

Regular Meeting Revised Agenda

Date: September 29, 2022
 Time: 10:30 am
 Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

			Pages
1.	CALL TO ORDER	10:30 AM - 10:30 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.	COMMUNITY STEWARDSHIP AWARD PRESENTATION	10:30 AM - 11:00 AM	5 - 5
	In recognition of Chris Straw		
3.	APPROVAL OF AGENDA		
4.	RISE AND REPORT - In Camera Meeting July 28, 2022		
5.	REPORTS	11:00 AM - 11:20 AM	
	5.1. Trustee Reports		
	5.2. Chair's Report		
	5.3. <i>Electoral Area Director's Report</i>		6 - 7
	5.4. First Nation Reports		
6.	TOWN HALL	11:20 AM - 11:30 AM	
7.	MINUTES	11:30 AM - 11:35 AM	
	7.1. Local Trust Committee Minutes dated July 28, 2022 – for adoption		8 - 18
	7.2. Section 26 Resolutions-Without-Meeting - none		
	7.3. Advisory Planning Commission Minutes dated September 2, 2022 - for receipt		19 - 22
	7.4. Housing Advisory Planning Commission Minutes dated September 8, 2022 - for receipt		23 - 26
8.	BUSINESS ARISING FROM MINUTES	11:35 AM - 12:45 PM	

8.1.	Follow-up Action List dated September 22, 2022	27 - 29
8.2.	Heritage Overlay Mapping Project - verbal update	
8.3.	Heritage Commission - Memorandum	30 - 45
8.4.	Emergency Medical Services (EMS) - discussion	
8.5.	Draft Language for Consideration of Standing Resolution regarding Non-Compliant Dwellings - for discussion	
8.5.1.	Letter dated September 1, 2022 to Housing Advisory Planning Commission from M. Gilmour	46 - 49
8.6.	Bylaw Enforcement - Proactive Short Term Vacation Rental (STVR) Enforcement	
8.6.1.	STVR Unlawful Dwelling Report - Staff Report	50 - 51
8.6.2.	Unlawful Dwellings Policy - Staff Report	52 - 54

----- **BREAK 12:45 PM TO 1:15 PM** -----

9.	APPLICATIONS AND REFERRALS	1:15 PM - 2:05 PM
9.1.	GB-DVP-2016.3 (Van Herwaarden) - Staff Report	55 - 71
9.2.	GB-RZ-2022.1 (Alley Enterprises - Maloney - 750 Tin Can Alley) - Staff Report	72 - 85
10.	LOCAL TRUST COMMITTEE PROJECTS	2:05 PM - 2:35 PM
10.1.	Comprehensive Official Community Plan and Land Use Bylaw Project Business Case - Staff Report	86 - 95
10.2.	Ecological Protection Zone - Staff Report	96 - 110
11.	DELEGATIONS	
12.	CORRESPONDENCE	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
13.	NEW BUSINESS	2:35 PM - 2:50 PM
13.1.	Islands Trust Conservancy (ITC) 3 -Year Plan - Briefing	111 - 134
13.2.	Invitation to Take Action on Affordable Housing - for discussion	
13.2.1.	Letter to Minister of Housing and Diversity and Inclusion dated September 2, 2022 from Member of Parliament, Nanaimo-Ladysmith, Lisa Marie Barron and Member of Parliament, Jenny Kwan, Vancouver East	135 - 136

13.2.2.	Email dated September 2, 2022 from Lisa Marie Barron, Member of Parliament regarding Invitation to Take Action on Affordable Housing	137 - 137
13.3.	Consider Cancelling October 27th Local Trust Committee (LTC) Meeting - for discussion	
14.	REPORTS	2:50 PM - 3:00 PM
14.1.	Climate Change Action Update	
14.2.	First Nations Relationship Building	
14.3.	Trust Conservancy Report dated July 13, 2022	138 - 139
14.4.	Applications Report dated September 22, 2022	140 - 145
14.5.	Trustee and Local Expense Report dated June, 2022	146 - 146
14.6.	Adopted Policies and Standing Resolutions	147 - 149
14.7.	Local Trust Committee Webpage	
15.	WORK PROGRAM	3:00 PM - 3:20 PM
15.1.	Top Priorities Report dated September 22, 2022	150 - 150
15.2.	Projects List Report dated September 22, 2022	151 - 155
16.	INFORMATION ITEMS	
16.1.	Letter dated August 22, 2022 from Chair Rogers to Nanaimo Airport Commission regarding Flights over Gabriola Island	156 - 158
16.2.	Letter dated August 23, 2022 from Chair Rogers to Telus regarding Use of Herbicide on Gabriola Island	159 - 160
16.3.	Letter dated August 24, 2022 from Chair Rogers to Nanaimo Airport Authority regarding Float Plan Flights over Gabriola Island	161 - 167
17.	UPCOMING MEETINGS	
17.1.	Next Regular Meeting Scheduled for Thursday, October 27, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre	
18.	CLOSED MEETING	3:20 PM - 3:35 PM
18.1.	Motion to Close the Meeting	
	<i>That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering: Appointment of Board of Variance Members and Adoption of In-Camera Meeting Minutes dated July 28, 2022 and that the recorder and staff attend the meeting.</i>	

18.2. Recall to Order

18.3. Rise and Report

19. ADJOURNMENT

3:35 PM - 3:35 PM

Sustaining the Islands – Community Stewardship Awards Program



2022 Recipient Profile

Chris Straw Gabriola Island Local Trust Area

Category:	Other: Posthumous Award
Project:	Advocacy Against Freighter Anchorages in the Salish Sea
Nominator(s):	Debbie Cook

Project Description: Chris Straw is nominated posthumously for his impactful leadership in advocating against freighter anchorages in the Southern Gulf Islands.

From 2016, until his passing in 2021, Chris was passionate about helping community members advocate to resist the establishment of new anchorages and to address the use of existing anchorages within the Southern Gulf Islands. He greatly expanded the reach and influence of Gabriolans Against Freighter Anchorages (GAFA). He led this work through extensive and strategic outreach. This included leading the development of new digital communications strategies for GAFA, community-based presentations, collaboration with environmental not-for-profit partners, and advancing a media strategy to raise public awareness. Chris engaged with politicians at every political level—local trustees, First Nations leaders, regional, provincial, and federal governments—to promote GAFA's position that freighter anchorages do not belong in the Southern Gulf Islands. Chris was a strong advocate for meaningful government consultation with First Nations about anchorages.

Chris laid the foundation for public understanding of the negative consequences of using the Southern Gulf Island coastlines as parking lots for freighters. He understood that islanders needed to speak with a common voice, and was instrumental in forming the South Coast Ship Watch Alliance. Chris was diligent in keeping public attention on the freighter anchorage issue, and he did so with humour and a steadfast belief that future generations are entitled to thrive in a protected environment. By the time of his passing, thousands of people had become aware of the freighter anchorages issue and the need to take action.¹

¹ Information based on nominee's submission to 2022 Islands Trust Community Stewardship Award Program.

Date: September 29, 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,

I have the following updates to share:

- The RDN's regional parks and trails strategy was endorsed by the Board this week. You can find it here: <https://rdn-pub.escribemeetings.com/filestream.ashx?DocumentId=27399>. The document outlines a vision for the RDN's park department over the next decade or so. The strategy has been in development for a couple of years including multiple discussions at the Regional Parks and Trails Select Committee and two rounds of public engagement. It includes an interesting look at how the parks portfolio has grown over the years and highlights a growing interest in parks being acquired and managed for conservation purposes in addition to parks for recreation (historically the focus was on acquiring parks for recreation as a primary function). Important work in the near term is to foster collaboration with First Nations, develop a regional park acquisition strategy, reassess the regional park classification system (eg if a park is meant for conservation, identify it as such - eg "conservation area" instead of "regional park"), update park management plans, develop parks and trails master plans for each electoral area, and develop and implement an invasive species strategy. In addition, we will add a staff person to work with volunteer organizations to coordinate and support volunteer-led stewardship projects.
- Discussion continues on the potential to include art from a Snuneymuxw artist at Huxley Park and Descanso Bay Regional Park.
- Re the reduced speed zone around Huxley Park – MoTI has indicated that they are in the process of evaluating the request, as well as the request for an additional crosswalk at the park entrance. I don't have a timeline for a response yet, but I will follow up when the electoral area Directors have a meeting with MoTI which will occur after the election (date to be determined)
- I was fortunate to attend UBCM and its many useful seminars. The Tiny Home resolution from the RDN was included in the package, and linked to a similar one from the Town of Oliver. Both resolutions requested that UBCM advocate for a review of the BC Building Code to address barriers to building tiny homes, and for the changes to be incorporated into the Building Code. The resolution was supported.
- Huxley Park – the entrance to Huxley Park was paved this week, and the two shade structures will be installed in the next month or so. I'll try to get out advance notice of the works if possible (and for those on Facebook, the Gabriola Skatepark Facebook page is a great source of info).
- The Board endorsed staff applying for a grant to support a geohazard risk prioritization study. If funding is received, the work will build on the Hazard Risk and Vulnerability Analysis completed in 2019 that identified flooding and landslides as a risk across the region, as well as recent coastal and riverine flood mapping.
- Unfortunately, the POSAC meeting scheduled for Monday this week is in the process of being rescheduled because I was unable to attend. Currently we're looking at mid November for a meeting date (it's being delayed due to committee member availability as well as a mandatory black-out period around the election). I will provide an update once the date/time has been finalized. There are currently numerous items on the agenda including:
 - Regular updates from the Gabriola Recreation Society and GaLTT
 - Delegations re. a trail between Paisley Park and the new Cox Park addition, and using the Rollo McClay field for soccer and correspondence about placing signage encouraging the public to leave wildlife alone
 - Updated draft wording from the Museum for a sign proposed to be placed at the Malaspina Galleries

- Staff updates on activities in parks on Gabriola
- A staff report recommending that the RDN apply to UBCM for a grant to implement phase 1 of the 707 community park fuel management prescription, for discussion

Upcoming

- All meetings continue to be held in hybrid fashion and are live streamed. Videos and agendas of the meetings are available on the RDN calendar webpage <https://www.rdn.bc.ca/agendas-minutes-videos>
- The last Electoral Area Services Committee meeting of this term is on October 6th (1 pm start)
- The last RDN Board meeting of this term is on October 11th (1 pm start)
- The inaugural Board meeting for the next term is on November 8th (1 pm start)

I have enjoyed working with all of you over the past few years. It's been a privilege. Thank you for your work, and for inviting me to participate by providing these updates at LTC meetings.

Respectfully submitted,

Vanessa Craig



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: July 28, 2022
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

Members Present: Dan Rogers, Chair
 Kees Langereis, Local Trustee
 Scott Colbourne, Local Trustee
 Sonja Zupanec, Island Planner by Zoom
 Anthony Fotino, Island Planner by Zoom
 Stephen Baugh, Planner 2 by Zoom
 Katherine Vogt, Recorder by Zoom

Others Present Vanessa Craig, Electoral Area Director
 Approximately seven (7) members of the public

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 10:32 am. He introduced Trustees, Staff, and recorder; and welcomed members of the public. Chair Rogers, Trustee Colbourne, and Trustee Langereis acknowledged that the meeting was being held in territory of the Coast Salish First Nations. Chair Rogers noted that the meeting was a hybrid of in person and electronic participation, but without electronic public participation; and, that the meeting was being livestreamed with a 25 second delay; and, that it was being recorded for addition to the Islands Trust website.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Move item 7.2 Memorandum to after item 10.4.

By general consent the agenda was approved as amended.

3. RISE AND REPORT

Chair Rogers noted that there was nothing to rise and report because there had been no in-camera meeting in June, 2022.

4. REPORTS

4.1 Trustee Reports

Trustee Colbourne reported on the following:

Gabriola Island
 Local Trust Committee Minutes
 July 28, 2022

- The online June 2022 Trust Council meeting at which Trustee Colbourne's motion to have the Provincial Government review the *Islands Trust Act* was passed with 20 votes.
- A recent meeting with Snuneymuxw Chief, Council and Staff at which it was expressed that the elders no longer want to repatriate the remains of loved ones; and at which gratitude was expressed for the Islands Trust for their contributions to the formal agreement between Snuneymuxw First Nations and BC Ferries which was to be signed today.

Trustee Langereis reported on the following:

- The passing of the motion to review the *Islands Trust Act* and the establishment of a Standing Governance Committee at the last Trust Council meeting should prove beneficial.
- A recent site visit to the old gravel pit near Whalebone regarding Provincial rezoning and provision for a reburial site.
- An upcoming Trust Programs Committee meeting on August 26, 2022 regarding the Trust Policy Statement and other recent recommendations.
- A report regarding national marine protection zones around Gabriola should be ready in the new year.
- Camp Miriam is looking for a licenced lifeguard for their next summer session.

4.2 Chair's Report

Chair Rogers reported on the following:

- The Governance Committee will be made up of seven Trustees, including Trustee Langereis, and is intended to be a permanent new committee.
- Recent and upcoming Trust Programs Committee meetings.
- Stefan Cermak, former Islands Trust Regional Planning Manager, has just been hired as the new Islands Trust Director of Planning, taking over for David Marlcor who is moving to the Legislative Manager's Office.
- An upcoming art exhibition and symposium at The Yellowhouse Art Centre on Galiano Island, BC from July 23 to August 21, 2022
<https://www.thewaterwecallhome.com>
- August is a hiatus month for most local governments.

4.3 Electoral Area Director's Report

The Regional District of Nanaimo Electoral Area B Director, Vanessa Craig, reported on the following:

- Snuneymuxw First Nation has expressed interest in contributing a work of art for Huxley Park. Public comments are welcome.
- The Regional Parks and Trust Strategy is nearing completion. A draft report is available and will soon be reviewed by the Regional Parks and Trails Select Committee at their upcoming meeting in September 2022. Public comments are welcome.
- Trail research regarding Malaspina and accessible path resurfacing at Blue Heron Canadian Park.
- Beach and boat access issues and improvement.

- Coats Marsh Weir will be reinforced.
- A request for a speed control zone around Huxley Park. Email support for such a zone can be forwarded to Ministry of transportation and Infrastructure (MOTI) Operations Manager, Nikky Schneider and MOTI District Manager, Angie Allwood with a copy to Director Craig.
- The Community Health and Wellbeing Planner position contract feasibility study is continuing and has met twice with the Gabriola health and Wellness collaborative of 30 groups. A consultant's report should be completed in September 2022.
- Sea Level Rise Adaptation Mapping Project for potential flooding impacts.

4.4 First Nation Reports

Trustees discussed a Dust n' Bones film screening opportunity for Gabriola Island for September 2022.

5. TOWN HALL

Members of the public noted the following:

- Long-term Gabriola residents pushed out of their current rental accommodations are unlikely to find a new place, many residents live in fear of being evicted from non-compliant dwellings, and many people have already left the island due to lack of affordable rentals. BC Ferries and other local business and services staff shortages are being caused by lack of rental units causing lineups, increased costs, and the inability to attract doctors.
- The Gabriola Local Trust Committee (LTC) should defer enforcement of safe, unlawful dwellings in alignment with the Salt Spring Island LTC.
- Homeless Gabriola residents may choose not to leave the island.
- The Housing Options and Impacts Review Project has stalled since September 2021 except for the Density Transfers portion. The staff recommendations for the OCP review does not include the entire Project, which should be included and kept as a Top Priority.

Trustee Colbourne made the following motion, modeled on an existing Salt Spring motion, for consideration as a draft motion for a standing resolution to be tabled:

GB-2022-056

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee endorse and adopt a standing resolution to state that enforcement activities will be deferred for all non-compliant dwellings being used for residential purposes until there are safe, secure and appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:

- a. there are concerns regarding health and safety;
- b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;
- c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
- d. there are concerns of possible contamination of wells or other drinking water sources;
- e. unlawful dwellings are in environmentally sensitive areas;
- f. there are non-permitted campgrounds; and,

g. that the Gabriola Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.

TABLED

GB-2022-057

It was MOVED and SECONDED,

that the Gabriola Local Trust Committee defer consideration of the tabled motion GB-2022-056 until the September 29, 2022 Gabriola local Trust Committee meeting, and refer it for commentary to the Housing Advisory Planning Commission, the Advisory Planning Commission, and the community in general.

CARRIED

GB-2022-058

It was MOVED and SECONDED,

that the Gabriola Local Trust Committee request that staff refer the tabled motion GB-2022-056 to the bylaw enforcement manager.

CARRIED

GB-2022-059

It was MOVED and SECONDED,

that the Gabriola Local Trust Committee request that bylaw compliance and enforcement provide an update on the proactive enforcement of short-term vacation rental and non-compliant dwellings for the September 29, 2022 Gabriola Local Trust Committee meeting.

CARRIED

6. MINUTES

6.1 Local Trust Committee Minutes dated June 16, 2022 – for adoption

The following amendments to the minutes were presented for consideration:

- Under Item 3.1, first bullet point, first and second lines, the phrase 'Request for Proposal' and the acronym (RFP) should be changed to 'Request for Decision' and (RFD) respectively.
- Under item 3.1, fifth bullet point, the acronym 'FRP' should be changed to the acronym 'RFP.'

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated July 19, 2022

Received.

7.2 Heritage Commissions – Memorandum

Deferred until after item 10.4

8. APPLICATIONS AND REFERRALS

8.1 GB-DVP-2022.2 (Beath - 861 Sharie Road) - Staff Report

Planner Baugh presented the staff report that recommends approval for a Development Variance Permit (DVP) application to reduce the setback requirement of 1.5m from a zone boundary to 0m, to permit an existing house and proposed deck to be sited across a zone boundary on a split-zoned lot.

A Trustee questioned that the structure straddling two density zones could possibly complicate a future subdivision.

- Planner Zupanec noted the ambiguity regarding a zoning density being considered a separate lot on a split-zoned lot and offered to seek clarification regarding the ramifications for future subdivision.

GB-2022-060

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee approve issuance of GB-DVP-2022.2 (Beath).

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Projects Lists - Staff Report

Planner Zupanec presented the staff report prepared by Regional Planning Manager, Heather Kauer, that asks Trustees to consider endorsing an updated 'Top Priorities List' and an updated 'Projects List;' and to consider requesting staff to prepare a draft business case for a Gabriola Island Comprehensive Official Community Plan (OCP) and Land Use Bylaw (LUB) project, the estimated cost of which is \$50,000 to \$75,000 over two to three years.

Planner Zupanec noted the following:

- Trust Council budget deadlines for submitting a business case is this fall.
- Chair Rogers added that the Financial Planning Committee (FPC) is meeting on August 31, 2022 and business cases are not expected to be reviewed at this time. The next FPC meeting will be October 12, 2022 and business cases could be reviewed then.
- Chair Rogers noted that Regional Planning Manager Kauer was attempting to streamline projects and priorities with budgets throughout the Trust area.

GB-2022-061

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as presented on July 28, 2022 for further consideration by the incoming Local Trust Committee.

TABLED

A Trustee suggested that the entirety of The Housing Options and Impacts Review project, not just the density deliverables portion of it, needed to be included in a

comprehensive OCP/LUB review; and that First Nations Engagement needed to be maintained on the Projects List.

GB-2022-062

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee table the previous motion GB-2022-061 until September 29, 2022 and request that staff review the Housing Options and Impacts Review Project Charter and identify elements that could be included in the comprehensive Official community Plan and Land Use Bylaw project for a report for next meeting.

CARRIED

GB-2022-063

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff to prepare a draft business case for a Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw project for consideration of Gabriola Island Local Trust Committee endorsement.

CARRIED

9.2 Ecological Protection Zone - discussion (no report)

Planner Fontino noted that Burns Acres, currently designated 'Large Rural Residential,' needs a new OCP amendment bylaw to conform to the overall project, which would necessitate a public hearing.

GB-2022-064

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff to proceed with the Ecological Protection Zone draft bylaw in relation to Elder Cedar and remove Burns Acres from the project charter.

CARRIED

10. DELEGATIONS

10.1 Ivan Bulic regarding a Community Heritage Register

Ivan Bulic presented a one-page hard copy letter to Chair Rogers and spoke on the following:

- Previous local support for a Community Heritage Register.
- There are two ways to create a local Heritage Commission; by appointment of a new entity by bylaw, or by designating an existing organization. The Gabriola Historical Museum Society, formed in 2019, is legally capable of functioning as a Heritage Commission.
- A local Heritage Commission could relieve Islands Trust staff of time spent maintaining the register; and terms of reference can be set through a memorandum of understanding.
- The Islands Trust under the Heritage Act is considered equivalent to a municipal government once a Heritage Registry is established, then the authority is granted to the local government with a process of compensation.

- Development pressures can risk losing valuable historic sites and objects before they have even been recognized or documented.

10.2 André Lessard regarding Gabriola Heritage, Significance and Conservation

Andre Lessard, a licensed Heritage Consultant, a 23 year member of the Canadian Association of Heritage Professionals, and the author of the Gabriola Community Hall Statement of Significance noted the following:

- Gabriola is rich in historic items and places including: 100 indigenous archaeological sites; marine and industrial shipyard and brickyard sites; settler residential and public buildings constructed between 1880 and 1919; historical articles, books, and other valuable documents and inventories.
- A Heritage Registry on Gabriola would help to identify, preserve, restore, raise awareness of, and encourage documentation of records keeping for current and future generations.
- BC Archives, located in the basement of the BC museum, has been a source for valuable Gabriola records but may soon not be very convenient to access.
- The Gabriola Historical Museum Society follows standard professional guidelines.

10.3 Elizabeth Iachelli, Vice President, Gabriola Island Community Hall Association regarding creation of a Heritage Register and Heritage Commission

Elizabeth Iachelli spoke on the following:

- A registry would help preserve and respect indigenous sites on Gabriola that are 5000 to 8000 years old by providing an official structure of communication with Snuneymuxw First Nation
- Many petroglyphs on private property currently have no means of protection.
- A signed Memorandum of Understanding provides for Snuneymuxw First Nation to be consulted on any project undertaken by the Gabriola Historical Museum Society.
- Discussions with Elder Geraldine Manson of Snuneymuxw First Nation regarding the 'Village of the Ancestors' formerly called 'Petroglyph Park.'

<https://gabriolacommunityhall.com/wp-content/uploads/2020/03/sos-and-background.pdf>

10.4 Chris Campbell, Director, Gabriola Museum regarding creation of Heritage Register and Heritage Commission

Chris Campbell, Director of the Gabriola Museum, spoke on the following:

- At least 12 sites on Gabriola could be put in the Heritage Registry.
- It is in the Gabriola OCP that a Heritage Registry should be established.
- The Gabriola Museum received a grant from Canadian Heritage in 2017 to publish a booklet called 'Traveling in Time: A Guide to the Historic Places on Gabriola.' This booklet on its own forms a basis for a Heritage Registry.
- A grant from Heritage BC allowed for the creation of Statements of Significance.
- Heritage BC provided a letter of support for the Gabriola Historical Museum Society and indicates possibilities for grant funding for local Heritage Commission projects.

Chair Rogers updated that the Trust-wide Indigenous Heritage Overlay Mapping project was continuing, though stalled due to the recent departure of Senior Intergovernmental Policy Advisor, Lisa Wilcox.

By general consent the meeting was recessed at 1:30 pm and reconvened at 1:57 pm.

7.1 Heritage Commissions – Memorandum

Planner Zupanec presented the Memorandum from Regional Planning Manager Heather Kauer dated July 28, 2022 in which staff recommend that the Gabriola LTC not establish a Heritage Commission nor a Heritage Registry due to staff time constraints.

GB-2022-065

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request additional information from Islands Trust staff on the Heritage Overlay Mapping Project as it relates to heritage conservation.

CARRIED

Trustee Langereis requested that 7.1 Heritage Commissions- Memorandum be put back on the September 29, 2022 agenda.

Trustee Colbourne offered to raise the Heritage Registry issue at his next meeting with Snuneymuxw First Nation and to report back for the next LTC meeting.

11. CORRESPONDENCE

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

11.1 Email dated July 8, 2022 regarding Aircraft Noise Pollution

Trustee Colbourne noted that an older Transport Canada letter to the Trust would be beneficial to review.

GB-2022-066

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that Chair Rogers write a letter to Nanaimo Port Authority regarding seaplane routes and a letter to the Nanaimo Airport Authority regarding airplane flight paths as they affect Gabriola.

CARRIED

12. NEW BUSINESS

12.1 School Site Acquisition Charge - Staff Report

Planner Zupanec presented the staff report dated July 28, 2022 that recommends that Trustees consider including Electoral Area B in the Regional District of Nanaimo's updated 'School Site Acquisition Charge' that would lower the threshold for new development charges from 4 or more dwelling/lots to two or more dwelling/lots.

Planner Zupanec noted the following:

- Detached secondary suites would not trigger the tax.
- The charge per unit would be from \$600 to \$1000, depending on the number of units created per hectare.
- Administration of the tax is conducted by the Regional District of Nanaimo or Provincial Approving Officer, not the Islands Trust.

GB-2022-067

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that the Regional District of Nanaimo amend Bylaw No. 1850, 2022 'A Bylaw to Establish School Site Acquisition Charges' to include Electoral Area 'B' in the collection of the charge for all applicable building permits and subdivisions resulting in two or more dwelling/lots.

CARRIED

12.2 Emergency Response Planning and Potential Ambulance Service Level Request - for discussion

Deferred until more information can be gathered.

12.3 Use of Herbicides by Commercial Interests Close to Community Water Sources - for discussion

A Trustee noted that some Gabriola residents had observed contractors applying herbicides which likely included Roundup on the grounds around the Telus building on the ferry hill which is about 25 meters upslope from a community water well which provides water for many residents, the pub and the ferry buildings.

GB-2022-068

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request that the Chair write a letter to Telus outlining concerns around herbicide use close to their facility on Gabriola Island and request that they monitor the adjacent water well for the foreseeable future.

CARRIED

12.4 National Marine Conservation Area and Proposed Anchorage Sites - for discussion

Trustees discussed strategies for gaining support for extending the boundary of the Gabriola National Marine Conservation Area.

13. REPORTS

13.1 Climate Change Action Update

Trustee Colbourne noted that he was currently researching transportation grant funding potentials for Gabriola Island.

13.2 First Nations Relationship Building

Chair Rogers thanked Trustees for their recent participation in the presentation of the Islands Trust Community Stewardship Award to Snuneymuxw Elder Geraldine Manson

(C'tasi:a) at her June 20, 2022 book launch for *Snuneymuxw History Written in Places and Spaces: Ancestor's Voices – An Echo in Time*.

13.3 Trust Conservancy Report dated May, 2022

Trustee Rogers observed that it would be beneficial for the Conservancy to attend an LTC meeting at least once a term.

13.4 Applications Report dated July 19, 2022

Received.

13.5 Trustee and Local Expense Report – none

Received.

13.6 Adopted Policies and Standing Resolutions

Received.

13.7 Local Trust Committee Webpage

14. WORK PROGRAM

14.1 Top Priorities Report dated July 19, 2022

Received.

14.2 Projects List Report dated July 19, 2022

Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, September 29, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre

By general consent the regular meeting was recessed at 2:46 pm.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GB-2022-069

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a) and (d) for the purpose of considering (a) Personal Information about an identifiable individual who holds or is being considered for a position as an agent of the municipality or another position appointed by the municipality and (d) adoption of In-Camera Meeting Minutes dated April 7, 2022 and that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

None.

16.3 Rise and Report

None

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:07 pm.

Dan Rogers, Chair

Certified Correct:

Katherine Vogt, Recorder



Minutes of the Gabriola Island Advisory Planning Commission

Date of Meeting: Friday September 2, 2022

Location: Electronic Meeting by Zoom

APC Members Present: Jeff Malmgren, Chair
Jennifer Laidley, Deputy Chair
Susan Yates
Angela Pounds
Deb Ferens
Don Elkington

Staff Present: Sonja Zupanec, Island Planner
Katherine Vogt, Recorder

Others Present: Approximately one (1) member of the public

1. CALL TO ORDER

Chair Malmgren called the meeting to order at 11:00 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Commission Members, Staff, and Recorder. He noted that the Advisory Planning Commission was entering a new term; was accountable to the Local Trust Committee specifically; and could allow members of the public to attend meetings as observers.

2. APPROVAL OF AGENDA

The following item addition to the agenda was presented for consideration:

- Add 'Past and present members of the Advisory Planning Commission' to after Item 3. 1. Move existing agenda items forward.

