you ever purchased water? If so, how many loads (a load is 2,000 gallons) per year?

Never.

E. Please provide an explanation of your water usage - how many people normally reside at your home, how you use your water, do you service guests in the summer, etc. (If there is a copy of a well log available, please attach)

Tons of gardens on property. Two people live in house, & often have summer guests. We shower daily.

[Signature] Seller Maria Watz Seller
____ Buyer _____ Buyer

Date: _____ (When Buyer read and received copy)

The Buyer is aware that water quantity and quality are not stable statistics & may change from year to year, month to month & even day to day, and depending on household needs, additional water collection &/or storage may be needed.

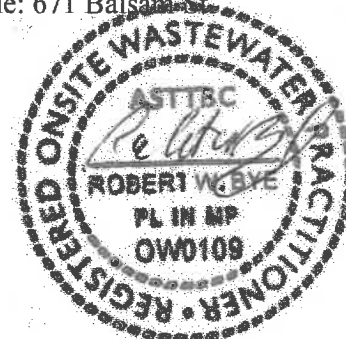
Assurance of Compliance

by a
Registered Onsite Wastewater Practitioner

Date: 15//02//2018

Our File: 671 Balsam St.

To: Julia Garner
671 Balsam St.
Gabriola Island B.C.
Lot 35, sec 22, plan 22540
Nanaimo District .B.C.



Re: Vacation Rental Application to the Gabriola Island Local Trust Committee for
Temporary Commercial and Industrial Use Supplemental Application at the residence at the
above noted address.

To whom it may concern:

I hereby give assurance that:

I have conducted an evaluation according to ASTTBC's Guidelines for Onsite Wastewater Systems, and that the inspection was of sufficient thoroughness to determine the condition and location of the onsite system serving this property.

-The Onsite Wastewater Systems at the above address is adequate for a 2 bedroom home up to 2584 sq.ft or (240 sq.m). Not exceeding daily waste water flow of 1000 liter/day or 219 gal/day

- The Onsite Wastewater Systems at the above address will support the proposed Vacation Rental occupancy load.

The proposed Vacation Rental occupancy load will not have a negative impact on the function of the existing onsite wastewater system or create any environmental or health hazards.

This assurance is subject to:

- The proposed Vacation Rental occupancy load. Not exceeding daily waste water flow of 1000 liter/day or 219 gal/

-- Any future construction or landscaping does not encroach on the required setback to the onsite wastewater system.

Robert W. Bye
Small Time Excavating
645 Gallagher Way
Gabriola Island B.C.

Phone # 250-247-8166
E-mail; bobwbye@hotmail.com
ROWP # OW 0109

REGIONAL DISTRICT OF NANAIMO

Attachment 9

Building Inspection Service
OCCUPANCY PERMIT

N. 6776

Street and house number 671 BALSAM ST.

Legal description LOT 35, SEC 22, PLAN 22540 NANAIMO, L.D.

Class of Occupancy SINGLE FAMILY DWELLING

Building Permit Number 17824

Pursuant to the requirements of the Building Bylaws of the Regional District of Nanaimo permission is hereby granted to occupy the above described building subject to the following limitations:

IMPORTANT: Owners are reminded that a new OCCUPANCY PERMIT is required prior to CHANGE in CLASS of OCCUPANCY.

Date 94-10-17

P.O. [Signature]
Building Inspector

This CERTIFICATE must be affixed to a conspicuous and permanent place in the said building and shall not be removed.

Julia Garner

From: Gabfire <gabfire@shaw.ca>
Sent: 14 February 2018 09:34
To: Julia Garner
Subject: Re: 671 Balsam St - Fire Inspection Certification

To whom it may concern

I have inspected the residence at 671 Balsam St, Gabriola Isl. to ensure it meets the life and safety standards for a TUP for a daily rental unit.

I feel this location meets the standards necessary for this use.

Rick Jackson

Fire Chief

Gabriola Vol. Fire Dept.

From: Julia Garner
Sent: Monday, February 12, 2018 8:49 AM
To: gabfire@shaw.ca
Cc: Kevan Garner
Subject: 671 Balsam St - Fire Inspection Certification

Hello Rick,

You came by last week to see what Kevan installed and he did the extra fire extinguisher in [REDACTED] room and sent you the pictures last week. Can you please send as soon as possible to my email address? I would like to submit the application by the end of this week.

Julia Garner
Business Analyst II, BSW – BCX
CRM Enablement & B2B Systems Transformation

TELUS Business
M +1 604 788 6573
TELUS.com/business [Facebook](#) [Twitter](#) [YouTube](#) [Linkedin](#)
the future is friendly

From: Martin Humphries [REDACTED]
Sent: Thursday, September 20, 2018 10:03 AM
To: northinfo
Subject: GB-TUP- 2018.1 & 2018.2

TO: PLANNER JAIME DUBYNA

I was surprised to see two notices in 'The Sounder' this week for TUPs for commercial vacation rentals on Gabriola Island.

I was under the impression that vacation rentals were not allowed on Gabriola Island., and was concerned to see two in one week which made me wonder just how many similar permits might be expected in a year, or is there a limit? Not being impacted by such uses is one of the good things about [REDACTED] Gabriola.

Thanks,
Martin Humphries
[REDACTED]

From: Sue Shiel [REDACTED]
Sent: Friday, September 21, 2018 9:17 AM
To: northinfo
Subject: GB-TUP-2018.1

[REDACTED] of the subject property and I object to its continuing use as an Airbnb. The constant coming and going of new people has created a lot of noise and disruption in our quiet neighborhood, and the owner is not on site, or even on the island, to manage it.

Thank you for taking my concerns about this application into consideration.

Sincerely
Sue Shiel
[REDACTED]

DATE OF MEETING: September 27, 2018

TO: Gabriola Island Local Trust Committee

FROM: Madeleine Koch, Planner 2
Northern Team

SUBJECT: Temporary Use Permit for a Commercial Vacation Rental in the SRR Zone

Applicant: Richard Lenz

Location: 3158 Whalley Road, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Temporary Use Permit GB-TUP-2018.1 for a commercial vacation rental for a period of three (3) years from date of issuance, subject to the following conditions:
 - a) the single family dwelling and subject property must maintain a residential appearance, and the existing vegetative screening or fencing must not be removed;
 - b) parking for a minimum of two (2) vehicles for the commercial vacation rental use must be provided on the property;
 - c) the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - d) neighbours within a 100 metre radius of the commercial vacation rental must be provided with a contact phone number, and a copy of the temporary use permit;
 - e) information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - f) a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - g) the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is three (3);
 - h) the maximum number of people that can stay in the commercial vacation rental is a maximum of two (2) guests per bedroom, for a maximum of six (6) guests at any given time;
 - i) the maximum number of signs advertising the commercial vacation rental is restricted to one (1) sign, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - j) the rental or provision of motorized personal watercraft to rental clients is prohibited;
 - k) the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;
 - l) Onsite wastewater management for the commercial vacation rental use shall be in accordance with the Assurance of Compliance prepared by Jeffrey Butler, Registered Onsite Wastewater Practitioner, dated April 25, 2018, attached to and forming part of this permit as Schedule C;

- m) Between one year and 13 months following the date of issuance, the landowner shall supply the Islands Trust with a report, prepared by a Registered Onsite Wastewater Practitioner, certifying that the onsite wastewater management system is sufficient for the commercial vacation rental use; and
- n) the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.

- 2. That the Gabriola Island Local Trust Committee include a statement on the Temporary Use Permit GB-TUP-2018.1 to emphasize that it is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.

REPORT SUMMARY

This report concerns an application for a Temporary Use Permit (TUP) for the temporary operation of a commercial vacation rental within the single family dwelling on the subject property. Pursuant to Section 3.8 (a) of the Gabriola Island Official Community Plan (OCP), a temporary use permit may be issued to allow commercial vacation rentals on land designated Small Rural Residential (SRR).

BACKGROUND

The subject property is approximately 0.33 hectares (0.8 acres) in area, and is located at 3158 Whalley Road, which is within the Small Rural Residential (SRR) zone. One dwelling is located on the property. See the site context (Attachment 1) and site plan (Attachment 2) for further information on the subject property.

The applicant proposes to operate a commercial vacation rental, which would involve renting out the entire three bedroom home to a maximum of 5 paying guests at one time.

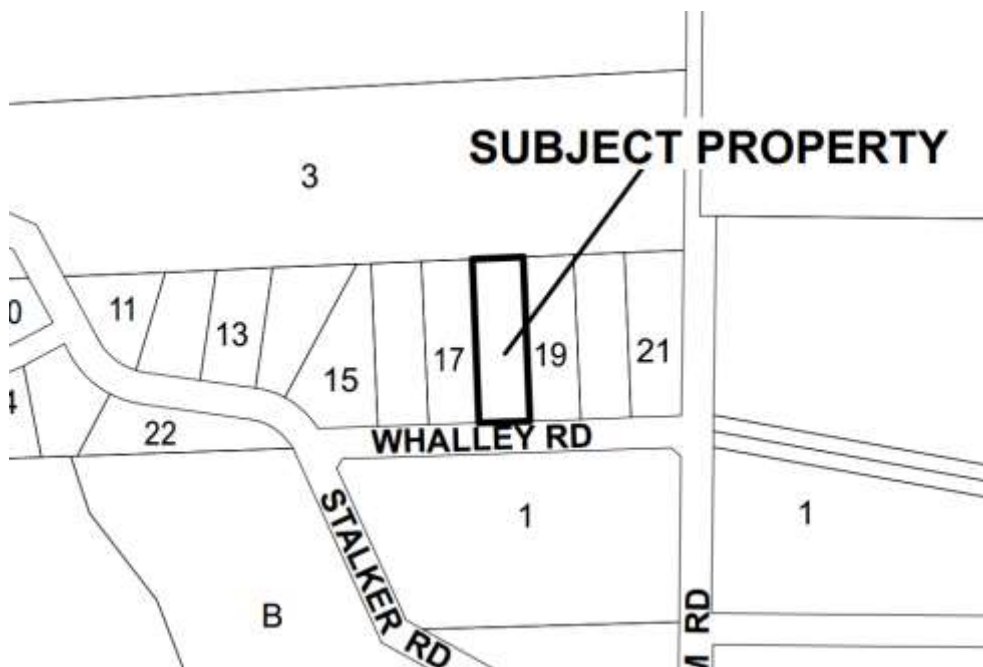


Figure 1. Subject Property

The Gabriola Island Local Trust Committee (LTC) may issue a TUP that allows commercial activities to take place under the conditions specified in the permit, including the posting of a security to ensure compliance with the terms of the permit. Notice of the intent to consider the issuance of a TUP must be given. Under a TUP, the specified uses may be carried out for a period of up to three years, and may be renewed a further three years. Staff note that issuance of a TUP should not be interpreted as support for a permanent zoning. However, the impacts of a use carried out under a TUP may assist the LTC in making a decision on a rezoning application, should one be made in future to permanently allow the use.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

This application is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

The subject property is designated as Small Rural Residential (SRR) in the Official Community Plan (OCP), and is not within any Development Permit Areas.

Subject to Section 3.8 (a), TUPs may be issued for:

vii. commercial vacation rentals within areas designated on Schedule B as 'Small Rural Residential', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'.

Section 3.8 (h) of Gabriola Island OCP No. 166 provides guidelines to be used when considering issuance of a TUP. See Attachment 3 for staff's assessment of the application's consistency with each TUP Guideline.

Land Use Bylaw:

The subject property is zoned Small Rural Residential (SRR) in the Land Use Bylaw (LUB). Commercial vacation rentals are not an outright permitted use in the zone, and are not permitted as a Home Occupation as per Section B.3 of the LUB. However, regulation B.6.3.1 of the LUB facilitates the use of TUPs to allow commercial vacation rentals on a case-by-case basis:

B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.

Issues and Opportunities

Water

There are concerns related to commercial vacation rentals and the increased pressure on water resources that may occur from this use. Generally, commercial vacation rentals result in an increased use of water for laundry and other cleaning activities following each guest's departure. This application proposes to rent out the existing single family dwelling and does not propose to increase the number of water fixtures/appliances, or increase the number of people who would typically stay in the dwelling.

Guideline 3.8(h)(v) states:

“the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest”

A breakdown of this application's level of compliance with all TUP guidelines from the OCP is included as Attachment 3. However, the guidelines related to water warrant further analysis.

The applicant has submitted a statement that well water is pumped into a 2500 gallon cistern, that all toilets have low-flow flush options, and that the gardens are watered using collected rainwater (Attachment 4). A letter from a Qualified Pump Tester (Attachment 5) was also included with the application package, detailing the results of a well recovery test performed on June 15, 2018. On that day, the well yielded a recharge rate of 5 gallons (22.7 L) per minute, which complies with guideline 3.8(h)(v), as calculated below:

<u>Requirement:</u> 227 litres per guest per day @ 5 guests (max capacity) 227 x 5 = 1135 Litres required per day for max capacity	<u>June 15 Well Yield:</u> Minutes in a day x litres recharged per minute 1440 x 22.7 = 32,688* Litres produced on June 15 2018 *(not including cistern and well storage capacity)
---	--

While the data from June 15 far exceeds the water supply amount suggested in guideline 3.8(h)(v), it should be noted that the well was tested in June, at which point in the year aquifers still tend to have higher levels of water following winter rains. This test does not reflect the status of the well during the dry season, which corresponds with the high season for tourism on Gabriola Island.

The Islands Trust's Freshwater Specialist suggests that a pumping test conducted during the dry season (July to November) over a minimum 4-hour period, and an assessment report completed by a professional hydrogeologist to determine whether or not sufficient groundwater is available for the proposed use over time. Staff note that the TUP guidelines do not include requirements for this type of assessment and reporting.

The LTC may consider requesting more intensive well testing if a subsequent rezoning application is made to allow the proposed use on a permanent basis.

Staff note that the *BC Water Sustainability Act* (WSA), introduced in 2016, brought in new licensing requirements for use of groundwater for non-domestic purposes, and that these requirements may apply to this proposal. Due to the WSA being relatively new legislation, groundwater licensing requirements are still being confirmed; however, it is staff's understanding that property owners with commercial vacation rentals are required to apply for a commercial groundwater license.

Staff recommend that the LTC specify on the permit that the applicants are required to obtain any necessary approvals for groundwater use under the WSA or any subsequent legislation. It is not recommended that the permit be withheld until the applicant has secured any required water license, as it is staff's understanding that the groundwater licensing processing times may take over a year. If, as recommended, a TUP is issued without delay for a three year term, the LTC could review and consider any required water licensing documentation upon a subsequent application for TUP renewal or rezoning.

If the Local Trust Committee wishes to monitor STVR water consumption, they may consider requiring water metering in accordance with Guideline 3.8(h)(xvii), which states:

“The Local Trust Committee may require water metering”

Staff note that water metering is more commonly used in jurisdictions that use community water systems. It may be possible to install water meters on well apparatuses to monitor consumption. If the LTC is interested in this option, they should consider requesting staff to carry out further research on well water meters to further determine the feasibility of this option.

Consideration should also be given to reviewing the TUP guidelines related to water use and supply for commercial vacation rentals, as there are opportunities to strengthen the guidelines to enhance water conservation. The LTC may wish to add this type of review to its projects list.

Septic

Van Isle Septic assessed the septic system in April 2018 and determined that the existing system is sufficient to accommodate the vacation rental use, subject to conditions (Attachment 6). These conditions include limiting expansion of the use, having the effluent filter cleaned annually, and installing low flow water fixtures and appliances.

As a precautionary measure, staff are recommending that conditions be included in the permit that: onsite wastewater management for the commercial vacation rental use shall be in accordance with the recommendations of the Registered Onsite Wastewater Practitioner; and that between 12 and 13 months after issuance of the permit, the landowner shall supply the Islands Trust with a professional report certifying that onsite wastewater management is sufficient for the commercial vacation rental use.

The addition of these conditions is consistent with TUP guideline 3.8(h)(xvii), which states [TUPs can address]:

“such other considerations as are deemed applicable with respect to a specific commercial vacation rental application”.

Consultation

For Temporary Use Permit applications, Section 494 of the *Local Government Act* requires public notification in the form of a newspaper advertisement, and Gabriola Island Trust Committee Development Procedures Bylaw No. 114 requires that notice be mailed or otherwise delivered to all properties within 100 metres of the subject property. The notice is included in Attachment 7.

The required notification has taken place and at the time of report writing, staff had spoken to one neighbour who did not express concerns with the commercial vacation rental use. Comments received subsequent to completion of the staff report would be conveyed to the LTC at the September 27, 2018 LTC meeting.

Referrals

This application does not trigger the requirement for agency or First Nations referrals; however the LTC may refer to agencies or First Nations if it is determined that any may have interest.

Rationale for Recommendation

Staff consider the proposal to meet the commercial vacation rental TUP guidelines outlined in Section 3.8 of the OCP. Therefore, it is recommended that a TUP be issued for a period of three years, subject to conditions in accordance with the TUP guidelines.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If this alternative is selected, the LTC should describe the specific information that is being requested. Recommended wording for the resolution is as follows:

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

2. Impose additional permit conditions

The LTC may choose to impose additional permit conditions in accordance with TUP guideline 3.8(h)(xvii) which states “such other considerations as are deemed applicable with respect to a specific commercial vacation rental application”. Recommended wording for the resolution is as follows:

That the following be made a condition of Temporary Use Permit application GB-TUP-2018.2:... [insert condition(s)].

3. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-TUP-2018.2.

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Madeleine Koch, MCIP, RPP Planner 2	September 13, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 13, 2018

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – Site Plan
3. Attachment 3 – TUP Guideline analysis
4. Attachment 4 – Water Plan
5. Attachment 5 – Pump Test Letter
6. Attachment 6 – Septic System Compliance Letter
7. Attachment 7 – Public Notice
8. Attachment 8 – Draft Permit
9. Attachment 9 – Occupancy Permit
10. Attachment 10 – Fire Inspection Letter
11. Attachment 11 – Guest Information

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 18, Section 4, Gabriola Island, Nanaimo District, Plan 23803
PID	003-145-158
Civic Address	3158 Whalley Rd
Lot Area	±0.33 hectares (0.8 acres)

LAND USE

Current Land Use	Residential; commercial vacation rental Existing buildings and structures include: • A dwelling • A woodshed • Water cisterns • Septic tanks • Pump house • Rock wall • Privacy fence
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
	None on record

POLICY/REGULATORY

Official Community Plan No. 166, 1997	The subject property is within the Small Rural Residential (SRR) land use designation. Not within any Development Permit Areas.
Land Use Bylaw No. 177, 1999	The subject property is within the Small Rural Residential (SRR) zone. Permitted Principal uses in the SRR zone include Single family residential. Permitted Accessory uses in the SRR zone include Home occupations (including Bed and Breakfasts), subject to regulations in B.3. B.3.1.1 Home occupation uses must be carried out by at least one permanent resident of the premises in which the home occupation is located; B.3.6.1 The following additional regulations apply to bed and breakfast home occupations: a. On lots: i. less than 0.5 hectares (1.24 acres), a maximum number of two

	bedrooms may be used for bed and breakfast accommodation; d. Breakfast is to be the only meal served; e. No additional set of cooking facilities may be provided for the bed and breakfast use. B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.
Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants, Parks/Protected Areas, Steep Slopes, or Watercourses.
Covenants	None

SITE INFLUENCES

Islands Trust Conservancy	Application does not directly affect an Islands Trust Conservancy Board-owned property or conservation covenant.
Regional Conservation Strategy	Map 8 of the Regional Conservation Plan estimated importance of habitat composition is low-medium.
Species at Risk	None mapped.
Sensitive Ecosystems	None mapped
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100 metres of the subject property. However, the applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during any subsequent site development, all work should cease and the Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is in a moderate vulnerability area.

3158 Whalley Rd.

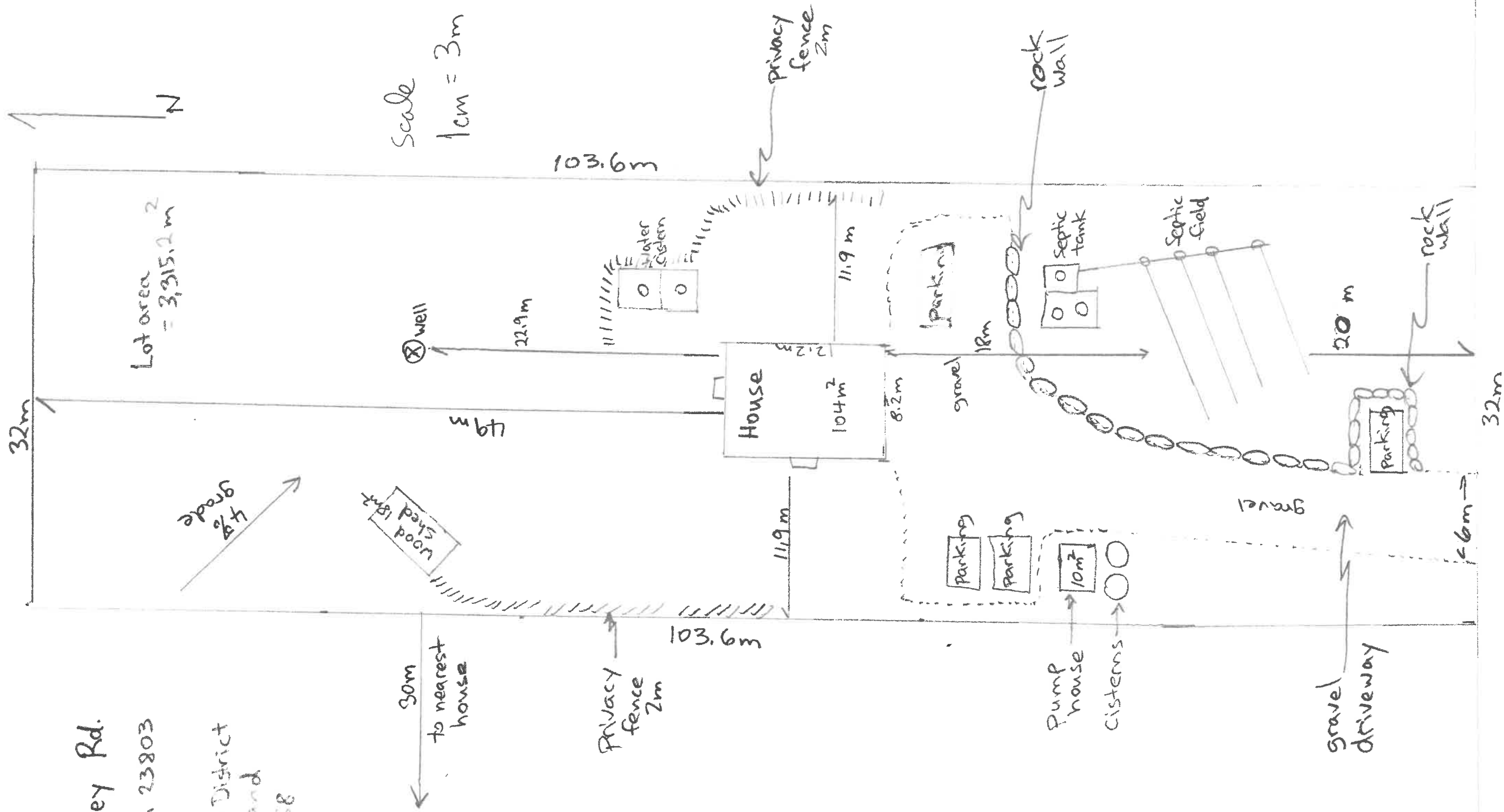
Lot 18 Plan 23803

Section 4

Nanaimo Land District

Galiana Island

PID 003-145-158



Whalley Rd.

ATTACHMENT 3 – TUP GUIDELINES IN THE GABRIOLA OCP

OCP Subsection 3.8(h)

The following is a breakdown of the application's level of compliance with each TUP guideline, and a summary of how the draft permit (Attachment 8) addresses applicable guidelines.

Guideline	Planner Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals	<i>TBD by LTC</i> There are currently no other active TUPs for commercial vacation rentals in this neighbourhood, and based on an Air BnB search, it does not appear that any other commercial vacation rentals are operating illegally in the area
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood	<i>Included as a condition of the permit</i> Staff are recommending that the permit include a condition that the dwelling unit and subject property are to maintain a residential appearance.
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues	<i>Included as a condition of the permit</i> Staff are recommending that the permit include a condition that the existing vegetative screening or fencing not be removed.
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	<i>N/A - Not in the ALR.</i>
v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest	<i>Included as a condition of the permit</i> See analysis in staff report

vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	<i>Included as a condition of the permit.</i> The site plan included as Schedule B on the draft permit indicates 4 parking spaces on the subject property. It is recommended that the permit include a condition that parking be provided in accordance with the site plan.
vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	<i>Related conditions included in permit</i> Van Isle Septic inspected the sewage disposal system in April 2018 and determined that the existing system is sufficient for the vacation rental use, subject to conditions which have been added to the draft TUP (see conditions 4.12 – 4.15).
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code	<i>Guideline satisfied/ Permit condition not needed</i> The applicant has submitted a copy of the Regional District of Nanaimo Building Inspection Service Occupancy Permit dated October 25, 2010 (Attachment 9). The applicant has submitted an email dated May 1, 2018 (Attachment 10) from Fire Chief Rick Jackson, of the Gabriola Fire Department, indicating that the residence meets the requirements of the B.C. Fire Code for the proposed use.
ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	<i>Included as a condition of the permit.</i> The applicant has provided the name and contact information for the person who will assume this role.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit	<i>Included as a condition of the permit.</i>
xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted)	<i>Included as a condition of the permit.</i> The applicant submitted an example letter that provides the required information for guests (see Attachment 11).

xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom	<i>Included as a condition of the permit.</i> While the house has three bedrooms, the proposal is for a maximum of 5 guests.
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	<i>Included as a condition of the permit.</i>
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients	<i>Included as a condition of the permit.</i>
xv. a condition of the permit should limit the number of bedrooms to: • a maximum of 3 on lots smaller than 2.0 hectares; and • a maximum of 4 on lots of 2.0 hectares or larger	<i>Included as a condition of the permit.</i> The subject property is smaller than 2 hectares in area, and the house contains three bedrooms.
xvi. a condition of the permit should prohibit recreational vehicles or camping	<i>Included as a condition of the permit.</i>
xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application	<i>TBD by LTC/ Additional condition added to draft permit</i> Staff are recommending that the conditions related to septic, as recommended by the Registered Onsite Wastewater Management Practitioner, be included as conditions of the Temporary Use Permit. See conditions 4.12 – 4.15 of the draft permit.
xviii. the Local Trust Committee may require water metering	<i>TBD by LTC</i>
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities	<i>Not applicable</i> Copy of occupancy permit submitted.
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts	<i>Included as a condition of the permit</i> The applicant has included this in the example information package to be provided to guests. (Attachment 11)

June 21, 2018

Water Use Plan – 3158 Whalley Rd. Gabriola Is. B.C.

All water will be obtained from the well on this property. Water is pumped into an 80 gallon pressure tank which feeds water into a 2500 gallon cistern. The water pump is activated by the pressure tank such that it does not have to run continuously to refill the water cisterns. Water is pumped into the house from the water cistern when used inside house. There will be minimal use on the deep well pump, since the draw down for recharge of the water cistern is about 300 gallons.

All toilets in the house have low flush capability.

All water for the gardens is provided by rain water from the roof.



Richard Lenz

Owner

SUMMER RAIN WATER DELIVERY

3153 Whalley Road

Gabriola Island

VOR 1X7

June 15/2018

To Whom It May Concern

Pump Testing for Recovery Rate of Well #25305

at 3158 Whalley Road, Gabriola Island, B.C.

Resulted in a Recharge Rate of 5 Gallons / Minute

Testing Performed by Dan Foley Qualified Pump Installer

#WP706012502

Thanks



Dan Foley

Summer Rain

Van Isle Septic

3635 Allsop Road, Nanaimo, BC V9R 6X3
Office (250) 741-1222 | Fax (250) 585-5223
Your Friend in the Business!

Assurance of Compliance

Date: April 25, 2018

Property: 3158 Whalley Road
Gabriola Island, BC V0R 1X7

Legal Description: LT 18, SEC 4, GABRIOLA ISLAND, NANAIMO DIST, PL 23803

To Whom It May Concern,

I have conducted an inspection of sufficient thoroughness to determine that the onsite sewage disposal system at the above noted property complies with the appropriate regulations in place at the time that the system was built. In the matter of the applicable requirements for a vacation rental, the field should not be negatively affected by the sewage demand of the existing 3 bedroom, 2800 square foot home.

I have set out the following requirements:

- 1) The house is not to increase in the number of bedrooms in the home or to expand the total square footage beyond 2800 square feet.
- 2) The type of usage is not to be altered. This system is intended to handle residential sewage, not process or high-strength wastewater.
- 3) Have the effluent filter in the septic tank cleaned annually.
- 4) Install low flow water fixtures and appliances.

It should be noted that no warranties on this system are expressed or implied.

Sincerely,

Jeff Butler
ROWP - PL, IN, MP, PIR, PIC
Van Isle Septic Systems

A Family Owned and Operated Company
www.vanisleseptic.com





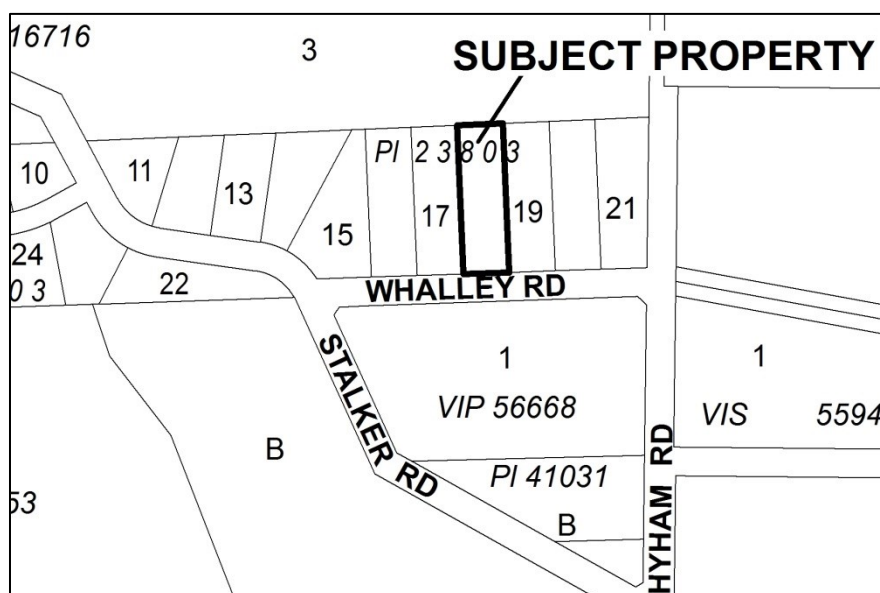
Gabriola Island Local Trust Committee

TEMPORARY USE PERMIT NOTIFICATION GB-TUP-2018.2

NOTICE is hereby given that the Gabriola Island Local Trust Committee will consider a Resolution to issue a Temporary Use Permit pursuant to Section 493 of the *Local Government Act* for Lot 18, Section 4, Gabriola Island, Nanaimo District, Plan 23803 (PID 003-145-158, Application GB-TUP-2018.2, 3158 Whalley Road, Gabriola Island).

The purpose of the proposed permit is to permit the operation of a commercial vacation rental within the single family dwelling on the subject property.

The location of the property subject to the proposed permit is shown on the following sketch:



Enquiries or comments should be directed to Planner Jaime Dubyna at 250-247-2063, or by email to: northinfo@islandstrust.bc.ca. For Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867.

A copy of the proposed permit may be inspected at the Islands Trust Northern office at 700 North Road, Gabriola Island between the hours of 8:30 a.m. and 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays commencing September 12, 2018 up to Wednesday, September 26, 2018.

The Gabriola Island Local Trust Committee will consider the proposed permit at its regular meeting to be held on on **Thursday, September 27, 2018** beginning at 10:15 a.m. at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island. Please refer to the posted agenda available on the Islands Trust website (www.islandstrust.bc.ca) at the beginning of that week for an indication of where this application is to be placed on the agenda.

