



Gabriola Island Local Trust Committee

Regular Meeting Revised Agenda

Date: April 7, 2022
Time: 10:30 am
Location: Gabriola Island Community Hall
2200 South Road, Gabriola Island, BC

	Pages
1. CALL TO ORDER 10:30 AM - 10:35 AM	
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”	
2. APPROVAL OF AGENDA	
3. REPORTS 10:35 AM - 11:00 AM	
3.1. Trustee Reports	
3.2. Chair's Report	
3.3. <i>Electoral Area Director's Report</i>	4 - 74
3.4. First Nation Reports	
4. TOWN HALL 11:00 AM - 11:10 AM	
5. MINUTES 11:10 AM - 11:15 AM	
5.1. Local Trust Committee Minutes dated March 3, 2022 – for adoption	75 - 83
5.2. Section 26 Resolutions-Without-Meeting Report - none	
5.3. Advisory Planning Commission Minutes - none	
6. BUSINESS ARISING FROM MINUTES 11:15 AM - 11:45 AM	
6.1. Follow-up Action List dated March 30, 2022	84 - 86
6.2. Bylaw No. 311 - Fees Bylaw - Staff Report	87 - 94
7. APPLICATIONS, REFERRALS AND BYLAWS 11:45 AM - 1:15 PM	
7.1. GB-TUP-2020.2 (MacKay - 1016 Berry Point Road, Gabriola) - Staff Report	95 - 159

7.2.	GB-TUP-2022.2 (McNally - 1599 Hess Road, Gabriola) - Staff Report	160 - 187
7.3.	GB-DVP-2022.1 and GB-DP-2022.1 (Gottfried-Lot 41-595 Wildwood Cres.) - Staff Report	188 - 231
7.4.	GB-RZ-2020.1 (Gabriola Housing Society) - Staff Report	232 - 265
7.5.	GB-SUB-2021.2 (Centre Stage Holdings) - Staff Report	266 - 284
7.6.	GB-SUB-2019.1 (Williamson and Associates) - Staff Report	285 - 296

----- BREAK 1:15 pm to 1:45 pm -----

8.	LOCAL TRUST COMMITTEE PROJECTS	1:45 PM - 2:15 PM
8.1.	Density Donation Outreach Program - Staff Report	297 - 299
8.2.	Gabriola Housing Regulations in the Agricultural Land Reserve (ALR) - verbal update	
9.	DELEGATIONS - none	
10.	CORRESPONDENCE	2:15 PM - 2:25 PM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10.1.	Email dated March 3, 2022 - Greetings from the BC Electoral Boundaries Commission	300 - 300
10.2.	Letter and Petition dated February 27, 2022 from P. Cook regarding Reduction of Speed Limit on Berry Point Road	301 - 303
11.	NEW BUSINESS	
12.	REPORTS	2:25 PM - 2:40 PM
12.1.	Climate Change Action Update	
12.2.	First Nations Relationship Building	
12.3.	Trust Conservancy Report - none	
12.4.	Applications Report dated March 30, 2022	304 - 310
12.5.	Trustee and Local Expense Report dated February, 2022	311 - 311
12.6.	Adopted Policies and Standing Resolutions	312 - 314
12.7.	Local Trust Committee Webpage	
13.	WORK PROGRAM	2:40 PM - 3:00 PM

- 13.1. Top Priorities Report dated March 30, 2022 315 - 315
- 13.2. Projects List Report dated March 30, 2022 316 - 320

14. UPCOMING MEETINGS

- 14.1. Next Regular Meeting Scheduled for Thursday, May 12, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola, BC

15. CLOSED MEETING 3:00 PM - 3:20 PM

- 15.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d), (f), and (g) for the purpose of considering (d) adoption of In-Camera Meeting Minutes dated November 25, 2021, (f) Bylaw Enforcement and (g) Litigation or potential litigation and that the recorder and staff attend the meeting.

- 15.2. Recall to Order

16. ADJOURNMENT 3:20 PM - 3:20 PM

Date: April 7, 2022

To: Gabriola Island Local Trust Committee

From: Vanessa Craig, RDN Director Area B

Subject: Electoral Area Director's Report

Dear Chair Rogers and Trustees Langereis and Colbourne,

Unfortunately, I am unable to attend in person, but I have the following updates to share:

- Huxley Park: hardly needing an update, but the skatepark is now open and is a huge hit. Thank you to the Trustees for your support of this project. The rest of Phase 2, including removal of the asphalt at the rear of the park per Islands Trust requirements, new seating near the sport court, placement of benches and shade structures, plantings, and other improvements is still underway. Planning for an opening celebration is underway.

I know there has been concern about the cost estimates for the benches and shade structures and questions about the procurement process for them. A few points:

- All of the park infrastructure must be commercial grade, which is significantly more costly than building materials for homes/residential. In addition, inflation has resulted in increasing costs for all materials and supplies
- I've heard concern that perhaps it was the contractor that was providing cost estimates for the items, but cost information has been obtained by RDN staff, so the amounts reflect the cost to purchase from the supplier plus shipping and installation
- The park project has gone through several phases – Phase 2 of Huxley Park was put out for a Request for Quote (RFQ) through a formal solicitation by public advertisement. The RFQ included a "type" for the benches and shade structures so potential supplier companies and cost information was identified by staff as part of developing the RFQ. Following that, the RFQ response included costing for purchase and installation of a similar structure.
- Staff are still actively comparing designs and companies to determine if there's another option that will meet the requirements.
- The RDN has launched a Regional Parks and Trails Strategy survey as the next phase in developing the Strategy. The Strategy now has draft vision, goals, and actions and is looking for feedback on the draft until April 28th <https://www.getinvolved.rdn.ca/rdnparkstrails>
- The feasibility study on the potential costs and function of creating a community health and wellbeing planner position/contract is underway. Urban Matters, the company that did the social needs assessment, will be conducting the feasibility study.
- I'm pleased to report that the membership of the Association of Vancouver Island and Coastal Communities endorsed the Resolution on tiny homes. With that it will move to UBCM in the fall.
- This afternoon the Electoral Area Services Committee will consider a staff report about the implication of the recent Fuel Management Prescription for the 707 community park on the issue of unhoused people sheltering overnight in the park. The FMP indicates that the forest has the potential to support a severe wildfire during the most severe weather conditions (in my opinion, severe weather conditions will likely increase with climate change). With the size of the park, difficulty in accessing the park both for monitoring or fire fighting, and difficulty enforcing seasonal closures, the staff report recommends that the 707 community park be added to the list of prohibited parks under Bylaw No. 1801, 2019. You can find the reports under item 7.1 tinyurl.com/2e9kmxdn
- The RDN has again started a bylaw enforcement practice issuing Notices on Title under Section 57 of the Community Charter after a few years when this tool was not used. A Notice on Title provides information to potential owners or stakeholders of a property that there is a contravention to the local government building bylaw, BC Building Code, or other regulation. This is one of a range of measures that encourage voluntary compliance and is typically only

used for a property where ongoing efforts to achieve voluntary compliance have failed. The owner of the property is formally notified and given 30 days to come into compliance. If not met, a report is provided to the Board requesting to authorize the Notice on Title – the property owner may attend the meeting and will have the opportunity to be heard if they wish to challenge the recommendation. There are opportunities for the Notice on Title to be removed – either by coming into compliance, through a Board resolution, or an order from the BC Supreme Court.

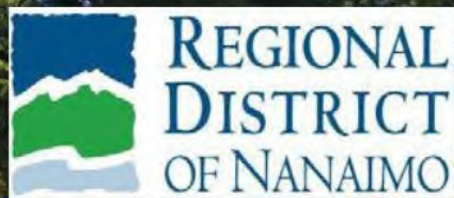
- The Board endorsed the Regional Strategy for Rainwater Management. I have attached the report for your information.
- There is a free webinar on rainwater management this afternoon at 2 pm – you can register here: bit.ly/3LKQWKB

Upcoming

- RDN meetings are continuing in hybrid mode with some Directors/staff in person at the RDN Board room (and the public able to attend) and the rest online.
- The next Board meetings are April 12th and April 26th (1 pm start)
- The next Electoral Area Services Committee meetings are this afternoon and May 5th (1 pm start)

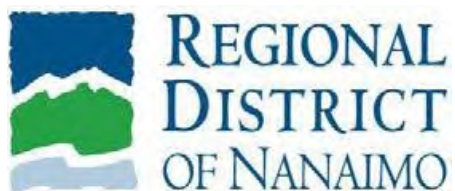
Respectfully submitted,

Vanessa Craig



Regional Strategy for Rainwater Management

03/2022



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Strategy Prepared by:

Emmons & Olivier Resources Canada, Inc. (EOR)

www.eorinc.com

Cover Image: Trail in Parksville Community Park – Parksville, BC Canada (Photo: EOR)

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March 1, 2022

Julie Pisani
Drinking Water & Watershed Protection Program Coordinator
Water Services
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Ms. Pisani:

Regarding: Final Regional Strategy for Rainwater Management Version 0

EOR is pleased to submit the final version of the Regional Strategy for Rainwater Management.

We would like to thank the Regional District of Nanaimo, partner municipalities and organizations for their assistance throughout development of the strategy and the valuable input we received from you. Specifically, we would like to thank yourself, Murray Walters, Shelley Norum, and Paul Thompson for input related to RDN initiatives, the development approvals process and the linkages with the LWMP and DWWP.

Sincerely,
Emmons & Olivier Resources Canada Inc.

A handwritten signature in black ink that reads 'Camilla Correll'.

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A handwritten signature in black ink that appears to read 'Kerri Robinson'.

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Issues and Revisions Registry

Identification	Date	Description of Issue and/or Revision
Draft Strategy	November 5, 2021	For Review
Final Strategy	March 1, 2022	Final Submission, V.0



ACKNOWLEDGEMENTS

REGIONAL DISTRICT OF NANAIMO

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Paul Thompson
Jessica Beaubier
Kim Fowler
Elaine McCulloch
Catherine Morrison
Murray Walters

PARTNER MUNICIPALITIES AND ORGANIZATIONS

City of Nanaimo
City of Parksville
Town of Qualicum Beach
District of Lantzville
Snuneymuxw First Nation
BC Ministry of Transportation & Infrastructure
Mosaic Forest Management
Mid Vancouver Island Habitat Enhancement Society
Nanaimo & Area Land Trust
Mt Arrowsmith Biosphere Region Research Institute
Departure Creek & Qualicum Beach Streamkeepers
JE Anderson and Associates
Lanarc Consulting

EMMONS & OLIVIER RESOURCES CANADA INC.

Camilla Correll – Project Manager
Kerri Robinson, P.Eng. – Assistant Project Manager, Project Engineer
Karli McCawley – Stormwater Analyst



EXECUTIVE SUMMARY

The Regional District of Nanaimo's (RDN's) Regional Strategy for Rainwater Management (RSRM) forms the foundation of a sustainable approach to rainwater management within the RDN. Due to the number of overlapping jurisdictions present in the region, including private forestry, municipalities, provincial ministries and First Nations, rainwater management has been tackled in many different ways, using various standards, policies and approaches. Disparity in the region exists both in the existence and strength of standard requirements for rainwater management, as well as in the resources available to approve sustainable, resilient development. Many resources already exist to inform a regional watershed-based approach to rainwater management in the area and the RSRM works to bring them together, both to identify and fill remaining gaps and to develop a cohesive approach that accounts for local differences. Foundational to the RSRM are studies and assessments that provide a scientific basis to justify and support a water-balance based approach to rainwater management, upon which defensible performance targets and implementation tools grounded in the policy and jurisdictional framework of the region are formed.

Rainwater is the term used to encompass all precipitation, including snow melt, that falls on the surface of the land or water. Natural, unaltered watersheds soak up rainwater like a sponge, nourishing plants and replenishing streams, lakes, wetlands, and aquifers. Along with development of the land to facilitate housing, transportation, industry and commerce comes impervious surfaces, such as pavement and roofs, which prevent precipitation from naturally participating in the hydrologic cycle through processes of infiltration, evaporation and transpiration. Instead, in urban areas, the water runs quickly into storm drains, sewer systems, drainage ditches and watercourses, moving faster and in greater volumes than the natural hydrologic features of the land are capable of adapting to. This puts additional pressure on built infrastructure (commonly called grey infrastructure due to its composition of concrete, plastic and metal parts) that lacks the capacity to expand or adapt to new conditions. Exceeding the capacity of grey infrastructure results in flooding, erosion of natural watercourses, degradation of natural ecosystems and damage to public and private property, all of which will be compounded if future predictions about more intense rainfall events are realised.

Rainwater management is the approach used to control, treat and convey precipitation within the landscape, using both natural and built infrastructure. Sustainable, resilient rainwater management considers the full hydrologic cycle, and changes in climate, when identifying opportunities for safely capturing, storing, treating, conveying and discharging water on the landscape. Drought is as much a part of the hydrologic cycle as floodwaters are, and resilience requires building flexibility into the landscape to lessen the severity of the impacts of both extremes. Considering rainwater as a resource that can be used to solve problems, rather than a nuisance, is a key element of adopting a resilient strategy for rainwater management.

To ensure a resilient rainwater management approach, the RSRM includes the details for the **foundation setting studies and assessments** that will provide the scientific, educational and economic platform that the implementation of the RSRM will be built on. They include:

- | | |
|-------------------------|---------------------------------------|
| 1. Watershed Studies | 3. Regional Climate Change Assessment |
| 2. Watershed Monitoring | 4. Funding Assessment |

Performance targets are the method of applying a consistent approach to resilient rainwater management across the region. In order to support consistency in the approach, targets must be clearly defined, defensible and based on science to avoid ambiguity during the development application process. Performance targets are directly linked to the watershed, groundwater and climate change science compiled by the foundation setting studies and assessments. The following four types of performance targets are recommended for the RSRM, with clearly defined terminology and backed by a preliminary Statement of Need and Reasonableness (SONAR) that will be updated as the foundation setting studies and assessments are completed:

1. **Release Rates Targets** limit peak flows discharged from the site to support the stability of receiving watercourses.
2. **Retention Volume Targets** capture on-site additional runoff volumes resulting from development in excess of runoff from the unaltered natural watershed condition.
3. **Recharge Volume Targets** match the volume of rainwater infiltrated on site to the volume that would have infiltrated within area of the unaltered natural watershed condition.
4. **Water Quality Targets** limit the levels of pollutants entering the receiving waters to protect public health and maintain healthy aquatic ecosystems and riparian habitat.

Implementation tools provide the technical and regulatory mechanisms to support implementation of the RSRM and performance targets. Implementation tools include regulation and policy, design standards and specifications, guidance documents and strategic planning tools. Examples of policies and tools used by other jurisdictions are provided as a basis upon which the RDN, and local municipalities if desired, can integrate the science-based approach to rainwater management into their existing regulatory structure. Policies, bylaws, development permit areas (DPAs), official community plans (OCPs) and land covenants are examined as potential methods of implementing the RSRM. Strategic planning tools include regionally coordinated programs to address recharge and regional rainwater management facilities, asset management planning and continued education and outreach, along with community partnerships, to ensure that rainwater management is continually developing and supported in the region.

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DEFINITIONS

Aquifer is groundwater collected within a body of permeable rock.

Better site design incorporates non-structural and natural approaches to new and redevelopment projects to reduce effects on watersheds by conserving natural areas, reducing impervious cover and better integrating stormwater treatment.

Evaporation is the process of turning liquid water into vapour.

Groundwater-Dependent Natural Resources (GDNR) are rare natural communities where soils are saturated from the upwelling of groundwater, creating spring rivulets and wet areas.

Groundwater is the water contained in the soil or in pores or spaces in rock.

Groundwater recharge occurs when water moves downward from surface water through soil and rocks to aquifer.

Hydrologic cycle is the circular process through which water passes from atmospheric vapour, through precipitation onto the land or water, and ultimately back into the atmosphere through evaporation and transpiration by vegetation.

Infiltration occurs when water sitting on the surface of the soil moves downward to fill the spaces within the soil or rock.

Infiltration system is a device or practice such as a basin, trench, underground system, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices such as swales or roadside channels designed primarily for conveyance and pollutant removal.

Low impact development (LID) commonly includes, but is not limited to, better site design when developing around natural hydrologic features, groundwater recharge, rainwater/stormwater harvesting & reuse, raingardens, bioretention facilities, infiltration galleries, tree trenches, bioswales, etc.

Pre-development natural watershed condition is the condition of the site preceding the creation of impervious surfaces or preceding changes in hydrology or infiltration by an alteration of site vegetation or contour.

Pre-treatment BMPs can include, but are not limited to, sediment pool/forebay, vegetated waterway, street sweeping, self-contained hydraulic and separation structures, or any other device designed to reduce inflowing solids by at least 50% and other pollutants to a level that can be treated satisfactorily in an infiltration practice.

Rainwater is the term used to encompass all precipitation, including snow melt.

Rainwater management is the approach and technologies used to collect, convey and discharge runoff from the landscape to the natural environment. The term stormwater management, used by many other jurisdictions, is considered synonymous with rainwater management. For the purpose of this report, the term rainwater management will be used, and is intended to include the concepts and approaches referenced to by either or both terms.

Surface water features include streams, creeks, rivers, lakes, wetlands, gullies, ephemeral streams, ponds, etc.

Transpiration is the means by which plants uptake water through their roots and release it into the atmosphere as a product of growth.

ACRONYM LIST

BMP	Best Management Practice
CCME	Canadian Council of Ministers of the Environment
CLOCA	Central Lake Ontario Conservation Authority
COFFEE Model	Coastal Fall Flood Ensemble Estimation
CTC	CVC, TRCA, CLOCA
CVC	Credit Valley Conservation
CVRD,	Comox Valley Regional District
DPA	Development Permit Area
DRASTIC	Depth, Recharge, Aquifer media, Soil media, Topography, Impact, Conductivity
EAP	Ecological Accounting Process
EOR	Emmons & Olivier Resources Canada Inc.
FCM	Federation of Canadian Municipalities
FLNR	Forests Lands Natural Resources
GARP	Groundwater At Risk of containing Pathogens
GDNR	Groundwater Dependent Natural Resources
GI	Green Infrastructure
GIS	Geographic Information System
GMF	Green Municipal Fund
IDF	Intensity Duration Frequency
ISMP	Integrated Stormwater Management Plan
LID	Low Impact Development
MAFF	Ministry of Agriculture, Food and Fisheries
MAMP	Municipal Asset Management Fund
MFLNRO	Ministry of Forests, Lands and Natural Resources Operations
MNAI	Municipal Natural Asset Initiative
MOESS	Manual of Engineering Standards and Specifications
MOTI	Ministry of Transportation and Infrastructure
MOU	Memorandum of Understanding
OCP	Official Community Plan
RDN	Regional District of Nanaimo
RSRM	Regional Strategy for Rainwater Management
RWM	Rainwater Management
RWMP	Rainwater Management Plan
SLR	Sea Level Rise
SONAR	Statement of Need and Reasonableness
STEP	Sustainable Technologies Evaluation Program
TAC	Technical Advisory Council
TRCA	Toronto Region Conservation Authority
VMP	Vulnerability Mapping Project
WHPA	Well Head Protection Area
WQ	Water Quality

1. INTRODUCTION

The Regional District of Nanaimo (RDN) has retained EOR to develop the Regional Strategy for Rainwater Management (RSRM), providing direction and an implementation plan for sustainable, resilient rainwater management in the region. Due to the number of overlapping jurisdictions present in the region, including private forestry, municipalities, provincial ministries and First Nations, rainwater management has been tackled in many different ways, using various standards, policies and approaches (see Gap Analysis in Appendix A). While many resources already exist to inform a watershed-based approach to rainwater management in the area, they have not yet been brought together to form a cohesive approach that accounts for local differences. Disparity in the region exists both in the existence and strength of standard requirements for rainwater management, as well as in the resources available and authority for approving sustainable, resilient development. Through workshops, working group meetings and public engagement, the expectations, roles & responsibilities, opportunities and barriers to rainwater management were assessed in order to develop the specific tools and recommendations needed to support resilient rainwater management in the RDN (see Workshop Summaries in Appendix C). A jurisdictional review looked at a range of other communities and the approaches they have taken to rainwater management that could be applied in the RDN (see Jurisdictional Review in Appendix A) and has informed many of the recommendations and samples of policy provided herein.

This RSRM forms the foundation of the rainwater management approach to be taken by the RDN and regional partners, providing recommendations for activities focusing on science-based tools and water-balance targets that may be adopted regionally. The feedback received, and review of existing and potential approaches, has set the direction of the RSRM outlined in this document.

1.1. Location

The Regional District of Nanaimo (RDN) is located on the eastern side of Vancouver Island, British Columbia (Figure 1). The RDN is situated within the traditional territories of several First Nations, including Snuneymuxw First Nation (Figure 2), Snaw-Naw-As First Nation (map not provided) and Qualicum First Nation (map not provided). It includes seven electoral districts (A to H), four municipalities including the City of Nanaimo, District of Lantzville, City of Parksville and Town of Qualicum Beach, crown land, agricultural land reserve and privately owned managed forests (Figure 3). The RDN frames its land base in terms of seven (7) Water Regions, for the purposes of water-centric organization and planning (Figure 4). The Water Regions are not defined based on single watersheds, but are based on a combination of watersheds, aquifers, and political boundaries.

1.2. Objectives

The following three (3) objectives were set by the RDN to guide development of the RSRM:

- 1. To outline a strategy for collaborative rainwater management in the region, at the watershed scale, for the protection of private property and the environment.
- 2. To coordinate actions across jurisdictions to maintain healthy watersheds in the context of climate change, land use pressures and evolving best practices for rainwater management.
- 3. To provide a basis to update policies, standards and bylaws, inform education and outreach, and support grant funding applications for infrastructure upgrades.



Figure 1. Location Map



Figure 2. Snuneymuxw First Nation Traditional Territory

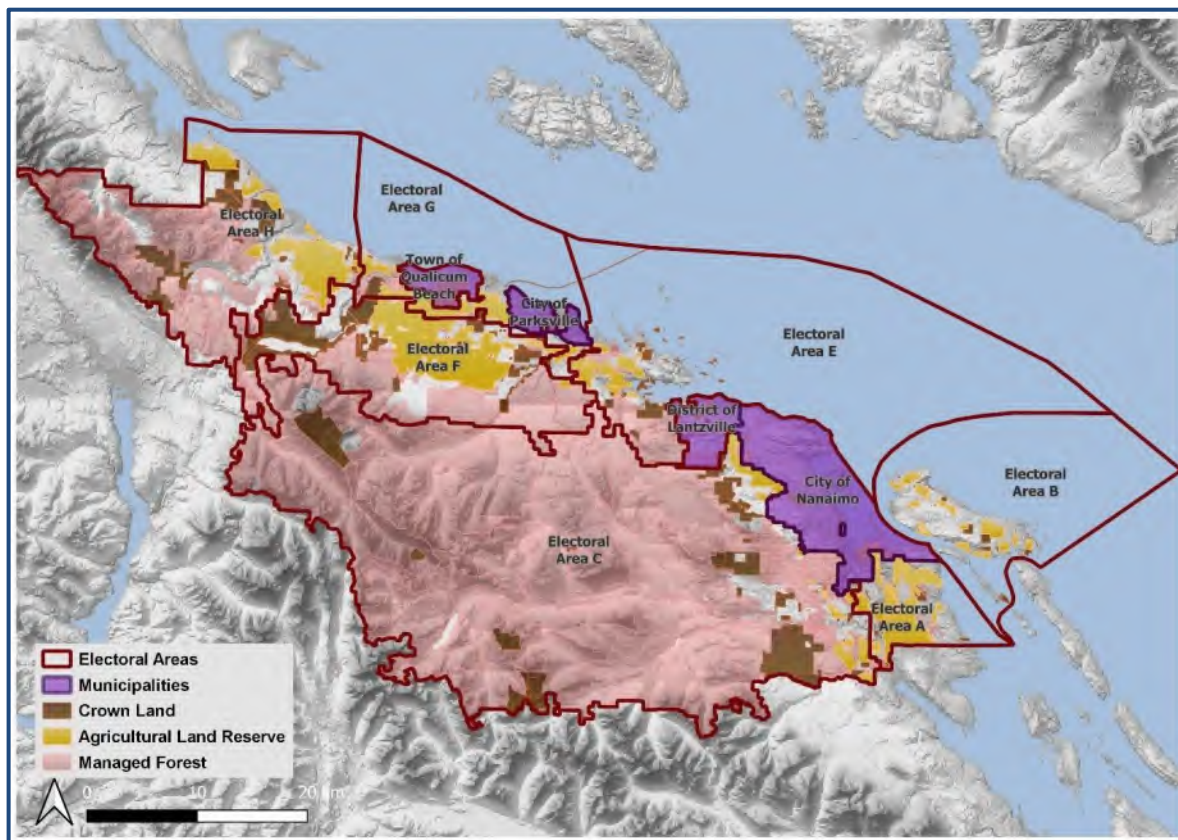


Figure 3. RDN Municipalities and Electoral Areas

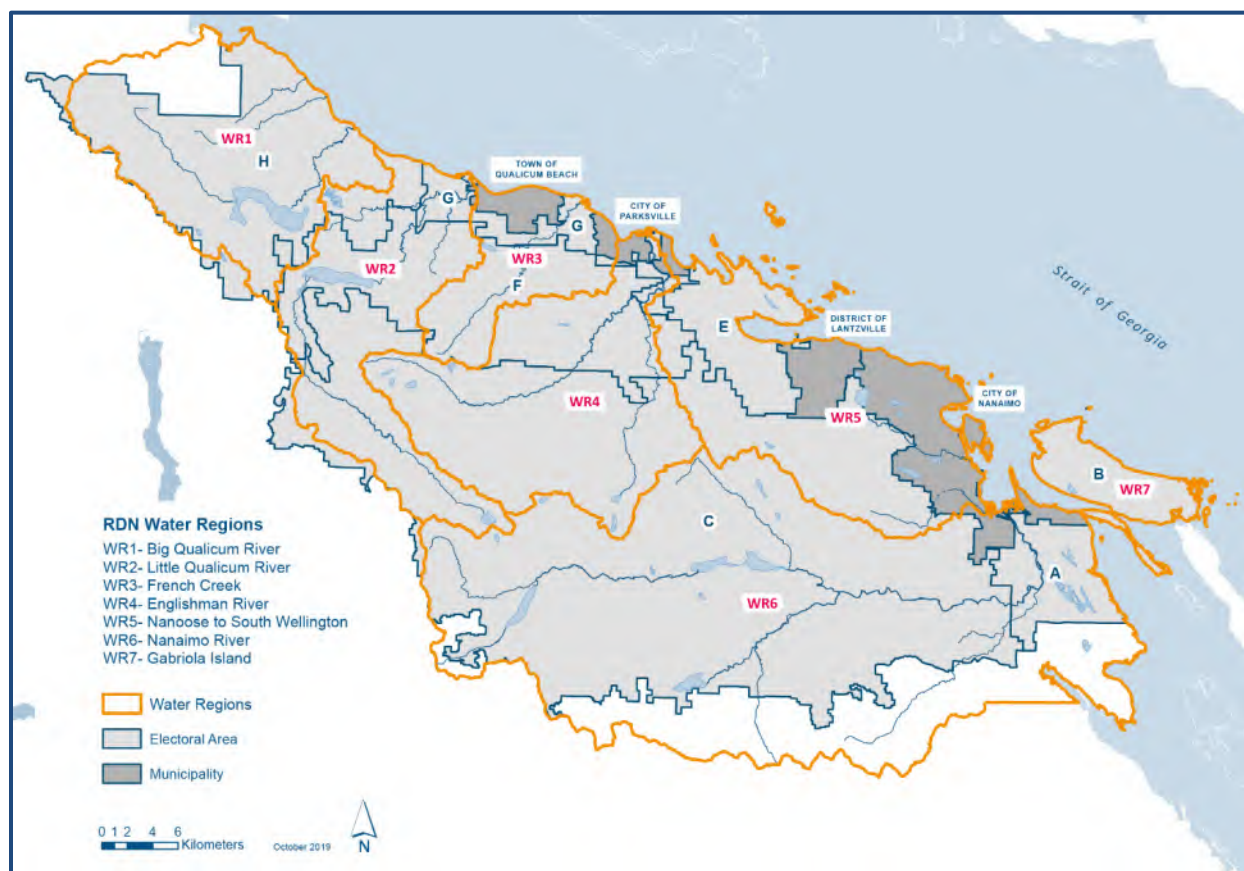


Figure 4: RDN Water Regions

2. STATEMENT OF NEED AND REASONABLENESS

This Statement of Need and Reasonableness (“SONAR”) presents a summary of justification for the RDN’s Regional Strategy for Rainwater Management. The SONAR provides the scientific background to support the RDN’s implementation of the activities and tools included in the RSRM for the benefit of the land and water resources in the region and the undertaking of administrative burdens associated with the strategy. This SONAR is general in nature and based on industry best practices intended to support immediate action for rainwater management in the region. As the science-based studies and tools included in the RSRM are implemented, this SONAR should be replaced by SONARs for each target or category of targets, and include the scientific justification, design requirements, policies and programs needed to achieve the associated rainwater management goals. Prior to identification of science-based targets specific to each watershed, interim targets may be implemented according to industry best practices aimed at achieving natural watershed conditions.

Rainwater is the term used to encompass all precipitation, including snow melt, that falls on the surface of the land or water. Under *natural watershed conditions*, a portion of rainwater infiltrates into the soil, which in turn recharges groundwater, feeding groundwater-dependent natural resources. As the soil becomes saturated, excess water flows over the land as runoff and replenishes rivers, lakes, streams, wetlands and low-lying areas. The amount of water that infiltrates is directly related to the type of soil and vegetative cover present. For instance, unvegetated clay soils typically have a higher amount of runoff than sandy soils with dense vegetation. In a natural system most rainfall evaporates, infiltrates or is taken up by plants and transpired. Natural, unaltered watersheds soak up rainwater like a sponge, nourishing plants and replenishing streams, lakes, wetlands, and aquifers.

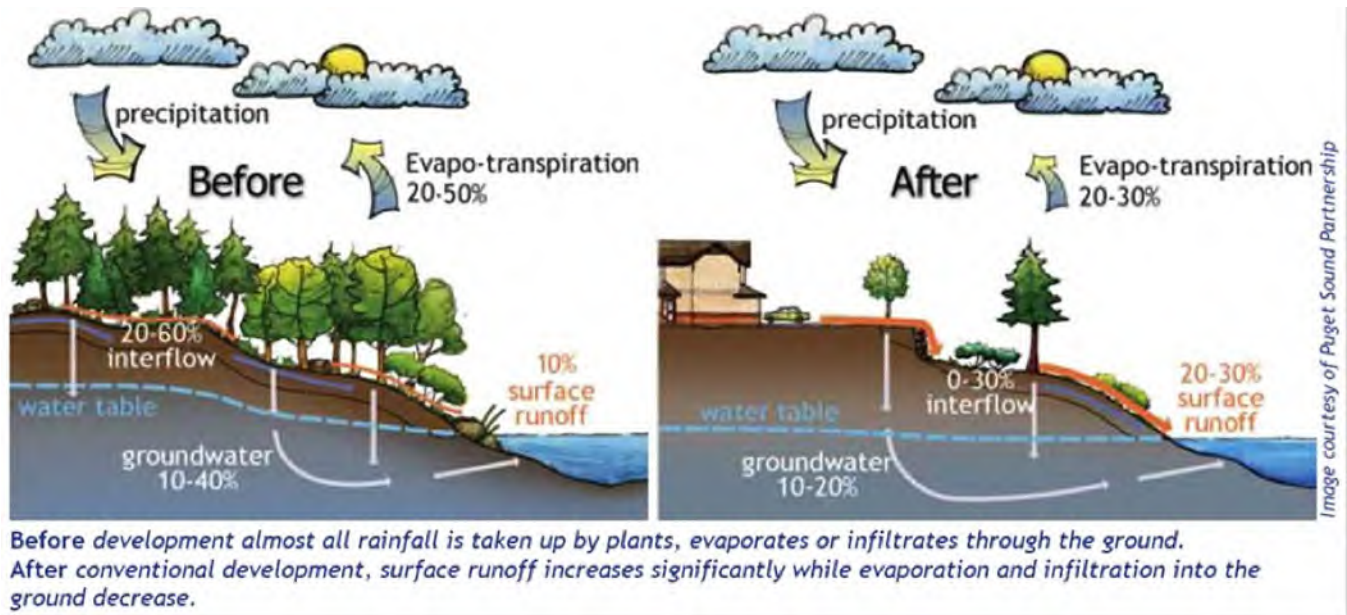


Figure 5: Coastal BC Annual Water Balance (Adapted from Puget Sound Partnership & Water Balance Approach on Vancouver Island (2018))

Development of the land to accommodate housing, transportation, industry and commerce creates impervious surfaces such as pavement and roofs which prevent precipitation from naturally soaking into the ground. Instead, in urban areas, the water runs quickly into storm drains, sewer systems, drainage ditches and watercourses, moving faster and in greater volumes than the natural hydrologic features of the land are capable of absorbing (Figure 5). This puts pressure on both natural resources as well as built infrastructure without the capacity to expand or adapt to new conditions, resulting in flooding, erosion of natural watercourses, degradation of natural ecosystems and damage to public and private property.

2.1. Terminology

Many jurisdictions have found the term “pre-development” to be ambiguous. Sometimes it is understood as equivalent to the “existing condition,” while in other situations it is assumed to reflect agricultural or managed forest conditions where contours and land cover have been altered without the addition of impervious surfaces. The goal of resilient rainwater management is to mimic natural hydrologic conditions prior to the alteration of land, vegetation or the natural water balance as much as possible to cause the least impact to downstream resources. Requiring applicants to meet “pre-development” conditions may imply they are only required to match the hydrologic function of the site immediately preceding the development application under review, also known as the existing condition. Peak rate, volume control and water quality standards set for the hydrologic function of a “natural watershed condition” - defined as preceding the creation of impervious surfaces or changes in hydrology or infiltration by an alteration of site vegetation or contour - will result in a higher level of protection that more closely mimics the natural processes that dominated the landscape prior to development of the land.

In order to ensure mutual understanding is achieved between site designers and approvals staff, ambiguous terms should be replaced in policy and procedures as soon as possible in order to close loopholes and achieve a resilient landscape into the future. Interim targets using strengthened terminology such as ‘natural watershed condition’ may be set prior to completion of watershed studies, following best practices in the industry, and to support immediate action towards achieving the goals of the RSRM. When standards are desired that relate to the condition and hydrologic function of the land immediately prior to development, the term ‘existing conditions’ is recommended.

2.2. Rainwater Management

Managing rainwater involves ensuring that the movement and collection of rainwater will not have adverse affects on private and public property, natural water bodies and watercourses, and natural ecosystems and habitats. Rainwater management is the approach used to control, treat and convey precipitation within the landscape, using both natural and built infrastructure. It typically involves controlling the flow rates, volumes and quality of rainwater released from a site into a stormwater system or natural receiving waters.

A combination of source controls, conveyance or routing practices, traditional (grey) rainwater management infrastructure and end-of-pipe solutions is appropriate in developing a resilient regional approach to rainwater management. Traditionally, source controls have not been implemented, relying instead on engineered, or grey infrastructure including pipes, ponds, outfalls, pump stations, to quickly move rainwater away from private and public property. Conveyance practices include pipes and ditches that move water from one location to another while protecting lives, property and natural features. End-of-Pipe controls typically focus on limiting peak flow discharge rates to downstream infrastructure and may be combined with water quality enhancement. While there are benefits to controlling runoff in this manner related to

protecting downstream infrastructure during high intensity events, these facilities are unable to match the natural functional hydrology of the site. Source controls, or low impact development (LID) and Green Infrastructure (GI) solutions seek to manage rainwater throughout site development by working with the functional hydrology of the site (see Figure 6). Requiring source controls through application of performance targets at the lot-scale allows for more equitable distribution of rainwater management based on imperviousness or area disturbed. Combining source controls with site design approaches, such as Better Site Design, that preserve natural hydrologic features such as drainage ways, groundwater-dependent natural resources, recharge areas and natural assets allow developments to more closely mimic the predevelopment natural watershed condition.

The full hydrologic cycle and changes in climate, are critical considerations when identifying opportunities for safely capturing, storing, treating, conveying and discharging water on the landscape. Drought is as much a part of the hydrologic cycle as floodwaters are, and resilience requires building flexibility into the landscape to lessen the severity of the impacts of both extremes. Considering the impacts of rainwater management approaches at the watershed scale and in terms of watershed-level cumulative effects, whether on residents, habitat, water quality, flows, volumes, or other indicators, is critical to achieving natural watershed conditions.

Altering natural hydrologic function through re-contouring, clearing vegetation, soil compaction and increasing imperviousness during development of a site results in increased volumes of runoff leaving the site at a faster rate. Increased runoff **peak flows** occurring during storm events may degrade the stability and function of rivers and streams, causing erosion, increased pollutant loads, and flooding. Cumulative increases in peak flows from several upstream developments can eventually exceed the capacity of built stormwater conveyance systems (pipes and ditches) causing flooding away from watercourses, the result of storm sewer backups or full pipes that cannot accept additional flows (surcharging). Increased volumes of surface runoff may increase the duration of elevated flows as stormwater ponds release the captured volumes over time, degrading the stability and function of rivers and streams, causing erosion and changing the shape of natural channels to accommodate the new flow regime. Changes in the intensity and duration of rainfall events are expected as climate change progresses and resilient rainwater management needs to expect and design for these events.

There exists a direct correlation between the volume of runoff and the length of time that a receiving waterbody remains inundated when water levels are elevated after a precipitation event. **Volume control** practices tend to encourage infiltration and transpiration, reducing the amount of surface runoff. Increased runoff volume also signifies a decrease in the amount of water infiltrating into the soil for interflow and groundwater recharge. Groundwater baseflow sustains the rivers and creeks in the RDN and groundwater supports the function and value of groundwater-dependent natural resources. As residents depend on groundwater as a source of water for household use, it is important to ensure that an adequate **recharge volume** is allowed to infiltrate and replenish aquifers and groundwater-dependent natural resources.

Terrain alteration, erosion during and following construction, and the replacement of natural, vegetated cover with impervious surface such as roadway, rooftop, parking area or sidewalk increases the transport of both sediments and man-made pollutants, such as oil and grease, antifreeze, deicing materials, metal and rubber particles from motor vehicles, fertilizers and herbicides, into downgradient surface waters. As well, both runoff from impervious surfaces and storm water outflow from rainwater management ponds can reach

higher temperatures and can increase the thermal load to a stream or lake thereby stressing cold-water fish populations such as trout. Provincial and federal standards address constituents of many of these known pollutants, providing maximum acceptable acute and chronic concentrations for recreation, protection of aquatic life and drinking water (CCME). Watershed specific **water quality** targets more stringent than the federal and provincial requirements may be required to restore watercourses and water bodies that are already impacted.

2.3. Natural Assets

Traditionally, rainwater management has focused on built infrastructure, including ponds and ditches. Since one of the goals of the RSRM is to maintain or mimic the natural hydrology of our watersheds, the strategy should also consider the role of natural assets in rainwater management. Recognizing the role natural assets (wetlands, forests, open space, etc.) play in managing rainwater, and accounting for these functions within the site design by conserving natural areas, reducing impervious cover and integrating rainwater treatment using non-structural and natural approaches (Better Site Design) elevates the perceived value of these resources and can rationalize the protection and investment in protecting these areas.

Natural assets include, but are not limited to, parks, open spaces, forests, wetlands, streams, riparian areas, and springs. The term Green Infrastructure (GI) applies to engineered facilities that rely on natural processes to manage rainwater such as bioretention and infiltration facilities and other low impact development (LID) features. Asset management is rising in the minds of municipal managers as the benefits related to justifying necessary improvements and repairs based on risk and social equity are becoming increasingly apparent. In the same way, the wisdom of managing natural assets as contributing to the overall function of various elements of the urban and rural environment is beginning to be recognized. From purely a rainwater management point of view, valuing natural resources according to the capital, operational and maintenance costs that would be required to build infrastructure to provide comparable ecosystem and hydrologic services is appropriate. Natural assets provide far more benefit to a community than just rainwater management and therefore a full cost accounting through a natural asset valuation process (e.g., Municipal Natural Asset Initiative (MNAI) or Ecological Accounting Process (EAP)) may be applied across several asset classes. Finally, due to their reliance on natural processes, natural assets provide resiliency in the face of climate change impacts (e.g., reducing urban heat island effect, buffering flood waters, carbon sequestration, generating oxygen, etc.) and benefits in this regard should not be underestimated in their valuation and management.

2.4. Climate Resiliency

As communities built to manage historic climate related events (flood, drought, wind, and heat) experience events that exceed the historic design criteria, they are often subject to public and private property damage, threat to public safety, exorbitant clean up and restoration costs, and disruptions in reliable delivery of many community services. Consideration of the impacts of changing climate variables in design is increasingly being considered the responsible and necessary approach for local governments. Increasingly the insurance industry is developing their own tools related to climate impacts in order to limit their liability for paying out for damages related to climate extremes. Additionally, legal liability exists under common law for communities that do not keep up with minimum Canadian municipal design standards to accommodate climate change impacts. Using currently available climate change projections at the regional scale will facilitate immediate planning efforts and should be updated as the science evolves to incorporate more

localized products. This planning level information will help local municipalities, the RDN, MOTI and other agencies with jurisdiction to assess their needs under a changing climate in a more consistent and cost-effective manner.





Figure 6: Green Infrastructure Rainwater Management Techniques

3. APPROACH

The intention of the RSRM is to provide a clear path to achieving a resilient rainwater management approach within the RDN. Resiliency includes managing rainwater during extreme climate conditions, supporting continued use and development in the area, recognizing the value of rainwater, promoting community-based stewardship and prioritizing opportunities for environmental sustainability. Figure 7 details the structure of the RSRM that is contained within the remainder of this document.

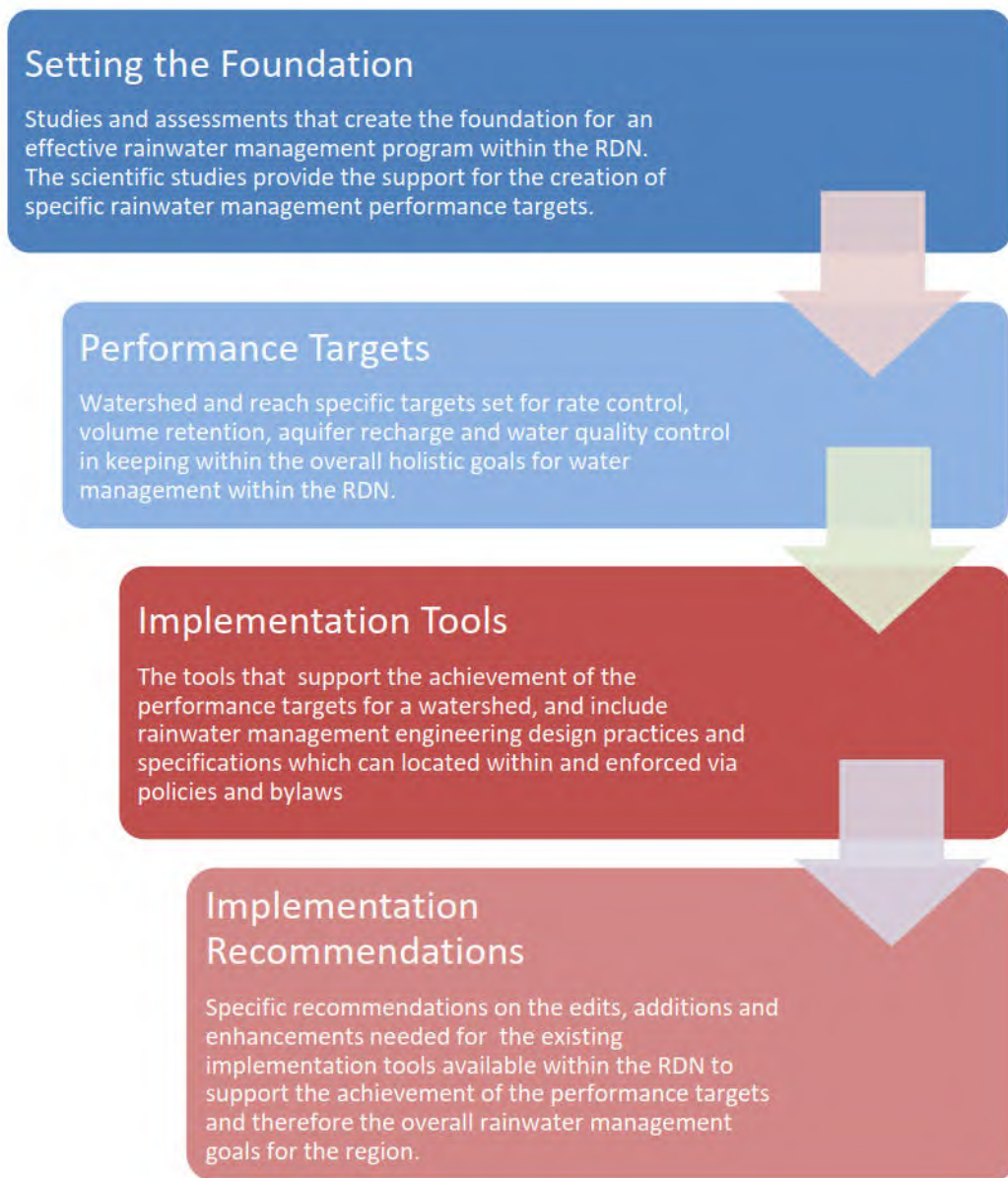


Figure 7: Structure of recommendations with the RSRM

Foundational studies and assessments are intended to build the scientific justification for performance targets, initiatives and programs that will be implemented through the RSRM. Implementation tools are the means by which the RDN, and any adopting municipalities, may begin to apply the scientific findings of the foundational studies and assessments consistently and defensibly across the region. These tools are accompanied by recommendations that will guide the RDN through the process of moving from scientific studies to regulatory enactment and include methodologies that will support consistent application of these critical targets across the region. This approach taken within the RSRM is intended to provide a clear pathway guiding the RDN and any adopting municipalities from the current baseline rainwater management approach toward a more resilient landscape, adapting to the changes expected in the future from climate change and development pressures.

Performance targets are key parameters that are either directly measurable or can be clearly inferred from other measurable metrics. They are typically used as both design parameters and the indicators of compliance with the standards. The typical rainwater management performance targets are discussed in more detail in Section 5 - Setting Performance Targets and as is intended for the RSRM, an adaptive management approach should be taken with the performance targets. Interim performance targets may be set prior to gaining a complete understanding of the state of the watershed and the science-based targets that support a return to a natural watershed condition or that incorporate climate resilience measures. Interim targets can require designs that meet or exceed hydrologic and hydraulic conditions of the site as it would have been in the natural watershed condition. For example, several development targets currently set in the RDN are related to the ambiguous 'pre-development' condition and could be updated simply by replacing the term 'pre-development' with 'natural watershed condition'.

Once there is scientific evidence to support more specific requirements for rainwater management that consider the cumulative watershed impact, as has been recently completed for French Creek, the interim performance targets can be replaced by science-based performance targets. Given that the location of a property under development will determine what the applicable rainwater management targets are, a map-based system may be an effective way to clearly communicate the various targets with the public, consulting engineers and approvals staff (Figure 8). Interim targets would remain in areas where watershed studies have not yet been completed and replaced as the science-based assessment of each reach within the watershed occurs. Using a map-based approach to communicate at any point in time what the most current performance targets are on a watershed basis, supports an adaptive management approach allowing for timely updates as watershed studies and monitoring are completed.

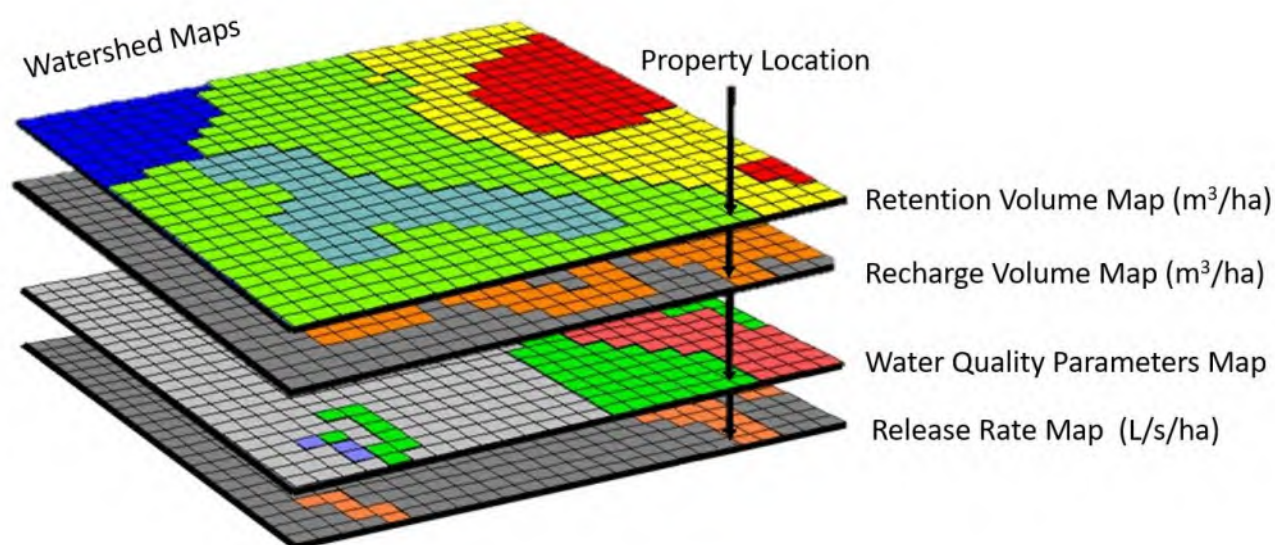


Figure 8: Mapping Layers example

Adaptive management is an appropriate approach to ensuring both that the targets are achieving the goals of restoring the natural watershed conditions, and that the emerging impacts of climate change are incorporated into the performance targets. Ongoing monitoring of stream health and stability, aquifer levels, habitat health and other metrics will reveal where performance targets need to be adjusted to ensure that the natural water balance is maintained and existing systems, both natural and anthropogenic, are protected from the cumulative impacts of development. Resilience in the face of climate change will likely require innovative rainwater management approaches, and aggressive performance targets, to mitigate the impacts of drought and flooding on water supply, natural assets and the infrastructure that maintains the quality of life of residents of the region. Watersheds and climate change impacts do not adhere to political boundaries and regional approaches to achieving a natural watershed condition and mitigating the impacts of climate change will need to be approached broadly throughout the region, through collaborative partnerships between all jurisdictions, communities, and land managers. The remainder of the RSRM provides additional detail about the foundational studies and assessments required for setting science-based performance targets and recommendations for implementing and funding the RSRM.

4. SETTING THE FOUNDATION FOR RAINWATER MANAGEMENT

The foundational studies and assessments outlined within this section focus on gathering the science that is needed to set justified and defensible rainwater performance targets within the RDN, and on developing consistent funding and support to drive implementation of the RSRM. Due to the long history of environmental stewardship work already occurring within the RDN, these elements are, for the most part, established works or programs and this strategy looks to bring them together within a rainwater management framework and close any gaps that might exist.

Ultimately, establishing a solid foundation of knowledge will inform the creation of rainwater management performance targets that are specific to a watershed, natural area or aquifer, and be designed to ensure the protection of public and private property and the environment. The strategy recommends gathering most of the foundational science from watershed studies, either completed, in process or planned and through the consolidation of existing knowledge from within the province, region, municipalities and the wider rainwater management field. To ensure that this scientific knowledge has a chance to be applied, a source of reliable and ongoing funding for rainwater management must be found.

Closing the gaps that exist in the science supporting specific performance targets will take time and resources, however the need to start moving toward a resilient landscape is felt urgently in the region. Interim performance targets should be set using the justification in the Statement of Need and Reasonableness (SONAR) and based on industry best practices for rainwater management. Interim rainwater management performance targets for the RDN can be adopted from municipal and provincial standards or can be set based on seeking to mimic natural watershed conditions. Targets set for the natural watershed condition can be applied to regional management initiatives as well as site specific solutions.

This section outlines those required elements within these foundational studies and assessments that are required to establish an effective rainwater management program and include the following actions which are discussed in more detail in Table 1, below.

Table 1: Foundation Setting Actions

#	Foundation Setting Actions
1	Watershed Studies to set Performance Targets Conduct new, or review existing, watershed studies for the purpose of setting rainwater management performance targets specific to each Water Region and reach.
2	Watershed Monitoring Continue, and expand as needed, monitoring of watershed parameters to support watershed studies and enable evaluation of program and policy efficacy in mitigating impacts of development and climate change, informing adaptive management approaches to watershed health.
3	Regional Climate Change Assessment Conduct, or select, a region wide climate change assessment specific to rainwater management for the purpose of providing a unified knowledge base of the potential impacts of climate change. This assessment will be used to inform how the rainwater

	management performance targets and initiatives should be adapted to account for these potential impacts.
4	Rainwater Management Funding Assessment Complete an assessment of funding needs and potential avenues for funding to ensure a sustainable rainwater management program is created and goals are met.

Though this section is termed ‘Setting the foundation for rainwater management’, it is not expected or suggested that the actions outlined above must be completed in full before proceeding with further recommendations from within the RSRM. The elements provided within these studies and assessments provide a foundation on which to build a solid rainwater management program, but that foundation must be revisited in an adaptive way, as more studies are completed, and the impacts of targets are observed through monitoring.

The adaptive management approach illustrated in Figure 9 demonstrates how constant monitoring, feedback and adjustments of the performance targets are needed to move towards achieving the goals for rainwater management within the RDN. This process would also include updates to the SONAR for rainwater management and, eventually, replacement with target specific SONARs based on the watershed studies and monitoring results. Any updates to the performance targets will be accompanied by updates to the associated Policies, Regulations and Bylaws, and would remain undergirded by the foundational studies and assessments.

