



## Gabriola Island Local Trust Committee

### Regular Meeting Agenda

Date: November 28, 2019  
Time: 10:30 am  
Location: Gabriola Arts & Heritage Centre  
476 South Road, Gabriola Island, BC

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|                                                                                                                                                 | <b>Pages</b> |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>1. CALL TO ORDER</b> 10:30 AM - 10:35 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.” |              |
| <b>2. APPROVAL OF AGENDA</b>                                                                                                                    |              |
| <b>3. REPORTS</b> 10:35 AM - 10:55 AM                                                                                                           |              |
| 3.1 Trustee Reports                                                                                                                             |              |
| 3.2 Chair's Report                                                                                                                              |              |
| 3.3 Electoral Area Director's Report                                                                                                            | 4 - 4        |
| 3.4 First Nations Report                                                                                                                        |              |
| <b>4. TOWN HALL</b> 10:55 AM - 11:05 AM                                                                                                         |              |
| <b>5. MINUTES</b> 11:05 AM - 11:10 AM                                                                                                           |              |
| 5.1 Local Trust Committee Minutes dated October 24, 2019 – for adoption                                                                         | 5 - 12       |
| 5.2 Section 26 Resolutions-Without-Meeting - none                                                                                               |              |
| 5.3 Advisory Planning Commission Minutes - none                                                                                                 |              |
| 5.4 Housing Advisory Planning Commission Minutes dated October 10, 2019 - for receipt                                                           | 13 - 15      |
| <b>6. BUSINESS ARISING FROM MINUTES</b> 11:10 AM - 11:40 AM                                                                                     |              |
| 6.1 Follow-up Action List dated November 20, 2019                                                                                               | 16 - 18      |
| <b>7. APPLICATIONS AND REFERRALS</b> 11:40 AM - 12:30 PM                                                                                        |              |
| 7.1 GB-DVP-2017.1 and GB-DP-2017.2 (Weston - Acorn Island) - Staff Report                                                                       | 19 - 76      |
| 7.2 Telus Cell Tower Proposal - Staff Report                                                                                                    | 77 - 84      |

|                                      |                                                                                                           |                    |           |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------|-----------|
| <b>8.</b>                            | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                                     | 12:30 PM - 1:10 PM |           |
| 8.1                                  | Gabriola Housing Options and Impacts Review Project - verbal update                                       |                    |           |
| 8.2                                  | Ecological Protection Zone - Staff Report                                                                 |                    | 85 - 100  |
| <b>9.</b>                            | <b>DELEGATIONS</b>                                                                                        |                    |           |
| ----- BREAK 1:10 PM to 1:30 PM ----- |                                                                                                           |                    |           |
| <b>10.</b>                           | <b>CORRESPONDENCE</b>                                                                                     | 1:30 PM - 1:35 PM  |           |
|                                      | <i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i> |                    |           |
| 10.1                                 | Letter dated October 21, 2019 from Bruce Thomson regarding Bylaw No. 177 (Home Occupations)               |                    | 101 - 101 |
| <b>11.</b>                           | <b>NEW BUSINESS</b>                                                                                       |                    |           |
| <b>12.</b>                           | <b>REPORTS</b>                                                                                            | 1:35 PM - 2:00 PM  |           |
| 12.1                                 | Climate Change Action Update                                                                              |                    |           |
| 12.2                                 | First Nations Relationship Building                                                                       |                    |           |
| 12.3                                 | Trust Conservancy Report dated October, 2019                                                              |                    | 102 - 104 |
| 12.4                                 | Applications Report dated November 20, 2019                                                               |                    | 105 - 112 |
| 12.5                                 | Trustee and Local Expense Report dated September, 2019                                                    |                    | 113 - 113 |
| 12.6                                 | Adopted Policies and Standing Resolutions                                                                 |                    | 114 - 117 |
| 12.7                                 | Local Trust Committee Webpage                                                                             |                    |           |
| <b>13.</b>                           | <b>WORK PROGRAM</b>                                                                                       | 2:00 PM - 2:20 PM  |           |
| 13.1                                 | Top Priorities Report dated November 20, 2019                                                             |                    | 118 - 118 |
| 13.2                                 | Projects List Report dated November 20, 2019                                                              |                    | 119 - 123 |

**14. CLOSED MEETING**

2:20 PM - 2:35 PM

14.1 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) (d) and (i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated October 24, 2019 and Legal Advice/Bylaw Enforcement and that the recorder and staff attend the meeting.*

14.2 Recall to Order

14.3 Rise and Report

**15. UPCOMING MEETINGS**

15.1 Next Regular Meeting Scheduled for Thursday, January 16, 2020 at 10:30 AM at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

**16. ADJOURNMENT**

2:35 PM - 2:35 PM

Date: November 20 2019  
To: Gabriola Island Trust Committee  
From: Vanessa Craig, RDN Director Area B  
Subject: Electoral Area Director's Report

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- The Regional Parks and Trails Select Committee received a staff report with draft updated bylaws that will apply to all community and regional parks in the RDN. The bylaw is updated to address homeless camping, smoking and the use of cannabis, off-road vehicle use, and e-bike use in parks; and updating the schedule of fees. The report was deferred until the February 2020 committee in order to allow staff to consult with electoral area Directors on the section of the draft bylaws on Homeless Camping Regulations.
- The Community Grants Committee awarded over \$19,000 in grants to Gabriola community groups. This represented a relatively large amount relative to the funds available for the electoral areas, and reflects the efforts of many committed groups in our area.
- The RDN is currently undertaking a review of economic delivery models for the region, which is influenced by a parallel review currently underway in the City of Nanaimo. The report recommending an economic development model is expected in 2020. To ensure that economic development activities continue here, the Board entered into a 1-year agreement to continue funding support to the Gabriola Island Chamber of Commerce and the continued activities of the Community Economic Development Officer.
- A major item in the Board's new strategic plan is addressing climate change. As a step in implementing the Board's strategic plan, the Board approved funding to develop a Corporate Carbon Neutral 2032 Plan. In addition, the Board approved the creation of a Climate Action Technical Advisory Committee.
- As reported earlier, the RDN was the lead applicant on a CleanBC grant application to support the installation of electric vehicle charging stations. If the grant is received, Gabriola will receive one of the stations. Because the provision of electric vehicle charging stations is not currently an RDN service, the RDN will proceed with an alternative approval process for the establishment of this new service.
- The Board will be proceeding with a full Regional Growth Strategy (RGS) review instead of conducting a targeted growth strategy first as was originally the plan. Although Area B is not included in the RGS, regional interests such as water quality, housing affordability, climate change, and waste reduction are of interest to all residents of the RDN.
- Some other activities that might be of interest:
  - I was elected as Vice Chair of the RDN Board at the inaugural Board meeting for the coming year.

Upcoming:

- The Electoral Area Service Committee and the Committee of the Whole meetings are upcoming on November 26<sup>th</sup>. The last Board meeting for the year is on December 10<sup>th</sup>.
- I will be holding office hours at the Islands Trust office between 2-4 pm on December 2<sup>nd</sup> and December 16<sup>th</sup>. Thank you to IT staff for allowing me to use this space.

Respectfully submitted,

Vanessa Craig





## Gabriola Island Local Trust Committee Minutes of Regular Meeting

**Date:** October 24, 2019

**Location:** Rollo Seniors Centre  
685 North Road  
Gabriola Island, BC

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

**Staff Present:** Heather Kauer, Regional Planning Manager  
Sonja Zupanec, Island Planner  
Jaime Dubyna, Planner 2  
Nadine Mourao, Recorder

**Others Present:** There were approximately three (3) members of the public and one (1) member of the media in attendance

### 1. CALL TO ORDER

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

Chair Rogers called the meeting to order at 3:01 pm. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, Staff and Recorder.

### 2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 4.3 Electoral Area Director's Report.

**By general consent** the agenda was approved as amended.

### 3. TOWN HALL

A member of the public asked the Local Trust Committee (LTC) to prioritize ecological zone development.

### 4. REPORTS

#### 4.1 Trustee Reports

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

- Trust Council (TC);
- Gabriola Talks;

- Island Trust 2050 Policy Talks;
- A tour of Burren's Acres with Margaret Taylor;
- Gabriola Community Bus Foundation Annual General Meeting;
- Ferry Advisory Committee meeting;
- Ministry of Transportation and Infrastructure (MoTI) meeting October 30, 2019;
- Panelist on Climate Action event at Vancouver Island Economic Summit; and
- Meetings regarding secondary access points for emergency planning.

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

- TC;
- Local Planning Committee (LPC);
- Housing Advisory Planning Commission (HAPC);
- Islands Trust 2050 Policy Talks:
- Gabriola Talks; and
- Noted that milling of lumber on properties needs to be revisited.

#### **4.2 Chair's Report**

Chair Rogers reported the following:

- Attended TC;
- Attended Union of British Columbia Municipalities (UBCM) conference;
- Met with the Minister of Indigenous Relations regarding the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- Attended Financial Planning Committee (FPC); and
- Attending Howe Sound Community with Clare Frater, Director Trust Area Services.

#### **4.3 Electoral Area Director's Report**

Chair Rogers summarized the report and noted the following:

- Village Way negotiations with MoTI continue;
- Funding has been delayed for Huxley Park Phase 2;
- Roll out of the new automated waste collection program has begun;
- Regional District of Nanaimo (RDN) participating in the BC Agriculture and Food Climate Action Initiative (CAI);
- RDN conducting community and stakeholder consultation on the Official Community Plan (OCP) and bylaw amendments for Nanaimo Airport lands;
- Replaced beach access stairs at Blue Whale and Hummingbird Community parks; and
- Attending meeting with Trustees and MoTI regarding Barrett/North road.

#### **GB-2019-106**

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

that the Gabriola Island Local Trust Committee request Staff to initiate protocol meetings with the Regional District of Nanaimo.

**CARRIED**

## **5. MINUTES**

### **5.1 Local Trust Committee Minutes dated September 12, 2019 – for adoption**

The following amendments to the meeting minutes of September 12, 2019 were presented for consideration:

- Page 3, 7.1 GB-DVP-2019.2, second bullet, change “would require another Development Variance Permit (DVP)” to “would require another DP.”

**By general consent** the Local Trust Committee meeting minutes of September 12, 2019 were adopted as amended.

**5.2 Housing Advisory Planning Commission Minutes dated September 26, 2019 - for receipt**

Received.

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated September 17, 2019 –**

Planner Zupanec provided an overview of items.

**6.2 Climate Change Adaptation and Mitigation Strategies - Memorandum - for information only**

Received for information.

Trustees requested further future discussion around priorities and actions around climate change.

**7. APPLICATIONS, BYLAWS AND REFERRALS**

**7.1 GB-RZ-2019.1 (BC Ferries - Gabriola Ferry Terminal) - Staff Report**

Planner Dubyna summarized the report which documented progress on a number of deliverables requested by Trustees and noted the following:

- Staff have received a copy of the Archeological Impact Assessment (AIA); and
- Snuneymuxw First Nations to submit a written response, not received to date.

Discussion ensued and the following was noted by Trustees:

- Interested in whether the AIA is shared with local First Nations;
- Would like to hear if there are any concerns from Local First Nations;
- Expressed concern with the zoning line down the middle of North Road and who will be responsible for line up issues;
- Enquired whether the emergency dock and access will remain;
- Requested that the word “pedestrian” be referenced as people who walk, bike, e-bike etc.;
- Enquired about water lease; and
- Requested draft bylaws for LTC meeting in November.

John Steil (Stantec) on behalf of BC Transportation Financing Authority and BC Ferry Services Inc. noted:

- Would like to move forward with project and requested LTC expedite wherever possible;

- BC Ferries has a separate First Nations consultation process and will submit contact log;
- Will preserve emergency dock and formalize access; and
- Have submitted water license.

**GB-2019-107****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee direct Staff to prepare a draft bylaw to amend Gabriola Island Official Community Plan Bylaw No. 166, 1997, consistent with draft bylaw language presented in Attachment 1, Table 1 of the Staff Report dated October 24, 2019 for GB-RZ-2019.1 (BC Ferries).

**CARRIED****GB-2019-108****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee direct Staff to prepare a draft bylaw to amend Gabriola Island Land Use Bylaw No. 177, 1999, consistent with draft bylaw language presented in Attachment 1, Table 2 of the Staff Report dated October 24, 2019, for GB-RZ-2019.1 (BC Ferries).

**CARRIED**

**By general** consent the meeting was recessed at 4:35 pm and reconvened at 4:39 pm.

**7.2 GB-DVP-2018.6 (Durrance - 538 Wildwood Crescent) - Staff Report**

Planner Zupanec provided an overview of the report which asked the LTC to re-consider application GB-DVP-2018.6 for a Development Variance Permit (DVP) to authorize the siting of an existing sewage disposal system, rock wall and stair case, which currently contravene Gabriola Island Land Use Bylaw No. 177, 1999 (LUB) setback regulations and noted the following:

- There is a notice on file; and
- All conditions have been met.

**GB-2019-109****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee issue Development Variance Permit GB-DVP-2018.6.

**CARRIED****7.3 Telus Cell Tower Proposal – Deferred to November 28<sup>th</sup> LTC meeting****8. LOCAL TRUST COMMITTEE PROJECTS****8.1 Cannabis Regulations Project (Bylaw No. 303) - Staff Report**

Planner Zupanec summarized the report which asked the LTC to consider a minor amendment to the proposed Bylaw No. 303 at second reading and recommended the bylaw be advanced to a Community Information Meeting (CIM) and public hearing.

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

- Suggested usage of floor area as a unit of measurement instead of surface area;

- Definition number 3, definition of cannabis products, add “topicals”, and add to the end of the sentence “personal use”;
- Definition number 5, define that height only implies to cannabis production and not mixed-use buildings, interested in limited micro cultivation; and
- Requested Staff prepare track changes document for LTC consideration before CIM.

**GB-2019-110****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to prepare draft amendments for proposed Bylaw 303, taking into account input from the October 24, 2019 Gabriola Island Local Trust Committee meeting and provide a “track changes” version of the existing Bylaw for the Community Information Meeting.

**CARRIED****9. DELEGATIONS - none****10. CORRESPONDENCE**

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

**10.1 Petition regarding Proposed Model Strategy for Antenna Systems**

Received.

**11. NEW BUSINESS****11.1 2020 Local Trust Committee Meeting Schedule – Memorandum****GB-2019-111****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee schedule its regular business meetings on the following dates in 2020: January 16, February 27, April 2, May 14, June 25, July 30, September 10, October 22, and November 26.

**CARRIED****11.2 Gabriola Sounder Calendar - for discussion****GB-2019-112****It was MOVED and SECONDED**

that the Gabriola Local Trust Committee authorize the expenditure of \$315.00 plus Goods and Services Tax for publication of Gabriola Island Local Trust Committee meeting dates in the Gabriola Sounder calendar.

**CARRIED****11.3 Grant Opportunity – 2020 Poverty Reduction Planning & Action Programs – for discussion**

Trustee Colbourne asked the LTC to consider a grant opportunity for a Poverty Reduction Strategy through the UBCM and noted the following points:

- LTC to work collaboratively with Angela Pounds, Gabriola Social Worker, local agencies and community groups to apply for grant;
- Internal expression of interest due December 30, 2019;

- Grant application deadline February 28, 2020;
- Grant will help identify gaps in why community needs housing and inform the HAPC;
- UBCM will only consider one application from local government; and
- Grant may potentially address Gabriola's high child poverty rate.

**GB-2019-113****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to create a project to draft an application for Poverty Reduction Strategy grant through the Union of British Columbia Municipalities.

**CARRIED**

#### **11.4 Response from Minister of Transportation regarding Gabriola Island Active Transportation Plan**

Trustees noted the following key points:

- Felt the response from the Minister of Transportation was unsatisfactory;
- Requested that Executive Committee are given copy of correspondence from the Minister of Transportation and write a letter in response; and
- Requested updates regarding meeting with MoTI attended by David Marlor, Director of Local Planning Services.

## **12. REPORTS**

### **12.1 Trustee and Local Expense Report dated August, 2019**

Received.

### **12.2 Adopted Policies and Standing Resolutions**

Received.

### **12.3 Climate Change Action Update**

Received.

### **12.4 First Nation Relationship Building**

Discussion ensued and the following points were noted by Trustees:

- Expressed interest in having "First Nations Report" in "Reports" section of agenda;
- Interested in continuing to develop an authentic dialogue with Snuneymuxw First Nations;
- Requested Lisa Wilcox, Senior Intergovernmental Policy Advisor, to do presentation and/or outreach; and
- Trustee Langereis to do some exploratory research and budget analysis.

**GB-2019-114****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to add a standing item to the Agenda for "First Nations Reports" in section 4.4 under Reports.

**CARRIED**

**12.5 Trust Conservancy Report - none**

**12.6 Local Trust Committee Webpage**

No updates requested.

**13. WORK PROGRAM**

**13.1 Top Priorities Report dated October 17, 2019 - none**

**13.2 Projects List Report dated October 17, 2019 – none**

Trustees requested that they would like to go through the projects list at the next meeting and prioritize.

**14. CLOSED MEETING**

**14.1 Motion to Close the Meeting**

**GB-2019-115**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a), (c) and (d) for the purpose of considering Advisory Planning Commission Appointments, Labour Relations or other Employee Relations and Adoption of In-Camera Meeting Minutes dated September 12, 2019 and that the recorder and staff attend the meeting.

**CARRIED**

Chair Rogers closed the meeting to the public at 6:06 pm.

**14.2 Recall to Order**

**By general consent** the meeting was recalled to order 6:22 pm.

**14.3 Rise and Report**

Angela Pounds, Jeff Malmgren, Susan Yates, Robert Plowright, Don Elkington, Deb Ferens, Peter Maidstone, Jennefer Laidley and Lisa Webster-Gibson were appointed to the Advisory Planning Commission and that the minutes from September 12, 2019 *In-Camera* meeting were adopted.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled at 10:30 am, Thursday, November 28, 2019 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC**

**16. ADJOURNMENT**

**By general consent** the meeting was adjourned at 6:23 pm.

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Dan Rogers, Chair

Certified Correct:

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Nadine Mourao, Recorder

DRAFT





## Minutes of the Gabriola Island Housing Advisory Planning Commission

**Date of Meeting:** Thursday, October 10, 2019  
**Location:** Islands Trust Office  
 700 North Road, Gabriola, BC

**HAPC Members Present:** Steven Earle, Chair  
 Tobi Elliot, Secretary  
 Dyan Dunsmoor-Farley  
 Angela Pounds  
 John Woods  
 Dave Neads

**Regrets:** Howard Houle  
 Heather Cameron

**Staff Present:** Sonja Zupanec, Island Planner  
 Margot Thomaidis, VIU  
 Nadine Mourao, Recorder

**Others Present:** There was one (1) member of the public in attendance

### 1. CALL TO ORDER AND WELCOME

Chair Earle called the meeting to order at 7:00 pm. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Commission Members, Staff and Recorder.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved.

The following amendments/additions to the agenda were presented for consideration:

- Add 4.3 Promotion for Fall Event; and
- Add 6. First Nation Engagement Consideration with Lisa Wilcox, Senior Intergovernmental Policy Advisor.

**By general consent** the agenda was approved as amended.

### 3. MINUTES - Gabriola Island Housing Advisory Planning Commission Draft Minutes dated September 26, 2019 – for Adoption

The following amendments/additions to the Housing Advisory Planning Commission meeting minutes of September 26, 2019 were presented for consideration:

- Page 1, remove “John Woods” from “HAPC Members Present:”.

**By general consent** the Housing Advisory Planning Commission meeting minutes of September 26, 2019 were approved as amended.

#### **4. DESIGN PUBLIC ENGAGEMENT LAUNCH**

##### **4.1 Margot Thomaidis presentation for Fall event, the purpose of which is to describe the overall objectives of this project, and to ask for ideas on how to get the community involved.**

Margot Thomaidis summarized the memo regarding November 4<sup>th</sup> Engagement Strategy Event and noted the following:

- Intention of the event is to introduce the Housing Advisory Planning Commission (HAPC), briefly explain their goals, and to further engage the community;
- Staff to prepare script parameters to send out to possible presenters framing a common theme and limiting scope; and
- Margot will manage logistic contact with presenters.

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

- Interested in including reconciliation and indigenous perspectives in event;
- Requested a representative from the business community as a presenter;
- Suggested recorded persons at risk presentation, Tobi Elliot may be able to assist with this;
- Interested in a musician or spoken word artist such as Lisa Webster-Gibson; and
- Suggested event name “Stories About Home: Exploring Key Themes to Address Gabriola’s Housing Needs While Protecting the Environment.”

