



Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: November 22, 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. MINUTES	10:25 AM - 10:30 AM
4.1 Local Trust Committee Minutes for Adoption - none	
4.2 Section 26 Resolutions-Without-Meeting Report dated November 15, 2018	4 - 4
4.3 Advisory Planning Commission Minutes dated November 15, 2018 - for receipt	5 - 8
5. BUSINESS ARISING FROM MINUTES	10:30 AM - 10:45 AM
5.1 Follow-up Action List dated November 15, 2018	9 - 13
6. DELEGATIONS	
7. CORRESPONDENCE	
<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
8. APPLICATIONS AND REFERRALS	10:45 AM - 11:30 AM
8.1 GB-DVP-2018.5 (Goszczyński) - Staff Report	14 - 28
8.2 GB-DVP-2018.6 (Durrance) - Staff Report	29 - 63

9. LOCAL TRUST COMMITTEE PROJECTS

11:30 AM - 11:45 AM

- 9.1 Mudge Island Lot Coverage Review Project - Bylaw No. 299 - Staff Report

64 - 67

--- BREAK --- 11:45 AM TO 12:00 PM

10. REPORTS

12:00 PM - 12:30 PM

- 10.1 Work Program Reports

- 10.1.1 Top Priorities Report dated November 15, 2018

68 - 68

- 10.1.2 Projects List Report dated November 15, 2018

69 - 72

- 10.2 Applications Report dated November 15, 2018

73 - 82

- 10.3 Trustee and Local Expense Report dated September, 2018

83 - 83

- 10.4 Adopted Policies and Standing Resolutions

84 - 86

- 10.5 Local Trust Committee Webpage

- 10.6 Chair's Report

- 10.7 Trustee Reports

- 10.8 Electoral Area Director's Report

- 10.9 Trust Conservancy Report dated September, 2018

87 - 88

11. NEW BUSINESS

12:30 PM - 1:00 PM

- 11.1 Local Trust Committee (LTC) Meeting Schedule - 2019 - Memorandum

89 - 90

- 11.2 Notification of Federal Cannabis Licence Applications - Staff Report

91 - 93

12. UPCOMING MEETINGS

- 12.1 Next Regular Meeting - TO BE DETERMINED

13. CLOSED MEETING

1:00 PM - 1:30 PM

- 13.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a)(c)(d)(f) and (i) for the purpose of considering: Advisory Planning Commission, Staff Relations , Adoption of In-Camera Minutes dated November 2, 2018, Bylaw Enforcement and Receipt of Legal Advice AND that the recorder and staff attend the meeting.

- 13.2 Recall to Order

13.3 Rise and Report

14. ADJOURNMENT

1:30 PM - 1:30 PM



Islands Trust

Gabriola Island

Print Date: November 15, 2018

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2018-06	In Favour	That the Gabriola Island Local Trust Committee authorize staff to prepare a media release regarding the Local Trust Committee decision to appeal the BC Supreme Courts decision in Fonseca v. Gabriola Island Local Trust Committee, 2018 BCSC 1684.	15-Oct-2018
2018-07	In Favour	"THAT Gabriola Island Local Trust Committee authorize the expenditure of Local Trust Committee Communications funds for the purpose of advertising in the 2019 Gabriola Directory.	25-Oct-2018



Minutes of the Gabriola Island Advisory Planning Commission

Date of Meeting: Thursday, November 1, 2018

Location: Islands Trust Office
700 North Road, Gabriola, BC

APC Members Present: Jeff Malmgren, Chair
Anne Landry
Penelope Bahr
Bill McCaugherty
Angela Pounds
Tatha Cornish
Stuart Denholm

Regrets: Madeleine Ani, Deputy Chair

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

Others Present: Tim & Donna Melville
There were approximately eleven (11) members of the public in attendance

1. CALL TO ORDER

Chair Malmgren called the meeting to order at 4:57 pm.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 Gabriola Island Advisory Planning Commission Draft Minutes dated August 17, 2017 – for Adoption

By general consent, the Advisory Planning Commission (APC) meeting minutes of August 17, 2017 were adopted.

4. ELECTION OF ADVISORY PLANNING COMMITTEE SECRETARY

4.1 Election of APC Secretary

Penelope Bahr was appointed as Secretary.

5. DEGNAN BAY MARINA REZONING APPLICATION – GB-RZ-2018.1

The Degnan Bay Marina Rezoning application was referred to the APC in order to facilitate a general discussion of community response to the application proposing to rezone a 0.5-hectare water lot from Water General (WG) to a site-specific Water Commercial (WC) zone in order to legalize the current use of the marine lease area as a commercial marina and the following points were noted by Staff:

- The application was forwarded to the Archeology Branch who responded that there are recorded archeology sites upland of the water lot but not on the foreshore;
- The application was also forwarded to the Cowichan Tribes who responded that rezoning the water lot to WC was not recommended;
- Commercial activity is prohibited at group moorage sites, including the renting or selling of berths and electricity;
- Commercial activity has happened at the site including rental of berths and provision of metered electricity; and
- Group moorage is typically operated by a group of individuals or a not-for-profit on a cost recovery basis.

The following was noted by the proponent, Tim Melville:

- Requested to have the historic and current commercial use of the water lot recognized through the site-specific zoning permissions;
- There is no transient moorage in his facility;
- No expansion of the facility is planned; and
- All boat owners in the facility are Gabriola Island residents;

Discussion ensued and the following key points were noted by APC members:

- Site-specific zoning permissions are difficult as ownership of property changes over time;
- The correspondence received from the public showed support for the current usage and did not show support for rezoning to a commercial zone;
- Supported community group moorage, enabling Gabriola residents to access water and moor their recreational water craft;
- Requested Staff work with Proponent to ensure an aligned solution can be found; and
- Keen to see current services continue without becoming a commercial marina.

GB-APC-2018-001

It was MOVED and SECONDED

that the Gabriola Island Local Trust Commission accept Staff's recommendation in denying the rezoning submission and work with the Proponent and the Province of British Columbia to ensure that the current services continue and the Proponent's interests are protected.

CARRIED

GB-APC-2018-002

It was MOVED and SECONDED

that the Gabriola Island Advisory Planning Commission strongly supports the current group moorage usage and sees value in ensuring its continuance.

CARRIED

By general consent the meeting was recessed at 6:10 pm and reconvened at 6:25 pm.

6. HOUSING OPTIONS PHASE 2 COMMUNICATION STRATEGY

Staff provided a summary of the Housing Options Review Project – Phase 2 Charter v 1.0 which proposed increasing housing options on Gabriola Island through Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations, in a manner which supports the Object of the Islands Trust, strengthens relations with Snuneymuxw First Nation and builds on the findings of the 2018 Northern Region Housing Needs Assessment and noted the following:

- Builds on the Housing Options Review Project Phase 1 which focused on secondary suites on lots 2 hectares and larger;
- Phase 2 considered a broader range of housing issues, and the potential for increased density on the island to accommodate increased housing options;
- Supported the Islands Trust's "preserve and protect" mandate, including a focus on indigenous housing needs and protecting the island's groundwater supply/water conservation, was an overarching consideration; and
- Requested comments from the APC on communication/engagement strategy considerations.

Chair Malmgren enquired as to whether there were any plans to do a Gabriola Island OCP review, as housing options could be captured in the review.

- Staff responded that there was no OCP review planned at this time but that the incoming Local Trust Committee may consider an OCP review as a priority.

Discussions ensued and the following key points were noted by APC members:

- Communication/engagement strategy suggestions included continued use of project page on Islands Trust's webpage, use of paper surveys and social media;
- Would like to see a new method developed to measure density according to ecological and community impact, such as square footage, water, waste productions etc.;

- Would like to see a focus on housing needs for the vulnerable and affordable housing for those with low incomes;
- Asked Staff to provide more in depth and context background of objectives in the “In Scope” section of project firstly in the communication/engagement strategy; and
- Recommended the LTC continue with project presented as amended.

GB-APC-2018-003

It was MOVED and SECONDED

that the Gabriola Island Advisory Planning Committee request the Gabriola Island Local Trust Committee to add to the “In Scope”, review how to measure density and its ecological and community impacts and our approach to regulating it.

CARRIED

GB-APC-2018-004

It was MOVED and SECONDED

that the Gabriola Island Advisory Planning Commission request the Gabriola Island Local Trust Committee to move forward with Phase 2 Housing Options Review Charter and develop an initial communication, which provides context to the objectives and background as a first step in the engagement and communication strategy.

CARRIED

GB-APC-2018-005

It was MOVED and SECONDED

that the Gabriola Island Advisory Planning Commission request the Gabriola Island Local Trust Committee the word “all” be added in the fourth bullet in “Objectives” between “address” and “housing.”

CARRIED

7. ADJOURNMENT

By general consent, the meeting was adjourned at 8:03 pm.

Jeff Malmgren, Chair

Certified Correct:

Nadine Mourao, Recorder

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.			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

03-May-2018

Activity	Responsibility	Target Date	Status
Add consideration of definition of limited public market to the Projects List and request staff to bring back information on creating a standing resolution regarding enforcement before the next Gabriola Island Local Trust Committee meeting.	Miles Drew Sonja Zupanec Penny Hawley	11-Oct-2018	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

12-Jul-2018

Activity	Responsibility	Target Date	Status
GB-RZ-2018.1 - Staff to refer July 2018 report to the APC, Archaeology Branch and First Nations for comment.	Teresa Rittemann		Done

Follow Up Action Report

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

Sonja Zupanec

On Going

Refer July 2018 report to the APC for comment on engagement strategy and return to LTC for consideration upon confirmation of budget approval.

16-Aug-2018

Activity	Responsibility	Target Date	Status
Staff to clarify the mechanism for implementing transfer of densities to the Gabriola Island Density Bank.	Sonja Zupanec	27-Sep-2018	On Going
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. APC Meeting deferred to November 1st.	Penny Hawley Teresa Ritemann	09-Nov-2018	Done

27-Sep-2018

Activity	Responsibility	Target Date	Status
GB-DVP-2017.1 - LTC resolution to bring back consideration of this DVP at the first LTC meeting of the new term	Sonja Zupanec	22-Nov-2018	On Going

Follow Up Action Report

LTC Adoption of the following Bylaws: BL 298 BL 300 BL 289 BL 290 (as amended in Staff Report Sep 2018)	Becky McErlean Sonja Zupanec	Done
LTC request staff to send a response to letter writer H. Reid regarding anchorages, thanking for input and including letter from Islands Trust Chair to federal government to work towards elimination of anchorages in the trust area.	Sonja Zupanec	On Going
Staff to post link to naturescape program to resources section of LTC website and respond to writer to thank them for the stewardship and provide them with a link to the updated resources page.	Sonja Zupanec	Done
Staff to prepare package for submission for BC Heritage registry of the Gabriola Community Hall.	Sonja Zupanec	On Going
GB-TUP-2018.1 staff to work with applicant on details to address neighbours concerns.	Jaime Dubyna	On Going
LTC approve issuance of TUP 2018.2 for a commercial vacation rental for three years subject to conditions as stated in the Sept 2018 staff report.	Becky McErlean Jaime Dubyna	Done
Approve issuance of GB-DVP-2018.4 KENT.	Becky McErlean Sonja Zupanec	Done
LTC accepts standing resolution for FN relationship building. Add to list of standing resolutions.	Becky McErlean Penny Hawley	Done

Follow Up Action Report

Amend BL299 (Mudge LUB) as per staff report. Proceed with notification for waiver of a public hearing. Schedule a special meeting Nov 2 to consider third reading.	Becky McErlean Teresa Ritemann	Done
LTC write to RDN sharing results of the community consultation on the water taxi feasibility study and encouraging them to determine the implications of broadening the use of the Descanso bay emergency dock to include water taxi pick up and drop off and to approach the community for approval either through alternate approval process or referendum if required.	Ann Kjerulf Wil Cottingham Jaime Dubyna	Done
LTC to write to BC Ferries advising them of strong community support for water taxi drop off and pick up service at Descanso Bay for consideration as part of the BC ferries terminal redevelopment planning process. Copy the ferry advisory committee and nanaimo port authority.	Ann Kjerulf Wil Cottingham Jaime Dubyna	Done
LTC to write to MOTI and the owner of the Green Wharf access road property to request they investigate and address acces and safety of Green Wharf and Degnen Bay as per staff report.	Ann Kjerulf Wil Cottingham Jaime Dubyna	Done

DATE OF MEETING: November 22, 2018

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 1
Northern Team

SUBJECT: Requested variance to increase height of proposed single family dwelling
Applicant: Tomasz Goszczyński & Barbara Goszczyński
Location: Lot 3, Section 4, Nanaimo District, Gabriola Island, Plan 27462; PID 002-100-410; 2025 St. Catherines Ave., Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2018.5 with the following variance to Gabriola Island Land Use Bylaw No. 177, 1999:
 - a) To increase the maximum height of a dwelling from 9 metres (29.5 feet) to 9.34 metres (30.64 feet) for the proposed single family dwelling.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application GB-DVP-2015.5 to vary the maximum height for a dwelling specified by the Gabriola Island Land Use Bylaw No. 177 (LUB) from 9 metres (29.5 feet) to 9.34 metres (30.64 feet). Staff recommend issuance of the variance, finding that the proposed variance would not be contrary to guiding policies and would not result in adverse impacts to neighbouring properties and the environment.

BACKGROUND

The subject property is located on St. Catherines Avenue, southwest of Josef Point, and is approximately 2.03 hectares (5 acres) in area. The subject property slopes steadily upward from the natural boundary of the sea to a level area overlooking Gabriola Passage, the site of the proposed single family dwelling.

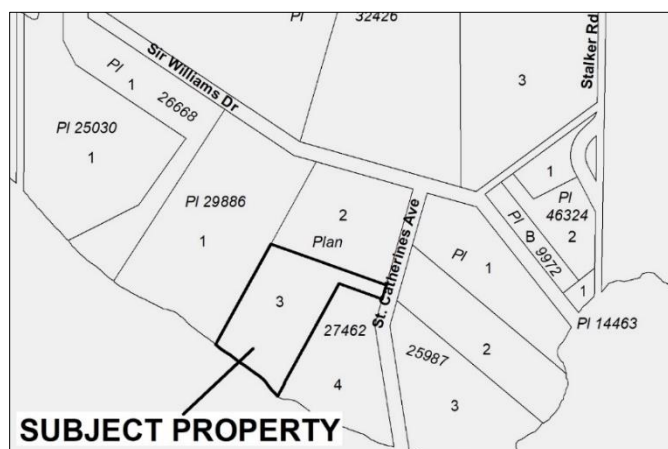


Figure 1. Subject property map.



Figure 2. 2014 Orthophoto of subject property.

The applicants propose to construct a single family dwelling on the site of the existing single family dwelling. The height of the proposed single family dwelling exceeds the permitted maximum height of 9 metres (29.5 feet). The applicant's rationale for the proposed height variance (from 9 metres to 9.34 metres) is provided in Attachment 3.

Pursuant to Section 498 of the *Local Government Act* (LGA),

(1) On application by an owner of land, a local government may, by resolution, issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of a bylaw under and of the following:

(a) The following Divisions of this Part:

(i) Division 5 [Zoning Bylaws];

Staff have received a letter of support from the neighbouring property owners adjacent to the subject property.

The proposed DVP is found in Attachment 2.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

5.1.3 Local Trust Committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.

Official Community Plan:

The Gabriola Island Official Community Plan Bylaw No. 166 (OCP) includes the subject property within the Large Rural Residential (RR) land use designation.

OCP Policy 2.3.1 (a) states, "The principal use shall be residential"

The proposal does not conflict with the OCP objectives and policies for residential land use.