GB-APC-2022-001

It was MOVED and SECONDED,

that the Gabriola Island Advisory Planning Commission approve the agenda as amended.

CARRIED

3. MINUTES

3.1 Gabriola Island Advisory Planning Commission Draft Minutes dated September 9, 2021

GB-APC-2022-002

It was MOVED and SECONDED,

that the Gabriola Island Advisory Planning Commission adopt the draft minutes dated September 9, 2021.

CARRIED

4. Past and Present Members of the Advisory Planning Commission

Chair Malmgren recognized and thanked former Advisory Planning Commission (APC) members Robert Plowright and Lisa Webster-Gibson for their time spent on the APC.

Chair Malmgren regrettably informed that APC member Peter Maidstone had recently passed away suddenly and would be greatly missed. It was agreed that the Chair send a letter of condolence and appreciation on behalf of the APC.

5. Election of New Secretary

Planner Zupanec noted that the task of Secretary was to help the Chair coordinate meetings when a referral to the Commission is made by the Local Trust Committee. Time commitments involved can be 1-2 hours of preparations for each meeting.

GB-APC-2022-003

It was MOVED and SECONDED,

that the Gabriola Island Advisory Planning Commission table discussion of election of a new secretary.

TABLED

6. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE

6.1 Draft Standing Resolution being considered by the Gabriola LTC regarding non-compliant housing bylaw enforcement

Chair Malmgren noted that he had recently received a significant number of community emails regarding the draft resolution, some of which provided factual information and were subsequently forwarded to APC members, but others of which were opinion oriented and not forwarded to APC members; because it is not in the mandate of the APC to be lobbied by the public. Also, these emails came through the Chair's personal email account, such that only people who knew of that account were able to communicate about the issue. Chair Malmgren offered to respond to and forward these opinion emails to the Local Trust Committee.

Chair Malmgren noted that the current referral was not to provide rationale in support of or non-support of, but to provide comments on the wording of, the following draft standing resolution currently in place on Salt Spring Island and North Pender Island:

“That the Gabriola Island Local Trust Committee adopt a standing resolution to state that enforcement activities will be deferred for all non-compliant dwellings being used for residential purposes until there are safe, secure and appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:

- a. there are concerns regarding health and safety;*
- b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;*
- c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of non-compliant dwellings;*
- d. there are concerns of possible contamination of wells or other drinking water sources;*
- e. unlawful dwellings are in environmentally sensitive areas;*
- f. there are non-permitted campgrounds; and*
- g. that the Gabriola Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.*

Planner Zupanec clarified that non-compliant dwellings include a single -family dwelling density that exceeds what is permitted in a particular zone. Every parcel on Gabriola is zoned with a specific density provision. Any additional density is considered non-compliant. Such additional densities could be stand alone on the property or within an existing residence. A dwelling is defined in the Land Use Bylaw as being used as a residence. Also, residences that failed to achieve an occupancy permit due to lack of approval for water, sewage, or electric would be considered non-compliant due to health and safety reasons.

APC members spoke on the following:

- The wording in the ‘in perpetuity’ clause is very broad.
- Periodic review of the standing resolution could be valuable.
 - Planner Zupanec noted that Standing Resolutions cannot fetter the discretion of new LTCs; and they can be removed or reviewed.
- How are health and safety concerns measured?
- How can it be determined what structures may or may not be ‘existing?’
- Higher levels of government have been negligent on housing.
- Liability on household insurance for non-compliant dwellings is not addressed.
- Fire risk is a significant issue.
- The word ‘may’ should be upgraded to ‘will’ for enforcement of unsafe dwellings.
- The addition of the phrase ‘It is determined’ would provide better accountability.
- The anonymous complaints-driven bylaw enforcement process is problematic.
 - Planner Zupanec clarified that it was not correct that Bylaw Enforcement accepts anonymous complaints.

GB-APC-2022-004

It was MOVED and SECONDED,

that the Gabriola Island Advisory Planning Commission, in response to referral GB 3050-01 dated July 28, 2022, provides the following recommendations:

1. remove the clause *'until there are safe, secure and appropriate housing options that are affordable for all demographics and household types in perpetuity'*;
2. remove within the clauses 'a' through 'd' the phrase 'there are concerns' and replace with 'it is determined that there are issues'; and
3. that within clause 'g', replace the word 'may' with 'will.'

CARRIED

APC members discussed the need for the draft Standing Resolution to have a review process with an appropriate timeframe.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 11:59 pm.

Jeff Malmgren, Chair

Certified Correct:

Katherine Vogt, Recorder

Minutes of the Gabriola Island Advisory Planning Commission

Date of Meeting: Thursday, September 8, 2022

Location: Islands Trust Boardroom
700 North Road, Gabriola Island, BC

APC Members Present: Steven Earle, Chair
Toby Elliot
Dyan Dunsmoor-Farley
Angela Pounds
John Woods

Staff Present: Sonja Zupanec, Island Planner
Katherine Vogt, Recorder by Zoom

Others Present: Approximately five (5) members of the public

1. CALL TO ORDER

Chair Earle called the meeting to order at 11:59 pm. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Commission Members, Staff and Recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were considered:

- Item 4.1: Correspondence
- Item 6: Density Donation Outreach

By general consent, the agenda was approved as amended.

3. MINUTES

3.1 Gabriola Island Housing Advisory Planning Commission Draft Minutes dated July 28, 2021

GB-HAPC-2022-001

It was MOVED and SECONDED,

that the Gabriola Island Housing Advisory Planning Commission adopt the Gabriola Island Housing Advisory Planning Commission minutes of July 28, 2021

CARRIED

4. BUSINESS ITEMS

4.1 Correspondence

Chair Earle noted that he had recently received correspondence expressing support for the draft standing resolution being considered today from the following local members of the public: Joelle Anthony, Vicki Scott, Katherine Malloy, Margy Gilmore, Arlene Mcloick and Nancy Hetherington-Peirce. All correspondence had been shared with the Housing Advisory Planning Commission (HAPC) members.

5. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE

Draft Standing Resolution being considered by the Gabriola LTC Regarding non-compliant housing bylaw enforcement

Chair Earle noted that the HAPC could reject, accept, or suggest changes to the following draft standing resolution for consideration:

“That the Gabriola Island Local Trust Committee adopt a standing resolution to state that enforcement activities will be deferred for all non-compliant dwellings being used for residential purposes until there are safe, secure and appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:

- a. there are concerns regarding health and safety;*
- b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;*
- c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of non-compliant dwellings;*
- d. there are concerns of possible contamination of wells or other drinking water sources;*
- e. unlawful dwellings are in environmentally sensitive areas;*
- f. there are non-permitted campgrounds; and*
- g. that the Gabriola Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.*

Planner Zupanec left the meeting at 12:09 pm and returned at 12:12 pm.

Planner Zupanec noted the following:

- The draft standing resolution has been referred to Bylaw Enforcement and the assumption is that a non-compliance file could be opened and investigated, but remain inactive and not enforced, under the terms of the proposed standing resolution.
- On Agricultural Land Reserve (ALR) parcels, 4 campsites are permitted as part of an approved agro-tourism accommodation connection. Non-compliant use of this campground provision might occur.
- A non-compliant “dwelling” in the Land Use Bylaw (LUB) is a residence with sleeping and cooking facilities that is not permitted due to zoning density; or, the dwelling may be a permitted building that has yet to be granted a business or occupancy

permit from the Regional District of Nanaimo (RDN) due to plumbing, electrical or seismic requirements not being met.

- A recreational vehicle (RV) used for more than 90 days of the year would be considered non-compliant.
- The LUB requires that an RV must be connected to an approved sewage disposal; but the Vancouver Island Health Authority (VIHA) allows RV's to do a dump and haul in Nanaimo.
- The draft standing resolution addresses health and safety issues; but not nuisance, unsightly premises, and other concerns.
- The RDN has a permit exemption for buildings less than 100 square feet; but, the Islands Trust considers that a dwelling regardless of its size may be considered a dwelling. Multiple small dwellings on a site might be utilized as an attempted workaround of existing regulations.

HAPC members noted the following:

- The draft standing resolution was considering all non-compliant dwellings, not just existing ones; and It may be difficult to determine if a dwelling is existing or new.
- The standing resolution could attract new residents and make it more difficult for current residents to maintain protected housing.
- The draft standing resolution is not a solution to the housing crisis on Gabriola Island and the entire Province, but a stop-gap measure.
- The lack of accurate information regarding the extent of non-compliance on Gabriola Island amplifies anxiety.
- Future housing policies would benefit from ongoing review of data collection of on-the-ground housing conditions and complaints.
- Many tenuous housing situations are not complained about.

GB-HAPC-2022-002

It was MOVED and SECONDED,

that the Gabriola Island Housing Advisory Planning Commission recommends that Trustees review the impact of this standing resolution on a regular basis to assess its efficacy in dealing with the housing crisis.

CARRIED

GB-HAPC-2022-003

It was MOVED and SECONDED,

that the Gabriola Island Housing Advisory Planning Commission recommends the removal of the term 'in perpetuity' from the standing resolution.

CARRIED

HAPC members agreed that the following comments on the draft standing resolution be noted:

- HAPC members were not able to agree on the addition of the word 'existing', as it would apply to dwellings in the draft standing resolution.
- The HAPC expressed that the intention of the term 'concerns' should be strengthened in clauses a through d.

6. DENSITY DONATION OUTREACH

Planner Zupanec noted the following regarding the Density Donation Outreach program:

- The Gabriola Local Trust Committee (LTC) has requested that staff develop a longstanding, comprehensive, easy to follow density donation information package regarding how property owners can donate a density from their parcel. This draft package should be available for review just after upcoming elections.
- There have been four serious density donation inquiries across the Trust area, including one from Denman Island.

Chair Earle requested that he be able to review the draft minutes of the present meeting as soon as they became available.

By general consent, the meeting was adjourned at 1:31 pm.

Steven Earle, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Gabriola Island

07-Apr-2022

Activity	Responsibility	Dates	Status
1 Density Donation Outreach Program: - revised project charter endorsed (update budget to reflect actual spent in last fiscal) - prepare a draft information package for the program and refer to HAPC for review and comment before going to LTC - try to coordinate mail out with any Trust wide mail out initiatives	Sonja Zupanec		In Progress

28-Jul-2022

Activity	Responsibility	Dates	Status
1 Staff to refer the GB LTC standing resolution regarding non-compliant dwellings to the APC, HAPC and the Bylaw Enforcement division for comment. Bring back to September LTC meeting for discussion.	Becky McErlean Penny Hawley Sonja Zupanec		Completed
2 LTC requests a report for the September 2022 meeting updating the LTC on proactive short term vacation rental enforcement on Gabriola and non-compliant dwelling complaints.	Warren Dingman		Completed
3 Issue GB-DVP-2022.2	Becky McErlean Stephen Baugh		Completed

Follow Up Action Report

Gabriola Island

28-Jul-2022

Activity	Responsibility	Dates	Status
4 LTC request staff to prepare a business case for a comprehensive OCP/LUB review project. Bring forward a Top Priorities and Projects List that retains the First Nations relationship building and 'Housing Options and Impacts Review Project' in-scope items for the September 29th meeting for review by the LTC.	Heather Kauer		Completed
5 LTC request staff to proceed with Ecological Protection Zone for Elder Cedar Nature Reserve at this time and remove Burren's Acres from project charter as it requires an OCP amendment and can be done at a later date.	Anthony Fotino		Completed
6 Request staff to provide an update on the heritage overlay mapping project as it relates to heritage conservation.	Heather Kauer		Completed
7 Defer Heritage Commission memo of July 28th agenda to the September 29 agenda for further LTC consideration. Defer Emergency Services discussion to September 29th agenda.	Becky McErlean		Completed
8 Staff to advise the RDN that the LTC requests an amendment to BL 1850 to include electoral area B.	Sonja Zupanec		Completed

Follow Up Action Report

Gabriola Island

28-Jul-2022

Activity	Responsibility	Dates	Status
9 Staff to support Chair preparing a letter to the Nanaimo Airport Authority and Port Authority regarding complaints from Gabriola island about air traffic noise. <i>Letter sent to Nanaimo Airport Commission Aug 22/22 and sent to Nanaimo Harbour Authority Aug 24/22.</i> Chair to prepare a letter to Telus regarding the use of a herbicide on Gabriola Island and request well monitoring. <i>Letter sent August 23, 2022</i>	Wil Cottingham		Completed

MEMORANDUM

File No.: Gabriola Projects
6500 LTC Work Program

DATE OF MEETING: July 28, 2022
TO: Gabriola Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Heritage Commissions

PURPOSE

The purpose of this memorandum is:

- To respond to the LTCs request that staff report back on the feasibility of forming a Heritage Commission.

Findings

- A Community Register can be established by resolution. See Attachment 1 of this report for more information on what a Community Register is;
- A Heritage Commission must be established by bylaw (LGA, Division 3, Sections 243 and 245);
 - The bylaw must spell out:
 - Information describing the commission's membership;
 - the time and manner of holding the Commission's annual general meetings, and
 - the Commission's election information.
- The LTC can only provide financial assistance to a Commission if Trust Council adopts a delegation bylaw, pursuant to Trust Council Policy 6.5.3:
 - *"Local Trust Committees may not provide financial assistance to community organizations or other groups or individuals unless Trust Council has, by bylaw, delegated its authority under Section 8(2)(h) of the Islands Trust Act."*
- "Providing financial assistance" does not include delegating authority to spend money on an on-going basis. For example, if a Heritage Commission was established and they wanted to notify property owners by mail of the LTCs consideration of putting their property on a register, the Commission must ask Islands Trust staff to order and pay for printing and postage.

Islands Trust Heritage Actions

The following table details the list of Local Trust Areas that have adopted heritage provisions of one sort or another since 1997. Of note is that no Heritage Commissions have been established.

LTA	Heritage Tool	Establishment	Notes
Denman	Heritage Register	2011 by resolution	2 properties were added to the register at the same time the register was established; No other properties have been added to the register since the initial 2011 adoption; Staff spent approximately 40 hours over the course of 5 months researching the topic, contacting property owners, writing staff reports, and attending LTC meetings on this project. On-going Islands Trust staff time is required to maintain the register and keep related documents up-to-date on the website.
Saturna	Heritage Bylaw adopted protecting one property	2009 Bylaw adoption	One property was designated on Saturna by Islands Trust; no others have been given protection since 2009; Bylaw adoption from start to finish took approximately one year. On-going Islands Trust staff time is required to maintain the register and keep related documents up-to-date on the website.
South Pender	Heritage Register	2018 by resolution	One property designated on SP at the same time the register was adopted. No other properties have been added to the register since 2018; Staff spent approximately 60 hours over the course of 8 months researching the topic, contacting property owners, writing staff reports, and attending LTC meetings on this project. On-going Islands Trust staff time is required to maintain the register and keep related documents up-to-date on the website.
Salt Spring	Heritage Register	2008 by resolution	One property added by resolution in 1997; Two additional properties added in 2008 along with the resolution. No other properties have been added to the register since 2008. On-going Islands Trust staff time is required to maintain the register and keep related documents up-to-date on the website.

Recommendation

Staff are recommending that the LTC not establish a Heritage Commission nor a Heritage Register. Both of these programs would require more preliminary and on-going staff resourcing than is warranted given the limited benefit of these heritage preservation tools.

Alternatively, the LTC could put “The establishment of a Heritage Register and Heritage Commission bylaw” on the LTC Projects List.

NEXT STEPS

None recommended.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	July 14, 2022
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ATTACHMENTS

1. Establishing Community Heritage Registers: BC Government Guide for Local Governments and Heritage Organizations
2. Community Heritage Commissions and Similar Entities

Establishing Community Heritage Registers



A Guide for Local Governments and Heritage Organizations



BRITISH
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Ministry of Tourism, Sport
and the Arts



Canada's
Historic Places

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du Canada

Establishing Community Heritage Registers

A Guide for Local Governments and Heritage Organizations



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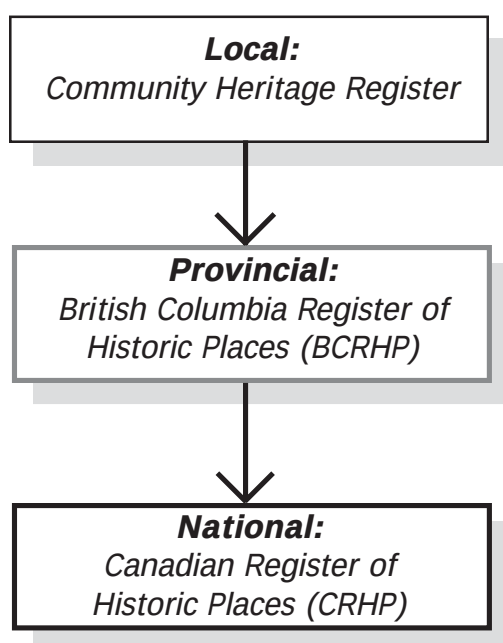
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INTRODUCTION

A *Community Heritage Register (CHR)* is an official list of *historic places*, specific to a community, which have been identified by the local government as having *heritage value* or *heritage character*. Among other things, a CHR enables a local government to understand and identify the significance of a community's historic places, to monitor heritage properties for proposed changes, and to integrate heritage conservation activities into other local government land use planning processes. This document outlines the benefits of Community Heritage Registers and provides guidelines for the creation and maintenance of a CHR by local governments.

The creation of a Community Heritage Register, in accordance with section 954 of the *Local Government Act (LGA)* or section 582 of the *Vancouver Charter (VC)*, ensures the inclusion of a community's historic places on the *British Columbia Register of Historic Places (BCRHP)*, the official provincial listing of historic places that have been formally recognized for their heritage value by the provincial or local governments. Listings on the BCRHP may also be included on the *Canadian Register of Historic Places (CRHP)*, a register of registers which will become the most important Internet-based heritage tool for planners, policymakers, developers, industry, community organizations, teachers and students across Canada. When fully realized, the CRHP will include a listing of approximately 20,000 formally recognized Canadian historic places and will be the keystone of the *Historic Places Initiative (HPI)* - the most significant and ambitious heritage conservation program in Canada's history.



ABOUT COMMUNITY HERITAGE REGISTERS

A Community Heritage Register:

- is a planning tool, utilized by communities interested in integrating heritage conservation activities into other local government land use planning processes.
- provides formal recognition for historic places.
- must be adopted by a local government resolution.
- has legal status.
- provides access to powerful tools within the Local Government Act and Community Charter.
- may be created from a new list of historic places, or from an existing inventory.

A Community Heritage Register **does not**:

- put a limit on the changes a heritage property owner may make to his or her historic place.
- require agreement from a heritage property owner to include a historic place as a register listing.
- constitute designation or any other type of formal protection of an historic place.
- create financial liability for the local government.

THE BENEFITS OF A COMMUNITY HERITAGE REGISTER

- It can enhance the public's appreciation of the identity and character of the community.
- It can facilitate public access to heritage information.
- It provides a means of informing property owners and prospective buyers of a property's heritage value.
- It can facilitate the integration of heritage conservation into community planning and play a role in enhancing community sustainability.
- It provides a tool for determining eligibility for heritage programs and incentives.
- It provides eligibility for special provisions within the BC Building Code Heritage Building Supplement for heritage properties.
- It allows a local government to consider and, if necessary, undertake protective action such as temporarily withholding demolition permits and building and development approvals, ordering heritage inspections, or monitoring changes in properties through a licensing and permit application process for historic places listed on a Community Heritage Register.

REPORTING REQUIREMENTS FOR COMMUNITY HERITAGE REGISTERS

When a local government places a property on its Community Heritage Register, legislation requires that notice of this listing be sent to the provincial government. With the development of new technologies and the implementation of new documentation standards, the province is undertaking a major upgrade of its records, including those submitted by local governments. These updated records will meet the statutory requirement under the *Heritage Conservation Act (HCA)* to maintain records of enactments made under the HCA, the Local Government Act, and the Vancouver Charter, and will serve as a tool to identify, recognize and assist in the protection of BC's historic places. It is intended that the BCRHP documentation standards will meet or exceed the national documentation standards to ensure that the most up-to-date and informative records are accessible to government authorities, land-use planners, developers, owners, educators, researchers, heritage professionals and the public.

ELIGIBILITY FOR LISTING ON A COMMUNITY HERITAGE REGISTER

In order for a historic place to be listed on a Community Heritage Register, it should meet the criteria established by the British Columbia Register of Historic Places documentation standards in accordance with the Canadian Register of Historic Places documentation standards. Such a listing will:

1. Meet the definition of “heritage property”: In relation Community Heritage Registers, heritage property is any historic place which is legally protected, or, in the opinion of a municipal council, has sufficient heritage value or heritage character to justify its conservation.

2. Indicate the reasons why the historic place is considered to have heritage value or heritage character. This is a ‘must’ under the Local Government Act, and the BCRHP Documentation Standards indicates that each historic place record on a CHR must include a *Statement of Significance*, a three-part statement which includes the description, the heritage value, and the character-defining elements of the historic place.

3. Meet the required documentation standards. A register record must meet the minimum documentation requirements identified in the BCRHP Documentation Standards Handbook. These requirements include information on the identification, formal recognition, location, description, documentation, and administration, as well as images of the historic place.

STEPS TO CREATING A COMMUNITY HERITAGE REGISTER

1. Determine the reason(s) for creating a Community Heritage Register. A Community Heritage Register is the first step in implementing a community heritage program. It should be implemented as part of a carefully planned heritage program to achieve clearly stated community goals.

2. Identify community heritage values (i.e. aesthetic, historical, social, scientific, spiritual etc.) and the types of places – such as buildings, structures, districts, landscapes and/or archaeological sites – which embody those values. Develop Community Heritage Register criteria that meet the heritage management and commemoration needs of the community.

3. Review existing information, and undertake historical research, historical context studies, field surveys and other necessary activities to select historic places to be included on the register. A community's historic places should reflect the community's heritage values. Include all protected heritage property as part of the register. Also, include historic places which may be under threat, or which may be in need of rehabilitation; these places will benefit most from properly completed Register records.

4. Compile and organize required documentation information for each historic place. Follow the documentation standards for the British Columbia Register of Historic Places.

5. Write a *Statement of Significance* for each historic place. Refer to the Statement of Significance guidelines within the *Canadian Register of Historic Places: Documentation Standards Handbook*.

6. Undertake review, discussion and quality control of documentation and Statements of Significance to ensure that CHR records reflect the community's heritage values. Consider review within the local government or Community Heritage Commission. Refer to the *Guidelines for Updating Community Heritage Registers and Writing Statements of Significance* for step-by-step processes for the Community Heritage Register documentation process.

7. Compile the completed Register records into a manageable electronic database. Utilize a database system which is compatible with IT systems already in place within your local government in order to manage your Register in the most effective way.

8. Make the Community Heritage Register official by having Council adopt it through a resolution. Make a presentation and/or submit a report to your local government Council about the Community Heritage Register.

9. Notify property owners and the Minister Responsible for the Heritage Conservation Act within 30 days of Council's resolution. Notify property owners and the Minister responsible for the Heritage Conservation Act each time a property is added or deleted from the CHR.

10. Maintain and regulate the Community Heritage Register. Conduct periodic reviews of the content of the Community Heritage Register. Add or remove historic places to or from the list as necessary, following the required documentation standards and the legislation found in the Local Government Act.

STATEMENTS OF SIGNIFICANCE

According to section 954 of the Local Government Act, a Community Heritage Register “must indicate the reasons why property included in a community heritage register is considered to have heritage value or heritage character”. For this reason, the Statement of Significance will be the most important component of the mandatory documentation for every historic place included on a register. The Statement of Significance will explain to a broad audience what the formal recognition applies to, why the place is important or significant, and which principal features of the place must be retained in order to preserve its heritage value.

A properly written Statement of Significance will ensure that the formal recognition for each historic place listed on a register is based on heritage value. The three parts of a Statement of Significance are:

- 1. The Description of the Historic Place:** This provides a general description of what the formal recognition applies to, and paints a picture of the historic place in two or three sentences.
- 2. The Heritage Value of the Historic Place:** This explains why a historic place has aesthetic, historic, scientific, cultural, social, or spiritual importance or significance for past, present or future generations. The statement of heritage value is generally one or two paragraphs long.
- 3. The Character-Defining Elements of the Historic Place:** This is a point-form list of how the heritage value is manifested in such elements as the materials, physical layout, uses, or cultural associations of the historic place.

For detailed information on writing Statements of Significance, refer to the Statement of Significance guidelines within the Canadian Register of Historic Places: Documentation Standards Handbook.

ELECTRONIC MANAGEMENT OF COMMUNITY HERITAGE REGISTERS

The new provincial and national heritage documentation standards are conducive to the establishment of electronic Community Heritage Register databases, which will provide for simpler records management, and allow for easy access and dissemination of heritage information.

Because the levels of information technology development vary widely from community to community, recommending a specific software product would be counterproductive. It is most important, however, to choose a management tool – preferably some type of relational database software – which is compatible with electronic systems already in place within your local government.

Once an electronic database is established, it is beneficial to incorporate other forms of electronic documentation, such as GIS (geographic information systems), into the register. Among other reasons, putting heritage resource information on a GIS is useful because it provides for the accurate display of spatial data, provides a basis for integration with other land-use management processes, and literally puts historic places ‘on the map’.

THE GOVERNMENT OF BRITISH COLUMBIA, HERITAGE BRANCH COMMUNITY HERITAGE REGISTER PROGRAM

The Heritage Branch will invest up to 100% of the total eligible costs, to a maximum of **\$20,000** per project, to support the development of Community Heritage Registers by local governments, consistent with the documentation standards of the B.C. Register of Historic Places (BCRHP). Each applicant to this program must demonstrate how the Community Heritage Register has assisted community heritage planning and management.

Projects may include:

- converting an existing Community Heritage Inventory to a Community Heritage Register to the BCRHP documentation standards;
- updating an existing Community Heritage Register to the BCRHP documentation standards;
- adding to an existing Community Heritage Register; or
- creating a new Community Heritage Register to the BCRHP documentation standards.

For further information on the Community Heritage Registers Program, please visit:

http://www.tsa.gov.bc.ca/heritage/loc_govt/comherregister.htm

APPENDIX 1: THE LEGISLATION

Local Government Act: Community Heritage Register

- 954** (1) A local government may, by resolution, establish a community heritage register that identifies real property that is considered by the local government to be heritage property.
- (2) The community heritage register
- (a) must indicate the reasons why property included in a community heritage register is considered to have heritage value or heritage character, and
 - (b) may distinguish between heritage properties of differing degrees and kinds of heritage value or heritage character.
- (3) Within 30 days after including a property in a community heritage register or deleting property from a community heritage register, the local government must give notice of this
- (a) to the owner of the heritage property in accordance with section 974, and
 - (b) to the minister responsible for the *Heritage Conservation Act* in accordance with section 977.
- (4) The protection of heritage property is not affected by an error or omission in a community heritage register.

APPENDIX 2: GLOSSARY

British Columbia Register of Historic Places (BCRHP): The British Columbia Register of Historic Places is the official provincial listing of historic places that have been formally recognized for their heritage value by the provincial or a local government.

Canadian Register of Historic Places: The Canadian Register of Historic Places is a national listing of historic places across Canada. The CRHP is essentially a register of registers and includes nominations from local, provincial, territorial, and federal government heritage registers.

Canadian Register of Historic Places: Documentation Standards Handbook: This handbook sets out the *Canadian Register Documentation Standards*. It describes the procedures for nominating historic places to the Canadian Register, and the procedures for listing, updating, and de-listing. It also describes the roles and responsibilities of the Federal, Provincial and Territorial Registrars.

Community Heritage Register: A community heritage register identifies real property that is considered by the local government to be heritage property. It must indicate the reasons why the property included is considered to have heritage value or character. It may distinguish between heritage properties of differing degrees and kinds of heritage value or character.

Heritage Character: The overall effect produced by traits or features which give property or an area a distinctive quality or appearance.

Heritage Conservation Act (HCA): The HCA is an official provincial act with the purpose of encouraging and facilitating the protection and conservation of heritage property in British Columbia.

Heritage Inventory: An informal list of properties that are deemed to possess architectural, historical, or cultural value. A heritage inventory has no legal status.

Heritage Property: property that, in the opinion of a body or person authorized to exercise a power under the Local Government Act in relation to the property, has sufficient heritage value or heritage character to justify its conservation, or is protected heritage property.