##### **4.2 List potential participants and point person to secure their participation.**

- Introduction and opening:
  - Snuneymuxw Elder Geraldine Manson (C’tasi:a);
  - Dave Bodaly;
  - Trustees Scott Colbourne or Kees Langereis;
- Master of Ceremonies: HAPC member, possibly Dyan Dunsmoor-Farley;
- Theme 1 – Housing Diversity and Affordability:
  - Pat Maloney;
  - Councillor Erin Hemmens, Health & Housing Taskforce;
  - Martha Taylor, Salt Spring Community Health Society;
  - Warren Fraleigh, The Haven;
- Theme 2 – People at Risk:
  - Person at Risk, Tobi Elliot to source;
  - Brenda Fowler, People for a Healthy Community (PHC);
  - Tracey Thorne, Gabriola General Practitioner;
  - Patty Evans, Royal Canadian Mounted Police (RCMP);
- Theme 3 – Environment and Cultural Heritage: People in the Context of Place:

- Melanie Mamoser;
- Kate Emmings, Islands Trust Conservancy;
- Lisa Wilcox, Senior Intergovernmental Policy Advisor;
- Conclusions:
  - Dotmocracy; and
  - Commentary stations with HAPC members.

#### **4.3 Promotion of Fall Event**

Staff to create summary sheet for presenters, email alert to Islands Trust (IT) subscribers list, distribute poster for event (print and pdf version), and put ad in the Gabriola Sounder newspaper. Asked members to email pdf poster to their organizational contacts.

### **5. WEBSITE DESIGN**

#### **5.1 Discuss development of website as engagement portal for the public.**

Defer to next meeting

### **6. First Nations Engagement Consideration with Lisa Wilcox, Senior Intergovernmental Policy Advisor**

Staff suggested an online meeting for First Nations Engagement orientation, will send out Doodle Poll to members.

### **7. ADJOURNMENT**

Tobi Elliot to send out Doodle Poll for next meeting to be held prior to November 4<sup>th</sup> Event.

**By general consent**, the meeting was adjourned at 8:41 pm.

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Steven Earle, Chair

Certified Correct:

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Nadine Mourao, Recorder



## Follow Up Action Report

### Gabriola Island

#### 24-Jan-2019

| Activity                                                                                                                                                                                         | Responsibility               | Dates | Status      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------|-------------|
| 1 Staff to prepare a draft letter under the signature of the LTC chair to advise the First Nations with an interest in the Gabriola LTA of the LTC's Top 3 Priority Projects currently underway. | Lisa Wilcox<br>Sonja Zupanec |       | In Progress |

#### 16-May-2019

| Activity                                                                                                                                                                                                                                                                                                                   | Responsibility                   | Dates | Status      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------|-------------|
| 1 GB-DVP-2019.1 (Huxley Park) - LTC waived requirement for BCLS survey; issued DVP subject to receipt of a planting plan to mitigate tree loss/reduction in area for tree removal and reduction in parking area (see resolution from minutes). Staff to follow up with RDN on submission requirements and issuance of DVP. | Becky McErlean<br>Bronwyn Sawyer |       | In Progress |

#### 11-Jul-2019

| Activity                                                                                                                       | Responsibility | Dates | Status      |
|--------------------------------------------------------------------------------------------------------------------------------|----------------|-------|-------------|
| 1 Staff to prepare draft bylaws for the ecological protection zone with site specific provisions for Coats Marsh and B. Acres. | Ian Cox        |       | In Progress |

#### 12-Sep-2019

| Activity | Responsibility | Dates | Status |
|----------|----------------|-------|--------|
|----------|----------------|-------|--------|



## Follow Up Action Report

## Gabriola Island

## 12-Sep-2019

| Activity                                                                                                                                                                                                                                                                                                            | Responsibility                  | Dates | Status      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------|-------------|
| 1 Housing Options and Impacts Review Project: notify HAPC to proceed with referral as per recommendation. Expenditures approved for HAPC workplan session; community engagement activity; VIU intern and website development for project. Target Oct 24 for petcha kutcha style engagement activity in the evening. | Bronwyn Sawyer<br>Sonja Zupanec |       | In Progress |
| 2 GB-DP-2017.1 and DVP-2017.1 - amend covenant as per LTC minutes; accept covenant as amended and staff to consult with Lisa Wilcox and First Nations.                                                                                                                                                              | Becky McErlean<br>Ian Cox       |       | In Progress |

## 24-Oct-2019

| Activity                                                                                                                                                                | Responsibility                  | Dates | Status      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------|-------------|
| 1 Add to the November 28th agenda under business arising from minutes - climate action next steps - for discussion.                                                     | Becky McErlean<br>Heather Kauer |       | Completed   |
| 2 GB-RZ-2019.1 (BC Ferries) - Staff be directed to prepare draft bylaws to amend the OCP and LUB consistent with draft bylaw language presented in Oct 24 staff report. | Jaime Dubyna                    |       | In Progress |
| 3 GB-DVP-2018.6 issued by LTC<br>Issued and registered on Title                                                                                                         | Becky McErlean<br>Sonja Zupanec |       | Completed   |

## Follow Up Action Report

### Gabriola Island

24-Oct-2019

| Activity                                                                                                                                                                      | Responsibility | Dates               | Status      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------|-------------|
| 4 Proposed BL 303 - staff be requested to prepare draft amendments consistent with Trustee input and prepare a track-changes version of the proposed bylaw for consideration. | Heather Kauer  |                     | In Progress |
| 5 Add to the Project List a new project "Draft Application for a Poverty Reduction Strategy from UBCM"                                                                        | Sonja Zupanec  | Target: 24-Oct-2019 | In Progress |
| 6 GB LTC meeting schedule for 2020 accepted as presented and expenditure for advertising in the Sounder calendar.                                                             | Wil Cottingham |                     | Completed   |
| 7 Staff to add 'First Nations report" under 4.4 for all future LTC agendas.                                                                                                   | Becky McErlean |                     | Completed   |
| 8 GB LTC appointed all nine expressions of interest to the APC. Staff to notify the members and organize a date for orientation.                                              | Penny Hawley   |                     | Completed   |

File No.: GB-DVP-2017.1 and GB-DP-2017.2  
(WESTON)

DATE OF MEETING: November 28, 2019

TO: Gabriola Island Local Trust Committee

FROM: Ian Cox, Planner 1  
Northern Team

SUBJECT: Staff Report for GB-DVP-2017.1 and GB-DP-2017.2 (WESTON)  
Applicant: Judith Weston  
Location: Acorn Island  
PID 009-796-045; District Lot 19 (Flat Top Islands), Nanaimo District

## RECOMMENDATIONS:

1. **THAT the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2017.1 conditional upon confirmation of registration of the restrictive environmental covenant as amended by the LTC on September 12, 2019 and of the registration of a notice on the subject property land title pursuant to Section 32 of the *Heritage Conservation Act* for the protection of archaeological resources;**  
**AND**
2. **That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2017.2 following the issuance of GB-DVP-2017.1.**

## REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application GB-DVP-2017.1 and Development Permit (DP) application GB-DP-2017.2 arising out of bylaw enforcement GB-BE-2007.8 for unauthorized development on Acorn Island. The main discussion points in support of the above recommendations are:

1. Prior to the issuance of GB-DVP-2017.1, the property owner be required to grant and register the restrictive environmental covenant in favour of the Gabriola Island Local Trust Committee (LTC) as amended by the LTC on September 12, 2019, that mitigates and compensates for estimated habitat losses;
2. Issuance of GB-DP-2017.2 should be subject to the issuance of GB-DVP-2017.1 and conditions included as part of the permit, which are reflective of the Development Permit Area Guidelines (Attachment 1);
3. In lieu of the archaeological covenant that was developed originally to accompany the environmental protection instrument, a notice under Section 32 of the *Heritage Conservation Act* should be placed on the land title to protect the archaeological and heritage resources on the island from disturbance or destruction resulting from future development. This course of action is pursuant to staff communication with the provincial Archaeological Branch.

In summary, the restrictive environmental covenant and the *HCA* notice should be registered to the property title prior to issuance of the DVP and DP, as recommended by staff in this report. The *HCA* notice is voluntary and at the discretion of the property owner and not a requirement by LTC resolution - hence the need for confirmation of registration be received before issuance of the DVP and DP. In this way, archaeological and heritage resources would be protected prior to any work commencing via issuance of the permits or for future development on the property. For additional information on the history of development on the island from the perspective of the property owner and their family, please refer to **Attachment 6** – Letter of Support by Dr Darlene Weston (November 13, 2019).

## **BACKGROUND**

### ***LTC Resolutions***

Both the DVP and DP applications have been open for more than two years. At its regular business meeting on September 12, 2019, the LTC discussed a staff report that included an update on the applications and passed the following resolutions after consideration of the draft environmental covenant, as well as matters related to First Nations referrals and engagement in light of the Reconciliation Declaration made by Trust Council earlier this year:

#### **GB-2019-091**

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

that the Gabriola Island Local Trust Committee amend the covenant under Section 219 of the *Land Title Act* from the registered owners of District Lot 19 (Flat Top Islands), Nanaimo District, PID 009-796-045, add to Section 9 “with the exception of 3 (d)” as it is an ongoing provision.

##### **CARRIED**

#### **GB-2019-092**

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

that the Gabriola Island Local Trust Committee accept a covenant, as amended, under Section 219 of the *Land Title Act* from the registered owners of District Lot 19 (Flat Top Islands), Nanaimo District, PID 009-796-045, and authorize the Chair and one other member of the Local Trust Committee as signatories to the covenant (GB-DP-2017.2, GB-DVP-2017.1).

##### **CARRIED**

#### **GB-2019-093**

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

that GBLTC request Staff to consult with Lisa Wilcox, Senior Intergovernmental Policy Advisor and do subsequent follow up with Snuneymuxw and other First Nations with interest in Gabriola Island.

##### **CARRIED**

Following the September 12 meeting, staff spoke with the applicant’s legal counsel regarding next steps and to clarify points that were not clearly understood due to phone-in logistics during the meeting when the LTC was discussing matters related to the restrictive covenant. The lawyer was made aware of LTC resolution GB-2019-093 and staff was able to provide clarity on how this might impact the timeline for consideration of the permits.

### ***First Nations Referrals***

Following the above conversation with the applicant’s lawyer, staff contacted Snuneymuxw First Nation in order to re-establish contact and discussion which had commenced in 2017 when staff had originally referred and discussed the DVP and DP applications with the Nation’s representative. At that time, Snuneymuxw indicated



that they had general concerns regarding cultural heritage. No written comment was provided at that time and staff has not received any formal written comment since then. However, understanding that Snuneymuxw did have concerns and following the LTC direction provided at its regular business meeting on September 12, 2019, the applications were re-referred to Snuneymuxw First Nation and to First Nations with interest in the area on October 8th. Staff attempted to follow up with the Snuneymuxw referral via telephone and email - the most recent on November 13. No further comments have been received at the time of writing this report.

In addition, a referral letter explaining the LTC receipt and intent of the DVP and DP applications (see Attachment 2) was sent on October 8, 2019 to the following First Nations with interest in the area as identified using the provincial Consultative Areas Database:

Snuneymuxw First Nation  
 Stz'uminus First Nation  
 Lake Cowichan First Nation  
 Halalt First Nation  
 Lyackson First Nation  
 Penelakut Tribe  
 Cowichan Tribes

At the time of writing this report, the following Nations have provided written comment on the referral material:

| Community       | Date of response | Comments                                                                                                                                                                                                                                                           |
|-----------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cowichan Tribes | October 9, 2019  | No comment on permit applications.                                                                                                                                                                                                                                 |
| shíshálh Nation | October 8, 2019  | Please do not make a decision regarding this application prior to receiving the shíshálh Nation response.<br><br>Note: Area of application not within stated Territory identified in the "shíshálh Nation Lands and Resources Decision-Making Policy" <sup>1</sup> |

On November 14, staff sent an email letter to the referrals coordinator for shíshálh First Nation stating the November 28 date, time, and place the LTC would be considering the permits and that both staff and the LTC would welcome any concerns and comments received prior. At the time of writing this report, no further comments have been received.

### ***Protection for Archaeological and Heritage Resources***

On May 25, 2018, the provincial Archaeology Branch (the Branch) noted the following via email to staff, referring to a proposed covenant for the protection of archaeological resources:

<sup>1</sup> <https://shishalh.com/wp-content/uploads/2018/10/Decision-Making-Policy.pdf>

*To complete this kind of covenant (under Section 219 of the Land Title Act), an Archaeologist needs to conduct subsurface testing, working with a BC surveyor, to accurately map the boundaries of the archaeological site on the subject property.... An alternative is to use HCA Section 32 and place a notice on title, which encompasses the entire property and would require an AIA prior to any development or land altering activities, including removals of any existing structures.*

Subsequently, a draft covenant was developed by Islands Trust legal counsel for the protection of archeological resources. However, since the covenant would require an Archaeological Impact Assessment (AIA) for the entire property per Branch recommendation, the property owner has indicated they would prefer to register a notice on title.

The following was provided as part of the staff report dated September 12, 2019 pertaining to the applications:

“On March 14, 2019, Trust Council adopted a Reconciliation Declaration<sup>2</sup> intended to inform all consideration and decisions made by Islands Trust elected officials and staff in regard to reconciliation and First Nations relations.

Archaeological sites are protected by *The Heritage Conservation Act (HCA)*, whether on Provincial Crown or private land. They are non-renewable, very susceptible to disturbance and are finite in number. Archaeological sites are an important resource that are protected for their historical, cultural, scientific and educational value to the general public, local communities and First Nations. Impacts to archaeological sites must be avoided or managed by development proponents.<sup>3</sup>

The removal of certain unlawful structures is required by conditions of the DVP and it has therefore been necessary for the applicant to consult with the Branch since there are identified and potential sites on the island. It is recommended that the property owner continue the dialog begun with the Branch regarding any and all development plans in order to ascertain the need for additional permitting that may be required under the *Heritage Conservation Act*. The registration of the HCA Section 32 notice on title will help to ensure this under current and future ownership of the property.”

Given that there is no further development proposed by the applications save the removal of those structures identified by the DVP and the mitigation and remediation measures stipulated by the covenant and DP, staff would recommend moving forward with the second option that the Archaeology Branch has recommended and the property owner has agreed to accord.

### ***Environmental Protection Covenant***

On September 10, 2019, the applicant’s lawyer indicated to staff via email that they had received the amended version of the draft environmental covenant which included the all terrain vehicle (ATV) access trail and that they were willing to grant and sign the covenant. The covenant was then amended by LTC resolution on September 12, 2019 to add to Section 9 the exemption of 3(b). The property owner has since accepted and signed the amended covenant in preparation for registration with the Land Titles Office.

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<sup>2</sup> <http://www.islandstrust.bc.ca/media/347494/reconciliation-declaration.pdf>

<sup>3</sup> <http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

## Issues and Opportunities

### ***Eagle's Nest Cabin / LUB Setback to Nesting Trees***

Although no formal resolution was made on this matter, the LTC expressed concern with the siting of the existing structure called "Eagle's Nest Cabin" as described on the DVP site plan. The LTC directed staff to provide more information in relation to provincial and Land Use Bylaw (LUB) requirements for setbacks to the existing eagle's nest in the immediate vicinity - more specifically, whether there was adequate rationale to allow the building to remain and be legally sited by way of issuance of the DVP. Further, that there would likely be the need to vary Section B.2.1.3 of the LUB that requires a 7.5 metre setback to nesting trees. It is staff's understanding that the existing cabin was constructed prior to the LUB provision and that further disturbance to the nest could be caused by its removal. Caurinus Environmental Ltd. has provided a letter stating professional opinion and rationale, including mitigation measures to ensure the least disturbance to the nest if the existing cabin were permitted to remain in place (see Attachment 3). The 0 metre setback variance request has been added to the draft DVP for LTC consideration (See Attachment 4) and the mitigation measures recommended by Caurinus Environmental added as conditions to the DP (see Attachment 5).

### ***Timeline for Works required by DP and DVP***

As identified by their legal counsel, of particular concern to the owner is that the work which the DVP and DP require is time-sensitive, partly related to logistics around securing consultants and contractors to perform the work required by the environmental covenant and the permits themselves, and partly in the interest of timely compliance with the LUB and provincial guidelines and best practices for raptor conservation<sup>4</sup>, optimal planting times for the revegetation and remediation work and so on. Should the LTC pass resolution to require further information prior to consideration of the DP or to deny either permit altogether, specific reasons for the decision should be stated since the information required by the DP guidelines have been met.

### ***Section 32 HCA Notice***

Further to the conclusions of the Archaeology Overview Assessment report by Aquilla Archaeology (2017) recommending that prior to further ground disturbance, an Archaeological Impact Assessment be conducted under a *Heritage Conservation Act (HCA)* permit, staff believe that issuing the requested variances would be the least intrusive solution given the particular situation, as removing and/or moving the buildings and structures near the known archaeological sites could adversely impact the archaeological resources. However, any future ground disturbance or alteration, including the removal of the buildings and structures not slated for removal in the draft DVP, may require an *HCA* Section 32 permit. Identified and potential archaeological sites on Acorn Island would then be protected under the notice on title, which would trigger Archaeological Branch approvals and oversight in the case of future development. Given that there is no further development proposed by the DVP and DP other than as authorized by the permits, staff is recommending the property owner move forward with the notice on title option.

The present situation is such that the archaeological and heritage values on the property remain unprotected in any way from future ground disturbance aside from what might arise through an Islands Trust or provincial

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<sup>4</sup> [https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/raptor\\_conservation\\_guidelines\\_2013.pdf](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/raptor_conservation_guidelines_2013.pdf)

Archaeological Branch bylaw enforcement process, both of which rely primarily on formal public complaint in order to generate investigation into possible bylaw or statute infractions.

## **Consultation**

### ***Statutory Requirements***

Statutory Notice was distributed to neighbouring property owners on November 13, 2019 in accordance with *Local Government Act* requirements (See Attachment 6).

At the time of preparing this report, the Islands Trust has received no public correspondence from settler property owners in relation to the application as a result of the notification. The area of notification set out in the "Gabriola Island Trust Committee Development Procedure Bylaw No. 114, 1992, is described as within 100 metres of the subject property. In this case, no other properties are within 100 metres of Acorn Island and therefore it was the sole property to receive the notification.

See above sections of this report relating to formal referrals and communication with First nations regarding the applications. Further comments may be received from any member of the public before or during the LTC meeting on November 28<sup>th</sup>, 2019. All correspondence received on or before that meeting will form part of the public record and will be considered by the LTC. Correspondence may be sent to [GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca](mailto:GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca).

## **Protocols**

Islands Trust and the Gabriola Island Local Trust Committee have an existing Protocol Agreement with the Snuneymuxw First Nation. Planning Staff initially referred the DP and DVP applications to Snuneymuxw in 2017 for comment and again referred the applications at the direction of the LTC as described in the *First Nations Referrals* section of this report.

See the 'First Nations Referrals' section of this report for specific information related to communication with Snuneymuxw First Nation and the formal referral letter sent to communities with interest in Acorn Island as determined using the provincial Consultative Areas Database system.

## **Rationale for Recommendations**

The property owner is willing to register and grant to the LTC the voluntary covenant intended to mitigate and compensate for estimated habitat losses from previously unauthorised development, as amended by the LTC on September 12, 2019. Given the potential for negative impact to archaeological sites should further ground disturbance or land alteration occur (including moving or removing the buildings and structures requested to remain by way of the DVP application), staff are recommending approval of the requested variances and the conditions imposed by the permit, subject to the registration of the covenant and notice on title and the subsequent issuance of the DP that authorizes the remediation and compensation work.

Staff reiterate the importance that the DP only be issued following the issuance of the DVP, ultimately first requiring registration of the covenant and *HCA* notice on title. The approach to registration and permitting was originally recommended by staff in 2017 when the applications were first brought before the LTC. The reason for this order of operation is to ensure that both the archaeological resources and sensitive environmental areas and habitat receive protection that runs with the land before permits are issued to carry out the work related to each.

Formal staff recommendations are found on page 1 of this report.

## Alternatives

### 1. APPLICATION DEFERRAL

A resolution to defer an application is not necessary. A deferral statement to review a given application can simply be summarized and noted in the meeting minutes.