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

Claire Olivier,
Acting/Legislative Clerk

	GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2018.2 (LENZ) 3158 Whalley Road, Gabriola Island
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To: R. W. Lenz

1. This Permit applies to the land described below:

PID 003-145-158

Lot 18, Section 4, Gabriola Island, Nanaimo District, Plan 23803

2. This Permit is valid for a period of three years from the date of issuance.
3. This Permit is issued for the purpose of permitting a commercial vacation rental within the single family dwelling.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance and the existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with a contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 6 guests at any given time;
 - 4.8 the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is 3;
 - 4.9 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.10 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.11 The use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;
 - 4.12 Onsite wastewater management for the commercial vacation rental use shall be in accordance with the Assurance of Compliance prepared by Jeffrey Butler,

Registered Onsite Wastewater Practitioner, dated April 25, 2018, attached to and forming part of this permit as Schedule C;

- 4.13 Between one year and 13 months following the date of issuance, the landowner shall supply the Islands Trust with a report, prepared by a Registered Onsite Wastewater Practitioner, certifying that the onsite wastewater system is sufficient for the commercial vacation rental use; and
 - 4.14 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
 6. All in accordance with Schedules A, B and C attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
 7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

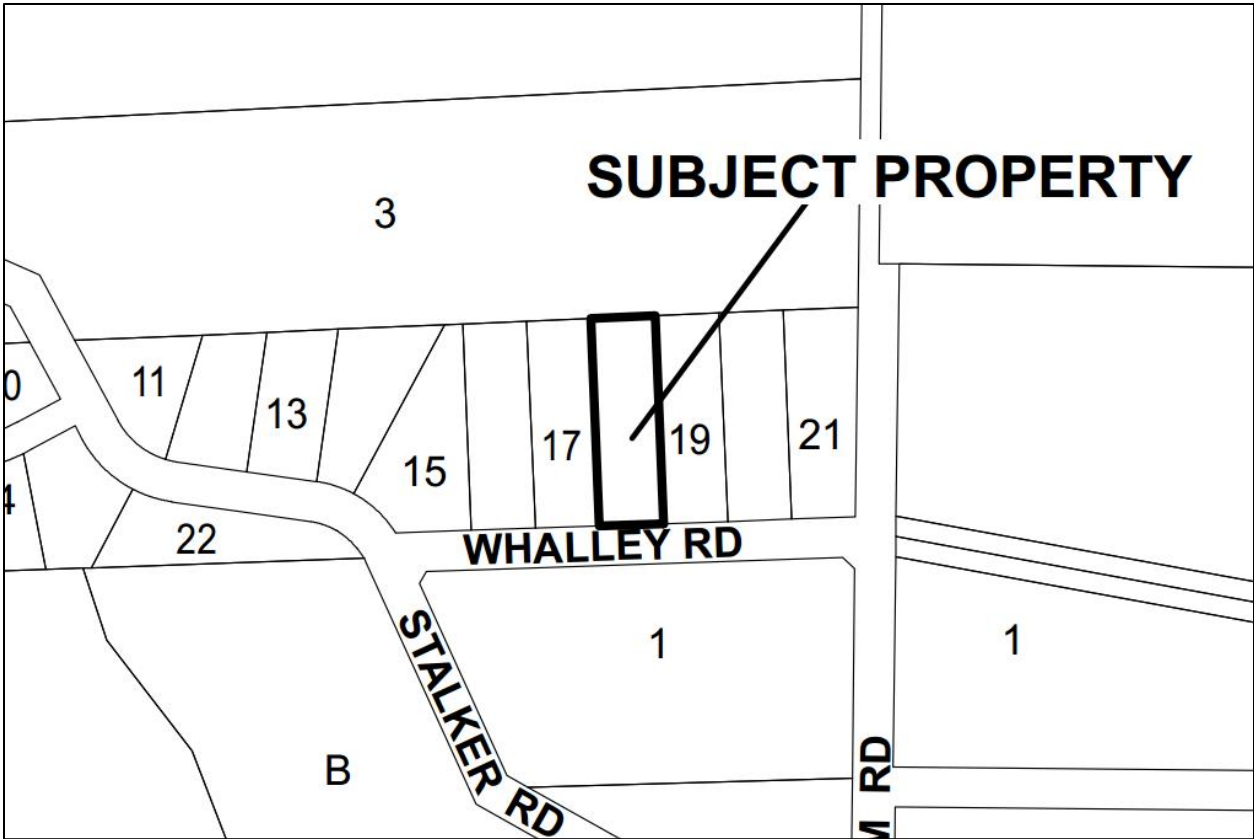
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS _ DAY OF _____, 20__.

Deputy Secretary, Islands Trust

Date Issued

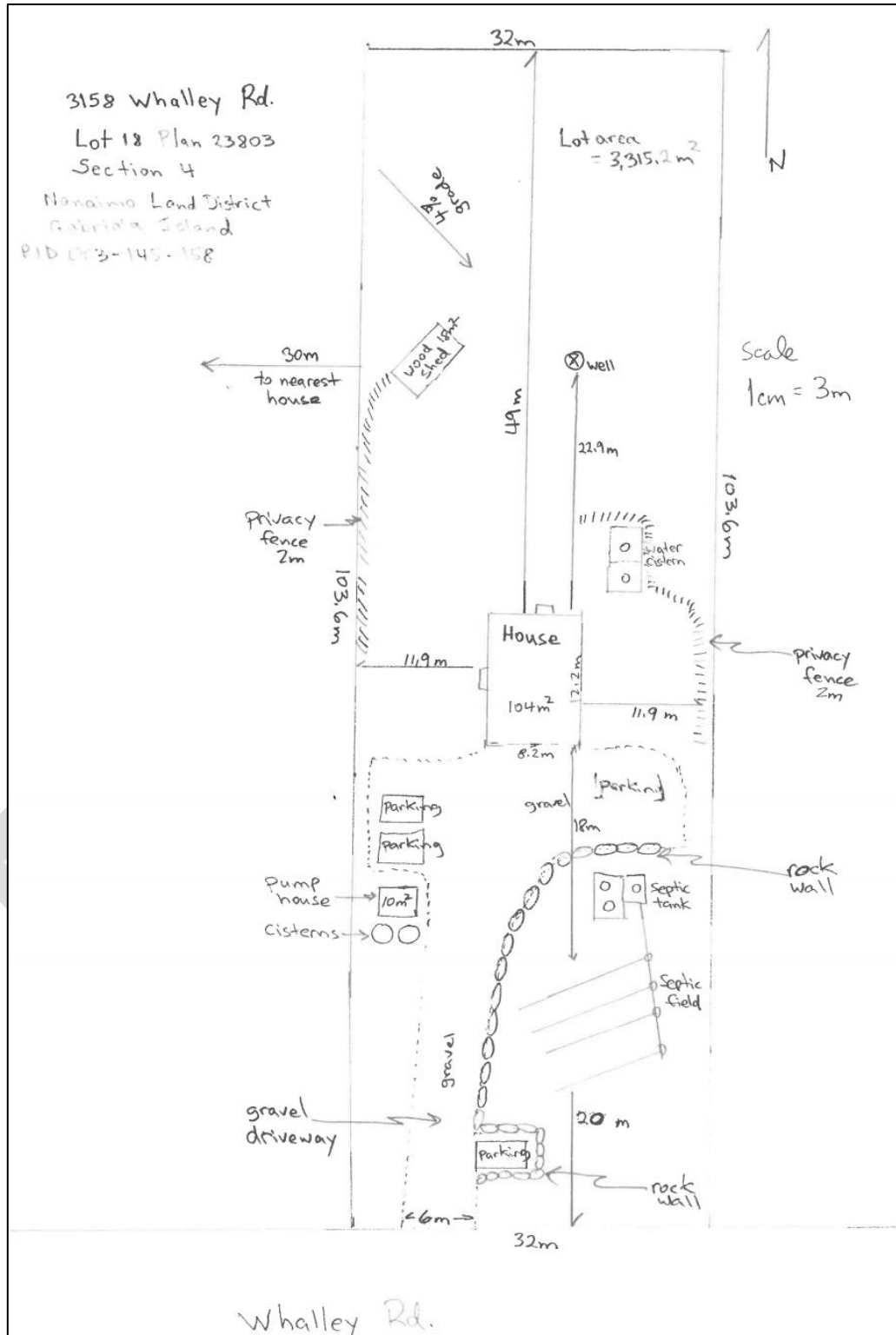
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2018.2 – Lenz

SCHEDULE “A”



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2018.2 – Lenz

SCHEDULE "B"



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2018.2 – Lenz**

SCHEDULE “C”

Van Isle Septic

3635 Allsop Road, Nanaimo, BC V9R 6X3
Office (250) 741-1222 | Fax (250) 585-5223
Your Friend in the Business!

Assurance of Compliance

Date: April 25, 2018

Property: 3158 Whalley Road
Gabriola Island, BC V0R 1X7

Legal Description: LT 18, SEC 4, GABRIOLA ISLAND, NANAIMO DIST, PL 23803

To Whom It May Concern,

I have conducted an inspection of sufficient thoroughness to determine that the onsite sewage disposal system at the above noted property complies with the appropriate regulations in place at the time that the system was built. In the matter of the applicable requirements for a vacation rental, the field should not be negatively affected by the sewage demand of the existing 3 bedroom, 2800 square foot home.

I have set out the following requirements:

- 1) The house is not to increase in the number of bedrooms in the home or to expand the total square footage beyond 2800 square feet.
- 2) The type of usage is not to be altered. This system is intended to handle residential sewage, not process or high-strength wastewater.
- 3) Have the effluent filter in the septic tank cleaned annually.
- 4) Install low flow water fixtures and appliances.

It should be noted that no warranties on this system are expressed or implied.

Sincerely,

Jeff Butler
ROWP - PL, IN, MP, PIR, PIC
Van Isle Septic Systems

A Family Owned and Operated Company
www.vanisleseptic.com





BUILDING INSPECTION SERVICES

OCCUPANCY PERMIT

Pursuant to the requirements of the building bylaws of the Regional District of Nanaimo permission is hereby granted to occupy the described building subject to the following limitations.

Street Address: 3158 WHALLEY RD

Legal Description: LOT 18, SECTION 4, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 23803

Class of Occupancy: C Residential occupancies

Building Permit Number: PR20090000107 & 29767 Renewal Permit

Date Issued: October 25, 2010 - Jerry Schaefer

IMPORTANT NOTICE

The occupancy approved under this permit refers only to structural and plumbing components of the above building permits(s) and such occupancy is permitted as of the date shown. This permit is not a warranty that the subject building or any part of the building complies with all regional and provincial regulation covering zoning and building construction or that the building or any part of the building is without defect. Conformity to the regulations is the responsibility of the owner. Owners are reminded that a new **OCCUPANCY PERMIT** is required prior to change in **CLASS OF OCCUPANCY**.

This CERTIFICATE must be affixed to a conspicuous and permanent place in the said building and shall not be removed.

Shaw Webmail

rlenz01@shaw.ca

TUP

From : Gabfire <gabfire@shaw.ca>

Tue, May 01, 2018 10:51 AM

Subject : TUP

To : rlenz01@shaw.ca

GABRIOLA VOLUNTEER FIRE DEPARTMENT

Box 89,

Gabriola, B.C., VOR 1XO

Telephone: (250) 247-9677

Fax: (250) 247-9850

May 1, 2018

To Whom It May Concern:

Re: 3158 Whalley Road

On April 28, 2018 I inspected the residence of Richard Lenz of the above-noted address on Gabriola Island, B.C.

I found this property to be in compliance with the BC Fire Code for the purpose of a 'Temporary Use Permit'.

Yours truly,
Mr. Rick Jackson
Fire Chief

RDJ:pm

Welcome to

Gabriola Westcoast home- Ravenswood

You are at:

3158 Whalley Rd.

Gabriola, B.C.

Canada V0R 1X7

Please read the following to make your stay both safe and enjoyable.

Noise bylaw: Please remember you are in a residential area. Gabriola Island falls under the Regional District of Nanaimo bylaw No. 1082 to regulate *noise* which states:

"No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on or is emitted from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity."

This bylaw applies to all persons (owners and renters) and is subject to fines ranging from \$100 to \$2,000. The bylaw clarifies that persistent yelling and shouting, and electronic *devices* that can be heard beyond the property line are prohibited. Please be respectful of our neighbour's peace and quiet.

Water: The water is supplied by a well on the property and stored in underground concrete cisterns. Please be aware that Gabriola is a groundwater sensitive area and use is a real concern on Gabriola *so* please practice water conservation such as avoiding long showers or letting faucets and taps run unnecessarily.

Some helpful ideas to reduce your water use:

Do not run the hot water in the shower to warm the bathroom. Shut-off water while shaving and brushing teeth (save up to 5 gallons per minute). Keep a pitcher of drinking water in the refrigerator instead of running the tap every time to get cool water. Hand wash dishes in the sink instead of running water.

Operate the dishwasher and laundry machines when you have a full load. Use low flush mode for liquid toilet waste. Minimize pre-rinsing of dishes.

Fire Safety: No open fires are permitted. Gabriola Island is a 911 community for fire, police and ambulance service. There are fire extinguishers located on each floor; basement middle hanging on wall beside bar; main floor beside kitchen and upstairs outside bedrooms. There are smoke detectors in every bedroom and on each level of the home. Beach fires are not permitted without permits. No burning of woodstove permitted during the Spring and Summer months. Please check with the Gabriola Fire Department between 9am and noon at 250-247-9677.

Garbage: The garbage bin in the kitchen garbage cabinet can be emptied into the large garbage can that is kept outside at the large rock beside the driveway entrance. The lid must be properly closed so animals do not open. Organics and food waste are to be collected in a small plastic bucket with lid under kitchen sink. Once full or when leaving home, please dispose into the green food waste collection bin located at the large rock beside the driveway entrance. Clean out with soap and water when returning under sink. The garbage collection schedule is located on the fridge and rotates between recycling and garbage waste. Food waste is collected weekly.

Recycling: A blue bin for collecting recycling materials is located in the cupboard under the sink. Please place all recycle items in the blue recycling waste container outside at front of driveway. **Glass waste** is not picked up for recycling. It must be stored in the bin marked glass waste and I will take to the recycling centre. Please check the garbage collection schedule posted on the fridge for pickup. Garbage and recycling alternate each week, and food waste is picked up weekly.

Laundry: Feel free to use the washer and dryer, however, please use the minimum amount needed of the liquid detergent provided. Please use the clothes line to dry your clothes weather permitting. We try to limit the amount of soaps and detergents entering the septic field.

Septic System: As a precaution against blockages and septic system damage, it is important that **only human waste and toilet paper** (no non-organic material) is flushed down the toilet. All non-organic materials can be deposited in the bin provided next to the toilet or use main garbage. Do not flush facial tissues, paper towels, or personal hygiene products down the toilet. Do not flush cigarette butts or unwanted prescription or over-the-counter medications down the toilet; do not flush harsh cleaners as these can all damage the septic system.

Please also ensure that no grease products from kitchen waste are introduced into the system such as bacon fat. Excess fats may be placed in the food waste container and taken out to the food waste bin. The septic field is located in the grassy area beside the garden facing south from the deck.

Control of Pets: Sorry, no pets are permitted on this property or in the house. Gabriola Island is within the Regional District of Nanaimo (RDN) and therefore, regulated by the RDN electoral 15 (Gabriola) Animal Control bylaw No. 106 6. According to this bylaw, *dogs* on Gabriola are not regulated on breed nor do they require a *dog* license. With a few exceptions, dogs on Gabriola are generally permitted off leash (including rural roads, trails, community and regional parks), but they must be "under the immediate charge and control of a responsible person". The exceptions where dogs must be leashed include: Descanso Bay Regional Park/Campground, the Elder Cedar Nature Reserve and the three Provincial Parks: -Gabriola Sands Provincial Park (known locally as Twin Beaches), Sandwell Provincial Park and Drumbeg Provincial Park.

Gabriola's heritage and Archaeological Resources:

Coast Salish First Nations people lived on Gabriola prior to European settlement. Sites of First Nations' cultural activity have been documented by the B.C. Archaeology Branch and include shell middens, burial caves, petroglyphs and other site types. Areas where archaeological features have been found include the north end of Gabriola, the Southwest area of the Island (across the channel from Mudge Island) and at the south end of the Island. The government-to-government relationship between the Snuneymuxw First Nation and the Islands Trust provides guidance for the establishment of specific measures for protecting Snuneymuxw First Nation heritage sites."

Please be aware and sensitive to the fact that there are first Nations artifacts on this island. 127

"European settlement of Gabriola occurred in the mid-1800s. Some remaining heritage features from earlier times include houses, churches, schools, the millstone and brick factory sites, and the Pioneer cemetery. The Province protects archaeological sites, whether known or unrecorded, through the Heritage Conservation Act. This protection applies to both private and Crown land and means that landowners must have a provincial heritage permit to alter or develop within an archaeological site."

Some Important Phone Numbers:

Police (non emergency)	250-247-8355
Medical Clinic	250-247-9922
Island Taxi	250-247-0049
Gabriola Fire Dept.	250-247-9677

Please see the local telephone book kept beside the phone for a complete list of Gabriola businesses and services.

In an emergency call 9 1 1

You are at 3158 Whalley Rd

Thank you and enjoy your stay!

Richard

I can be reached at [REDACTED]

File No.: GB-DP-2018.4 (Kent)

DATE OF MEETING: September 27, 2018

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: **Development Permit Application GB-DP-2018.4 - Riparian Areas**

Applicant: Cynthia and David Kent

Location: LOT 33, SECTION 18, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22657
PID 000-181-749

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2018.4 (Kent) for LOT 33, SECTION 18, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22657 (PID 000-181-749).

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider a development permit (DP) application for the restoration of the streamside protection and enhancement area (SPEA) on the subject property, which is located within Development Permit Area (DPA) No. 3 - Riparian Areas. A DP is required to be issued by the LTC prior to development occurring within DPA No. 3.

BACKGROUND

This application was triggered by an Islands Trust Bylaw Enforcement investigation in 2017, where it was determined that site clearing and tree removal had occurred within 30 metres of a watercourse, Castell Brook, in DPA No. 3. The Islands Trust issued a stop work order due to the unauthorized tree removal and installation of a driveway culvert along Suzanne Avenue. The applicant retained a qualified environmental professional (QEP) to prepare a *Riparian Areas Regulation* (RAR) assessment report. The RAR report recommends several mitigation measures, enhancement, and restoration requirements for the 0.17 hectare subject property located on Suzanne Avenue as shown in Figure 1.

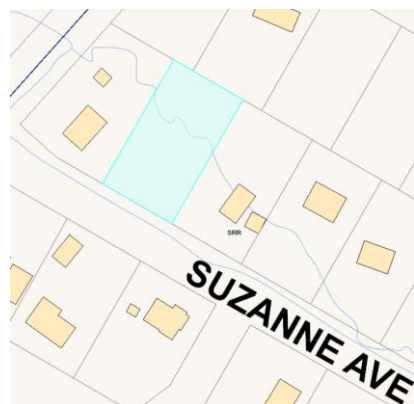


Figure 1: Subject Property

The RAR site plan identifies the location for a future sewage disposal system and 97 m² (1050 sf) dwelling in relation to the Streamside Protection and Enhancement Area (SPEA). The applicant will require a future amendment to the Development Permit to register construction details for the sewage disposal system and dwelling.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Islands Trust Policy Statement (ITPS) directive policy is relevant to this application and is addressed through DPA No. 3 – Riparian Areas:

3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife.

Proposed restoration and protection of the property, as per the RAR report, is consistent with the ITPS.

Official Community Plan:

The subject property is currently designated as Small Rural Residential (SRR) in the Gabriola Official Community Plan (OCP) No. 166, and located within DPA No. 3 – Riparian Areas (see Attachment 1 – Site Context). The OCP specifies that development within DPA No. 3 must take place at least 30 metres from the high water mark of the creek and wetland.

The objectives of DPA No. 3 are:

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

The QEP's proposed restoration of the property is consistent with the Official Community Plan. Development Permit Area Guidelines are found in the Land Use Bylaw, discussed below.

Land Use Bylaw:

The subject property is zoned SRR – Small Rural Residential – under Gabriola Island Land Use Bylaw (LUB) No. 177 (see Attachment 1 – Site Context). The Guidelines for DPA No. 3 are contained within Section F.3 of the LUB (see Attachment 2 – Development Permit Guidelines). The proposed restoration of the property complies with the applicable development guidelines identified in the DP Guideline Checklist (Attachment 2). The proposed development appears to meet all other LUB requirements.

Issues and Opportunities

The RAR report identifies that the subject property is constrained by the riparian areas of two watercourses (Castell Brook and Castell Brook tributary) and the area in which development could occur outside of the SPEAs is constrained in size to support typical rural residential development (i.e. dwelling, parking, septic). The draft RAR Variance Protocol (January 2009) was followed by the QEP to determine whether the property would meet the

test of undue hardship. As a result, the QEP determined that an undue hardship does exist and that a 66.2 m² encroachment into the SPEA would be acceptable to allow for the future development of a 97 m² (1050 sf) dwelling.

QEP recommendations that form part of the proposed Development Permit (Attachment 4) include:

- Replanting 22 trees within the SPEA south of Castell Brook tributary;
- Removing over five cords of piled firewood from the SPEA;
- Fencing the SPEA boundaries to protect the SPEA and future encroachment; and
- Ensuring QEP site inspections and follow up reports are completed and filed.

Consultation

A community information meeting and public consultation/notification are not required.

Rationale for Recommendation

Staff advises that the guidelines for DPA No. 3 – Riparian Areas can be satisfied if the recommendations of the EDI Environmental Dynamics Inc. report are completed in the prescribed timeline. In order to ensure the timely completion of the Development Permit requirements to protect the biological diversity and habitat values of this riparian ecosystem, regular monitoring of this DP should be conducted by planning staff. Future amendments to the DP to allow for the installation of a sewage disposal field or construction of a dwelling should be conditional on the completion of the requirements set out in the DP. As such, staff recommends the issuance of the DP as noted in the recommendation listed on page 1 of the staff report.

ALTERNATIVES

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

1. Request security from the Applicant as a condition of Issuance of the DP

The LTC may request security from the applicant to ensure SPEA restoration and protection (as recommended by the QEP). Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that the applicant for GB-DP-2018.4 submit to the Islands Trust financial security to ensure completion of restoration and protection measures within the timelines specified by the EDI Environmental Dynamics Report Inc., dated August 13, 2018, with the amount of security to be determined by a qualified professional member of the BC Society of Landscape Architects or BC Landscape and Nursery Association.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	September 17, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 18, 2018

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – Development Permit Area Guidelines Checklist
3. Attachment 3 – RAR Assessment Report, EDI Inc.
4. Attachment 4 – Proposed Development Permit (including Schedules A, B, and C)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 33, SECTION 18, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22657
PID	000-181-749
Civic Address	Suzanne Avenue

LAND USE

Current Land Use	The subject property is currently bare land and there are no existing structures.
Surrounding Land Use	Residential, Bare land

HISTORICAL ACTIVITY

File No.	Bylaw Enforcement for removal of vegetation and trees in Development Permit Area 3 – DP-3 - Riparian Areas
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POLICY/REGULATORY

Gabriola Island Official Community Plan No. 166, 1997	Land Use Designation: SRR – Small Rural Residential Development Permit Area 3 – DP-3 – Riparian Areas
Gabriola Island Land Use Bylaw No. 177, 1999	Zone: Small Rural Residential (SRR) D.1.1.2.a Permitted <i>Buildings</i> and Structures i. Maximum of: - one single family dwelling per lot; - Three <i>buildings</i> per lot excluding a <i>secondary suite</i>; <i>pump/utility house</i> and woodshed and that are accessory to all <i>dwellings</i>; DP-3 Riparian Areas 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: c. removal, alteration or destruction of vegetation d. disturbance of soils g. any other development, as that term is defined under the provincial <i>Riparian Areas Regulation</i>
Other Regulations	n/a
Covenants	Restrictive Covenant 391266G Building Scheme 1969 restricts use of the land
Bylaw Enforcement	Yes. See file

SITE INFLUENCES

Islands Trust Conservancy	This proposal does not directly affect an Islands Trust Conservancy Board (ITC) -owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comments is not required.
Regional Conservation Strategy	Mapping for “Important Natural Areas in the Gabriola Island Local Trust Area” in the Regional Conservation Plan 2018-2027 estimates the importance of habitat composition as MEDIUM for this property.
Species at Risk	None mapped
Sensitive Ecosystems	Riparian Area – Castell Brook
Hazard Areas	None mapped
Archaeological Sites	N/A
Climate Change Adaptation and Mitigation	Tree and vegetation removal may result in an increase of greenhouse gas emissions.
Shoreline Classification	Not applicable
Shoreline Data in TAPIS	Not applicable

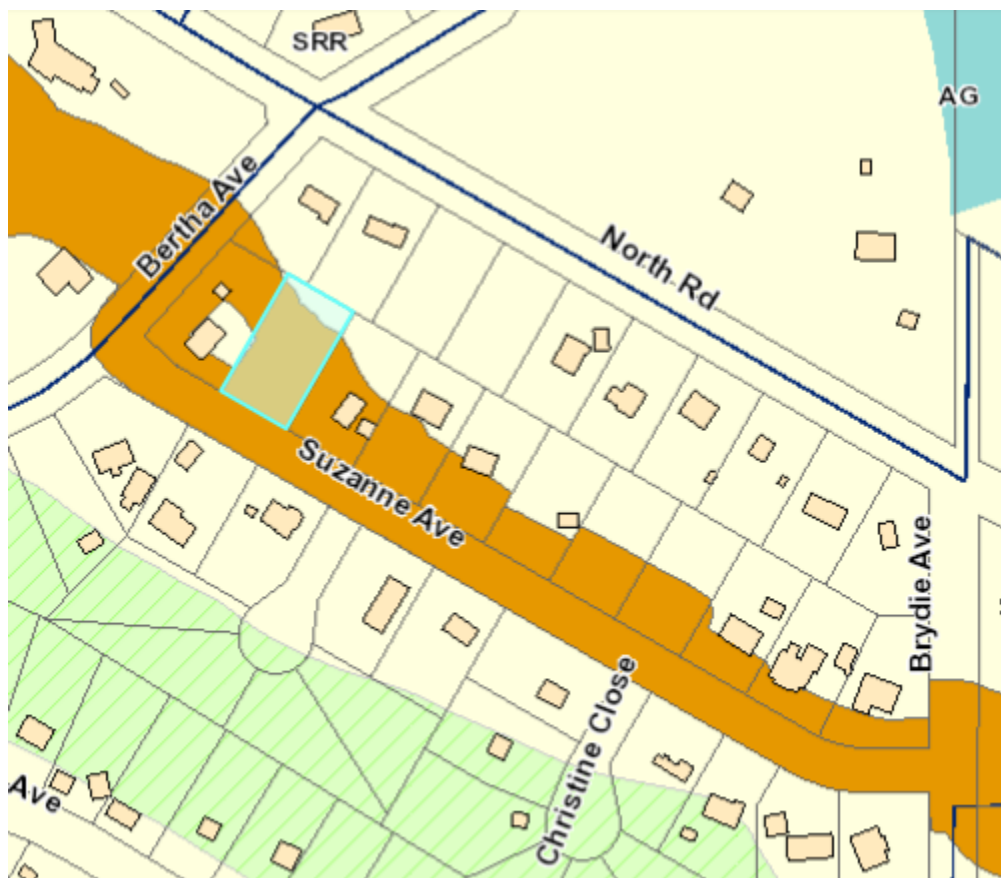


FIGURE 1. SUBJECT PROPERTY AND DP -3 RIPARIAN AREA

APPENDIX # 2 – DEVELOPMENT PERMIT AREA GUIDELINES

GABRIOLA DPA NO. 3 RIPARIAN AREAS GB-DP-2018.4

Guideline	Complies	Planner Comments
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.	yes	The RAR Assessment Report provided by the QEP has indicated measures to protect and maintain the wetland area within the riparian area and wetland. Staff recommends monitoring the restoration requirements for plantings, fencing and subsequent QEP site visits. This will certify that the conditions set out in the assessment report have been properly implemented to protect the SPEA prior to construction of a sewage disposal field or dwelling can be authorized by an amendment to the DP.
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.	yes	The RAR site plan indicates a location for siting a 1050sqft single family dwelling partially encroaching within the SPEA to allow for house construction and future access. The maximum encroachment into the SPEA is proposed to be 66.2 m2 to accommodate future residential development.
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.	yes	The RAR Assessment Report outlines measures that must be taken to protect the riparian wetland area. 1. November 2018 – firewood to be removed from SPEA of Castell Brook; 2. September – November 15, 2018 - Planting of 22 trees (Douglas-fir, western red cedar, big leaf maple, pacific crab apple etc. as per RAR report recommendations) spaced 3m apart in the location specified on the RAR site plan; 3. February 28, 2019 – fencing to be installed once planting is complete and prior to any house construction. Fencing details as per RAR report recommendations. 4. March 31, 2019 – EDI biologist inspection of tree planting site; 5. Fall 2020 – EDI biologist inspection of planting site – if unsuccessful a follow up assessment may be required.
F.3.4.4 If the nature of the proposed project within the	yes	Submission of post development report is required to

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.		the Islands Trust. Post development visit by QEP to is required to certify that the conditions set out in assessment reports have been properly implemented.
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.	n/a	Applicant will be required to submit an amendment to the DP for the dwelling/sewage disposal system when a building permit is submitted to the Regional District of Nanaimo. A development variance permit may be required at that time. Submission of post development report to the Islands Trust can be required as part of the dwelling construction DP and receipt of it being prior to RDN issuing an occupancy permit.

August 13, 2018

EDI Project No: 17N0126

David Kent
384 Tinson Road
Gabriola Island, BC V0R 1X1

RE: Riparian Areas Regulation Assessment Report for Proposed Development of a Single Family Residence at Lot 33 Suzanne Ave.

Thank you for retaining EDI Environmental Dynamics Inc. to complete the attached *Riparian Areas Regulations* (RAR) Assessment Report for the proposed development of a single family residence at Lot 33 Suzanne Ave., Gabriola Island, BC. This report is intended to meet the requirement of the Island's Trust DPA-3 that the development be conducted in accordance with the provincial *Riparian Areas Regulation*. Attached to the RAR Assessment Report are the following: 1) a summary of my qualifications and 2) an assurance statement, as recommended under the professional practice guidelines for riparian assessments.

I can confirm that you have reviewed and accepted the information presented in the attached RAR assessment report, which I will submit to the province's online RAR Notification System. The province will typically respond to the Qualified Environmental Profession (the undersigned) and the RDN within two weeks, indicating whether or not the report meets the RAR assessment and reporting criteria. If the report is found to not meet the criteria, amendments may be warranted or necessary.

STATEMENT OF LIMITATIONS

The attached RAR assessment report was prepared exclusively for David Kent by EDI Environmental Dynamics Inc. The quality of information, conclusions and estimates contained therein are consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by EDI Environmental Dynamics Inc. and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in the report. The report is intended to be used by David Kent for the intended purpose as outlined by this report (Islands Trust development approval). Any other use or reliance on this report by any third party is at that party's sole risk.

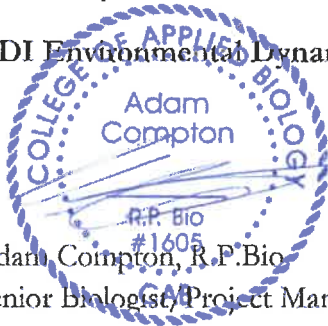
Success of the measures prescribed in the attached report assumes diligent work practices and construction methods during the proposed development activities. If the undersigned Qualified Environmental Professional (QEP) is not retained to carry out field reviews and environmental monitoring, the QEP may not be able to provide assurance that the requirements and recommended measures were followed appropriately or that the work was completed to an acceptable level.



It is expected that the conditions of this riparian assessment report could apply for up to five years from the date of the RAR Assessment Report; however, any material changes to either site conditions or the proposed activities as described in the report and as shown on the site plan may invalidate the conclusions and recommendations made in the RAR report. The QEP should be contacted if the development plans change to determine if the RAR Assessment and Report needs to be revised or updated.

Yours truly,

EDI Environmental Dynamics Inc.



*Original signed &
sealed Aug 13/18*

Adam Compton, R.P. Bio
Senior Biologist/Project Manager

Attachments:

- Riparian Areas Assessment Report, Statement of Qualifications, Assurance Statement

Riparian Areas Regulation: Assessment Report

Date 2018-08-13

I. Primary QEP Information

First Name	Adam	Middle Name		
Last Name	Compton			
Designation	R.P.Bio.	Company: EDI Environmental Dynamics Inc.		
Registration #	1605	Email: acompton@edynamics.com		
Address	Unit 208A – 2520 Bowen Road			
City	Nanaimo	Postal/Zip	V9T 3L3	Phone # 250-751-9070
Prov/state	BC	Country	Canada	

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name	Leontin	Middle Name		
Last Name	Chira			
Designation	R.P.Bio.	Company EDI Environmental Dynamics Inc.		
Registration #	2598	Email: Ichira@edynamics.com		
Address	Unit 208A – 2520 Bowen Road			
City	Nanaimo	Postal/Zip	V9T 3L3	Phone # 250-751-9070
Prov/state	BC	Country	Canada	

III. Developer Information

First Name	David	Middle Name		
Last Name	Kent			
Company				
Phone #			Email	
Address	384 Tinson Road			
City	Gabriola Island	Postal/Zip	V0R 1X1	
Prov/state	BC	Country	Canada	

IV. Development Information

Development Type	Construction: Single Family Residential		
Area of Development (ha)	0.04	Riparian Length (m)	31
Lot Area (ha)	0.17	Nature of Development	New
Proposed Start Date	2018-09-01	Proposed End Date	2019-12-31

V. Location of Proposed Development

Street Address (or nearest town)	Gabriola Village		
Local Government	Islands Trust	City	
Stream Name	Castell Brook and Castell Brook - unnamed tributary		
Legal Description (PID)	000181749	Region	Vancouver Island
Stream/River Type	Stream	DFO Area	South Coast
Watershed Code	925-380000-65800		
Latitude	49	10	22
Longitude	123	48	50

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Section 1. Description of Fisheries Resources Values and a Description of the Development Proposal

Introduction

This RAR assessment has been conducted by Adam Compton (the QEP), to address residential development proposed by the proponent (developer), David Kent, on the subject property: Lot 33, Suzanne Avenue, Gabriola Island, BC. The previously forested lot was partially cleared under the direction of the owner in early 2017 in preparation for future residential development. The owner did not realize that clearing and other development within 30 m of the watercourse within the subject property and another watercourse within the ditch along the north side of Suzanne Ave. were applicable to bylaws and other regulations associated with stream and riparian protection and conservation, including the Riparian Areas Regulation. The local government (Islands Trust) issued a stop work order due to the unauthorized tree removal within a previously identified Riparian Areas Development Permit Area (DP-3, Gabriola Land Use Bylaw No. 177, 1999). In addition, the unauthorized works included installation of a driveway culvert along Suzanne Ave. where the ditched stream known as Castell Brook flows from east to west. The developer indicated they consulted with the Ministry of Transportation and Infrastructure prior to installing the driveway culvert.

