Gabriola Island Local Trust Committee

Regular Meeting Revised Agenda

Date:	October 27, 2022
Time:	10:30 am
Location:	Gabriola Arts & Heritage Centre
	476 South Road, Gabriola Island, BC

Pages

1. CALL TO ORDER 10:30 AM - 10:35 AM

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

2. APPROVAL OF AGENDA

3. RISE AND REPORT - Closed Meeting September 29, 2022

4. REPORTS 10:35 AM - 10:55 AM

4.1. Trustee Reports

4.2. Chair's Report

4.3. Electoral Area Director's Report

4.4. First Nation Reports

5. TOWN HALL 10:55 AM - 11:05 AM

6. MINUTES 11:05 AM - 11:10 AM

6.1.	Local Trust Committee Minutes dated July 28, 2022 - for adoption	4 - 14
6.2.	Local Trust Committee Minutes dated September 29, 2022 – for adoption	15 - 26
6.3.	Section 26 Resolutions-Without-Meeting - none	
6.4.	Advisory Planning Commission DRAFT Minutes dated October 17, 2022 - for receipt	27 - 31
6.5.	Housing Advisory Planning Commission DRAFT Minutes dated October 18, 2022 - for receipt	32 - 36

7. BUSINESS ARISING FROM MINUTES 11:10 AM - 11:40 AM

7.1.	Follow-up Action List dated October 18, 2022	37 - 38

7.2. Draft Standing Resolution on Enforcement of Non-Compliant Dwellings - for discussion

7.3. Response Letter to the Local Trust Committee dated October 13, 2022 from TELUS regarding Herbicide use on Gabriola Island 39 - 40

8. APPLICATIONS AND REFERRALS 11:40 AM - 12:10 PM

8.1. GB-DVP-2022.6 and GB-DP-2022.2 - (Gabriola Housing Society) - Staff Report 41 - 121

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. DELEGATIONS

11. CORRESPONDENCE

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

11.1. Email dated October 24, 2022 from K Gordon regarding draft Standing Resolution for Enforcement on Non-Compliant Dwellings *122 - 123*

11.2. Email dated October 24, 2022 from G Coford regarding draft Standing Resolution for Enforcement on Non-Compliant Dwellings *124 - 125*

11.3. Email dated October 25, 2022 from S and K Gabbott regarding draft Standing Resoluction for Enforcement on Non-Compliant Dwellings *126 - 126*

11.4. Letter from G MacDonald regarding draft Standing Resolution for Enforcement on Non-Compliant Dwellings *127 - 128*

12. NEW BUSINESS 12:10 PM - 12:15 PM

12.1. Request to Amend Local Trust Committee Advisory Planning Committee Bylaw No. 296 - for discussion 129 - 133

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

13. REPORTS 1:45 PM - 2:00 PM

13.1. Climate Change Action Update

13.2. First Nations Relationship Building

13.3. Trust Conservancy Report - none

13.4. Applications Report dated October 18, 2022 134 - 139

13.5. Trustee and Local Expense Report dated August, 2022 140 - 140

13.6. Adopted Policies and Standing Resolutions 141 - 143

13.7. Local Trust Committee Webpage

14. WORK PROGRAM 2:00 PM - 2:15 PM

14.1. Top Priorities Report dated October 18, 2022 144 - 144

14.2. Future Projects List Report dated October 18, 2022 145 - 149

15. UPCOMING MEETINGS

15.1. Next Regular Meeting Scheduled for Thursday, December 1, 2022 at 10:30 am at the Gabriola Arts and Heritage Centre

16. CLOSED MEETING 2:15 PM - 2:20 PM

16.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) for the purpose of considering adoption of In-Camera Meeting Minutes dated September 29, 2022 and that the recorder and staff attend the meeting.

16.2. Recall to Order

17. ADJOURNMENT 2:20 PM - 2:20 PM

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:

- 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 Marlor 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:

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.

Discussion ensued and the decision was made to postpone consideration of the proposed motion for standing resolution.

GB-2022-056
It was MOVED AND SECONDED
that the Gabriola Local Trust Committee postpone consideration of the draft motion for standing resolution until the September 29, 2022 Gabriola Local Trust Committee meeting.

CARRIED

GB-2022-057
It was MOVED and SECONDED,
that the Gabriola Local Trust Committee refer the postponed draft motion 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 draft motion for standing resolution to the Bylaw Compliance and 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.

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.

Motion:
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-2022-061
It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee table the previous motion 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-2022-062
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-2022-063
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-2022-064
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-2022-065
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-2022-066
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-2022-067
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-2022-068
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

DRAFT

Gabriola Island Local Trust Committee
Minutes of Regular Meeting

Date: September 29, 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

Staff Present: Heather Kauer, Regional Planning Manager
Sonja Zupanec, Island Planner
Anthony Fotino, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager
Margot Thomaidis, Planner 2
Stephen Baugh, Planner 2
Nadine Mourao, Recorder

Others Present: There were approximately nine (9) members of the public and one (1) member of the media in attendance.

1. CALL TO ORDER

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

Chair Rogers called the meeting to order at 10:32 am, welcomed the public and introduced Trustees, Staff and Recorder. Chair Rogers, Trustee Colbourne and Trustee Langereis acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. COMMUNITY STEWARDSHIP AWARD PRESENTATION

Chris Straw was nominated posthumously for his impactful leadership in advocating against freighter anchorages in the Southern Gulf Islands. Margy Gilmour accepted the award on behalf of Chris Straw and thanked Islands Trust for recognizing Chris' dedication to protect the marine environment. Ted Fullerton, a representative of Gabriolans Against Freighter Anchorages Society (GAFA) thanked everyone for awarding Chris posthumously and recognized his invaluable contribution.

By general consent the meeting was recessed at 10:48 am and reconvened at 11:03 am.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

4. RISE AND REPORT - In Camera Meeting July 28, 2022

That the Gabriola Island Local Trust Committee rescinded the appointment to the Gabriola Housing Advisory Planning Commission for Jacinthe Eastick.

5. REPORTS

5.1 Trustee Reports

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

- Trust Council (TC); and
- Ministry of Transportation Active Transportation team meeting to advance the Active Transportation Project report.

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

- TC;
- Regional Planning Committee (RPC);
- Governance and Management Review Select Committee;
- Trust Programs Committee (TPC); and
- Community Wellness meeting in Cedar, BC.

5.2 Chair's Report

Chair Rogers reported the following:

- Attended TC virtual meeting;
- Executive Committee (EC) meeting; and
- Thanked Planning Manager Heather Kauer for her work at Islands Trust and wished her well on her next venture.

5.3 Electoral Area Director's Report

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

- Thanked Trustees for their work over the last few years;
- The RDN endorsed the Regional Parks and Trails Strategy and noted greater recognition for conservation purposes;
- Art from a Snuneymuxw First Nation artist coming to Gabriola parks;
- Ministry of Transportation and Infrastructure (MoTI) evaluating request for a playground zone and crosswalk at Huxley Park;
- A tiny home resolution was endorsed by Union of BC Municipalities (UBCM) advocating tiny home building in the building code;
- Huxley Park parking lot pavement has commence and shade structures are coming soon;
- Hazard Risk and Vulnerability Analysis study identifying geohazards and flooding; and
- Parks and Open Space Advisory Committee (POSAC) meeting rescheduled to mid-November.

5.4 First Nation Reports

Trustee Colbourne noted the Community Protection and Cultural Heritage meetings ongoing.

Chair Rogers noted that many First Nations have interest in inclusion in Island Trust's decision making processes and that the FPC are looking at adding project budget allowances to do consultation in a culturally appropriate way.

6. TOWN HALL

A member of the public thanked the Trust for recognizing Chris Straw as an amazing community member and his exemplary dedication to this community, thanked Trustees for their hard work and dedication over the last four years.

A member of the public appreciated the work of Trustees, did not support a Standing Resolution being used to amend Land Use Bylaw (LUB) as Official Community Plan (OCP), LUBs must be amended for permanent changes, did not support the proposed motion on Non-Compliant Dwellings due to the use of "in perpetuity" and supported inclusion of "existing" structures only, and asked Trustees to continue with bylaw enforcement and additional public consultation.

A member of the public supported the Draft Bylaw No. 313 for first and second reading, appreciated Trustees' dedication and commitment to preserve and protecting the environment, thanked them for their service, and gave a letter of correspondence to Trustees.

A member of the public thanked Trustees for their work, supported TC inclusion of First Nations and external Stakeholders, transparent and accessible communications to restore community engagement, and additional community engagement opportunities within the Trust.

A member of the public encouraged Islands Trust diversity and equity in additional Full Time Equivalencies (FTE) for indigenous hiring to build on relationships and knowledge, and thanked Trustees for their relationship building with First Nations over the last four years.

- Trustee Colbourne acknowledged the work of Lisa Wilcox, former Senior Intergovernmental Policy Advisor;
- Trustee Langereis hoped the Trust's Governance Committee would address inclusion of First Nations' involvement in decision making processes and committee work; and
- Chair Rogers noted Islands Trust's commitment to build more organizational capacity.

A member of public noted Gabor Mate's connection between trauma and health and encouraged outgoing and incoming Trustees' compassionate exploration of people's humanity.
A member of the public supported having a Gabriola Local Trust Committee meeting in October.

A member of the public noted their support of protection of the Garry Oak trees and requested Trustees' help to protect the threatened Garry Oak ecosystems.