### 2. Request more information

The LTC may delay consideration of the application(s) until more information has been received from First Nations with interest in the area. Recommended resolution:

*That the Gabriola Island Local Trust Committee delay consideration of (GB-DVP-2017.1 or GB-DP-2017.2) until receipt of further comment from First Nations with interest in the area of application as identified using the provincial Consultative Areas Database.*

### 3. Amend the DP and/or DVP

The LTC may wish to amend either the DP or DVP before issuance. Recommended wording for the resolution is as follows:

*That the Gabriola Island Local Trust Committee amend application (GB-DVP-2017.1 or GB-DP-2017.2) to include the following conditions [insert conditions].*

### 4. Deny the application(s)

The LTC may deny the application(s). If this alternative is selected, the LTC should state the reasons for denial. Note: if the decision is to deny the development permit application, the decision MUST be accompanied by reasons. Recommended wording for the resolution is as follows:

*That the Gabriola Island Local Trust Committee deny application (GB-DVP-2017.1 or GB-DP-2017.2) for the following reasons [insert reasons].*

Staff would draw attention to the effect that denying either permit may result in the matters which they seek to remedy being referred back to Islands Trust Bylaw Enforcement for contraventions to LUB regulations such as setbacks to the natural boundary of the sea, floor area, unlawful structures, the use of those structures, and so on. This would prolong the path to compliance with LTC bylaws at a time when staff, the Archaeological Branch, and the current land owner appear to have reached an agreeable path to resolution of the long standing issues with the property.

## NEXT STEPS

Should the LTC concur with the recommendations of staff, the property owner and their agent would first register the restrictive covenant and HCA notice on the land title. Upon receipt of confirmation of those registrations, staff would then issue GB-DVP-2017.1 and subsequently GB-DP-2017.2. Additionally, the onus lies with the property owner to pursue compliance with the BC Building Code through any necessary Regional District of Nanaimo building inspection and permit requirements. Similarly, the property owner should consult with the Archaeology Branch regarding their obligation to obtain any additional permitting needed in relation to the removal of buildings and structures as required by the DVP. On this matter, the owner and their legal counsel are aware of their responsibility under the HCA to obtain the necessary permitting and to follow provincial procedure for chance finds<sup>5</sup> as part of any development, whether in relation to the DVP or for future ground alteration and disturbance.

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<sup>5</sup> <http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

|               |                                                             |                   |
|---------------|-------------------------------------------------------------|-------------------|
| Submitted By: | Ian Cox, Planner 1<br>Northern Region                       | November 18, 2019 |
| Concurrence:  | Heather Kauer, RPP, MCIP, AICP<br>Regional Planning Manager | November 19, 2019 |

## ATTACHMENTS

1. Development Permit Area Guidelines (DPA 4 – Flat Top Islands Area)
2. Referral Letter to First Nations
3. Caurinus Environmental Letter
4. DRAFT Development Variance Permit
5. DRAFT Development Permit
6. Letter of Support by Dr. Darlene Weston (November 13, 2019).

## ATTACHMENT 3 – DEVELOPMENT PERMIT AREA GUIDELINES

### DEVELOPMENT PERMIT AREA 4 – FLAT TOP ISLANDS AREA

#### F.4.2 Guidelines

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

| Guideline #    | Guideline                                                                                                                                                                                                                                                                                                                            | Included as Condition # _ of Development Permit |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| <b>F.4.2.1</b> | There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.                                                                                                                                            | <b>Condition 3.2.a)</b>                         |
| <b>F.4.2.2</b> | Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.                                                                                                                                                                                                                  | <b>Condition 3.1.a)</b>                         |
| <b>F.4.2.3</b> | There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.                                                                                                                                                                                                                            | <b>Condition 3.2.b)</b>                         |
| <b>F.4.2.4</b> | Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.                                                                                                                                                                                                                            | <b>Condition 3.3.a)</b>                         |
| <b>F.4.2.5</b> | Other than within existing marine lease areas, applicant shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.                                                                                                            | <b>Condition 3.4.a)</b>                         |
| <b>F.4.2.6</b> | Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.                                                                                                                                                                            | <b>Condition 3.2.c)</b>                         |
| <b>F.4.2.7</b> | Septic systems shall not be constructed within 30 metres of the natural boundary of any watercourse (including a body of water or the sea).                                                                                                                                                                                          | <b>Condition 3.3.b)</b>                         |
| <b>F.4.2.8</b> | Areas subject to flooding shall be subject to a 15 metre setback unless waived by the Ministry of Environment.                                                                                                                                                                                                                       | <b>Condition 3.4.b)</b>                         |
| <b>F.4.2.9</b> | Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service. | <b>Condition 3.1.a)</b>                         |

October 7, 2019

XX First Nation  
Contact  
Information

File No.: GB-RZ-2019.1 (3650-25)

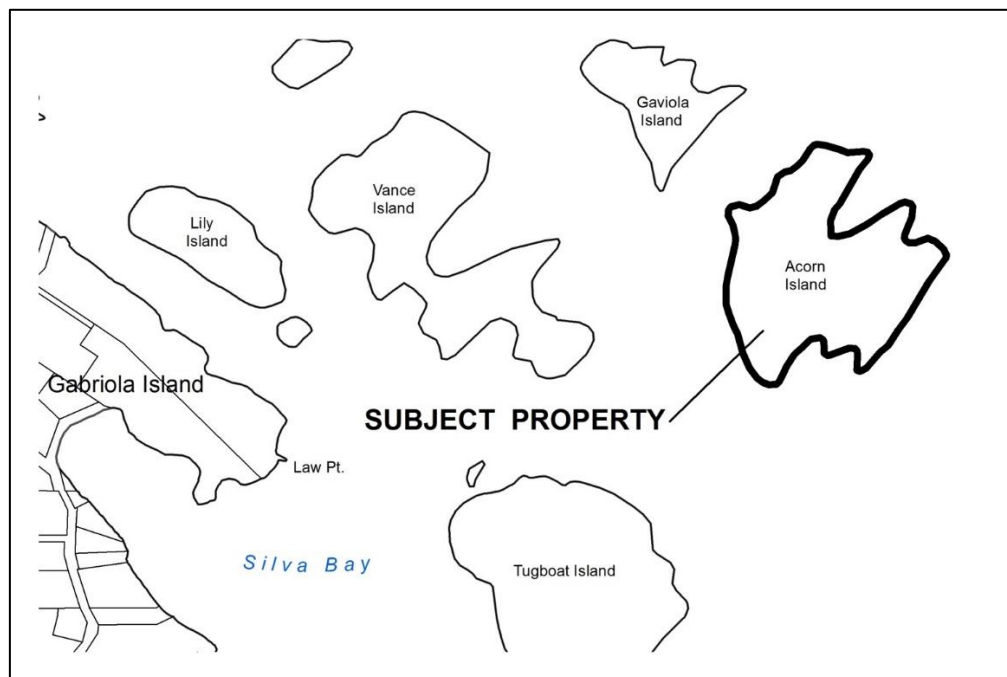
Dear Referrals Coordinator/Assistant:

**Re: Gabriola Island Local Trust Committee Development Permit 2017.2 and Development Variance Permit 2017.1 for Acorn Island, Silva Bay area.**

Please accept this notification that the Gabriola Island Local Trust Committee (LTC) has received an application for a Development Permit (DP) and a Development Variance Permit (DVP) for Acorn Island in the vicinity of Silva Bay. The permits will be considered by the LTC at its regular business meeting on October 24, 2019.

#### BACKGROUND

The subject property (Acorn Island) is currently a privately owned single property off the south coast of Gabriola Island near Silva Bay, as shown in the location map below.



Both the DP and DVP applications are proceeding as a result of a Bylaw Enforcement file from 2008, when Islands Trust became aware of construction happening on the island without a Development Permit. The islands in Silva Bay, often referred to as the "Flat Top Islands", are within an Islands Trust Development



Permit Area (DPA) for the protection of the natural environment. Any development within the DPA first requires a Development Permit so that the construction of buildings or alteration of land may be evaluated and any potential impact to the natural environment can be mitigated through conditions of the permit - such as requirements for remediation, revegetation, establishing setbacks to nesting trees, or other habitat compensation and mitigation measures.

## **THE PERMITS**

GB-DVP-2017.1: This application is proceeding to address a number of existing non-conforming buildings and structures on the subject property, namely the house, retaining wall, an accessory building, and the accessory cottage. The construction and development that was carried out in 2007/2008 was completed at that time and no new construction is proposed to take place or is authorised by the permits, except the removal of three small accessory buildings without permanent foundations that are unlawful under the Gabriola Island Land Use Bylaw No. 177 for number of buildings per lot.

GB-DP-2017.2: This application is proceeding because the subject property is within Gabriola's Development Permit Area 4 (DPA-4) – Flat Top Islands Area, and previous development was done without a Development Permit. The work to be carried out as part of the DP application involves environmental and foreshore habitat restoration and remediation measures.

See Attachments 1 and 2 - Proposed DP and Proposed DVP.

## **ARCHAEOLOGY**

Acorn Island has at least 4 recorded archaeological sites according to the province of BC Remote Access to Archaeological Data (RAAD) system. In the process of considering and preparing the DP and DVP, Islands Trust staff contacted the provincial Archaeology Branch with concern over the identified sites. An option for protection of the sites proposed by Branch staff, is to have the property owner register a notice on title under Section 32 of the *Heritage Conservation Act* that would run with the land. The notice would ensure that any future development by the current owner or their predecessors must be conducted under the necessary permitting, supervision, and permission from the Branch. The applicant has agreed to register a notice on title and Island Trust staff would make this a requirement prior to the issuance of either the DP or the DVP. In this way, the *HCA* notice would be registered on the property title prior to LTC issuance of the permits in order to ensure compliance with the *Heritage Conservation Act*. The property owner/applicant is aware of their responsibility under the *Act* to obtain any permitting that may be necessary in conjunction with any development or land altering activities in the future, or as part of the work to be done as part of the DP and DVP.

## **FURTHER INFORMATION**

Planning staff are able to provide reports, mapping, and documents applicable to the proposed applications at any time and can assist with facilitating any inter-agency contacts if required.

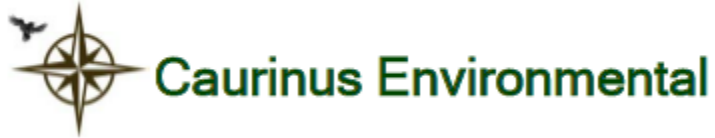
The Gabriola Local Trust Committee is comprised of Scott Colbourne (Trustee), Kees Langereis (Trustee), and Dan Rogers (Chair).

If you foresee any impacts or have any concerns about these applications related to treaty, traditional territory, cultural heritage and archaeological sites, Aboriginal Rights and Title, etc., we look forward to hearing from you. Do not hesitate to contact myself, Ian Cox, Planner 1 at [icox@islandstrust.bc.ca](mailto:icox@islandstrust.bc.ca) or Lisa Wilcox, Senior Intergovernmental Policy Advisor at [lwilcox@islandstrust.bc.ca](mailto:lwilcox@islandstrust.bc.ca).

With great respect, and also on behalf of the Gabriola Local Trust Committee, comprised of Scott Colbourne (Trustee), Kees Langereis (Trustee), and Dan Rogers (Chair),

A handwritten signature in dark ink, appearing to read "Ian Cox", with a stylized flourish at the end.

Ian Cox  
Planner I, Northern Team  
Islands Trust  
Phone: 250-247-2204 (office)  
Enquiry BC Toll-free call 1-800-663-7867  
or from the lower mainland 604-660-2421



Box 8  
Pender Island BC Canada  
V0N 2M1  
250-222-0370; 250-222-4571  
[caurinusenvironmental@gmail.com](mailto:caurinusenvironmental@gmail.com)

01 October 2019

**Dear Mr. Cox:**

**Re: Acorn Island Accessory Building #3 within 7.5 m of eagle nest tree**

We are assisting the owners of the property at Acorn Island with various measures to address permitting requirements and to bring the property into bylaw compliance. A question has been raised regarding the Development Variance Permit application, which allows for certain structures to remain on the property; one structure which would fall under that allowance is the building closest to the existing eagle nest tree on the property (labelled "Accessory Building #3" on the site plan). This structure is located within the 7.5 m setback from eagle nest trees required by the Gabriola Island Land Use Bylaw.

We wish to suggest that removal of this building is not necessary from the perspective of disturbance to future eagle nesting activity, and in fact may be detrimental at this point. It is our understanding that the building in question was constructed in approximately 1968, and hence very likely preceded the use of the adjacent tree for nesting by eagles. This suggests that the presence of the building, and historical levels of use by the property owners, do not in themselves constitute a disturbance to eagles that would deter nesting activity.

A second concern is that demolition of the building would constitute a considerable disturbance immediately adjacent to the nest tree. Even assuming demolitions were conducted outside of the breeding season, ground disturbance associated with building removal could result in damage to the tree or its roots, which could compromise the integrity and structural stability of the nest tree itself. This would then increase the probability of blow down during extreme weather events, rendering the tree entirely unusable by eagles in the future. There are few large, veteran Douglas-fir on the property that are suitable nest trees for bald eagles, and so it is important that ground disturbance be avoided within the canopy area of those trees that are present.

We therefore suggest that it would be prudent to allow the building nearest the eagle nest tree to remain on the property for the above reasons, and instead suggest that the property owners follow the below mitigation measures to ensure no disturbance to nesting eagles in future years:

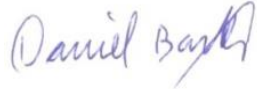
- No excavation work shall be conducted within the canopy area of the Douglas-fir housing the eagle nest, located within 7.5 m of the structure labelled as Accessory Building #3 on the DVP Site Plan.

- Human activity and auditory disturbances will be avoided within 50 m of the nest tree during the bald eagle nesting season, from February to July.

Note that these provisions shall remain in place even in the event of the nest material falling from the tree, and for the duration of the life of the tree, because the nest may be repaired and reused in future years.



Erin O'Brien (PhD)



Dan Baxter (BSc, RPBio #1999)



**Caurinus Environmental**



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT VARIANCE PERMIT - GB-DVP-2017.1**  
**(WESTON – ACORN ISLAND)**

**TO:** Judith Weston

1. This Development Variance Permit (the “Permit”) applies to the land described below:  
  
PID 009-796-045  
District Lot 19 (Flat Top Islands), Nanaimo District
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 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, 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 in order to reduce the setback of the natural boundary of the sea from 15 metres:
      - To a minimum of 2.9 metres for the existing dwelling (“House”);
      - To a minimum of 0.0 metres for the existing retaining wall (“Rock Retaining Wall”); and
      - To a minimum of 7.7 metres for the existing Accessory Building #3 (“Eagle’s Nest”).as shown in the attached site plan (Schedule “A”), which is attached to and forms part of this Permit.
  - b) **PART D – ZONES, Section D.2 RESOURCE ZONES, Subsection D.2.4 Resource (R), Article D.2.4.2 Buildings and Structures, Clause a Permitted Buildings and Structures, Item a.i:**

“Maximum of: one accessory cottage dwelling per lot, not exceeding 65.0 square metres (699.7 square feet) on lots 2.0 hectares (4.94 acres) or larger”;

    - Is varied in order to increase the permitted area of the existing Accessory Cottage (“Bayview Cabin”) from 65.0 square metres to 133.0 square metres, as shown in the attached site plan (Schedule “A”), which is attached to and forms part of this Permit.

- c) **PART B – GENERAL REGULATIONS, Section B.2 GENERAL SITING AND HEIGHT PROVISION, Subsection B.2.1.3 Setbacks and Screening from Nesting Trees, Article a.** “A protective screen of natural vegetation must be retained within a 7.5 metres (24.6 feet) radius of the trunk of a tree bearing nests of herons, eagles, ospreys, vultures, falcons, hawks and owls. ”;

- Is varied in order to reduce the setback from 7.5 metres to a minimum of 0.0 metres for “Accessory Building #3” only, as shown on the Site Plan attached as Schedule “A” to this permit.

3. All buildings and structures shall be consistent with Schedule “A” which is attached to and forms 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, 1999 including use and density, and to obtain other appropriate approvals necessary for completion of the development.

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

\_\_\_\_\_  
**Deputy Secretary, Islands Trust**

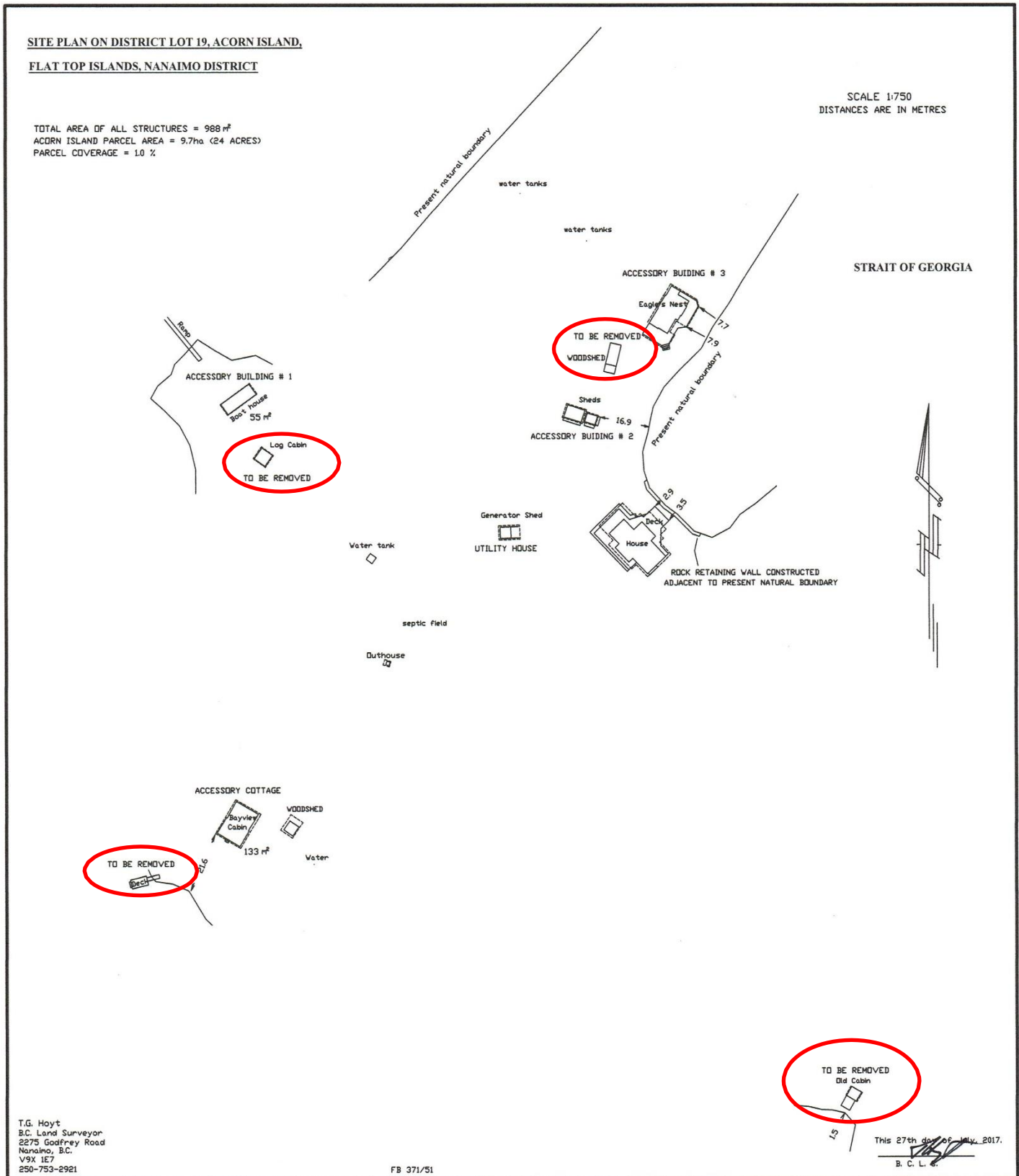
\_\_\_\_\_  
**Date of Issuance**

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021, THIS PERMIT AUTOMATICALLY LAPSES.**

GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
GB-DVP-2017.1 (WESTON)

Schedule "A"

Site Plan (Surveyed May 27, 2017)



# DRAFT



## GABRIOLA ISLAND LOCAL TRUST COMMITTEE

### DEVELOPMENT PERMIT GB-DP-2017.2 (WESTON)

- TO:** Christopher Weston and Judith Weston
1. This Development Permit (the "Permit") applies to the land described below, and all buildings, structures, and other developments therein:
- PID 009-796-045  
District Lot 19 (Flat Top Islands), Nanaimo District
2. This Permit is authorized in accordance with the following schedules attached to and forming part of this Permit as signed and dated by the Deputy Secretary of Islands Trust:
- Schedule "A" – Existing Site Plan (as surveyed May 27, 2017)
- Schedule "B" – Acorn Island Biophysical Survey – May, 2017. Prepared by Kayt Chambers, R.P.Bio., Baynes Sound Environmental
- Schedule "C" – Baynes Sound Environmental Supplemental Letter dated June 26, 2017. RE: Recommended Mitigation & Compensation Measures for the Riprap Wall and House Installed in the Backshore on Acorn Island
- Schedule "D" – Caurinus Environmental Letter RE: professional opinion and mitigation measures associated with eagle's nest and Accessory Building #3 as shown on Schedule "A" (Existing Site Plan).
3. The Permit is subject to the following conditions:

#### 3.1 Restrictive Covenant

A restrictive covenant shall be granted to the Gabriola Island Local Trust Committee and registered on title:

In order to mitigate and compensate for estimated habitat losses, and shall ensure, as per Schedule "C", the:

- a) Remediation of riparian vegetation and habitat along the marine shoreline, including the protection of identified Garry Oak trees and their habitats from disturbance, and the establishment of 100-metre buffer distances around each identified eagle nest tree to protect them from disturbance.
- b) Protection of the marine shoreline from erosion, which includes a soft-engineered approach. A baseline erosion and sediment control study will be established in the present and monitored in the future to determine if the riprap wall is having long-term cumulative negative impacts on the surrounding shoreline. If it is found that there is a net-negative impact, then the owner must hire a bioengineering specialist with experience in shoreline stabilization for specific design and installation requirements for this site; and
- c) Protection of the following sensitive habitats to restrict future development and motorized vehicle access, and to provide maximum protection for any sensitive Species at Risk that possibly reside in these areas: the two seasonal wetlands should receive a 15 metre riparian buffer setback; the year-round freshwater pond should receive a 15



metre riparian buffer setback; and all marine shorelines should receive a 15 metre riparian buffer setback.