Land Use Bylaw:

The proposed development requires variance from the following provision in Gabriola Island Land Use Bylaw No. 177, 1999 (LUB):

*B.2.3.2 Unless specified in this Bylaw elsewhere, the **maximum height of buildings and structures** are:*
*a. **9.0 metres (29.5 feet) for dwellings;***

Staff note the following provision in the LUB:

*B.2.3.1 The height restrictions for permitted buildings and structures specified in this Bylaw may be exceeded for radio and television antennas, electrical service masts, **chimneys**, flag poles, lighting poles, lightning rods, boat launching cranes, farm silos, water towers, church spires and steeples, firehall hose towers and electrical transmission towers.*

Issues and Opportunities

Clause B.2.3.2.a of the LUB would be varied to increase the permitted maximum height of the proposed single family dwelling. Staff consider the proposed variance to be minor in nature and likely to have minimal impacts on neighbouring property owners for the following reasons:

- The subject property is located at the end of St. Catherines Avenue; and
- The subject property is adjacent to other 2+ hectare residential lots with plenty of mature tree coverage, providing screening from neighbours.

A mature forest sensitive ecosystem is identified on the subject property; however, the proposed development is not within this area. The proposed development will make use of the existing site of the existing single family dwelling, resulting in minimal tree and vegetation clearing.

Consultation

Statutory Requirements

In accordance with Section 499 of the *Local Government Act* (LGA) and Section 8 of the Gabriola Island Development Procedures Bylaw No. 114, statutory notice of the proposed variance was distributed to neighbouring property owners and tenants within 100 metres of the subject property's boundaries on November 8, 2018.

Written correspondence was received by the neighbouring property owners to the southeast (lot 4) of the subject property in support of the proposed development (Attachment 4).

Any further correspondence received will be presented at the LTC meeting on November 22, 2018.

Rationale for Recommendation

As noted, staff recommend support for the proposed variance under the following rationale:

- The proposed development is not contrary to the ITPS or Gabriola Island OCP;
- The proposed development is considered to be minor in nature;
- The proposed development would likely have minimal impact on neighbouring property owners, and the neighbouring property owners to the southeast (lot 4) have expressed no concerns with the proposal;
- Current mapping indicates that there is a mature forest sensitive ecosystem on the subject property; however the proposed site of the single family dwelling is outside of this area; and
- The proposed development proposes very little removal of existing vegetation or trees, and is expected to have minimal impact on the natural environment.

See the staff recommendation on page 1 of this report.

ALTERNATIVES

1. Deny the application

The LTC may deny the application. If selecting this alternative, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-DVP-2018.5 for the following reasons [note specific reasons].

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should state the information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request further information prior to making a decision on application GB-DVP-2018.5, including [specify information required].

NEXT STEPS

If the LTC agrees with staff's recommendation, the Development Variance Permit in Attachment 2 will be issued.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 1	November 8, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 14, 2018

ATTACHMENTS

1. Site Context
2. Draft Development Variance Permit and Notice
3. Applicant Letter
4. Public Correspondence

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 3, SECTION 4, NANAIMO DISTRICT, GABRIOLA ISLAND, PLAN 27462
PID	002-100-410
Civic Address	2025 St Catherines Ave
Lot Size	2.03 ha (5 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential to the north, east, and west of the subject property; Marine (Gabriola Pass) to the south

HISTORICAL ACTIVITY

File No.	None on record
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POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Large Rural Residential (RR) The subject property is not within any Development Permit Areas; however, the marine area to the south of the subject property is within DPA 5 – Gabriola Pass Marine Protected Area
Land Use Bylaw	Current zoning: Large Rural Residential (LRR) B.2.3.1 The <i>height</i> restrictions for permitted <i>buildings</i> and <i>structures</i> specified in this Bylaw may be exceeded for radio and television antennas, electrical service masts, chimneys , flag poles, lighting poles, lightning rods, boat launching cranes, farm silos, water towers, <i>church</i> spires and steeples, firehall hose towers and electrical transmission towers. B.2.3.2 Unless specified in this Bylaw elsewhere, the maximum height of <i>buildings</i> and <i>structures</i> are: a. 9.0 metres (29.5 feet) for dwellings; The Land Use Bylaw provides the following pertinent definitions: “ grade ” the elevation existing at the intersection of the ground surface and a <i>building</i> or <i>structure</i> ; “ height ” the vertical distance between the highest point of a <i>building</i> or <i>structure</i> and the average <i>grade</i> of the ground at the perimeter of a <i>building</i> or <i>structure</i> and is determined by finding the <i>grade</i> elevation at the midpoints of all exterior walls and if there are no walls, the supports or posts, calculating their

	average, and then using that average as a base <i>grade</i> from which <i>height</i> is vertically measured to the <i>building's</i> highest point;
Other Regulations	The proposed single family dwelling requires a building permit from the Regional District of Nanaimo.
Covenants	Covenant EL111576 (Regional District of Nanaimo) Undersurface Rights M76301
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) - owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Plan	Map 6 of the Regional Conservation Plan estimated importance of habitat composition on the subject property is MEDIUM.
Species at Risk	None currently mapped on the subject property.
Sensitive Ecosystems	Islands Trust mapping indicates the presence of a Woodland: conifer sensitive ecosystem on a portion of the subject property. The Islands Trust Conservancy provides the following information about Woodland sensitive ecosystems: Definition: Dry open forests, generally between 10 and 30% tree cover, can be conifer-dominated or mixed conifer and arbutus stands; because of open canopy, will include non-forested openings, often with shallow soils and bedrock outcroppings. Importance: Woodlands are nationally, provincially and regionally rare and highly fragmented. A rich assemblage of plants, insects, reptiles and birds are drawn to these ecosystems due to the food sources, habitat and proximity to the ocean. Garry oak woodlands, for example support the highest plant species diversity of any terrestrial ecosystem in British Columbia and are especially vulnerable to rural development.  Figure 1. Location of Woodland sensitive ecosystem on subject property.

Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on the subject property, but does indicate archaeological potential on 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	Construction of the proposed single family dwelling is anticipated to result in associated greenhouse gas emissions.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	The marine area adjacent to the subject property is within a Rockfish Conservation Area managed by Fisheries and Oceans Canada (DFO). There is a Crown tenure for private moorage in the foreshore adjacent to the subject property.



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2018.5**

TO: Tomasz Goszczynski & Barbara Goszczynski

1. This Development Variance Permit applies to the land described below:

PID: 002-100-410

LOT 3, SECTION 4, NANAIMO DISTRICT, GABRIOLA ISLAND, PLAN 27462

2. Pursuant to Section 498 of the *Local Government Act*, the *Gabriola Island Land Use Bylaw No. 177, 1999* is varied as follows:

a) Part B – **GENERAL REGULATIONS**, Section B.2 – **GENERAL SITING AND HEIGHT PROVISIONS**, Subsection B.2.3 – **Height**, Article B.2.3.2 – “**Unless specified in this Bylaw elsewhere, the maximum height of buildings and structures are:**”, Clause a. – “**9.0 metres (29.5 feet) for dwellings**”; is varied

- To increase the maximum height of the single family dwelling from 9 metres (29.5 feet) to 9.34 metres (30.64 feet).

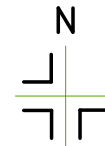
3. The proposed development shall be consistent with Schedule “A” – Site Plan, Schedule “B” – Elevation Drawing No. 1 and Schedule “C” – Elevation Drawing No. 2, which are attached to and form part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gabriola Island Land Use Bylaw No. 177, 1999 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

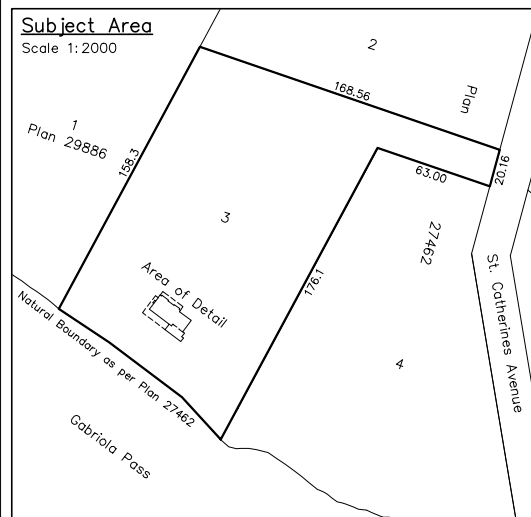
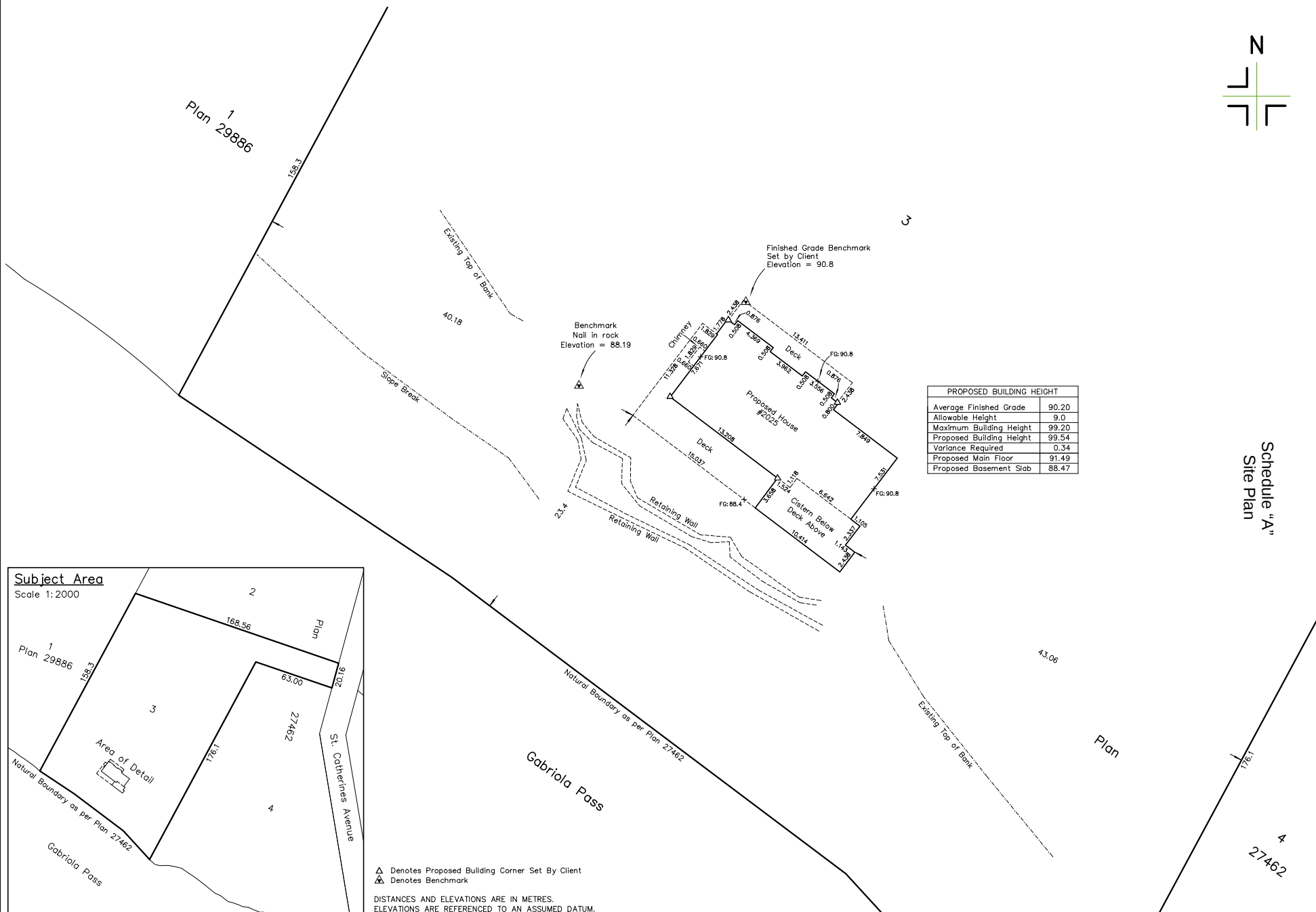
Date of Issuance

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



Schedule "A"
Site Plan

PROPOSED BUILDING HEIGHT	
Average Finished Grade	90.20
Allowable Height	9.0
Maximum Building Height	99.20
Proposed Building Height	99.54
Variance Required	0.34
Proposed Main Floor	91.49
Proposed Basement Slab	88.47



SITE PLAN SHOWING PROPOSED BUILDING LOCATION ON:
LOT 3, SECTION 4,
NANAIMO DISTRICT, GABRIOLA ISLAND, PLAN 27462.

Client: THOMAS GOSZCZYNSKI

Civic Address: 2025 ST. CATHERINES AVENUE

File: 18-196

Scale: 1:250

Drawn by: DRW

NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENTS:
M76301 & E111576.

Certified correct this 6th day of November, 2018.

Matthew

Schnurch KAHJN6

Digitally signed by Matthew

Schnurch KAHJN6

Date: 2018.11.07 14:18:39 -08'00'

B.C.L.S.

(This document is not valid unless originally signed and sealed.)

Turner & Associates
land surveying™

250.753.9778

605 Cormox Road

Nanaimo, BC V9R 3J4

www.turnersurveys.ca

SCHEDULES

Window Specifications

Manufacturer:	Kobie (Westcoast) - Not In Contract	Glazing:	Per Elevation	Int. Color:	
Window Type:	Jamb	Grilles:	Per Elevation	Ext. Color:	Same as
Hardware:	Min. U-Value	Min. U-Value	1.80	Min. R-Value	PG-25 & 220 Pa W/P

Window Schedule

Code	Size	Description	Rough Opening Width	Rough Opening Height	Jamb	Test Data Results U-Value	PG-Rating	W/P	Area	Notes	Options
001	5/11 x 4/0	DH-2H - Double Hung/Double Hung	72	48 1/4	0				24.625		
002	10/6 x 5/1	DH-2H-2H - 3-Window Double Hung	126 1/2	61 1/4	0				53.381		
121	4/0 x 3/8	DH-2H - Double Hung/Double Hung	48 1/2	42 1/4	0				14.23		
102	5/1 x 3/8	COC - Bay Window Case (Parting)	61	44 1/16	0				18.650		
103	10/6 x 5/8	DH-2H-2H - Double Hung/Double Hung	126 1/2	69 1/4	0				53.303		
104	6/0 x 6/11	XO - Heritage Style Door	73	83 3/16	0				42.172		
105	10/6 x 5/8	DH-2H-2H - Double Hung/Double Hung	126 1/2	69 1/4	0				53.303		
106	6/0 x 5/0	DH-2H-2H - Double Hung/Double Hung	107 1/2	51 1/4	0				45.725		
107	4/0 x 3/8	DH-2H - Double Hung/Double Hung	48 1/2	42 1/4	0				14.23		
108	6/0 x 5/0	DH-2H - Double Hung/Double Hung	72	61 1/4	0				30.625		
202	4/4 x 4/0	DH-2H - Double Hung/Double Hung	52	48 1/4	0				17.785		
203	3/0 x 4/0	DH-2H - Double Hung/Double Hung	36 1/2	42 1/4	0				12.484		
204	6/0 x 4/0	DH-2H - Double Hung/Double Hung	72	48 1/4	0				24.625		
205	3/0 x 4/0	DH-2H - Double Hung/Double Hung	36 1/2	42 1/4	0				12.484		
206	3/0 x 4/0	DH-2H - Double Hung/Double Hung	36 1/2	42 1/4	0				12.484		
207	6/0 x 4/0	DH-2H - Double Hung/Double Hung	72	48 1/4	0				24.625		
208	6/0 x 2/0	AA - Awning/Arched	73	24 3/4	0				12.547		
									461.382		

Exterior Door Specifications

Manufacturer:	Kobie (Westcoast) - Not In Contract	Hinge Finish:	Per Elevation	Min. U-Value:	1.80
Door Type:	Jamb	Glazing:	Per Elevation	Min. R-Value:	PG-25 & 220 Pa W/P
Hardware:	Min. U-Value	Min. U-Value	1.80	Min. R-Value:	PG-25 & 220 Pa W/P