The QEP was retained by the developer in April 2017 shortly after the stop work order was issued. The QEP conducted a site visit and completed a Detailed RAR Assessment within the subject property on April 9, 2017 and a follow up site visit was completed on May 21, 2018 to review the condition of the site and to discuss site layout options. The Secondary QEP, Leo Chira was on site briefly on April 13, 2018 to flag the north boundary of Castell Brook Tributary and to review the boundaries with the surveyor who was on site.

Since then the developer has been engaging with the QEP and other professionals (land surveyor, septic installer) to determine an appropriate plan for the proposed residential development within the property.

Both Islands Trust and the QEP indicated that no works were to occur on the property until a development permit was in place in accordance with the bylaw requirements. However, during the summer of 2017 the developer replaced the driveway culvert with a larger culvert as required by the Habitat Officer when a Section 11 Notification for the previous culvert installation was submitted by the QEP on behalf of the owner. In addition, sometime between April 9, 2017 and April 13, 2018, the developer bucked up nearly all of the felled trees and piled the wood on site for firewood. Branches were then burned on site.

This RAR Assessment addresses planned future development of the subject property as well as required restoration of the Streamside Protection and Enhancement Areas (SPEAs). It is recognized that the previous clearing and associated works that were conducted on the site are not in accordance with the RAR process as they were conducted without local government approval; however, as the development works were not completed (no house construction etc.), this is not considered to be a retroactive assessment. To address the previous removal of trees within the SPEA, a riparian restoration plan is included as part of the future development plan.

As the lot is constrained by the riparian areas of two watercourses, there is little room for residential development outside of the SPEAs within the property. The Draft RAR Variance Protocol (January 2009) was followed to determine whether this property would meet the test of undue hardship. The protocol methods indicated that this was considered undue hardship for a greenfield development and that a total of 66.2 m² encroachment into the SPEA would be acceptable.

It is recognized that the draft variance protocol was never finalized and that it is not tied to the

regulation or the Fish Protection Act. It is the QEP's opinion that the protocol provides somewhat arbitrary criteria and calculations to derive maximum potential SPEA variances that do not take into consideration specific riparian values of a site and that do not appear to be tied to the science that supports the RAR Methods; however, it is the QEP's opinion that it provides the only meaningful (previously accepted) guidance available to address cases of undue hardship and associated SPEA variances.

Proposed Development

The proposed developments within the 30 m Riparian Assessment Areas are shown on the Site Plan (Section 3) and include:

- Construction of a small, ~1050 sq ft house (footprint of lower floor: total square footage including second floor is uncertain). A deck could be added but must be outside of the identified SPEAs: the future timing of house construction is uncertain.
- Installation of a small septic system (to minimize the footprint within the site): likely to occur in 2018.
- Complete driveway construction, create a parking area and create a suitable building site at the house location (gravel surfaces): likely to occur in 2018.
- Connect overhead hydro (some pruning of branches within the SPEA at the south side of the property may be required): the timing of this is uncertain.
- Planting trees ferns within the SPEA south of Castell Brook Tributary: to occur in the fall of 2018.
- Construction of a fence along riparian boundaries shown on site plan: to occur in the fall of 2018.

Assessment Team

Adam Compton (the Qualified Environmental Professional), is the primary author and sole signing QEP. The Secondary QEP was only on site periodically to complete some HWM flagging and to review the site with the surveyor.

Assessment Methods

The field component for this RAR assessment was completed on April 9, 2017 and a follow up site visit was completed on May 21, 2018. The assessment followed the "detailed" version of the RAR assessment methodology for both streams.

Additional property data were obtained from the RDN's online map viewer, RDNMap (<https://map.rdn.bc.ca/OPGIS>). Watershed and watercourse inventory information for Castell Brook and tributary stream were obtained from *Gabriola Island Riparian Area Regulation Stream Identification Updated Revised Version February 24, 2012* (Madrone Environmental Services Ltd.).

Watershed Overview

Below is a summary of information from Madrone 2012:

- Castell Brook occurs within a relatively small watershed located at the northeast part of Gabriola Island.
- Castell Brook flows into the Salish Sea at Lock Bay, where an estuarine marsh occurs.
- The lower portion of the creek is also fed by a significant tributary known as Clay Creek.
- The lower portion of Castell Brook provides some potential fish habitat for anadromous species.
- There is a barrier (bedrock falls/cascade) to upstream fish migration located a short

Form 4 Simple Assessment Form

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

distance upstream from the estuarine marsh (just downstream from Daniel Way).

- Upstream and downstream of Bertha Road, Castell Brook is ditched (Figure 1).
- The Castell Brook tributary is a poorly defined, ditched watercourse that parallels Suzanne Ave. and flows into Castell Brook at Bertha Road (Figure 2).
- Both drainages end a short distance upstream of the subject property.



Figure 1. Marked up screen clip of Castell Brook from *Gabriola Island Riparian Area Regulation Stream Identification Updated Revised Version February 24, 2012* (Madrone Environmental Services Ltd.).



Figure 2. Marked up screen clip of Castell Brook Tributary from *Gabriola Island Riparian Area Regulation Stream Identification Updated Revised Version February 24, 2012* (Madrone Environmental Services Ltd.).

Regional climate change projections for Vancouver Island are available on the Pacific Climate Impacts Consortium website (www.pacificclimate.org/) and these have been reviewed and considered with respect to the implications to hydrological processes associated with the streams in the study area, and whether the SPEAs could be affected by the trends outlined by these projected changes. In general, average annual temperatures are expected to rise, annual and winter precipitation is expected to rise and summer precipitation is expected to fall. Effects that these trends may have at the site may include:

- Adverse impacts to existing vegetation associated with a higher degree/duration of soil saturation and flooding (trees such as western redcedar are known to die when roots become flooded for longer periods). The makeup of the plant community may gradually adjust as some species benefit from the changing conditions as others struggle or perish.
- Risk of periodic flooding associated with old or undersized upstream and downstream culverts and/or other drainage control features that occur in the Suzanne Ave. neighborhood. Some driveway culverts were small and causing scour erosion on the downstream side – these culverts may need to be replaced over time.
- Adverse impacts to existing vegetation associated with drought conditions caused by decreased summer precipitation. The makeup of the plant community may gradually adjust as some species benefit from the changing conditions as others struggle or perish.

Additional measures within the SPEA to address the potential effects described above are not considered to be necessary given the ephemeral nature of the streams and the diversity of existing vegetation at the site. The species selected for replanting are expected to be well suited to the site conditions.

Rainwater harvesting would certainly be beneficial in terms of minimizing use of and stress on groundwater supplies for irrigation purposes. This could be easily incorporated into future landscaping projects. Rainwater harvesting is encouraged as is the use of drought tolerant, native plant species for any non-SPEA landscaping. For an easy to read guide on use of native plants suitable for southeastern Vancouver Island see the brochure available at www.hat.bc.ca/attachments/HAT_Garden_Brochure_web.pdf.

Fish Resources and Habitat

Fish sampling was not conducted as part of this assessment. The provincial website Habitat Wizard (www.env.gov.bc.ca/habwiz/) does not display any information of species presence/absence within Castell Brook or its tributaries. The Madrone report indicates that anecdotal information suggests that Castell Brook may have supported a population of resident fish (i.e. trout) but that there are currently no resident fish present (the report does not specify how this conclusion was determined as sampling was not conducted). The report also indicates that anadromous fish might occur downstream of the barrier below Daniel Road.

Fish were not observed within the streams on/near the subject property. Castell Brook, which is ditched along Suzanne Ave. could provide some very limited seasonal rearing habitat if fish were to occur this far upstream in the watershed. In April 2017 there was substantial flow in the ditch. However, upstream of Suzanne Ave. the stream is narrow and shallow and the channel is somewhat undefined in places (the stream meanders through the forest and there is not substantial scour and defined banks that would be associated with a more substantial stream). The reach upstream of Suzanne Ave. is therefore unlikely to provide potential fish habitat. As Castell Brook is unlikely to contain a resident fish population this far up in the small watershed, it is very unlikely that fish would occur near the subject property.

The Castell Brook Tributary does not provide habitat suitable for fish as it is shallow and narrow, lacks substantial flow, and is not located near suspected fish bearing waters (potential for seasonal use is therefore very low). If it were immediately upstream from fish bearing waters, it could be possible for fish to periodically access the small stream during high flow periods but this far up the watershed, that is not the case.

Study Area at Subject Site

The 0.17 ha property is located on Gabriola Island and is within the Islands Trust. The property occurs within a subdivision containing several similar sized properties. The property is one of only a few that do not yet have houses. It seems that past residential development associated with subdivision and construction of Suzanne Ave. disrupted the natural drainage pattern of both assessed streams. While unconfirmed, it is possible that the tributary stream is actually the historic location of Castell Brook and that residential development split the drainage into two minor streams.

Another narrow, ditched stream was observed along the south side of Suzanne Ave. This stream appears to collect drainage from the south, then flows into Castell Brook at the intersection of Suzanne Ave. and Bertha Ave.; however, this stream is not identified as an RAR applicable stream in the Madrone Report or the associated DPA map (Schedule D of the OCP). While it is within 30 m of the subject property, it is not included in this assessment report. Since there is already a ditched stream on the north side of the road, the assessment area and SPEA of the stream on the south side is not relevant to the subject property.

Current Riparian Vegetation Condition:

Castell Brook:

The segment of Castell Brook adjacent to the subject property has been ditched along the entire length of Suzanne Ave. As such, riparian vegetation is limited to the north side of the ditched stream. As shown in Figures 1 and 2 there are some treed areas between the stream and the houses. Within the subject property, there is an approximately 4 to 6 m wide forested area between the ditch and the cleared portion of the lot. This treed area consists of young mixed deciduous and coniferous forest with a few larger conifers (Douglas fir and western redcedar). The understory is sparsely vegetated and disturbed from the recent, adjacent clearing. There are some ferns and shrubs and these will grow back if left undisturbed. The area beyond this narrow, forested segment has been recently cleared except along the east and west edges of the property where there are a few individual, medium sized conifers. The cleared area extends from the north side of this forested area to the south side of the wetland segment that is part of Castell Brook Tributary. In addition to clearing, all trees that were cut were bucked, split and piled for firewood within and immediately adjacent to the narrow, forested area near Suzanne Ave.

Trees removed within the subject property appeared to be all deciduous – mostly relatively young red alder along with a few young bigleaf maple. Now that trees have been bucked up and removed, the understory is becoming densely vegetated with the growth of the existing sword ferns and shrubs that are growing quickly in response to the open canopy. Some small trees were also observed (bigleaf maple sprouting back up from the cut stumps).

Given the small size of the deciduous trees removed, the lack of old stumps and the nature of the granular, undulating soil south of the Castell Brook Tributary, it appears that the cleared area was cleared and grubbed several years ago, and fill was brought in to create a building site at the south end of the property - by previous owner(s). This area then subsequently grew over with deciduous trees and common understory species.

Castell Brook Tributary:

The segment of Castell Brook Tributary within the subject property has been cleared along the

south side as noted above, except for a few trees along the property boundaries. As shown in Figures 1 and 2 there are some treed areas within the developed lots in which this stream occurs. Along the north side of the stream within the subject property there is second growth, mixed deciduous and coniferous forest. This forested area is dominated by western redcedar, Douglas fir and bigleaf maple and is relatively undisturbed.

Castell Brook Tributary Ditch:

There is one large western redcedar tree along the west edge of this tributary ditch. The rest of the riparian area of this ditch within the subject property has been cleared as described above and is now greening up with growth of existing ferns and shrubs.

Summary of Field Assessment

See Section 2 for field assessment results and the corresponding SPEA width required for the streams and ditch. In addition, refer to the Site Plans (Section 3) and Site Photos (Section 6) for additional details.

Conclusions

Below is a summary of some important conclusions resulting from this RAR Assessment:

- The existing residential lot is significantly constrained by disturbed, ditched stream features and wetland areas. The area in which development could occur outside of the SPEAs is unreasonably small and oddly shaped to support residential development (house yard, parking and septic).
- The Draft RAR Variance Protocol (Jan 2009) was followed to determine whether this property would meet the test of undue hardship. The protocol methods indicated that this was considered undue hardship for a greenfield development and that a total of 66.2 m² encroachment into the SPEA would be acceptable.
- The Site Plan provides a development layout that would allow a small (~1050 sq ft) house that uses all of the allowable 66 m² area of SPEA encroachment.
- A portion of the SPEAs of all three streams have been impacted by past developments and recent tree removal works.
- Replanting trees within the SPEA south of Castell Brook Tributary is necessary to replace the riparian forest that was recently felled. Planting shrubs is not necessary as the area is growing naturally with substantial sword ferns, shrubs and some small trees.
- Replanting the disturbed areas within the north side of the SPEA of Castell Brook (south of the house site) is not necessary as the existing trees will already be quite close to the house. The piled firewood will need to be removed from the SPEA.
- The proposed SPEA boundaries (which include 2 encroachment areas) must be fenced to protect the SPEA and prevent future encroachment.
- Potential impacts to the SPEA associated with proposed redevelopment can be addressed with the measures that are prescribed in Section 4.

Safety

There were no notable safety concerns observed at the subject property.

Section 2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: 2017-04-09

Description of Water bodies involved (number, type)

Castell Brook Tributary

Stream	x
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)*	Gradient (%)		
starting point	1.3	3	I, Adam Compton (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (name of developer) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
upstream	1.5			
	1.2			
	1.5			
	1.4			
	1.2			
downstream	1.4			
	1.4			
	1.0			
	1.0			
	0.9			
Total: minus high /low	11.4			
mean	1.3			
	R/P	C/P		S/P
Channel Type	x			

Site Potential Vegetation Type (SPVT)

	Yes	No		
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, Adam Compton (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (name of developer) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.	
Polygon No:	1		Method employed if other than TR	
SPVT Type	LC	SH		TR
			x	
Polygon No:				Method employed if other than TR
SPVT Type	LC	SH	TR	

Polygon No:		Method employed if other than TR
SPVT Type		

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	10				
Litter fall and insect drop ZOS (m)	10				
Shade ZOS (m) max	3.9	South bank	Yes	x	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report		
SPEA maximum	10	(For ditch use table3-7)			

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

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

I, Adam Compton (*name of qualified environmental professional*), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the David Kent (*name of developer*);

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

While the stream within the subject property can be described as a small partially forested wetland, it is not considered to be a wetland reach under the RAR for the following reasons:

- The wetland segment is only approximately 31 m in length and is too short to be considered a separate reach.
- Above and below the wetland the watercourse is an ephemeral, ditched stream.

*Channel width measurements were obtained immediately downstream of the subject property (also owned by the developer) at 3 m intervals. Within the subject property the stream is poorly defined and spreads out through a small wetland segment that may have been at least partially created when fill was placed to build up the property to the west when the existing house was constructed (blocking the natural drainage of water from the area).

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Description of Water bodies involved (number, type)		Date: 2017-04-09
Stream	☒	Castell Brook
Wetland	☐	
Lake	☐	
Ditch	☐	
Number of reaches	1	
Reach #	1	

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)*		Gradient (%)	I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (<i>name of developer</i>); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
starting point	1.2	3	
upstream	1.0		
	1.0		
	1.2		
	1.1		
	1.2		
downstream	1.1		
	1.2		
	1.0		
	1.3		
	1.4		
Total: minus high /low	10.3		
mean	1.1		
	R/P	C/P	S/P
Channel Type		x	

Site Potential Vegetation Type (SPVT)

Yes		No		Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes	
SPVT Polygons	☐	☒			I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (<i>name of developer</i>); c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	1	LC	SH	TR	Method employed if other than TR
SPVT Type				x	
Polygon No:		LC	SH	TR	Method employed if other than TR
SPVT Type					
Polygon No:					Method employed if other than TR
SPVT Type					

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Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	10				
Litter fall and insect drop ZOS (m)	10				
Shade ZOS (m) max		South bank	Yes	No	x
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report		
SPEA maximum	10	(For ditch use table3-7)			

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

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

I, Adam Compton (name of qualified environmental professional), hereby certify that:

e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the Fish Protection Act;

f) I am qualified to carry out this part of the assessment of the development proposal made by the David Kent (name of developer);

g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

h) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

*Channel width measurements were obtained at 8 m intervals. It is noted that the channel is not a natural stream channel, it's the normally wetted portion of the ditch.

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Date: 2017-04-09

Description of Water bodies involved (number, type)

Castell Brook Tributary Ditch

Stream	
Wetland	
Lake	
Ditch	x
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)*		Gradient (%)
starting point	1.5	0.5
upstream	1.3	
downstream	1.7	
Total: minus high /low	4.5	
mean	1.5	
	R/P	C/P
Channel Type	x	

I, Adam Compton (name of qualified environmental professional), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (name of developer) ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes	No	
		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
			I, Adam Compton (name of qualified environmental professional), hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (name of developer) ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	1		Method employed if other than TR
SPVT Type	LC	SH	TR
			x
Polygon No:			Method employed if other than TR
SPVT Type	LC	SH	TR
Polygon No:			Method employed if other than TR
SPVT Type			

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)							
Litter fall and insect drop ZOS (m)							
Shade ZOS (m) max		South bank	Yes		No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					manmade, no significant headwaters	
Ditch Fish Bearing	Yes		No	x	If non-fish bearing insert no fish bearing status report		See comments below
SPEA maximum	2	(For ditch use table3-7)					

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

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

I, Adam Compton (*name of qualified environmental professional*), hereby certify that:

i) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;

j) I am qualified to carry out this part of the assessment of the development proposal made by the David Kent (*name of developer*);

k) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

l) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.

Comments

*There is no habitat in this ditch or in Castell Brook Tributary that would be suitable for fish. The Madrone report (2012) indicates that Castell Brook upstream of the barrier near the ocean is non-fish bearing. Based on the April 2017 RAR Assessment of the subject property, it is very unlikely that fish would occur this far up the watershed even if a resident population existed in Castell Brook.

Section 3. Site Plan

Site Plan

See following 3 pages: Preliminary Site Plan prepared by surveyor, Undue Hardship Sketch (with calculations), RAR Site Plan.

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	According to the RAR Assessment Methods (Page 48), danger trees include “standing dead trees that are vertical or lean towards the work area, as well as some live trees with large dead branches or tops”. No such trees were observed within the SPEA adjacent to the future planned house. This does not imply that dangerous trees are not present within or near the subject property. This assessment is only meant to satisfy the definitions and requirements of the RAR. In addition, trees may have become dangerous since the assessment was conducted. All proposed and future work within the property is to be conducted at the sole risk of the persons conducting such work. Should any additional dangerous trees or suspected dangerous trees be identified within the SPEA, they should not be removed until a subsequent RAR Report is prepared to address such tree removal (unless they pose an imminent danger to people and/or property).
I, Adam Compton <u>(name of qualified environmental professional)</u>, hereby certify that: m) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; n) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>David Kent (name of developer)</u> ; o) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	Given that no new tree removal is planned the development is not expected to increase the risk of windthrow for the remaining trees within the SPEA. The previous clearing of trees on the property does not appear to have caused windthrow issues (blow down) for the remaining trees with the SPEA. By signing below I am indicating that based on the above rationale, it is my professional opinion that this site does not warrant a windthrow assessment by a qualified professional. I am not a qualified windthrow assessor and am therefore not qualified to carry out a windthrow assessment. I have not carried out a windthrow assessment; I have only provided an opinion based on my observations and the guidance provided by the RAR Assessment Methods.
I, Adam Compton <u>(name of qualified environmental professional)</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>David Kent (name of developer)</u> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
3. Slope Stability	It is my professional opinion that a slope stability assessment is not required. The area in which the planned future house site occurs has a flat, undulating topography and slope instability indicators were not observed. By signing below, I am indicating that based on the above

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	rationale, it is my professional opinion that this site does not warrant a slope stability assessment by a qualified professional. I am not a qualified slope stability specialist and am therefore not qualified to carry out a slope stability assessment. I have not carried out a slope stability assessment; I have only provided an opinion based on my observations and the guidance provided by the RAR Assessment Methods.
I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <i>David Kent (name of developer)</i> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
4. Protection of Trees	Care should be taken to ensure damage to the trees within the SPEA does not result from development of the site. The following 'do's' and 'do not's' are from the RAR methodologies and are relevant to this site (in particular, within the area south of the house site, which is adjacent to some larger trees): • Do not trench through the primary root zone of a tree • Do not pave around trees • Do not change the ground level around the tree • Do not allow any parking under trees • Do not allow concrete washout or other pollutants to contaminate the soil around trees • Communicate tree protection plans to everyone involved in the project. • Monitor the impacts of construction activities. If roots have been cut make sure they weren't shattered by a backhoe or other equipment. Broken roots should be cut cleanly with a saw. • Mulch about the base of trees to retain moisture. Vertical mulching may be necessary where roots have been severely impacted by machinery or fill. • Prune any broken limbs or small roots with clean cuts. It is important to remove all piled firewood and other debris (old culvert etc.) from the SPEA of Castell Brook. This must be done by November 15, 2018. To replace trees removed from the SPEA along the south side of Castell Brook Tributary, the following plantings native to Vancouver Island shall occur within the SPEA (also see Site Plan): • Plant 22 trees (minimum 2 Gallon pot size) at approximately 3 m average spacing*: ○ Willow Species (<i>Salix lucida</i>, <i>Salix scouleriana</i>) – no more than 7 in total. These should be planted in the lower, wetter areas near the high water mark. ○ Douglas Fir (<i>Pseudotsuga menziesii</i>). These should be planted in the higher, drier areas of

	the site. ○ Western redcedar (<i>Thuja plicata</i>). These should be planted in the higher but still moist areas of the site. ○ Pacific crabapple (<i>Malus fusca</i>) – no more than 5 total. These should be planted in the lower, wetter areas near the high water mark. • At least 3 of the 4 species to be planted. There are no maximum number of Douglas fir or western redcedar but maximum numbers of willow and crabapple have been provided as these trees are relatively small and would not adequately restore a forested site at this location. • All trees to be carefully planted by hand (with a shovel). • Plant between September 15 and November 15, 2018. • Trees to be planted evenly throughout the site but should not be within 4 m of the proposed house location so that tree growth does not conflict significantly with the future use and maintenance of the house. • Water plants as needed during the first growing season (summer 2019). With a 2 Gallon pot size, these tree species are not expected to dry out in this moist, partially shady location, but watering could be needed if weather is unseasonably dry. • A biologist from EDI shall inspect the site after planting and fencing are complete (by March 31, 2019). An inspection shall occur in the fall of 2020 to confirm adequate survival and success (at least 80% survival of planted stock in combination with continued growth of natural vegetation with little or no invasive species present). EDI shall provide a brief summary email after each visit and any recommendations made must be implemented. If the restoration plan is not considered successful during the fall 2020 site visit, a follow up assessment may be needed after any recommendations are implemented by the developer. *3 m spacing from each planted tree and any existing mature trees. Other than firewood removal, planting and maintenance, and fence construction, no other works, activities or developments are to occur within the SPEAs identified on the site plan. It is important to leave these areas undisturbed, so they can recover and grow back. No development, including clearing of vegetation is allowed within any SPEA locations identified on the subject property; however, to improve the riparian and general ecological values at the subject property, removal of invasive plants may occur and is <u>encouraged</u> (not required). Some invasive thistle species were observed but given much of the damaged SPEAs contain many native species that appear to be thriving, it is anticipated that invasive species growth will not significantly limit the return to forested conditions. Typical
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	invasive species that would be expected to occur at this location include thistle species (observed), Scotch broom and Himalayan blackberry. Where these or other invasive plants occur, the guidance provided by TIPS Factsheets shall be followed for removal of invasive species (http://bcinvasives.ca/resources/tips/). For an easy to read guide on use of native plants suitable for southeastern Vancouver Island see the brochure available at www.hat.bc.ca/attachments/HAT_Garden_Brochure_web.pdf.
I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
5. Encroachment	Given the lack of any public access adjacent to the SPEA, public encroachment is not expected to be a problem at this location. Once the development plans are approved by the Islands Trust, it will be necessary for a surveyor to stake the modified SPEA boundaries such that the total area of acceptable encroachment is no more than 66.2 m². If needed, slight deviations (+/- 1 m maximum) of the SPEA encroachment boundaries indicated on the Site Plan can be made by the surveyor to accommodate the developer's desired layout but the total area of encroachment cannot be more than 66.2 m². Once staked, planting can occur. Once planting is complete (by Nov. 15, 2018) fencing as depicted on the site plan shall be installed. Fencing shall be completed by Feb. 28, 2019 and prior to any house construction to that the area is substantially delineated and protected prior to construction. Fencing shall consist of a split rail cedar fence that is at least 75 cm high (to upper rail) and contains at least 2 rails (see photos below for appropriate examples).  Fencing Example 1.

	
	Fencing Example 2.
I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
6. Sediment and Erosion Control	Given the gently sloped topography at the planned future house site, and the fact that the existing foundation will be used, erosion and sediment control is not expected to be a substantial concern for the proposed development. Regardless, there is some potential for sediment laden runoff to enter the SPEA during earthworks associated with the proposed development. The following measures shall be implemented to address the potential but very limited erosion and sediment control concerns: • Earthworks (excavation and backfilling) shall not be conducted during heavy rainfall events. • During construction, all exposed soils shall be protected from erosion during rainfall events by covering with poly, tarps or straw/hay mulch or by containing with silt fencing on the downslope side. • Maintain a clean driving surface on the driveway to ensure that the road does not become muddy and cause sediment laden runoff to accumulate and drain down toward the ditched stream. • Upon completion of construction, all exposed soils shall be protected from erosion by soft methods (gravel, grass seed and straw/hay mulch, landscaping, erosion control blankets etc.). The measures provided above are simple but are expected to be effective. A highly prescriptive, detailed and thorough erosion and sediment control plan has not been provided as the risk of erosion and sediment control concerns are small both in <u>probability</u> and <u>magnitude</u>.
I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer David Kent (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods	

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set out in the Schedule to the Riparian Areas Regulation	
7. Stormwater Management	The owner plans to have rooftop runoff drain into the ditched stream and/or the Castell Brook Tributary ditch. Piping to the ditched stream along Suzanne Ave shall occur along the driveway so that there is no additional disturbance to the riparian area. Piping to the Castell Brook Tributary ditch shall occur outside of the SPEA except between the SPEA boundary and the south extent of the ditch (2 m maximum pipe installation distance within the SPEA). Angular cobble to small boulder sized rock shall be used to armor the outlet of any pipes to prevent scour erosion. Adverse impacts from stormwater inputs are not expected for these small, ephemeral watercourses given the limited area of the small house and that the driveway and parking area will consist of pervious surfaces.
I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <i>David Kent (name of developer)</i> ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
8. Floodplain Concerns (highly mobile channel)	It is my professional opinion that this measure does not apply to the site as the pond and ditch do not appear to have "highly mobile channels". By signing below I am indicating that based on the above rationale, it is my professional opinion that this site does not warrant a floodplain hazard assessment by a qualified professional. I am not a qualified floodplain hazard assessor and am therefore not qualified to carry out a floodplain hazard assessment. I have not carried out a floodplain hazard assessment; I have only provided an opinion based on my observations and the guidance provided by the RAR Assessment Methods.
I, Adam Compton (<i>name of qualified environmental professional</i>), hereby certify that: 9. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; 10. I am qualified to carry out this part of the assessment of the development proposal made by the developer <i>David Kent (name of developer)</i> ; 11. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

The following outlines the minimum environmental monitoring requirements, which may be increased at the discretion of the environmental monitor if it is deemed necessary to ensure compliance with the goals and objectives contained in this report.

Initial Site Visit:

Prior to commencing any of the planned developments (related to planting, septic installation or house construction), a Qualified Environmental Professional must be contacted to attend a pre-work meeting (on site or over the phone) with the developer and the primary contractors conducting the work. The objective of this initial meeting will be to confirm that all contractors are aware of any relevant measures, conditions and requirements specified in this report. Also, a communications plan will be developed during this meeting to deal with any environmental incidents or emergencies that may arise during the course of construction. At a minimum the communications plan will contain contact numbers for the environmental monitor and appropriate provincial, federal and municipal contacts for potential environmental emergencies (hydrocarbon spills, water quality etc.). The environmental monitor must be immediately contacted in the event of any such emergency.

Post Construction Site Visit:

The RAR **requires** that a post-development visit and report be prepared by a QEP to certify that "the conditions set out in assessment reports have been properly implemented". Specifically, the QEP should ensure that all measures to protect the SPEA were properly followed. A post-development report shall be prepared and submitted to the RAR Notification System upon completion of house construction. Submission of a post-development report to the Islands Trust may be required prior to issuance of an occupancy permit upon completion of house construction.

During the post construction site visit, the QEP shall confirm that the trees were planted in the SPEA as recommended in this report and shall determine whether or not additional efforts are warranted to improve natural vegetation in the SPEA (additional planting to replace mortalities, removal of invasive species etc.). Any such additional efforts shall be implemented and inspected prior to preparation of the post-development report.

Additional Site Visits:

The potential need for additional site visits will be discussed during the pre-work meeting. The communications plan developed at the initial site visit will provide the contact number for the environmental monitor who must be contacted in the event of an environmental emergency. The following is a list of potential reasons to contact the environmental monitor and determine whether an additional site visit is required:

- Hydrocarbon spills
- Generation of sediment laden runoff into the watercourse or the SPEA
- Any damage to existing, natural riparian vegetation within the SPEA

As described in the previous section "Protection of Trees" a QEP is to inspect the site after planting and fencing are complete (by March 31, 2019). In addition, an inspection shall occur in the fall of 2020 to confirm adequate survival and success of the planting plan. A post-development report shall be prepared and submitted to the RAR Notification System upon completion of these items as they will occur separately from future house construction.

Section 6. Photos

Label	Photo 1. Apr. 9, 2017. Upstream view of Castell Creek (flows along north side of Suzanne Ave.) from west edge of subject property.
	 A photograph showing a narrow, shallow stream flowing through a wooded area. The water is dark and reflects the surrounding trees. The banks are covered with dry leaves and some green vegetation. In the background, a gravel driveway or road is visible, with a white car parked on it.
Label	Photo 2. Apr. 9, 2017. Downstream view of Castell Creek (flows along north side of Suzanne Ave.) from a short distance east of subject property.
	 A photograph showing a gravel driveway or road on the left side, bordered by a grassy area. A narrow stream flows along the right side of the grassy area, bordered by a dense line of trees and shrubs. The water is dark and reflects the surrounding vegetation.

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Label	Photo 3. Apr. 9, 2017. Upstream view of Castell Creek, immediately upstream of Brydie Ave.
	 A photograph showing a small, shallow stream flowing through a forested area. The water is clear and reflects the surrounding greenery. The banks are covered with moss and small plants. The background is filled with dense evergreen trees.
Label	Photo 4. Aug. 11, 2018. Looking south at estuarine marsh at the mouth of Castell Brook adjacent to Lock Bay (left of view)
	 A photograph of a wide, flat estuarine marsh. In the foreground, there are several large, weathered logs lying on the ground. The marsh is covered with low-lying vegetation and small pools of water. In the background, a dense forest of evergreen trees lines the shore under a clear blue sky.

Form 4 Simple Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Label	Photo 5. Apr. 9, 2017. Looking upstream at Castell Brook Tributary from west property boundary. Here the wetland segment drains to a ditched stream segment. Recently felled, small deciduous trees visible over and around the wetland segment.
	
Label	Photo 6. Apr. 9, 2017. Looking north at Castell Brook Tributary from west side of property boundary (near the confluence with the tributary ditch).
	

Form 4 Simple Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Label	Photo 7. Apr. 9, 2017. Looking upstream at Castell Brook Tributary from downstream of the west property boundary. This section of the stream is ditched.
	
Label	Photo 8. Apr. 9, 2017. Looking upstream at Castell Brook Tributary from the east property boundary. This section of the stream is ditched.
	

Form 4 Simple Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Label	Photo 9. Apr. 9, 2017. Looking downstream at Castell Brook Tributary Ditch. This ephemeral, poorly defined ditch appears to occur as a result of fill on the subject property (right side) and fill on the adjacent property (left side) creating a small swale that collects runoff and shallow surface water that drains north to the wetland segment below.
	
Label	Photo 10. Apr. 9, 2017. Looking upstream at Castell Brook Tributary Ditch from the Reach Break (confluence with wetland segment of Castell Brook Tributary, which is depicted with 3 blue flags).
	

Label	Photo 11. Apr. 9, 2017. Looking north at subject property from Suzanne Ave. Photo shows the partially installed culvert prior to the stop work order.
	
Label	Photo 12. Apr. 9, 2017. Looking west at cleared SPEA south of Castell Brook Tributary.
	

Form 4 Simple Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Label	Photo 13. Apr. 9, 2017. Looking east (upstream) at Castell Brook Tributary and felled trees from the SPEA.
	
Label	Photo 14. Apr. 9, 2017. Looking north at cleared SPEA south of Castell Brook Tributary.
	

Form 4 Simple Assessment Form

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Label	Photo 15. May 21, 2018. Looking south at proposed house site (foreground) and forested SPEA of Castell Brook. Firewood piled in SPEA is from the trees that were previously felled.
	
Label	Photo 16. May 21, 2018. Looking west at staked SPEA boundary of Castell Brook. Red line indicates approximate south side of future house. Blue line indicates approximate fenced, modified SPEA boundary.
	

Form 4 Simple Assessment Form
Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Label	Photo 17. May 21, 2018. Looking north at proposed house site and surrounding forested areas.
	
Label	Photo 18. May 21, 2018. Looking west at proposed house site and staked SPEA of Tributary Ditch (background) and Castell Brook (left side). Large cedar left of centre is depicted on Site Plan.
	