### **3.2 Natural Boundary of the Sea**

- a) There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea.
- b) There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.
- c) Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.

### **3.3 Buildings & Septic**

- a) Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
- b) Septic systems shall not be constructed within 30 metres of the natural boundary of any watercourse (including a body of water or the sea).

### **3.5 Eagles Nest & "Accessory Building #3**

- a) No excavation work shall be conducted within the canopy area of the Douglas-fir housing the eagle nest, located within 7.5 metres of the structure labelled as Accessory Building #3 on the Existing Site Plan.
- b) Human activity and auditory disturbances will be avoided within 50 metres of the nest tree during the bald eagle nesting season, from February to July.

### **3.4 Other**

- a) Prior to any expansions or new developments, other than within existing marine lease areas, the owner/applicant shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional; and
- b) Areas subject to flooding shall be subject to a 15 metre setback unless waived by the Ministry of Environment.

- 4. Any alterations requiring a Development Permit and not specifically authorized in this Permit may require a new Development Permit or a Development Permit Amendment.
- 5. 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, 1999 including use and density, and to obtain other appropriate approvals necessary for the lawful completion of the development.
- 6. The land described herein shall be developed in accordance with the terms, conditions, and provisions of this Permit, and any schedules, plans, and specifications attached to this Permit, which shall form a part thereof.

### **AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**

THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

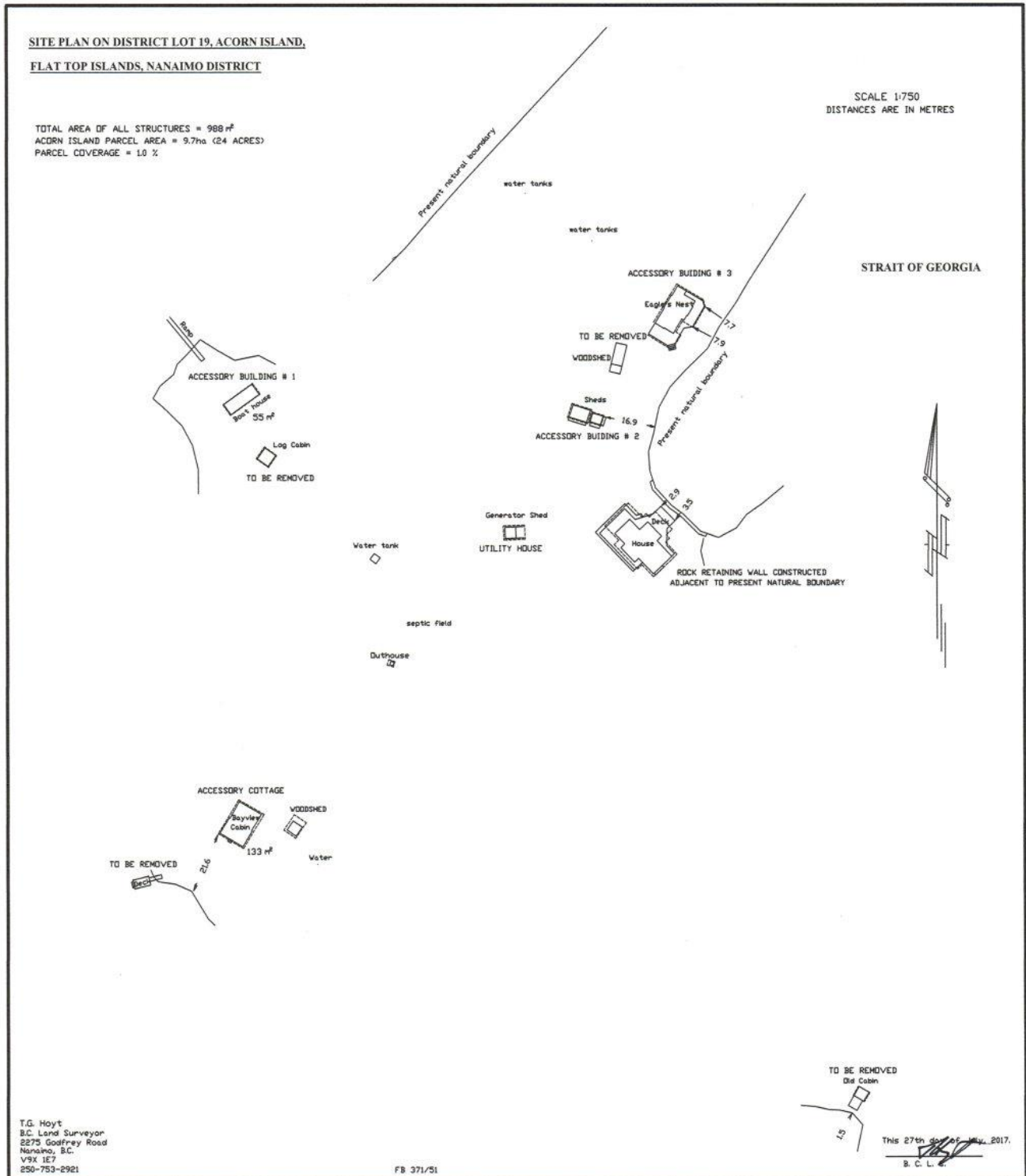
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date Issued

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT SUBSTANTIALLY COMMENCED BY**

**THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021, THIS PERMIT AUTOMATICALLY LAPSES.**

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT GB-DP-2017.2 (WESTON)  
Schedule "A"  
Existing Site Plan (as surveyed May 27, 2017)**



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

**Schedule "B" – Biophysical Survey**

**Acorn Island Biophysical Survey – May, 2017**

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

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

### **Statement of Qualifications**

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

## TABLE OF CONTENTS:

|                                                                |           |
|----------------------------------------------------------------|-----------|
| <b>1.0 INTRODUCTION .....</b>                                  | <b>4</b>  |
| <b>1.1 Site Background Analysis: .....</b>                     | <b>5</b>  |
| 1.1.1 SAR and Sensitive Ecosystem Occurrences.....             | 6         |
| 1.1.2 Site Description.....                                    | 7         |
| 1.1.3 Raptor and Heron Nests .....                             | 9         |
| 1.1.4 Fish-bearing Watercourses .....                          | 9         |
| <b>2.0 METHODS .....</b>                                       | <b>9</b>  |
| <b>2.1 Survey Targets: .....</b>                               | <b>10</b> |
| <b>2.2 Field Survey: .....</b>                                 | <b>10</b> |
| <b>3.0 RESULTS.....</b>                                        | <b>11</b> |
| <b>3.1 Preliminary Site Inventory .....</b>                    | <b>11</b> |
| 3.1.1. Plant Community.....                                    | 11        |
| 3.1.2. Marine Habitat.....                                     | 11        |
| 3.1.3. Topography and Terrestrial Habitat.....                 | 12        |
| 3.1.4. Land-uses .....                                         | 13        |
| 3.1.5. Hydrology .....                                         | 13        |
| 3.1.6. Slope Stability .....                                   | 14        |
| <b>3.2 Photos: .....</b>                                       | <b>15</b> |
| <b>4.0 DISCUSSION .....</b>                                    | <b>18</b> |
| <b>4.1 Marine Intertidal Habitat: .....</b>                    | <b>18</b> |
| <b>4.2 Upland Habitat: .....</b>                               | <b>19</b> |
| <b>4.3 Garry Oak Ecosystems: .....</b>                         | <b>20</b> |
| <b>4.4 Species-at-Risk: .....</b>                              | <b>21</b> |
| <b>5.0 CONCLUSIONS.....</b>                                    | <b>22</b> |
| <b>6.0 RECOMMENDATIONS .....</b>                               | <b>23</b> |
| 6.1 Habitat Restoration .....                                  | 23        |
| 6.2 Habitat Enhancement .....                                  | 23        |
| APPENDIX A: Gabriola Island DP 4 for the Flat Top Islands..... | 25        |
| APPENDIX B: SEI Atlas Mapsheet 92G012.....                     | 26        |

## 1.0 INTRODUCTION

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

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

**Figure 1.** Subject house built on beachfront.



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

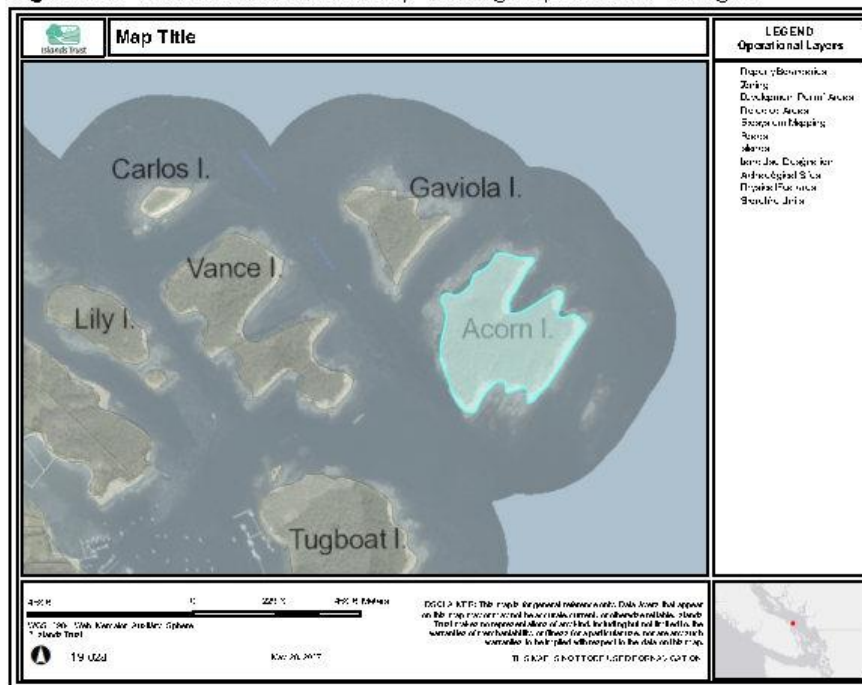




## 1.1 Site Background Analysis:

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

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



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

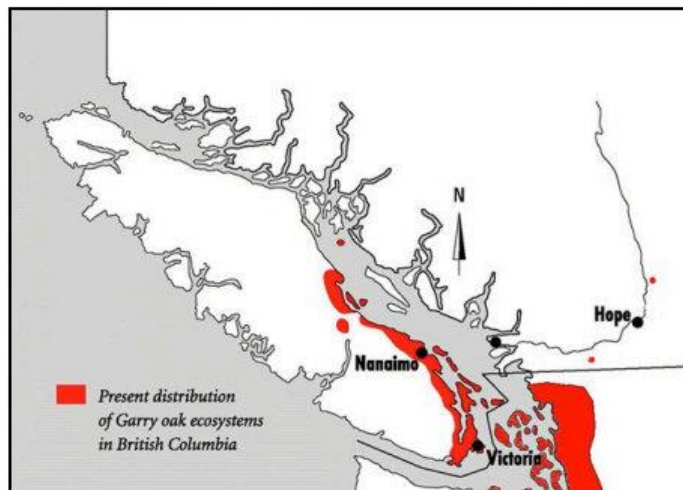
<sup>1</sup>Ministry of Environment EcoCat: The Ecological Reports Catalogue, Sensitive Ecosystem Inventory Maps (<http://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=2124>) as retrieved on 29 May 17.

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

#### 1.1.1 SAR and Sensitive Ecosystem Occurrences

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

**Figure 4.** Garry Oak Ecosystem Distribution



<sup>2</sup> Garry Oak Ecosystem Recovery Team, Species at Risk list ([http://www.goert.ca/publications\\_resources/species\\_at\\_risk.php](http://www.goert.ca/publications_resources/species_at_risk.php)) as retrieved on 16 May 17.



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

The Garry Oak Ecosystem Recovery Team (GOERT) is a provincial organization with a mandate to protect and recover the threatened Garry oak and associated ecosystems<sup>3</sup>.

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

#### 1.1.2 Site Description

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

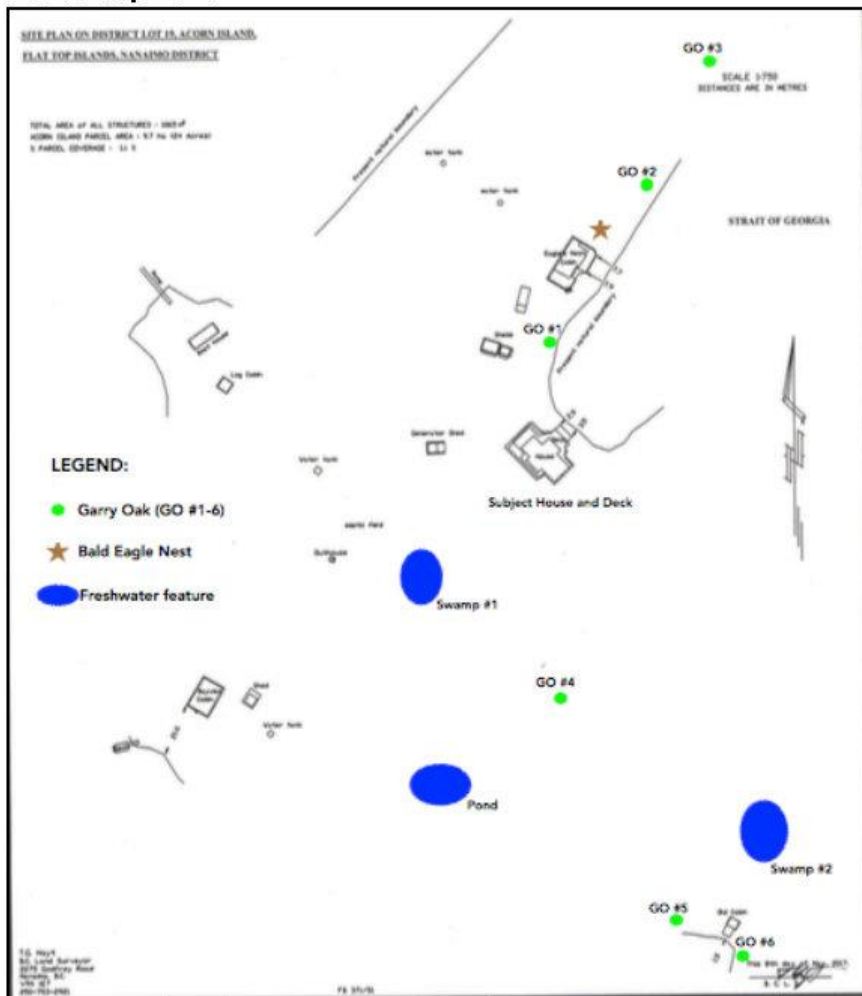
A deck extends from the northeast side of the house to the shoreline, and a riprap rock wall was built in the backshore between the deck and the beach (Photo 4). The riparian area surrounding the house is landscaped with lawn and some ornamental conifer bushes and grasses (Photos 5 and 6).

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

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

# Site Survey Plan:



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

### 1.1.3 Raptor and Heron Nests

The provincial Best Management Practices (BMPs) for development activity near established Bald eagle (*Haliaeetus leucocephalus*) nests<sup>4</sup> and Great-blue heron (*Ardea Herodias*) nests<sup>5</sup> were reviewed prior to this field survey.

### 1.1.4 Fish-bearing Watercourses

The provincial Fish Inventories Data Queries (FIDQ) resource<sup>6</sup> was checked prior to this field survey. FIDQ provides easy access to BC lake, stream and fish data from the provincial BC Geographic Data Warehouse (BCGW).

## 2.0 METHODS

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

- i. The provincial Conservation Data Centre (CDC) Species and Ecosystem database<sup>7</sup>,
- ii. The Ministry of Environment Ecological Reports Catalogue (EcoCat) Sensitive Ecosystem Inventory,
- iii. The Best Management Practices for Garry Oak and Associated Ecosystems<sup>8</sup>,
- iv. The Environmental Guidelines for Urban and Rural Land Development in British Columbia (Develop With Care: Section 4, Environmentally Valuable

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

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

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

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

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

- Resources)<sup>9</sup>, and
- v. The Stewardship Series Coastal Shore Stewardship: A Guide for Planners, Builders, and Developers on Canada's Pacific Coast<sup>10</sup>.

## 2.1 Survey Targets:

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

## 2.2 Field Survey:

The field survey of Acorn Island was designed with reference to the provincial Develop With Care (2014) Bio-Inventory Terms of Reference document<sup>11</sup>. Assessment of the main house site involved a detailed search for Environmentally Valuable Resources (EVRs) within the marine intertidal and riparian habitats surrounding the subject house on May 17<sup>th</sup>, 2017.

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<sup>9</sup> Develop With Care: Section 4, Environmentally Valuable Resources ([http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC\\_Section\\_4.pdf](http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC_Section_4.pdf)) as retrieved on 16 May 17.

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

<sup>11</sup> Develop With Care, Appendix B: Bio Inventory Terms of Reference ([http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC\\_Appendices\\_A\\_F.pdf](http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC_Appendices_A_F.pdf)) as retrieved on 16 May 17.

### 3.0 RESULTS

#### 3.1 Preliminary Site Inventory

##### 3.1.1. Plant Community

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

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

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

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

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

##### 3.1.2. Marine Habitat

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

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

A number of unidentified marine birds were also observed.

### 3.1.3. Topography and Terrestrial Habitat

Acorn Island is characterized as a low relief and composed of the relatively young *Gabriola formation* sandstone bedrock<sup>12</sup>.

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

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

The provincial Wildlife Tree Atlas<sup>13</sup> has documented two Bald eagle nests on the eastern side of Acorn Island. A third nest was observed above the small cabin called the Eagles Nest Cabin (Photo 9) near the main house, but no eagles were observed in the nest.

The provincial Best Management Practices (BMPs) for development activity near established Bald eagle (*Haliaeetus leucocephalus*) nests<sup>14</sup> in rural areas

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

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

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



recommends a minimum of a 100-m buffer distance from nest tree to proposed construction. For Great-blue heron (*Ardea Herodias*) nests<sup>15</sup>, the minimum buffer distance is 200-m. No Great-blue heron nests (i.e., rookeries) were observed, however.

The provincial Fish Inventories Data Queries (FIDQ) resource<sup>16</sup> was checked prior to the site survey. No fish-bearing watercourses were documented for Acorn Island and no drainages suitable as anadromous fish habitat were observed.

#### 3.1.4. Land-uses

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

#### 3.1.5. Hydrology

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

Drainage off the main house is directed into a perimeter drain<sup>17</sup> while the deck appears to be constructed to allow some infiltration between slats.

The septic field is built to receive both the sewage and grey water discharge from the main house<sup>18</sup>.

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<sup>15</sup> The Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet #11 Great blue herons ([http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/Fact\\_Sheet\\_11\\_herons.pdf](http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/Fact_Sheet_11_herons.pdf)) as retrieved on 30 May 17.

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

<sup>17</sup> Personal communication with Michael Zane on 27 May 17.

<sup>18</sup> Personal communication with Michael Zane on 17 May 17.

### 3.1.6. Slope Stability

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

The subject shoreline is best categorized as a Rocky Shore habitat type as described in the provincial Coastal Shore Stewardship document<sup>19</sup>:

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

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



### 3.2 Photos:



**Photo 1.** Narrow bay in front of subject house.



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



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



**Photo 5.** Backside of house showing lawn area.



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



**Photo 6.** Landscaped area behind subject house.



**Photo 7.** Dominant forest type found on Acorn Island.



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



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



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



**Photo 9.** Bald eagles nest above Eagles Nest Cabin.



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



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



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



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



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



**Photo 15.** The subject beach is dogged with driftwood.



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



## 4.0 DISCUSSION

### 4.1 Marine Intertidal Habitat:

As stated in the provincial Develop With Care: Environmentally Valuable Resources document<sup>20</sup>:

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

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

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

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<sup>20</sup> Provincial Develop With Care: Environmentally Valuable Resources document ([http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC\\_Section\\_4.pdf](http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/DWC_Section_4.pdf)) as retrieved on 31 May 17.