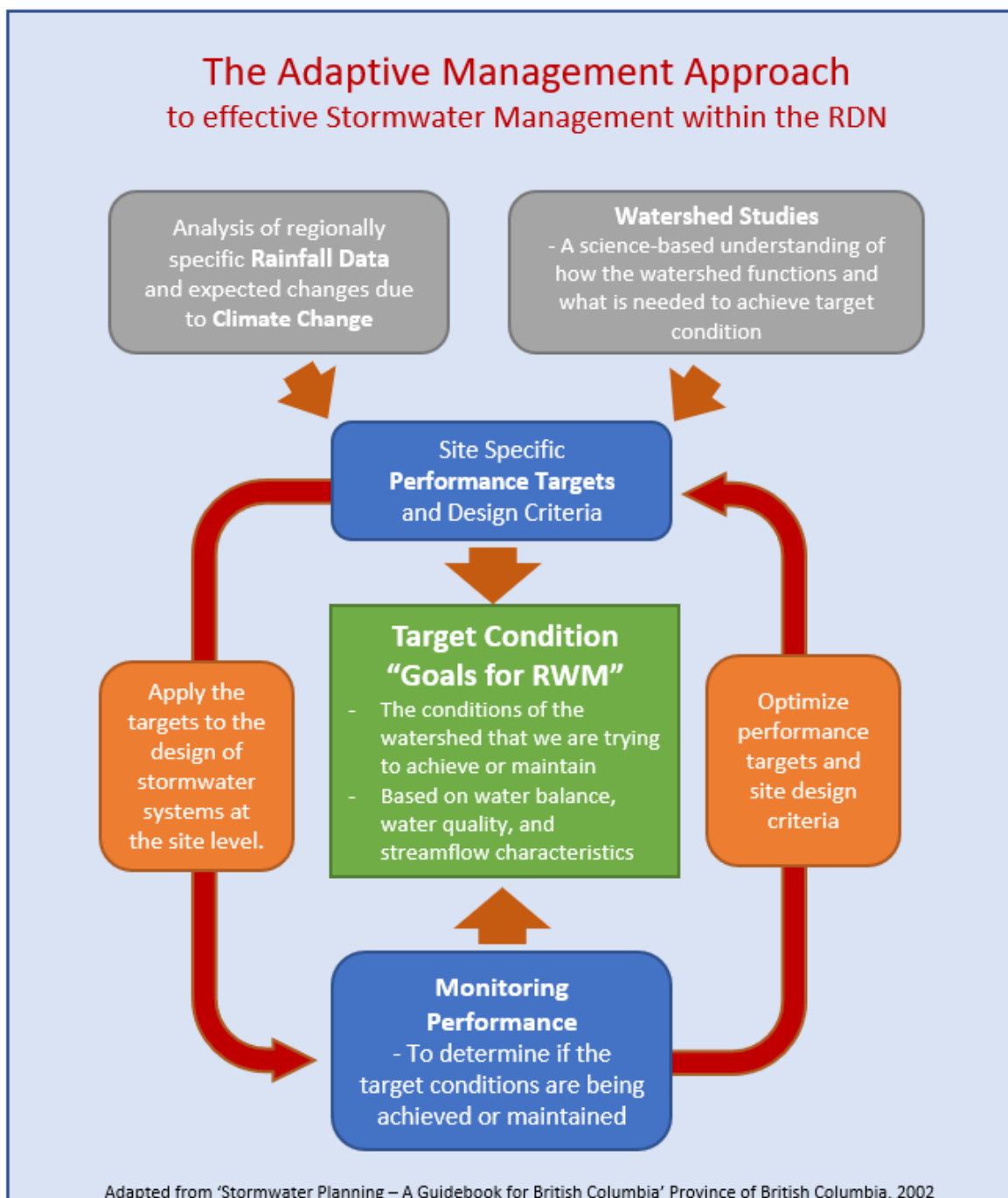


Figure 9: The Adaptive Management Approach

4.1. Watershed Studies to set Performance Targets

Foundation Setting Action 1: Conduct new, or review existing, watershed studies for the purpose of setting rainwater management performance targets specific to each water region and reach.

Understanding the current state of a watershed from a rainwater management lens can help identify the actions needed to ensure that development can occur while still maintaining the natural hydrologic function and ecological processes of that watershed. The natural watershed condition is identified as the 'Target Condition' in Figure 9, above and includes the maintenance or restoration of the natural hydrologic function of the watershed as was present prior to alteration of contours or vegetation. The functions of the watershed (from a rainwater management perspective) include the collection of rainfall, storage, and release of water during different seasons, and the conveyance of runoff to streams, rivers, and the ocean, while supporting healthy and diverse ecosystems. Watershed studies assess the current condition as well as the expected impacts of development growth on the hydrology of the contributing area and watercourses. They identify reach-specific performance targets necessary to mitigate impacts of development and restore hydrologic function to the natural watershed condition. The impacts of the changing climate are also considered in development of reach-specific targets intended to address the combined impacts of development and climate change impacts.

More information and tips for setting performance targets for the RDN is provided in Section 5 but the most common and widely accepted include the following:

Release Rate targets

- How fast can water be released from development into adjacent watercourses and infrastructure during a precipitation event of specified frequency. This target limits peak flows and maintains capacity to convey water safely to the receiving water.

Retention Volume targets

- Volume of water running off the land during a precipitation event of specified frequency that must be captured and managed on site, based on the amount of site imperviousness. This target ensures that development manages the additional runoff generated by increasing the site imperviousness.

Recharge Volume Targets

- Portion of the Retention Volume Target that must be infiltrated. This target maintains the groundwater component of the water balance. Ideally this target will be paired with a limit on the allowable impervious coverage (%) to ensure that natural infiltration processes are protected. The recharge volume target will necessarily vary with site-specific soil and aquifer conditions, and, in some areas, infiltration may not be possible due to slope stability or unsuitable soils. See the recommendation to establish a Recharge Management Program for details on possible approaches to this variability.

Water Quality targets

- The level of treatment required prior to release of water from a development. This target protects and restores healthy aquatic habitats and prevents sedimentation of rainwater infrastructure.

Many studies have already been conducted on the watersheds within the RDN, focusing on some or all of the items necessary for setting robust performance targets (see Table 2). Prioritization of the remaining partially-studied or unstudied watersheds should be conducted to determine the next watershed to be completed. Where performance targets are available from completed studies, they may be immediately applied, while interim targets are recommended for partially or unstudied watersheds (more information on interim targets is provided in Section 5.5). Performance targets will be implemented and enforced through RDN bylaws and policies as outlined in Section 6.2, below.

Table 2: Elements to Include in Performance Target Setting Watershed Studies

Watershed Study Elements	Description	Link to Performance Target
Hydrologic Analysis	This will include the current baseflow, inflows, hydrographs, and flow modelling for all reaches of the watershed.	Inform Release Rate, Retention Volume and Recharge Volume targets
Water Quality Evaluation	This will provide information on current sediment and pollutant loads and temperature	Create Water Quality performance targets
Current State Evaluation	This will identify areas in need of mitigation like slope instability, bank erosion, etc.	Inform area specific targets that may differ from reach targets
Surface Water & Groundwater Budgets	Water Budgets estimate the hydrological balance of surface flow, interflow and groundwater recharge for each watershed and aquifer to maintain drinking water supply, stream flows and groundwater dependent natural resources.	Inform Release Rate, Retention Volume targets and Recharge Volume targets (including allowable imperviousness)
Climate Change Impacts	The projected changes to the above elements due to climate change and based on the accepted Climate Change Assessment discussed below.	Incorporated into all performance targets.

Existing Initiatives:

- Water Quality Assessment and Objectives for the Englishman River Community Watershed (2010)
- Surface Water Quality Trend Analysis (2018;2021)
- French Creek Watershed Performance Targets Study (In Progress)
- Provincial resources for infiltration best practices
- [Water Budget Project: RDN Phase One \(2013\); Refined Water Budget \(Phase 3\) for Nanoose \(Electoral Area E\) \(2020\)](#)
- Groundwater Recharge Model for Gabriola Island (2016)
- Provincial groundwater monitoring & licensing
- Volunteer Observation Well monitoring; Aquifer Vulnerability Mapping

- Aquifer Recharge Mapping

Suggested Actions:

1. Begin discussions with local municipalities to discuss the process or issues related to adoption and implementation of performance targets identified through watershed studies.
2. Conduct a prioritization exercise, in collaboration with municipalities, to determine next steps in completing new and partially completed watershed studies.
3. Complete French Creek Watershed Performance Targets Study Phase 2 (implementation) and set Performance Targets based on Phase 1 study (NHC 2021).
4. Initiate the next Watershed Performance Targets Study based on Water Region.
5. Continue until all Water Regions have complete watershed studies.

Timelines:

Watershed studies are currently in progress, so the timelines associated with these actions are immediate and ongoing. Watershed studies will be conducted concurrently with other recommendations provided within this report.

Roles & Responsibilities:

- RDN to lead projects and consolidate existing information,
- Consultants to work on studies and modeling,
- Municipalities and MoTI to provide input.

Resources to support creation of Watershed Studies:

- Partnership for Water Sustainability in BC, [Water Balance Tool](#)
- City of Coquitlam, [Integrated Watershed Management requirements](#)
- Central Lake Ontario Conversation Authority (CLOCA), [Conceptual Water Budget Report](#)

4.2. Watershed Monitoring

Foundation Setting Action 2: Continue, and expand as needed, **monitoring of watershed parameters** to support watershed studies and enable evaluation of program and policy efficacy in mitigating impacts of development and climate change, informing adaptive management approaches to watershed health.

Long-term monitoring of a variety of parameters in the watershed is necessary to gain an understanding of the impacts of land use practices and management decisions, establish performance targets and to measure performance towards rainwater management goals. The following parameters (not exclusive) inform effective watershed and rainwater management:

- precipitation,
- surface water levels and flows,
- groundwater levels,
- water quality,
- stream and riparian health, and
- ecological indicators.

The RDN, the Province and stewardship groups have been, and will continue to, monitor the region's watershed health metrics. Surface water quality and ecological health indicators are part of existing community monitoring programs in the region. Residents in the RDN and neighbouring municipalities are dependent on aquifers for their drinking water and therefore continued groundwater monitoring is essential to ensure that the quality is being maintained and adequate volumes are recharged to support drinking water demands and groundwater-dependent natural resources. Groundwater monitoring is also critical to identify locations where high groundwater levels preclude capacity to absorb water through surface infiltration, requiring the use of alternate methods of rainwater management.

Current Initiatives include:

- RDN Community Watershed Monitoring Network
- RDN Surface Water Quality Trend Analysis
- RDN Volunteer Observation Well monitoring
- Drinking water well monitoring
- Provincial groundwater monitoring & licensing
- Water Survey of Canada, DFO, MFLNRO hydrometric monitoring
- Environment Canada Climate Stations
- Other local climate stations (i.e., municipal public works, school-based weather station network)

Suggested Actions:

1. Evaluate the current monitoring programs to identify data gaps related to rainwater management performance targets.
2. Prioritize the establishment of new monitoring initiatives to close identified data gaps.
3. Create partnerships to support this work (province, municipalities, stewardship groups, institutions) and providing training as needed.
4. Analyze the information to determine trends and identify additional performance targets needed to support watershed health.

Timeline:

Watershed health monitoring is ongoing and should be used in all watershed studies. Groundwater monitoring to track fluctuations in levels should be implemented immediately for aquifers that are not already tracked. Any additional monitoring data needed to support new watershed studies and to set and evaluate the efficacy of performance targets should be implemented immediately. All monitoring should be incorporated into the adaptive management process.

Roles & Responsibilities:

- Province to maintain ongoing monitoring networks, databases and protocols
- RDN to coordinate monitoring efforts at the local level
- Stewardship groups to assist with monitoring
- Municipalities to provide data sharing
- Consultants to conduct analysis of monitoring data

Resources to support Watershed Monitoring:

- [RDN Community Watershed Monitoring Network](#)
- [Mid Vancouver Island Habitat Enhancement Society \(MVIHES\)](#)
- [The Pacific Streamkeepers Federation](#)
- [BC Water Tool](#)

4.3. Regional Climate Change Assessment

Foundation Setting Action 3: Conduct, or select, a region wide **climate change assessment specific to rainwater management** for the purpose of providing a unified knowledge base of the potential impacts of climate change. This assessment will be used to inform how the rainwater management performance targets and initiatives should be adapted to account for these potential impacts.

Climate change is altering temperature and precipitation patterns which directly impact current and future approaches to rainwater management. Current typical conditions across the region consist of wet winters and dry summers, and are expected to be exacerbated with more extremes in both seasons, resulting in even wetter winters and even drier summers (Dillon Consulting 2020). Evapotranspiration is expected to increase due to warmer conditions year-round. Another aspect of climate change that is important to account for is expected sea level rise (SLR) and the resulting impacts on floodplains and increased pluvial (overland) flood hazards resulting from an inability to discharge to the ocean in areas near the coast. As the majority of development within the RDN and municipalities exists along the coastlines, an inability of municipal systems and watercourses to drain fully when elevated sea levels block outfalls could pose significant challenges. Finally, the opportunity to recharge aquifers may also be affected as intense precipitation increasingly runs off saturated surfaces in recharge areas rather than infiltrating. This may stress water supplies in ways that even a return to historically natural hydrologic function within the region may not be sufficient to completely alleviate.

Pluvial flooding, or overland flooding occurs when an urban drainage system is overwhelmed resulting in flooding of streets and structures outside of the floodplain. Pluvial flooding often disproportionately affects areas with lower socio-economic advantages and, when identified through flood hazard mapping, can help in applying an equity lens to decision making regarding capital spending. Pluvial flooding analyses can be combined with infrastructure modeling to identify areas that have not historically experienced overland flooding but that may experience it under extreme rainfall and sea level rise conditions, allowing for emergency response planning and consideration of preventative action or projects. Flood hazard mapping may also facilitate identification of ‘upstream’ areas that are contributing to pluvial flooding due to the cumulative impacts within the rainwater management infrastructure, and where preventative actions or projects may have more impact than attempting to manage the water at the source of ponding.

Drought forms the other extreme related to rainwater management under a changing climate. As extreme rainfall events replace historic patterns of precipitation, the ability of the natural watershed condition to recharge aquifers may be reduced through generation of hydrophylic soils during dry periods, while saturated soils during intense rainfalls or following multi-day rain events behave similarly to impervious surfaces when much of the water is lost to runoff. These conditions may result

in an overall reduction in the water available for recharging aquifers, though not necessarily a reduction in annual precipitation, requiring innovative solutions to enhance recharge and capture more volume during intense rainfalls for use during dry periods.

Understanding how climate change will affect the region is essential to creating a long-term rainwater strategy that can proactively manage those changes, rather than reacting to them as they occur. Within the RDN, the Energy and Sustainability Department and Long-Range Planning Department work on initiatives that focus on adapting to climate change and many considerations for climate change have already been integrated into long range plans and current studies, including the recent Water Budget study for Electoral Area E and Sea Level Rise and Floodplain Hazard Mapping. Table 3 outlines the elements intended to provide up-to-date understanding of the emerging science around climate change and how they link to the rainwater management performance targets.

Table 3: Elements to include in a Climate Change (CC) Assessment for Rainwater Management

CC Assessment Elements	Description	Link to Performance Targets
Regionally accepted CC precipitation models	Develop or adopt a regional climate adjusted IDF and continuous precipitation standard for use in planning and design. Precedent to follow: 'Climate Projections for the Cowichan Valley Regional District' (2017)'.	Inform Release Rate, Retention Volume and Recharge Volume Targets
Pluvial Flood Hazard Maps	Develop Flood Hazard maps for pluvial flooding. Update Floodplain mapping if CC assessment indicates changes from current maps are expected. Using GIS analysis, the RDN LiDAR surface data can be combined with historic and projected (climate changed) rainfall depths, existing floodplain assessments and sea level rise (SLR) estimates to identify low lying areas that may be subject to pluvial flooding when overland flow routes are blocked, or infrastructure has reached capacity. These estimates are especially important when looking at resiliency-based retrofits in older communities that lack modern rainwater management infrastructure.	Inform Release Rates and Retention Volume Targets. Inform potential locations for regional facilities to mitigate CC impacts.
Groundwater Elevation Analysis	Establish long-term groundwater monitoring network (potentially in partnership with the province) to develop an understanding of natural seasonal fluctuations, impacts of licensed and unlicensed withdrawals, and potential climate change impacts on aquifer levels. Collaborate with the province to develop approaches to addressing climate related changes and trends in aquifer levels across the RDN.	Inform aquifer specific Recharge Volume Targets (including allowable imperviousness).

Existing Initiatives:

- Climate Action Technical Advisory Committee Action 1 – Water Supply Resilience Work
- Flood Risk Assessment Report, RDN/Qualicum Beach (Sept 2019)
- River Floodplain Mapping and Risk Assessment Project: Englishman River; Little Qualicum River & Nanaimo River
- Parksville Community Park Stormwater Management Master Plan (2021) – IDF Curves up to 10-day duration event
- French Creek Watershed Targets Study (in progress)
- City of Nanaimo Climate Changed IDF Curves
- Provincial COFFEE model (flood forecasting)
- BC Groundwater Well Licensing required by spring 2022
- Volunteer Observation Well monitoring
- Drinking water well monitoring
- Pacific Climate Impacts Consortium, [Plan2Adapt Tool](#)
- [Climate BC model tool](#)
- [BC Agricultural Demand Model](#) report
- [BC Landscape Water Calculator](#)
- Lidar Snow Mapping by VIU

Suggested Actions:

1. Review climate change approaches to rainwater management adopted by local municipalities. Adopt or develop regional climate change approach(es) for rainwater management planning.
2. Conduct or continue pluvial flooding assessment and develop Flood Hazard Mapping to support prioritization of retrofit projects.
3. Maintain long-term groundwater monitoring network on all drinking water aquifers in partnership with the province.

Timeline:

Immediately as some elements within the strategy (setting performance targets, creating bylaws and setting DPAs for vulnerable areas) rely on the completion of this climate change assessment.

Roles & Responsibilities:

- RDN to lead CC model consolidation/ regional acceptance, Flood Hazard mapping & Groundwater monitoring analysis.
- Municipalities to provide documentation of climate change studies and approved climate change approaches to rainwater management
- Province to support with data, methodologies and research for groundwater analysis
- Consultants to conduct modeling and technical studies as required

Resources to support recommendations:

- Climate BC – [a MS windows application that provides climate data](#)

- CVRD, '[Climate Projections for the Cowichan Valley Regional District](#)' report
- [Retooling for Climate Change BC](#)
- Ministry of Water, Land and Air Protection BC, [Flood Hazard Area Land use management guidelines](#).
- CTC Source Protection Region (Ontario), [Vulnerability Analysis Methodology](#) (see section 6)
- Vancouver Island University, [Intrinsic Vulnerability mapping Methods of Vancouver Island 2010](#)

4.4. Funding Assessment

Foundation Setting Action 4: Complete an assessment of funding needs and potential avenues for funding to ensure a sustainable rainwater management program is created and goals are met.

A lack of resources is often cited by municipalities as a barrier to maintaining existing rainwater infrastructure at the level expected by citizens, and to implementing evolving technologies and approaches for rainwater management. Historically, rainwater management is funded by the property taxes collected by the municipality or regional district. While rainwater management may be a priority for the organization, funding for rainwater projects must be weighed against all other projects also funded by the tax base including, but not limited to, social services, building operations, transit and inter-jurisdictional governance and is therefore subject to some level of political will. Often water and sanitary sewer services have dedicated utilities to ensure that new development and ongoing operations and maintenance are guaranteed to meet the community expectation of service. Rainwater management is also an essential service, and, in many Canadian municipalities, aging infrastructure is creating a significant deficit in terms of funding required to maintain the level of service expected by the public. There are limited methods available to regional districts and municipalities to obtain a reliable source of funding to ensure the ongoing operation of rainwater management systems in Canada, as outlined in Table 4.

Implementing rainwater management is essential for the RDN and member municipalities to protect its watershed natural assets and drinking water sources and there could be significant consequences in the long-term if rainwater management is not prioritized. In the RDN, the Liquid Waste Management Plan is able to provide some funding for rainwater management activities and managing existing assets. An assessment of the funding required to maintain existing infrastructure and assets, and to implement the watershed-based management of rainwater to mitigate for the impacts of future development and climate change, is necessary to determine whether the dedicated funding through the LWMP is sufficient. Many cities have realized the importance of implementing a rainwater utility (also known as a stormwater or drainage utility) that collects separate (though not typically additional) funds from citizens relying on publicly provided rainwater infrastructure. This dedicated funding provides municipalities or regions the confidence to plan current and future expenditures for rainwater management infrastructure and techniques with known budgets and without concerns about shifting political priorities. Additional funding or resources may also be available through grants for studies, pilot projects or partnerships with academic institutions, though this funding is not typically consistent. Table 4 outlines key recommendation and opportunities for developing sustainable funding for rainwater management.

Table 4: Elements to include in a Funding Assessment for Rainwater Management.

Funding Assessment Elements	Description
Assess the Needs	Clarify the potential needs for funding to meet the goals for rainwater management within the RDN. Funds could be used for the following: • Salary of dedicated rainwater management employee to action the strategy • Budget for consultants /technical experts to conduct the studies and write guidance documents • Budget to maintain, rehabilitate and replace existing rainwater management infrastructure • Budget for installation of rainwater management facilities • Budget for land acquisition for protection of recharge zones • Budget for pilot projects • Budget for education and outreach initiatives and incentives • Budget for stewardship groups to conduct rehabilitation works
Funding Options:	
Rainwater Utility	Assess the feasibility of creating a rainwater utility for the RDN (and Municipalities) to support rainwater infrastructure and planning. Typically rainwater utilities provide funding for both capital and operational expenses associated with engineered rainwater infrastructure, as well as the staff and resources to support the goals of sustainable rainwater management. As an incentive, a reduction in the utility fees could be offered for homeowners or developments that manage their rainwater onsite.
Development Cost Charge (DCC)	Assess the feasibility of incorporating a rainwater management Development Cost Charge for new developments to manage the rainwater infrastructure or facilities required. Currently 7 DCC Bylaws exist within the RDN related to water and sewer infrastructure but do not include rainwater management infrastructure. As an incentive, a reduction in the DCC could be offered for those developments that manage all rainwater within their site or exceed the requirements of the performance targets, pending approval by the District Engineer.
Grants / Technical Resources	Assess the available technical resources and grant funding to support rainwater infrastructure and planning. See the list of potential resources below this table.
Regional Taxes	Assess the feasibility of claiming a dedicated portion of regional taxes for rainwater management. This may be set up through the LWMP.
Cash-in-lieu Option / Off-setting Program	Assess the feasibility of creating a cash-in-lieu option when specific performance targets cannot be completely met on a site or development for any reason including, but not limited to soil type,

Funding Assessment Elements	Description
	aquifer vulnerability, slope stability or development footprint. Cash-in-lieu options may also be structured as Offsetting or Banking programs depending on the preferences of those managing the program and local precedent. In this RSRM these three terms are used interchangeably to represent all options that may be used to achieve the same goals. At times, site conditions may limit the ability of a development to fully meet the performance targets on site. Under this approach, it is the responsibility of the developer to comply with the targets to the maximum extent possible and provide technical justification for short-falls before being granted cash-in-lieu options to address the outstanding portion of targets off-site. An offsetting program would require use of the funds collected through this program to develop projects (including restoration, enhancement or acquisition) that meet the targets elsewhere within the reach or aquifer. This off-setting program should be regionally managed and could include partnerships with local organizations tasked with implementing off-site measures to compensate for sites that are unable to fully comply with the performance targets. Participation in this type of program could be extended to the local municipalities through a memorandum of understanding (MOU) for a consistent, regional approach to maintaining watershed and aquifer health, and building resiliency to climate change impacts.

Existing Initiatives:

- RDN Community Parks Development Cost Charge
- RDN and Town of Qualicum Beach Federation of Canadian Municipalities Municipal Asset Management Program Grants
- Municipal Natural Assets Initiative, City of Nanaimo

Suggested Actions:

1. Identify any gaps between available funds and rainwater management level of services expectations.
2. Create internal RDN working group with members from related divisions (planning, engineering, bylaw enforcement, finance/accounting, operations, etc.) to assess funding options.
3. Pursue available grants for eligible projects and initiatives.

Timeline:

Immediately and concurrent with other recommendations within this report, as securing and then maintaining funding can be considered an ongoing action.

Roles & Responsibilities:

- RDN to lead regional efforts

- Municipalities to collaborate on regional opportunities

Resources to support Funding recommendations:

- Government of British Columbia, Ministry of Community Services, [Development Cost Charges Best Practices Guide \(gov.bc.ca\)](#)
- City of Victoria, [Stormwater Utility FAQs](#)

Funding and Grant Opportunities:

- a. Investing in Canada Infrastructure Program (BC)
 - i. Partnership with the government of Canada and local governments to invest in green infrastructure (environmental quality) and rural community infrastructure (<25000 pop.).
(<https://www2.gov.bc.ca/gov/content/governments/local-governments/grants-transfers/grants>)
- b. Infrastructure Planning Grant Program (BC)
 - ii. Open to municipalities and regional districts to support comprehensive planning projects such as asset management plans, integrated stormwater infrastructure plans, water master plans, liquid waste management plans.
(<https://www2.gov.bc.ca/gov/content/governments/local-governments/grants-transfers/grants/infrastructure-planning-grant-program>)
- c. Federation of Canadian Municipalities (FCM)
 - iii. Municipal Asset Management Program (MAMP) – provides funds to municipalities and municipal partners to advance asset management planning.
(<https://fcm.ca/en/funding/mamp/asset-management-grants-municipalities>)
 - iv. Green Municipal Fund (GMF) – provides funds to municipalities and municipal partners for environmental projects. Funding covers plans, studies, pilot projects and capital projects in the fields of sustainability, water, waste, energy, climate change, housing, and brownfield development.
(<https://fcm.ca/en/funding/gmf/pilot-projects-stormwater-quality-community-project>)
- d. Municipal Natural Assets Initiative
 - v. MNAI organizes cohorts with other communities to begin the process of incorporating natural assets into existing asset management processes by identifying holistic benefits and estimating value.
(https://mnai.ca/media/2018/07/MNAI_Nanaimo-Final.pdf)
- e. Disaster Mitigation and Adaptation Fund (Federal)
 - vi. The DMAF funds structural and natural infrastructure projects to increase resilience of communities that are impacted by natural disasters triggered by climate change.
(<https://www.infrastructure.gc.ca/dmaf-faac/index-eng.html>)

5. SETTING PERFORMANCE TARGETS

Setting the performance targets falls under the Foundation Setting Action 1:

Foundation Setting Action 1: Conduct new, or review existing, watershed studies for the purpose of setting rainwater management performance targets specific to each water region and reach.

Setting performance targets for rainwater management in the region ensures that the regional goals of maintaining healthy waters in the context of climate change, land use pressures and evolving best practices for rainwater management can be met through many small-scale actions such as LID, protection of natural assets and other rainwater management best practices. Performance based targets aim to set defensible, science-based standards that must be met on all applicable projects. These targets can be applied on a regional or watershed scale depending on the target and may be related to land use, zoning or location within the watershed or aquifer area. For example, a groundwater recharge volume target could be set for new subdivisions within an Aquifer Recharge Area classified as having low vulnerability to surface contamination, within the French Creek watershed. The performance targets for the RDN will be based on watershed studies and water budget modeling to support the current and long-term stability of natural watercourses, maintenance of aquifer levels, ecosystem and habitat protection, infrastructure and natural asset protection and safeguarding of public and private property. The issues and supporting strategy around rainwater management are clear and there is action that can be taken immediately to improve the mitigation measures employed in the RDN. Interim targets should be set based on industry best practices, as described in the SONAR, and remain in place for all areas that do not have a completed watershed study.

Current requirements and recommendations related to rainwater management within the RDN are not all performance based and have varying degrees of enforcement strength. They are found within various Development Permit Areas, Official Community Plans, guidance manuals, MoTI guidance and are often limited to certain components of rainwater management such as water quality or site stormwater discharge (see detailed Gaps Analysis in Appendix B). To enable the RDN to require and enforce these standards, wording within the standards must reduce ambiguity by replacing phrases such as ‘recommended’, ‘highly encouraged’ or ‘where feasible’ that leave room for negotiation, with specific qualitative and quantitative requirements backed by watershed monitoring and modeling results.

Setting firm targets means that exemptions will only be applied when appropriate alternatives are able to meet the requirements within the watershed or aquifer area and the inability to meet the targets is justified technically rather than stemming solely from an economic choice. Strengthening rainwater management in the RDN means applying a consistent and equitable approach based on the scientific studies establishing the needs of the watershed and people living within it. Ensuring equity also means that enforcement of the performance targets is applied evenly across development sites based on scientifically determined requirements specific to the location within a watershed or aquifer. This means evaluating at how these targets will be applied and how they can be adjusted based on the zoning type (Commercial, Industrial, Residential, etc.) and land use (multi-family

residential, single family residential, etc.) to ensure that what is being asked is feasible and promotes responsible development within all zoning types.

As the RDN, municipalities and regional partners move forward with setting defensible, science-based targets, continued monitoring of the watersheds will reveal the efficacy of actions taken. Evaluation of long-term trends will reveal areas or parameters that may require alternative approaches or additional actions to build toward resiliency in rainwater management. Continually re-assessing and adjusting as new information is gathered is called Adaptive Management. As the impacts of climate change are better understood, a rainwater management strategy that applies a flexible response approach allows for adjusting both to emerging changes and expected impacts over time. Adaptive management is the appropriate approach to maintaining functional systems over time as new techniques, technology and data emerges (Figure 10).

Drainage requirements, such as those required by MoTI for rural roads, highways and subdivisions, are not necessarily fully synonymous with rainwater management as defined in this RSRM. Drainage requirements, and traditional rainwater management approaches, tend to focus on moving the water away as efficiently as possible without excessive negative impacts to the site or conveyance infrastructure. The rainwater management strategy recommended in the RSRM seeks to manage rainwater as close to the source as possible in an effort to maintain the hydrologic balance of the overall system. This rainwater management strategy incorporates drainage requirements by recommending setting specific release rate targets but bases those on maintaining the health and stability of receiving waters rather than focusing solely on the capacity of the engineered conveyance infrastructure. The recommended rainwater management strategy also considers the duration of flows through volume control and aquifer recharge requirements, since sustained elevated flows have channel forming impacts that can alter the downstream receiving watercourses over time. Developments will be required (via the Implementation Tools outlined below) to meet the performance targets by designing rainwater management facilities and approaches using the design standards and specifications that are outlined in Section 6.1.1.

The Statement of Need and Reasonableness (SONAR) provided in Section 2 provides the technical foundation for the rainwater management targets outlined below. As watershed studies and groundwater assessments are completed, a SONAR can be completed for each updated target based on the specific requirements to achieving resilient conditions. The following sections define the most typical types of rainwater management targets as identified in the SONAR in Section 2:

5.1. Release Rate Targets

Post-development release rates (L/s/ha) mimic the functional hydrology of the natural watershed condition, not exceeding the surface runoff rates for all design events.

Traditionally this rainwater management target is based on the capacity of the engineered conveyance infrastructure to safely convey the flows. It is important to consider the sustainability of rainwater management in the watershed by adopting peak flow rate targets that also address the health and stability of the receiving watercourses, limiting discharges to rates observed in a functional natural watershed condition. It is important to strengthen the language around the release

rate targets to ensure that ambiguity is removed, and to mitigate the impacts of the development on downstream infrastructure and natural environments.

Examples:

The ... maximum site release rate shall be 5 L/s/ha of total contributory catchment. (Lantzville, Subdivision and Development Works and Services Bylaw No. 175, 2020)

Detain post-development flows to pre-development levels for the 6-month, 24-hour (50% of the 2-year, 24 -hour) event for areas draining to watercourses to minimize erosion. If downstream drainage system cannot accommodate the 5-year post-development flows, detain them to pre-development levels. (Nanaimo, Manual of Engineering Standards & Specification (MoESS), 2020) [Note: ambiguity exists in the term 'pre-development']

5.2. Retention Volume Targets

Rainfall depth (mm/ha) or volume of runoff in excess of the natural watershed condition (m³/ha) to be retained and managed on site

Retention volume capture targets require a certain volume of precipitation to be managed on site without discharge. Retained volumes are typically 'discharged' through infiltration, evapotranspiration in vegetated rainwater management practices, or reused for beneficial purposes (e.g., irrigation, toilet flushing, etc.) on site. Retained volume targets seek to mimic the functional hydrology of the site by limiting the peak flows and duration of elevated flows leaving the site. Reducing runoff volumes supports watercourse stability, prevents cumulative impacts on rainwater infrastructure capacity and maintains water balance at the point of precipitation.

In some cases, as in the Yellow Point Aquifer area, the sensitivity of the aquifer and constraints on the local drainage system have confined the rainwater quantity target to full site retention and reuse within a rainwater harvesting system.

Example:

Retain, infiltrate, or reuse the 6-month, 24-hour (50% of the 2-year, 24-hour) post development runoff volume. For Nanaimo, this equates to approximately 31mm of rainfall depth. (Nanaimo, MoESS, 2020)

5.3. Recharge Volume Targets

Volume of retained rainwater (m³/ha) to be infiltrated on the site to sustain aquifer recharge in support of hydrologic and ecological function matching the natural watershed condition

Recharge volume targets are similar to retention volume targets however they specify infiltration as the means of discharging the set volume of rainwater from the site. They may be set as a percentage of the retention volume, or a volume related to impervious area. Recharge volume targets seek to

maintain healthy aquifer levels and work toward achieving functional hydrology associated with the natural watershed condition within the built landscape. When comparing post-development recharge volumes to recharge in the natural watershed condition, it is also important to consider the imperviousness of the site and may be worth setting a related target to limit the allowable impervious area of the development. The recharge volume targets are also related to soil conditions since some locations have unstable soils or slopes, or soils that do not allow infiltration at rates that will allow recharge to happen in a timely manner. In these instances, alternate approaches to ensuring recharge is maintained on an aquifer basis have been discussed in Table 13.

Examples:

To promote a reduction in storm flows and maintenance of stream base flows, groundwater recharge systems shall be investigated and used where shown to be appropriate and technically feasible and as recommended in the Watershed Studies, or as otherwise approved by the City (City of Coquitlam, Stormwater Management Policy and Design Manual, 2019)

Maintain pre-development groundwater recharge rates and appropriate distribution, ensuring the protection of related hydrologic and ecologic functions. (Toronto Region Conservation Authority (TRCA), Stormwater Management Criteria, 2012) [*Note - ambiguity exists in the term 'pre-development'*]

5.4. Water Quality Targets

Post-development runoff water quality is suitable to support recreation, aquatic life and riparian health

Water quality targets are based on the acceptable water quality that can be released from site or assimilated in the receiving waterbody. Water quality targets often include a list of what cannot be released into the watershed (toxic materials, etc.) and are intended to protect or restore the health of the watershed, riparian and aquatic habitat and protect human health. General Provincial and Federal water quality targets exist for recreational use and protection of aquatic life.

Example:

Remove 80% of Total Suspended Solids (TSS) over 50µm particle size. For impervious surfaces exposed to vehicle traffic provide water quality treatment for 90% of the average annual runoff (the 6-month, 24-hour storm or 50% of the 2-year, 24-hour storm). (Nanaimo, MOESS, 2019)

5.5. Interim Targets

It is recommended that a set of interim performance targets be established as a minimum requirement to ensure capacity within the existing rainwater management infrastructure, and scientifically established natural watershed conditions, until watershed studies are complete.

Interim performance targets can be current best practices within the RDN or may be adopted from the current standards of a local municipality and adapted for use across the RDN if required.

Current targets included in municipal standards could be used as interim targets until watershed studies have been completed. Ambiguity in the language included in current performance targets may be removed prior to completion of the watershed studies by clarifying the term 'pre-development' or replacing it with either 'existing condition' or 'natural watershed condition' depending on the intent. Strong interim targets focussed on mitigating the impacts of development, ensuring that existing engineered systems are protected, and seeking to mimic the natural watershed condition can be set using industry best practice.

It is recommended to include wording in any applicable bylaws or guidance documents that these strong interim targets must be followed unless an approved watershed study, ISMP, aquifer assessment or area specific study exists, at which point targets defined in these studies will supersede the interim targets for sites within the area. This ensures that specific targets are being enforced when they are ready while all sites under development still remain responsible for rainwater management, in an equitable manner.

Resources to support recommendations:

- See specific performance targets outlined within Rainwater Management Guidance Documents
 - City of Coquitlam, [Stormwater Management Policy & Design Manual](#) (2019)
 - City of Chilliwack, [Policy and Design Criteria Manual for Surface Water Management](#) (2002)
 - City of Nanaimo, Manual of Engineering Standards and Specification (MoESS) [Section 7 – Stormwater Management](#) (2020)
 - District of Metchosin [Bylaw No. 467 For the protection and management of rainwater](#) (2016)
- BC Inter-Governmental Partnership, [Beyond the Guidebook: Establish Watershed-Specific Runoff Capture Performance Targets](#) (2008)
- Ministry of Water, Land and Air Protection BC, [Stormwater Planning: A guidebook for British Columbia](#) (May 2002)
- West Coast Environmental Law, [The Green Infrastructure Guide: Issues, Implementation Strategies and Success Stories](#)

6. IMPLEMENTATION TOOLS & IMPLEMENTATION RECOMMENDATIONS

This section outlines the methods and guidance for implementing the performance targets, including the technical guidance and standards required for design, the policy tools to ensure that the targets can be enforced and the strategic planning tools that ensure that the strategy is a success over the long term (see Figure 10).

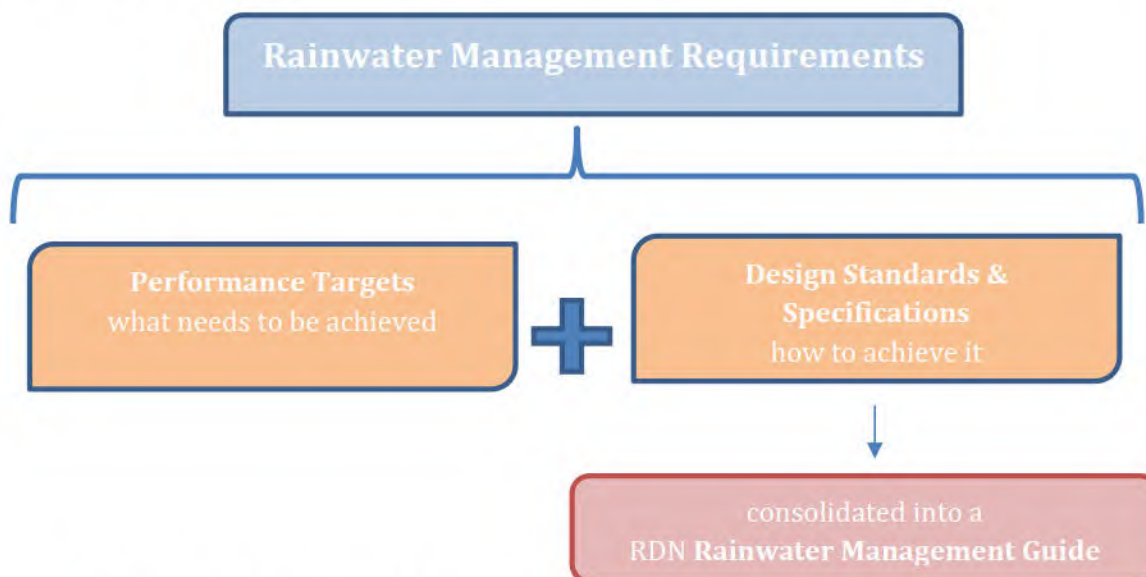


Figure 10: Relationship of Rainwater Management Requirement Components

6.1. Technical Tools

6.1.1. Design Standards & Specifications

Design standards and specifications are recommended within this section to provide the information and direction to design a system to achieve the set rainwater management performance targets. They include the calculations to use in estimating runoff volumes, the coefficients to use for different land types, and reference maps with infiltration rates and IDF curves to estimate rainfall volumes for a set storm. They can also include references to best management practices (BMPs) for infiltration practices and landscaping, as well as templates and checklists for consistent and clear review of rainwater management plan submissions. Within the field of rainwater management there is not a single set of design standards and specifications that works for all locations and jurisdictions, and it is up to each jurisdiction to specify what works best for their climate, land uses and development growth patterns.

Setting regional design standards and specifications will ensure that all rainwater management practices within the region are designed with the same quality and types of data, assumptions, and methodologies, ensuring a consistent approach to rainwater management and providing a level playing field for all developers within the region. Providing these clear guidelines and expectations around design also ensures that planners can be confident in the rainwater management designs

submitted by developers, resulting in a more efficient and streamlined review process. The process for developing a set of RDN design standards and specifications requires building on the work already completed by many other jurisdictions, including the municipalities within the RDN, and is outlined in Table 5.

The process of consolidating rainwater management design standards and specification can be a large task, and it not the intention of this strategy that this process be fully completed before moving forward with other recommendations. In the same way that an adaptive management approach is recommended for continuous refinement of performance targets, the standards and specifications can be adopted over time and then continuously refined and updated as studies, technologies and approaches emerge.

Table 5: Implementation Recommendations for Design Standards & Specifications

	Implementation Recommendations	Link to Performance Targets
T.1	Create/ Adopt standard Climate Change precipitation projections as outlined in Section 4.3 above.	Inform Release Rate, Retention Volume and Recharge Volume targets
T.2	Create/ Adopt acceptable calculation & modeling methodologies for the following: - Runoff Calculation methodology with defined coefficients and parameters - Time of Concentration - Modelling Parameters (and when modelling is required)	Related to Release Rate, Retention Volume targets
T.3	Create / Adopt standard maps for the following: - Soil infiltration rates - Hydrologic calculation/modeling parameters - Evapotranspiration rates - Aquifer recharge zones - Aquifer Vulnerability areas /Well-Head Protection Areas - Floodplain and flood hazards	Inform & relate to Release Rate, Retention Volume and Recharge Volume targets
T.4	Create / Adopt an acceptable methodology for calculating a Site Scale Water Balance for incorporation into a rainwater management plan submission. This may include referencing the maps, data sets and climate projects outlined above.	Related to Release Rate, Retention Volume and Recharge Volume targets

	Implementation Recommendations	Link to Performance Targets
T.5	Create / Adopt standard procedures for soil infiltration testing .	Related to Recharge Volume targets
T.6	Define/Adopt Sediment and Erosion Control design standards and specifications.	Related to Water Quality targets
T.7	Define / Adopt Pre-treatment requirements for any infiltrating systems installed	Related to Water Quality targets
T.8	Define/Adopt Operations & Maintenance requirements for rainwater management systems.	Related to adaptive management approach
T.9	Define/Adopt rainwater Best Management Practices (BMPs), Low Impact Development (LID) or Green Infrastructure (GI) standards and specification most applicable for use within the RDN. Reference exemplary design standards from other jurisdictions (e.g., CVC, City of Coquitlam), and incorporate local adjustments for naturally occurring conditions if required.	Related to Release Rate, Retention Volume, Recharge Volume and Water Quality targets
T.10	Provide education around Agricultural BMPs to improve discharged rainwater quantity, rates and quality. Collaborate with Ministry of Agriculture, Fisheries and Food to apply and enforce.	Related to Release Rate, Retention Volume, Recharge Volume and Water Quality targets
T.11	Create a template/ list of what needs to be included within a Rainwater Management Plan Submission for review and approval. Consider requesting an interim Rainwater Management Plan at the review stage and then a Final Rainwater Management Plan provided as a condition of receiving the final Development permit. Different templates/checklists may be required for different development types and lot sizes depending on the required performance targets (i.e., subdivisions vs industrial sites).	Informed by Release Rate, Retention Volume, Recharge Volume and Water Quality targets
T.12	Create a plan for Tracking and Monitoring of any rainwater management or LID systems installed. This will link with the requirements for ongoing Operations and Maintenance but also	Related to adaptive

	Implementation Recommendations	Link to Performance Targets
	help to provide a snapshot of what is going on in the region for purposes of LID promotion and potential long-term performance studies. Developing an Asset Management Plan is an excellent method of capturing the full lifecycle requirements for all rainwater management facilities and natural assets.	management approach

Resources to support recommendations:

- City of Coquitlam, [Stormwater Management Policy & Design Manual](#) (see Section 5 for description of a comprehensive Stormwater Management Plan submission)
- District of West Vancouver, [Stormwater Management Plan Submission Guidelines \(2016\)](#)
- City of Coquitlam, [Rainwater Management – Source Controls](#)
- City of Chilliwack, [Policy and Design Criteria Manual for Surface water Management](#)
- CVRD, [Climate Projections for the Cowichan Valley Regional District](#)
- Sustainable Technologies Evaluation Program (STEP), [Sediment & Erosion Control Guidelines](#)



6.1.2. Guidance Documents / Manuals

The creation of a guidance document that consolidates all regional standards, specifications and recommendations required for meeting the set performance targets will facilitate strong policies, and clarity for developers and approvers, resulting in successful implementation of resilient rainwater

management. Effective communication with developers through a consolidated regional guideline will reduce the review time needed by planners by clearly outlining parameters to be reviewed resulting in a more streamlined approvals process.

The recommended guidance document will contain all of the design standards and specifications as listed above and in Table 6 and will include reference to applicable engineering standards from the Ministry of Transportation and Infrastructure (BC MoTI 2019) as needed. This guidance manual could then be adopted as a bylaw, official policy or be referenced from within official policies as the document to follow to meet the performance target requirements. More information on enforcing this guidance document is provided in Section 6.2 Regulatory & Policy Tools below.

Table 6: Implementation Recommendations for Guidance Documents / Manuals

Implementation Recommendations	
T.13	Create a ‘RDN Rainwater Management Guide’ document outlining the following: - RDN’s up-to-date rainwater management performance targets by watershed and reach (interim or final), - development applicability of targets, - design standards & specifications - best management practices (BMPs) for source, conveyance, and end-of-pipe rainwater controls for reference Neighbouring municipalities without fully developed rainwater management strategies may choose to update their requirements by referring back to the RDN Rainwater Management Guide unless local system requirements, watershed studies, aquifer assessments or other particular requirements supersede them. Sample wording that could be contained within Municipal Engineering Design manuals: <i>“Developments to follow design standards and meet performance targets as outlined within the RDN Rainwater Management Guide unless local watershed studies / ISMPs provide more direct instruction and higher standards.”</i> Municipalities can also choose to reference particular standards or specifications within the RDN Rainwater Management Guide rather than the guide as a whole, as each component of the document would be developed collaboratively with the intent to be shared within the region. Ensure that related guides like the RDN Sustainability Guide, include reference to this document.

Resources to support recommendations:

Rainwater management guide examples:

- City of Coquitlam, [Stormwater Management Policy & Design Manual](#) (2019)
- City of Chilliwack, [Policy and Design Criteria Manual for Surface Water Management](#) (2002)

- City of Nanaimo, Manual of Engineering Standards and Specification (MoESS) [Section 7 – Stormwater Management](#) (2020)
- District of Metchosin Bylaw No. 467. [Bylaw No. 467 For the Protection and Management of Rainwater](#) (2016)

Documents to guide the creation of a rainwater management guide:

- West Coast Environmental Law, [The Green Infrastructure Guide: Issues, implementation Strategies and Success Stories](#) (2007)
- CVC /TRCA, [LID Stormwater Management Planning and Design Guide](#) (2010)
- BC Ministry of Water, Land and Air Protection, [Stormwater Planning: A Guidebook for British Columbia](#) (2002)
- Metro Vancouver, [Stormwater Source Control Design Guidelines](#) (2012)
- Partnership for Water Sustainability BC, [Rainwater Management: An Introduction to the Guidebook for BC](#)

6.2. Regulatory & Policy Tools

6.2.1. Policies

A policy is a defined set of actions adopted and endorsed by a governing body. Within the RDN, policies are endorsed by a board of directors that represent the electoral areas and the municipalities. Policies can cover a wide range of topics, though no current policy specific to rainwater management exists within the RDN.

From the Jurisdictional Review (see technical memo in Appendix A) requirements for rainwater management may be found within a single rainwater management policy or elements of rainwater management may be found within traditional and existing policies like drainage policies, engineering standards, sediment and erosion control policies, Climate Change adaptation policies, and landscaping policies. This is true for the RDN as well, as elements of rainwater management are found within a variety of policies as demonstrated in the Gaps Analysis (Appendix B).

Currently within the RDN, drainage design for roadways and sub-divisions within the electoral areas is governed by the design standards provided by the Ministry of Transportation and Infrastructure (BC MoTI 2019). This policy focuses on only one element of rainwater management, the water leaving a site. Language in the MoTI design standards does encourage rainwater source controls, but its focus is on ensuring the regional drainage system will not cause adverse effects on the environment and property. The MoTI design standards do not apply to all new developments within the region, only those that connect to a MoTI road or right of way.

Recommendations with regards to policies, listed in Table 7, are focused on closing the gaps in coverage of the rainwater management requirements, as well as ensuring they can be applied equitably across the region.

Table 7: Implementation Recommendations for Policies

Implementation Recommendations	
T.14	Clarify roles and responsibilities with MoTI regarding enforcement (i.e. development application review) of new performance targets. Ensure that any Retention Volume and Release Rate Targets meet or exceed any drainage requirements specified by the MoTI within the Supplement to TAC Geometric Design Guide – Hydraulics Chapter (BC MoTI 2019). Identify potential gaps in application of MoTI requirements to ensure new performance targets and design standards and specifications will be applied equitably within the Region.
T.15	Create a Memorandum of Understanding (MOU) / Policy with neighbouring regional districts and municipalities for applying rainwater management in areas where watersheds and aquifers overlap political boundaries.
T.16	Create an information sharing agreement/ policy with the province (MoTI, MAFF, MFLNRO, ALC, Islands Trust) and Mosaic Forest Management to facilitate information sharing in regards to relevant rainwater management data to ensure that water balance calculations can remain up to date and water quality impacts are mitigated. Monitoring is necessary for an adaptive management approach to rainwater management and collaboration between agencies collecting data will realize economic efficiencies and better data coverage. This information could include: - Runoff calculations from new subdivisions for purpose of estimating flows to nearby watercourses and potential groundwater recharge. - Agricultural withdrawals - Flows to adjacent watercourses from agricultural and managed forest lands - Seasonal aquifer fluctuation data and real-time aquifer levels - Provincial and site specific rainwater management design criteria for managing agricultural land and forests, to support regional modeling efforts

Resources to support recommendations:

- Okanagan Basin Water Board, [Source Water Protection Toolkit BC](#)
- Cowichan Watershed Board, [Cowichan Basin Watershed Management Plan](#)

6.2.2. Bylaws

Bylaws are rules created by a community or region that only apply to itself and within the RDN, Zoning Bylaws 500 and 1285 (Area F) are most applicable to rainwater management. These bylaws outline land use regulations, define specific Development Permit Area (DPA) requirements for the protection of natural areas and resources and to define the character or form of development within community centers. The RDN Zoning Bylaws are the main source of requirements concerning water and rainwater management and as such, the majority of recommendations in Table 8 relate to closing existing gaps in coverage of rainwater management requirements.

Table 8: Implementation Recommendations for Bylaws

Implementation Recommendations and Options	
T.17	Consider creation of a Rainwater Management Bylaw as one option for enacting strong rainwater management requirements. Strength of language, for example by replacing ‘recommend’ or ‘consider’ with words like ‘require’ or ‘account for’, is important to ensuring loopholes are minimized and the intent of the bylaw can be enforced. See precedent set by District of Metchosis, Bylaw No. 467 For the Protection and Management of Rainwater (2016)
T.18	Incorporate elements of Better Site Design for rainwater management into current requirements within Bylaws 500 (Schedule 3F) & 1285. Better site design (BSD) can be applied at the regional, development or site level, to protect natural drainage and ecological features by siting buildings and roads non-uniformly across the site. BSD seeks to preserve natural drainage features including, but not limited to, contours, gully’s/drainageways, wetlands, streams, groundwater dependent natural resources, recharge areas, forests, tree stands and sensitive ecosystems.
T.19	Amend the Zoning Bylaws (500 & 1285) to incorporate more rainwater management friendly landscaping requirements within more zoning types and land uses, as the current landscaping regulations focus mainly on providing screening and buffering. Elements to incorporate could include: - Specify a minimum topsoil depth (e.g. 300 mm) - Specify that all downspouts are to be directed to pervious surfaces (as per BC Building Code) - Specify a maximum [percentage] of lot area may be covered by impervious surfaces, including building footprint. Impervious surfaces include decks, patios, driveways, sports facilities, shelters or anything that replaces natural vegetation and soils with highly compact or water-resistant coverings. - Specify minimum tree requirements (count and size) Consider expanding the elements of tree protection to apply more broadly within the RDN. Current DPAs restrict the removal of trees over 20 cm or greater at breast height for the creation of an accessory building (Marine Coast DPA, Hazard Lands DPA) and 10 cm and over for the creation of a trail (Freshwater & Fish Habitat DPA, Sensitive EcoSystems DPA). Applying tree protection more broadly would mean that traditional site layouts may need to be reconsidered, such as through application of Better Site Design, but would ensure that areas of mature trees are protected for habitat and pervious areas are provided for runoff capture and infiltration.
T.20	Consider creating zoned areas for the designation of groundwater recharge within the Zoning Bylaws (500 & 1285) based on water supply vulnerability assessments, and groundwater flow patterns. Define recharge areas at appropriate resolutions for site-scale application of rainwater management targets within Rainwater Management Plans required within

	DPA's and development applications. Consider including aquifer recharge zone boundaries on the RDN's Public Viewer, similar to the Aquifer Vulnerability layers. See precedents set by Comox Valley Regional District, Zoning Bylaw No. 520 which has 'Water Supply and Resource Area (WS-RA)' designation within the Rural/Resource Zone to protect groundwater supplies and limit lot coverage to 35% and one single detached dwelling. If amending the Zoning Bylaws is not feasible, an alternative option would be to create a new DPA specific to groundwater recharge as outlined in section 6.2.3 below.
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Resources to support recommendations:

- Stewardship Centre for BC, [Green Bylaws Toolkit for Protecting and Enhancing the Natural Environment and Green Infrastructure 2021](#) (see Chapter 23: Rainwater Management Bylaws Provisions)
- District of Metchosin, [Bylaw No. 467 For the Protection and Management of Rainwater](#) (2016)
- Capital Region District, [Bylaw No. 4168 Saanich Peninsula Stormwater Source Control](#) (2017)
- Okanagan Valley Water Board, [Groundwater Bylaws Toolkit](#)
- Sustainable Technologies Evaluation Program (STEP) Ontario, [Better Site Design Fact Sheet](#)
- City of Coquitlam, [Lot design requirements](#) for Stormwater Management
- Comox Valley Regional District, Zoning Bylaw No. 520, 2019WS with dedicated zoning for groundwater recharge ([see section 805](#))
- West Coast Law, [Topsoil- Law and Policy Primer for Rainwater Management and Water Conservation](#) (2010)
- Sunshine Coast Regional District, [Zoning Bylaw 310 - RU5 Rural Watershed Protection zone](#)



6.2.3. Development Permit Areas

Development Permit Areas (DPAs) identify locations that have special requirements for land development including the protection of natural areas from development (Eagle and Heron Nesting Trees), the protection of development from hazards (Hazard Lands), and for establishing the form and character of communities.

The DPAs are designated within the Official Community Plans (OCPs) which include their applicable areas and justification, then those guidelines and exemptions are included into zoning bylaws. There are DPAs common to the entire region (Freshwater & Fish Habitat DPA, Aquifers DPA) and those only relevant to a certain community (Bowser Village Centre DPA). Additionally, exemptions to the requirements exist within the DPA requirements.