Exterior Doors

Code	Size	Rough Width	Opening Height	Area	Jamb	Handing	Swing	Description
ED-1	3/0 x 6/8	36 1/2	83 1/2	22,397	6 1/4	Left	Inswing	Single D-Unit Entry Door - Heritage Rectangular (1/2 Lite), Tempered Glazing w/Grilles Per Elevation
ED-2	6/0 x 6/8	70 1/2	83 1/2	44,353	6 1/4	Left	Outswing	Double D-Unit Entry Door - Heritage Rectangular (1-Lite), Tempered Glazing w/Grilles Per Elevation
ED-3	3/6 x 6/8	80 1/2	83 1/2	46,451	6 1/4	Right	Inswing	Single SDS-Unit Entry Door - Heritage Rectangular (1/2 Lite w/2" 18" (1/2 Lite) Side Lite), Tempered Glazing w/Grilles Per Elevation
ED-4	3/0 x 6/8	36 1/2	83 1/2	23,057	6 1/4	Left	Outswing	Single D-Unit Entry Door - Heritage Rectangular (1/4 Lite), Tempered Glazing w/Grilles Per Elevation
ED-5	3/0 x 6/8	36 1/2	83 1/2	22,397	6 1/4	Right	Inswing	Single D-Unit Entry Door - Heritage Rectangular (2-Panel) c/w Weather-Stripping & Self-Closing Hinges
ED-6	3/0 x 6/8	36 1/2	83 1/2	22,397	6 1/4	Right	Inswing	Single D-Unit Entry Door - Heritage Rectangular (2-Panel) c/w Weather-Stripping & Self-Closing Hinges
ED-6	6/0 x 6/8	75 1/2	83 1/2	43,582	6 1/4	Right	Inswing	Single D-Unit Entry Door - Heritage Rectangular (1-Lite) Tempered Glazing w/Grilles Per Elevation
ED-7	3/0 x 6/8	36 1/2	82 1/2	22,344	6 1/4	Right	Inswing	Single D-Unit Entry Door - Heritage Rectangular (1/2 Lite) Tempered Glazing w/Grilles Per Elevation
ED-8	6/0 x 6/8	76 1/2	83 1/2	44,337	6 1/4	Left	Outswing	Double D-Unit Entry Door - Heritage Rectangular (1-Lite), Tempered Glazing w/Grilles Per Elevation
ED-9	3/0 x 6/8	36 1/2	83 1/2	22,397	6 1/4	Right	Inswing	Single D-Unit Entry Door - Heritage Rectangular (1/2 Lite) Tempered Glazing w/Grilles Per Elevation
				313.723				

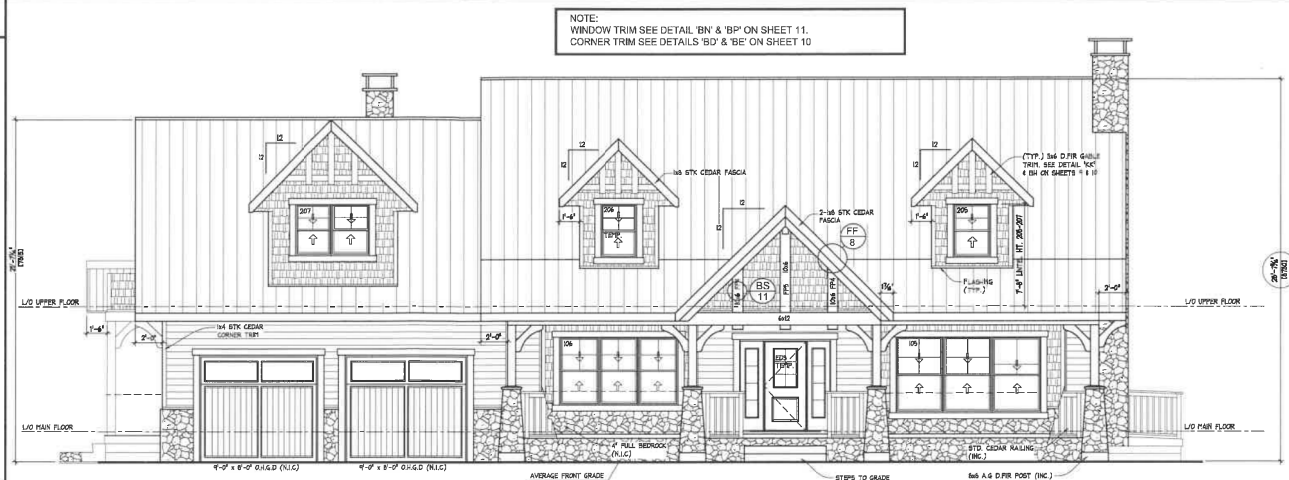
Door Unit Diagrams - Typical

Code	Description	Notes
ED-1	Single D-Unit Entry Door - Heritage Rectangular (1/2 Lite), Tempered Glazing w/Grilles Per Elevation	See Elevation
ED-2	Double D-Unit Entry Door - Heritage Rectangular (1-Lite), Tempered Glazing w/Grilles Per Elevation	See Elevation
ED-3	Single SDS-Unit Entry Door - Heritage Rectangular (1/2 Lite w/2" 18" (1/2 Lite) Side Lite), Tempered Glazing w/Grilles Per Elevation	See Elevation
ED-4	Single D-Unit Entry Door - Heritage Rectangular (1/4 Lite), Tempered Glazing w/Grilles Per Elevation	See Elevation
ED-5	Single D-Unit Entry Door - Heritage Rectangular (2-Panel) c/w Weather-Stripping & Self-Closing Hinges	See Elevation
ED-6	Single D-Unit Entry Door - Heritage Rectangular (2-Panel) c/w Weather-Stripping & Self-Closing Hinges	See Elevation
ED-6	Double D-Unit Entry Door - Heritage Rectangular (1-Lite) Tempered Glazing w/Grilles Per Elevation	See Elevation
ED-7	Single D-Unit Entry Door - Heritage Rectangular (1/2 Lite) Tempered Glazing w/Grilles Per Elevation	See Elevation
ED-8	Double D-Unit Entry Door - Heritage Rectangular (1-Lite), Tempered Glazing w/Grilles Per Elevation	See Elevation
ED-9	Single D-Unit Entry Door - Heritage Rectangular (1/2 Lite) Tempered Glazing w/Grilles Per Elevation	See Elevation

Skylights and Flashing Kits

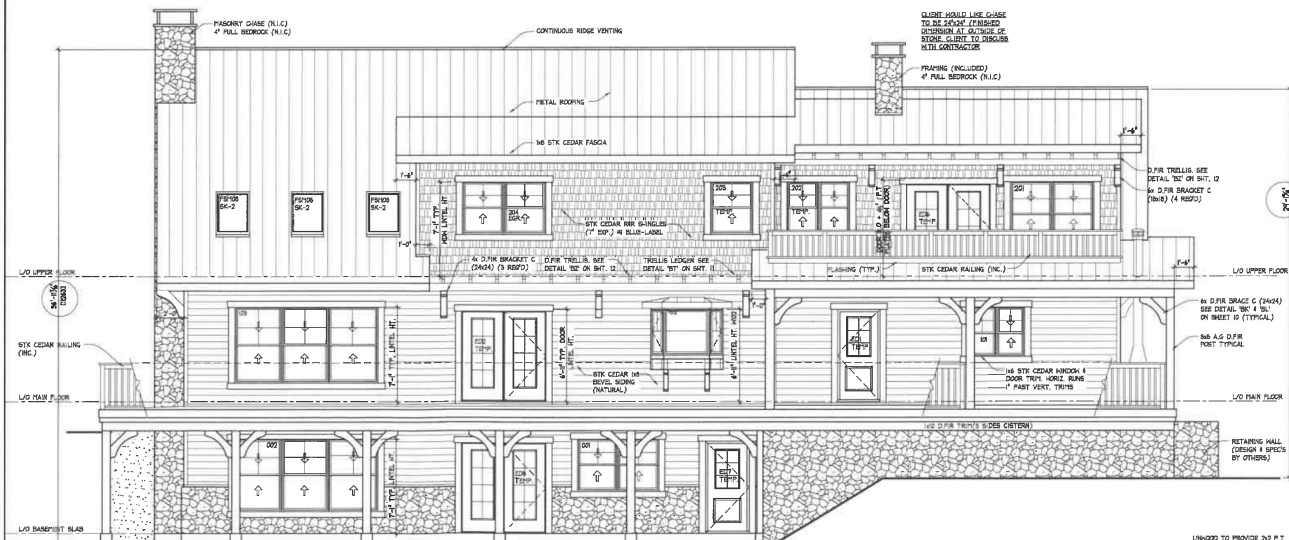
Code	Description	Rough Opening Width	Quantity	Supplier
SK-1	FS M88 2004 (Fixed Deck Mount Skylight w/Aluminized Glass Low E3)	30 1/2" x 54 7/8"	3	Valux
SK-2	EDM M88 Flashing Kit (Metal Roof)		3	Valux

NOTE:
WINDOW TRIM SEE DETAIL 'BN' & 'BP' ON SHEET 11.
CORNER TRIM SEE DETAILS 'BD' & 'BE' ON SHEET 10



FRONT ELEVATION

NOTE:
WINDOW AND DOORS ARE NOT IN CONTRACT AND TO BE SUPPLIED BY OTHERS. IT IS THE RESPONSIBILITY OF OTHERS TO ENSURE THESE PRODUCTS MEET LOCAL CODE REQUIREMENTS FOR NAFS & ENERGY EFFICIENCY. UNWOOD HOME ACCEPTS NO LIABILITY IF THESE PRODUCTS DO NOT MEET CODE. REQUIRED CODE VALUES ARE NOTED ON THE "NOT IN CONTRACT" WINDOW AND DOOR SCHEDULES.



REAR ELEVATION

UNWOOD TO PROVIDE 2x4 P.T. BATTENS & 1/2\"/>

PLANS APPROVED FOR MANUFACTURE

DATE

SUBMITTALS SIGNATURE

Schedule "B"
Drawing No. 1
DOWN

The contractor/submitter is responsible for creating and verifying dimensions in this drawing. Any discrepancies will be resolved in favor of the contractor/submitter.

Every notation followed by "N.I.C." indicates that the item is "Not Included in Contract".

REVISION HISTORY:
REVISION 1: 10/1/2024
REVISION 2: 10/1/2024
REVISION 3: 10/1/2024
REVISION 4: 10/1/2024
REVISION 5: 10/1/2024
REVISION 6: 10/1/2024
REVISION 7: 10/1/2024
REVISION 8: 10/1/2024
REVISION 9: 10/1/2024
REVISION 10: 10/1/2024

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SCHEDULES

24f-E Dfir Glulam Beam Schedule

Tag	Width	Depth	Length(ft)	Qty	Notes
B 001	5 1/2	10	14	1	Square Top, Flush Top
B 002	5 1/2	10 1/2	12	1	Square Top, Lintel 002
B 003	5 1/2	9	15	1	Square Top, Deck Hip Beam, Flush Btm.
B 004	5 1/2	16 1/2	18	1	Square Top, Flush Top
B 005	5 1/2	12	14	1	Square Top, Flush Top
B 006	5 1/2	9	7	1	Square Top
B 101	5 1/2	9	6	1	Square Top, Lintel 102
B 102	5 1/2	24	27	1	Square Top, Flush Top
B 103	5 1/2	10 1/2	11	1	Square Top, Lintel OHGD
B 104	5 1/2	10 1/2	10	1	Square Top, Lintel OHGD
B 105	5 1/2	16 1/2	13	1	Square Top, 5'-4" TOB
B 106	5 1/2	15	15	1	Square Top, 3'-4 5/8" TOB
B 107	5 1/2	10 1/2	12	1	Square Top, Lintel 103
B 108	5 1/2	15	8	1	Square Top, Fireplace Lintel
B 109	5 1/2	10 1/2	8	1	Square Top, Flush Top
B 110	5 1/2	10 1/2	6	1	Square Top, Flush Top
B 201	5 1/2	12	8	1	Square Top, Lintel 208
B 202	5 1/2	24	27	1	Square Top, Ridge
B 203	5 1/2	13 1/2	5	1	Square Top, Lintel MB Door
B 204	5 1/2	27	18	1	Square Top, Ridge
B 205	5 1/2	15	5	1	Square Top, Lintel Hall
B 206	5 1/2	27	29	1	Square Top, Ridge

16c-E Dfir Glulam Post Schedule

Tag	Width	Depth	Length	Qty	Notes
P 1G	5 1/2	9	9	1	

#1 & Btr FOHC KDHT Dfir Beam Schedule

Tag	Width	Depth	Length(ft)	Qty	Notes
DF 001	6	10	11	1	Square Top
DF 002	6	10	11	1	Square Top
DF 003	6	10	11	1	Square Top
DF 004	6	10	11	1	Square Top
DF 005	6	10	11	1	Square Top
DF 006	6	10	12	1	Square Top
DF 007	6	10	8	1	Square Top
DF 101	6	12	16	1	Square Top
DF 102	6	12	16	1	Square Top
DF 103	6	12	17	1	Square Top
DF 104	6	12	13	1	Square Top
DF 105	6	12	5	1	Square Top
DF 106	6	12	9	1	Square Top
DF 107	6	12	8	1	Square Top
DF 108	6	12	9	1	Square Top, Ridge
DF 109	6	12	8	1	Square Top
DF 110	6	12	9	1	Square Top
DF 111	6	12	14	1	Square Top
DF 112	6	12	14	1	Square Top
DF 113	6	12	17	1	Square Top
DF 114	6	10	5	1	Square Top, Hall Lintel

#1 & Btr FOHC KDHT Dfir Post Schedule

Tag	Width	Depth	Length(ft)	Qty	Notes
FP 1	8	8	9	5	
FP 2	6	8	9	4	
FP 3	6	8	8	7	
FP 4	6	10	6	2	Porch Gable End Post
FP 5	6	10	8	1	Porch Gable End Post
FP 6	6	6	6	2	

#1 & Btr FOHC KDHT Dfir Purlin Schedule

Tag	Width	Depth	Length(ft)	Qty	Notes
PL 101	6	6	15	5	Square Top, Porch Purlins
PL 102	6	6	13	6	Square Top, Purlin Beam Kitchen-Dining Room
PL 103	6	6	9	1	Square Top, Purlin Beam Hall
PL 104	6	6	12	3	Square Top, Purlin Beam Study
PL 201	8	4	12	2	Square Top, Sloped 12:12
PL 202	8	10	23	6	Square Top, Sloped 12:12
PL 203	8	10	5	2	Square Top, Sloped 12:12
PL 204	8	4	13	2	Square Top, Sloped 3:12
PL 205	8	4	3	1	Square Top, Sloped 3:12
PL 206	8	4	3	1	Square Top, Sloped 12:12

#1 & Btr FOHC KDHT Dfir Bracket Schedule

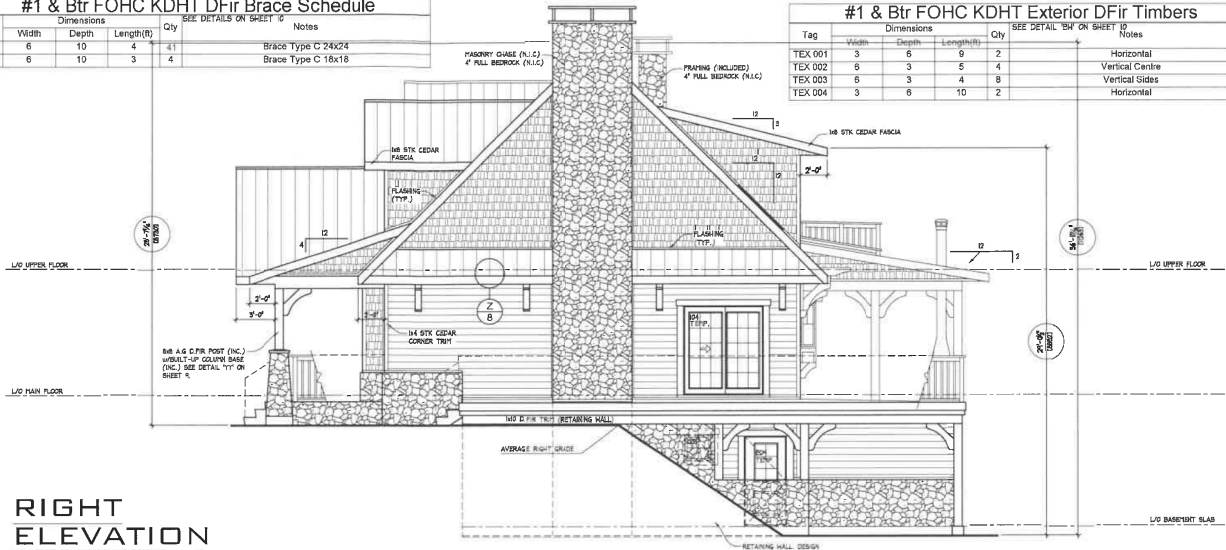
Tag	Width	Depth	Length(ft)	Qty	Notes
BK 001	6	3	3	3	Horizontal P.C.
BK 002	6	3	4	3	Vertical P.C.
BK 003	6	6	2	4	Horizontal P.C.
BK 004	6	3	4	4	Vertical P.C.