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

impedes boat traffic and swimmers, and reproduces via floating fragments and can be spread easily<sup>22</sup>. Otherwise, no marine SAR or other invasive species were observed.

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

## 4.2 Upland Habitat:

The SEI Woodland Ecosystem designation for Acorn Island can be refined to the Douglas-fir/Shore pine/Arbutus (CDFmm/02) plant community<sup>23</sup> based on estimates of the tree canopy coverage (%) and species assemblage. It is important to note that this forest type can include Garry oaks as a sub-dominant species as found on the subject property (see Photos 8 and 16-18).

The CDFmm/02 plant communities are typically:

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

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<sup>22</sup> Invasive Species Council of British Columbia, Aquatic Invasive Plants ([http://bcinvasives.ca/documents/Aquatic\\_Invasive\\_Plants\\_\\_Plant\\_Notes.pdf](http://bcinvasives.ca/documents/Aquatic_Invasive_Plants__Plant_Notes.pdf)) as retrieved on 31 May 17.

<sup>23</sup> BC's Coast Region: Species & Ecosystems of Conservation, Plant Community: Douglas fir/Arbutus ([http://ibis.geog.ubc.ca/biodiversity/factsheets/pdf/plant%20communities/douglasfir\\_arbutus\\_cdfmm02.pdf](http://ibis.geog.ubc.ca/biodiversity/factsheets/pdf/plant%20communities/douglasfir_arbutus_cdfmm02.pdf)) as retrieved on 29 May 17.

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

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

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

### 4.3 Garry Oak Ecosystems:

As stated in the Sensitive Ecosystem Inventory (East Vancouver Island and Gulf Island 1993-1997) document<sup>24</sup>:

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

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

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<sup>24</sup> SEI East Vancouver Island and Gulf Islands 1993-1997: Volume 1: Methodology, Ecological Descriptions, and Results  
([http://a100.gov.bc.ca/appsdata/acat/documents/r2124/SEI\\_4206\\_rpt1\\_1111625239116\\_8be42252200c4f0283b18cac66eed366.pdf](http://a100.gov.bc.ca/appsdata/acat/documents/r2124/SEI_4206_rpt1_1111625239116_8be42252200c4f0283b18cac66eed366.pdf)) as retrieved on 31 May 17.

#### **4.4 Species-at-Risk:**

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

## 5.0 CONCLUSIONS

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

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

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

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



## 6.0 RECOMMENDATIONS

### 6.1 Habitat Restoration

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

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

### 6.2 Habitat Enhancement

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

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

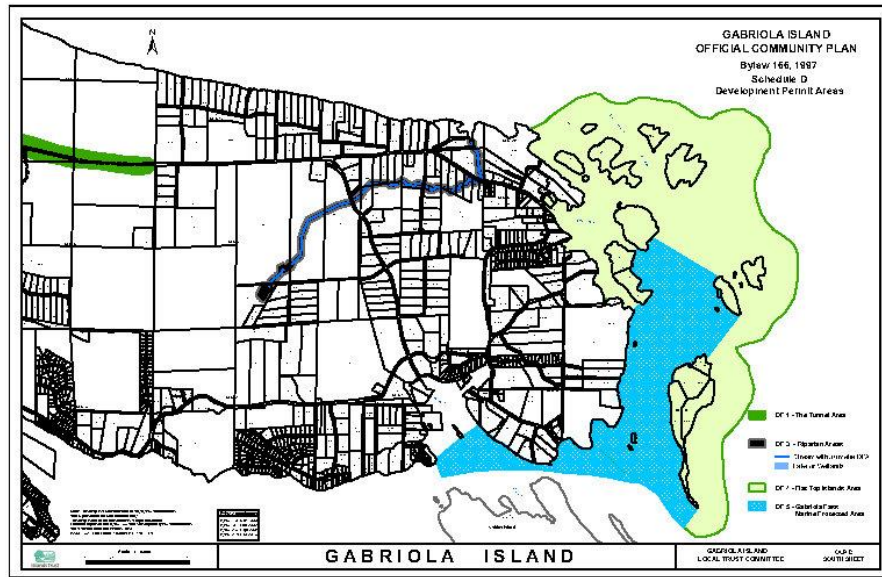
Private landowners are encouraged by local governments and conservation organizations to become active stewards of rare or threatened species and/or

ecosystems if they possibly inhabit their lands<sup>25</sup>:

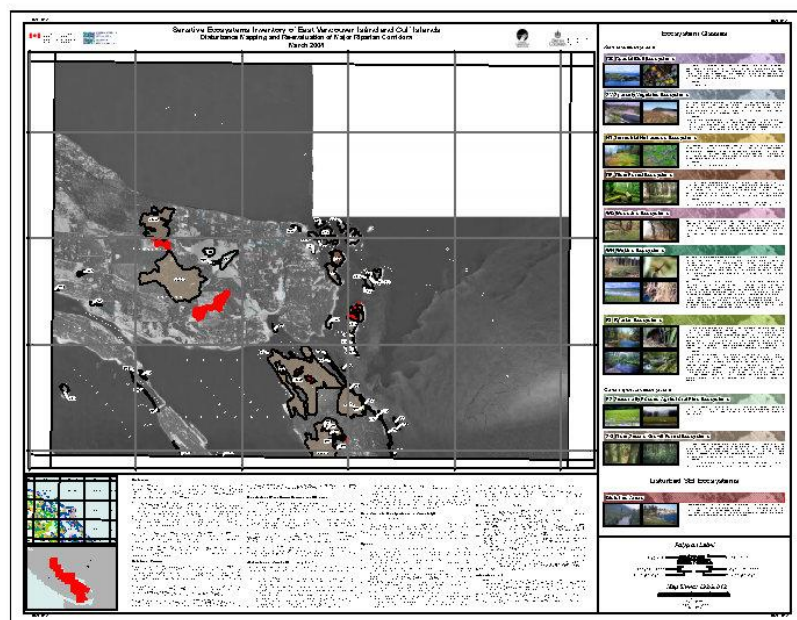
*Federal policy for identification and protection of critical habitat emphasizes "cooperation and stewardship first" – recognizing that while "SARA contains strong mechanisms and powers for the federal government to directly and unilaterally regulate the protection of residence and critical habitat in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

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<sup>25</sup> GOERT Questions and Answers: Legislation and Policy for the Protection of Garry Oak Ecosystems ([http://www.goert.ca/documents/QandA\\_Legislation\\_and\\_Policy.pdf](http://www.goert.ca/documents/QandA_Legislation_and_Policy.pdf)) as retrieved on 16 May 17.



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



APPENDIX B: SEI Atlas Mapsheet 92G012

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

**Schedule "C" – Baynes Sound Environmental, Supplemental Letter**



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

June 26<sup>th</sup>, 2017

Attn: Local Trust Committee, Gabriola Island, Islands Trust

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

**1. Introduction:**

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

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

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

**2. Methods:**



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

### **3. Results:**

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

### **4. Discussion**

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

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

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

#### **4.1 Riparian Vegetation**

##### **4.1.1. Ecosystem Function and Estimated Impacts**

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

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



2

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#### 4.1.1.1 Marine Shoreline

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

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

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

### 4.2 Marine Shoreline Stability

#### 4.2.1. Ecosystem Function and Estimated Impacts

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

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

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





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

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

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

### **4.3 Rare or Threatened Species**

#### **4.3.1 Ecosystem Function and Estimated Impacts**

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

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

### **5. Conclusions:**

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



4

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



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

### 5.1 Riparian Vegetation Loss:

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

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

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

#### 5.1.1. Garry Oak Trees:

It is unclear whether any Garry oak trees were removed during the subject development, but for future construction it is recommended that a Protected Root Zone is established for each individual Garry oak tree nearby by installing a circle of protective fencing around the dripline of each tree<sup>1</sup>. Lateral roots of Garry Oak trees can extend beyond the dripline by as much as twice the crown radius, so it is important to protect as large an area as possible around the tree with fencing prior to the start of construction.

#### 5.1.2. Bald Eagle's Nest Trees:

The provincial Best Management Practices (BMPs) for development activity near established Bald eagle (*Haliaeetus leucocephalus*) nests<sup>2</sup> in rural areas recommends a

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<sup>1</sup> The Best Management Practices for Garry Oak and Associated Ecosystems ([http://www.goert.ca/documents/GOERT\\_BMPs.pdf](http://www.goert.ca/documents/GOERT_BMPs.pdf)) as retrieved on 16 May 17.

<sup>2</sup> The Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet #10 Bald Eagles and Ospreys ([http://www.wildlifetree.ca/docs/Fact\\_Sheet\\_10\\_eagles\\_osprey.pdf](http://www.wildlifetree.ca/docs/Fact_Sheet_10_eagles_osprey.pdf)) as retrieved on 30 May 17.



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

## **5.2 Marine Shoreline Erosion**

### **5.2.1. Shoreline Stability**

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

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

### **5.2.2. Forage Fish Spawning Habitat:**

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

## **5.3 Impacts to Species-at-Risk Habitat**

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



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

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

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

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

Sincerely,

**Kayt Chambers, R.P.Bio.**

[kayt.chambers@gmail.com](mailto:kayt.chambers@gmail.com)

(250) 650-5143



7

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

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

**Schedule “D” – Caurinus Environmental Letter**



**Caurinus Environmental**

Box 8  
Pender Island BC Canada  
V0N 2M1  
250-222-0370; 250-222-4571  
[caurinusenvironmental@gmail.com](mailto:caurinusenvironmental@gmail.com)

01 October 2019

**Dear Mr. Cox:**

**Re: Acorn Island Accessory Building #3 within 7.5 m of eagle nest tree**

We are assisting the owners of the property at Acorn Island with various measures to address permitting requirements and to bring the property into bylaw compliance. A question has been raised regarding the Development Variance Permit application, which allows for certain structures to remain on the property; one structure which would fall under that allowance is the building closest to the existing eagle nest tree on the property (labelled “Accessory Building #3” on the site plan). This structure is located within the 7.5 m setback from eagle nest trees required by the Gabriola Island Land Use Bylaw.

We wish to suggest that removal of this building is not necessary from the perspective of disturbance to future eagle nesting activity, and in fact may be detrimental at this point. It is our understanding that the building in question was constructed in approximately 1968, and hence very likely preceded the use of the adjacent tree for nesting by eagles. This suggests that the presence of the building, and historical levels of use by the property owners, do not in themselves constitute a disturbance to eagles that would deter nesting activity.

A second concern is that demolition of the building would constitute a considerable disturbance immediately adjacent to the nest tree. Even assuming demolitions were conducted outside of the breeding season, ground disturbance associated with building removal could result in damage to the tree or its roots, which could compromise the integrity and structural stability of the nest tree itself. This would then increase the probability of blow down during extreme weather events, rendering the tree entirely unusable by eagles in the future. There are few large, veteran Douglas-fir on the property that are suitable nest trees for bald eagles, and so it is important that ground disturbance be avoided within the canopy area of those trees that are present.

We therefore suggest that it would be prudent to allow the building nearest the eagle nest tree to remain on the property for the above reasons, and instead suggest that the property owners follow the below mitigation measures to ensure no disturbance to nesting eagles in future years:

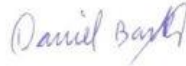
- No excavation work shall be conducted within the canopy area of the Douglas-fir housing the eagle nest, located within 7.5 m of the structure labelled as Accessory Building #3 on the DVP Site Plan.

- Human activity and auditory disturbances will be avoided within 50 m of the nest tree during the bald eagle nesting season, from February to July.

Note that these provisions shall remain in place even in the event of the nest material falling from the tree, and for the duration of the life of the tree, because the nest may be repaired and reused in future years.



Erin O'Brien (PhD)



Dan Baxter (BSc, RPBio #1999)



Caurinus Environmental

November 13, 2019

Mr Ian Cox  
Planner 1, Northern Team Islands Trust  
Gabriola Island Local Trust Committee  
The Island Trust  
700 North Road  
Gabriola Island, BC V0R 1X3

Dear Mr Cox:

**Re: Gabriola Island Local Trust Committee Development Variance Permit – GB-DVP-2017.1 (Weston-Acorn Island)**

My name is Darlene Weston, and I am writing to you as the daughter of the applicant (Judith Weston), to provide you with some additional background information on Acorn Island, my family's history with the island, and the circumstances that led to the development variance permit.

First, a bit about my background – I am an Associate Professor of Anthropology at the University of British Columbia, where I have worked since 2010. I specialize in biological anthropology, which entails researching the health and demography of past peoples. I hold a BA (Hons) in Archaeology from Simon Fraser University, an MSc in Osteology, Paleopathology, and Funerary Archaeology from the University of Bradford (UK), and a PhD in Archaeology from University College London (UK). In my capacity as a professor at UBC, I work and have worked with a number of First Nations communities as a consultant osteologist. This means that when ancestral remains are uncovered, usually accidentally in the course of construction, I identify the bones as ancestral remains and provide any biographical details as requested by the First Nation(s) so that the ancestor(s) can be reburied in the right way. I currently do this work with the Musqueam and the Sto:lo and have worked with Dr Colin Greer at Dionisio Point on Galiano Island (Penelekut territory) and provided funding to the Stz'uminus Origins Project to facilitate research on the ancestral remains, ultimately resulting in the repatriation and reburial of many ancestors from Kulleet Bay and Shell Beach.

My parents, Chris and Jude Weston, purchased Acorn Island in 1996 from the Taylor family. The Taylors had owned the island for many years, but had left the island in a state of neglect. From what I understand, ownership had been split among several of the Taylor siblings who had not visited the island for many years. When my parents first took possession of the island they encountered rotting buildings filled with garbage and debris. Strewn around the island was rusting machinery – broken tractors and

logging/sawmill equipment. It appears that the previous owners had been treating the island as a resource and had a small industrial operation that involved cutting trees and sawing logs. My parents cleaned up the island, removing all the industrial waste, garbage and debris (this required several barges!). Their clean up enabled the natural vegetation on the island to regenerate and return largely to its natural state, which in turn provided suitable habitats for the island's wildlife – deer, otters, racoons, sea lions, and eagles, among others.

The change in the island from what it was like 25 years ago to what it is today is astounding – not in terms of buildings, but in the regeneration of the environment. My parents were devoted to being stewards of the island - they were committed to keeping the island in its natural state. My father devoted himself to cleaning the foreshore and keeping it free from debris harmful to sea life. Ever mindful of the island's history with forest fires, camp fires were forbidden and he made sure that the island's forest beds were clear of dead branches, so that if a lightning strike did occur or a careless cigarette was tossed, the island wouldn't go up in flames.

My parents, my siblings and I, and our families have spent nearly 25 summers on Acorn Island. My parents would also often spend New Year's there, and before his death in 2017, and after his retirement, my father would come in the late spring to fish and just relax and enjoy the island - Acorn Island was his place of refuge. My parents owned the island for over 10 years before they decided they wished to improve upon one of the cabins. My father took charge of the rebuilding of the cabin, which occurred directly on the site of the older cabin. The footprints of the rebuilt cabin and the old cabin were essentially the same, the only significant difference being the addition of a deck and some alternations to an existing retaining wall.

Now, my father was a stubborn man (to put it mildly), with a definite libertarian streak. Because he believed he was only rebuilding an existing structure, he believed that it was not necessary to obtain planning permission from the Island Trust. Obviously we know that this is not the case, that planning permission was most certainly required and that many factors needed to be taken into consideration with regards to building on Acorn Island. But as I mentioned, my father was stubborn and he didn't take advice well – he was a man who thought he always knew best. This attitude had served him well as in his career as a successful businessman and entrepreneur, so he thought it should apply to all aspects of his life. I mentioned to him that there were many things that should be taken into consideration when building on Acorn Island, not least the impact that building might have on any archaeological sites. But as I mentioned, my father would always insist that because he was rebuilding on the same site, my concerns did not apply. Despite my experience as an archaeologist, he still knew best! So because of my father's stubbornness, we are in the pickle that we are now.

One of the concerns that the Trust has with regards to the buildings on Acorn Island must certainly be the impact that they have on the archaeological sites situated therein. When my parents purchased the island in 1996, the previous owners made no mention of archaeological sites, so it wasn't something that was ever at the forefront of my parents' minds. When I visited Acorn Island, over time as an archaeologist I became aware of the small sites that were present on the island. I pointed them out to my father



and told him of the importance in not disturbing them. I believe that my father adhered to my warnings, for the most part, though there was some slight disturbance to a corner of one of the sites when the existing retaining wall was altered. Since then and brought to the forefront with the submission of this variance permit, is the issue of the archaeological sites on Acorn Island. I have discussed this matter extensively with my mother and emphasized the importance of not causing any disturbance to the sites. She understands this completely and is sensitive to the issues surrounding First Nations heritage and its importance.

My mother is 77 years old and unfortunately suffers from Parkinson's disease. Due to her age and the state of her health, with regards to Acorn Island she is only interested in enjoying the property as it exists in its current state. All she wants to do is to be able to go there for a week or two in the summer with her children and grandchildren. She has no interest in adding anything to the property with all the disruption that that would cause. I can also attest that if my mother passes and my siblings and I inherit the property, we would never engage in any improvement to the property without applying to the Island Trust first. We would seek approval for any alternations and adhere to any restrictions with regards to the archaeological sites on the island. But as I mentioned, there are no plans or even contemplation of future plans to make any alterations to Acorn Island. My mother only wishes to maintain the buildings currently on the island and continue with the 'light touch' approach to maintaining the natural areas. In this vein, my mother supports the premise of a note being attached to the title of the property that clearly advises any subsequent owners that nothing can be done to the property unless all the planning rules are adhered to, including an archaeological assessment of the island before any work is permitted to occur.

Due to my father's stubbornness, mistakes were certainly made and with my father's death, these mistakes have unfortunately fallen in my mother's lap. However, my mother is working very hard to mitigate these mistakes and put things right. In light of all that I have written here, I would respectfully ask that you approve my mother's applications that are before the Trust. Please do not hesitate to get in contact with me if you require any clarification of the statements I have outlined in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Darlene A. Weston". The ink is dark and the signature is fluid, with a long horizontal stroke at the end.

Darlene Weston, BA (Hons), MSc, PhD  
Associate Professor of Biological Anthropology,  
Department of Anthropology, University of British Columbia  
daweston@mail.ubc.ca



File No.:

TELUS Tower Enquiry

DATE OF MEETING: October 24, 2019  
TO: Gabriola Island Local Trust Committee  
FROM: Sonja Zupanec, Island Planner  
Local Planning Services  
COPY: Heather Kauer, Regional Planning Manager  
SUBJECT: TELUS Communication Inc. Telecommunications Tower Enquiry

## RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to prepare an analysis and recommendations to amend Local Trust Committee standing resolution GB-025-2010 “Communication Towers and Antennae”, in order to clarify consultation requirements for equipment upgrades to a tower; potential cost recovery options and guidelines for applicant-led public consultation.

## REPORT SUMMARY

The purpose of this report is to request that the Gabriola Island Local Trust Committee (LTC) consider a review of the 2010 LTC standing resolution on communication towers, in order to clarify process, application and consultation requirements that would apply to a potential tower proposal from TELUS on Gabriola Island.

## BACKGROUND

### The Proposal

TELUS has recently contacted Islands Trust planning staff to explore the siting of a new communication tower on Gabriola Island and has requested clarification on the process implications of standing resolution GB-025-2010 (Attachment 1).

The tower proposal (Attachment 2), if advanced, is intended to provide new cellular coverage and wireless high-speed internet access throughout southern Gabriola Island, northern Valdes, De Courcy and Ruxton Islands. Local residents, property owners and emergency service agencies initiated the request to TELUS for enhanced service. TELUS is currently exploring the business case for the siting a new tower on a provincial crown land parcel in proximity to the South Road fire hall. TELUS is seeking clarity from the LTC on the requirements of the standing resolution, prior to proceeding any further with their application

## Standing Resolution Wording

In 2010 the LTC passed a standing resolution on “Communication Towers and Antennae” (Attachment 1). In July 2019 the current LTC considered a [Model Strategy for Antenna Systems](#) for adoption of the recommended public process, policy and regulatory changes within the strategy. The LTC did not adopt the strategy and instead decided to defer to the standing resolution as a guide for consultation for new towers or expansions to existing towers.

The standing resolution currently states: **“Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Island Local Trust Committee.”** TELUS is requesting clarity whether this wording implies that any equipment upgrades to an existing tower or installation of new equipment on a tower in the Gabriola Local Trust Area (LTA) would be subject to a new public consultation/local government approval process. Staff have advised TELUS that currently there is no formal referral or application fee associated with such a request.

