

Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: March 9, 2017
Time: 10:15 am
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Pages

1. CALL TO ORDER 10:15 AM - 10:20 AM

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

2. APPROVAL OF AGENDA

3. TOWN HALL AND QUESTIONS 10:20 AM - 10:30 AM

4. COMMUNITY INFORMATION MEETING 10:30 AM - 10:45 AM

Planner Presentation - Bylaw No. 294

- Questions and Answers

Planner Presentation - Bylaw No. 291

- Questions and Answer

5. PUBLIC HEARING - to begin at 10:45 am

5.1 Recess for Public Hearing

5.1.1 Bylaw No. 294

5.1.2 Bylaw No. 291

5.2 Recall to Order

6. LOCAL TRUST COMMITTEE PROJECTS

6.1 Proposed Bylaw No. 294

That Gabriola Island Local Trust Committee Bylaw No. 294, cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017", be read a third time.

That Gabriola Island Local Trust Committee Bylaw No. 294, cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

6.2 Proposed Bylaw No. 291

That Gabriola Island Local Trust Committee Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016", be read a third time.

That Gabriola Island Local Trust Committee Bylaw No. 291 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2016", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

7. MINUTES

7.1	Local Trust Committee Minutes dated February 9, 2017	4 - 16
7.2	Section 26 Resolutions-Without-Meeting - none	
7.3	Advisory Planning Commission Minutes - none	
7.4	Mudge Island Advisory Planning Commission Minutes - none	
7.5	Agricultural Advisory Commission Minutes - none	
7.6	Transportation Advisory Planning Commission Minutes - none	

8. BUSINESS ARISING FROM MINUTES

8.1	Follow-up Action List dated March 1, 2017	17 - 19
-----	---	---------

9. DELEGATIONS

10. CORRESPONDENCE

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

11. APPLICATIONS AND REFERRALS

11.1	GB-SUB-2016.3 - Roundtuit Farms Ltd. (DeCourcy Is.) - Staff Report	20 - 35
11.2	GB-RZ-2016.1 Potlatch Properties and Pilot Bay Holdings - Staff Report	36 - 65

12. REPORTS

12.1	Work Program Reports	
12.1.1	Top Priorities Report dated March 1, 2017	66 - 66
12.1.2	Projects List Report dated March 1, 2017	67 - 69
12.2	Applications Report dated March 1, 2017	70 - 75
12.3	Trustee and Local Expense Report dated January, 2017	76 - 76
12.4	Adopted Policies and Standing Resolutions	77 - 77
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Reports	

12.8 Electoral Area Director's Report

12.9 Trust Fund Board Report - February, 2017

78 - 79

13. NEW BUSINESS

13.1 Advisory Planning Commission Appointments - Staff Report

80 - 85

13.2 Camp Miriam - for Discussion

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, May 11, 2017 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

15. TOWN HALL

16. CLOSED MEETING- none

17. ADJOURNMENT



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date:	February 9, 2017
Location:	The Haven - Heron Room 240 Davis Road, Gabriola Island, BC
Members Present	Laura Busheikin, Chair (by telephone) Melanie Mamoser, Local Trustee Heather O'Sullivan, Local Trustee
Staff Present	Sonja Zupanec, Island Planner Teresa Rittemann, Planner 2 Ann Kjerulf, Regional Planning Manager Miles Drew, Bylaw Enforcement Manager Lisa Millard, Recorder
Others Present	There were twenty-one members of the public and one member of the media in attendance.

1. CALL TO ORDER

By general consent Trustee Mamoser will chair the meeting.

Trustee Mamoser called the meeting to order at 10:15 am. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

Trustee Mamoser stated that Chair Busheikin will be attending the meeting electronically.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

10.1 GB-SUB-2016.3 Roundtuit Farms Ltd. was removed from the agenda.

14.2 Electronic Meeting Procedures was added to the agenda.

14.3 First Nations Reading list was added to the agenda.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

The following points were made:

- Lot 1 Section 19 located within the proposed Potlach Properties development area has a restrictive covenant placed on it by the Regional District of Nanaimo (RDN)

- which only allows for one residential dwelling and therefore this lot is unable to be subdivided.
- Why is it being proposed that the definition of affordable housing be removed from the background section and the definitions section of Draft Bylaw 292 Section 2.6?
 - Why is the definition of affordable housing being addressed during this phase of the Housing Options Review project when it was to be addressed during the next phase?
 - Staff indicated that they would address these questions during the Housing Options Review portion of the meeting.
 - Questions regarding if the development of 25 lots and the parkland dedication in the receiving parcel of the proposed Potlach development will adequately preserve and protect the ecosystems and habitat of the area.
 - The proposed bylaws would potentially allow for each lot to have a single family dwelling, a secondary dwelling, home occupation, agri-tourism and agricultural uses. The green spaces can potentially be used for special events, playground equipment, outdoor and indoor sports facilities creating a cumulative effect that threatens habitats.
 - Suggestion that the LTC explore Resource Conservation as defined in the Land Use Bylaw (LUB) D.2.5 as a tool for habitat protection free of human intrusion, or alternatively look at the possibility of P4 zoning that places habitat protection ahead of recreational uses.
 - A community member is interested in starting a home based business for food production, which is allowed under current bylaws, but there is a conflict with health inspection authorities as they do not allow home kitchens to be used for commercial production purposes.
 - Also, it is not permitted to construct an accessory building with a kitchen.
 - Planner Zupanec noted that she is correct that current bylaws do not allow a second kitchen in an accessory building, however, this topic is being discussed as part of the Housing Options Review project.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated January 12, 2017 – for adoption

The following amendments to the minutes were presented for consideration:

Page 7 in the first paragraph add a final bullet point which states “Trustee O’Sullivan noted that under the local government act an OCP is defined as a visionary document and in her opinion the goals and objectives of an OCP are at least as important as the policies designed to enable them.

Page 9 bullet point at top of the page last sentence should read “Planner Zupanec informed the meeting attendees about the Islands Trust marine mapping staff...”

Page 9 item 13.4 first bullet point should read "The concept is a community book club focussed on a First Nations reading selection which is augmented by a First Nations reading list.

Page 10 in Town Hall section correct spelling is Hetherington (no letter a).

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report dated February 1, 2017

Received for information.

6.3 Advisory Planning Commission Draft Minutes dated January 9, 2017 - for receipt

Received for information.

6.4 Mudge Island Advisory Planning Commission Minutes - none

6.5 Agricultural Advisory Commission Minutes - none

6.6 Transportation Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated February 1, 2017

Received for information.

7.2 Printing "Your Marine Waterfront Guide" – discussion

GB-2017-011

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee authorize the release of up to \$150.00 (one hundred and fifty dollars) from the Local Trust Committee Communication budget for printing 10 (ten) copies of "Your Marine Waterfront Guide".

CARRIED

8. DELEGATIONS – none

9. CORRESPONDENCE

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

9.1 Email dated January 19, 2017 from Gabriolans Against Freighter Anchorages Society

Trustee O'Sullivan recognized that the Gabriolans Against Freighter Anchorages Society (GAFA) continues to set a very high standard for research and dialogue on this issue. She also noted that of particular concern to GAFA is Transport Canada's goal of using the Federal Oceans Protections Plan to address anchorages outside of Port Authority jurisdiction.

10. APPLICATIONS AND REFERRALS

10.1 GB-SUB-2016.3 - Roundtuit Farms Ltd. (DeCourcy Is.) - Staff Report

This item was removed from the agenda.

10.2 Proposed Bylaw No. 294 - Staff Report

Planner Zupanec stated that proposed Bylaw No. 294 is to correct the map schedule reference for Development Permit Area 3 (DP-3) Riparian Areas in the LUB. She summarized the Staff Report and indicated that agency referrals had been sent out.

GB-2017-012

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 294, cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017" be read a second time.

CARRIED

GB-2017-013

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 294, cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2017-014

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to schedule a public hearing for Proposed Bylaw No. 294 cited as "Gabriola Island Official Community Plan (Gabriola), 1997, Amendment No. 2, 2017".

CARRIED

10.3 GB-RZ-2016.1 Potlatch Properties and Pilot Bay Holdings – Memorandum

Allan Dakin, Senior Groundwater Engineer, joined the meeting by telephone conference call.

Mr. Dakin provided an overview of the Hydrogeological Assessment Report and highlighted the following:

- The purpose of the assessment was to determine if new wells in the proposed development area will have an impact on existing ground water users, groundwater levels and nearby streams.
- He reviewed existing information and studies available from Islands Trust and the RDN, a thirty-year record of water level measurements, and Ministry of Environment water well records.
- He noted that some of the monitoring occurred before many of the wells in the Village area were added, that seasonal fluctuations were taken into account, and that the Ministry water well records were often not complete.
- He estimated both the water use of a typical household and the overall use of the proposed subdivision and made calculations on the amount of water flow into the area from rainfall and snow melt.
- He reached the conclusion that the amount of water taken from these new wells would have little impact on water balance on this part of the aquifer and would have no measurable impact on existing wells that perimeter the development area.

Trustees had provided written questions to Mr. Dakin prior to the conference call. Discussion ensued and the following clarifications were provided:

- The yield of 5.4m³ per day at the well located on the Emcon works yard property noted on page 4 of the report came from a test done on the well 5 years ago. This is an estimate based on a specific test but the tests tend to be a good indication of longer term yield. All other yields quoted came from the Ministry of Environment website.
- Yield can vary seasonally as the water table in the area fluctuates seasonally but this change in water level makes little difference in the yield of a well.
- Problems with a well can be due to the pump not being placed at the bottom of the well or not being placed where the water enters into the well.
- All water levels and elevations noted in the report come from soon after the wells were drilled and before they had been pumped.
- Consistent patterns in static water levels typically indicate that there is a minimal chance the water level of an entire area will decrease when some wells are added.
- In areas where wells are close together, a localized depression in the water table can occur, however, in the proposed development the wells are further away from each other.
- Dr. Diana Allen, of Simon Fraser University, wrote a report that reviewed climate change in relation to ground water levels and it concluded that currently climate change does not seem to affect the levels but it may do so in the future.
- Anecdotal reports of local wells having less water in summer months could be due to higher water use in drier months and it is Mr. Dakin's speculation that problems are more likely due to a concentration of wells close together.
- The observation well located on the Emcon property was no longer monitored after 2002. At that time the summer lows in the well were being reported as lower than previous years. Mr. Dakin could not determine what caused this but did note that the well level recharged in the fall and winter months. The applicant stated that the monitoring well was located beside the school well

and the summer levels started to show a decrease at the same time the soccer fields were installed, which are heavily irrigated. It was further noted that Emcon uses water from this source for road dust control in the summer.

- It is not possible for contaminants from the proposed subdivision to affect neighboring properties as all new wells and septic systems will be down grade from existing wells. Current regulations require wells to be deeply drilled and have clay seals so that surface water cannot enter them.
- The scenarios used in the tables in the report are based on three different degrees of estimated use and conservation efforts.
- Water fluctuates during seasons and during the summer months there is almost no recharge from rain, however, there continues to be water storage in the water table.
- The recommended distance between wells in the proposed subdivision is 30 metres which is double the amount of provincial recommendations. It is Mr. Dakin's opinion that setbacks of 30 metres are more than adequate.
- The use of explosions when creating new wells in bedrock are rare. Mr. Dakin has not found evidence that hydro fracking is a problem as it is very localized and would not create a large fissure.
- Pump tests were not conducted when composing the report as one pump test on one well does not reflect results of pump tests on another well.

11. BREAK

By general consent the meeting was recessed at 12:30 pm and reconvened at 12:53 pm.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Housing Options Review Project - Staff Report

Planner Zupanec summarized the staff report. Discussion ensued and the following was noted:

- Staff is not proposing to change the existing definition of affordable housing and it will remain as it is currently written in the OCP.
- In the Table of Recommended Revisions for the OCP Draft Bylaw No. 292 point 4 remove the word "appropriate" in the last sentence of the replacement wording.
- In Section 2.4 of the OCP a definition for affordable housing is repeated and should be removed from this section.
- In Draft Bylaw No. 292 Section 2.8 it is noted that a definition of affordable housing will be deleted from Appendix 1 however this is an error.
- Currently only one home occupation is allowed to operate on a property that contains a principal dwelling and an accessory cottage. The draft bylaws propose allowing one or more home occupations and this can be clarified at a future Community Information Meeting.
- Under Draft Bylaw No. 293 Section B.6.3.5 it was noted that secondary suites could be used for less time than a monthly basis if approved under the Temporary Use Permit process.

By general consent a recess was called at 1:51 pm and the meeting reconvened at 1:57 pm.

Planner Zupanec stated that the Agricultural Land Commission (ALC) regulations pertaining to residential uses in the ALR are not duplicated in the Agriculture zone provisions of Draft Bylaw No. 293. Staff will bring back revised regulations for the Agriculture zone section of the bylaw for LTC consideration.

GB-2017-015

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to come back with draft bylaw language for the agricultural zone regulations which are consistent with section 3.1.b of the Agricultural Land Reserve Use Subdivision and Procedures regulations.

CARRIED

GB-2017-016

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the change to Draft Bylaw No. 292 Section 2.8 removing the term affordable housing from the list of definitions.

CARRIED

GB-2017-017

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend Draft Bylaw No. 293 Section B.6.3.5 to add the words at the end “unless authorized by a temporary use permit”.

CARRIED

GB-2017-018

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and confirmed that Bylaw No. 292 cited as “Gabriola Island Official Community Plan (Gabriola Island), 1997, Amendment No. 1, 2017” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2017-019

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and confirmed that Bylaw No. 293 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017” is not contrary or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2017-020

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 292 cited as “Gabriola Island Official Community Plan (Gabriola Island), 1997, Amendment No. 1, 2017” be read a first time.

CARRIED

GB-2017-021

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 293 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2017” be read a first time.

CARRIED

GB-2017-022

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 292 and 293 be referred to the following agencies, organizations and First Nations for comment:

- Gabriola Island Advisory Planning Commission
- Regional District of Nanaimo Building Inspection
- Islands Trusts Bylaw Enforcement
- Gabriola Housing Society
- People for a Healthy Community Gabriola Island
- School District No. 68
- Agricultural Land Commission
- BC Assessment – Assessment Unit
- Island Health Protection and Environmental Services Branch
- Island Futures
- Gabriola Island Chamber of Commerce
- Snuneymuxw First Nation
- Penelakut Tribe
- Halalt First Nation
- Lyackson First Nation
- Cowichan Tribes
- Lake Cowichan First Nation
- Hul’qumi’num Treaty Group
- Stz’uminus First Nation
- Semiahmoo First Nation

CARRIED

Planner Ritemann and Bylaw Enforcement Manager Drew arrived at 2:00 pm.

12.2 Roadside Signage - Staff Report

Planner Ritemann summarized the staff report and highlighted the following:

- Agency referral feedback received to date.
- The Advisory Planning Commission (APC) recommended that the LTC consider the number of real estate signs allowed per lot.
- A Public Hearing will be scheduled for additional community feedback on the proposed amended bylaws.

Discussion ensued and Trustees made the following comments:

- Further additional community feedback is needed regarding the 12 square foot total size restriction for some signage.
- The APC noted that multi party signs can only be located in non-residential zones and this might not be feasible as many non-residential areas are surrounded by residential areas.
- The APC noted that the maximum of one third party sign per lot might be too restrictive on larger lots.
- The Chamber of Commerce provided feedback stating multi party signs would typically be placed in road allowance areas and would therefore be under the jurisdiction of the Ministry of Transportation and Infrastructure (MOTI). Only allowing them in non-residential zones might be too restrictive.

GB-2017-023

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

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291, Section B.4.6.1.b to read: not be located in the Small Rural Residential zone.

CARRIED

GB-2017-024

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

that the Gabriola Island Local Trust Committee amend proposed Bylaw No. 291, Section B.4.7.1. to remove subsection a. and amend and renumber subsection b. to read: third party signs shall not exceed 1.1 square metres (12 square feet) in sign area, per lot.

CARRIED

Miles Drew, Bylaw Enforcement Manager, noted that the terms “commemorative”, “historical” and “interpretive” within the exempted signs section of the bylaw should be defined. He further noted that a bylaw can be adopted and circumstances under which it would be expected not to be enforced can also be stated within a standing resolution.

GB-2017-025

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 291, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”, be amended as specified in Attachment 2 – “Appendix A” of the staff report received February 9, 2017.

CARRIED

GB-2017-026

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 291, cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 2, 2016”, be read a second time, as amended.

CARRIED

GB-2017-027

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing to consider Gabriola Island Local Trust Committee Bylaw No. 291 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No 2, 2016”.

CARRIED

Trustee O’Sullivan asked that the following be flagged for future discussion:

- The Bylaw Enforcement Manager’s comment about a standing resolution regarding non-enforcement circumstances.
- The Chamber of Commerce’s note regarding mail box notice boards being added to Obsolete and Derelict Signs.

12.3 Covenant for Manufactured Homes in the ALR - Staff Report

Regional Planning Manager Kjerulf summarized the staff report.

GB-2017-028

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approves the model covenant prepared by the Islands Trust solicitor dated February 2017, to be used for the purpose of satisfying Gabriola Island Land Use Bylaw regulation D.2.1(a)(ii) for manufactured homes in the Agricultural Land Reserve, and designates the Gabriola Island Trustees as authorized signatories for such covenants.”

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated February 1, 2017

Received for information.