Heritage Value: The historical, cultural, aesthetic, scientific or educational worth or usefulness of property or an area.

(continued next page)

APPENDIX 2: GLOSSARY (continued)

Historic Place: a structure, building, group of buildings, district, landscape, archaeological site or other place that has been formally recognized for its heritage value by an appropriate authority.

Historic Places Initiative (HPI): HPI is a national initiative developed by the Department of Canadian Heritage and the Parks Canada Agency in collaboration with provinces and territories to identify and conserve historic places in Canada.

Local Government Act (LGA): The LGA is an official act with the following purposes: to provide a legal framework and foundation for the establishment and continuation of local governments to represent the interests and respond to the needs of their communities; to provide local governments with the powers, duties and functions necessary for fulfilling their purposes; and to provide local governments with the flexibility to respond to the different needs and changing circumstances of their communities.

Statement of Significance: The portion of each Community Heritage Register record that identifies the *description, heritage value, and character-defining elements* of a historic place.

Vancouver Charter (VC): The VC is the equivalent to the Local Government Act, but responds specifically to the requirements of the City of Vancouver.



Acknowledgement

The development of these guidelines for Community Heritage Registers has been supported in part by Canada's Historic Places Initiative - a Federal, Provincial, Territorial Collaboration.

<http://www.historicplaces.ca>



COMMUNITY HERITAGE COMMISSIONS AND SIMILAR ENTITIES

The *Local Government Act* (LGA; Section 15) and the *Community Charter* provide local governments with the authority to form commissions and, more specifically, to establish a “Community Heritage Commission”. (LGA, s.597)

The LGA does not describe the role or responsibility of the Community Heritage Commission (CHC), but there are a few clues.

By including “community” in the name, it is reasonable to assume a key responsibility of a commission is to represent the community or to be the voice of the community. This community-led approach to identifying and stewarding heritage is well-aligned with what was said during the State of Heritage roundtables: “Heritage describes what matters to a community... the community has to define heritage.”

The CHC is placed under the heading “Heritage Review” (Division 3 of the LGA), suggesting the commission’s members will provide evaluations and recommendations related to the local government’s heritage programs and goals, as well as commenting on the community’s heritage assets.

The LGA states “an existing organization” may be designated as a Community Heritage Commission, which again suggests a community connection. However, it is noted that this approach to establishing a CHC is not common; instead, local governments customarily establish a new entity that has no other or no previous affiliation or purpose.

The LGA does not directly provide information about the CHC’s formation and membership, but there are other clues found under “Regional Districts: Governance and Procedures”. It requires a community commission to be established through a bylaw that includes the name and boundaries of the local community, the time and manner of holding the annual general meetings, and election information. The section also includes information describing the commission’s membership. (See sections 243 and 245 of the LGA [link](#).)

It is interesting to note that the legislation that predated the current *Local Government Act* referred to the “heritage advisory committee”, instead of the “community heritage commission”. The change in the name indicates a purposeful change of intent and purpose. In fact, in 2014 the Heritage Branch explained that the CHC could “exercise a greater range of powers than a heritage advisory committee did, including the ability to undertake support activities and/or to take on other non-regulatory activities delegated to it by a council or regional district board.”

The current legislation places greater priority on community input and heritage conservation than had been seen in previous legislation. Local governments are encouraged to follow this direction with the adoption of community heritage commissions.

For more information about Community Heritage Commissions and other heritage conservation tools, please refer to our [resource guides](#).

01 September 2022

Steve Earle, Chair
Gabriola Housing Advisory Planning Commission

**RE: Draft Standing Resolution being considered by the Gabriola LTC
regarding non-compliant housing bylaw enforcement**

Dear Steve,

I understand the HAPC is meeting on Thursday, September 8, and the Draft Standing Resolution is Item #5 on the agenda.

We all recognize there is a rental housing crisis on our island, and that it has existed for some time. I'm a relatively long-term resident of Gabriola and have been a property owner since the early 2000s. Due to a personal tragedy, I am, and will be for the foreseeable future, a renter.

I am one of the fortunate renters who has a comfortable and very affordable rental home that is well-maintained. The large dwelling sits on a 3+ acre property that my landlords purchased in August 2013. They have made many improvements to the dwelling itself. The well has good supply and now pumps into 3 large storage cisterns. A new septic system was installed soon after they purchased.

The dwelling sits on a 3-acre lot. Consequently, the bylaw forbids a secondary suite on this property. *[On parcels 2.0 hectares (4.94 acres) or larger, one secondary suite shall be permitted per parcel, accessory to a principal single family dwelling. P14 Gabriola Official Community Plan, Bylaw No. 166]*

I have occupied this home full-time for 8.5 years with no rent increase in that time. My "roommate" has lived in this dwelling for 13+ years. She lives on a limited income, and the threat of losing her home is hugely stressful. As you're aware, there are few rental homes available on Gabriola and even if she could find a new home, it would not be as affordable, or likely as comfortable, as where she now lives. Our landlords occupy their part of the dwelling approximately 6 months of the year. Their area has a kitchen sink and a refrigerator. This area and my "roommate's" area are currently deemed non-compliant because of their cooking facilities (no wired-in stoves in either).

As a former Board member of the Gabriola Housing Society, I am familiar with the numerous studies about the desperate need for affordable rental housing. Enough studies. We know there's a housing crisis. It is time to act. Allowing secondary suites on smaller lots is one way to address our crisis.

The lack of appropriate and affordable housing is having negative affects on all aspects of island life and cuts across all demographics.

- Recent cancellations of ferry sailings have been linked to the lack of affordable housing for ferry workers. At least one ferry worker on Gabriola has been unable to find suitable accommodation. He was raised on Gabriola, has lots of contacts here, and is still unable to secure a home. What is he to do? Who will replace him if he decides to leave the island?

Cancelled ferry sailings inconvenience EVERYONE and add to the cost of doing business here. BC Ferries cannot operate according to the schedules if they do not have the necessary crew.

- We desperately need more doctors. Lack of housing has been a barrier in recruiting doctors. The waiting list for a doctor is long and growing.

- Almost every business on Gabriola has Help Wanted signs. Businesses have had to reduce their services due to lack of staffing. The lack of appropriate housing for their workers is having an impact on the services islanders have come to rely on.

Obviously, we need more affordable rental housing. The Gabriola Housing Society is working on this. But what can we do in the immediate short term?

Why not look to non-compliant dwellings that are currently occupied or that could be occupied by long-term tenants? Tenants living in these situations are under constant threat of losing their homes if an anonymous complaint is launched (as it has been in my case). Let's stop demonizing these people, telling them they should leave Gabriola if they can't find so-called "legal" homes. During this housing crisis, we should encourage property owners who have suitable dwellings to provide long-term rentals!

Allowing suites in existing dwellings or in accessory buildings on lots smaller than 4.54 acres seems like a sensible way to encourage more rentals in the short term. These buildings already exist, people are already living in them. This is not going to encourage an influx of new residents to the island.

Much concern has been expressed in the community about the number of trees being removed from residential lots under development. Allowing non-compliant dwellings in existing residences does not require removal of trees. The buildings already exist.

We can look to other Gulf Islands to see how they have addressed the issue of non-compliant living situations.

1. At its Regular Meeting on February 15, 2022, the Salt Spring Island Local Trust Committee decided to address its housing crisis by deferring enforcement of unlawful dwellings. It adopted the following resolution:

Enforcement activities will be deferred for all existing unlawful dwellings being used for residential purposes until there are safe, secure appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:

- a. there are concerns regarding health and safety;
- b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;
- c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
- d. there are concerns of possible contamination of wells or other drinking water sources;
- e. unlawful dwellings are in environmentally sensitive areas;
- f. there are non-permitted campgrounds; and,
- g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.

CARRIED

Trustee Grove OPPOSED

2. South and North Pender Islands, Mayne Island, and Galiano Island have all adopted bylaws that allow provisions for rental housing within existing dwellings.

Gabriola lags behind our neighbouring islands with excessively restrictive rules regarding secondary suites. These rules were formed at a time when the rental housing situation was not as dire as it is in 2022.

If Salt Spring's LTC can enact a resolution to defer enforcement of non-compliant dwellings, I believe our Local Trust Committee also has a mechanism to allow it to quickly take action on deferring enforcement of non-compliant dwellings.

Trustee Colbourne has put forward a motion to consider a resolution similar to SSI's on Gabriola. I strongly encourage the APC to support this resolution. Adopting this resolution will give some breathing room in which the LTC can begin to tackle amendments to the bylaw governing secondary suites, just as Salt Spring Island's LTC is now doing.

Thank you for your consideration.

Margy Gilmour



DATE OF MEETING: September 29, 2022
TO: Gabriola Island Local Trust Committee
FROM: Warren Dingman Bylaw Compliance & Enforcement Manager
SUBJECT: STVR & Unlawful Dwellings Statistics

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee receive this report for information only.

REPORT SUMMARY

This report details the current number of short-term vacation rental and unlawful dwelling files open for bylaw compliance and enforcement investigations.

BACKGROUND

STVR FILES

The current number of open short-term vacation rental files is eight, with one of those located on Mudge Island. The Mudge Island file has an inactive Airbnb advertisement and is being monitored for compliance; the property is also for sale. The majority of the other files are being monitored for compliance and there are no grounds to issue bylaw violation notices at this time or take other enforcement action. There is either no new activity on the lots or they are now operating as a bed and breakfast. One operator is proposing to submit a temporary use permit application but has not done so, and one operator has an active unlawful operation and has been recently issued a violation notice. This operator has paid multiple fines and court action may be necessary to close it, but the property is also for sale, and once sold, the matter may be resolved.

Three new files were opened in 2022, with two opened by public complaint, and one opened based on a proactive review of Airbnb advertisements in July. The two opened by public complaint were opened because the complainant mistakenly believed that bed and breakfast use was not permitted as a home occupation on Gabriola. The advertisements are being monitored to ensure that they comply with the home occupation regulations.

UNLAWFUL DWELLING FILES

In regards to unlawful dwellings, there are 17 open files, with three of those on Mudge Island. One of the files is for concerns over residential use, or liveaboards, in Degnen Bay. The only residential use that can be confirmed at this time is in a float home.

Seven of the files are for the residential use of travel trailers; one is for the use of tiny homes; and one is for a secondary suite. The remainder of open files are for the use of accessory buildings for residential purposes on lots under 2 hectares in size and where no secondary suite or dwelling is permitted.

The uses of the travel trailers have the easiest path to compliance as they can use them for residential purposes if they obtain a building permit and connect the unit to a septic system. The use of the accessory buildings for residential use is a more difficult issue to resolve and two violation notices have been issued for the unlawful use.

ANALYSIS

After extensive reviews of the Airbnb advertisements for Gabriola over several years, the majority of advertisements are for lawful bed and breakfast home occupations, and even the current open files are for bed and breakfast operations that only need to be monitored because they are not complying with all of the home occupation regulations. Some residents of Gabriola are not aware that bed and breakfast use is permitted and that no business license or any form of registration is required. This has led to complaints about lawful businesses.

There are four temporary use permits active for STVRS on Gabriola and one applicant is in the process of renewing their permit.

The number of unlawful dwelling files will represent a fraction of the total number of unlawful dwellings in the Gabriola Island Local Trust Area (LTA). Each property responding to a complaint will accurately point out that there are multiple other unlawful dwellings in the neighbourhood, and the number of non-permitted residential uses may number in the hundreds. The complaints regarding the use are usually over the lack of septic services or the nuisance noise created by the increased residential activity on the lot; there is a general lack of concern over the use itself.

NEXT STEPS

The Gabriola Island Local Trust Committee has asked for a report on the deferment of enforcement on unlawful dwellings and that report will accompany this report on the statistics.

Submitted By:	Warren Dingman, Bylaw Compliance & Enforcement Manager	September 20, 2022
Concurrence:	Heather Kauer, Regional Planning Manager	September 20, 2022

DATE OF MEETING: September 29, 2022
TO: Gabriola Island Local Trust Committee
FROM: Warren Dingman Bylaw Compliance & Enforcement Manager
SUBJECT: Policy options for Bylaw Enforcement on Unlawful Dwellings

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee adopt the following standing resolution:
 - a. Bylaw staff will defer enforcement on accessory structures used for non-permitted residential uses for a maximum of two years after the receipt of a written complaint except in the following circumstances:
 - i) There are concerns regarding health and safety;
 - ii) There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;
 - iii) There are concerns of possible contamination of wells or other drinking water sources;
 - iv) Non-permitted residential uses are in environmentally sensitive areas;
 - v) There are travel trailers or recreational vehicles used as a residence contrary to section B.6.4 of the Land Use Bylaw;
 - vi) That the Gabriola Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.
 - b. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Gabriola Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

REPORT SUMMARY

The current number of files for non-permitted residential uses or unlawful dwellings is limited for Gabriola. Any issues with the current non-permitted uses can be resolved by the negotiation of voluntary compliance agreements, which can give property owners reasonable time to voluntarily comply with the regulations.

BACKGROUND

This staff report is in response to the following proposed standing resolution that Gabriola Island Local Trust Committee was asked to consider at the July 2022 Local Trust Committee meeting. The resolution states the following:

That the Gabriola Island Local Trust Committee adopt a standing resolution to state that enforcement activities will be deferred for all non-compliant dwellings being used for residential purposes until there are safe, secure, and appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:

- a. there are concerns regarding health and safety;*
- b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;*
- c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;*
- d. there are concerns of possible contamination of wells or other drinking water sources;*
- e. unlawful dwellings are in environmentally sensitive areas;*
- f. there are non-permitted campgrounds; and,*
- g. that the Gabriola Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.*

ANALYSIS

The original draft of the proposed resolution being considered by the Local Trust Committee was created for the Salt Spring Island Local Trust Committee and it was adopted later by the North Pender Island Local Trust Committee. The original resolution was drafted in consideration of the scale of the problem with housing issues on Salt Spring Island and the number of files for unlawful dwellings, which are considered to be at a scale greater than that on Gabriola.

Salt Spring has a greater issue with travel trailer use as a residence and it was considered necessary to include a clause to address several non-permitted campgrounds. Gabriola has very specific and effective regulations for the use of travel trailers. These regulations limit use to two travel trailers, or their equivalent, for 90 days maximum per year, and travel trailers can be used for residential purposes for two years with a valid building permit and a connection to septic services. For this reason, any reference to non-permitted campgrounds is unnecessary as enforcement of section B.6.4 will prevent non-permitted campgrounds.

There are also concerns about the use of the term *in perpetuity*. Standing resolutions cannot be used to amend the Land Use Bylaw, and any deferment of enforcement can only be temporary. If permanent changes are to be considered, it will require that the Official Community Plan and the Land Use Bylaw be amended.

If the alternative resolution is adopted, it should contain the word *existing non-compliant dwellings*. After the adoption of the resolution on Salt Spring there was community concern about a proliferation of new non-permitted residential uses and the resolution was amended by the Salt Spring Island Local Trust Committee.

POLICY/REGULATORY

Islands Trust Council Policy:

Current Trust Council policies direct bylaw staff to seek voluntary compliance in resolving complaints and the current policies work well. Those subject to complaint are provided with information and education on the Land Use Bylaw and its regulations, and through negotiated time to comply, the majority of files are resolved cooperatively and without the need for actual enforcement measures such as bylaw notices or legal action.

The current policy states the following:

Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

Rationale for Recommendation

The current policy of giving property owners time to comply with the regulations in the Land Use Bylaw have been effective in gaining compliance and resolving the concerns of those in the community in regards to non-permitted residential uses or dwellings and the concerns about the lack of housing. There are a small number of files that have resulted in the issuance of violation notices, and the majority of those subject to complaint have been willing to consider voluntary options for compliance.

ALTERNATIVES

The following alternative resolution is available to the Gabriola Island Local Trust Committee but it is not recommended:

That the Gabriola Island Local Trust Committee adopt a standing resolution to state that enforcement activities will be deferred for all non-compliant dwellings being used for residential purposes until there are safe, secure, and appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:

- h. there are concerns regarding health and safety;***
- i. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;***
- j. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;***
- k. there are concerns of possible contamination of wells or other drinking water sources;***
- l. unlawful dwellings are in environmentally sensitive areas;***
- m. there are non-permitted campgrounds; and,***
- n. that the Gabriola Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.***

Submitted By:	Warren Dingman, Bylaw Compliance & Enforcement Manager	September 20, 2022
Concurrence:	Heather Kauer, Regional Planning Manager	September 20, 2022

File No.: GB-DVP-2016.3 (Packham & Van Herwaarden)

DATE OF MEETING: September 29, 2022

TO: Gabriola Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

SUBJECT: **Development Variance Permit application GB-DVP-2016.3 (Van Herwaarden)**
Applicant: Vicky Van Herwaarden
Location: 539 Wildwood Cr., Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee has determined that it is reasonably necessary that the applicant of GB-DVP-2016.3 (Packham & Van Herwaarden) provide the following to planning staff prior to December 31, 2022 in order for the application to be considered by the Local Trust Committee:
 - a. a complete site plan showing setbacks for all existing and proposed buildings, structures and septic fields to watercourses; and
 - b. a *Conditions and Impact Assessment* (post development) prepared by a Qualified Environmental Professional assessing the condition of the riparian area on the lot and the impact of buildings and structures constructed within 15 metres of the watercourse.

REPORT SUMMARY

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

The DVP application is to consider a variance to the requirement for any structure or building to be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland. The DVP would permit the existing structures and buildings (a greenhouse, a studio, a garden shed, three bridges, and concrete structures) to remain sited less than 15 metres from and an elevation of less 1.5 metres above a stream (Goodhue Creek).

This report explains that more information is needed from the applicant prior to approving or denying the DVP request.

BACKGROUND

The application is the result of a Bylaw Compliance and Enforcement action for works undertaken in the setback to the stream without a permit, specifically the installation in the summer of 2010 of four concrete footing structures in and around the stream that held in place two metal grates crossing the stream. The owners removed

the metal grates at the request of staff from the Ministry of Forests, Lands, and Natural Resource Operations in 2010, but left the concrete footings in and around the stream.

The subject property is 0.33 hectares (0.83 acres) in size and located on Wildwood Crescent as shown on Figure 1. Goodhue Creek flows across the property from south to north and is a provincial *Riparian Areas Protection Regulations (RAPR)* designated stream. The development considered in this DVP predates the *Riparian Areas Protection Regulation* and **Development Permit Area No. 3 – Riparian Areas (DPA)**, so a Development Permit for approving the existing buildings and structures is not applicable. Pursuant to Section F.3.2 of the [Gabriola Island Land Use Bylaw No. 177](#) (LUB), a Development Permit is required to be issued by the LTC prior to development occurring within DP-3, including the addition, removal or alteration of soil, vegetation or a building or other structure (Figure 2).

Figure 1 - Subject property

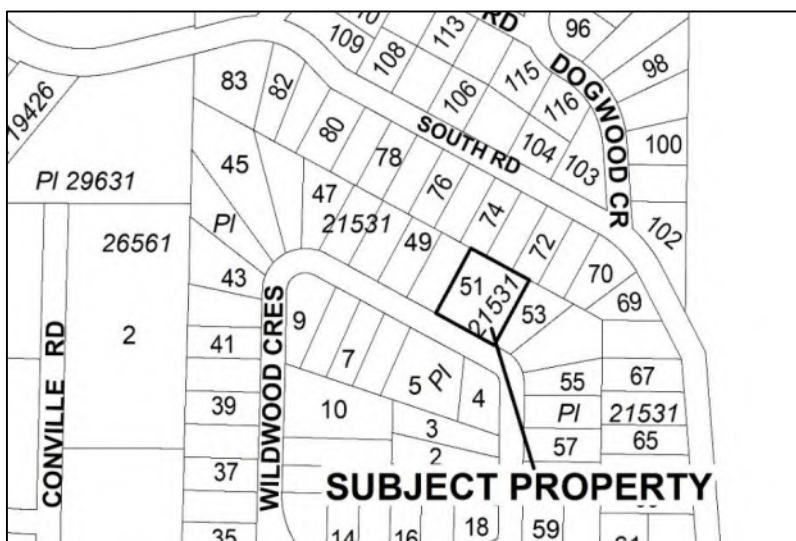


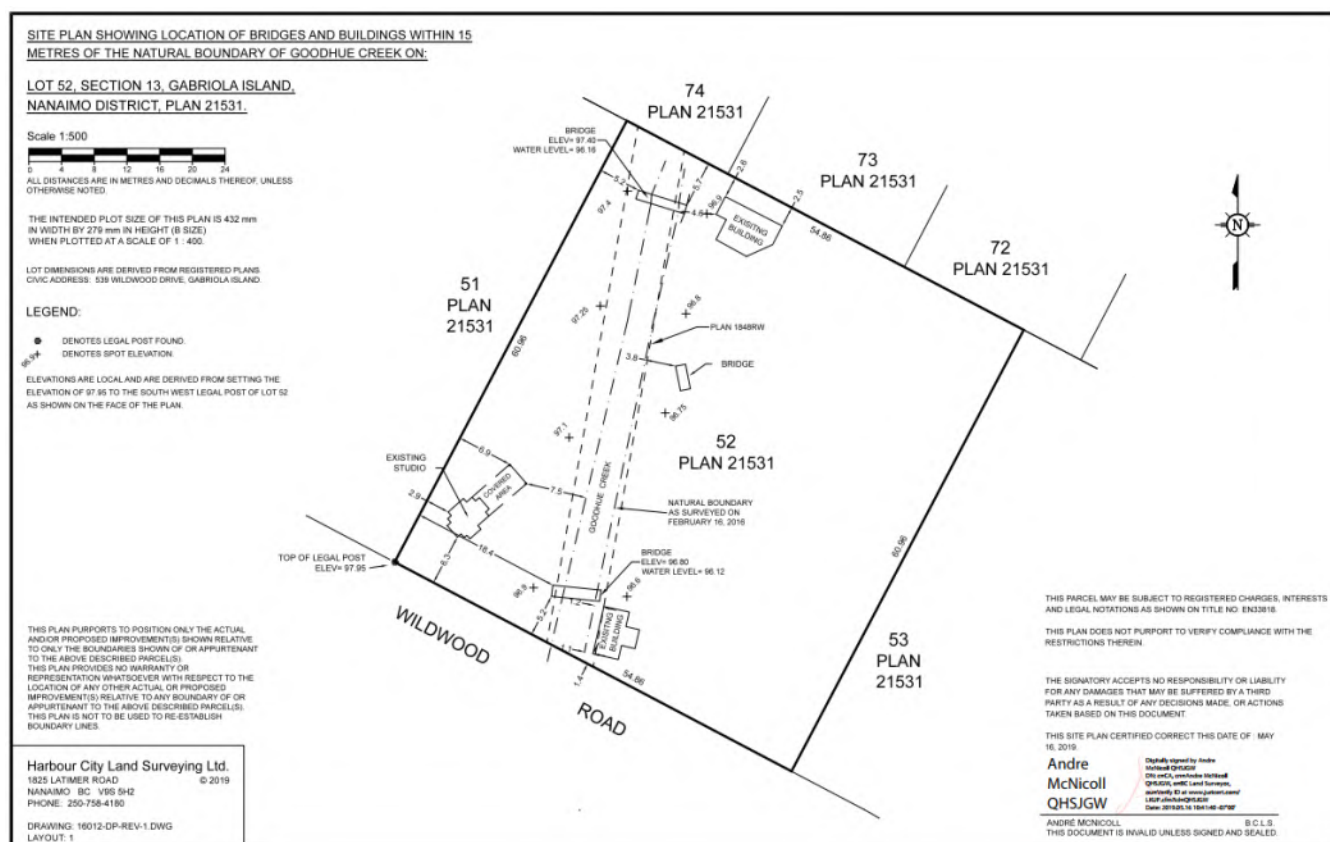
Figure 2 – Orthophoto & Riparian DPA Stream (Goodhue Creek)



During the Bylaw Enforcement action, staff noted additional buildings and structures encroaching into the setback to the natural boundary of the stream in addition to the concrete footings, which had not received permits. Adequate proof of legal non-conformity has not been provided, and it is staff's understanding that the buildings and structures that are encroaching into the 15 metre setback may have been built, reconstructed, or modified at the time that the Gabriola bylaw required the 15 metre setback. The details of these modifications have not been confirmed by the applicant or owners. The existing development within the 15 metre setback to the natural boundary of the stream is shown in Figure 3 and entails:

- Two existing bridges (6.5m² and 8.0m²) crossing the stream;
- Four or more concrete footing structures and abutments in and around the stream (not included in the site plan);
- An existing bridge (3.5m²) sited less than 15.0 metres from and less than 1.5 metres above the natural boundary of the stream;
- An existing 24m² greenhouse sited less than 15.0 metres from and less than 1.5 metres above the natural boundary of the stream;
- An existing 35m² garden shed sited 4.6 metres from and less than 1.5 metres above the natural boundary of the stream; and
- An existing 36m² studio sited 7.5 metres from the natural boundary of the stream.

Figure 3 – Site Plan



In 2015, the owners were asked to remove the two bridges crossing the stream, the concrete footing structures, and the garden shed or apply for a retroactive Development Variance Permit. The owners submitted a DVP application in August 2016. The site plan submitted with the application was incomplete so the owners were asked by planning staff to update it. An updated site plan was not provided until 2019 and did not indicate the location of the concrete footing structures in and around the stream or the septic field on the lot. Due to the proximity of development to the stream, in 2020 staff asked the owners to provide a *Qualified Environmental Professional* (QEP) report containing a *Conditions and Impact Assessment* (post development) assessing the existing development and the surrounding riparian area.

To date, a completed site plan and QEP report as described have not been submitted with this DVP application. Thus, the LTC is asked to defer consideration of the application until the requested materials are received and reviewed by staff.

Further information about the subject property is contained within the 'Site Context' and 'Site Plan' (Attachments 1 and 2).

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.*

Receipt of a comprehensive site plan and QEP report will assist in determining whether the application is compliant with the ITPS.

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**. However, all of the buildings and bridges were built prior to 2015, therefore were in place before DP-3 came into effect.

Land Use Bylaw:

DVPs are documents that are registered on title, so site plan accuracy is important for determining compliance with the Bylaws. If there is anything that is identified on the existing plan as non-conforming to the Bylaw

regulations (in addition to the known variances), it will either need to be addressed by the DVP application as well or else clearly labelled so that there is no confusion that the Permit covers a variance for it to remain as non-conforming.

Issues and Opportunities

For DVPs, staff rely on the accuracy of a B.C. Land Surveyors' measurements to determine the boundaries of the land and the location of all existing and proposed buildings and structures. These measurements are used to produce DVPs which are then registered on title. As this application pertains to the specific location of structures on the lot, a comprehensive site plan that indicates all elements would benefit from a qualified professional certifying that the location of the structures are accurately plotted.

Staff also rely on the assessment of qualified environmental professionals when considering DVPs in identified environmentally sensitive areas. A QEP can assess the impact of the concrete footing structures poured in and around the *RAPR* applicable stream in 2010, to determine if they need to be removed or if they are better left in place. They can also determine the impact of the other buildings and structures in the setback to the natural boundary of the stream and the wetland on the northern corner of the property.

Consultation

Statutory Requirements - Notification

DVP Notices were circulated to surrounding property owners and residents within 100 metres in accordance with statutory requirements. (Attachments 3 and 4). The notification period ends at 4:00 p.m. on September 28, 2022.

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

Agencies

The existing building which encroaches into Islands Trust's required front lot line setback is 1.4 metres from the lot line, therefore a setback or encroachment permit from the Ministry of Transportation and Infrastructure is required¹.

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 DVP application is consistent with respect to LTC Standing Resolutions on reconciliation.

Rationale for Recommendation

¹ See MOTI Setback/Encroachment Permit info here: <https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits/works/setbacks-encroachments>

Staff feel that receipt of a complete site plan signed by a B.C. Land Surveyor is reasonably necessary in order to determine the setbacks and size of all structures and septic fields from the natural boundary of any lake, stream, or wetland, which are the subject of the DVP application. A complete site plan will ensure that the proposed variance permit contains accurate indication of structures and setback measurements and allow staff to identify if any additional variances should be addressed.

Although not required by bylaw, staff also feel that, because of the *RAPR* designation of the stream, receipt of a *Qualified Environmental Professional* (QEP) report containing a *Conditions and Impact Assessment* (post development) assessing the existing development and the surrounding riparian area is necessary before recommending approval or denial of this DVP. A *RAPR* Detailed Assessment Report is not required.