Including rainwater management requirements within a current DPA requires an understanding of the current applicability and coverage of that DPA. Table 9 compares area coverage of the Aquifers DPA and Freshwater & Fish Habitat DPA, which both include elements of rainwater management, to illustrate the differences in applicability of these DPAs. Table 10 covers the Implementation Recommendations for DPAs. Electoral Area B does not have any DPAs identified within their OCPs as they are managed under the Islands Trust

Table 9: DPA Coverage Comparison

Electoral Area	Aquifer DPA coverage:	Freshwater and Fish Habitat DPA coverage:
A	Yellow Point Aquifer DPA and Aquifer DPA only covers coastal half and lands inside the Growth Containment Boundary and Industrial Lands.	Entire Electoral area
B	No DPAs identified in OCPs	
C	No known Aquifer DPA areas identified in OCP	Entire Electoral area
E	No known Aquifer DPA areas identified in OCP (Two neighborhood ISMPs exist which include aquifer considerations)	Entire Electoral area
F	No known Aquifer DPA areas identified in OCP	Entire Electoral area
G	Entire Electoral area	Entire Electoral area
H	Coastal half of the Electoral Area (representing mapped aquifers)	Entire Electoral area

Table 10: Implementation Recommendations for Development Permit Areas

Implementation Recommendations	
T.21	Consider creating a Rainwater Management DPA or amending an existing DPA Option 1: Create a Rainwater Management DPA to specify adherence to performance targets (interim or final as per watershed studies, aquifer assessments or area specific plans) and design standards & specification as per the RDN Rainwater Management Guide. Ensure all applicable development types and land areas are included. Option 2: Edit the Freshwater & Fish Habitat DPA to specify adherence to performance targets (interim or final as per watershed studies, aquifer assessments

	or area specific plans) and design standards & specification as per the RDN Rainwater Management Guide. This DPA already applies to all Electoral Areas within the RDN (see Table 9 above) and contains rainwater management criteria. Option 3: Edit the Aquifers DPA to specify adherence to performance targets (interim or final as per watershed studies, aquifer assessments or area specific plans) and design standards & specification as per the RDN Rainwater Management Guide. Expansion of the coverage of the Aquifers DPA would be required to fill the gaps highlighted in Table 9.
T.22	Edit the Aquifers DPA to include recharge and well-head vulnerability areas, as follows: • Expand or confirm areas of the aquifer identified as Vulnerable (to contamination) from the Vulnerability mapping assessment as covered by the Aquifers DPA. • Identify and delineate wellhead protection areas based on measured groundwater flows within aquifers accessed for municipal and community drinking water wells. Provide specific pre-treatment requirements or limitations on infiltration facilities specified within well-head protection areas and vulnerable recharge zones. • Identify aquifers vulnerable to withdrawals, either seasonally or broadly, from a water supply perspective. • Delineate groundwater recharge boundaries and associated requirements for recharge and water quality within those areas based on aquifer assessments (if zoned areas for groundwater recharge are not able to be designated within current Zoning Bylaws).
T.23	Create a webpage for rainwater management related DPA information to clarify requirements within the DPAs.

Resources to support recommendations:

- Comox Valley Regional District Planning Application [Website](#) (for clear communication of DPAs)
- Stewardship Centre for BC, [Green Bylaws Toolkit for Protecting and Enhancing the Natural Environment and Green Infrastructure 2021](#) (see Chapter 23: Rainwater Management Bylaws Provisions, including DPA provisions)
- CTC Source Protection Region (Ontario), [Vulnerability Analysis Methodology](#) (see Section 6)
- Vancouver Island University, [Intrinsic Vulnerability mapping Methods of Vancouver Island 2010](#)

6.2.4. Official Community Plans

An Official Community Plan (OCP) is a long-term vision for a community, describing the objectives and policies that guide planning and land use management. If a community chooses to enact or update an OCP, all bylaws and policies within the community must be consistent with that plan.

Within the RDN there are 7 OCPs created by each of the Electoral Areas, with Area C having 2 OCPs due to its size and the island of Gabriola being covered by a separate OCP bylaw under the Islands Trust. The inclusion of rainwater management policies and objectives vary within the current OCPs with some having complete sections for rainwater management requirements and others having more general wording included within overall goals. The OCPs also include the applicable DPAs from within the Zoning Bylaw which include requirements specific to natural systems, potential hazards or development character within communities. The variance in inclusion and strength of requirements supports the need for a unified vision of rainwater management across the RDN. Table 11 outlines recommendations for consideration when updating OCPs.

Table 11: Implementation Recommendations for Official Community Plans

Implementation Recommendations	
T.24	Create draft wording around meeting updated rainwater management requirements for inclusion into OCPs when they are updated. Since updates to OCPs are infrequent, including this wording would provide support for, and direct, other policy tools which could be enacted on shorter time scales. Example Wording: <i>“All applicable developments are required to meet the rainwater management performance targets through adherence to the RDN Rainwater Management Guide design guidelines. The performance targets outlined within the RDN Rainwater Management Guide must be met, unless the development is located within an area with a completed Watershed Study providing area specific performance targets that would override those provided within the Guide.”</i>
T.25	Ensure that all OCPs include language related to designing and planning for Climate Change, referring to the RDN Rainwater Management Guide for methodology and selected Climate Change projections.

Resources to support recommendations:

- Okanagan Basin Water Board, [Groundwater Bylaws Toolkit 2009](#) (see section 5.2 Sample Official Community Plan Policies)

6.2.5. Land Covenants

The recommendation in Table 12 relates to development permitting and the legal instruments within this process that exist to protect infrastructure and the environment, specifically restrictive land covenants. Section 219 of the Land Title Act (British Columbia) grants municipalities and regional districts the authority to register a covenant against the title of the land for the purpose of holding that owner (and successors) accountable for specified provisions. In the case of rainwater management, the Section 219 covenant is used within the RDN and other districts (Comox Valley Regional District 2014) to assign responsibility to land owners for the operations and maintenance of rainwater management systems located and installed on their lands as conditions of their development permits. Most often these covenants are applied to standard proprietary devices like Oil & Grit separators within larger developments, but their use could be expanded.

Table 12: Implementation Recommendations for Development Permitting

Implementation Recommendations	
T.26	Expand the use of the Section 219 Covenants to register an approved final Rainwater Management Plan on title with the property to legally ensure the ongoing operation and maintenance of the practice(s) as outlined within the plan. This covenant could be applied in all cases or just in cases where the municipality or region is dependent on the proper functioning of the rainwater management system for its services or ecological protection. The current Aquifer DPA does provide a clause for requirement of section 219 covenant registration.

Resources to support recommendations:

- Land Trust Alliance BC, [Conservation Covenants: A Guide for Developers and Planning Departments](#)
- Comox Valley Regional District, [Stormwater Management Covenants and Subdivision Policy 3320-00](#)
- District of North Vancouver, [Storm Water Pump Covenant](#)
- City of Coquitlam, [Stormwater Management Policy and Design Manual](#) (2019) (specifies requirement to provide two reports, 1st at Preliminary Planning phase and 2nd at Detailed Design phase)
- Stewardship Centre for BC, [Green Bylaws Toolkit for Protecting and Enhancing the Natural Environment and Green Infrastructure 2021](#) (see Chapter 23: Rainwater Management Bylaws Provisions)

6.3. Strategic Planning Tools**6.3.1. Regional Coordination Programs**

The long-term success of implementing a regional approach to rainwater management is dependent on ensuring that actions are taken on the RSRM and developing regional programs is one way to ensure the momentum continues over time. Regional programs could be coordinated by the RDN, or other partner organizations, and membership could be comprised of representatives from RDN, MoTI, municipalities, stewardship/environmental groups, First Nations, developers, consultants, forest managers, agricultural sector representatives, and educational institutions. Table 13 includes recommendations for three potential programs that would be most effective when implemented at a regional scale.

Table 13: Implementation Recommendations for Regional Coordination Programs

Implementation Recommendations	
T.27	Create a Recharge Management Program to adopt a regional approach to managing aquifers. This program would require all possible options for on-site groundwater recharge to be implemented on a development or re-development site

	(subject to aquifer vulnerability requirements) prior to exploration/allowance of off-site options. The onus would be on developers to prove that they are unable to meet the recharge requirements, such as at locations with limitations due to aquifer vulnerability, well-head protection zones, underlying soil conditions or zoning requirements. To ensure aquifer protection and mitigation of the impacts of development, cash-in-lieu would be required even when the site has been proven unable to meet the requirements, removing the financial incentive to 'do nothing' or penalizing specific lots due to site conditions. Goals of the program would be to ensure well-head protection for community drinking water sources while maintaining sustained groundwater recharge to support drinking water supplies and groundwater-dependent natural resources. Payments could be used to fund a Strategy Implementation officer, purchase land for recharge zones, fund rehabilitation efforts and/or construct regional rainwater recharge facilities in areas where targets are hard to meet. As an option, a Memorandum of Understanding, or other agreement, could be entered into with the RDN, local municipalities where there are fewer opportunities to make up recharge, and organizations (which may include RDN/NGOs/First Nations) charged with implementing recharge projects within the aquifer but outside the municipal boundary. Alternately to a cash-in-lieu program, which would operate similarly to the provincial Local Government Parkland Acquisition Fees, this program could be set up as a recharge banking program on the open market with terms set by the RDN. This may require provincial collaboration to enact a regulatory vehicle for implementation.
T.28	Create a Rainwater Strategy Implementation Group to oversee the implementation of the approved strategy and ensure that consistent and scientifically backed rainwater management stays integrated across departments and the region. This could be an extension of the scope of the current RDN Rainwater Working Group or a new one. The implementation group would require a dedicated Strategy Integration Officer to manage consolidating the emerging science, identifying next steps and working to gain consensus from a multi-stakeholder group.
T.29	Regional Rainwater Facility Program Research the feasibility of creating a regional facilities program to ensure groundwater recharge, peak flow reduction, end-of-pipe controls, and water quality systems are effective and efficiently implemented in areas where small, site-level rainwater management facilities required through the development approvals process will not meet the goals and targets defined within the watershed studies and aquifer assessments. These facilities could provide water storage to increase resilience to drought due to climate change, act as infiltration galleries or provide areas for floodwater during extreme flood events (City of Mississauga 2021). These facilities could be created in partnership with local municipalities to protect downstream infrastructure, homes and buildings.

	These facilities could also manage water in areas of dense redevelopment so that new developments are able to connect their infrastructure directly (for a fee) instead of managing it independently. Facilities could be funded through a Rainwater Utility, or an offsetting program such as those described in Section 4.4. Consider the precedent set for rainwater storage on Gabriola Island and other Gulf Islands.
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Resources to support recommendations:

- TRCA, CTC Source Protection Plan [Water Balance Requirements](#) (see language around an off-setting program)
- Province of British Columbia [Local Government Parkland Acquisition Fees](#)
- Province of Alberta [Wetland Policy](#)
- Minnesota Board of Water and Soil Resources: [Establishing a Wetland Bank](#)

6.3.2. Community Partnerships

Fostering community partnerships around rainwater management will ensure that many of the monitoring and educational efforts currently accomplished in the region are sustained into the future. Community partnerships are also needed to provide feedback on the success of initiatives and to support the ambitious goals of the RSRM. Community partners will include stewardship and environmental groups, educational institutions, commerce/business partners, private landowners and local First Nations. Table 14 identifies key recommendations for partnerships within the community to achieve the goals of the RSRM.

Table 14: Implementation Recommendations for Community Partnerships

Implementation Recommendations	
T.30	Continue to foster community partnerships to help achieve the recommendations within this RSRM, specifically related to watershed monitoring and the work done by the RDN's Community Watershed Monitoring Network to contribute to the adaptive management approach. Consider the expansion of monitoring currently not covered by the Community Watershed Monitoring Network, including: - Base Flow Levels - Flow rate monitoring in ditches and undefined watercourses - Invertebrate/macroinvertebrate surveys - Rainfall data This expansion of monitoring and community partnership should be supported through training, funds, and recognition of the vital role that community groups can play for rainwater management within the RDN.
T.31	Continue to leverage community partnerships around education to build a broader understanding of the importance of resilient rainwater management and how it can impact many elements within the RDN such as, but not limited to, stream flows, aquifer recharge, drinking water supply, and water quality.

	Hold community workshops, speaker series, site tours and create reference materials to focus on effective rainwater management within the public realm (i.e., homeowners).
T.32	Build a Low Impact Development pilot project to highlight new technologies and demonstrate how a sustainable rainwater management system can be successfully installed. The pilot project could be built in partnership with a local business, the local municipality (public lands) or on an RDN site.

Resources to support recommendations:

- Trent Conservation Ontario, [Source Protection Educational Resources](#)

6.3.3. Development Approvals Process

The recommendations in Table 15 relate to the development approvals process and issuance of permits for new development and re-development. Development permits are issued for projects subject to meeting requirements (including the new performance targets) set out by the RDN within its by-laws and policies and developers are guided through this process by the RDN's planners.

Providing clarity in the development approvals process is challenging in a jurisdictional environment where multiple levels of government have authority in close proximity to one another. Within the RDN, ensuring the development review and approvals process is clear will ensure landowners, developers and consultants are aware of the requirements for development at any location in the RDN Electoral Areas. Clarity on applicable performance targets and design requirements will reduce ambiguity, making permit approvals a more cost-effective process. Seamlessly integrating the elements required for resilient rainwater management (plans, performance target calculations, etc.) into the approvals process for development permits (and other relevant permits) will ensure that the performance targets are being met. Feedback on the efficacy and impacts of the performance targets can be incorporated into the adaptive management process.

Table 15: Implementation Recommendations for the Development Review Process

Implementation Recommendations	
T.33	Require the submission of a separate Rainwater Management Plan on sites where Rainwater Management is required as per the OCP, DPAs or a specific Policy. Have the plan prepared by a qualified professional, detailing how the development will meet the performance targets, as a condition of receiving the Development Permit. Include an outline of the information to be included within a rainwater management plan submission within the recommended RDN Rainwater Management Guide. Consider requiring two submissions of the plan, the first with initial permit application for feedback and a final approved Rainwater Management Plan, which would be provided as a condition of receiving the final Development permit.
T.34	Conduct a review of the development approvals process for all permit types that require rainwater management within the RDN with purpose of clarifying current

	procedures, identifying and clarifying all roles and responsibilities with respect to rainwater management, and identifying potential gaps in rainwater management requirements. This review would involve engagement with the development community to identify any barriers faced that could be addressed through alterations to the current development approvals process as well as the creation of a clear set of instructions for developers and homeowners just starting the development approvals process. This information on the development approvals process could then be contained within a new document or information on rainwater management updated within an existing one and by organized by permit type if necessary.
T.35	Create (or integrate within existing land zoning map) a map outlining rainwater management requirements, on a site/lot basis, with the purpose of simplifying overlapping criteria and applicable policies (i.e., Aquifers and Sensitive Ecosystems DPAs). Map could be expanded to include municipal requirements aligned with RDN objectives. See Figure 8 for a conceptual representation related to communicating these spatially variable requirements.

Resources to support recommendations:

- Comox Valley Regional District, [Development Handbook](#) & [Website](#) (for clear communication of requirements, approvals process and DPA videos)
- BC Ministry of Municipal Affairs, [Provincial Response to the Resolutions of the 2020 Union of British Columbia Municipalities](#), March 2021, (see pages 82-83)

6.3.4. Asset Management Planning

Asset Management Planning involves organizing data and information about assets in a way that supports transparent prioritization of projects based on organizational goals, community expectations, technical requirements and moving the existing level of service of the asset class (in this case rainwater) toward those goals, expectations and requirements. Within an asset management approach, project prioritization is typically based on a combination of technical and non-technical performance criteria, and risk analysis. Levels of service are determined for various levels of interaction with the asset class, from an overarching corporate mandate to the expectations of the community related to their experienced quality of life. By contrast the functional asset level of service relates to the condition, remaining life, and technical service level provided by individual assets. By defining these expectations and actual service provided, every action or project can be directly tied to maintaining or improving the level of service provided by that asset class and can be prioritized based on transparent and clearly defined goals.

In recent years, natural assets such as parks, trees, waterbodies, wetlands, springs, streams, rivers, riparian areas, forests and meadows have begun to be recognized for the benefits they provide to our communities. An understanding of the engineered infrastructure required to replace the functions these natural assets provide if they were removed is critical to determining their value. Natural asset management is recognized as a key component of a resilient rainwater management system since all natural assets require rainwater to continue providing benefits, and as such also contribute to

managing rainwater. Valuing natural assets can be challenging since not all benefits are tangible, however even a partial accounting will reveal far more rainwater management benefits than can be easily replaced with engineered systems. Robust accounting of ecological and rainwater management services should be applied and expanded to natural assets as the body of knowledge expands in this area (see Table 16).

Table 16: Implementation Recommendations for Asset Management Planning

Implementation Recommendations	
T.36	Expand the RDN's Asset Management Plan to incorporate all rainwater management assets, including natural assets and green infrastructure or LID facilities. Natural assets include open spaces, forests, wetlands, riparian areas, streams, rivers, lakes, urban trees, parks, green spaces and groundwater-dependent natural resources (features with surface emergence of groundwater at a spring or seepage area, sufficiently mineral rich to support a plant community or aquatic ecosystem). Valuing natural assets can be challenging. One approach would be to consider the cost of fully replacing the services with engineered infrastructure and assessing whether full replacement is even possible. Other approaches used in the region and on Vancouver Island have included the Ecological Accounting Process (EAP) for stream and riparian assets, and the Municipal Natural Asset Initiative (MNAI) methodology. A combination of approaches, or other newly developed methodologies may be most appropriate and should be evaluated.
T.37	Identify co-benefits of Parkland Assets for Rainwater Management Parkland is a natural asset that can provide many benefits and have many overlapping uses including a large contribution to the management of rainwater regionally. The case for acquiring new parkland can be strengthened by including the additional benefits of integrating rainwater management into the services provided by the park. In addition to protecting sensitive areas or habitats and providing public recreational amenities, parklands could include the following rainwater management elements: - Natural areas for recharge in aquifers with low recharge - Dedicated recharge facilities – underground or above - Overflow / Allowable flood zones for times of high water - Location of regional rainwater ponds that act as park features for birdwatching, and habitat

Resources to support recommendations:

- [Asset Management BC – A Framework](#)
- [Primer on the Ecological Accounting Process \(EAP\) – A methodology for valuing the Water Balance Services provided by nature.](#)
- [Municipal Natural Assets Initiative](#)
- Town of Gibson, [Source to Sea Project for Natural Asset Management](#)
- biodivCanada, [Ecosystem Services Toolkit](#) (See Tab 7 for valuation methods)

6.3.5. Education & Outreach

As various components of the RSRM will impact numerous departments, organizations and municipalities within the RDN, it is important that communication around the strategy and the scientifically based justifications for pursuing it are clear and well supported. A clearly understood and supported strategy will ensure its long-term success through continued integration across RDN departments, within the municipalities, between other organizations, as well as within the wider community. Any education around rainwater management must include a description of how the wider regional goals for climate resiliency and healthy ecosystems can be met through the application of performance targets applied at the development scale.

To support the implementation of the RSRM and recommended actions, education and outreach is needed both within the RDN as an organization, with partner organizations and municipalities as well as with the wider community. Table 17 details specific recommendations related to rainwater management related education within the region.

Table 17: Implementation Recommendations for Education & Outreach

Implementation Recommendations	
T.38	Continue to develop a community understanding of the impacts of urbanization on the hydrologic cycle and demonstrate the role of holistic rainwater management approaches, specifically Low Impact Development (LID), in mitigating negative impacts. Emphasize water as a resource necessary to support healthy ecosystems, riparian areas, and support communities with clean drinking water. Contrast traditional rainwater management and its impacts with taking a healthy watershed approach to rainwater management. Consider the creation of videos for the website and expansion of outreach programs currently being delivered by the RDN Team WaterSmart and other community partners.
T.39	Create or expand on current school-based programs specific to educating students about water issues and resilient rainwater management within the RDN. Continue providing school programming and water focused lesson modules for Districts 68 & 69 and consider the installation of a raingarden at a local school to facilitate further learning around rainwater management.
T.40	Host workshops with the development community when new performance targets are implemented to provide clarity and justification from scientific-basis, zoning and location applicability, available tools developed to clarify requirements, and emphasize importance of meeting those goals. Continue to educate the development community as performance targets are updated with emerging science, specifically around watershed health metrics trends and climate change science.

Resources to support recommendations:

- University of Boulder, Colorado, [Teach Engineering Program – Stormwater Lesson](#)
- Pacific Education Institute, [Stormwater Curriculum](#)
- List of Stewardship Groups working in the RDN – [Pacific Streamkeepers](#)
 - Departure Creek Streamkeepers
 - Qualicum Beach Streamkeepers
 - [Mid Vancouver Island Habitat Enhancement Society](#)
- List of Institutions with the RDN
 - [Mt Arrowsmith Biosphere Research Institution](#) at Vancouver Island University
 - [Nanaimo & Area Land Trust](#)

7. REFERENCES

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Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: March 3, 2022
Location: Electronic Meeting

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

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

Others Present: There were approximately 5 (five) members of the public and one (1) member of the media in attendance.

1. CALL TO ORDER

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

Chair Rogers called the meeting to order at 10:35 am, welcomed the public and introduced Trustees, Staff and Recorder. Chair Rogers, Trustee Colbourne and Trustee Langereis acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

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

- Add 10.5 Correspondence from Vancouver Harbour.

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Colbourne reported the following:

- Thanked the team for the Density Donation Project; and
- Climate Caucus launched their new website www.climatecaucus.ca.

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

- Trust Programs Committee (TPC) and Regional Planning Committee (RPC); and
- Trust Council (TC) meeting next week.

3.2 Chair's Report

Chair Rogers reported the following:

- Reflections on lessons learned in this elected term;
- TC in Nanaimo starting on Tuesday March 8, 2022, agenda items include a report on governance review, delegations and public participation section, report on Trust Policy Statement engagement process Islands2050 survey and public participation process, schedule of on island events, and budget discussions; and
- Highlighted the good works of the Islands Trust Conservancy.

3.3 Electoral Area Director's Report

Vanessa Craig, Regional District of Nanaimo (RDN) Electoral Area B noted the following:

- Work at Huxley Park continues with scheduled April 2022 opening, Phase 2 includes creating a welcoming and family friendly park with shaded structures and seating areas for a positive welcoming space;
- Community Wildfire Resiliency program; and
- Forest management for 707 Park and addressing concerns about fire in the park include a Fuel Management Prescription; the prescription is a tool to understand the condition of forest, the risks for forest fire and danger to surrounding residences. Next steps include obtaining funding, reporting to the Board, and public consultation.

3.4 First Nation Reports

Trustee Colbourne and Lisa Wilcox, Senior Intergovernmental Policy Advisor are scheduling a regular protocol meeting with Snuneymuxw First Nations and will likely have a meeting scheduled before the end of the Trustees' current term.

Chair Rogers noted RPC working closely with First Nations to understand relationships with water, as well as Trust work on the Heritage Cultural Mapping Project to understand various cultural heritage sites and ways to increase their protection.

4. TOWN HALL

A member of the public noted interest in asking Statistics Canada to proceed with a reverse record data process to find the population increase on Gabriola, Mudge and DeCourcy, noted their correspondence regarding the Trees4Tomorrow program in support of trees being planted at a different time of the year, and thanked the team for the webinar on the Density Donation Outreach Program and wondered if it was the intent of the Local Trust Committee (LTC) to require a covenant on title that donated the density.

- Planner Zupanec responded that the LTC has not discussed mechanisms and options to transfer densities, perhaps zoning would be the indicators, however, the LTC will discuss options and processes if the Density Donation Program proceeds;
- Chair Rogers requested that the Statistics Canada reverse record data process be included on the next LTC agenda; and
- Trustee Colbourne noted that the correspondence regarding Trees4Tomorrow has been forwarded to the program coordinator.

A member of the public noted their correspondence on January 26, 2022 regarding Degnan Bay and the multiplication of boats for live aboard, protection of the Ecological Zone with particular attention to disposal of sewerage, and the number of boats with permanent moorage was not included in this Agenda. They requested the LTC to consider conditions at Degnan Bay and the environmental concerns.

- Trustees noted they have been in contact with numerous agencies with interests in Degnan Bay, noted issue of agency silos and efforts by the Coast Guard to coordinate silos.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated October 21, 2021 - for adoption

By general consent the Local Trust Committee meeting minutes of October 21, 2021 were adopted.

5.2 Local Trust Committee Special Meeting Minutes dated November 25, 2021 - for adoption

By general consent the Local Trust Committee meeting minutes of November 25, 2021 were adopted.

5.3 Local Trust Committee Special Meeting Minutes dated January 27, 2022 – for adoption

By general consent the Local Trust Committee meeting minutes of January 27, 2022 were adopted.

5.4 Section 26 Resolutions-Without-Meeting Report dated February 23, 2022

Received.

5.5 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated February 23, 2022

Received and Trustees noted to remove item regarding Welcome Wagon as a separate Islands Trust mail out to be sent shortly.

GB-2022-011

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff remove item from September 10, 2020 regarding a Gabriola Local Trust Committee resolution to purchase a subscription to the welcome wagon up to \$100.00 from the Follow Up Action List.

CARRIED

6.2 Fees Bylaw - Staff Report

Planner Zupanec summarized the report which recommended the LTC draft a new fee bylaw based on the model fees bylaw with modifications for fees for registered charities and non-profit societies to make it more in alignment with current provisions of the Gabriola fees bylaw, and noted Fees are based on average Trust wide processing costs.

Trustees noted the following:

- Fees for subdivisions referral applications seem low due to increased market property values and cost recovery of Staff time related to subdivision referrals.
 - Planner Zupanec noted there is a cost recovery process for referrals that substantially deviate from the original referral.

GB-2022-012

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee modify the Model Fee Bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" that the fee for an Application for subdivision referrals on Table 3, Item 1. Application for Subdivision Review – base fee be retained at \$1,300.00, and Item 2. Application for subdivision review – per additional lot created be retained at \$130.00.

CARRIED

GB-2022-013

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff or the Director of Planning provide rationale for the proposed Bylaw Fees on subdivision referrals and any data related specifically to Gabriola Staff time on subdivision applications.

CARRIED

GB-2022-014

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to draft a new Fee Bylaw based on the Model Fee Bylaw attached to Trust Council Policy "5.6.1 Application Processing Services", as amended, with the following modification:

- a. That the fee for an Official Community Plan or Land Use Bylaw amendment, or combination thereof for affordable housing where the applicant is a registered charity or a non-profit society, be \$1,000.00.

CARRIED

6.3 Model Cell Tower Strategy - Trustee Langereis

Trustee Langereis summarized his report on language inconsistencies between the model strategies with his research, conclusions, and assumptions.

Trustees requested that Trustee Langereis forward to the RPC for consideration.

7. APPLICATIONS AND REFERRALS

7.1 Telus Tower Referral - Staff Report

Planner Zupanec provided an overview of the report on the submission by TELUS of a completed public consultation and request for concurrence for a proposed 60 metre tower/wireless communications facility on the subject property.

Discussion ensued and the following points were noted by Trustees:

- Interested in a Community Information Meeting for public consultation;
- First Nations responses are necessary; and
- Concerned with future changes linked to 5G technology.

Doug Anastos and Chad Marlatt, representatives of the applicant TELUS noted the following:

- Concurrence from local government needed as the proposed subject property is on Ministry of Transportation and Infrastructure (MoTI) land and TELUS are required to consult with local government to obtain concurrence before construction;
- TELUS has reached out to two First Nations with interests in the area at the beginning of the consultation process and one response has been received, there was also notification to neighbours and newspaper notifications;
- Modelling suggested that cellular coverage will be improved for Gabriola, Mudge, DeCourcy, Ruxton and waterways; and
- Due to large majority of correspondence received was in support of the tower, TELUS did not hold a Community Information meeting.

GB-2022-015

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend TELUS confirmation of consultation response, in accordance with the TELUS Public Consultation Summary and Request for Concurrence dated November 18, 2021 to include “subject to confirmation and concurrence of consultation from relevant First Nations” after the words “advise TELUS that” at the end of the first paragraph.

CARRIED

GB-2022-016

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend TELUS confirmation of consultation response, in accordance with the TELUS Public Consultation Summary and Request for Concurrence dated November 18, 2021 as written with the words “subject to confirmation of consultation from relevant First Nations” in the amended resolution and remove the words “and concurrence”.

CARRIED

GB-2022-017

It was MOVED and SECONDED

In accordance with the TELUS Public Consultation Summary and Request for Concurrence dated November 18, 2021, the Gabriola Island Local Trust Committee request staff to advise TELUS that, subject to confirmation of consultation from relevant First Nations:

- a. TELUS has satisfactorily completed its consultation with the Gabriola Island Local Trust Committee;
- b. The Gabriola Island Local Trust Committee is satisfied with TELUS’s public consultation process and does not require any further consultation with the public; and
- c. The Gabriola Island Local Trust Committee concurs with TELUS’s proposal to construct a wireless telecommunications facility on PID: 009-734-902 (South Road) provided it is constructed substantially in accordance with the plans submitted to the Islands Trust. “

CARRIED

Trustee Langereis Abstained

By general consent the meeting was recessed at 1:57 pm and reconvened at 2:31 pm.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Density Donation Outreach Program - verbal update

Planner Zupanec provided an update on the Density Donation Outreach Program and noted the following key points:

- Held Gabriola Density Donation and Land Stewardship Webinar <https://islandstrust.bc.ca/event/gabriola-density-donation-and-land-stewardship-options-webinar/> in partnership with Islands Trust Conservancy, the Land and Trails Trust (GALTT) and the Land Stewards Society (GILSS) showcasing four distinct options for Gabriola residents to enhance environmental protection and provide land and capacity for broad community benefits;
- Interested density donors may contact Sonja Zupanec, Island Planner for more information;
- One donor has come forward interested in donating their density, waiting for more donors to come forward so that program may move forward to next steps and provide further information on the program and processes; and
- Forty-three (43) members of the public attended and/or registered for the live webinar.

Trustees noted the following key points:

- Interested in having a table at future in person LTC meetings with information regarding this program for the public; and
- Interested in sending referral to the Advisory Planning Commission (APC) or Housing Advisory Planning Commission (HAPC), will draft up specific referral questions to bring to next LTC meeting.

9. DELEGATIONS - none

10. CORRESPONDENCE

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

10.1 Email dated December 11, 2021 from Jacinthe Eastick regarding Gabriola Island Development Potential 2021 project

Planner Zupanec has sent a reply to Jacinthe Eastick.

Trustees noted their frustration with the current outdated Official Community Plan (OCP) and being unable to advance the HAPC recommendations while in a climate and housing crisis.

10.2 Email dated December 1, 2021 from B. Nixon regarding Degnan Bay

Received.

10.3 Email dated February 21, 2022 from G. Coford regarding Degnan Bay

Received.

10.4 Letter from the BC Association of Farmers' Markets - for Discussion

Received.

GB-2022-018

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee send a letter via the Chair on behalf of Gabriola Local Trust Committee to the Province of British Columbia Ministry of Health in support of the Farmers Market Coupon Nutrition program.

CARRIED

10.5 Correspondence from Vancouver Harbour

Chair Rogers will send a letter in response.

11. NEW BUSINESS

11.1 Shoreline Report - Briefing

GB-2022-019

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee add the formation of a Heritage Bylaw to protect heritage resources similar to the projects completed on South Pender and Saturna.

CARRIED

11.2 Northern Office Quarterly Report

Received.

11.3 Gabriola Volunteer Fire Department - Annual Fire Inspections for Temporary Use Permits

Chief Will Sprogis noted that annual fire inspections for Temporary Use Permit (TUP) holders that were conducted last year have not come forward this year for their annual inspections. He asked the LTC to consider how to require compliance of annual fire inspections for TUPs.

Discussion ensued and the following was noted by Trustees:

- TUPs that have not complied with annual fire inspections would have challenges upon renewal of the TUP;
- Staff have applications monitoring software with alert flags, however, this requires action and monitoring, which Staff do not have capacity/resources for at the moment; and
- Chair Rogers will investigate with TUP breaches of conditions process and report back to the LTC.

11.4 Degnan Bay Moorage - for Discussion

GB-2022-020

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request a report from Bylaw Enforcement on Degnan Bay and other litigation in the Gabriola Trust Area.

CARRIED

12. REPORTS

12.1 Climate Change Action Update

Received.

12.2 First Nations Relationship Building

Received.

12.3 Trust Conservancy Report

12.3.1 November 23, 2021

12.3.2 January 25, 2022

12.4 Applications Report dated February 23, 2022

Received.

12.5 Trustee and Local Expense Report dated December, 2021

Received.

12.6 Adopted Policies and Standing Resolutions

Received.

12.7 Local Trust Committee Webpage

No updates requested.

13. WORK PROGRAM

13.1 Top Priorities Report dated February 23, 2022

Planner Zupanec noted that the Active Transportation Project Final Report has been submitted and recommended that the item stay on the Projects List until it has been taken up by other community agencies.

GB-2022-021

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that Union of British Columbia Municipalities Active Transportation Grant Application move from the Top Priorities to the Project List.

CARRIED

Trustee Colbourne Abstained

13.2 Projects List Report dated February 23, 2022

Received and Trustees noted the following points:

- Trustee Langereis interested in the Coastal Areas Protection project to move to the Top Priorities report; and
- Interested in limiting Top Priorities to the remaining two projects in order to get work done and accomplish projects before the end of their term.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, April 7, 2022 at 10:30 am at the Gabriola Island Community Hall, 2200 South Road, Gabriola Island.

15. CLOSED MEETING - NONE

16. ADJOURNMENT

By general consent the meeting was adjourned at 3:45 pm.

Dan Rogers, Chair

Certified Correct:

Nadine Mourao, Recorder

Follow Up Action Report

Gabriola Island

28-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC approved issuance of GB-DVP-2017.1 conditional upon registration of a restrictive covenant and registration of a S. 32 HCA notice on title. (Awaiting registration of covenant and HCA notice)	Becky McErlean Stephen Baugh		In Progress
2 LTC approved issuance of GB-DP-2017.2 following issuance of GB-DVP-2017.1 (Awaiting registration of covenant and HCA notice)	Becky McErlean Stephen Baugh		In Progress

26-Nov-2020

Activity	Responsibility	Dates	Status
1 GB-RZ-2020.1 (GHS) Proposed Bylaw No. 308 (Housing Agreement) LTC request applicant submit approved water licence prior to final reading of BL 306 and 307. <i>Submitted</i> . March 4 2021: Staff to prepare amendments to the Housing Agreement Bylaw as per the LTC resolution; defer items i) and n) to future LTC meeting and not proceed with further readings until consultation with Snuneymuxw First Nation is completed.	Becky McErlean Sonja Zupanec		Completed

21-Oct-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gabriola Island

21-Oct-2021

Activity	Responsibility	Dates	Status
1 Provide status update on GB-DVP-2016.3 for Nov 25 LTC meeting.	Margot Thomaidis		Completed

27-Jan-2022

Activity	Responsibility	Dates	Status
1 that Gabriola Island Local Trust Committee request Staff to return deleted Sections 18 to 40 of Gabriola Island Local Trust Committee Bylaw No. 312, cited as "Gabriola Island Local Trust Committee Meeting Procedures Bylaw, 2022" to the Gabriola Local Trust Committee for future consideration.	Becky McErlean Heather Kauer		Completed

03-Mar-2022

Activity	Responsibility	Dates	Status
1 Add to Gabriola LTC Project List : Recognize areas of cultural significance - consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturnina.	Sonja Zupanec		Completed
2 Chair to draft letter for support to the Minister of Health regarding the Farmer's Market Nutrition Coupon program.	Mike Richards Wil Cottingham		In Progress

Follow Up Action Report

Gabriola Island

03-Mar-2022

Activity	Responsibility	Dates	Status
3 Staff to advise TELUS of the LTC's resolution regarding concurrence for the new proposed tower.	Sonja Zupanec		Completed
4 LTC requests staff to prepare necessary amendments to the Fees Bylaw consistent with model fees with the exception of maintaining the current subdivision fees for base parcel and new lots; and OCP/LUB amendment for affordable housing by a not-for-profit organization. LTC requests staff to provide supporting data for staff time spend on subdivision referrals and fees received for the Gabriola LTA.	Heather Kauer		In Progress
5 Schedule in camera April 7 to discuss litigation matters in the Local Trust Area including Degnen Bay.	Becky McErlean Warren Dingman		Completed

DATE OF MEETING: February 22, 2022
TO: Gabriola Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Proposed New Fee Bylaw

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 311, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be read a first time.
2. That Gabriola Island Local Trust Committee Bylaw No. 311, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be read a second time.
3. That Gabriola Island Local Trust Committee Bylaw No. 311 cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be read a third time.
4. That Gabriola Island Local Trust Committee Bylaw No. 311, cited as “Gabriola Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The purpose of this report is for the Gabriola Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 311 which would replace Bylaw No. 300 (LTC Fees Bylaw).

BACKGROUND

At the March 2022 regular business meeting, the LTC passed the following resolution:

GB-2022-014

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to draft a new Fee Bylaw based on the Model Fee Bylaw attached to Trust Council Policy “5.6.1 Application Processing Services”, as amended, with the following modification:

- a. That the fee for an Official Community Plan or Land Use Bylaw amendment, or combination thereof for affordable housing where the applicant is a registered charity or a non-profit society, be \$1,000.00.

CARRIED

Rationale for Recommendation

The attached bylaw is consistent with the LTCs requests thus far regarding the fees bylaw.

Submitted By:	Heather Kauer Regional Planning Manager	March 22, 2022
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ATTACHMENTS

1. Draft Bylaw No. 311

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 311

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

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

Citation

1.1 This bylaw may be cited as the "Gabriola Island Local Trust Committee Fees Bylaw, 2021".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Thetis Island Local Trust Committee Development Procedures Bylaw No. 40, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600
Official Community Plan or Land Use Bylaw amendments for affordable housing and the applicant is a registered charity or a non-profit society	\$1000.00

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity (Development Areas – DP1, DP2, DP4, DP5, DP6, DP3)	\$1,000
2. Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Heritage Alteration Permit	\$1,700
Combination Applications	
14. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
15. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

DRAFT

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,300
2. Application for Subdivision Review – per additional lot created	\$130
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500
Zoning Confirmation Letter	100.00

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been

submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Gabriola Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

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

10. Repeal

- 10.1 “Gabriola Island Local Trust Committee Fees Bylaw No. 300, 2018” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS	_____	DAY OF	_____	, 202X
READ A SECOND TIME THIS	_____	DAY OF	_____	, 202X
READ A THIRD TIME THIS	_____	DAY OF	_____	, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 202X
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ADOPTED THIS	_____	DAY OF	_____	, 202X
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CHAIR

SECRETARY



DATE OF MEETING: April 7, 2022

TO: Gabriola Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

SUBJECT: Temporary Use Permit for a Commercial Vacation Rental (of a 1 bedroom cottage)
Applicant: Ike Mackay
Location: 1016 Berry Point Road, Gabriola Island (PID: 000-334-715)

COPY: Islands Trust Bylaw Enforcement, for information

1. That the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GB-TUP-2020.2, subject to the conditions imposed by the permit, with an expiry date of March 31, 2023.

The Gabriola Island Local Trust Committee (LTC) is asked to consider Temporary Use Permit (TUP) for the temporary operation of a commercial vacation rental (CVR) within a single family dwelling (a 700sq ft, 1-bedrm cottage) on the subject property (Figure 1 below) in the Small Rural Residential (SRR) designation.

SUBJECT PROPERTY

Orlebar Point

BERRY POINT RD

CHICHESTER RD

Blk 10

Blk 11

Plan

673

1673

20

21

23

25

27

28

A

B

C

Plan

VIP A

52632 B

11

13

1673

15

8

6

1673

4

Plan

2

42414

A

1916

4

3

673

2

14

13

11

9

8

BACKGROUND

Pursuant to article 3.8 (a)(vii) of the Gabriola Island Official Community Plan (OCP), a TUP may be issued for CVRs CVR (overnight accommodation on less than a monthly basis for monetary gain) within land designated as Small Rural Residential (SRR).

Detailed background information, including the Site Context can be found in Attachment 2, and details of how the application has been evaluated against the TUP Guidelines can be found in Attachment 3. Supporting information provided by the applicant is included as Attachments 4-8.

File History

This TUP application is a result of Islands Trust Bylaw Enforcement file (GB-BE-2020.9), which was opened February 26, 2020 to notify the applicant that they were operating a CVR without a Permit, and that they would need to apply for and obtain a TUP in order to continue operating a CVR.

Nine months later (November 2020), the applicant submitted a TUP application; however, the application was incomplete and planning staff requested the applicant (in Jan 2021) to provide additional required information in order to be able to process the TUP application as complete. Following no response from the applicant, planning staff followed up via email in April 2021 to again request the missing information and whether or not the applicant wished to proceed with their TUP application.

The applicant informed staff that they did indeed wish to proceed with the TUP application but were finding it challenging to find professional assistance, due to the pandemic situation. At that time the applicant had the septic report done and were planning to address the fire inspection next. The septic report was not submitted at that time.

By October 2021, planning staff sent a formal letter to the applicant to note that the application had been inactive for 6 months, without progress by the applicant to submit any of the required missing information, and would therefore be closed by October 27, 2021 unless further direction and/or the required information was provided.

On October 25, 2021, the applicant replied to staff to submit the septic inspection (dated Jan 29, 2021, Attachment 5) and fire inspection (dated May 11, 2021, Attachment 7) at that time.

The applicant was not able to obtain an Occupancy Permit from the RDN (staff confirmed that a professional home inspection could suffice in this case (see Guidelines vii and xix of Attachment 3). On December 9, 2021, planning staff again sent an email to the applicant to request the four remaining outstanding items by February 11, 2022 or the file would be closed and turned back over to BE for further action:

1. A registered Home Inspection report in lieu of being able to locate an Occupancy Permit from the RDN;
2. Water Plan stating *how* potable water will be supplied for the duration of the proposed Vacation Rental use;
3. Information about the cistern's capacity and water quality testing; and
4. The Information Package you plan to provide for your guests upon check-in: e.g. for fire safety, noise bylaws, water conservation, garbage, septic, pets your on-island 24hr contact, respect for First Nations heritage on the island etc.

There was no response from the applicant until February 11, 2022, when they submitted the final four outstanding items, and the application could finally be reviewed as "complete".

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 2. The policies and regulations that pertain to discussion for this application are summarized below.

Gabriola Island Official Community Plan (OCP)

Official Community Plan policies were reviewed and the relevant TUP Guidelines are included as Attachment 3 of this report. Staff find that this CVR TUP application complies with all such Guidelines.

Gabriola Island Land Use Bylaw (LUB)

As noted in Attachment 2, the subject property is zoned Small Rural Residential (SRR) in the Gabriola Island Land Use Bylaw No. 177. The intent of the TUP is to allow a use that is not otherwise permitted. Regulation B.6.3.1 notes that “All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee” – and thus this TUP request is required for this temporary CVR use.

Issues and Opportunities

Continued Operation of CVR

It is the understanding of Planning staff and Bylaw Enforcement staff that since being advised that a TUP would be required to operate the dwelling as a CVR, the applicant has not ceased to operate, and in fact at the time of writing this report, it appears the applicant continues to be advertising the 1-bedroom cottage and taking bookings at least through the Airbnb vacation rental platform, despite not having the required Permit to do so: “Ocean Delight”: <https://www.airbnb.ca/rooms/19021801>

Guest reviews on Airbnb go from June 2019-Oct 2021 for the cottage listing, with most months having at least one guest review. **Following February 2020 (when BE informed the applicant of the need to cease commercial operation until a TUP had been issued) and until the date of this meeting (April 2022), 25 months will have passed** – most of those months have at least one review from guests, meaning the cottage continued to be rented to guests without a TUP. As of writing this report, the most recent guest review is from February 2022.

In addition, under the TUP Guidelines and as a condition of the draft Permit (Attachment 1), this 1-bedroom cottage would be permitted to rent to a maximum of 2 guests (max. 2 guests per bedroom), unlike the current listing above, which currently advertises for a maximum of 3 guests.

Maximum Term/Duration of the Permit

Section 497 of the *Local Government Act* speaks to the maximum term of the permit and renewal of the permit:

(1) The owner of land in respect of which a temporary use permit has been issued has the right to put the land to the use described in the permit **until the earlier of the following**:

- (a) the date that the permit expires;
- (b) 3 years after the permit was issued.

(2) A person to whom a temporary use permit has been issued may apply to have the permit renewed, subject to the restriction that **a temporary use permit may be renewed only once**.

Given the above, that a TUP can be issued for a maximum of 3 years (36 months), and that the applicant has continued to actively list the cottage and has rented it out to paying guests during the 25 months since Islands Trust Bylaw Enforcement notified them to cease until a TUP had been issued, staff are recommending that the TUP be issued with an expiry date of **March 31, 2023**, which would be approximately 13 months after issuance following the April LTC meeting (36 months maximum – 25 months already advertised/rented = 11 months remaining).

The LGA clearly states that a TUP may be renewed only once, so if the applicant wishes to continue this commercial vacation rental use, they would need to submit another application prior to the TUP expiry date next year, for a one-time renewal, and would need to submit all of the same types of documents as required to process this application. Following a one-time renewal (again, with a maximum extension of 3 years), the property would then need to be rezoned for CVR use in the long term.

Neighbouring Resident Support

The applicant has submitted two letters of support from neighbouring residents, which have been included as Attachments 10 & 11 to this staff report.

At the time of writing this report, staff is not aware of any other public correspondence regarding this TUP application request. A copy of the Public Notice is included as Attachment 9.

RATIONALE FOR RECOMMENDATION

Staff consider this TUP application and information provided to meet the TUP Guidelines for commercial vacation rentals outlined in Section 3.8 of the OCP. 2 letters of support from direct neighbouring residents have been received, and staff are not aware of any complaints regarding the CVR use on this property. Therefore, staff recommends that the TUP be issued, subject to the conditions imposed by the permit, with an expiry date of March 31, 2023 given the continued operation of the CVR despite BE's request to cease operation until a TUP had been obtained.

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. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request further information prior to making a decision on Temporary Use Permit application GB-TUP-2020.2 [specify required information].

2. Impose additional permit conditions and/or amend the permit expiry date

The LTC may choose to impose additional permit conditions in accordance with OCP Guidelines 3.8(h) (xvii) which states, "such other considerations as are deemed applicable with respect to a specific commercial vacation rental application" or (xviii) which states, "the LTC may require water metering". The LTC may also choose to amend the expiry date of the Permit. Recommended wording for such resolutions are as follows:

That the Gabriola Island Local Trust Committee request that the following be made a condition of Temporary Use Permit application GB-TUP-2020.2: [insert condition(s)];

That the Gabriola Island Local Trust Committee request staff to amend the expiry date of GB-TUP-2020.2 from March 31, 2023 to [insert date];

That the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GB-TUP-2020.2, subject to the conditions imposed by the permit, and as amended.

3. Deny issuance of the permit

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

That the Gabriola Island Local Trust Committee deny Temporary Use Permit application GB-TUP-2020.2 for the following reasons: [specify reasons].

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will issue the TUP as drafted in Attachment 1.

Submitted By:	Teresa Mahikwa, MCIP, RPP Island Planner	March 17, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 17, 2022

ATTACHMENTS

1. Draft Temporary Use Permit
2. Site Context
3. OCP TUP Guidelines
4. Water Plan and Test
5. Septic Report
6. Home Inspection Report
7. Fire Inspection Report
8. Guest Manual
9. Copy of Public Notice
10. Support Letter from David Levi, November 12, 2020
11. Support Letter from Rebecca Rozander, November 5, 2020



DRAFT
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2020.2 (Mackay)
1016 Berry Point Road, Gabriola Island

To: Ike Mackay

1. This Permit applies to the land described below:
PID 000-334-715
LOT 2, BLOCK 9, SECTION 23, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 1673
2. **This Permit expires on March 31, 2023.**
3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the use of a commercial vacation rental within the single family dwelling (700 sq. ft cottage) on the subject property.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of the area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is 1;
 - 4.8 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 2 guests at any given time;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;
 - 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedules "A" and "B" attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

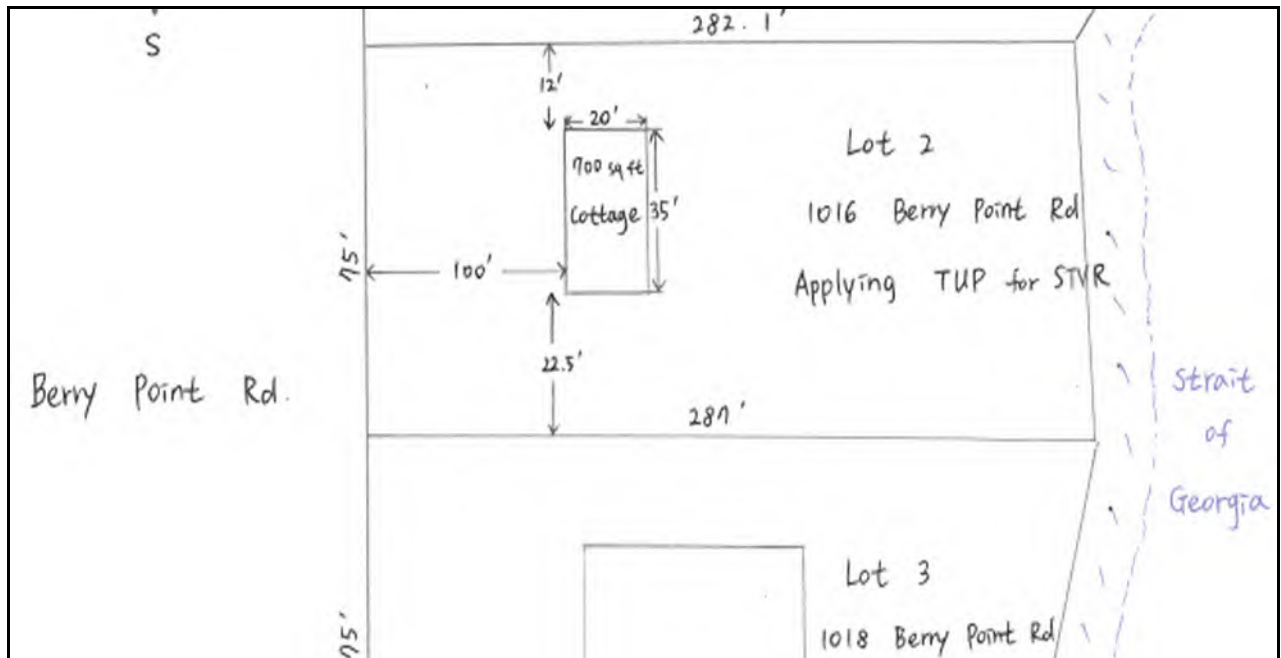
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF ____, 20__.

Deputy Secretary, Islands Trust

Date Issued

DRAFT
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2020.2 (Mackay)

SCHEDULE "B" – Site Plan



ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	LOT 2, BLOCK 9, SECTION 23, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 1673
PID	000-334-715
Civic Address	1016 Berry Point Road
Lot Area	Lot 2 (1016 Berry Point Rd) = approximately 0.19 ha (0.46 acres)

LAND USE

Current Land Use	Residential; Occasional Commercial Vacation Rental Existing buildings and structures include: Single family dwelling (700 sq ft cottage) 
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GB-BE-2020.9	Active/With BEO. Commercial vacation rental occurring without a Temporary Use Permit. Awaiting decision on GB-TUP-2020.2

POLICY/REGULATORY

Gabriola Island Official Community Plan No. 166, 1997	The subject property is within the Small Rural Residential (SRR) land use designation. Not within any Development Permit Areas.
Gabriola Island Land Use Bylaw No. 177, 1999	The subject property is within the Small Rural Residential (SRR) zone. Permitted Principal uses in the SRR zone include single family residential. B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee. <i>*TUP Objectives and Guidelines are found in the OCP. See section above.</i>

Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants, or Parks/Protected Areas
Covenants	None on Title.
Bylaw Enforcement	GB-BE-2020.9 (active) – See Historical Activity above.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a – This application does not directly affect an ITC-owned property, conservation covenant, or nature reserve; nor does it directly affect a property adjacent to an ITC-owned property, conservation covenant, or nature reserve. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is LOW. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	None mapped.
Sensitive Ecosystems	Islands Trust Ecosystem Mapping (ITEM) classifies the subject property as “rural” and Sensitive Ecosystem Mapping (SEM) notes it is within an Herbaceous/Coastal ecosystem.
Hazard Areas	Below the natural boundary of the sea is mapped as a sea cliff/bluff with a steep slope of “low” to “moderate” risk.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) indicates that the subject property is within 100 metres of a known archaeological site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated impacts; the existing cottage is located well outside the minimum required setback from the natural boundary of the sea.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is in an area of moderately high aquifer intrinsic vulnerability, and has moderately high vulnerability to saltwater intrusion as well. Subject property has no mapped TRIM or RAR-applicable watercourses or waterbodies.

ATTACHMENT 3 – TUP GUIDELINES IN THE GABRIOLA OCP

OCP Subsection 3.8(h)

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

Guideline	Submitted	Compliant?	Planner Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals	<i>n/a</i>		<i>TBD by LTC</i> <i>There are currently only a few other active TUPs for CVRs on the Island, and no others in this neighbourhood.</i>
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood	<i>n/a</i>		<i>Included as a condition of the Permit.</i> Condition 4.1 of Draft TUP
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues	<i>n/a</i>		<i>Included as a condition of the Permit.</i> Condition 4.1 of Draft TUP Subject property and subject Single Family Dwelling set back and well screened from road and neighbouring properties. Neighbour to the north (1010 Berry Point Road) has provided a letter of support for this TUP request. Neighbouring property to the south (1018 Berry Point Rd) is the applicant's own home.
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	<i>n/a</i>	<i>n/a</i>	<i>Not in the ALR.</i>
v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest.	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.6 of Draft TUP See staff report and attached Water Plan for 14,000 gallon cistern capacity and access to emergency backup cistern as well.

vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.2 of Draft TUP. Staff are satisfied from aerial imagery that there is adequate parking space for at least two vehicles on the subject property.
vii. the landowner should be required to provide documentation from a qualified professional that the septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	Yes	Yes	Robert Bye, Registered Onsite Wastewater Practitioner (ROWP), of Gabriola Septic Services, provided an Assurance of Compliance letter dated January 29, 2021 (attached to staff report) stating that the Onsite Wastewater System is capable of supporting the Vacation Rental occupancy load not exceeding daily waste water flow of 1000 L/day or 219 gal/day.
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code	Partially. See Planner comments and Guideline xix below.		The applicant could not obtain a copy of any Occupancy Permit from the RDN Building Inspection Service. See TUP Guideline xix below. The applicant has submitted a letter dated May 11, 2021 (attached to staff report) from Hayley Bennett of the Gabriola Volunteer Fire Department, indicating that the residence meets the requirements of the B.C. Fire Code for the purpose of short term rental accommodation.
ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.3 of Draft TUP. Included in Guest Manual attachment to staff report which provides required information to guests.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit	n/a	<i>Included as a condition of the Permit.</i> Condition 4.4 of Draft TUP.	
xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted)	Yes	<i>Included as a condition of the Permit.</i> Condition 4.5 of Draft TUP. Included in Guest Manual attachment to staff report which provides required information to guests.	

xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom	n/a	<i>Included as a condition of the Permit.</i> Condition 4.8 of Draft TUP. This TUP request is for a 1-bedroom dwelling, so a maximum of 2 guests permitted at any given time.	
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	n/a	<i>Included as a condition of the Permit.</i> Condition 4.10 of Draft TUP.	
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients	n/a	<i>Included as a condition of the Permit.</i> Condition 4.11 of Draft TUP.	
xv. a condition of the permit should limit the number of bedrooms to: • a maximum of 3 on lots smaller than 2.0 hectares	n/a	<i>Included as a condition of the Permit.</i> Condition 4.7 of Draft TUP. Subject property is less than 2 hectares. Applicant requesting rental of 1-bedroom cottage, and therefore condition 4.7 of Draft TUP restricts number of bedrooms to 1.	
xvi. a condition of the permit should prohibit recreational vehicles or camping	n/a	<i>Included as a condition of the Permit.</i> Condition 4.12 of Draft TUP.	
xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application	n/a	TBD by LTC.	
xviii. the Local Trust Committee may require water metering	n/a	TBD by LTC.	
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities	Yes	Yes	Because the applicant was not able to obtain a copy of any Occupancy Permit from the RDN Building Inspection Service (Guideline viii above), the LTC is asked to consider the Home Inspection report instead (attached to the staff report), from Brad Clark of A Buyer's Choice Home Inspections dated December 17, 2021, which notes that the house is in good condition and makes no suggestions of any safety concerns.
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.5 of Draft TUP. Included in Guest Manual attachment to staff report which provides required information to guests.