**“The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.”** Staff are requesting clarity on whether this wording implies that the consultation process is intended to be led by the LTC and staff, and to what degree it may vary from the federal Ministry of Innovation, Science and Economic Development Canada (ISED) (formerly Industry Canada) default consultation process.

**“...the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.”** Currently there does not appear to be any mechanism for a local government to charge fees for considering a land use concurrence for a tower application. Trust Council passed a resolution in 2018 requesting this be part of suggested amendments to provincial legislation. At the time of report writing is unclear whether the LTC can even enter into a cost recovery agreement with a proponent to recover costs associated with staff time, advertising, consultation etc... Recent LTC reviews of tower proposals in other LTA’s appear to have required significant planning and administrative staff time, at no cost to the proponent as it is considered a referral for which no fees currently apply.

**Rationale for Recommendation**

An application for a communications tower on Gabriola may be pending in the near future. The current LTC standing resolution guiding the consultation process appears to be unclear and may result in the need for local government approvals for equipment upgrades and significant staff resources to manage an effective public consultation process. Staff recommend the LTC review the process and consultation requirements contained within standing resolution GB-025-2010, and consider alternatives to provide clear direction to potential applicants. See staff recommendations on Page 1 of the report.

**ALTERNATIVES**

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

**1. Receive for information**

The LTC may receive the report for information. If this option is selected, staff will advise TELUS that the LTC is not amenable to reviewing the 2010 standing resolution parameters at this time and that a request for land use concurrence for a tower application will be subject to the criteria as stated in the resolution.

**NEXT STEPS**

Staff will inform TELUS of the LTC’s resolution(s).

|               |                                            |                  |
|---------------|--------------------------------------------|------------------|
| Submitted By: | Sonja Zupanec, RPP, MCIP<br>Island Planner | October 11, 2019 |
|---------------|--------------------------------------------|------------------|

|              |                                                  |                  |
|--------------|--------------------------------------------------|------------------|
| Concurrence: | Heather Kauer, ACIP<br>Regional Planning Manager | October 11, 2019 |
|--------------|--------------------------------------------------|------------------|

## ATTACHMENTS

1. Standing Resolution
2. TELUS Tower Proposal Slides, October 2019

### 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 | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> <li>Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee.</li> <li>The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in the local newspaper.</li> <li>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: <ul style="list-style-type: none"> <li>the proposed location of the tower on the subject site</li> <li>a description of the predicted power density level of the antenna/tower</li> <li>methods to mitigate any aesthetic or visual impact</li> <li>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</li> <li>physical details and example illustrations of the tower including its height, colour, type and design</li> <li>the time and location of a public meeting and advertising</li> <li>the name and contact information of the contact person employed by the proponent</li> <li>the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and</li> <li>the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.</li> </ul> </li> </ul> |

# ATTACHMENT 2

## TELUS Wireless Technology Best In-Class Wireless Communications



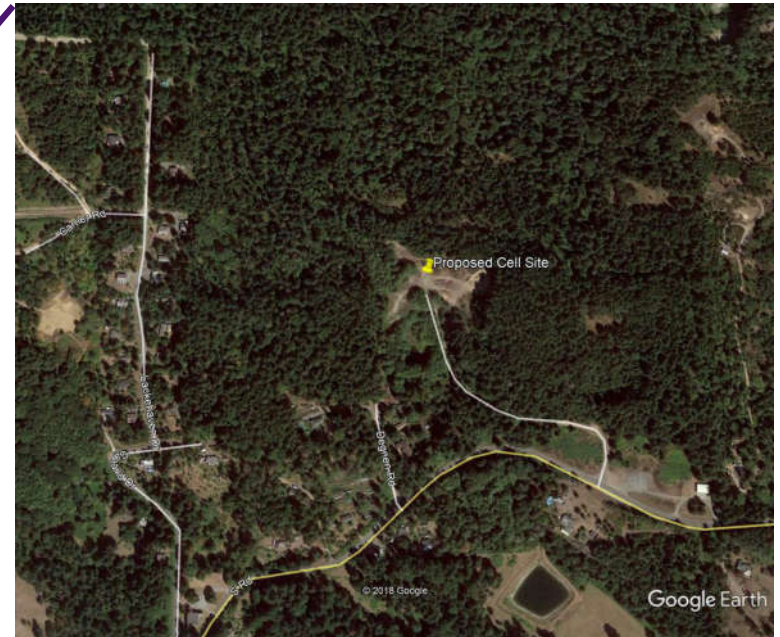
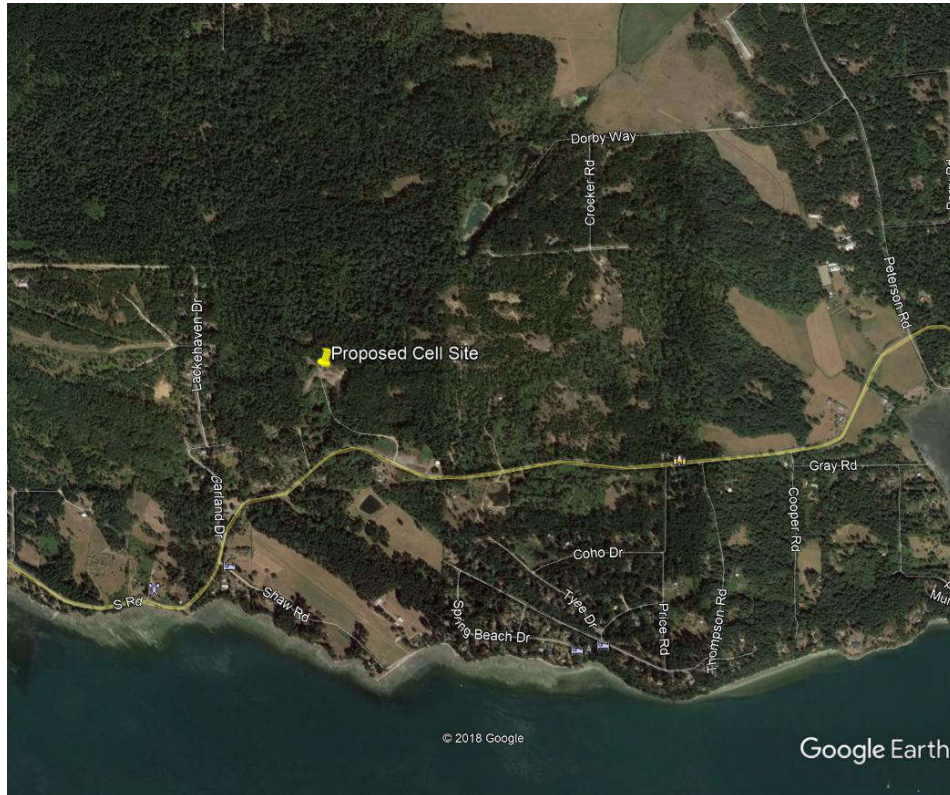
# TELUS' Proposal

- Respond to a request for service from residents for reliable wireless service
- Provide new cellular coverage and wireless high-speed internet access (TELUS Smart Hub) throughout southern Gabriola Island, northern Valdes, De Courcy and Ruxton Islands
- Respect the character of Gabriola Island by proposing a low-impact tower in an existing gravel pit located away from residences





# Proposed location



# Next Steps

## Gabriola Island LTC

- Amend the 2010 standing resolution regarding communication towers to clarify future consultation requirements for equipment upgrades to the tower

## TELUS

- Complete detailed designs for the proposed site including a Crown land application
- Work with Islands Trust on a tailored public consultation approach
- Following public consultation, request land use concurrence from the LTC in order to proceed with construction





DATE OF MEETING: November 28, 2019  
TO: Gabriola Island Local Trust Committee  
FROM: Ian Cox, Planner 1  
Northern Team  
SUBJECT: Development of Ecological Protection Zone

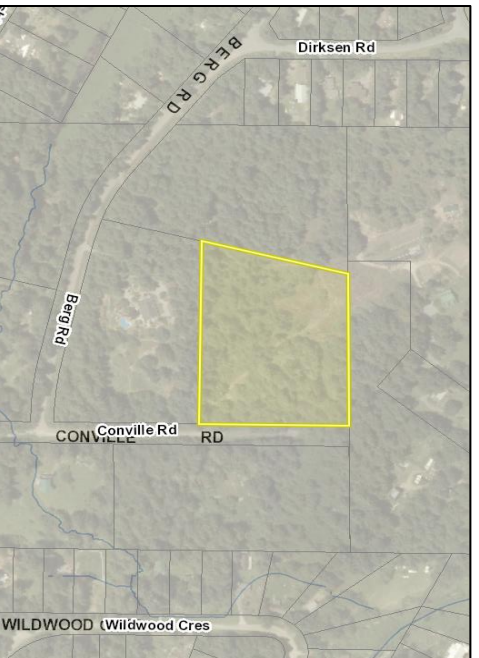
## RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee amend the Ecological Protection Zone Project Charter V.3 to include the rezoning of Elder Cedar Nature Reserve;
2. That the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Official Community Plan that will:
  - a) Establish a new Ecological Protection (EP) Land Use Designation for the purposes of protection of the natural environment, its ecosystems and biological diversity;
  - b) Designate the Burren's Acres Nature Reserve parcel as Ecological Protection (EP);
  - c) Designate the Elder Cedar Nature Reserve parcel as Ecological Protection (EP);
3. That the Gabriola Island Local Trust Committee request staff to draft amendments to the Gabriola Island Land Use Bylaw that will:
  - a) Create a new zoning designation entitled Ecological Protection (EP) which will regulate permitted uses, buildings and structures, height, siting requirements including setbacks and lot coverage, parking, and subdivision;
  - b) Rezone LOT 3, SECTION 12, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26561 (PID:002-803-925) to Ecological Protection (EP);
  - c) Rezone BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID:026-664-453) to Ecological Protection (EP).

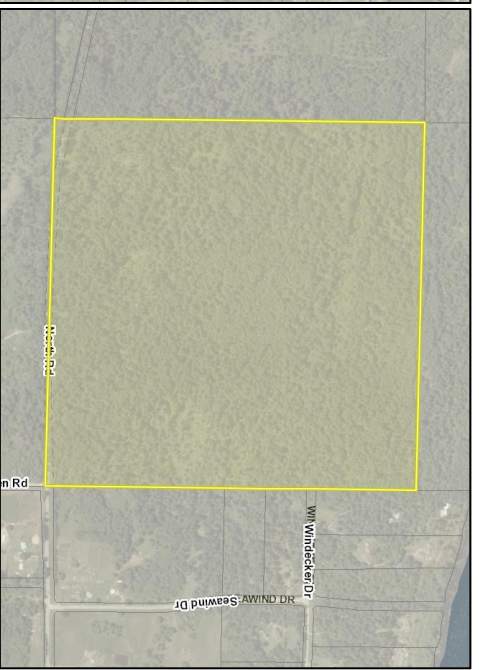
## REPORT SUMMARY

The purpose of this report is to provide the Gabriola Island Trust Committee (LTC) with updated information concerning the Ecological Protection Zone project in accordance with the Project Charter V.3 as amended August 15, 2019. After direction from the Regional District of Nanaimo (RDN) Parks Planning staff and The Nature Trust of BC (TNT), it appears at this time that the project scope should no longer include the rezoning of Coats Marsh Regional Park due to concerns from both bodies. Rezoning of the park to a designation acceptable to the RDN could be accomplished through a separate LTC project. It is the opinion of staff that the Ecological Protection Zone project should still include the creation of the EP zone itself, as well as the rezoning of the Islands Trust Conservancy owned properties Burren's Acres Nature Reserve and Elder Cedar Nature Reserve (S'ul-hween

X'pex) via appropriate amendments to the Gabriola Official Community Plan (OCP) and Land Use Bylaw (LUB). Staff is recommending that the LTC direct staff accordingly through the resolutions provided in this report.



**Figure 1** – Location, Burren's Acres Nature Reserve



**Figure 2** – Location, Elder Cedar Nature Reserve

## BACKGROUND

The Ecological Protection Zone item was placed on the Top Priorities List on November 22, 2018. More recently, the LTC passed the following resolutions at their meeting on July 11, 2019:

**that the Gabriola Island Local Trust Committee** direct Staff to prepare draft bylaws to amend Gabriola Island Land Use Bylaw No. 177 to establish an Ecological Protection Zone, with site specific provisions for Coats Marsh Regional Park and Burren's Acres Nature Reserve, in accordance with the "Ecological Protection Zone" project charter v 1.0 dated January 24, 2019.

**that the Gabriola Island Local Trust Committee** request that the "Ecological Project Zone" project charter v 1.0 dated January 24, 2019 be amended to include an investigation of whether it is possible to include the 707 parkland addition into the Ecological Protection Zone.

## Coats Marsh Regional Park

To date, the versions 1-3 of the Project Charter have included the rezoning of Coats Marsh. For background regarding initial Islands Trust staff discussion with staff from The Nature Trust of BC and the Regional District of Nanaimo (RDN) on the matter of rezoning the park, please refer to the [staff Memorandum dated July 13, 2017](https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/overview.html) from Ann Kjerulf, Regional Planning Manager. At that time, staff were of the opinion that the regional park should be rezoned to a conservation type zone, suggesting that the existing LUB Park 1 designation or similar would be appropriate for consistency with the intent of the Ecological Gifts Program, to ensure that “...the land's *biodiversity and environmental heritage are conserved in perpetuity.*”<sup>1</sup> Per the Memorandum, it seems logical that the natural condition of the ecological gift be protected through appropriate zoning which the Ecological Protection Zone Project Charter V.1 aimed to achieve.

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<sup>1</sup> <https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/overview.html>

However, the park is jointly managed by the RDN in partnership with TNT utilizing the [Coats Marsh Regional Park Management Plan](#) developed in 2010 by the RDN with stakeholder and public consultation, including a study of the park's ecological features.

Following a staff-to-staff meeting involving the RDN and TNT on September 10, 2019, it became clear to Islands Trust staff that the RDN does not have an interest at this time in seeing the park rezoned to a designation that would be potentially more restrictive than what would be permitted by a community park type zoning, for example. RDN staff recognize the need to amend the zoning to better reflect the intended and current uses of the park which is currently R – Resource, under the LUB.

Both the RDN and TNT feel that adequate protection for the park exists under the auspices of their joint management agreement, particularly through the level of federal government oversight and monitoring required by the terms of the Ecological Gifts program. This includes annual audits for compliance with baseline reports developed as part of the Eco-Gift process.

Should the LTC wish to pursue rezoning the park in future, RDN staff suggestion is to rezone the property using the existing Gabriola LUB Parks 1 (P1) designation which allows for both recreational and conservation uses in equal measure, as opposed to an ecological protection type zone where the focus is conservation rather than recreation. The rationale for this is that the park was intended for use by the community and not solely for the protection of the natural environment. The RDN management plan does consider the protection of important natural features, such as the marsh itself, through the plan's Goals and Policies in Section 3.2 and 3.3:

**ENVIRONMENTAL PROTECTION AND ENHANCEMENT:**

*To ensure the long-term development of healthy forest and wetland ecosystems by minimizing recreational impact, restoring disturbed areas as necessary, and establishing a system of regular monitoring and stewardship.*

**PUBLIC ACCESS AND CIRCULATION:**

*To provide park access for the purpose of nature appreciation, education and low-impact recreation by developing delineated trails, installing maps and amenities in designated areas, and discouraging access to sensitive areas easily disturbed by human presence.*

**EDUCATION AND INTERPRETATION:**

*To facilitate ecological and cultural education related to the park's unique history and environment by restoring original park structures, creating educational facilities, installing interpretive signage and engaging local educational institutions and programs on research and enhancement.*

**Burren's Acres Nature Reserve**

Islands Trust Conservancy (ITC) staff consider Burren's Acres Nature Reserve to be an ideal candidate for rezoning using a newly created Ecological protection zone. The 2.023 hectare property was acquired by the ITC, also through the Ecological Gifts Program. The [Burren's Acres Nature Reserve Property Management Plan](#) was developed and is used by the ITC for annual monitoring, with additional assistance from community volunteer members and the property donor. As the Management Plan states, at the "...earliest opportunity the zoning [should] be changed to better reflect the permitted uses of the Trust Fund Board" (now Trust Conservancy Board). Staff have referred preliminary zoning language to the ITC and have received favourable comment, some suggested edits, and indication that the draft zone would accomplish the goals of the management plan.

### ***Elder Cedar (S'ul-hween X'pey) Nature Reserve***

Islands Trust Conservancy staff has indicated that they would be in support of including Elder Cedar Nature Reserve in the Ecological protection Zone project. This presents an excellent opportunity to further protect two Conservancy owned properties (Burren's Acres and Elder Cedar) utilizing the newly created Ecological Protection Zone. The [management plan](#) for Elder Cedar provides background on its creation and states the following Islands Trust Conservancy objectives which are commensurate with the intent of the Ecological Protection Zone, providing obvious rationale for including the property in the project as a candidate for rezoning:

- To preserve the natural features and functioning of the site;
- To allow for continued low impact recreational use and enjoyment of the site;
- To ensure that permitted uses do not harm the ecological attributes of the site;
- To protect, and enhance where necessary, the natural succession of the plant and animal communities at the site; and
- To provide for educational and research opportunities where deemed appropriate.

The opportunity to rezone the Elder Cedar property was not previously identified or in scope in previous versions of the Project Charter. Staff are now recommending that the charter be amended to include it, per resolutions found on page one of this report.

## **ANALYSIS**

### **POLICY/REGULATORY**

#### ***Islands Trust Policy Statement:***

A preliminary review of the ITPS is provided for consideration in **Attachment 1** – ITPS Directives Only Checklist. Staff would undertake a full review of the Islands Trust Policy Statement (ITPS) before second reading of draft bylaws.

#### ***Official Community Plan:***

Development of an Ecological Protection Zone is consistent with the objectives and policies of the Gabriola Official Community Plan (OCP). Policies relevant to both the development of conservation/protection type zoning and to the subsequent re-zoning of the two subject properties is presented in **Attachment 2** - Site Context. Staff have identified that an amendment to the OCP is needed in order to create the new EP – Environmental Protection Land Use Designation text portion of the bylaw, and to amend the corresponding map Schedule B showing the designation.

#### ***Land Use Bylaw:***

Burren's Acres Nature Reserve retains the same LRR – Large Rural Residential zoning that was in place when the property was acquired by the ITC in 2013 and is not consistent with the intent of the Ecological Gifts program or the current uses of the ITC. The newly created Ecological Protection (EP) Zone would be used to remedy this by rezoning the parcel through LUB text zoning regulations and by amending the appropriate map schedules.

## Issues and Opportunities

### ***Islands Trust Conservancy***

Development of the EP Zone with Burren's Acres Nature Reserve and Elder Cedar nature Reserve as the inaugural parcels to receive the EP zoning, presents an opportunity to directly further the conservation Goals and Objectives of the Islands Trust Conservancy Regional Conservation Plan (see [pages 35-37 of the Regional Conservation Plan](#)).

1. *Identify, investigate and communicate about important natural areas to generate action on conservation priorities.*
2. *Strengthen relationships with First Nations to identify and collaborate on shared conservation goals.*
3. *Continue to secure and manage Trust Fund Board [now Trust Conservancy Board] lands and conservation covenants to maximize ecological integrity.*
4. *Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area.*

## Consultation

### ***Statutory Requirements***

As the creation of the EP Zone and the rezoning of both properties involves amendment to the OCP, the LTC is required by the *Local Government Act* to consider opportunities for consultation with First Nations and persons, organizations and authorities it considers will be affected. The statutory process for bylaw amendments is prescribed by the *Local Government Act* and *Island Trust Act*. In addition, Islands Trust Council policy requires that the LTC to consider consulting with adjacent local trust committees.

Further, since the project is of significant interest and concern to Gabriola Local Trust Area constituents, a Community Information Meeting (CIM) should be held at the direction of the LTC prior to second reading of any proposed bylaws for the creation of the zone.

### ***Protocols***

The following protocol agreements exist and are relevant to the draft project:

- There is a Protocol Agreement and Letter of Understanding between the Islands Trust and the Regional District of Nanaimo (RDN) regarding each local government's jurisdictions and responsibilities, and coordination between the Islands Trust and the RDN. Staff will refer draft bylaws accordingly.
- There is a Protocol Agreement between the Snuneymuxw First Nation and the Islands Trust Council (on behalf of the Gabriola Island LTC) that identifies matters in which the LTC will consult with Snuneymuxw First Nation. Staff will make every effort to discuss the project and its intended goals as early as possible with Snuneymuxw and refer draft bylaws accordingly once first reading has taken place.