ALTERNATIVES

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

1. Deny issuance of the application due to insufficient information

If this alternative is selected, the applicant will not be able to reapply to the LTC for a period of one year. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny issuance of GB-DVP-2016.3 due to insufficient information being provided by the applicant since 2016.

2. Waive the requirement for a complete site plan and/or QEP report

The LTC may deem it unnecessary for the applicant to submit a complete site plan or QEP report. Staff advise that if this alternative is selected, staff will not have adequate information to determine full siting compliance regarding any other potential variances on site that may need to be addressed. Staff will also not have adequate information to recommend either approval or denial of the variance permit.

Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee waive the request for a complete site plan and/ or QEP report and direct staff to proceed with processing Development Variance Permit application GB-DVP-2016.3 (Van Herwaarden).

NEXT STEPS

Subject to the LTC's concurrence with staff's recommendation on page 1 of this report, staff will advise the applicant that their application will remain incomplete and "in abeyance" until December 31, 2022 unless a complete site plan and QEP report are provided as specified. Upon receipt of the materials, staff will review and process the DVP request and return to the LTC for consideration at a future LTC meeting. If the requested information is not provided, the LTC will be advised to deny issuance of the application. If the LTC were to deny issuance of the DVP, the file would be closed and forwarded to Bylaw Enforcement for next steps.

Submitted By:	Margot Thomaidis, Planner 2	September 13, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	September 20, 2022

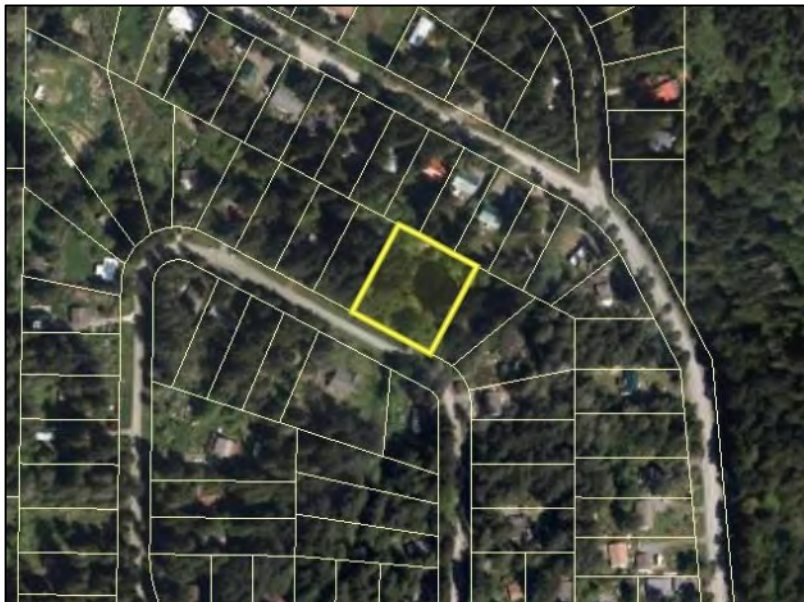
ATTACHMENTS

1. Site Context
2. Site Plan
3. Draft Permit
4. Notice

LOCATION

Legal Description	LOT 52, SECTION 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531
PID	003-422-852
Civic Address	539 WILDWOOD CRESCENT, GABRIOLA BC V0R 1X4
Lot Size	0.33 ha (0.83 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential <i>Islands Trust 2020 Orthophoto (subject property indicated in yellow):</i> 

HISTORICAL ACTIVITY

File No.	Purpose
None on file	

POLICY/REGULATORY

Gabriola Island Official Community Plan Bylaw No. 166, 1997	Land Use Designation: Small Rural Residential Development Permit Area: DP-3 – Riparian Areas
Gabriola Island Land Use Bylaw No. 177, 1999	Zone: Small Rural Residential (SRR)



Applicable regulations to this DVP request:

General Regulations

B.2.1.1 Setbacks and Elevations from Watercourses and the Sea

- 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. ...
- b. A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland.
- c. elevation requirements in B.2.2.1.a. are measured to the underside of the floor of any wooden floor system or top of a slab or pad of any habitable area.

Buildings and Structures Siting Requirements

i On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is:

- 6.0 metres (19.7 feet) from the front lot line;
- 4.5 metres (14.8) from any exterior side lot line; and
- 1.5 metres (4.9 feet) from any interior lot line.

F.3 DP-3 Riparian Areas

F.3.2 Applicability

F.3.2.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.3.3.1:

- a. subdivision of land
- b. construction of, addition to, or alteration of a building or other structure
- c. removal, alteration or destruction of vegetation

	d. disturbance of soils e. creation of non-structural, impervious or semi-impervious surfaces f. application of artificial fertilizer, pesticides or herbicides g. any other development, as that term is defined under the provincial Riparian Areas Regulation
Other Regulations	<u>Riparian Areas Protection Regulation</u> ""development" includes the following: (a) the addition, removal or alteration of soil, vegetation or a building or other structure; ..." If the LTC denies this DVP application and requests the removal of buildings and structures sited within 15 metres of the natural boundary of the stream, the applicant/owner must submit a Development Permit application for <i>removal</i>. Setbacks as per the Gabriola Land Use Bylaw No. 177 (2008 – 1999) Note that the bylaw of this time does not include third party signs, fences, pump/utility houses, retaining walls, structures, but was amended to include them in 2008. "B.2.1 Special Setbacks and Elevations B.2.1.1 Setbacks and Elevations from Watercourses and the Sea a. 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 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." <u>Gabriola Island Trust Committee Development Procedure Bylaw No. 114</u> applies to all Development Variance Permit (DVP) applications.
Covenants	373239G - EASEMENT 383970G - RESTRICTIVE COVENANT 53735G - UNDERSURFACE RIGHTS
Bylaw Enforcement GB-BE-2010.1 (Open):	- Owner installed concrete abutments with metal gates across the stream in two places in 2010. Bylaw enforcement was notified, and then the Province was notified. At the request of the Province, the metal gates were removed. Four concrete abutments remained in and around the stream. - In 2015 owners were asked to remove the concrete abutments and other structures in the setback to the stream, including two bridges, or apply for a variance. DVP was submitted in August 2016. DVP has been missing key information, including indication of the concrete structures in and around the stream on the site plan or survey.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	N/A – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. 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 MEDIUM . A QEP report will determine whether the DVP application is inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	SAR (Public) Species: None Currently Mapped
Sensitive Ecosystems	<i>Sensitive Ecosystem Inventory (SEI): Wetland</i>  <i>Primary Sensitive Ecosystem Mapping (SEM) Rating: Mature Forest</i>



For more information, see Islands Trust Conservancy's ["Gabriola Island Local Trust Area - Coastal Douglas-Fir Forests"](#) fact sheet.

Tertiary SEM Rating: Seasonally Flooded



RAPR Watercourse: DP-3

	
Hazard Areas	None currently mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates a small area of archaeological potential on 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 - SITE PLAN

SITE PLAN SHOWING LOCATION OF BRIDGES AND BUILDINGS WITHIN 15 METRES OF THE NATURAL BOUNDARY OF GOODHUE CREEK ON:

LOT 52, SECTION 13, GABRIOLA ISLAND,
NANAIMO DISTRICT, PLAN 21531.

Scale 1:500



ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm IN WIDTH BY 279 mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1 : 400.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.
CIVIC ADDRESS: 539 WILDWOOD DRIVE, GABRIOLA ISLAND.

LEGEND:

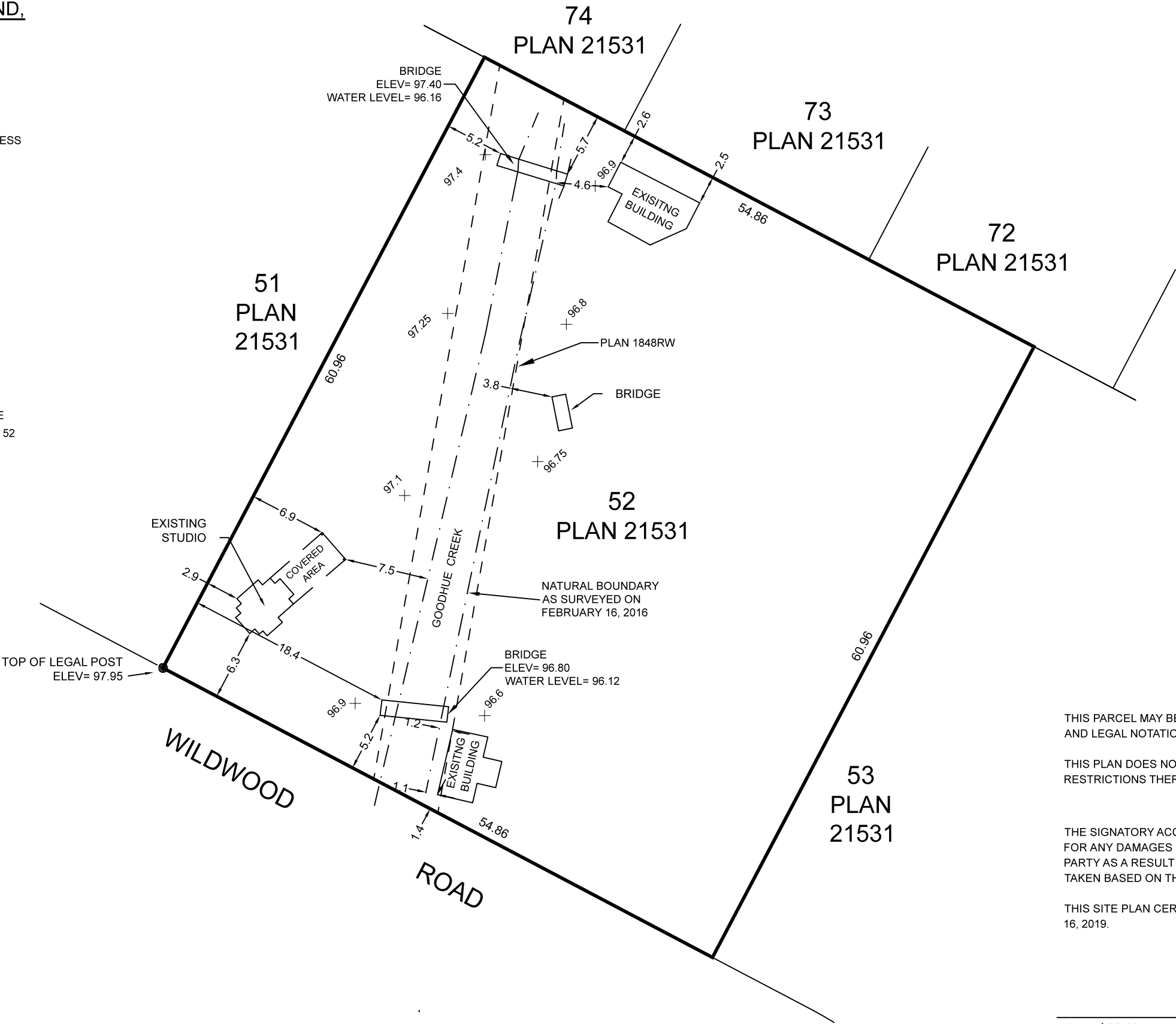
- DENOTES LEGAL POST FOUND.
- 96.9+ DENOTES SPOT ELEVATION.

ELEVATIONS ARE LOCAL AND ARE DERIVED FROM SETTING THE ELEVATION OF 97.95 TO THE SOUTH WEST LEGAL POST OF LOT 52 AS SHOWN ON THE FACE OF THE PLAN.

THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND/OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE ABOVE DESCRIBED PARCEL(S).
THIS PLAN IS NOT TO BE USED TO RE-ESTABLISH BOUNDARY LINES.

Harbour City Land Surveying Ltd.
1825 LATIMER ROAD © 2019
NANAIMO BC V9S 5H2
PHONE: 250-758-4180

DRAWING: 16012-DP-REV-1.DWG
LAYOUT: 1



THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES, INTERESTS AND LEGAL NOTATIONS AS SHOWN ON TITLE NO: EN33818.

THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS SITE PLAN CERTIFIED CORRECT THIS DATE OF : MAY 16, 2019.

ANDRÉ MCNICOLL B.C.L.S.
THIS DOCUMENT IS INVALID UNLESS SIGNED AND SEALED.



ATTACHMENT 3 - DRAFT PERMIT

DRAFT

GABRIOLA LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT GB-DVP-2016.3

To: Lynn Van Herwaarden and Vernon Packham,

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

539 WILDWOOD CRESCENT
LOT 52, SECTION 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531
(PID: 003-422-852)

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

1. Clause B.2.1.1(a) which states that, "...third party signs, fences, pump/utility houses, retaining walls, ground level decks, structures and buildings, excepting boathouses, must be sited a minimum of... 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland..." is varied to permit the siting of the following structures and buildings:
 - a) Two existing bridges (6.5m² and 8.0m²) with concrete footing structures sited 0.0 metres from and 0.0 metres above the natural boundary of a stream;
 - b) One existing bridge (3.5m²) sited 3.8 metres from and less than 1.5 metres above the natural boundary of a stream;
 - c) One existing 24m² greenhouse sited 1.2 metres from and less than 1.5 metres above the natural boundary of a stream;
 - d) One existing 35m² building sited 4.6 metres from and less than 1.5 metres above the natural boundary of a stream; and
 - e) One existing 36m² studio building sited 7.5 metres from the natural boundary of a stream.
2. Item D.1.1.3.a(i) which states that "the minimum setback of buildings or structures is 6.0 metres (19.7 feet) from the front lot line" is varied to permit the siting of an existing 24m² greenhouse 1.4 metres from the front lot line.

The development shall be consistent with Schedule 'A', attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Gabriola Island Land Use Bylaw No. 177, 1999* and to obtain other approvals necessary for completion of the proposed development.

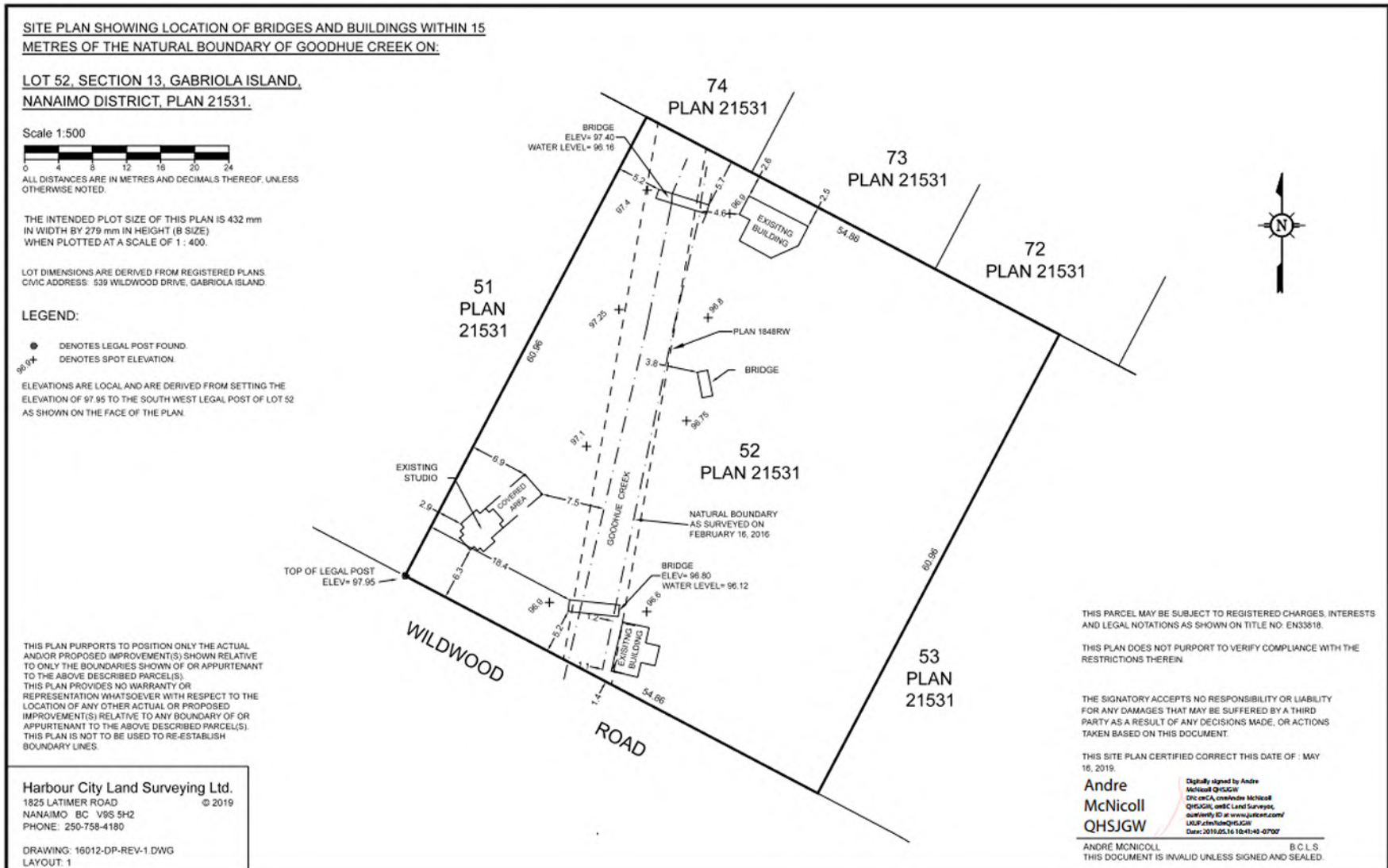
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA LOCAL TRUST COMMITTEE THIS 29TH DAY OF SEPTEMBER, 2022.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __ DAY OF __, 2024 THIS PERMIT AUTOMATICALLY LAPSES.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DVP-2016.3
SCHEDULE 'A' – Site Plan



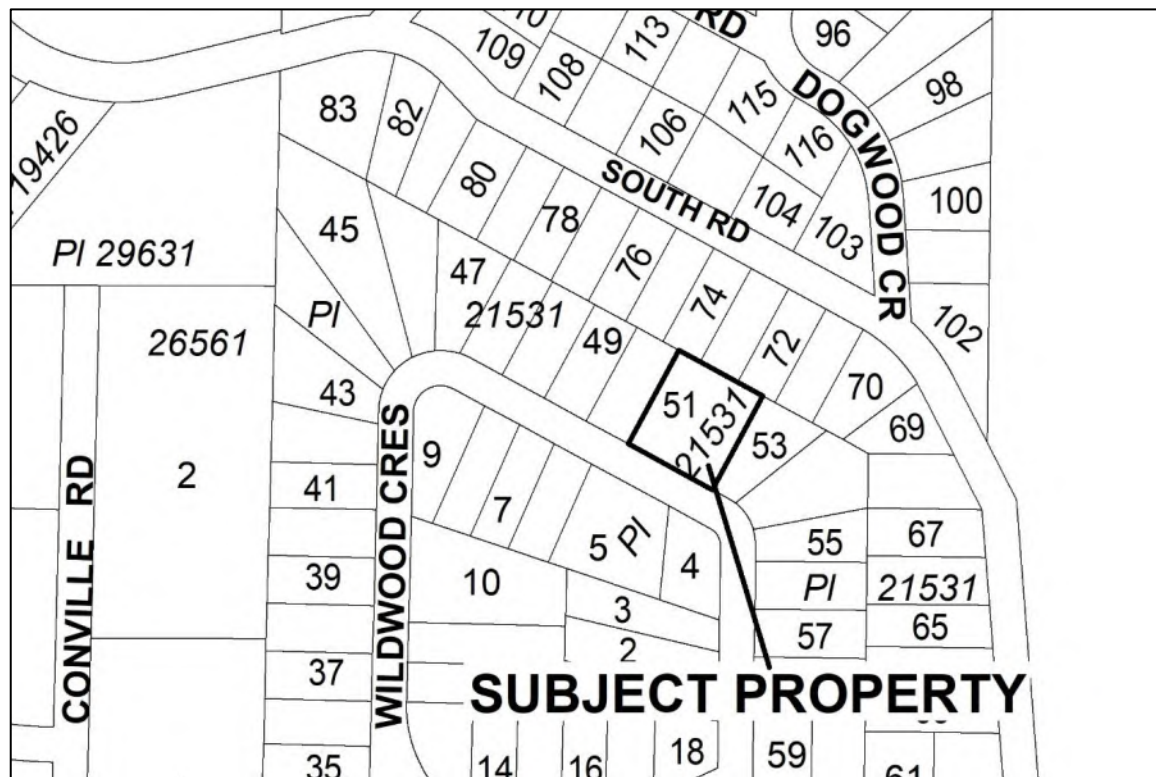
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gabriola Island Land Use Bylaw No. 177 by:

- Permitting existing buildings and structures (a greenhouse, a studio, a building, three bridges, and concrete footings) less than 15 metres from and less than 1.5 metres above the natural boundary of a stream.

The property is located at **539 Wildwood Crescent, Gabriola Island, BC V0R 1X4** and is legally described as:

LOT 52, SECTION 13, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 21531 (PID: 003-422-852)

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. Tuesday to Thursday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **September 16, 2022** and continuing up to and including **September 28, 2022**.

Enquiries or comments should be directed to Margot Thomaidis, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 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, **September 28, 2022**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the Regular Business Meeting to be held at **10:30 AM, September 29, 2022 at the Gabriola Arts & Heritage Centre, 476 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.

STAFF REPORT

File No.: GB-RZ-2022.1
(Alley Enterprises Ltd,
Maloney)

DATE OF MEETING: September 29, 2022

TO: Gabriola Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Application to amend the OCP and LUB for commercial and residential redevelopment of the Wild Rose Garden Centre
Applicant: Patricia Maloney on behalf of Alley Enterprises Ltd.
Location: 750 Tin Can Alley, Gabriola Island
Lot B, Plan VIP50373, Section 19, District 32 (PID 023-005-629)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Official Community Plan that will remove references to the Wild Rose Garden Centre business name and include Lot B, Plan VIP50373, Section 19, District 32 (750 Tin Can Alley, Gabriola Island PID 023-005-629) in the 'Village Commercial' land use designation and 'Village Centre' Development Permit Area No. 7;
2. That the Gabriola Island Local Trust Committee request staff to draft amendments to the Gabriola Island Land Use Bylaw to rezone Lot B, Plan VIP50373, Section 19, District 32 (750 Tin Can Alley, Gabriola Island PID 023-005-629) to a site specific Village Commercial zone which maintains the existing uses and expands principle commercial and accessory residential uses consistent with the bylaw amendment application; regulates buildings and structures; height; siting requirements including setbacks; lot coverage; parking; and subdivision.
3. That the Gabriola Island Local Trust Committee requests that the applicant for GB-RZ-2022.1 (Alley Enterprises Ltd, Maloney) provide planning staff with the following prior to the Local Trust Committee considering first reading of draft bylaws:
 - a) a copy of an assessment report and design recommendations prepared by a qualified professional engineer, with expertise in wastewater treatment for non-domestic and domestic systems to confirm the property is capable of supporting a sewage disposal system for the proposed commercial and residential uses;
 - b) a copy of an assessment report and recommendations prepared by a qualified professional hydrogeologist, with expertise in community water systems to confirm the aquifer is capable of supporting the proposed commercial and residential uses with no adverse effects on adjacent existing groundwater users.
4. That the Gabriola Island Local Trust Committee request staff to provide early notification to Snuneymuxw First Nation of application GB-RZ-2022.2 describing the scope of proposed changes to the Gabriola Official Community Plan and Land Use Bylaw.

REPORT SUMMARY

This application proposes to amend the Gabriola Island [Official Community Plan Bylaw No. 166](#) (OCP) and [Land Use Bylaw No. 177](#) (LUB) to accommodate future commercial and residential redevelopment of the 'Wild Rose Garden Centre' located at 750 Tin Can Alley, Gabriola Island Lot B, Plan VIP50373, Section 19, District 32 (PID 023-005-629).

The staff report provides the Gabriola Island Local Trust Committee (LTC) with a preliminary overview of the proposal; identifies land use planning issues associated with the application; and seeks direction from the LTC on next steps.

Staff recommends draft amendments to the OCP and LUB be prepared for LTC consideration. Staff also recommends the applicant obtain professional water and sewage reports to demonstrate there is sufficient groundwater and soil conditions to support the maximum intended development proposed for the subject property.

BACKGROUND

The application proposes to amend both the OCP and LUB to enable expansion of existing commercial uses at the Wild Rose Garden Centre to include general retail sales, rentals, personal services, restaurants, bakeries, food truck and accessory offices, as well as two new residential densities. The application proposes to protect one density as affordable rental housing through a housing agreement with the LTC.

The applicant has provided a summary of their intended changes as well as baseline professional reports, as part of the bylaw amendment application, to confirm the condition of **existing** sewage disposal and ground water yield. The applicant has also provided a geotechnical and environmental assessment in support of their application. A summary of the findings of the professional reports are provided in Attachment 2 and copies of the professional reports and other documents referenced in this staff report are available at:

<https://islandstrust.bc.ca/island-planning/gabriola/current-applications/>

The applicant is currently working with professionals to assess the groundwater and soil conditions to demonstrate the site conditions can support the proposed redevelopment. Additional reports on these matters will be provided to planning staff and the LTC at a future date.

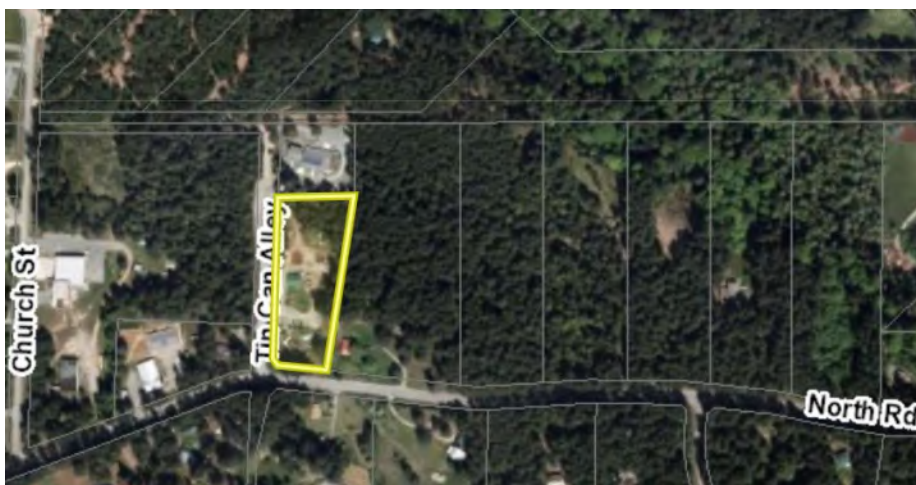


Figure 1. Subject Property - 750 Tin Can Alley, Gabriola Island

Pre-application Community Meeting

The applicant held an independently facilitated Community Information Meeting (CIM) on May 9, 2022 on Gabriola Island, to gather public input on the proposed redevelopment. Nine residents attended the meeting and survey results collected are found at the link provided above. The applicant reports that attendees felt the 'Village Commercial' zoning was not appropriate at this location but limited expansion of commercial uses would be appropriate.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided for the subject property (Attachment 1). There are a number of Islands Trust policies, OCP policies and LUB regulations that are pertinent to the consideration of this proposal, detailed in Attachment 2 and summarized as follows:

Islands Trust Policy Statement:

Staff note that an ITPS Checklist (Directives Only) will be completed at the time that draft bylaw amendments are presented to the LTC. The following Islands Trust Policy Statement (ITPS) directive policies are relevant to the application for early consideration by the LTC:

3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

Official Community Plan:

Attachment 2 of this report provides a comprehensive overview of relevant OCP policies related to this application. The subject property is designated 'Local Commercial' in the OCP and reference to the current business name

“Wild Rose Garden Centre” appears in Section 3.4. The applicant has requested that the subject property remain in the ‘Local Commercial’ designation rather than being included in the ‘Village Commercial’ designation.