Water Plan

We have a 12,000 gallon concrete cistern in an adjacent building.

The water is purified by a water filter system including a UV light filter.

There is also a 2,000 gallon free standing potable water cistern to act as a backup supply source for the summer months.

We also have a 22,000 gallon cistern under our house for our usage that we could provide in an emergency (My household has only 3 residents).

The water is pumped to the vacation rental by a 1/2 hp jet pump.

Total capacity of these cisterns is 36,000 gallons by a rainwater harvesting system from metal roofing. All three water source are protected by water filter systems and have been tested annually.

The recent water test report is attached on the next page.

We can assure the water capacity and the quality of the water for the vacation rental.



Your P.O. #: 0309801
Your Project #: IKE MACKY
Your C.O.C. #: 08503206

Attention: Bryan Richardson

Andrew Sheret - Nanaimo
2545 McCullough Rd
Nanaimo, BC
Canada V9S 4M9

Report Date: 2022/02/02
Report #: R3129578
Version: 1 - Final

CERTIFICATE OF ANALYSIS

BV LABS JOB #: C206248

Received: 2022/02/01, 11:15

Sample Matrix: Drinking Water
Samples Received: 1

Analyses	Quantity	Date Extracted	Date Analyzed	Laboratory Method	Analytical Method
Total Coliform & E.Coli by MF-Chromocult	1	N/A	2022/02/01	BBY4SOP-00143	Merck KGaA Version 1

Remarks:

Bureau Veritas is accredited to ISO/IEC 17025 for specific parameters on scopes of accreditation. Unless otherwise noted, procedures used by Bureau Veritas are based upon recognized Provincial, Federal or US method compendia such as CCME, MELCC, EPA, APHA.

All work recorded herein has been done in accordance with procedures and practices ordinarily exercised by professionals in Bureau Veritas' profession using accepted testing methodologies, quality assurance and quality control procedures (except where otherwise agreed by the client and Bureau Veritas in writing). All data is in statistical control and has met quality control and method performance criteria unless otherwise noted. All method blanks are reported; unless indicated otherwise, associated sample data are not blank corrected. Where applicable, unless otherwise noted, Measurement Uncertainty has not been accounted for when stating conformity to the referenced standard.

Bureau Veritas liability is limited to the actual cost of the requested analyses, unless otherwise agreed in writing. There is no other warranty expressed or implied. Bureau Veritas has been retained to provide analysis of samples provided by the Client using the testing methodology referenced in this report. Interpretation and use of test results are the sole responsibility of the Client and are not within the scope of services provided by Bureau Veritas, unless otherwise agreed in writing. Bureau Veritas is not responsible for the accuracy or any data impacts, that result from the information provided by the customer or their agent.

Solid sample results, except biota, are based on dry weight unless otherwise indicated. Organic analyses are not recovery corrected except for isotope dilution methods.

Results relate to samples tested. When sampling is not conducted by Bureau Veritas, results relate to the supplied samples tested.

This Certificate shall not be reproduced except in full, without the written approval of the laboratory.

Reference Method suffix "m" indicates test methods incorporate validated modifications from specific reference methods to improve performance.

* RPDs calculated using raw data. The rounding of final results may result in the apparent difference.



Your P.O. #: 0309801
Your Project #: IKE MACKY
Your C.O.C. #: 08503206

Attention: Bryan Richardson

Andrew Sheret - Nanaimo
2545 McCullough Rd
Nanaimo, BC
Canada V9S 4M9

Report Date: 2022/02/02
Report #: R3129578
Version: 1 - Final

CERTIFICATE OF ANALYSIS

BV LABS JOB #: C206248

Received: 2022/02/01, 11:15

Encryption Key



**AUTHORIZED REPORT
RAPPORT AUTORISÉ**

Bureau Veritas

02 Feb 2022 22:02:17

Please direct all questions regarding this Certificate of Analysis to your Project Manager.
Customer Solutions, Western Canada Customer Experience Team
Email: customersolutionswest@bureauveritas.com
Phone# (604) 734 7276

=====

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BUREAU
VERITAS

Bureau Veritas Job #: C206248

Report Date: 2022/02/02

Andrew Sheret - Nanaimo

Client Project #: IKE MACKY

Your P.O. #: 0309801

MICROBIOLOGY (DRINKING WATER)

Bureau Veritas ID			ANW728	
Sampling Date				
COC Number			08503206	
	UNITS	MAC	KITCHEN TAP	QC Batch
Microbiological Param.				
Total Coliforms	CFU/100mL	0	0	A487489
E. coli	CFU/100mL	0	0	A487489
No Fill	No Exceedance			
Grey	Exceeds 1 criteria policy/level			
Black	Exceeds both criteria/levels			



Bureau Veritas Job #: C206248
Report Date: 2022/02/02

Andrew Sheret - Nanaimo
Client Project #: IKE MACKY
Your P.O. #: 0309801

GENERAL COMMENTS

Sample ANW728 [KITCHEN TAP] : Sampling Date not provided for Total Coliform & E.Coli by MF-Chromocult; therefore, hold time status cannot be assessed.

MAC: The guidelines that have been included in this report have been taken from the Canadian Drinking Water Quality Summary Table, September 2020.

Criteria A = Maximum Acceptable Concentration (MAC) / Criteria B = Aesthetic Objectives (AO) / Criteria C = Operational Guidance Values (OG)
It is recommended to consult these guidelines when interpreting your data since there are non-numerical guidelines that are not included on this report.

Turbidity Guidelines:

1. Chemically assisted filtration: less than or equal to 0.3 NTU in 95% of the measurements or 95% of the time each month. Shall not exceed 1.0 NTU at any time.
 2. Slow sand / diatomaceous earth filtration: less than or equal to 1.0 NTU in 95% of the measurements or 95% of the time each month. Shall not exceed 3.0 NTU at any time.
 3. Membrane filtration: less than or equal to 0.1 NTU in 99% of the measurements made or at least 99% of the time each calendar month. Shall not exceed 0.3 NTU at any time.
 4. To ensure effectiveness of disinfection and for good operation of the distribution system, it is recommended that water entering the distribution system have turbidity levels of 1.0 NTU or less.
- Measurement of Uncertainty has not been accounted for when stating conformity to the selected criteria, where applicable.

Results relate only to the items tested.



BUREAU
VERITAS

Bureau Veritas Job #: C206248

Report Date: 2022/02/02

Andrew Sheret - Nanaimo
Client Project #: IKE MACKY
Your P.O. #: 0309801

VALIDATION SIGNATURE PAGE

The analytical data and all QC contained in this report were reviewed and validated by:



Bureau Veritas Proprietary Software
Logiciel Propriétaire de Bureau Veritas

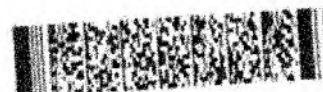
Automated Statchk

BV Labs has procedures in place to guard against improper use of the electronic signature and have the required "signatories", as per ISO/IEC 17025, signing the reports.
For Service Group specific validation please refer to the Validation Signature Page.



Victory 450 Transportation, Unit 1, Vineland, NJ 08360 P: (856) 315-6112 F: (856) 315-6112
 Customer: 2115 E. Main Ave., Cranford, NJ 07016 P: (973) 275-1710 F: (973) 275-1710

08503206



C206248_COC

Company (Invoice): **ANDREW SHERET LIMITED**

Company (Reporting): **ANDREW SHERET LIMITED**

Contact Name: **BRYAN RICHARDSON**

Mailing Address: **2545 MCCULLOUGH ROAD**

HAIRLAND, NJ

Phone #: **250-750-7383**

E-mail: **bryan.richardson@sheret.com**

VANCOUVER ISLAND HEALTH AUTHORITY
 Medical Health Officer: 1-800-231-1006
 Drinking Water Officer: 250-756-8215

Please note your invoice may be subject to a \$25 minimum bill.

Payment Received: Yes ☐ No ☐

After Hours Contact #:

☐ Regular Turnaround Time (TAT) (4 days for most tests) ☐ RUSH: Please contact for lab surcharges will be applied

Project Name: **Ilse Marking** Data (Required):

SPECIAL INSTRUCTIONS:

Return Cooler ☐ Ship Sample Bottles (please specify) ☐

UPON: **02-09801**

INVOICE# **03-012284**

Sample Identification (Sample Location for Description)	Sample Location (eg. Tap, Well, etc.)	Quantity (Sampled (24hr))	Submit to a Drinking Water Service? Y/N	Does source supply drinking water? Y/N	Are individuals drinking this water? Y/N	Are you in a well water community? Y/N	Drinking Water Status	Home Safety Scan	Test Method (eg. including chlorine & by)	Test Outcome and S. Out	Report Drinking Water Status (DWS)?
1 Kitchen Tap		1000	Y	Y	Y	Y					X
2			N	N	N	N					X
3			Y	Y	Y	Y					X
4			N	N	N	N					X
5			Y	Y	Y	Y					X

Unless otherwise agreed it is policy, with addition to this Contract of Quality it addresses General Water (Chlorine) standard (Turbidity and Chlorine). Signing of this form indicates acceptance of the standard and compliance of the data available at the time of sampling.

Signature and Date	Date (yy/mm/dd)	Time (24 hr)	Received by:	Date (yy/mm/dd)	Time (24 hr)	Test Result	Temperature on Receipt (°C)	Capacity (L)	Yes	No	N/A
Bryan Richardson	01/01/10	10:4	ILSE MARKING	01/01/10	10:45		10	10			

COC-1005

All information on this form must be completed before the ship can commence.

If you are drinking water, please advise the tap or source, as a strongly recommended that you contact local health authorities to inspect how the Drinking Water Protection Act applies to this system. Please be aware that, in the absence, we are legally obligated to report results directly to local health authorities.

Sample Collection

For determining drinking water quality, sample should be representative of the water that will be consumed. Therefore, we suggest sampling at the kitchen tap. However, other sampling locations may be used to determine pre-treated water quality or for troubleshooting purposes.

1. Remove sample bottle from cooler
2. Let the water run for 5 minutes
3. Label the bottle with your name, date and time you are taking the sample
4. Fill all bottles (if provided). Take care not to touch the inside of the bottle or underside of cap.
5. Cap the sample and place it in a cooler or cooler container with icepack.

Remember: It is important that you should not contaminate the samples you handle the material. Wash your hands before you start and be careful not to touch the rim of the bottle or the inside of the cap.

NOTE:

- Don't shake or boil any bottle you receive from the lab.
- Don't let the sample sit out overnight, please refrigerate.
- Don't freeze the sample.

Sample Transportation & Delivery

1. Samples should arrive at the laboratory (Coastal or Victoria) within 24 hrs of sampling. Stop samples between Monday and Thursday to avoid lab scheduling conflicts.
2. The sample should be kept cool during transit (refrigerated or packed on ice).
3. Fill out the Chain of Custody (COC) form, include this instructions and submit with the sample. Incomplete or missing COCs will result in delays regarding turnaround time and the lab's ability to protect vulnerable sensitive tests.
4. Delivery Options:
 Personally deliver samples to Coastal or Victoria
 Overnight shipping: If you ship a sample on the same day that it was collected you can use an overnight service.
 Same day shipping: Available in some areas. Please contact the lab for details.

Assurance of Compliance

by a
Registered Onsite Wastewater Practitioner

Date: 29/01/2021

Our File: 1016 Berry Point Rd.

For: Ike Mackay
1016 Berry Point Rd.
Gabriola Island B.C.
LOT 2, BLOCK 9, SECTION 23,
GABRIOLA ISLAND, NANAIMO
DISTRICT, PLAN 1673



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

To whom it may concern:
I hereby give assurance that:

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

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

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

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

This assurance is subject to:

- The proposed Vacation Rental occupancy load. Not exceeding daily waste water flow of 1000
liter/day or 219 gal/
- Any future construction or landscaping does not encroach on the required setback to the onsite
wastewater system.

Robert W. Bye
Gabriola Septic Services Ltd
645 Gallagher Way
Gabriola Island B.C.

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



A Buyer's Choice Home Inspections

PROPERTY INSPECTION REPORT

1016 Berry Point Rd, Gabriola, BC V0R 1X1

Inspection prepared for: Ike Mackay

Real Estate Agent: -

Date of Inspection: 12/15/2021 Time: 8:00 AM

Age of Home: 2012

Weather: 1 C Light Rain, Heavy Winds

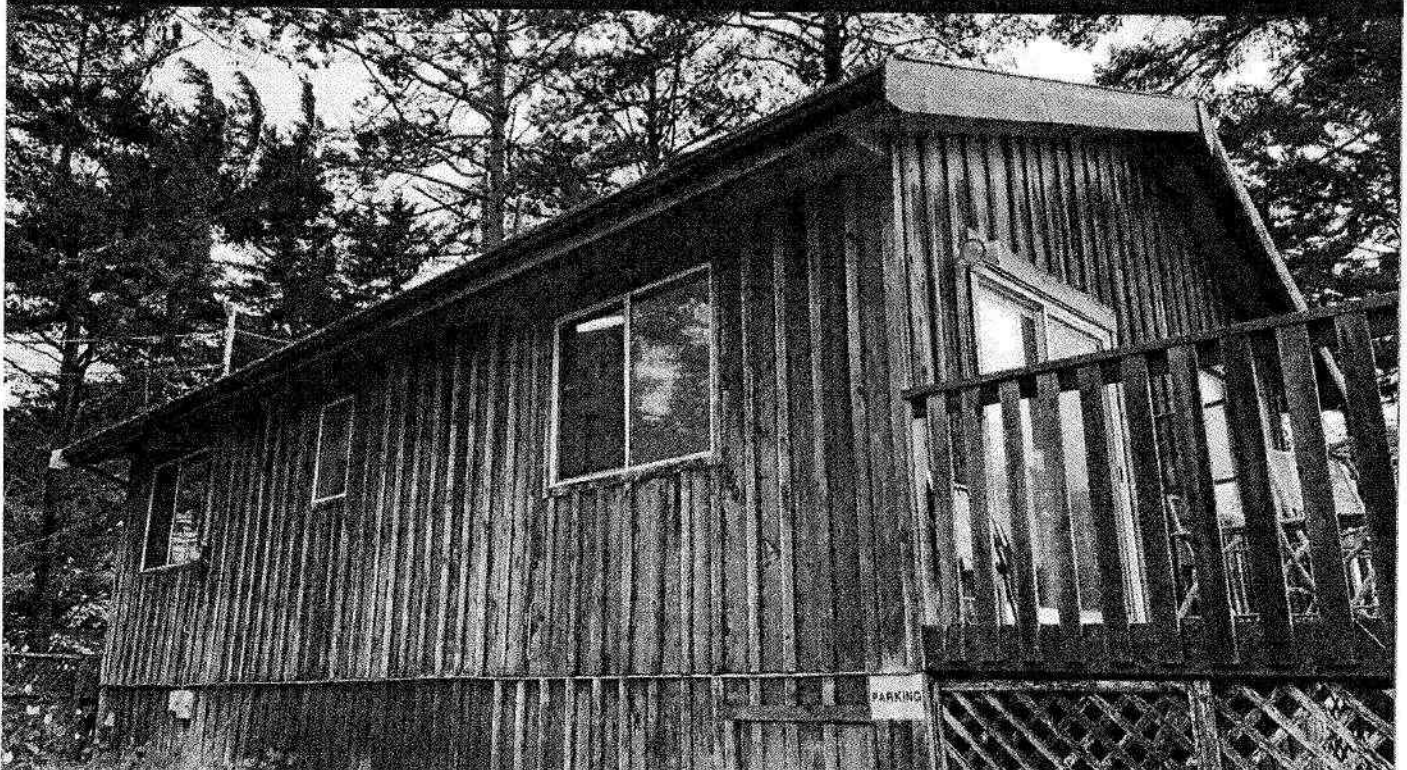
Order ID: 687

Inspector: Brad Clark

BC License: 82627 brad.clark@abuyerschoice.com

2506180168 abuyerschoice.com/nanaimo

INSPECTED ONCE. INSPECTED RIGHT!





December 17th,

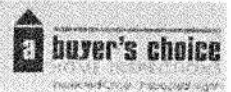
To whom it may concern,

We have reviewed the ancillary property at 1018 Berry Point and have noted the following deficiencies;

- 1 - Roofing Leak
- 2 - Evidence Of Pests In Attic Space
- 3 - Clogged Gutters
- 4 - Gutter Detaching
- 5 - Downspout Requiring Re - Attachment
- 6 - Water In Attic Space
- 7 - Protection Required For Electrical Conductor Supplying Hot Water Tank
- 8 - No Belly Tarp Protecting The Underside Of The Floor
- 9 - Exterior Door/Window Caulking And Flashings Repairs
- 10 - Gaps In The Soffit
- 11 - Kitchen Faucet/Trap Connection Are Corroded
- 12 - Caulking Improvements In the Tub Surround

The Structure itself appears to be in good condition and was well constructed. Proper smoke/CO2 alarm are in place as well are multiple egress points to exit the property in an emergency situation.

Brad Clark, CPI
A Buyer's Choice Home Inspections Nanaimo
M: 250-618-0168
E: brad.clark@abuyerschoice.com



Introduction

We appreciate the opportunity to conduct this inspection for you! Please carefully read your entire Inspection Report. Call us after you have reviewed your report, so we can go over any questions you may have. Remember, when the inspection is completed and the report is delivered, we are still available to you for any questions you may have, throughout the entire closing process.

Properties being inspected do not "Pass" or "Fail." - The following report is based on an inspection of the visible portion of the structure; inspection may be limited by vegetation and possessions. Depending upon the age of the property, some items like GFI outlets may not be installed; this report will focus on safety and function, not current code. This report identifies specific non-code, non-cosmetic concerns that the inspector feels may need further investigation or repair.

For your safety and liability purposes, we recommend that licensed contractors evaluate and repair any critical concerns and defects. Note that this report is a snapshot in time. We recommend that you or your representative carry out a final walk-through inspection immediately before closing to check the condition of the property, using this report as a guide.

A Home Inspection is a non-invasive visual examination of a residential dwelling, performed for a fee, which is designed to identify observed material defects within specific components of said dwelling. Components may include any combination of mechanical, structural, electrical, plumbing, or other essential systems or portions of the home, as identified and agreed to by the Client and Inspector, prior to the inspection process.

A home inspection is intended to assist in evaluation of the overall condition of the dwelling. The inspection is based on observation of the visible and apparent condition of the structure and its components on the date of the inspection and not the prediction of future conditions.

A home inspection will not reveal every concern that exists or ever could exist, but only those material defects observed on the day of the inspection.

A material defect is a condition with a residential real property or any portion of it that would have a significant adverse impact on the value of the real property or that involves an unreasonable risk to people on the property. The fact that a structural element, system or subsystem is near, at or beyond the end of the normal useful life of such a structural element, system or subsystem is not by itself a material defect.

An Inspection report shall describe and identify in written format the inspected systems, structures, and components of the dwelling and shall identify material defects observed. Inspection reports may contain recommendations regarding conditions reported or recommendations for correction, monitoring or further evaluation by professionals, but this is not required.

Appliances marked as acceptable were tested and working at the time of the inspection (unless otherwise noted). It cannot be guaranteed that the appliances will be functional at time of possession. It is recommended that the appliances be re-tested prior to possession.

Many homes before 1980 contain asbestos in old floor tiles, ceiling tiles, roof shingles and flashing, siding, insulation (around boilers, ducts, pipes, sheeting, fireplaces), pipe cement, and joint compound used on seams between pieces of sheetrock. Some newer houses may also contain asbestos. Materials that pose a greater risk to human health, such as sprayed-on fireproofing and insulation on pipes or boilers, have largely been removed. The asbestos that remains is typically found in plaster, drywall filler, floor tiles and seamless flooring, and those things don't need to be removed until there's a need. The method used dealing with asbestos in the home depends upon where the asbestos is found, the condition of the material, and whether it is friable or non-friable. Friable asbestos can be easily crumbled or reduced to a powder and can become airborne. Non-friable asbestos is more tightly bound with another material and its fibers cannot easily be made airborne unless they are sanded, cut, or sawed. A visual inspection of your home is usually not sufficient to determine if it contains asbestos. Instead, samples of suspected asbestos fibers should be sent to a certified laboratory for analysis. Polarized Light Microscopy (PLM) and Transmission Electron Microscopy (TEM) are two approved methods of analysis. The National Institute for Standards and Technology maintains web lists of laboratories certified to do TEM and PLM analysis. You may also call the Institute at 1-800-720-4981 for information. Without professional testing, we are unable to determine if the building contains any such asbestos and accept no liability for the potential presence of same.



Inspection Details**1. Attendance**

Client present

2. Occupancy

Occupied - The residence was furnished at the time of the inspection and portions of the interior were hidden by the occupant's belongings. In accordance with industry standards, the inspection is limited to only those surfaces that are exposed and readily accessible. The Inspector does not move furniture, lift floor-covering materials, or remove or rearrange items within closets or on shelving. On your final walk through, or at some point after furniture and personal belongings have been removed, it is important that you inspect the interior portions of the residence that were concealed or otherwise inaccessible at the time of the inspection. Contact the Inspector immediately if any adverse conditions are observed that were not commented on in your inspection report.

3. Exposure

SE

4. Residence Type/Style

Single Family Home

5. Electric Status

On

6. Gas/Oil Status

Off. Emergency propane heat was available but turned off

7. Water Status

On

8. Weather

Light rain. Heavy Winds

9. Soil Conditions

Wet

10. Water Source

Cistern

11. Sewage Disposal

Septic

12. Number of Bedrooms

1 Bedroom

13. Number of Bathrooms

1 Bathroom

Lots and Grounds

Grading and drainage are probably the most significant aspects of a property, simply because of the direct and indirect damage that moisture can have on structures. More damage has probably resulted from moisture and expansive soils than from most natural disasters.

Also, there should be gutters and downspouts with splash blocks that discharge away from the building. We have discovered evidence of moisture intrusion inside structures when it was raining that would not have been apparent otherwise. In addition, we recommend that downspouts do not terminate over paved areas such as walks or driveways, as they can contribute to icy slip and fall hazards in winter.

Vegetation too close to the home can contribute to damage through root damage to the foundation, branches abrading the roof and siding, and leaves providing a pathway for moisture and insects into the home.

Recommend maintain landscaping, Vegetation (Flowers, Grass, Shrubs) around the home can be helpful in absorbing some moisture at foundation, Gravel, stone, and decorative wood chip, generally does not allow water to shed from grade, moisture filters through hence use of washed rock in window wells, though it can not be regarded as incorrect, it is important to monitor changes in grading

1. Driveway

Materials: Gravel

2. Walkway

Materials: Sidewalk pavers

3. Steps

Steps Materials: Wood

4. Porch

Materials: Wood

5. Deck

Deck Materials: Wood

6. Grading / Drainage

Grading Conditions: Minor slope. Moderate slope. Negative slope

Observations:

6.1. The home had areas of neutral or negative drainage at grade which will route runoff from precipitation to the foundation. Excessive moisture content in soil supporting the foundation can cause foundation and other structural damage from undermining, heaving or settling, depending on soil composition, moisture content and other conditions. The Inspector recommends re-grading these areas to improve drainage near the foundation

7. Vegetation

Vegetation: Shrubs. Trees

Observations:

7.1. Maintenance Tip: When landscaping, keep plants, even at full growth, at least a foot (preferably 18 inches) from house siding and windows. Keep trees away from foundation and roof. Plants in contact or proximity to home can provide pathways for wood destroying insects, as well as abrade and damage siding, screens and roofs.
7.2. Trees near the house have branches which touch or overhang the home. Falling branches due to conditions such as wood decay, high winds or heavy snow loads may cause injury, or damage to the structure. The branches touching the structure will cause premature deterioration of the siding and roofing materials. Regular maintenance and pruning is required.

8. Main Gas Valve

Location: Exterior of structure. Emergency propane bottle

9. Exterior Gas Services Lines

Material: Copper

Exterior

Note that any siding, especially composition or hardboard siding must be closely monitored. Even modern composition siding and especially trim, is particularly vulnerable to moisture damage. All seams be must remain sealed and paint must be applied periodically (especially the lower courses at ground level). It is imperative that continued moisture be kept from it, especially from sprinklers, rain splash back or wet grass. Swelling and deterioration may otherwise result.

1. Exterior Walls/Siding

Location: Exterior Walls

Materials: Wood Siding

Observations:

- 1.1. Suggest sealing/caulking all building penetrations, window and door openings as part of routine maintenance.
- 1.2. There are very specific requirements for the installation of flashing in all exterior openings. These updates have been in place since 2006 when the Canadian Building code was updated. The installed and missing flashing noted on this structure do not appear to meet those requirements. It would be wise to have the exterior finish and flashing reviewed by a qualified siding contractor. The website listed below are present to provide some guidance as the very specific requirements.

<https://www.phbi.ca/upload/documents/bldr-brkfst-prsnt/2006buildingcodeflashingchangeschallenge.pdf>



2. Trim

Materials: Wood

Observations:

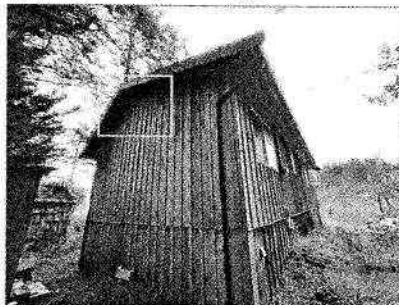
- 2.1. All exterior painted wood trim surfaces should be annually examined and sealed, re-caulked and re-painted as needed.
- 2.2. There was moderate paint deterioration on most of the wood trim around the windows. Updates suggested.

3. Soffit/Facia

Materials: Wood

Observations:

- 3.1. There was a small area of missing soffit. Minor repairs suggested.



4. Intake / Exhaust Vents

Materials: Metal



5. Entry Doors

Materials / Type: Metal & Glass Entrance Door. Fiberglass

Observations:

5.1. Maintenance Tip: Caulk or grout recommended at door - floor junctions, where applicable, to prevent water that is carried in by foot traffic from entering under the flooring.

6. Patio Doors

Type / Materials: Sliding Patio - vinyl frame

7. Windows

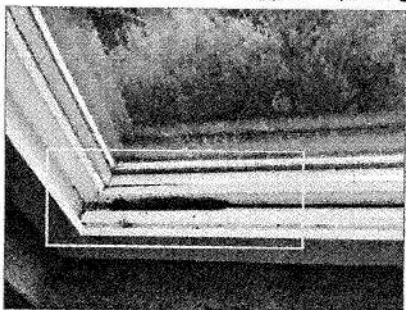
Materials / Type: Slider. Fixed

Observations:

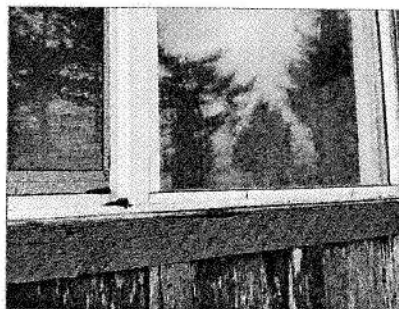
7.1. Suggest sealing/caulking as part of routine maintenance to prevent deterioration of the structure.

7.2. At the time of the inspection, the window exteriors were dependent upon sealant to help prevent moisture intrusion of the wall assembly. Some separation and/or cracking of the installed sealant was visible at the time of the inspection. Areas around exterior windows openings should be examined annually and an appropriate sealant reapplied as necessary.

7.3. Advanced wood rot noted. Suggest replacing noted areas



Front Entry



8. Exterior Lighting

Type: Surface Mount

9. Exterior Electric Outlet

Electrical Type: 120 VAC GFCI

10. Hose Bib

Type: Rotary

Roof

Often roofs are not accessible for safety or other reasons. These may include; the roof is wet, frost or snow covered, or the roof is too steep or too high. Inspections that do not involve walking on the roof surface are not as reliable as those that are performed by other methods and there are limitations to the inspection. Only Visible / Accessible areas of chimneys, flues and caps can be inspected and reported on. The approximate design life stated in this report is only a estimation of remaining shingle life and can be affected by many factors such as weather conditions, etc. No warranty on the shingle design life can be provided. Clients are advised to consult a roofing expert for a professional opinion if they are concerned about these limitations.

1. Method of Inspection

Ladder at the Eaves

2. Roofing Material

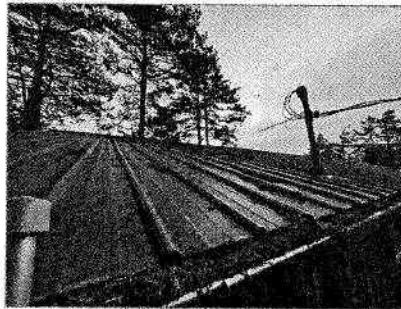
Materials: Metal Panel

Observations:

2.1. (Maintenance tip) The application of caulking/roofing cement may be required on your roof from time to time in such areas as exposed nail heads, nail holes, vents, penetrations and chimney and for slight imperfections in the granular material, etc. Caulking will shrink with age and must be maintained, to reduce the possibility of moisture intrusion. Suggest having a qualified contractor do an annual or semi-annual review.

2.2. Em seal foam at the ridge appeared to have gaps. It's less too slippery at the time of inspection to get on the roof. This would explain the staining inside the living room and the water noted in the attic area. Suggest having a qualified roofing contractor review and repair as required.

2.3. Previous Repair Noted. Suggest Having a qualified roofing contractor review and repair as needed.



3. Flashing

Materials: Metal

Observations:

3.1. There was no drip edge flashing installed. This is a sub standard installation that requires further review by a qualified roofing contractor.



Previous Repair Noted

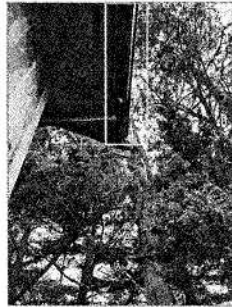
4. Gutters

Materials: Aluminum

Observations:

4.1. Some areas of the gutters were clogged with debris that will prevent proper drainage of roof water. Gutter require proper cleaning to ensure optimal operation.

4.2. The gutter is starting to come loose at the noted area. Repairs required.



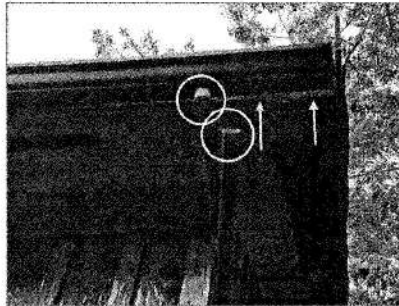
Gutter Detached.

5. Downspout

Materials: Aluminum

Observations:

5.1. Reattach the downspouts at the notes area(s)

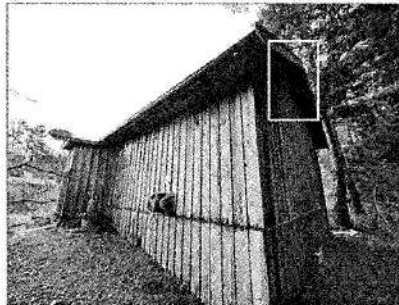


6. Leader / Extension

Materials: Missing

Observations:

6.1. Properly extended runoff drains are required move water away from foundation. It is very important direct water away from older foundations as they don't have operational weeping tile system present to ensure the ground water is direct away. Extending water direction away from your foundation is one of the single most important things a home owner can do to ensure a dry basement.



Chimney

1. Chimney

Materials: Metal Flue Pipe

2. Flue / Flue Cap

Materials: Metal surface mount direct vent



Electrical

Due to limitations of time and scope, branch circuit load analysis and breaker-outlet tracing is not part of a home inspection. Recommend testing smoke and/or carbon monoxide detectors on a monthly basis to ensure operation of units. Important to replace smoke detectors by the expiry dates (average smoke detector life span is about 10yrs). Smoke and/or Carbon monoxide Detectors linked to security systems will not be tested to avoid triggering accidental alarms.

Only actual GFCI outlets are tested and tripped. Some bathrooms may have what appear to be non-GFCI outlets but are actually protected by a GFCI outlet in a remote area (garage, another bath, etc.). Confirm with owner that apparent non-GFCI outlets within 5' of wet areas are thus protected.

If your home does not have a carbon monoxide detector, we recommend making that investment. (new homes are required by code to have them tied into the homes electrical system)

Any home that has a Bulldog Pushmatic, Zinsco, Sylvania Zinsco or Federal Pacific Electric panel should have it evaluated by a licensed electrician, as these older types of panels and breakers have been known to overheat, breakers not trip when overloaded, and in some cases have caused house fires.

1. Electrical Service

Type / Location: Mast with tie back at roof

2. Service Voltage

120 - 240 VAC

3. 120 VAC Branch Circuits

Materials: Copper

Observations:

3.1. Residential branch circuits consist of devices such as conductors (wiring), switches, outlets, connections for permanently-wired appliances and the electrical conductors which supply them with electricity. Most conductors are hidden behind floor, wall and ceiling coverings and cannot be evaluated by the inspector. The inspection does not include the removal of cover plates and inspection of branch circuits and wiring is limited to proper response to testing of switches and electrical outlets.

4. 240 VAC Branch Circuits

Materials: Copper

Observations:

4.1. Exposed electrical wiring observed. This is a safety concern if used where it could be subject to "Physical Damage". Exposed electrical wires are normally encased in conduit to ensure safety. Client should consult with a licensed electrician for repairs/replacement as needed to ensure safety.

This Note is related to the conductor supplying the hot water tank. Minor repairs required

5. Conductor Type

Conductor Type: The visible branch circuit wiring was modern vinyl-insulated copper wire.

6. Aluminum Wiring

Aluminum Status / Location: Not present

7. Smoke/C02 Detector

Type / Location: Hard Wired

Electrical Panel

1. Panel Location

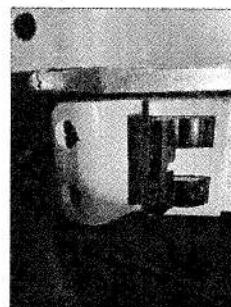
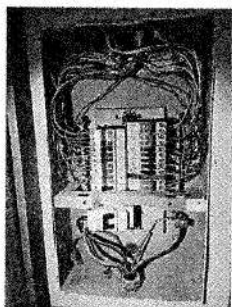
Master Bedroom

2. Electrical Panel

Manufacturer: Square D

3. Main Breaker

Main Breaker Size: 100 Amps



100 Amp Service

4. Breaker/Neutral Bus bar

Breaker Rating: Rated for Copper & Aluminum

Plumbing

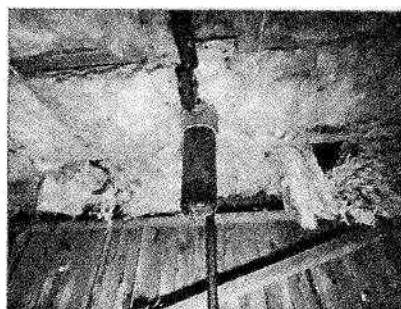
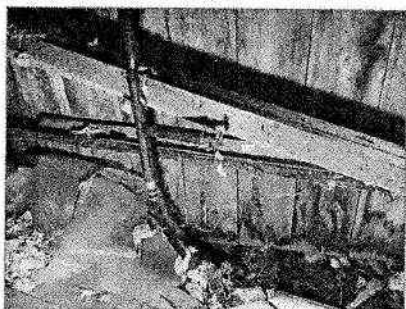
This inspection does not analyze water quality or quantity. If this is a concern the client should seek a qualified well testing company and/or consult with their realtor. Due to the unpredictable nature of plumbing leaks, it is important to stress that unforeseen leaks can occur at any time, especially if the home is vacant for a period of time, and no warranty can be provided that leaks will not develop after inspection.

Because of minerals and other contaminants found in the water, the replacement of the sacrificial anode every 3-5 years to help maintain and possibly extend design life of hot water tank.

Note that if in a rural location, sewer service and/or water service might be provided by private waste disposal system and/or well. Inspection, testing, analysis, or opinion of condition and function of private waste disposal systems and wells is not within the scope of a home inspection. Recommend consulting with seller concerning private systems and inspection, if present, by appropriate licensed professional familiar with such private systems. If a Septic System is on the property, pumping is generally recommended prior to purchase, and then every three years.

1. Service Line

Material: PE-Polyethelene Pipe



2. Main Water Shutoff

Location: Crawl Space

Observations:

2.1. The main shut off handle should be operated a couple of times a year to prevent it from seizing up and being too hard to operate in time of emergency.

3. Outside Hose Bib Shutoff

Location: Crawl Space

Observations:

3.1. The shut off handle should be operated a couple times a year to prevent it from seizing up and being too hard to operate in time of emergency.

4. Water Lines

Material: Copper

5. Drain Pipe

Material: ABS

6. Vent Pipe

Material: ABS

7. Service Cap

Accessibility: N/A - Septic System

8. Backwater Valve

Location: Not Present

9. Sump/Lift Pump

Type: Not present

10. Septic System

Materials: Present

11. Well / Cistern System

Materials: Present



Water Heater

1. Water Heater Location

Main Floor

2. Water Heater

Operation: Functional at time of inspection

3. Manufacturer

Gemco

4. Area Served

Whole building

5. Type

Electric

6. Capacity

40 US Gal

7. Approximate Age

5 years

8. TPRV

Materials: Appears Functional

Observations:

8.1. A Temperature Pressure Relief Valve (TPR Valve) present. This safety valve releases water (and thus relieves pressure) if either the temp or pressure in the tank gets too high. The TPR valve discharge tube must be made of copper, iron, or CPVC (NOT regular PVC). It must terminate within 6" above the floor--the end cannot be threaded or have a fitting.



Heating System

The heating, ventilation, and air conditioning and cooling system (often referred to as HVAC) is the climate control system for the structure. The goal of these systems is to keep the occupants at a comfortable level while maintaining indoor air quality, ventilation while keeping maintenance costs at a minimum. The HVAC system is usually powered by electricity and natural gas, but can also be powered by other sources such as butane, oil, propane, solar panels, or wood.

Certain areas of the air conditioner are not visible without invasive dismantling of components, which is not allowed by government regulation; if this is a concern, a qualified HVAC specialist should be contacted.

Electronic components of the systems, especially computer mother-boards, can fail at any time and without warning; regular maintenance of the air conditioner and cleaning of the heating ducts is highly recommended.

The inspector will usually test air conditioner using the thermostat or other controls. Air conditioners will not be run in temperatures below 15 degrees C since running it in colder temperatures can damage the unit. For a more thorough investigation of the system please contact a licensed HVAC service person.

1. Location

Individual room baseboard heaters.

2. Area Served

Each furnace supplies heat to an individual room of the home

3. Heating System Operation

Operation: Functional at time of inspection

4. Approximate Age

22 years

5. Heating System Type

Heating Type: Radiant

Fuel Type: Electric

6. Distribution

Materials: Radiant Heat

7. Thermostat

Type: Mechanical

8. Suspected HVAC Asbestos

Suspected Asbestos: No



Living Space

This inspection does not include testing for radon, mold or other hazardous materials. A qualified expert should be consulted if you would like further testing.

The interiors section covers areas of the house that are not considered part of the bathrooms, bedrooms, kitchens. Interior areas consist of hallways, foyers, and other open and common areas.

Within this area the inspector is performing a visual inspection and will report visible damage, wear and tear, and moisture problems if seen. Doors and windows will also be investigated for damage and normal operation. Although excluded from inspection requirements, we will inform you of obvious broken gas seals in windows. Please realize that they are not always visible, due to temperature, humidity, window coverings, light source, etc. Personal items in the structure may prevent the inspector from viewing all areas on the garage/carport. All exposed walls, ceilings and floors will be inspected and be commented on accordingly

1. Room View - General Comments

Observations: Main Floor • Inspection of the interior typically includes examination of the following components...

ROOMS

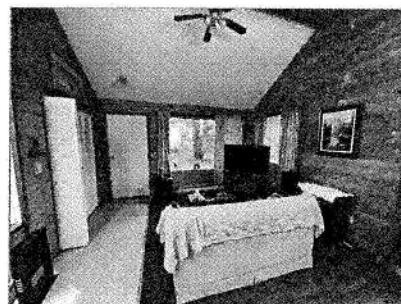
- Wall, floor and ceiling surfaces
- Doors, interior, exterior and sliding glass including hardware (condition and proper operation)
- Windows (type, condition and proper operation)
- Ceiling fans (condition and proper operation)

ELECTRICAL

- Switches and outlets (condition and proper operation)
- Lighting fixtures (condition and proper operation)

INTERIOR TRIM

- Door casing
- Window casing, sashes and sills (condition and proper operation)
- Baseboard
- Molding (crown, wainscot, chair rail, etc.)



2. Closet

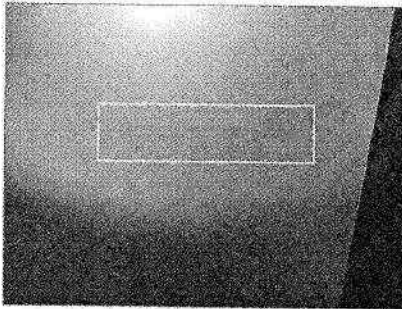
Type: Double

3. Ceilings

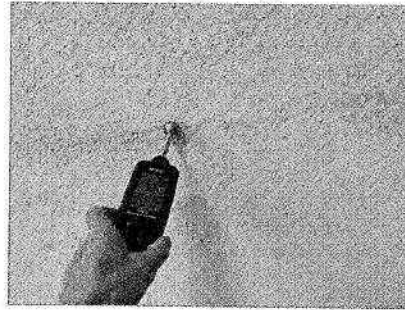
Materials: Drywall

Observations:

3.1. Stains visible on the ceiling indicated past leakage. The moisture meter showed no elevated levels of moisture present in the stained areas at the time of the inspection. In the Inspector's experience, this type of damage is typical of leaks caused by deteriorated roofing materials.



Staining Noted



4. Floor

Observations:

4.1. Floor shows evidence of previous water penetration/stains. Currently there was elevated levels of moisture present. The Patio doors at this location require caulking and/or flashing updates



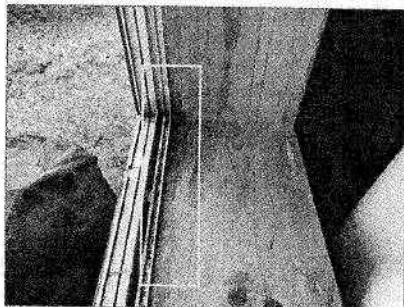
5. Doors

Materials: Wood

6. Windows

Observations:

6.1. Staining was present on the interior window sash. Moisture testing revealed moisture. Suggest additional caulking and/or adding proper window flashing to ensure a water tight window.



Moisture Noted At Window



Moisture Noted At Window

7. Electrical

Electrical Type: 120 VAC outlets and lighting circuits

8. HVAC

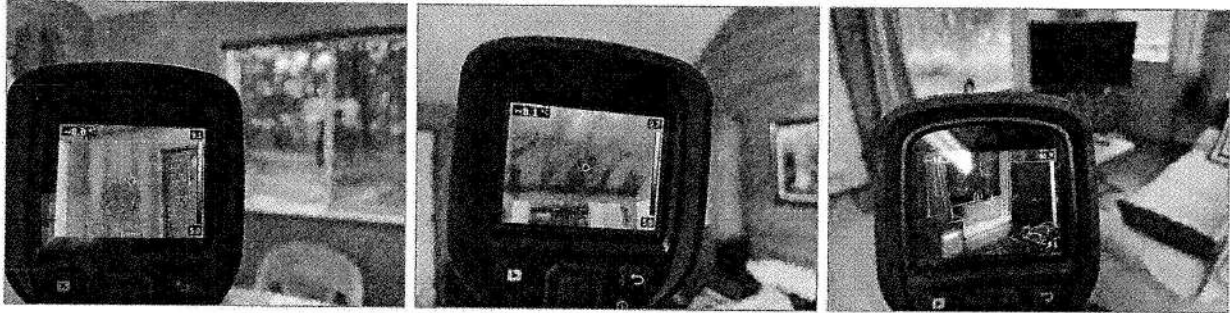
HVAC Source: Electric Baseboard. Back up propane heater

9. IR / Thermal Scan

Location: Ceiling

Observations:

9.1. Areas of compressed insulation. Visible attic area showed signs of moisture in the attic insulation. Suggest having a qualified roofing contractor review and repair as necessary



Moisture In Insulation Noted

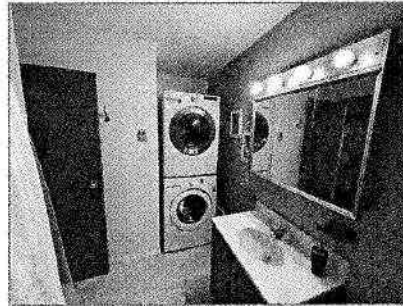
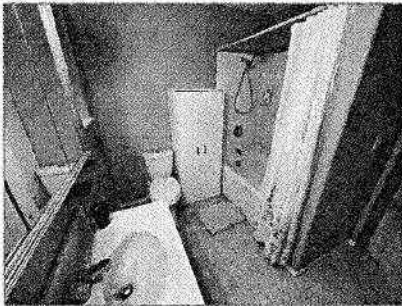


Bathroom

Bathrooms can consist of many features from jacuzzi tubs and showers, to toilets and bidets. Because of all the plumbing involved it is an important area of the house to look over. Moisture in the air and leaks can cause mildew, wallpaper and paint to peel, and other problems. The home inspector will identify as many issues as possible but some problems may be undetectable due to problems within the walls or under the flooring. Due to the unpredictable nature of plumbing leaks, it is important to stress that unforeseen leaks can occur at ANY time (especially if the home is vacant for a period of time). No warranty can be provided that leaks will not develop after the inspection. Replace worn caulking to help prevent moisture penetration and/or damage. Typical wear & tear such as nicks, scratches, touch ups, etc are considered normal and may or may not be indicated in this report. The inspection does not cover damage/defects concealed by furniture, rugs, wall paneling, fixtures and/or stored items/clutter.

1. Room View - General Comments

Observations: Main Floor • Every effort was made to test all bathroom plumbing fixtures in the house, and check that hot water was being delivered. All the bathroom fixtures may not be pictured here. Personal belongings are not moved and may conceal issues. Supply valves are not tested as part of a standard home inspection. Any issues will be noted in the appropriate section. Water intrusion from bathtubs and shower enclosures is a common cause of damage behind walls, sub floors, and ceilings below bathrooms. As such, periodic re-caulking and grouting of tub and shower areas is an ongoing maintenance task which should not be neglected.



2. Ceilings

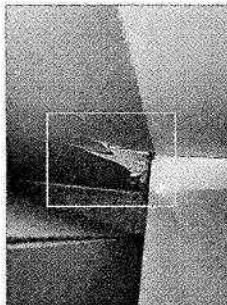
Materials: Drywall

3. Walls

Materials: Drywall

Observations:

3.1. Damage Noted. Repairs required



4. Floor

Materials: Vinyl

5. Doors

Materials: Wood

6. Windows

Materials / Type: Awning

7. Electrical

Electrical Type: 120 VAC outlets and lighting circuits, 120 VAC GFCI

8. HVAC

HVAC Source: Electric Baseboard

9. Mirrors

Type: Medicine Cabinet

10. Counter Top/Cabinet

Materials: Solid surface Counters / Wood Cabinets

11. Sinks

Materials / Type: Molded bowl

12. Faucet/Trap/Water Supply

Materials: ABS Trap

Brand: Unknown brand fixture

13. Toilet

Brand: 1.28 Gallon

14. Tub / Surround

Materials / Type: Fiberglass Tub/Surround

Observations:

14.1. The caulking along tub surround was very poorly done.



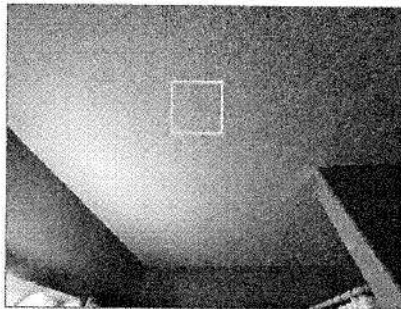
Caulking Required

15. Exhaust Fan

Type: Window

Observations:

15.1. IMPROVE: Bathroom ventilation improves air quality and helps to maintain proper moisture levels in the home. Excess moisture can migrate into wall and floor cavities and into the attic if the bathroom is not properly vented, and this moisture can damage materials and provide moisture for microbial growth. Ventilation may not have been required when the house was built, but the installation of mechanical ventilation is recommended.



No Exhaust Fan

16. IR / Thermal Scan

Location: Entire Room

Observations:

16.1. No abnormal scans noted.

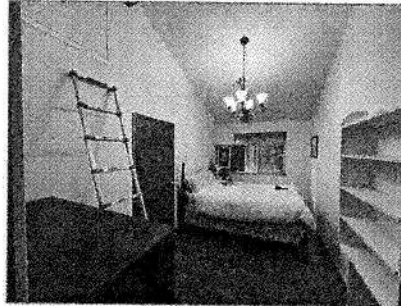


Bedroom

Stored items and/or clutter can prevent a thorough inspection of some of the walls and closets. Typical wear & tear such as nicks, dents, scratches, touch-ups, etc. may not be indicated in this report. Inspection does not cover damage/deficiencies concealed by area rugs, furniture, fixtures, wall paneling, clutter/storage.

1. Room View - General Comments

Observations: Main Floor



2. Closet

Type: Walk In

3. Ceilings

Materials: Drywall

4. Walls

Materials: Drywall

5. Floor

Materials: Laminate

6. Doors

Materials: Wood

7. Windows

Materials / Type: Slider

Observations:

7.1. There was some moisture stains present at the basement bedroom window. This can be caused by leaving the window open, condensation/ice build up in the winter or rain penetrating the seal. Unable to determine the reason. Suggest Minor Repairs



8. Electrical

Electrical Type: 120 VAC outlets and lighting circuits



9. HVAC

HVAC Source: Electric Baseboard

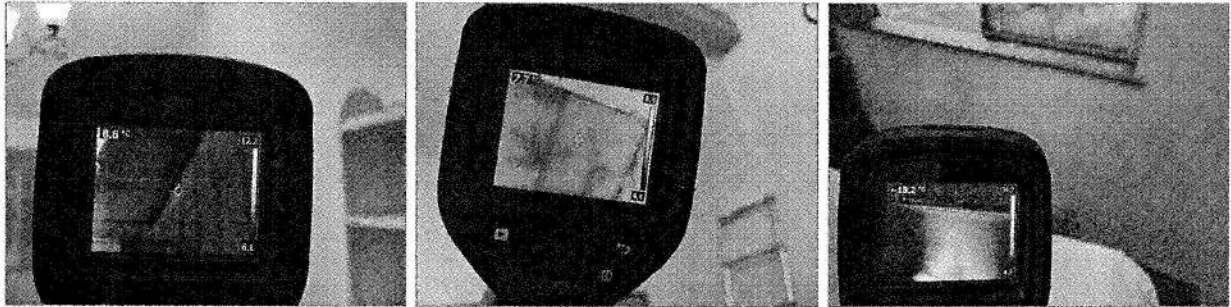
10. IR / Thermal Scan

Location: Ceiling. Window. Floor. Exterior Wall

Observations:

10.1. No abnormal scans noted.

10.2. Areas of compressed insulation. Visible attic area showed signs of moisture in the attic insulation. Suggest having a qualified roofing contractor review and repair as necessary



Kitchen

Due to the unpredictable and latent nature of appliance problems, no warranty can be provided that appliances will not develop problems after the inspection. An inspection does not include the identification of, or research for, appliances and other items that may have been recalled or have had a consumer safety alert issued about it. Any comments made in the report are regarding well known notices and are provided as a courtesy only. Product recalls and consumer product safety alerts are added almost daily by the Consumer Product Safety Commission. We recommend visiting the following Internet site if recalls are a concern to you: <http://www.cpsc.gov>

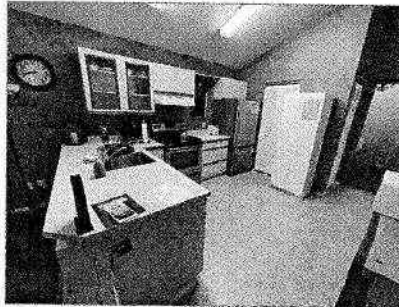
Due to the unpredictable nature of plumbing leaks, it is important to stress that unforeseen leaks can occur at any time, especially if the home is vacant for a period of time, and no warranty can be provided that leaks will not develop after the inspection. Replace worn caulking to help prevent moisture penetration/damage. Typical wear & tear such as nicks, scratches, touch ups, etc are considered normal and may or may not be indicated in this report. Inspection does not cover damage/defects concealed by furniture, rugs, wall paneling, fixtures and/or stored items/clutter.

1. Room View -General Comments

Observations: Main Floor • Inspection of the kitchen typically includes examination of the following:

- Cabinets
- Sink components including faucet, wand, drain, disposal and under sink plumbing
- Counters
- Room light fixtures, switches and outlets
- Floor, wall and ceiling surfaces
- Windows and doors

Please be advised that we don't make any warranties on appliances. We do not check every possible function of these appliances as it is well beyond the scope of general home inspection. Certain appliances are considered personal property, even when conveying with real estate. Testing, inspection, analysis, or opinion of condition or function of personal property is not within the scope of a home inspection. Such personal property includes, but is not limited to- Major appliances such as refrigerators, freezers, range and exhaust hood, dishwasher, built in or counter top microwave units, built-in conventional ovens and cooktops.



2. Ceilings

Materials: Drywall

3. Walls

Materials: Drywall

4. Floor

Materials: Vinyl

5. Windows

Materials / Type: Fixed



6. Electrical

Electrical Type: 120 VAC outlets and lighting circuits. GFCI near the sink

7. Sinks

Materials / Type: Stainless Steel

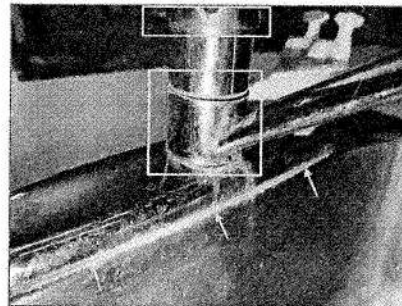
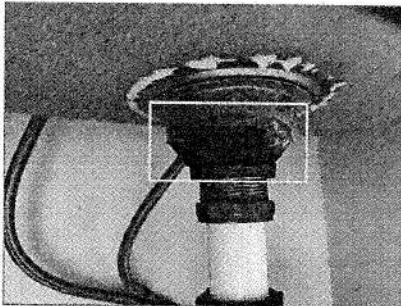
8. Faucet/Trap/Water Supply

Materials: ABS Trap

Brand: Unknown brand fixture

Observations:

8.1. Advanced corrosion noted at the trap connection to the sink under mount.



9. Counter Top

Materials: Laminate counters

Observations:

9.1. There is normal wear noted for the age of the counter tops.

10. Cabinets

Materials: Metal

11. Oven / Range

Brand: Frigidaire

Observations:

11.1. This unit was operated and appeared serviceable at time of inspection. Inspection does not include calibration as this is not a technically exhaustive inspection. These appliances can fail at anytime without warning. No warranty, guarantee, or certification is given as to future failures.





12. Exhaust Hood / Ventilator

Type / Brand: Recirculating, NuTone

13. Refrigerator

Brand: Kenmore

Observations:

13.1. This unit was operational and appeared serviceable at time of inspection. Inspection does not include calibration as this is not a technically exhaustive inspection. No warranties or guarantees of this or any other appliance can be offered.