#1 & Btr FOHC KDHT Dfir Brace Schedule

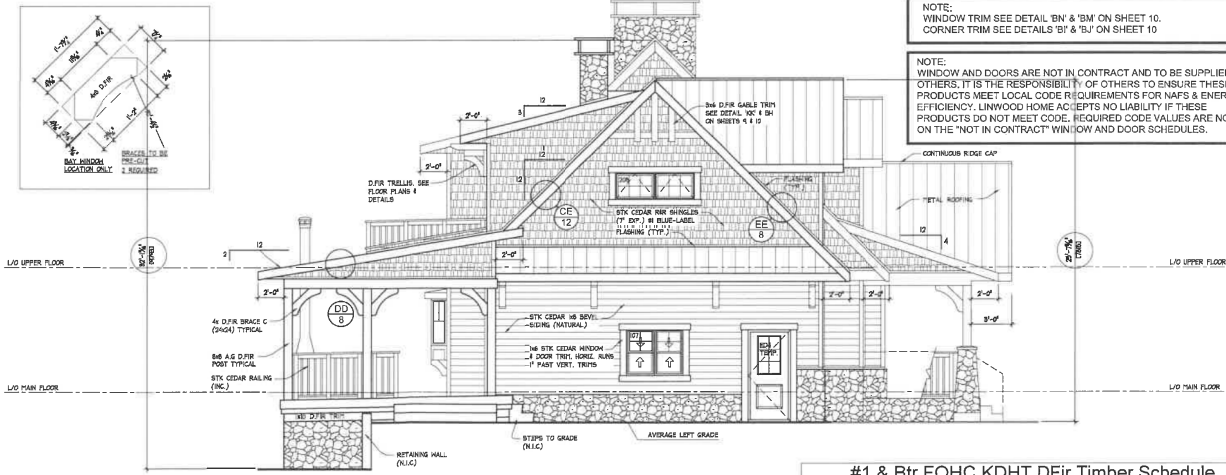
Tag	Width	Depth	Length(ft)	Qty	Notes
BR 001	6	10	4	4	Brace Type C 2x4x24
BR 002	6	10	3	4	Brace Type C 18x18

#1 & Btr FOHC KDHT Exterior Dfir Timbers

Tag	Width	Depth	Length(ft)	Qty	Notes
TEX 001	3	6	9	2	Horizontal
TEX 002	6	3	5	4	Vertical Centre
TEX 003	6	3	4	8	Vertical Sides
TEX 004	3	6	10	2	Horizontal



RIGHT ELEVATION



LEFT ELEVATION

#1 & Btr FOHC KDHT Dfir Timber Schedule

Tag	Width	Depth	Length(ft)	Qty	Notes
T 001	8	10	17	3	Horizontal Member
T 002	8	8	9	3	Vertical Member
T 003	8	8	7	3	Vertical Member
T 004	8	8	13	2	Horizontal Member
T 005	6	6	3	8	Vertical Member
T 006	6	6	4	2	Vertical Member

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PLANS APPROVED FOR MANUFACTURE
DATE
CUSTOMER'S SIGNATURE
SALES REPRESENTATIVE

SALESMAN'S DRAWING No. 2
Schedule "C"

To contract holder is not responsible for checking and verifying dimensions on the drawing. Any dimensions used by customer are subject to inspection.

Every notation followed by "N/C" indicates that the item is "Not Included in Contract"

DRAWN BY: CH
REVISION NUMBER: N/A
CHECKED BY: LT
SCALE: 1/8" = 1'-0"
DATE: AUGUST 15, 2018
SALES OFFICE: DELTA / CALGARY
SALESMAN: B. GUNDERMAN/TAYLOR
WORK: WOODBURN FLEETWOOD
CUSTOMER: MORTIMER
REVISION NUMBER: VERSION 5

PAGE 5-13



NOTICE

GB-DVP-2018.5 (Goszczyński)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections of the Gabriola Island Land Use Bylaw No. 177, 1999, as follows:

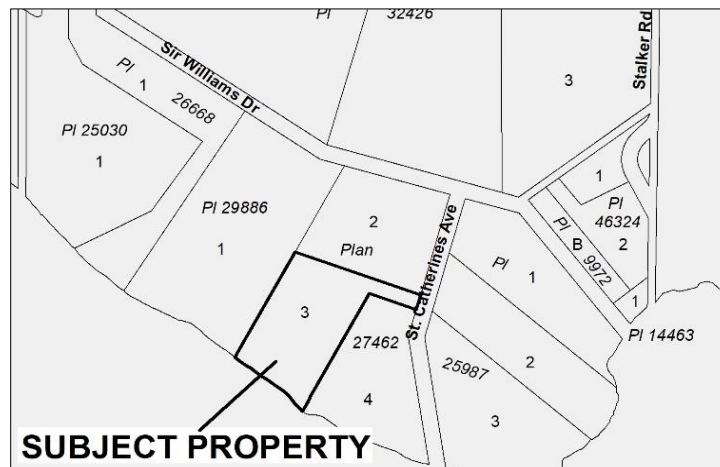
- Part B – **GENERAL REGULATIONS**, Section B.2 – **General Siting and Height Provisions**, Subsection B.2.3 – **Height**, Article B.2.3.2 – “**Unless specified in this Bylaw elsewhere, the maximum height of buildings and structures are:**”, Clause B.2.3.2.a – “9.0 metres (29.5 feet) for dwellings”;
- Is varied in order to increase the maximum height of a dwelling from 9 metres (29.5 feet) to 9.34 metres (30.64 feet).

The subject property is legally described as:

PID: 002-100-410

LOT 3, SECTION 4, NANAIMO DISTRICT, GABRIOLA ISLAND, PLAN 274462

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



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing **November 9, 2018** and continuing up to and including **November 21, 2018**. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Jaime Dubyna, Planner 1, at 250-247-2212; for Toll Free Access request a transfer via Enquiry BC, in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867. Written submissions should be sent to: **Mail:** Islands Trust, 700 North Road, Gabriola, BC V0R 1X3; **Fax:** 250-247-7514 or **Email:** jdubyna@islandstrust.bc.ca

Following the end of the notice period, the Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its Regular Business Meeting to be held at **10:15 am, Thursday, November 22, 2018**, at the Gabriola Arts & Heritage Centre, 476 South Road, Gabriola Island, BC.

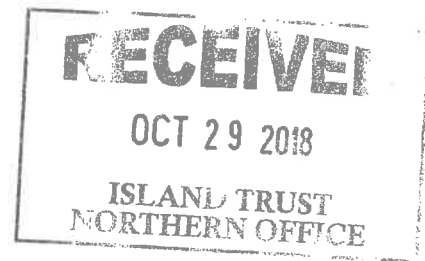
All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Becky McErlean
Deputy Secretary

Gabriola Island, October 25, 2018

To: Gabriola Island Local Trust Committee

Re: GB-DVP-2018.5 (2025 St. Catherines Ave)



Dear Sirs,

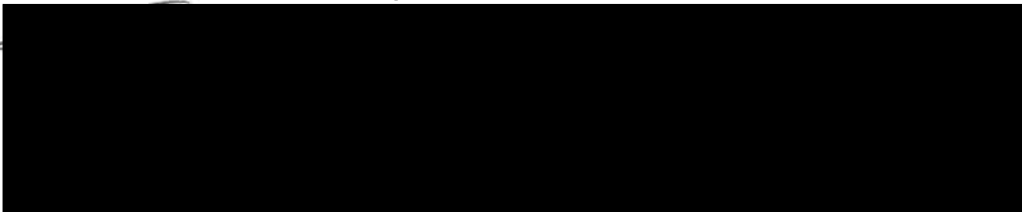
This letter is to provide the reasons for our application for variance.

Let us explain that we have learned that our design exceeds the limit of the local standard by 6 inches at the time of applying for the building permit at RDN office in Nanaimo. It was the RDN planner who calculated it himself in the presence of our general contractor Mr. Jim Strobl. During that meeting it was suggested that changing the pitch of the roof would be an easy solution. It may sound easy but in reality it is not. Esthetically, proportions would be affected. Technically and functionally changing the pitch of the roof would also change the ceiling heights of most of the rooms (our ceilings are vaulted with no attic space). Our design is the result of 2.5 years of hard work and is associated with significant cost. Further changes and additional costs would jeopardize our ability to build the house. We are both retired and staying on the budget is critically important to us.

Your positive consideration would be greatly appreciated.

Sincerely Yours,

Thomas and Barbara Goszczyński



From: Gregg Bromley [REDACTED]
Sent: Friday, October 05, 2018 7:54 AM
To: Thomas Goszczynski
Cc: northinfo
Subject: Re: 2025 St Catherine's Ave - Variance Application
Attachments: File opening letter Sep21.18.pdf

To whom it may concern:

Regarding file # GB-DVP-2018.5

We, Gregg and Donna Bromley of [REDACTED], Gabriola Island are aware of the Development Variance Permit for Lot 3, Section 4, Nanaimo District, Gabriola Island Plan 27462.

We as direct neighbors to Thomas Goszczynski have no problem with the variance and give what ever permission is needed for Thomas to proceed with his planned building.

Thanks - Gregg Bromley

[REDACTED]



File No.: GB-DVP-2018.6 (Durrance)

DATE OF MEETING: November 22, 2018

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Development Variance Permit Application
Applicant: Maureen Durrance
Location: PID 003-431-657 (538 Wildwood Crescent, Gabriola)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee defer consideration of application GB-DVP-2018.6 following receipt of an assessment report from an Authorized Person under the *Sewerage System Regulation* indicating whether or not the design and siting of the existing septic tank and field are consistent with the *Sewerage System Regulation* and *Sewerage System Standard Practice Manual*, and what, if any, modifications are needed to the septic tank and field in order to meet industry standards and regulatory requirements.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider application GB-DVP-2018.6 for a Development Variance Permit (DVP) to authorize the siting of a sewage disposal system, rock wall and stair case, which currently contravene Gabriola Island Land Use Bylaw No. 177, 1999 (LUB) setback regulations. Staff recommend that further information be provided by the applicant before the LTC renders a decision to approve or deny any or all of the requested variances.

BACKGROUND

Bylaw Enforcement of the subject property was initiated in 2012 resulting from structures being built within required setbacks, including: a sewage disposal system within a required 30 metre watercourse setback; and a rock retaining wall within a required 15 metre watercourse setback to a watercourse (Goodhue Creek).

However, the file was closed prior to resolution of the bylaw infractions. In 2015, a subsequent investigation revealed additional construction of stairs and rock wall within the required 15 metre setback and within the newly proposed 30 metre *Riparian Area Regulation* Development Permit Area (DPA). The DPA was formally established, by bylaw, in May 2015. While a development permit could not be required retroactively (as the works were constructed prior to the establishment of a DPA), siting of structures within the 15 and 30 metre setbacks to the watercourse continued to be outstanding bylaw violations and the owner was advised in 2016 to either seek compliance with the regulations by relocating the structures within the setback areas or applying for a variance. The owner applied for a DVP in September 2018.

ANALYSIS

Policy/Regulatory:

The residential development on the subject property is consistent with the land use designation in the [Gabriola Island Official Community Plan Bylaw No. 166](#) (OCP) (Attachment 1 – Site Context).

The siting of a sewage disposal system, rock wall and stair case contravene two specific setback provisions in the [Gabriola Island Land Use Bylaw No. 177](#) (LUB) (Attachment 1 – Site Context). The sewage disposal field is within 30 metres of the natural boundary of Goodhue Creek and the septic tanks, rock walls and stair case are within the 15 metre setback to Goodhue Creek.

A Qualified Environmental Professional (QEP) completed a *Riparian Areas Regulation* (RAR) Assessment Report in 2016 (Attachment 2) and delineated a 10 metre SPEA along Goodhue Creek as shown in Figure 1 below. All existing buildings and structures are located outside the SPEA. Staff note that, despite the lack of a requirement to obtain a Development Permit, the land owners continue to be responsible for complying with the RAR.

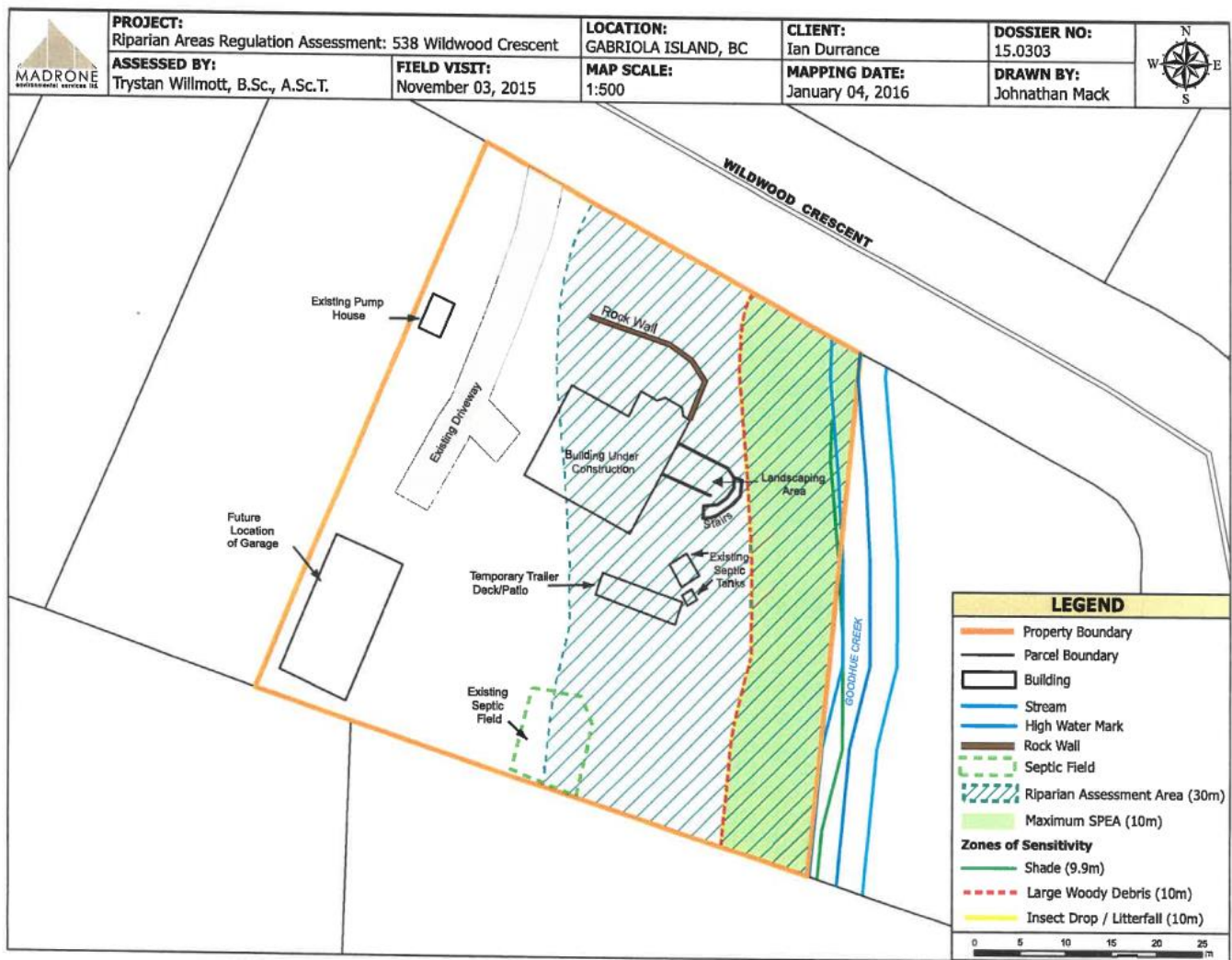


Figure 1. SPEA and Riparian Areas Regulation Development Permit Area

The QEP recommended the existing lawn within the SPEA be replaced with plantings of native shrubs and trees. The restoration would benefit potential downstream fish habitat and increase wildlife value. The QEP also recommended the following:

“No new development activities are permitted inside the SPEA, the outer edge of which should be clearly demarcated with an aesthetically pleasing fence over the long term (e.g. split rail cedar design). The location and extent of the SPEA should be clearly registered with the parcel, which will allow any future property owners to be fully aware of the restrictions associated with the SPEA.”