13.1.2 Projects List Report dated February 1, 2017

Received for information.

13.2 Applications Report dated February 1, 2017

Received for information.

13.3 Trustee and Local Expense Report – none

13.4 Adopted Policies and Standing Resolutions

Received for information.

13.5 Local Trust Committee Webpage

Trustee O'Sullivan requested that the First Nations reading list, which will be used for the One Community One Book event, and potentially used for Islands Trust related purposes geared towards increasing opportunities for public engagements around truth and reconciliation opportunities to increase awareness and build relationships with local First Nations, be posted on the webpage.

GB-2017-029

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to post the First Nations reading list prepared by Trustee O'Sullivan on the Gabriola Island Local Trust Committee webpage.

CARRIED

13.6 Chair's Report

Trustee Mamoser reported on the following:

- February 10 is the deadline for community input for the upcoming Islands Trust budget and individuals can go to the webpage and fill in the survey to provide feedback.
- Trustee office hours are Mondays 10:00 am to 11:00 am.
- She will attend the local planning committee meeting next week.
- Trust Council meets on Gabriola in March and this is an opportunity for the community to be engaged in that process.

13.7 Trustee Reports

Trustee O'Sullivan reported on the following:

- Is seeking ways of increasing awareness in the community on First Nations issues, building relationships and working on truth and reconciliation

awareness. It has been her long-term goal to put together a comprehensive reading list, vetted by local First Nations. The list will be made available at the One Community One Book event taking place in April. The Gabriola Library has purchased several copies of "Medicine Walk" by Richard Wagamese and she encourages the community to read the book, and join the community conversation in April, which will be facilitated by Shelagh Rogers, with guests from Snuneymuxw First Nation.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report - none

14. NEW BUSINESS

14.1 Provincial Private Moorage Policy Update January 2017

Regional Planning Manager Kjerulf summarized the policy update memorandum and noted that the Province designates areas as "application only areas" or "general permission areas" and if a dock is located in a general permission area one does not need to submit an application for a tenure. Gabriola is within an application area and will continue to receive applications for docks, however, tenure and tenure renewals fall under general permission guidelines.

Trustee O'Sullivan referenced the bullet point in the memorandum which states that the dock be constructed and placed so as to not unduly impede public access and to avoid impacts to neighbouring property owners, and asked who regulates that requirement. Regional Planning Manager Kjerulf replied that this is a provincial requirement..

14.2 Electronic Meeting Procedure

GB-2017-030

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee direct staff to draft an amendment bylaw to facilitate electronic meetings.

CARRIED

14.3 First Nations Reading List

This item was discussed under Item 13.5 and Item 13.7

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, March 9, 2017 at 10:15 am at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

16. TOWN HALL

The following points were made:

- The information used on the hydrogeological assessment is up to 40 years old.
- The report indicates that there is a large aquifer in the Ross Way / Burnside Road corridor with three wells that produce a high volume of water, however, two of the property owners state that these wells don't exist as reported.
- It is believed that those rates have diminished considerably since first tested and reported.
- There is no way to find out if these wells exist without pump tests being done.
- A community member attended a very brief meeting in which the applicant generalized the development and was assured it would not impact him. He later found out a road would be constructed within 10 metres of his property.
- It is his professional opinion as a geoscientist that if data is questionable then it needs to be brought to the attention of both the writer of the report and the applicant.

17. CLOSED MEETING - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:25 pm.

Laura Busheikin, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Gabriola Island

07-May-2015

Activity	Responsibility	Target Date	Status
Staff to further discussion regarding zoning of Coats Marsh Regional Park with The Nature Trust of BC and the Regional District of Nanaimo, encouraging them to request approval from the Ecological Gifts Program for the change in zoning from Resource to Parks 1, that was removed from bylaws 271 and 272 prior to their adoption. RDN has indicated they have no objection to the change in zoning but noted potential for a perceived concern regarding negative tax implication due to Ecological Gifts Program participation.	Sonja Zupanec Ann Kjerulf	11-Jun-2015	On Going
Staff to schedule a meeting with Snuneymuxw First Nation as per our protocol agreement. Letter of invitation to participate in C2C Forum sent September 22, 2016	Ann Kjerulf	11-Jun-2015	On Going

14-Jan-2016

Activity	Responsibility	Target Date	Status
Staff to prepare information package to send to RDN staff to distribute to Building Permit applicants.	Sonja Zupanec	11-Feb-2016	On Going

08-Sep-2016

Activity	Responsibility	Target Date	Status
For RDN annual meeting agenda for 2017 - ADD: 1. Enforcement of RDN Noise Bylaw; 2. Mudge Island Public Dock; 3. Regulations for temporary dwellings being connected to a sewage disposal system			On Going

Follow Up Action Report

10-Nov-2016

Activity	Responsibility	Target Date	Status
GB-RZ-2016.1 (Potlatch) 1. LTC resolution for staff to schedule a stakeholder meeting regarding RDN park/trail locations 2. Staff to prepare comments on OCP bike plan amendments needed if proposal is approved and mechanisms to work with MOTI to ensure bike standards are incorporated into the Spruce/Church St connector 3. LTC resolution requesting staff invite MOTI representative to next application CIM. 4. LTC resolution to enter into cost recovery agreement as per staff recommendation a,b,d,e,f,g; c - change to maximum 25 lots on receiving parcel; h - add other studies such as arch, geotech and RAR report to end of sentence. 5. LTC resolution requesting staff hold a special CIM meeting as per staff recommendation in report	Sonja Zupanec Ann Kjerulf	30-Nov-2016	On Going
Roadside Signage Project -request bylaw enforcement staff enforce signs which are clearly outside existing and proposed regulations	Miles Drew	30-Nov-2016	On Going

09-Feb-2017

Activity	Responsibility	Target Date	Status
GB LTC authorizes the release of up to \$150 from the special projects or communications budget for printing copies of the Your Marine Waterfront Guide.	Sonja Zupanec	28-Feb-2017	Done
Add to March 9 LTC meeting agenda Camp Miriam for discussion under new business.	Becky McErlean	28-Feb-2017	Done
Proposed Bylaw 294 (OCP) read a second time; determined not contrary or at variance to ITPS; schedule public hearing.	Becky McErlean	28-Feb-2017	Done



Follow Up Action Report

Proposed Bylaw 292 and 293 Housing Options Review Project - amend as per GB LTC direction; given First Reading; add Chamber of Commerce and Island Futures to referral list; bring back changes to 293 regarding AG zone and compliance with ALC regulations	Becky McErlean Sonja Zupanec	28-Feb-2017	On Going
Proposed Bylaw 291 (LUB) Roadside Signage - update bylaw as per GB LTC resolutions; proceed to public hearing.	Becky McErlean Teresa Rittemann	28-Feb-2017	Done
Post the First Nations Reading list to the GB LTC website. Trustee OSullivan to prepare introductory text to include on web.	Wil Cottingham	28-Feb-2017	Done
GB LTC resolution requesting staff prepare a draft amending bylaw to allow for electronic meetings within the Meetings Procedure Bylaw No. 225	Becky McErlean	30-Apr-2017	On Going

File No.: GB-SUB-2016.3 Rogers
(Roundtuit Farms Ltd.)

DATE OF MEETING: March 9, 2017

TO: Gabriola Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Sonja Zupanec, Island Planner

SUBJECT: Covenant for a proposed subdivision on DeCourcy Island

Applicant: Murray Rogers for Roundtuit Farms Ltd.

Location: 303 Flewett Drive, DeCourcy Island (PID 000-991-694; Block F, Sections 10, 23, 24, Nanaimo District, Plan 41970)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee accept a covenant for GB-SUB-2016.3 under Section 219 of the *Land Title Act* from the registered owners of PID 000-991-694; Block F, Sections 10, 23, 24, Nanaimo District, Plan 41970 and authorize the Chair and Trustee [insert Trustee name] of the Gabriola Local Trust Committee to sign the covenant.
2. That the Gabriola Island Local Trust Committee add “review of subdivision policies and regulations” to the Projects List under the item “DeCourcy OCP review” and that the “DeCourcy OCP review” item be expanded to “DeCourcy OCP and bylaw review”.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider accepting a covenant in relation to a proposed one-lot subdivision on Decourcy Island, in order to restrict the use of the proposed lot to fire hall and ancillary uses pursuant to DeCourcy bylaws. Staff is also requesting that the LTC consider adding a review of DeCourcy subdivision policies and regulations to the LTC Projects List.

BACKGROUND

At the September 8, 2016 meeting, LTC considered a staff report (Attachment 2) and subsequently passed the following resolution:

GB-2016-089

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

that the Gabriola Island Local Trust Committee enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and /or review a covenant limiting further subdivision of the proposed remainder lot, and limited use of the proposed new lot for subdivision application GB-SUB-2016.3 (Rogers (Roundtuit Farms Ltd)).

CARRIED

After entering into a Cost Recovery Agreement with the LTC, two covenants were prepared by the applicant and reviewed by Islands Trust legal counsel. The first covenant restricts the use of the proposed lot to fire hall and ancillary uses and may be considered for acceptance by the LTC (Attachment 1). In consultation with legal counsel, staff have concluded that a second covenant restricting subdivision of the remainder lot is unnecessary because the applicable bylaws already restrict further subdivision. Staff have informed the applicant and Ministry of Transportation and Infrastructure.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The covenant is consistent with the following relevant policy from the DeCourcy Official Community Plan bylaw No. 16:

- 8) Community facilities and parking areas located on private land, such as the Firehall and parking, are considered appropriate uses and covenants to protect these uses for future community use are encouraged.

Zoning Bylaw:

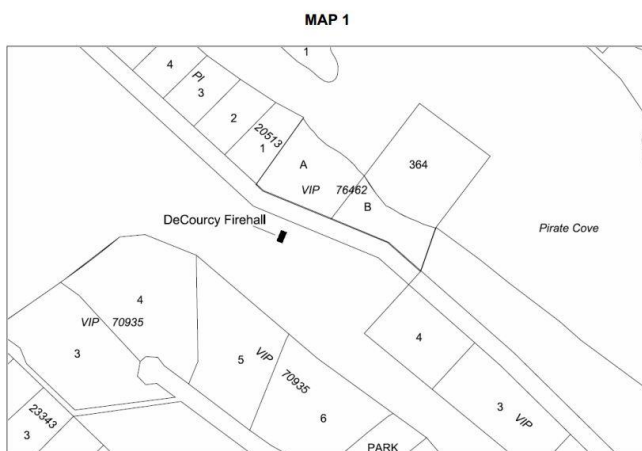
The covenant is consistent with the following regulations of the DeCourcy Zoning No. 44:

2.1 Uses and Structures Permitted in any Zone

Navigational aids and public utility uses and structures shall be permitted in any zone. Distribution stations, transmission towers, pipelines, related storage and repair facilities shall not be permitted. Without limiting the foregoing, fire hall uses are permitted within buildings on lands as shown on Map 1, Section 6.

6.1 Fire hall uses are permitted on land and in buildings within the area shown on Map 1.

6.2 Residential use within the area shown on Map 1 is prohibited.



Subdivision Bylaw:

The covenant is consistent with the pertinent regulations of the DeCourcy Subdivision Bylaw No. 18 set out in Section 4.0 Subdivision Districts (Attachment 3).

Staff have reviewed the relevant policies and regulations and have concluded that the covenant is consistent with the bylaws.

Issues and Opportunities

Staff have also noted policies and regulations (Attachment 3) pertinent to the subdivision of land on DeCourcy Island that should be included in a bylaw review in order to bring policies and regulations up to current bylaw drafting standards with respect to subdivision policy and regulation; and to reflect current community interests. In their current form, the wording in the policies and regulations is awkward and the intent of the bylaws can be difficult to determine, which can create uncertainties and excessive delays in fielding public enquiring and processing applications.

The covenant is drafted so that it would be registered after the subdivision that creates the new lot and remainder. In this case, it is important to require that the applicant applies to register the covenant at the same time as the subdivision otherwise there is no way for the LTC to compel the owner to register the covenant. As such, staff will require a letter of undertaking from the applicant's legal counsel that provides an assurance that they will fulfil their obligation to register the covenant concurrently with the subdivision.

Rationale for Recommendations

Staff recommend accepting the covenant because it is consistent with the DeCourcy Official Community Plan Bylaw No. 16, DeCourcy Zoning Bylaw No. 44, and DeCourcy Subdivision Bylaw No. 18, which restrict the use of the proposed lot to fire hall and ancillary uses.

Staff recommend adding a review of the DeCourcy subdivision policies and regulations in order to bring them up to current bylaw drafting standards and to reflect current community interests.

Next Steps

Should the LTC accept the covenant, staff will require a letter of undertaking from the applicant's legal counsel that stipulates that the covenant must be registered concurrently with the subdivision.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	February 28, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 1, 2017

ATTACHMENTS

1. Covenant
2. Staff Report dated August 30, 2016
3. Sections of the DeCourcy Island OCP Bylaw No. 16, Zoning Bylaw No. 44 and Subdivision Bylaw No. 18 Suggested for Review

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

COPY

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

N. FABRIS LAW CORPORATION

BARRISTER & SOLICITOR

40 CAVAN STREET, PO BOX 778

NANAIMO

BC V9R 5M2

File No: 1288.002 NF

Telephone: (250) 753-6661

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

NO PID NMBR LOT 1, SECTION 23, NANAIMO DISTRICT, PLAN EPP64662

STC? YES

Related Plan Number: **EPP64662**

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

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

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

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

5. TRANSFEROR(S):

ROUNDTUIT FARMS LTD. INC. NO. 294481

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

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, INCORPORATED UNDER ISLANDS

TRUST ACT OF BRITISH COLUMBIA, HAVING AN OFFICE AT

2ND FLOOR, 1627 FORT STREET

VICTORIA

BRITISH COLUMBIA

V8R 1H8

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

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

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Charles G. Radcliffe
Barrister & Solicitor

40 CAVAN STREET
PO BOX 778

NANAIMO, BC, V9R 5M2

Y	M	D
17	02	02

ROUNDTUIT FARMS LTD., by its
authorized signatory

John William Nayler
John William Nayler

OFFICER CERTIFICATION:

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

Execution Date

GABRIOLA ISLAND LOCAL TRUST
COMMITTEE, by its authorized
signatory (ies)

Y

M

D

17

02

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

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 3 OF 7 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		Section 219 Land Title Act Covenant Gabriola Island Local Trust Committee, a Corporation under the Islands Trust Act of British Columbia Pages 6 to 7

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
--------------------	------------	------------------------

TERMS OF INSTRUMENT

THIS COVENANT made the 3rd day of February, 2017

BETWEEN:

ROUNDTUIT FARMS LTD.
5423 Colinwood Drive
Nanaimo, British Columbia
V9T 6G2

(hereinafter called the "Transferor")
OF THE FIRST PART

AND:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
2nd Floor, 1627 Fort Street
Victoria, British Columbia
V8R 1H8

(hereinafter called the "Transferee")
OF THE SECOND PART

WHEREAS:

- A. The Transferor is the registered owner of certain lands and premises situate, lying and being in the Nanaimo / Cowichan Assessment Area in the Province of British Columbia, and being more particularly known and described as:

NO PID
Lot 1, Section 23, Nanaimo District, Plan EPP64662

(herein called "Lot 1")

- B. Lot 1 is located on Decourcy Island and the subdivision and use of land on Decourcy Island is regulated by the Transferee's Bylaws No. 18 and No. 44.
- C. The Transferor has agreed to grant the Transferee has agreed to accept the covenants set out in this agreement restricting the use of Lot 1.
- D. Section 219 of the *Land Title Act*, R.S.B.C. 1996, c 250 permits the registration of a covenant of a negative or positive nature in favour of the Transferee, in respect of the use of land or buildings.