14. Pantry

Location / Type: Single

15. IR / Thermal Scan

Observations:

15.1. No abnormal scans noted.



Laundry Room/Area

Due to the unpredictable and latent nature of appliance problems, no warranty can be provided that appliances will not develop problems after the inspection.

Due to the unpredictable nature of plumbing leaks, it is important to stress that unforeseen leaks can occur at any time, especially if the home is vacant for a period of time, and no warranty can be provided that leaks will not develop after the inspection.

1. Washer/Dryer

Brand: LG

Observations:

1.1. The washing machine and dryer are inspected for obvious defect and turned on to see basic operation. They are not operated to ensure all functions are indeed operational. If there is a question about the function it would be wise to have a small appliance repair contractor review all functions. This is beyond the scope of a home inspection.

2. Washer Hose Bib

Type: Rotary

3. Washer Drain

Type: Wall mounted drain

Observations:

3.1. The majority of the drain line was not visible

4. Dryer Vent

Materials: Metal flex

5. IR / Thermal Scan

Observations:

5.1. No abnormal scans noted.



Attic

Attic access is sometimes very limited due to hatches being located directly above shelves or other storage. If the hatch is sealed shut when we go to inspect the attic, it can only be unsealed with permission by the owner or their representative, as our insurance prohibits us from performing any destructive testing or entry.

If in the inspector's opinion, he/she may compromise the ceiling below, is restricted by ducts, or in which the insulation obscures the joists and thereby makes mobility hazardous, in which case we will inspect the attic as best we can from the access point. Only readily accessible / visible areas of attic structure, sheathing, insulation can be inspected & reported on.

We recommend that all attic hatches have sufficient insulation installed over them, and that the hatch be either sealed shut with latex caulking, or sealed with an appropriate weather stripping. This will keep warm moist air from entering the attic, which may cause condensation or even mold. Note that every attic has mold; mold is everywhere. Some attics can have some minor visible mold. This is often a result of the building process, when materials get wet during construction. If there is extensive mold, or mold that appears to have grown due to poor maintenance conditions, we will report it to you, the client.

1. Attic Views - Location

Observations:

1.1. Main Floor

1.2. The pictures are used to demonstrate that the inspector makes every effort to visually inspect all accessible areas or show limitations of access. In accordance with our standards, we do not necessarily enter attics, in which case we would inspect them as best we can from the access point. In regard to evaluating the type and amount of insulation on the attic floor, we use only generic terms and approximate measurements, and do not sample nor test the material for specific identification. Also, we do not disturb or move any portion of it, and it may well obscure water pipes, electrical conduits, junction boxes, exhaust fans, and other components.

2. Attic Hatch / Access

Type: Wood door

3. Roof Framing

Materials: 2x6 Rafter

4. Sheathing

Materials: Not inspected - No Access

Observations:

4.1. Evidence of past leaking noted. Water was noted in the insulation held up by the poly. Suggest having a qualified roofing contractor review the roof to find the leaks and repair as required.

5. Ventilation

Type: Soffit Vents

6. Insulation

Materials: Fiberglass Batt

Depth: Insulation averages about 4-6 inches in depth

7. Vapour Barrier

Materials: Plastic

8. Exhaust

Type: N/A

9. Attic Plumbing

Materials: Not Visible

10. Moisture Penetration

Location: Ongoing water penetration noted

Observations:

10.1. Moisture stains in attic visible in several locations. The areas were tested with a moisture meter and found to be wet. The roof requires further review and repairs to prevent the ongoing water penetrations.



Gas/Electric Fireplace

Gas fireplaces should be serviced & maintained on a regular basis to ensure safe & proper operation.

1. Regularly clean glass with an appropriate high-temp glass cleaner.
2. Inspect the fake fireplace logs, as overtime they can become dirty and damaged. Clean/Replace as needed.
3. Clean out the fan compartment
4. Clean the blower fan(s) (if equipped)
5. For direct vent units, ensure the vent is clear of any obstructions and is in good condition.
6. Refer to manufactures instructions for more maintenance tips .
7. On an annual basis have a qualified technician inspect & perform any other necessary repairs/maintenance.

1. Location

Main Floor Living Room

2. Gas Fireplace

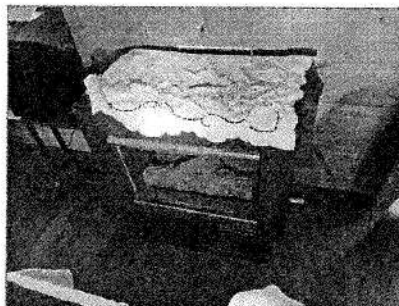
Observations:

2.1. The following is not a WETT certified inspection, recommend a full inspection by a WETT certified inspector to insure that the fireplace is operational, safe and up to modern standards. Most insurance companies now require a complete WETT inspection.

2.2. The pilot light was out and home inspectors are not allowed to ignite fireplaces. The buyer should confirm the operation of the fireplace with the current home owner.



Emergency Heater



Emergency Heat

3. Manufacturer

Manufacturer: U/K

4. Flue Pipe

Flue Pipe: Metal - Direct Vent

5. Fan

Fan Type: Switch Controlled

6. Cover Glass

Status: Present

Crawlspace

1. Locations

Basement

2. Method of Inspection

In the crawlspace

3. Access

Access Type / Location: Wood Door

4. Ventilation

Type: Vented Skirting

5. Insulation

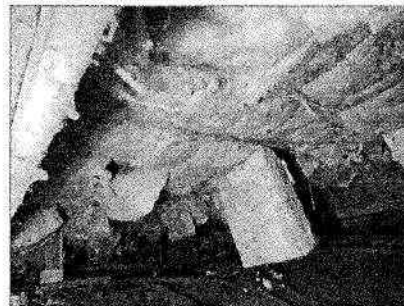
Materials: Fiberglass batts

Observations:

5.1. Insulation in the joists area was in general disrepair. The damaged fiberglass batts should be removed and replaced and a belly tarp protective covering should be installed to help repel cold air and to keep pests out.



No Belly Tarp



6. Electrical



7. HVAC

HVAC Source: None

8. IR / Thermal Scan

Observations:

8.1. No abnormal observations

Conclusion

REPORT CONCLUSION and WALK-THROUGH

I am proud of the service I provide, and trust that you will be happy with the quality of my report. I have made every effort to provide you with an accurate assessment of the condition of the property and its components and to alert you to any significant defects or adverse conditions. However, I may not have tested every outlet, and opened every window and door, or identified every problem. Also because my inspection is essentially visual, latent defects could exist. I cannot see behind walls. Therefore, you should not regard my inspection as a guarantee or warranty. It is simply a report on the general condition of a property at a given point in time. As a homeowner, you should expect problems to occur. Roofs will leak, basements may have water problems, and systems may fail without warning. I cannot predict future events. For these reasons, you should keep a comprehensive insurance policy current. This report was written exclusively for my client. It is not transferable to other people. The report is only supplemental to a seller's disclosure. Thank you for taking the time to read this report, and call me if you have any questions. I am always attempting to improve the quality of my service and my report.

PRE-CLOSING WALK THROUGH:

The walk-through prior to closing is the time for Client to inspect the property. Conditions may change between the time of a home inspection and the time of closing. Restrictions that existed during the inspection may have been removed for the walk-through. Defects or problems that were not found during the home inspection may be discovered during the walk-through. Client should be thorough during the walk-through. Any defect or problem discovered during the walk-through should be negotiated with the owner/seller of the property prior to closing. Purchasing the property with a known defect or problem releases A Buyer's Choice Home Inspections of all responsibility. Client assumes responsibility for all known defects after settlement.

APPLIANCES:

Appliances were tested as a courtesy and were in working at the time of the inspection (unless otherwise noted). It cannot be guaranteed that the appliances will be functional at time of possession. It is recommended that the appliances be re-tested prior to possession.

Sincerely,

Brad Clark
Certified Professional Inspector
A Buyer's Choice Home Inspections Nanaimo
250-618-0168
abuyerschoice.com/nanaimo
brad.clark@abuyerschoice.com

Glossary

Term	Definition
ABS	Acronym for acrylonitrile butadiene styrene; rigid black plastic pipe used only for drain lines.
Drip Edge	Drip edge is a metal flashing applied to the edges of a roof deck before the roofing material is applied. The metal may be galvanized steel, aluminum (painted or not), copper and possibly others.
GFCI	A special device that is intended for the protection of personnel by de-energizing a circuit, capable of opening the circuit when even a small amount of current is flowing through the grounding system.
PVC	Polyvinyl chloride, which is used in the manufacture of white plastic pipe typically used for water supply lines.
TPR Valve	The thermostat in a water heater shuts off the heating source when the set temperature is reached. If the thermostat fails, the water heater could have a continuous rise in temperature and pressure (from expansion of the water). The temperature and pressure could continue to rise until the pressure exceeds the pressure capacity of the tank (300 psi). If this should happen, the super-heated water would boil and expand with explosive force, and the tank would burst. The super-heated water turns to steam and turns the water heater into an unguided missile. To prevent these catastrophic failures, water heaters are required to be protected for both excess temperature and pressure. Usually, the means of protection is a combination temperature- and pressure-relief valve (variously abbreviated as T&P, TPV, TPR, etc.). Most of these devices are set to operate at a water temperature above 200° F and/or a pressure above 150 psi. Do not attempt to test the TPR valve yourself! Most water heating systems should be serviced once a year as a part of an annual preventive maintenance inspection by a professional heating and cooling contractor. From Plumbing: Water Heater TPR Valves

GABRIOLA VOLUNTEER FIRE DEPARTMENT

Box 89, Gabriola, B.C., VOR 1X0

Telephone: (250) 247-9677

Fax: (250) 247-9850

Email: gabfire@shaw.ca

May 11, 2021

Islands Trust
700 North Road
Gabriola, B.C.
V0R 1X3

To Whom It May Concern

Re: Fire code compliance inspection - 1016 Berry Point Road, Gabriola, B.C.

This is to confirm that I carried out an inspection at the above noted address. Based on my inspection, I find that the home meets the requirements of the B.C. Fire Code for the purpose of a Temporary Use Permit (TUP).

If you have any questions, please do not hesitate to contact me.

Yours truly,

Hayley Bennett,
LAFC

:pm

Guest Manual

Dear Guests,

Welcome to Sunset Beach Oceanfront Cottage. We're beyond excited to have you!

This guest manual contains information about the house and area to help you enjoy your stay. It includes information for fire safety, noise bylaws, water conservation, garbage, septic, pets, respect for First Nations heritage, useful local contact number along with our 24 hr on-island contact.

You should find everything that you need, but if you have a question that isn't covered in here, please do get in touch and let me know how we can help.

We hope that you enjoy the place and this beautiful island.

Have a great stay!

Sincerely,

Ike and Bojung

► **Contacts**

Cottage address : 1016 Berry Point Road, Gabriola Island

Contact Information (Host) : On-island 24 hour contact

Ike Mackay / Bojung Park

[REDACTED]

[REDACTED]

[REDACTED] Gabriola Island

In case of Emergency :

Gabriola is a 911 community for Fire, Police, and Ambulance assistance

Gabriola Medical Clinic 695 Church Street 247-9922

Island Pharmacy 575 North Road 247-8310

Gabriola Vet Clinic 885 Buttercup Road 247-9185

Community Directory :

Ferry Information - Nanaimo-Gabriola Ticket Booth 753-9344

Gabriola Ferry Traffic Cam (Alive) www.ferycam.clayrose.com

Gabriola Taxi 247-0049

GERTIE Community bus - www.gertie.ca Call or text 668-6809

Visitor Centre 480 North Road 247-9332

Gabriola Museum (Gabriola Historical & Museum Society) 505 South Road 247-9987

Gabriola Land and Trails Trust - GALTT, info and Trails map www.galtt.ca

Police R.C.M.P. (non-emergency) 525 South Road 247-8333

Gabriola Post Office 470 South Road 247-8862

► **Water Conservation**

It is essential that water is conserved on this island.

Here are some water conservation tips you can help during your stay.

- Only run the washing machine when you have a full load
- Take shorter showers - five minutes or less is best
- Turn off the water while soaping hands and brushing teeth
- Turn off sink faucet while scrubbing dishes and pots
- When cooking, peel and clean vegetables in a large bowl of water instead of under

running water

- If you are only making one or two hot drinks, only boil that amount of water in the kettle
- Check to see that all taps are turned off after use

► Fire Safety

There is smoke/carbon monoxide detector near your sleeping area. It is a hard wired alarm with backup battery and we test it every month to make sure it is working properly.

There is a fire extinguisher in the living room and fire extinguishing spray on the window sill in the kitchen.

It is important that you are aware of fire hazards in the cottage and please follow these tips for your fire safety.

- Don't leave grilling, frying or broiling unattended
- Keep cooking surfaces clutter-free
- Make sure that you unplug small appliance like toaster when you are not using it
- Do not overload electrical outlets and insert plugs fully into outlets
- Keep candles at least 12 inches away from anything that can burn and put out candles before leaving the room or going to sleep
- Do not make any open fire outside

If a fire occurs in the cottage, leave home IMMEDIATELY.

If there is a lot of smoke, get low and crawl out of the house as quickly as possible.

Call 911 after you are a safe distance away from the house.

Stay in the safe location until emergency personnel tell you it is safe to re-enter the house.

► Noise Bylaws

Please be respectful of your neighbors, and keep noise emissions to a reasonable level.

Nanaimo's noise bylaw prohibits making or causing sound or noise that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or persons in the vicinity.

Council has identified the following activities to be disturbances;

Playing or operating any radio, stereophonic equipment, television receiving set or other instrument or any apparatus for the production or amplification of sounds, where the noise is audible at a point of reception in a residential area between the hours of 11 pm and 9 am the following day.

Please note that the playing or operation of any amplified sound at a level or in a manner that unreasonably disturbs your neighbors at any time of the day is also prohibited.

► **Storage of Garbage**

There are 3 plastic carts outside of the cottage.

We empty them on the scheduled garbage/recycling collection day.

Please dump your recycling/garbage/organics in the right cart and this is sorting guide.

Recycling (Blue Cart)

Printed Paper & Cardboard

Newspaper & Magazines

Plastic Containers

Aluminum Containers & Foil

Paper Packaging for Liquids

Ice Cream Boxes

Aerosol Cans & Caps (non-hazardous)

Steel Containers & Lids

Plastic Clamshells

Seedling Trays & Plant Pots

Shredded Paper (in a clear plastic bag tied at the top)

Plastic To-Go Cups & Lids

Organics (Green Cart)

Food scraps

Small amounts of fats, oils, and greases - soak up any liquids in paper towel or other absorbent material

Vegetables, salad and fruit

Paper towels, napkins and paper plates

Compostable paper take out containers

Meat, poultry, fish, shellfish and bones

Bread, dough, pasta and grain

Floral arrangements

Egg and dairy products

Coffee grounds

Coffee filters and tea bags

Table and plate scraps

Soiled paper and card

Garbage (Black Cart)

Plastic Cutlery & Straws

Broken Ceramics & Broken Glass

Candy Wrappers

Elastic Bands, Twist Ties & String

Potato Chip Bags

Absorbent Pads from Meat Trays

Diapers, Baby Wipes & Personal Hygiene Items

Dryer Lint & Dryer Sheets

Foil-Lined Cardboard

Non-Repairable Junk (e.g. broken toys, old hosepipe, etc.)

* COVID-19 Advisory - Please follow Safe Waste practices by securely bagging and disposing the following items in the Black Cart (garbage).

Cleaning cloths and disposable wipes - even those listed as flushable/compostable.

Used Kleenex

Personal hygiene products

Face masks & gloves

Any other similar sanitary items

► Septic Care

- Please do not treat toilet like a trash can

The ONLY thing that should be flushed down the toilet that doesn't come out of your body is toilet paper. No cigarette butts, paper towels, diapers, feminine products, hair, dental floss...NOTHING.

- There is a compost bucket under the sink

Do not discard cooking oil, grease and fat because it will clog septic system.

You can dispose them to compost bucket by using paper towel.

Even dairy products like milk, cream and butter are bad to send down the drain.

It's hard for dairy to break down in a septic tank because of the lack of oxygen.

- Use a drain catcher to stop food bits from going down the drain

Avoid washing food scraps, coffee grinds, and other food items down the drain.

- Don't dispose of pharmaceuticals down your drains or toilets

- We use natural or plant-based cleaning product

Do not use drain cleaners or harsh cleaning chemicals.

► Control of Pet

Ocean Delight cottage is pleased to welcome you and your pet companion.

To ensure your comfortable stay the following guidelines and restrictions must be adhered to.

- Any damage caused by pets must be reported to the host immediately so proper action can be taken
- Pets should not be left unattended in the cottage, unless they are secured in a carrier.
- Pets must be on a leash anytime they are outside.
- Guests are responsible for cleaning up after their pets on the property or public road/park.
- Keep your dog from barking.

Disturbances caused by domestic animals in regulated in the City of Nanaimo Animal Responsibility Bylaw 7316.

The guest must not allow or permit a dog to bark, howl, yelp, cry or make other noises:

- sporadically for a cumulative total of 15 or more minutes within any 60 minute period;
- in a manner that that unduly disturbs the peace, quiet, rest, comfort or tranquility of the surrounding neighborhood or vicinity, or of Persons in the neighborhood or vicinity;
- otherwise in such a manner as to cause a Nuisance.

► Respect for First Nations heritage on the island

People have lived for thousands of years on the island we now call Gabriola.

The ancestors of today's Snuneymuxw First Nation, a Hul'qumi'num speaking people who are part of the Coast Salish culture, lived in seaside villages throughout what is today the mid-region of Vancouver Island, as well as on Gabriola.

They have long and continuous ties to the island and the environment—a spiritual connection to the land, the earth and the water. Their knowledge of natural systems has been passed down from generation to generation through an oral tradition.

We are reminded of their long-time presence by the layers of shells found at various sites throughout the island. These tell us that First Nations people had villages or camped at these locations while they made use of local natural resources. Archaeologists are able to determine the type of use at a site by the amount of layered shell - larger deposits indicate a village site.

First Nations people value these sites as part of their history and as tangible evidence of their connection to the land. These sites are also meaningful to us all and require our respect and protection. You can help by leaving them undisturbed. If you see suspicious behavior or witness desecration of any cultural site, please contact local authorities. If you find artifacts, leave them in place, and notify them.

- Gabriola's History Timeline and its roots

<https://gabriolamuseum.org/connections-and-resources/gabriola-island-timeline/>

<https://gabriolamuseum.org/gabriola-roots-the-land-provides-indoor/>

- Petroglyphs Park in Gabriola

Petroglyphs are the records of a people with no written language, and are rare links with the past culture of our First Nations.

There are more than 70 known petroglyphs on Gabriola and the surrounding islands.

In 1996, the Gabriola Historical and Museum Society, with other groups on and off Gabriola, became increasingly concerned about the condition of the Island's petroglyphs. The soft sandstone on which they are found is exposed to weather, traffic, rubbings, and vandalism.

The petroglyphs are scattered all over the island, making protection and preservation difficult and expensive. The Gabriola Historical and Museum Society acquired permission from the Snuneymuxw First Nation to place these in a small park on the Museum grounds.

<https://gabriolamuseum.org/petroglyph-park/>

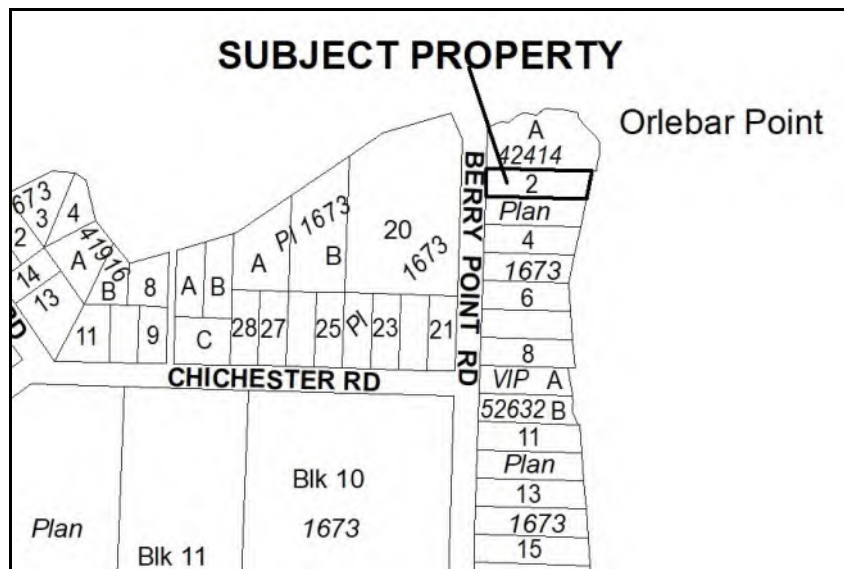
NOTICE
GB-TUP-2020.2 (Mackay)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 000-334-715: Lot 2, Block 9, Section 23, Gabriola Island, Nanaimo District, Plan 1673. This property is located at 1016 Berry Point Road, Gabriola, BC.

The purpose of the proposed permit is to permit the operation of a commercial vacation rental in the single family dwelling (700 sq ft cottage) on the subject property.

The establishment of this use would be subject to the conditions specified in the attached proposed permit.

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office Bulletin Board, 700 North Road, Gabriola, BC, commencing **March 31, 2022** and continuing up to and including **April 6, 2022**.

Enquiries or comments should be directed to Teresa Mahikwa, Island Planner at (250) 247-2200, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 p.m., **April 6, 2022**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting **April 7, 2022 at 10:30 am at Gabriola Island Community Hall, 2200 South Road, Gabriola Island, BC.**

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

Becky McErlean, Deputy Secretary

November 12, 2020

To whom it may concern;

This is a letter of support for my neighbor, Ike Mackay's TUP application for their vacation rental with Islands Trust.

Both I, David Levi and my wife, Daphne Nielsen are confident that their vacation rental will in no way adversely affect this neighborhood and the quality of life that we currently enjoy.

We are the immediate neighbors of the subject property 1016 Berry Point Road where Ike Mackay is applying for TUP, our address being [REDACTED] Berry Point Road.

Sincerely Yours,

[REDACTED]
David Levi

Address : [REDACTED] Berry Point Road, Gabriola, BC V0R 1X1

Phone : [REDACTED]

Dear Islands Trust planners,

My name is Rebecca Rozander, and I reside at [REDACTED] Berry Point Road, which makes me a close neighbor of 1016 Berry Point Road.

This is a letter to express my support for Ike Mackay's application for a vacation rental at 1016 Berry Point Road.

Berry Point is a quiet and peaceful neighborhood, and I am certain that this vacation rental will be in no way detract from my enjoyment of living here.

Ike Mackay and his family have resided at 1018 Berry Point Road for many years full time, and I am certain that he will ensure that the vacation rental will be efficiently and peacefully operated.

Thank you for your consideration on this matter.

Sincerely,

Rebecca Rozander

[REDACTED]

November 5th, 2020

DATE OF MEETING: April 7, 2022

TO: Gabriola Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

SUBJECT: Temporary Use Permit for a Commercial Vacation Rental (2 bedroom accessory dwelling)
Applicants: Mike & Cindy McNally
Location: 1599 Hess Road, Gabriola Island (PID: 001-272-349)

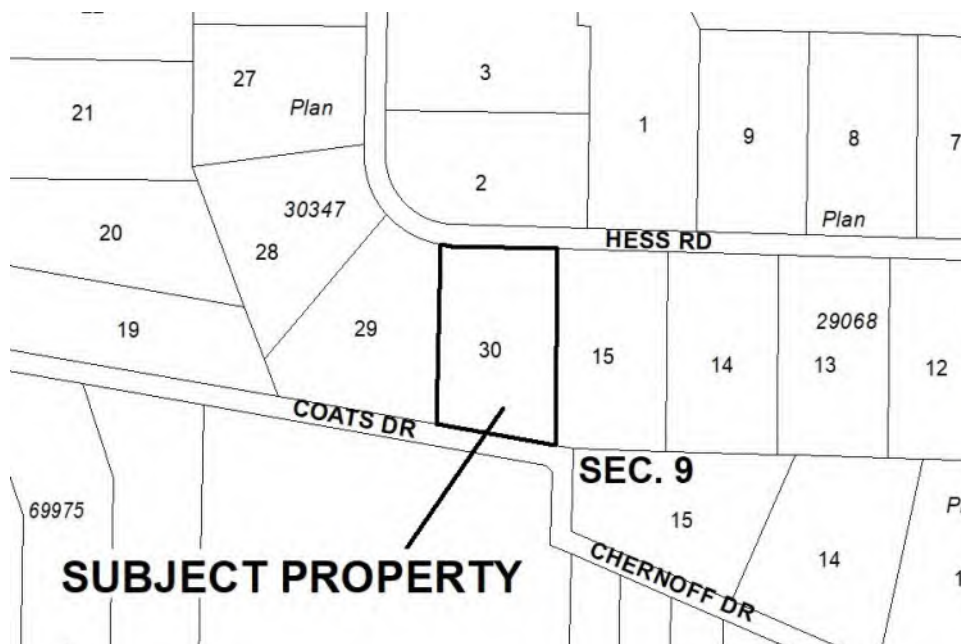
RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GB-TUP-2022.2 for three (3) years from the date of issuance, subject to the conditions imposed by the permit.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider Temporary Use Permit (TUP) for the temporary operation of a commercial vacation rental (CVR) within an accessory dwelling (2-bedroom “secondary suite”) on the subject property (Figure 1 below) in the Large Rural Residential (RR) designation.

Figure 1 – Subject Property Map



BACKGROUND

Pursuant to article 3.8 (a)(vii) of the Gabriola Island Official Community Plan (OCP), a TUP may be issued for CVRs (overnight accommodation on less than a monthly basis for monetary gain) within land designated as Large Rural Residential (RR).

Detailed background information, including the Site Context can be found in Attachment 2, and details of how the application has been evaluated against the TUP Guidelines can be found in Attachment 3. Supporting information provided by the applicant is included as Attachments 4-10.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 2. The policies and regulations that pertain to discussion for this application are summarized below.

Gabriola Island Official Community Plan (OCP)

Official Community Plan policies were reviewed and the relevant TUP Guidelines are included as Attachment 3 of this report. Staff find that this CVR TUP application complies with all such Guidelines.

Gabriola Island Land Use Bylaw (LUB)

As noted in Attachment 2, the subject property is zoned Large Rural Residential (LRR) in the Gabriola Island Land Use Bylaw No. 177. The intent of the TUP is to allow a use that is not otherwise permitted. LUB regulation B.6.3.1 notes that “All dwelling units, **including secondary suites**, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited **except where a temporary use permit has been issued by the Local Trust Committee**” – and thus this TUP request is required for this temporary CVR use.

Issues and Opportunities

Public Correspondence

At the time of writing this report, staff is not aware of other public correspondence (support, complaints etc.) regarding this TUP application request. A copy of the Public Notice is included as Attachment 11.

RATIONALE FOR RECOMMENDATION

Staff consider this TUP application and information provided to meet the TUP Guidelines for commercial vacation rentals outlined in Section 3.8 of the OCP, and are not aware of any complaints regarding the potential CVR use on this property. Therefore, staff recommends that the TUP be issued, subject to the conditions imposed by the permit, for the maximum allowable 3 year term.

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. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request further information prior to making a decision on Temporary Use Permit application GB-TUP-2022.2 [specify required information].

2. Impose additional permit conditions

The LTC may choose to impose additional permit conditions in accordance with OCP Guidelines 3.8(h) (xvii) which states, “such other considerations as are deemed applicable with respect to a specific commercial vacation rental application” or (xviii) which states, “the LTC may require water metering”. The LTC may also choose to amend the expiry date of the Permit. Recommended wording for such resolutions are as follows:

That the Gabriola Island Local Trust Committee request that the following be made a condition of Temporary Use Permit application GB-TUP-2022.2: [insert condition(s)];

That the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GB-TUP-2022.2, subject to the conditions imposed by the permit, and as amended.

3. Deny issuance of the permit

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

That the Gabriola Island Local Trust Committee deny Temporary Use Permit application GB-TUP-2022.2 for the following reasons: [specify reasons].

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will issue the TUP as drafted in Attachment 1.

Submitted By:	Teresa Mahikwa, MCIP, RPP Island Planner	March 17, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 17, 2022

ATTACHMENTS

1. Draft Temporary Use Permit
2. Site Context
3. OCP TUP Guidelines
4. Water Plan
5. Well Flow Test
6. Septic Information
7. RDN Occupancy Permit
8. Fire Inspection Report
9. Guest Information
10. Additional Fire Safety Info for Guests
11. Copy of Public Notice

	DRAFT GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2022.2 (McNally) 1599 Hess Road, Gabriola Island
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To: Cindy McNally and Michael McNally

1. This Permit applies to the land described below:

PID 001-272-349

LOT 30, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 30347

2. This Permit is valid for a period of three years from the date of issuance.
3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the use of a commercial vacation rental within an accessory dwelling (2-bedroom secondary suite) on the subject property.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of the area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of bedrooms in the accessory dwelling unit for the commercial vacation rental is 2;
 - 4.8 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 4 guests at any given time;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;
 - 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.

5. It is the responsibility of the landowner to obtain any required authorization under the *Water*

Sustainability Act or any other relevant legislation pertaining to groundwater.

6. All in accordance with Schedules "A" and "B" attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF _____, 202X.

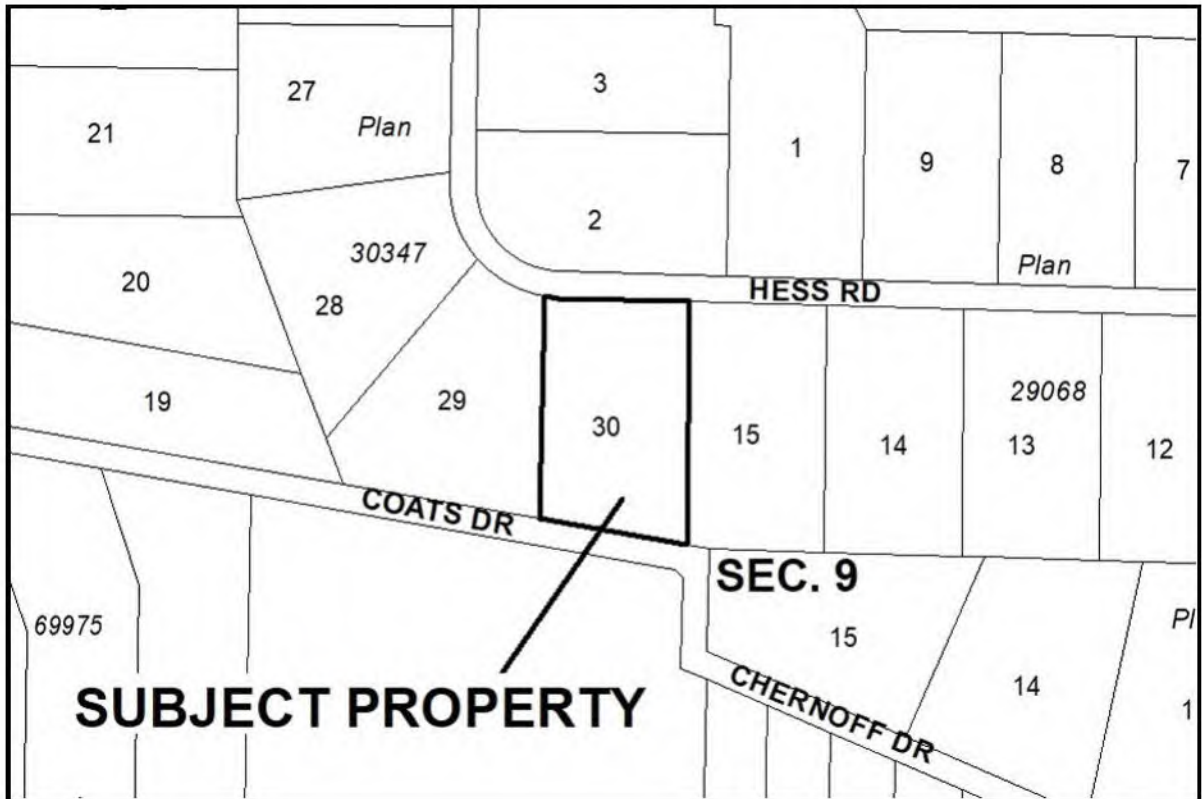
Deputy Secretary, Islands Trust

Date Issued

DRAFT

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2022.2 (McNally)**

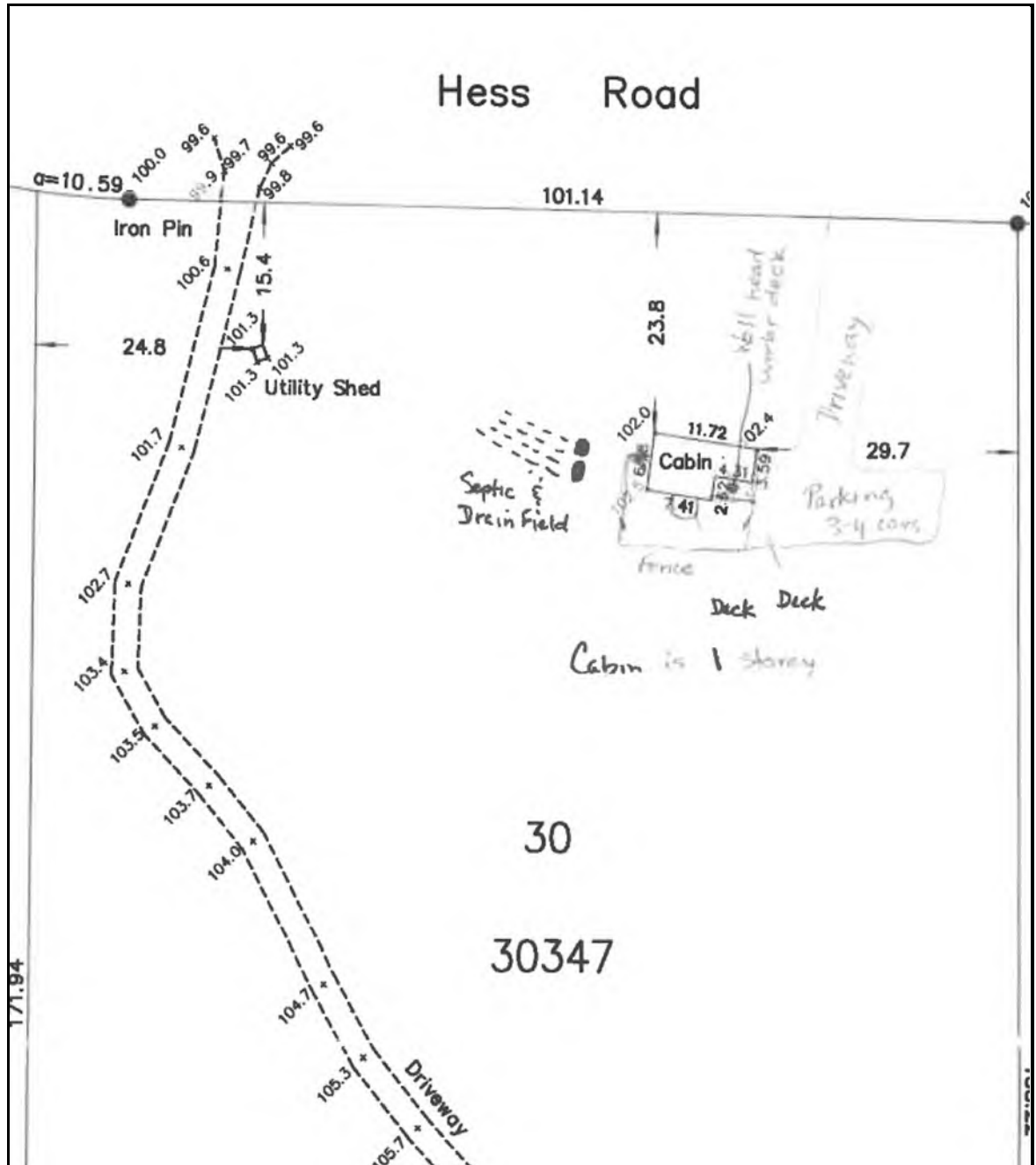
SCHEDULE "A" – Subject Property



DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2022.2 (McNally)

SCHEDULE "B" – Site Plan



ATTACHMENT 2 – SITE CONTEXT

LOCATION

Legal Description	LOT 30, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 30347
PID	001-272-349
Civic Address	1599 Hess Road (1595 is the main house; 1599 is the secondary suite)
Lot Size	5.02 acres (2.03 hectares)

LAND USE

Current Land Use	Residential. Existing buildings and structures include: • Single family dwelling (principal dwelling, built ~2017). Newer, separate septic system and rainwater collection (does not put additional load on other septic field). Located towards south end of property (not pictured below, as aerial imagery pre-dates the new home). • Accessory, secondary suite (2 bedrooms). The subject of this TUP request. This was the main house until the new one was built. It has its own separate septic system (original). Image of the cottage is shown below:  • Accessory buildings include 1 shop and 2 utility sheds
Surrounding Land Use	Residential

HISTORICAL FILE ACTIVITY (NONE)

POLICY/REGULATORY

Gabriola Island Official Community Plan No. 166, 1997	The subject property is within the Large Rural Residential (RR) land use designation. See staff report and attachments for TUP Guideline info. Not within any Development Permit Areas.
Gabriola Island Land Use Bylaw No. 177, 1999	The subject property is within the Large Rural Residential (LRR) zone. In the LRR zone, permitted principal uses include single family residential, and permitted accessory uses include a secondary suite on lots 2.0 ha or larger.

	Secondary suite = a self-contained dwelling unit consisting of one or more habitable rooms and a cooking facility for residential occupancy accessory to a principal dwelling unit located on the same lot. B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee. <i>*TUP Objectives and Guidelines are found in the OCP. See section above.</i>
Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants; or Parks/Protected Areas
Covenants	None on Title.
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	None mapped.
Sensitive Ecosystems	Islands Trust Ecosystem Mapping (ITEM) and Sensitive Ecosystem Mapping (SEM) classifies the subject property as a Mature Forest (conifer) ecosystem.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) indicates that the subject property is not within 100 metres of a known archaeological site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated impacts.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is in an area of moderately low aquifer intrinsic vulnerability, and has moderate to moderately low vulnerability to saltwater intrusion. Subject property has no mapped TRIM or RAR-applicable watercourses or waterbodies.

ATTACHMENT 3 – TUP GUIDELINES IN THE GABRIOLA OCP

OCP Subsection 3.8(h)

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

Guideline	Submitted	Compliant?	Planner Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals	<i>n/a</i>		<i>TBD by LTC</i> There are currently only a few other active TUPs for CVRs on the Island, one of which is in this neighbourhood, located at 1410 Fisher Road (GB-TUP-2019.2), which expires in May 2023.
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood	<i>n/a</i>		<i>Included as a condition of the Permit.</i> Condition 4.1 of Draft TUP
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues	<i>n/a</i>		<i>Included as a condition of the Permit.</i> Condition 4.1 of Draft TUP Subject property and subject accessory dwelling unit is well set back and screened from road and neighbouring properties.
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	<i>n/a</i>	<i>n/a</i>	<i>Not in the ALR.</i>
v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest.	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.6 of Draft TUP See staff report and attached Water Plan and well test rate from March 2, 2022, which notes 6-gal/min flow rate and was clear and constant throughout the test, indicating a very good well.

vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.2 of Draft TUP. Staff are satisfied from aerial imagery and site plan that there is adequate parking space for at least two vehicles on the subject property.
vii. the landowner should be required to provide documentation from a qualified professional that the septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	Yes	Yes	Robert Bye, Registered Onsite Wastewater Practitioner (ROWP), of Gabriola Septic Services, provided an Assurance of Compliance letter dated Feb 19, 2022 (attached to staff report) stating that the Onsite Wastewater System is capable of supporting the Vacation Rental occupancy load not exceeding daily wastewater flow of 1000 L/day or 219 gal/day.
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code	Yes	Yes	The Occupancy Permit from the RDN Building Inspection Services is attached to the staff report. Note that street address is 1595 Hess, which was the address of the dwelling before the new house was built and became 1595 and the accessory dwelling was changed to 1599 Hess Rd. The applicant has submitted a letter dated Jan 5, 2022 (attached to staff report) from Will Sprogis, Fire Chief of the Gabriola Volunteer Fire Department, indicating that the residence meets the requirements of the B.C. Fire Code for the purpose of this TUP.
ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.3 of Draft TUP. Staff have confirmed that the owner (who resides on the property) will supply their contact info to guests and will be available 24/7.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit	n/a		<i>Included as a condition of the Permit.</i> Condition 4.4 of Draft TUP.

xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted)	Yes	<i>Included as a condition of the Permit.</i> Condition 4.5 of Draft TUP. Included in Guest Information attachments to staff report which provides required information to guests.	
xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom	n/a	<i>Included as a condition of the Permit.</i> Condition 4.8 of Draft TUP. This TUP request is for a 2-bedroom dwelling, so a maximum of 4 guests permitted at any given time.	
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	n/a	<i>Included as a condition of the Permit.</i> Condition 4.10 of Draft TUP.	
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients	n/a	<i>Included as a condition of the Permit.</i> Condition 4.11 of Draft TUP.	
xv. a condition of the permit should limit the number of bedrooms to: • a maximum of 4 on lots 2.0 hectares or larger.	n/a	<i>Included as a condition of the Permit.</i> Condition 4.7 of Draft TUP. Subject property is larger than 2 hectares. Applicant requesting rental of 2-bedroom cottage, and therefore the Draft TUP restricts number of bedrooms to 2.	
xvi. a condition of the permit should prohibit recreational vehicles or camping	n/a	<i>Included as a condition of the Permit.</i> Condition 4.12 of Draft TUP.	
xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application	n/a	TBD by LTC.	
xviii. the Local Trust Committee may require water metering	n/a	TBD by LTC.	
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities	n/a	Guideline viii. addressed the Occupancy Permit requirement.	
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.5 of Draft TUP. Included in Guest Information attachment to staff report which provides required information to guests.

Water Supply and Conservation

Potable water at the guest house (two bedrooms) and the main residence (two bedrooms) is supplied by the well located at the guest house. Production of the well was measured on March 2, 2022 and showed that the well was consistently producing at least 6 gallons per minute over a 90-minute period.

There is also a rainwater collection system on the property with storage of 5000 gallons that is intended for irrigation and emergency fire suppression. The rainwater is collected from the roof of the garage and the main residence.

The guest house is equipped with a shower, toilet, bathroom sink, kitchen sink, washer/dryer, and one outside faucet for a garden hose. All guests will be encouraged to use the water resource responsibly to avoid any unnecessary water consumption.

It should be noted that there is no additional strain put on the septic field at the guest house because the guest house and main residence each have their own, separate septic systems.

From: BRIAN STRACHAN
Sent: Sunday, March 6, 2022 2:00 PM
To: Michael McNally
Subject: Flow test

To: Michael McNalley
1595 Hess Road
Gabriola BC

March 6 th, 2022

On March 2 nd 2022 I conducted a flow test at the above address. The flow test lasted 90 minutes at a flow rate of 6 imperial gallons per minute, the flow was constant and did not diminish with time. The total amount of water pumped was 540 imperial gallons, the water remained clear and a constant flow through out the test.

The maximum discharge from the garden hose was 6 imperial gallons per minute , and as mentioned did not diminish with time so the wells flow rate at the time of testing is at least 6 imperial gallon per minute and a very good well.

Any questions please ask.

Brian Strachan
Gabriola Waterworks
Gabriola BC

WPI 06041201

Sent from [Mail](#) for Windows

Assurance of Compliance

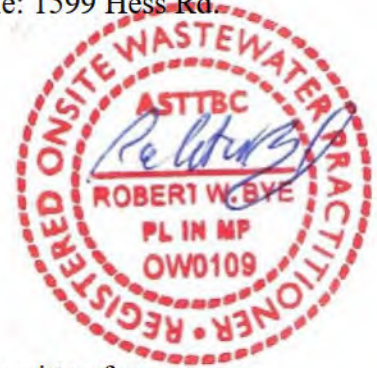
by a

Date: 19/02/2022

Our File: 1599 Hess Rd.

Registered Onsite Wastewater Practitioner

To: Michael McNally
1599 Hess Rd.
Gabriola Island B.C.
LOT 30, SECTION 9, GABRIOLA ISLAND,
NANAIMO DISTRICT, PLAN 29068



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

To whom it may concern:

I hereby give assurance that:

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

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

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

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

This assurance is subject to:

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

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

Robert W. Bye
Gabriola Septic Services Ltd.
645 Gallagher Way
Gabriola Island B.C.

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



REGIONAL
DISTRICT
OF NANAIMO

BUILDING INSPECTION SERVICES

OCCUPANCY PERMIT

10324

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

Street Address: 1595 Hess Road

Legal Description: LOT 30 SEC 9 PL. 303347

Class of Occupancy: _____

Building Permit Number: 22860

IMPORTANT NOTICE

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

OG 22/04
Date

Building Inspector

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

GABRIOLA VOLUNTEER FIRE DEPARTMENT

Box 89, Gabriola, B.C., V0R 1X0

Telephone: (250) 247-9677

Fax: (250) 247-9850

Email: gabfire@shaw.ca

January 5, 2022

Islands Trust
700 North Road
Gabriola, B.C.
V0R 1X3

To Whom It May Concern

Re: Fire code compliance inspection - 1599 Hess Road, Gabriola, B.C.

This is to confirm that I carried out an inspection at the above noted address. Based on my inspection, I find that the home meets the requirements of the B.C. Fire Code for the purpose of a Temporary Use Permit (TUP).

If you have any questions, please do not hesitate to contact me.

Yours truly,



Will Sprogis,
Fire Chief

:pm

Snuneymuxw First Nation

Gabriola Island is part of the traditional territory of Snuneymuxw First Nation. There is a well-documented history rich in tradition and spiritual culture.

As part of this community, even temporarily as visitors, we ask that you are respectful of the Snuneymuxw peoples, their traditions, artifacts and their beliefs.

For more information on the Snuneymuxw First Nation peoples of Gabriola we encourage you to visit the Gabriola Museum.

House Rules

No parties

No smoking/vaping inside the guest house. There are ashtrays available outside the cottage. Please ensure that cigarette butts are collected and placed in the metal can provided.

Please respect the noise bylaws (we want you to have an enjoyable stay but we want to keep our neighbors as friends lol). Refer to Bylaw 1082 in the binder.

Dogs

Please have your dog(s) under competent control at all times (please see the pet Bylaw 1066 responsibilities also in the binder).

If your dog traditionally sleeps with you please use the black sheet in the 3rd drawer of the dresser to cover the bedding before inviting your dog up.

Please pick up dog stools in the yard (thank you).

Water Conservation

Residents of Gabriola face water shortage challenges. We operate with a well system.

Please practice responsible water consumption. There is enough water for food prep, washing up, conservative showering and perhaps doing a load of laundry.

Please, let us know if you discover running water issues eg. running toilet, leaking faucets. Thank you

Housekeeping

You are responsible for cleaning and putting away dishes etc. that you have used.

Please strip your bed and place the sheets and pillowcases in the washing machine (I will be along later to turn the machine on).

Please dispose of all garbage/refuse in the appropriate bins outside of the gate.

Treehouse

The use of the tree house is under your control. We are not responsible for any injury or death that may result from guests or guests of guests using the treehouse.

Septic

Please do not flush feminine hygiene products, plastics or paper towels down the toilet.

Fire Safety



The entire island community depends on responsible fire stewardship. Please be responsible and follow the rules to ensure that your stay on Gabriola Island is a safe one.

The use of candles and other sources of open flame is not permitted inside the house.

The guest house is provided with two doorway exits. The main exit is located in the kitchen and dining area. A secondary exit is located in the main bedroom. The window in the secondary bedroom can also be used for an emergency exit. Evacuate everyone from the house in the event of a fire.

There are three smoke detectors located in the house, one in each of the two bedrooms and a third located in the dining area. The three alarms are connected and will sound if one alarm is triggered. Contact your host at 250-325-0023 in the event of malfunctions or recurring alarms.

A fire extinguisher is provided for emergency use. It is located just inside the main entrance in the kitchen and dining area on the end of the upper cabinet. In the event of a small but manageable fire/flame, remove the fire extinguisher from its hanger, pull pin, aim at the base of the fire and pull the trigger. Guests must evacuate the house and meet outside of the fenced backyard.

Call 911 to alert the Gabriola Fire Department

The non-emergency number is 250-247-9677

The duty officer pager number is 250-755-9289

Your host can be reached at 250-325-0023

No smoking or vaping is permitted in the house. Please use the glass ashtrays and the metal container can be used to dispose of cigarette butts.

Consult the current fire rating and restrictions at gabriolafire.ca/high-hazard-rating to determine campfire status. Campfires and use of combustion engines may be restricted or banned during the fire season between April 1st and October 15th.

Any "campfire" must be limited in size to no greater than half a cubic meter and supervised by a competent adult. Ensure that a charged water hose is in close proximity. Please use the fire pit provided by your host. Again, a competent adult **MUST** remain with the fire until it has been completely extinguished.

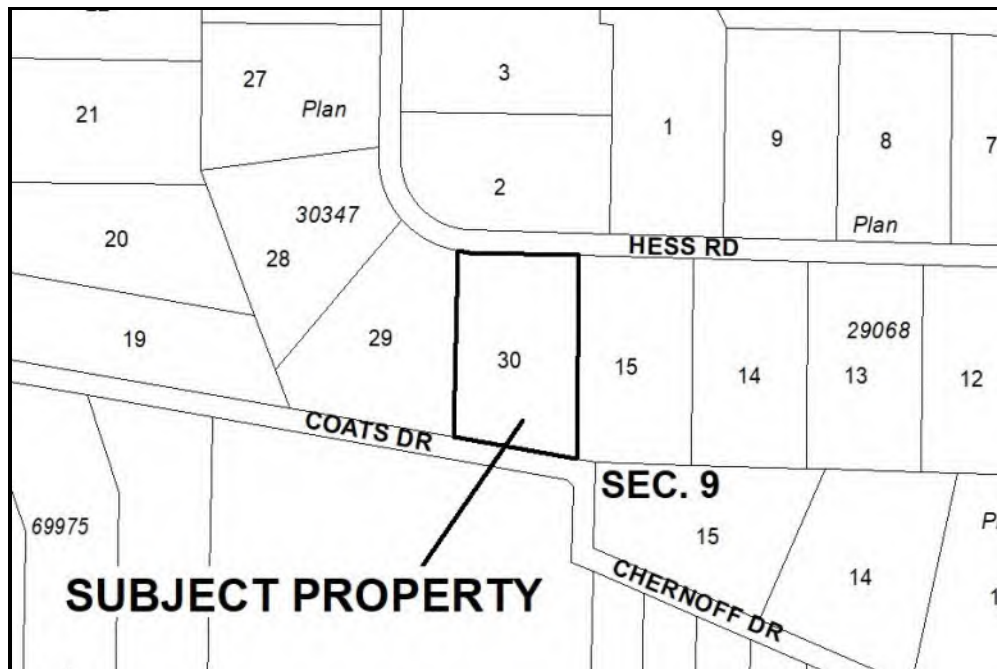
NOTICE
GB-TUP-2022.2 (McNally)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 001-272-349, Lot 30, Section 9, Gabriola Island, Nanaimo District, Plan 30347. This property is located at 1599 Hess Road, Gabriola Island, BC.

The purpose of the proposed permit is to permit the operation of a commercial vacation rental within the accessory dwelling (secondary suite) on the subject property.

The establishment of this use would be subject to the conditions specified in the attached proposed permit.

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola, B.C. V0R 1X5 and between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **March 31, 2022** and continuing up to and including **April 6, 2022**.

Enquiries or comments should be directed to Teresa Mahikwa, Island Planner at (250) 247-2200, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 p.m., **April 6, 2022**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting **April 7, 2022 at 10:30 am at Gabriola Island Community Hall, 2200 South Road, Gabriola Island, BC.**

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

Becky McErlean, Deputy Secretary

File No.: GB-DP-2022.1 & GB-DVP-2022.1 (Gottfried)

GB-BE-2021.50

DATE OF MEETING: April 7, 2022

TO: Gabriola Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

SUBJECT: **Combined Development Variance and Development Permit Application**
Applicant: Connor Gottfried
Location: 595 Wildwood Crescent (Lot 41)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2022.1 (Gottfried); and,
2. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DVP-2022.1 (Gottfried)

REPORT SUMMARY

This report is to introduce a combined Development Permit (DP) and Development Variance Permit (DVP) application for consideration by the Gabriola Island Local Trust Committee (LTC).

The purpose of the DP application is for measures for the protection of the sensitive riparian and aquatic ecosystem and construction management for placement of a structure (a culvert - retroactively), and tree removal, construction of a single family dwelling and driveway, and associated land alteration within **Development Permit Area No. 3 – Riparian Areas (DPA)**. Specifically, Eppler Creek is a provincial *Riparian Areas Protection Regulations (RAPR)* designated stream designated as part of DPA 3.

The DVP application is to consider a variance to the requirement for any structure to be sited a minimum of 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland. The variance would permit the structures (a septic tank, pump chamber and piping) to be installed at an elevation of less than 1.5 metres above a stream (Eppler Creek).

BACKGROUND

The application is the result of a Bylaw Compliance and Enforcement action for works undertaken in the DPA without a permit, specifically the installation in the fall of 2021 of a culvert on the road right of way at the driveway crossing for the property.

The subject property is 0.16 hectares (0.39 acres) in size and located on Wildwood Crescent as shown on Figure 1. Eppler Creek flows south to north, and parallel to, the front property line within the road right-of-way before entering the property through a culvert that crosses the northeast corner of the property and onto neighbouring Lot 42 (Figure 3). There is also a non-*RAPR* drainage ditch that originates from Lot 39 to the south shown on the site plan. Further information about the subject property is contained within the 'Site Context' and Mapping documents (Attachments 1 and 2). The applicant is also the owner of Lots 38 to 40 south of the subject property.

The scope of development for the property is shown in Figure 3 and entails:

Completed:

- Installation of a culvert at the driveway crossing and fully within the public road right of way (September 2021).

Proposed:

- The removal of mature trees (nine [9] western redcedar, one [1] Douglas-fir)
- Construction of a gravel driveway within DPA 3 (56 m² area within established SPEA - below)
- Construction of a 154 m² (1657 ft²) single-family dwelling including decks, partially within DPA 3.
- Installation of a septic tank, pump chamber, and piping at less than 1.5 m above the stream elevation, and construction of a septic field, all outside of DPA 3.
- Construction of 34 m² (366 ft²) studio and deck, and connecting boardwalk to the dwelling, both outside of the DPA.

Pursuant to Section F.3.2 of the [Gabriola Island Land Use Bylaw No. 177](#) (LUB), a DP is required to be issued by the LTC prior to development occurring within DP-3. In addition, development activities that are within the 30-metre Riparian Assessment Area (RAA – corresponding to the DPA) require approval from the province under the *RAPR*.

A 'RAPR Assessment Report' by Chris Zamora, RP Bio (Aquaparian Environmental Consulting, September 13, 2021) is attached in full to the proposed DP as Schedule 'C'. This report was assessed and approved by the Ministry of Land, Water and Resource Stewardship (LWRS) staff, and is analysed further with the variance application in 'Issues and Opportunities' (below).