The RAR report, including Figure 1, which clearly denotes the location of the SPEA, is intended to be a schedule to the DVP. Future owners would be made aware of the restrictions associated with the SPEA by way of a Notice on Title that a permit is registered that affects the use of the land. Planning staff have prepared a draft DVP with specific conditions pertaining to the restoration and fencing of the SPEA.

Issues and Opportunities:

Setbacks to the Watercourse:

The applicant requires a variance to the 30 metre setback to Goodhue Creek, in order for the siting of the existing sewage disposal system to comply with the siting requirements of the Gabriola LUB. Planning staff requested the Environmental Health Officer at Island Health to confirm that the siting of the sewage disposal system as shown on Figure 1. does not contravene the BC *Sewerage System Regulation*. A septic filing to Island Health in 2011 of the “as constructed” sewage disposal system indicated the sewage disposal field was sited “greater than 30 m” from a stream. Staff note that Island Health, the authority responsible for the *Public Health Act and Regulations*, uses a professional reliance model with respect to the design, construction and maintenance of septic systems. Professionals are described as Authorized Persons under the Sewerage System Regulation; these include Professional Engineers (registered under APEGBC) and Registered Onsite Wastewater Practitioners (certified under ASTTBC). Authorized persons are also responsible for submitting plans, filings and fees to Island Health and for submitting as-built diagrams and the system’s maintenance plan following completion. A sewerage system ‘letter of certification’ was filed with Island Health on November 7, 2011 stating that the sewerage system had been constructed in accordance with standard practice. However the setbacks indicated on the filing do not reflect the setbacks shown on the 2015 site plan and 2016 RAR assessment.

The applicant also requires a variance to the 15 m setback to the creek in order to permit the siting of the existing stairs, rockwalls and septic tanks as shown on Figure 1. The draft DVP addresses both setbacks to Goodhue Creek (Attachment 2).

Enhancement of the SPEA:

In order to improve the biological function of the SPEA, the QEP has recommended that fencing be installed along the entire 10 metre setback to the high water mark of Goodhue Creek; that the entire 5 metre high water mark to Goodhue Creek be replanted with nine specific species of native trees, shrubs and herbs at 1 metre intervals; and that deer browse protection of newly established plantings be installed and maintained in order to remedy the damage to the natural environment resulting from residential development. Staff recommends that if approved, the DVP be conditional on the receipt of a professionally prepared fencing, planting and deer browse protection plan that is consistent with the QEP recommendations. Once the plan is received and deemed approved by planning staff, the DVP can be issued and additional conditions pertaining to the receipt of security and restoration will be in effect as per the timelines in the draft DVP (Attachment 2).

Requirement for Security as condition of the DVP:

Under section 502 of the [Local Government Act](#) (LGA) a local government can require, as a condition of issuance of a land use permit, that the applicant for the permit provide security to the local government in an amount stated in the permit. The applicant can choose the form of security, either an (auto-renewing) irrevocable letter of credit or a certified cheque; this is generally equivalent to 125% of the total cost to complete the required works, which in this instance include fencing, planting and a deer browse protection plan. This would ensure the timely completion of the restoration work within the SPEA. The draft DVP contains a provision for the security as well as timelines for completion and inspection of the works, prior to the security being returned to the permit holder (Attachment 2).

Consultation:

Notification of this DVP application (Attachment 2) was distributed to neighbouring property owners and tenants within 100 metres in accordance with statutory requirements. Any submissions received will be presented at the LTC meeting on November 22, 2018.

Rationale for Recommendation

Staff recommend that the LTC defer consideration of its decision on the requested variances until it has received sufficient information from an Authorized Person under the Sewerage System Regulations that the placement of the septic disposal field and tanks regarding the extent to which these structures comply with the Sewerage System Regulations and current Standards of Practice, and what, if any, modifications are needed in order to achieve regulatory compliance and industry specifications for the placement of the field and tanks in relation to the watercourse. The staff recommendation is noted on page 1 of the report.

ALTERNATIVES

1. Approve Issuance of Permit With Conditions

The LTC may decide to approve the variance with issuance of the DVP subject to conditions, consistent with the recommendations of the QEP. The applicant would be asked to:

- Solicit the services of a BCSLA or BCLNA member to prepare a fencing, planting and deer browse protection plan and cost estimate for the works to be installed;
- Submit the plan and cost estimate to the Island Planner no later than January 31, 2019 for review. If deemed acceptable, GB-DVP-2018.6 will be issued to the owner as per LTC resolution.

Staff would then monitor the timelines stipulated within the DVP for security to be received (February 2019) and SPEA restoration works to be completed (November 2019). The resolution may be worded as follows:

That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2018.6, conditional upon receipt of the following by January 31, 2019:

- a) A fencing, planting and deer browse protection plan for the Streamside Protection and Enhancement Area (SPEA) on PID 003-431-657 in accordance with the recommendations in the Riparian Areas Regulation Assessment Report as shown in Schedule "B" of the draft Development Variance Permit; and*
- b) A cost estimate for the works to be installed; and*

- c) *That both the plan and cost estimate be prepared by a member of the BC Society of Landscape Architects (BCSLA) or BC Landscape and Nursery Association (BCLNA).*

2. Approve Issuance of Permit Without Conditions

The LTC may decide to approve the issuance of the DVP without conditions. The following resolutions would be made in this case:

That the Gabriola Island Local Trust Committee remove conditions 2 i), ii) and iii) from Development Variance Permit GB-DVP-2018.6.

That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2018.6.

3. Deny any or all of the variances

The LTC may deny any or all of the requested variances. In this case, it is recommended that the LTC amend the permit accordingly (if necessary) and specify the reasons for its decision.

NEXT STEPS

If the LTC concurs with the staff recommendations, the owner/applicant will be advised to solicit input from an Authorized Person under the Sewerage System Regulations to confirm the sufficiency of the septic field and tanks relative to regulatory requirements and industry standards.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	November 9, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 14, 2018

ATTACHMENTS

1. Site Context
2. Draft Development Variance Permit and Notice

ATTACHMENT 1 – SITE CONTEXT GB-DVP-2018.6 (DURRANCE)

LOCATION

Legal Description	LOT 5, SECTION 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP21531
PID	003-431-657
Civic Address	538 Wildwood Crescent, Gabriola Island
Lot Size	0.34 hectares (0.84 acres)

LAND USE

Current Land Use	Single family residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

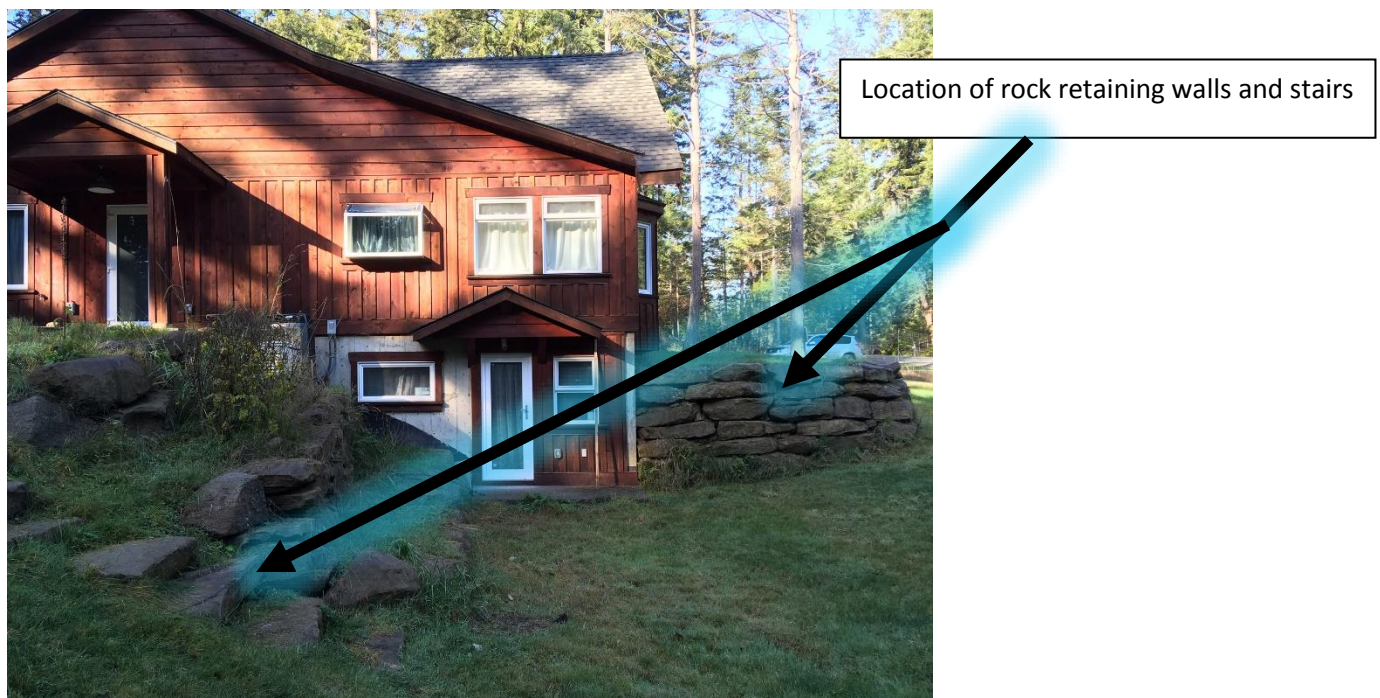
File No.	Purpose
GB-BE-2015.8 (<i>open</i>)	For structures sited within 15 metres of Goodhue Creek and a sewage disposal field within 30 metres of Goodhue Creek.

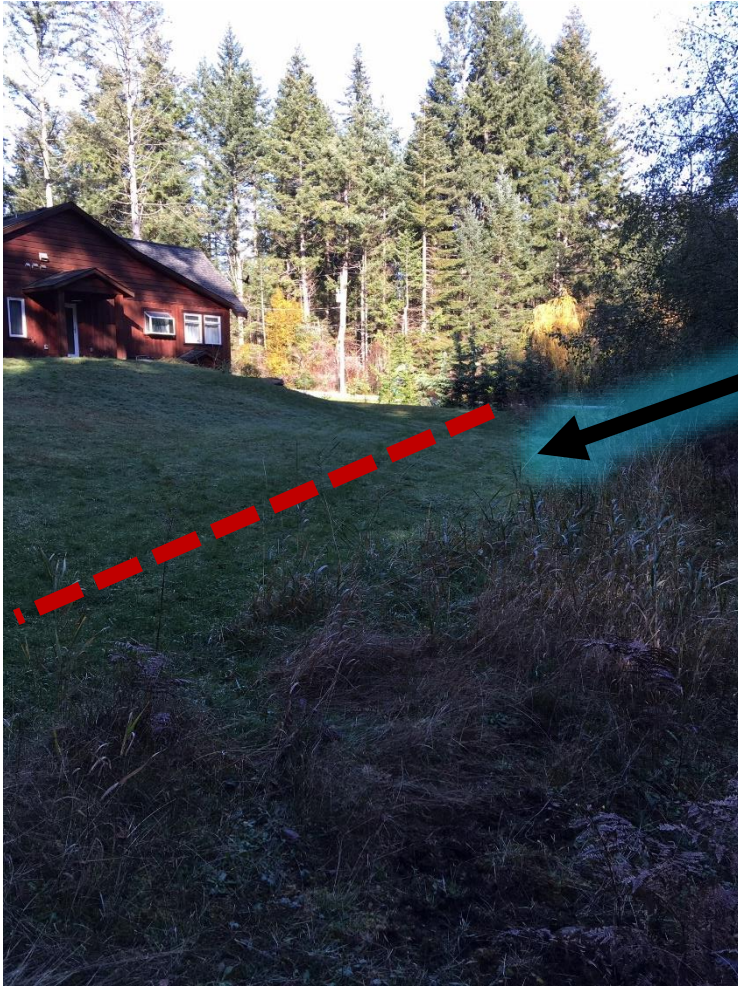
POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: SRR – Small Rural Residential Development Permit Area 3 – DP-3 – Riparian Areas
Land Use Bylaw	Zone: Small Rural Residential (SRR) B.2.1.1.a Despite all other siting references in this Bylaw excepting B.2.1.4c, third party signs, fences, pump/utility houses, retaining walls, ground level decks, <i>structures</i> and <i>buildings</i> , excepting <i>boathouses</i> , must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the <i>natural boundary</i> of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the <i>natural boundary</i> of any lake, stream or wetland. Where the <i>frontage</i> on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, <i>buildings</i> and <i>structures</i> must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the <i>natural boundary</i> of the sea. B.2.1.1.b A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland.
Other Regulations	Public Health Act – Sewage System Regulation
Covenants	Restrictive Covenant 3951745 (1970) with Wildwood Estates restricting use of land to single family residential/home occupations
Bylaw Enforcement	X Reference GB-BE-2015.8

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) -owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Plan	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is LOW/MEDIUM.
Species at Risk	None mapped.
Sensitive Ecosystems	Riparian Area – Goodhue Creek
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on the subject property, nor archaeological potential on 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	Tree and vegetation planting and restoration is anticipated to mitigate greenhouse gas emissions associated with the residential development.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property to be within a moderately low vulnerability area.
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a





Approximate location of 10 metre SPEA for fencing, planting and deer browse protection.



Existing septic field/boulder placement within 30 metres of Goodhue Creek



NOTICE

GB-DVP-2018.6 (DURRANCE)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections of the Gabriola Island Land Use Bylaw No. 177, 1999, as follows:

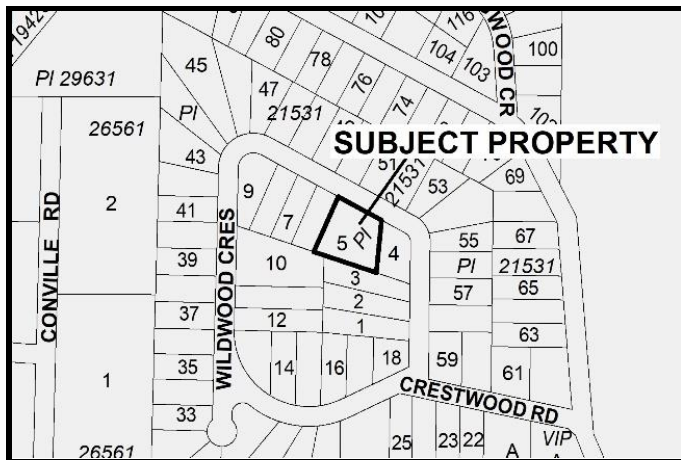
- 1) PART B **GENERAL REGULATIONS**, Section B.2 **General Siting and Height Provisions**, Subsection B.2.1 **Special Setbacks and Elevations**, Article B.2.1.1 **Setbacks and Elevations from Watercourses and the Sea**, Clause B.2.1.1.a: “Despite all other siting references in this Bylaw, third party signs, fences, pump/utility houses, retaining walls, *structures* and *buildings*, excepting *boathouses*, must be sited a minimum of ... 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream, or wetland. Where the *frontage* on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, *buildings* and *structures* must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea”; **and**
- 2) PART B **GENERAL REGULATIONS**, Section B.2 **General Siting and Height Provisions**, Subsection B.2.1 **Special Setbacks and Elevations**, Article B.2.1.1 **Setbacks and Elevations from Watercourses and the Sea**, Clause B.2.1.1.b: “A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland.”;
- **Is varied** in order to reduce the setback from the natural boundary of a stream (Goodhue Creek) from 30m for the siting of a sewage disposal field and 15.0 m to allow the siting of existing structures outside of the 10 metre Streamside Protection and Enhancement Area (SPEA) but within the 15 metre setback as shown on the BCLS site plan dated December 10, 2015. The variance is to bring existing structures into compliance with Gabriola Island Land Use Bylaw No. 177.