NOW THEREFORE THIS AGREEMENT WITNESSETH that pursuant to Section 219 of the *Land Title Act*, and in consideration of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada paid by the Transferee to the Transferor, the receipt and sufficiency of which is hereby acknowledged), the parties hereby covenant and agree with each other as follows:

1. The Transferor, or itself and its respective successors and permitted assigns and successors entitled by covenants, promises and agrees pursuant to section 219 of the *Land Title Act* that the following covenants shall apply to Lot 1 as shown on the plan of subdivision attached hereto as Schedule "A" and being as follows:
 - (a) No part of Lot 1 shall be used other than for:
 - (i) A fire hall;
 - (ii) Public utilities and public service facilities excluding distribution stations, transmission towers, pipelines and related storage and repair facilities;
 - (iii) Uses complementary, ancillary and subordinate to the uses permitted in subsection 1(a)(i) and 1(a)(ii) and for clarity, the uses permitted in this subsection are only permitted while Lot 1 is actually being used for a fire hall.
2. No term, condition, covenant or other provision of this Agreement will be considered to have been waived by the Transferee unless the waiver is expressed in writing by the Transferee. Any waiver by the Transferee of any term, condition, covenant or other provision of this Agreement or any waiver by the Transferee of any breach, violation or non-performance of any term, condition, covenant or other provision of this Agreement does not constitute and will not be construed as a waiver of any further or other term, condition, covenant or other provision of this Agreement or any further or other breach, violation or non-performance of any term, conditions, covenant or other provision of this Agreement.
3. Subject to the provisions of Section 219, the Transferor's covenants contained in this Agreement shall burden and run with Lot 1 and be binding upon the Transferor, its heirs, executors, administrators, successors and assigns and shall enure to the benefit of the Transferee.
4. Nothing in this Agreement shall prejudice or affect the rights, powers and remedies of the Transferee in relation to the Transferors or the Lands under any law, bylaw, order or regulation or in equity all of which rights, powers and remedies may be fully and effectively exercised by the Transferee as if this Agreement had not been made by the parties.
5. The Transferor will do or cause to be done at its expense all acts reasonably necessary for the Transferee to gain priority for this Agreement over all liens, charges and

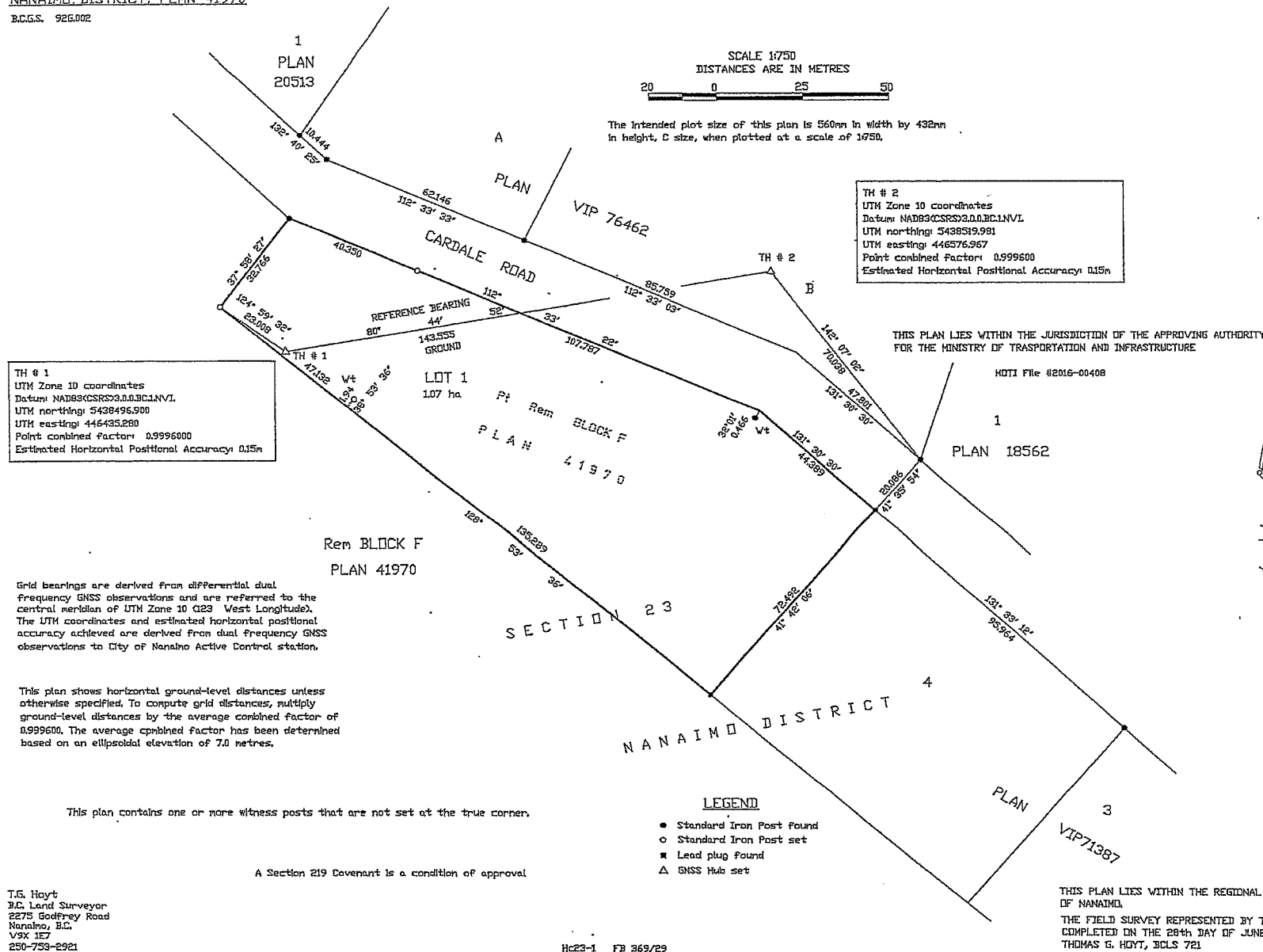
encumbrances which are or may be registered against the Lands, save and except those in favour of the Transferee and those specifically approved in writing by the Transferee.

6. The parties agree that this Agreement shall not be modified or discharged except in accordance with the provisions of Section 219(5) of the *Land Title Act*.
7. The Transferor shall do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.
8. Whenever the singular or masculine or neuter is used herein, the same shall be construed as including the plural, feminine, body corporate or politic unless the context requires otherwise.
9. If any section or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement as the case may be shall be unaffected thereby and shall remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections have never been included in this Agreement.
10. This Agreement shall be interpreted according to the laws of the Province of British Columbia.
11. Where there is reference to an enactment of the Province of British Columbia in this Agreement, that reference shall include a reference to any consequent enactment of the Province of British Columbia of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto acknowledge that this Agreement has been duly executed and delivered by the parties executing the Form C (page 1) and Form D (page 2) attached hereto.

SUBDIVISION PLAN OF PART OF BLOCK F, SECTION 23,
NANAIMO DISTRICT, PLAN 41970
B.C.G.S. 926.002

PLAN EPP64662





STAFF REPORT

File No.: GB-SUB-2016.3 Rogers
(Roundtuit Farms Ltd.)

DATE OF MEETING: September 8, 2016

TO: Gabriola Island Local Trust Committee

FROM: Marnie Eggen, Planner 2
Northern Office

SUBJECT: Entering into a Cost Recovery Agreement for Legal Review of a Covenant for a proposed one lot subdivision on DeCourcy Island, PID 000-991-694; Block F, Sections 10, 23, 24, Nanaimo District, Plan 41970

Applicant: Murray Rogers for Roundtuit Farms Ltd.

Location: 303 Flewett Drive, Decourcy Island

RECOMMENDATION

1. THAT the Gabriola Island Local Trust Committee enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant limiting further subdivision of the proposed remainder lot, and limiting use of the proposed new lot for subdivision application GB-SUB-2016.3 (Rogers (Roundtuit Farms Ltd.)).

REPORT SUMMARY

Pursuant to the DeCourcy Official Community Plan Bylaw No. 16, DeCourcy Zoning Bylaw No. 44; and DeCourcy Subdivision Bylaw No. 18, the owner of the above noted property is required to enter into a covenant with the Local Trust Committee that limits further subdivision of the proposed remainder lot, and limits the use of the proposed new lot in order to protect the use for a fire hall.

A copy of the subdivision referral report prepared by staff (dated April 16, 2016) is attached for background information about the proposed subdivision and Islands Trust recommended conditions of subdivision.

For the Islands Trust to enter into a cost recovery agreement with the applicant, a Local Trust Committee resolution is required.

Submitted By:	Marnie Eggen, Planner 2	August 30, 2016
Concurrence:	Stefan Cermak, Regional Planning Manager	August 31, 2016

ATTACHMENTS

1. Subdivision Referral Report, April 16, 2016

Attachment 3: Sections of the DeCourcy Island OCP Bylaw No. 16, Zoning Bylaw No. 44 and Subdivision Bylaw No. 18 Suggested for Review

From DeCourcy Official Community Plan Bylaw No. 16

1. LAND USE

8) Community facilities and parking areas located on private land, such as the Firehall and parking, are considered appropriate uses and covenants to protect these uses for future community use are encouraged.

7. SUBDIVISION POLICY

Relative to its size Decourcy has a high proportion of land already subdivided into small lots. This makes the protection of the remaining undeveloped areas most desirable. They also have special importance as farmland, wetland, coastline and wildlife corridor all of which requires larger minimum lot sizes if they are to remain viable.

1) The farm, wetlands, wildlife corridor, Long Island and adjacent upland is placed in a 8 ha (19.76 acres) minimum lot size Resource Protection designation, the remaining unsubdivided lands are placed in a 4 ha (9.88 acres) minimum lot size Rural designation, and the existing small lot areas and park are in a no additional subdivision designation, all as shown on the Community Plan map.

2) A comprehensive development plan will be encouraged provided that:

- the total number of lots in a comprehensive development plan will, notwithstanding Section 7(1), be calculated on the basis of averaging with a 2 ha (4.94 acre) lot size and with a minimum lot size of .6 ha (1.48 acres).
- the farm area to be preserved intact.
- the 5% dedication provided for in the Municipal Act to be fulfilled.
- the wildlife corridor and wetlands to be preserved in common tenure.

3) Consolidation of existing lots is encouraged.

4) Upon the subdivision of the remaining unsubdivided part of the island, the subdivider is encouraged to make provision for all Decourcy Islanders to have access to the farm, wetlands, and wildlife corridor which would be preserved in a comprehensive development plan under subsection 7(2).

From DeCourcy Zoning Bylaw No. 44

2.1 Uses and Structures Permitted in any Zone

Navigational aids and public utility uses and structures shall be permitted in any zone. Distribution stations, transmission towers, pipelines, related storage and repair facilities shall not be permitted. Without limiting the foregoing, fire hall uses are permitted within buildings on lands as shown on Map 1, Section 6.

SUBDIVISION PARCEL SIZE REGULATIONS

4.1 The land areas of DeCourcy Island and Long Island are designated in the Gabriola Island Trust

Committee Bylaw No. 18, cited as DeCourcy Island Subdivision Control Bylaw, 1982”, as subdivision districts in accordance with Schedule “A” of that Bylaw.

4.2 All land areas shown in the above mentioned Schedule “A” and not designated “A”, “B”, “C”, “D”, “E”, “F” and “H” are designated “G”.

4.3 In the designated subdivision districts of Section 4.1 and 4.2 no land shall be subdivided except in accordance with the following requirements:

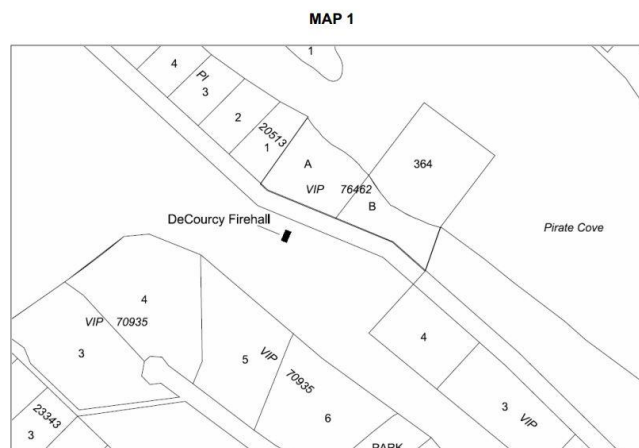
1	2	3	4
Subdivision District Designation	Minimum Lot Size in ha	Minimum Average Lot Size in ha	Maximum Number * of Lots **
A	0.6	1.19	15
B	0.6	1.22	4
C	0.6	1.11	7
D	0.6	1.39	5
E	0.6	1.32	11
F	0.6	10.82	4
G	30.0	-	1
H	2.0	2.43	2

* This figure indicates the maximum number of lots permitted in each subdivision district if the entire district is subdivided.

** Should a discrepancy occur between the application of the numbers in columns 3 and 4, the numbers in column 4 shall prevail.

6.1 Fire hall uses are permitted on land and in buildings within the area shown on Map 1.

6.2 Residential use within the area shown on Map 1 is prohibited.



From DeCourcy Subdivision Bylaw No. 18

4.0 Subdivision Districts

- 4.1** The land areas of DeCourcy Island and long Island are designated as subdivision districts in accordance with Schedule "A" of the Bylaw.
- 4.2** All land area shown in Schedule "A" and not designated "A", "B", "C", "D", "E", "F" and "H" are designated "G".
- 4.3** In the designated subdivision districts of Section 4.1 and 4.2 no land shall be subdivided except in accordance with the following requirements:

1	2	3	4
Subdivision District Designation	Minimum Lot Size in ha	Minimum Average Lot Size in ha	Maximum Number * of Lots **
A	0.6	1.19	15
B	0.6	1.22	4
C	0.6	1.11	7
D	0.6	1.39	5
E	0.6	1.32	11
F	0.6	10.82	4
G	30.0	-	1
H	2.0	2.43	2

* This figure indicates the maximum number of lots permitted in each subdivision district if the entire district is subdivided.

** Should a discrepancy occur between the application of the numbers in columns 3 and 4, the numbers in column 4 shall prevail.

- 4.4** If a part of a subdivision district is subdivided, the undivided remainder shall be subject to a covenant which would limit the maximum number of potential subdivided lots in such remainder to a number not exceeding the difference between the number for the district in Column 4 of the table in Section 4.3 and the number of lots being subdivided in the district.
- 4.5** The minimum standards specified in Section 4.3 above shall not apply where the parcel being created is to be used solely for:
- (i) a community water system;
 - (ii) a common green space lot covenanted against building and owned jointly by lot owners in the associated cluster subdivision;
 - (iii) a public park;
 - (iv) a community radio or television receiving antenna;
 - (v) an automatic telephone exchange;
 - (vi) an air or marine navigational aid;
 - (vii) electrical substations;
 - (viii) any other similar public service or quasi-public service facility or utility.

5.0 General Provisions

- 5.1** The Approving Officer may refuse to approve a proposed subdivision if:
- (a) it is not suited to the configuration of the land being subdivided;
 - (b) it is not suited to the use for which it is intended;
 - (c) it does not conform to the Official Community Plan for DeCourcy Island or any other applicable Bylaw of the Trust Committee;
 - (d) the anticipated development of the subdivision in his opinion would injuriously affect the established amenities of adjoining or adjacent properties or would be against the public interest;
 - (e) he considered that the cost of providing public utilities or other works or services would be excessive;
 - (f) it will make impracticable the future subdivision of land within the proposed subdivision or any adjacent land.
- 5.2** The Approving Officer may refuse to approve the plan if he considers that the land is subject to, or could reasonably be expected to be subject to flooding, erosion, land slippage, or other natural hazard.
- 5.3** Every subdivision shall be designed and constructed so as to minimize disruption of aesthetic areas.
- 5.4** The Approving Officer may, when considering the public interest, give due regard to the following:
- (a) the preservation of significant and unique plant and animal habitat;
 - (b) the preservation of archaeological and historical sites;
 - (c) the preservation and protection of unique and aesthetic land forms and water features;
 - (d) the preservation of tree cover;
 - (e) the avoidance of pollution and siltation of water courses, fresh water bodies, ground water and the sea;
 - (f) the avoidance of disruption of natural surface and subsurface drainage patterns.
- 5.5** In furthering the objectives of the Bylaw the Approving Officer may require the registration of a covenant pursuant to Section 215 of the *Land Title Act*.



File No.: GB-RZ-2016.1
(Potlatch and Pilot Bay Holdings)

DATE OF MEETING: March 9, 2017

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: **Application to Re-designate and Rezone Lands to Facilitate Density Transfer and Parkland Donation**

Applicant: Williamson and Associates

Location: **Donor Lands:** The South East ¼ of Section 13, Gabriola Island, Nanaimo District Except The South West ¼ of the South West ¼ of The Said South East ¼; South West ¼ of Section 14, Gabriola Island, Nanaimo District ; West ½ of the North East ¼ of Section 10, Gabriola Island, Nanaimo District

Receiving Lands: The South ½ of the North West ¼ of Section 19, Gabriola Island, Nanaimo District Except Part in Plan EPP13396; Lot 7, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742; Lot 6, Section 20, Gabriola Island, Nanaimo District, Plan VIP86742; and Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee refer Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016”, and Bylaw No. 290 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2016”, to the Advisory Planning Commission for comment.
2. That the Gabriola Island Local Trust Committee request that Advisory Planning Commission members be formally invited to attend the Community Information Meeting to consider proposed Bylaw Nos. 289 and 290, in advance of the Advisory Planning Commission meeting.
3. That the Gabriola Island Local Trust Committee refer Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016”, and Bylaw No. 290 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2016”, to the Regional District of Nanaimo for a decision regarding proposed parkland dedication on the receiving lands.
4. That the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 289, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2016”.
5. That the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 290 cited as “Gabriola Island Land Use Bylaw No. 177, 1999, Amendment No. 1, 2016”.

REPORT SUMMARY

The purpose of this report is to review the current status of the above noted Official Community Plan (OCP) and rezoning application and expected deliverables, and to request that the Gabriola Island Local Trust Committee (LTC) consider follow-up referrals to the Advisory Planning Commission and Regional District of Nanaimo, and scheduling of a Community Information Meeting and Public Hearing.

BACKGROUND

The Local Trust Committee (LTC) gave direction to staff at the November 2016 regular business meeting to proceed with a Community Information Meeting (CIM) upon completion of the hydrogeological assessment report and draft restrictive covenant.

GB-2016-115

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee hold a Special Meeting as a Community Information Meeting in regard to proposed Bylaw Nos. 289 and 290 upon completion of the hydrogeological assessment and draft restrictive covenant.

Both deliverables have now been completed and are discussed further in this report.

Furthermore, proposed Bylaw Nos. 289 and 290 were previously referred to the Gabriola Island Advisory Planning Commission (APC) and Regional District of Nanaimo (RDN) for comment. Both the APC and RDN requested a further opportunity to review the proposed bylaws. With respect to the latter, the RDN Board of Directors has yet to pass a resolution concerning potential parkland dedication on the receiving lands.