The applicant reports that the culvert was installed after obtaining LSWR approval and the required Section 11 Notification under the *Water Sustainability Act* was filed by the RP Bio. A filing for the septic disposal system with Island Health was also submitted with the application.

Copies of the DPA Guideline Checklist and proposed DP are Attachments 3 and 4.

Copies of the Notice and proposed DVP are Attachments 5 and 6.

Figure 1 - Subject property

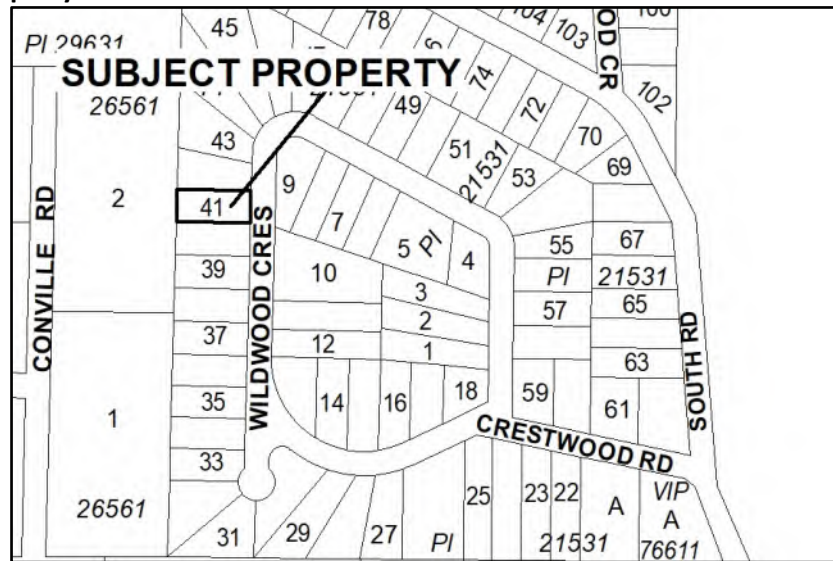


Figure 2 – Orthophoto & Riparian DPA Stream (Eppler Creek)



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

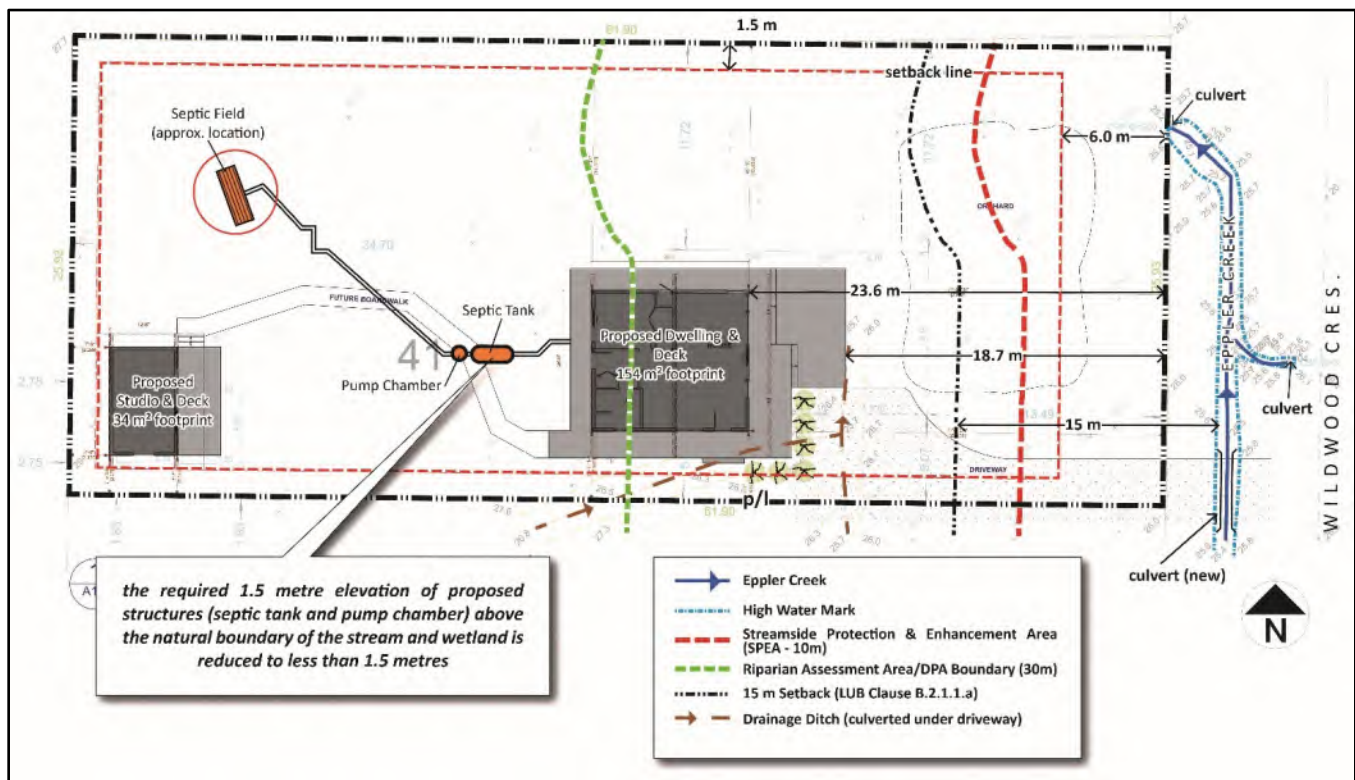
The following Islands Trust Policy Statement (ITPS) directive policies are relevant to this application and are addressed through DP-3 – Riparian Areas:

- 3.1.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.*

- 3.1.4 *Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.*
- 3.3.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife.*

This application is compliant with the ITPS.

Figure 3 - Site Plan



Official Community Plan

The subject property is designated **Small Rural Residential** in the [Gabriola Island Official Community Plan \(OCP\) Bylaw No. 166](#), and is located within **DP-3 – Riparian Areas**.

The objectives of DP-3 are:

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

As reviewed the proposed development complies with the objectives and policies of the OCP.

Land Use Bylaw

The subject property is zoned as **Small Rural Residential (SRR)** in the [Gabriola Island Land Use Bylaw \(LUB\) No. 177](#).

The guidelines for DP-3 are contained within Section F.3.4 of the LUB, and the proposed development complies with applicable development permit area guidelines as analysed in Attachment 3.

The proposed development meets all LUB siting and use regulations except for the required variance for the proposed septic tank, pump chamber piping as per Clause B.2.1.1.a. That requires buildings and structures are setback, "...a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream or wetland"

The depth and nature of the drainage ditch (discussed above and below) does not meet the following LUB definition of a *watercourse* and therefore is not subject to the regulations in section B.2.1.1 a.:

any natural or man-made depression with well defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year....

Issues and Opportunities

Development Permit

The following analysis items pertain to the DP application:

RAPR Assessment Report

The *RAPR* Assessment Report contains a detailed description of the proposed development and fisheries resource values. A Streamside Protection and Enhancement Area (SPEA) was assigned at 10 metres from the high water mark (HWM) of Eppler Creek (Figure 3). No buildings or structures are proposed within the SPEA, except the encroachment for the driveway the culvert. The area of the driveway in the SPEA is estimated at 56 m² and will only require removal of non-native grasses (lawn).

There is to be no tree removal in the SPEA, and within the balance of the RAA/DPA removal would be limited to:

- Eight (8) western red cedar (13-45 cm in DBH¹);
- One (1) Douglas fir (25 cm DBH)
- One (1) cedar (60 cm DBH) and one (1) Douglas fir (65cm DBH) are to be removed. Staff enquired if the proposed location of the house has shifted 5 m west (to the rear) since the report was submitted, those may not be required to be removed (see DVP – below).

The applicant reports that they had an arborist assess the property who indicated the trees to be removed were showing signs of drought stress, and that locating them too close to the proposed dwelling could pose a danger. The applicant will be completing a bird nesting survey before any tree removal. Although the *RAPR* Assessment Report does not make recommendations for tree replacement, the applicant is proposing to plant trees around the house once the build is complete.

¹ DBH (Diameter at Breast Height).

With respect to the drainage ditch that transects the property (Figure 3): it is not a mapped or designated as a *RAPR* stream in the OCP; the *RAPR* Assessment Report identifies it as originating from the perimeter of the existing dwelling on Lot 39 and flowing northeast through Lot 40 and into the subject property where it terminates in the lawn (orchard) area; and, the *RAPR* Assessment Report also confirms that it does not connect downstream to the Eppler Creek and is therefore not subject to *RAPR* (p. 4). The applicant is proposing to culvert the portions of the ditch under the driveway and otherwise not alter the flow of the ditch which terminates in the grass /orchard area.

DP Conditions for Protection Measures and Environmental Monitoring

LUB Guideline F.3.4.1, permits that the LTC may impose permit conditions where a Qualified Environmental Professional (QEP) has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems. The *RAPR* Assessment Report recommendations for measures to protect and maintain the SPEA meet the DPA guidelines for development and have been included as conditions in the draft DP. These are as summarized as follows:

- The delineation and protection of the SPEA and trees in the DPA on the ground prior to commencement of development activities;
- Tree removal be restricted to the area of the DPA outside of the SPEA and limited as above;
- Construction management conditions including timing, measures to limit siltation and pollution of the SPEA and water course ;
- Stormwater management systems be installed and stormwater run-off be directed outside of the SPEA; and,
- Monitoring by a Qualified Environmental Professional (QEP) including two (2) site visits and the submission of a post development report confirming all DP conditions have been met and that protective measures and environmental monitoring have been properly implemented.

Development Variance Permit

The following analysis items pertain to the DVP application:

Note: At the recommendation of staff, the applicant has shifted the location of the proposed dwelling approximately five (5) metres west and toward the rear of the property. As the elevation of the property rises to the rear, that allows the underside of the floor system to be constricted above the required 1.5 metres above the elevation of the stream consistent with Clause B.2.1.1.c. of the LUB. The ground elevation where the septic field is proposed is at a height of approximately 28 metres, or a 2.2 to metres above the high water mark.

Rationale for the Variances

The rationale for the variance is to enable the septic infrastructure to be buried in a location on the property that is logical for the development layout, distant from the DPA and on a property and where the flat topography limits the ability to otherwise comply with the regulation.

Impact on Neighbouring Properties

Given that the septic tank, pump chamber and piping are all buried and distant from property lines, staff anticipates the proposed variance to have little to no impact on neighbouring properties.

Intent of the Regulations being Varied

The purpose of regulation is to mirror provincial flood construction level guidelines for the protection of development from flood hazard and protection of the natural environment. The proposed structures will be sited approximately 50 metres distant from the Eppler Creek. Given the relatively flat topography, it would be difficult to both bury the structures and meet the regulation.

The proposed variance is supported by staff as it is minor in nature and does not challenge the intent of the regulation.

Potential Impacts of Granting the Variances

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

There is no public or agency consultation regularly associated with a DP application. In addition, there is no statutory notification required.

DVP Notices were circulated to surrounding property owners and residents within 100 metres (Attachment 4). The notification period ends at 4:30 p.m. on April 6, 2022.

To date, no correspondence had been received and any submissions received following the preparation of this staff report will be forwarded to the LTC and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Properties may show potential for archaeological material to be found on the property during the proposed development, and Islands Trust provides information to applicants requesting they comply with the Heritage Conservation Act (HCA). The applicant has been provided the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on HCA compliance. During the course of any development or land alteration applicants must ensure that in the event of archaeological material, or values being found all work on the property is stopped to preserve and protect cultural heritage. As reviewed, the DP application for restoration is consistent with respect to LTC Standing Resolutions on reconciliation.

Rationale for Recommendation

In summary, the recommendation on page 1 for the DP proposal is supported as:

- The objectives and specific guidelines of the DPA have been met;
- All relevant recommendations of a professional *RAPR* assessment report have been incorporated into the conditions of the proposed DP; and,
- Implementing and monitoring conditions in the draft DP will ensure the protection of the sensitive riparian ecosystem.

The recommendation on page 1 for the proposed DVP is supported as:

- The structures are required,
- The layout of development, proximity of the DPA and the topography of the property limits the ability to comply with the regulation;
- There will be little or no potential impacts from granting the variance;
- The variances do not challenge the intent of the regulation.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations on page 1:

Development Permit:

1. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA-3. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee has determined that application GB-DP-2022.1 as presented on April 7, 2022 does not meet guideline(s) _____ for the following reasons:
_____.

2. Request further information

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

That the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

Development Variance Permit:

3. Request further information

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

That the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust
_____.

4. Deny the application

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

That the Gabriola Island Local Trust Committee deny application GB-DVP-2022.1.

NEXT STEPS

If the LTC resolves to issue the Development Permit and the Development Variance Permit, the permits will be issued and the applicant may commence with the building permit process.

Submitted By:	Phil Testemale, Planner 2	March 21, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 23, 2022

ATTACHMENTS

1. Site Context
2. Mapping, Plans and Photos
3. Development Permit Area Guidelines Checklist
4. Draft Development Permit
5. Notice
6. Draft Development Variance Permit

LOCATION

Legal Description	LOT 41, SECTIONS 12 AND 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531
PID	003-432-289
Civic Address	595 Wildwood Crescent (Lot 41)
Lot Size	2.39 ha (5.91 acres)

LAND USE

Current Land Use	Vacant
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Gabriola Island Official Community Plan (OCP) No. 166, 1997	Land Use Designation: SRR – Small Rural Residential Development Permit Area: DP-3 – Riparian Areas (Attachment 2.2)
Gabriola Island Land Use Bylaw (LUB) No. 177, 1999	Zone: Small Rural Residential (SRR) Applicable LUB regulation for variance application: Part B – General Regulations, B.2 General Siting and Height Provisions, B.2.1 Special Setbacks and Elevations, B.2.1.1 Setbacks and Elevations from Watercourses and the Sea, B.2.1.1.a: “Despite all other siting references in this Bylaw excepting B.2.1.4c, third party signs, fences, pump/utility houses, retaining walls, ground level decks, structures and buildings, excepting boathouses, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland. Where the frontage on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings and structures must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea.” Applicable Guidelines for DPA 3 (Reviewed - Attachment 3

Other Regulations	N/A
Covenants	Covenant in favour of "Gabriola Wildwood Estates Ltd". BC Registry Services documentation shows that this corporation was dissolved in 1983.
Bylaw Enforcement	No current or historical IT Bylaw Enforcement files were identified.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	This application has no considerations for the Islands Trust Conservancy.
ITC Regional Conservation Plan (2018-2027)	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None mapped. None recorded in RAPR Assessment Report (Attachment 4 – Schedule 'C')
Sensitive Ecosystems	Sensitive Ecosystem Mapping (Attachment 2.3) identifies: • Mature Forest (Primary class); • Seasonally flooded (Tertiary class). Riparian – Eppler Creek
Hazard Areas	None
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. There is a no archeological potential mapped within 100 metres of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO AND ZONING



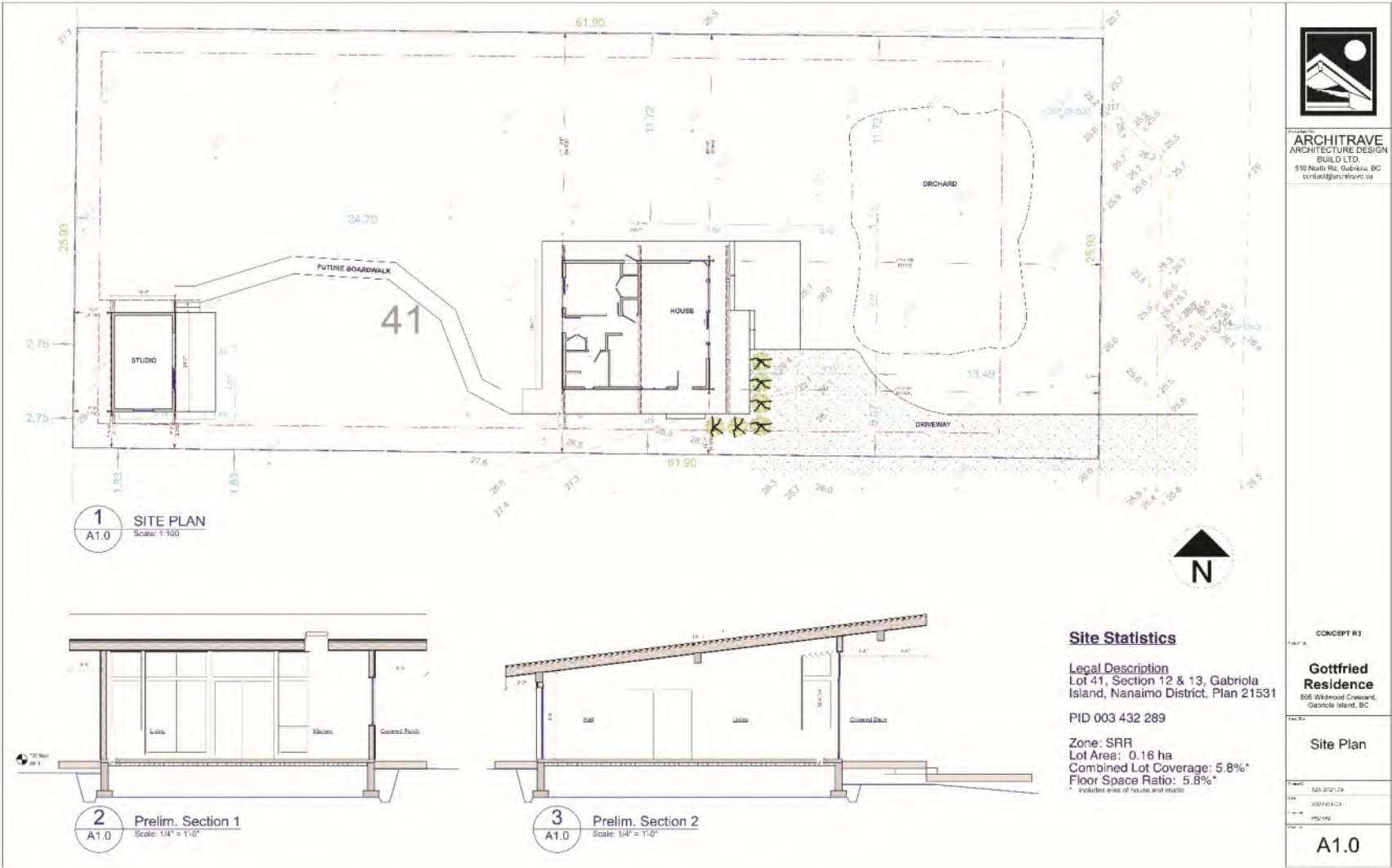
2.2 DPA 3 AND EPPLER CREEK



2.3 SENSITIVE ECOSYSTEM MAPPING



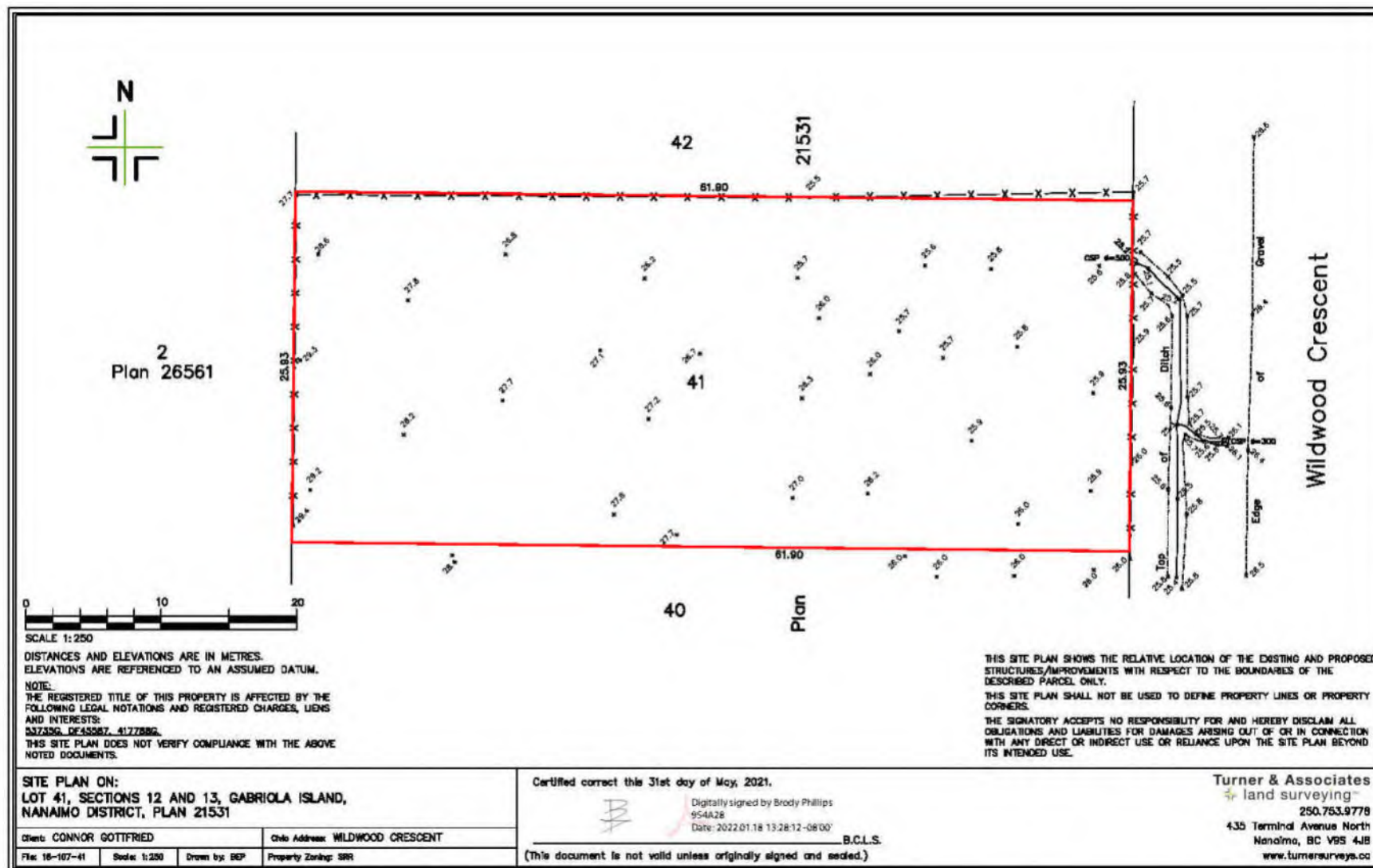
2.4 SITE PLAN



2.5 BUILDING ELEVATIONS



2.6 SURVEY PLAN



2.6 PHOTOGRAPHS

One: View of new culvert in ROW - Eppler Creek



Two: View of culvert entering subject property



Three: Culvert into property (north east corner)

2.6 PHOTOGRAPHS (CONT'D)

Four: View north of drainage ditch (tagged trees to be removed)



Five: Section of drainage ditch (looking west)



Six: Middle of property

ATTACHMENT 3 – DEVELOPMENT PERMIT AREA GUIDELINES

GB-DP-2022.1 (GOTTFRIED)

GABRIOLA ISLAND DPA No. 3 RIPARIAN AREAS

Guideline	Complies	Planner Comments
F.3.4.1 In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	yes	The <i>Riparian Area Protection Regulation (RAPR)</i> Assessment Report provided by the QEP (dated September 13, 2021) provides measures and recommendations to protect and maintain the riparian area and stream. Measures and recommendations identified by the QEP in the <i>RAPR</i> Assessment Report are included as conditions of the draft Development Permit.
F.3.4.2 The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.	yes	The <i>RAPR</i> Assessment Report establishes the SPEA at 10 metres back from the top of the stream bank. All proposed development property is outside of the designated SPEA with the exception of the existing culvert and gravel driveway required to access the proposed dwelling. Measures in the <i>RAPR</i> Assessment Report have been incorporated into the draft permit including protection of the SPEA, limited tree removal, construction management and stormwater management.
F.3.4.3 Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during	yes	The <i>RAPR</i> Assessment Report identifies the development of a portion of the dwelling and deck as well as driveway and drainage culvert and necessary tree removal as suitable within the RAA/DPA. All measures to ensure the development occurs in compliance with the incorporated into the draft permit. The <i>RAPR</i> Assessment Report provided by the QEP does not require environmental monitoring.

Z:\09 Current Planning\03 GB\3190 DVP\25 Applications (P)\2022\GB-DVP-2022.1 Gottfried (xref GB-DP-2022.1)\06 Staff Reports\A 3 GB-LTC_2022-04-07_GB-DP-2022.1_ATT02-DPA Guidelines.docx

construction and development phases, as specified in a development permit.		However, to ensure the measures and recommendations are adhered to, monitoring conditions in the draft permit requiring the property owner to hire a QEP (at their expense) for two monitoring site visits (middle-term and post construction) and forward confirmation of site visits to the Islands Trust, and provide a completion confirmation letter.
F.3.4.4 If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.	n/a	The only change has been to move the proposed house location five (5) metres further from the watercourse (to a higher elevation to meet clause B.2.1.1.c. of the LUB. This coincidentally lowers impacts on the SPEA and the water course <i>RAPR</i> during and post construction.
F.3.4.5 The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.	n/a	



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2022.1**

To: Connor Gottfried

1. This permit applies to:

PID: 003-432-289

LOT 41, SECTIONS 12 AND 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531

2. Whereas the subject property as described above lies within “Development Permit Area No. 3 – Riparian Areas” designated under Gabriola Island Official Community Plan Bylaw No. 166, this development permit is issued under Gabriola Island Land Use Bylaw No. 177 that authorizes the **construction of a single family dwelling, a driveway, tree removal, and, retroactively, a drainage culvert**, all in accordance with Schedules ‘A’, ‘B’ ‘C’ and ‘D’, attached to and forming part of this permit.

3. The Permit is subject to the following conditions:

- 3.1 With the exception of the construction of a gravel driveway and installation of a culvert, there shall be no further development within the Streamside Protection and Enhancement Area (SPEA) as shown on Attachment ‘A’ and identified in the *Riparian Areas Protection Regulation (RAPR)* Assessment Report by Chris Zamor, RP Bio (‘RAPR Assessment Report’ - Aquaparian Environmental Consulting, September 13, 2021), attached as Schedule ‘C’.
- 3.2 All development and land alteration shall conform to all specific all measures to protect and maintain the SPEA within the *RAPR* Assessment Report, attached as Schedule ‘C’.
- 3.3 There is to be no tree removal in the SPEA. Any tree removal outside of the SPEA shall be limited to removal of those trees necessary for the dwelling construction and shall not exceed the number and size identified in the *RAPR* Assessment Report.
- 3.4 Prior to the commencement, and for the duration, of development the following measures shall be undertaken by the property owner:
 - 3.4.1 The SPEA on the ground shall be delineated with the installation of a combined snow/silt fence between the proposed development area and the SPEA boundary and extending for the width of the property, to prevent the discharge of sediment into the SPEA in accordance with the specification in Schedule ‘D’, attached to and forming part of this permit
 - 3.4.2 Trees adjacent to the construction footprint should be protected from damage with the installation of snow-fencing around the drip line of trees to prevent compaction of root systems by heavy equipment.
- 3.5 No trenching of root zones, paving, changes to ground level, parking of vehicles and concrete washout or other pollutant runoff, shall occur within, or be directed toward the SPEA.
- 3.6 Land clearing or soil disturbance activities within the Riparian Assessment Area are to occur during dry weather only.

- 3.7 There shall be no stockpiling of soils within 15 m of the stream and prior to any heavy rain event, all exposed soils within the Riparian Assessment Area shall be covered with ploy sheeting or straw mulch and a silt fence installed along the bottom of the pile to prevent erosion and discharge of fine sediment into the SPEA or watercourse.
- 3.8 Stormwater management systems, including rock pits and infiltration chambers, must be sited outside of the SPEA, and stormwater and rainwater run-off including roof leaders must be directed to the ground in a French drain or soak-away pit and away from the SPEA and stream.
- 3.9 The property owner is required to retain a Qualified Environmental Professional (QEP), at the property owner's expense, to monitor site conditions during two (2) site visits (middle-term and post construction of the dwelling and driveway) and provide confirmation to the Islands Trust via email northinfo@islandstrust.bc.ca within 10 business days of each site visit.
- 3.10 The property owner is required to submit to the Islands Trust via email northinfo@islandstrust.bc.ca, at the property owner's expense, a post-development assessment report by a QEP within 90 days of completion of the development, that confirms the protection and environmental monitoring requirements identified in the *RAPR* Assessment Report, dated September 13, 2021, and attached as Schedule "C", have been properly implemented.
4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
6. This permit does not relieve the applicant from complying with the provisions of *the Gabriola Island Official Community Plan Bylaw No. 166, 1997* and the *Gabriola Island Land Use Bylaw No. 177, 1999*, nor does it provide permission to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

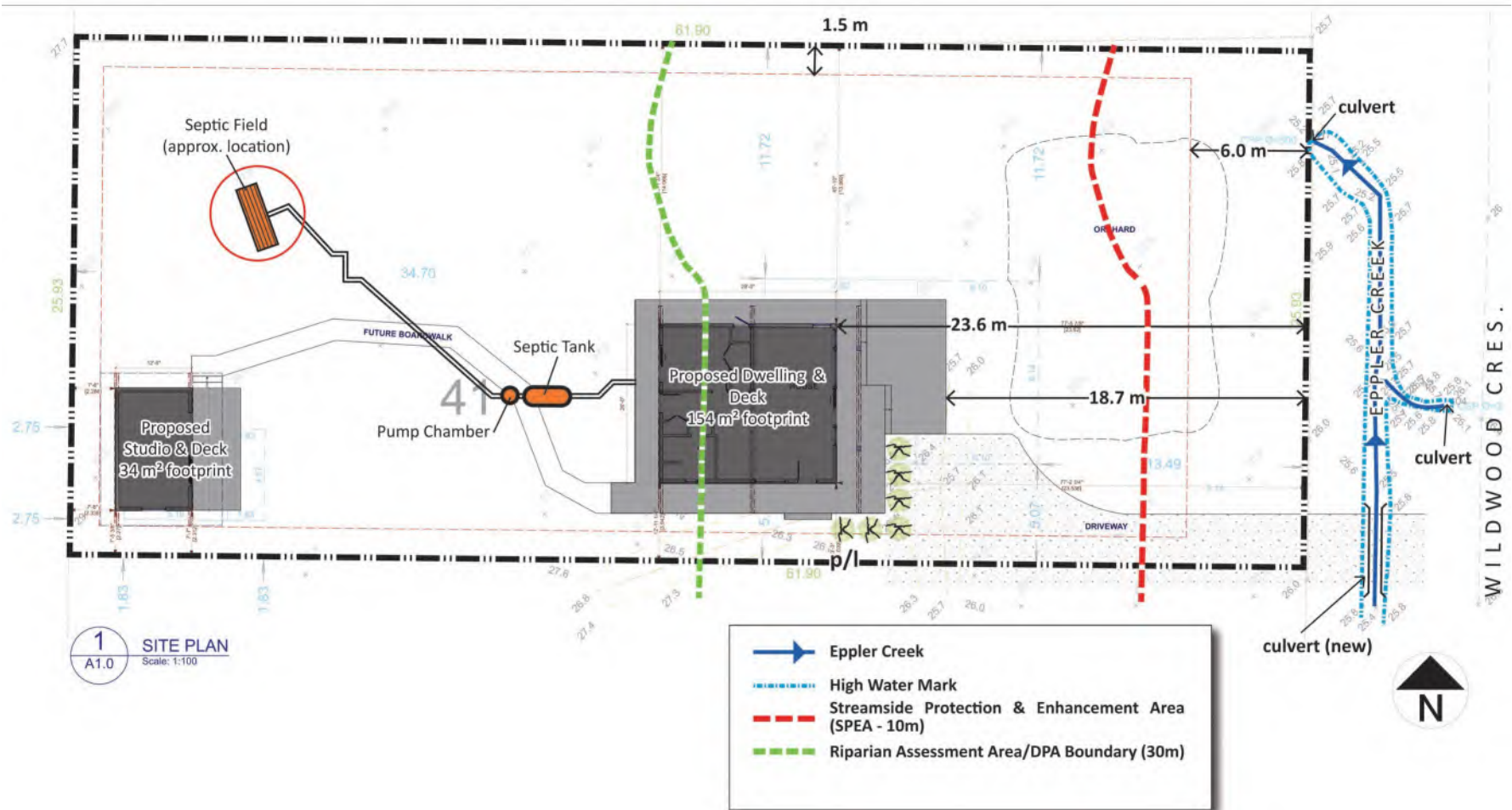
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ____TH DAY OF _____, 20____ THIS PERMIT AUTOMATICALLY LAPSES.

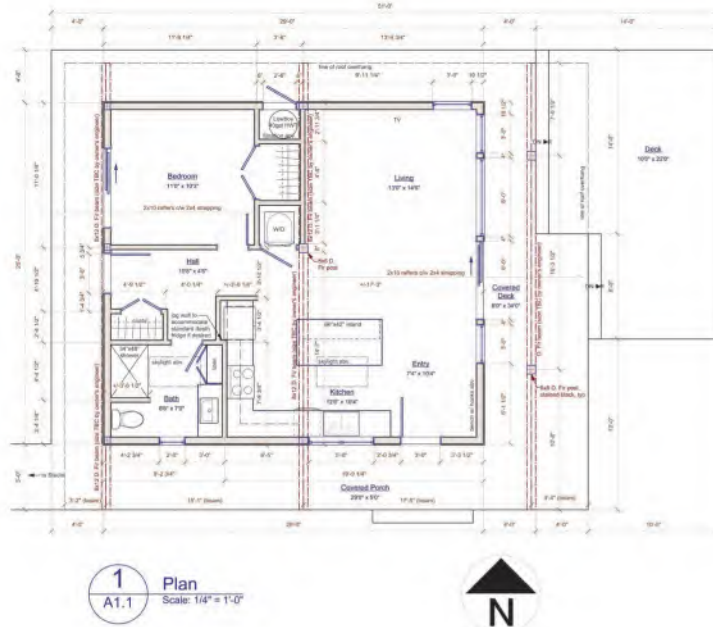
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2022.1

Schedule "A" – Site Plan



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2022.1

Schedule "B" – Dwelling Floor and Elevation Plans





**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2022.1**

**Schedule "C" – RAPR Assessment Report,
Chris Zamor, RP Bio (Aquaparian Environmental Consulting, September 13, 2021)**

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Protection Regulation: Assessment Report

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

Date **September 13, 2021**

I. Primary QEP Information

First Name	Chris	Middle Name	
Last Name	Zamora		
Designation	R.P Bio	Company	Aquaparian Environmental Consulting
Registration #	992	Email	czamora@aquaparian.com
Address	203-321 Wallace Street		
City	Nanaimo	Postal/Zip	V9R 5B6
Prov/state	BC	Country	Canada
Phone #	250-591-2258		

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

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

III. Developer Information

First Name	Connor	Middle Name	
Last Name	Gottfried		
Company			
Phone #	403-202-0608	Email:	connorg@leara.ca
Address	595 Wildwood Crescent		
City	Gabriola Island	Postal/Zip	V0R 1X4
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Residential – Single family residence & studio		
Area of Development (ha)	0.03	Riparian Length (m)	26
Lot Area (ha)	0.16	Nature of Development	new
Proposed Start Date	Sep 15, 2021	Proposed End Date	Sep 30, 2022

V. Location of Proposed Development

Street Address (or nearest town)	595 Wildwood Crescent (Lot 41)		
Local Government	Regional District of Nanaimo	City	Gabriola Island
Stream Name	Eppler Creek		
Legal Description (PID)	003-432-289	Region	Vancouver Island
Stream/River Type	Stream	DFO Area	South Coast
Watershed Code	N/A		
Latitude	49	09	57.15
Longitude	123	50	33.39

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.
Insert that form immediately after this page.

Table of Contents for Assessment Report

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4. Protection of Trees.....	
5. Encroachment	
6. Sediment and Erosion Control.....	
7. Floodplain.....	
8. Stormwater Management.....	
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6. Photos	
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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

Background and Property Information:

The subject parcel is located at 595 Wildwood Crescent, Gabriola Island, BC. It is within Electoral Area B of the Regional District of Nanaimo (RDN). The property at 595 Wildwood Crescent has been subdivided in the past into four lots. The proposed development is on Lot 41. The parcel is legally identified as follows:

LOT 41, SECTIONS 12 AND 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531. (PID 003-432-289).

The 0.40 acre (0.16 ha) subject parcel is surrounded by residential properties with Wildwood Crescent to the east and an undeveloped forested lot to the west. The parcel is predominately undeveloped but does include some past clearing in the east end of the parcel fronting the road. The remainder of the lot is second-growth coniferous forest cover.

As understood, the property owner is planning to construct a single-family house and deck with a 154m² footprint in the southeast portion of the lot and a gravel driveway along the southern property boundary that accesses Wildwood Crescent. The proposed front deck of the house is planned approximately 15.6m to the west of a ditched stream that is located between the eastern property boundary and Wildwood Crescent. In addition, a small studio building with a footprint of approximately 37m² is proposed in the back southwestern corner of the lot with a wooden boardwalk connecting the studio to the house. The ditched stream would need to be culverted to install the gravel driveway.

Estimated number of trees to be removed within the proposed house footprint include eight western redcedar (*Thuja plicata*) trees that range in diameter from 13-45cm and one 60cm cedar that may need to be removed that is located near to the northwest corner of the house footprint. In addition, one 25cm diameter Douglas fir (*Pseudotsuga menziesii*) tree will require removal and possibly one 65cm Douglas fir that is near the western boundary of the footprint. Understorey vegetation to be cleared includes snowberry (*Symphoricarpos albus*), sword fern (*Polystichum munitum*), Himalayan blackberry (*Rubus armeniacus*), salmonberry (*Rubus spectabilis*), dull Oregon-grape (*Mahonia nervosa*), trailing blackberry (*Rubus ursinus*) and spurge laurel (*Daphne laureola*).

The proposed gravel driveway alignment in the southeast corner of the parcel is through a grassed lawn that includes some planted fruit trees. It is not expected that any trees or other vegetation (with exception to lawn) will need to be removed for the driveway. Fill material will be required to bring the driveway to grade. The encroachment into the SPEA for the proposed driveway is approximately 56m² of mostly grasses. The ditch includes emerging willow, tansy ragwort (*Senecio jacobaea*), common rush (*Juncus effusus*), creeping buttercup (*Ranunculus repens*), slough sedge (*Carex obnupta*) and coastal hedge nettle (*Stachys chamissonis*). A small amount of ditch vegetation (approximately 4.5m² in area) along the 3.5m wide driveway where it crosses the stream would need to be removed for the culvert crossing.

The proposed clearing and development is situated within the 30m Riparian Assessment Area (RAA) of the stream, triggering the requirement for this Riparian Areas Protection Regulations (RAPR) assessment.

Figure 1 is a site location map of the subject parcel. Appendix A includes a selection of site photographs taken by Aquaparian during the site visit on July 21, 2021.

Fisheries Resources:

The subject watercourse is locally known as Eppler Creek which is a tributary stream to Goodhue Creek. Eppler Creek is a mapped stream on the Gabriola Island Official Community Plan (Bylaw 166). The headwaters of Eppler Creek is a wetland that is located just south of the intersection of Berg Road and Dirksen Road. Eppler Creek flows east crossing in a culvert under Conville Road then northeast through Lot 38 and through the driveway culvert for Lot 39 of 595 Wildwood Crescent. The creek discharges into a ditched section along the west side of Wildwood Crescent fronting Lot 40 and Lot 41 (the subject parcel). The watercourse is located 2.9m to the east of the eastern property boundary of the subject parcel. The stream collects runoff from the road and surrounding land. A 0.4m culvert conveys flows from a low topographic point along the ditch on the east side of Wildwood Crescent into the ditch on the west side. The ditched watercourse conveys flows north along the side of the road before entering a 0.5m diameter culvert in the northeast corner of the lot. The average channel width is 0.5m and the ditch bottom is grass with silt.

The 0.5m dia culvert appears to extend into the neighbouring property to the north (581 Wildwood Crescent) and discharges into a small pond to the north (within 569 Wildwood Crescent). Flow from the pond continues northeast towards a wetland area surrounding Goodhue Creek just south of the intersection of South Road and Dogwood Crescent. Goodhue Creek flows southeast from this confluence crossing Wildwood Crescent and draining into Hoggan Lake approximately 1km to the south.

A review of the provincial database Habitat Wizard did not identify Eppler Creek. Goodhue Creek (Watershed Code: 925-380000-31273) is mapped on the provincial Habitat Wizard mapping website. Habitat Wizard identifies Goodhue Creek as supporting populations of threespine stickleback (*Gasterosteus aculeatus*) but no sport fish. Eppler Creek is located approximately 1.7km upstream of Goodhue Creek and has been culverted under residential properties and cleared of riparian vegetation in many sections. This tributary stream has limited potential fish habitat.

A perimeter ditch has been excavated in the past around the existing house located in Lot 39. This ditch flows northeast through Lot 40 and enters a drainage ditch that bisects through the eastern portion of Lot 41 in the lawn area surrounded by fruit trees. A footbridge crosses this ditch. The ditch terminates in the area fronting the proposed house and does not connect downstream to the stream. It is therefore NOT subject to the Riparian Areas Protection Regulation.

Riparian Vegetation:

The ditched section of the creek along Wildwood Crescent has been cleared in the past. The majority of the riparian vegetation on the west side of the watercourse is lawn with some planted fruit trees. The east side of the watercourse is grass leading to Wildwood Crescent. Vegetation growing in and around the watercourse fronting the subject parcel consists of grass, Himalayan blackberry, bracken fern (*Pteridium aquilinum*), thimbleberry (*Rubus parviflorus*), hardhack (*Spiraea douglasii*), coastal hedge nettle, Nootka rose (*Rosa nutkana*), willow, cherry, common

rush, creeping buttercup, trailing blackberry, slough sedge and tansy ragwort.

Conclusion:

The watercourse that fronts the subject parcel is a ditched section of Eppler Creek and riparian vegetation has been cleared in the past along this ditched section. Eppler Creek is a tributary stream to the upper reach of Goodhue Creek. Eppler Creek has seasonal flows and has been culverted in several locations for driveway access and piped under properties. A 10m SPEA setback has been determined for the section of the watercourse fronting the subject parcel. The proposed house footprint is approximately 15.6m away from the high water mark of the watercourse and, therefore, vegetation removal and construction is outside of the determined 10m SPEA.

The proposed driveway will cross the watercourse in a proposed culvert crossing. A small amount of vegetation removal will be required for this culvert installation. The driveway alignment is mostly non-native grass. A Section 11 Notification under the *Water Sustainability Act* will be required for this proposed culvert installation.

Earthworks to be completed during dry weather to prevent migration of fines into the watercourse. The culvert installation works is to be completed when the watercourse is dry (no flows). Install silt fencing between the construction zone of the house and the high water mark of the watercourse to prevent runoff towards the watercourse. Ensure disturbed soils are stabilized after culvert installation. Apply grass seed to disturbed soil areas and cover with a layer of straw to prevent erosion and runoff.

Trees and their root systems adjacent to the construction footprint should be protected from damage. Install plastic snow-fencing around the drip line of trees to prevent compaction of roots by heavy equipment.

Section 2. Results of Riparian Assessment (SPEA width)

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

--

2. Results of Detailed Riparian Assessment

Refer to Section 3 of Technical Manual

Date: September 13, 2021

Description of Water bodies involved (number, type)

Eppler Creek (tributary to Goodhue Creek – WSC: 925-380000-31273)

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

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

	Channel Width(m)	Gradient (%)		
starting point	0.6	1%	I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.	
upstream	0.5			
	0.5			
	0.4			
	0.4			
downstream	0.6	2%		
	0.6			
	0.5			
	0.5			
	0.6			
	0.5			
Total: minus high /low	4.7			
mean	0.5			
	R/P	C/P		S/P
Channel Type	X			

Site Potential Vegetation Type (SPVT)

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

Form 3 Detailed Assessment Form
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Polygon No:			Method employed if other than TR
SPVT Type			

Zone of Sensitivity (ZOS) and resultant SPEA

Segment	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
No:						
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	1.5	South bank	Yes		No	X
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				Manmade roadside ditch with seasonal flow. Collects runoff from road and properties.	
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	Physical barriers, see Form 1
SPEA maximum	10	(For ditch use table3-7)				

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

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

I, Chris Zamora, hereby certify that:

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

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Connor Gottfried;

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

d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Comments

Proposed residential house development is approximately 15.6m to the west of the high water mark of the ditched stream.

Section 3. Site Plan

Insert jpg file below

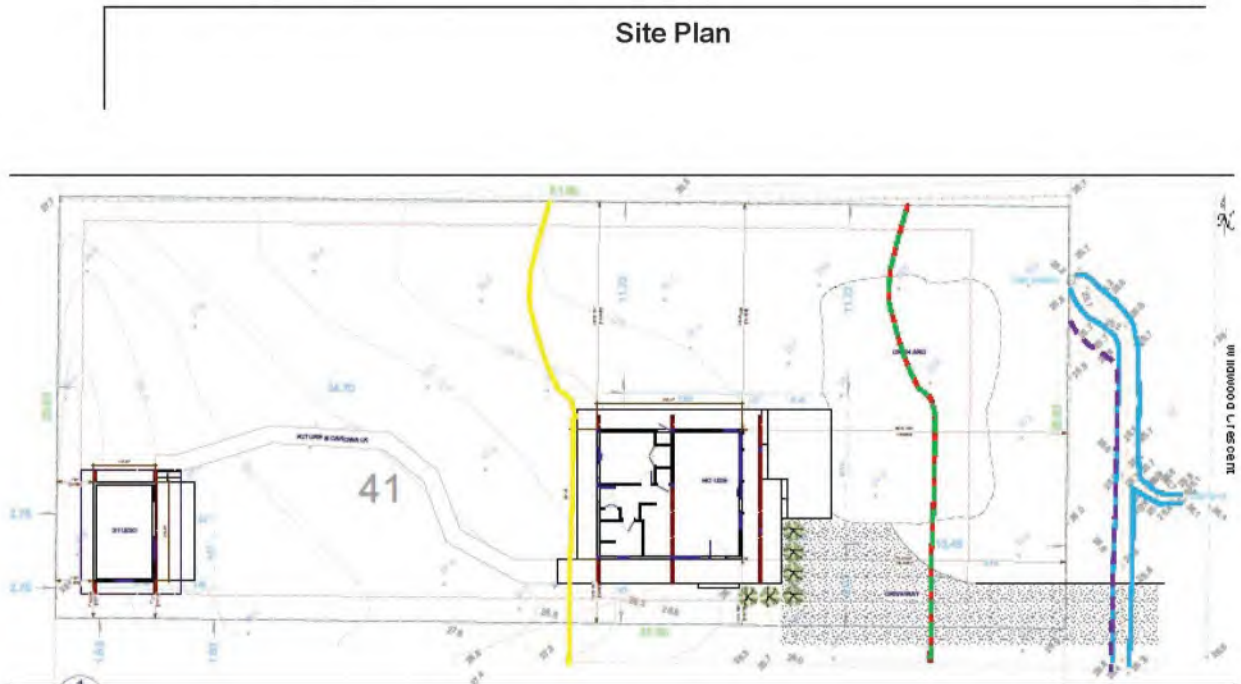


Figure 1. Site Location Map
595 Wildwood Crescent, Gabriola Island



Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in Part 4 of the RAPR. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	No danger trees within the SPEA.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
2. Windthrow	No tree removal within the SPEA. Windthrow is not a concern; the removal of a few trees in the area of the proposed house and studio is not expected to cause windthrow issues within the SPEA. The only trees within the SPEA are a few fruit trees.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
3. Slope Stability	Slopes are gentle and appear stable.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
4. Protection of Trees	Trees adjacent to the construction footprint should be protected from damage. Install plastic snow-fencing around the drip line of trees to prevent compaction of root systems by heavy equipment.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
5. Encroachment	The proposed house and deck footprint is 15.6m from the HWM of the watercourse and therefore outside of the SPEA. The SPEA on both sides of the roadside ditched stream has been cleared in the past. The proposed driveway to access the new house from Wildwood Crescent would require a culvert crossing and ~56m ² of soil disturbance within the SPEA and native vegetation removal of mostly non-native grass with a small area (~4.5m ²) of native vegetation within the ditch.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that:	

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
6. Sediment and Erosion Control	- Complete works during dry weather to prevent migration of fines into the watercourse in the event of heavy rains. - A silt fence must be installed along the east side of the area where the house footprint is proposed prior to clearing to ensure that sediment does not enter the watercourse. Ensure the toe of the silt fence is buried to anchor it effectively. - Do not stockpile soils within 15m of the watercourse. If heavy rain is anticipated, cover stockpiles with poly sheeting and install a silt fence along the bottom of the pile to prevent migration of fines into the watercourse or the SPEA. - Instream culvert installation works should be completed during dry period with no flows within the ditched section. Ensure disturbed soils are stabilized after construction. Seed with grass and spread a layer of straw over disturbed soils to prevent erosion.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
7. Stormwater Management	Ensure roof leaders are directed to the ground in a French drain or soak-away pit and not directly towards the watercourse.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
8. Floodplain Concerns (highly mobile channel)	No floodplain concerns exist.
I, <u>Chris Zamora, R.P.Bio</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Connor Gottfried</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

Environmental monitoring is not expected to be required for this project if the project is completed during dry periods. If construction is planned during the wet season or when the watercourse is flowing, then Aquaparian recommends part-time monitoring to ensure adequate erosion and sediment controls are in place.

Section 6. Photos

Provide a description of what the photo is depicting, and where it is in relation to the site plan.

595 Wildwood Crescent, Gabriola Island, BC
Photo Sheet 1

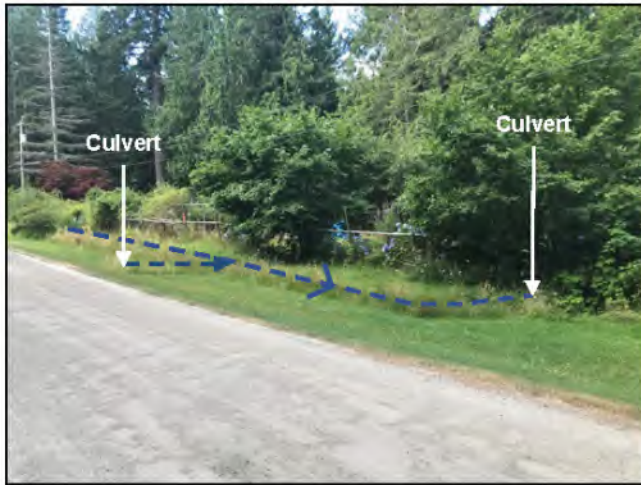


Photo 1. Ditched section of Eppler Creek that fronts the subject property: Lot 41 – 595 Wildwood Crescent, Gabriola Island, BC. The watercourse is located just outside the eastern property boundary and flows north entering a culvert near the northeast corner of the property.



Photo 2. View of the watercourse between the subject property and Wildwood Crescent facing south. The ditched stream is 0.5m wide and was dry at the time of the assessment (July 2021). Vegetation is mostly grasses.



Photo 3. A 30cm diameter crossing Wildwood Crescent feeds the watercourse fronting the subject parcel from the roadside ditch on the east side of the road.



Photo 4. The ditched stream upstream of the subject parcel where the watercourse is culverted under the driveway that accesses Lot 39 of 595 Wildwood Cr. The ditch is filled with slough sedge.

Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date September 13,
2021

1. I/We Chris Zamora, R.P.Bio

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

hereby certify that:

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

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

- a) ☐ the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and
- b) ☒ the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

Submission Instructions
Riparian Areas Protection Regulation – Qualified Environmental Professional –
Assessment Report RAR-QEP-AR

Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: Refer to Part 4 of the RAPR and the Technical Manual for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be submitted complete with all information specified and posted to the notification system to be reviewed by the province. Upon approval notification will be provided to the local government.

Tips for working with MS Word Template Forms

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

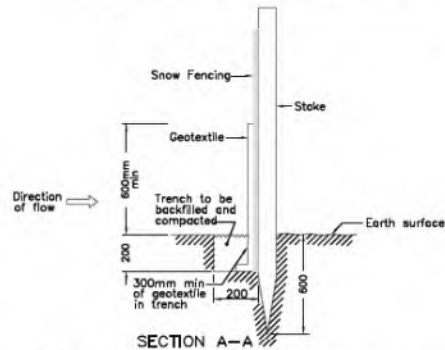
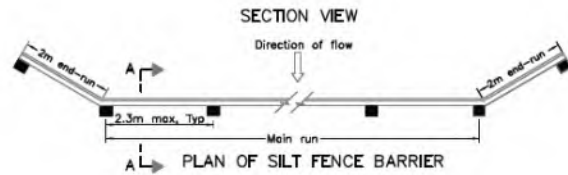
Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site

Schedule "D" – Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS



NOTICE
GB-DVP-2022.1 (Gottfried, Gabriola Island)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

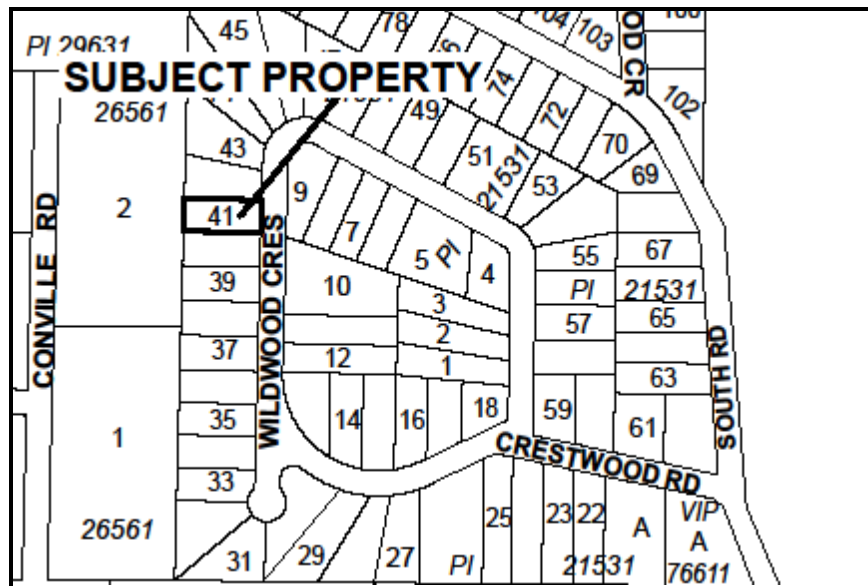
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gabriola Land Use Bylaw No. 177 by:

- a) Permitting structures (septic tank, pump chamber and piping) at an elevation of less than 1.5 metres above the natural boundary of a stream.

The property is located **at 595 Wildwood Crescent**, Gabriola Island, BC and is legally described as:

LOT 41, SECTIONS 12 AND 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531 (PID: 003-432-289).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **March 25, 2022** and continuing up to and including **April 6, 2022**.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **April 6, 2022**.

The Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its regular Business Meeting to be held at **10:30 am, April 7, 2022 at Gabriola Island Community Hall, 2200 South Road, Gabriola Island**.

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

Becky McErlean, Deputy Secretary

Attachment 6

	GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2022.1
---	--

TO: Connor Gottfried

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

PID: 003-432-289

LOT 41, SECTIONS 12 AND 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531

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

- a) Clause B.2.1.1 a. which states that structures must be sited a minimum of 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland, is varied to permit the proposed structures (septic tank, pump chamber and piping) at an elevation less than 1.5 metres above the natural boundary of a stream.