Label	Photo 19. May 21, 2018. Looking east at proposed house site
	 A photograph showing a clearing with green ferns and a dense forest in the background. The ferns are in the foreground, and the forest is in the background. The ground is covered with dry leaves and twigs.
Label	Photo 20. May 21, 2018. Looking east at SPEA south of Castell Brook Tributary. The SPEA is greening up quickly in response to sunlight.
	 A photograph showing a dense forest with green ferns in the foreground. The ferns are in the foreground, and the forest is in the background. The ground is covered with dry leaves and twigs.

Section 7. Professional Opinion

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

Date

1. I/We Adam Compton hereby certify that:

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

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

- a) ☒ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)
- b) ☐ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]

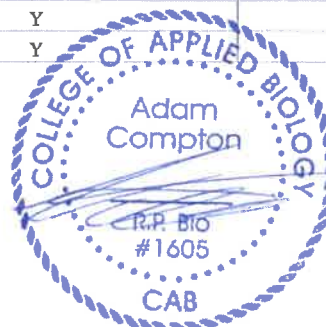
SUMMARY OF QUALIFICATIONS – QUALIFIED ENVIRONMENTAL PROFESSIONAL, RIPARIAN ASSESSMENTS FOR THE RIPARIAN AREAS REGULATION

Date:		June 4, 2017	
May 15, 2017		Adam Compton	
Professional designation:		R.P.Bio	
Professional association:		College of Applied Biology	
Registration number:		1605	
Training in Riparian Areas Regulation assessment methods			
Organization or agency delivering training:		Qualified Environmental Professional Workshops, BC MFLNRO	
Name of trainer:		Michelle Jones and various MFLNRO staff	
Date of training session:		November 2015, January 2013 & February 2012	
Certificate number:		n/a (workshops are not the official RAR Training Program offered by VIU)	
Other relevant education, training or experience			
Course Title:		Wildlife/Danger Tree Assessor's Course – Parks and Recreation Module	
Organization or agency delivering training:		University of Northern British Columbia	
Name of trainer:		Michael G. Shepard	
Date of training session:		May 2011	
Certificate number:		P1286 (expired)	
Riparian assessments completed or contributed to (add lines or pages as needed)			
Report Number	Creation Date	Lead Professional (Y/N)	Supporting Professional (Y/N)
92	2006-05-12	Y	N
166	2006-07-31	Y	N
176	2006-08-11	Y	N
336	2007-01-30	Y	N
349	2007-02-14	Y	N
415	2007-04-05	Y	N
436	2007-04-26	Y	N
560	2007-07-26	Y	N
567	2007-07-28	Y	N
588	2007-08-21	Y	N
613	2007-09-11	Y	N
634	2007-10-02	Y	N
644	2007-10-17	Y	N
670	2007-11-14	Y	N
671	2007-11-14	Y	N
682	2007-11-23	Y	N
712	2007-12-19	Y	N
730	2008-01-12	Y	N
816	2008-03-15	Y	N
1014	2008-07-25	Y	N
1022	2008-08-01	Y	N
1032	2008-08-07	Y	N
1085	2008-09-15	Y	N
1079	2008-09-11	Y	N
1086	2008-09-15	Y	N
1103	2008-09-25	Y	N
1104	2008-09-26	Y	N
1115	2008-10-02	Y	N
1122	2008-10-07	Y	N
1123	2008-10-07	Y	N
1153	2008-11-14	Y	N
1206	2009-01-20	Y	N
1217	2009-02-13	Y	N
1265	2009-04-14	Y	N
1292	2009-05-12	Y	N
1330	2009-06-26	Y	N
1340	2009-07-06	Y	N

1396	2009-08-29	Y	N
1411	2009-09-19	Y	N
1457	2009-10-30	Y	N
1460	2009-11-02	Y	N
1491	2009-12-01	Y	N
1537	2010-01-31	Y	N
1538	2010-01-31	Y	N
1568	2010-03-02	Y	N
1583	2010-03-24	Y	N
1607	2010-04-22	Y	N
1631	2010-05-23	Y	N
1697	2010-07-07	Y	N
1711	2010-07-13	Y	N
1667	2010-06-14	Y	N
1741	2010-08-13	Y	N
1757	2010-08-25	Y	N
1789	2010-09-28	Y	N
1796	2010-10-01	Y	N
1856	2010-12-17	Y	N
1860	2010-12-21	Y	N
1915	2011-02-17	Y	N
2035	2011-06-08	Y	N
2047	2011-06-17	Y	N
2075	2011-07-12	Y	N
2080	2011-07-18	Y	N
2082	2011-07-21	Y	N
2090	2011-08-02	Y	N
2115	2011-08-24	Y	N
2178	2011-10-17	Y	N
2237	2011-12-20	Y	N
2330	2012-04-10	Y	N
2334	2012-04-11	Y	N
2345	2012-04-20	Y	N
2416	2012-06-26	Y	N
2627	2012-12-11	Y	N
2882	2013-09-11	Y	N
2896	2013-09-26	Y	N
3094	2014-05-14	Y	N
3243	2014-09-16	Y	N
3348	2014-12-11	Y	N
3467	2015-03-24	Y	N
3491	2015-04-13	Y	N
3519	2015-04-30	Y	N
3549	2015-05-20	Y	N
3702	2015-08-27	Y	N
3937	2016-03-10	Y	N
3945	2016-03-16	Y	N
3971	2016-04-05	Y	N
3977	2016-04-11	Y	N
3984	2016-04-13	Y	N
3986	2016-04-16	Y	N
4116	2016-06-30	Y	N
4216	2016-09-01	Y	N
4245	2016-09-20	Y	N
4291	2016-10-19	Y	N
4426	2017-01-24	Y	N

Qualified Environmental Professional Signature Date

 June 4/17



Original signed
+ sealed Jun 4/17

Riparian Assessment Assurance Statement – Qualified Environmental Professional

Note: This Statement is to be read and completed in conjunction with the *Professional Practice Guidelines – Legislated Riparian Assessments* and the Riparian Areas Regulation 2004 OIC 837 and is to be provided for *riparian assessments* (not landslides, floods or flood controls) for the purposes of the Riparian Areas Regulation. Italicized words are defined in the guidelines.

To: The *Approving Authority*

Date: August 13, 2018

Islands Trust

700 N Rd

Gabriola BC V0R 1X3

With reference to the Riparian Areas Regulation for the property:

Lot 33 Suzanne Ave., Gabriola Island, BC (PID: 000181749)

The undersigned hereby gives assurance that he/she is a *Qualified Environmental Professional*:

Name of *Qualified Environmental Professional*: Adam Compton

Professional designation: R.P.Bio.

Professional association: College of Applied Biology of British Columbia

I have signed, sealed and dated, and thereby certified, the attached riparian assessment report on the property in accordance with the *Professional Practice Guidelines – Legislated Riparian Assessments* and with the *assessment methods*. That report must be read in conjunction with this statement. In preparing that report I have:

Check to the left of applicable items. If any items are not checked, the reasons should be explained in the *Qualified Environmental Professional's* riparian assessment report.

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the *development proposal* on the property
- ☒ 3. Conducted field work on and, if required, beyond the property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the property
- ☐ 5 Incorporated recommendations or assessment results from other *specialists*
- ☒ 6 Prescribed *measures* to protect and maintain the integrity of the streamside protection and enhancement area
- ☒ 7 Prescribed *measures* to avoid the occurrence of a *HADD**
- ☒ 8. Reported on the requirements for *field reviews* or *environmental monitoring* of the property during or following site works for the proposed *development* and recommended who should conduct those *field reviews* or *environmental monitoring*.

- ☒ 9. Reviewed the *riparian assessment* report with the *client* and explained the content and the *measures* required to be implemented.

**HADD – harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes*

I hereby confirm that in my professional opinion, based on the conditions contained in the attached *riparian assessment report*, as required by the Riparian Areas Regulation (Section 4):

Check one:

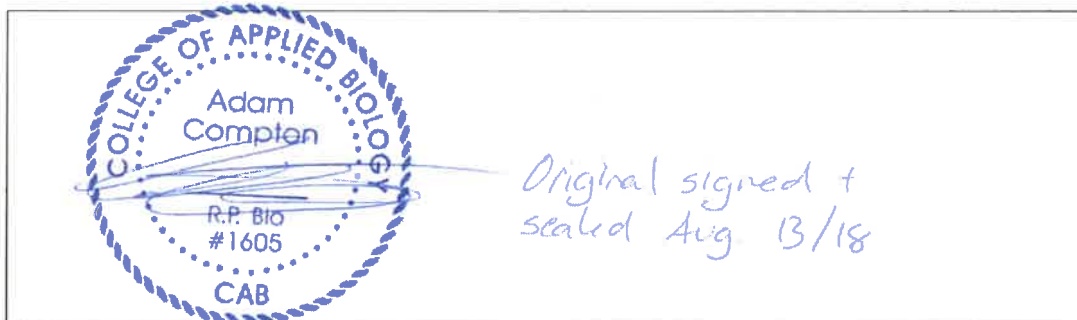
☒ If the *development* is implemented as proposed there will be no harmful alteration, disruption or destruction of *natural features, functions and conditions* that support fish life processes in the *riparian assessment area*.

☐ If the *streamside protection and enhancement areas* identified in the report are protected from the *development* and the *measures* prescribed in the report as necessary to protect the integrity of those areas from the effects of the *development* are implemented by the *developer*, there will be no harmful alteration, disruption or destruction of *natural features, functions and conditions* that support fish life processes in the *riparian assessment area*, and

Check one:

☐ with one or more recommended registered covenants

☒ without any registered covenant.





GABRIOLA ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GB-DP-2018.3

To: Cynthia Kent and David Kent

1. This permit applies to:
LOT 33, SECTION 18, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22657
PID 000-181-749
2. Whereas the subject property as described above lies within “Development Permit Area #3 – Riparian Areas” designated under the Gabriola Island Official Community Plan Bylaw No. 166, this development permit is issued under the Gabriola Island Land Use Bylaw No. 177 and authorizes the **removal of firewood, construction of a driveway, fence, and tree planting** in accordance with Schedules “A”, “B” and “C” attached to and forming part of this permit.
3. The timing of restoration activities shall be in accordance with the following:

November 2018 – firewood to be removed from SPEA of Castell Brook;

September – November 15, 2018 - Planting of 22 trees (Douglas-fir, western red cedar, big leaf maple, pacific crab apple etc. as per RAR report recommendations) spaced 3m apart in the location specified on the RAR site plan;

February 28, 2019 – fencing to be installed once planting is complete and prior to any house construction. Fencing details as per RAR report recommendations;

March 31, 2019 – EDI biologist inspection of tree planting site and summary submitted to the Islands Trust office;

October 2020 – EDI biologist inspection of planting site – if unsuccessful a follow up QEP assessment may be required and submitted to Islands Trust office.

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

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST
COMMITTEE THIS__ th DAY OF _____, 2018.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE __th DAY OF _____, 2020
THIS PERMIT AUTOMATICALLY LAPSES.



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2018.4**

**Schedule "C" – The Riparian Areas Assessment Report
dated August 13, 2018**

STAFF REPORT

File No.: GB-RZ-2016.1

(Potlatch Development and
Pilot Bay Holdings)

DATE OF MEETING: September 27, 2018
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Adoption of Proposed Bylaws 289 and 290

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee Bylaw No. 289, cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016”, be adopted.
2. That the Gabriola Island Local Trust Committee Bylaw No. 290, cited as “Gabriola Land Use Bylaw, 1999, Amendment No. 1, 2016”, be amended as follows:
 - a. Appendix 1, Subsection D.2.6(A) Resource Residential 2 (RR2), Article D.2.6(A)1. Permitted Uses, Clause b. Permitted Accessory Uses, Item ii. is deleted in its entirety and replaced with “secondary suite residential, on lots 2.0 hectares (4.94 acres) or larger, subject to Section B.6.3.”;
 - b. Appendix 1, Subsection D.2.6(A) Resource Residential 2 (RR2), Article D.2.6(A)2. Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i., second bullet text is deleted in its entirety and replaced with “three buildings per lot, excluding a secondary suite, pump/utility house and woodshed, that are accessory to all dwellings;”; and
 - c. Appendix 1, Subsection D.2.6(A) Resource Residential 2 (RR2), Article D.2.6(A)2. Buildings and Structures, Clause a. Permitted Buildings and Structures, Item i., fourth bullet text is deleted in its entirety and replaced with “one secondary suite per lot.”.
3. That the Gabriola Island Local Trust Committee Bylaw No. 290, cited as “Gabriola Land Use Bylaw, 1999, Amendment No. 1, 2016”, be adopted as amended.

REPORT SUMMARY

The purpose of this report is to request that the Gabriola Island Local Trust Committee (LTC) consider adoption of Proposed Bylaw Nos. 289 and 290, arising from rezoning application GB-RZ-2016.1 (Potlatch Development and Pilot Bay Holdings). Three minor technical amendments to Proposed Bylaw No. 290 are recommended prior to consideration of adoption.

BACKGROUND

Bylaw Nos. 289 and 290

Proposed Gabriola Island Local Trust Committee Bylaw No. 289, cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016” (Attachment 1), has been approved by the Islands Trust Executive Committee and the Minister of Municipal Affairs and Housing. Proposed Gabriola Island Local Trust Committee Bylaw No. 290, cited as “Gabriola Land Use Bylaw, 1999, Amendment No. 1, 2016” (Attachment 2), was approved by the Islands Trust Executive Committee. Both bylaws may be considered for adoption.

Applicant Deliverables

Prior to consideration of final reading of the bylaws the LTC required:

- Proof of registration of the restrictive covenant on the “receiver lands”.
- Letter of undertaking from the applicant’s solicitor to transfer the “donor lands” to the Regional District of Nanaimo (RDN) upon adoption of Bylaw Nos. 289 and 290.
- Confirmation that the applicant has contacted the RDN to initiate the process to explore an option to purchase the remainder parcel adjacent to the “donor lands”.

All noted requirements have been met. Staff can confirm that the covenant has been registered and appears on title of the subject parcels, a letter of undertaking to transfer the donor lands to the RDN has been received, and RDN Parks staff intend to present the option to purchase to the RDN Board this fall.

Bylaw No. 290

Staff is recommending that, prior to consideration of adoption of Proposed Bylaw No. 290, three minor technical amendments be made to the bylaw to replace references to “accessory cottage” use found in Appendix 1 (see tracked changes in Attachment 3). The recommended amendments are in response to recent amendments to the Gabriola Island Land Use Bylaw through Bylaw No. 292, which replaced the term “accessory cottage” with “secondary suite”.

RATIONALE FOR RECOMMENDATION

Proposed Bylaw Nos. 289 and 290 have been in development since 2016 with extensive community consultation and technical review. The applicant has fulfilled their commitments as part of the rezoning application process and the proposed bylaws can be considered for final reading.

NEXT STEPS

Upon adoption of the proposed bylaws, staff will update the application and bylaw webpages and notify the RDN Building Inspection department.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	September 20, 2018
Concurrence:	Ann Kjerulf, RPP, MCIP Regional Planning Manager	September 20, 2018

ATTACHMENTS

1. Proposed Bylaw No. 289 (OCP)
2. Proposed Bylaw No. 290 (LUB at third reading)
3. Proposed Bylaw No. 290, Appendix 1 (with tracked changes)

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 289

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

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

1. Citation

This bylaw may be cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2016”.

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

READ A FIRST TIME THIS	26 TH	DAY OF	MAY	, 2016
READ A SECOND TIME THIS	12 TH	DAY OF	JANUARY	, 2017
PUBLIC HEARING HELD THIS	29 TH	DAY OF	MARCH	, 2017
READ A THIRD TIME THIS	30 TH	DAY OF	MARCH	, 2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	7 TH	DAY OF	JUNE	, 2017
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING				
THIS	6 TH	DAY OF	DECEMBER	, 2017
ADOPTED THIS		DAY OF		, 201x

SECRETARY

CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 289

Schedule 1

Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Official Community Plan (Gabriola) Bylaw, 1997”, is amended as follows:

1. Schedule B –Land Use Designations – North Sheet is amended as follows:

a. On those lands described as :

- i. The South East $\frac{1}{4}$ of Section 13, Gabriola Island, Nanaimo District Except The South West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of The Said South East $\frac{1}{4}$;
- ii. The South West $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District; and
- iii. The West $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section 10, Gabriola Island, Nanaimo District;

the land use designation is changed:

from “Forestry” to “Parks”;

as shown on Plan No. 1 attached to and forming part of this bylaw.

b. On those lands described as :

- i. The South $\frac{1}{2}$ of the North West $\frac{1}{4}$ of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP13396;

the land use designation is changed:

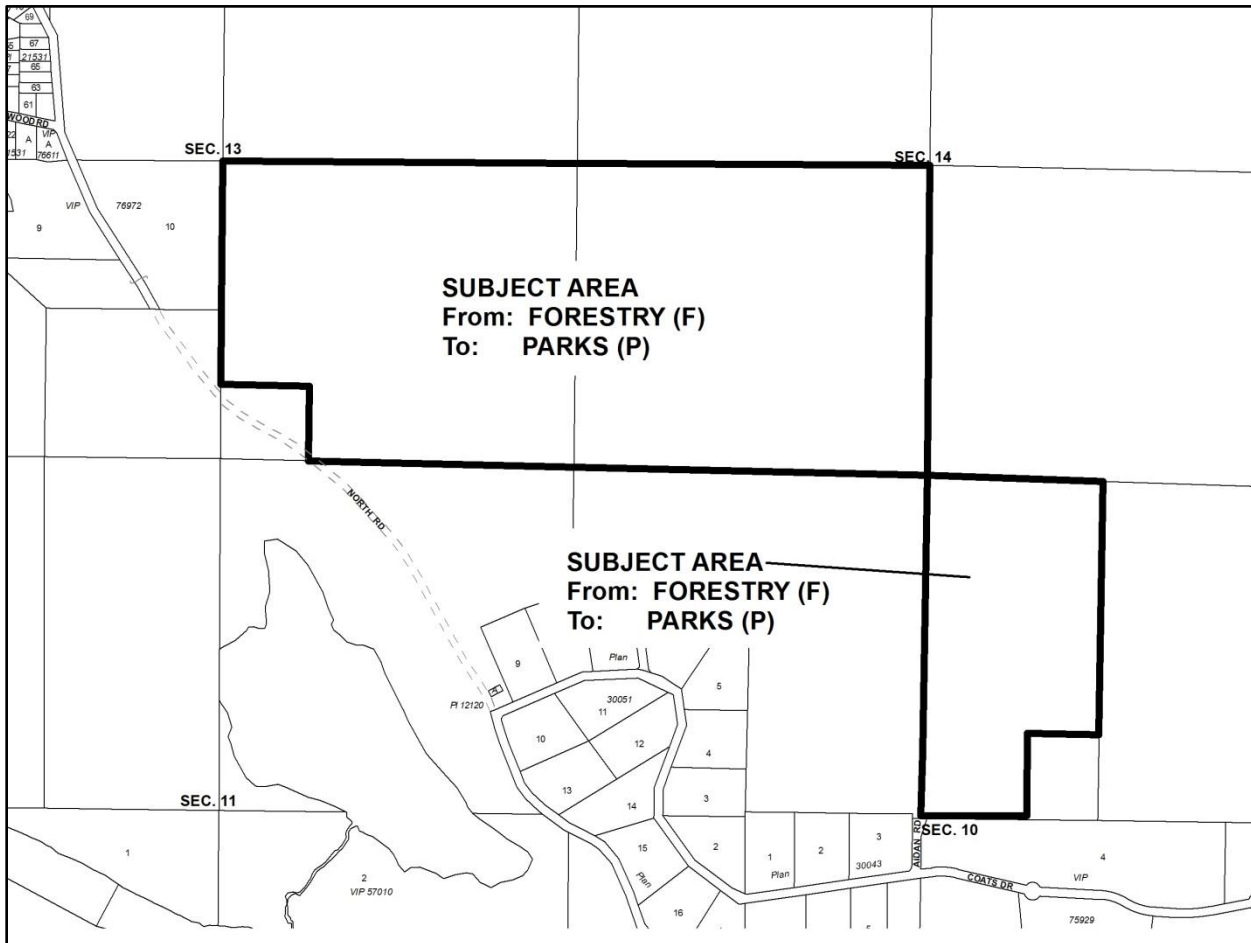
from “Forestry” to “Resource”;

as shown on Plan No. 2 attached to and forming part of this bylaw.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 289

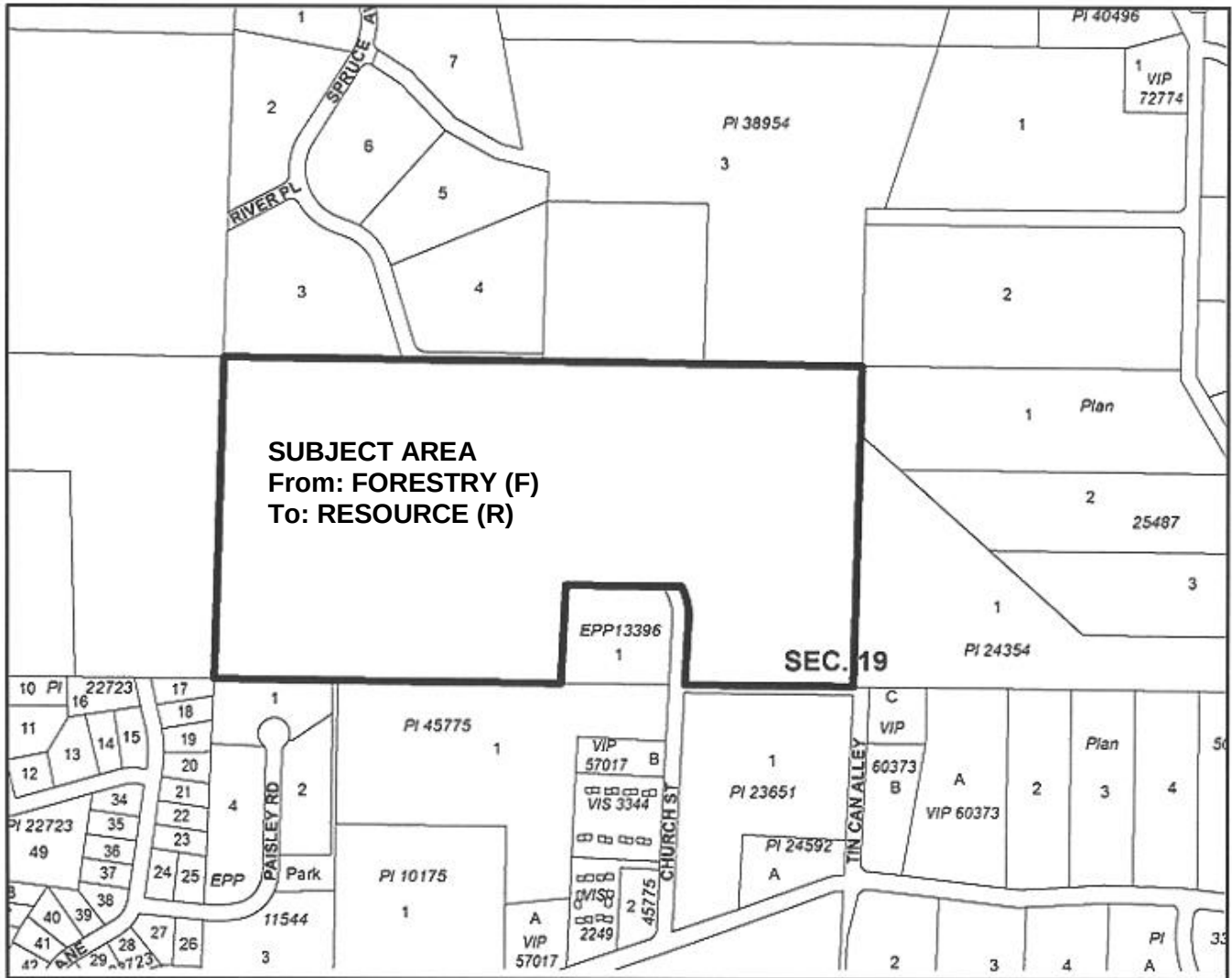
PLAN NO. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 289

PLAN NO. 2



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 290

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Gabriola Land Use Bylaw, 1999, Amendment No. 1, 2016”

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

READ A FIRST TIME THIS	26 TH	DAY OF	MAY	, 2016
READ A SECOND TIME THIS	12 TH	DAY OF	JANUARY	, 2017
PUBLIC HEARING HELD THIS	29 TH	DAY OF	MARCH	, 2017
READ A THIRD TIME THIS	30 TH	DAY OF	MARCH	, 2017
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	7 TH	DAY OF	JUNE	, 2017
ADOPTED THIS		DAY OF		, 201x

SECRETARY

CHAIRPERSON

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 290

SCHEDULE 1

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

1. Schedule “A” - Section D.2 RESOURCE ZONES, insert new Subsection D.2.6(A) (Resource Residential 2 (RR2) after Subsection D.2.6 Resource Residential 1 (RR1) as shown on Appendix 1 attached to and forming part of this bylaw.
2. Schedule “B” - Zoning North Sheet is amended by changing the zoning classifications as follows:
 - a. On those lands described as :
 - i. The South East $\frac{1}{4}$ of Section 13, Gabriola Island, Nanaimo District Except The South West $\frac{1}{4}$ of the South West $\frac{1}{4}$ of The Said South East $\frac{1}{4}$;
 - ii. The South West $\frac{1}{4}$ of Section 14, Gabriola Island, Nanaimo District; and
 - iii. The West $\frac{1}{2}$ of the North East $\frac{1}{4}$ of Section 10, Gabriola Island, Nanaimo District;the land use zoning is changed:

from “Forestry” to “Forestry/Wilderness Recreation”;

as shown on Plan No. 1 attached to and forming part of this bylaw.
 - b. On those lands described as :
 - i. The South $\frac{1}{2}$ of the North West $\frac{1}{4}$ of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP13396;the land use zoning is changed:

from “Forestry” to “Resource Residential 2”;

as shown on Plan No. 2 attached to and forming part of this bylaw.
 - c. On a portion of those lands described as :
 - i. Lot 7, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742the land use zoning is changed:

from “Resource” to “Resource Residential 2”;

as shown on Plan No. 3 attached to and forming part of this bylaw.
 - d. On a portion of those lands described as :

i. Lot 6, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742;
the land use zoning is changed:

from "Resource" to "Resource Residential 2";
as shown on Plan No. 4 attached to and forming part of this bylaw.

e. On a portion of those lands described as :

i. Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354;
the land use zoning is changed:

from "Resource" to "Resource Residential 2";
as shown on Plan No. 5 attached to and forming part of this bylaw.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW 290

APPENDIX 1

D.2.6 (A) Resource Residential 2 (RR 2)

D. 2.6(A).1

Permitted Uses

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Resource Residential 2 (RR2) zone:

a. Permitted Principal Uses

- i. single family residential
- ii. agriculture
- iii. horticulture

b. Permitted Accessory Uses

- i. *home occupation, subject to Section B.3*
- ii. *cottage residential*
- iii. processing and sale of agricultural products, limited to those grown or raised on the lot
- iv. agri-tourism

D. 2.6(A).2

Buildings and Structures

The buildings and structures permitted in Article B.1.1.2, plus the following buildings and structures and no others are permitted in the Resource Residential 2 (RR2) zone:

a. Permitted Buildings and Structures

- i. Maximum of:
 - one single family dwelling per lot which must be connected to a rainwater harvesting and collection system with a minimum storage capacity of 22,500 litres (5,944 US gallons);
 - three buildings per lot that exclude a cottage, pump/utility house and woodshed, and that are accessory to all dwellings;
 - one produce stand per lot, not exceeding 20.0 square metres (215.3 square feet) in floor area, accessory to an agricultural use; and,
 - one accessory cottage dwelling per lot, not exceeding 65.0 square metres (699.7 square feet), provided that the lot is 2.0 hectares (4.94 acres) or larger.

- ii. Other non-residential buildings and structures to accommodate:
 - agriculture and horticulture.

D.2.6(A).3

Regulations

The general regulations in Part B, plus the following regulations apply in the Resource Residential 2 (RR2) zone:

a. Buildings and Structures Siting Requirements

- i. On lots less than 2.0 hectare (4.94 acres), except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
 - 6.0 metres (19.7 feet) from all lot lines.
- ii. On lots 2.0 hectare (4.94 acres) or larger, except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
 - 10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line.
- iii. the minimum setback for an agricultural produce stand in the Resource Residential 2 (RR2) zone is 4.5 metres (14.7 feet) from the front lot line.

b. Lot Coverage Limitations

- i. The maximum combined lot coverage by buildings and structures is 10 percent of the lot area.

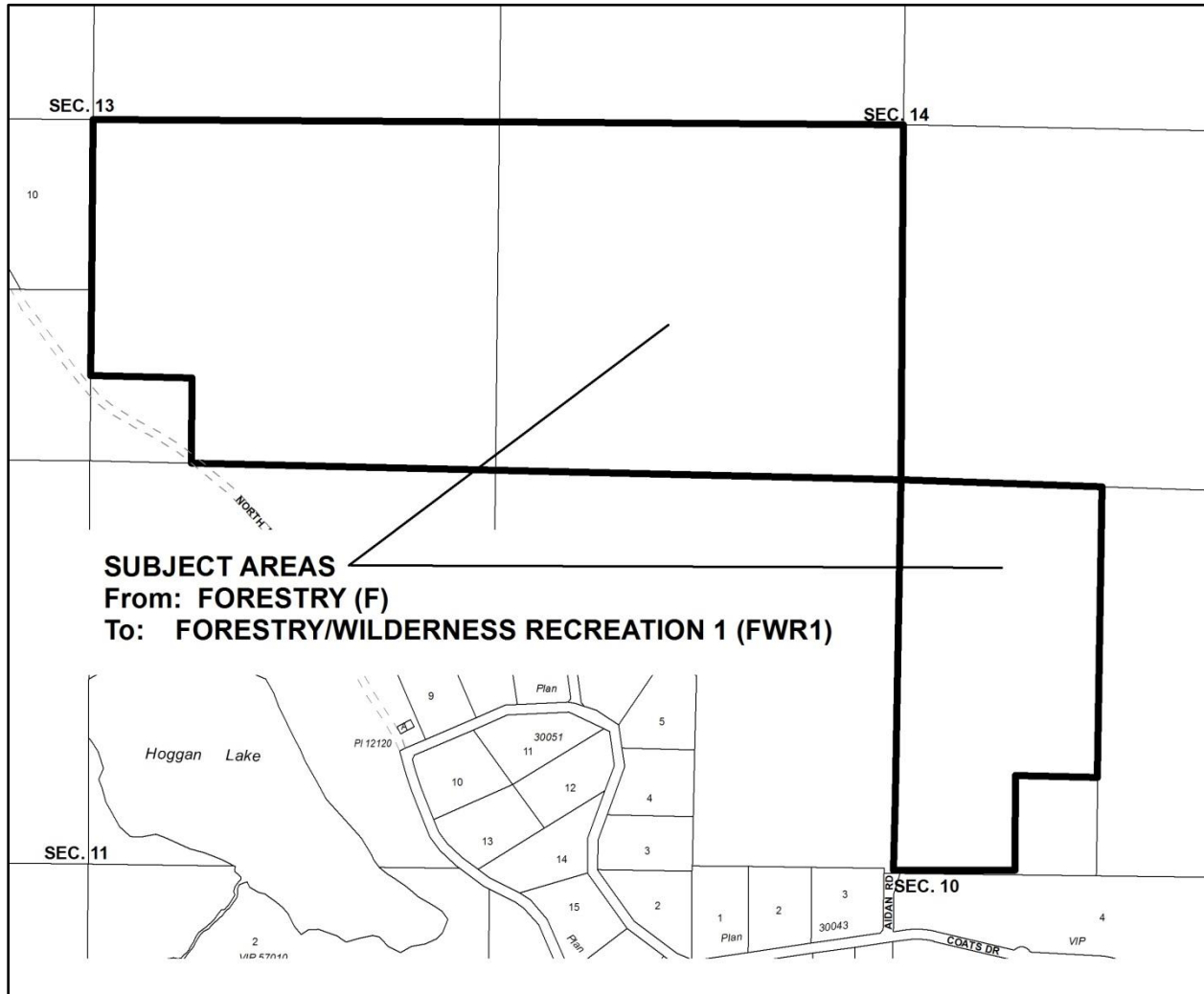
c. Lot Area Requirements for Subdivision

- i. The minimum average lot area is 1.9 hectares (4.7 acres);
- ii. The minimum lot area is 1.0 hectare (2.47 acres);
- iii. Despite any other provision of this Bylaw, the maximum number of lots permitted in the Resource Residential 2 (RR2) zone is 25.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW 290