Issues and Opportunities

Hydrogeological Assessment Report

The hydrogeological assessment report was received by the LTC and reviewed in detail during the February 2017 regular business meeting. Provincial staff from the Water Branch of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) have reviewed the report and provided a detailed response (Attachment 1) for LTC consideration. The applicant asked their consultant to respond to the FLNRO submission and answer any outstanding questions and these are included in Attachment 2. The draft covenant includes recommendations from both the hydrogeological assessment and FLNRO response as conditions of the proposed development, if approved.

Draft S.219 Covenant

A draft restrictive covenant addressing the proposed development on the receiver lands has been prepared by Islands Trust legal counsel, reviewed by the applicant and is included in the March 9, 2017 agenda for LTC consideration (Attachment 3). The specifics of the draft covenant can be modified up to Third Reading of the Proposed Bylaws.

Parks and Trails

The applicant has prepared a conceptual park and trails layout plan for the receiving lands (Attachment 4) which has been forwarded to the Regional District of Nanaimo (RDN) for comment and endorsement. The RDN Board is expected to support the proposed parkland and trails as presented given that the plan was revised based on feedback from the RDN Parks Department. However, the plan is expected to first be reviewed by the RDN

Electoral Area B Parks and Open Space Advisory Committee (POSAC), prior to further consideration by the RDN Committee of the Whole and final decision regarding parkland dedication by the RDN Board.

Consultation

Referral Responses

The following chart outlines the status of referrals sent out in July 2016 to First Nations and agencies:

Agency	Response	Proposed Action	Synthesis of Agency response
Ministry of Transportation and Infrastructure	The Ministry of Transportation and Infrastructure has no objections to the Bylaw amendments.	No action required	Approval Recommended
Ministry of Forests, Lands and Natural Resource Operations (Authorizations)	Interests unaffected by bylaw	No action required	Interests unaffected
Vancouver Island Health Authority	Approval recommended for reasons outlined below: Subject to compliance with intent of VIHA subdivision standards and BC Drinking Water Protection Act regulations as well as BC Health Hazards regulations	No action required. The transferred densities will not affect the parcel of land within the ALR.	Approval Recommended
Regional District of Nanaimo	The proposed 136 ha park land addition to the 707 community Park is acceptable and that further information is required prior to the park land dedication in conjunction with the subdivision of the 'receiver' parcels , specifically in regards to whether the Mallet Creek reservoir and dam are included with the park land dedication area.	RDN has been sent a copy of the updated concept park and trails map on the 'receiver parcels' for endorsement.	Approval Recommended subject to conditions
Lyackson First Nation	Should Lyackson First Nation identify greater interests in the future we retain the right to revise this assessment, However, at this time, we defer to Snuneymuxw whose title and governing authority are directly affected	No action required	No objections at this time
Snuneymuxw First Nation	No response	Staff will follow up prior to Public Hearing	No response
RCMP	The Gabriola RCMP continues to support the building of a Church St. to Spruce connector road.	No action required	Approval recommended
Advisory Planning Commission	that the Gabriola Island Advisory Planning Commission give a recommendation to the Gabriola Island Local Trust Committee to proceed with the next steps in the proposed bylaw evaluation process on a conditional basis and the condition being that the bylaws are referred back to the Gabriola Island Advisory Planning Commission for further consideration once more information is available.	The APC has requested a second referral upon receipt of additional information since the July 2016 referral.	Subject to second referral

Gabriola Volunteer Fire Department	We would like to express our support of the subdivision proposal by Dr. Rooks.	No action required	Approval recommended
Gabriola Land and Trails Trust	Approval Recommended for reasons outlined below	GALTT has reviewed the concept parks and trails map and confirmed their interest in managing Trail 4.	Approval recommended
Gabriola Groundwater Management Society	Approval recommended subject to conditions outlined below. 1. Cisterns be installed on every new residence 2. Rain water harvesting should be recommended to facilitate water management 3. Mallet Creek dam, pond and riparian area should be retained within the strata area.	No actions required at this time.	Approval recommended

Staff is continuing to seek a referral response from the Snuneymuxw First Nation.

Advisory Planning Commission

The advisory planning commission (APC) passed the following resolution at the July 2016 APC meeting:

GB-APC-2016-05

It was MOVED AND SECONDED

that the Gabriola Island Advisory Planning Commission give a recommendation to the Gabriola Island Local Trust Committee to proceed with the next steps in the proposed bylaw evaluation process on a conditional basis and the condition being that the bylaws are referred back to the Gabriola Island Advisory Planning Commission for further consideration once more information is available.

CARRIED

As the hydrogeological report, draft restrictive covenant, and conceptual parks and trails map have now been completed, a final referral to the APC as per their request can be considered by the APC. Staff recommends that the APC members be invited to attend the Community Information Meeting (CIM) (tentatively scheduled for Monday March 20th) in advance of considering the Proposed Bylaws at their tentatively scheduled APC meeting March 22, 2017. The APC is already scheduled to meet to review the Proposed Bylaws for the Housing Options Review Project prior to the end of their term April 2, 2017. Staff suggests that the rezoning application be given priority due to the APC's involvement in this file over the last year. If there is sufficient time to review the proposed housing bylaws on the same date staff will provide support as necessary.

Regional District of Nanaimo

The initial referral response from the Regional District of Nanaimo indicated that *"further information is required prior to the park land dedication in conjunction with the subdivision of the 'receiver' parcels, specifically in regards to whether the Mallet Creek reservoir and dam are included with the park land dedication area."* Prior to dedication of parkland on the receiving lands, an affirmative decision would be required from the RDN Board of Directors. However, the LTC can proceed to a Public Hearing and consideration of third reading of the proposed bylaws prior to receipt of final confirmation that the RDN has endorsed the proposed park and trails plan.

Ministry of Transportation and Infrastructure Requirements at Subdivision

There has been considerable public discussion about the statutory requirements of the Ministry of Transportation and Infrastructure (MOTI) at the time of subdivision should this application be approved as presented. Planning staff are prepared to detail those requirements at the Community Information Meeting and through an updated 'Frequently Asked Questions' document to be posted to the LTC website and made available at the CIM and public hearing.

Rationale for Recommendation

In the view of staff, the LTC has received sufficient information on the proposed development and rezoning application to warrant moving forward with a Community Information Meeting to present the details of the application and vet public questions on the application. Upon completion of the CIM, the LTC could advance to a Public Hearing for Proposed Bylaw Nos. 289 and 290 to hear from the community the level of support for the application as presented. Staff recommends moving forward with the recommendations found on Page 1 of this report. A resolution to schedule a CIM was previously passed on November 10, 2016.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC is advised to describe the specific information needed and the rationale for this request.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

3. Receive for information

The LTC may receive this report for information.

NEXT STEPS

Subject to LTC concurrence with the recommendations, staff can proceed with the referrals and scheduling a CIM with adequate public notification no earlier than Monday March 20th and a public hearing no earlier than Wednesday March 29, 2017.

Submitted By:	Sonja Zupanec, RPP Island Planner	February 28, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 1, 2017

ATTACHMENTS

1. FLNRO Staff response to hydrogeological assessment
2. Alan Dakin response to FLNRO submission
3. Draft s.219 Restrictive Covenant
4. Conceptual Parks and Trails Map

From: Barroso, Sylvia L FLNR:EX [<mailto:Sylvia.Barroso@gov.bc.ca>]
Sent: Friday, February 10, 2017 2:18 PM
To: Sonja Zupanec
Cc: Lapcevic, Pat FLNR:EX; 'adakin.elanco@gmail.com'
Subject: Re: Hydrogeological assessment Gabriola rezoning bylaw

Dear Sonja,

Please see below for my comments/review of the report: Hydrogeological Assessment of Spruce to Church Mallett Creek Property Transfer, Gabriola Island, B.C. by Alan Dakin, Elanco Enterprises Ltd. Prepared for Robert Rooks, Gabriola Island, BC. January 25, 2017.

The hydrogeologic assessment was intended to use presently available data to evaluate potential impacts on groundwater and hydraulically connected surface water systems within the receiver parcel, currently being considered for density rezoning by the Islands Trust on Gabriola Island. The terms of reference (TOR) for the hydrogeologic assessment are included within Appendix A. I find that the report has discussed the majority of items in the TOR. However some items for further consideration and discussion are outlined below.

1. **Subject wells considered in assessment:** The TOR recommends a review of wells within 1 km of the site. The Report states that information for all wells within this area of interest were reviewed but provides more detailed analysis of 165 wells within five geographic areas. The selection of a sub-set of wells within the identified geographic sub-areas is consistent with the conceptual model of the aquifer and factors influencing groundwater distribution and flow direction.
2. **Saltwater intrusion risk:** With respect to the proposed lot 25, located east of Taylor Bay Rd we remain concerned about the vulnerability of the aquifer in the area to saltwater intrusion impacts. The potentiometric map (Figure 2) and text (p. 7) indicate that the static water level of wells in this area within 1 to 10 m of sea level, therefore under pumping conditions the groundwater level may be below sea level. Well hydrographs (OW194 and OW385) show an annual range in water levels of up to 2 to 3 meters. Pumping of wells at or below sea level may induce saltwater intrusion, affecting individual well(s) or the aquifer (multiple wells) within a specific area. Alternate water supplies for this location, such as rainwater capture and storage, should still be considered. Although the Report (p. 7) recommends a setback of the onsite well of 40 m as adequate to prevent saltwater intrusion impacts, considering the high groundwater gradient from upland areas, we would recommend that if a well is to be the water source for the site, it should be set back as far as possible from the foreshore on the property (there is a potential 60 to 90 m setback possible based on mapped property boundaries). Best practices should also be utilized during construction and development of an onsite well including: (1) monitoring of electrical conductivity of the groundwater during drilling, well capacity testing, and normal operation, (2) sampling of groundwater for chloride annually during the dry season and observing trends over time, (3) early detection and fixing of water leaks, and (4) metering of water use and implementation of other water conservation practices.
3. **Evaluation of available groundwater level data:** The report considers the hydrograph (groundwater level over time) from inactive observation well OW194 located approximately 0.5

km south of the subject property, in geographic Area A. It was not stated why the groundwater level data from active OW385 in geographic Area C were not also considered.

4. **Water availability and water use estimates:** The report outlines three scenarios of water usage based on the TOR. Some of the information in this part of the Report could be clarified further. The recharge areas shown in Figure 15 are not clear (the section labeled Area 3 is possibly meant to be Area 2, and Area 3—the source of recharge for lot 25—is not shown?). It was not explicit how the recharge areas were determined. In Table III, Case 2 typical winter usage could be 15 m³/month, as stated in Note 1. In Case 3 the typical summer usage is significantly lower than Case 1 and 2; however, if the reduction of usage assumed to be a result of augmentation of supplies from rainwater (for irrigation and non-potable household use) it might not have as much of an impact on summer usage values due to the long period with no rainfall (May – October), unless significant storage volumes are maintained (e.g. in tanks, cisterns etc.). References could be provided for the estimate of 50% of sewage discharge entering the aquifer; this may be an overestimate during the summer period when potential evapotranspiration >> actual evapotranspiration, therefore any water entering the shallow soils and subsurface is likely to evapotranspire before it reaches the aquifer. The report could provide more discussion with respect to the estimates of abstraction compared to recharge (%) in Table III and overall sustainability of existing and future groundwater use in the area (cumulative effects).

Our analysis of long-term hydrographs (see Figure 1) shows that there have not been any observable long-term declines in groundwater levels during the period of monitoring. Other investigations ((a) Lapcevic, P. Kenny, S. and Wei, M. (2006). Long-term monitoring of groundwater conditions in fractured bedrock aquifers on Vancouver Island and the Gulf Islands. Geo 2006 Sea-to-Sky Geotechnique; 7th Joint IAH-CNC Conference. Vancouver, BC. (b) Kohut et al, 1984. Natural seasonal response of groundwater levels in fractured bedrock aquifers of the southern coastal region of British Columbia. International Groundwater Symposium. International Association of Hydrogeologists, Montreal, 1984.) have shown that the limiting capacity of fractured bedrock aquifers in coastal BC is the overall ability of the rock to store and transmit water and that the aquifers are typically recharged to their full capacity annually, during cumulative fall and winter precipitation events. It is further observed (Table 1) that the overall well density proposed for the subdivision is lower than well density within areas for which the long-term monitoring data are available. (Note that OW197 is located in an area of parkland with low well density, which is considered representative of ambient conditions.)

The subject parcels are situated within the Descanso Bay, Lock Bay and Hoggan Lake water budget sub-regions described within phase 1 groundwater budget study for Gabriola Island prepared for Regional District of Nanaimo (SRK, 2013). In this work, based on a conservative estimate of 10% of precipitation contributing to aquifer recharge both Hoggan Lake and Lock Bay sub-regions as a whole, are estimated to have a moderate water stress (water demand > 50% of monthly recharge) during the July and August periods, but are not considered water stressed on an annual basis. While if aquifer recharge represents 25% of annual precipitation, none of these sub-regions are considered water stressed.

Figure 1:

Gabriola Island observation well hydrographs (1997-2016)

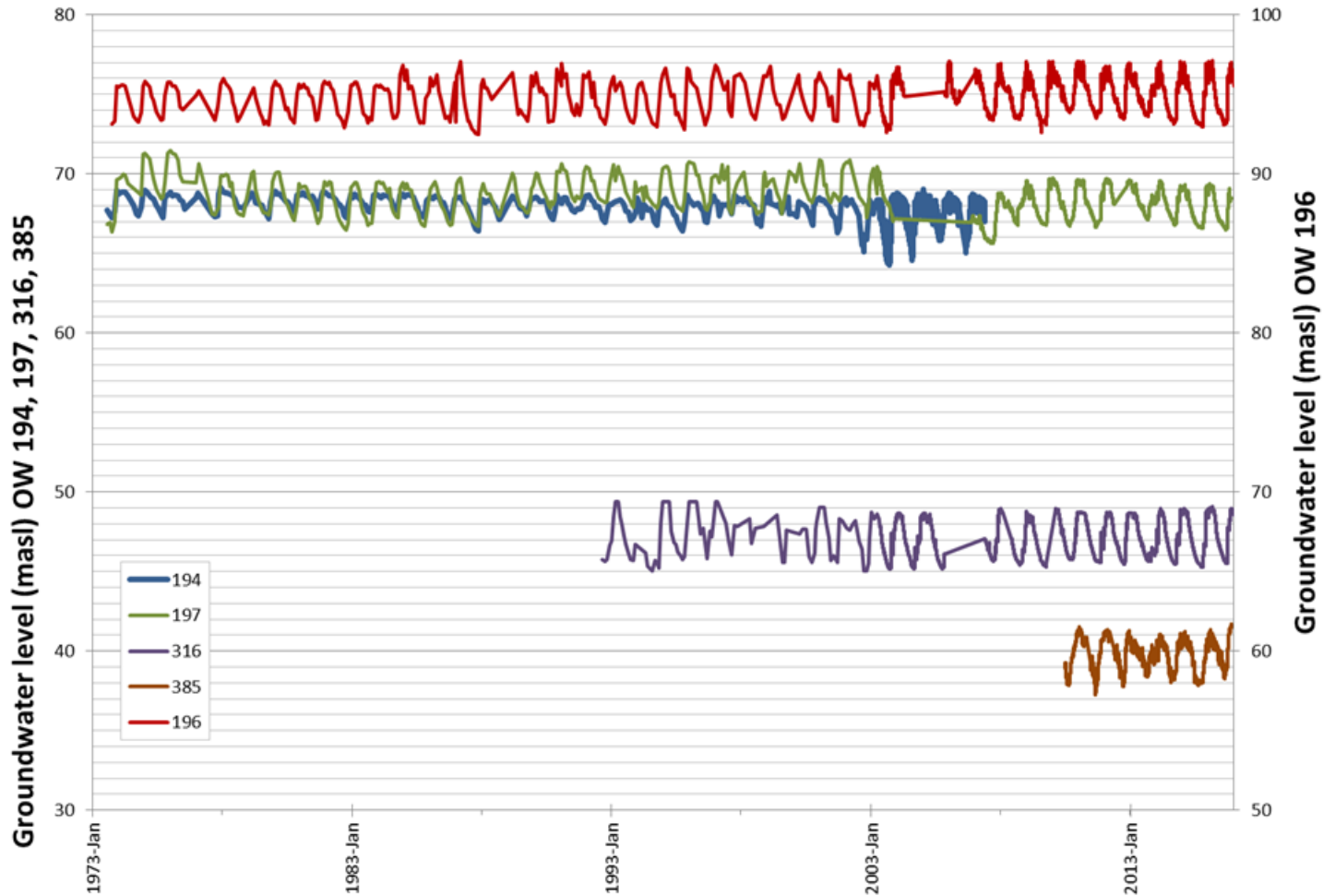


Table 1:

Gabriola Observation Well Statistics					
Well	Location	# wells within 1 km	Well density /km ²	Well depth (ft)	Well depth (m)
194	North Rd at Hwys Yard	585	186	250	76.2
196	Buttercup Rd	623	198	325	99.1
197	North Rd	61	19	275	83.8
316	Oyster Way	452	144	43	13.0
385	Horseshoe Rd	456	145	143	43.7
Proposed well density in subdivision			38		

- Hydraulic connection between groundwater and surface water:** Of the surface water bodies found in the development area, it appears that Mallett Creek is the most likely to be hydraulically connected to the capture zone from which groundwater would be obtained for

proposed lots 9-23. The potential reduction of discharge to the Mallett Creek system as a result of groundwater development and building impacts (e.g. land clearing, changes in runoff) in the area could be described in greater detail (p.6). The best management practices for stormwater management described on p. 8 may mitigate some impacts on surface water flows and quality. It is not clear what is meant on p.6 with respect to how changing reservoir levels in Peacock Lake would affect the proportion of groundwater discharging downstream. Recommendations could be provided regarding monitoring in Mallett Creek (baseline and during/after development), and minimum or enhanced riparian setbacks.