- Chair Rogers recommended the member of the public contact the Islands Trust Conservancy and suggested that the member of the public bring forward a recommendation to the incoming Trustees regarding a Development Permit Area (DPA) specifically related to Garry Oak protection.

7. MINUTES

7.1 Local Trust Committee Minutes dated July 28, 2022 – for adoption

Deferred adoption of the minutes until next meeting.

7.2 Section 26 Resolutions-Without-Meeting - none

7.3 Advisory Planning Commission Minutes dated September 2, 2022 - for receipt

Received.

7.4 Housing Advisory Planning Commission Minutes dated September 8, 2022 - for receipt

Received.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated September 22, 2022

Received.

8.2 Heritage Overlay Mapping Project - verbal update

Planning Manager Kauer provided an update on the RPC Heritage Overlay Mapping and noted the following points:

- Initial phase completed, discussions will continue into next year; and
- May put the project on hold due to lack of resources for large project and additional relationship building and engagement with First Nations required.

Trustees expressed their support for this important project to continue and Chair Rogers to follow up with Clare Frater, Director Trust Area Services, for more information.

8.3 Heritage Commission – Memorandum

Trustee Langereis referenced the "Establishing Community Heritage Registers" report and discussed the option to add a Heritage Register and a Heritage Commission Bylaw to the Projects List.

Trustees noted the following:

- Suggested the incoming LTC consider adding to the Projects List so they may develop their own projects; and
- Concerned with Staff resources for additional projects.

GB-2022-069
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request the incoming Gabriola Local Trust Committee consider establishment of a Heritage Register and a Heritage Commission Bylaw on the Project List at their meeting currently scheduled for December 2022.

CARRIED
Trustee Colbourne Opposed

8.4 Emergency Medical Services (EMS) – discussion

Trustee Colbourne discussed ambulance levels on Gabriola, logistical challenges, and the possibility of collaborating with the RDN for an advocacy statement to the Province about changing levels of response and noted:

- Connecting with Gabriola Volunteer Fire Department, local ambulance, and BC Ambulance Society for feedback.

By general consent the meeting was recessed at 12:35 pm and reconvened at 1:05 pm.

8.5 Draft Language for Consideration of Standing Resolution regarding Non-Compliant Dwellings - for discussion

Trustees noted the following:

- Three pieces of correspondence received;
- Bylaw Compliance and Enforcement Manager Dingman provided some guidance and alternative wording to consider; and
- Interested in referring the alternative wording provided to the Advisory Planning Commission (APC) and Housing Advisory Planning Commission (HAPC) for feedback prior to the next LTC meeting.

Trustees decided that item 8.6 should be presented before further discussion.

8.5.1 Letter dated September 1, 2022 to Housing Advisory Planning Commission from M. Gilmour

Received.

8.6 Bylaw Enforcement - Proactive Short Term Vacation Rental (STVR) Enforcement

8.6.1 STVR Unlawful Dwelling Report - Staff Report

Bylaw Compliance and Enforcement Manager Dingman summarized the report which detailed the number of short-term vacation rentals and unlawful dwelling files open for bylaw compliance and enforcement investigations and noted the following points:

- Many community members are not aware that bed and breakfast use is permitted as a home occupation on Gabriola;
- Advertisements are being monitored to ensure that they comply with home occupation regulations;
- Travel trailers may be used for residential purposes for a limited time if they obtain a building permit and connect the unit to a septic system; and
- Unlawful use of accessory buildings for residential use is difficult to resolve.

8.6.2 Unlawful Dwellings Policy - Staff Report

Bylaw Compliance and Enforcement Manager Dingman provided an overview of his report which detailed the limited number of files for non-permitted residential uses or unlawful dwellings. Any issues with the current non-permitted uses can be resolved by the negotiation of voluntary compliance agreements, which give property owners reasonable time to voluntarily comply with regulations and noted the following:

- Concerns around sewerage capacity for unlawful dwellings;
- Unable to regulate the number of people that live in a single family dwelling as it is difficult to define what a family is, the LUB does not regulate;
- Concerned with the words “in perpetuity” as Standing Resolutions cannot be used to amend the LUB, and any deferment of enforcement can only be temporary;
- LTC can rescind a Standing Resolution at any time; and
- Recommended giving property owners two years to comply with the regulations in the LUB through a combination of education, mediation, and enforcement techniques, with exceptions for health and safety.

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

- Concerned with over usage of primary septic system;

  - The Bylaw Compliance and Enforcement Manager responded that would trigger compliance and enforcement;
- Interested in deferring bylaw enforcement on accessory structures used for non-permitted residential uses for a maximum of two years after the "opening of a file", not from the receipt of a written complaint;
- Concerned with lengthy process of OCP and LUB amendments not responding to housing crisis in a timely manner;
- Requested that the APC and HAPC provide feedback on the concept of enforcement and deferment;
- Prefer a Community Information meeting for more public engagement; and
- Interested in adding the words "existing accessory structures" to proposed Standing Resolution.

GB-2022-070
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request Staff to refer the language proposed by the Bylaw Compliance and Enforcement Manager in his report of September 29, 2022 to the Gabriola Advisory Planning Commission and Gabriola Housing Advisory Commission for comment on the concept of bylaw enforcement deferral and on the language proposed as follows:

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 beings 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.

CARRIED
Trustee Langereis Abstained

9. APPLICATIONS AND REFERRALS

9.1 GB-DVP-2016.3 (Van Herwaarden) - Staff Report

Planner Thomaidis summarized the report which introduced a DVP for consideration of a variance to the requirement for any structure or building to be sited a minimum of 15 metres from and 1.5 metres 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 than 1.5 metres above a stream (Goodhue Creek.)

GB-2022-071
It was MOVED and SECONDED
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.

CARRIED

By general consent the meeting was recessed at 2:16 pm and reconvened at 2:22 pm.

9.2 GB-RZ-2022.1 (Alley Enterprises - Maloney - 750 Tin Can Alley) - Staff Report

Planner Zupanec provided an overview of the report which proposed to amend the Gabriola Island OCP Bylaw No. 166 and LUB No. 177 to accommodate future commercial and residential redevelopment of the 'Wild Rose Garden Centre' and noted the following key points:

- Scope of use requested, a detailed plan for redevelopment has not been provided, applicant plans on developing the property incrementally;
- 'Village Commercial' zoning designation with exceptions recommended, as site specific Commercial zoning is limiting;
- Existing sewage system requires maintenance and repair, a professional wastewater report required for future redevelopment;
- A qualified professional hydrogeologist report required for parcel; and
- Recommended 'Village Commercial' designation as parcel is strongly linked to the village centre by being situated at the terminus of newly constructed village way pedestrian trail and on public transit route.

Discussion ensued and the following points were noted:

- Concerned with additional paving and storm water management required for future development;
- Concerned with adequate water for future redevelopments and effects on neighbouring properties; and
- Interested in further public consultation and public engagement.

Patricia Maloney, a representative of the Applicant noted the following:

- Future potential development includes a food truck, tea house, small retail spaces and residential units for staff; and
- Requested that food truck use be added to bylaw.

GB-2022-072
It was MOVED and SECONDED
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.

CARRIED

GB-2022-073
It was MOVED and SECONDED
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.

CARRIED

GB-2022-074
It was MOVED and SECONDED
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.

CARRIED

GB-2022-075
It was MOVED and SECONDED
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.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Comprehensive Official Community Plan and Land Use Bylaw Project Business Case - Staff Report

Planning Manager Kauer summarized the report which asked the LTC to consider its 'Top Priorities' and 'Projects' lists and provide any direction for amendments, prior to the end of their current term and consider a draft business case to implement a Gabriola Island Comprehensive OCP and LUB project and noted the following:

- Looking for recommendation on reorganizing or updating lists;
- Recognizing that OCP is not getting updated in comprehensive ways, focusing on targeted areas, resulting in recommendation for OCP review; and
- Comprehensive OCP review project needed to be endorsed and sent to Financial Planning Committee at a meeting if LTC would like inclusion in next budget cycle.

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

- Page 3, would like more detail on Regional Conservation plan;
- Interested in more historical project data on Activities on page 4;
- Interested in a comprehensive OCP review; and
- Requested forwarding to the APC and HAPC for historical project summaries and feedback.

GB-2022-076
It was MOVED and SECONDED
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.

CARRIED

GB-2022-077
It was MOVED and SECONDED
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.

CARRIED

GB-2022-078
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee refer the Top Priorities List and Projects List as presented on September 29, 2022 to the Gabriola Advisory Planning Commission and the Housing Advisory Planning Commission for their review.

CARRIED

10.2 Ecological Protection Zone - Staff Report

Planner Fotino provided an update of the report advanced to the LTC's Top Priority Ecological Zone Project by considering the first and second readings of Bylaw No. 313 which contains amendments to the Gabriola Island LUB to allow for the introduction of a new Ecological Protection (EP) zone.

Trustees noted the following key points:

- Islands Trust Policy Statement Directives Only Checklist updates:
  - 4.2.7, change check mark to N/A;
  - 4.4.2 change to check mark;
  - 5.5.3 change to N/A;
  - 5.5.5 change to N/A;
- Suggested not renumbering "Schedule 1" D.4.3. section as cross referencing challenges; and

- Requested a definition of 'passive recreation' as it may have unintended consequences for uses.