### ***First Nations***

Burren's Acres Nature Reserve is within the asserted territory of the Snuneymuxw First Nation as well as seven other First Nations and one Treaty Group according to the BC Provincial Consultative Areas Database<sup>2</sup>:

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<sup>2</sup> The Province of BC Consultative Areas Database contains a current inventory of local First Nations with interests in specific geographic areas.

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Snuneymuxw First Nation
- Stz'uminus First Nation (Chemainus)
- Hul'qumi'num Treaty Group

In accordance with the Trust Council First Nations Engagement Principles and recent Reconciliation Declaration<sup>3</sup>, staff recommends that the LTC provide local First Nations with an early and ongoing opportunity to comment on any draft bylaw amendments. This would entail providing referrals to First Nations before or immediately following first reading of draft OCP and LUB amendments.

### Rationale for Recommendation

Staff have identified steps to prepare draft OCP and LUB amending bylaws to enable the creation of an Ecological Protection Zone and the subsequent rezoning of the Burren's Acres Nature Reserve and Elder Cedar properties. Staff recommendations are found on page 1 of this report.

### ALTERNATIVES

#### 1. Proceed no further

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

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

### NEXT STEPS

Should the LTC concur with staff recommendations, staff will work to prepare draft bylaw amendments for subsequent LTC consideration. Early referrals may be considered at that time.

|               |                                                             |                   |
|---------------|-------------------------------------------------------------|-------------------|
| Submitted By: | Ian Cox, Planner 1<br>Northern Team                         | November 18, 2019 |
| Concurrence:  | Heather Kauer, RPP, MCIP, AICP<br>Regional Planning Manager | November 19, 2019 |

### ATTACHMENTS

1. ITPS Directives Only Checklist
2. Site Context

<sup>3</sup> <http://www.islandstrust.bc.ca/media/347494/reconciliation-declaration.pdf>

## Attachment 1 – ITPS Directives Only Checklist



Islands Trust

### ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: Not assigned

File Name: Ecological Protection Zone

#### PURPOSE

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

#### POLICY STATEMENT

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

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

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

#### DIRECTIVES ONLY CHECKLIST

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

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

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



### PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

### PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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



|                   |               |                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                   |               | ensure the preservation of native biological diversity.                                                                                                                                                                                                                                                                                                                                                                             |
| <b>CONSISTENT</b> | <b>No.</b>    | <b>DIRECTIVE POLICY</b>                                                                                                                                                                                                                                                                                                                                                                                                             |
|                   | <b>4.3</b>    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|                   | <b>4.4</b>    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>N/A</b>        | <b>4.4.2</b>  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for. |
| <b>N/A</b>        | <b>4.4.3</b>  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses                                                                                                                                                                                                                                   |
|                   | <b>4.5</b>    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>N/A</b>        | <b>4.5.8</b>  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.                                                                                                                                                                                                                                                    |
| <b>N/A</b>        | <b>4.5.9</b>  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.                                                                                                                                                                             |
| <b>N/A</b>        | <b>4.5.10</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.                                                                                                                                    |
| <b>N/A</b>        | <b>4.5.11</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.                                                                                                                                                                               |
|                   | <b>4.6</b>    | <b>Soils and Other Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>N/A</b>        | <b>4.6.3</b>  | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.                                                                                                                                                                                                                                                                        |

## PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

|            |       |                                                                                                                                                                                                                                                                                                                                                                           |
|------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A        | 5.4.4 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.                                                                                                                                                                      |
| CONSISTENT | No.   | <b>DIRECTIVE POLICY</b>                                                                                                                                                                                                                                                                                                                                                   |
|            | 5.5   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| N/A        | 5.5.3 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.                                                                                                                                                     |
| ✓          | 5.5.4 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas. |
| N/A        | 5.5.5 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.    |
| ✓          | 5.5.6 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.                                                                          |
| N/A        | 5.5.7 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.                                                                                                                                                                               |
|            | 5.6   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| N/A        | 5.6.2 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.                                                                                                                                                                  |
| N/A        | 5.6.3 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.                                                                                                                         |
|            | 5.7   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| N/A        | 5.7.2 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.                                                                                                                                 |
|            | 5.8   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| N/A        | 5.8.6 | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.     |

| POLICY STATEMENT COMPLIANCE |                                                                                                                                                                                                                 |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                                                                                                                                                                                                 |
|                             | Development of and Ecological Protection Zone and the proposed rezoning of Coats Marsh Regional Park and Burren's Acres Nature Reserve are substantially in compliance with the Islands Trust Policy Statement. |

## ATTACHMENT 2 – SITE CONTEXT

### LOCATION

|                   |                                                                                                                          |
|-------------------|--------------------------------------------------------------------------------------------------------------------------|
| Legal Description | Coats Marsh Regional Park<br>Burren's Acres Nature Reserve                                                               |
| PID               | <b>Coats Marsh</b><br>009-735-828<br><b>Burren's Acres Nature Reserve</b><br>002-803-925                                 |
| Civic Address     | <b>Coats Marsh</b><br>908 South Road, Gabriola<br><b>Burren's Acres Nature Reserve</b><br>1027 Conville Road, Gabriola   |
| Lot Area          | <b>Coats Marsh regional Park</b><br>110.63 acres   113 ha<br><b>Burren's Acres Nature Reserve</b><br>5.1 acres   2.03 ha |

### LAND USE

|                      |                                                                                                                                                                                                                                          |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Current Land Use     | <b>Coats Marsh</b><br>Park, Passive Recreation<br><b>Burren's Acres</b><br>Nature Reserve, Park                                                                                                                                          |
| Surrounding Land Use | <b>Coats Marsh</b><br>Residential to the south and east, Parks (as it abuts the 707 on the north-east corner), Forestry/Wilderness Recreation to the north and east parcel boundaries.<br><b>Burren's Acres</b><br>Large Lot Residential |

### HISTORICAL ACTIVITY

| File No.                                              | Purpose                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Burren's Acres Nature Reserve</b><br>GB-OWN-2012.1 | Ecogift donation by Margaret Taylor in 2013. 2.023 hectare(5 acre) west side Gabriola Island. The reserve is within the asserted traditional territory of 8 First Nations. Farmed late 1800s/early 1900s, used brief period late 1930s and early 1940s for drying and transporting diatomaceous earth. In more recent decades, the property was logged, and related machinery and scrap metal was dumped on the land. Owner removed dense cover of invasive species cleaned up the debris left by logging/industrial use. Burren's Acres NR includes roughly 0.4 hectares of rock outcrop and 1.6 hectares of forest representing the mid-seral and mature stages of forest succession. Two provincially red-listed vegetation communities have been identified on the |

|                                                          |                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Coats Marsh regional Park</b><br/>GB-RZ-2006.2</p> | <p>reserve and there are sensitive herbaceous–rock outcrop ecosystems that are sensitive to disturbance.</p> <p>Wetland and mature second-growth forest area to be dedicated to the Gabriola Land Conservancy in exchange for density transfer of NW 1/4 of Section 10 to West 1/2 of NW 1/4 of Section 11.</p> <p>This application was withdrawn and closed in July 2007.</p> |
|                                                          |                                                                                                                                                                                                                                                                                                                                                                                |

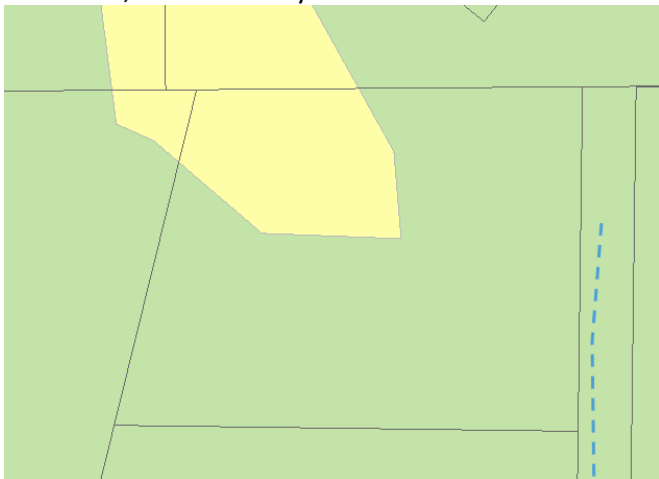
## POLICY/REGULATORY

|                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Official Community Plan<br/>No. 166, 1997</p> | <p><b>ENVIRONMENTAL GOALS</b></p> <ol style="list-style-type: none"> <li>1. To preserve the unique natural environment of land, water and air and the life it supports.</li> <li>2. To preserve the natural beauty of the Gabriola Planning Area and recognize that areas of sensitivity or unique value require special protective measures.</li> </ol> <p><b>PARKS AND OUTDOOR RECREATION OBJECTIVES</b></p> <p>The objectives of this section are:</p> <ol style="list-style-type: none"> <li>1. To work co-operatively with provincial ministries and agencies in acquiring and managing provincial parkland on Gabriola;</li> <li>2. To acquire parkland that is representative of the bioregion (i.e. wetlands, first growth forest);</li> <li>3. To involve the community in parks planning;</li> <li>5. To work in cooperation with the Regional District of Nanaimo in acquiring and managing community parks.</li> </ol> <p><b>PARKS AND OUTDOOR RECREATION POLICIES</b></p> <p>l) The Trust Committee shall work with the Regional District of Nanaimo ensuring a smooth coordination of efforts between the two agencies respecting the securing, use, development and planning for park and outdoor recreational space on Gabriola.</p> <p><b>PARKS AND OUTDOOR RECREATION ADVOCACY POLICIES</b></p> <p>n) The Regional District of Nanaimo shall be strongly encouraged to establish additional regional park sites on Gabriola. Such sites should be:</p> <ol style="list-style-type: none"> <li>i. either a regionally significant waterfront site or an upland woodland site of substantial size;</li> <li>ii. retained predominantly in a natural state, except for a small</li> </ol> |
|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>parking area, a public trail network, and interpretative signs.</p> <p>ENVIRONMENTALLY SENSITIVE AREA OBJECTIVES</p> <ol style="list-style-type: none"> <li>1. To ensure the protection of environmentally sensitive areas on Gabriola;</li> <li>2. To protect important habitat and water resources areas through vegetation retention and building setbacks;</li> <li>3. To encourage retention of the natural tree cover along the shoreline and to discourage tree removal to minimal selective cutting; and</li> <li>4. To encourage owners of property which is environmentally sensitive to work co-operatively with conservation-based groups in defining means of providing for the protection of important sites; and</li> <li>5. To consider the goals and objectives of the Regional Conservation Plan when making land-use decisions.</li> </ol> <p>ENVIRONMENTALLY SENSITIVE AREA POLICIES</p> <p>d) In order to protect area watercourses, rezoning adjacent to a watercourse shall be conditional upon the establishment of a protective setback area. The Ministry of Environment - Federal Fisheries report titled: Stream Stewardship - A Guide for Planners &amp; Developers and Land Development Guidelines for the Aquatic Habitat shall be used as a guideline in determining how land is to be developed adjacent a watercourse (including a lake and wetland).</p> <p>g) Trees bearing the nests of great blue heron, bald eagle, osprey and other raptors shall not be cut in accordance with provincial legislation. The zoning bylaw shall set standards and regulate the provision of screening for preserving and protecting trees bearing such nests. Such condition shall be applicable with respect to the rezoning of any site containing such a feature.</p> <p>h) Fresh water features which have special biological significance to the local environment, such as Hoggan Lake, shall be protected through zoning and shall be designated as a development permit area</p> <p>ENVIRONMENTALLY SENSITIVE AREA ADVOCACY POLICIES</p> <p>j) Where environmentally sensitive areas are located on Crown land, Ministry of Environment is strongly encouraged to ensure these areas are placed in protective reserve, ecological reserve or natural state park or dedicated to the Islands Trust Fund for protection. Furthermore, public access should be limited to an appropriate level consistent with</p> |
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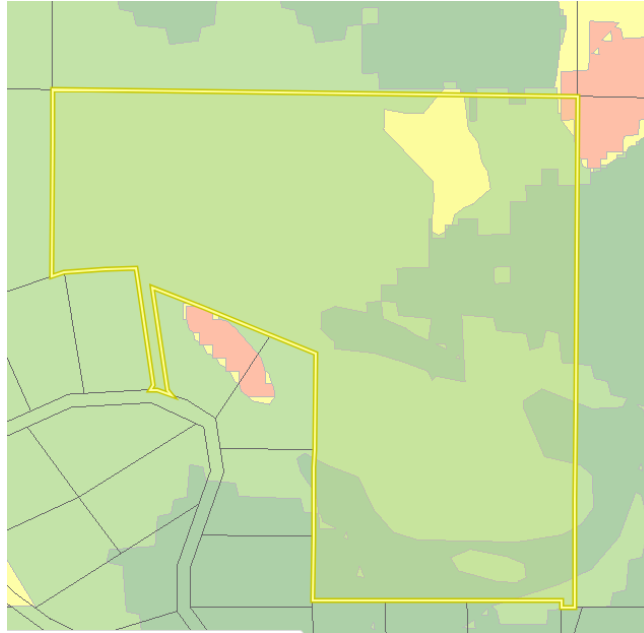
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | <p>protecting the environmental sensitivity of the site.</p> <p>k) Once Ministry of Environment’s inventory of eagle trees and other raptor sites on Gabriola is completed, its implications should be considered in relation to future development.</p> <p>l) To protect the island’s watercourses, the Regional District of Nanaimo shall be requested to require applicants for building permit to indicate the location of streams and watercourses on the application.</p> <p>m) Ministry of Environment shall be requested to assist the Islands Trust by confirming the location of streams and watercourses on Gabriola.</p> <p>n) . Where nest sites for great blue heron, bald eagle, osprey and other raptors are located on private property, the property owners shall be encouraged to ensure that the site is protected, including through the use of a voluntary conservation covenant.</p>                                                                                                                                                  |
| Land Use Bylaw No. 177, 1999 | <p><b>Coats Marsh</b><br/>Current zoning:<br/><b>R-Resource</b><br/><b>Permitted Principal Uses</b></p> <ul style="list-style-type: none"> <li>i <i>agriculture</i>, including the sale of agricultural products grown or raised on the lot but excluding animal husbandry on lots less than 2.0 hectares (4.94 acres)</li> <li>ii <i>forestry</i></li> <li>iii <i>single family</i> residential</li> <li>iv shooting range, on lands as shown on Schedule C, Map 4</li> <li>v agri-tourism</li> </ul> <p><b>Burren’s Acres Nature Reserve</b><br/>Current zoning:<br/><b>LRR – Large Rural Residential</b><br/><b>Permitted Principal Uses</b></p> <ul style="list-style-type: none"> <li>i <i>single family</i> residential</li> <li>ii <i>agriculture</i>, including the sale of agricultural products grown or raised on the lot, but excluding animal husbandry on lots less than 2.0 hectares (4.94 acres)</li> </ul> <p>Permitted Accessory <i>uses</i> and structures may be found in the <a href="#">Gabriola Island Land Use Bylaw No. 177</a></p> |
| Covenants                    | There is no Section 219 Conservation Covenant or Section 218 Stat. Right Of Way registered at this time. No other restrictive covenants or easements exist on title.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Bylaw Enforcement            | None on file                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

## SITE INFLUENCES

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy                | <p>The Islands Trust Conservancy (Formerly Islands Trust Fund) currently owns the <b>Burren's Acres Nature Reserve</b> property. It was gifted to the ITC through the Ecological Gifts Program as described in the staff Memorandum dated July 13, 2017.</p> <p><b>Coats Marsh Regional Park</b> is jointly owned and managed by the Regional District of Nanaimo and the Nature Trust of BC.</p> <p>See Goals and Objectives found on page 35-37 of the ITC Regional Conservation Plan.</p> |
| Regional Conservation Strategy           | Although Coats Marsh Regional Park is already listed as protected in the Regional Conservation Plan, both Burren's Acres and Coats Marsh are within areas identified as having Medium to High conservation priority in the Islands Trust Area.                                                                                                                                                                                                                                               |
| Species at Risk                          | See TCB Burren's Acres Nature Reserve Management Plan and the RDN Coats Marsh Regional Park Management Plan for species and ecosystems inventories, habitat values, conservation goals, etc.                                                                                                                                                                                                                                                                                                 |
| Sensitive Ecosystems                     | See TCB Burren's Acres Nature Reserve Management Plan and the RDN Coats Marsh Regional Park Management Plan for species and ecosystems inventories, habitat values, conservation goals, etc.                                                                                                                                                                                                                                                                                                 |
| Archaeological Sites                     | Remote Access to Archaeological Data (RAAD) mapping indicates that while no identified and recorded sites currently exist on either property, there is potential within, and adjacent to, the boundaries of each.                                                                                                                                                                                                                                                                            |
| Climate Change Adaptation and Mitigation | Rezoning the subject properties using a conservation/ecological protection zoning type would ensure that no further human activity associated with direct GHG emissions or climate change would occur. Further, the protection of ecological biodiversity and biomass/cover would increase CO <sub>2</sub> uptake capacity for the lands.                                                                                                                                                    |
| Groundwater Vulnerability                | <p><b>Burren's Acres</b><br/>Moderate, to Moderately Low</p>                                                                                                                                                                                                                                                                                                                                             |

### Coats Marsh

Low to Moderately Low vulnerability



While neither parcel is in an area of particularly severe local groundwater stress, restrictions on uses and structures as part of the rezoning would further reduce any possible stress on groundwater for the surrounding area by prohibiting future development that required the use of water, and rather protected natural ecosystems that aid in the protection and recharge of aquifer and groundwater networks. This could be considered to have a cumulative positive impact on groundwater in general for the immediate areas surround the parks and the island as a whole.



LTC 2019-01

October 21, 2019

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

Registered Mail

Re: Local Trust Committee Meeting October 24, 2019

Now is a great opportunity to show the Snuneymuxw Elders, and the children of Gabriola (as well as myself) that you are not "empty words", but actually delivering/implementing existing policies that actually "preserve and protect" the environment.

I dedicate this action to Dave Barrett and Greta Thunberg.

When the Islands Trust Act was passed in 1974, the main provision was to protect the islands from further subdivision and over-development.

In November 1999 "pro-business" Gabriola Trustees, with the support of "pro-business" Trust Council chair, violated the Islands Trust Act here on Gabriola, with the passage of Bylaw 177 (Home Occupations) by encouraging/allowing any person buying any lot to operate two home-based businesses on that lot. This anywhere on the island, regardless of zoning.

I have have actively and continuously opposed this since at least July of 1999 (my many registered letters are on the public record for reference). I now carry on this fight, as this has always been for real actions (such as natural plantings on the lots, rather than overdevelopment of "business uses") to actually PRESERVE AND PROTECT THE NATURAL ENVIRONMENT on Gabriola Island.

The remedy I seek is repeal of this overdevelopment/business use bylaw, and in its place a bylaw that promotes a small, environmentally-friendly footprint, with a promotion of "Naturescape BC" (and its Provincial Guide, S. Campbell & S. Pincott 1995, Province of BC, Wildlife Habitat Canada, etc.).

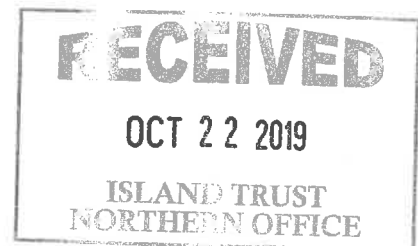
I ask for the courtesy of a written reply to this letter.

Yours truly,

[Redacted Signature]

Bruce Thomson

[Redacted Address]  
Gabriola BC V0R 1X6



## **Regional Conservation Plan Updates**

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The science-based and community-informed Regional Conservation Plan guides the work the Islands Trust Conservancy (ITC). The ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit [www.islandstrustconservancy.ca/media/84821/itc\\_2018-11\\_rcp-2018-2027-web\\_final.pdf](http://www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf).

### **Goal 1 – Science-based Conservation Planning**

- The ITC Board held a special meeting to discuss the Climate Change Emergency and forwarded its recommendations to Trust Council.

### **Goal 2 – Strong relationships with First Nations**

- The ITC Board adopted a reconciliation declaration at its July meeting and wrote to First Nations to share the Reconciliation Declaration which is available at [www.islandstrustconservancy.ca/about-us/first-nations-and-reconciliation](http://www.islandstrustconservancy.ca/about-us/first-nations-and-reconciliation).

### **Goal 3 – Protection of core conservation areas**

#### **Property Management**

- The ITC has completed management plans for three Nature Reserves (Thetis and Gambier) and is working on the completion of five more (Denman, Gambier, Lasqueti and Thetis).
- Property monitoring for all conservation covenants (including NAPTEP – Natural Area Protection Tax Exemption Program covenants) and nature reserves was completed.

#### **Land Acquisition and Covenants**

- The ITC successfully completed the transfer of the Salish View Nature Reserve on Lasqueti Island in partnership with the Lasqueti Island Nature Conservancy. See <http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/all/lasqueti-island/salish-view-nature-reserve/> for more information.