6. **Groundwater quality:** The report states that based on assessment of previous studies and samples from two locations (OW194 and the Clinic well, p. 7 and Table IV) water quality can vary significantly between different wells constructed within in the Nanaimo group sedimentary rocks. As a result, wells constructed in the development area may be found to have concentrations of iron, fluoride and elevated pH as a result of natural minerals present in the groundwater. Bacterial water quality were not included or discussed in the Report. In our experience, some wells may have concentrations of total coliform bacteria as a result of recharge from shallow fractures or discharge from septic systems into shallow overburden (directly over bedrock) which may not allow for adequate pathogen attenuation. Proper well construction, including standards under the *Water Sustainability Act*, Groundwater Protection Regulation for surface seal installation, well caps, storage of foreign matter away from wells, and 30 m setback of wells from potential contaminant sources (required under the *Public Health Act*, Health Hazards Regulation) is expected to provide a measure of protection of well and aquifers from anthropogenic contaminants. The large lot size will also result in a lower density of septic systems in the area compared to some existing developed areas with a smaller lot size.
7. **Aquifer vulnerability:** Although the shallow depth of overburden overlying bedrock is mentioned on p. 3, the Report does not discuss aquifer vulnerability. We note that the aquifer classification for this area of Gabriola island indicates a high level of vulnerability based on qualitative criteria. The aquifer intrinsic vulnerability (DRASTIC) within study area (viewable on iMap BC web mapping) indicates a moderate to low vulnerability to contaminants introduced at the land surface, based on factors such as depth to water, overburden thickness and properties, and properties of the aquifer.
8. **Stormwater management:** We concur with recommendations in the Report (p. 8) regarding best practices for water conservation and management (runoff), including reduction of impervious surfaces, direction of runoff into ditches with check dams, and soakaway pits for rainfall from roofs (if not utilized as a source of water for irrigation or other uses).
9. **Monitoring:** The report recommends establishment of additional provincial observation well(s)(p9), which could be considered if funding and opportunities arise. We also reiterate the value of best practices with respect to baseline monitoring and monitoring during the phases of well construction, testing and operation to ensure long-term sustainable groundwater use, potentially including, but not limited to: (1) establishment of observation wells in the area prior to build-out of the lots (2) the installation of access tubes in all new wells to ensure easy water level monitoring, (3) sampling and analysis of new or selected existing wells to obtain baseline chemistry, (4) Monitoring of specific conductivity or chloride concentration in well(s) close to foreshore, and (5) Completion of annual monitoring reports.

10. **Best management practices for rainwater and capture and storage requirement:** Other than stormwater recommendations on p. 8, these do not appear to be addressed within the report however information is available from other sources e.g. RDN rainwater harvesting guidebook that could be added to the report references.

Thank you for the opportunity to provide comments. We recognize that this hydrogeologic assessment has been completed for the purpose of considering rezoning of the subject land parcels, and that additional hydrogeologic investigations including well drilling and testing would be warranted in order to provide proof of potable water for a subdivision approval process.

Please feel free to contact me if you have further questions or concerns.

Sincerely,

Sylvia Barroso, MSc, PGeo
Regional Hydrogeologist

Ministry of Forests, Lands and Natural Resource Operations
Water Protection Section, West Coast Region
2080A Labieux Rd Nanaimo BC V9T 6J9
Ph: (250) 751-3265 Fax: (250) 751-3103
Email: sylvia.barroso@gov.bc.ca

ELANCO ENTERPRISES LTD.

4965 Cordova Bay Road, Victoria, B.C., V8Y 2K1
Phone/fax 250 744-1357. E-mail: adakin.elanco@gmail.com

Our File: 223

February 26, 2017

Robert Rooks
Box 348.
Gabriola Island, B.C
V0R 1X0

By: e-mail

Dear Dr Rooks:

Re: Response to comments on the Hydrogeological Assessment report for Spruce to Church
Mallett Creek Density Transfer Property, Gabriola Island, B.C.

As requested, I have reviewed the comments and questions related to the subject report.
These were provided in e-mailed messages sent to the Islands Trust by Sylvia Barroso, P.Geo.
(B.C. Ministry of Forests, Lands and Natural Resources) and Nick Doe, P.Eng. (local resident).

I have set out my responses below in the same order as those provided by Ms. Barroso and Mr.
Doe.

Sylvia Barroso Comments and Questions.

- 1) I agree that the wells in the local area sub-set is all that needs to be assessed, as the wells on the proposed subdivision will not have an impact beyond the local wells, if at all. The only potential impact is a lowering of water levels by a few centimeters in some wells, which would not decrease the yields from the local area wells. As it may be difficult to accurately locate wells on neighbouring properties, I recommend requiring that the new wells in the subdivision Property be located at least 30m from the property line and 30m apart from those on the Property..
- 2) I agree with all of the comments and suggestions provided. I also would recommend that if, in the unlikely event, the elevation of the static water level in the new well on Lot 25 was less than 5m above sea level, a detailed analysis of the degree of hydraulic connection between the well and the ocean be carried out. This would involve installing an automatic water level recorder in the well prior to, during and following a pump test of the well and using this data, to assess the potential for sea water intrusion into the well.
- 3) The record of water levels in OW385 was reviewed but not discussed as it is located east of a groundwater discharge area (Castell Brook) and not in the western part of Area C, where the proposed subdivision wells are located.
- 4) Area 3 is incorrectly indicated on Fig. 5, and as was suggested, it is on Lot 25. The whole of Lot 25 was used as an approximation for the recharge area for Area 3 calculations. As the final location of the well is not known and as much of the recharge will come from the up-slope area (northeast of Taylor Bay Road), this area was used for reference purposes only on Table III.

As the calculations presented on Table III suggested that the potential recharge flux was significantly greater than the proposed net abstraction rate, the seasonal variations were

not discussed in the report, which in retrospect I agree it should have been. To rectify this omission, I have prepared the attached new Table I, which presents the results of a water balance analysis for the summer months. This analysis also includes assumptions for net abstraction from Village wells. The sources of the assumed parameters used in the calculations are indicated in the notes at the bottom of the table. The calculations show that between 12% and 22% of the available water stored in bedrock aquifer could be used during an average summer. However, with climate change and annual fluctuations, these percentages could increase by as much as 100% and still leave some margin for error.

The 50% sewage dispersal field return flow assumption is based partly on previous experience (Piteau & Associates 1983) and partly on literature reviews such as (McQuillan, D and Bassett, E. 2009 and Georgia State, 2012). For the relatively free draining Saturna soil on the Property, the design hydraulic loading rate in the dispersal field will be about $12.8 \text{ m}^3/\text{yr}/\text{m}^2$, which compares with an aquifer recharge rate from precipitation of $0.138 \text{ m}^3/\text{yr}/\text{m}^2$. A conservative estimate is that during the summer about 75% of the discharge could be lost to evapotranspiration before the effluent reaches the aquifer, and during the winter most of the infiltrated water will reach the aquifer. On an annual basis, a 50% return flow is considered reasonable for this site.

The information on the other observation wells is appreciated and in a general sense it confirms that in spite of the complex hydrogeology of the Island and a few relatively high well densities (up to $198 \text{ wells}/\text{Km}^2$), there is no evidence of well clusters having a significant impact on water level trends in the five observation wells on the Island. Also indicated on the attached Table I are the well densities for the four areas under discussion. These densities range from 44 to $114 \text{ wells}/\text{Km}^2$. The higher value is for the existing village and the highest density in the proposed subdivision is $77 \text{ wells}/\text{Km}^2$ on Lot 25. These values are all lower than all but one of the areas presented on Ms. Barroso's table. The exception was the North Road area, which includes a large park area.

The SRK water budget analysis for the Descanso Bay area is relatively conservative as it makes no allowance for return flow from sewage dispersal fields. However, as Ms Barroso points out, they concluded that even with an assumed 10% of annual precipitation recharge rate, the monthly water stress (demand vs. availability) is rated as "low" during the summer months. This result is consistent with the area specific analysis I have presented on the attached Table I.

- 5) The Proponent has indicated that as much as possible the access roads will be constructed to run sub-parallel to the contours. They have also indicated that they will grade the surfaces to divert road runoff into a series of ditches, siltation ponds and under-drains, all of which will be designed to promote infiltration of runoff into the ground. Removal of trees for road construction will reduce transpiration losses in these areas and increase infiltration. As indicated in the report, the home owners will be encouraged to direct excess roof and driveway runoff into soak-a-way pits. It is estimated that these measures will result in a small annual increase in groundwater flow reaching Mallet Creek, if the impact of pumping from wells was ignored.

About half of the 16 wells in Area 1 will be located up gradient of Peacock's Lake and the other half potentially could have an impact on the lower reaches of Mallett Creek. A reduction of seepage into the Lake will result in a small (several millimetres) lowering of the Lake level, but as the summer discharge from the Lake is in the form of non laminar flow through the earthen dam, it will not result in a measurable decrease in flow from the Lake, thereby providing a buffering effect.

The riparian area assessment report, prepared for the proposed subdivision (Toth 2014), provides details of the Mallett Creek channel and confirmed the presence of fish in parts of the channel, below the dam. The information in this report confirms that the channel is very irregular with several barriers and that during the summer, sections of the creek bed are dry and the entire flow is in the alluvium. Unless a purpose built flow structure (such as a Parshall flume) was built in the channel, it would be not is feasible to monitor flow in the channel. However, even with frequent maintenance of a flume the resolution would not be sufficient to detect the anticipated very small changes in flow. For this reason flow monitoring is not recommended.

The extent of riparian zones along the Mallett Creek is indicated in Toth 2014 and guidance on permissible activities in this zone is provided in Toth 2015.

6. Bacterial quality was not discussed as the wells will be constructed with proper surface seals and the on-site systems will be designed by qualified persons using the latest version of the Sewerage System Standard Practice Manual and the installations performed by qualified installers. This is in direct contrast to many old subdivisions on Gabriola Island, such as in the South Descanso Bay area, where a combination of improper well surface seals, small lots and poorly constructed dispersal fields, has led to coliform contamination of the wells (Associated Engineering Ltd. 2003).
7. I agree that the local aquifer is vulnerable to surface contamination. However, other than the on-site sewerage systems, there will not be any significant potential sources on the subdivision area. It is worth noting that in spite of many commercial activities with potential contaminant sources on Gabriola Island (such as gasoline retail facilities); there do not appear to be any reports of significant aquifer contamination, other than the above indicated coliform contamination.
8. As indicated in Item 5 above the proponent intends to use best practices for storm water management and will encourage the homeowners to do so on their properties.
9. I support the recommendation that all water supply wells have 25mm diameter PVC monitoring tubes installed at the time of construction. This will make it easier to monitor water levels in wells in future, whenever the need arises. As the well density on the subdivision is very low, I do not see the need for installing monitoring wells on the subdivision. However, as stated in the report, replacement of the OW194 is recommended, especially as it is located in an area with a high well density.

I also support the suggestion that the baseline water quality be performed on all new wells and that the owner of the well on Lot 25 is encouraged to check the electrical conductivity or chloride concentration in the water at least annually.

While it may be desirable to require annual reports on monitoring, I am not familiar with any precedence for this requirement for a residential subdivision.

10. As suggested, I have added the RDN excellent rainwater harvesting guide to the list of references. I have also added a reference to the Islands Trust's "Harvesting on the Gulf Islands – Frequently Asked Questions" brochure.

Nick Doe Comments

The information and the insights provided in his paper on the fractures in Gabriola Formation are well presented and illustrated. His observations of field conditions are valuable and add more insights to what may or may not be present below the surface in the study area.

I agree with his thesis of the inhomogeneous hydraulic nature of fractured bedrock on Gabriola Island. My experience is that this is by no means unique to Gabriola Island and that fractures have a complex degree of hydraulic interconnection. While in some areas I have noted a wide range of static water level elevations, but as noted in my report, I observed that in the Gabriola Village area there is a consistent trend, which suggests a relatively well connected "mesh" of fractures that have some degree of interconnection. Other important observations are that all but one well reported a measurable yield and the median and average yields were relatively close in all five areas assessed.

Mr. Doe suggests that the water level trend in OW194 may be unique and that the range of water level observed may be influenced by human activities near the well. As illustrated in the graph presented by Sylvia Barosso, the water level trend in this observation well is not significantly different from the other observation well records on the Island. I am of the opinion that while there are local complexities at each monitoring site the monitoring records confirm that precipitation trends influence the water levels much more than local area pumpage and surface drainage issues.

My 45 years of experience with supervising the drilling and pump testing of numerous wells on many Gulf Islands, including Gabriola Island, leads me to believe that the conclusions set out in my report are still valid.

I trust that this is sufficient for your present purposes.

Yours truly,

Elanco Enterprises Ltd.



R. Allan Dakin, FEC, P. Eng.
Senior Groundwater Engineer



Att.

References and Background Reports

- Allen, D and Suchy, M, Geochemical evolution of groundwater on Saturna Island, British Columbia, Canadian Journal of Earth Science, 38, pp.1059–1080, 2001.
- AquaVic Water Solutions Inc. 2013. Water Conservation Plan. Report prepared for Regional District of Nanaimo. 41. Pp
- Associated Engineering Ltd. March 2003. Gabriola Island Site #57 Servicing Study. Draft report prepared for Regional District of Nanaimo, 55 pp.
- Burgess, R and Allen, D.M. 2016. Groundwater Recharge Model for Gabriola Island. Report prepared for Regional District of Nanaimo. 59 pp.
- Dakin, R.A., Farvolden, R.N., Cherry, J.A. and Fritz, P., 1983. Origin of Dissolved Solids in Groundwaters of Mayne Island, British Columbia, Canada Journal of Hydrology, Vol. 63. p. 233-370.
- Doe, N. October 2016 Locations and Names of Wetlands and Waterways on Gabriola. Web file 661 Version 22.4
- Earle, S and Krogh, E. 2004. Geochemistry of Gabriola's Groundwater. SHALE No. 7 p. 35 to 42.
- Georgia State Environmental Protection Division. 2012. Return Flow Guidance – From Wastewater Disposal Systems. 39 pp.
- Kenny, E.A., Van Vliet, L.J.P., and Green, A.J. 1990. Soils of the Gulf Islands of British Columbia; Volume 4 - Soils Of Gabriola and Lesser Islands. Land Resource Research Centre, Contribution No. 89-61. 131 pp.
- Kohut, A.P. And Hodge, W.S., 1985. Occurrence of Fluoride in Groundwaters Along The Eastern Coast of Vancouver Island. Unpublished Report Prepared By Water Management Branch, B.C.
- Islands Trust, 2005. Rainwater Harvesting on the Gulf Islands – Frequently Asked Questions. 9.pp
- Lowen Hydrogeology Consulting Ltd. 2012. Certificate of Water Treatment at Proposed Gabriola Health Care Clinic. Letter report prepared for John Peirce. 6 pp.
- McQuillan, D and Bassett, E. 2009. Return Flow to Ground Water From Onsite Wastewater Systems. Paper presented at 18th Annual NOWRA Technical Conference and Expo, Milwaukee Wisconsin. 13 pp. (available on-line)
- Piteau & Associates, 1983. Brookwood - Fernridge Groundwater Study, Langley, British Columbia. Report to Corporation of Township of Langley. 41 pp.
- Piteau Associates Engineering Ltd. Dec. 1993. 1st Phase Drilling and Hydraulic Testing of Boreholes for Proposed Residential Subdivision, Gabriola Island, British Columbia. Report to Islands Trust, at the request of Weldwood of Canada Limited. 27 pp.
- Piteau Associates Engineering Ltd. June. 1994. Second Phase Drilling and Hydraulic Testing of Boreholes for Proposed Residential Subdivision, Gabriola Island, British Columbia. Report to Islands Trust, at the request of Weldwood of Canada Limited. 43 pp.
- Regional District Of Nanaimo, 2012 Rainwater Harvesting – Best Practices Guide book for Residential Design and Installation. 84pp and appendices

- SRK Consulting and Thurber Engineering Ltd. 2013. Water Budget Project: RDN Phase I (Gabriola, DeCourcy and Mudge Islands) Report prepared for Regional District of Nanaimo. 33pp and appendices.
- Todd, J, Wei, M and Lepitre, M. 2016. Guidance Document for Technical Requirements in Support of an Application for Groundwater Use in British Columbia. BC Government Water Science Series WSS206-08. 19pp
- Toth and Associates Environmental Services. July 2014. Riparian Areas Regulation – Assessment Report for Lots 1-7 Section 20, Gabriola Island, Nanaimo District, Plan VIP86742. Prepared for Potlatch Properties Ltd. 19pp.
- Toth and Associates Environmental Services. July 2015. Bio-inventory of parts of PID# 0006-635-121, 027-937-791 and 027-939-804 located east of Taylor Bay Road, Gabriola Island. Report prepared for Potlatch Properties Ltd. 23pp.
- Wei, M, Rathfelder, K and Turner, J. 2016. Determining the Likelihood of Hydraulic Connection - Guidance Document for Determining the Effect of Diversion of Groundwater on Specific Streams BC Government Water Science Series WSS206-01. 20pp