GB-2022-079
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 313, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022", as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2022-080
It was MOVED and SECONDED
that Gabriola Island Local Trust Committee Bylaw No. 313 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022", as amended, be read a first time.

CARRIED

GB-2022-081
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request Staff to include definition of passive recreation included in the Gabriola Island Local Trust Committee Bylaw No. 313 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022".

CARRIED

GB-2022-082
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee endorse Project Charter version 5.0 of the Ecological Protection Zone project.

CARRIED

11. DELEGATIONS - none

12. CORRESPONDENCE

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

13. NEW BUSINESS

13.1 Islands Trust Conservancy (ITC) 3 -Year Plan – Briefing

Received.

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

Received and all Trustees agreed with content of letters.

13.2.2 Email dated September 2, 2022 from Lisa Marie Barron, Member of Parliament regarding Invitation to Take Action on Affordable Housing

Received.

13.3 Consider Cancelling October 27th Local Trust Committee (LTC) Meeting - for discussion

Trustees requested to continue with in person meeting, as scheduled.

14. REPORTS

14.1 Climate Change Action Update

Received.

14.2 First Nations Relationship Building

Received.

14.3 Trust Conservancy Report dated July 13, 2022

Received.

14.4 Applications Report dated September 22, 2022

Received.

14.5 Trustee and Local Expense Report dated June, 2022

Received.

14.6 Adopted Policies and Standing Resolutions

Received.

14.7 Local Trust Committee Webpage

No updates requested.

15. WORK PROGRAM

15.1 Top Priorities Report dated September 22, 2022

Received.

15.2 Projects List Report dated September 22, 2022

GB-2022-083
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request Burren's Acres be added to the Ecological Protection Zone and added to the Projects List.

CARRIED

16. INFORMATION ITEMS

16.1 Letter dated August 22, 2022 from Chair Rogers to Nanaimo Airport Commission regarding Flights over Gabriola Island

Received.

16.2 Letter dated August 23, 2022 from Chair Rogers to Telus regarding Use of Herbicide on Gabriola Island

Chair Rogers noted he received a telephone call from Brian Daniel, representative of Telus, who stated there was no impact to a neighbouring well and neighbours, and Telus would use mechanical means in the future to control vegetation.

16.3 Letter dated August 24, 2022 from Chair Rogers to Nanaimo Airport Authority regarding Float Plane Flights over Gabriola Island

Received.

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

18.1 Motion to Close the Meeting

GB-2022-084
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: 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.

CARRIED

18.2 Recall to Order

None.

18.3 Rise and Report

None.

19. ADJOURNMENT

By general consent the meeting was adjourned at 3:39 pm.

_____
Dan Rogers, Chair

Certified Correct:

_____
Nadine Mourao, Recorder

DRAFT

Minutes of the Gabriola Island Advisory Planning Commission

Date of Meeting: **Tuesday, October 18,2022**

Location: **Electronic Meeting**

HAPC Members Present: **Jeff Malmgren, Chair**
Jennefer Laidley, Deputy Chair
Susan Yates
Deb Ferens

Staff Present: **Sonja Zupanec, Island Planner and Acting Regional Planning Manager**
Katherine Vogt, Recorder

Others Present: **Kees Langereis**

1. CALL TO ORDER AND WELCOME

Chair Malmgren called the meeting to order at 4:03 pm. He acknowledged with gratitude that the meeting was being held in territory of the Snuneymuxw and Coast Salish First Nations, welcomed the public and introduced Commission Members, Staff, and Recorder. He reminded that members of the public were welcome to attend the Advisory Planning Commission (APC) meetings; that public engagement with the APC was limited; and, that the APC was not the proper body to receive and manage public correspondence, rather, these should be directed to the Local Trust Committee.

2. APPROVAL OF AGENDA

GB-APC-2022-005
It was MOVED and SECONDED,
that the Gabriola Island Advisory Planning Commission approve the agenda as presented.

CARRIED

3. MINUTES

3.1 Gabriola Island Advisory Planning Commission Draft Minutes dated September 2, 2022

The following changes to the minutes were presented for consideration:

- In the APC Members Present column, correct the spelling of Jennifer to Jennefer.

GB-APC-2022-006
It was MOVED and SECONDED,
that the Gabriola Island Advisory Planning Commission approve the Advisory Planning Commission minutes of September 2, 2022 as amended.

CARRIED

An APC member thanked Chair Malmgren for sending a letter of condolence to the family of former APC member, Peter Maidstone.

GB-APC-2022-007
It was MOVED and SECONDED,
that the Gabriola Island Advisory Planning Commission elect Deb Ferens as secretary of the commission.

CARRIED

4. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE

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

Planner Zupanec introduced the Draft Standing Resolution recently recommended by Bylaw Compliance & Enforcement Manager, Warren Dingman, in a report presented to the LTC at their September meeting. The resolution had been reviewed by the Housing Advisory Planning Commission (HAPC) yesterday and they had suggested some amendments. The APC were being invited by the LTC to make major or minor amendments to the resolution and, separately, to consider the general concept of bylaw enforcement. Individual and consensus APC comments on whether bylaw enforcement was an appropriate approach to the housing crisis were welcome.

The proposed Draft Standing Resolution from Bylaw Enforcement Manager Warren Dingman reads as follows:

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 beings 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.*

Planner Zupanec left the meeting at 4:30 pm.

Chair Malmgren noted that an absent APC member had provided an email response to the Draft Standing Resolution expressing general disagreement with it and requesting that if it is accepted, that it be amended to suggest that structures be existing, to avoid what was happening on Salt Spring Island where some new structures were being built to take advantage of the suspension of enforcement situation.

APC members noted the following:

- How can a structure be proved as existing when many of them have been built without a building permit and offer no date to go by?
- A structure cannot be considered non-compliant until it is proven that someone is living in it.
- What is the definition of 'accessory?'
    - Planner Zupanec clarified that the definition of an accessory structure as defined in the Gabriola Land Use Bylaw (LUB) was: "in relation to a use, *building* or *structure* means ancillary, secondary and exclusively devoted to a *principal* use, *building* or *structure*, expressly permitted by this Bylaw on the same *lot* or, where the *accessory* use is located on common property in a bare land strata plan, on a strata *lot* in the same strata plan.
    - Planner Zupanec added that in most residential zones, one principal dwelling was allowed while all other accessory buildings were considered accessory to that principal dwelling and usually limited to 3 structures, excluding a woodshed or pumphouse.
- Many residents live in non-permitted principal dwellings situations.
- Trailers in situations without valid building permits would not be protected under this Draft resolution.
- The existing LUB bylaw on travel trailers should not be contravened without going to Public Hearing; and, it would be hard to prove that a trailer was existing or not.
- The APC had previously agreed that the wording 'there are concerns' was too vague and should be replaced by 'It is determined that.'
- What is the need for the Standing Resolution if the scale of the non-compliant housing problems on Gabriola is much less than on Salt Spring?
- Many existing structures that people are living in are not ideal, but they are better than the alternative.
- Regarding future housing options and existing housing security, how effective will the Standing Resolution be?

- A 2-year bylaw enforcement deferral on specific complaints seems irrelevant given that most complaints issued are not treated in a heavy-handed way and are usually amicably resolved over a 2-year time frame anyway.
- The Salt Spring Standing Resolution which was also used on Galiano, Pender and possibly Denman seems to have been adopted in an atmosphere of community panic.
- The Salt Spring Standing Resolution has led to a proliferation of non-conforming rental opportunities.
- It is not that apparent what coming into compliance entails.

GB-APC-2022-008
It was MOVED and SECONDED,
that the Gabriola Island Advisory Planning Commission convey the following message and recommendations to the Local Trust Committee regarding the Draft Standing Resolution recently proposed by Bylaw Compliance & Enforcement Manager, Warren Dingman:

Given the Bylaw Officer's report, the APC has raised significant questions around the short and long-term efficacy of the Standing Resolution in meeting its desired objectives. Should the LTC determine to move forward with a Standing Resolution, the APC has the following recommendations:

1. That the phrase 'There are concerns' in items i), ii), and iii) be replaced with 'It is determined that.'
2. That the phrase in the first line of a. 'accessory structures' be replaced by the phrase 'existing structures.'
3. that the phrase in a. 'for a maximum of two years after the receipt of a written complaint' is contrary to the intention of the policy and should be removed and replaced by a policy for a time frame for Local Trust Committee regular review of the Standing Resolution.
4. that item v) regarding travel trailers differentiates from other types of structures and is problematic if the general intent is to secure existing housing for residents.

CARRIED

5. REFERRAL FROM THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE

5.1 Review of LTC Top Priorities List and Future Project List

Planner Zupanec had previously noted that given a new incoming LTC, it was an excellent opportunity for the APC to review the previous priorities of the outgoing LTC and to offer recommendations on the prioritization of projects. She clarified that the new LTC was not in any way constrained by the previous priorities of the outgoing LTC. She offered that staff capacity was having an impact on the order that projects might be worked on and that there is presently a business case for the Gabriola Island Comprehensive OCP and LUB Review moving forward.

APC members discussed the following:

- Under-resourced staffing for Trust wide Comprehensive OCP/LUB Projects.
- Non-traditional ways of community engagement.
- The benefit of clear timelines for the OCP/LUB review.
- Utilizing established regional planning tools for the OCP/LUB review.
- Processing the OCP/LUB Review through the two lenses of Climate Emergency and Reconciliation.
- OCPs that are overly prescriptive.