The subject property is legally described as:

PID 003-431-657

Lot 5, Section 13, Gabriola Island, Nanaimo District, Plan VIP21531

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



Written submissions should be sent to:

Mail: Islands Trust, 700 North Road
Gabriola Island, BC V0R 1X3
Fax: 250-247-7514
Email: szupanec@islandstrust.bc.ca

A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing **November 9, 2018** and continuing up to and including **November 21, 2018**. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Sonja Zupanec, Island Planner, at 250-247-2211; for Toll Free Access request a transfer via Enquiry BC, in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Following the end of the notice period, the Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its Regular Business Meeting to be held at **10:15 am, Thursday, November 22, 2018, at the Gabriola Arts & Heritage Centre, 476 South Road, Gabriola Island, BC**

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

Becky McErlean
Deputy Secretary

PROPOSED



GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2018.6

TO: Maureen Durrance

1. This Development Variance Permit applies to the land described below:

PID: 003-431-657

LOT 5, SECTION 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP21531

2. Pursuant to Section 498 of the *Local Government Act*, the *Gabriola Island Land Use Bylaw No. 177, 1999* is varied as follows:
 - a) PART B **GENERAL REGULATIONS**, Section B.2 **General Siting and Height Provisions**, Subsection B.2.1 **Special Setbacks and Elevations**, Article B.2.1.1 **Setbacks and Elevations from Watercourses and the Sea**, Clause B.2.1.1.a: “Despite all other siting references in this Bylaw, third party signs, fences, pump/utility houses, retaining walls, *structures* and *buildings*, excepting *boathouses*, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream, or wetland. Where the *frontage* on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, *buildings* and *structures* must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of the sea”, **is varied:**
 - To reduce the setback from the natural boundary of a stream (Goodhue Creek) from 15.0 m to allow the siting of existing structures outside of the 10 metre Streamside Protection and Enhancement Area (SPEA) but within the 15 metre setback as shown on the BCLS site plan dated December 10, 2015 on Schedule “A” – Site Plan attached to and forming part of this permit. The variance is to bring existing structures into compliance with Gabriola Island Land Use Bylaw No. 177.
 - b) PART B **GENERAL REGULATIONS**, Section B.2 **General Siting and Height Provisions**, Subsection B.2.1 **Special Setbacks and Elevations**, Article B.2.1.1 **Setbacks and Elevations from Watercourses and the Sea**, Clause B.2.1.1.b: “A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland.”, **is varied:**
 - To reduce the setback from the natural boundary of a stream (Goodhue Creek) from 30m for the siting of a sewage disposal field as shown on the BCLS site plan dated December 10, 2015 on Schedule “A” – Site Plan attached to and forming part of this permit.

Subject to the following conditions:

- i. **By February 28, 2019** the Gabriola Island Local Trust Committee receive financial security, in an amount equal to 125% of the estimated cost either in the form of a certified cheque or auto-renewing irrevocable letter of credit, to ensure completion of the fencing, planting and deer browse protection plan in accordance with the Qualified Environmental Professional (QEP) recommendations in Schedule "B" – Riparian Areas Regulation Assessment attached to and forming part of this permit; and
 - ii. **By November 30, 2019** the Gabriola Island Local Trust Committee receive a copy of the QEP final site inspection report confirming the installation of the recommended fencing, planting and deer browse protection plan. The report will form the basis of a post-construction report and be submitted to the Riparian Areas Regulation Notification System.
 - iii. That financial security for application GB-DVP-2018.6 be returned to the permit holder a minimum of two years from the date security is provided, upon receipt of confirmation by a member of the BCSLA or BCLNA that the installed plantings are in substantial compliance with the approved landscape plan and has been established and maintained in accordance with BCSLA or BCLNA industry standards.
3. All buildings and structures shall be consistent with Schedule "A" and "B" which are attached to and form part of this permit. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gabriola Island Land Use Bylaw No. 177, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

Date of Issuance

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

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DVP-2018.6 (Durrance)

Schedule "A" - Site Plan



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

GB-DVP-2018.6 (Durrance)

Schedule “B” – RAR Assessment Report

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Regulation: Assessment Report

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

Date 2016-01-04

I. Primary QEP Information

First Name	Trystan	Middle Name	Mark
Last Name	Willmott		
Designation	Technologist	Company	Madrone Environmental Services Ltd.
Registration #	25491	Email	trystan.willmott@madrone.ca
Address	1081 Canada Avenue		
City	Duncan	Postal/Zip	V9L 1V2
Prov/state	BC	Country	Canada
		Phone #	250 746 5545

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

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Ian	Middle Name	
Last Name	Durrance		
Company	N/A		
Phone #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	

IV. Development Information

Development Type	Construction: single family residential		
Area of Development (ha)	0.02	Riparian Length (m)	58.2
Lot Area (ha)	0.33	Nature of Development	New
Proposed Start Date	2015-11-03	Proposed End Date	2016-03-30

V. Location of Proposed Development

Street Address (or nearest town)	538 Wildwood Crescent		
Local Government	Regional District of Nanaimo	City	Gabriola Island
Stream Name	Goodhue Creek		
Legal Description (PID)	003-431-657	Region	Region 1 – Vancouver Island
Stream/River Type	Stream	DFO Area	South Island
Watershed Code	925-380000-26400		
Latitude	49	9	56.95
Longitude	123	50	25.87

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

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

This Riparian Area Regulation (RAR) assessment is a "retroactive" report based on the development of a residence within the 30 m Riparian Assessment Area (RAA) of a stream on Gabriola Island. The landowner advised me that he received a building permit for the construction of the residence and proceeded with the development. During construction of the house, the landowner was advised about the requirement for a RAR assessment. It should be noted that the responsible local government (Islands Trust) has only recently implemented the RAR on Gabriola Island.

When I completed the assessment on November 3rd 2015, the single family residence was almost complete, with remaining work associated with finishing the inside of the house and the construction of lead walkways and a patio area. Based on the fact that the majority of development activities that had the potential of impacting the riparian area were already complete at the time of the assessment, the main objective was to establish the dimensions of the Streamside Protection and Enhancement Area (SPEA) and determine whether development activities had any implications to the SPEA. Another objective was to ensure that remaining development activities (construction of the walkways and patio) respected the SPEA boundaries.

The subject watercourse is known as Goodhue Creek, as per the *Gabriola, Valdes, Thetis and Kuper Islands Water Allocation Plan* (Ministry of Environment, Lands and Parks, 1994). The stream flows on a seasonal basis, with no flow recorded between June and November (MoE 1994). Based on the landowner's information and observations of the neighbour to the immediate north, the stream was dry up to the significant rainfall event that occurred over the weekend of October 30th to November 1st 2015. The stream was wetted, therefore, during the site assessment.

The Goodhue Creek watershed covers an area of 10.5 km², with 6.48 km² occurring upstream of Hoggan Lake, which Goodhue Creek flows into (MoE 1994). Hoggan Lake (located approximately 1.5 km downstream of the subject property) was listed as a "Sport Fishing Water" in the MoE *Water Allocation Plan* (1994). This document also notes that the lower reach of Goodhue Creek, immediately upstream of the confluence with Hoggan Lake, represented confirmed spawning habitat for Rainbow Trout (*Oncorhynchus mykiss*). Fish stocking records for Hoggan Lake indicate that it was stocked with Coastal Cutthroat Trout (*Oncorhynchus clarkii clarkii*) between the years of 1924 and 1927 (as per the Fisheries Information Summary System – FISS - 2015). Fish sampling in 1972 (as noted in FISS, 2015) confirmed the presence of both Coastal Cutthroat trout and Rainbow Trout in Hoggan Lake. This indicates that the Coastal Cutthroat Trout introduced between 1924 and 1927 must have established a self-sustaining population. The confirmation of Rainbow Trout in 1972, which had not been stocked in the lake, indicates that an original resident population had likely always been present in the lake (using the lower reaches of Goodhue Creek for spawning, as noted by MoE, 1994). Whether Coastal Cutthroat Trout or Rainbow Trout still persist in the lake or anywhere in Goodhue Creek is unknown, but at the very least, Hoggan Lake and Goodhue Creek (especially the lower reaches immediately upstream of the lake inflow) represent potential fish habitat.

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Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Based on observations made during a stream mapping project completed by Madrone in 2011, Goodhue Creek has been historically channelized throughout the majority of the watershed, which has negatively impacted the capability of the stream to support fish. Where Goodhue Creek flows through a wetland complex located approximately 150 m downstream of the subject property, the stream is poorly defined, with extensive shallow water spreading out over a significant area. Based on the spatial extent of the wetland, shallow water and lack of a defined channel through the wetland, it is unlikely that fish from Hoggan Lake would be able to access Goodhue Creek upstream of the wetland. As the stream connects by surface flow to potential fish habitat (Hoggan Lake), Goodhue Creek qualifies as a "stream" under the Riparian Area Regulation throughout the watershed.

Goodhue Creek enters the northern portion of the subject property via a closed metal pipe underneath Wildwood Crescent. The stream lacks natural sinuosity, based on historical channelization activities. The substrate consists of a "veneer" of soft organic deposits over a bedrock base. Fish habitat attributes are lacking (should fish be present upstream of the wetland complex described above), as there is no spawning habitat, no residual pool habitat units that would support fish over the summer months and no security habitat (features such as boulders, Large Woody Debris or undercut banks are not present).

The riparian vegetation adjacent to the left bank consists of a fringe of young red alder (*Alnus rubra*), willow (*Salix* sp.) and salmonberry (*Rubus spectabilis*). This fringe, which occurs on the subject property, is providing biological function, mainly in the form of bank stability, leaf litter input and nutrient input. The right bank consists of a lawn area, which has been recently disturbed by construction activities associated with development of the house (machine access). Isolated salmonberry, willows and red alder (less than 2 m high) occur within the immediate riparian area of the watercourse on the right bank. A narrow band of common rush (*Juncus effusus*) extends along the high water mark on the right bank. One mature western redcedar (*Thuja plicata*) occurs on the edge of the SPEA close to the southern property boundary on the right bank of the stream.

One mature Scotch broom (*Cytisus scoparius*) plant was observed in the SPEA (close to the high water mark) during the site assessment. Wherever this plant is found on the property in the future, it should be removed, as it is invasive. Prompt removal is recommended on the subject property, before the species becomes established. Removal of Scotch broom infestations once a population becomes established can be very difficult. Scotch broom should be removed while it is in full flower, but before it goes to seed. This will help prevent the plant from re-sprouting, as the root stock will contain less energy during the flowering phase. Small broom plants (less than the diameter of a pencil) can be pulled out of the ground. Care must be made to avoid soil disturbance when pulling plants, as this can bring more seeds to the surface (Scotch broom seeds can remain viable in the soil for a long time period – up to 80 years). Larger plants can be cut, but the cut must be made close to the soil/root interface; if the cut is made too high, the plant will re-sprout vigorously from the remaining stem.

Based on measurements taken from the high water mark during the field assessment, activities associated with construction of the house (including a stone stairway) have occurred beyond the

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

10 m SPEA (albeit up to the outer edge of the SPEA). The house itself is approximately 15 m from the high water mark. A comparison with site conditions in the riparian area during the Madrone 2011 stream mapping project indicates that the riparian area adjacent to the right bank consisted of lawn in 2011. As noted, disturbance has occurred over the lawn area within the SPEA, as a result of activities associated with construction of the residence. Disturbance to the lawn has not resulted in any impacts to functioning riparian vegetation. During the assessment, it was noted that grass was beginning to grow back in the disturbed areas.

The landowner is very interested in planting native shrubs and trees in the SPEA to enhance the current value of the SPEA, both in terms of benefitting potential downstream fish habitat and also increasing wildlife value (e.g. encouraging bird use). I have included a list of species (Table 1) that are recommended for planting inside the SPEA, to improve habitat conditions in comparison with the existing land use (lawn). The most benefit would be realized if the recommended species were planted within 2-5 m of the stream.

Table 1. Recommended species for enhancement of the SPEA – 538 Wildwood Crescent

Latin Name	Common Name
Shrubs	
<i>Rubus spectabilis</i>	Salmonberry
<i>Ribes sanguineum</i>	Flowering currant
<i>Rubus parviflorum</i>	Thimbleberry
<i>Lonicera involucrata</i>	Black twinberry
Herb	
<i>Polystichum munitum</i>	Swordfern
Trees	
<i>Pseudotsuga menziesii</i>	Douglas-fir
<i>Thuja plicata</i>	Western redcedar
<i>Cornus nuttallii</i>	Flowering dogwood
<i>Prunus emarginata</i>	Bitter cherry

Shrubs and herbs should be spaced at least 1 m apart, with trees interspersed throughout (using one-gallon pots). Planting would be most successful if carried out during the early spring or autumn months, when both soil moisture and temperature are at optimal levels for plant survival. Based on the significant population of Columbian black-tailed Deer (*Odocoileus hemionus columbianus*) on Gabriola Island, any enhancement of the SPEA should consider protection of the plants from deer browse (e.g. by fencing). Native plants are naturally drought-tolerant, but watering would likely be required over the first summer, to allow the plants to become established.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date:

2016-01-04

Description of Water bodies involved (number, type)

Goodhue Creek

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	3.6	
upstream	3.5	0.5
	4.1	
	3.8	
	3.0	
	2.8	
downstream	2.9	0.5
	3.1	
	3.8	
	3.1	
	2.6	
Total: minus high /low	29.6	
mean	3.3	0.5
	*R/P	C/P S/P
Channel Type	X	

I, Trystan Willmott, 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 Ian Durrance;

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)

	Yes	No
SPVT Polygons		X

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

I, Trystan Willmott, 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 Ian Durrance;

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:

LC SH TR

SPVT Type X

Method employed if other than TR

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Polygon No:

LC SH TR

SPVT Type

Method employed if other than TR

Polygon No:

SPVT Type

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No: 1 If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons

LWD, Bank and Channel Stability ZOS (m) 10

Litter fall and insect drop ZOS (m) 10

Shade ZOS (m) max 9.9 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, Trystan Willmott, 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 Ian Durrance;

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- 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

*The "riffle-pool" channel morphology represents a default choice based on stream width and gradient, as opposed to actual channel-forming processes observed in the field. The stream does not represent a typical riffle-pool sequence, as it has been historically channelized.

The high water mark was identified in the field with labelled blue flagging; the outside of the SPEA was identified and labelled with orange flagging to provide a preliminary visual marker of the extent of the protected area. Since the completion of the field assessment, the SPEA has been professionally surveyed and staked as a horizontal distance from the flagged high water mark. The survey data forms the basis of the Site Plan (Section 3).



PROJECT:
Riparian Areas Regulation Assessment: 538 Wildwood Crescent

ASSESSED BY:
Trystan Willmott, B.Sc., A.Sc.T.