OCP policy 3.2 d) stipulates:

“The expansion of the Village Commercial designation shall be considered based on compliance with the following criteria:

- i) Adequate off-street parking, landscaping and pedestrian access is provided;*
- ii) The design and site layout of the proposed development can be well integrated into the existing land use pattern in the Village Centre;*
- iii) The parcel fronts onto a main road and access and egress to the parcel can be provided safely;*
- iv) The additional area proposed for the Village Commercial is small in size.”*

The proposed redevelopment of the subject property appears to be consistent with the criteria listed in OCP policy 3.2 d) and would therefore justify an amendment to the OCP designation, to include the subject property in the ‘Village Commercial’ land use designation. Other factors supporting a ‘Village Commercial’ re-designation include:

- Parcel is not significantly distanced from the village centre and strongly linked to the village centre by being situated at the terminus of the newly constructed village way pedestrian trail;
- Parcel is located on the public transit (GERTIE) route; and
- Parcel is at the junction of a major pedestrian/equestrian/cycling trail access point.

There is no development permit area (DPA) in effect for the subject property. Should the LTC concur with the staff recommendations to prepare draft bylaws, staff recommend the subject property be included in the Village Commercial Development Permit Area No. 7 (see analysis below for discussion). The applicant supports the subject property being included in the DPA.

Staff also recommend re-designation of the subject property to ‘Village Commercial’ and removing business names from OCP policy 3.4 a) and replacing with property identification numbers or parcel legal descriptions.

Land Use Bylaw:

The subject property is currently zoned Local Commercial 3 – Garden Centres (LC3). The principle permitted use is ‘garden centres’ and accessory uses for this parcel are limited to single family residential, mini-storage and farm supply centre. There is one other parcel on Gabriola Island with this specific ‘garden centre’ zoning, and one existing business in the Village Commercial 1 zone that retails products consistent with the definition of garden centre – *“a business for the cultivation and retail sale of plants and garden supplies”*.

Should the LTC request staff to prepare draft amending bylaws, staff recommend rezoning to a corresponding site specific ‘Village Commercial’ zone that includes the existing principle and accessory uses and expands to include general retail sales, rentals, personal services, restaurants, bakeries, food truck and accessory offices, as well as two new residential densities, one protected by a housing agreement as affordable rental housing.

Issues and Opportunities

Staff have identified the following issues and opportunities for LTC consideration:

- Detailed plans for redevelopment;
- Groundwater Management;
- Sewage Disposal;
- Development Permit Area No. 7 – The Village Centre; and
- Existing Restrictive Covenants

Detailed Plans for Redevelopment

The applicant has not submitted detailed building, landscape or elevation plans for future redevelopment of the site as they intend to incrementally redevelop the property as business opportunities arise. The applicant is requesting zoning flexibility to accommodate future expansion of existing commercial uses to include retail sales, rentals, personal services, restaurants, bakeries, food truck and accessory offices. These uses are consistent with what is currently permitted in the Village Commercial Zones. The applicant is not requesting 'Village Commercial' uses such as laundromats or servicing or fuelling of vehicles.

The subject property meets the minimum lot size to be subdivided into two parcels, with each being permitted one residential dwelling under the current zoning and OCP policy direction, pending discharge of a restrictive covenant on title that prohibits uses other than *“one retail garden, farm supply and nursery store business”*. The applicant is requesting draft zoning authorize up to two dwellings on the parcel, with no potential for subdivision and voluntarily offering that one of the two dwellings be restricted to affordable rental housing through a housing agreement with the Local Trust Committee.

Groundwater Management

The existing commercial uses are serviced by an onsite well that is operating at 2.4 imperial gallons per minute as verified by a [flow rate test](#) conducted by a contractor. The applicant has applied for a groundwater license with the province for the existing garden centre use. Should the LTC direct staff to prepare draft bylaws, staff recommend that the LTC request confirmation of adequate water quality and quantity to support the application, which could then also be used to support a future application for an amended groundwater license.

Sewage Disposal

The existing commercial uses are serviced by an onsite Type 1 gravity fed septic system. Recent investigation by a professional as documented in the [Septic System Survey](#) report indicates that the existing system requires some repairs and maintenance to support the existing use. Any additional commercial or new residential uses would likely trigger the need for an expansion to the existing system or a new onsite sewage disposal system.

Should the LTC direct staff to prepare draft bylaws, staff recommend the LTC request from the applicant a copy of an assessment report and recommendations prepared by a qualified professional engineer, with expertise in wastewater treatment for non-domestic and domestic systems, to verify that the site can accommodate a sewerage system for the intended commercial and residential uses.

Development Permit Area No. 7 – The Village Centre

The Gabriola village centre area is designated as a 'Development Permit Area' (DPA) for the purposes of establishing objectives and guidelines for form and character, water conservation and reduction of greenhouse gas emissions. The designation is intended to ensure that commercial development and redevelopment will be pedestrian oriented, landscaped to conserve water resources and encourage fuel efficient vehicles and alternative modes of transportation. The Official Community Plan policy 3.2 e) stipulates that:

“Land in the Village Commercial designation and any future additions to the Village Commercial designation shall be placed in the Village Centre development permit area so as to ensure that the form and character of development which occurs is consistent with the existing character of the Folklife Village.”

Although the applicant is requesting retaining the ‘Local Commercial’ designation in the OCP, the applicant is supportive of the subject property being included in Village Centre DPA No. 7 so that any future development would be subject to the DPA guidelines. As per the analysis in this report, staff recommend the subject property be included in the ‘Village Commercial’ land use designation and DPA. Should the LTC concur, then an amendment to Schedule D (North Sheet and South Sheet Development Permit Areas) of the OCP would also be required.

Existing Restrictive Covenants

The subject property is encumbered by two restrictive covenants. One requires:

“prior to the construction of buildings or structures on the Land that result in the total combined floor area exceeding 1393.5m² (15,000 sqft), the Transferor must provide written confirmation to the Gabriola Island Local Trust Committee from the relevant public approval authority that all of the sewage generated on the Land can be disposed of on the Land.”

At the time this covenant was registered it is likely the province was acting as the approval authority for sewerage systems. However any redevelopment of the lot at this time would be subject to the provincial Sewerage Systems Regulations and all works undertaken overseen by a registered onsite wastewater professional. The rezoning application process triggers the need for documentation and evidence by a qualified professional, that the subject property can accommodate a sewerage system to support all of the proposed uses.

The second covenant requires *“The Lands shall be limited in use to the operation of one retail garden, farm supply and nursery store business”*. Should the LTC request staff to prepare draft amending bylaws, staff recommend these covenants be discharged from title as a condition of zoning.

Consultation

Statutory Requirements

As the application involves OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with First Nations and persons, organizations and authorities it considers will be affected. The statutory process for bylaw amendments is prescribed by the *Local Government Act* and *Island Trust Act*.

Protocols

The Islands Trust Council has a protocol agreement with the Snuneymuxw First Nation (on behalf of the Gabriola Island LTC) which specifies that the Islands Trust will notify Snuneymuxw in writing of, and work in cooperation with, Snuneymuxw on applications for amendments to official community plans and land use bylaws.

A 2013 letter of understanding between Gabriola Island Local Trust Committee staff and staff at the Regional District of Nanaimo (RDN) requires that the Islands Trust provide the RDN with a draft copy of the OCP prior to first reading.

Consistent with these agreements, staff recommend notification to the Snuneymuxw First Nation and eventual early referral of draft bylaws to the RDN prior to consideration of first reading.

Rationale for Recommendation

Staff have identified the necessary information required from the applicant to address groundwater and sewerage disposal capacity. Staff recommend that draft OCP and LUB amending bylaws be prepared to enable the application for mixed commercial/residential redevelopment to advance to the next stage in the application process. The staff recommendations are found on page 1 of this report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC 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... (specify requested information).

2. Receive for information

The LTC may receive the report for information and defer consideration to a future LTC meeting date.

NEXT STEPS

Should the LTC concur with staff recommendations, staff will work with the applicant to prepare draft bylaw amendments for subsequent LTC consideration. The LTC may consider early referrals at that time.

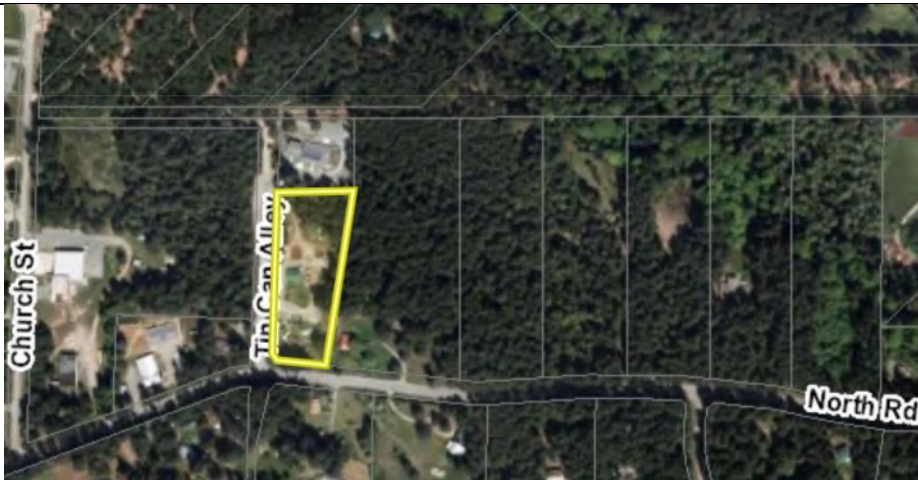
Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	September 22, 2022
Concurrence:	Heather Kauer, RPP, MCIP Regional Planning Manager	September 22, 2022

ATTACHMENTS

1. Attachment 1 Site Context
2. Attachment 2 OCP Policies

ATTACHMENT 1 – SITE CONTEXT GB-RZ-2022.1 (ALLEY ENTERPRISES LTD) SEPTEMBER 2022

LOCATION

Legal Description	LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373
PID	023-005-629
Civic Address	750 TIN CAN ALLEY RR 3 GABRIOLA BC V0R 1X3
Lot Size	1.0 hectares (2.5 acres)
Location	

LAND USE

Current Land Use	Commercial Garden Centre
Surrounding Land Use	North = Institutional (Recycling Centre); East = Institutional (HOPE Centre); West = Residential; South = Residential

HISTORICAL ACTIVITY

File No.	Purpose
GB-RZ-2003.8 GB-RZ-2022.1 GB-SUB-1993.1 GB-TUP-1998.2 UN-RZ-1992.41 UN-SUB-1989.28	Historic rezoning and subdivision applications.

POLICY/REGULATORY

Official Community Plan Designations	 Commercial – Local C(L) Applicant requesting no change in OCP Designation. Staff recommending change to ‘Village Commercial’ Development Permit Area: none, staff recommending inclusion in DPA No. 7 ‘Village Centre’
Land Use Bylaw	 Local Commercial (3) LC3 Change in zoning required. Staff recommend a site specific ‘Village Commercial’ zone to regulate requested principle and accessory uses.
Other Regulations	The applicant is required to obtain a commercial water license and Island Health approval for a water system to support the intended redevelopment of the parcel in accordance with the <i>Drinking Water Protection Act</i> and <i>Water Sustainability Act</i> .
Covenants	EW111710/11 – restrictive covenant requiring that prior to construction of buildings or structures exceeding 15,000 sq.ft, the owner must provide written confirmation to the LTC from “the relevant public approval authority” that all sewage generated on the Land can be disposed of on the Land. DISCHARGE OF COVENANT MAY BE REQUIRED if bylaws are to be amended to reflect the proposed redevelopment. EX009068/69 EG124744 – restrictive covenant requiring the lands to only be used in the operation of one retail garden, farm supply and nursery store business. DISCHARGE OF COVENANT REQUIRED if bylaws are to be amended to reflect the proposed redevelopment.
Bylaw Enforcement	None at present time.

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor directly affects a property adjacent to an ITC owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Strategy	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is LOW on the subject property.
Species at Risk	None mapped.
Sensitive Ecosystems	None mapped.
Hazard Areas	None identified in August 25, 2021 Geotechnical Assessment provided with the bylaw amendment application. Report suggested that site conditions are not conducive to the installation of on-site storm water infiltration measures; site MAY BE conducive to installation of stormwater detention measures. The locations of any proposed detention measures should be

	reviewed by the Geotechnical Engineer to determine if the design method(s) and/or location(s) pose a hazard to the Property or any adjacent or adjoining properties. A restrictive covenant may need to be required as a condition of rezoning to ensure stormwater management is addressed at the time of redevelopment. The applicant submitted a Phase 1 Environmental Site Assessment dated May 25, 2021 which stated that there were “no areas of Potential Environmental Concern (APEC)” and no further environmental investigation is recommended. The primary objective of the Phase 1 ESA is to identify areas of actual or potential contamination resulting from current or historical activities on the site or surrounding properties.
Archaeological Sites	None identified. Early referral of draft bylaws to First Nations is recommended should the application proceed.
Climate Change Adaptation and Mitigation	Site clearing, replacement of existing structures and construction of the proposed development are anticipated to result in associated greenhouse gas emissions.
Groundwater Vulnerability	Islands Trust mapping indicates the Aquifer Intrinsic Vulnerability for this area is Moderately High. The applicant submitted a current water yield report from the existing well which stated the well yield is 2.4 gallons per minute . No hydrogeological information has been provided to confirm the proposed uses can be serviced by this yield or supplemented by an additional well or other water system.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 3 – POLICIES (GB-RZ-2022.1 (ALLEY ENTERPRISES LTD))

GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 166, 1997

OCP Objective/Policy	Complies as of September 2022	Planner Comments as of September 2022
General Land Use Policies		
2.0 (f) Applications for amendment to this OCP shall be required to include: i. details concerning the potential environmental impacts of the proposed development; ii. a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and iii. such other requirements as may reasonably be deemed necessary in adequately reviewing the application.	TBD	The applicant has not submitted details regarding a water or sewage disposal plan to support the intended redevelopment of the parcel. The applicant submitted a septic survey for the existing septic system servicing the Garden Centre. The report suggests that the Type 1 gravity system is operational but requires some repairs and upgrades to support the current use. The report suggests the property may be able to accommodate additional areas for onsite sewage disposal. The applicant submitted a current water yield report from the existing well which stated the well yield is 2.4 gallons per minute. No hydrogeological information has been provided to confirm the proposed uses can be serviced by this yield or supplemented by an additional well or other water system. Staff recommend confirmation of water supply and sewage disposal to support the intended redevelopment of the subject parcel, to be received by the LTC prior to consideration of first reading of any draft bylaws.

h) The Village Centre shall be recognized as the hub of the community and shall provide for a mix of uses at a scale in keeping with Gabriola's character..."	YES	The application is in close proximity to the Village Centre and proposes a mix of uses consistent with the island's character.
General Commercial Policies/Village Commercial Policies		
3.1 b) A commercially designated site shall be designated as a development permit area where it is believed important to regulate the form and character of development which occurs there.	TBD	Staff recommend the subject parcel be included in the Village Commercial development permit area, should the application proceed.
3.1 d) One single-dwelling residential unit per parcel may be permitted in any Commercial designation.	TBD	The applicant is requesting two residential units on the subject parcel with one of those units protected in perpetuity as affordable rental housing, with a housing agreement. The applicant is requesting zoning which will prohibit subdivision of the parcel in the future. The parcel currently has potential to be subdivided into two lots with one residential unit each if the covenant is discharged. No increase in density is proposed, if subdivision potential is extinguished from the parcel and the covenant is discharged.
3.2 d) The expansion of the Village Commercial designation shall be considered based on compliance with the following criteria: i. adequate off-street parking, landscaping and pedestrian access is provided; ii. the design and site layout of the proposed development can be well integrated into the existing land use pattern in the Village Centre; iii. the parcel fronts onto a main road and access and egress to the parcel can be provided safely; iv. the additional area proposed for Village Commercial is small in size. e) Land in the Village Commercial designation and any future additions to the Village	TBD	The proposal meets all criteria to be included in the Village Commercial designation, however the applicant has requested the subject parcel remain in the Local Commercial designation with a site specific amendment to the Local Commercial 3 – Garden Centres (LC3) zone instead. Staff recommend the LTC consider the merits (see analysis in staff report) to include this parcel in the 'Village Commercial' designation and zoning.

Commercial designation shall be placed in the Village Centre development permit area so as to ensure that the form and character of development which occurs is consistent with the existing character of the Folklife Village.		
3.4 a) The following sites are designation Local Commercial: i. Wheelbarrow Nursery ii. Wild Rose Garden Centre;...	TBD	The applicant is requesting to remain in the Local Commercial land use designation. Staff recommend the LTC consider the merits (see analysis in staff report) to include this parcel in the 'Village Commercial' designation and zoning. Staff also recommend business names be removed from the OCP and replaced with parcel identification numbers or legal descriptions.
<i>Heritage and Archaeological Resources Policies</i>		
6.3 (a) The Snuneymuxw First Nation and the Archaeology Branch should be consulted prior to the initiation of any future development which may impact on a known archaeological site on Gabriola, or an area exhibiting potential for the presence of unrecorded archaeological sites.	YES	The subject parcel is not in proximity to a known archaeological site nor is it identified as having potential. Staff still recommend early referral of any draft bylaws to the Snuneymuxw First Nation.
6.3 (f) Development proponents are encouraged to consider archaeological resources during all phases of project planning, design and implementation.	YES	The applicant is advised to obtain any required permit under the <i>Heritage Conservation Act</i> .
<i>Land Transportation Policies</i>		
7.1 (j) Commercial, multi-dwelling developments and public facilities should provide structures for the convenient and secure parking and locking of bicycles.	TBD	Detailed redevelopment plans have not been submitted as part of this application. Draft bylaws should expand the Village Commercial Development Permit Area to include the subject property to address bicycle parking requirements.
7.1 (k) The creation of an off-road bicycle and pedestrian trail along Gabriola's busiest traffic corridor from the ferry hill to Tin Can Alley should be considered when land use decisions, rezonings, subdivisions, road resurfacing or other development occurs along this route.	YES	The newly installed Village Way Trail ends/begins at the intersection of the subject property.
<i>Water Supply Policies</i>		
7.4 d) In considering the approval of a community water system, consideration shall be given to the results of a water management review, prepared by a Professional Engineer which examines:	TBD	The applicant has not submitted details regarding a water plan to support the intended redevelopment of the parcel.

i) the potential impact on existing water users in the immediate area; ii) the recharge capability of the water source relative to anticipated maximum water demand of the proposed system; iii) ownership and management of the system; and, iv) remedies available in the event of a water system failure.		Staff recommend confirmation of water supply to support the intended redevelopment of the subject parcel, to be received by the LTC prior to consideration of first reading of any draft bylaws.
7.5 (1) To ensure that the disposal of sewage does not lead to health hazards through pollution of the groundwater or the marine waters within the Gabriola Planning Area.	TBD	The applicant has not submitted details regarding a sewage disposal plan to support the intended redevelopment of the parcel. The applicant submitted a septic survey for the existing septic system servicing the Garden Centre. The report suggests that the Type 1 gravity system is operational but requires some repairs and upgrades to support the current use. The report suggests the property may be able to accommodate additional areas for onsite sewage disposal. Staff recommend confirmation of sewage disposal to support the intended redevelopment of the subject parcel, to be received by the LTC prior to consideration of first reading of any draft bylaws.
<i>Climate Change Adaptation and Greenhouse Gas Emission Policies</i>		
8 (b) The Local Trust Committee should consider the development of new criteria for assessing official community plan or land use bylaw amendment applications from the perspective of climate change adaptation and greenhouse gas emission reduction.	TBD	For LTC consideration.
8 g) The Local Trust Committee should consider amendments to commercial parking regulations to encourage public transit, smaller vehicles, non-polluting vehicles and permeable parking surfaces.	TBD	Detailed redevelopment plans have not been submitted as part of the application. If the subject property is included in the DPA No. 7 these matters can be addressed at the time of development of the property.

DATE OF MEETING: September 29, 2022
TO: Gabriola Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Project Recommendations for Incoming LTC

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as presented on September 29, 2022 for further consideration by the incoming Local Trust Committee.
2. That the Gabriola Island Local Trust Committee endorse the draft business case for a Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw project and request staff forward it to the Financial Planning Committee.

REPORT SUMMARY

The LTC is being asked to consider its 'Top Priorities' and 'Projects' list and provide any direction for amendments, prior to the end of the current term. The LTC is also being asked to consider a draft business case to implement a Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw project.

BACKGROUND

At their July 28, 2022 meeting, the LTC reviewed staff's recommendations for future project lists and took action on the following resolutions:

GB-2022-061

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as presented on July 28, 2022 for further consideration by the incoming Local Trust Committee.

TABLED

GB-2022-062

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee table the previous motion GB-2022-061 until September 29, 2022 and request that staff review the Housing Options and Impacts Review Project Charter and identify elements that could be included in the comprehensive Official community Plan and Land Use Bylaw project for a report for next meeting.

CARRIED

GB-2022-063

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff to prepare a draft business case for a Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw project for consideration of Gabriola Island Local Trust Committee endorsement.

CARRIED

ANALYSIS

Staff has included the “in-scope” items from the February 27, 2020 version of the Housing Options and Impacts project charter in the Top Priority OCP/LUB project. These can be seen in Attachment 1 of this report.

The draft business case is attachment 3.

ALTERNATIVES

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

1. Amend the ‘Top Priorities List’ and/or the ‘Projects List’

The LTC may amend either list prior to the end of the term. The resolution could be worded as:

That the Gabriola Island Local Trust Committee amend the [Top Priorities List/Projects List] as follows: [indicate amendments].

2. Keep the OCP and LUB amendments on the Projects List

The LTC could keep the list of OCP and LUB amendment projects on the Projects List rather than moving them to the Top Priorities list. The resolution could be worded as:

That the Gabriola Island Local Trust Committee keep projects with official community plan and land use bylaw deliverables on the Projects List.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 13, 2022
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ATTACHMENTS

1. Recommended Top Priorities List
2. Recommended Projects List
3. Draft Business Case for Comprehensive OCP and LUB Project

Attachment 1

Recommended Top Priorities Project List

Priority No.	Title	Activity	Initiation Date
1	Ecological Protection Zone	Research and develop a new ecological protection zone as part of the Parks (P) OCP designation.	2018
2	Development Approval Information Bylaw	Update Gabriola Island Bylaw No. 150, Development Approval Information Bylaw	2022
3	Gabriola Island Comprehensive OCP & LUB Review	Establish opportunities to incorporate First Nations perspectives on indigenous housing needs and inter-governmental collaboration for effective decision making. Consider new Development Permit areas for water conservation; form and character; and protection of biodiversity. Consider and incorporate RCP goals as part of the housing project. Develop an island wide water sustainability plan that builds on the RDN water budget data, rainwater catchment and requirements of the <i>Water Sustainability Act</i>. Review definitions of “affordable” and “attainable” housing. Review OCP policies respecting affordable, rental, seniors, special needs housing, social needs, social well-being and social development; develop a new ‘housing first’ policy. Review amenity zoning and housing agreements; density bank policies; opportunities for rental zoning. Consider secondary suites on lots smaller than 2 hectares. Consider OCP designations, density provisions, LUB regulations, and Development Permit guidelines for multi-dwelling housing and mixed use buildings. Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area Hazardous areas/Steep Slopes DPA: Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain Consider implementing Eelgrass protection regulations	

Priority No.	Title	Activity	Initiation Date
		Gabriola Village Plan: Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core	
		Green Energy: Consider policy and regulatory mechanisms to encourage green and renewable energy	
		Review bylaws with respect to temporary use permits for commercial vacation rentals	
		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	
		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	
		Water Resource Planning: Review of water requirements at the time of subdivision	
		Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018): Implementation of the report recommendations into OCP policy and LUB regulations.	
		GB LUB Accessory Buildings: Review of regulations pertaining to the order of construction of accessory buildings on lots.	
		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.	
		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.	
		Review regulations to ensure flexibility for housing options in ALR are consistent with recent ALC changes.	

Attachment 2

Recommended LTC Project List

No.	Category	Title	Activity	Initiation Date
1	OCP Amendments			
2	LUB Amendments			
3	OCP & LUB Amendments	DeCourcy Island OCP and LUB	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	
4	Administrative (Administrative Bylaws, Processes, and Procedures)			
5	Advocacy and Communications	Snuneymuxw Relationship Building	Strengthen relationship with Snuneymuxw First Nation	
6	Bylaw Enforcement			



Budget Funding Request Short-Form Business Case

Completion of this form initiates a request to the management team for allocation of budget funds. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by: Heather Kauer On behalf for the GB LTC	Budget Source (select all that apply): ☒ Specific Project Funding (select all that apply) ☒ Third Party Contractors ☐ Staff Travel Expense ☐ Staff Overtime Expense ☐ New Staff Member – Temporary for project ☐ Computer Hardware/Software ☐ Furniture & Equipment ☐ Computer Hardware/Software/Supplies ☐ New Staff Resources (see Staff Costing Tool) ☐ Permanent ☐ Temporary Temp Duration: _____ ☒ Other – please describe: Consultants, Honoraria for First Nations for on-going meetings and participation, technology, mapping, facility rental, engagement meetings and materials, printing, posting and distribution of communication materials.
Business Area: Gabriola Island Local Trust Committee – LTC projects	
Name of Request: GB LTC – Gabriola OCP and LUB Targeted Review Project 2023-2024 - \$60,000.00	
Date of Funding Request: September 29, 2022 GB LTC Resolution: September 29, 2022:	Funding Required for (date range): April 2023 – March 31, 2024

ISSUE/OPPORTUNITY:

The Gabriola Island OCP and LUB Comprehensive Review is a top priority project aimed at modernizing and updating the documents. This review process and resulting amendments to the OCP and LUB would address issues and provide opportunities as follows:

- Strengthen relations with First Nations, honouring the Islands Trust Reconciliation Action Plan 2019-2022 by undertaking early and meaningful engagement with Snuneymuxw First Nation, and others, working to align land use planning policies and regulations with First Nations interests and First Nations-led planning and policy initiatives.
- Update Gabriola Island's OCP and LUB, which have not been substantially updated since 1997 and 1999 respectively, and to be reflective of reconciliation and First Nations engagement, including acknowledgement of First Nations treaty and territorial rights and title, including place, context and inherent rights.
- Aligns and advances the Islands Trust Strategic Plan Objective "to preserve and protect marine ecosystems" and Strategy to "undertake a review of Local Trust Committee-Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore," by specifically reviewing and strengthening Gabriola shoreline protection policies and regulation.
- Aligns and advances the Islands Trust Strategic Plan Objective "Preserve, protect and advocate for forest and terrestrial ecosystems", by reviewing and strengthening Gabriola forest protection policies and regulations as guided by the Islands Trust Toolkit for the Protection of the Coastal Douglas-fir Zone and Associated Ecosystems.

The completion of a project of this scale will rely on a successful public engagement process which requires support from a skilled engagement professional with expertise in indigenous and non-indigenous engagement and land use planning policy and regulation review. The completion of this project will also rely on mapping and geospatial data, along with ecological and indigenous expertise to assist with analysis.

Background:

The first phase of this project will take place in fiscal 2023-2024 and be dedicated to engagement activities for the OCP-LUB comprehensive review. Drafting and processing bylaws is anticipated to take place in 2024-25.

The LTC is seeking the funds to support the first phase with this business case.

PROJECTED RESULTS/DELIVERABLES:

Funding Request for Phase 1: Coordination with First Nations to develop project scope and preliminary public engagement (2023-24)		
Consultant Contract	Spring 2023	\$40,000
First Nation early and meaningful engagement / project scoping	Summer/Fall 2023	\$10,000
Public Engagement	Fall / Winter / Spring 2023-24	\$10,000
Funding Request for Phase 1: Legislative Process and Implementation (2023-2024)		
1 st reading, further engagement, referrals to First Nations and agencies	Spring 2024	\$3,000.00
Legal Review	Summer 2024	\$5,000.00
Consideration of changes and 2 nd reading	Summer 2024	

Community Information Meeting and Public Hearing	Summer/Fall 2024	\$3,000.00
3 rd reading	Fall 2024	
Forward to Executive Committee and Ministry of Municipal Affairs	Fall 2024	
Final Adoption	Winter 2024/25	
Bylaw amendment communications		\$2,000.00
RISK ASSESSMENT: - Factors potentially affecting the timing of project deliverables: - Regional Planning Team capacity to manage the project in 2023/2024 and 2024/2025 along with other competing LTC projects that are yet to be approved for that timeframe; - Capacity and available expertise to support mapping and data needs within the budget; - Other staffs' capacity to provide support to the project in 2023/2024 and 2024/2025; - First Nation capacity and interest to engage may not align with project timelines;		
ALTERNATIVES CONSIDERED: Option 1: Increase/no level of involvement of engagement consultant <u>Increased involvement</u> - More robust consultation with multiple events, all undertaken by consultant; increased possibility of building trust with indigenous and non-indigenous communities; - Bylaws drafted by consultant and/or by staff; - Over \$60,000.00 overall budget, which may require use of Surplus or special property tax requisition - Timeline of 2-3 years, likely less than current proposal; would continue into next political term. <u>No involvement</u> - Minimal consultation undertaken by staff, hampering possibility of building trust with indigenous and non-indigenous communities; - Bylaws drafted by staff; - Under \$40,000 overall budget; - Extend timeline to 2.5 – 4 years or longer; Option 2: Limit review to select topic areas in a targeted review - Risk that OCP continues to not reflect current and future community needs; - Possible timeline would continue to into next political term; - Would likely result in decrease in overall budget, but not significantly.		
CRITICAL SUCCESS FACTORS: - See Risk Assessment above for critical success factors and risks involved.		