GB-APC-2022-009
It was MOVED and SECONDED,
that the Gabriola Island Advisory Planning Commission is fully supportive of the completion of Priorities 1 and 2 of the Recommended Top Priorities Project List in a timely manner; and, supports the Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw review with the recommendation that the structure of the Official Community Plan be completely reconsidered and brought to a higher level from which the Land Use Bylaw may be built; and, recommends that 'Strengthen relationship with Snuneymuxw First Nation' on the Local Trust Committee Project List be added to the Top Priorities Project List.

CARRIED

6. FUTURE MEETING DATES

7. ADJOURNMENT

By general consent, the meeting was adjourned at 4:50 pm.

_____
Jeff Malmgren, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

DRAFT

Minutes of the Gabriola Island Housing Advisory Planning Commission

Date of Meeting:	**Monday, October 17, 2022**
Location:	**Islands Trust Office** **700 North Road, Gabriola, BC**
HAPC Members Present:	**Steven Earle, Chair** **Tobi Elliott** **Dyan Dunsmoor-Farley by Zoom** **John Woods**
Regrets:	**Angela Pounds**
Staff Present:	**Sonja Zupanec, Acting Regional Planning Manager** **Katherine Vogt, Recorder by Zoom**
Others Present:	**Approximately one (1) members of the public**

1. CALL TO ORDER AND WELCOME

Chair Earle called the meeting to order at 12:02 pm. He gratefully acknowledged that the meeting was being held in the unceded territory of Snuneymuxw First Nation. He welcomed a member of the public and introduced Commission Members, Staff and Recorder.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 Gabriola Island Housing Advisory Planning Commission Draft Minutes dated September 8, 2022

The following changes to the September 8, 2022 draft minutes were considered:

- On page 2, Item 4.1, line 4, correct the spellings of Gilmoure to Gilmour and Mcloick to Mclowick.

GB-HAPC-2022-004
It was MOVED and SECONDED,
that the Gabriola Island Housing Advisory Planning Commission adopt the Gabriola Island Housing Advisory Planning Commission minutes of September 8, 2022 as amended.

CARRIED

4. BUSINESS ITEMS

Planner Zupanec clarified that advisory planning commissions should not receive public correspondence; and, that any correspondence received should be redirected to the Local Trust Committee (LTC). Public participation is limited to verbal comments at APC meetings at the discretion of the chair or corresponding with the LTC.

5. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE

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

Chair Earle noted that the Housing Advisory Planning Commission (HAPC) was being asked to consider the concept of bylaw enforcement; and, to consider the alternative proposed standing resolution recently recommended by Warren Dingman, Bylaw Compliance and Enforcement Manager, which differs from the Salt Spring modeled proposed standing resolution originally reviewed by the HAPC at their last meeting. Manager Dingman's proposed resolution is the following:

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 beings 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.*

Planner Zupanec noted the following:

- There was no explicit rationale offered for Manager Dingman's replacement of the phrase 'non-compliant dwellings' with the phrase 'accessory structures;'; and, Manager Dingman may have legal considerations for the phrase change.
- The rationale for the 2-year time frame for deferment of enforcement is that 2 years is considered a reasonable time frame for amiably resolving complaints issues.
- Gabriola Island is more explicit than other islands in the Trust Area in requiring that all recreational vehicles and trailers be connected to an approved sewage disposal system and potable water system.
- It is not clear if Island Health is concerned with the CSA seasonal and expiry ratings of recreational vehicles.
- A recreational vehicle used for more than 90 days has specific regulatory requirements.
- Although a 10x10 foot building may not require a building permit, the Islands Trust may regulate it, if it is being used as a dwelling.

HAPC members noted the following:

- the entire preamble of the first original Salt Spring-modeled proposed standing resolution had been removed from Manager Dingman's version.
- There are presently 17 non-compliant dwellings noted by Manager Dingman on Gabriola: 7 trailers, 2 tiny homes, 1 secondary suite, and 7 accessory buildings.
- Specific types of domiciles such as trailers should not be singled out for discriminatory regulation.
- Many renters on Gabriola are forced to constantly move around.

GB-HAPC-2022-005
It was MOVED and SECONDED,
that the Gabriola Island Housing Advisory Planning Commission recommend that the phrase in the proposed standing resolution: 'on accessory structures used for non-permitted residential uses' be replaced by the phrase 'on all non-compliant dwellings being used for residential purposes.'

CARRIED

GB-HAPC-2022-006
It was MOVED and SECONDED,
that the Gabriola Island Housing Advisory Planning Commission recommend that the phrase 'Given the lack of housing options on Gabriola Island' be added to the very start of the preamble of the proposed standing resolution.

CARRIED

GB-HAPC-2022-007
It was MOVED and SECONDED,
that the Gabriola Island Housing Advisory Planning Commission recommend that item v 'There are travel trailers or recreational vehicles used as a residence contrary to section B.6.4 of the Land Use Bylaw' be removed from the proposed standing resolution.

CARRIED

The proposed standing resolution of Manager Dingman, as amended by HAPC recommendations, would read as follows:

a. Given the lack of housing options on Gabriola, bylaw staff will defer enforcement on all non-compliant dwellings being used for residential purposes 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 beings 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) 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.

Planner Zupanec left the meeting at 12:52 pm.

HAPC members discussed the general concept of bylaw enforcement.

GB-HAPC-2022-008
It was MOVED and SECONDED,
that the Gabriola Island Housing Advisory Planning Commission recommends that bylaw deferment should only occur in circumstances that will alleviate undue hard ship; that they should only be in place temporarily until better policies and bylaws are created; and, that the Local Trust Committee collect statistics on the number of complaints and the number of deferrals that result from any bylaw deferment, as well as statistics on the effectiveness of bylaw deferment.

CARRIED

6. REFERRAL FROM GABRIOLA ISLAND LOCAL TRUST COMMITTEE

6.1 Review of LTC Top Priorities and Future Projects List

Chair Earle explained that the HAPC was being asked to consider the Top Priorities and Future Projects List recently endorsed by the current LTC for consideration for the incoming LTC at their upcoming October 27, 2022 regular business meeting.

HAPC members discussed the following:

- Climate change mitigation strategies for the OCP review project.
- Future Federal/Provincial/First Nations treaty negotiations impacts.
- Future population growth pressures.
- Robust community engagement solutions for the OCP review.
- The Ecological Protection Zone project in the Priority number 1 position is practically done.
- Budget considerations for the OCP review project.
- The HAPC needs more information to properly review the Recommended LTC Project List. The Draft Budget Case attachment 3 was missing from the agenda package.

GB-HAPC-2022-009
It was MOVED and SECONDED,
that the Gabriola Island Housing Advisory Planning Commission recommends that Priority number 3 "Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review" in the Recommended Top Priorities Project List be moved to the Priority number 1 position.

CARRIED

Dyan Dunsmoor-Farley left the meeting at 1:43 pm.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 1:48 pm.

_____
Steven Earle, Chair

Certified Correct:

_____
Katherine Vogt, Recorder

DRAFT

Islands Trust

Print Date: October 18, 2022

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

29-Sep-2022

	Activity	Responsibility	Dates	Status
1	Add to December 1st agenda "Consider adding to project list 'establishment of a heritage register and heritage commission bylaw' as a 'business arising from minutes' item".	Becky McErlean		In Progress
2	Refer to the APC and HAPC - invitation to comment to the LTC on the concept of bylaw deferment as well as Warren Dingman's version of the draft standing resolution.	Penny Hawley Sonja Zupanec		Completed
3	GB-RZ-2022.1 (Alley Enterprises, Maloney) - Staff to prepare draft bylaws to amend the OCP and LUB; notify Snuneymuxw and advise applicant of requirements for water and sewage reports prior to LTC consideration of first reading. Update application website with preliminary staff report package from Sept 2022 LTC meeting.	Sonja Zupanec		In Progress

Islands Trust

Print Date: October 18, 2022

Follow Up Action Report

Gabriola Island

29-Sep-2022

	Activity	Responsibility	Dates	Status
4	Amend the project list as amended from September 2022 staff report recommendation; forward business case to Financial Planning Committee for consideration; refer finalized projects list to the APC and HAPC for comment.	Sonja Zupanec		In Progress
5	Ecological Protection Zone BL 313 given first reading. Update project website and proposed bylaw - done. Staff to prepare a definition of 'passive recreation' for consideration at second reading; LTC endorsed revised project charter as amended (remove reference to PH/CIM and post to web).	Anthony Fotino Becky McErlean		In Progress
6	Add to projects list "rezone burren's acres to EP zone".	Sonja Zupanec		Completed
7	BOV appointments as per minutes of Sept 29 meeting.	Becky McErlean Penny Hawley		Completed

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780 819 9372 Telephone
brian.daniel@telus.com

October 13, 2022

VIA EMAIL
Dan Rogers
Chair, Gabriola Island Local Trust Committee
700 North Road
Gabriola Island, BC V0R 1X3

Dear Mr. Rogers:

Further to our telephone conversation on September 22, 2022, this letter provides a formal response to your letter dated August 23, 2022 regarding the use of herbicide on Gabriola Island.