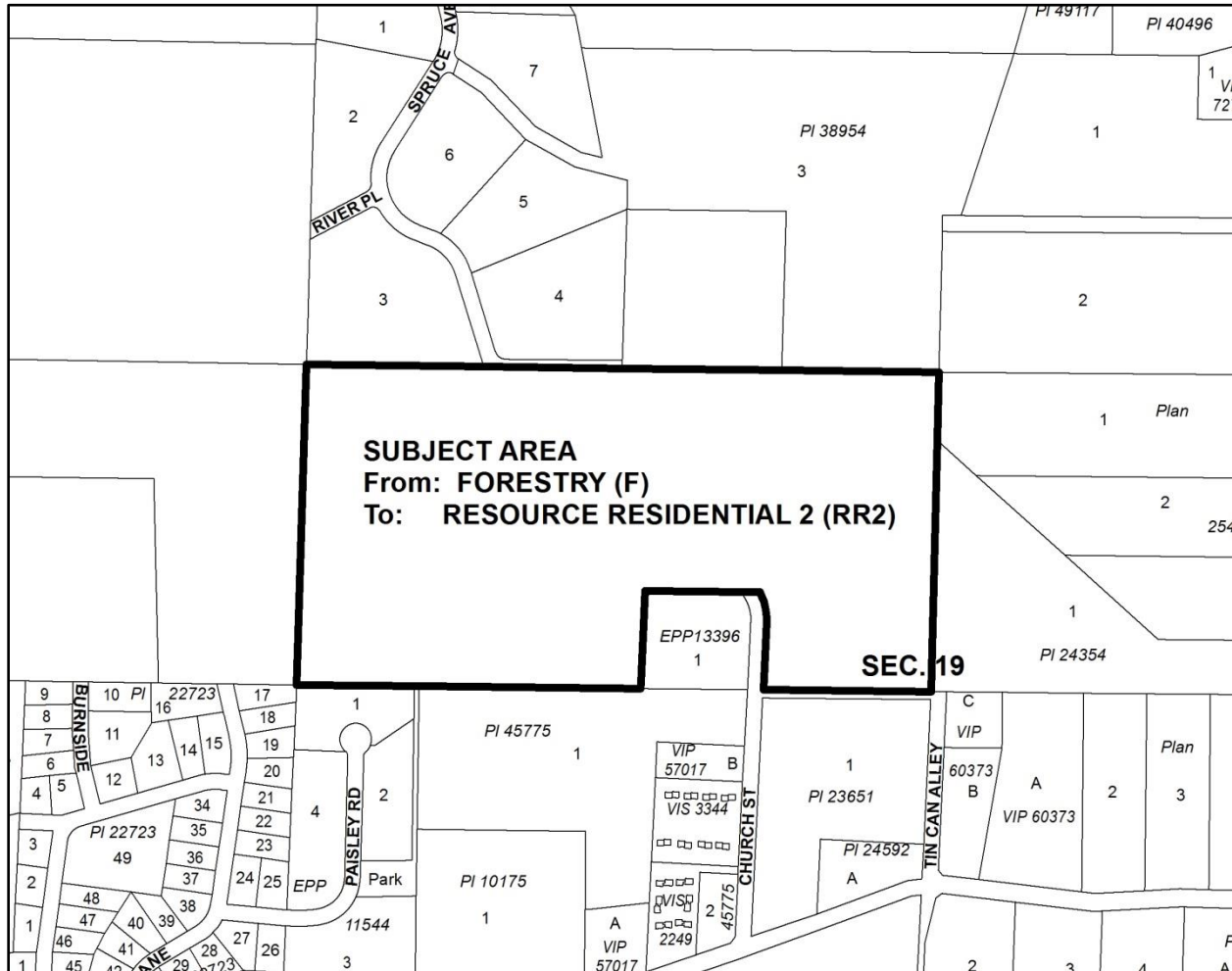
PLAN No. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW 290

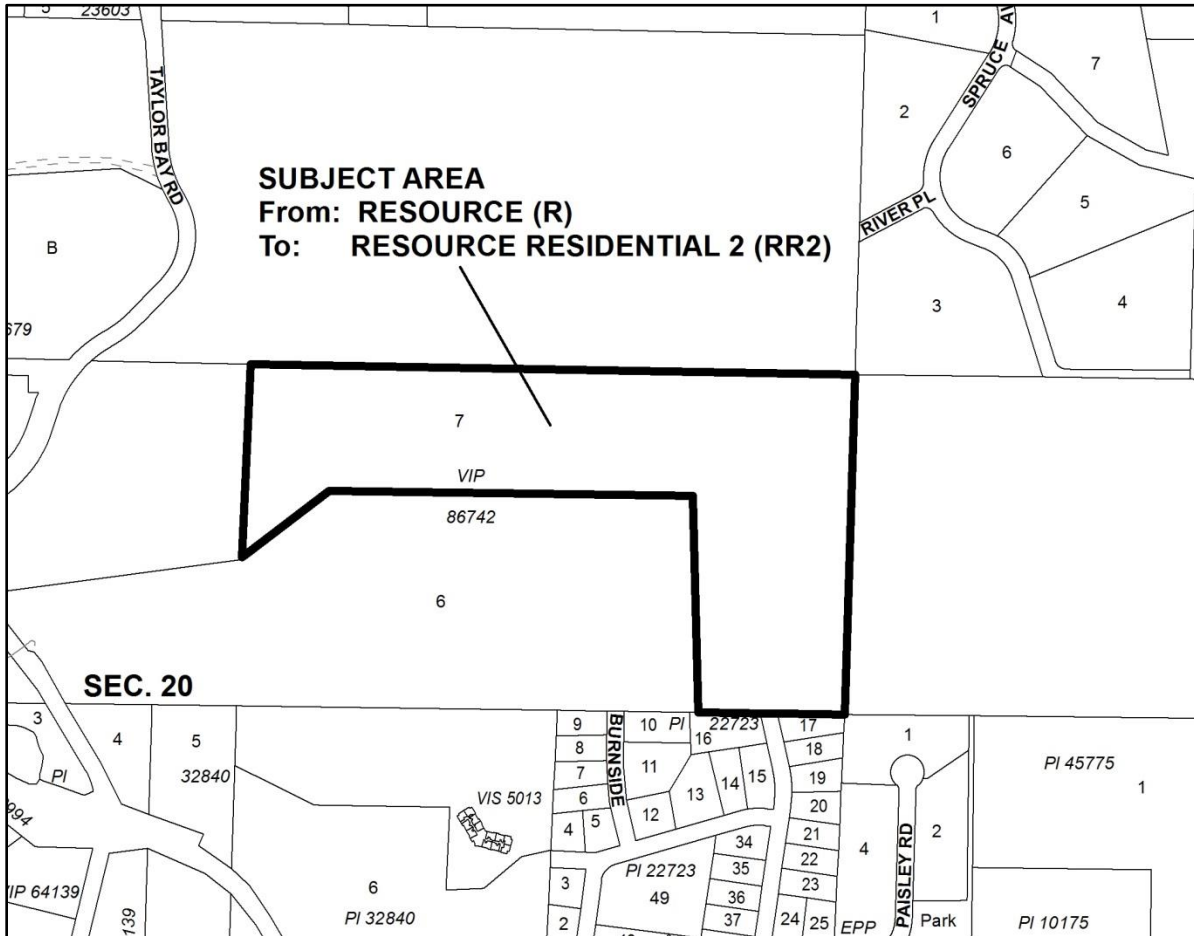
PLAN No. 2



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW 290

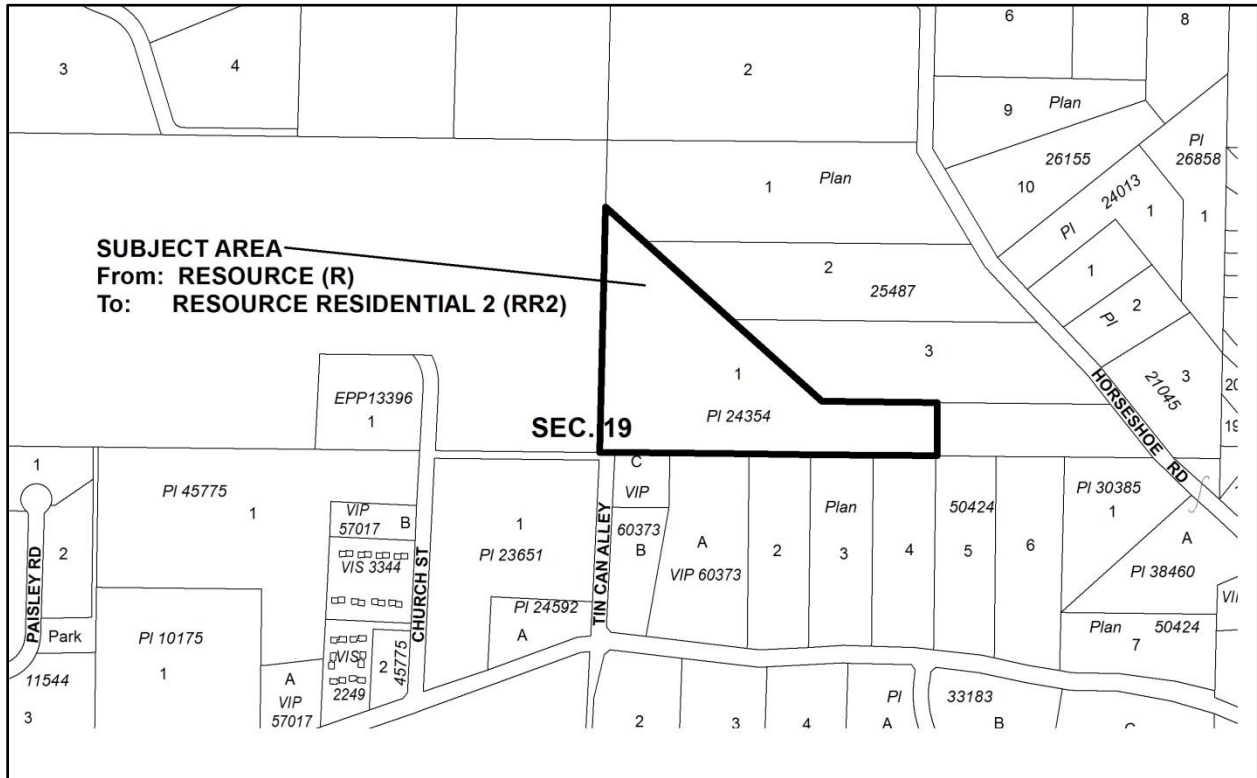
PLAN No. 3



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW 290

PLAN No. 5



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW 290

APPENDIX 1

D.2.6 (A) Resource Residential 2 (RR 2)

D. 2.6(A).1

Permitted Uses

In addition to the uses permitted in Article B.1.1.1, the following uses and no others are permitted in the Resource Residential 2 (RR2) zone:

a. Permitted Principal Uses

- i. single family residential
- ii. agriculture
- iii. horticulture

b. Permitted Accessory Uses

- i. *home occupation, subject to Section B.3*
- ii. ~~cottage-secondary suite~~ residential, on lots 2.0 hectares (4.94 acres) or larger, subject to Section B.6.3.
- iii. processing and sale of agricultural products, limited to those grown or raised on the lot
- iv. agri-tourism

D. 2.6(A).2 Buildings and Structures

The buildings and structures permitted in Article B.1.1.2, plus the following buildings and structures and no others are permitted in the Resource Residential 2 (RR2) zone:

a. Permitted Buildings and Structures

- i. Maximum of:
 - one single family dwelling per lot which must be connected to a rainwater harvesting and collection system with a minimum storage capacity of 22,500 litres (5,944 US gallons);
 - three buildings per lot, ~~that exclude~~excluding a ~~cottage, secondary suite,~~ pump/utility house and woodshed, ~~and~~ that are accessory to all dwellings;
 - one produce stand per lot, not exceeding 20.0 square metres (215.3 square feet) in floor area, accessory to an agricultural use; and,
 - one ~~accessory cottage-dwelling~~secondary suite per lot, ~~not exceeding 65.0 square metres (699.7 square feet),~~ provided that the lot is 2.0 hectares (4.94 acres) or larger.
- ii. Other non-residential buildings and structures to accommodate:
 - agriculture and horticulture.

D.2.6(A).3

Regulations

The general regulations in Part B, plus the following regulations apply in the Resource Residential 2 (RR2) zone:

a. Buildings and Structures Siting Requirements

- i. On lots less than 2.0 hectare (4.94 acres), except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
 - 6.0 metres (19.7 feet) from all lot lines.
- ii. On lots 2.0 hectare (4.94 acres) or larger, except for a sign, fence, or pump/utility house, the minimum setback for buildings or structures is:
 - 10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line.
- iii. the minimum setback for an agricultural produce stand in the Resource Residential 2 (RR2) zone is 4.5 metres (14.7 feet) from the front lot line.

b. Lot Coverage Limitations

- i. The maximum combined lot coverage by buildings and structures is 10 percent of the lot area.

c. Lot Area Requirements for Subdivision

- i. The minimum average lot area is 1.9 hectares (4.7 acres);
- ii. The minimum lot area is 1.0 hectare (2.47 acres);
- iii. Despite any other provision of this Bylaw, the maximum number of lots permitted in the Resource Residential 2 (RR2) zone is 25.

September 19, 2018

Re: Referral of Proposed Bylaws to Standardize Development Permit and Temporary Use Permit Areas

The Regional District of Nanaimo (RDN) Board at its regular meeting held September 18, 2018 gave first and second reading to several amendment bylaws to standardize development permit and temporary use permit areas. Please visit our website at www.getinvolved.rdn.ca/DPAs/documents for a copy of the bylaws under consideration. If you prefer to receive a hard copy, you may request one by contacting me at (250) 390-6563 or at csimpson@rdn.bc.ca.

The proposed bylaw amendments standardize development permit and temporary use permit areas as follows:

- 25 of the 49 existing development permit areas become seven standard development permit areas that apply in multiple electoral areas where they are already designated. These development permit areas are for the purpose of protection of the natural environment, protection of development from hazardous conditions, and protection of farmland.
- Key reasons for standardizing these 25 development permit areas are to adopt consistent language, improve ease of interpretation, adopt current best practices, and correct issues of clarity.
- With the exception of the development permit areas that are part of the Schooner Cove and Lakes District Neighbourhood Plans, the 'applicability', 'exemption', and 'guideline' sections of all development permit areas move from official community plans to the relevant zoning bylaw. Because six of the seven official community plans share a common zoning bylaw, this allows for most development permit guidelines to be found in one document.
- Policy on where a temporary use permit may be issued moves from individual official community plans to the zoning bylaws. Limitations on where a temporary use permit may be issued for industrial activities related to resource processing that are in place in some electoral areas is retained. The option for a temporary use permit to be issued for any other use in any zone is expanded from two electoral areas currently, to all electoral areas.

We are requesting comments on the proposed bylaws as they relate to your agency's responsibilities. Please send your comments to the email address below or by mail to the Regional District of Nanaimo Planning Department located at 6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2 no later than **October 19, 2018**. If we do not receive your comments by this date, we will assume that your agency has no objections to the proposed bylaw amendments.

If you have any questions or require clarification, please do not hesitate to contact me by telephone or by email at csimpson@rdn.bc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Simpson', written in a cursive style.

Courtney Simpson
Senior Planner, Strategic and Community Development
T: 250-390-6563 | Email: csimpson@rdn.bc.ca

DATE OF MEETING: September 27, 2018

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 1
Northern Team

SUBJECT: Gabriola Island Water Taxi Zoning Review Project

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee hold the top priority project, Gabriola Island Water Taxi Zoning Review, in abeyance pending the completion of the BC Ferries' Terminal Development Planning process.
2. That the Gabriola Island Local Trust Committee write a letter to the Ministry of Transportation and Infrastructure and to the owner of property legally described as THE SOUTH PART OF THE SOUTH EAST 1/4, SECTION 10, GABRIOLA ISLAND, NANAIMO DISTRICT AS SHOWN ON CROWN GRANT (DD 1763), EXCEPT PARTS ON PLANS 7908, 12887, 20670, 21652, 27576 AND EPP22670 (PID 000-648-396) to request that they investigate and address potential safety and accessibility issues related to the Green Wharf access road, and that the Ministry of Transportation and Infrastructure also be asked to investigate and address potential safety and accessibility issues related to Degnan Bay Road.

REPORT SUMMARY

The purpose of this report is to summarize the results of the community questionnaire, discuss issues identified in the questionnaire responses, and provide recommendations to the Gabriola Island Local Trust Committee (LTC) for potential next step options for the Gabriola Island Water Taxi Zoning Review project. Staff recommend that the LTC hold the project in abeyance pending the completion of the BC Ferries' vessel replacement and Terminal Development Planning process at Descanso Bay. The LTC is also asked to communicate potential safety and accessibility concerns with the Green Wharf access road and Degnan Bay Road with the parties responsible for their maintenance.

BACKGROUND

The purpose of this project is to consider amendments to Gabriola Island Land Use Bylaw No. 177, 1999 (LUB) to permit dockage and/or moorage for water taxi use in the Water Commercial 3 – Marine Transportation (WC3) zone.

At the July 14, 2016 Gabriola Island LTC meeting the following resolution was passed:

GB-2016-064

It was MOVED and SECONDED that the Gabriola Island Local Trust Committee review Official Community Plan and Land Use Bylaw provisions to encourage water taxi service near Descanso Bay be moved to the Top Priorities List.

CARRIED

At the March 1, 2018 Gabriola Island LTC meeting, the following resolutions were passed:

GB-2018-020

It was MOVED and SECONDED that the Gabriola Island Local Trust Committee request staff to amend the Gabriola Island Water Taxi Zoning Review draft project charter as discussed and bring it back to the next Local Trust Committee meeting with a draft survey regarding changes to the WC3 zoning.

CARRIED

GB-2018-022

It was MOVED and SECONDED that the Gabriola Island Local Trust Committee Top Priorities List Item 3 activity be re-worded to “review zoning provisions for water taxi service”.

CARRIED

At the April 12, 2018 Gabriola Island LTC meeting the following resolution was passed:

GB-2018-023

It was MOVED and SECONDED that the Gabriola Island Local Trust Committee endorse the Project Charter v.2 Gabriola Island Water Taxi Zoning Review, dated April 12, 2018.

CARRIED

Input was solicited from the community on potential amendments to the LUB to regulate water taxi use in the WC3 zone. Staff prepared a community questionnaire that was available online through Survey Monkey from June 25, 2018 to July 13, 2018. Paper copies were included as inserts in the June 26, 2018 edition of the *Gabriola Sounder* and available at the Islands Trust Northern Office and the Vancouver Island Regional Library on Gabriola Island. Staff presented preliminary results of the community questionnaire to the LTC at the August 16, 2018 regular meeting.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement and Official Community Plan:

Staff have identified the Islands Trust Policy Statement (ITPS) Directive Policies and Gabriola Island Official Community Plan Bylaw No. 166 (OCP) policies and objectives that are applicable to this LTC-initiated top priority project in Attachment 2 of this report.

Land Use Bylaw:

This project considers LUB amendments to permit moorage and/or dockage for water taxi use in the Water Commercial 3 – Marine Transportation (WC3) zone. Currently the LUB only permits “moorage and dockage for water taxis” in the Water Commercial 1 – Marine (WC1) zone. Permitted uses in the WC3 zone include:

- Ferry dock;
- Public *moorage* and *dockage*;
- *Public wharves*; and
- Marine navigation tools.

The LUB provides the following definitions:

“dockage” securing of a vessel to a dock;

“moorage” the tying of a boat to a buoy or similar object that is in turn anchored to the bed of the sea;

“public wharf” a wharf serving the general public for the purposes of loading and unloading of people, goods and material plus the accommodation of vessels;

At present, there are three WC3 zoned locations on Gabriola Island: Descanso Bay, Degnan Bay, and an area southeast of Green Wharf. The WC1 and WC3 zoned locations are shown on Figure 1.

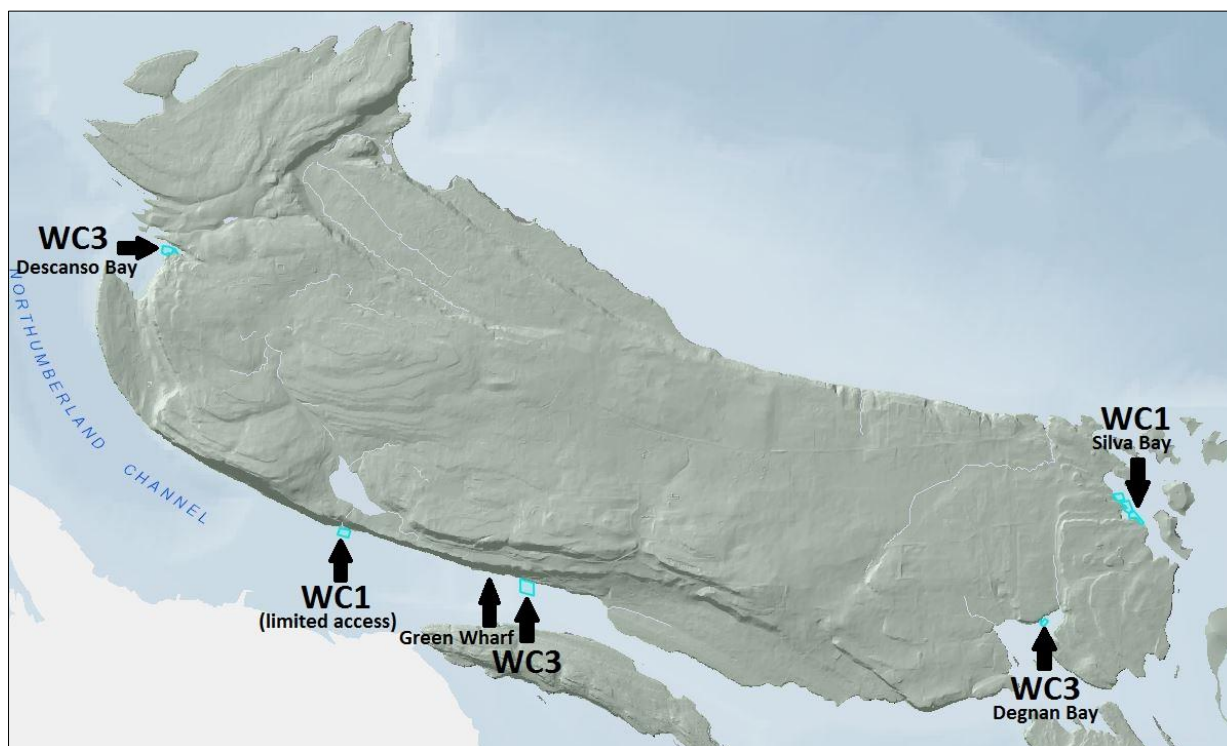


Figure 1. Location of WC1 and WC3 zones on Gabriola Island.

Questionnaire Results¹

The results of the questionnaire indicate there is general support from the community for amendments to the LUB to permit water taxi use in the WC3 zone. Full results can be found in Attachment 1 of this report.

Staff note that question 1 of the questionnaire was not included in the analysis, as it asked for personal information (name and address) to limit anonymous or multiple responses in order to avoid skewing results.

¹ The staff memorandum dated August 16, 2018 incorrectly stated that there were 213 responses to the questionnaire. There were 211 responses.

Question 2:

- 85% of respondents either support or strongly support changing the LUB to facilitate opportunities for water taxi service on Gabriola Island.
- Respondents expressed concern for environmental impacts and whether or not there was a demonstrable need for water taxi use.
- Benefits cited included: providing alternative and increased transportation options to service an increasing population, tourism and emergencies; and providing access to smaller islands in the Gabriola Island Local Trust Area.

Question 3:

- 82% of respondents either supported or strongly supported changing the LUB to permit water taxi use within the WC3 zone.
- Respondents expressed concern for parking availability in the adjacent upland area, existing marine congestion in the WC3 zoned locations, costs to passengers, and whether or not there was a demonstrable need for water taxi use.
- Benefits included additional access points on the island and providing alternative access for emergencies. Need was expressed for access to smaller islands in the Gabriola Island Local Trust Area, including Mudge and DeCourcy Island.

Question 4:

- Ninety-two percent (92%) of respondents indicated Descanso Bay should include water taxi use; reasons included the presence of existing infrastructure and close proximity to most of the island's population; concerns with this location include congestion (marine, vehicle and pedestrian), parking availability, and conflict with BC Ferries and the Regional District of Nanaimo (RDN) emergency dock.
- Seventy percent (70%) of respondents indicated Green Wharf should include water taxi use. Green Wharf was identified as being an important access point for Mudge Island residents and visitors; however, there were concerns with parking availability and congestion, and inaccessibility for people with mobility issues.
- Sixty-eight percent (68%) of respondents indicated Degnan Bay should permit water taxi use. Reasons included accessibility for residents at the north end of Gabriola Island; however, it was noted that this location is close to Silva Bay, where water taxi use is already permitted; other concerns with Degnan Bay included the lack of parking and existing marine congestion; it was also noted that Degnan Bay is within a marine protected area.
- Several respondents (0.03%) stated that none of these locations were suitable.

Question 5:

Respondents were asked to rate the level of importance they place on a variety of identified issues that may require further analysis prior to any amendment to the LUB. The identified issues are ranked in order of importance by respondents in Table 1.

Table 1. Issues Ranked by Order of Importance

Protection of the marine environment	87.5%
Pedestrian access and safety	81.5%
Vehicle parking (automobiles, scooters, bicycles)	80.9%
Vehicle traffic flow	76.4%
Protection of the upland environment	74.4%
Marine navigation	72.3%
Protection of archaeological sites & resources	68.8%
Impact on neighbouring properties	62.8%
Passenger waiting area	61.7%
Noise pollution	61.5%
Light pollution	56.7%

Wheelchair accessibility was also identified as an issue.

Question 6:

The majority of respondents were full-time residents of Gabriola Island (84.9%). The remainder were:

- Part-time, temporary or seasonal residents of Gabriola Islands Trust (6.8%);
- Owners, operators or employees of businesses on Gabriola Island (2.4%);
- Residents or property owners on Mudge Island (5.4%); and
- Residents or property owners on DeCourcy Island (0.5%).

Question 7:

General themes in the final comments provided by respondents included:

- Clarifying water taxi destinations – i.e. Nanaimo, Duke Point, Mudge Island or other smaller islands;
- Confirming whether or not there is a demonstrable need to permit water taxi use in the LUB;
- Providing an alternative to BC Ferries, as well as providing relief for BC Ferries during busy times;
- Vehicle traffic, and not pedestrian traffic, requires a solution;
- Access to other islands (i.e. Gabriola to Mudge Island), and to Nanaimo (i.e. Mudge Island to Nanaimo);
- Concerns with parking availability at all of the existing WC3 zoned locations; and
- Potential environmental impacts of increased marine traffic.

Issues and Opportunities

Suitability of current WC3 zoned locations

Green Wharf

Staff note that Green Wharf was previously described as being located within the WC3 zone. In actuality, Green Wharf is within the Water General (WG) zone adjacent to private property, and is well beyond the terminus of Wharf Road and the WC3 zoned location approximately 400 m to the southeast.



Figure 2. Green Wharf, Gabriola Island

Staff conducted a site visit on September 18, 2018 and observed that Wharf Road is a narrow, gravel road and pedestrians must share the road with vehicles. Staff also observed that both Wharf Road and the private road access extending from Wharf Road to the WC3 zoned location crosses a steep slope between the shoreline and South Road (Brickyard Hill) above. There is no designated area for parking, which currently occurs within the road-right-of-way and on private property, or for turning a vehicle around. While staff are not qualified to evaluate the suitability of an undeveloped right-of-way (from an engineering standpoint), staff believe that the concerns expressed by questionnaire respondents regarding vehicle and pedestrian safety, warrant further investigation by those parties responsible for the maintenance of the Green Wharf access route.

The LTC has no jurisdiction over the wharf (apart from zoning); road infrastructure and parking within the Wharf Road right-of-way falls under the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI); the access across private property and its maintenance are the responsibility of the private property owner.

Islands Trust mapping indicates the presence of eelgrass in this area. Remote Access to Archeological Data (RAAD) mapping indicates archaeological potential in the adjacent upland area. During the site visit, staff noted the presence of (what appeared to be) bull kelp in close proximity to Green Wharf.

Formalization of water taxi use at Green Wharf would require a zoning amendment in addition to a Crown tenure amendment (to permit commercial use of Crown land).

Degnan Bay

The public wharf in Degnan Bay is within the WC3 zone, as shown in Figure 3. This location was cited as being suitable for residents in the south end and other islands, such as Valdes Island; however, it is noted that Degnan Bay is in close proximity to Silva Bay, where there are water lots with WC1 zoning, where moorage and dockage for water taxi use are explicitly permitted by the LUB.



Figure 3. Location of WC3 zone in Degnan Bay

During the September 18, 2018 site visit, staff observed that the access road to the public wharf (Degnan Bay Road) is narrow and bound by the foreshore on one side, and private property and a steep slope on the other. Pedestrians must share the roadway with vehicle traffic. Staff also noted that there is limited visibility and a confined area for turning a vehicle around.

While the government wharf and WC3 zone in Degnan Bay are not within a Development Permit Area, marine access is through Development Permit Area 5 (DP 5) – Gabriola Pass Marine Protected Area. DP 5 has been designated in the OCP for the purpose of protecting the natural environment, its ecosystems and biological diversity. While staff are not qualified to assess the degree to which additional marine traffic from a commercial water taxi operation would impact the marine environment, Degnan Bay has been identified as already having marine congestion.

Staff note that there is a current application to rezone the water lot to the west of the government wharf from Water General (WG) to Water Commercial (WC) to permit a commercial marina. Irrespective of this particular application, increased activity in Degnan Bay resulting from the formalization of water taxi use in the LUB may lead to increased parking and congestion concerns.

Degnan Bay and Gabriola Passage are within a Rockfish Conservation Area, managed by Fisheries and Oceans Canada (DFO). Rockfish Conservation Areas have been established to protect inshore rockfish species that are at low levels of abundance, by limiting fishing activities and species that may be caught.

Islands Trust mapping indicates a substantial presence of eelgrass in Degnan Bay. RAAD mapping indicates there is a known archaeological site and archaeological potential in the adjacent foreshore area.

Descanso Bay

Descanso Bay was identified as being the most obvious WC3 zoned location to permit moorage and dockage for water taxi use due to existing parking and infrastructure, and accessibility to most of the island's population. However, there are concerns with the potential for increased marine and upland congestion in this location as well.

Potential conflicts with BC Ferries and the RDN emergency dock have been identified as issues at Descanso Bay. For this reason, staff are of the opinion that consultation with both BC Ferries and the RDN regarding the Descanso Bay location would be appropriate prior to drafting a bylaw amendment. The reasons for this are threefold:

- BC Ferries is currently undergoing a Terminal Development Planning process to upgrade the existing Descanso Bay location. The [revised concept plan](#) includes expansion of the docking terminal and expansion of the upland areas to increase the number of holding lanes. The Terminal Development Planning process is expected to involve a bylaw amendment application to the Gabriola Island LTC, which could potentially result in LUB amendments including amendments to zoning boundaries in this location; the boundaries of Crown tenure areas may also change.
- BC Ferries underwent a community engagement process for its upcoming vessel replacement during summer 2018. [Results](#) of the community engagement process indicated that 75.76% of participants preferred a two-ship system to increase sailing frequency, and potentially offer later sailings, for the Descanso Bay to Nanaimo Harbour route. It is noted that 84% of participants indicated their way of travel was by car or other vehicle, while 14% were walk-ons with or without bicycles.
- The RDN emergency dock has been identified as a possible option for moorage and/or dockage of a water taxi service; however, changing the use of this dock would require authorization from the RDN Board and Province of BC, community consultation, and potentially, a referendum. The Crown tenure for the emergency dock would likely require an amendment to include commercial use.

Clarification in Land Use Bylaw

Staff have analysed the LUB and find that further clarity may be required regarding permitted uses in the WC1 and WC3 zones. This project proposes to consider amendments to the LUB that would permit moorage and/or dockage for water taxi use in the WC3 zone. Staff note that currently the WC3 zone permits “public wharves” as a principal use. The LUB provides the following definition for “public wharves”:

a wharf serving the general public for the purposes of loading and unloading of people, goods and material plus the accommodation of vessels.

A basic interpretation of this definition indicates that water taxi use is already permitted in the WC3 zone, as it provides, “a wharf serving the general public for the purposes of loading and unloading of people...” Comparatively, the WC1 zone permits “public wharves” and “moorage and dockage for water taxis and fishing boats”. Staff note that “moorage and dockage for water taxis and fishing boats” is not distinctly permitted in the WC3 zone.

While the WC1 zone distinctly permits moorage and dockage for water taxis, the definition for “public wharf” identifies “the accommodation of vessels” as one of its purposes. Staff believe the distinction is that WC1 zoning would allow permanent moorage for water taxi while the WC3 zone would only permit water taxis to load/unload (meaning a Gabriola-based water taxi would not be supported in the WC3 zone at present). Despite this, the present wording of definitions in the LUB could be clarified.

Potential Amendments to the Land Use Bylaw

As noted in the staff report dated March 1, 2018, the LTC may consider two potential amendments to the LUB:

- *Text amendment.* To amend permitted uses within a specified marine zone to include water taxi use and specific siting requirements for this use;
- *Map amendment (or rezoning).* To amend a zoning designation of specified area to permit water taxi use.

In consideration of the issues and opportunities of each WC3 zoned location, staff recommend further analysis of the WC3 zoned locations and adjacent upland areas may be required to determine the most suitable locations for a site specific rezoning. Staff are of the opinion that the WC3 zoned location adjacent to Wharf Road may not be suitable for moorage and/or dockage for water taxi use based on concerns related to accessibility and safety, and considering there is no marine facility at this location. Both the Degnan Bay and Descanso Bay locations have existing marine facilities; however issues and concerns with these locations have been identified. A cautious approach would seek to resolve existing issues prior to formalizing additional uses in the marine environment.

Should the LTC request staff draft bylaw amendments to permit moorage and/or dockage for water taxi use, staff recommend including specific siting requirements. Policy 7.2 (a) of the Gabriola Island Official Community Plan (OCP) Bylaw No. 177, provides,

Policy 7.2 (a) Passenger commuter-type service (e.g. water taxi) shall be permitted based on appropriate upland and water zoning and provided the operator provides adequate parking and pedestrian facilities and minimizes noise disturbance. Depending on location and the nature of the use a development permit may be required.

Currently, there are no parking requirements for water taxi use identified in Table 2, Subsection B.5.1.1 of the LUB; however there are parking requirements for marinas based on a per berth and per employee basis. Staff recommend that parking be included as a requirement to reduce parking congestion and safety issues. The inclusion of parking requirements would be consistent with Policy 7.2 (a).