RECOMMENDED OPTION:

The present funding request is for \$60,000.00 for fiscal 2023/24 to allow the Gabriola Island OCP-LUB project to progress to begin Phase 1.

COST/BENEFIT ANALYSIS:Quantitative Analysis:

\$60,000.00 for fiscal 2023/2024 for Phase 1

Assumes a consultant-led comprehensive review of the Gabriola OCP and LUB

Qualitative Analysis:

If no action is taken, Gabriola Island forests, shorelines and indigenous heritage are at risk of continued degradation from future rural development and housing affordability will continue to be an issue.

PURCHASING PROCEDURE:

- RFP for consultant

PROPOSED IMPLEMENTATION STRATEGY:

- See Projected Results/Deliverables above.

Initiator Name and Title

Date

Reviewed by: Name and Title

Date

REVIEWED BY MANAGEMENT TEAM:

Date received:

Approved: ☐ YES ☐ NO

Next steps:

- If approved by management:
 - the business case will be forwarded to FPC for review in October of each year.
 - the funding for the request will be included in Draft 1, Version 1 of the budget which is reviewed by FPC in October of each year, and the business case forwarded to FPC.
- If not approved by management:
 - the business case will be forwarded to FPC for information in October of each year, but not included in the budget draft.

File No.: GB-6500-20 – (4105)

DATE OF MEETING: September 29, 2022
TO: Gabriola Island Local Trust Committee
FROM: Anthony Fotino, Island Planner
Northern Team
SUBJECT: LUB Amendments to Introduce Ecological Protection Zone

RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 313, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.
2. That Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022” be read a first time.
3. That Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022” be read a second time.
4. That the Gabriola Island Local Trust Committee request staff to refer Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022” to the Island Trust Conservancy Board, the Regional District of Nanaimo, and Snuneymuxw First Nation for comment.
5. That the Gabriola Island Local Trust Committee endorse Project Charter version 5.0 of the Ecological Protection zone project.

REPORT SUMMARY

The purpose of this report is to advance the Gabriola Island Local Trust Committee’s (LTC) Top Priority Ecological Zone Project by considering the first and second readings of Bylaw No. 313 (Attachment 1) which contains amendments to the Gabriola Island Land Use Bylaw (LUB) to allow for the introduction of a new Ecological Protection (EP) zone.

BACKGROUND

The Gabriola Island Local Trust Committee (LTC) passed the following resolution at their regular business meeting on July 28, 2022:

GB-2022-064

It was MOVED and SECONDED

That the Gabriola Local Trust Committee request staff to proceed with the Ecological Protection Zone draft bylaw in relation to Elder Cedar and remove Burns Acres from the project charter.

CARRIED

Given the above resolution, staff are returning with proposed Bylaw No. 313 for discussion and consideration of further readings and amended Project Charter for LTC endorsement.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement (ITPS):

Bylaw No. 313 is consistent with the policies of the ITPS (Attachment 2).

Issues and Opportunities

Draft Bylaw No. 313

The draft bylaw (Attachment 1) if adopted will amend the Gabriola Island Land Use Bylaw by developing a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177. This consists of rezoning Elder Cedar Nature Reserve to a park or conservation/protection type zone.

Consultation

At the July 28, 2022 LTC meeting, the LTC passed resolution GB-2022-064 to remove Burren's Acres nature reserve from the proposed bylaw amendment since staff had discovered the need for an Official Community Plan Amendment. The LTC advised moving forward with the proposed bylaw amendment that only includes Elder Cedar Nature Reserve.

Rationale for Recommendation

Given the LTC decision to waive the requirement for public hearing at the June 16, 2022 meeting, staff are recommending, as per page 1 of this report, that draft Bylaw No. 313 be given first and second reading, and be referred to the Islands Trust Conservancy, Regional District of Nanaimo, and Snuneymuxw First Nation for comment. Staff are also recommending that the amended Project Charter, which has removed Burren's Acres Nature Reserve from the project scope, be endorsed by the LTC.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC 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 staff provide [specify requested information]

NEXT STEPS

Subject to concurrence with staff recommendations in this report, staff would refer proposed Bylaw No. 313 to the applicable agency and First Nation for review. Once reviewed by the referred agencies and First Nations, staff would return Bylaw No. 313 to the Gabriola LTC for consideration of third reading.

Submitted By:	Anthony Fotino, RPP, MCIP Island Planner	September 15, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	September 15, 2022

ATTACHMENTS

1. Proposed Bylaw No. 313
2. ITPS Checklist
3. Proposed Mapping
4. Project Charter v.6 DRAFT

SUBJECT PROPERTY

From: Parks 2 - (P2)
To: Ecological Protection - (EP)



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GB-6500-20 – (4105)

File Name: Gabriola Island Eco Zone

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	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.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	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 and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
✓	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 313

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

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

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”.

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

READ A FIRST TIME THIS _____ DAY OF _____, 202x

READ A SECOND TIME THIS _____ DAY OF _____, 202x

PUBLIC HEARING WAIVED 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

ADOPTED THIS _____ DAY OF _____, 202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313**

Schedule “1”

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 **Part B - GENERAL REGULATIONS**, Section **B.1 USES, BUILDINGS AND STRUCTURES**, Subsection **B.1.4 Site Specific Zones**, is amended by adding the following:

“**B.1.4.2** Ecological Protection (EP) zone is only applicable to the following lot:
a. BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID:026-664-453).”

1.2 **Part C - ESTABLISHMENT OF ZONES**, Section **C.1 DIVISION INTO ZONES**, Subsection **C.1.1 Land Based Zones**, Article **C.1.1.4 Recreation and Institutional Zones**, insert new zone “EP Ecological Protection” after “P3 –Active Recreation Community Park”.

1.3 **Part D - ZONES**, Section **D.4 RECREATION AND INSTITUTIONAL ZONES**, insert new Subsection D.4.4 Ecological Protection (EP) after Subsection **D.4.3 Active Recreation Community Park** as shown on **Appendix 1** attached to and forming part of this bylaw and renumber subsequent subsections chronologically.

1.4 **Part G - DEFINITIONS**, Section **G.1 DEFINITIONS**, is amended by adding the following definitions in alphabetical order:

<i>“Conservancy</i>	<i>means an area designated to conserve and protect natural resource values including flora, fauna, ecosystems and the natural environment.;</i>
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<i>Ecological Restoration</i>	<i>is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed;”</i>
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2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:

2.1 Schedule “B” – South Sheet, is amended by changing the zoning classification of BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID:026-664-453) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313**

Appendix 1

D.4.4 Ecological Protection Zone (EP)

D.1.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Ecological Protection (EP) zone:

a. Permitted *Principal* Uses

- i *ecological reserves, nature parks and conservancies*
- ii *ecological restoration*
- iii *natural and cultural resource management and protection*

b. Permitted *Accessory* Uses

- i *informational, cultural, and historical interpretation*
- ii *passive recreation*

D.1.4.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Ecological Protection (EP) zone:

a. Permitted *Buildings* and *Structures*

- i *pedestrian trails : unhardened, or constructed for maximum permeability as in the case of a boardwalks*
- ii *benches, bridges and boardwalks*
- iii *trail, interpretive, safety and commemorative signage*
- iv *structures that are required to maintain the natural values of the land, including deer and predator fencing and plant support and protection.*

D.1.4.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Ecological Protection (EP) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of *buildings* or *structures* is 5.0 metres (16.5 feet).

b. *Building* and *Structure* Siting Requirements

- i *The minimum setback for buildings or structures except for a sign, fence, or bench is 15.0 metres (49.2 feet) from any lot line.*

c. Floor Area

- i *No building or structure shall have a total floor area that exceeds 9.3 square (100 square feet).*

d. Lot Coverage Limitations

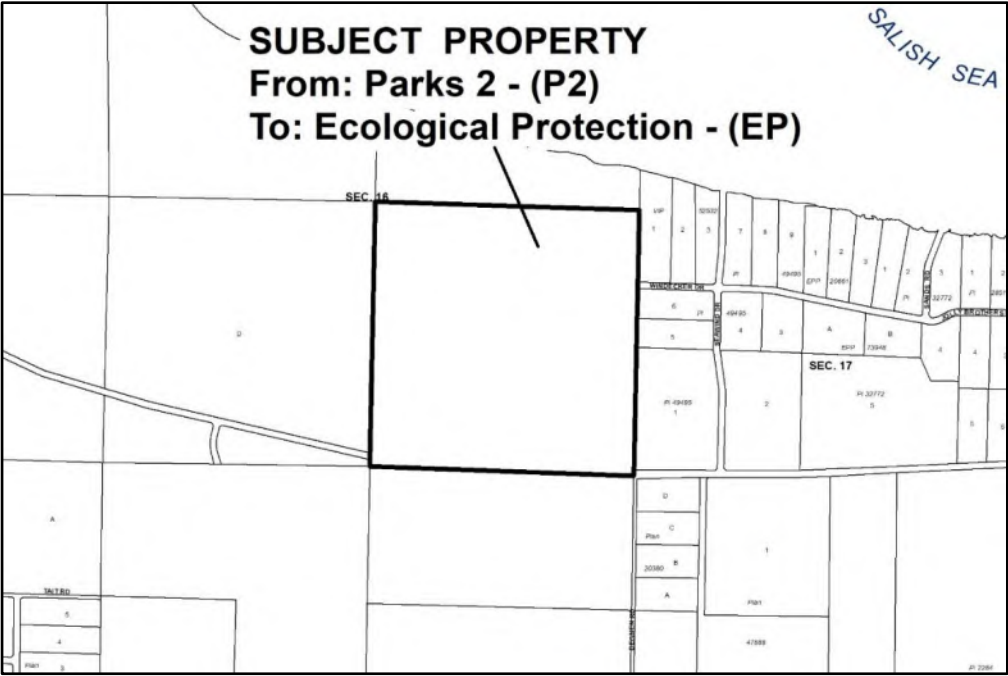
- i *The maximum combined lot coverage by buildings and structures is 1 percent of the lot area*

e. Lot Area Requirements for Subdivision

- i *No lot in the Ecological Protection zone may be subdivided for the purpose of creating additional lots.*
- li *Boundary adjustments and lot consolidations are permitted for the purpose of increasing the area of a lot in the Ecological Protection (EP) zone.*

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313

Plan No. 1



Ecological Protection Zone - Charter v 6.0

Gabriola Island Local Trust Committee

LTC Endorsement Date: xxx

Purpose: To develop a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177, which consists of the rezoning of Elder Cedar Nature Reserve to a park or conservation/protection type zone.

Background: This project is the result of the Gabriola Island LTC resolution dated July 13, 2017 to amend its Top Priorities List to include the development of a new ecological protection zone for the Land Use Bylaw, including the rezoning of Coats Marsh Regional Park and Burren's Acres Nature Reserve. The Project Charter has ultimately been amended to only include the rezoning of the Elder Cedar Nature Reserve.

Deliverables

- One Land Use Bylaw Amendment Bylaw that creates a new EcoZone zoning designation and applies the new zoning to the Elder Cedar Nature Reserve.

In Scope

First Nations Relations and Perspectives

- Establish opportunities to incorporate First Nations perspectives on shared conservation interests in land-use and inter-governmental collaboration for effective regulatory decision making.

Regional Conservation Plan (RCP)

- Further the Goals and Objectives of the protection and enhancement of biodiversity and opportunities for conservation in the Islands Trust Area.

Rezone Elder Cedar Nature Reserve

- Develop a regulatory scheme for permitted/prohibited uses and structures, minimum and minimum average lot sizes for subdivision, etc., commensurate with the Goals and Objectives of the RCP and of the intent of the Environment Canada Ecological Gifts Program.

Out of Scope

- OCP review and amendments
- Review of OCP Parks land use designation.
- The rezoning of other parcels save Elder Cedar Nature Reserve.
- Review of LUB definitions
- Review of Development Permit Areas.
- Development of restrictive covenants or similar tools for the protection of the subject properties in alternate capacity.

IAP2 Engagement Level:

- ☐ Inform
- ☐ Consult
- ☒ Involve
- ☐ Collaborate

Workplan Overview

Deliverable/Milestone	Target Date
LTC endorses/approves project charter and directs staff to develop a work plan based on the In Scope objectives of this charter.	September, 2022
Draft bylaw(s) presented to LTC for review.	September, 2022
Referral of draft bylaw(s).	September, 2022
CIM/Public Hearing	February, 2023
Adoption of draft bylaw(s) and communications materials.	March, 2023

Project Team	
<i>Island Planner</i>	Project Manager
Regional Planning Manager	<i>Project Sponsor</i>
Legislative Clerk	Legislative Process/Bylaw Review
Administrative Office Assistant	Web posting; zoom meeting support
RPM Approval: <i>Heather Kauer</i> Date: Sept. 15, 2022	LTC Endorsement: Resolution #: Date:

Budget		
Budget Sources:		
Fiscal	Item	Cost
2022-23	CIM/Public Hearing	\$1,500
	Total	\$1,500



BRIEFING

To: All Local Trust Committees **For the Meeting of:** Various
From: ITC Staff **Date Prepared:** July 22, 2022
SUBJECT: Referral for Comment, Islands Trust Conservancy (ITC) Plan

PURPOSE: The Islands Trust Conservancy (ITC) has completed a draft Three-Year Plan, and is providing to local trust committees for information. Local trust committees may choose to provide comments for consideration of the ITC Board.

BACKGROUND:

The *Islands Trust Act* requires that the ITC prepare and submit to the Minister, at least once every five years, a Trust Fund Plan (ITC Plan), including policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required. More recently, it has also summarized the goals of the draft Regional Conservation Plan¹. The current ITC Plan runs until the end of 2022 and the ITC Board is developing its next ITC Plan, which will begin in 2023.

ITC policy requires referral of the ITC Plan to every local trust committee and island municipality as well as to Trust Council for comment. Trust Council will receive the draft ITC Plan at its September meeting.

ATTACHMENT(S): Draft ITC Three-Year Plan

FOLLOW-UP: The Islands Trust Conservancy Plan has been referred to all local trust committees, Bowen Island Municipality, and Trust Council. It will also be referred to First Nations with interests in the Trust Area Comments. All comments will be considered by the ITC Board. The ITC Board intends to submit a final plan to the Minister of Municipal Affairs in December 2022 with a request for approval.

Following adoption of the ITC Plan, the ITC Board will consider a strategy for a multi-year engagement of First Nations to better inform an ITC Plan for 2026-2030.

Prepared By: Kate Emmings, Manager, Islands Trust Conservancy

¹ It is important to distinguish between the Trust Fund Plan, which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Islands Trust Conservancy Board and its staff. The documents are complementary, but serve different functions.



ISLANDS TRUST CONSERVANCY THREE-YEAR PLAN 2023-2025



ISLANDS TRUST CONSERVANCY

CoNTENTS

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I. INTRODUCTION

Islands Trust Conservancy¹ manages over 1,350 hectares of diverse island ecosystems in 112 protected areas, in collaboration with private landholders, land trusts and other conservation partners. The Islands Trust Conservancy recognizes that the ability to protect these island ecosystems is possible because of the thousands of years of stewardship by the First Nations with interests in the lands and waters in the Trust Area, which has created a lasting natural legacy throughout the islands.

Islands Trust Conservancy was created by the Province of British Columbia in 1990 as a regional land trust and conservation arm of the Islands Trust to protect in perpetuity some of the most ecologically and culturally significant places in the Islands Trust Area. To do so, the Islands Trust Conservancy works closely with partners to protect sites through land donation, conservation covenants, land purchase and public education.

Islands Trust Conservancy plays an important role in preserving and protecting the unique and fragile ecosystems found in the Strait of Georgia and Howe Sound. The area is among the most biologically diverse regions in the Province of British Columbia and is globally significant with respect to the at-risk Coastal Douglas-fir biogeoclimatic zone. The Islands Trust Area holds 25% of British Columbia's Coastal Douglas-fir zone, the largest percentage of any local government jurisdiction in the province. Within regional districts and biogeoclimatic zones found within the Islands Trust Area, there are a total of 197 red-listed (extirpated, endangered, or threatened) species (25% of the provincial total) and 158 blue-listed (special concern) species (14% of the provincial total) (BC Conservation Data Centre, 2022).²

There are also a high proportion of the province's red and blue-listed ecological communities. The Islands Trust Area supports some of Canada's last remaining Garry Oak ecosystems and the associated rare plants, mosses, butterflies and reptiles. Island coastlines support eelgrass meadows, forage fish habitat, glass sponge reefs and other extraordinary marine environments. These numerous rare and endangered species and ecosystems will not survive unless sufficient habitat is protected and carefully managed for its ecological integrity. The Islands Trust Conservancy's work encouraging and assisting private landholders to protect ecologically valuable land in this region is vital to the provincial government's efforts to protect these important and imperiled ecosystems.

Since the adoption of the previous Islands Trust Conservancy Plan in 2017, Islands Trust Conservancy has deepened its learning about the connection of Indigenous Peoples to the land and waters of the islands. Typically, Islands Trust Conservancy adopts Five-Year Plans to guide its work; however, Islands Trust Conservancy has not had sufficient time to engage with First Nations regarding its strategic directions to be able to submit a 2023-2027 Plan. Consequently, Islands Trust Conservancy Board has elected to create a short Three-Year Plan that is substantively an update of the 2017-2022 Plan. The Three-Year Plan will guide the work of Islands Trust Conservancy while it conducts early and meaningful First Nations engagement prior to adoption of a 2026-2030 Plan. By meaningfully engaging First Nations in the development of the 2026-2030 plan, Islands Trust Conservancy hopes to

¹ Previously known as the Islands Trust Fund Board. Name change effective May 31, 2018

² B.C. Conservation Data Centre. 2022. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed May 7, 2022).

create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

2. THE ISLANDS TRUST CONSERVANCY MANDATE, MISSION AND VISION

The Legislated Mandate of the Islands Trust Conservancy

In 1974, the Province of British Columbia recognized the islands between Vancouver Island and the mainland as a special place within the province where the unique beauty, rural character and rare ecosystems should be protected from overdevelopment. Through the *Islands Trust Act*, the province established the Islands Trust, with the following mandate (known as the Object of Islands Trust):

*To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.*³

In 1990, through the enactment of a section of *Islands Trust Act*, the Islands Trust Conservancy (at that time, the Islands Trust Fund) was established as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the *Islands Trust Act* establishes the corporate status, responsibilities, and governance structure of the Islands Trust Conservancy.

The Islands Trust Conservancy is one of 16 corporate entities⁴ charged to uphold the Object of the Islands Trust. It carries out the preserve and protect mandate through the conservation of land as nature reserves, nature sanctuaries, conservation covenants and other interests in land, and public education.

Under the *Islands Trust Act* (Section 44)

1. The Islands Trust Conservancy must prepare and submit to the Minister, at least once every five years, a plan for the trust fund respecting
 - a) policies on acquisition, management and disposal of property of the trust fund,
 - b) policies on investment of money of the trust fund,
 - c) goals for major acquisitions of property by the trust fund, and
 - d) other matters as required by the Minister
2. The Islands Trust Conservancy must not, without the prior approval of the Minister, acquire, hold or dispose of land except in accordance with a trust fund plan under subsection (1) that has been approved by the Minister.

³ In November 2021, the Province of BC passed the Municipal Affairs Statutes Amendment Act (No. 2), 2021 (Bill 26), which included specific reference to First Nations in the Islands Trust’s Object.

⁴ The Corporate entities charged to uphold the Object of the Islands Trust include the Trust Council, the Executive Committee, thirteen local trust committees and the Islands Trust Conservancy.

The Mission and Vision of the Islands Trust Conservancy

The **mission of the Islands Trust Conservancy** is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area.

The **vision of the Islands Trust Conservancy** is for a network of protected areas that preserve in perpetuity the natural systems of the islands in the Salish Sea.

Reconciliation Declaration

In July 2019, the Islands Trust Conservancy approved a Reconciliation Declaration:

The **Islands Trust Conservancy acknowledges** that the islands and waters that encompass the Salish Sea have been home to Indigenous Peoples since time immemorial. We recognize that we are all intertwined in the ecosystems that are the lands, waters, culture, and ecology that embody this place.

The **Islands Trust Conservancy will strive** to create opportunities for knowledge-sharing, understanding and collaboration as people come together to preserve and protect the special nature of the islands within the Salish Sea.

The **Islands Trust Conservancy is committed** to the protection and preservation of this place through processes that respect and honour reconciliation and mutually respectful relationships with Coast Salish Indigenous Peoples. We express our recognition for the past, present, and future stewardship and knowledge that has been shared by Indigenous Peoples and are humbled and grateful.

3. GOALS AND OBJECTIVES OF THE ISLANDS TRUST CONSERVANCY

Building on Achievements

Protected Lands

Since its inception in 1990, the Islands Trust Conservancy has protected 1,365 hectares (3,370 acres) of ecologically-significant natural area on the islands. As of November 2022, the Islands Trust Conservancy manages 34 Nature Reserves, and works with island landholders to steward 78 conservation covenants for a total of 112 protected areas. Twenty-seven of these protected places are certified as Ecological Gifts by Environment and Climate Change Canada.

In the next three years: The Islands Trust Conservancy will continue to refine the knowledge used for its decision making by developing a renewed 10-year Regional Conservation Plan to ensure that the organization's time and resources are directed towards high-priority land protection projects.

The Islands Trust Conservancy will continue to pursue new and innovative sources of funding to ensure that it can seize time-sensitive land securement opportunities and prevent further loss of the rare and fragile ecosystems of the Islands Trust Area. The Islands Trust Conservancy also intends to increase funding available for property management and restoration of its protected lands.

See Appendix A for a list of properties protected by the Islands Trust Conservancy.

Collaboration

The Islands Trust Conservancy works in partnership with land trusts, conservation groups, First Nations, parks agencies and others focused on conservation in the region. Islands Trust Conservancy staff participate in the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership, the Land Trust Alliance of British Columbia, and the Species and Ecosystems at Risk Local Government Working Group to further the organization's conservation mandate.

The Islands Trust Conservancy supports and enhances the capacity of the local island-based land trusts by providing grants from its Opportunity Fund, working collaboratively on projects, and facilitating education and networking opportunities. The Islands Trust Conservancy's Opportunity Fund is funded by private donations and has provided more than \$105,000 in grants to local land trusts, helping protect more than 525 additional hectares of land, since it was developed in 2005.

In the next three years: The Islands Trust Conservancy will seek to establish and deepen relationships with First Nations and will work towards building trust by finding opportunities to collaborate with First Nations to integrate Traditional Ecological Knowledge into management planning, reconnect youth with island ecosystems and other mutually beneficial initiatives. Islands Trust Conservancy will also meaningfully engage First Nations in the development of the 2026-2030 plan to create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

Financial Sustainability

The administration of the Islands Trust Conservancy is funded by the Islands Trust Council, through property taxes collected from the residents and landholders of the Islands Trust Area.

Land securement and any other projects outside of core operations must be funded through external sources, including grants and private donations.

Grants: Because of the density of rare species found in the Islands Trust Area, Islands Trust Conservancy has been successful in negotiating over \$600,000 in federal funding between April 2020 and March 2023 to support land protection and management for species at risk. Islands Trust Conservancy intends to work with the Government of Canada to continue conservation for species at risk.

Private Donations: To augment its ability to protect and manage land, the Islands Trust Conservancy approved a Fund Development Strategy in early 2020. To support the Strategy, a part-time Strategic Fund Development Specialist position was created in 2022. In 2022, the Islands Trust Conservancy was successful in raising over \$100,000 in donations, including being the recipient of two bequests.

Current Funds: Islands Trust Conservancy holds three geographically-restricted funds dedicated to land acquisition – the Lasqueti Island Acquisition Fund, the Gambier Island Acquisition Fund, and the Thetis Island Acquisition Fund – and has guidelines to assist with the future development of other geographically restricted funds. Additionally, Islands Trust Conservancy has a Covenant Management and Defense Fund, and Property Management Fund and two property-specific land management endowments.

In the next three years: The board will continue to promote legacy gifts as a way to fund the protection and stewardship of ecologically significant lands in the region.

Encouraging Private Land Stewardship

Islands Trust Conservancy's innovative tax incentive program for private landholders to place conservation covenants on their properties, the Natural Area Protection Tax Exemption Program (NAPTEP), provides a permanent 65% reduction on property taxes on the portion of an eligible property protected by a conservation covenant.

In the next three years: Islands Trust Conservancy will continue to promote its programs to island landholders, focusing its outreach efforts on the highest priority landscapes. Islands Trust Conservancy Board will welcome conversations with the provincial and federal governments about new or innovative tools that might motivate increased land stewardship in this region and will look to these governments to partner on such programs.

Planning for Regional Conservation

In January 2018, Islands Trust Conservancy Board approved a 10-Year Regional Conservation Plan. The Regional Conservation Plan is the tool used by Islands Trust Conservancy to focus its resources on areas with the highest biodiversity values and greatest need for conservation. Islands Trust Conservancy has designed the Regional Conservation Plan as an information resource for citizens and organizations working towards conservation of biodiversity within the Islands Trust Area.

Based on scientific information and other forms of knowledge, the Regional Conservation Plan identifies areas of interest for conservation within the Islands Trust Area and strategies for achieving better levels of land conservation. Some of the strategies involve land acquisition and conservation covenants with willing landholders. Other strategies involve working with First Nations, partner agencies, local trust committees and Bowen Island Municipality to increase our knowledge base, encouraging protection of ecologically significant land within the Islands Trust Area and managing existing conservation lands effectively.

Goals of the 2018-2027 Regional Conservation Plan

The 2018-2027 Regional Conservation Plan sets out four high level long-term goals that reflect the enduring ambitions of Islands Trust Conservancy to work with island landholders and conservation partners to protect the rich biodiversity of the Islands Trust Area:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities

In order to contribute to effective conservation of biodiversity and ecological integrity in the Islands Trust Area, Islands Trust Conservancy needs an understanding of the status of ecosystems and species in the region. Additionally, Islands Trust Conservancy manages over 1,350 hectares of land and can use data to improve and inform its land stewardship. Islands Trust Conservancy will continue to invest in research and data acquisition that supports the conservation of island ecosystems.

2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals

The Islands Trust Area is in the traditional territories of many First Nations. As part of its current practice, Islands Trust Conservancy invites comment from First Nations in management planning processes and refers public conservation proposals to First Nations where archaeological sites are identified. Islands Trust Conservancy seeks to establish and deepen relationships with First Nations and will work towards building trust and finding opportunities to collaborate with First Nations on projects and policy development where there are opportunities for shared benefits.

3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity

The core work of Islands Trust Conservancy is to maintain and contribute to protected area networks which preserve ecological function and high levels of biodiversity in the Islands Trust Area. Islands Trust Conservancy will continue to acquire new nature reserves and conservation covenants as well as use other tools for conserving nature while ensuring that it cares for the lands that it is trusted to manage. Securing adequate funding to pursue new acquisitions as well as manage all protected lands responsibly will be an area of considerable focus for Islands Trust Conservancy.

4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Islands Trust Conservancy was established in 1990. It has been a consistent presence in conservation of species and ecosystems in the Islands Trust area for almost thirty years. As it moves into the fourth decade of its work, Islands Trust Conservancy will ensure that it can responsibly care for its management responsibilities and participate effectively in partnership opportunities into the future. It will also work to be resilient enough to gracefully navigate change, both on the landscape and as an organization.