For background, TELUS' herbicide use is managed under our Integrated Pest Management Plan (IPMP), a provincially regulated document which describes all our vegetation management practices within BC. Our vegetation management consultant conducts regular audits of TELUS sites to ensure we meeting regulatory requirements and the practices documented in our IPMP. Vegetation management is critical to ensuring TELUS maintains the integrity of our communication networks. Vegetation growth creates a significant fire hazard around our facilities, and excessive growth can damage sensitive equipment.

This particular issue was first brought to TELUS' attention in June 2022, when operators of the Fiddlehead Spring contacted our vegetation management consultant to express concerns about the use of herbicides and the proximity to the spring collection well. Our consultant conducted a review of the vegetation management at the site and the evidence collected indicated that the herbicide application was in compliance however based on concerns from the community we made the decision to stop using herbicides. To confirm, going forward TELUS will only be utilizing mechanical (mowing/cutting) or natural vegetation control methods on Gabriola Island and have already informed our vegetation management contractors of the new requirements.

In addition, and in light of the concerns from the Island Trust, we have engaged our vegetation management consultant to complete an assessment of all TELUS' vegetation management activities on the Gulf Islands, with the goal to discontinue the use of herbicides.

With respect to the request for water testing, TELUS' environmental consultant is available to conduct this work at your request. Please contact the undersigned to coordinate this work.

TELUS is committed minimizing the environmental impacts of our operations and we work closely with customers and communities to ensure we are meeting those commitments. Further information regarding or overall commitment to sustainability can be found in our publically available Sustainability and ESG Report.

We trust the information provided meets your current needs. Please reach out to the undersigned if you would like to discuss in more detail.

Sincerely,



Brian Daniel
Manager, Environment
TELUS

Islands Trust

STAFF REPORT

File No.: GB-DP-2022.2 & GB-DVP-2022.6 (Gabriola Housing Society)

DATE OF MEETING:	October 27, 2022
TO:	Gabriola Island Local Trust Committee
FROM:	Sonja Zupanec, Acting Regional Planning Manager Northern Team
SUBJECT:	**Combined Development Variance and Development Permit Application** Applicant: Gabriola Housing Society, Nancy Heatherington Pierce Location: Lot 1 and Lot 2, Section 19, Gabriola Island Nanaimo District Plan EPP11544 (Paisley Road PIDs 028-580-095 and 028-580-109)

RECOMMENDATIONS

1. **That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2022.2 (Gabriola Housing Society).**

2. **That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2022.6 (Gabriola Housing Society).**

REPORT SUMMARY

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

The **purpose of the DP application** is for the protection of the natural environment on the subject parcels during the proposed clearing of existing forest cover and understory vegetation; stripping of overburden material in preparation of construction; excavation; possibly blasting; grading; site servicing, construction of driveways/parking/foundations and site restoration and landscaping for up to 24 units of housing within Development Permit Area No. 11 – Environmental Protection (DPA).

The **purpose of the DVP application** is to consider a variance to the requirement for parking areas to be sited a minimum of 1.5 metres (4.9 feet) from the front lot line. The proposal is to permit the siting of ~4 parking spaces to be installed as close as 0.0 metres and within 1.5 metres to the front lot line abutting the Ministry of Transportation and Infrastructure's Paisley Road.

BACKGROUND

The application is the result of a comprehensive site specific bylaw amendment application, which was approved by this LTC in 2022. The application resulted in the re-designation and rezoning of the subject parcels from 'Institutional' (IN3) to 'Multi-dwelling Affordable Housing' (MAH1). The applicant is requesting the DVP and DP

applications be considered in advance of their application for funding in 2023, in order to develop the parcels with up to 24 units of affordable rental housing.

The two subject properties owned by the Gabriola Housing Society are approximately 2 hectares (5 acres) in combined size and located at the terminus of Paisley Road as shown on Figure 1. Further information about the subject properties is contained within the 'Site Context' (Attachment 1).

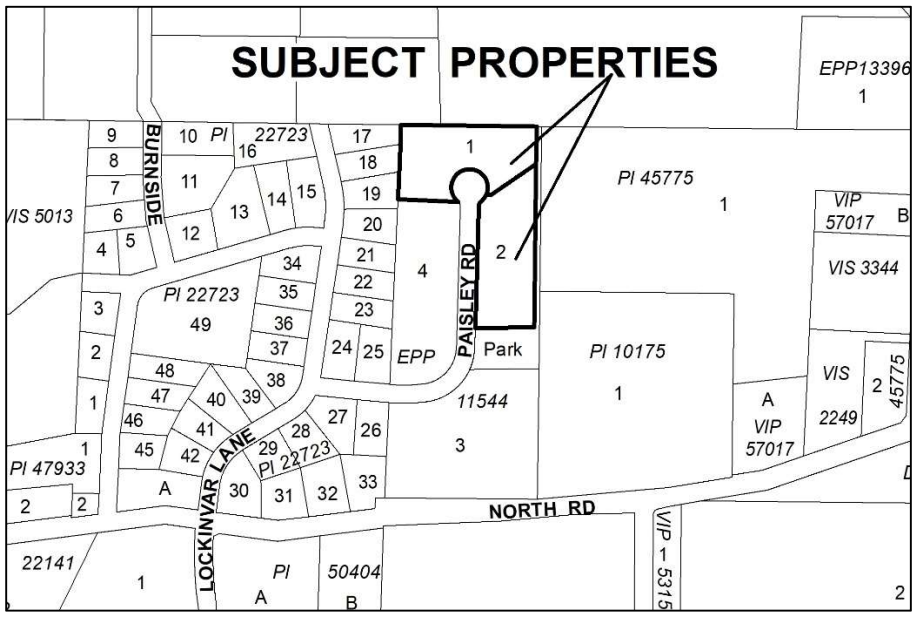


Figure 1 - Subject property

The scope of development for the property is shown in Figure 2 and detailed in Attachment 3 and entails:

Proposed Development:

- Construction of up to 24 dwellings, common house, bicycle storage and water treatment up to 6.3% total lot coverage on Lot 1;
- Up to 8.4% total lot coverage on Lot 2;
- 32 vehicle parking spaces and 30 bicycle parking spaces
- ~6770 square metres of tree removal/disturbance (34% of combined lot area)
- ~13,100 square metres of forest retention (66% of combined lot area)

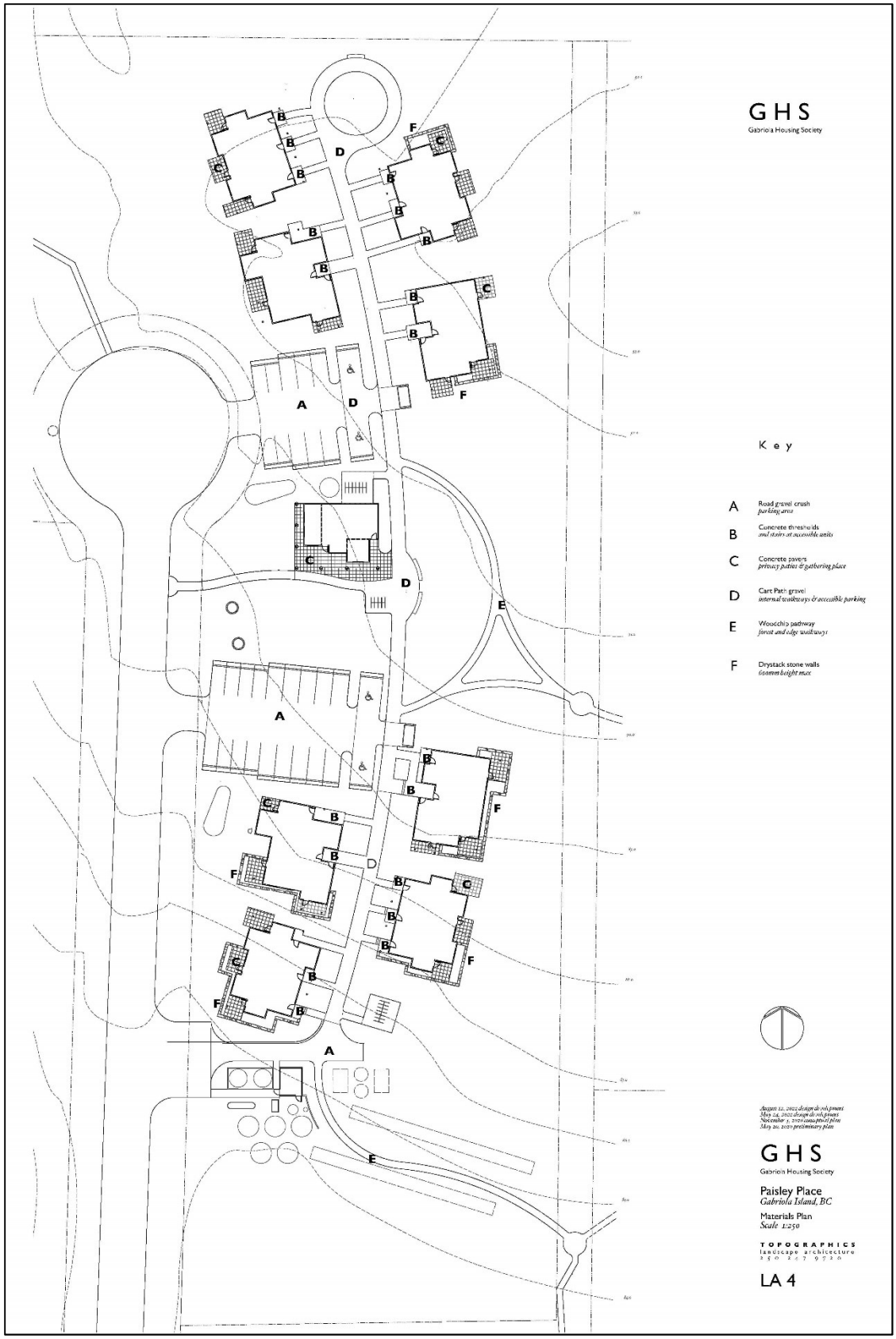


Figure 2. Overview of proposed redevelopment of the subject properties

Pursuant to Section F.3.2 of the Gabriola Island Land Use Bylaw No. 177 (LUB), a DP is required to be issued by the LTC prior to development occurring within DP-11. Pursuant to subsection B.5.4.3 of the LUB, parking areas may not be located within 1.5 metres (4.9 feet) of a property boundary. If the DP (Attachment 3) and DVP (Attachment 5) are both issued, the applicant can apply to obtain a building permit with the Regional District of Nanaimo (RDN), consistent with the plans attached to the DP and DVP.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The following Islands Trust Policy Statement (ITPS) directive policies are relevant to this application and several are addressed through DP-11 – Environmental Protection:

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.
3.2.2	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.
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.
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.
5.8.6	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.