The development shall be consistent with Schedule 'A', attached to and forming part of this permit.

- 3.** This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Gabriola Island Land Use Bylaw No. 177, 1999* including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

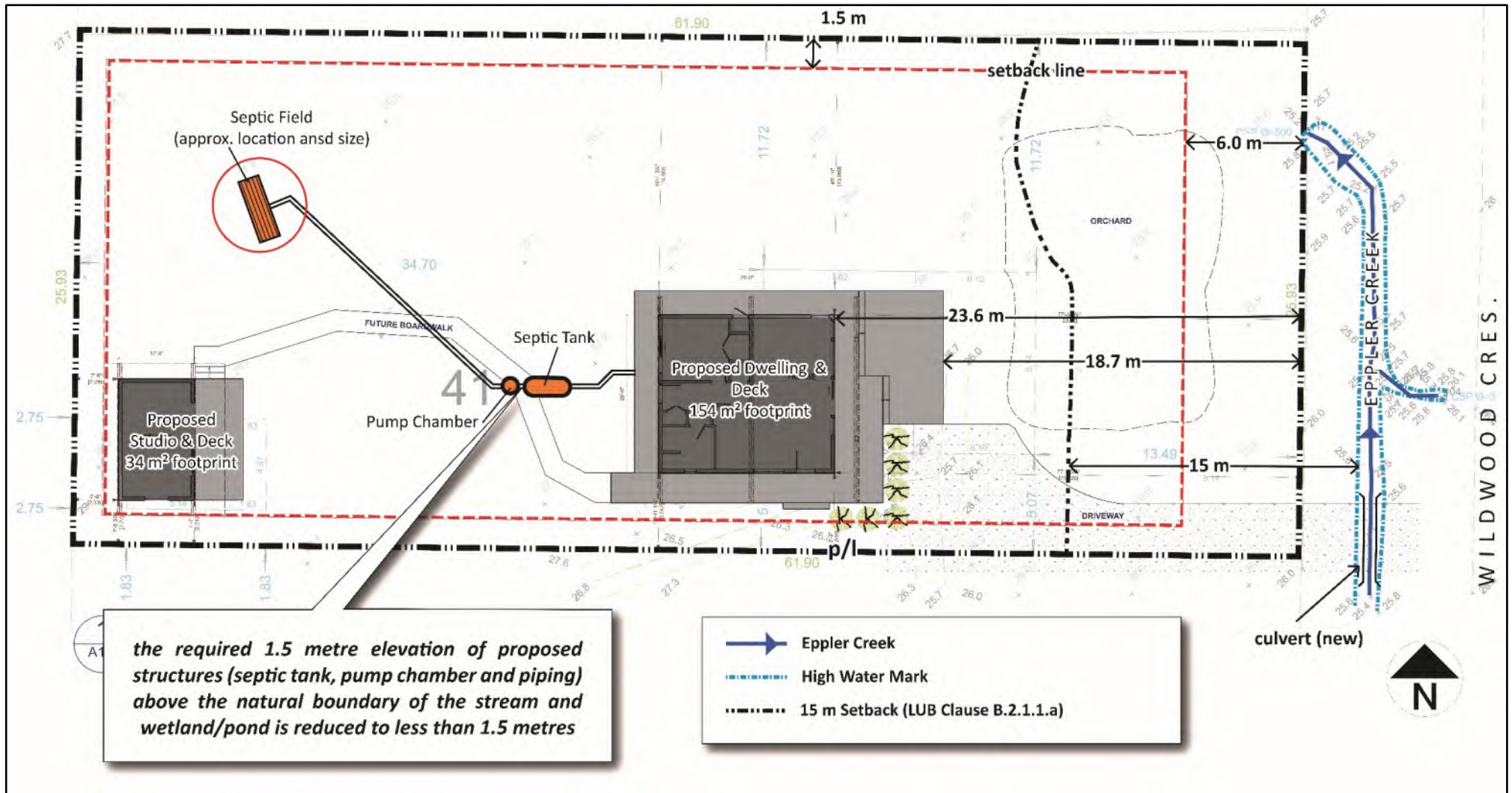
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE
THIS ##ST DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 202#,
THIS PERMIT AUTOMATICALLY LAPSES.

Schedule 'A' – Site Plan



File No.: GB-RZ-2020.1
(Gabriola Housing Society)

DATE OF MEETING: April 7, 2022

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Paisley Place Housing Agreement - Proposed Bylaw No. 308
Applicant: Gabriola Housing Society
Location: LOT 1 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544
(PID 028-580-095); and
LOT 2 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544
(PID 028-580-109)

RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be amended as presented in Attachment 2 of the staff report dated April 7, 2022.
2. That the Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be read a second time as amended.
3. That the Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be read a third time.
4. That the Gabriola Island Local Trust Committee Bylaw No. 308 cited as “Gabriola Island Housing Agreement Bylaw No. 308, 2020” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider minor amendments to proposed Bylaw No. 308 (Housing Agreement) for application GB-RZ-2020.1.

Staff are recommending that the LTC accept the proposed amendments to the Housing Agreement, give second and third reading and forward the bylaw to the Islands Trust Executive Committee for approval.

In addition, a copy of the provincial Water License 503047 is presented to the LTC, a requirement of the LTC prior to consideration of adoption of proposed Bylaw Nos. 306 (OCP) and 307 (LUB). Final adoption of all three bylaws can be considered upon confirmation of Executive Committee approval of Proposed Bylaw No. 308 (Housing Agreement).

BACKGROUND

Proposed Bylaw No. 308 (Housing Agreement) received first reading at the November 26, 2020 LTC regular business meeting. Since that time, amendments have been made to the housing agreement under the guidance of Islands Trust legal counsel, planning staff, the applicant and the applicant's legal counsel, and by LTC resolution.

At the March 4, 2021 LTC meeting, the LTC passed the following resolutions:

GB-RZ-2021-023

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee Bylaw No. 308, cited as 'Gabriola Island Housing Agreement Bylaw No. 308, 2020', be amended as follows:

- a. Article 1, Clause a - Definitions, be amended by removing 'Maximum Monthly Rent' in its entirety;
- b. Article 1, Clause b - Agreement over the Lands, be amended by adding a new item vi, which states: 'the development on the Lands will be constructed with a Type 3 advanced secondary treatment sewerage system, or equivalent alternative as approved by the Affordable Housing Funder, that meets similar performance criteria';
- c. Article 1, clause d - Rental Rates, be amended by removing 'it will';
- d. Article 1, clause d - Rental Rates, be amended by removing item i in its entirety and replacing it with the following:
'the rent payable by a Qualified Renter for an Affordable Housing Unit, exclusive of utilities must not exceed 30% of the gross monthly Household Income of the Qualified Renter, except in the case of an Affordable Market Unit';
- e. Article 1, clause d - Rental Rates, item ii be amended by adding 'it will' before 'not require', adding 'system' after 'septic', and removing 'parking';
- f. Article 1, clause e - Affordable Market Unit, be amended by replacing the title 'Affordable Market Units' with 'Affordable Housing Units';
- g. Article 1, clause i - No Transfer, be amended by adding ', or the Provincial Rental Housing Corporation' after 'affordable housing', and by removing the second sentence in its entirety;
- h. Article 1, clause v - Amendment and Termination, be amended by removing 'and Termination' from the title;
- i. Article 1, clause dd - Joint Venture, be amended by replacing 'Society' with 'Owner';
- j. Schedule A - Owner Statutory Declaration, clause 5 be amended by adding 'or sublet' following 'vacation rental';
- k. Schedule B - Definition of a Qualified Occupant, be amended by removing 'or d' after 'a, b, c' and replacing it with ', d or e'.

CARRIED

GB-2021-024

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee Bylaw No. 308, cited as 'Gabriola Island Housing Agreement Bylaw No. 308, 2020', be amended as follows:

- a. Article 1, Clause b - Agreement over the Lands, be amended by adding a new item iv, which states:
'it will design and construct only triplexes and duplexes on the Lands. If an affordable housing funder requires a different configuration of affordable units, that configuration must be approved by Local Trust Committee';
- b. Article 1, Clause b - Agreement over the Lands, be amended by adding a new item v, which states:
'v the Lands must not be used or occupied for residential purposes unless the buildings are constructed to meet:
i the performance requirements of the BC Energy Step Code 3 energy efficiency standards established by the British Columbia Building Code Regulation, B.C. Reg. 264/2012 (the 'Performance Standards') of the Building Act (BC), or
ii if required by an Affordable Housing Funder, a different energy performance target, and
iii the Owner has provided to the Trust Committee a Compliance Report from a certified energy advisor that the building has been constructed and is operating in accordance with item i or item ii, as the case may be,

CARRIED

GB-2021-025

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee not proceed with further readings of Bylaw No. 308, cited as 'Gabriola Island Housing Agreement Bylaw No. 308, 2020', in respect of the proposed Housing Agreement for application GB-RZ-2020.1, until comments are received from Snuneymuxw First Nation.

CARRIED

Copies of the amended housing agreement are found in Attachments 1 and 2 of this report. Attachment 1 provides a consolidated version of the amendments made at the March 4, 2021 LTC meeting and recent proposed amendments to the housing agreement that the LTC is asked to consider. Attachment 2 provides a track changes version showing minor additional amendments for consideration of second and third readings.

The applicant has provided a copy of the provincial Water License 503047 (Attachment 3), a requirement of the LTC prior to consideration of adoption of the proposed Bylaw Nos. 306 (OCP) and 307 (LUB). The LTC passed the following resolution at the November 26, 2020 LTC meeting to that effect:

GB-2020-102

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request the applicant provide Planning Staff a copy of the approved provincial water license for the water supply intended to support the proposed development prior to consideration of final reading of proposed Bylaw Nos. 306 and 307.

CARRIED

Proposed Bylaw No. 306 (OCP) has been approved by the Islands Trust Executive Committee and the Minister of Municipal Affairs and Housing. Proposed Bylaw No. 307 (LUB) has been approved by the Islands Trust Executive Committee. No amendments are recommended; the bylaws are ready to be considered for adoption once the Executive Committee approves Bylaw No. 308.

ANALYSIS

Proposed Bylaw No. 308 (Housing Agreement) Amendments

The Gabriola Housing Society (GHS) Board met on March 9, 2022 and passed a motion requesting the LTC consider second and third readings of the revised and updated housing agreement as presented in Attachment 2 (dated Feb 15, 2022). This version of the agreement includes the LTC requested edits as well as several new minor changes shown in track changes.

The GHS has been contacting Snuneymuxw First Nation since June 2021 to discuss their May 2021 request to prioritize 25% of the proposed Paisley Place housing units for Snuneymuxw members. GHS is open to agreeing to this request and intending to finalize a prioritization statement in the housing agreement as soon as meetings can be held with Snuneymuxw First Nation. The timeline for these meetings has not been confirmed but GHS has contacted the Nation as recently as March 2022, requesting an opportunity to discuss priority homes for Snuneymuxw members with a potential future amendment to the Housing Agreement.

The LTC can consider readings at this time to advance the legislative review process for Bylaw No. 308, with the understanding that a text amendment to an adopted Housing Agreement can be considered by the LTC in the future if GHS and Snuneymuxw First Nation request it.

Provincial Water License

The applicant has provided a copy of the provincial Water License 503047, which satisfies LTC resolution GB-2020-102. The water license authorizes the diversion and use of water for the proposed affordable housing units, under certain conditions, including:

- Maximum amount of water is 15.55 cubic metres per day;
- Installation of a flow measuring device, record and report the volume of water diverted, and record and report water levels in a monitoring well;
- Requirement to deactivate or decommission unused wells on the properties;
- Collect water quality samples for saltwater intrusion indicator parameters.

A copy of the Water License is found in Attachment 3 of this report.

Rationale for Recommendation

Schedule B of the Housing Agreement (Attachment 2) retains the current eligibility statement that includes Snuneymuxw members in the first tier of people eligible to apply for housing at Paisley Place. The GHS has indicated it is committed to working with Snuneymuxw as the Nation's availability allows, to find an appropriate resolution to prioritizing rental homes for Snuneymuxw members. This may require a future amendment to the Housing Agreement.

Staff and GHS have reviewed and approved the housing agreement language as shown in Attachment 2 and recommend further readings and forwarding to the Executive Committee for approval.

ALTERNATIVES

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

1. Further amendments to the Housing Agreement

If the LTC wishes to make further amendments to the Housing Agreement, then the LTC should provide proposed amendments to staff. Staff can present the amendments to the applicant and Islands Trust legal counsel, and present revised amendments to the LTC at a later date. Staff advise that the implications of this alternative are additional legal fees, staff resources and potential delay to the applicant's funding. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that staff forward the following possible amendments to the Housing Agreement appended to proposed Bylaw No. 308 to Islands Trust legal counsel for review and comment: [amendments provided by LTC].

NEXT STEPS

If the LTC concurs with the staff recommendation, Proposed Bylaw No. 308 (Housing Agreement) will be forwarded to the Executive Committee for consideration of approval and the LTC may consider adoption of the three bylaws by Resolution Without Meeting (RWM) prior to the next regularly scheduled business meeting on June 16, 2022.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	March 28, 2022
Concurrence:	Heather Kauer, RPP, MCIP, Regional Planning Manager	March 28, 2022

ATTACHMENTS

1. Proposed Bylaw No. 308 (Housing Agreement) – consolidated from March 4, 2020 LTC meeting

2. Proposed Bylaw No. 308 (Housing Agreement) – February 15, 2022 proposed amendments, track changes
3. Copy of Conditional Water License

PROPOSED

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 308**

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A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

WHEREAS the Gabriola Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Gabriola Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 483 of the Local Government Act and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Gabriola Island Local Trust Committee wishes to enter into a Housing Agreement;

NOW THEREFORE the Gabriola Island Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited for all purposes as "Gabriola Island Housing Agreement Bylaw No. 308, 2020".
2. The Chairperson and one other member of the Gabriola Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with the Gabriola Housing Society (GHS).

READ A FIRST TIME this 26TH day of NOVEMBER, 2020

READ A SECOND TIME this _____ TH day of _____, 20XX

EAD A THIRD TIME this _____ TH day of _____, 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

_____ TH day of _____, 20XX

ADOPTED this _____ TH day of _____, 20XX

SECRETARY

CHAIRPERSON

PROPOSED

LAND TITLE ACT
TERMS OF INSTRUMENT – PART 2

Housing Agreement and Section 219 Covenant
(Section 438 Local Government Act and Section 219 Land Title Act)

THIS AGREEMENT DATED FOR REFERENCE THE [day] OF [month], [year] is BETWEEN:

GABRIOLA HOUSING SOCIETY, a society incorporated under the laws of the province of British Columbia under number [S-0060928] and having its office at P.O. Box 76, Gabriola Island, B.C., V0R 1X0

(the “Owner”);

AND:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*, having an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

(the “Trust Committee”)

WHEREAS:

- A. The Owner is the registered owner of the Lands situated at Lot 1 and Lot 2 Paisley Place on Gabriola Island, British Columbia and legally described as:

PID 028-580-095

LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544

and

PID 028-580-109

LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544

(collectively, the “Lands”);

- B. The Owner intends to construct on the Lands a residential development that will include Affordable Rental Housing Units (hereinafter defined) to rent, by way of a Tenancy Agreement, at an affordable rate to Qualified Occupants (hereinafter defined);
- C. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;

PROPOSED

- D. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- E. As a condition of rezoning the Lands, the Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement and to restrict the use of, and construction on, the Lands and the use of the Affordable Housing Units constructed on the Lands, on the terms and conditions of this Agreement, to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- F. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Trust Committee to the owner (the receipt of which is acknowledged by the owner), and in consideration of the promises exchanged below, the Trust Committee and the owner agree, as covenants granted by the owner to the Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the owner and the Trust Committee under Section 483 of the *Local Government Act*, as follows:

Article 1: Definitions and Interpretation

a. Definitions – In this Agreement:

“Acceptable Accommodation” means accommodation that is affordable, suitable and adequate according to family income, size and composition;

“Affordable Housing Funder” means BC Housing, Canada Mortgage and Housing Corporation or other agency that provides a grant or preferential rate loan to support the development of Affordable Housing Units on the Lands;

“Affordable Housing Unit” means a studio, 1 bedroom, 2 bedroom or 3 bedroom Dwelling Unit on the Lands in respect of which the construction, tenure, rental and occupancy are restricted in accordance with sections b through e of this Agreement;

“Affordable Market Unit” means an Affordable Housing Unit on the Lands where the rental price is linked to market conditions on Gabriola Island or the Regional District of Nanaimo region, the rental rate is approved by an Affordable Housing Funder, and meets the occupancy criteria set out in section c;

“Annual Household Income” means the combined gross income of all adult members of a Household, as shown on line 150 of the preceding year’s T1 General Income Tax and Benefit return;

“BC Housing” means the British Columbia Housing Management Commission;

“Dwelling Unit” means a dwelling unit as defined in the Gabriola Island Land Use Bylaw No. 177, 1999, as amended or replaced from time to time;

PROPOSED

"Household" means one or more individuals;

"Housing Income Limits" means the maximum gross household income for eligibility in an affordable housing program (for each category of dwelling unit), based on figures established by CMHC, and are intended to reflect the minimum income required to afford appropriate accommodation in the private market, as published by BC Housing from time to time;

"Lands" means those parcels of land legally described as PID 028-580-095, LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 and PID 028-580-109, LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544;

"Qualified Occupant" means a person who meets the eligibility criteria for tenancy as set out in Schedule "B";

"Qualified Renter" means a Household which meets the eligibility criteria for a residential tenancy of an Affordable Housing Unit, as set out in section c of this Agreement;

"Residential Tenancy Act" means the *Residential Tenancy Act* (British Columbia); and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

- b. **Agreement over the Lands** – Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Owner covenants and agrees that the Lands may be used only in accordance with the following conditions:
- i. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit issued by the Local Trust Committee, and any building permit issued by the Regional District of Nanaimo and this Agreement;
 - ii. the Lands must at all times be used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement;
 - iii. it will design, construct and maintain in a reasonable state of repair the Affordable Housing Units on the Lands, including Affordable Market Units in accordance with the terms of this Agreement;
 - iv. it will design and construct only triplexes and duplexes on the Lands. If an Affordable Housing Funder requires a different configuration of affordable units, that configuration must be approved by the Trust Committee;
 - v. the Lands must not be used or occupied for residential purposes unless the buildings are constructed to meet:
 1. the performance requirements of the BC Energy Step Code 3 energy efficiency standards established by the British Columbia Building Code Regulation, B.C. Reg. 264/2012 (the "Performance Standards") of the *Building Act* (BC), or

PROPOSED

2. if required by an Affordable Housing Funder, a different energy performance target, and
 3. the Owner has provided to the Trust Committee a Compliance Report from a certified energy advisor that the building has been constructed and is operating in accordance with item 1 or item 2, as the case may be;
- vi. the development on the Lands will be constructed with a Type 3 advanced secondary treatment sewerage system, or equivalent alternative as approved by the Affordable Housing Funder, that meets similar performance criteria.

c. **Affordable rental housing eligibility** - The Owner covenants and agrees that the Affordable Housing Units on the Lands will only be occupied under all of the following criteria:

- i. ~~the household's Annual Household Income meets BC Housing's Housing Income Limits, or either:~~
 - a. ~~the Household's Annual Household Income must be less than or equal to BC Housing's Housing Income Limits for the Nanaimo Planning Area, or~~
 - b. ~~if the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction or operation of affordable housing on the Lands, the Household meets the income or non-financial criteria imposed on the occupancy of the relevant Affordable Housing Units on the Lands established by such Affordable Housing Funder, which may include but are not limited to, the requirement that a member of the Household has certain physical or mental impairments, is a senior receiving the Guaranteed Income Supplement, or is a recipient of social or disability assistance;~~

~~ii.~~ the household will occupy the Affordable Housing Unit as their permanent, principal, and sole residence; and

~~iii.~~ the household is comprised of at least one Qualified Occupant.

and The Owner covenants and agrees to:

- ~~iv.~~ include in every Tenancy Agreement a prohibition on subletting, including short-term vacation rentals, and a provision entitling the Owner to terminate the Tenancy Agreement in accordance with the *Residential Tenancy Act* in the event of any breach of that prohibition;
- ~~v.~~ deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Housing Unit within 10 days of any request to do so;
- ~~vi.~~ specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Affordable Housing Unit, and provide to each tenant, upon their request, a copy of this Agreement; and
- ~~vii.~~ if one of the individuals comprising a Qualified Renter who rents an Affordable Housing Unit dies, that individual's spouse or adult child residing in the Affordable Housing Unit at the time of the Qualified Renter's death may continue to rent the Affordable Housing Unit for the longer of:

- a. the balance of the fixed term under the Tenancy Agreement; or

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- b. twelve (12) months on the same terms, including monthly rent, set out in the Tenancy Agreement.

d. Rental rates - The Owner covenants and agrees that:

- i. the rent payable by a Qualified Renter for an Affordable Housing Unit, exclusive of utilities, must not exceed 30% of the gross monthly Household Income of the Qualified Renter, except in the case of an Affordable Market Unit; and
- ii. it will not require any tenant under a Tenancy Agreement to pay any extra charges or fees for use of any well or septic system, or property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.

e. Affordable Housing Units – The owner covenants and agrees that ~~it will~~:

- i. it will not rent an Affordable Market Unit unless the Affordable Market Unit is approved by an Affordable Housing Funder and there are other Affordable Housing Units occupied by households whose income does not exceed the Housing Income Limits; and
- ii. not more than 30% of the Affordable Housing Units on the Land will be Affordable Market Units unless:
 - a. the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction or operation of affordable housing on the Lands;
 - b. doing so is necessary to meet the requirements of such Affordable Housing Funder; and
 - c. the Trust Committee approves, in writing, any such increase to the percentage of Affordable Market Units available for rent under this section.

f. Order to Comply – If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the Owner by the Trust Committee.

g. Statutory Declaration from Owner – The Owner shall deliver to the Trust Committee by the end of January of each year, a completed statutory declaration, substantially in the form attached as Schedule “A”, sworn by the Owner, in relation to the Affordable Housing Units. The Owner irrevocably authorizes the Trust Committee to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement.

h. Management – The Owner covenants and agrees to furnish good and efficient management of the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act* and subject to the concurrent delivery of such a notice to the Owner.

i. No Transfer – The Owner must not transfer the Lands, other than to another non-profit organization

PROPOSED

or society incorporated under the *Societies Act*, having as its objective the management of affordable housing, or the Provincial Rental Housing Corporation.

- j. **Society Standing** – The Owner must maintain its standing as a society under the *Societies Act*, and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.
- k. **Specific Performance of Agreement** – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Affordable Housing Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee's Land Use Bylaw, as amended from time to time.
- l. **Assignment** – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- m. **Indemnity** – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.
- n. **Release** – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heir, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
- o. **Trust Committee Powers Unaffected** – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
- p. **No Public Law Duty** – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms 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.
- q. **No Waiver** – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.

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- r. **Arbitration** – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Affordable Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* of British Columbia.
- s. **Notice on Title** – The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, and agrees that the Owner will register a notice of this Agreement against title to the Lands.
- t. **Covenant Runs with the Land** – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.
- u. **Limitation on Owner's Obligations** – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
- v. **Amendment** – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.
- w. **Notices** – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.
- x. **Enurement** – This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.
- y. **Remedies Cumulative** – The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
- z. **Severability** – Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall

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be valid and shall be enforced to the extent permitted by law.

- aa. Joint and Several** – In the case of more than one owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.
- bb. Included Words** – Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
- cc. Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
- dd. Joint Venture** – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.
- ee. Time of Essence** – Time is of the essence in this Agreement.
- ff. Further Assurances** – The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.
- gg. Priority** – The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement.
- hh. Deed and Contract** – By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

PROPOSED

SCHEDULE "A"

OWNER STATUTORY DECLARATION

CANADA

PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF A HOUSING AGREEMENT
WITH THE GABRIOLA ISLAND LOCAL TRUST
COMMITTEE ("Housing Agreement")

I, _____

declare that:

1. I am the _____ [director, officer, employee] of the [Owner], the owner of the land known as _____, XXX Island, legally described as: _____ (the "Lands")
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement registered against the Lands.
4. For the period from _____ to _____, the Affordable Housing Units were used only by Qualified Renters (as defined in the Housing Agreement).
5. At no time during the last year were any of the Affordable Housing Units used as a short-term vacation rental or sublet.
6. The rental payments charged for the Affordable Housing Unit were in compliance with the Housing Agreement and are listed in the attached list.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at _____, British Columbia, this ____ day of _____.

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

PROPOSED

SCHEDULE "B"

Definition of a Qualified Occupant

A Qualified Occupant means a person aged 19 years or older who fits into at least one of the following categories, which are not listed in any particular priority order:

- i) Has been living on Gabriola Island for a minimum of one year; or
- ii) Has been commuting to Gabriola Island for at least half-time work (20 hours per week) for a minimum of one year; or
- iii) Is a registered member of Snuneymuxw First Nation, regardless of current location of residence or work,

except that where there are no persons meeting the categories specified above in clause i, ii or iii of this Schedule who make an application to rent an available Affordable Housing Unit and the lack of applications would result in the Affordable Housing Unit being vacant for more than one month, then a Qualified Occupant may be a person aged 19 years or older who fits into at least one of the following categories, which are not listed in any particular priority order:

- a. Previous resident of Gabriola Island who has lived away from the Gabriola Island for a maximum of three consecutive years; or
- b. Non-resident who is hired to begin at least half-time work (20 hours per week) on Gabriola Island; or
- c. A person who has worked at least half-time on Gabriola Island (20 hours per week) for less than one year; or
- d. A person with an immediate family member whose principal residence is on Gabriola Island. "Immediate family member" means a daughter/son or parent or sibling, to whom the person is related by blood, or by marriage or common-law relationship, or by adoption;
- ~~d.e.~~ On-reserve and off-reserve, status and non-status, and/or self-identifying Indigenous, Inuit, or Métis people, as outlined in Calls for Justice #4.1 of the "Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls and 231 Calls for Justice" (June, 2019).

except that where there are no persons meeting the categories specified in clause i, ii or iii nor a, b, c, d or e of this Schedule who make an application to rent an available Affordable Housing Unit and the lack of applications would result in an Affordable Housing Unit being vacant for more than one month, then a Qualified Occupant may be any person permitted by an Affordable Housing Funder.

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 308

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

WHEREAS the Gabriola Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Gabriola Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS Section 483 of the Local Government Act and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Gabriola Island Local Trust Committee wishes to enter into a Housing Agreement;

NOW THEREFORE the Gabriola Island Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited for all purposes as "Gabriola Island Housing Agreement Bylaw No. 308, 2020".
2. The Chairperson and one other member of the Gabriola Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with the Gabriola Housing Society (GHS).

READ A FIRST TIME this 26TH day of NOVEMBER, 2020

READ A SECOND TIME this _____TH day of _____, 20XX

EAD A THIRD TIME this _____TH day of _____, 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this

_____TH day of _____, 20XX

ADOPTED this _____TH day of _____, 20XX

SECRETARY

CHAIRPERSON

PROPOSED

LAND TITLE ACT
TERMS OF INSTRUMENT – PART 2

Housing Agreement and Section 219 Covenant
(Section 438 Local Government Act and Section 219 Land Title Act)

THIS AGREEMENT DATED FOR REFERENCE THE [day] OF [month], 2020 is BETWEEN:

GABRIOLA HOUSING SOCIETY, a society incorporated under the laws of the province of British Columbia under number [S-0060928] and having its office at P.O. Box 76, Gabriola Island, B.C., V0R 1X0

(the “Owner”);

AND:

GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*, having an office at 2nd Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

(the “Trust Committee”)

WHEREAS:

- A. The Owner is the registered owner of the Lands situated at Lot 1 and Lot 2 Paisley Place on Gabriola Island, British Columbia and legally described as:

PID 028-580-095
LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544

and

PID 028-580-109
LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544

(collectively, the “Lands”);

- B. The Owner intends to construct on the Lands a residential development that will include Affordable Rental Housing Units (hereinafter defined) to rent, by way of a Tenancy Agreement, at an affordable rate to Qualified Occupants (hereinafter defined);
- C. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;

PROPOSED

- D. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- E. As a condition of rezoning the Lands, the Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement and to restrict the use of, and construction on, the Lands and the use of the Affordable Housing Units constructed on the Lands, on the terms and conditions of this Agreement, to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- F. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Trust Committee and the Owner agree, as covenants granted by the Owner to the Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the Owner and the Trust Committee under Section 483 of the *Local Government Act*, as follows:

Article 1: ~~Definitions and Interpretation~~

a. **Definitions** – In this Agreement:

“**Appropriate Accommodation**” means accommodation that is affordable, suitable and adequate according to **Household** income, size and composition;

“Affordable Housing Funder” means BC Housing, Canada Mortgage and Housing Corporation or other agency that provides a grant or preferential rate loan to support the development of Affordable Housing Units on the Lands;

“Affordable Housing Unit” means a studio, 1 bedroom, 2 bedroom or 3 bedroom Dwelling Unit on the Lands in respect of which the construction, tenure, rental and occupancy are restricted in accordance with sections b through e of this Agreement;

“Affordable Market Unit” means an Affordable Housing Unit on the Lands where the rental price is linked to market conditions on Gabriola Island or the Regional District of Nanaimo region, the rental rate is approved by an Affordable Housing Funder, and meets the occupancy criteria set out in section c;

“Annual Household Income” means the combined gross income of all adult members of a Household, as shown on line 150 of the preceding year’s T1 General Income Tax and Benefit return;

“BC Housing” means the British Columbia Housing Management Commission;

“Dwelling Unit” means a dwelling unit as defined in the Gabriola Island Land Use Bylaw No. 177, 1999, as amended or replaced from time to time;

PROPOSED

“Household” means one or more individuals;

“Housing Income Limits” means the maximum gross household income for eligibility in an affordable housing program (for each category of dwelling unit), based on figures established by ~~CMHC~~ **the Canadian Mortgage and Housing Corporation**, and are intended to reflect the minimum income required to afford **Appropriate Accommodation** in the private market, as published by BC Housing from time to time;

“Lands” means those parcels of land legally described as PID 028-580-095, LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 and PID 028-580-109, LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544;

~~“Maximum Monthly Rent” means the monthly rent agreed to by the Owner and a Qualified Renter to rent an Affordable Housing Unit which shall not exceed 30% of the total combined monthly gross household income of the Qualified Renter(s) at the time the Affordable Housing Unit is occupied by the Qualified Renter(s), except in the case of an Affordable Market Unit;~~

“Qualified Occupant” means a person who meets the eligibility criteria for tenancy as set out in Schedule “B”;

“Qualified Renter” means a Household which meets the eligibility criteria for a residential tenancy of an Affordable Housing Unit, as set out in section c of this Agreement;

“Residential Tenancy Act” means the *Residential Tenancy Act* (British Columbia); and

“Tenancy Agreement” means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

b. **Agreement over the Lands** – Pursuant to section 219 of the *Land Title Act* and section 483 of the *Local Government Act*, the Owner covenants and agrees that the Lands may be used only in accordance with the following conditions:

- i. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit issued by the Local Trust Committee, and any building permit issued by the Regional District of Nanaimo and this Agreement;
- ii. the Lands must at all times be used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement;
- iii. it will design, construct and maintain in a reasonable state of repair the Affordable Housing Units on the Lands, including Affordable Market Units in accordance with the terms of this Agreement;
- iv. ~~it will design and construct only triplexes and duplexes on the Lands. If an Affordable Housing Funder requires a different configuration of Affordable Housing Units, that configuration must be approved by the Trust Committee;~~
- v. ~~the Lands must not be used or occupied for residential purposes unless the buildings are~~

PROPOSED

constructed to meet:

- i. the performance requirements of the BC Energy Step Code 3 energy efficiency standards established by the British Columbia Building Code Regulation, B.C. Reg. 264/2012 (the “Performance Standards”) of the *Building Act* (BC)
 - ii. if required by an Affordable Housing Funder, a different energy performance target, and
 - iii. the Owner has provided to the Trust Committee a Compliance Report from a certified energy advisor that the building has been constructed and is operating in accordance with item i or item ii, as the case may be; and
- vi. the development on the Lands will be constructed with a Type 3 advanced secondary treatment sewerage system, or equivalent alternative as approved by the Affordable Housing Funder, that meets similar performance criteria.
- c. **Affordable rental housing eligibility** - The Owner covenants and agrees that the Affordable Housing Units on the Lands will only be occupied under all of the following criteria:
- i. **either**
 - a. the Household’s Annual Household Income ~~does not exceed~~ must be less than or equal to BC Housing’s Housing Income Limits, or
 - b. if the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction or operation of affordable housing on the Lands, the Household meets the income and/or non-financial criteria imposed on the occupancy of the relevant Affordable Housing Unit on the Lands established by such Affordable Housing Funder, which may include but are not limited to, the requirement that a member of the Household has certain physical or mental disabilities, is a senior receiving the Guaranteed Income Supplement, or is a recipient of social or disability assistance
 - ii. ~~or other criteria specified by an Affordable Housing Funder;~~ the Household will occupy the Affordable Housing Unit as their permanent, principal, and sole residence; and
 - iii. the Household is comprised of at least one Qualified Occupant, and
 - iv. the Household complies with application criteria established by the Owner acting reasonably as a responsible landlord such as credit and reference checks or property rules regarding smoking and pets.

and The Owner covenants and agrees to:

- v. include in every Tenancy Agreement a prohibition on subletting, including short-term vacation rentals, and a provision entitling the Owner to terminate the Tenancy Agreement in accordance with the *Residential Tenancy Act* in the event of any breach of that prohibition;
- vi. deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Housing Unit within 10 days of any request to do so;
- vii. specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Affordable Housing Unit, and provide to each tenant, upon their

PROPOSED

- request, a copy of this Agreement; and
- viii. ~~in the event a Qualified Occupant if one of the individuals comprising a Qualified Renter who rents an Affordable Housing Unit dies while resident in an Affordable Housing Unit, that individual's allow the surviving spouse and/or adult child who were resident with the Qualified Occupant at the date of the Qualified Occupants death in the Affordable Housing Unit at the time of the Qualified Renter's death may to continue to rent the Affordable Housing Unit for the longer of:~~
- a. the balance of the fixed term under the Tenancy Agreement; or
 - b. twelve (12) months on the same terms, including monthly rent, set out in the Tenancy Agreement.
- d. **Rental rates** - The Owner covenants and agrees that ~~it will:~~
- i. ~~not charge any tenant a monthly rent, exclusive of utilities, that is greater than 30% of the monthly Household Income of all occupants of the Affordable Housing Unit, except in the case of an Affordable Market Unit the rent payable by a Qualified Renter for an Affordable Housing Unit, exclusive of utilities, must not exceed 30% of the gross monthly Household Income of the Qualified Renter, except in the case of an Affordable Market Unit; and~~
 - ii. ~~it will~~ not require any tenant under a Tenancy Agreement to pay any extra charges or fees for use of any well or septic ~~system~~, or property taxes. For clarity, this limitation does not apply to ~~parking~~, cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.
- e. ~~Affordable Market Unit~~**Affordable Housing Units** – The Owner covenants and agrees that
- i. it will not rent an Affordable Market Unit unless the Affordable Market Unit is approved by an Affordable Housing Funder and there are other Affordable Housing Units occupied by Households whose income does not exceed the Housing Income Limits; ~~and~~
 - ii. ~~not more than 30% of the Affordable Housing Units on the Land will be Affordable Market Units unless:~~
 - a. the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction or operation of affordable housing on the Lands, and
 - b. having more than 30% of the Affordable Housing Units on the Land be Affordable Market Units is necessary to meet the requirements of such Affordable Housing Funder; and
 - c. the Owner,
 - (i) notifies the Trust Committee in writing a minimum of 3 weeks before an upcoming Trust Committee meeting that, unless it secures additional funding by a specified date, it needs to increase the number of Affordable Market Units available for rent by a specified percentage to meet the funding requirements of the Affordable Housing Funder, and
 - (ii) sends a representative to the Trust Committee meeting to answer questions about the aforementioned notification

in which case the number of Affordable Housing Units on the Land used and occupied as Affordable Market Units will be equivalent to the number required by the Affordable Housing Funder to meet the requirements of the Affordable Housing

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Funder as specified to the Trust Committee under this subsection c.

- f. **Order to Comply** – If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the Owner by the Trust Committee.
- g. **Statutory Declaration from Owner** – The Owner shall deliver to the Trust Committee by the end of January of each year, a completed statutory declaration, substantially in the form attached as Schedule “A”, sworn by the Owner, in relation to the Affordable Housing Units. The Owner irrevocably authorizes the Trust Committee to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement.
- h. **Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act* and subject to the concurrent delivery of such a notice to the Owner.
- i. **No Transfer** – The Owner must not transfer the Lands, other than to another non-profit organization or society incorporated under the *Societies Act*, having as its objective the management of affordable housing, or the Provincial Rental Housing Corporation. ~~The Local Trust Committee must approve any transfer prior to its finalization.~~
- j. **Society Standing** – The Owner must maintain its standing as a society under the *Societies Act*, and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.
- k. **Specific Performance of Agreement** – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Affordable Housing Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee’s Land Use Bylaw, as amended from time to time.
- l. **Assignment** – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- m. **Indemnity** – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.

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- n. **Release** – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heir, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
- o. **Trust Committee Powers Unaffected** – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
- p. **No Public Law Duty** – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms 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.
- q. **No Waiver** – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.
- r. **Arbitration** – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Affordable Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* of British Columbia.
- s. **Notice on Title** – The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, and agrees that the Owner will register a notice of this Agreement against title to the Lands.
- t. **Covenant Runs with the Land** – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.
- u. **Limitation on Owner's Obligations** – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
- v. **Amendment and Termination** – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.

PROPOSED

- w. **Notices** – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.
- x. **Enurement** – This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.
- y. **Remedies Cumulative** – The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
- z. **Severability** – Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
- aa. **Joint and Several** – In the case of more than one owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.
- bb. **Included Words** – Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
- cc. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
- dd. **Joint Venture** – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the [Society Owner](#) any authority or power to bind the Trust Committee in any way.
- ee. **Time of Essence** – Time is of the essence in this Agreement.
- ff. **Further Assurances** – The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.
- gg. **Priority** – The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement.

PROPOSED

hh. Deed and Contract – By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

DRAFT

PROPOSED

SCHEDULE "A"

OWNER STATUTORY DECLARATION

CANADA

IN THE MATTER OF A HOUSING AGREEMENT
WITH THE GABRIOLA ISLAND LOCAL TRUST
COMMITTEE ("Housing Agreement")

PROVINCE OF BRITISH COLUMBIA

I, _____
declare that:

1. I am the _____ [director, officer, employee] of the [Owner], the owner of the land known as _____, XXX Island, legally described as: _____ (the "Lands")
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement registered against the Lands.
4. For the period from _____ to _____, the Affordable Housing Units were used only by Qualified Renters (as defined in the Housing Agreement).
5. At no time during the last year were any of the Affordable Housing Units used as a short-term vacation rental [or sublet](#).
6. The rental payments charged for the Affordable Housing Unit were in compliance with the Housing Agreement and are listed in the attached list.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

DECLARED BEFORE ME at _____, British Columbia, this ____ day of _____.

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

PROPOSED

SCHEDULE "B"

~~Definition of a Eligibility Criteria~~ for Tenancy for a Qualified Occupant

~~A Qualified Occupant means a person aged 19 years or older, and must, who fits into at least one of the following categories, which are not listed in no any particular priority order, be either:~~

- i. ~~A Gabriola Island Resident, who has been living on Gabriola Island for a minimum of no less than one year; or~~
- ii. ~~A non-resident of Gabriola Island who has been working on Gabriola Island for an average of at least half-time work (20 hours per week) for a minimum of no less than one year; or~~
- iii. ~~Is A registered member of Snuneymuxw First Nation, regardless of current location of residence or work,~~

~~except that Where there are no applicants no persons who meeting the categories specified above in clause i, ii or iii of this Schedule who make an application to rent an available Affordable Housing Unit foregoing eligibility criteria, and the lack of applications this would result in the Affordable Housing Unit being vacant for more than one month, eligibility for tenancy will be expanded to include any applicant then a Qualified Occupant may be a person aged 19 years or older who fits into at least one of the following categories, which are not listed in no any particular priority order, is either:~~

- iv. ~~Previous A former resident of Gabriola Island who has lived away from the Gabriola Island for a maximum of three consecutive years no more than seven consecutive years; or~~
- v. ~~A Gabriola Island resident who has been living on Gabriola Island for less than one year;~~
- vi. ~~A non-resident of Gabriola Island who has verifiable work is hired to begin at least half-time work (20 hours per week) on Gabriola Island starting within 60 days of the commencement of the tenancy that will be for an average of at least 20 hours per week; or~~
- vii. ~~A non-resident of Gabriola Island A person who has been working at least half-time on Gabriola Island (for an average of 20 hours per week) for less than one year; or~~
- viii. ~~A person with an immediate family member whose principal residence is on Gabriola Island. "Immediate family member" means a daughter/son child or parent or sibling, to whom the person is related by blood, adoption, or by marriage or common-law relationship, or by adoption; or~~
- ix. ~~A status, non-status and/or self-identifying Indigenous, Inuit, or Métis person~~

~~except that Where there are no applicants for a vacant Affordable Housing Unit who meet the foregoing eligibility criteria persons meeting the categories specified in clause i, ii or iii nor a, b, c or d of this Schedule who make an application to rent an available Affordable Housing Unit, and the lack of applications this would result in an the Affordable Housing Unit being vacant for more than one month, eligibility for tenancy will be expanded to include any applicant 19 years of age or older who is permitted as a tenant then a Qualified Occupant may be any person permitted by an Affordable Housing Funder.~~



April 30, 2021

File: 20013567
vFCBC Tracking No.: 100308150

Gabriola Housing Society
PO BOX 76
Gabriola Island BC V0R 1X0

Dear Sir or Madam:

Re: Water Licence Application 113567

The investigation of the above application has been completed. Enclosed is a copy of your Conditional Water Licence 503047.

Please read the documents carefully. Any error(s) in these documents should be brought to the attention of this office as soon as possible.

The water licence requires under clauses (j), (k), (l), and (m) to install a flow measuring device, record and report the volume of water diverted, and record and report water levels in a monitoring well as directed by the Water Manager. A description of the procedures to address these requirements, consistent with recommendations by the regional hydrogeologist previously provided to you, must be submitted in a report (e.g. 'Water Management Plan') and approved by the Water Manager at least six months prior to operation of works and diversion of water.

To protect the quality and safety of our groundwater resources all wells and associated works related to a groundwater diversion, storage and use must comply with the *Water Sustainability Act* and Groundwater Protection Regulation which requires water wells in British Columbia to be properly constructed, maintained, and, at the end of their service, deactivated and decommissioned. We understand that there are a number of unused wells on your property. Please be advised that you are required to deactivate or decommission these wells if they are not used regularly or on a periodic basis. Well decommissioning requirements are outlined in Part 9 of the Groundwater Protection Regulation. Deactivation of your well may require the services of one or more Qualified Professionals. For more information on well owner requirements under the Groundwater Protection Regulation please visit <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/groundwater-wells-aquifers/groundwater-wells>.

Page 1 of 3

You are advised that the *Drinking Water Protection Act* and the Drinking Water Protection Regulation under that Act govern the construction, installation, alteration, extension and operation of joint works that form part of a domestic water system supplying more than one single-family residence or any facility or establishment where the public consumes water. It is the responsibility of the licensee to comply with the Act and Regulations noted above. Your local Regional Health Authority will be able to assist you.

Section 58 of the *Water Sustainability Act* requires that a well must not be operated in a manner that causes saltwater intrusion or has significant adverse impacts on a well, aquifer or hydraulically connected stream. To prevent saltwater intrusion from occurring, the operation of the well should follow best management practices for prevention of saltwater intrusion, which can be found at https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/saltwaterintrusion_factsheet_flnro_web.pdf.

As specified in clause (n) and (o), the licensee must do the following:

1. Collect water quality samples for saltwater intrusion indicator parameters including chloride, specific conductivity and total dissolved solids. Raw (untreated) water quality samples must be collected from the well at a minimum frequency of once annually to correspond with the driest time of the year (end of August). Sampling of the wells must follow standard procedures for purging and sampling and the samples must be submitted to an accredited laboratory for analysis;
2. Compare water quality sample results to operational objectives as determined by the Water Manager. It has been determined that the licensee must compare water quality sampled results to the following operational objective for chloride of ≤ 250 mg/L. The licensee will be notified if there are changes to the operational objectives in the future; and
3. If the above operational objective for saltwater intrusion is exceeded, the licensee shall notify the West Coast Region Water Manager within 14 days of this occurring.

Please note the following:

- 1) Water licences do not authorize entry on privately owned land for the construction of works, or flooding. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
- 2) Permission for installing works on lands or roadways which are under the jurisdiction of any government agency, must be obtained from the agency concerned.

Please contact FrontCounter BC to assist you with notifications and any applications required if:

- a) there is any change in your mailing address;
- b) you sell the land to which the licence is appurtenant;
- c) you propose to subdivide the land to which the licence is appurtenant; or
- d) you propose to alter the works authorized under the licence.

In order for you to keep your water licence in good standing, the following must be observed:

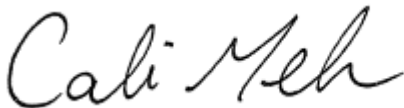
- a) continued beneficial use of water, as authorized under your licence;
- b) payment of annual rentals;
- c) compliance with the terms of your licence; and
- d) compliance with the terms of the *Water Sustainability Act*.

One of the obligations of a water licence is the payment of annual rentals and fees to the Crown for the authorization to exercise the rights granted under the licence. Failure to pay water rental invoices by a specified date may result in late-payment penalties, collection action or cancellation of the licence. Any questions in regards to invoices, statements or billing procedures should be directed to the Water Revenue Unit at 1 800 361-8866. Callers from the Victoria area should dial 250 387-9445.

The *Water Sustainability Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board website at: <http://www.eab.gov.bc.ca/>. A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the Board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9, eabinfo@gov.bc.ca; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25.00, payable to the Minister of Finance.

If you have any questions or concerns, please contact Sarah Hardy, Water Authorizations Specialist - Water at 250 739-8371 or by email at Sarah.Hardy@gov.bc.ca.

Yours truly,



Cali Melnechenko
Water Manager

Enclosure(s)



Province of British Columbia

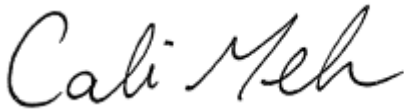
Water Sustainability Act

CONDITIONAL WATER LICENCE

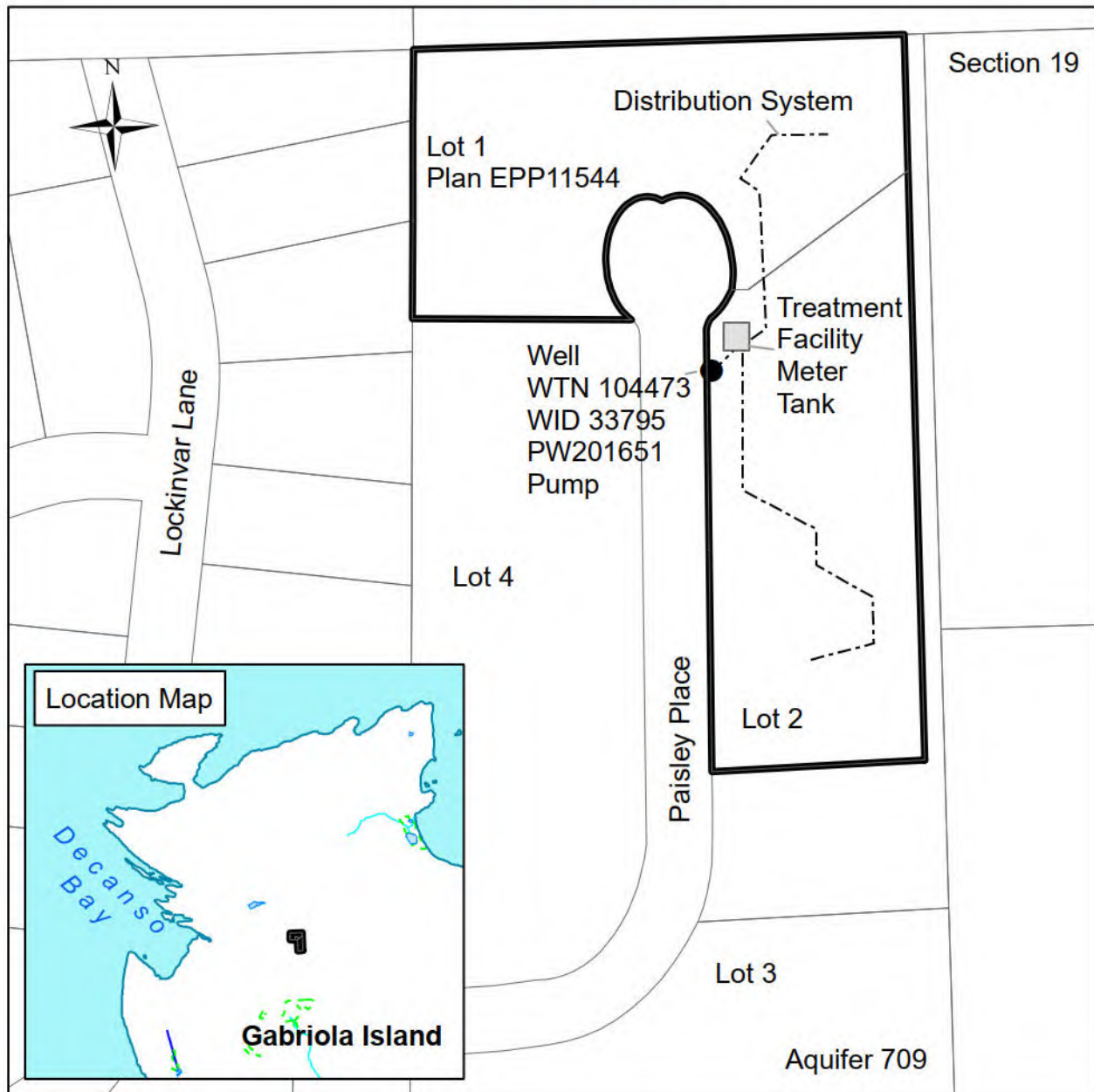
The owner(s) of the land to which this licence is appurtenant is/are hereby authorized to divert and use water as follows:

- a) The aquifer on which the rights are granted is 709.
- b) The point of well diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is January 17, 2020.
- d) The purpose for which this licence is issued is industrial (commercial enterprise).
- e) The maximum quantity of water which may be diverted for industrial (commercial enterprise) purpose is 15.55 cubic metres per day.
- f) The period of the year during which the water may be used is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan EPP11544; and Lot 2, Section 19, Gabriola Island, Nanaimo District, Plan EPP11544.
- h) The authorized works are distribution system, tank, treatment facility/system, meter, pump, and well which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2024. Thereafter, the licensee(s) shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The licensee(s) shall use a measuring device and/or a method of calculation to measure and record the volume of water diverted under the licence, to the satisfaction of a Water Manager or an Engineer under the *Water Sustainability Act*.
- k) The licensee(s) shall keep records on actual water use as directed by the Water Manager or an Engineer under the *Water Sustainability Act* and shall have all records available upon request.
- l) The licensee(s) shall record water levels in a monitoring well as directed by the Water Manager or an Engineer under the *Water Sustainability Act*.

- m) The licensee(s) shall keep records on water levels as directed by the Water Manager or an Engineer under the *Water Sustainability Act* and shall have all records available upon request.
- n) Water quality samples for saltwater intrusion parameters shall be collected from the well as directed by the Water Manager or an Engineer under the *Water Sustainability Act*.
- o) The water quality sample results shall be compared to operational objectives as determined by the Water Manager or an Engineer under the *Water Sustainability Act*. If any operational objectives are exceeded, the licensee(s) shall notify the Water Manager or Engineer in writing within 14 days of this occurring.

A handwritten signature in black ink, reading "Cali Melh". The signature is written in a cursive, flowing style.

Cali Melnechenko
Water Manager



WATER DISTRICT:

Nanaimo

PRECINCT:

Nanaimo

LAND DISTRICT:

Nanaimo

Signature:

Cali Mel

Date:

April 30, 2021

LEGEND:

Scale:

1:2,000

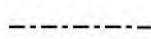
Point of Diversion:



Map Number:

92.G.011.4.4

Pipe:



C.L.: 503047

FILE: 20013567

The boundaries of the land to which this licence is appurtenant are shown thus: 

File No.: GB-SUB-2021.2
(Centre Stage Holdings Ltd.)

DATE OF MEETING: April 7, 2022

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Draft Section 219 Restrictive Covenant
Applicant: JE Anderson, Scott Stevenson
Location: **PID: 027-086-500 (Seymour Road)**
Lot 20, SECTION 8, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN
VIP82759

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of PID: 027-086-500 Lot 20, SECTION 8, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP82759, and designate two Trustees of the Local Trust Committee to sign the covenant for GB-SUB-2021.2 (Centre Stage Holdings Ltd).

REPORT SUMMARY

The purpose of this report is to recommend an updated section 219 covenant as a condition of subdivision of the subject property into six fee simple lots. Staff requested this covenant be in favour of the Gabriola Island Local Trust Committee (LTC) and recommend that the LTC accept the covenant as presented and assign signatories in order for the subdivision approval process to proceed with the Ministry of Transportation and Infrastructure.

BACKGROUND

Planning staff completed a subdivision referral response for the proposed six lot subdivision on September 28, 2021. The LTC waived the 10% frontage waiver for the proposed plan of subdivision in November 2021. A condition of subdivision from the Islands Trust included the need for an updated restrictive covenant registered on title of Lot 20 and the Remainder Lot, to clarify the maximum permitted density permitted on both parcels. The Remainder parcel will also be subject to a future application for subdivision and need to be consistent with the covenant. Both parcels are part of a historic density transfer application that permits a maximum of 49 lots in the RR1 zone. Twenty nine lots have already been subdivided in the zone and the remaining 20 lots are to be distributed on the subject property off of Seymour Road and the Remainder Lot as shown in Figure 1.

The intent of the shift in density is to reduce development pressure on the Remainder Lot as it contains several sensitive areas and steep slopes. If both parcels are subdivided as proposed in the draft covenant, no further future subdivision would be permitted in the RR1 zone.