The 2018-2027 Regional Conservation Plan is posted on Islands Trust website:

islandstrust.bc.ca/conservancy/conservation-planning/

4. ISLANDS TRUST CONSERVANCY POLICIES

Below is a summary of key Islands Trust Conservancy policies affecting the public interest. A full list of policies, hyperlinked to the Islands Trust website, can be found in Appendix B.

Section 1: Fundraising, Investment and Financial Accountability

General Accounting

The financial transactions of Islands Trust Conservancy are managed using standard accounting procedures and are subject to an annual independent audit. The Audited Financial Statements of Islands Trust Conservancy are available on the Islands Trust website.

To ensure financial accountability, Islands Trust Conservancy will:

- follow the procurement policy established by Islands Trust Council;
- require prior approval of the board for expenditures in excess of \$10,000 unless a prior resolution from the board approves a plan, project or policy authorizing such an expenditure;
- require all financial transactions related to approved projects to be authorized by the Islands Trust Conservancy Manager;
- direct the Islands Trust Conservancy Manager to act on behalf of the board to oversee the management of the bank accounts and investments of the board; and,
- review an updated financial report at each regular board meeting.

Islands Trust Conservancy will not incur any liabilities without the prior approval of the Minister responsible for the Islands Trust.

Fundraising and Investment of Funds

Islands Trust Council approves an annual budget for the administrative operations of Islands Trust Conservancy. This funding covers operating expenses including, but not limited to, board meetings and training, staff salaries and benefits, conservation planning, land and covenant negotiations, communications, fundraising, legal counsel and property management costs. However, the operating budget is not used for direct acquisition of properties (i.e. purchase costs). Accordingly, to purchase land or contribute to acquisitions by other agencies, Islands Trust Conservancy must raise additional funds. The *Islands Trust Act* provides Islands Trust Conservancy with the ability to raise funds in a variety of ways.

The board and staff will solicit funds for the purposes outlined in existing Fund Guidelines⁵ and Fund Agreements⁶. Islands Trust Conservancy will not solicit funds for purposes outside of those approved in Fund Guidelines or Fund Agreements unless it has first reviewed and approved the additional fundraising activity. Islands Trust Conservancy currently manages ten funds.

⁵ As of November 2022, Islands Trust Conservancy has Fund Guidelines for the following funds: Opportunity Fund, Geographically Restricted Funds, Property Management Fund and Covenant Management and Defense Fund.

⁶ Fund Agreements are negotiated agreements with donors regarding the specific use of a restricted donation

Islands Trust Conservancy will not engage in commission-based fundraising, and will not employ contractors utilizing this method for fundraising activities. Islands Trust Conservancy will reserve the right to decline to accept a donation at its discretion.

Islands Trust Conservancy routinely requests cash endowments with land conservation projects associated with development applications. Islands Trust Conservancy invests these endowments only in accordance with the requirements of the *Trustee Act* for the investment of trust property by a trustee. The board ensures that it invests only in forms of property or security in which a prudent investor might invest, and which enable retrieval of the full investment if required.

Islands Trust Conservancy is a corporation that is, for all purposes, an agent of the provincial government, and accordingly is a qualified donee and can issue receipts for income tax purposes for donations. Islands Trust Conservancy is exempt from paying property taxes on its lands.

Section 2: Acquisition, Management and Disposition of Property

General

Under the *Islands Trust Act*, Islands Trust Conservancy can accept donations and grants of land, conservation covenants, other interests in land, cash, securities and other real property in support of the protection of the Islands Trust Area. Islands Trust Conservancy is an approved recipient of gifts of land and interests in land through Environment and Climate Change Canada's Ecological Gifts Program.

When considering proposals, the board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals. The board will only consider accepting covenants and land acquisitions of less than two hectares (4.9 acres) if specific significant features are present.

The board will assess the need for the ongoing management and future legal defense of conservation properties and may, as part of an approval, request or require an endowment or donation to cover management and defense costs associated with the land or covenant.

Land Acquisition

Islands Trust Conservancy will normally only consider the acquisition of lands that meet the Board's definition of Nature Reserve: *an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern. The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term. Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.*

With every land acquisition proposal, Islands Trust Conservancy will evaluate any risks that may hamper the organization's ability to protect the land's natural values in perpetuity. Islands Trust Conservancy will only consider accepting land that needs extensive ecological restoration or substantial management if:

- a) Islands Trust Conservancy has adequate staff resources to manage the on-going requirements;
- b) a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided; or,
- c) Islands Trust Conservancy has adequate funds available to undertake immediate restoration and/or management requirements.

Islands Trust Conservancy will not accept or acquire any lands where there is an obligation to maintain buildings or structures. The Conservancy may accept and acquire lands that have buildings on-site that can be removed or maintained at the board's discretion.

As a further measure of protection, Islands Trust Conservancy may develop and register a conservation covenant on each of its nature reserves if an appropriate conservation agency can be found to hold the covenant and if the values on the land warrant the investment of staff time and legal fees.

Conservation Covenants

Islands Trust Conservancy will encourage landholders within ecologically significant areas or with significant characteristics or values to protect their land using binding conservation covenants and will work with interested landholders to achieve protection of significant areas.

Islands Trust Conservancy will continue to work with Trust Council to promote and administer the Natural Area Protection Tax Exemption Program (NAPTEP). The program provides a property tax incentive for landholders who register conservation covenants on their lands to protect the natural features and values of their properties.

Islands Trust Conservancy may refuse to acquire properties with existing conservation covenants or other charges on title that include rent charges⁶. Rent charges will not be included in covenants to be registered on Islands Trust Conservancy owned properties as the Conservancy cannot incur liabilities without ministerial approval.

Management of Property and Covenants

The acquisition of land or registration of conservation covenants does not by itself guarantee the long-term protection of significant features and values. Active management of protected areas is also necessary. Islands Trust Conservancy's primary objectives in managing its properties are to protect public safety and ecological values. Lands held by Islands Trust Conservancy are not parks but are nature reserves and nature sanctuaries, and this concept is considered in acquisition discussions, management planning, insurance and land use zoning.

³ "Rent charge" is similar to a fine and is a charge registered against the land to enable enforcement of a breach of a covenant agreement.

To effectively manage ecologically significant areas, Islands Trust Conservancy works cooperatively with First Nations, landholders, contractors, partner conservation groups and other government agencies. Qualified staff, partners and contractors develop management plans for all lands held by Islands Trust Conservancy. Management plans provide long-term direction regarding allowable public use, the reduction of risk to public safety, and the reduction of risk to ecological values and other significant features.

When Islands Trust Conservancy receives donations of land, it consults with the donor(s) regarding any specific wishes they might have for the property and considers these wishes in the management planning process.

Generally, management plans will address the following matters:

- purpose and objectives for the site;
- background information including the site history;
- First Nations input and engagement;
- environmental inventory;
- management issues such as the extent and nature of protection required, appropriate uses and level of use, research guidelines, risk management, signage, and special needs at the site;
- strategies and actions to achieve the purpose and objectives for the site and to address management issues and needs; and
- traditional use and protection of cultural/archaeological sites.

Islands Trust Conservancy will seek assistance from partners to implement management plans and, where appropriate, will request partners to enter into contracts with Islands Trust Conservancy regarding management operations and responsibilities.

Islands Trust Conservancy monitors all of its lands and covenanted areas regularly to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed, and identify and respond to any breaches to the terms of a covenant or trespasses on protected lands.

Islands Trust Conservancy will request, where necessary, that local trust committees or island municipalities rezone Nature Reserves and Nature Sanctuaries to the most appropriate designation and zone for nature protection when it is reviewing Official Community Plans and/or Land Use Bylaws and will work with local trust committees or island municipalities to determine the most appropriate designation and zone.

Disposition of Property

Islands Trust Conservancy intends to maintain its protected areas in perpetuity. However, there are circumstances where Islands Trust Conservancy will consider transferring property (or interests in a property, such as a conservation covenant) it has acquired to another agency.

If Islands Trust Conservancy receives an unrestricted donation of land with little or no ecological value, and if no other barriers to disposition exist, Islands Trust Conservancy may sell the land and place the proceeds in a fund of Islands Trust Conservancy to be decided by the board.

If Islands Trust Conservancy receives a proposal to transfer an ecologically significant property (or an interest in land) to another conservation agency, and determines that there is no legal barrier to transfer and that the proposal is worthy of consideration, Islands Trust Conservancy will direct staff to conduct and prepare a thorough assessment of the proposal for consideration by the board.

Islands Trust Conservancy will only dispose of a fee simple title or an interest in ecologically significant land if it can be determined that the recipient agency has the expertise and long-term financial resources to manage the property or interest as well as, or better than, the board. If the land, or interest in land, was acquired as an Ecological Gift, Islands Trust Conservancy will notify Environment and Climate Change Canada of the disposition.

The board will consider the following tools to ensure that any transferred land and associated values will be protected in perpetuity for the residents of the Trust Area and the people of British Columbia:

- a) Islands Trust Conservancy may transfer land on condition that it be used for conservation purposes, or transfer land as determinable fee simple providing that the land will revert to Islands Trust Conservancy if the land is no longer being used for the specified purposes.
- b) Islands Trust Conservancy may register a conservation covenant on title to land before a transfer, to ensure the protection of the land's ecological values, provided an appropriate agency can be found to hold the covenant, and the recipient agency has the legal authority to accept the encumbrance.

Section 3: Communication, Cooperation and Liaison

Communication

Islands Trust Conservancy board members and staff conduct activities in a manner that enhances Islands Trust Conservancy's reputation as an organization that works proactively, constructively and collaboratively to advance Islands Trust Conservancy Three-Year Plan.

Islands Trust Conservancy's land conservation negotiations are confidential and will be treated as such by all board members and staff of the Islands Trust Conservancy. Generally, information about on-going covenant and land donation projects will not be discussed or announced publicly until the project is complete, unless the project is associated with a development application, or the applicant has specified that the project may be discussed publically.

Collaboration

Islands Trust Conservancy works collaboratively with other agencies, First Nations and individuals to promote conservation in the Islands Trust Area. Staff and Board members participate regularly in partnerships with various levels of government, non-profit organizations, community groups and other agencies to further preservation of nature in the Islands Trust Area. Islands Trust Conservancy wishes to maintain good communications with First Nations and other agencies working in the region. The approach to First Nations engagement will be consistent with Islands Trust First Nations Engagement Principles Policy 6.1.1.

Advocacy

Islands Trust Conservancy will ensure that its advocacy positions are consistent with Islands Trust Conservancy Three-Year Plan and Islands Trust Advocacy Policy 6.10.3 and are supported by a resolution of the board. Advocacy letters from Islands Trust Conservancy to elected officials will be signed by a board member.

5. CONCLUSION

Guided by the Regional Conservation Plan, Islands Trust Conservancy will continue to pursue its mandate in accordance with its policies and in partnership with individuals, island communities and First Nations, as well as local, regional, provincial and national conservation and government agencies.

Islands Trust Conservancy will continue to strive for organizational excellence, and to eliminate barriers to its continued success. With excellent working relationships with the island-based and regional land trusts and strong connections to local and regional governments, the Islands Trust Conservancy is well positioned to take a lead role in the protection of the ecologically significant areas found in Canada's islands in the Salish Sea.

Islands Trust Conservancy looks forward to the next three years of conservation successes, inspired by the generosity and perseverance of our partners, collaborators and supporters, and the endless beauty of fragile island ecosystems.

APPENDIX A: List of Islands Trust Conservancy protected areas, by fiscal year

FISCAL YEAR	PROPERTY NAME	HECTARES PROTECTED	ISLAND	
1992-1993				
Nov. 1992	Scott Covenant Lands	1.00	Salt Spring	
Dec. 1992	Inner Island Nature Reserve	9.40	Denman	
Dec. 1992	Deep Ridge Nature Reserve	14.20	Salt Spring	
			Hectares Protected:	24.60
1993-1994				
Jun. 1993	Enchanted Forest Regional Park Covenant	4.20	South Pender	
Dec. 1993	Coats Millstone Nature Reserve	0.25	Gabriola	
Feb. 1994	Cunningham Covenant	12.17	Salt Spring	
Feb. 1994	Cyril Cunningham Nature Reserve	3.95	Salt Spring	
			Hectares Protected:	20.57
1995-1996				
Jun. 1995	Medicine Beach Nature Sanctuary	8.00	North Pender	
			Hectares Protected:	8.00
1996-1997				
Jun. 1996	Lower Mt. Erskine Nature Reserve	22.00	Salt Spring	
Mar. 1997	Tate Covenant	72.20	Salt Spring	
			Hectares Protected:	94.20
1997-1998				
Jan. 1998	Cable Bay Covenant	61.51	Galiano	
Jan. 1998	Kwel Nature Sanctuary	21.00	Lasqueti	
			Hectares Protected:	82.51
1998-1999				
Jun. 1998	South Winchelsea Island Covenant	10.28	South Winchelsea	
Mar. 1999	Reid Chapman Covenant	0.54	Gabriola	
Mar. 1999	Ledingham Covenant	1.10	North Pender	
			Hectares Protected:	11.92
1999-2000				
Jun. 1999	Retreat Island Covenant	1.60	Galiano	
Jul. 1999	McIntyre Covenant	1.20	Bowen	
Nov. 1999	Dennis Covenant	0.40	North Pender	
Dec. 1999	Singing Woods Nature Reserve	9.00	Bowen	
Dec. 1999	Terminal Creek Covenant North	0.30	Bowen	
Dec. 1999	Terminal Creek Covenant South	0.85	Bowen	
Jan. 2000	Brooks Point Regional Park Covenant	4.00	South Pender	
			Hectares Protected:	17.35

2000-2001

Dec. 2000	Floating Cattails Marsh Covenant	1.92	Saturna	
Dec. 2000	Strand-Dohan Covenant	0.52	Saturna	
Feb. 2001	Trincomali Nature Sanctuary	12.00	Galiano	
			Hectares Protected:	14.44

2001-2002

Jun. 2001	Lindsay Dickson Nature Reserve	52.40	Denman	
Jul. 2001	Green Frog Farm Covenant	24.30	Galiano	
Jul. 2001	Longini Covenant	8.00	Galiano	
Aug. 2001	Burnt Snag Covenant	6.60	Sidney	
Aug. 2001	Dragonfly Pond Covenant	4.40	Sidney	
Aug. 2001	Kingfisher Pond Covenant	1.40	Sidney	
Aug. 2001	Sandbanks Covenant	3.01	Sidney	
Aug. 2001	Sunrise Covenant	0.47	Sidney	
Aug. 2001	Windthrow Covenant	26.60	Sidney	
Aug. 2001	Woodpecker Pond Covenant	0.94	Sidney	
Oct. 2001	Lot 31 Covenant	67.43	Salt Spring	
Jan. 2002	Ruffed Grouse Covenant	11.5	Salt Spring	
Feb. 2002	Ruby Alton Nature Reserve	1.60	Salt Spring	
Feb. 2002	Horton Bayviary Nature Reserve	0.52	Mayne	
			Hectares Protected:	209.17

2002-2003

Aug. 2002	Keough Covenant	0.66	Salt Spring	
Sept. 2002	Where 'Ere You Walk Covenant	0.34	Salt Spring	
Dec. 2002	Winter Wren Wood Covenant	2.50	Denman	
Jan. 2003	Loretta's Wood Nature Reserve**	40.00	North Pender	-40.00
Mar. 2003	Manzanita Ridge Covenant	20.00	Salt Spring	
			Hectares Protected:	63.50

2003-2004

Dec. 2003	Cottonwood Creek Covenant	4.31	North Pender	
Dec. 2003	Treetop Covenant	10.22	Sidney	
Feb. 2004	Old Point Farm Covenant	8.89	Saturna	
			Hectares Protected:	23.42

2004-2005

May 2004	Laughlin Lake Covenant	11.00	Galiano	
May 2004	Sharp-tailed Snake Covenant	0.03	North Pender	
Jan. 2005	Brigade Bay Bluffs Nature Reserve	5.14	Gambier	
Jan. 2006	Long Bay Wetland Nature Reserve	38.00	Gambier	
			Hectares Protected:	54.17

**transfer of Loretta's Wood to Parks Canada, March 2005

2005-2006

Mar. 2005	Meadow Valley Covenant	1.40	Thetis
Nov. 2005	Bachmann Covenant	2.07	Gabriola
Oct. 2005	Shacum Covenant	4.00	Salt Spring
Oct. 2005	Walter Bay NAPTEP Covenant	2.38	Salt Spring
Oct. 2005	Owls Call NAPTEP Covenant	3.31	Salt Spring
Oct. 2005	Leader NAPTEP Covenant	1.80	Salt Spring
Oct. 2005	Arthur Lineham NAPTEP Covenant	23.69	Salt Spring
Dec. 2005	Mount Trematon Nature Reserve	57.87	Lasqueti
Jan. 2006	Morrison Marsh Nature Reserve	51.73	Denman
			Hectares Protected: 148.25

2006-2007

May 2006	Vogt Covenant	29.74	Salt Spring
May 2006	Elder Cedar (S'ul-hween X'pey) Nature Reserve	64.67	Gabriola
Jul. 2006	Little D'Arcy NAPTEP Covenant	8.15	North Pender LTA
Oct. 2006	Barrineau NAPTEP Covenant	1.76	Galiano
Nov. 2006	David Otter Nature Reserve	3.04	Bowen
			Hectares Protected: 107.36

2007-2008

Aug. 2007	Oscar's Landing Covenant	0.69	North Pender
Aug. 2007	Richardson NAPTEP Covenant	1.75	Salt Spring
Oct. 2007	My Whim NAPTEP Covenant	2.20	Salt Spring
Oct. 2007	Polden NAPTEP Covenant	3.39	Salt Spring
			Hectares Protected: 8.03

2008-2009

May. 2008	Mount Artaban Nature Reserve	107.00	Gambier
Oct. 2008	Wennanec NAPTEP Covenant	1.64	Salt Spring
Oct. 2008	Frog Haven NAPTEP Covenant	3.60	Salt Spring
Oct. 2008	Woodwinds NAPTEP Covenant	0.76	North Pender
Oct. 2008	Lot 16 NAPTEP Covenant	0.31	North Pender
Oct. 2008	Lot A NAPTEP Covenant	0.95	North Pender
			Hectares Protected: 114.26

2009-2010

Oct. 2009	Steil's Woods NAPTEP Covenant	1.49	North Pender
Nov. 2009	Westbourne NAPTEP Covenant	1.69	Galiano
Mar. 2010	McRae NAPTEP Covenant	7.37	Gabriola
			Hectares Protected: 10.55

2010-2011

Jul. 2012	Fairy Fen Nature Reserve	18.10	Bowen
Oct. 2010	Frog Song Forest Covenant	1.78	North Pender
			Hectares Protected: 19.88

2011-2012

Nov. 2011	John Osland Nature Reserve	66.37	Lasqueti
Aug. 2011	Lot 44 (Ogden Road)	0.76	North Pender
Dec. 2011	Great Beaver Swamp Covenant	10.20	Galiano
Sep. 2011	Lot 45 (Ogden Road) Covenant	0.86	North Pender
Oct. 2011	Lot 16 addition NAPTEP Covenant	0.18	North Pender
Oct. 2011	Garry Oaks NAPTEP Covenant	0.50	North Pender
			Hectares Protected: 78.87

2012-2013

Oct. 2012	Nighthawk Hill NAPTEP Covenant	0.91	North Pender
Oct. 2012	Myra Powers NAPTEP Covenant	4.69	Hornby
Oct. 2012	Valens Brook Nature Reserve	3.74	Denman
Dec. 2012	Laughlin Lake Nature Reserve addition	0.50	Galiano
			Hectares Protected: 9.84

2013-2014

Apr. 2013	Mount Tuam Covenant	13.40	Salt Spring
Apr. 2013	Vanilla Leaf Land Nature Reserve	40.50	Galiano
May 2013	Burren's Acres Nature Reserve	2.03	Gabriola
Sep. 2013	Stanley Point Covenant (Lot 21)	1.31	North Pender
			Hectares Protected: 57.24

2014-2015

Sep. 2014	Old Divide NAPTEP Covenant	0.81	Salt Spring
Oct. 2014	McFadden Creek Nature Sanctuary	5.09	Salt Spring
Feb. 2015	Goldenback Fern Covenant	0.29	Salt Spring
			Hectares Protected: 6.19

2015-2016

May 2015	Finlay Lake Covenant	6.73	Galiano
Oct. 2015	Wallace Point NAPTEP Covenant	1.63	North Pender
Nov. 2015	Clam Bay Farm Covenant	8.26	North Pender
			Hectares Protected: 16.62

2016-2017

Aug. 2016	Fischer Covenant	6.12	Hornby
Feb. 2017	Moore Hill Nature Reserve	21.04	Thetis
Mar. 2017	Isabella Point Covenant	2.15	Salt Spring
			Hectares Protected: 29.31

2017-2018

Sep. 2017	Settlement Lands Covenant	63.25	Denman
Jan. 2018	Fairyflipper Forest Nature Reserve	16.60	Thetis
			Hectares Protected: 79.85

2018-2019

Sep. 2018	Swift Family Link Island NAPTEP Covenant	19.30	Link	
Dec. 2018	Valens Brook Nature Reserve Addition	2.55	Denman	
Hectares Protected:				21.85

2019-2020

Jul. 2019	Salish View Nature Reserve	11.47	Lasqueti	
Hectares Protected:				11.47

2020-2021

Dec. 2020	Sandy Beach Nature Reserve	3.30	Keats	
Feb. 2021	Lisa Baile Nature Reserve	4.05	North Pender	
Hectares Protected:				7.35

2021-2022

Jul. 2021	Earl Batista Covenant	0.86	Salt Spring	
Sep 2021	Saturnina Island Nature Sanctuary (Lease)	4.05	Saturnina	
Oct. 2021	Woodpecker Forest NAPTEP Covenant	3.73	North Pender	
Oct. 2021	Moss Mountain NAPTEP Covenant	45.43	Salt Spring	
Hectares Protected:				54.07

2022-2023

April 2022	Link Island Nature Sanctuary	21.45	Link	
Hectares Protected:				21.45

Total Hectares Protected: 1366.7

Notes: Properties called Nature Reserves or Nature Sanctuaries are owned or leased by Islands Trust Conservancy.

NAPTEP - Natural Area Protection Tax Exemption Program

APPENDIX B: Complete List of Islands Trust Conservancy Policies

BYLAW #2 [A Bylaw to Regulate the Meetings of the Islands Trust Conservancy Board and Committees of the Islands Trust Conservancy Board](#)

POLICIES Policies are online at islandstrust.bc.ca/about-us/accountability/policies/

SECTION 1 ORGANIZATIONAL

- 1.1 Islands Trust Conservancy Board Member Appointments, Reappointments and Elections
- 1.2 Board and Committee Elections
- 1.3 Islands Trust Conservancy Board Roles and Responsibilities
- 1.4 Board Standards of Conduct
- 1.5 Board Member Attendance and Participation and Member Removal
- 1.6 Annual Budget Submissions
- 1.7 Fundraising and Donations
- 1.9 Funds For Partnership Acquisition Projects Policy

SECTION 2 LAND TRANSACTIONS AND PROPERTY MANAGEMENT

- 2.1 Board Approval of Projects and Transactions
- 2.2 Assessing Conservation Proposals
- 2.3 Acquisition and Management of Land
- 2.4 Conservation Covenants
- 2.5 Natural Area Protection Tax Exemption Covenants
- 2.6 Heritage Forest Land Acquisition and Protection
- 2.7 Disposition of Land
- 2.8 Covenant Enforcement
- 2.9 Management Plan Costs

SECTION 3 COMMUNICATIONS, COOPERATION AND LIAISON

- 3.1 Islands Trust Conservancy and Local Planning Services Coordination
- 3.2 Communicating Information Regarding Covenant and Acquisition Projects
- 3.3 Relationships with External Groups
- 3.4 Islands Trust Conservancy Role in Partnership Acquisition Projects
- 3.5 Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters
- 3.6 Research
- 3.7 Freedom of Information and Protection of Privacy – Routinely Released Information
- 3.8 Freedom of Information and Protection of Privacy
- 3.9 Freedom of Information and Protection of Privacy – Designation of Fees



September 2, 2022

The Honourable Ahmed Hussen
Minister of Housing and Diversity and Inclusion
House of Commons
Suite 706 – Justice Building
Ottawa, Ontario
K1A 0A6

Dear Minister Hussen,

As Members of Parliament for Nanaimo-Ladysmith and Vancouver East, we are writing to express our deep concerns about housing affordability and the financialization of the housing market.

A survey conducted by Canada Life in May 2022 revealed that 91 per cent of Canadians believe buying a home is becoming more difficult every year, with nearly half of Canadians who rent expecting to be renters indefinitely. British Columbia has one of the country's priciest rental markets with one-bedroom apartments in Vancouver reaching an all-time high and increasing at a rate of nearly 20 per cent year-over-year.

The housing affordability crisis continues to worsen for tenants and first-time home buyers as wealthy investors and large corporations treat housing as a commodity rather than a basic human right. Many Canadians cannot compete in a bidding war against investors with deep pockets. Low rental supply, coupled with rising inflation and interest rates, ensures this competition for rentals will only continue to grow, furthering the increase in prices.

In 2020, MP Kwan brought to light the severe lack of federal social housing assistance coming into BC. With some of the costliest housing in the country and a significant unsheltered population, the 0.5 per cent of funding coming into the province fell extremely short of what was needed. While this funding has increased, it still doesn't meet the per capita requirement and the demand is urgent.

Not only does the Liberal government need to commit to building more affordable housing, they must also address the impacts of wealthy investors driving up the costs within the market. We are fighting for a commitment to address this financialization and urge the government to act by initiating the following:

- Put a moratorium in place on the acquisition of affordable homes by Real Estate Investment Trusts (REITs) and other corporate landlords who are making big profits while driving up costs and renovicting Canadians.

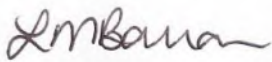
- Change how REITs are taxed since the tax code currently rewards investors for jacking up housing prices. Already, the seven largest apartment-owning REITs in Canada have saved a combined \$1.5 billion through federal tax loopholes.
- Put in place a federal non-profit acquisition fund to allow not-for-profit, co-op, or land trust organizations to purchase at-risk rental buildings when they come on the market. This will ensure wealthy investors can't monopolize the supply of affordable rental units.

The impact of Canada's housing situation is significant and fraught with consequences. MP Barron has heard from multiple seniors facing renovictions, some whose landlords use intimidation tactics to end tenancy agreements, and many who are concerned about their ability to find suitable housing on a fixed income.

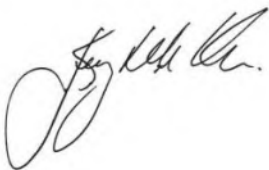
We have heard from women fleeing domestic violence who have no options but to return to their abuser because they cannot secure housing. We have listened to families who have had their children apprehended for no reason other than they could not find housing that met their needs. We know the unhoused population is ever increasing and becoming more and more desperate.

The undersigned organizations and elected officials stand-by seeking better support from the Canadian government in addressing the affordable housing crisis and financialization of the housing market. We stand with them.

Sincerely,



Lisa Marie Barron,
Member of Parliament, Nanaimo-Ladysmith



Jenny Kwan,
Member of Parliament, Vancouver East

From: Barron, Lisa Marie - M.P. <lisamarie.barron@parl.gc.ca>
Sent: Friday, September 2, 2022 3:36 PM
To: Stevenson, Marika (Barron, Lisa Marie - MP) <marika.stevenson.818@parl.gc.ca>
Subject: Invitation to Take Action on Affordable Housing

Good afternoon,

As the Member of Parliament for Nanaimo-Ladysmith, I have spoken with many constituents about their struggle to find an affordable place to call home. We see the impacts of this all around us. Housing is a basic human right and needs to be treated as such.

The financialization of the housing market is a barrier for both individuals and non-profit organizations alike. The NDP Critic for Housing, MP Jenny Kwan, and I have co-signed a letter to the Minister of Housing highlighting the impacts of large, wealthy corporations with deep pockets driving up market costs, and tangible solutions the NDP are pushing to address this.

We invite your organization to support this action by signing the attached letter. While we continue fighting to hold our government accountable for increased access to affordable housing, we know collaborating with your organization can bring us that much closer to solutions that meet the unique needs of our communities.