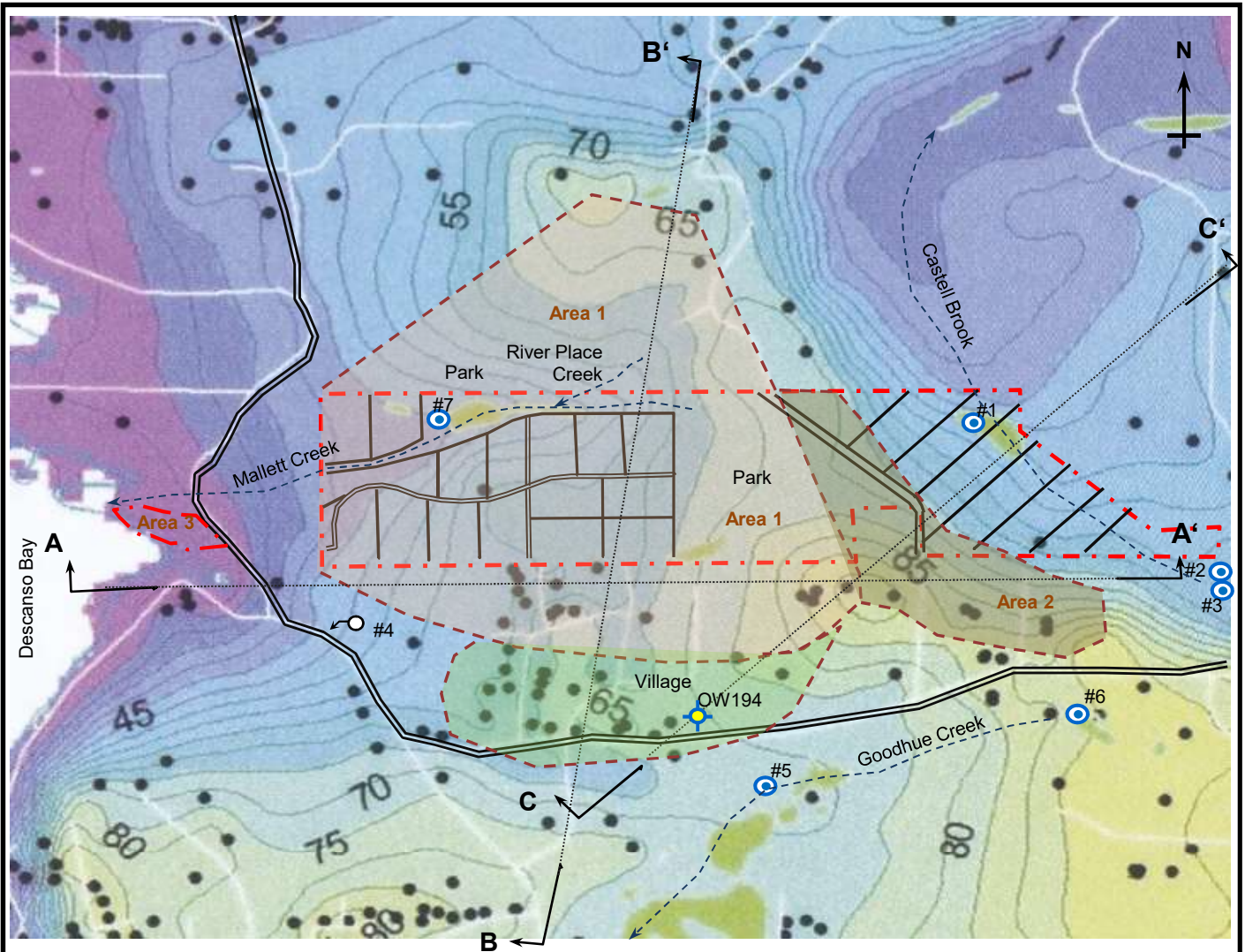
Table I and Figure 1

Table I
Summer Water Balance Calculations

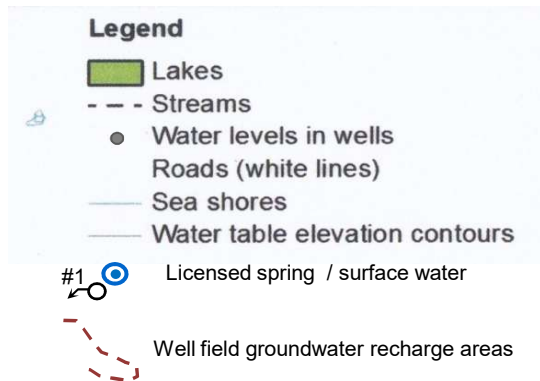
Capture zone area	Units	See Note	Village	Area 1	Area 2	Area 3
Aquifer specific yield	ratio	1	0.03	0.03	0.03	0.03
Area	m ²	2	175,000	700,000	160,000	13,000
Water level range	m	3	1.3	0.7	1.5	1.0
Stored volume in bedrock	m ³	4	6,825	14,700	7,200	390
Summer abstraction	m ³	5	100	96	96	96
Fraction of abstracted water leaving dispersal fields	ratio	6	25%	25%	25%	25%
Net summer abstraction per well	m ³	7	75	72	72	72
Proposed new wells				16	7	1
Existing wells		8	20	15	5	
Total number of wells			20	31	12	1
Well density	wells/Km ²		114	44	75	77
Volume abstracted	m ³	9	1500	2232	864	72
Ratio of abstracted to stored			22.0%	15.2%	12.0%	18.5%

Notes:

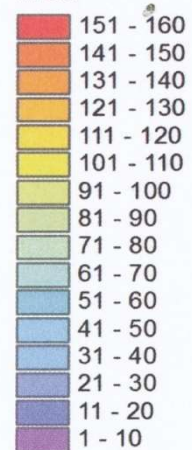
- 1) Median value quoted in SRK and Thurber Engineering Ltd (2013), based on pumping tests.
- 2) See areas indicated on Fig. 1. The boundaries are based on interpreted water table contours.
- 3) Assumed summer water table decline. Based on hydrograph for MOE OW194 and information from other areas
- 4) Product of assumed: area, specific yield and water level range.
- 5) For Areas 1 to 3, 32m³/month for three months was used. For the village a higher volume was assumed to account for water consumption at the school.
- 6) Due to higher evapotranspiration in soils around dispersal fields less effluent will reach the water table
- 7) Abstraction from well less recharge from dispersal field
- 8) Approximate number of operating wells in the areas indicated on Fig. 1 (allows for test wells not being used and undocumented wells)
- 9) Product of number of wells and net abstraction volume



Scale (1:15,000)
0 200 400m



Average water table elevation
m asl



NOTES

- 1) Base map modified from SRK Consulting and Thurber Engineering Ltd. 2013
- 2) Water table contour interval = 5m.

ROBERT ROOKS

ELANCO ENTERPRISES LTD.
Victoria, B.C. (250 744-1357)

**Hydrogeological Assessment of
Spruce to Church Mallett Creek Density
Transfer Area
Gabriola Island, B.C.**

Water Table Contour Map.

Drawn:

Date

Feb. 2017

Approved:

Fig.

1

TERMS OF INSTRUMENT – PART 2
SECTION 219 COVENANT

This COVENANT dated for reference the 28th day of March 2017, is

BETWEEN:

TIMOTHY PRICE WRIGHT and
VIGINIA HELMER WRIGHT
Both of 904 Birchrun Road
Chester Springs, Pennsylvania
USA 19425

(the “Wrights”)

POTLATCH PROPERTIES LTD., INC.NO. BC0696634
1885 Martin Road
Box 348
Gabriola Island, BC V0R 1X0

(“Potlatch”)

(collectively, the “Owners”)

AND:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a local trust committee incorporated under the *Islands Trust Act* having its offices at 700 North Road, Gabriola Island, British Columbia V0R 1X3

(“GILTC”)

WHEREAS:

A. The Wrights are the registered owners in fee simple of that certain parcel of land and premises on Gabriola Island, in the Province of British Columbia, more particularly known and described as:

PID: 003-010-431
Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354

B. Potlatch is the registered owner in fee simple of those certain parcels of land and premises on Gabriola Island, in the Province of British Columbia, more particularly known and described as:

PID: 006-635-121

The South 1/2 of the North West 1/4 of Section 19, Gabriola Island, Nanaimo District
Except Part in Plan EPP13396

PID: 027-939-791

Lot 6 Section 20 Gabriola Island Nanaimo District Plan VIP86742

PID: 027-939-804

Lot 7 Section 20 Gabriola Island Nanaimo District Plan VIP86742

(the lands of the Wrights and Potlatch are collectively referred to in this Agreement as the "Lands");

C. The Owners propose to develop the Lands for purposes of constructing a 25-lot residential subdivision, along with substantial park dedication, in accordance with the provisions of the Gabriola Island Official Community Plan and have requested an amendment to the present zoning requirements of the Lands (the "Zoning Amendment") and as a condition of GILTC granting the Zoning Amendment, the Owners have agreed to enter into this Section 219 Covenant;

D. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of a municipality, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specific amenity on the land;

E. The Owners wish to grant and GILTC wishes to accept a covenant over the Lands restricting the use of the Lands and the buildings on the Lands in the manner herein provided so that the Zoning Amendment can proceed more expeditiously;

NOW THEREFORE in consideration of the premises and the covenants herein contained, the payment of \$1.00 by GILTC to the Owners, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree, pursuant to Section 219 of the *Land Title Act* as follows:

1. GRANT OF SECTION 219 COVENANT

The Owners hereby covenant, promise and agree, pursuant to Section 219 of the *Land Title Act*, that the Owners shall not subdivide the Lands, use the Lands, or build on the Lands, as the case may be, except as provided for in Schedule "A" which is attached hereto. At the discretion of GILTC, the Owners may comply with the requirements of Schedule "A" by entering into further agreements with GILTC to perform one or more of the obligations set out in Schedule "A" by a date specified in the agreement, and provide security to GILTC for the performance of such obligations in a form and amount satisfactory to GILTC.

2. DISCHARGE

The parties agree that the Owners shall be entitled to a discharge of this Agreement from title to the Lands at the Owners' expense if the Zoning Amendment is not adopted by GILTC.

3. SEVERANCE

If any portion of this Agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of the Agreement.

4. RUNS WITH THE LANDS

The covenants set forth herein shall charge the Lands pursuant to Section 219 of the *Land Title Act* and shall be covenants the burden of which shall run with the Lands and bind the Lands and every part or part thereof, and shall attach to and run with the Lands and each and every part into which the Lands may be divided or subdivided, whether by subdivision plan, strata plan, or otherwise howsoever.

5. INDEMNITY

The Owners hereby release, indemnify and save harmless GILTC, its elected officials, officers, employees, agents and others for whom GILTC is responsible at law from and against any and all manner of actions, cause of action, claims, costs, expenses (including actual legal fees), losses, damages, debts, demands and harm, by whomsoever brought, of whatsoever kind and howsoever arising out of or related to the Agreement or any breaches of this Agreement by the Owners, provided however that this indemnity shall not apply to any actions, cause of action, claims, costs, expenses (including actual legal fees), losses, damages, debts, demands and harm caused by the negligent actions or omissions of GILTC, its elected officials, officers, employees, agents and others for whom it is responsible in law.

6. BYLAW TO THE CONTRARY

This Agreement shall restrict the use of the Lands and buildings on the Lands in the manner provided herein notwithstanding any right or permission to the contrary contained in any bylaw of GILTC, which, except in the case of direct collision with the provisions contained in this Agreement, will continue to have application.

7. FURTHER ASSURANCES

The parties hereto shall execute and do all such further deeds, acts, things and assurances as may be reasonably required to carry out the intent of this Agreement. The Owners agree to do everything reasonable necessary at the Owners' expense to ensure that this Agreement is

registered against the title to the Lands with priority over all financial charges, options, rights of first refusal, leases, liens, and encumbrances registered or the registration of which is pending.

8. WAIVER

Waiver by GILTC of any default by the Owners shall not be deemed to be a waiver of any subsequent default.

9. POWERS RESERVED

Nothing contained or implied herein shall prejudice or affect the rights and powers of GILTC in the exercise of its functions pursuant to the *Local Government Act* or its rights and powers under all of its public and private statutes, bylaws, orders and regulations, including, without limitation, the *Community Charter*, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Owners.

10. INVESTIGATION BY GILTC

The Owners hereby irrevocably authorize GILTC to make such inquiries as it considers necessary and reasonable in order to confirm that the Owners are complying with this Agreement and irrevocably authorize and direct the recipient of any request for information from GILTC to provide such information to GILTC.

11. NO PUBLIC LAW DUTY

Wherever in this Agreement GILTC is required or entitled to exercise any discretion in the granting of consent or approval or is entitled to make any determination, take any action or exercise any contractual right or remedy, GILTC may do so in accordance with the provisions of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.

12. REFERENCES

Every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees, and invitees of such party, whenever the context so requires or allows.

13. GILTC'S REPRESENTATIVE

Any opinion, decision, act or expression of satisfaction or acceptance provided for in this Agreement may be taken or made by GILTC's Island Planner or his/her delegate (the "Island Planner"), unless expressly provided to be taken or made by another official of GILTC.

As evidence of their agreement to be bound by the terms of this instrument, the parties hereto have executed the Land Title Form C which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS **Island Savings Credit Union** (the "Chargeholder") is the holder of a Mortgage (called the "Charge") encumbering PID 003-010-431 Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 24354 (the "Lands") described in item 2 of the *Land Title Act* Form C attached hereto, which was registered in the Victoria Land Title Office under number **EW101866**.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT IS EVIDENCE THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION PAID BY THE TRANSFEREE TO THE CHARGEHOLDER:

1. The Chargeholder hereby consents to the granting and registration of the Section 219 Covenant attached hereto (the "Covenant") and the Chargeholder hereby agrees that the Covenant shall be binding upon its interest in and to the Lands.
2. The Chargeholder hereby grants to the transferee described in item 6 of the *Land Title Act* Form C attached hereto priority for the Covenant over the Chargeholder's right, title and interest in and to the Lands, and the Chargeholder does hereby postpone the Charge and all of its right, title and interest thereunder to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charge.

IN WITNESS WHEREOF, the Chargeholder has executed and delivered this Consent and Priority Agreement by executing the *Land Title Act* Form D above which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS **Canadian Western Bank** (the "Chargeholder") is the holder of a Mortgage and Assignment of Rents (called the "Charges") encumbering PID 027-939-791 Lot 6 Section 20 Gabriola Island Nanaimo District Plan VIP86742 and PID 027-939-804 Lot 7 Section 20 Gabriola Island Nanaimo District Plan VIP86742 (collectively, the "Lands") described in item 2 of the *Land Title Act* Form C attached hereto, which was registered in the Victoria Land Title Office under numbers **CA4713603** and **CA4713604** respectively.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT IS EVIDENCE THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION PAID BY THE TRANSFEREE TO THE CHARGEHOLDER:

1. The Chargeholder hereby consents to the granting and registration of the Section 219 Covenant attached hereto (the "Covenant") and the Chargeholder hereby agrees that the Covenant shall be binding upon its interest in and to the Lands.
2. The Chargeholder hereby grants to the transferee described in item 6 of the *Land Title Act* Form C attached hereto priority for the Covenant over the Chargeholder's right, title and interest in and to the Lands, and the Chargeholder does hereby postpone the Charges and all of its right, title and interest thereunder to the Covenant as if the Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Charges.

IN WITNESS WHEREOF, the Chargeholder has executed and delivered this Consent and Priority Agreement by executing the *Land Title Act* Form D above which is attached hereto and forms part of this Agreement.

SCHEDULE "A"

Park and Road Dedication

1. At the time of first subdivision of the Lands, the Owners will dedicate those portions of the Lands shown as "park" totalling approximately 16,4 ha, as shown on the sketch plan attached hereto as Schedule "B".
2. At the time of subdivision of the Lands, the Owners will dedicate those portions of the Lands shown as "road" being the connector between Spruce Road and Church Street, as shown on the sketch plan attached hereto as Schedule "B".
3. At the time of subdivision of the Lands, the Owner will dedicate as public trail connections through the Lands adjoining Lockinvar, Burnside, Taylor Bay and Horseshoe Roads shown as Trails 1, 2, 3 and 4 on the sketch plan attached hereto as Schedule "B", as follows:
 - a. With respect to the trails shown as _____ on Schedule "B", by statutory right of way to Regional District of Nanaimo ("RDN") on its standard form for public trail purposes,
 - b. With respect to the trails shown as _____ on Schedule "B", by statutory right of way to GILTC on its standard form for public trail purposes, and
 - c. With respect to the trail shown as Trail 4 on Schedule "B", by a license of occupation with the Gabriola Lands and Trails Trust in the form attached as Schedule "H" [or on its standard form for public trail purposes],

all to the satisfaction of the Island Planner.

Subdivision

4. The Lands may not be subdivided into more than 25 lots whether by subdivision under the *Land Title Act*, *Strata Property Act* or by any other method. At the time of signing this Agreement, the parties anticipate that the Lands shall be subdivided into 8 fee simple lots and 17 bare land strata lots as shown on the sketch plan attached hereto as Schedule "B" but this Agreement does not constitute subdivision approval.
5. Following subdivision of the Lands into 25 lots as described in section 4 above, the Lands may not be subdivided further by any method.