This application is compliant with the ITPS.

Official Community Plan

The subject property is designated 'Multi-dwelling Affordable Housing' in the Gabriola Island Official Community Plan (OCP) Bylaw No. 166, and is located within **DP-11 – Environmental Protection**.

The objectives of DP-11 are:

a. To preserve, protect, restore or enhance environmental features and sensitive ecosystems on Gabriola
b. To manage development in environmentally sensitive areas.
c. To minimize the loss of sensitive ecosystems.
d. To increase protection for species at risk.
e. To encourage retention of Coastal Douglas-fir and associated ecosystems.

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

Land Use Bylaw

The subject properties are zoned 'Multi-dwelling Affordable Housing' (MAH1) in the Gabriola Island Land Use Bylaw (LUB) No. 177.

The guidelines for DP-11 are contained within Section F.11.1 of the LUB, and the proposed development complies with applicable development permit area guidelines as analysed in Attachment 2.

The proposed development meets all LUB siting and use regulations except for the required variance for the proposed parking as per Clause B.5.4.3 which states (emphasis added):

> "*Other than properties zoned for principal single family residential use, not more than 50 percent of the setback area must be used for parking spaces and manoeuvring aisles.* ***A parking space may not be located within 1.5 metres (4.9 feet) of a property boundary***."

Issues and Opportunities

DP Conditions for Protection of the Environment

A comprehensive analysis of the DP guidelines is included in Attachment 2. The applicant submitted an Environmental Overview report; preliminary arborist report and landscape architecture plans to support the application for a DP (Attachment 3). The siting of the development and recommendations for measures to protect the coastal Douglas-fir ecosystem meet the DPA guidelines for development and have been included as conditions in the draft DP. These are as summarized as follows:

- Vegetation clearing should occur August 15 – March 31, the least risk timing window for most bird species. If works cannot be completed during this window a Qualified Environmental Professional must survey areas prior to the vegetation clearing, including shrub species, to rule out the presence of nesting birds or other species. The survey shall be conducted no more than 72 hours prior to the clearing taking place.

- Tree protection fencing is required to be installed and maintained for the duration of construction on the subject properties, in accordance with the Tree Management Plan.

- A detailed tree assessment of the property by a professional Arborist must be completed after the development is finished to determine which trees are safe and healthy enough to retain around the build areas and any recommended mitigating measures to remove or retain trees shall be completed.

Development Variance Permit

The rationale for the variance is to enable the two main parking areas (Figure 3) to be sited as close to the road allowance/property line as possible in order to avoid further encroachment into the forested portions of the lots.

Given that the parking areas in this particular proposed development would not adversely impact other properties or adjacent uses, staff supports the variance as it is minor in nature and does not challenge the intent of the regulation.

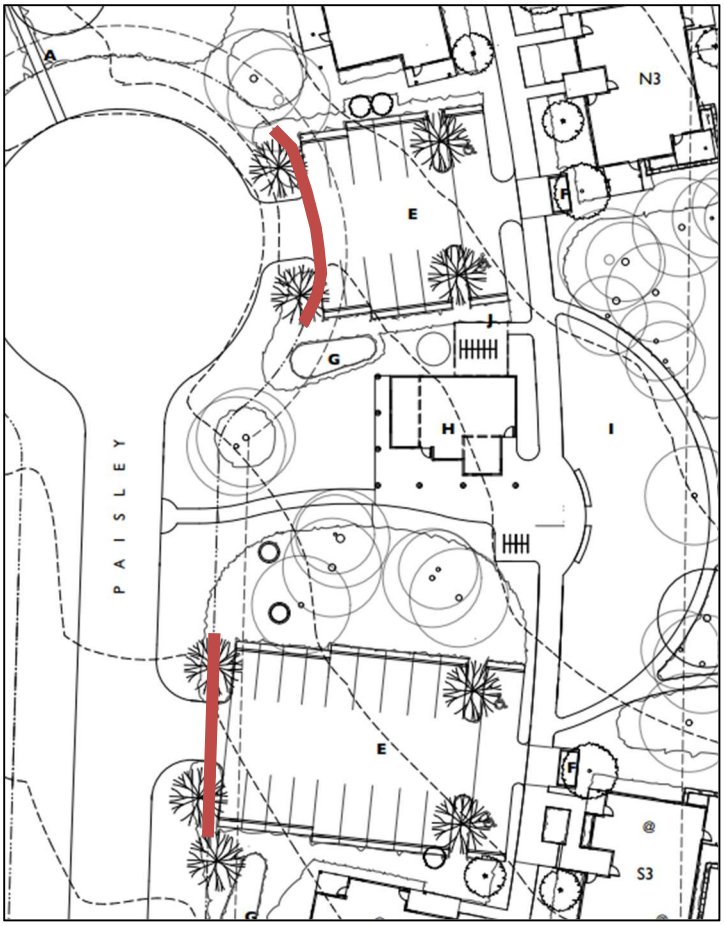


Figure 3. Parking areas requiring setback variance

Consultation

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

DVP Notices (Attachment 4) were circulated to surrounding property owners and residents within 100 metres. The notification period ends at 4:30 p.m. on October 26, 2022.

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

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Properties may show potential for archaeological material to be found on the property during the proposed development, and Islands Trust provides information to applicants requesting they comply with the Heritage Conservation Act (HCA). 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.

Rationale for Recommendation

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

- The objectives and specific guidelines of the DPA have been met;
- All relevant recommendations of a professional assessment report have been incorporated into the conditions of the proposed DP.

The recommendations on page 1 for the DVP are supported as:

- The parking area is required and the proposed siting avoids removal of additional mature trees;
- There will be little or no potential impacts from granting the parking variance;
- The variance does not challenge the intent of the regulation.

ALTERNATIVES

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

Development Permit:

1. **Determine that the DPA guidelines are not being met**

   The LTC may determine that the application as presented does not meet one or more guidelines of DPA-11. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met. Recommended wording for the resolution is as follows:

   That the Gabriola Island Local Trust Committee has determined that application GB-DP-2022.2 as presented on October 27, 2022 does not meet guideline(s) _____ for the following reasons: _____.

2. **Request further information**

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

   That the Gabriola Island Local Trust Committee request that the applicant for GB-DVP-2022.2 submit to the Islands Trust _____.

Development Variance Permit:

3. **Request further information**

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

   That the Gabriola Island Local Trust Committee request that the applicant for GB-DVP-2022.6 submit to the Islands Trust _____.

4. **Deny the DVP application**

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

   That the Gabriola Island Local Trust Committee deny application GB-DVP-2022.6.

NEXT STEPS

If the LTC resolves to issue both the Development Permit and the Development Variance Permit, the applicant may commence with the building permit application process.

Submitted By:	Sonja Zupanec, RPP, MCIP, Acting Regional Planning Manager	October 24, 2022

ATTACHMENTS

1. Site Context
2. Development Permit Area Guidelines Checklist
3. Draft Development Permit
4. Development Variance Permit Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT GB-DVP-2022.6 AND GB-DP-2022.2 (GABRIOLA HOUSING SOCIETY)

LOCATION

Legal Description	Lot 1 and Lot 2, Section 19, Gabriola Island Nanaimo District Plan EPP11544
PID	028-580-095 and 028-580-109
Civic Address	Paisley Road
Lot Size	2 ha

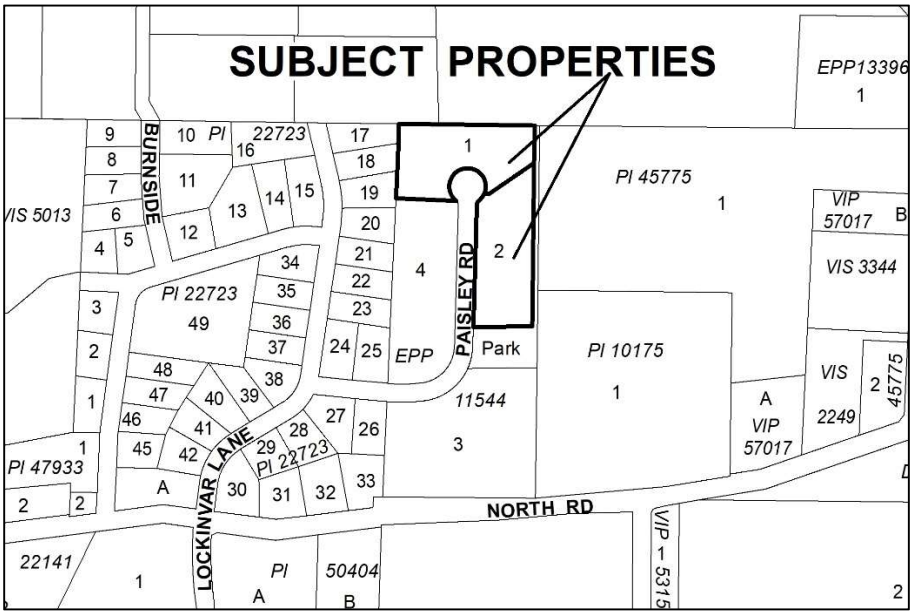


Figure 1. Subject property map.