If you would like to sign, please add your digital signature, as well as your job title and organization's name, to the bottom of the attached document and email it to: marika.stevenson.818@parl.gc.ca. If you do not have access to a digital signature, but would still like to sign, please contact Marika to arrange alternative means to sign. **Please note: the deadline to sign this letter is Monday, September 12th at 4 p.m.** Please do not hesitate to reach out if you have any questions.

Thank you for your time.

Sincerely,

MP Lisa Marie Barron

Lisa Marie Barron

Member of Parliament for / Députée de Nanaimo – Ladysmith

Snuneymuxw, Stz'uminus, Snaw-naw-as, and Lyackson Territories

NDP Critic for Fisheries, Oceans and the Canadian Coast Guard | NDP Deputy Critic for Mental Health and Addictions

NPD Porte-parole - Pêches, Océans et Garde côtière canadienne | NPD Porte-parole adjointe - Santé mentale et Dépendance

#103-495 Dunsmuir Street, Nanaimo, BC, V9R 6B9

(Tel) 250-734-6400 | (Fax) 250-734-6404

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HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 13, 2022 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit
<https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) continues to have a vacancy for one Ministerial appointment to the ITC Board. The [Crown Agencies and Board Resourcing Office](#) has posted the position with an **application deadline of October 7, 2022**, see link on the ITC website at <https://islandstrust.bc.ca/whats-happening/expressions-of-interest/>.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented a request for decision regarding the 2023/24 Budget submission. Board members discussed appropriate budget for First Nations engagement and indigenous knowledge holder services and rising costs of travel to islands due to inflation. ITC Board also noted a need to include species at risk grant commitments in the budget.
- The ITC Manager presented a request for decision to Board members on Proposed Bylaw 530 – Housing Action Program on Salt Spring. ITC considers referrals in the context of their impact to ITC managed lands. ITC Board indicated to the Salt Spring Island Local Trust Committee that ITC interests would be unaffected by Bylaw 530.
- Following the regular ITC Board meeting, an ITC/Executive Committee liaison meeting between Islands Trust Conservancy Board members and Islands Trust Executive Committee took place. Topics covered in this meeting included updates on the Governance Report, Policy Statement, and the ITC Species At Risk Program. ITC and the Executive Committee also discussed the draft ITC Plan (2023-2025), working with First Nations, biologist support for Regional Planning Committee and liaising with the Provincial Government.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Manager presented a request for decision following a response that was received from the Agricultural Land Commission regarding the Livingstone NAPTEP covenant on Lasqueti Island. The ITC Board approved a revised covenant for registration that included language requiring approval of the ALC prior to making covenant amendments.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- ITC Board discussed the Lisa Baile Nature Reserve Management Plan and approved the Management Plan, dated March 25, 2022, noting that further engagement with First Nations around appropriate name and naming rights is required.

5. COMMUNICATIONS AND OUTREACH

- ITC Board discussed a briefing about development of an ITC Communications Strategy. Discussion included use of social media to promote ITC, modernization of communications, and appropriate timing to engage current Board members with current staff prior to the election. The ITC Board directed staff to coordinate a board workshop regarding communications.
- ITC Board received correspondence from the Mayne Island Local Trust Committee and the Trust Council regarding Fallow Deer on Mayne Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board considered a request for research to be carried out by Capilano University at the Long Bay Wetland Nature Reserve on Gambier Island. ITC Board expressed support for the project up to December 31, 2023 and allocated up to \$5,000 from the ITC budget to support the work.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

Applications

Development Permit

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: 07-Jun-2022

File on hold pending receipt of updated proposed subdivision layout.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2022.2	Gabriola Housing Society	16-Aug-2022	PIDs: 028-580-109 & 028-580-095 Environmental Development related to construction of 24 affordable housing homes & associated services. Civic address: Lot 1 & 2, Paisley Place, Gabriola Island, BC.
Planner: Sonja Zupanec			
Planning Status			
Status Date:			

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: 13-Jun-2022

Applicant given 90-day deadline to provide updated site plan and QEP report. DVP planned for September, 29, 2022 LTC meeting.

Status Date: 02-May-2022

Emails exchanged with new Agent for the applicant: Agent disagrees with Bylaw Violation Notice stating that the proposed violations are legal non-conforming and do not require a DVP/DP. Agent thinks the issue was considered resolved. Planner clarified by sharing BVN letters from 2015.

Status Date: 27-Apr-2022

Applicant and new agent requesting information about bylaw enforcement history.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2021.4	Kevin Barfoot Contracting	14-Nov-2021	PID: 004-537-262 Variance to setback compliance. Civic address: 1091 Sea Fern Lane, Mudge Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 20-May-2022

Planner reviewed file. Followed up with applicant; additional information required to complete review, including geotech.

Status Date: 11-Jan-2022

File reassigned.

Status Date: 14-Dec-2021

Planner reviewing file.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.3	Pink, Thomas	23-Jun-2022	PID: 008-828-067 Shoreline protection variance. Civic address: 1160 The Strand, Gabriola Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 08-Jul-2022

File opened & assigned. Waiting for Site survey.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.4	Woodside, Mark & Gail	30-Jun-2022	PID: 008-828-059 Foreshore protection variance. Civic address: 1170 The Strand, Gabriola Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 08-Jul-2022

File opened & assigned. Waiting for survey.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.5	Jeff Bustard and Asako Tsujino	08-Aug-2022	Application to vary setback of septic tanks and field from Natural boundary of a wetland. PID: 003-330-435, 663 Balsam Street, Gabriola Island

Planner: Margot Thomaidis

Planning Status

Status Date: 31-Aug-2022

File open and assigned. Waiting for e-transfer.

Status Date: 31-Aug-2022

E-transfer received.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.6	Gabriola Housing Society	16-Aug-2022	PIDs: 028-580-109 & 028-580-095 Environmental Development related to construction of 24 affordable housing homes & associated services. Civic address: Lot 1 & 2, Paisley Place, Gabriola Island, BC.
Planner: Sonja Zupanec			
Planning Status			
<u>Status Date:</u>			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2020.1	Gabriola Housing Society (Nancy Hetherington Peirce)	15-Jan-2020	PIDs: 028-580-095 and 028-580-109 Affordable housing project. Civic address: Lots 1 & 2 Paisley Place, Gabriola Island, BC.
Planner: Sonja Zupanec			
Planning Status			
<u>Status Date:</u> 16-Jun-2022			
Final reading (adoption) of BL 306, 307, 308. Staff to coordinate final signatures of covenant and applicant to register on titles ASAP.			
<u>Status Date:</u> 31-May-2022			
EC consideration/approval of Housing Agreement Bylaw 308			
<u>Status Date:</u> 07-Apr-2022			
LTC gave 1st reading as amended to BL 308 (Housing Agreement)			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2022.1	Alley Enterprises Ltd. (Patricia Maloney Consulting) Planner: Sonja Zupanec	07-Jun-2022	PID: 023-005-629 Change zoning to accommodate multiple changes in use. Civic address: 750 Tin Can Alley, Gabriola Island, BC.
Planning Status			
Status Date: 08-Jul-2022 File opening procedure finished and file given to planner.			

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

Temporary and Industrial Use Permit

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: Anthony Fotino

Planning Status

Status Date: 20-Jul-2022

File reassigned

Status Date: 25-May-2022

Planner awaiting additional information from applicant.

Status Date: 02-Feb-2022

Planner reviewed application. Applicant was advised that supplemental information is required to complete the application.

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending July 2022

620 Gabriola	Invoices posted to Month ending July 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	643.00	0.00	643.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	3,708.00	1,930.55	1,777.45
65210-620	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-620	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-620	LTC - Local Exp - Special Projects	612.00	0.00	612.00
TOTAL LTC Local Expense		<u>5,719.00</u>	<u>1,930.55</u>	<u>3,788.45</u>
Projects				
73001-620-4097	Gabriola Housing Options & Impacts	1,500.00	0.00	1,500.00
73001-620-4105	Gabriola Ecological Protection Zone	1,500.00	504.00	996.00
TOTAL Project Expenses		<u>3,000.00</u>	<u>504.00</u>	<u>2,496.00</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.	January 23, 2020	GB-2020-002	Consultation for Communication Towers	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the "Model Strategy for Antenna Systems" prepared by the Local Planning Committee of the Islands Trust, as the Gabriola Local Trust Committee strategy to assess any future potential tower proposals in the Gabriola Local Trust Area.
7.	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

<i>Develop Ecological Protection Zone</i>	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.	Anthony Fotino	
<i>Review and update DAI bylaw</i>	Responsible	Dates
Review and update; add DPA 8 and 11.		Rec'd: 16-Jun-2022
<i>0. Density Donation Outreach Program</i>	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. <i>GB LUB Accessory Buildings</i>	Responsible	Date Received
Review of regulations pertaining to the order of construction of accessory buildings on lots.		12-Sep-2019
16. <i>Review of model antenna strategy</i>	Responsible	Date Received
		27-Feb-2020
17. <i>Cannabis Production Regulations</i>	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
18. <i>Update the IN1 zone to reflect community resource and recycling centre range of uses.</i>	Responsible	Date Received
		13-May-2021
19. <i>Heritage Conservation Areas</i>	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

Projects Report

Gabriola Island

20. *Review LUB Regulations for Housing in the ALR*

Responsible

Date Received

Review regulations to ensure flexibility for housing options in ALR are consistent with recent ALC changes.

07-Apr-2022

21. *Community Benefit Land Use Designation*

Responsible

Date Received

Reference delegation from June 16, 2022 for information on a new potential Community Service zone/designation.

16-Jun-2022

From: Dan Rogers
Sent: Thursday, September 22, 2022 11:34 AM
To: Wil Cottingham; Becky McErlean
Subject: Fw: Float Plane Flights over and affecting Gabriola Island

Hi all. Can a copy of all the letters sent out in August be on the AGenda ? and then can this response be there as well??
thanks

Dan Rogers
Trustee, Gambier Islands Trust Area
Vice-Chair Islands Trust
drogers@islandstrust.bc.ca
604-220-1500

From: Satinder Singh <ssingh@npa.ca>
Sent: September 22, 2022 11:21 AM
To: Wil Cottingham
Cc: Vanessa Craig; Gabriola Island Local Trust Committee; EC
Subject: RE: Float Plane Flights over and affecting Gabriola Island

Good morning, Wil.

This email is an official response to your complaint regarding float plane flights over and affecting Gabriola Island. Your complaint was received on August 24th, 2022 @ 1421 hrs and subsequently investigated by my office.

During the investigation, NPA reached out to Harbour Air to understand current protocols for aircraft approaching or departing Nanaimo Harbour in relation to Gabriola Island - of particular importance to NPA were questions surrounding height and distance requirements and how protocols are enforced for operators of the aircraft?

NPA's findings are as follows:

1. Harbour Air could not speak to other operators or general aviation aircraft that use the area
2. Harbour Air stated that this is a busy transiting aircraft corridor for both US and local general aviation aircraft
3. Harbour Air reviewed a recent sampling of their flights in their satellite tracking system and there has not been any of their aircraft over Gabriola Island either below the altitudes stated in the Canadian Aviation Regulations, which is the actual regulation mandating the parameters of flights to be as follows -
 - a. 1000' over built up areas
 - b. 500' over non built up areas
4. Harbour Air requires that all their flight crew adhere to the recommended altitudes stated
5. Harbour Air flight crews avoid flying over Gabriola Island as well as many other of the local Islands, at any altitude, whenever possible

6. Harbour Air is very cognizant of the noise impact of their aircraft
7. Harbour Air do their best to mitigate any impact to local communities without affecting the safety of the flight

Therefore, I hope the information herein informs the concerns raised in your complaint. Please feel free to contact me at the undersigned for any further clarification or questions.

Kind regards,

S

Captain Satinder Singh, MMM, MM

Vice President, Marine Operations and Harbour Master | Vice-Président des opérations maritimes et Capitaine de port



100 Port Drive

Nanaimo, British Columbia V9R 0C7 | Nanaimo, Colombie-Britannique V9R 0C7

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Canada

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From: Wil Cottingham <wcottingham@islandstrust.bc.ca>

Sent: August 24, 2022 2:21 PM

To: Satinder Singh <ssingh@npa.ca>

Cc: Vanessa Craig <vanessa.craig@rdn.bc.ca>; Gabriola Island Local Trust Committee <GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca>; EC <ec@islandstrust.bc.ca>

Subject: Float Plane Flights over and affecting Gabriola Island

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Dear Captain Singh,

On behalf of Dan Rogers, Chair of the Gabriola Island Local Trust Committee, please find attached a letter regarding float plan flights over and affecting Gabriola Island.

Best regards,

Wil Cottingham

Office Administrative Assistant

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2063 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BO'KEĆEN, K'ómoks, Lək'wəŋən, Lyackson, MĀLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliłwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STĀUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁELP, WSIKEM, Xeláłtxw, Xwémalhkww/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.



700 North Road, Gabriola Island, BC V0R 1X3

Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

August 23, 2022

File No. GB-6410-03; 0110-20-LTC Chairs; 11-5390-30

Via email: sustainability@telus.com

Geoff Pegg
Director – Sustainability & Environment
Telus Garden
510 West Georgia Street
Vancouver, BC, V6B 0M3

Dear Geoff Pegg:

Re: Use of Herbicide on Gabriola Island

I am writing as the Chair of the Gabriola Island Local Trust Committee (“Gabriola Island LTC”) pursuant to a motion passed by the LTC at its regular meeting of July 28th, 2022. The Gabriola Island LTC is part of the Islands Trust which is a special purpose government established by the Provincial Government of British Columbia pursuant to the terms of the Islands Trust Act. The Trust has a regulatory mandate to preserve and protect the Trust Area and its environment, through land use planning, working in cooperation with other agencies to encourage them to support the preserve and protect mandate, and land conservation.

I am writing today to request cooperation. At the meeting, concerns were raised regarding the use of herbicides on vegetation surrounding a Telus facility on North Road just uphill from the ferry terminal on Gabriola Island, likely during the week of July 25th. From signage, this appears to be work done on behalf of Telus. According to signage on the property, the herbicides used included the herbicide “Roundup”.

While the use of this substance anywhere is of concern¹, there is a community drinking water well immediately adjacent to the Telus facility that services a number of downhill users including a pub and the ferry terminal.

I am writing to request the following:

- a) That Telus and any of its contractors cease use of herbicides such as Roundup that may be harmful to humans and ecosystems. We ask that you confirm to us publicly that such use will cease everywhere on Gabriola.

¹ In 2015, the World Health Organization’s International Agency for Research on Cancer (IARC) identified glyphosate, the world’s most commonly used herbicide, as a probable human carcinogen. Source: <https://www.iarc.who.int/wp-content/uploads/2018/07/MonographVolume112-1.pdf>

- b) That Telus make arrangements with the property owner where the adjacent well is located to perform testing of the well to ensure that the quality of the water is unaffected by the herbicide use. If testing does show negative impacts, then Telus should immediately notify all water users and take steps to rectify the situation.

We thank you for your attention to this important matter. We look forward to a positive response from you in the near future.

Regards,



Dan Rogers
Chair, Gabriola Island Local Trust Committee

Cc:

David Fishwick, A/Director, Health Protection Branch, Ministry of Health
Vanessa Craig, Director - Area B, Regional District of Nanaimo
Gabriola Island Local Trust Committee
Executive Committee
Islands Trust website



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Web www.islandstrust.bc.ca

August 24, 2022

File No. GB-6410-03; 0110-20-LTC Chairs;11-5595-30

Via email: ssingh@npa.ca

Capt. Satinder Singh
VP - Marine Operations & Harbour Master
Nanaimo Port Authority
100 Port Drive
Nanaimo, BC
V9R 0C7

Dear Captain Singh:

Re: Float Plane Flights over and affecting Gabriola Island

I am writing to you as the Chair of the Gabriola Island Local Trust Committee ("Gabriola Island LTC"), part of the Islands Trust Federation created by the Islands Trust Act of BC. The Islands Trust is a unique federation of special-purpose governments (local trust committees and an island municipality) mandated through the provincial *Islands Trust Act* to preserve and protect the unique amenities and environment of the islands and water between the British Columbia Lower Mainland and southern Vancouver Island.

At the LTC meeting of July 28th, a motion was passed for the Chair to correspond with the Harbour Authority regarding noise concerns on Gabriola from aircraft departing from and leaving the Nanaimo harbour. I would anticipate this would generally be Harbour Air flights but might be others from time to time.

This is not a new issue as concerns have been raised by Gabriola residents for years. Attached is a letter from November of 2015 raising concerns about noise, sent to the Nanaimo Airport Commission. With increasing flight traffic, there have been increasing numbers of concerns and complaints raised. Here is an extract from a sample complaint we received recently:

On any average day we experience a huge amount of plane noise from a number of sources: seaplanes, passenger (and other) planes from the Nanaimo airport, and privately owned planes. There are fluctuations from day to day, but generally speaking there is a disturbing amount of noise. Some days will be nearly incessant with hardly 5 minutes between each plane. These planes are not distant low hums, but are often flying quite low and directly overhead of us with a very loud engine buzz and whine. The issue is that the noise constantly intrudes on the quiet of being outside, either surrounding our home or anywhere in nature on the island.

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

I appreciate that the paragraph references Nanaimo airport as well as seaplanes and we will be writing to the Nanaimo Airport Commission as well, but this is a consistent issue. My understanding is that the protocol is that seaplanes must remain $\frac{3}{4}$ of a nautical mile from the shores of Gabriola Island but the reports of residents is that if that is so, many seaplanes transgress that requirement.

I write to bring these concerns to your attention and ask that you advise:

- a) What are the current protocols for aircraft approaching or departing Nanaimo Harbour in relation to Gabriola Island? Are there current height and distance requirements? How are those enforced and reinforced for operators of aircraft?
- b) Will you commit to reviewing those protocols and respecting the concerns of residents of Gabriola Island who are often affected by this activity?

I look forward to your positive reply in the near future. Please feel free to attend one of our LTC meetings if you wish to verbally address these concerns.

Best Regards



Dan Rogers
Chair Gabriola Island Local Trust Committee

cc.

Vanessa Craig, Director Area B, Regional District of Nanaimo
Gabriola Island Local Trust Committee
Islands Trust Executive Committee
Islands Trust Website

Attachment: Letter-Commercial Flights Over Gabriola Island

**Northern Office**

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Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

November 16, 2015

File No. GB-3030-20

Via email: mhooper@nanaimoairport.com

Nanaimo Airport Commission
3350 Spitfire Road
Cassidy, BC V0R 1H0

Attention: Mike Hooper
Airport President and Chief Executive Officer

Dear Mr. Hooper:

Re: Commercial Flights Over Gabriola Island

The Gabriola Island Local Trust Committee is concerned about commercial flights over Gabriola Island, identified by Transport Canada as an island with extreme aircraft noise sensitivity.

Gabriola residents have reported an increased number of flights between 6:30 a.m. and 11:30 p.m., waking residents on a regular basis. The Local Trust Committee has also received specific complaints about an increased number of flights over the north end of the island.

Due to the quiet rural nature of our community, the disruption created by aircraft noise is felt significantly more than it would in an urban area. Gabriola Island belongs to the Islands Trust, a regional government established by the Province in 1974 to “preserve and protect the Trust area and its unique amenities and environment” for the benefit of its residents and all British Columbians.

On Gabriola Island, the Local Trust Committee is responsible for land use decisions in our jurisdiction, including the development of official community plans and zoning bylaws for the community of 4,045 people. The Gabriola Island Official Community Plan contains the following Air Transportation Advocacy Policy:

“The Federal Ministry of Transport, Infrastructure and Communities (now Transport Canada) and the Department of National Defense shall be requested to ensure flight paths and practice areas for military and civilian air traffic are directed away from Gabriola.”

We would like to draw your attention to the attached Transport Canada advisories regarding aircraft operations in the vicinity of the Gulf Islands, including Gabriola Island.

While we understand the Gabriola Island Local Trust Committee does not have jurisdiction over commercial aircrafts, we are seeking your support in guiding pilots and aircraft operators to follow the Transport Canada advisories and help minimize the impact of flight operations on our small island community.

We thank you for your attention to this matter and invite you to connect with us at the contact information provided.

Best Regards,



Laura Busheikin
Chair, Gabriola Island Local Trust Committee

cc. Heather Nicholas, Local Trustee
Melanie Mamoser, Local Trustee
Lisa Gordon, Director, Trust Area Services

Attachments:

1. Welcome to the Gulf Islands – Information to Pilots and Aircraft Operators
2. Aircraft Operations in the Vicinity of the Gulf Islands and West Coast Wildlife Sanctuaries, BC
3. Gulf Islands, BC Noise Sensitive Areas Map



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ISLANDS TRUST

Welcome to the Gulf Islands

Information to Pilots and Aircraft Operators

INTRODUCTION: (refer to the chart on reverse)

1. The Gulf Islands are a group of islands located in Georgia Strait. These islands are a popular tourist destination and attract many visitors each year. In addition to being home to a number of full-time residents there are also several wildlife sanctuaries located throughout the Islands that protect many varied and endangered species of birds and mammals.
2. The environment surrounding the Gulf Islands is quiet. As a result, aircraft operating at legal altitudes are often audible and such extraneous noise can be extremely annoying to some residents and disruptive to wildlife.
3. It is recognised that aviation is an essential component of the national transportation system and the economic well being of British Columbia. Aviation is an important mode of travel around the Gulf Islands and between Vancouver and Victoria's major airports. With the Gulf Islands being located between these major airports and the demand for air service, a considerable volume of air traffic is inevitable. Nevertheless, with the co-operation of pilots and aircraft operators this volume of traffic need not be onerous on both the residents and the wildlife below.
4. This information sheet has been developed in co-operation with the Islands Trust. The Islands Trust as the local elected government for the residents of the Gulf Islands, has asked for the assistance of all parties in managing aircraft noise.

GENERAL ADVISORY: (refer to the chart on reverse)

1. Aviation safety is foremost. Pilots are responsible for the safe operation of their aircraft and compliance with all aviation regulations. Nothing in this information sheet relieves the pilot-in-command of the aircraft from this responsibility.
2. All Gulf Islands are to be considered noise sensitive. Pilots are requested to give particular consideration to the following islands: Denman, Gabriola, Galiano, Hornby, Mayne, North and South Pender, Salt Spring and Saturna Islands.
3. Pilots are asked to operate their aircraft in the most community friendly manner possible.
4. Pilots not in the process of taking-off or landing should attempt to, where possible, avoid flying in the vicinity of any residential building or area, any marked or designated wildlife sanctuary or any site where bird nesting is known to be located. If flying in the vicinity of one of these locations pilots should attempt to do so at no less than 2000 feet ASL (or 1000 feet AGL where terrain is higher than 1000 feet.).
5. Pilots are asked to refrain from training or practising manoeuvres over the Gulf Islands.

A.I.P. CANADA SUPPLEMENT

AIRCRAFT OPERATIONS IN THE VICINITY OF THE GULF ISLANDS AND WEST COAST WILDLIFE SANCTUARIES, BRITISH COLUMBIA

With the summer flying season approaching it is timely to remind pilots of the procedures for use while in the vicinity of the Gulf Islands of British Columbia. These procedures while not regulatory in nature were developed to encourage pilots to co-operate in addressing the issue of noise and wildlife protection.

These procedures have had a significant effect in reducing the number of complaints. While it is recognized complete elimination of aircraft noise is not feasible it is recognized that with some forethought and care in the operation of aircraft, the degree of noise impact on residents of the Gulf Islands can be greatly reduced. Therefore again this year urge all pilots, in the interest of being a good neighbor, to help us to do whatever we can to minimize noise impact on the public.

The Gulf Islands also have been identified as home to several unique and endangered wildlife species and in this regard Transport Canada has been working with the Department of Fisheries and Oceans Canada as well as British Columbia Ministry of Water, Land and Air Protection to establish procedures to aid in wildlife protection. These species include several types of birds as well as sea mammals including the Orca whale. The rapidly growing interest in wildlife has caused concern due to encroachment into endangered bird and animal habitat by both surface and air traffic. Therefore pilots are encouraged to avoid low level flight over bird nesting areas marked  on the VFR charts and to avoid, where possible, low flight over any area where bird or sea life activity may be encountered.

This year this reminder has been extended to include the bird sanctuaries south along the coastline from Vancouver International Airport and the area around Boundary and Mud Bay and the Serpentine Nature Reserve east of Boundary Bay Airport.

Any questions or comments may be sent to the Regional Director Civil Aviation (Pacific)

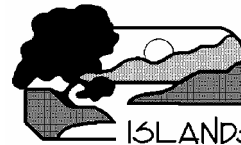


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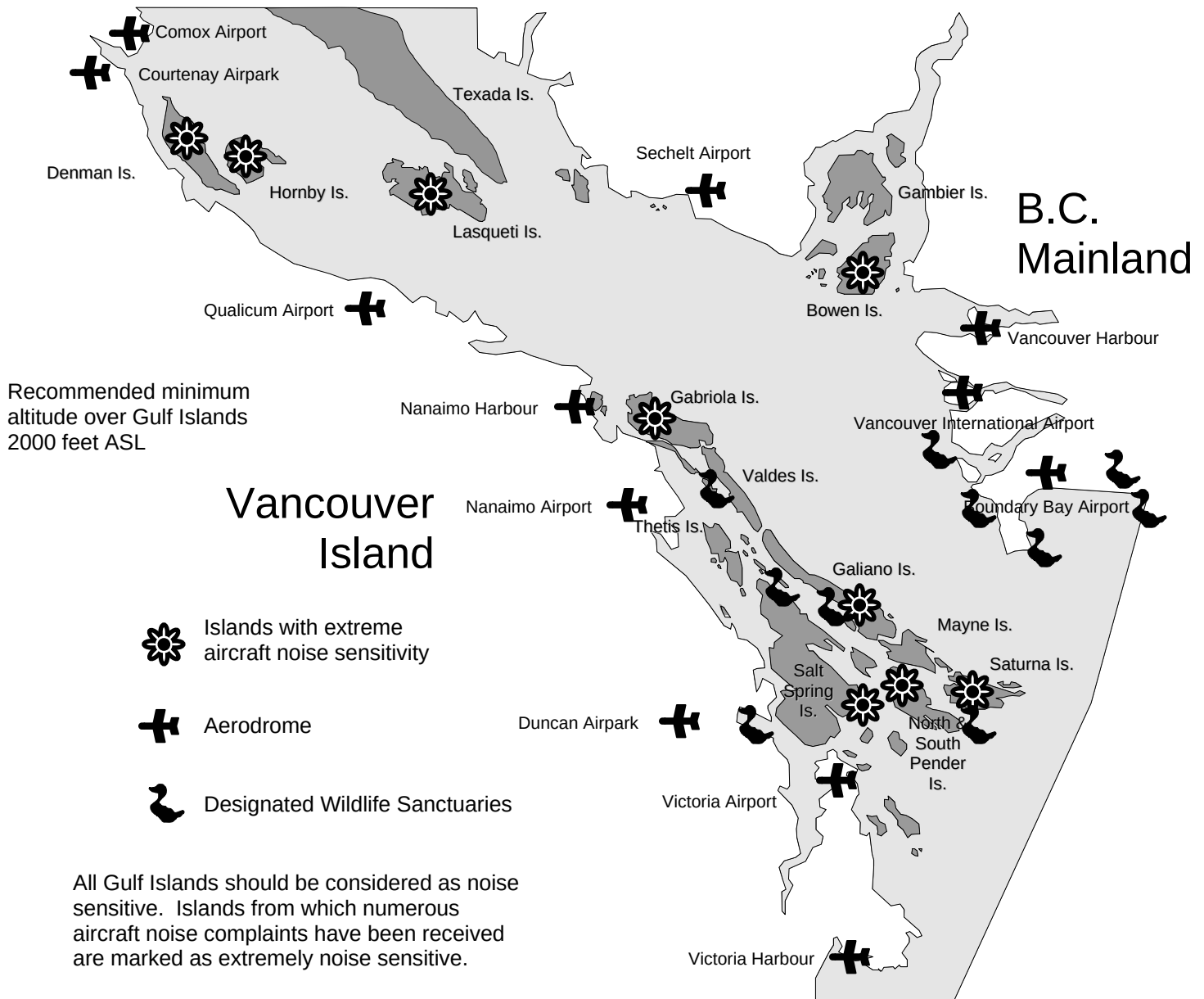
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Gulf Islands B.C. Noise Sensitive Areas