### **Goal 4 – A strong voice for nature conservation**

- The ITC Board gave final reading to Bylaw No. 2, the “Islands Trust Conservancy Meeting Procedures Bylaw, 2019.” The new bylaw reflects the ITC name change, allows for the election of a Vice Chair and adds reference to committee meetings. The Board also amended Policy 1.2 Islands Trust Conservancy Board and Committee Elections.
- The ITC Board elected Sue-Ellen Fast to serve as Vice-Chair for the ITC Board.
- The ITC Board approved the Audited Financial Statements for the 2018-2019 fiscal year at its July meeting. See [www.islandstrustconservancy.ca/about-us/our-financials](http://www.islandstrustconservancy.ca/about-us/our-financials).
- The ITC Board and the Islands Trust Executive Committee met in July to discuss items of mutual interest.

## Activities by Local Trust Area/Island Municipality

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### **Ballenas-Winchelsea**

Property monitoring on South Winchelsea Island has been completed for 2019.

### **Bowen**

Property monitoring on Bowen has been completed for 2019.

### **Denman**

Management planning for three nature reserves, including the Inner Island, Lindsay Dickson and Valens Brook Nature Reserves, is under way and an open house for community feedback was held in September. Property monitoring on Denman has been completed for 2019. Invasive species management activities continue at Inner Island, Lindsay Dickson, and Morrison Marsh nature reserves.

### **Gabriola**

Expansion of the boardwalk over wet areas and exposed roots on the west side of the loop trail in Elder Cedar Nature Reserve has been completed and construction of a 93-ft boardwalk across a seasonally flooded section of trail in the northeast corner is planned for 2019. Property monitoring on Gabriola has been completed for 2019.

The ITC hosted a celebration event for the Swift Family Link Island NAPTEP Covenant at the Islands Trust Victoria Office. The event was attended by Islands Trust staff and ITC Board members and trustees and other staff were invited to attend remotely by GoTo Meeting.

### **Galiano**

Trail maintenance is being planned for Vanilla Leaf Land Nature Reserve in partnership with the Galiano Conservancy Association. Invasive species removal and annual cormorant nest monitoring are being planned for Trincomali Nature Sanctuary in partnership with the Habitat Acquisition Trust. Property monitoring on Galiano has been completed for 2019.

### **Gambier**

Management plans for Brigade Bay Bluffs and Long Bay Wetland nature reserves has been completed and the Management Plan for the Mount Artaban Nature Reserve is nearing completion. Completed management plans are available on the ITC website at <http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/full-list/>. ITC is concurrently working on a parallel management planning process for areas of cultural heritage and sacred significance within its nature reserves.

Property monitoring on Gambier has been completed for 2019.

*Please feel free to contact the Islands Trust Conservancy for more details.*

*Kate-Louise Stamford, Chair [kstamford@islandstrust.bc.ca](mailto:kstamford@islandstrust.bc.ca)*

*Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)*

**Hornby**

Property monitoring on Hornby has been completed for 2019.

**Lasqueti**

The ITC and the Lasqueti Island Nature Conservancy (LINC) completed the campaign for the Salish View Nature Reserve and the land has been transferred to the ITC. The ITC held a celebration event in July and an open house to inform management planning. Management planning continues and is anticipated to complete in early 2020.

Property monitoring on Lasqueti has been completed for 2019.

**North Pender**

Property monitoring on North Pender has been completed for 2019.

**Salt Spring**

The ITC Board considered and approved a conservation proposal for 200 Collins Road. ITC staff are working with the applicant to develop a conservation covenant for the property and will return to the ITC Board for final approval once the covenant language is finalized. Development of management plans for the Lower Mt. Erskine and Deep Ridge nature reserves is underway and public consultation will begin soon. ITC staff also participated in recent meeting for the Mount Tuam Special Management Area Resource Team.

Property monitoring on Salt Spring has been completed for 2019.

**Saturna**

Property monitoring on Saturna has been completed for 2019.

**South Pender**

Property monitoring on South Pender has been completed for 2019.

**Thetis**

Trail building on the Fairyslipper Forest Nature Reserve has begun and will continue into the new year. Property monitoring on Thetis has been completed for 2019.

*Please feel free to contact the Islands Trust Conservancy for more details.*

*Kate-Louise Stamford, Chair [kstamford@islandstrust.bc.ca](mailto:kstamford@islandstrust.bc.ca)*

*Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)*



## Applications

### Development Permit

| File Number  | Applicant Name | Date Received | Purpose                                                                         |
|--------------|----------------|---------------|---------------------------------------------------------------------------------|
| GB-DP-2017.2 | Fenton, Rob    | 03-Aug-2017   | PID: 009-796-045 To bring property into bylaw compliance<br>Civic: Acorn Island |

**Planner:** Ian Cox

#### Planning Status

**Status Date:** 09-Oct-2019

DP and DVP not on October 24th agenda in order to provide adequate time for responses to First Nations referrals. Staff will bring forward the concurrent applications for consideration at the November 28, 2019 regular business meeting.

**Status Date:** 17-Sep-2019

September 12 LTC meeting resolution to direct to staff to amend covenant as per LTC minutes; accept covenant as amended and staff to consult with Lisa Wilcox and First Nations before consideration of DP and DVP applications.

**Status Date:** 14-Aug-2019

ATV access route modification to covenant in legal review.

| File Number  | Applicant Name     | Date Received | Purpose                                                                                                      |
|--------------|--------------------|---------------|--------------------------------------------------------------------------------------------------------------|
| GB-DP-2019.4 | Ritchie, Dominique | 16-Aug-2019   | PID: 003-347-516 DP required for driveway and culvert. Civic address: 788 Roxanne Blvd, Gabriola Island, BC. |

**Planner:** Jaime Dubyna

#### Planning Status

**Status Date:** 11-Sep-2019

Planner reviewing application.

**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:** Ian Cox**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                                                                               |
|---------------|----------------|---------------|---------------------------------------------------------------------------------------|
| GB-DVP-2017.1 | Fenton, Rob    | 03-Aug-2017   | PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island |

**Planner:** Ian Cox**Planning Status****Status Date:** 17-Sep-2019

September 12 LTC meeting resolution to direct to staff to amend covenant as per LTC minutes; accept covenant as amended and staff to consult with Lisa Wilcox and First Nations before consideration of DP and DVP applications.

**Status Date:** 14-Aug-2019

ATV access route modification to covenant in legal review. DP and DVP will be brought to LTC for consideration after registration of covenants on title.

**Status Date:** 25-Jun-2019

Applicant and Staff working to complete covenants.



## Applications

## Development Variance Permit

| File Number                                                                                       | Applicant Name                                                                         | Date Received | Purpose                                                                                |
|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------|
| GB-DVP-2019.1                                                                                     | Regional District of Nanaimo (Huxley Community Park)<br><b>Planner:</b> Bronwyn Sawyer | 22-Jan-2019   | PID: 016-001-826 Setback variance. Civic address: 585 North Road, Gabriola Island, BC. |
| <b>Planning Status</b>                                                                            |                                                                                        |               |                                                                                        |
| <b>Status Date:</b> 16-Oct-2019<br>Spoke with applicant - no change in application status         |                                                                                        |               |                                                                                        |
| <b>Status Date:</b> 16-May-2019<br>Report to LTC                                                  |                                                                                        |               |                                                                                        |
| <b>Status Date:</b> 16-May-2019<br>GB-DVP-2019.1 to be issued subject to conditions - in progress |                                                                                        |               |                                                                                        |

## Rezoning

| File Number                                                                                                  | Applicant Name                                                                               | Date Received | Purpose                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-RZ-2019.1                                                                                                 | BC Transportation Financing Authority/BC Ferry Services Inc.<br><b>Planner:</b> Jaime Dubyna | 05-Apr-2019   | PIDs: 025-798-090 and 025-798-103 Rezoning for improved ferry terminal - future marine and upland improvements.<br>Civic address: Descanso Bay, Gabriola |
| <b>Planning Status</b>                                                                                       |                                                                                              |               |                                                                                                                                                          |
| <b>Status Date:</b> 11-Jul-2019<br>Preliminary staff report considered by LTC.\n                             |                                                                                              |               |                                                                                                                                                          |
| <b>Status Date:</b> 11-Jul-2019<br>LTC endorsed staff recommendations from staff report dated July 11, 2019. |                                                                                              |               |                                                                                                                                                          |
| <b>Status Date:</b> 06-May-2019<br>Applicant submitted copy of AOA by Golder Associates, to planner.         |                                                                                              |               |                                                                                                                                                          |



## 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:** Ian Cox

#### 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

**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-2011.1 | Williamson & Associates<br>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





## Subdivision

| 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:** Ian Cox

**Planning Status**

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**Status Date:** 05-Sep-2019

No change in status (Ian Cox)

**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.

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

**Planner:** Ian Cox

**Planning Status**

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**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.



Subdivision

| 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:** Ian Cox

**Planning Status**

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**Status Date:** 05-Sep-2019

Awaiting fulfillment of conditions by applicant.

**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-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

| File Number   | Applicant Name             | Date Received | Purpose                                                                                               |
|---------------|----------------------------|---------------|-------------------------------------------------------------------------------------------------------|
| GB-SUB-2016.4 | C.O. Smythies & Associates | 20-May-2016   | PIDs: 001-271-806 and 009-735-755 Boundary adjustment. Civic address:1610 Hess Road, Gabriola Island. |

**Planner:** Sonja Zupanec

**Planning Status**

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**Status Date:** 08-Jun-2016

Referral response sent to MOTI and copied to applicant and LTC.



Subdivision

| File Number                                                                                                                                                  | Applicant Name                                                                                              | Date Received | Purpose                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------|
| GB-SUB-2016.6                                                                                                                                                | C.O. Smythies & Associates<br><b>Planner:</b> Ian Cox<br><b>Planning Status</b>                             | 08-Sep-2016   | PID: 000-305-120 215 Easthom Road, Gabriola Island. 3 lot subdivision.                                                     |
| <b>Status Date:</b> 30-Aug-2019<br>Awaiting Archaeology Branch confirmation letter in order to complete Islands Trust sign-off for conditions.               |                                                                                                             |               |                                                                                                                            |
| <b>Status Date:</b> 25-Jun-2019<br>Second PLA extension issued February 22, 2019 by the MOTI. Applicant working to satisfy PAO and Islands Trust conditions. |                                                                                                             |               |                                                                                                                            |
| <b>Status Date:</b> 10-Jan-2019<br>Re-review by Planner Cox - 'No change to referral response' emailed to MOTI district development tech. Awaiting PLR       |                                                                                                             |               |                                                                                                                            |
| File Number                                                                                                                                                  | Applicant Name                                                                                              | Date Received | Purpose                                                                                                                    |
| GB-SUB-2017.2                                                                                                                                                | Williamson & Associates<br><b>Planner:</b> Marnie Eggen<br><b>Planning Status</b>                           | 19-Jan-2017   | PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC                       |
| <b>Status Date:</b> 23-Jul-2018<br>PLA issued                                                                                                                |                                                                                                             |               |                                                                                                                            |
| <b>Status Date:</b> 01-Jun-2017<br>Referral response sent                                                                                                    |                                                                                                             |               |                                                                                                                            |
| File Number                                                                                                                                                  | Applicant Name                                                                                              | Date Received | Purpose                                                                                                                    |
| GB-SUB-2018.1                                                                                                                                                | Williamson & Associates/Potlatch Properties Ltd.<br><b>Planner:</b> Sonja Zupanec<br><b>Planning Status</b> | 26-Jun-2018   | PIDs:027-939-791, 027-939-804, 003-010-431, 006-635-121 27 lot subdivision<br>Civic address: Taylor Bay Road/Church Street |
| <b>Status Date:</b> 12-Jul-2018<br>Referral response sent to MOTI, applicant and LTC.                                                                        |                                                                                                             |               |                                                                                                                            |



## Applications

### Subdivision

| File Number   | Applicant Name                                      | Date Received | Purpose                                                                   |
|---------------|-----------------------------------------------------|---------------|---------------------------------------------------------------------------|
| GB-SUB-2019.1 | Williamson &<br>Associates (B&K<br>Shopping Centre) | 11-Jun-2019   | PID: 004-549-023 Subdivision at 369 Berry Point Road, Gabriola Island, BC |

**Planner:** Ian Cox

#### Planning Status

**Status Date:** 18-Oct-2019

Revised referral response sent to MOTI based on updated proposed plan received October 16, 2019.

**Status Date:** 20-Aug-2019

Referral response sent to the MOTI - see file email. Awaiting MOTI decision.

**Status Date:** 25-Jun-2019

Under review by staff. Referral response pending.

***Islands Trust***  
LTC EXP SUMMARY REPORT F2020  
Invoices posted to Month ending September 2019

| 620 Gabriola            | Invoices posted to Month ending September 2019 | <u>Budget</u>    | <u>Spent</u>    | <u>Balance</u>   |
|-------------------------|------------------------------------------------|------------------|-----------------|------------------|
| 65000-620               | LTC "Trustee Expenses"                         | 1,355.00         | 0.00            | 1,355.00         |
| LTC Local               |                                                |                  |                 |                  |
| 65200-620               | LTC - Local Exp - LTC Meeting Expenses         | 4,578.00         | 1,597.01        | 2,980.99         |
| 65210-620               | LTC - Local Exp - APC Meeting Expenses         | 493.00           | 1,128.88        | -635.88          |
| 65220-620               | LTC - Local Exp - Communications               | 1,000.00         | 435.00          | 565.00           |
| 65230-620               | LTC - Local Exp - Special Projects             | 588.00           | 0.00            | 588.00           |
| TOTAL LTC Local Expense |                                                | <u>6,659.00</u>  | <u>3,160.89</u> | <u>3,498.11</u>  |
| Projects                |                                                |                  |                 |                  |
| 73001-620-4097          | Gabriola Housing Options & Impacts             | 7,000.00         | 519.88          | 6,480.12         |
| 73001-620-4104          | Gabriola Cannabis Regulations                  | 2,600.00         | 0.00            | 2,600.00         |
| 73001-620-4105          | Gabriola Ecological Protection Zone            | 7,000.00         | 0.00            | 7,000.00         |
| TOTAL Project Expenses  |                                                | <u>16,600.00</u> | <u>519.88</u>   | <u>16,080.12</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 | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> <li>• Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee.</li> <li>• The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in the local newspaper.</li> <li>• 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: <ul style="list-style-type: none"> <li>○ the proposed location of the tower on the subject site</li> <li>○ a description of the predicted power density level of the antenna/tower</li> <li>○ methods to mitigate any aesthetic or visual impact</li> <li>○ 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</li> <li>○ physical details and example illustrations of the tower including its height, colour, type and design</li> <li>○ the time and location of a public meeting and advertising</li> <li>○ the name and contact information of the contact person employed by the proponent</li> <li>○ the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and</li> <li>○ the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.</li> </ul> </li> </ul> |

|    |                   |             |                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 2. | June 14, 2018     | GB-2018-040 | Processing non-medical cannabis retail license applications | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> <li>Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee;</li> <li>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;</li> <li>The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and</li> <li>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: <ul style="list-style-type: none"> <li>Name of the applicant and a description of the proposal in general terms;</li> <li>The location of the proposed establishment and the subject site;</li> <li>The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered;</li> <li>The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and</li> <li>How public comments may be submitted to the Local Trust Committee.</li> </ul> </li> </ul> |
| 3. | November 22, 2018 | GB-2018-122 | Applications for Federal Cannabis License                   | <p><b>It was MOVED and SECONDED</b> 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4. | February 28, 2019 | GB-2019-031 | First Nations - Community Reconciliation                    | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|    |                |             |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----|----------------|-------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |                |             |                                    | <p>the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> <li>a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;</li> <li>d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and</li> <li>e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.</li> </ul> |
| 5. | April 11, 2019 | GB-2019-038 | Limited Public Markets Enforcement | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets:</p> <ul style="list-style-type: none"> <li>a) Islands Trust Bylaw Enforcement Staff are directed to not enforce Section B.6.2 of Gabriola Island Land Use Bylaw No. 177, 1999 when limited public markets are operated indoors, but rather to inform the operators of the applicable land use regulations;</li> <li>b) This enforcement policy does not permit violation of the Land Use Bylaw and the Gabriola Island Local Trust Committee may at any time, by resolution, modify or rescind this policy or give direction to expand enforcement activities.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



|    |                |             |                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----|----------------|-------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. | April 11, 2019 | GB-2019-040 | S219 Covenant Signatories | <p><b>It was MOVED and SECONDED</b></p> <p>that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.</p> |
|----|----------------|-------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Top Priorities Report

### Gabriola Island

#### 1. *Housing Options and Impacts Review Project*

#### Responsible

#### Dates

Develop an Engagement and Communication Strategy;  
Strengthen relationships with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options;  
Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services;  
Develop a strategy to address all housing continuum gaps;  
Ensure policy/regulatory changes are consistent with the Object of the Islands Trust, the ITPS, with focus on water protection/conservation and ecological footprints.

Sonja Zupanec

Rec'd: 22-Nov-2018

#### 2. *Cannabis Production and Retail Sales*

#### Responsible

#### Dates

Proposed Bylaw 303 introduced to amend the Gabriola Land Use Bylaw provisions pertaining to cannabis regulations, definitions, lot setbacks and building size.

Rec'd: 22-Nov-2018

#### 3. *Develop an Ecological Protection Zone*

#### Responsible

#### Dates

Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties.

Ian Cox

Rec'd: 22-Nov-2018



## Projects Report

### Gabriola Island

| 1. <i>DeCourcy Island OCP and Bylaw Review</i>                                                                                                                                                                                      | Responsible | Date Received |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|---------------|
| Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017). |             | 21-Apr-2011   |
| 2. <i>Hazardous areas/Steep Slopes DPA</i>                                                                                                                                                                                          | Responsible | Date Received |
| Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain                              |             | 21-Feb-2013   |
| 3. <i>Forage Fish Mapping Workshop</i>                                                                                                                                                                                              | Responsible | Date Received |
| March, 2013 resolution                                                                                                                                                                                                              |             | 05-Sep-2013   |
| 4. <i>Land Based Aquaculture</i>                                                                                                                                                                                                    | Responsible | Date Received |
| Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.                                                                                                                 |             | 16-Jan-2014   |
| 5. <i>Biodiversity Protection</i>                                                                                                                                                                                                   | Responsible | Date Received |
| Identify measures to protect biodiversity                                                                                                                                                                                           |             | 19-Jan-2012   |
| 6. <i>Coastal areas protection</i>                                                                                                                                                                                                  | Responsible | Date Received |
| Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area                                                                                |             | 19-Jan-2012   |



## Projects Report

### Gabriola Island

#### 7. Water Protection

Responsible

Date Received

Review OCP and LUB to protect water quality and quantity.

19-Jan-2012

#### 8. First Nations cultural references

Responsible

Date Received

Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola.

27-Jan-2011

#### 9. Eelgrass protection

Responsible

Date Received

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

14-May-2014

#### 10. Snuneymuxw Protocol Agreement

Responsible

Date Received

Implementation of Snuneymuxw First Nation Protocol Agreement

22-Jan-2015

#### 11. Gabriola Village Plan

Responsible

Date Received

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

02-Apr-2015

#### 12. Snuneymuxw Relationship Building

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation

02-Apr-2015



## Projects Report

### Gabriola Island

#### 13. Food Trucks

Responsible

Date Received

Review land use bylaw regulations with respect to food trucks

02-Apr-2015

#### 14. Eagle Nest Mapping

Responsible

Date Received

Incorporate eagle nest mapping into the OCP

02-Apr-2015

#### 15. Green Energy

Responsible

Date Received

Consider policy and regulatory mechanisms to encourage green and renewable energy

02-Apr-2015

#### 16. Commercial Vacation Rental Review

Responsible

Date Received

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

07-May-2015

#### 17. LUB Amendments

Responsible

Date Received

## Projects Report

### Gabriola Island

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

08-Sep-2016

#### 18. Water Resource Planning

Responsible

Date Received

Review of water requirements at the time of subdivision

14-Jun-2018

#### 19. Water Taxi Feasibility

Responsible

Date Received

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

22-Nov-2018

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

Responsible

Date Received

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

24-Jan-2019

## Projects Report

### Gabriola Island

| 21. <i>GB LUB Accessory Buildings</i>                                                         | Responsible | Date Received |
|-----------------------------------------------------------------------------------------------|-------------|---------------|
| Review of regulations pertaining to the order of construction of accessory buildings on lots. |             | 12-Sep-2019   |
| 22. <i>Draft an application for a UBCM grant to develop a poverty reduction strategy</i>      | Responsible | Date Received |
|                                                                                               |             | 24-Oct-2019   |