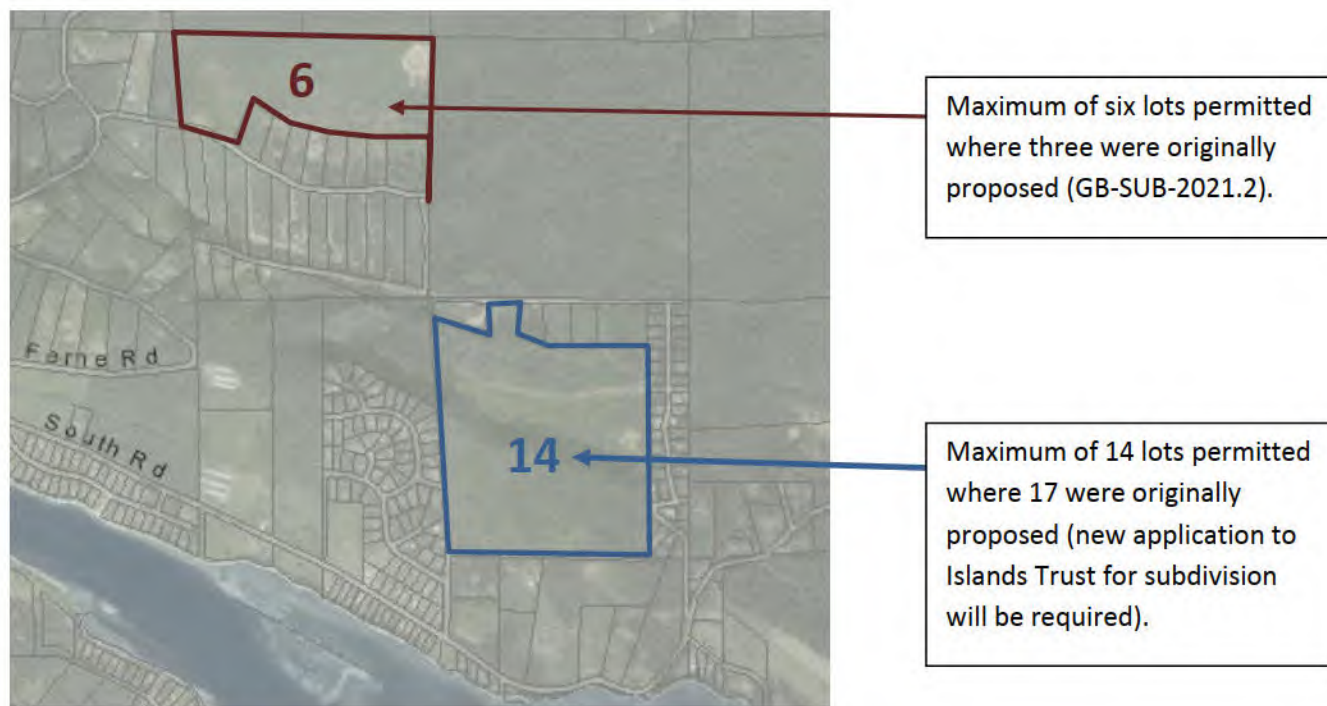


Figure 1. Density allocation proposed in revised covenant (Attachment 1).

The covenant in Attachment 1 is intended to replace the existing 2012 covenant (Attachment 2) with only minor updates to the language and revised maximum permitted density references. The covenant would be registered on title of the two subject properties, resulting in an increase in the maximum number of lots permitted on Lot 20 and a decrease in the maximum number of lots permitted on the Remainder Lot.

Rationale for Recommendation

The updated covenant will result in a shift of permitted densities between two parcels intended to be subdivided as part of a density transfer application approved over 10 years ago. Staff recommend the LTC accept the covenant as presented and assign signatories.

ALTERNATIVES

1. Request changes to the covenant.

The LTC may request changes to the draft covenant:

That the Gabriola Island Local Trust Committee request staff to amend the draft covenant for GB-SUB-2021.2 by (insert requested changes).

NEXT STEPS

Should the LTC concur with the staff recommendation on page 1 of this staff report, staff will notify the Ministry of Transportation and Infrastructure and arrange for signatures.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	March 28, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 29, 2022

ATTACHMENTS

1. Draft s.219 covenant GB-SUB-2021.2 (April 2022)
2. Existing s.219 covenant (October 2012)

1. Application

HEATH LAW LLP
200-1808 Bowen Road
Nanaimo BC V9S 5W4
250-824-2080

File: 59511-1; MoTI File: 2020-02192
 Tel: (250) 753-2202
 Type: Covenant Maximum Number of Lots

2. Description of Land

PID/Plan Number	Legal Description
003-134-806	NORTH EAST 1/4 OF SECTION 3 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARCEL A (DD 77326I) AND EXCEPT PLANS EPP19453 AND EPP66666
027-086-500	LOT 20 SECTION 8 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP82759

3. Nature of Interest

Type	Number	Additional Information
COVENANT		Section 219 Land Title Act
PRIORITY AGREEMENT		granting Covenant herein with one registration number less than this Priority Agreement priority over Mortgage CA7780732 and Assignment of Rents CA7780733
		Pages 10, 11 and 12, Paras. 1 & 2

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

MICHAEL ALPATOFF, AS TO AN UNDIVIDED 800000/1800000 INTEREST

CANADIAN WESTERN TRUST COMPANY, NO.A0046845, IN TRUST, SEE CA7762170, AS TO AN UNDIVIDED 600000/1800000 INTEREST

CANADIAN WESTERN TRUST COMPANY, NO.A0046845, IN TRUST, SEE CA7780732, AS TO AN UNDIVIDED 250000/1800000 INTEREST

SIAM GEMS INC., NO.BC0485685, AS TO AN UNDIVIDED 150000/1800000 INTEREST

CENTRE STAGE HOLDINGS LTD., NO.BC0204577

6. Transferee(s)

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE
OF BRITISH COLUMBIA
 AS REPRESENTED BY THE MINISTER OF TRANSPORTATION
 & INFRASTRUCTURE
 PARLIAMENT BUILDINGS
 VICTORIA BC V8V 1X4



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

700 NORTH ROAD

GABRIOLA ISLAND BC V0R 1X3

7. Additional or Modified Terms

8. Execution(s)

This instrument creates, assigns, modifies, enlarges 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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**GABRIOLA ISLAND LOCAL TRUST
COMMITTEE**

TRANSFeree

By their Authorized Signatory

Name:

Name:

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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**CANADIAN WESTERN TRUST
COMPANY**

IN TRUST, SEE CA7762170

AS TO AN UNDIVIDED

600000/1800000 INTEREST

By their Authorized Signatory

Name:



Name:

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.

Witnessing Officer Signature

Execution Date

YYYY-MM-DD

Transferor Signature(s)

**CANADIAN WESTERN TRUST
COMPANY**

IN TRUST, SEE CA7780732

AS TO AN UNDIVIDED

250000/1800000 INTEREST

By their Authorized Signatory

Name:

Name:

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.

Witnessing Officer Signature

Execution Date

YYYY-MM-DD

Transferor Signature(s)

SIAM GEMS INC.

AS TO AN UNDIVIDED

150000/1800000 INTEREST

By their Authorized Signatory

Name:



Name:

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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**MICHAEL ALPATOFF, AS TO AN
UNDIVIDED 800000/1800000
INTEREST**

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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

This is an instrument required by the
Approving Officer for the subdivision of
the lands shown in Plan EPP116619
pursuant to Section 219 of the Land
Title Act
PROVINCIAL APPROVING OFFICER
By their Authorized Signatory

Name:

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.



Witnessing Officer Signature

Execution Date

YYYY-MM-DD

Transferor Signature(s)

CENTRE STAGE HOLDINGS LTD.
By their Authorized Signatory

Name:

Name:

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.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

TERMS OF INSTRUMENT-PART 2

WHEREAS

- A.** The Transferor is the registered owner in fee simple (hereinafter the “**Owner**”) of those parcels of lands and premises described in Item 2 of the General Instrument – Part 1 and being more particularly known and legally described as follows:

PID 003-134-806 NORTH EAST 1/4 OF SECTION 3 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARCEL A (DD 77326I) AND EXCEPT PLANS EPP19453 AND EPP66666 (hereinafter referred to as the “**Land**”)

PID 027-086-500 LOT 20, SECTION 8, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP82759, (hereinafter referred to as “**Lot 20**”).

- B.** The Transferee, Gabriola Island Local Trust Committee is a corporation under the Islands Trust Act (hereinafter the “**Local Trust Committee**”).
- C.** The Transferee, Her Majesty the Queen in Right of the Province of British Columbia as represented by the Ministry of Transportation and Infrastructure (hereinafter “**MOTI**”) is a Ministry of the Province of British Columbia responsible for subdivision approval of lands located in the Regional District of Nanaimo that are not located in a member municipality.
- D.** Gabriola Island Land Use Bylaw, 1999 permits the subdivision of land into lots having an area equal to or greater than the specified minimum lot area for the relevant zone where the average area of all lots created by subdivision is at least equal to the minimum average lot area specified for that relevant zone.
- E.** The Owner was, at all material times, the owner of the lands that were previously legally described as PID 003-134-792 South West ¼ of Section. 8, Gabriola Island, Nanaimo District, (the “**South West Quarter Lot**”) and PID 003-134-806 North East ¼ of Section 3, Gabriola Island, Nanaimo District, Except Parcel A (DD77326I) (the “**North East Quarter Lot**”) against both of which lots was registered a covenant in favour of the Local Trust Committee under number EX 113595 which restricts subdivision of what was then the North East Quarter Lot and South West Quarter Lot to a maximum of 49 lots.
- F.** The Owner subdivided the South West Quarter Lot into 25 lots one of which includes Lot 20.
- G.** The Owner intends to subdivide Lot 20 into six lots (the “**New Subdivision Lots**”).
- H.** The Owner subdivided the North East Quarter Lot into six lots one of which is the Land.
- I.** The Land and some of the New Subdivision Lots have an area equal to or greater than the specified minimum lot area for the relevant zone and which remains owned by the Owner and are also further subdividable.

- J.** The Owner and the Local Trust Committee intend to restrict the amount of lots the Land and the New Subdivision Lots can be subdivided into.
- K.** Section 219 of the Land Title Act provides that a covenant, whether of negative or positive nature, may be granted in favour of a regional district and may be registered as a charge against the title to land, and may contain provisions respecting the use of land or the use of a building on land and other matters.
- L.** The Owner has agreed to enter into this covenant and to register it against the title to the Land and Lot 20 under section 219 of the Land Title Act as a condition of subdivision of Lot 20.

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by the Local Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with s.219 of the Land Title Act as follows:

Covenant

1. After Lot 20 has been subdivided, the New Subdivision Lots shall not be further subdivided.
2. The Land shall not be further subdivided into more than 14 lots.

Obligations

3. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.

Indemnify

4. The Owner releases, and must indemnify and save harmless, the Local Trust Committee, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

No Effect on Laws or Power

5. Where the Local Trust Committee is required or permitted by this Agreement to form an opinion, exercise discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Local Trust Committee is under no public law duty of fairness or natural justice in that regard and agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

6. This Agreement does not

(a) affect or limit the discretion, rights or powers of the Local Trust Committee under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;

(b) affect or limit any enactment relating to the use or subdivision of the Land, or

(c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Covenant Runs with the Land

7. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s. 219 of the Land Title Act in respect of the Land, Lot 20 and this Agreement burdens the Land and Lot 20 and runs with it and binds the successors of title to the Land and Lot 20. This Agreement burdens and charges all of the Land and Lot 20 and any parcel into which it is subdivided by any means and any parcel into which the Land or Lot 20 is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land or Lot 20.

Release of Covenant

8. The Owner and the Local Trust Committee agree this covenant shall be released and discharged from the Land in the event the Owner obtains subdivision approval of the Land and provided such subdivision does not create any lots in excess of the remaining 14 lots permitted pursuant to this Agreement.

Waiver

9. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

10. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

Entire Agreement

11. This Agreement is the entire agreement between the parties regarding its subject.

Enurement

12. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Deed and Contract

13. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

Further Assurances

14. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.

15. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

CONSENT AND PRIORITY AGREEMENT

MICHAEL ALPATOFF

Michael Alpatoff, (“**Alpatoff**”) is the holder of a mortgage and assignment of rents registered against the Land, CA7780732 and CA7780906 respectively (collectively, the “**Alpatoff Charge**”).

This Consent and Priority Agreement is evidence that in consideration of payment to Alpatoff of \$1.00 by the Owner, Alpatoff agrees with the Local Trust Committee and MOTI as follows:

1. Alpatoff consents to the granting and registration of this Covenant and Alpatoff agrees that this Covenant binds its interest in and to the Land.
2. Alpatoff grants to the Local Trust Committee and MOTI priority over this Covenant over all of the right, title and interest of Alpatoff in and to the Lands and Alpatoff postpones the Alpatoff Charge and all of its right, title and interest thereunder to this Covenant as if this Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the Alpatoff Charge

IN WITNESS WHEREOF Alpatoff hereby acknowledges that this Consent and Priority Agreement has been duly executed and delivered by its execution of the General Instrument – Part 1 attached hereto.

CONSENT AND PRIORITY AGREEMENT

CANADIAN WESTERN TRUST COMPANY

Canadian Western Trust Company, (“CWTC”) is the holder of a mortgage and assignment of rents registered against the Land, CA7780732 and CA7780906 respectively (collectively, the “CWTC Charge”).

This Consent and Priority Agreement is evidence that in consideration of payment to CWTC of \$1.00 by the Owner, CWTC agrees with the Local Trust Committee and MOTI as follows:

1. CWTC consents to the granting and registration of this Covenant and CWTC agrees that this Covenant binds its interest in and to the Land.
2. CWTC grants to the Local Trust Committee and MOTI priority over this Covenant over all of the right, title and interest of CWTC in and to the Lands and CWTC postpones the CWTC Charge and all of its right, title and interest thereunder to this Covenant as if this Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the CWTC Charge

IN WITNESS WHEREOF CWTC hereby acknowledges that this Consent and Priority Agreement has been duly executed and delivered by its execution of the General Instrument – Part 1 attached hereto.

CONSENT AND PRIORITY AGREEMENT

SIAM GEMS INC.

Siam Gems Inc., (the “**SGI**”) is the holder of a mortgage and assignment of rents registered against the Land, CA7780732 and CA7780906 respectively (collectively, the “**SGI Charge**”).

This Consent and Priority Agreement is evidence that in consideration of payment to SGI of \$1.00 by the Owner, SGI agrees with the Local Trust Committee and MOTI as follows:

1. SGI consents to the granting and registration of this Covenant and SGI agrees that this Covenant binds its interest in and to the Land.
2. SGI grants to the Local Trust Committee and MOTI priority over this Covenant over all of the right, title and interest of SGI in and to the Lands and SGI postpones the SGI Charge and all of its right, title and interest thereunder to this Covenant as if this Covenant had been executed, delivered and registered prior to the execution, delivery and registration of the SGI Charge

IN WITNESS WHEREOF SGI hereby acknowledges that this Consent and Priority Agreement has been duly executed and delivered by its execution of the General Instrument – Part 1 attached hereto.

TERMS OF INSTRUMENT-PART 2**Section 219 Covenant- Subdivision Restrictive Covenant**

THIS AGREEMENT dated for reference Oct 3 , 2012 is

BETWEEN:

Centre Stage Holdings Ltd., a company duly incorporated under the laws of the province of British Columbia and having offices at 2761 McBride Ave., in the City of Surrey , Province of British Columbia, V4A 3G3 (the "Owner").

AND: Gabriola Island Local Trust Committee, a corporation under the Islands Trust Act (British Columbia), having an office at 200 - 1627 Fort Street, Victoria, British Columbia, V8R 1H8 , (the "Local Trust Committee")

WHEREAS Gabriola Island Land Use Bylaw, 1999 permits the subdivision of land into lots having an area equal to or greater than the specified minimum lot area for the relevant zone where the average area of all lots created by subdivision is at least equal to the minimum average lot area specified for that relevant zone.

WHEREAS the Owner was, at all material times , the owner of the South West Quarter, Sec. 8, Gabriola Island , Nanaimo District, PID 003 134 792 (the "South West Quarter lot") and is the owner in fee simple of the North East Quarter of Section 3, Gabriola Island, Nanaimo District, Except Parcel A(DD773261), PID 003 134 806 (the "North East Quarter lot") against both of which was registered a covenant in favour of the Gabriola Island Local Trust Committee under number EX 113595 (The "Initial Covenant") which restricts subdivision of the said North East Quarter Lot and the South West Quarter Lot into a maximum of forty-nine (49) lots.

WHEREAS the Owner subdivided the South West Quarter Lot into 25 lots, one of which includes Lot 20, Section 8, Gabriola Island, Nanaimo District, Plan VIP 82759, PID 027 086 500 ("Lot 20") which has an area equal to or greater than the specified minimum lot area for the relevant zone and is further subdividable.

WHEREAS the Owner remains the owner of the North East Quarter Lot which is also further subdividable.

WHEREAS the parties intend to restrict any further subdivision of Lot 20.

AND WHEREAS sec. 219 of the Land Title Act provides that a covenant in favour of the Crown or a municipality in respect of the use of land may be required as a charge against title to the land.

THIS AGREEMENT is evidence that in consideration of payment of \$1.00 by the Local Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees with the Local Trust Committee in accordance with s.219 of the Land Title Act as follows:

Covenant

1. Lot 20 shall not be further subdivided.

Obligations

2. The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this document as a covenant under seal. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of, or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and under the law pertaining to covenants under seal.

Indemnify

3. The Owner releases, and must indemnify and save harmless, the Local Trust Committee, its elected and appointed officials and employees, from and against all liability, actions, causes of action, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Owner, or anyone else, arising from the granting or existence of this Agreement, from the performance by the Owner of this Agreement, or any default of the Owner under or in respect of this Agreement.

No Effect on Laws or Power

4. Where the Local Trust Committee is required or permitted by this Agreement to form an opinion, exercise discretion, express satisfaction, make a determination or give its consent, the Owner agrees that the Local Trust Committee is under no public law duty of fairness or natural justice in that regard and agrees that the Local Trust Committee may do any of those things in the same manner as if it were a private party and not a public body.

5. This Agreement does not

(a) affect or limit the discretion, rights or powers of the Local Trust Committee under any enactment (as defined in the Interpretation Act, on the reference date of this Agreement) or at common law, including in relation to the use or subdivision of the Land;

(b) affect or limit any enactment relating to the use or subdivision of the Land, or

(c) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Covenant Runs with the Land

6. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s. 219 of the Land Title Act in respect of the Land and this Agreement burdens the Land and runs with it and binds the successors of title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

Release of Covenant

7. The parties hereto agree this Covenant shall be released and discharged in the event the Owner herein, Centre Stage Holdings Ltd., at such time as it remains owner of Lot 20, obtains subdivision approval of the said Lot 20 and provided such approval and subdivision does not create any lots in excess of the forty-nine (49) lots permitted pursuant to the Initial Covenant.

Waiver

8. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

9. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

Entire Agreement

10. This Agreement is the entire agreement between the parties regarding its subject.

Enurement

11. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Deed and Contract

12. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

Further Assurances

13. The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered, or the registration of which is pending, at the time of application for registration of this Agreement.

14. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT**OF****ISLANDS SAVINGS CREDIT UNION**

15. Islands Savings Credit Union, (the "**Chargeholder**") is the holder of a mortgage and assignment of rents registered against the Land legally described in item 2 of the Form E to which this Agreement is attached, which mortgage and assignment of rents are registered in the Victoria Land Title Office under instrument numbers CA 1806610 and CA 1806611 respectively (collectively, the "**Charge**").

In connection with the Section 219 Covenant (the "**Covenant**") granted herein by Centre Stage Holdings Ltd. to The Gabriola Island Local Trust Committee (the "**Transferee**"), the Transferee requires the Chargeholder to grant the Covenant priority over the Charge.

This Consent and Priority Agreement is evidence that in consideration of payment to the Chargeholder of \$1.00 by the Transferee, the Chargeholder agrees with the Transferee as follows:

1. The Chargeholder consents to the granting and registration of the Covenant and the Chargeholder agrees that the Covenant binds its interest in and to the Land.
2. The Chargeholder grants to the Transferee priority for the Covenant over the Chargeholder's right, title and interest in and to the Lots and the Chargeholder postpones 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.

18. As evidence of its agreement with the Transferee to be bound by this Consent and Priority Agreement, as a contract and as a deed executed and delivered under seal, the Chargeholder has executed and delivered this Agreement by executing the *Land Title Act* Form D to which this Agreement is attached and which forms part of this Agreement.

File No.: GB-SUB-2019.1
(Williamson and Associates)

DATE OF MEETING: April 7, 2022

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Draft Section 219 Restrictive Covenant
Applicant: Brian Henning
Location: 369 Berry Point Road, PARCEL E (DD 401378I) OF SECTION 21, GABRIOLA ISLAND, NANAIMO DISTRICT PID: 004-549-023

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee accept a covenant under section 219 of the Land Title Act from the registered owners of PARCEL E (DD 401378I) OF SECTION 21, GABRIOLA ISLAND, NANAIMO DISTRICT PID: 004-549-023 and designate two Trustees of the Local Trust Committee to sign the covenant for GB-SUB-2019.1 (Williamson and Associates – 369 Berry Point Road).

REPORT SUMMARY

The Provincial Approving Officer (PAO) for the Ministry of Transportation and Infrastructure has requested a section 219 covenant as a condition of subdivision of the subject property into three bare land strata lots. The covenant is intended to be registered on each of the 3 new strata lots to ensure that any new development triggers the recommendations of the drainage engineering report included in Attachment 1. The PAO has requested that this covenant be in favour of the Ministry and the Gabriola Island Local Trust Committee (LTC). Staff is recommending that LTC accept the covenant as presented and assign signatories.

BACKGROUND

Planning staff completed a subdivision referral response for the subdivision on August 16, 2019 and a submitted revised referral response on October 18, 2019. All Island Trust conditions appear to have been addressed by the applicant and they are requesting a final letter of approval.

The applicant was required to submit a drainage plan acceptable to planning staff for storm and surface water runoff in order to satisfy the subdivision requirements of the [Gabriola Island Land Use Bylaw No. 177](#) Section E.1.9. Planning staff confirmed on April 7, 2020 that the drainage report prepared by Newcastle Engineering fulfilled the land use bylaw requirements. The Ministry of Transportation and Infrastructure PAO has also accepted the drainage report and are requiring it to be registered on each strata lot title as a schedule to the covenant (Attachment 1) as a condition of subdivision. The PAO requested that the covenant be in favour of the Ministry and the LTC.

When new development is proposed on any of the lots, the Regional District of Nanaimo building permit referral process to the Islands Trust will trigger the need for the drainage report recommendations to be sufficiently addressed to the satisfaction of the LTC/Ministry.

Rationale for Recommendation

As the drainage report is a requirement of the Gabriola Land Use Bylaw and will guide future development of the three strata lots, staff recommend the LTC accept the covenant as presented and assign signatories.

ALTERNATIVES

1. Advise the applicant and PAO that the LTC does not wish to be a party to the covenant.

The LTC may advise the PAO and applicant that it does not wish to be a party to the covenant. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to advise the applicant of GB-SUB-2019.1 that the draft covenant not be in favour of the Local Trust Committee (insert rationale if applicable).

NEXT STEPS

Should the LTC concur with the staff recommendation on page 1 of this staff report, staff will advise the Ministry and applicant.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	March 28, 2022
Concurrence:	Heather Kauer, RPP, MCIP, Regional Planning Manager	March 28, 2022

ATTACHMENTS

1. DRAFT S.219 COVENANT GB-SUB-2019.1



1. Application

Johnston Franklin Bishop
210-3260 Norwell Drive
Nanaimo BC V9T1X5
2507563823

2. Description of Land

PID/Plan Number Legal Description

No PID / Plan LOT 1 SECTION 21, GABRIOLA ISLAND, NANAIMO DISTRICT PLAN EPS8348

No PID / Plan LOT 2 SECTION 21, GABRIOLA ISLAND, NANAIMO DISTRICT PLAN EPS8348

No PID / Plan LOT 3 SECTION 21, GABRIOLA ISLAND, NANAIMO DISTRICT PLAN EPS8348

3. Nature of Interest

Type

Number

Additional Information

COVENANT

PRIORITY AGREEMENT

**Granting Covenant herein priority over
mortgage CA7140340**

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

POTLATCH PROPERTIES LTD, NO.BC1191883

PILOT BAY HOLDINGS LTD., NO.BC0744031

6. Transferee(s)

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
700 NORTH ROAD
GABRIOLA ISLAND BC V0R 1X3

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE
OF BRITISH COLUMBIA
PARLIAMENT BUILDING
VICTORIA BC V8V 1X4

AS REPRESENTED BY THE MINISTER OF TRANSPORTATION
AND INFRASTRUCTURE



7. Additional or Modified Terms

8. Execution(s)

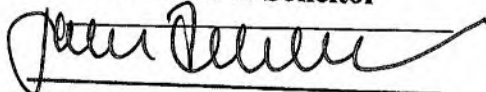
This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

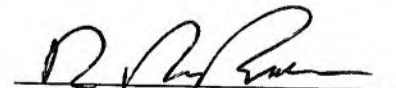
Jason P. Koshman
Barrister & Solicitor


915 Sveinson Dr., Gabriola BC, V0R 1X2
604-889-2725 / koshman@jklc.lawyer

YYYY-MM-DD

2022-2-6

POTLATCH PROPERTIES LTD
By their Authorized Signatory


Robert Rooks

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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

PILOT BAY HOLDINGS LTD.
By their Authorized Signatory

Brian Henning

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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**GABRIOLA ISLAND LOCAL TRUST
COMMITTEE**
By their Authorized Signatory

PRINT NAME:



PRINT NAME:

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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**HER MAJESTY THE QUEEN IN RIGHT
OF THE PROVINCE OF BRITISH
COLUMBIA**

as represented by the Minister of
Transportation and Infrastructure
By their Authorized Signatory

Provincial Approving Officer

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.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

**PRINT NAME:, Approving Officer
for the Ministry of Transportation
and Infrastructure BC MoTI File:
2019-02850**

**This is an instrument required by
the Approving Officer for Strata
Plan EPS8348 creating for the
condition or covenant entered into
under S. 219 of the Land Title Act**

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.



Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

TERMS OF INSTRUMENT - PART 2

SECTION 219 DRAINAGE

WHEREAS:

- A. The Transferor(s) as to covenant described in item 5 of Part 1 of the Form C to which this Agreement is attached (the "Owner") is the owner in fee simple of those lands located on Gabriola Island, British Columbia, and legally described in Item 2 of the Form C attached hereto (the "Lands");
- B. The Transferees are Gabriola Island Local Trust Committee, and Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure (together, the "Transferee").
- C. A covenant under Section 219 of the Land Title Act is required as a condition to the consent and approval of the bare land strata by the Provincial Approving Officer.
- D. Section 219 of the Land Title Act provides that there may be registered as a charge against the title to any land, a covenant in favour of the Transferee in respect to the use of the land or that the land is not to be subdivided except in accordance with the covenant;
- E. The Owner has provided a drainage report by Newcastle Engineering Ltd., attached as schedule A (the "report") that identifies recommendations and conditions for development and redevelopment on the Lands

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 219 of the *Land Title Act*, and in consideration of the sum of ONE (\$1.00) DOLLAR now paid to the Owner by the City (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto agree and covenant with each other as follows:

- 1. The Owner hereby covenants and agrees with Transferee, as a covenant in favour of the Transferee pursuant to Section 219 of the Land Title Act, it being the intention and agreement of the Owner that the provisions hereof be annexed to and run with and be a charge upon the Lands, and from and after the date hereof any development or re-development on the Lands must adhere to the recommendations outlined within the report attached as Schedule A.
- 2. The Owner hereby covenants and agrees with the Transferor that any development of the Lands includes privately owned drainage infrastructure designed to maintain storm water drainage in a manner that prevents the drainage from exceeding the storm water drainage that occurred at the time of registration of this Covenant.

3. The Owner hereby covenants and agrees with the Transferor that any development of the Lands maintains the runoff water quality comparable to the runoff water quality at the time of registration of this Covenant.
4. The Owner hereby covenants and agrees with the Transferor that any future development of the Lands be supported by an Erosion and Sediment Control Plan detailing measures to minimize erosion and treat runoff to minimize off-site migration of silt laden water during construction.
5. The Owner shall reimburse the Transferees for any expenses that it may incur as a result of a breach of section 1 by the Owner, on a solicitor and own client basis in the case of expenses for legal services.
6. Nothing in this Agreement shall prejudice or affect the rights, powers and remedies of the Transferee in relation to the Owner, including their heirs, executors, administrators, successors and assigns, 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.
7. The Owner will do or cause to be done at their 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 specifically approved in writing by the Transferee.
8. The parties agree that this Agreement shall not be modified or discharged except in accordance with the provisions of Section 219 of the Land Title Act.
9. The Owner shall do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurance which may be reasonably necessary to give proper effect to the intent of this Agreement.
10. 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.
11. If any section or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered separate or 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 had never been included in this Agreement.

12. This Agreement shall be interpreted according to the laws of the Province of British Columbia.
13. Where there is reference to an enactment of the Province of British Columbia in this Agreement, that reference shall include a reference to any subsequent 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.
14. Every reference to the Minister of Transportation and Infrastructure in this Agreement shall include the Minister of Transportation and Infrastructure, the Deputy Minister of Transportation and Infrastructure and any person designated by either of them to act for or on their respective behalf with respect to any of the provisions of this Agreement.
15. The terms, conditions, covenants and other provisions of this Covenant will extend to, be binding upon and enure to the benefit of the parties to this Covenant and their respective heirs, administrators, successor and assigns.

In witness whereof the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing the Form C attached hereto.

CONSENT AND PRIORITY AGREEMENT

GIVEN THAT Pilot Bay Holdings Ltd. (the "Chargeholder") is the holder of mortgage registered against the Lands under instrument numbers CA7140340 (the "Existing Charge"),

This Consent and Priority Agreement is evidence that in consideration of payment to it of \$1.00 by the Transferee, the Chargeholder agrees with the Transferee as follows:

1. The Chargeholder consents to the granting and registration of the Covenant (the "New Charge") and the Chargeholder agrees that the New Charge binds its interest in and to the Lands.
2. The Chargeholder grants to the Transferee priority for the New Charge over the Chargeholder's right, title and interest in and to the Lands and the Chargeholder postpones the Existing Charge, and all of its right, title and interest thereunder, to the New Charge as if the New Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Existing Charge.

As evidence of its agreement with the Transferee to be bound by the Consent and Priority Agreement, as a contract and deed executed and deliver under seal, the Chargeholder has executed and delivered this Agreement by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

SCHEDULE A



**NEWCASTLE
ENGINEERING LTD.**

#4-3179 BARONS ROAD, NANAIMO, B.C. V9T 5W5

PHONE: (250) 756-9553

FAX: (250) 756-9503

1095-002

March 11, 2020

Potlatch Properties Ltd.,
Attn.: Dr. Bob Rooks,
c/o Mr. Brian Henning, B.C.L.S.,
3088 Barons Road,
Nanaimo, B.C., V9T 4B5

Dear Sirs:

**Re: Proposed 3-Lot Bare Land Strata Subdivision,
Parcel E (DD 4013781) if Section 21, Gabriola Island, Nanaimo District
eDAS File #: 2019-02850
Drainage Review**

We understand that, as a condition of further processing of the Preliminary Layout Approval Application for the above referenced development proposal, the Ministry of Transportation & Infrastructure requires a drainage review for the subject property. Our comments regarding the drainage of the subject property are detailed below.

Pre-Development Conditions

Proposed Strata Lots 1 and 2 are each occupied by a number of residential and commercial buildings, associated access and parking infrastructure, and sewage disposal areas. The areas of each lot not occupied by buildings, parking or access infrastructure are vegetated with grass. There are a number of large trees located along the northerly and westerly property boundaries of the parent parcel.

Proposed Strata Lot 3 is currently vegetated with grass.

The topography of the land consists of a gentle slope generally running from south-east to north-west, with a steeper gradient located approximately along the north-westerly boundary of proposed Strata Lot 3. The west end of this boundary includes an elevation change of approximately 1m (between proposed Strata Lots 1 and 3) transitioning up to

an elevation change of approximately 3m at the easterly end of the boundary between proposed Strata Lots 2 and 3.

Any surface drainage which does not infiltrate the soil flows to the north-west into a swale along the south side of Berry Point Road and crosses Berry Point Road by way of a 300ø culvert, into the north in a ditch flowing to the north-west along the west side of Ricardo Road. The subject property is downstream of King Road and does not contribute drainage to King Road.

Our review of available well logs and observation hole logs indicates that the soil structure on proposed Strata Lot 3 consists of approximately 0.8-1.5m of soil overlying bedrock.

Proposed Construction

There is currently no information available about potential re-development plans for either of Strata Lots 1 or 2 or for future development plans for proposed Strata Lot 3 and we therefore have no recommendations for alterations to the existing drainage regime resulting from the proposed bare land strata subdivision.

Our recommendations with respect to maintenance of the existing drainage regime from the subject property associated with any re-development of proposed Strata Lots 1 or 2, or development on proposed Strata Lot 3 include:

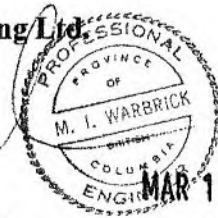
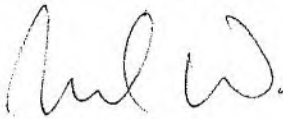
- Registration of a covenant over each proposed lot requiring that any future development include privately owned drainage infrastructure designed to maintain post-development flow rates for the 5-year return period storm at pre-development rates as detailed in Section 1010 of the B.C. Supplement to TAC Geometric Design Guide;
- Registration of a covenant over each proposed lot requiring that any future development maintain post development runoff water quality comparable to pre-development runoff water quality;
- Registration of a covenant over each proposed lot requiring that any future development be supported by an Erosion and Sediment Control Plan detailing measures to minimize erosion and treat runoff to minimize off-site migration of silt laden water during construction;
- Registration of an easement over each of proposed Strata Lots 1 and 2 allowing discharge of surface runoff and groundwater originating on proposed Strata Lot on 3 at pre-development rates and discharge of drainage generated by storms in excess of the 5 year return period over proposed Strata Lots 1 and 2.

Design of future drainage infiltration/treatment/retention infrastructure and site servicing will be required to adhere to separation requirements from both the wells and the sewage disposal areas on each proposed lot and be supported by a Geotechnical report confirming design will not impact downstream wells or adjacent sewage disposal areas.

Please contact the undersigned if you require any further information in order to complete your review of the foregoing.

Yours truly,

Newcastle Engineering Ltd.



Mark Warbrick, P.Eng.

File No.: 6500-20
Gabriola Density Donation
Outreach Project

DATE: April 7, 2022
TO: Gabriola Island Local Trust Committee
FROM: Sonja Zupanec, RPP, MCIP
Local Planning Services
SUBJECT: Density Donation Outreach Project Update

RECOMMENDATION:

1. That the Gabriola Island Local Trust Committee approve the revised Project Charter for the Density Donation Outreach Project dated April 7, 2022.
2. That the Gabriola Island Local Trust Committee request staff to prepare a draft public information package on the Density Donation Outreach Program, for Local Trust Committee review.

REPORT SUMMARY

The purpose of this report is to provide an updated Project Charter and summary of work completed to date on the Density Donation Outreach Program and recommend a public information package be prepared to detail the benefits and the process for interested land owners to participate at any point in the future.

BACKGROUND

The Local Trust Committee (LTC) endorsed the 'Density Donation Outreach Program' project charter in June 2021. The following work plan items have been completed to date:

Workplan Overview	
Deliverable/Milestone	Date
Mapping analysis of vacant parcels and parcels with subdivision potential. Coordinate mapping needs with Gabriola Lands and Trails Trust – Nature Stewards Program for cost and information sharing opportunities for public outreach summer 2021	Completed
Design and develop outreach materials, presentation for land owner contact	Completed
Research and compile all process options, legal requirements and costs for the LTC to fund the density donation process on behalf of land owners	Completed
Host an online "density donor clinic" information sharing event and include Nature Stewards Program information	Completed
Prepare necessary legal documents and/or bylaw amendments for LTC consideration	Pending Density Donations
Adoption of any covenants or amending bylaws being considered and registration of all necessary documents.	Pending Density Donations

Attachment 1 shows the updated progress on the project and includes a line item for a public information package to be prepared and distributed. As there may not be any donations to process in the remainder of this term, staff recommend an information sheet/package be prepared to ensure the information is not lost and that the donation option remains available at any time to interested property owners. Currently there is one density from a recent Regional District of Nanaimo park acquisition that remains to be deposited into the bank, but staff suggest this can occur in tandem with any future density donation.

The intent of a public information package would be to provide clarity to property owners about the density donation process, even if this project is considered “completed” by the LTC. Information in the package may include:

- Who can participate?
- What are the benefits of donating?
- How can the density be used?
- What are the costs to participate?
- If we donate and then change our minds can we get the density back?
- We’d like to donate a density, what is our next step?
- Is there a deadline to apply to donate?
- Will the zoning of my property be changed if I donate?
- Link to the online webinar recording
- Other relevant information to participate

The LTC can consider the draft document at a future business meeting, or request staff to refer the draft information package to the Housing Advisory Planning Commission (HAPC) for comment prior to consideration by the LTC.

Rationale for Recommendation

The Density Donation Outreach Program has been substantially initiated as outlined in the revised project charter, however actual donations of density may not materialize during the remainder of this term. Staff recommend an information package be finalized for this project, to ensure that property owners can access relevant information anytime in the future when contacting the northern office. An updated project charter should be posted to the website to indicate progress completed to date.

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will post the updated project charter to the project website and commence design of the Density Donation Outreach program information package for LTC/HAPC review.

Submitted By:	Sonja Zupanec, RPP, MCIP - Island Planner	March 29, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 30, 2022

ATTACHMENTS

1. Project Charter v. 2 DRAFT– Gabriola Density Donation Outreach Project

Housing Options and Impacts Review - Gabriola Island Density Donation Outreach Project Charter v2 (DRAFT)

Gabriola Island Local Trust Committee

Date: April 7, 2022

Purpose: To identify and work with Gabriola Island land owners who wish to voluntarily donate un-used density from vacant land or parcels with subdivision potential and deposit the density potential into the Gabriola Island Density Bank, for future use in relocating density for affordable housing elsewhere on the island.

Background: The 2021 Gabriola Housing Matters Report and Housing Advisory Planning Commission recommend the Local Trust Committee initiate a streamlined outreach and donation program for Gabriola Island and Flat Top islands property owners to voluntarily reduce their density potential under the condition that the density potential would be deposited in the Density Bank for creating affordable housing elsewhere on Gabriola Island. Over 50 respondents to the 2021 housing survey expressed interest in this type of initiative.

Objectives

- Identify and connect with landowners with vacant land or parcels with subdivision potential;
- Solicit donations of density potential into the Gabriola Density Bank for affordable housing;
- Update density bank with total donations identified.

In Scope

- Community outreach and education in partnership with the ITC/GaLTT 'Nature Stewards' Program and NAPTEP;
- Review of legal tools available for LTC funded processing of donations;
- Update density bank with 707 Park expansion density;
- Update density bank with voluntary donations including from un-developed secondary suites and coordinate all legal options to formalize the donation and review associated costs to be borne by LTC.

Out of Scope

- Expanding the program to Mudge or DeCourcay Islands;

Workplan Overview

Deliverable/Milestone	Date
Mapping analysis of vacant parcels and parcels with subdivision potential. Coordinate mapping needs with Gabriola Lands and Trails Trust – Nature Stewards Program for cost and information sharing opportunities for public outreach summer 2021	Completed
Design and develop outreach materials, presentation for land owner contact	Completed
Research and compile all process options, legal requirements and costs for the LTC to fund the density donation process on behalf of land owners	Completed
Host an online "density donor clinic" information sharing event and include Nature Stewards Program information	Completed
Prepare and distribute an information package for interested donors	PENDING – May 2022
Prepare necessary legal documents and/or bylaw amendments for LTC consideration	PENDING DONATIONS
Adoption of any covenants or amending bylaws being considered and registration of all necessary documents.	PENDING DONATIONS

Project Team

Island Planner	Project Manager
GIS Technician	Mapping Support
HAPC	Advisory Team
Regional Planning Manager	Supervisor
RPM Approval: Heather Kauer Date: June 17, 2021/March 30, 2022	LTC Endorsement: Resolution #: 2021-061 Date: June 17, 2021

Budget

Budget Sources:		
Fiscal	Item	Cost
2021-22	Outreach materials, notices and online clinic presentation and Q+A event	\$1,000
	Mapping support	\$500
	Legal review – covenants and/or bylaws	\$2,500
2022-23	Legal fees for registration of covenants pending total # of participants	TBD
	Total	\$8,000

From: "INFO, BCEBC BCEBC:EX" <info@bcebc.ca>

Subject: Greetings from the BC Electoral Boundaries Commission

Date: March 3, 2022 at 11:45:56 AM PST

To: "sefast@bimbc.ca" <sefast@bimbc.ca>



March 3, 2022

Councillor Sue Ellen Fast
Island Municipality of Bowen Island

Greetings from the BC Electoral Boundaries Commission.

Please accept this letter as an invitation to your organization to express your views on the province's current electoral district boundaries.

The BC Electoral Boundaries Commission is an independent, non-partisan commission with a mandate to review the area, names and boundaries of provincial electoral districts. The Commission submits two reports to the Legislative Assembly with recommendations for the next two provincial general elections.

Your voice is an important part of this process. To help prepare its preliminary report, the Commission is now seeking public input on the province's current electoral district boundaries. We will be publishing a preliminary report with initial recommendations. After, we will seek public input on those recommendations.

You can share your organization's views in the following ways:

- through the [Commission website](#),
- at an in-person or virtual [public meeting](#), or
 - by [writing the Commission](#) directly.

Visit our website to learn more about the Commission, review maps and resources, and find the electoral districts in your community.

Please feel free to share this information with others and contact us with any questions.

Sincerely,

Justice Nitya Iyer
Commission Chair

BC Electoral Boundaries Commission

100- 1112 FORT STREET, VICTORIA B.C. V8V 3PK
BCEBC.CA | INFO@BCEBC.CA | 1-800-661-8683

P. Cook

Gabriola BC V0R 1X1

February 27, 2022

Kees Langerels
Islands Trust, Gabriola Island Trustee
700 North road
Gabriola Island, BC V0R 1X3

Stefan Yancey
Operations Manager, Central Island
BC Ministry of Transportation and Infrastructure
3rd Floor - 2100 Labeux Road
Nanaimo, BC V9T 6E9



Dear Sirs:

As residents of Gabriola Island, the signatories on the attached petition are concerned about the safety of foot traffic, cyclists, and other vehicles on the section of Berry Point Road from the Surf Lodge east. Reducing the speed limit from 50 kph to 30 kph would reduce the possibility of serious accidents. Please consider the following points:

- No sidewalk or shoulder means all pedestrians and cyclists use the traffic lane;
- The scenery along this stretch of road is spectacular and is regularly visited by both locals and visitors to the island at ALL times of the year and all types of weather;
- There is an 'S' curve along this stretch that makes visibility of the roadway extremely limited. There is a yellow warning sign with a suggestion to reduce speed to 30 kph at this curve - but it is only a suggestion;
- Vehicles are often parked on the side of the road further limiting space and visibility;
- Often children are present either playing, cycling, or trying to cross the road to get to the shore;
- It is also critical to preserve the delicate and natural habitat for birds and other creatures that reside in the brush at the side of the road and the shoreline.
- 90% of people approached agreed to sign the petition.

We encourage the Islands Trust and the Ministry of Transportation to consider changing the current speed limit of 50kph to 30kph to ensure the safety of all users on this stretch of road at your earliest convenience.

We would invite any member of the Islands Trust or Ministry of Transportation who is not familiar with this stretch of road to visit, especially on a nice day, to see the volume of people who come to enjoy this area and some of the challenges that are present.

Yours Sincerely,

Penny Cook

Request Speed Limit change on Berry Point Road

We the undersigned support the reduction in speed limit from 50 kph to 30 kph on the section of Berry Point Road, Gabriola from the Surf Lodge to the east end of Berry Point Road.

	NAME (print)	ADDRESS	SIGNATURE
1	Chad Arsenault		
2	Benny Cook		
3	E. Jansen		
4	Dennis Bayko		
5	W. H. Foster		
6	Huguette Grenier		
7	Hester McCoy		
8	ANNE TIGHE		
9	ANNE HARRISON		
10	Lucy Green		
11	W. H. Scott		
12	DAVID SCOTT		
13	Lawrence Blanchard		
14	TERRELL SHUTTLEWORTH		
15	*ITANI PRINCE - GRIFFIN		
16	John (Hill)		
17	Chelsea Woods		
18	Rick Huber		
19	SUE LISSACK		
20	Sheila Nott		
21	Melanie McKenzie		
22	Brenda Joy		
23	micHEAL SMITH		
24	Allana Thorne		

Request Speed Limit change on Berry Point Road

We the undersigned support the reduction in speed limit from 50 kph to 30 kph on the section of Berry Point Road, Gabriola from the Surf Lodge to the east end of Berry Point Road.

	NAME (print)	ADDRESS	SIGNATURE
25	CHARLIE CHEFFINS		
26	Simon Parkinson		
27	Bronwyn Brooks		
28	Renee Titterton		
29	Graham Lefance		
30	Larry Joseph Slack		
31	Leo Watson		
32	Aane Gallagher		
33	Daniel Bradley		
34	Heather Cameron		
35	Alex Varty		
36	Heather Pettit		
37	Jenny Fjellgaard		
38	Karen Howard		
39	Cindy Fjellgaard		
40	ROBERT PETTIT		
41			
42			
43			
44			
45			
46			
47			
48			

Applications

Development Permit

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

Planner: Stephen Baugh

Planning Status

Status Date: 03-Mar-2022

No change in status.

Status Date: 25-Oct-2021

File transferred from Ian Cox to Stephen Baugh.

Status Date: 12-Oct-2021

No change in status.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2021.1	Centre Stage Holdings (J.E. Anderson & Associates)	20-May-2021	PID: 003-134-806 DP application for protection of development from hazardous conditions DPA6, relating to subdivision application.

Planner: Sonja Zupanec

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-DP-2022.1	Gottfried, Connor	24-Jan-2022	PID: 003-432-289 Building detached bungalow with deck and driveway. Civic address: 595 Wildwood Crescent, Gabriola Island, BC.

Planner: Phil Testemale

Planning Status

Status Date: 01-Mar-2022

April 7, 2022 LTC Agenda for consideration.

Status Date: 26-Jan-2022

File opened & assigned. Requested Etransfer.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.3	Van Herwaarden, Lynn	24-Aug-2016	PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance.

Planner: Margot Thomaidis

Planning Status

Status Date: 02-Mar-2022

Requested meeting with applicant to review next steps, indicating the need for a Development Permit for DPA-3, and awaiting response

Status Date: 01-Nov-2021

File reassigned.

Status Date: 26-Oct-2021

File transferred to RPM. Staff to provide status update for November 25, 2021 LTC meeting as requested at October regular business meeting.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2017.1	Fenton, Rob	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island

Planner: Stephen Baugh

Planning Status

Status Date: 03-Mar-2022

No change in status. Waiting for confirmation of covenant being registered on Title.

Status Date: 25-Oct-2021

File transferred from Ian Cox to Stephen Baugh.

Status Date: 12-Oct-2021

No change in status.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2021.4	Kevin Barfoot Contracting Planner: Margot Thomaidis	14-Nov-2021	PID: 004-537-262 Variance to setback compliance. Civic address: 1091 Sea Fern Lane, Mudge Island, BC.
Planning Status			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 14-Dec-2021 Planner reviewing file.			
Status Date: 19-Nov-2021 File material completely received; file opened and assigned.			

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.1	Gottfried, Connor Planner: Phil Testemale	24-Jan-2022	PID: 003-432-289 Building House with deck and driveway. Civic address: 595 Wildwood Crescent, Gabriola Island, BC.
Planning Status			
Status Date: 08-Mar-2022 April 7, 2022 LTC Agenda for consideration.			
Status Date: 26-Jan-2022 File opened & assigned. Requesting etransfer.			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2020.1	Gabriola Housing Society (Nancy Hetherington Peirce) Planner: Sonja Zupanec	15-Jan-2020	PIDs: 028-580-095 and 028-580-109 Affordable housing project. Civic address: Lots 1 & 2 Paisley Place, Gabriola Island, BC.
Planning Status			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 08-Jul-2021 Bylaw 306 (OCP) received Statutory Approval (Minister of Municipal Affairs), dated May 10, 2021.			
Status Date: 06-May-2021 Copy of provincial water license received.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.2	Williamson & Associates Planner: Heather Kauer	19-Jan-2017	PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC
Planning Status			
Status Date: 30-Nov-2021 Final planner review completed. Letter of approval submitted to MOTI. Awaiting confirmation of subdivision registration.			
Status Date: 21-Jan-2021 LTC accepts covenant.			
Status Date: 20-Oct-2020 Applicant signs cost recovery agreement. Legal counsel, planner and applicant reviewing covenant.			

Applications

Subdivision

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

Planner: Teresa Mahikwa

Planning Status

Status Date: 09-Feb-2022

No change in status.

Status Date: 29-Oct-2021

File transferred to Planner Mahikwa

Status Date: 25-Oct-2021

File transferred from Planner Cox to Planner Zupanec.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2020.3	Centre Stage Holdings Ltd. c/o J.E. Anderson	31-Jul-2020	PID: 003-134-806 17 lot subdivision Civic address: North East 1/4 of Section 3

Planner: Sonja Zupanec

Planning Status

Status Date: 02-Feb-2021

Referral response submitted to MOTI

Status Date: 31-Jul-2020

File opened and assigned

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2021.2	Centre Stage Holdings Ltd. c/o J.E. Anderson	16-Sep-2021	PID: 027-086-500 6 lot subdivision. Civic address: Lot 20 Section 8 (Addition of 3 panhandle lots to original plan in GB-SUB-2020.2)

Planner: Sonja Zupanec

Planning Status

Status Date:

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2020.2	MacKay, Ike	25-Nov-2020	PID: 000-334-715 TUP for STVR. Civic address: 1016 Berry Point Road, Gabriola Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 16-Dec-2021

Staff advised applicant that supplemental information is required by 11-Feb-2022 and if not received by that date, file will be closed and returned to BE for follow up.

Status Date: 18-Nov-2021

File transferred to Planner Mahikwa.

Status Date: 26-Oct-2021

Applicant intends to proceed with application, provide required information. Interim file transfer to RPM Kauer.

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2022.1	Garner, Kevan & Julia	06-Jan-2022	PID: 003-330-460 Temporary Use Permit renewal of GB-TUP-2018.1. Civic: 671 Balsam Street, Gabriola Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 02-Feb-2022

Planner reviewed application. Applicant was advised that supplemental information is required to complete the application.

Status Date: 07-Jan-2022

File opened & assigned. Waiting for fee.

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2022.2	McNally, Michael & Cindy	10-Jan-2022	PID: 001-272-349 Short term vacation rental. Civic address: 1599 Hess Road, Gabriola Island, BC.

Planner: Teresa Mahikwa

Planning Status

Status Date: 09-Feb-2022

Planner reviewed application. Applicant was advised that supplemental information is required to complete the application.

Status Date: 19-Jan-2022

File opened & assigned.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending February 2022

620 Gabriola	Invoices posted to Month ending February 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	693.00	0.00	693.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	4,120.00	3,816.10	303.90
65210-620	LTC - Local Exp - APC Meeting Expenses	444.00	185.60	258.40
65220-620	LTC - Local Exp - Communications	1,000.00	369.00	631.00
65230-620	LTC - Local Exp - Special Projects	588.00	0.00	588.00
TOTAL LTC Local Expense		<u>6,152.00</u>	<u>4,370.70</u>	<u>1,781.30</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	1,600.00	556.80	1,043.20
73001-620-4097	Gabriola Housing Options & Impacts	5,000.00	3,383.25	1,616.75
73001-620-4104	Gabriola Cannabis Regulations	1,500.00	0.00	1,500.00
73001-620-4123	Gabriola Active Transportation Connection	15,250.00	15,250.00	0.00
TOTAL Project Expenses		<u>23,350.00</u>	<u>19,190.05</u>	<u>4,159.95</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	June 14, 2018	GB-2018-040	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee; - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical; - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms; - The location of the proposed establishment and the subject site; - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered; - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - How public comments may be submitted to the Local Trust Committee.
2.	November 22, 2018	GB-2018-122	Applications for Federal Cannabis License	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
3.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local

				First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
4.	April 11, 2019	GB-2019-038	Limited Public Markets Enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets: a) Islands Trust Bylaw Enforcement Staff are directed to not enforce Section B.6.2 of Gabriola Island Land Use Bylaw No. 177, 1999 when limited public markets are operated indoors, but rather to inform the operators of the applicable land use regulations; b) This enforcement policy does not permit violation of the Land Use Bylaw and the Gabriola Island Local Trust Committee may at any time, by resolution, modify or rescind this policy or give direction to expand enforcement activities.
5.	April 11, 2019	GB-2019-040	S219 Covenant	It was MOVED and SECONDED

			Signatories	that the Gabriola Island Local Trust Committee adopt the following standing resolution: that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.
6.	July 30, 2020	GB-2020-053	Proactive unlawful STVR enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt as a standing resolution to authorize proactive enforcement of unlawful Short Term Vacation Rentals.

Top Priorities Report

Gabriola Island

Develop Ecological Protection Zone

Responsible

Dates

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

1. Density Donation Outreach Program

Responsible

Dates

To identify and work with Gabriola Island land owners who wish to voluntarily donate un-used density from vacant land or parcels with subdivision potential and deposit the density potential into the Gabriola Island Density Bank, for future use in relocating density for affordable housing elsewhere on the island.

Sonja Zupanec

Rec'd: 22-Nov-2018



Projects Report

Gabriola Island

1. *DeCourcy Island OCP and Bylaw Review*

Responsible

Date Received

Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).

21-Apr-2011

2. *Hazardous areas/Steep Slopes DPA*

Responsible

Date Received

Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain

21-Feb-2013

3. *Coastal areas protection*

Responsible

Date Received

Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area

19-Jan-2012

4. *First Nations cultural references*

Responsible

Date Received

Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.

Lisa Wilcox

27-Jan-2011

5. *Eelgrass protection*

Responsible

Date Received

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

14-May-2014



Projects Report

Gabriola Island

6. *Snuneymuxw Protocol Agreement*

Responsible

Date Received

Implementation of Snuneymuxw First Nation Protocol Agreement

22-Jan-2015

7. *Gabriola Village Plan*

Responsible

Date Received

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

02-Apr-2015

8. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation

02-Apr-2015

9. *Green Energy*

Responsible

Date Received

Consider policy and regulatory mechanisms to encourage green and renewable energy

02-Apr-2015

10. *Commercial Vacation Rental Review*

Responsible

Date Received

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

07-May-2015

11. *LUB Amendments*

Responsible

Date Received

Projects Report

Gabriola Island

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

08-Sep-2016

12. *Water Resource Planning*

Responsible

Date Received

Review of water requirements at the time of subdivision

14-Jun-2018

13. *Water Taxi Feasibility*

Responsible

Date Received

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

22-Nov-2018

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

Responsible

Date Received

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

24-Jan-2019



Projects Report

Gabriola Island

15. *GB LUB Accessory Buildings*

Responsible

Date Received

Review of regulations pertaining to the order of construction of accessory buildings on lots.

12-Sep-2019

16. *Review of model antenna strategy*

Responsible

Date Received

27-Feb-2020

17. *Develop a new Ecological Protection Zone*

Responsible

Date Received

Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties. LTC resolution October 2021 to put this project on Top Priority List once IN1 zone amendments are completed.

21-Jan-2021

18. *Cannabis Production Regulations*

Responsible

Date Received

Review options to allow cannabis production in zones other than 'agriculture' and possible ways to regulate odour, noise, water use and light pollution related to agricultural activities when permitted in a zone.

15-Apr-2021

19. *Update the IN1 zone to reflect community resource and recycling centre range of uses.*

Responsible

Date Received

13-May-2021



Projects Report

Gabriola Island

20. *Review and update DAI bylaw*

Responsible

Date Received

13-May-2021

21. *Heritage Conservation Areas*

Responsible

Date Received

Recognize areas of cultural significance - consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturnina.

03-Mar-2022

22. *Active Transportation Ferry to Village*

Responsible

Date Received

03-Mar-2022