Staff have reviewed land use bylaws for the larger islands of each Local Trust Area and have found that one bylaw has specific parking requirements for water taxi use; North Pender Island Land Use Bylaw No. 103, 1996 requires 1 parking space per berth for water taxi use.

Other siting requirements to be considered include:

- Signage;
- Screening from neighbouring properties;
- Setbacks and elevations;
- Height requirements of facilities; and
- Size and/or number of berths.

Designation of a Development Permit Area

Under Section 488 of the *Local Government Act* (LGA), a local government may designate development permit areas (DPAs) for one of more of the following purposes:

- (a) *protection of the natural environment, its ecosystems and biological diversity;*
- (b) *protection of development from hazardous conditions;*
- (c) *protection of farming;*
- (d) *revitalization of an area in which a commercial use is permitted;*
- (e) *establishment of objectives for the form and character of intensive residential development;*

- (f) *establishment of objectives for the form and character of commercial, industrial or multi-family residential development;*
- (g) *in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region;*
- (h) *establishment of objectives to promote energy conservation;*
- (i) *establishment of objectives to promote water conservation;*
- (j) *establishment of objectives to promote the reduction of greenhouse gas emissions.*

Protection of the marine and upland environments was identified as an important issue related to permitting water taxi use in the WC3 zone. As this project proposes to potentially increase marine traffic, staff consider this to be an opportunity to develop environmental protection and mitigation measures for Gabriola's marine shorelines. Creation of a DPA that addresses protection of the marine environment and coastal ecosystems aligns with ITPS Policies 3.4.4 and 3.4.5 (see Attachment 2). DPA guidelines could also address climate change impacts, such as sea level rise, and provide best practices for adaptation and mitigation in those areas.

To address other concerns, including vehicle parking, staff consider the creation of a DPA could also include objectives for form and character in water commercial zones and adjacent upland properties. This is supported by Policy 6.2 (j) of the OCP, which provides,

Policy 6.2 (j) So as to regulate form and character, development permit designations may be considered for commercial and industrial sites adjacent to the natural boundary of the sea.

Should the LTC wish to proceed with a DPA, staff would confirm areas which may be subject to a DPA, describe the designated features or sites, state the objectives to be achieved through designation and propose development guidelines. Establishment of a DPA for the protection of the natural environment would guide development in order to protect and/or restore natural features. This could include requirements to retain existing trees and vegetation to prevent shoreline erosion and establish setbacks from sensitive ecosystems, such as eelgrass beds. Guidelines for form and character may include provision of screening and landscaping, appropriate lighting, parking and access standards, and aesthetic criteria for proposed development. Note, form and character guidelines may only apply to multi-family, commercial or industrial development (not to single-family development).

Staff note that "Coastal Areas Protection" is currently on the LTC's project list to review the OCP and LUB to improve protection of coastal areas. Staff recommend that the development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area could be added to the "Coastal Areas Protection" project.

Consultation

Protocols

See [staff report](#) dated March 1, 2018 for protocols considered relevant to this project.

Agencies

Prior to drafting LUB amendments, staff recommend consulting with agencies that may have an interest in this project. Specifically, staff recommend consulting with MOTI staff and the private property owner adjacent to Green Wharf to discuss opportunities for improving the safety of accesses to Green Wharf and the Government Wharf. Staff also recommend consulting with the RDN regarding the emergency dock at Descanso Bay and Green Wharf; the Ministry of Forests, Lands, Natural Resource Operations and Rural Development in relation to Crown tenure issues; and with BC Ferries regarding its Terminal Development Planning process.

See [staff report](#) dated March 1, 2018 for identified public agencies and community groups.

First Nations

Consideration for LUB amendments that could impact known and potential archaeological sites places an obligation on the LTC to engage with local First Nations. See [staff report](#) dated March 1, 2018 for identified First Nations who may have an interest in the Gabriola Island Local Trust Area.

Rationale for Recommendation

An objective of the Gabriola Island Water Taxi Zoning Review Project is to consider potential amendments to the WC3 zone. Through a community questionnaire that was distributed online and in the *Gabriola Sounder*, respondents have indicated there is strong support for amending the LUB to permit water taxi use in the WC3 zone. While there was considerable support, respondents expressed concern over the impacts on the marine environment, parking availability, accessibility and marine congestion, and other issues that have been identified in the staff report.

Staff have conveyed concerns related to the Degnan Bay and Wharf Road locations, including road safety related to pedestrian and vehicle access, lack of parking, and lack of adequate turn-around areas. Staff are of the opinion that discussions with MOTI should be undertaken to address improving accessibility and safety of access roads, and creating adequate parking and turn-around areas at these locations.

While Descanso Bay was preferred as a location for water taxi use, staff believe that consultation should be undertaken with BC Ferries and the RDN regarding this particular location. Given that BC Ferries is currently undergoing a Terminal Development Planning and vessel replacement process and potential implications to zone boundaries are unknown, staff recommend this project be held in abeyance until the completion of the BC Ferries' project.

The staff recommendation is noted on Page 1 of this report.

ALTERNATIVES

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

1. Request staff to prepare draft bylaw amendments and a DPA applicable to the marine foreshore and adjacent upland areas

The LTC may request staff draft amendments to the LUB to permit moorage and/or dockage for water taxi use in the WC3 zone and to establish a DPA to protect the natural environment and for form and character applicable to the foreshore and adjacent upland areas. Establishment of a DPA would be in accordance with ITPS Policy 3.4.4 and 3.4.5 and Policy 6.2 (j) of the OCP. **Resolutions are** as follows:

That the Gabriola Island Local Trust Committee request staff to draft bylaws to amend the Gabriola Island Official Community Plan Bylaw No. 166 and Gabriola Island Land Use Bylaw No. 177 to permit water taxi use in the Water Commercial 3 – Marine Transportation (WC3) zone and to establish a Development Permit Area, applicable to the marine foreshore and adjacent upland areas, for the protection of the natural environment, its ecosystem and biological diversity, and for the form and character of commercial, industrial and multi-family development.

That the Gabriola Island Local Trust Committee request staff to draft a revised project charter for Local Trust Committee consideration.

2. Request staff to prepare draft bylaw amendments and to defer consideration of a DPA to the Coastal Areas Protection project

The LTC may request staff draft amendments to the LUB to permit moorage and/or dockage for water taxi use in the WC3 zone and other zones, and to not pursue a DPA. Resolutions are as follows:

That the Gabriola Island Local Trust Committee request staff to amend the Gabriola Island Land Use Bylaw No. 177 to permit water taxi use in the Water Commercial 3 – Marine Transportation (WC3) zone.

That the Gabriola Island Local Trust Committee add “Establishment of a shoreline DPA” as a specific activity for the Local Trust Committee “Coastal Areas Protection” project.

3. Request further information/analysis

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

That the Gabriola Island Local Trust Committee request staff to provide further information/analysis on... [to be provided by Local Trust Committee].

NEXT STEPS

Should the LTC agree with the staff recommendation, the project will be held in abeyance.

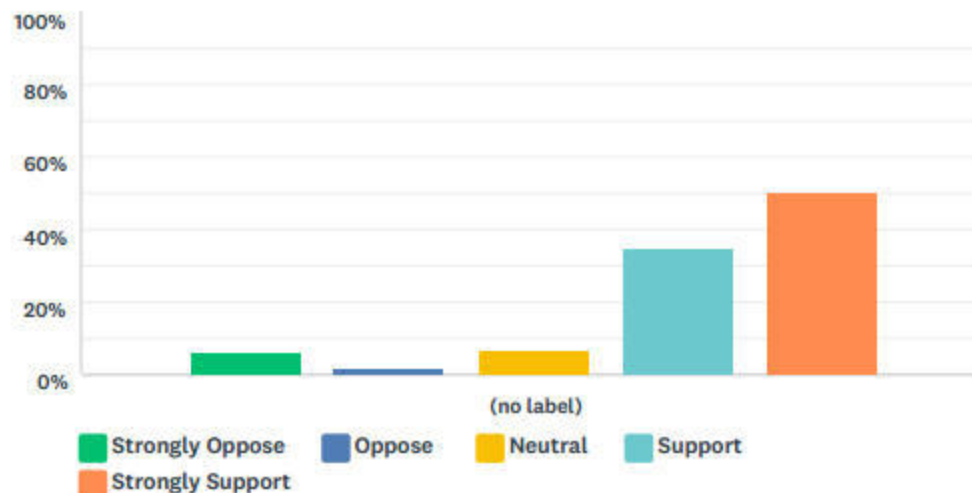
Submitted By:	Jaime Dubyna, M.Sc. (Planning) Planner 1	September 18, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 17, 2018

ATTACHMENTS

1. Community Questionnaire Results
2. Policies
3. Photographs

Q2 To what extent do you support changing the Land Use Bylaw to facilitate opportunities for water taxi service on Gabriola Island?

Answered: 209 Skipped: 2



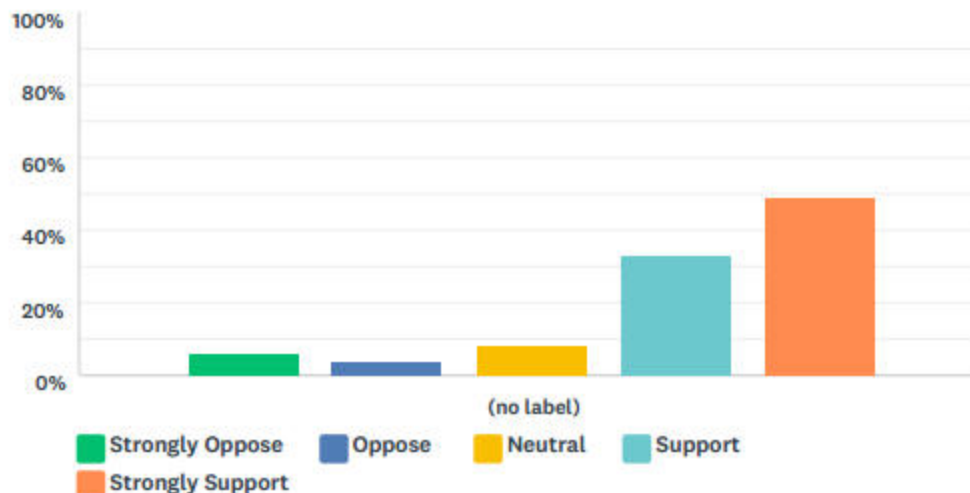
	STRONGLY OPPOSE	OPPOSE	NEUTRAL	SUPPORT	STRONGLY SUPPORT	TOTAL	WEIGHTED AVERAGE
(no label)	6.22% 13	1.91% 4	6.70% 14	34.93% 73	50.24% 105	209	1.00

#	COMMENTS:	DATE
1	Have residents of Gabriola asked for this? Has someone again offered this service?	8/3/2018 3:22 PM
2	We need badly faster and cheaper prices to cross this bit of ocean water - we are permanent residents [unreadable] this!!	8/3/2018 3:17 PM
3	I think it is likely strongly support for many people but I will not be using it [redacted] and will need to use my car.	8/3/2018 1:53 PM
4	All WC3: Degnan, Green and Descanso	8/3/2018 11:58 AM
5	Not universally for all of these locations. Descano and Silva, Degnan. Make the most sense as some adjacent services for passengers.	8/2/2018 3:17 PM
6	Hopefully this will encourage the use of public transit.	8/2/2018 3:14 PM
7	Could add an element of possible homeless as seen at the tent city. Lots of room on the ferry now.	7/25/2018 1:37 PM
8	Options	7/25/2018 1:36 PM
9	There are more important issues for the Trust to work on. Why do we need more water taxis? I don't really want this. Silva Bay has this now and that's enough. We don't need water taxis to supplement the ferry. .	7/12/2018 1:07 PM
10	This community needs transportation options beyond BC Ferries	7/11/2018 9:13 PM
11	To date, Island's Trust has an abysmal record of foreshore stewardship including, but certainly not limited to, ignoring blatant bylaw infringements in Degnan Bay. Seeking additional Land Use Bylaw changes while either unwilling or unable to enforce existing Bylaws is ludicrous.	7/11/2018 12:48 PM
12	is water taxi service intended to be solely for commuter needs? More boat traffic such increases potential marine pollution issues. is it really needed? a better business case of who needs/wants this and why would help.	7/10/2018 11:07 PM
13	Growing population strongly indicates an alternative transportation source.	7/10/2018 2:53 PM
14	Cannot see an occasion for use but someone might have to leave in a hurry.	7/10/2018 2:40 PM

15	Include air taxi as well. It will be the next issue to be requiring resolution.	7/10/2018 2:36 PM
16	We need to protect our water ways. Particularly the life in the water, plants and fish/shellfish. I feel it is unwise to increase motorized essels around our island.	7/10/2018 2:31 PM
17	This is a necessity for those who want to travl with the Islands and don't have a boat available to them at the moment. It will also allow many Islanders to multi task, get guests over to other islands and go shopping if your boat is down for servicing.	7/8/2018 10:18 PM
18	Costs per person should be low and affordable	7/6/2018 3:15 PM
19	Great idea to offer more transport options	7/6/2018 12:18 PM
20	Access to vacation / retirement property	7/6/2018 10:50 AM
21	As a resident of Mudge Island it would be very beneficial to family.	7/6/2018 9:07 AM
22	Only if it does not result in reduced ferry service.	7/5/2018 11:58 AM
23	Potionally useful in an emergency	7/4/2018 5:44 PM
24	enough water taxi service already	7/3/2018 11:34 AM
25	yes, we need a water taxi on Gabriola!	7/3/2018 6:33 AM
26	I would use it	7/1/2018 3:05 PM
27	Low impact activity.	7/1/2018 12:15 AM
28	at Descanso only	6/29/2018 3:25 PM
29	We need more frequent means of getting on/off the island and since a bridge seems out of the question a water taxi would at least help.	6/29/2018 12:49 PM
30	Provides another option for transport & could help reduce BCF dependance	6/29/2018 11:23 AM
31	It would provide people with an alternative to the ferry.	6/28/2018 10:47 AM
32	Smaller boat and potentially more frequent service, could service other parts of the island.	6/28/2018 10:44 AM
33	I don't even know where the WC1 with limited public access is, so it is quite useless to me.	6/28/2018 8:55 AM
34	We really need the option of water taxis	6/27/2018 2:35 PM
35	Needed in Descanso Bay to support tourism from Nanaimo	6/27/2018 1:55 PM
36	We need more options as pop. grows with diverse needs	6/27/2018 1:12 PM
37	I would like to see the marine and land environments protected by keeping use curtailed.	6/27/2018 11:34 AM
38	To our understanding there is no demonstrable reason to facilitate such transportation.	6/27/2018 11:28 AM
39	I am somewhere between Oppose and Neutral. I've seen enough private water ferries fail, but if that's what they want to spend money on who am I to blow against the wind. For a little perspective: I heard that private stakeholders spent \$70,000,000 to try to start a private passenger ferry from Nanaimo to Vancouver and it failed. India successfully sent a probe to Mars for the same amount of money.	6/27/2018 10:33 AM
40	will allow day trip tours from the cruise ships and ppl to get to and from work more efficiently and on time	6/27/2018 8:59 AM
41	We need lots of transportation options.	6/27/2018 8:16 AM
42	The loss of the Federal Wharf beside the Ferry Dock has severely limited public access on and off the Island.	6/27/2018 7:13 AM
43	I support water taxi service between Gabriola and the smaller islands. I do not support water taxi service to Nanaimo.	6/27/2018 12:01 AM
44	Water taxis from Gabriola serve many of the smaller gulf islands.	6/26/2018 6:48 PM
45	we will be less dependant on bc ferries/ ferry	6/26/2018 4:11 PM
46	We need as many options for people transport as possible	6/26/2018 3:52 PM

Q3 To what extent do you support changing the Land Use Bylaw to permit water taxi use within the 'Water Commercial 3 - Marine Transportation (WC3)' zone?

Answered: 208 Skipped: 3



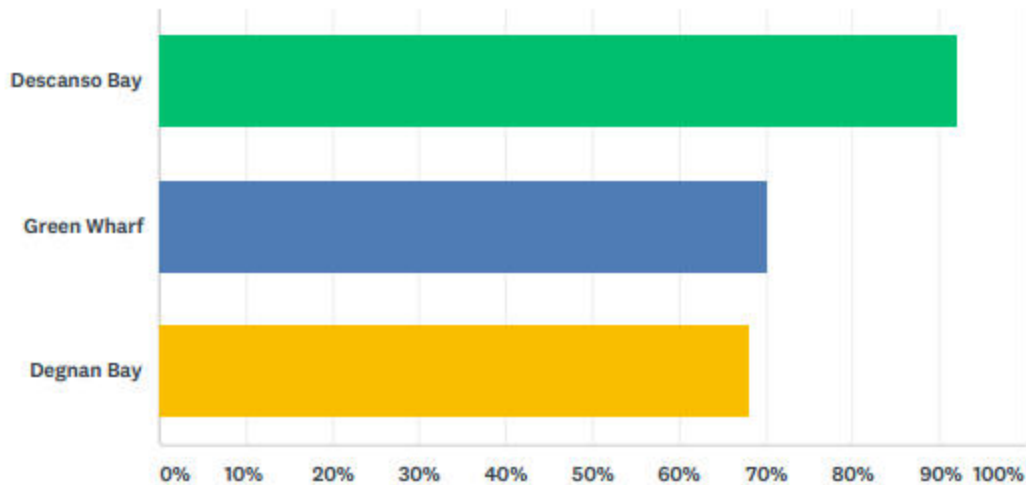
	STRONGLY OPPOSE	OPPOSE	NEUTRAL	SUPPORT	STRONGLY SUPPORT	TOTAL	WEIGHTED AVERAGE
(no label)	5.77% 12	3.85% 8	8.17% 17	33.17% 69	49.04% 102	208	1.00

#	COMMENTS:	DATE
1	Too uninformed of issues involved to make any decisions on this matter at this time.	8/2/2018 3:28 PM
2	as long as adequate parking and safe moorage.	8/2/2018 3:18 PM
3	Do not really see the need for a water taxi service; improve BC Ferries first!	8/2/2018 3:17 PM
4	Not at El Verano boat launch. This launch and parking area is over crowded already.	8/2/2018 3:07 PM
5	Why?	7/25/2018 1:37 PM
6	Location	7/25/2018 1:36 PM
7	I don't want or need more water taxis.	7/12/2018 1:07 PM
8	See 2. above; Degnan Bay doesn't have enough available parking though	7/11/2018 9:13 PM
9	other than at Descanso Bay, the fact water taxi service is already permitted at Silva Bay which is near Degnen Bay. I don't see a real need for it other than possibly at Green Wharf for possible inter-island service (eg Mudge Island, Decourcey etc). Just not clear on the driving force for this initiative. Moreover, Descanso Bay already has a dock used by BC Ferries, an emergency dock and couple private docks so congestion could be a major factor.	7/10/2018 11:07 PM
10	Can't think of a good reason for this use to have not been included in the first place. Ferry but not water taxi?	7/10/2018 2:36 PM
11	Costs per person should be low and affordable - service should include a stop on Mudge Island	7/6/2018 3:15 PM
12	but only at Descanso and Green Warf, NOT DEGNEN BAY!	7/3/2018 6:33 AM
13	Have no concerns	7/1/2018 12:15 AM
14	except Descanso which I would support	6/29/2018 3:25 PM
15	It provides additional potential access points for a water taxi.	6/28/2018 10:47 AM

16	Though it depends on other factors like the ability to provide parking/pedestrian access. Just because a dock is there doesn't mean the location works for the users and the surrounding land owners.	6/28/2018 10:44 AM
17	We need to have alternative ways to get off Gabriola in emergency situations and it makes no sense to have access in obscure places.	6/28/2018 8:55 AM
18	Need to have other areas for a water taxi	6/27/2018 1:55 PM
19	Best location	6/27/2018 1:12 PM
20	Commercial use opens the environment to increased disruption of wildlife and erosion of land and sea floor.	6/27/2018 11:34 AM
21	I am somewhere between Oppose and Neutral. It is not my land, but if this is something my fellow Gabriolans that live close to the affected areas are opposed to because it would be detrimental to their land then yes I am opposed. There is a T-shirt from the Skol Pub that says something like 'Welcome to Gabriola: whatever it is we're against it.'	6/27/2018 10:33 AM
22	Just makes sense	6/26/2018 6:48 PM

Q4 Which WC3 marine zone location(s) should include water taxi use? (select all that apply)

Answered: 191 Skipped: 20



ANSWER CHOICES	RESPONSES
Descanso Bay	92.15% 176
Green Wharf	70.16% 134
Degnan Bay	68.06% 130
Total Respondents: 191	

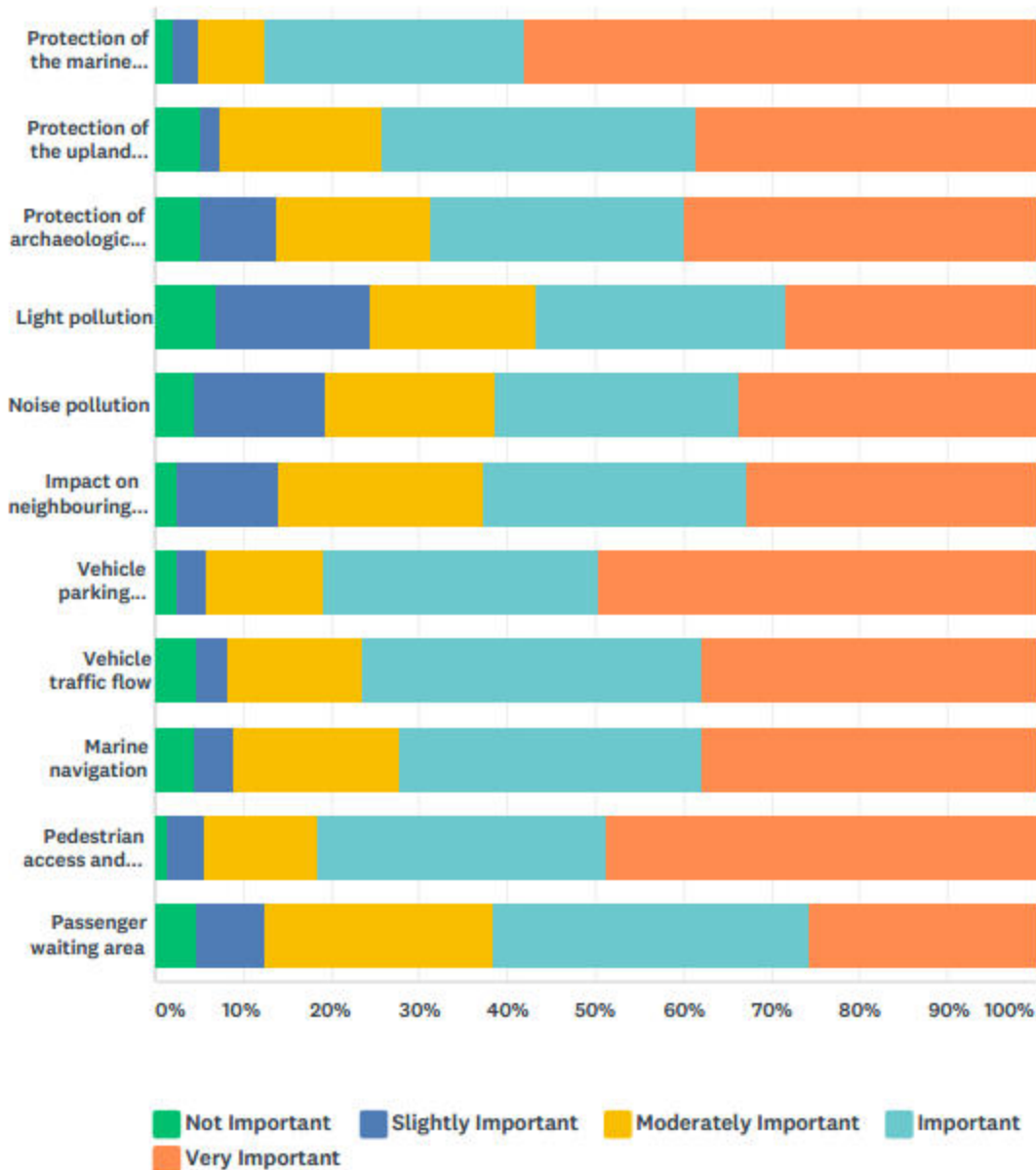
#	COMMENTS:	DATE
1	I assume water taxi destination is Nanaimo harbour.	8/3/2018 3:26 PM
2	Silva Bay additions would be preferred over Degnan.	8/3/2018 3:25 PM
3	Same as above - the Quinsam is becoming a nightmare!!!!	8/3/2018 3:17 PM
4	Green Wharf is difficult to access for people with mobility issues. Parking at Degnan Bay?	8/3/2018 1:57 PM
5	For Mudge, Green Wharf is VERY important.	8/3/2018 1:53 PM
6	Degnan Bay: ?	8/3/2018 11:56 AM
7	Vehicle parking is the only negative that occurs to me for Green Wharf and Degnen Bay	8/2/2018 3:29 PM
8	Degnan Bay is too crowded already. Adding water taxis would only exacerbate the congestion	8/2/2018 3:26 PM
9	again, safety main concern	8/2/2018 3:18 PM
10	Descanso - maybe. Degnan - unlikely. Green Wharf is a very congested mess without adding any other allowed activities.	8/2/2018 3:17 PM
11	Improvements needed to parking, public transit and bicycle infrastructure. Descanso Bay is closest to a majority of residents' homes.	8/2/2018 3:14 PM
12	Travel for low income people is a challenge for those on Mudge that do not have a dock space or waterfront. Make sure increased usage won't make it harder for them!	8/2/2018 3:10 PM
13	What would be the destruction for Degnan and Green? If it relieves traffic at El Verano then I support, otherwise Descanso to Nanaimo for the late anight and ferry over full times/Duke Pt. is the only one that makes sense.	8/2/2018 3:07 PM
14	Not in favour of creating more parking issues in any location.	8/2/2018 3:04 PM

15	None- perhaps bicycle share programs could be introduced	7/25/2018 1:38 PM
16	Descanso Bay is too busy already!	7/25/2018 1:37 PM
17	Green wharf access = problematic	7/25/2018 1:36 PM
18	None of the above. Silva Bay is enough	7/12/2018 1:07 PM
19	I support all in concept but other requirements will need to be met such as parking and safety of access to make it practical	7/11/2018 9:13 PM
20	The service will only be provided where there is a demand and the infrastructure provided	7/11/2018 3:38 PM
21	None. There is absolutely no parking available at Green Wharf or Degnan Bay. There are more than enough parking and access challenges at Descanso Bay without exacerbating existing issues.	7/11/2018 12:48 PM
22	for inter-island service possibly although the other islands would also need dockage.	7/10/2018 11:07 PM
23	Bigger ferry and parking lot.	7/10/2018 2:55 PM
24	Why is there no circle for none? The construction of this question shows built in bias. None. In particular Degnen Bay is already overcrowded with moorings, some of which are in the the fairway and constitute a hazard to navigation.	7/10/2018 2:47 PM
25	Green wharf - parking difficult. Descanso Bay - conflict with ferry and ambulance dock - where would it be? Degnen -time to get to destination? Also parking.	7/10/2018 2:40 PM
26	Connection with all surrounding islands - and the mainland - is vital to the well being of all islanders, permanent residents and visitors alike.	7/10/2018 2:34 PM
27	Select the best site based on the studies from Question 4.	7/10/2018 2:31 PM
28	The ones that are useful to the potential users	7/6/2018 7:00 PM
29	already being used	7/3/2018 11:34 AM
30	Green Warf and Descanso are not marine protected environments, however Degnen is and would be nice to AVOID as a taxi service locale	7/3/2018 6:33 AM
31	Don't expect much taxi traffic at any of these locations and don't have any concerns.	7/1/2018 12:15 AM
32	I don't really know of Green Wharf but any/all possible locations should be included.	6/29/2018 12:49 PM
33	Too limited parking at Green Warf	6/28/2018 4:40 PM
34	Including Degnan Bay gives people on the south end of the island a closer access point.	6/28/2018 10:47 AM
35	Because of existing infrastructure (essentially parking and Gertie) Descanso makes the most sense. Assuming parking/pedestrian access, and connections to Gertie could be accommodated, would support other locations as well.	6/28/2018 10:44 AM
36	I would be in favour of all three locations in case of an emergency situation when we all need to leave asap from wherever we live.	6/28/2018 8:55 AM
37	As many options as reasonable!	6/27/2018 2:35 PM
38	More concerned about Descanso but others may benefit as well	6/27/2018 1:55 PM
39	This gives an option for fast exit for south enders	6/27/2018 1:12 PM
40	A "None" choice is missing here.	6/27/2018 12:40 PM
41	There's already enough "traffic" (in the water and on land) around Descanso due to the ferry. It makes more sense to situate the water taxis at less busy locations. That said, I would worry a little about the lack of adequate parking facilities at Degnan.	6/27/2018 12:37 PM
42	None.	6/27/2018 11:34 AM
43	None	6/27/2018 11:28 AM

44	None. Maybe a Descanso Bay (expensive) passenger taxi service midnite to 5am when the big ferry doesn't run? Or, a Green Wharf passenger taxi service to/from Mudge/Decourcey/Ruxton chain of islands? Or, a red wharf passenger service to/from Valdez? None of these seem very viable to me. For perspective: I say "expensive" because a midnite water taxi run in Toronto (we are not in Toronto thank goodness) used to cost \$26 in 1995, public passenger ferry during the day was \$2, public car ferry was \$150.	6/27/2018 10:33 AM
45	I have concerns about parking issues in Descanso Bay, but if they can be addressed it would be the best location. The other sites also have parking problems. It will be interesting.	6/27/2018 12:01 AM

Q5 A change to the WC3 marine zone to include moorage and dockage of water taxis would require analysis of the following issues. Please indicate the level of importance you place on these issues:

Answered: 209 Skipped: 2



	NOT IMPORTANT	SLIGHTLY IMPORTANT	MODERATELY IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL
Protection of the marine environment	1.92% 4	2.88% 6	7.69% 16	29.33% 61	58.17% 121	208
Protection of the upland environment	5.31% 11	1.93% 4	18.36% 38	35.75% 74	38.65% 80	207
Protection of archaeological sites & resources	5.29% 11	8.65% 18	17.31% 36	28.85% 60	39.90% 83	208

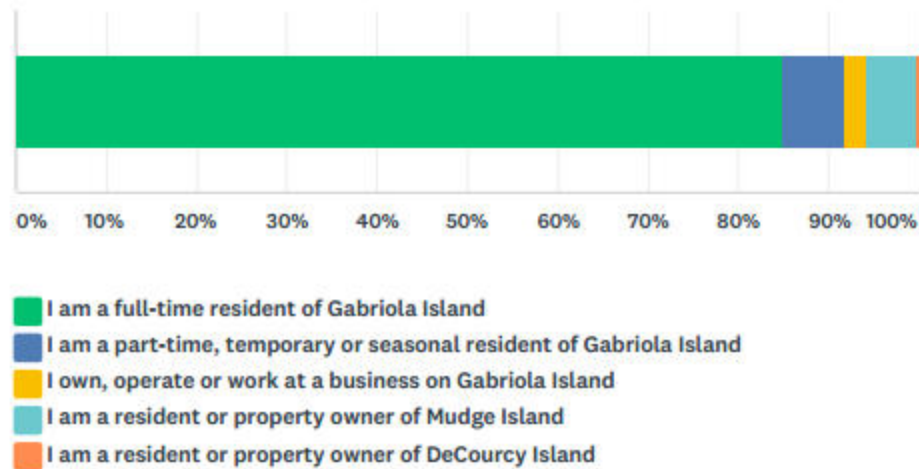
Light pollution	6.73% 14	17.79% 37	18.75% 39	28.37% 59	28.37% 59	208
Noise pollution	4.33% 9	14.90% 31	19.23% 40	27.88% 58	33.65% 70	208
Impact on neighbouring properties	2.42% 5	11.59% 24	23.19% 48	29.95% 62	32.85% 68	207
Vehicle parking (automobiles, scooters, bicycles)	2.39% 5	3.35% 7	13.40% 28	31.10% 65	49.76% 104	209
Vehicle traffic flow	4.81% 10	3.37% 7	15.38% 32	38.46% 80	37.98% 79	208
Marine navigation	4.37% 9	4.37% 9	18.93% 39	34.47% 71	37.86% 78	206
Pedestrian access and safety	1.46% 3	3.90% 8	13.17% 27	32.68% 67	48.78% 100	205
Passenger waiting area	4.78% 10	7.66% 16	25.84% 54	35.89% 75	25.84% 54	209

#	COMMENTS:	DATE
1	If this is proposed and passes it must be done right.	8/3/2018 3:22 PM
2	Ref. Noise pollution depends on how long it lasts and how loud, especially at night.	8/3/2018 3:17 PM
3	Degnan has problems with parking, traffic etc...and Green Wharf	8/3/2018 11:58 AM
4	Should have toilet facilities in a covered waiting area.	8/2/2018 3:18 PM
5	The noise from boats is very annoying; inadequate parking for existing uses at all 3 locations; WC3.	8/2/2018 3:17 PM
6	Would the success of a water taxi service negatively affect housing affordability?	8/2/2018 3:14 PM
7	Parking for water taxi users will be a real challenge at the Green Wharf. It is already an issue.	8/2/2018 3:10 PM
8	The taxis suggested should not really have a services impact on those in Q4.	8/2/2018 3:03 PM
9	Protect what makes this island so special.	7/25/2018 1:38 PM
10	Descanso Bay must be protected - historical.	7/25/2018 1:37 PM
11	Light pollution - depends - hours of operation	7/25/2018 1:36 PM
12	Don't expand this idea to W# zones and none of the above will be further jeopardized. Preserve and protect is your mandate so why are you even considering this project.	7/12/2018 1:07 PM
13	Concerned that BC Ferries would use marine navigation "concerns" as a deterrent to a Descanso Bay water taxi site. General comment: Protection labelled as "important" or "very important" should not mean a veto; as with everything, it's a balance. Gabriola needs water taxi service.	7/11/2018 9:13 PM
14	all of the above need careful consideration. noise and light may be major factors for adjoining property owners. and , especially if early AM or late PM service occurs	7/10/2018 11:07 PM
15	My answers speak for themselves.	7/10/2018 2:56 PM
16	A bigger ferry.	7/10/2018 2:55 PM
17	All of the above are significant issues. Safety of navigation, and in particular, operation of the publicly funded ferry, should not be compromised by any private for-profit operation.	7/10/2018 2:47 PM
18	Are we assuming it would land in downtown Nanaimo.	7/10/2018 2:41 PM
19	Protection of the tranquility of the islands is vital to our community remaining healthy - my support for a water taxi availability it not based on increasing profit making business or industry.	7/10/2018 2:34 PM
20	These places already have extensive usage. A water taxi would not change anything at these locations	7/8/2018 10:18 PM