Restrictions on development and use

6. Hereafter, the Lands shall not be used or disturbed, and no building or structure shall be located, constructed, reconstructed, moved or extended on the Lands, except in compliance with:
 - a. the conditions and recommendations (including implementation of best practices for water conservation and management) specified by R. Allan Dakin, P.Eng. of Elanco Enterprises Ltd., in the hydrogeological assessment report (specifically pages 8 and 9) dated January 25, 2017, a copy of which (without schedules) is attached hereto as Schedule "C" (a full copy of which is available at GILTC's office), along with the following additional requirements:
 - i. that wells on the Lands will be fitted with 25 mm diameter PVC access tubes to ensure easy water level monitoring;
 - ii. that the Owners will ensure sampling and analysis of all new wells on the Lands when they are opened, and existing wells on the Lands prior to construction, to obtain information about baseline water quality for the Lands;
 - iii. that the Owners will ensure regular monitoring of electrical conductivity or chloride concentrations of all wells within 40 m from shoreline, at least annually;
 - b. the recommendations specified in the bio-inventory report prepared by Toth and Associates Environmental Services (specifically pages 20 and 21) dated July 17, 2015, a copy of which is attached hereto as Schedule "D" (a copy of which is available at GILTC's office);
 - c. the conclusions and recommendations in the geotechnical hazard assessment report prepared by Chris Hudec, P.Eng. of Lewkowich Engineering Associates Ltd. (specifically pages 4, 5 and 6) dated July 14, 2015, a copy of which is attached hereto as Schedule "E" (a copy of which is available at GILTC's office);
 - d. the measures to protect and maintain the SPEA and all other recommendations in the Riparian Areas Regulation QEP Assessment Report prepared by Steve Toth R.P.Bio (specifically page 13) dated July 7, 2014, a copy of which is attached hereto as Schedule "F" (a copy of which is available at GILTC's office); and
 - e. the recommendations in the archaeological overview assessment report prepared by Kristina Bowie of Madrone Environmental Services Ltd. (specifically pages IV, V, 46 and 47) dated February 12, 2016, the summary of which is attached hereto as Schedule "G" (a full copy of which is available at GILTC's office).

7. Hereafter, each principal dwelling built on a lot subdivided from the Lands must be constructed with a rainwater harvesting and collection system capable of storing a minimum of 1,000 litres of rainwater for domestic use, and such system shall be operational prior to final building inspection by RDN.

SCHEDULE "B"

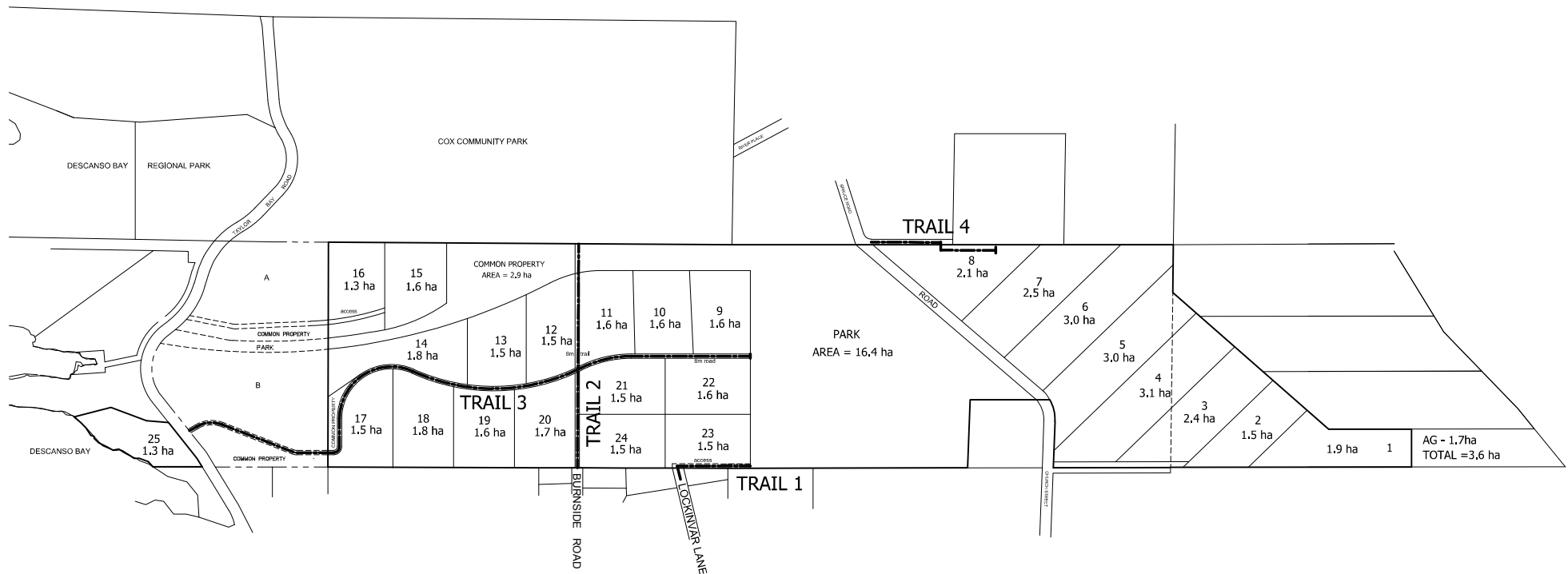
sketch plan of subdivision with trails

SPRUCE TO CHURCH MALLETT CREEK DENSITY TRANSFER

CONCEPTUAL TRAIL PLAN



- 1 - TRAIL SRW, CLINIC CONNECTOR
- 2 - TRAIL SRW, COX PARK CONNECTOR
- 3 - TRAIL SRW, ACCESS ROAD
- 4 - TRAIL LICENCE, TO VIEW POINT



FEBRUARY 27, 2017

CONCEPTUAL SUBDIVISION LAYOUT			
NO.	DATE	REVISION	DESCRIPTION
01	1997-01-28	1	INITIAL DESIGN
02	1997-01-28	2	ADD PROPERTY TO THE LOT AND REVERSE LOT LAYOUT
03	1997-01-28	3	ADD COMMON PROPERTY AND TRAIL
04	1997-01-28	4	ADD COMMON PROPERTY AND TRAIL
05	1997-01-28	5	ADD COMMON PROPERTY AND TRAIL
06	1997-01-28	6	ADD COMMON PROPERTY AND TRAIL
07	1997-01-28	7	ADD COMMON PROPERTY AND TRAIL
08	1997-01-28	8	ADD COMMON PROPERTY AND TRAIL
09	1997-01-28	9	ADD COMMON PROPERTY AND TRAIL
10	1997-01-28	10	ADD COMMON PROPERTY AND TRAIL
11	1997-01-28	11	ADD COMMON PROPERTY AND TRAIL
12	1997-01-28	12	ADD COMMON PROPERTY AND TRAIL
13	1997-01-28	13	ADD COMMON PROPERTY AND TRAIL
14	1997-01-28	14	ADD COMMON PROPERTY AND TRAIL
15	1997-01-28	15	ADD COMMON PROPERTY AND TRAIL
16	1997-01-28	16	ADD COMMON PROPERTY AND TRAIL
17	1997-01-28	17	ADD COMMON PROPERTY AND TRAIL
18	1997-01-28	18	ADD COMMON PROPERTY AND TRAIL
19	1997-01-28	19	ADD COMMON PROPERTY AND TRAIL
20	1997-01-28	20	ADD COMMON PROPERTY AND TRAIL
21	1997-01-28	21	ADD COMMON PROPERTY AND TRAIL
22	1997-01-28	22	ADD COMMON PROPERTY AND TRAIL
23	1997-01-28	23	ADD COMMON PROPERTY AND TRAIL
24	1997-01-28	24	ADD COMMON PROPERTY AND TRAIL
25	1997-01-28	25	ADD COMMON PROPERTY AND TRAIL
26	1997-01-28	26	ADD COMMON PROPERTY AND TRAIL
27	1997-01-28	27	ADD COMMON PROPERTY AND TRAIL
28	1997-01-28	28	ADD COMMON PROPERTY AND TRAIL
29	1997-01-28	29	ADD COMMON PROPERTY AND TRAIL
30	1997-01-28	30	ADD COMMON PROPERTY AND TRAIL
31	1997-01-28	31	ADD COMMON PROPERTY AND TRAIL
32	1997-01-28	32	ADD COMMON PROPERTY AND TRAIL
33	1997-01-28	33	ADD COMMON PROPERTY AND TRAIL
34	1997-01-28	34	ADD COMMON PROPERTY AND TRAIL
35	1997-01-28	35	ADD COMMON PROPERTY AND TRAIL
36	1997-01-28	36	ADD COMMON PROPERTY AND TRAIL
37	1997-01-28	37	ADD COMMON PROPERTY AND TRAIL
38	1997-01-28	38	ADD COMMON PROPERTY AND TRAIL
39	1997-01-28	39	ADD COMMON PROPERTY AND TRAIL
40	1997-01-28	40	ADD COMMON PROPERTY AND TRAIL
41	1997-01-28	41	ADD COMMON PROPERTY AND TRAIL
42	1997-01-28	42	ADD COMMON PROPERTY AND TRAIL
43	1997-01-28	43	ADD COMMON PROPERTY AND TRAIL
44	1997-01-28	44	ADD COMMON PROPERTY AND TRAIL
45	1997-01-28	45	ADD COMMON PROPERTY AND TRAIL
46	1997-01-28	46	ADD COMMON PROPERTY AND TRAIL
47	1997-01-28	47	ADD COMMON PROPERTY AND TRAIL
48	1997-01-28	48	ADD COMMON PROPERTY AND TRAIL
49	1997-01-28	49	ADD COMMON PROPERTY AND TRAIL
50	1997-01-28	50	ADD COMMON PROPERTY AND TRAIL
51	1997-01-28	51	ADD COMMON PROPERTY AND TRAIL
52	1997-01-28	52	ADD COMMON PROPERTY AND TRAIL
53	1997-01-28	53	ADD COMMON PROPERTY AND TRAIL
54	1997-01-28	54	ADD COMMON PROPERTY AND TRAIL
55	1997-01-28	55	ADD COMMON PROPERTY AND TRAIL
56	1997-01-28	56	ADD COMMON PROPERTY AND TRAIL
57	1997-01-28	57	ADD COMMON PROPERTY AND TRAIL
58	1997-01-28	58	ADD COMMON PROPERTY AND TRAIL
59	1997-01-28	59	ADD COMMON PROPERTY AND TRAIL
60	1997-01-28	60	ADD COMMON PROPERTY AND TRAIL
61	1997-01-28	61	ADD COMMON PROPERTY AND TRAIL
62	1997-01-28	62	ADD COMMON PROPERTY AND TRAIL
63	1997-01-28	63	ADD COMMON PROPERTY AND TRAIL
64	1997-01-28	64	ADD COMMON PROPERTY AND TRAIL
65	1997-01-28	65	ADD COMMON PROPERTY AND TRAIL
66	1997-01-28	66	ADD COMMON PROPERTY AND TRAIL
67	1997-01-28	67	ADD COMMON PROPERTY AND TRAIL
68	1997-01-28	68	ADD COMMON PROPERTY AND TRAIL
69	1997-01-28	69	ADD COMMON PROPERTY AND TRAIL
70	1997-01-28	70	ADD COMMON PROPERTY AND TRAIL
71	1997-01-28	71	ADD COMMON PROPERTY AND TRAIL
72	1997-01-28	72	ADD COMMON PROPERTY AND TRAIL
73	1997-01-28	73	ADD COMMON PROPERTY AND TRAIL
74	1997-01-28	74	ADD COMMON PROPERTY AND TRAIL
75	1997-01-28	75	ADD COMMON PROPERTY AND TRAIL
76	1997-01-28	76	ADD COMMON PROPERTY AND TRAIL
77	1997-01-28	77	ADD COMMON PROPERTY AND TRAIL
78	1997-01-28	78	ADD COMMON PROPERTY AND TRAIL
79	1997-01-28	79	ADD COMMON PROPERTY AND TRAIL
80	1997-01-28	80	ADD COMMON PROPERTY AND TRAIL
81	1997-01-28	81	ADD COMMON PROPERTY AND TRAIL
82	1997-01-28	82	ADD COMMON PROPERTY AND TRAIL
83	1997-01-28	83	ADD COMMON PROPERTY AND TRAIL
84	1997-01-28	84	ADD COMMON PROPERTY AND TRAIL
85	1997-01-28	85	ADD COMMON PROPERTY AND TRAIL
86	1997-01-28	86	ADD COMMON PROPERTY AND TRAIL
87	1997-01-28	87	ADD COMMON PROPERTY AND TRAIL
88	1997-01-28	88	ADD COMMON PROPERTY AND TRAIL
89	1997-01-28	89	ADD COMMON PROPERTY AND TRAIL
90	1997-01-28	90	ADD COMMON PROPERTY AND TRAIL
91	1997-01-28	91	ADD COMMON PROPERTY AND TRAIL
92	1997-01-28	92	ADD COMMON PROPERTY AND TRAIL
93	1997-01-28	93	ADD COMMON PROPERTY AND TRAIL
94	1997-01-28	94	ADD COMMON PROPERTY AND TRAIL
95	1997-01-28	95	ADD COMMON PROPERTY AND TRAIL
96	1997-01-28	96	ADD COMMON PROPERTY AND TRAIL
97	1997-01-28	97	ADD COMMON PROPERTY AND TRAIL
98	1997-01-28	98	ADD COMMON PROPERTY AND TRAIL
99	1997-01-28	99	ADD COMMON PROPERTY AND TRAIL
100	1997-01-28	100	ADD COMMON PROPERTY AND TRAIL



Top Priorities

Gabriola Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Roadside Signage	Review roadside signage regulations in the Gabriola Land Use Bylaw. Develop a roadside signage strategy.	07-May-2015	Teresa Ritemann	
2	Housing Options Review Project	Review Gabriola OCP and LUB policy/regulations to allow option for secondary suite in lieu of accessory cottages on lots over 2ha and over existing buildings; review temporary dwelling regulations;	07-May-2015	Sonja Zupanec	
3	Water taxi feasibility	Review feasibility for zoning provisions for a water taxi at or near Descanso Bay, Gabriola Island.	14-Jul-2016	Sonja Zupanec	

**Projects****Gabriola Island**

Description	Activity	R/Initiated
DeCourcy Island OCP Review	Review DeCourcy Island Official Community Plan; establish Advisory Planning Commission. Topics include: · park areas without park zoning · DAI Bylaw	21-Apr-2011
Hazardous areas/Steep Slopes DPA	Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain	21-Feb-2013
Forage Fish Mapping Workshop	March, 2013 resolution	05-Sep-2013
Land Based Aquaculture	Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.	16-Jan-2014
Biodiversity Protection	Identify measures to protect biodiversity	19-Jan-2012
Coastal areas protection	Review OCP and LUB to improve protection of coastal areas.	19-Jan-2012
Water Protection	Review OCP and LUB to protect water quality and quantity.	19-Jan-2012
First Nations cultural references	Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola.	27-Jan-2011
Eelgrass protection	Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).	14-May-2014
Snuneymuxw Protocol Agreement	Implementation of Snuneymuxw First Nation Protocol Agreement	22-Jan-2015

**Projects****Gabriola Island**

Description	Activity	R/Initiated
Gabriola Village Plan	Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	02-Apr-2015
Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	02-Apr-2015
Food Trucks	Review land use bylaw regulations with respect to food trucks	02-Apr-2015
Eagle Nest Mapping	Incorporate eagle nest mapping into the OCP	02-Apr-2015
Green Energy	Consider policy and regulatory mechanisms to encourage green and renewable energy	02-Apr-2015
Vacation Rental Review	Review bylaws with respect to temporary use permits for short term vacation rentals	07-May-2015
CDF Conservation	Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.	14-Jan-2016
Gabriola Water Taxi	Review Official Community Plan and Land-Use Bylaw provisions to encourage water taxi service at or near Descanso Bay	15-Feb-2016
Mudge Island OCP Review	Targeted OCP review to include housekeeping amendments; review of maximum permitted lot coverage; rainwater collection cisterns being excluded from lot coverage calculations.	14-Jul-2016

Projects

Gabriola Island

Description	Activity	R/Initiated
LUB Amendments	- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent -IN1 zoning to ensure consistent with existing Arts Council use.	08-Sep-2016



Islands Trust

Print Date: March 1, 2017

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.3	Van Herwaarden, Lynn Planner: Linda Prowse	24-Aug-2016	PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance.
Planning Status			
Status Date: 07-Nov-2016 Further information requested.			
Status Date: 09-Sep-2016 Planner reviewing.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2016.1	Williamson & Associates Planner: Sonja Zupanec	09-Feb-2016	PIDs:006-654-941, 005-030-480, 009-735-968, 003-010-431, 006-635-121, 027-939-804, 027-939-791\nSpruce to Church Streets, Mallett Creek Density Transfer
Planning Status			
Status Date:			

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd. Planner: Teresa Rittemann	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)
Planning Status			

Applications

Status Date: 23-Feb-2017

PLA extension request. Planner waiting for updated plan from applicant which reflects the lot boundary adjustment in GB-SUB-2016.4

Status Date: 08-Jan-2016

PLA extension

Status Date: 14-Apr-2014

parent lot is in transition of sale

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2010.2	McCollum and Krul, Gary and Jane Planner: Teresa Ritemann	13-Aug-2010	1520 McCollum Road\nCreate 7 parcels

Planning Status

Status Date: 23-Feb-2017

No change in status.