LOCATION:
GABRIOLA ISLAND, BC

MAP SCALE:
1:500

CLIENT:
Ian Durrance

MAPPING DATE:
January 04, 2016

DOSSIER NO:
15.0303

DRAWN BY:
Johnathan Mack



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Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as needed, for each element discussed in chapter 1.1.3 of Assessment Methodology. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	
I, <u>Trystan Willmott</u>, hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ian Durrance</u>; g) 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	
	The majority of the SPEA represents an area that has supported in the recent past, and continues to support, a lawn area. Except for a single mature western redcedar that occurs on the edge of the SPEA close to the southern property boundary, the SPEA on the development side of the stream contains no trees. During the assessment, this redcedar appeared in good health. It was displaying seasonal "flagging", identifiable by patchy brown (dead) foliage. This is a common occurrence during the late summer and autumn months for this species. There is a fringe of young red alder and willow that occurs in a thin segment associated with the subject property on the left bank of the stream, within 2 metres of the stream. Based on the distance of the residence from this fringe of young trees, and the distance from any "targets" on the neighbouring property to the east, it is unlikely that trees in this vegetated fringe would require management in the future related to addressing potential hazards. If a potential hazard tree were identified at any point in the future in the vegetated fringe on the left bank, or the mature western redcedar on the edge of the SPEA on the right bank required treatment in the future, appropriate strategies would need to be employed. Management options that are focused on retention of as much of the tree stem as possible (while still maintaining immediate and future safety concerns), as opposed to complete removal, represent the most appropriate management techniques. Prior to the removal of or initiation of management techniques on any tree, an appropriately qualified professional (e.g. professional forester with specific knowledge related to the management of wildlife trees) must be retained in order to determine the most appropriate tree management. In the event that stems or limbs are cut down, the Coarse Woody Debris (CWD) must remain within the SPEA. The CWD will continue to provide benefits to wildlife (e.g. security habitat for amphibians), provide nutrients to the soil as it breaks down and also help to retain soil moisture.

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	Any removal of a danger tree from the SPEA must be offset by planting trees in the SPEA. At a minimum, a 2:1 replacement ratio is required. Western redcedar represents the most appropriate species to plant, based on its longevity, natural resistance to decay and associated long-term benefits afforded to riparian areas.
2. Windthrow	
I, <u>Trystan Willmott</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>Ian Durrance</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	
	Windthrow is usually caused by clearing extensive treed areas and creating exposed edges. Trees that lose the benefit of shelter from surrounding forested stands that are removed are considered vulnerable to blow-down (i.e. the exposed trees are not considered "windfirm"). The construction of the residence occurred in an area that previously supported a lawn (as per comparisons to site conditions in 2011). As such, the removal of trees was not required for construction of the house. The development activities on the subject property, therefore, have not resulted in any increased exposure of trees to wind in relation to pre-development conditions, which includes the riparian fringe on the left bank and the redcedar on the right bank.
3. Slope Stability	
I, <u>Trystan Willmott</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>Ian Durrance</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	
	The house has been constructed on level ground in the approximate centre of the lot. From the edge of the stream, the terrain slopes gently through the SPEA. No indicators of slope instability were observed on this shallow slope. Based on the gradient of the slopes and location of the development, construction activities that have occurred on the property, and remaining development activities, have not resulted in or will not result in, any increased potential for negative impacts to the SPEA related to slope instability.

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4. Protection of Trees	
I, <u>Trystan Willmott</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>Ian Durrance</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	
	As noted, the land use in the SPEA consisted of a maintained lawn prior to the construction of the house (based on a comparison to conditions in 2011 during the Madrone stream mapping project). Due to the pre-development conditions of the SPEA, development activities on the property would not have caused any negative impacts to trees. The trees growing in the riparian fringe along the left bank were unaffected by the development. Based on the distance of the single western redcedar growing in the SPEA close to the southern property boundary from the development footprint associated with the house, it also remained unaffected (including the rooting zone). Remaining development activities (construction of walkways and a patio) will not impact upon the rooting zone of this tree, based on the location of the tree relative to the construction footprint.
5. Encroachment	
I, <u>Trystan Willmott</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>Ian Durrance</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	
	The SPEA represents an area where new development activities are not permitted (including remaining activities associated with the walkways and patio). Under the Riparian Area Regulations, the following activities are considered "development": - Removal, alteration, disruption or destruction of vegetation; - Disturbance of soils; - Construction of temporary or permanent structures; - Creation of non-structural impervious or semi impervious surfaces; - Flood protection works; - Construction of roads and trails; - Provision and maintenance of sewer/water services; - Development of drainage systems; and - Development of utility corridors.

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	The footprint of the residence (including the stone stairway) does not encroach on the SPEA, although the stone stairway does occur up to the outer edge of the SPEA. A perforated pipe has also been buried through the SPEA, with the outlet over a grassy area within approximately 2 m of the right bank of the stream. This pipe collects and disperses water from perimeter drains around the house. As noted previously, the lawn area inside the SPEA has been disturbed by machine access during construction activities. This construction-phase encroachment has not resulted in any impacts to functioning riparian vegetation, and the area is being returned to lawn (during the assessment, grass was growing back over the disturbed areas). The landowner is very interested in changing the landscape of the SPEA from a lawn to an area supporting functioning riparian vegetation (as per the recommended vegetation list contained in Section 1). These recommended enhancement activities are not considered "encroachment". No new development activities are permitted inside the SPEA, the outer edge of which should be clearly demarcated with an aesthetically-pleasing fence over the long term (e.g. split rail cedar design). The location and extent of the SPEA should be clearly registered with the parcel, which will allow any future property owners to be fully aware of the restrictions associated with the SPEA.
6. Sediment and Erosion Control	
	I, <u>Trystan Willmott</u>, hereby certify that: - I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; - I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ian Durrance</u>; - 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
	Activities that are associated with construction lead to the creation of exposed (un-vegetated) ground, which is prone to erosion from rain-splash. Once soil particles are dislodged, entrainment in surface water and subsequent transportation over the land surface can occur. Sediment from overland flow in association with construction activities can then be introduced into watercourses. As with other construction-related mitigation techniques, measures that address erosion and sediment control are most effective during the development phase. Areas that were disturbed in the SPEA and RAA during the construction process are currently greening up with a flush of grass. This cover of grass will protect areas that were disturbed during the construction process during the coming wet late autumn and winter months. The grass cover will prevent soil particles from becoming dislodged, avoiding the potential for the creation of turbid surface flow.

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	While it is not possible to definitively ascertain whether the construction phase caused any release of sediment into Goodhue Creek, no obvious signs of erosion (e.g. rills or gullies) were observed during the site assessment. It was also apparent that an undisturbed strip of grass remained within approximately 2-3 metres of the high water mark. No signs of sediment movement or erosion through this undisturbed vegetated strip were observed during the site assessment. As the majority of land disturbance associated with the construction of the residence is complete, erosion and sediment control must now be focused on remaining activities related to the construction of the patio and walkways. The objective is to prevent the movement of sediment beyond the remaining construction area into the SPEA and/or watercourse. Disturbance resulting from preparing the ground for the walkways and patio will be minimal, but there is still the potential for erosion of exposed ground and subsequent transportation of sediment. Any excavated material, or exposed ground that is created prior to placing the walkway and patio surfaces, must be covered to prevent erosion. Tarps can be effective in this regard, especially as a temporary cover over the actual patio/walkway footprint areas. Straw mulch can also be used to cover excavated material and/or exposed ground. Covering disturbed areas associated with the remaining construction activities will effectively prevent the displacement of soil particles from rain-splash erosion. As a more permanent measure, exposed areas should be seeded to allow the establishment of a natural barrier to erosion processes.
7. Stormwater Management	
I, <u>Trystan Willmott</u>, hereby certify that: - I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; - I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Ian Durrance</u>; - 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	
	Construction activities generally lead to an increase in the coverage of impervious surfaces, which decreases the natural infiltration of water into the ground and increases stormwater run-off. Elevated stormwater run-off can have negative impacts on watercourses, including a potential increase in destructive short-lived peak flow events and a decrease in the long-term supply of water to a system (e.g. groundwater release), which can result in lower flows in the summer months. With an apparent increase in the frequency of extreme droughts over the summer months, the appropriate management of stormwater is becoming more important. Capturing storm run-off during the winter months and returning it to natural hydrological pathways helps to encourage infiltration and recharge groundwater supplies. Perimeter drains around the house currently capture run-off from the impermeable roof

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	top. A perforated PVC pipe directs this water to an outlet located within approximately 2 metres of the high water mark of the stream. This management technique will help to encourage the return of stormwater to the ground (i.e. through infiltration from the perforated pipe). Additional activities that may be proposed on the property should use techniques that address stormwater management. For example, upgrades to the access driveway (if required) should only incorporate the use of permeable surfaces (e.g. gravel as opposed to paving). Any landscaping on the property (including the walkways and patio area) should consider the use of pervious paving techniques (e.g. using paving slabs, which allows for infiltration of water through the cracks between the slabs, as opposed to concrete). Rainwater can also be collected in rain barrels, with the overflow directed to the existing perforated pipe system. Larger cisterns can also be used to store rainwater for use during the summer months.
8. Floodplain Concerns (highly mobile channel)	
I, <u>Trystan Willmott</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>Ian Durrance</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	
	Goodhue Creek has been historically channelized through the subject property and there are no floodplain-related hydrological processes. Measures (including any retroactive considerations) related to floodplain concerns are, therefore, not applicable.

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Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report.

Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

As the majority of the development proposal had already been completed at the time of the assessment, the main objective of the assessment was to establish a SPEA and determine whether the SPEA had been impacted by the development of the house. As such, the assessment represents, in part, a post-construction site visit. The assessment indicated that the 10 m SPEA had not been encroached upon by the footprint of the house (including associated features - e.g. stone stairway). Ground disturbance in the SPEA, which was attributed to construction of the house and related features (e.g. stone stairway and burial of a perimeter drain discharge pipe), occurred over a pre-existing lawn area, which is currently being returned to lawn. Enhancement throughout this lawn area with native vegetation, as detailed in Section 1, will help improve the current biological function of the SPEA.

It is important to ensure that the SPEA and associated restrictions are registered to the property parcel. This will allow any future property owners to be fully aware of the restrictions associated with the SPEA, as per the list of activities included in Measure No. 5, which discusses encroachment.

Although the vast majority of construction activities had been completed at the time of the assessment, the site should still be monitored to ensure that remaining development of the patio and walkways respect the SPEA boundaries and are constructed in accordance with the measures (most notably erosion and sediment control). Upon immediate completion of the patio and walkways, the landowner must contact a Qualified Environmental Professional to enable the completion of a final site inspection. This inspection, in addition to the observations of the site made to date as part of the riparian assessment, would form the basis of a post-construction report, which would be submitted to the Riparian Areas Regulation Notification System.

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Section 6. Photos



Looking upstream (North) along Goodhue Creek where it enters the subject property via a culvert under Wildwood Crescent.



Looking downstream (south) along Goodhue Creek.

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Looking downstream (south) along Goodhue Creek showing high water mark flagging on the right bank.



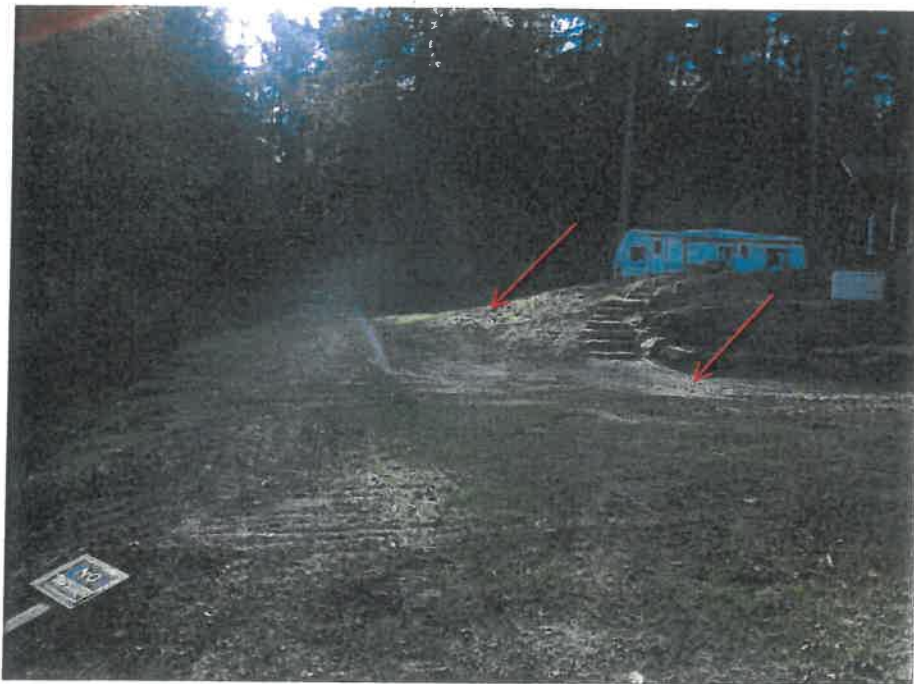
Looking north through the subject property showing the recently-constructed residence in the RAA adjacent to the right bank of the watercourse. The fringe of riparian vegetation visible on the left bank occurs on the subject property.

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Looking west through the SPEA towards the recently-constructed residence.



Looking south over the SPEA. Red arrows highlight flagged orange stakes placed along the outer edge of the SPEA. Note that development of the stairway has occurred up to the edge of the SPEA. Also note that grass is re-establishing over disturbed areas.

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Looking south towards the western redcedar located on the outer edge of the SPEA close to the southern property boundary.



Outlet of perforated pipe connected to perimeter drains around the residence.

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Scotch broom plant observed close to the high water mark of Goodhue Creek.

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Section 7. Professional Opinion

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

Date 2016-01-04

1. I, Trystan Willmott

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

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 the assessment of the proposal made by the developer Ian Durrance, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- 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; AND

2. As a qualified environmental professional, I hereby provide my 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.]

File No.: 6500-20 - Mudge Island Lot
Coverage Review Project

DATE OF MEETING: November 22, 2018
TO: Gabriola Island Local Trust Committee
FROM: Teresa Rittemann, Island Planner
Northern Team
SUBJECT: Mudge Island Lot Coverage Review Project
Bylaw No. 299 – Consideration of Adoption

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 299, cited as “Mudge Island Land Use Bylaw, 2007, Amendment No. 1, 2018,” be adopted.
2. That the Gabriola Island Local Trust Committee remove “Mudge Island Targeted Review of OCP/LUB” from the Top Priorities List.

DISCUSSION

The Gabriola Island Local Trust Committee (LTC) is asked to consider adoption of Proposed Bylaw No. 299, to amend the Mudge Island Land Use Bylaw (LUB), as an outcome of the Mudge Island Lot Coverage Review Project initiated in September 2017.

Bylaw No. 299 was developed with input from stakeholders, including the public and Mudge Island Advisory Planning Commission (APC). Three community information meetings were held, including two meetings on Mudge Island on July 12, 2018 and September 9, 2018, and one meeting on November 2, 2018. Bylaw No. 299 was also referred to agencies and First Nations with referral comments previously reported to the LTC.

Bylaw No. 299 was given third reading by the LTC on November 2, 2018 and subsequently approved by the Islands Trust Executive Committee on November 14, 2018. Staff confirms that the required statutory approval process, prescribed by the *Local Government Act* and *Island Trust Act*, have been followed and that the bylaw may now be adopted.

NEXT STEPS

Following adoption of Bylaw No. 299, staff would consolidate the Mudge Island LUB, post it to the website, and notify the Chair of the Mudge Island APC.

Submitted By:	Teresa Rittemann, MCIP, RPP Island Planner	November 8, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 15, 2018

ATTACHMENTS

1. Bylaw No. 299

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 TH	DAY OF	AUGUST	, 2018
READ A SECOND TIME THIS	27 TH	DAY OF	SEPTEMBER	, 2018
PUBLIC HEARING WAIVED THIS	27 TH	DAY OF	SEPTEMBER	, 2018
READ A THIRD TIME THIS	2 ND	DAY OF	NOVEMBER	, 2018
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	14 TH	DAY OF	NOVEMBER	, 2018
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) 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.