21	wheelchair accessible	7/6/2018 11:04 AM
22	All are important.	7/5/2018 11:58 AM
23	Water taxi service shouldn't be a problem	7/4/2018 5:25 PM
24	Issues may be important however, this does not mean an activity cannot take place. This is a motherhood and apple pie type question. Who is not going to say Protection of the Marine environment is not important. Certainly it is however this does not preclude water taxi. Why pick on someone trying to earn a living?	7/1/2018 12:15 AM
25	I'm assuming a pedestrian only taxi so anyone using the taxi would have to provide their own transport to/from the site. No long term parking should be available but short term (24 hr. max.) would be good.	6/29/2018 12:49 PM
26	These issues would only be important if a lot of extra traffic was experienced	6/29/2018 11:23 AM
27	I would suggest a specific question regarding Gertie would be appropriate, since having it stop wherever there is a water taxi could help limit the noise, traffic, parking issues.	6/28/2018 10:44 AM
28	I don't see light or noise pollution as any real issue simply because we are not going to suddenly have a fleet of water taxis moored somewhere just waiting for people. I honestly cannot see people using a water taxi much more than they do now, so I really don't see any increased issues. Vehicle parking would likely be the biggest problem. As far as pedestrian access and safety goes and vehicle traffic flow, I don't think it could possibly be any more dangerous than at the ferry.	6/28/2018 8:55 AM
29	Just a reminder, there is a ferry to/from Gabriola and Nanaimo. Some people seem to forget that there is a ferry. A free public ferry (part of the highways) might be better.	6/27/2018 10:33 AM
30	The ferry area is already set up for passengers and would create the least disturbance	6/27/2018 7:13 AM

Q6 Please select the statement which best applies to you:

Answered: 205 Skipped: 6



ANSWER CHOICES	RESPONSES	
I am a full-time resident of Gabriola Island	84.88%	174
I am a part-time, temporary or seasonal resident of Gabriola Island	6.83%	14
I own, operate or work at a business on Gabriola Island	2.44%	5
I am a resident or property owner of Mudge Island	5.37%	11
I am a resident or property owner of DeCourcy Island	0.49%	1
TOTAL		205

#	OTHER (PLEASE SPECIFY)	DATE
1	It seems a very useful idea for many residents	8/3/2018 1:53 PM
2	The public transit infrastructure needs to be in place, and at a rider cost (2 buses + water taxi) to make it competitive with the cost of a car and driver fare.	8/2/2018 3:14 PM
3	I own and operate on business on Gabriola.	7/11/2018 12:48 PM
4	I also own and operate a business on Gabriola	7/3/2018 6:33 AM
5	We plan to become full-time residents of Gabriola Island.	6/28/2018 10:47 AM
6	Expect to become a full time resident in the future.	6/28/2018 10:44 AM
7	I also work from home, so transportation options are important to me	6/27/2018 1:12 PM
8	I also own a buisness on the island	6/27/2018 9:12 AM
9	and I am a full-time resident	6/27/2018 8:59 AM
10	I was an owner on Mudge and saw the congestion worsening at Green Wharf	6/26/2018 7:12 PM
11	I live in Nanaimo and sometimes have to use a water taxi from Gabriola to access DeCourcy.	6/26/2018 6:48 PM
12	and own and operate a business on Gabriola	6/26/2018 4:11 PM

Q7 Please provide any additional comments or questions you have about the Gabriola Island Water Taxi Zoning Review Project:

Answered: 70 Skipped: 141

#	RESPONSES	DATE
1	We are hoping this review may open the possibility of a future passenger only water taxi/ferry connection to Nanaimo.	8/3/2018 3:25 PM
2	This is long overdue!! Thank you for the consideration and poll.	8/3/2018 3:25 PM
3	Water taxi service should be a priority - it would assist BC Ferries significantly (reduce ferry overloads and help maintain schedules)	8/3/2018 3:21 PM
4	I am interested in knowing where the water taxis will go to.	8/3/2018 3:18 PM
5	The least amount of noise (mean: constant). The cost seeing low or at least moderate - we should not be paying such exceedingly high prices when we are residents/permanent on Gabriola. I myself have been here [redacted] years this year of 2018.	8/3/2018 3:17 PM
6	I hope all levels of Government will support the proposal.	8/3/2018 2:46 PM
7	Water taxi and business not only give people jobs, but attract tourists to explore. Also, provide convenience for home owners/residents who want to come and go to the Islands.	8/3/2018 1:55 PM
8	We should have had a northend water years ago and one using the emergency dock would have little impact.	8/3/2018 1:52 PM
9	We spend 6-8 months on Gabe Just do it!	8/3/2018 11:58 AM
10	Can water taxi use the ramp area on El Verano to facilitate travel to Mudge? I'd like that.	8/2/2018 3:27 PM
11	We have no problem with having a water taxi providing it is safe, quiet operation and adequate parking and safe waiting area is provided.	8/2/2018 3:18 PM
12	It is likely not appropriate to rezone all three of these locations. From a logistics and consumer access to services, Green Wharf makes little sense.	8/2/2018 3:17 PM
13	As population density and land values increase, low income people have a harder time. Please keep this in mind as you develop policies...Increased usage of docks may result in low income people having less access!	8/2/2018 3:10 PM
14	I think its a good idea to provide late night service to/from Nanaimo and ferry connection to Duke Point. If service to Mudge Isl. relieves parking at El Verano then good, otherwise why?	8/2/2018 3:07 PM
15	If this is primarily for those residents from Mudge and DeCourcy, they should create their own service direct to Nanaimo and not via Gabriola - tax base increase? Private service should not be funded by public funds! Who has stimulated this discussion to operate?	8/2/2018 3:04 PM
16	Parking area is likely to be required for convenience of individuals using the taxis.	8/2/2018 3:03 PM
17	If there is ever a large fire on Gabriola we will need all the help we can get to vacate if necessary. Having water taxi access available in various areas of the island could be vital.	7/25/2018 1:40 PM
18	Don't see any need for this service. It's a small enough island and people seem to get around fine.	7/25/2018 1:38 PM
19	We see every ferry [redacted] and using the ferry often, don't see passenger areas full. The system is working. "Cala del desanso" means "cove of rest". Descanso Bay! Gabe was discovered from this actual bay. Don't ruin it further.	7/25/2018 1:37 PM
20	How much interest has there been that this is being considered? First I've heard anyone talk about the need for more zoning. Obvious place is Descanso, Ferry Term/RDN emerg. dock.	7/25/2018 1:36 PM
21	If you allow a water taxi to use the emergency dock in Descanso, then remove it from our taxes.	7/25/2018 1:27 PM
22	Would a water taxi go to individual docks? Would this increase number of docks? Could this be a problem? I'm basically in favour of water taxis. Thank you for your work.	7/25/2018 1:24 PM

23	I am glad to see this addressed. Thank you.	7/11/2018 9:13 PM
24	Boats with engines pollute. More access services to Gabriola increases residential development which in turn increases negative environmental impacts.	7/10/2018 11:07 PM
25	This will never happen. Islands Trust will take 10 years to even think about it. Nothing efficient or logical here.	7/10/2018 3:00 PM
26	We require better vehicle ferry service not a reason to move our ferry!	7/10/2018 2:56 PM
27	Ferry and parking for new population.	7/10/2018 2:55 PM
28	All for it! About time.	7/10/2018 2:54 PM
29	Very good idea but keep costs down.	7/10/2018 2:53 PM
30	A water taxi service would help alleviate over-capacity issues on the Quinsam, and provide Gabriolans with more travel flexibility.	7/10/2018 2:48 PM
31	Enough already. On no account should any water taxi operation be allowed to function in Descanso Bay. No taxi use of emergency dock. No conflict with BC ferry ingress/egress, loading/unloading. There is already too much congestion at this location.	7/10/2018 2:47 PM
32	Good idea even if I would not likely use it much. Any relief on ferry use welcome.	7/10/2018 2:41 PM
33	How much need for a water taxi has been expressed?	7/10/2018 2:40 PM
34	Small ferry, water taxi, air services, are all part of our transportation infrastructure. We should be, collectively, through our governance, supporting these activities.	7/10/2018 2:36 PM
35	The method of transport to provide water taxi service must be ecologically sound, disturbing as little as possible the sensitive interdependence of all life forms.	7/10/2018 2:34 PM
36	We are well served just as we are.	7/10/2018 2:31 PM
37	Green wharf is center of island. Would also service Mudge.	7/10/2018 2:25 PM
38	I believe a water taxi serving Gabriola foot passengers would be an excellent addition for both the outer islands (Mudge) and Nanaimo.	7/10/2018 2:22 PM
39	I have friends on neighbouring islands. It would be nice to have a taxi service close by.	7/7/2018 11:46 AM
40	service should also include from/to Vancouver island.	7/6/2018 3:15 PM
41	This services would make getting groceries and other items to our property much more convenient. It would also reduce our need to inposs upon our neighbors to assist.	7/6/2018 10:50 AM
42	It is becoming more and more difficult to access Mudge Island with a moderately sized boat. A taxi would be of great benefit.	7/6/2018 9:07 AM
43	Wondering why6 this is being considered at this time? What effect does this issue have upon ferry service? Hidden agenda? What is the history of this issue? Why restrictions in the past?	7/5/2018 11:58 AM
44	Better accessibility to islands should be encouraged. There are many benefits, think of it more like transit!	7/4/2018 5:25 PM
45	Green Wharf is already used as a water taxi area and should be used for commercial (barge) delivery as well as hauling materials off island	7/3/2018 11:34 AM
46	I would LOVE to see a Water Taxi service running regularly (or on call) in the waters off Gabriola. Degnen Bay isn't a good access to ANYWHERE except the N end of Valdes, so a bad idea there. Green Warf and Descanso have good docks with parking and good vehicle access on the Gabriola end and on the water side. I would LOVE to see an alternative to the BC Ferry/Quinsam running off Descanso! (Especially in the times that the ferry is not running, which is not often but when it happens it is so odd not to have a watertaxi ready to swoop in)	7/3/2018 6:33 AM
47	We need this as an alternative to BC Ferries	7/2/2018 1:36 PM
48	Make it happen	7/1/2018 3:05 PM
49	The survey fails to allow commentary on a (limited/ seasonal) water taxi service to Vancouver from Silva Bay	7/1/2018 12:12 PM

50	The waters around Gabriola are used by boats for transportation for various reasons all the time. Why pick on one type of use of a boat? Is the concern that someone might be using their boat for business purposes.? This should not have any more impact than many other existing uses of these locations. Does the Island's Trust own any of the facility locations being considered here? I don't think so. The island needs more legitimate business opportunities.	7/1/2018 12:15 AM
51	Parking is a major issue that needs to be addressed! There is not enough parking now at Degnen and Green Wharf road to encourage more people to park is not in the best interest of the community.	6/30/2018 8:45 AM
52	We don't really understand this survey. It is hard to support or oppose changing the Bylaws without understanding the real implications of the changes. We are on Degnen Bay - Would a facility be built? Would there be significant changes to parking, traffic, noise, light pollution, etc. if the Bylaws are changed. Would restroom facilities, waiting rooms, be built? Who operates the taxis, how much volume, where do they go, etc? Why was this change proposed? We would need a lot more information before we can fully respond to this survey.	6/29/2018 7:26 PM
53	Descanso is the only location with suitable commercial car parking available capable of supporting this proposal. Trying to get one more vehicle parked at the Degnan wharf is ludicrous. Commercial fishermen still use Degnan wharf and need the parking and accessibility on a regular basis. As it is, it is pretty well impossible to get an emergency services vehicle even close to the dock. Before even considering putting more marine traffic into Degnan Bay, get rid of all the illegal mooring buoys.	6/29/2018 3:25 PM
54	Where would the taxi terminate in Nanaimo harbour?	6/29/2018 12:49 PM
55	I recommend a trial zoning for 3 years with annual reviews to see if any of the predicted possible issues become a problem. My guess is that taxi traffic is unlikely to be enough to be a significant issue. Try it, watch carefully and then determine how best to handle any issues that may arise.	6/29/2018 11:23 AM
56	Are you thinking a "stand" or just access as called ?	6/29/2018 10:49 AM
57	I do not support the water taxi service for the Area with "limited" public access	6/29/2018 9:51 AM
58	Yes, make happen asap. We are prisoners of BC Ferries who are not meeting the demands.	6/28/2018 10:05 PM
59	I think water taxis are a great idea, have used them in the vancouver area many many times. I think in addition to the above questions, there could have been input solicited as to who the potential users are and where they want to go. Mudge residents come to mind, wanting to get to Gabriola or Nanaimo downtown, Gabriola residents wanting to get to Nanaimo downtown (obviously). Since it's a pedestrian service, it has to have public transportation available at both ends, or be within walking distance of where the users are coming from and going to.	6/28/2018 10:44 AM
60	I don't think a water taxi at the ferry dock is feasible as the configuration would likely need to be changed. However, the emergency dock right beside it has been used for the water taxi when the ferry was not in service. I believe this is one of the locations where it should be allowed. I am not sure about actually mooring a water taxi there other than for drop off and pick up, unless there is room for it to still allow other emergency water craft to get in in that spot. Property owners of Gabriola are paying for that dock via our taxes and I do not see any issues with using it for water taxis. I see more of an issue with leaving it largely unused.	6/28/2018 8:55 AM
61	Due to the increased demands on the existing ferry system I see the need for alternative transportation to and from the island.	6/27/2018 6:04 PM
62	Water Taxi service is of major importance to people with property on the smaller islands, both for access and emergency purposes. For Gabriolans, there are benefits recreational we islanders who do not own boats sometimes long for a quick cruise around our waters], commercial, and emergency. It is unlikely that the traffic would be large enough to impinge on others' comforts. Of course, care must be taken to preserve and protect.	6/27/2018 5:05 PM
63	Do it!	6/27/2018 1:55 PM
64	Degnen Bay already has significant marine traffic, Green Wharf face s Harmac and Descanso Bay has the Ferry so I can't see how a water taxi could negatively impact any of these sites. Islands should have readily available water taxi services and I can only see this as a benefit to the community, Thanks.	6/27/2018 12:54 PM
65	I do not support any increase in boating because of noise pollution for inhabitants of the sea, such as killer whales for which it is documented that noise from boat engines has negatively affected their communication. Plus, we don't need a taxi: it will not have any positive effect on the line-up of vehicles.	6/27/2018 12:40 PM

66	To the best of my knowledge it is only vehicle traffic off and on Gabriola (am not knowledgeable about Mudge) which requires a rethinking. Pedestrian traffic seems well accommodated by the Quinsam specific to scheduling and volume.	6/27/2018 11:28 AM
67	Please do not spend more money on yet another Passenger waiting area that looks like an International Airport.	6/27/2018 10:33 AM
68	We need an alternate to the ferry in case of emergencies, of which there has been a few over the years,	6/27/2018 7:13 AM
69	Water taxis service would be a benefit to Mudge	6/26/2018 7:12 PM
70	Additional Parking will be required at green wharf prior to approval there	6/26/2018 3:52 PM

ATTACHMENT 2 – POLICIES

ISLANDS TRUST POLICY STATEMENT

ITPS Policy
3.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
4.5.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
5.5.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address: - the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and - the designation of locations for marinas, boat launches docks and anchorages so as not to degrade sensitive marine or coastal areas.
5.5.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address: - the identification of sites providing safe public access to beaches, - the identification and designation of areas of recreational significance, and - the designation of locations for community and public boat launches, docks and anchorage

GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN No. 166

OCP Objective/Policy
Objective 6.2.4 To provide opportunities for the commercial uses of the foreshore and coastal waters provided that such uses do not detract from the marine waters' environmental integrity.
Objective 6.2.7 To encourage the sharing of docks and wharves.
Policy 6.2 (a) Except as specifically provided for, the surface of the water in the Gabriola Planning Area shall be zoned Water General wherein the permitted uses shall include boat moorage and boat launching facilities (where suitable), associated with single-dwelling residential uses located on the adjacent upland, public parks, ecological reserves, marine navigational aids and publicly funded and operated boat launching facilities.
Policy 6.2 (b) The zoning bylaw shall include provision for zones for each of the following foreshore use categories: log storage; log dumping; aquaculture rearing and harvesting; commercial marina operations; and, marine transportation.
Policy 6.2 (g) The following foreshore sites shall be zoned marine transportation: i. BC Ferry Corporations water lease lot and ferry slip in Descanso Bay; and ii. access to Nanaimo, the latter provides water connection to Mudge Island.
Policy 6.2 (j) So as to regulate form and character, development permit designations may be considered for commercial and industrial sites adjacent to the natural boundary of the sea.
Objective 7.2.3 To provide for water transportation facilities which satisfy local requirements.

Policy 7.2 (a) Passenger commuter-type service (e.g. water taxi) shall be permitted based on appropriate upland and water zoning and provided the operator provides adequate parking and pedestrian facilities and minimizes noise disturbance. Depending on location and the nature of the use a development permit may be required

ATTACHMENT 3 – PHOTOGRAPHS



Figure 1. Parking along Degnan Bay Road.



Figure 2. Turn-around at Degnan Bay.



Figure 3. Degnan Bay public wharf.



Figure 4. Parking along Wharf Road.



Figure 5. Parking along Wharf Road.



Figure 6. Parking along Wharf Road.



Figure 7. Turn-around at Green Wharf.



Figure 8. Turn-around at Green Wharf.



Figure 9. Green Wharf.



File No.: 6500-20 - Mudge Island Lot
Coverage Review Project

DATE OF MEETING: September 27, 2018
TO: Gabriola Island Local Trust Committee
FROM: Teresa Ritemann, Island Planner
Northern Team
SUBJECT: Mudge Island Lot Coverage Review Project

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee amend proposed Bylaw No. 299, cited as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018”, as follows:

3. **PART 5. ZONE PROVISIONS**, Section 5.1 Rural Residential (RR), Subsection (4.1) is amended by deleting Article (n) in its entirety and adding:

(n) a maximum of 15 square metres (161.46 square feet) of floor area in *accessory buildings*, intended to be used for the storage of food or animals, or food production.

2. That Gabriola Island Local Trust Committee Bylaw No. 299, cited as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018”, be read a second time, as amended.
3. That the Gabriola Island Local Trust Committee waive the holding of a Public Hearing for Proposed Bylaw No. 299, cited “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018”, and request that notice be published in accordance with the requirements of the *Local Government Act*.

REPORT SUMMARY

The purpose of this report is to update the Gabriola Island Local Trust Committee (LTC) on the Mudge Island Lot Coverage Review project, request that the LTC amend Bylaw No. 299, give the bylaw second reading, and consider waiving the public hearing.

BACKGROUND

At the August 16, 2018 regular business meeting, the LTC passed resolutions to amend draft Bylaw No. 299 (GB-2018-066), determined that it is not contrary to or at variance with the Islands Trust Policy Statement (GB-2018-067), and gave the bylaw first reading (GB-2018-068). The LTC also asked Staff to refer (GB-2018-069) proposed Bylaw No. 299 to:

- Islands Trust Bylaw Enforcement;
- Ministry of Forests, Land, Natural Resource Operations, and Rural Development;
- Ministry of Transportation and Infrastructure;
- Agricultural Land Commission; and

- Snuneymuxw First Nation and all Hul'qumi'num Treaty Group members and all other First Nations identified as having interests in the Gabriola Local Trust Area per the Province of British Columbia Consultative Areas Database.

The LTC also requested Staff to schedule a Community Information Meeting (CIM) on Mudge Island (GB-2018-070), to discuss proposed Bylaw No. 299. The CIM was held as a Special Meeting on Mudge Island on Sunday, September 9, 2018. Following the meeting, and at the time of writing this report, Staff initiated referrals for Bylaw No. 299 as requested, with a response request date of late October.

Issues and Opportunities

The referral agencies and organizations, including Islands Trust Bylaw Enforcement, may have recommended edits for proposed Bylaw 299 following the close of the referral response period; however, as Staff also mentioned during the September 9 CIM, a slight amendment to wording of proposed regulation 5.1(4.1)(n) is recommended; it currently reads:

- (n) *accessory buildings* with a floor area no greater than 15 square metres (161.46 square feet) to be used for small livestock or local food production.

Staff are recommending that the proposed regulation be amended to:

- (n) a maximum of 15 square metres (161.46 square feet) of floor area in *accessory buildings*, intended to be used for food storage or production, or the keeping of animals.

Such a change would ensure that up to 15 square metres of floor area in accessory buildings for food storage or production, or the keeping of animals on a lot, would not count towards the maximum lot coverage calculation. Any area above the 15 square metres would count toward lot coverage.

As was also discussed at the CIM, the LTC may waive the Public Hearing for proposed Bylaw No. 299, as per 464 (2) of the *Local Government Act*, if it deems the bylaw to be consistent with the Mudge Island Official Community Plan (OCP):

Requirement for public hearing before adopting bylaw

- 464 (2) *A local government may waive the holding of a public hearing on a proposed zoning bylaw if*
 (a) *an official community plan is in effect for the area that is subject to the zoning bylaw, and*
 (b) ***the bylaw is consistent with the official community plan.***

Should the LTC wish to waive the Public Hearing, notice must be given, as per the *Local Government Act*:

Notice if public hearing waived

- 467 (1) *If a local government waives the holding of a public hearing under section 464 (2) [waiver for certain zoning bylaws], it must give notice in accordance with this section.*
- (2) *The notice must state*
 (a) *in general terms, the purpose of the zoning bylaw,*
 (b) *the land or lands that are the subject of the bylaw, and*
 (c) *the place where and the times and dates when copies of the bylaw may be inspected.*
- (3) *Section 466 (3), (4) and (6) to (8) applies to a notice under subsection (2) of this section, except that*
 (a) *the last publication under section 466 (3) is to be **not less than 3 days and not more than 10 days before the bylaw is given third reading,** and*
 (b) *the delivery under section 466 (4) (b) is to be **at least 10 days before the bylaw is given third reading.***

Staff note that the purpose of the notice is to ensure that all persons who believe their interest in property is affected by the proposed bylaw are duly notified and have an opportunity to provide comments to the LTC before the LTC considers advancing the bylaw. If notice is given in accordance with the *Local Government Act*, the LTC would not be required to hold a formal public hearing prior to consideration of third reading.

ALTERNATIVES

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

1. No further changes

The LTC may decide to proceed without amending proposed regulation 5.1(4.1)(n). If selecting this alternative, the LTC should request Staff to request a supplemental review by Islands Trust legal counsel:

That the Gabriola Island Local Trust Committee request Staff to forward proposed Bylaw No. 299 to Islands Trust legal counsel for review.

2. Give the Bylaw second reading and then hold a Public Hearing

The LTC may wish to hold a Public Hearing prior to giving proposed Bylaw No. 299 third reading. If the LTC gives the Bylaw second reading and then selects this alternative, Staff would proceed with the bylaw amendment process and arrange for a Public Hearing prior to third reading. Recommended wording for the resolutions are as follows:

That the Gabriola Island Local Trust Committee request Staff to schedule a Public Hearing for proposed Bylaw No. 299, cited as "Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018", and request that notice be published in accordance with the requirements of the Local Government Act.

NEXT STEPS

Should the LTC proceed with the recommendations on page 1 of this report, Staff will make the amendment, publish notices to waive the Public Hearing, and report to the LTC at the November 30, 2018 meeting with updates on any referral responses received, and recommendations on proposed Bylaw No. 299.

Submitted By:	Teresa Ritemann, MCIP, RPP Island Planner	September 13, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 19, 2018

ATTACHMENTS

1. Proposed Bylaw No. 299
2. Project Charter, Version 2, endorsed by the LTC on April 12, 2018

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 299

A BYLAW TO AMEND MUDGE ISLAND LAND USE BYLAW, 2007

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

1. Citation

This bylaw may be cited for all purposes as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018”.

2. Gabriola Island Local Trust Committee Bylaw No. 228, cited as “Mudge Island Land Use Bylaw, 2007,” is amended as noted in Schedule 1, attached to and forming part of this bylaw.

READ A FIRST TIME THIS	16	DAY OF	AUGUST	, 2018
READ A SECOND TIME THIS	_____	DAY OF	_____	, 201_
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 201_
READ A THIRD TIME THIS	_____	DAY OF	_____	, 201_
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 201_
ADOPTED THIS	_____	DAY OF	_____	, 201_

SECRETARY

CHAIRPERSON

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 299**

SCHEDULE 1

Schedule “A” of the Mudge Island Land Use Bylaw No. 228 cited as “Mudge Island Land Use Bylaw, 2007” is amended as follows:

1. **PART 1. INTERPRETATION**, Section **1.1 Definitions**, is amended by deleting the definitions of LOT COVERAGE and STRUCTURE and replacing them with the following:

LOT COVERAGE means the area of a lot, expressed as a percentage of the total lot area, that is covered by *buildings* and *structures* as measured from the outermost perimeter of all *buildings*, *structures*, and parts thereof, including the outer edge of the drip line of roofs.

STRUCTURE means a construction of any kind, or portion thereof, that is fixed to, supported by, or sunk into land or water, including all pathways, driveways and paved areas, whether pervious or impervious.

2. **PART 3. GENERAL REGULATIONS**, Section **3.3 Siting and Setback Regulations**, Subsection **3.3(4)** is deleted in its entirety and replaced with:

(4) Despite all provisions in this Bylaw other than subsection 3.3(5), buildings and structures must be sited a minimum of 30 metres (98.4 feet) from and 1.5 metres (4.9 feet) above the natural boundary of a wetland, watercourse, the sea or other body of water, except for:

- (a) boat and barge ramps; and
- (b) stairs and walkways with an average maximum elevated floor height of 0.3 metres (0.9 feet) and a maximum width of 1.5 metres (4.92 feet).

3. **PART 5. ZONE PROVISIONS**, Section **5.1 Rural Residential (RR)**, is amended by adding the following as Subsection **5.1(4.1)**:

(4.1) For the purpose of Subsection 5.1(4) above, the following *buildings* and *structures* shall not be included when calculating lot coverage:

- (a) cisterns, dugouts, ponds, and similar catchment systems for the collection and storage of water;
- (b) fences;
- (c) fire-fighting water towers;
- (d) garden beds;
- (e) pervious ground-level foot paths, driveways, and parking spaces;
- (f) on lots less than 0.40 hectares (1 acre), up to 100 square metres (1,076 square feet) of outdoor, unenclosed decks;
- (g) *pump/utility houses*;

- (h) retaining walls;
- (i) septic tanks, sewage absorption fields, and related sewage-disposal system appurtenances below ground;
- (j) signs;
- (k) *utilities*;
- (l) one woodshed with a *floor area* no greater than 15 square metres (161.46 square feet);
- (m) wells;
- (n) *accessory buildings* with a floor area no greater than 15 square metres (161.46 square feet) to be used for small livestock or local food production.

Mudge Island Targeted OCP/LUB Review Project —

Project Charter, v.2

Gabriola Island Local Trust Committee

Date: April 12, 2018

Purpose: To review the Mudge Island Official Community Plan (OCP) and Land Use Bylaw (LUB) in relation to lot coverage.

Background: At their September 7, 2017 meeting, the Gabriola Island Local Trust Committee (LTC) moved the “Mudge Island Targeted OCP/LUB Review Project” from their Projects List to their Top Priorities list.

In Scope

- Referral to First Nations, APCs and other key stakeholders and agencies.
- Staff analysis and subsequent Staff Report(s) with recommendations to LTC.
- Bylaw amendment to amend the Mudge Island Land Use Bylaw

Out of Scope

- Review of the Mudge Island LUB that is unrelated to the objectives identified in this Project Charter.
- Amendments to the Mudge OCP

Objectives

To consider potential amendments to the Mudge Island LUB relating to lot coverage, including:

- Modifying the regulations of lot coverage to exempt cisterns and/or other structures;
- Modifying the maximum lot coverage in the rural residential zone;
- Regulating the size of dwellings and accessory buildings and structures
- Regulating impermeable surface coverage

Workplan Overview

Deliverable/Milestone	Date
Referral to the Mudge Island Advisory Planning Commission. Staff to help arrange an APC meeting.	Winter 2018
Staff to review Mudge APC meeting minutes and any public comments received; present Staff Report to the Gabriola LTC regarding project next steps; LTC endorse an amended Project Charter	Spring 2018
Staff to draft LUB amendment including legal review of the draft and present to LTC	Late Spring 2018
First Reading, CIM, and referrals	Summer 2018
Legislative process for proposed bylaw	Autumn 2018
Adoption of proposed bylaw and circulation of communications materials	Winter 2018

Project Team

Teresa Rittemann, Planner 2	Project Manager
Ann Kjerulf, Regional Planning Manager	Planning Support
Bylaw Enforcement Department	Bylaw Support
Islands Trust GIS Technician	Mapping Support

Budget

Budget Sources:

2017/2018 Gabriola Island LTC Special Projects Budget and 2018/2019 LTC Projects Reserve Fund

Fiscal	Item	Cost
2017-18	APC Referral (APC Meeting)	\$300
2018-19	Legal review of draft bylaw amendment	\$2,000
2018-19	Communications (e.g. advertising, providing public information), and mapping	\$750
2018-19	Community Information Meeting and Public Hearing	\$1,250
	Total	\$4,300

LTC Endorsement:

Resolution #: GB-2018-025

Date: April 12, 2018

RPM Approval:

Ann Kjerulf, MCIP, RPP

Date: April 4, 2018

BRIEFING

To: Gabriola Island Local Planning Committee **For the Meeting of:** September 27, 2018

From: Fiona XETXÁTTEN MacRaid **Date Prepared:** September 14, 2018

SUBJECT: Standing Resolution Respecting Local First Nations

RECOMMENDATION:

That the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to First Nations Relationship Building:

In order to learn about and better understand the eight local First Nations with asserted Aboriginal title, Aboriginal rights and treaty rights in the Gabriola Local Trust Area, the Gabriola Island Local Trust Committee resolves to:

- Annually, write a letter to each First Nation, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year. This annual letter may include requests to meet or participate with the First Nation leadership or community members in their meetings or events in order for the Local Trust Committee to learn about and better understand the First Nation community's issues and history;
- One month in advance of each scheduled Local Trust Committee meeting, ask an elder from a local First Nation to provide a traditional welcome to the territory and stay for the meeting if interested. Invitations may be sent in rotation to each of the eight local First Nations;
- Once the Gabriola Island Local Trust Committee has established the above administrative processes for at least one year, the Local Trust Committee will, annually, invite all eight local First Nations to a day of land use discussions, with a request for those First Nations to help plan the meeting so as to provide a culturally appropriate and safe place to talk freely about historical, current and upcoming land use issues in the Gabriola Land Trust Area; the invitation will include a map of the Local Trust Area jurisdictional boundaries); and
- Once the Gabriola Island Local Trust Committee has held annual meetings with local First Nations for two consecutive years, the Local Trust Committee will establish new or refreshed agreements with each of the eight local First Nations based on mutually agreed-upon processes of meaningful engagement in land use issues in the Gabriola Local Trust Area.

PURPOSE

The Gabriola Island Local Trust Committee is asked to consider adoption of a standing resolution with respect to First Nation Relationship Building.

BACKGROUND

On September 9, 2018, the Gabriola LTC passed a resolution: “that the Gabriola Island Local Trust Committee request Staff to draft a standing resolution with respect to First Nation Relationship Building.”

Over the last decade, since October 2008, this LTC has passed 30 Resolutions on 22 occasions with the purpose of respecting and improving the relationship with local First Nations. Additionally, in December 2016, by unanimous vote, the entire Trust Council passed the First Nations Engagement Principles Policy 6.1.i. The following rationale for the proposed wording for the GILTC Standing Resolution honours and continues that progress.

Standing Resolutions as a Policy Tool

The purpose of a Standing Resolution is to establish administrative and specific rule and conduct that is of a continuing (or standing) nature. These rules function under the umbrella of the organization’s bylaws but are more specific in nature such as setting out times, date and frequency of administrative conduct.

The challenge of a Standing Resolution that helps build relationships with local First Nations is that this tool and process differs greatly from the way First Nation cultures build relationships, which generally uses processes such as ceremony, circles and collective-decision-making. So the following draft resolution is for the staff and trustees of the GILTC to have a culturally-sensitive team approach that provides a new way forward in support of reconciliation. At times this may seem quite foreign to the conventionally processes of the LTC but shifting in this way respects the Aboriginal title, Aboriginal rights, treaties and UNDRIP in the Gabriola Local Trust Area, and incorporates culturally significant practices for both the LTC and local First Nations. This familiarity of processes for both cultures sets the stage for respect, trust and rapport to be developed.