LAND USE

Current Land Use	Bare land
Surrounding Land Use	Residential, Institutional, Park

HISTORICAL ACTIVITY

File No.	Purpose
UN-RZ-1984.5	
GB-SUB-2008.2	To create 4 parcels.

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Multi-dwelling Affordable Housing Development Permit Area: DP No. 11 – Environmental Protection
Land Use Bylaw	Zoning: Multi-dwelling Affordable Housing
Other Regulations	Housing Agreement registered on title
Covenants	n/a
Bylaw Enforcement	n/a

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 HIGH on the subject property. The Gabriola Island Local Trust Area has been identified as being a HIGH priority for conservation, and is a secondary focus for ITC outreach based on ecosystem values, threats and current levels of conservation (after the VERY HIGH priority areas – Salt Spring, Lasqueti, and Thetis Island).
Species at Risk	None mapped
Sensitive Ecosystems	Islands Trust mapping indicates the presence of a Mature Forest sensitive ecosystem on the subject property. The ITC recommends the following protective measures Mature Forest ecosystems: • Maintaining the largest possible contiguous area of mature forest, • Controlling invasive species, • Allow for succession, natural disturbance and decay to occur, and • Restricting access by vehicle (and livestock). The EA report by Ecora, dated July 2022, identifies the following on the subject property: • Mature forest (stand age of approx. 80-85 years), • Red-listed Douglas-fir/salal ecological community, • Potential blue-listed plant (summer coralroot). Recommendations from the EA report include reducing the development's footprint to minimize loss of mature forest cover, loss of understory vegetation and loss of high-value habitat.
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) does not indicate an archaeological site on the subject property. The applicant has submitted correspondence from the BC Archaeology Branch confirming there are no known archaeological sites on the subject property. Archaeological potential modelling does not indicate a high potential for previously unidentified archaeological sites on the subject properties. 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 *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Climate Change Adaptation and Mitigation	Applicant is proposing an affordable housing project that incorporates water conservation methods, compliance with BC Energy Step Code standards, clustering of buildings to retain up to 55-60% of forest coverage, and potential for a community solar power project. The subject properties are within walking distance of the Village Commercial Centre, including public transportation stops. The applicant is exploring bicycle parking onsite for residents.
Groundwater Vulnerability	Moderately Low

ATTACHMENT 2 – (GB-DP-2022.2) DEVELOPMENT PERMIT AREA GUIDELINES

DEVELOPMENT PERMIT AREA 11 – ENVIRONMENTAL PROTECTION

Guideline	Complies	Planner Comments
F.11.3.1 Minimize the area cleared and disturbed for development within the context of the permitted use and density.	yes	The Environmental Overview (EA) by Ecora Engineering and Resource Group Ltd. notes that several structures are proposed in locations that coincide with natural openings minimizing the number of trees that need to be removed. Development must be consistent with the site plan attached to the permit.
F.11.3.2 Site buildings and associated infrastructure to minimize removal of vegetation and to allow sufficient undisturbed space around retained significant mature or established trees to protect root systems.	yes	The EA states: "Existing large trees have been identified and retained throughout the Project design, where possible. There are notable large Douglas-fir and western redcedar trees adjacent to the Paisley Place cul-desac, west of structure 2 in Lot 1. A large, old Douglas-fir on the north side of structure 1 in Lot 1 has been identified for retention." Development must be consistent with the tree plan attached to the permit.
F.11.3.3 Native vegetation and trees shall be retained wherever possible	yes	A Tree Plan and Planting Plan has been developed to identify and prioritize the retention of large and old trees where possible. Development must be consistent with the tree plan and planting plan attached to the permit.
F.11.3.4 Vegetation clearing shall occur during the least risk timing window for bird species as recommended by a qualified professional. If works cannot be completed during this window, a qualified professional shall be retained to survey the area prior to clearing to rule out the presence of nesting birds or other species.	yes	From the EA: "Where vegetation clearing is required, including shrub species, clearing should occur during the least risk timing window for most bird species (August 15 - March 31). If works cannot be completed during this window, a QEP should survey areas prior to clearing to rule out the presence of nesting birds or other species;" The EA also states that the pre-clearing nest surveys should be completed no more than 72 hours prior to clearing. Included as a condition of the permit.
F.11.3.5 Where this area includes trees that bear the nest of eagles or other species of birds, a buffer area around each nest tree shall be left undisturbed. The size of the buffer shall be determined prior to development by a qualified professional, with advice from the provincial ministry	yes	The EA states that no stick nests or actively occupied cavities were identified during the surveys There are habitat features that provide nesting opportunities for birds.

responsible for the environment and wildlife or the Canadian Wildlife Service.		
F.11.3.6 Avoid removal of mature and old Douglas-fir and western red cedar trees to the extent possible. Trees with unique identified wildlife habitat or unique habitat potential should be retained and incorporated into the design.	yes	A Tree Plan and Planting Plan has been developed to identify and prioritize the retention of large and old trees where possible. Development must be consistent with the tree plan and planting plan attached to the permit.
F.11.3.7 Where species at risk or critical habitat for species at risk have been observed, requirements to protect species at risk and mitigation measures shall be in accordance with the federal Species At Risk Act (SARA) and with the provincial Wildlife Act.	yes	The EA states that the dominant ecosystem mapped by Madrone (2008), is Douglas-fir/salal, a red listed plant community in BC. The site assessment confirmed this plant community as well as the blue-listed summer coralroot. There were no other observed occurrences of other at risk plants or ecosystems within the property. The consultant identified no environmental concerns that would appear to constrain the DP application.
F.11.3.8 An assessment of the environmental impact, including mitigation measures required, prepared by a qualified professional, shall be required prior to any new developments or the expansion of existing development	yes	The Preliminary Arborist Report by Mumby's Tree Services Ltd. recommends: "A detailed tree assessment of the property after clearing for the development is recommended. This assessment will determine which trees are safe and healthy enough to retain around the build areas and what mitigating measures will be followed to retain or remove said trees." This is included as a condition of the permit.
F.11.3.9 Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.	yes	Additional conditions have been included in the draft permit.
F.11.3.10 Efforts shall be made in construction and maintenance activities to source goods, supplies and services on-island to reduce greenhouse-gas emissions related to transportation.	n/a	The applicant is applying for funding to begin works on the subject properties. Once funding is confirmed, the scope of the works, materials and services will be determined and shall be consistent with this guideline.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
GB-DP-2022.2

To: Gabriola Housing Society
c/o Nancy Hetherington Peirce

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

PID: 028-580-095
LOT 1 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544

PID: 028-580-109
LOT 2 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544

2. This Development Permit authorizes the clearing of existing forest cover and understory vegetation; stripping of overburden material in preparation of construction; excavation; possible blasting; grading; site servicing, construction of driveways/parking/foundations and site restoration and landscaping to support up to 24 units of housing within Development Permit Area No. 11 – Environmental Protection, subject to the following conditions:

a) The siting and dimensions of the buildings and structures shall be substantially consistent with Schedule 'A' attached to and forming part of this permit.

b) Vegetation clearing should occur August 15 – March 31, the least risk timing window for most bird species. If works cannot be completed during this window a Qualified Environmental Professional must survey areas prior to the vegetation clearing, including shrub species, to rule out the presence of nesting birds or other species. The survey shall be conducted no more than 72 hours prior to the clearing taking place.

c) Tree protection fencing is required to be installed and maintained for the duration of construction on the subject properties, in accordance with the Tree Management Plan in Schedule 'E' attached to and forming part of this permit.

d) A detailed tree assessment of the property by a professional Arborist must be completed after the development is finished to determine which trees are safe and healthy enough to retain around the build areas and any recommended mitigating measures to remove or retain said trees shall be completed.