**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		



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; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area	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



Projects

Gabriola Island

Description	Activity	R/Initiated
Snuneymuxw Protocol Agreement	Implementation of Snuneymuxw First Nation Protocol Agreement	22-Jan-2015
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

**Projects****Gabriola Island**

Description	Activity	R/Initiated
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 -correction to WC3 mapped location to coincide with Green Wharf	08-Sep-2016
Review and update the Gabriola Build Out Map		11-May-2017
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



Projects

Gabriola Island

Description	Activity	R/Initiated
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



Islands Trust

Print Date: November 15, 2018

Applications

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: Sonja Zupanec

Planning Status

Status Date: 23-Oct-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: 27-Sep-2018

Site visit.

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.

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: 12-Oct-2018

Site visit.

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

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.

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
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**Applications**

GB-DVP-2017.1 Zane, Michael 03-Aug-2017 PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island

Planner: Sonja Zupanec

Planning Status

Status Date: 23-Oct-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

Planner: Jaime Dubyna

Planning Status

Status Date: 12-Oct-2018

Site visit.

Applications

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

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2018.5	TOMASZ GOSZCZYNSKI BARBARA GOSZCZYNSKI	19-Sep-2018	PID: 002-100-410 Civic address: 2025 St. Catherine Ave, Gabriola Island. Proposed new SFD exceeds height restriction by 6 inches.

Planner: Jaime Dubyna

Planning Status

Status Date: 08-Nov-2018
Site visit.

Status Date: 08-Nov-2018
Public notice mailed.

Status Date: 07-Nov-2018
Applicant submitted survey plan. Application amended to request a variance of 0.34 metres (~1.12 feet) over the permitted max. height of 9 metres for dwellings.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2018.6	MAUREEN / IAN DURRANCE	21-Sep-2018	PID: 003-431-657 Civic address: 538 Wildwood Cr, Gabriola Island Septic inside RAR setback X-file GB-BE-2015.8

Planner: Sonja Zupanec

Planning Status

Applications

Status Date:

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2018.1	THOMAS W MELVILLE Planner: Sonja Zupanec	06-Apr-2018	Foreshore lease #112998 Continuing annual moorage at Degnan Bay, Gabriola Island, BC

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:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 05-Jul-2018

Received confirmation from MOTI that PLA has been extended to June 28 2019

Applications

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:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

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	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)

Planner: Marnie Eggen

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	24-Oct-2012	725 Church Street - subdivision to create one new lot and a remainder lot

Planner:

Applications

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

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.

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:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

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:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Applications

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 Planner: Sonja Zupanec	20-May-2016	PIDs: 001-271-806 and 009-735-755 Boundary adjustment. Civic address: 1610 Hess Road, Gabriola Island.
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 Planner:	08-Sep-2016	PID: 000-305-120 215 Easthom Road, Gabriola Island. 3 lot subdivision.
Planning Status			

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

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: 23-May-2017

PLA issued Nov. 23/2016. Update from MOTI notes that the applicant is in the process of getting final documents submitted to them.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.1	Williamson & Associates Professional Surveyors Planner:	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.

Applications

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 04-Oct-2018

PLA Extension received from MOTI. Extension expires 4-Oct-2019

Status Date: 10-Jul-2018

Planner received and responded with no concerns to MOTI request to extend PLA

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.2	Williamson & Associates Planner: Madeleine Koch	19-Jan-2017	PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC

Planning Status

Status Date: 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
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Applications

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: 27-Sep-2018

Staff report to LTC for consideration.

Status Date: 27-Sep-2018

LTC resolution 2018-084: that the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust details of measures taken or to be taken to address neighbours' concerns

Status Date: 19-Sep-2018

Public notice published in Gabriola Sounder, Sept.19 edition.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending September 2018

620 Gabriola	Invoices posted to Month ending September 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	508.86	991.14
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	3,179.80	1,570.20
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	0.00	600.00
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>3,179.80</u>	<u>4,170.20</u>
Projects				
73001-620-2018	Gabriola Mudge Island OCP/LUB	3,500.00	3,304.07	195.93
73001-620-4096	Gabriola Water Taxi Feasibility	450.00	488.00	-38.00
73001-620-4097	Gabriola Housing Optinos Review Phase 2	2,500.00	0.00	2,500.00
TOTAL Project Expenses		<u>6,450.00</u>	<u>3,792.07</u>	<u>2,657.93</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

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.
3.	September 27, 2018	GB-2018-100	First Nation Relationship Building	It was MOVED and SECONDED 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.
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Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality September 2018

Islands Trust Conservancy Staff Changes

Kate Emmings stepped into the role of acting Manager for the Islands Trust Conservancy, filling in for Jennifer Eliason, who is on a temporary assignment with BC Parks until the end of March 2019. Nuala Murphy stepped into the role of acting Ecosystem Protection Specialist, backfilling for Kate Emmings until the end of February 2019. The role of Property Management Specialist is currently vacant and will hopefully be filled by the end of the year. ITC administrative assistant Corlynn Strachan took a temporary assignment with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; filling in for her until April 2019 is Alexandra Trifonidis.

New Islands Trust Conservancy Board Member

The Islands Trust Conservancy (ITC) board is thrilled to welcome Linda Adams, former Islands Trust Chief Administrative Officer, as a newly appointed board member. Appointed members are selected by the Crown Agency and Board Resourcing Office.

2018-2019 Budget Request

The ITC board considered a business case for ITC staffing and recommended to the Islands Trust Council that the 2019-2020 budget include funding for one new auxiliary Covenant Monitoring and Outreach Specialist position and that financial planning for the 2020-2021 budget include a vision for a new fundraising position.

Approval of Lasqueti Islands Nature Conservancy (LINC) Opportunity Fund Grant

The ITC board awarded a \$4,500 Opportunity Fund grant to LINC for a matching fundraising campaign for the purchase of Salish View on Lasqueti Island. The campaign is set to close in December and approximately \$90,000 is required to complete the protection of 11.61 ha of Coastal Douglas-fir forest.

Regional Conservation Plan Reporting

The ITC board discussed ways to communicate the Regional Conservation Plan to local trust committees, Executive Committee and the Trust Council after the October 2018 election.

New Name: Islands Trust Conservancy

ITC staff provided a verbal update about the Islands Trust Conservancy name change. The new website is active at www.islandstrustconservancy.ca and staff are updating print publications.

Summary of Current Island-by-Island Activities

The ITC board reviewed information and approved the annual covenant and nature reserve monitoring reports.

Denman

Staff finalized the revised management plan for Morrison Marsh Nature Reserve. Invasive species removal and trail clearing, sign installation, and tree caging for forest restoration continue at three ITC nature reserves on Denman.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The ITC board granted LINC a \$4,500 Opportunity Fund grant for a matching fundraising campaign.

Link Island (Gabriola Island Local Trust Area)

The ITC board authorized the Chair to sign a NAPTEP covenant with the landowner and the Nanaimo & Area Land Trust Society for the creation of a new NAPTEP covenant. The 19.3 ha covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

North Pender Island

The ITC board approved a request from the landholder of the Wallace Point NAPTEP Covenant to widen the driveway to allow for the safe passage of large vehicles.

South Pender Island

The ITC board approved a request from Pender Islands Parks and Recreation Commission to grant a covenant waiver to create new trail sections and close other trail sections to reduce overall trail length. The waiver also permits maintenance of a waterfall viewing platform.

Thetis

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area and a public open house will be held on Thetis Island October 13, 2018.

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

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca

MEMORANDUM

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: November 22, 2018
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: 2019 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee schedule its regular business meetings on the following dates in 2019: January 24, February 28, April 11, May 16, June 27, July 11, September 12, October 24, and November 28.
2. That the Gabriola Island Local Trust Committee authorize the release of up to \$400 from the communications budget for the purpose of publishing Local Trust Committee regular meeting dates in the Gabriola Sounder.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2019. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 15, 2018
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ATTACHMENT

1. Tentative 2019 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2019 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	- February 7 March 7 April 4 - June 6 July 4 - - October 3 November 7 -	January 24 February 28 - April 11 May 16 June 27 July 11 - September 12 October 24 November 28 -	January 31 - March TBD - May 2 June TBD July TBD - - October TBD November TBD -	- February 8 - April 5 - June 14 July 12 - September 13 - November 8 -	- February 25 - April 8 May 27 - July 22 - September 30 October 28 - -	- February 19 - April 16 - June 25 July 16 - - October 8 - -	- - March 6 - - - July 1 - - October 16 - -
Total	7	9	7	6	6	5	3
Day	Thursday	Thursday	Thursday	Friday	Monday	Tuesday	Wednesday
Time	9:30 am	10:15 am	10:30 am	11:30 am	11:00 am	9:30 am	10:00 am
Location	Denman Activity Centre	Gabriola Arts & Heritage Ctr	Various	Room to Grow	Judith Fisher Centre	Thetis Community Centre	Various

Key Dates

Stat Holidays	Jan. 1; Feb.18; Apr 19, 22; May 20; July 1; Aug.5; Sept.2; Oct.14; Nov.11; Dec.25, 26
Trust Council	Jan. 15-16 (Nanaimo), Mar. 12-14 (Galiano), June 18-20 (Gabriola), Sept 17-19 (Bowen), Dec. 3-5 (Victoria)
Executive Committee (TENTATIVE)	Jan. 2, 5, 30; Feb. 13, 27; Mar. 6, 12, 27; Apr. 17; May 8; June 5, 18; July 3, 10, 16, 24; Aug. 14; Sept. 4, 17; Oct. 2, 16, 30; Nov. 27; Dec. 3, 18
Financial Planning Committee (TENTATIVE)	Jan. 21; Feb. 20; May 22; Aug. 28; Oct. 23; Nov. 20
Trust Fund Board	TBD
Trust Programs Committee (TENTATIVE)	Jan. 23; May 13; Aug. 19; Oct. 21
Local Planning Committee (TENTATIVE)	Feb. 27; May 23; Aug. 22; Oct. 10
SD 79 (Cowichan) Spring Break	Mar 11-22
SD 46 (Sunshine Coast) Spring Break	Mar 18-29
SD 68 (Nanaimo) Spring Break	Mar 18-29
SD 71(Comox) Spring Break	Mar 18-29
LGLA Conference	February 12-14 or 13-15
Salish Sea Ecosystem Conference	N/A
AVICC Conference	April 12-14
LGMA Conference	June 11-13
PIBC Conference	May 8-10
CIP Conference	July 3-6
UBCM Conference	Sept. 23-27



DATE OF MEETING: November 22, 2018
TO: Gabriola Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Notification of Federal Cannabis License Applications

RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee adopt the following standing resolution:
That the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
2. That the Gabriola Island Local Trust Committee place Regulation of Cannabis Production Facilities on the Top Priorities List and remove [specify item to be removed].
3. That the Gabriola Island Local Trust Committee request staff to draft a bylaw to amend the Gabriola Island Land Use Bylaw to include definitions related to cannabis and federally licensed cannabis production and to specify the applicable zones, minimum lot sizes, maximum building dimensions, minimum setbacks and other land use regulations applicable to federally licensed cannabis production, which are consistent with federal and provincial regulations and can serve as an interim regulatory framework until such time as the Minister's Bylaw Standards have been updated.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider adopting a standing resolution with respect to Notices of Intention to Apply for a Cannabis License under the Federal *Cannabis Act* and *Cannabis Regulations*. The recommended resolution is intended to ensure that the LTC is informed of proposed licensed cannabis activities within the Local Trust Area.

BACKGROUND

The new *Cannabis Act and Cannabis Regulations (2018)* set a framework for controlling the production, distribution, sale and possession of cannabis for medical and recreational purposes in Canada.

Prior to submitting an application to the federal government (Health Canada), applicants requesting to be a license holder under the *Cannabis Act* and *Cannabis Regulations* must provide a written notice to local authorities to inform them of their proposal. The notice must be addressed to a senior official and sent to the following authorities:

- the local government;
- the local fire authority; and
- the local police force or the Royal Canadian Mounted Police detachment that is responsible for providing policing services to that area.

The notice must contain the following information:

- the name of the applicant;
- the date on which the applicant will submit the application to the Minister of Health;
- the type of licence being sought and the activities for which the licence is being sought, while specifying that the activities are to be conducted in relation to cannabis; and
- the address of the site and, if applicable, of each building within the site where the applicant proposes to conduct those activities.

Applicants are required to include a copy of the actual written notices in their application to the federal government. Applicants must indicate the date of each notice, and the name, title and address of the senior official to whom it was addressed.

Current Procedures

At the current time, when staff receive notices from proponents applying for cannabis licences, staff respond to the proponents to confirm applicable land use regulations. Staff would provide information on the process to amend bylaws or apply for variances or permits, if required.

ANALYSIS

Issues and Opportunities

1. **Approval Authority** – Applicants and approved cannabis licence holders are responsible for compliance with the *Cannabis Act* and *Cannabis Regulations* as well as compliance with other applicable federal, provincial and territorial legislation, and local government bylaws. However, the Islands Trust is not an approval authority for cannabis licenses. Applicants are required only to provide notification to local governments, local fire departments and law enforcement of their intent to pursue licensing. Notification is not considered confirmation that an application has been submitted or authorized by Health Canada.
2. **Procedures for reporting to the LTC** – The *Cannabis Act* and *Cannabis Regulations* do not address if and how local elected officials are to be advised of notices to local authorities received from proponents applying for cannabis licenses. In relation to the Islands Trust, notices need to be submitted to a ‘senior official’ of the local government. Staff note, that both the Local Trust Committee and Regional District are *local* governments, with albeit different responsibilities. As part of their application package to Health Canada, applicants need to advise the federal government of the name, title and address of the senior official to whom the notice was addressed.

If the LTC wishes to be notified of all cannabis-related notices received, staff recommend adopting a standing resolution. Staff advise against publication of notices in LTC agendas or on the website as the LTC is not the approving authority and disclosure of information provided in the notice may be contrary to the *Freedom of Information and Protection of Privacy Act* (s. 21 Disclosure harmful to business interests of a third party or s. 19 Disclosure harmful to individual or public safety).

3. **Regulation of Licensed Cannabis Activities** – On June 14, 2018, the LTC added to its Projects List: “cannabis production and retail sales and request staff to provide a report on options regarding Land Use regulations on this topic.” This project would investigate the possibility of amending the Official Community Plan and/or Land Use Bylaw to provide policies and regulations with respect to licensed cannabis land use activities. However, this is not currently a Top Priority project.

Staff note, that the Gabriola LUB was previously amended (by Bylaw No. 280) to limit medical marihuana production facilities to lands within the Agricultural Land Reserve in order to be consistent with federal and provincial legislation and Provincial Minister’s Bylaw Standards¹. The federal Marihuana for Medical Purposes Regulation has now been superseded by the new Cannabis Regulations and the Agricultural Land Commission (ALC) regulations regarding cannabis production in the Agricultural Land Reserve were amended earlier this year in advance of legalization of non-medical cannabis. As such, there is no longer clear alignment between the LUB and senior government legislation.

The Province has advised it is updating the Minister’s Bylaw with respect to cannabis production, which should provide direction to local governments regarding criteria such as minimum lot size and setbacks. However, it is unknown when this information will be available and an amendment to the LUB, even as an interim measure, is recommended.

Rationale for Recommendation

Staff recommend adopting the standing resolution to ensure the LTC is notified of proposed licensed cannabis activities on Gabriola Island, and that staff be directed to prepare an amendment bylaw to provide land use regulations for federally licensed cannabis production facilities.

ALTERNATIVES

1. Include Notices in LTC Agendas

The LTC may consider requesting that notices of proposed federal cannabis licenses be included in LTC agendas. If this alternative is selected, staff will consult with legal counsel to determine whether or not the notices can be provided in the regular open meeting or if they would need to be provided in closed meeting.

That the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.

NEXT STEPS

If the LTC concurs with staff’s recommendation, the Standing Resolutions list will be updated.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 15, 2018
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¹ Province of BC. Minister’s Bylaw Standards. <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>