Status Date: 28-Nov-2016

Revised referral report sent to MOTI to reflect updated proposed plan of subdivision received.

Status Date: 30-Jun-2016

Planner received update letter from RDN that the RDN supports 5% cash-in-lieu of parkland dedication for this proposed subdivision

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

Planning Status

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

Applications

Status Date: 14-Mar-2014

PLA received

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: Teresa Ritemann

Planning Status

Status Date: 23-Feb-2017

No change in status.

Status Date: 03-Sep-2014

Status has not changed. Still awaiting MOTI direction that reasons for non-approval have been overcome

Status Date: 18-Mar-2014

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

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

Planner: Teresa Ritemann

Planning Status

Status Date: 23-Feb-2017

No change in status.

Status Date: 07-May-2016

Letter of Undertaking regarding future protection of arch sites received from applicant/owner. Outstanding issues in extended PLA are sewage and drainage requirements.

Status Date: 05-May-2016

Parkland dedication requirement removed b/c it was met through dedication of the 707 Community Park in earlier application. No comments received from Snuneymuxw FN by deadline. As per 26-Apr email to applicant, Staff awaiting a Letter of Undertaking from the applicant regarding the covenants to protect archaeological site.

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

**Applications**

GB-SUB-2013.3 Smythies & 28-Oct-2013 411 Daniel Way\in subdivision to create 2 parcels

Associates

Planner: Teresa Ritemann

Planning Status

Status Date: 23-Feb-2017

No change in status.

Status Date: 01-Apr-2016

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: 29-Feb-2016

No change in status.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.1	Williamson & Associates	07-Jan-2016	To create two lots within the SRR zone contained in existing Lot 4 and the northerly portion of existing Lot 5. The southerly boundary of the two SRR lots will be along the current AG zone boundary and will leave the remainder of Lot 5 as a single AG zoned parcel of 15.38 hectares wholly within the ALR.

Planner: Teresa Ritemann

Planning Status

Status Date: 23-Feb-2017

No change in status.

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 03-Feb-2016

Subdivision Referral Report emailed to MOTI. Copied to Gabriola LTC and the Agent.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.2	MACKAY, IKE	23-Feb-2016	PIDs: 004-857-119 and 004-614-771 Lot Boundary Adjustment

Planner: Teresa Ritemann

Planning Status

Status Date: 23-Feb-2017

No change in status.

Applications

Status Date: 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

Status Date: 17-Mar-2016

File TR completed review and sent referral report to MOTI and copied to Gabriola LTC and applicant.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.3	Roundtuit Farms Ltd.	29-Feb-2016	PID: 000-991-694 Create two lots from one on Decourcy. Firehall plot will be severed from main property.

Planner: Marnie Eggen

Planning Status

Status Date:

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

Status Date: 08-Jun-2016

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

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.6	C.O. Smythies & Associates	08-Sep-2016	PID: 000-305-120 215 Easthom Road, Gabriola Island. 3 lot subdivision.

Planner: Aleksandra Brzozowski

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.1	Williamson & Associates Professional Surveyors	26-Jan-2017	PIDs: 000-427-110, 025-720-821 & 025-720-830 Civic addresses: 1885 Martin Road, 1860 Martin Road & 1875 Stalker Road, Gabriola Island. Boundary adjustments.

Applications

Planner: Linda Prowse

Planning Status

Status Date:

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2016.1	MCAFEE, IAN	09-Oct-2015	PID: 003-135-276 1070 Chappel Place, Gabriola Island. STVR.

Planner: Teresa Ritemann

Planning Status

Status Date:

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending January 2017

620 Gabriola	Invoices posted to Month ending January 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,500.00	821.13	678.87
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,750.00	4,050.36	699.64
65210-620	LTC - Local Exp - APC Meeting Expenses	600.00	959.10	-359.10
65220-620	LTC - Local Exp - Communications	1,250.00	360.00	890.00
65230-620	LTC - Local Exp - Special Projects	1,000.00	796.33	203.67
TOTAL LTC Local Expense		<u>7,600.00</u>	<u>6,165.79</u>	<u>1,434.21</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	1,500.00	257.10	1,242.90
73001-620-4063	Gabriola First Nations Relations	1,500.00	11.55	1,488.45
73001-620-4064	Gabriola Housing Options Review	3,500.00	385.93	3,114.07
TOTAL Project Expenses		<u>6,500.00</u>	<u>654.58</u>	<u>5,845.42</u>

Gabriola Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Updated: February 2, 2016

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	January 29, 2010	GB-025-2010	Communication Towers and Antennae	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: - Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers. - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information: - the proposed location of the tower on the subject site - a description of the predicted power density level of the antenna/tower - methods to mitigate any aesthetic or visual impact - description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas - physical details and example illustrations of the tower including its height, colour, type and design - the time and location of a public meeting and advertising - the name and contact information of the contact person employed by the proponent - the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and - the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality February 2017

Regional Conservation Plan – LTC input

The Regional Conservation Plan guides the work of the Islands Trust Fund. The Plan's objectives and goals shape how we pursue our mission based on good science, the regional context and the resources available. Our current five year plan – extended for a further two years – will conclude this year. We are pleased to report that most of its goals have been, or are about to be, achieved.

The Trust Fund Board has approved the project charter for developing a new Regional Conservation Plan. This time, we are looking at a ten year plan with action items being developed and reviewed every two to three years. First steps include background research and preliminary consultations with trustees, partners and planners over the spring. We very much welcome the input of local trust committees and Bowen Island Municipality. We will be in touch with a formal way to provide feedback, but feel free to contact us for more information or send us your ideas informally.

New Board Member: Robin Williams

At our February meeting we welcomed a new Board member appointed by the Province: Robin Ashley Williams. Robin is a resident of Salt Spring Island who has been very actively involved in his community. Prior to his retirement, Mr. Williams was the President and Owner of Rombus Digital Systems and Ashley Fraser Technologies. Active in his community, Robin is the elected Chair for the Capital Regional District (CRD) Salt Spring Island Transportation Commission. He brings a range of expertise and experience that will be of great value to the Board. We are now back up to our full complement of six members.

Moore Hill, Thetis Island - New Nature Reserve

We are excited to announce the acquisition of a new 21 hectare nature reserve of unspoiled waterfront forest on Thetis Island. Moore Hill forms one of the highest peaks on Thetis and features sandstone cliffs with caves that provide bat habitat. This hill is ecologically rich and is culturally significant to the Penelakut Tribe. The acquisition involved an Ecological Gift from the former owner, a significant private donation, a major grant and partnership with Cowichan Community Land Trust and the Thetis Island Nature Conservancy.

Fairyslipper Forest campaign

This project is moving into its crucial final fund-raising stage. Thetis Islanders have already provided huge support through donations and pledges, so the balance required to close the purchase will likely have to be found from off-island sources. To that end, applications have been submitted to appropriate funding agencies. Deep appreciation is due to Lisa Gordon and everyone who contributed to her retirement campaign which raised \$3,000 towards the Fairyslipper Forest acquisition.

Summary of Current Island-by-Island Activities

Bowen

Bowen Island Conservancy has just completed site remediation work in the David Otter Nature Reserve and installed a new sign. ITF staff are working with a contractor to revise the management plan for the Singing Woods Nature Reserve.

Denman

The Islands Trust Fund Manager and the Director of Trust Area Services met recently with staff of the Ministry of Forests, Lands and Natural Resources to explore options for the protection of provincially managed parcels on Denman Island that have identified conservation values.

Gabriola

A survey of Western Screech Owls is being carried out during February in the Elder Cedar Nature Reserve. We are waiting to hear about potential funding to cover the cost of a boardwalk around the iconic large western redcedar. Two new signs for the entry points are being created to remind visitors about leashing dogs. A management plan for Burren's Acres Nature Reserve has been approved and posted to the ITF website.

Galiano

Restoration activities including tree planting plus weeding of last year's planting are taking place in March in the Trincomali Nature Reserve.

Gambier

Gambier Island Conservancy will be carrying out restoration work in the Long Bay Wetlands Nature Reserve. This will involve planting and caging new western redcedar seedlings in the old gravel pit and in the areas that have been previously logged.

Lasqueti

A Species at Risk survey on all three Lasqueti Island nature reserves has begun. The revision of the management plan for the Kwel Nature Reserve is underway.

Salt Spring

The Trust Fund Board approved a conservation covenant on Salt Spring Island to be held with the Salt Spring Island Conservancy.

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

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca



DATE OF MEETING: March 9, 2017
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Advisory Planning Commissions

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request that staff advertise for expressions of interest for the Gabriola Island Advisory Planning Commission.
2. That the Gabriola Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms will expire in April 2, 2017, inviting their expressions of interest for reappointment to the Advisory Planning Commission.
3. That the Gabriola Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission bylaw for consideration of the Local Trust Committee.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider recruitment for its Gabriola Island Advisory Planning Commission (APC). The Advisory Planning Commission currently has six members with terms expiring April 2, 2017. Formal citizen representation on advisory planning commissions adds value and transparency to planning processes

ANALYSIS

Islands Trust Policy Statement:

A guiding principle of the Islands Trust Policy Statement is that *“open, consultative public participation is vital to effective decision making for the Trust Area.”* Moreover, Commitments of Trust Council include:

- 5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government.
- 5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- 5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

LTCs have a responsibility to ensure that members of the public can participate in planning processes, yet they have the freedom to determine the framework best suited to a particular Local Trust Area.

LTC Bylaw No. 209

The authority to establish advisory planning commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*.

Advisory planning commission

461 (2) A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral area, on all matters referred to the commission by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under this Part.

Notably, such advisory planning commissions are intended to advise LTCs specifically on land use matters including Official Community Plans, and proposed bylaws or permits that may be issued under Part 14 (e.g. zoning bylaw or development permit).

Pursuant to section 461, the Gabriola Island LTC has adopted Bylaw No. 209 cited as “Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2002”, which identifies the planning commission, member composition, terms and roles, and rules for arranging, advertising and conducting commission meetings (Attachment 1). Pursuant to Bylaw No. 209, the LTC must, by resolution, appoint the members to two year terms prior to May 1st of the year during which the term of appointment commences. Staff note that the Advisory Planning Commission bylaw could be updated, mainly to clarify the role of the Secretary as Islands Trust has been providing minute taking services for the Gabriola Island Advisory Planning Commission, and also to simplify the bylaw (by removing onerous requirements such as establishing a regular monthly meeting date given that the APC does not meet monthly).

Consultation

Openings for APC members should be advertised in the local paper, on the LTC website, and through trustee networks. The LTC would consider expressions of interest at their next business meeting along with an updated APC bylaw. The APC bylaw would require three readings and referral to the Executive Committee for approval prior to adoption.

NEXT STEPS

Should the LTC pass the recommended resolutions (page 1), staff will proceed with advertising and bring forward expressions of interest and an updated (draft) APC bylaw to the next LTC business meeting.

Submitted By:	Sonja Zupanec, RPP Island Planner	March 1, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 1, 2017

ATTACHMENTS

1. Bylaw No. 209

GABRIOLA ISLAND TRUST COMMITTEE

BYLAW NO. 209

**

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE GABRIOLA ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

**

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

1. Continuation and Establishment

- (a) The Gabriola Island Advisory Planning Commission, an advisory planning commission established to advise the Local Trust Committee on all matters respecting land use, community planning, or proposed bylaws and permits that are referred to it by the Local Trust Committee, is continued.
- (b) The Gabriola Island Local Trust Committee may, from time to time, establish advisory planning commissions to provide advice to the Local Trust Committee on specific topics or for special projects.
- (c) The provisions of parts 2 through 7 of this Bylaw apply to each of the advisory planning commissions continued and established by this Bylaw.

2. Appointment of Members

- (a) Advisory Planning Commission
 - i) The Advisory Planning Commission consists of seven members.
 - ii) The Local Trust Committee must, by resolution, appoint the members to two year terms prior to May 1st of the year during which the term of appointment commences.
- (b) Special Advisory Planning Commissions will be appointed based on a Terms of Reference developed by the Local Trust Committee which will outline the number of members, the terms of the appointment and the scope and role of that Special Advisory Planning Commission.
- (c) The Trust Committee may, by resolution, remove a member of a planning commission at any time.
- (d) Where a member resigns or an appointment is otherwise terminated, the Trust Committee may appoint a member to serve the balance of the term of the appointment.
- (e) The members must during the first meeting of a term from among the members elect a Chairperson, and a Deputy Chairperson to act in the place of the Chairperson in the absence of the Chairperson.
- (f) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).

- (g) In the event that the Chairperson resigns or the Chairperson position is otherwise terminated, the advisory planning commission shall write the Gabriola Island Local Trust Committee to advise them and the Trust Committee shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(g).
- (h) An individual may serve concurrently on the Advisory Planning Commission and any other Special Advisory Planning Commission.

3. Roles

(a) Secretary

- (1) The Trust Committee must appoint a Secretary to each advisory planning commission.
- (2) The Secretary is to:
 - i) assist the Chairperson, as required, in arranging meetings;
 - ii) ensure that proper notification of meetings is given in compliance with this bylaw;
 - iii) keep legible minutes of all meetings;
 - iv) provide copies of all minutes and recommendations to the Local Trustees and the Secretary of the Trust;
 - v) maintain an annual record book of approved minutes to be available to the public upon request and shall provide a copy of minutes when requested upon receipt of a sum of money sufficient to pay the cost of copying those minutes.

(b) Chairperson

- (1) The Chairperson is to:
 - i) receive referrals from the Trust Committee and, in response, decide when and where meetings shall be held;
 - ii) ensure proper conduct of all meetings in accordance with the requirements of this Bylaw and the principles of procedural fairness;
 - iii) rule on the existence of a conflict or potential conflict of interest of a member when requested to do so; and
 - iv) sign the minutes certifying that they are true and correct after the members have approved them.

4. Referrals

- (a) The Local Trust Committee may by resolution:
 - i) refer an application for an amendment to the Official Community Plan, a bylaw, or a permit, pursuant to the Local Government Act, or may refer a proposed bylaw or permit to the Chairperson of a advisory planning commission with a request for a recommendation; or
 - ii) may refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by a advisory planning commission for additional recommendations if it feels changes to the application warrant the review, and in these cases a advisory planning commission may be asked to respond in a briefer than normal time period.

- (b) An advisory planning commission must meet when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.
- (c) The Chairperson shall select a regular monthly meeting day to consider referrals at its first meeting.
- (d) In the event that no referral is received by the Secretary at least 7 calendar days prior to the date of the next regular meeting, then no meeting need be held.
- (e) A meeting on any particular referral must be held not more than 30 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- (g) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members to deal with any matter for which a quick response is requested.
- (h) Although the recommendations must be received by the Trust Committee, the Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- (a) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least 3 calendar days prior to the regularly scheduled meeting.
- (b) The Secretary must confirm by telephone or note, the date and time of any extraordinary meetings with each member.
- (c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- (d) The Secretary must ensure the Local Trustees are notified of each meeting at least five days prior to the day of the meeting.
- (e) Where a matter upon which a recommendation has been made is referred back for further comment within a limited time period, the Secretary must notify the Trust Committee of an extraordinary meeting. The Secretary may invite the applicant if further information is required at least 2 days prior to the meeting unless the applicant agrees to a lesser notice.

6. Conduct of Meeting

- (a) All deliberations must take place in a meeting, and all meetings must be open to the public.
- (b) A quorum is the lesser of three members, or 50 per cent of those appointed.
- (c) The Chairperson is to convene the meeting and may adjourn it from time to time.
- (d) An applicant must be afforded the first opportunity to present his or her proposal and to answer any questions asked by members.
- (e) If the applicant or agent fails to appear and was duly notified as required by this Bylaw, deliberations and recommendation may be made in the applicant's absence.
- (f) At the request of any member, the Chairperson must invite any elected official, staff or resource person present at the meeting to comment on the matters before the Commission.
- (g) Development proposals and other applications must not be received directly from applicants.

- (h) An advisory planning commission must not consult directly with other government agencies, without consent from the Gabriola Island Local Trust Committee.

7. Notice of Recommendation

- (a) If the Local Trustees did not attend a meeting, they may require a verbal report from the Chairperson.
- (b) The Secretary must ensure minutes of each meeting are recorded and approved by the members at a subsequent meeting.
- (c) The Secretary must ensure that a completed referral form with the advisory planning commission's response and a copy of the draft minutes are submitted to the Trust Committee and the Islands Trust office within seven calendar days of the meeting.
- (d) A recommendation may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that all dissenting opinions are also recorded.

8. Transition

- (a) "Gabriola Island Trust Committee Advisory Planning Commission Bylaw, 1994", is repealed.

9. Citation

- (a) This Bylaw may be cited as the "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2002".

READ A FIRST TIME THIS 14th DAY OF November , 2002

READ A SECOND TIME THIS 14th DAY OF November , 2002

READ A THIRD TIME THIS 14th DAY OF November , 2002

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
25th DAY OF November , 2002

ADOPTED THIS 28th DAY OF November , 2002

SECRETARY

CHAIRPERSON