The goal of the Standing Resolution is to create an atmosphere and setting that is culturally appropriate for all parties – the LTC, staff and all local First Nations with interests in the GILTA. There is a cultural gap that must be bridged for meaningful relationships to develop beyond polite niceties, and there are too many layers of conflict that must be addressed before you can begin to engage meaningfully in land-use issues. To make the process further complex, there are eight unique First Nations with interests in the GILTA and they often have differing objectives. They are not on the same page as each other, let alone the government.

Three iterative stages of the Standing Resolution

The proposed Standing Resolution is designed to develop in three stages. The first stage is designed to start initial relationship-building between the GILTC and the eight individual local First Nations. The second and third stages of proposed Standing Resolution are designed to engage all the local First Nations with interests in the GILTA when they are ready to meet together with the LTC representatives.

1. Observe, learn and better understand. Trustees and staff need to find the opportunity to observe First Nations communities, in context. Whether it is asking to sit in on a Chief and Council meeting, or watching how elders interact in their community, staff and trustees need to find ways to learn about the issues, group dynamics, layers of conflict and the past experiences of the communities.
2. Finding ways to meaningfully engage in land use issues. Trustees and staff need to find the opportunity to sit with First Nations in a culturally-appropriate space to better understand the issues and to formulate strategies that both the LTC and First Nations find meaningful (this may include Indigenous processes such as smudging, brushing or a talking circle). The first conversations often ends up being a healing environment, as old angers and set positions are

heard by all participants. After a series of 3-4 meetings everyone is more willing to identify and delve into the issues, so they can be peeled away like an onion.

3. An authentic relationship that is continuous. In the third stage, the representatives collectively reach a way in which to continue building mutual respect, trust and rapport, and ways in which they can be accountable to their own communities. Often this stage includes written commitments or a Protocol Agreement, and is often marked by a meaningful ceremony.

CONCLUSION

By ensuring that the Local Trust Committee is listening to the voices of its eight local First Nations people, a new way forward can be established in our efforts towards crafting new meaningful and lasting relationships. Meaningful relationships, trust and rapport can be achieved if First Nations people are invited to a culturally appropriate process that places engagement and communication at the forefront of land use issues in the Gabriola Land Trust Area.

ATTACHMENT(S):

1. **Gabriola Island Local Trust Committee Resolutions Regarding First Nations Engagement and Relationship Building (2008-2018)**

FOLLOW-UP: The Gabriola Local Trust Committee resolves to adopt the proposed Standing Resolution

Prepared By: Fiona XETXÁTTEN MacRaid (contract to Local Planning Services, Islands Trust)

Reviewed By/Date: Ann Kjerulf, Regional Planning Manager, Northern Office / September 20, 2018

ATTACHMENT 1

Gabriola Island Local Trust Committee

Resolutions Regarding First Nations Engagement and Relationship Building (2008-2018)

Oct. 23, 2008

That the Gabriola Island Local Trust Committee approves the Snuneymuxw First Nation draft Protocol Agreement as dated October 23, 2008.

Mar. 19, 2009

That the Gabriola Island Local Trust Committee request that staff bring to the next Local Trust Committee meeting recommendations on Snuneymuxw First Nation Protocol implementation, and consider interim referral operating procedures, and consider setting the first working group date for June.

Oct 22, 2009

That the Gabriola Island Local Trust Committee appoint Trustee Malcolmson as delegate to the Snuneymuxw First Nations Working Group meetings.

That the Gabriola Island Local Trust Committee request that staff report back to the Local Trust Committee mechanisms to engage with the Snuneymuxw First Nations on the Official Community Plan review.

That the Gabriola Island Local Trust Committee request staff to add to the Islands Trust website, a website link to the Snuneymuxw First Nations website and a link to the Snuneymuxw First Nations Protocol Agreement.

June 24, 2010

That the Gabriola Island Local Trust Committee invite the Snuneymuxw First Nations Representative to attend the next Volunteer Review Committee meeting and request that staff propose an amendment to the Volunteer Review Committee Terms of Reference to enable a Snuneymuxw First Nations member as a sixteenth member of the Volunteer Review Committee.

Jan 27, 2011

That the Gabriola Island Local Trust Committee host and invite Snuneymuxw First Nation's Councilor Geraldine Manson to make a storytelling presentation on Gabriola Island.

Sept. 22, 2011

That the Gabriola Island Local Trust Committee forward the following recommendations to the 2011-2014 Gabriola Local Trust Committee for its consideration in Phase II of an Official Community Plan / Land Use Bylaw Review:

- Adopt a Terms of Reference and Project Scope again, with a public consultation plan included with it;
- Expand the use of alternate consultation methods, and better resource consultation with Snuneymuxw First Nations;

April 19, 2012

That the Gabriola Island Local Trust Committee delegate Trustee Malcolmson to write to the Snuneymuxw First Nation chief to discuss the funding ideas listed in the April 3, 2012 memorandum from staff.

Oct. 4, 2012

That the Gabriola Island Local Trust Committee revise and approve funding requests for Projects Proposed for Next Fiscal, 2013/2014 and forwarded to the Financial Planning Committee as revised as follows:

- Change proposed project name to "Snuneymuxw First Nation Protocol Implementation".

Feb. 21, 2013

That the Gabriola Island Local Trust Committee request staff support to develop a cover letter introducing First Nations newly on the Gabriola Island Local Trust Committee referral list to the Islands Trust and the Gabriola Island Local Trust Committee, to help follow the Strategic Plan item 5.1.

Jan. 22, 2015

That the Gabriola Island Local Trust Committee move the Snuneymuxw First Nation Protocol Agreement Implementation Project from the Top Priorities List to the Project List.

[Speaking to the motion, Trustee Mamoser stated that First Nation engagement is very important and wanted to be clear that the LTC is looking forward to having stronger relationships despite it being removed from the Top Priorities list and that this change is not indicative of our level of commitment.]

Apr. 2, 2015

That the Gabriola Island Local Trust Committee rename the item formerly known as "Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals" that is on the project list to read "Strengthen relationships with first nations".

May 7, 2015

That the Gabriola Island Local Trust Committee request that staff schedule a meeting with the Snuneymuxw First Nation as per our protocol agreement.

That the Gabriola Island Local Trust Committee recommend to Trust Council that item 5.1 in the Discussion Draft of the Strategic Plan for 2014-2018 be amended to include Activity 5.1.3 Seeking out common ground with local first nations and building on it by identifying areas of shared advocacy and proactively proposing shared partnerships.

July 23, 2015

That the Gabriola Island Local Trust Committee send an invitation to Chief Wesley to attend the Stewardship Award celebration at the September Local Trust Committee meeting.

April 25, 2016 (via RWM)

That the Gabriola Island Local Trust Committee seek funding from the Union of BC Municipalities to hold a Community to Community forum with the Snuneymuxw First Nation.

Nov. 24, 2016 (via RWM)

That the Gabriola Island Local Trust Committee request that the attached letter be sent to the Snuneymuxw First Nation, to be signed by the Chair of the Local Trust Committee, to congratulate the Snuneymuxw First Nation on the ratification of the Thlap'qwan Specific Claim Settlement.

Jan. 12, 2017

That the Gabriola Local Trust Committee support and participate in the One Book One Community Truth and Reconciliation initiative and that Trustee O'Sullivan represent the Local Trust Committee in the planning process.

Feb. 9, 2017

That the Gabriola Island Local Trust Committee request staff to post the First Nations reading list prepared by Trustee O'Sullivan on the Gabriola Island Local Trust Committee webpage.

April 27, 2017 (via RWM)

That the Gabriola Local Trust Committee authorize the expenditure of \$317.90 from the Local Expense Budget for the purpose of supporting the Gabriola First Nations Relationship Building project.

June 8, 2017

That the Gabriola Island Local Trust Committee add First Nations relationship building to the top priorities list.

That the Gabriola Island Local Trust Committee request staff to work with the Gabriola Land and Trails Trust to organize a gathering with the Snuneymuxw First Nation.

That the Gabriola Island Local Trust Committee request staff brings back a report on next steps on First Nations relationship building.

July 13, 2017

That the Gabriola Island Local Trust Committee endorse the First Nations Relationship Building Project Charter v1., that the Gabriola Island Local Trust Committee commit to hosting one or two public events on Gabriola Island and/or Mudge Island to help raise awareness of local First Nation's history, land and treaties amongst non-indigenous residents and visitors.

That the Gabriola Local Trust Committee ask staff to draft an amendment to the introduction of the Official Community Plans in coordination with First Nations with asserted interests in the Gabriola Island Local Trust Area, that includes an explicit acknowledgement of local First Nation history, land-use and treaties in the Gabriola Island Trust Area, and if possible, prepare mapping for inclusion in the Official Community Plans to identify places of significant historical value to local First Nations.

Dec. 14, 2017

That the Gabriola Island Local Trust Committee request a report on the first nation relationship building project for the next Local Trust Committee meeting.

That the Gabriola Island Local Trust Committee request staff to assist in the preparation of a letter of congratulations to incoming Chief and Council when they take office early next year.

June 14, 2018

That the Gabriola Island Local Trust Committee request Staff to draft a standing resolution with respect to First Nation Relationship Building.

**Gabriola Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Mudge Island targeted review of OCP/LUB	Review 10% lot coverage provisions and cisterns being calculated as lot coverage on small lots.	07-Sep-2017	Teresa Ritemann	
2	Water taxi feasibility	Review zoning provisions for water taxi service.	14-Jul-2016	Sonja Zupanec Jaime Dubyna	
3	Housing Options OCP/LUB Review Project - Phase 2	a) Review OCP policies for affordable and attainable housing, rental housing, seniors housing and special needs housing, and policies relating to social needs, social well-being, and social development; b) Consider the definitions of "affordable housing" and "attainable housing" in the OCP; c) Explore opportunities to foster affordable, rental, seniors and special needs housing and associated services on Gabriola Island in collaboration with the RDN, health and housing service providers and community groups; d) Review provisions for secondary suites above existing farm buildings in the ALR; e) Consider opportunities for secondary suites on lots smaller than 2 hectares; f) Consider an OCP designation for multi-dwelling housing; g) Consider OCP density provisions for multi-dwelling housing; h) Consider opportunities for mixed use buildings.	14-Jun-2018		
4	First Nations Relationship Building	C2C Forum; Protocol implementation			

**Gabriola Island**

Description	Activity	R/Initiated
DeCourcy Island OCP and Bylaw Review	Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).	21-Apr-2011
Hazardous areas/Steep Slopes DPA	Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain	21-Feb-2013
Forage Fish Mapping Workshop	March, 2013 resolution	05-Sep-2013
Land Based Aquaculture	Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.	16-Jan-2014
Biodiversity Protection	Identify measures to protect biodiversity	19-Jan-2012
Coastal areas protection	Review OCP and LUB to improve protection of coastal areas.	19-Jan-2012
Water Protection	Review OCP and LUB to protect water quality and quantity.	19-Jan-2012
First Nations cultural references	Consider 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.	27-Jan-2011
Eelgrass protection	Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).	14-May-2014
Snuneymuxw Protocol Agreement	Implementation of Snuneymuxw First Nation Protocol Agreement	22-Jan-2015

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Gabriola Village Plan	Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	02-Apr-2015
Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	02-Apr-2015
Food Trucks	Review land use bylaw regulations with respect to food trucks	02-Apr-2015
Eagle Nest Mapping	Incorporate eagle nest mapping into the OCP	02-Apr-2015
Green Energy	Consider policy and regulatory mechanisms to encourage green and renewable energy	02-Apr-2015
Commercial Vacation Rental Review	Review bylaws with respect to temporary use permits for commercial vacation rentals	07-May-2015
CDF Conservation	Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.	14-Jan-2016
LUB Amendments	- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland -IN1 zoning to ensure consistent with existing Arts Council use. -definition of limited public market and INI zone uses pertaining to market sales	08-Sep-2016
Review and update the Gabriola Build Out Map		11-May-2017

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Develop a new Ecological Protection Zone.	Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coates Marsh and Burren's Acres Nature Reserve properties.	01-Mar-2017
Housing Options Review Project Phase 2	-include a review of the secondary suite above an existing farm building provisions for land in the ALR. -examining the appropriate scope of the area designated in the Official Community Plan for possible multi-dwelling affordable housing; -examining the potential for increasing density in the Village core multi-dwelling housing; and -exploring opportunities for mixed use buildings in the Village core.	01-Mar-2018
Cannabis production and retail sales	Staff to provide a report on options for land use regulations, including options to regulate cannabis production in the ALR.	14-Jun-2018
Water Resource Planning	Review of water requirements at the time of subdivision	14-Jun-2018



Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2017.2	Zane, Michael	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance Civic: Acorn Island

Planner: Teresa Ritemann

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 26-Jun-2018

Planner in contact with applicant regarding covenants and next steps

Status Date: 04-Apr-2018

Planner awaiting responses regarding draft covenants.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2018.1	Jeff Wagner/Gordon Homes Sales Ltd.	26-Apr-2018	PID: 003-435-857 Placing new manufactured home on property Civic address: 9 Wildwood Crescent, Gabriola Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 13-Sep-2018

Applicant submitted site plan prepared by a surveyor.

Status Date: 24-Aug-2018

Planner requested survey plan prepared by a surveyor be submitted.

Status Date: 26-Jul-2018

Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2018.2	Bye, BIRGIT	11-Jul-2018	PID: 002-348-021 Seeking variance to accommodate three sheds that are encroaching in the RAR setback. Civic address: 860 Horseshoe Road, Gabriola Island, BC

Planner: Jaime Dubyna

Applications

Planning Status

Status Date: 15-Aug-2018
Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2018.3	Bowles, ANTHONY	17-Jul-2018	PID:003-432-394 Building new 2 bedroom home. Civic address: 601 Wildwood Crescent, Gabriola Island, BC

Planner: Madeleine Koch

Planning Status

Status Date: 15-Aug-2018
Planner reviewing file

File Number	Applicant Name	Date Received	Purpose
GB-DP-2018.4	DAVID J KENT CYNTHIA V KENT	21-Aug-2018	PID: 000-181-749 Prep for future development, removal of fallen trees, planting trees. Civic address: Lot 33, Suzanne Avenue, Gabriola, BC

Planner: Sonja Zupanec

Planning Status

Status Date: 20-Sep-2018
Staff report to be presented for Local Trust Committee consideration on September 27, 2018

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.3	Van Herwaarden, Lynn	24-Aug-2016	PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance.

Planner: Madeleine Koch

Planning Status

Status Date: 15-Aug-2018
Awaiting further information/ exploring options

Status Date: 18-Aug-2017
Sent letter to the property owner and requested her (or her surveyor) to forward the completed survey / site plan to planning staff.

Applications

Status Date: 17-Aug-2017

Planning staff met with the owner on site, reiterated the need for a survey / site plan. The owner committed to providing a survey / site plan as per the Land Use Bylaw.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2017.1	Zane, Michael	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island

Planner: Teresa Ritemann

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 26-Jun-2018

Planner in contact with applicant regarding covenants and next steps

Status Date: 04-Apr-2018

Planner awaiting responses regarding draft covenants.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2018.1	Upward Construction	11-Apr-2018	PID: 004-739-345 Demolish cottage & work shed & rebuild. Need variance to allow septic field to be placed within setback from ocean. Civic address: 1850 Maple Lane, Gabriola Island, BC.

Planner: Sonja Zupanec

Planning Status

Status Date: 31-Jul-2018

File passed to Sonja Z from Ian C - still waiting on current parcel survey showing natural boundary.

Status Date: 05-Jul-2018

Staff report not to go to LTC July 12th - waiting further information from applicant.

Status Date: 20-Jun-2018

DRAFT notice and permit complete, to go to LTC July 12th meeting.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2018.3	Bye, BIRGIT	11-Jul-2018	PID: 002-348-021 Varying setback for three sheds to allow for placement of primary residence. Civic address: 860 Horseshoe Road, Gabriola Island, BC

Applications

Planner: Jaime Dubyna

Planning Status

Status Date: 15-Aug-2018
Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2018.4	Bowles, ANTHONY	17-Jul-2018	PID: 003-432-394 Building new 2 bedroom home Civic address: 601 Wildwood, Gabriola Island, BC

Planner: Madeleine Koch

Planning Status

Status Date: 15-Aug-2018
Planner reviewing

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2016.1	Williamson & Associates	09-Feb-2016	PIDs:006-654-941, 005-030-480, 009-735-968, 003-010-431, 006-635-121, 027-939-804, 027-939-791 Spruce to Church Streets, Mallett Creek Density Transfer

Planner: Sonja Zupanec

Planning Status

Status Date: 06-Dec-2017
OCP Bylaw No. 289 approved by the Minister of Municipal Affairs and Housing

Status Date: 05-Oct-2017
RDN advised that the RDN Board will accept the proposed 16.4 hectare parkland dedication and will accept proposed SRW #1, #2, #3 and #4 as public trail connections through subdivision following adoption of Bylaws 289 and 290.

Status Date: 30-Mar-2017
Proposed Bylaws 289(OCP)and 290(LUB) given third reading. Request RDN Board confirm receipt of receiver park lands. Finalize restrictive covenant as per LTC resolution request. Provide clarity to LTC on process for 'right of first refusal' for remainder lot for parkland purposes

File Number	Applicant Name	Date Received	Purpose
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Applications

GB-RZ-2018.1 THOMAS W 06-Apr-2018 Foreshore lease #112998 Continuing annual moorage at Degnan Bay, Gabriola Island, BC

Planner: Teresa Rittemann

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 01-Aug-2018

Application out for referrals to Arch Branch, local First Nations, and the Gabriola Island APC.

Status Date: 26-Jun-2018

Application to appear on July 12 LTC agenda for consideration.

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	06-Oct-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: Teresa Rittemann

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 05-Jul-2018

Received confirmation from MOTI that PLA has been extended to June 28 2019

Status Date: 18-Jan-2018

Planner re-sent the revised referral report to MOTI. Will await a response from MOTI.

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

Planner: Teresa Rittemann

Planning Status

Applications

Status Date: 13-Sep-2018

No change in status.

Status Date: 03-Aug-2018

MOTI extended PLA until 2-Aug-2019

Status Date: 26-Jun-2018

Planner responded to MOTI request for extension to PLA. No concerns with extension.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors Planner: Marnie Eggen	23-Dec-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)

Planning Status

Status Date: 03-Nov-2017

No change

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

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

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 01-Apr-2015

Applicants are waiting for the right time to continue with their application with MOTI and to remove the conditions in the PLNA to change it to a PLA. MOTI confirmed this is the case.

Applications

Status Date: 03-Sep-2014

Status has not changed. Still awaiting MOTI direction that reasons for non-approval have been overcome

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

Planner: Teresa Ritemann

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 01-Apr-2015

MOTI response that there has been no recent action on this file but it will remain open, and the applicant is working with the ALC at this time

Status Date: 19-Mar-2015

No change in status. Contacted MOTI to see if they closed the file, but have not yet heard back.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.2	MACKAY, IKE	23-Feb-2016	PIDs: 004-857-119 and 004-614-771 Lot Boundary Adjustment

Planner: Teresa Ritemann

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 17-Mar-2016

File TR completed review and sent referral report to MOTI and copied to Gabriola LTC and applicant.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.4	C.O. Smythies & Associates	20-May-2016	PIDs: 001-271-806 and 009-735-755 Boundary adjustment. Civic address: 1610 Hess Road, Gabriola Island.

Planner: Sonja Zupanec

Applications

Planning Status

Status Date: 08-Jun-2016

Referral response sent to MOTI and copied to applicant and LTC.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.6	C.O. Smythies & Associates	08-Sep-2016	PID: 000-305-120 215 Easthom Road, Gabriola Island. 3 lot subdivision.
Planner: Teresa Rittemann			

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 07-Nov-2017

Applicant seeking extension to PLA. Planner confirmed with MOTI and applicant via email that our office has no concerns with extending the PLA.

Status Date: 02-Oct-2017

No change in status.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.1	Williamson & Associates Professional Surveyors	26-Jan-2017	PIDS: 000-427-110, 025-720-821 & 025-720-830 Civic addresses: 1885 Martin Road, 1860 Martin Road & 1875 Stalker Road, Gabriola Island. Boundary adjustments.
Planner: Teresa Rittemann			

Planning Status

Status Date: 13-Sep-2018

No change in status.

Status Date: 10-Jul-2018

Planner received and responded with no concerns to MOTI request to extend PLA

Status Date: 26-Jun-2018

No change in status.

File Number	Applicant Name	Date Received	Purpose
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**Applications**

GB-SUB-2017.2 Williamson & 19-Jan-2017 PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC

Planner: Madeleine Koch

Planning Status

Status Date: 23-Jul-2018

PLA issued

Status Date: 01-Jun-2017

Referral response sent

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2018.1	Williamson & Associates/Potlatch Properties Ltd. Planner: Sonja Zupanec	26-Jun-2018	PIDs:027-939-791, 027-939-804, 003-010-431, 006-635-121 27 lot subdivision Civic address: Taylor Bay Road/Church Street

Planning Status

Status Date: 12-Jul-2018

Referral response sent to MOTI, applicant and LTC.

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2018.1	Garner, KEVAN	15-Mar-2018	PID: 003-330-460 Vacation rental in cottage Civic address:671 Balsam Street, Gabriola Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 19-Sep-2018

Public notice published in Gabriola Sounder, Sept.19 edition.

Status Date: 12-Sep-2018

Public notice delivered to neighbouring properties.

Status Date: 28-Aug-2018

Applicant submitted revised Guest Information Guide.



Applications

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2018.2	LENZ, RICHARD	26-Jun-2018	PID: 003-145-158 Vacation rental Civic address: 3158 Whalley Road, Gabriola Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 19-Sep-2018

Public notice published in Gabriola Sounder, Sept.19 edition.

Status Date: 12-Sep-2018

Application transferred to Planner Dubyna.

Status Date: 12-Sep-2018

Public notice delivered to neighbouring properties.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending July 2018

620 Gabriola	Invoices posted to Month ending July 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	243.86	1,256.14
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	2,409.19	2,340.81
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	150.00	450.00
65220-620	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	0.00	1,000.00
TOTAL LTC Local Expense		<u>7,350.00</u>	<u>2,559.19</u>	<u>4,790.81</u>
Projects				
73001-620-2018	Gabriola Mudge Island OCP/LUB	3,500.00	2,908.49	591.51
73001-620-4096	Gabriola Water Taxi Feasibility	450.00	488.00	-38.00
TOTAL Project Expenses		<u>3,950.00</u>	<u>3,396.49</u>	<u>553.51</u>

Gabriola Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: June 14, 2018

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	January 29, 2010	GB-025-2010	Communication Towers and Antennae	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: - Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers. - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information: - the proposed location of the tower on the subject site - a description of the predicted power density level of the antenna/tower - methods to mitigate any aesthetic or visual impact - description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas - physical details and example illustrations of the tower including its height, colour, type and design - the time and location of a public meeting and advertising - the name and contact information of the contact person employed by the proponent - the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and - the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.
2.	June 14, 2018	GB-2018-040	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee;

				• The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical; • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms; ○ The location of the proposed establishment and the subject site; ○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered; ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and ○ How public comments may be submitted to the Local Trust Committee.
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DATE OF MEETING: September 27, 2018

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: 2014-2018 LTC Term Summary Report

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as [presented/amended] for further consideration by the incoming Local Trust Committee.

REPORT SUMMARY

Local Trust Committee (LTC) activities during the 2014-2018 term, including projects, administrative and advocacy activities and applications, are summarized. The LTC is asked to pass a resolution to endorse its 'Top Priorities' and 'Projects' lists, either as presented or amended, prior to the end of the current term.

ANALYSIS

Table 1 summarizes the projects of the LTC during the 2014-2018 term:

YEAR	PROJECT	STATUS
2015	Roadside Signage Review	Land Use Bylaw(LUB) signage regulations (Bylaw 291) / Completed 2017
	Medical Marihuana Production in the ALR	LUB amended with updated regulations (Bylaw 280) / Completed 2016
	Housing Options Review – Phase 1	Official Community Plan (OCP) and LUB amended to increase secondary suite options on 2.0+ ha lots (Bylaws 292 and 293) / Completed 2018
	Dog Sitting Regulation Review	Community consultation process in 2015 and 2016; no OCP or LUB amendments made / Completed 2016
	OCP & LUB Housekeeping Amendments	Amendments to OCP and LUB through Bylaws 278 and 279 / Completed 2015
2016	First Nations engagement	Invitations to Snuneymuxw First Nation to participate in a protocol meeting / grant application and invitation to Snuneymuxw to participate in a Community to Community (C2C) Forum / participation in the One Book One Community Truth and Reconciliation initiative / public event held on Mudge Island to help raise awareness of local First Nations history, land and treaties / Letter of Congratulations to Incoming Chief and Council / Ongoing
2017	Mudge Island Lot Coverage Review	Review of lot coverage regulations in the Mudge Island LRR zone / Bylaw 299 given first reading and referrals sent / Ongoing
2018	Water Taxi Zoning Review Project	Review of LUB regulations and zoning specific to water taxi use / community questionnaire in 2018 / Ongoing
	Housing Options Review – Phase 2	Project initiated in 2018 with LTC-endorsed project charter / Ongoing

Table 2 summarizes the applications processed for the Gabriola Local Trust Area during the 2014-2018 term. An asterisk indicates multi-year applications in the year they were first received:

	APPLICATION TYPE							
YEAR	Development Permit (DP)	Development Variance Permit (DVP)	Temporary Use Permit (TUP)	Building Permit Referrals (BP)	Bylaw Amendment (OCP/LUB)	Crown Referrals (CR)	Subdivision Referrals (SUB)	Liquor & Cannabis Regulation Branch Referrals (LCRB)
2015	0	2	2	n/a	0	1	1	1
2016	3	6	2*	n/a	2*	2	6	1
2017	2	2	0	n/a	0	4	3	0
2018	4	4	2	1	1	1	1	0
TOTAL	9	14	4	1	3	7	11	2

Table 3 summarizes the administrative activities of the LTC over the 2014-2018 term:

YEAR	ADMINISTRATIVE ACTIVITY	STATUS
2015	Advisory Planning Commission (APC)	APC and Transportation APC members appointed
	Protocol Meeting	Protocol meeting between elected officials and staff of the LTC and RDN
2016	Fees Bylaw	Bylaw No. 288 adopted to amend the fees bylaw (for DPA-3 (RAR) development permit applications)
2017	APC Bylaw Review	New APC Bylaw (Bylaw 296) was adopted to consolidate APC Bylaws for Gabriola, Mudge and DeCourcy and to modernize APC bylaw language
	APC	APC members appointed
	Procedures Bylaw	Bylaw 295 amended the LTC procedures bylaw to enable electronic meetings
	Mudge Island APC	APC members appointed
	Manufactured Home Covenant	LTC endorsed a new model covenant for manufactured homes in the ALR
2018	LCRB Non-medical cannabis retail license referrals	LTC adopted standing resolution to establish a public consultation process for LCRB non-medical cannabis retail license referrals
	Fees Bylaw	New Fees Bylaw (Bylaw 300) pending consideration of adoption / would update LTC application fees to align with Islands Trust Council Model Fees Schedule with adjustment for inflation
	Bylaw Enforcement Notification (BEN) Bylaw	Bylaw 298 pending consideration of adoption / would amend the BEN Bylaw to ensure consistency with LTC Land Use Bylaws and to reduce penalties to reward voluntary compliance

Table 4 summarizes the advocacy work of the LTC during the 2014-2018 term:

YEAR	ADVOCACY ACTIVITY	STATUS
2015	Bridge Free Salish Sea Petition	Letter to Minister Todd Stone sent from LTC
	Regional District of Nanaimo/Simon Fraser University Groundwater Mapping Project.	LTC letter of support and financial assistance / Research completed and study released
	RCMP detachment staffing	LTC letter of support for local detachment staffing
	Fire Warden staffing	LTC letter of support for reinstatement of fire warden position for mid and south island.
	Freighter Anchorages	LTC letter of non support for proposed freighter anchorage sites off Gabriola.
	Airplane traffic over Gabriola	LTC letter regarding air traffic over Gabriola Island
2016	LiDAR mapping with Regional District of Nanaimo	LTC letter of support for Gabriola to be included in RDN mapping for sea level rise
	Coastal Douglas Fir Conservation Strategy	The LTC became a signatory to the Coastal Douglas-fir Conservation Partnership statement of collaboration
	Village Trail	LTC letter of support to Ministry of Transportation and Infrastructure regarding village trail planning
	Land Use Consultation for Radio-communication Utilities	LTC request to Islands Trust Council to explore the option of a Trust-wide policy on land use consultation for radio communication utilities
	Ocean Dumping at Five Fingers Island	Correspondence from Wilf Caron regarding dumping of dredged solids at Five Fingers Island referred to the Executive Committee for consideration
	Commercial Demand Forecast for Gabriola	LTC letter of support for Chamber of Commerce application to the BC Rural Dividend program for a commercial forecast for Gabriola
2017	Gabriola ferry line up	LTC letter to Minister of Transportation requesting a safety study of the BC Ferries line up on Gabriola Island
2018	Village Vision	LTC add to RDN inter-agency meeting the village vision report for discussion / topics referred to Islands Trust Executive Committee for consideration (i.e. Ministry of Transportation and Infrastructure Protocol Agreement regarding road standards and Province of BC regarding rainwater harvesting for potable water in multi-family, commercial and institutional developments)
	Barriers to Engaging Service Providers and Other Agencies	LTC referral to Trust Programs Committee to address service integration challenges with respect to: Village Core planning (MOTI / RDN), parking planning (RDN), affordable housing (RDN), Gabriola ferry line-up (MOTI / BC Ferries), noise bylaws (RDN), scheduling of protocol meetings, and receiving referral responses from other agencies (i.e. ALC)

Rationale for Recommendation

The 'Top Priorities List' and 'Project List' identify both ongoing and potential projects for the incoming LTC to consider and prioritize through its' own strategic planning process. Phase 2 of the Housing Options Review Project is currently identified as a top priority for the next term and budget approval has been confirmed for 2018-2019.

ALTERNATIVES

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

1. Amend the 'Top Priorities List' and/or the 'Projects List'

The LTC may amend either list prior to the end of the term. Recommended resolution wording is:

*That the Gabriola Island Local Trust Committee amend the [Top Priorities List/Projects List] as follows:
(insert details).*

Submitted By:	Sonja Zupanec, MCIP, RPP, Island Planner	September 18, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 19, 2018

ATTACHMENTS

1. Gabriola Top Priorities List
2. Gabriola Projects List

**Gabriola Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Mudge Island targeted review of OCP/LUB	Review 10% lot coverage provisions and cisterns being calculated as lot coverage on small lots.	07-Sep-2017	Teresa Ritemann	
2	Water taxi feasibility	Review zoning provisions for water taxi service.	14-Jul-2016	Sonja Zupanec Jaime Dubyna	
3	Housing Options OCP/LUB Review Project - Phase 2	a) Review OCP policies for affordable and attainable housing, rental housing, seniors housing and special needs housing, and policies relating to social needs, social well-being, and social development; b) Consider the definitions of "affordable housing" and "attainable housing" in the OCP; c) Explore opportunities to foster affordable, rental, seniors and special needs housing and associated services on Gabriola Island in collaboration with the RDN, health and housing service providers and community groups; d) Review provisions for secondary suites above existing farm buildings in the ALR; e) Consider opportunities for secondary suites on lots smaller than 2 hectares; f) Consider an OCP designation for multi-dwelling housing; g) Consider OCP density provisions for multi-dwelling housing; h) Consider opportunities for mixed use buildings.	14-Jun-2018		
4	First Nations Relationship Building	C2C Forum; Protocol implementation			

**Projects****Gabriola Island**

Description	Activity	R/Initiated
DeCourcy Island OCP and Bylaw Review	Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).	21-Apr-2011
Hazardous areas/Steep Slopes DPA	Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain	21-Feb-2013
Forage Fish Mapping Workshop	March, 2013 resolution	05-Sep-2013
Land Based Aquaculture	Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.	16-Jan-2014
Biodiversity Protection	Identify measures to protect biodiversity	19-Jan-2012
Coastal areas protection	Review OCP and LUB to improve protection of coastal areas.	19-Jan-2012
Water Protection	Review OCP and LUB to protect water quality and quantity.	19-Jan-2012
First Nations cultural references	Consider 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.	27-Jan-2011
Eelgrass protection	Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).	14-May-2014
Snuneymuxw Protocol Agreement	Implementation of Snuneymuxw First Nation Protocol Agreement	22-Jan-2015

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Gabriola Village Plan	Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	02-Apr-2015
Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	02-Apr-2015
Food Trucks	Review land use bylaw regulations with respect to food trucks	02-Apr-2015
Eagle Nest Mapping	Incorporate eagle nest mapping into the OCP	02-Apr-2015
Green Energy	Consider policy and regulatory mechanisms to encourage green and renewable energy	02-Apr-2015
Commercial Vacation Rental Review	Review bylaws with respect to temporary use permits for commercial vacation rentals	07-May-2015
CDF Conservation	Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.	14-Jan-2016
LUB Amendments	- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland -IN1 zoning to ensure consistent with existing Arts Council use. -definition of limited public market and INI zone uses pertaining to market sales	08-Sep-2016
Review and update the Gabriola Build Out Map		11-May-2017

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Develop a new Ecological Protection Zone.	Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coates Marsh and Burren's Acres Nature Reserve properties.	01-Mar-2017
Housing Options Review Project Phase 2	-include a review of the secondary suite above an existing farm building provisions for land in the ALR. -examining the appropriate scope of the area designated in the Official Community Plan for possible multi-dwelling affordable housing; -examining the potential for increasing density in the Village core multi-dwelling housing; and -exploring opportunities for mixed use buildings in the Village core.	01-Mar-2018
Cannabis production and retail sales	Staff to provide a report on options for land use regulations, including options to regulate cannabis production in the ALR.	14-Jun-2018
Water Resource Planning	Review of water requirements at the time of subdivision	14-Jun-2018