The development shall be consistent with:

- Schedule 'A' – Context Plan, Topographics Landscape Architecture, August 2022;
- Schedule 'B' – Tree Plan, Topographics Landscape Architecture, August 2022;

DRAFT

- Schedule ‘C’ – Planting Plan, Topographics Landscape Architecture, August 2022;
- Schedule ‘D’ – Materials Plan, Topographics Landscape Architecture, August 2022;
- Schedule ‘E’ – Tree Management Plan, Topographics Landscape Architecture, August 2022;
- Schedule ‘F’ – Preliminary Arborist Report, Mumby’s Arboriculture Consulting, August 8, 2022;
- Schedule ‘G’ – Environmental Overview, Ecora, July 2022

which are attached to and form 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 "Gabriola Island Land Use Bylaw No. 177, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

_____
Deputy Secretary, Islands Trust

_____
Date of Issuance

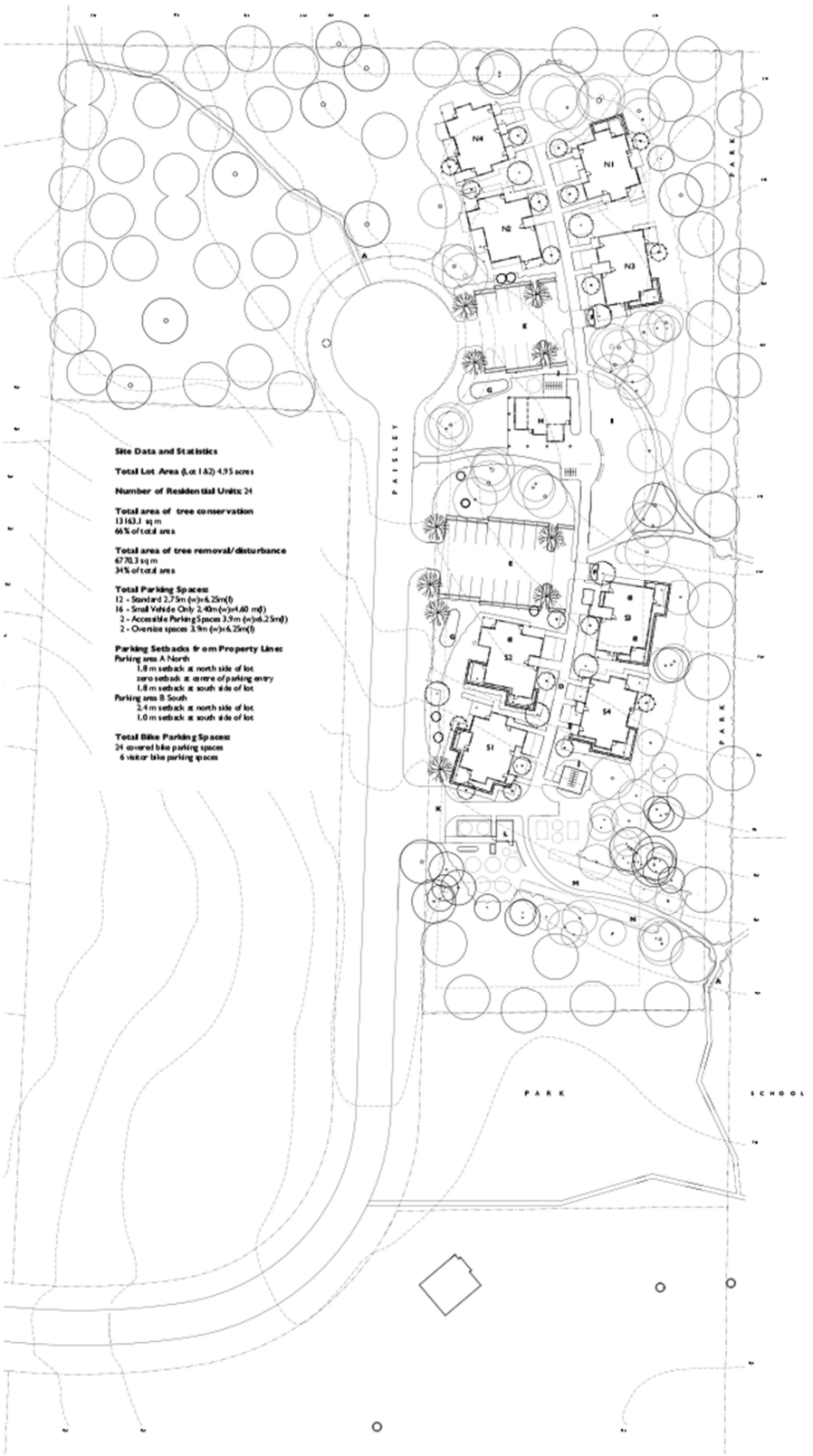
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR, THIS PERMIT AUTOMATICALLY LAPSES.

DRAFT

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GB-DP-2022.2

SCHEDULE 'A' – Context Plan

DRAFT



Site Data and Statistics

Total Lot Area (Lot 162) 4.95 acres

Number of Residential Units: 24

Total area of tree conservation
13163.1 sq m
66% of total area

Total area of tree removal/disturbance
6770.3 sq m
34% of total area

Total Parking Spaces:
12 - Standard 2.75m (w)x6.25m(l)
16 - Small Vehicle Only 2.40m(w)x4.60 m(l)
2 - Accessible Parking Spaces 3.9m (w)x6.25m(l)
2 - Oversize spaces 3.9m (w)x6.25m(l)

Parking Setbacks from Property Lines
Parking area A North
1.8 m setback at north side of lot
zero setback at centre of parking entry
1.8 m setback at south side of lot
Parking area B South
2.4 m setback at north side of lot
1.0 m setback at south side of lot

Total Bike Parking Spaces:
24 covered bike parking spaces
6 visitor bike parking spaces

GHS
Gabriola Housing Society

Consultants :
Ian Scott Planning
Mobius Architecture
Herold Civil Engineering
RB Electrical Engineering
MSR Mechanical Engineering
Williamson Surveying
Mumby Arboriculture
Ecora Environmental

Key

A	Existing Pathway
B	Existing Trees
C	Turnabout
D	Community Walkway
E	Vehicle Parking
F	Recycling
G	Rain Garden
H	Common Hall
I	Play Meadow
J	Bicycle Parking
K	Fire Truck Access
L	Waterworks
M	Pathway
N	Septic Field

Notes

Contour
Contour interval 1.0 metre
Spot elevations in metres

Drawing List
LA 1 Context
LA 2 Tree Plan
LA 3 Planting Plan
LA 4 Materials Plan
LA 5 Details

August 16, 2011 revision
July 21, 2011 revision
June 1, 2011 revision
May 19, 2011 design development
May 6, 2011

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Paisley Place
Gabriola Island, BC

Context Plan
Scale 1:400

TOPOGRAPHICS
landscape architecture
250 247 9730

LA 1

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SCHEDULE 'B' – Tree Plan

DRAFT


GHS
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N4
N1
N2
N3
S3
S2
S4
S1
PARK
PARK
PAISLEY
PARK
Key
Existing Trees
to be protected and retained
from Williamson tree survey, March 2022
C Cedar Thuja plicata
with survey number and diameter
F Douglas Fir Pseudotsuga menziesii
with survey number and diameter
H Hemlock Pseudotsuga menziesii
with survey number and diameter
Existing Large Trees
from airphoto interpretation
Existing Trees
to be removed
area total=6770.3 sq m
34% of total area
Existing Trees
to be retained preservation
for structural, biological health
windthrow potential, safety
Tree Protection Fencing
see detail LA
Area of Conservation
area total=13161.2 sq m
66% of total area
*Note: only trees 20 cm or larger
within 6.0 meters of the development areas
of the site were surveyed by Williamson Surv
August 24, 2022 revision
July 26, 2022 revision
June 1, 2022 revision
May 24, 2022 design development
May 6, 2022
GHS
Gabriola Housing Society
Paisley Place
Gabriola Island, BC
Tree Plan A
Scale 1:400
TOPOGRAPHICS
landscape architecture
250 247 9750
LA 2

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SCHEDULE 'C' – Planting Plan

DRAFT


GHS
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Key
Area of low meadow
Area of tall meadow & shrubs
Area of Conservation
GHS
Gabriola Housing Society
Paisley Place
Gabriola Island, BC
Planting Plan
Scale 1:250
TOPOGRAPHICS
landscape architecture
LA 3

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SCHEDULE 'D' – Materials Plan

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GHS
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Key
A Road gravel crush
parking area
B Concrete thresholds
and stairs at assisted units
C Concrete pavers
privacy patios & gathering place
D Cart Path gravel
internal walkways & assisted parking
E Woodchip pathway
forest and edge walkways
F Drystack stone walls
600mm height max
August 11, 2021 design development
May 14, 2021 design development
November 6, 2020 conceptual plan
May 20, 2020 preliminary plan
GHS
Gabriola Housing Society
Paisley Place
Gabriola Island, BC
Materials Plan
Scale 1:250
TOPOGRAPHICS
landscape architecture
250 247 9730
LA 4

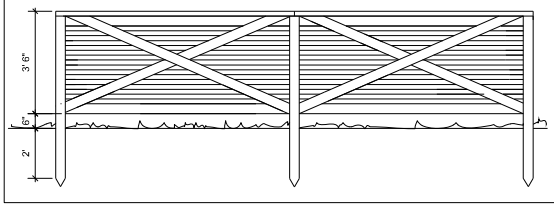
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DP-2022.2

SCHEDULE 'E' – Tree Management Plan

DRAFT

TREE PROTECTION FENCING

Fence height 4'-0".
2" x 4" untreated.
Post spacing 8'-0" on centre, staked.
Mesh - Orange Snow Fencing



TREE PROTECTION MEASURES

Tree protection fencing to be placed where trees are to be protected, as shown on plan.
Tree protection area signs are to be placed on protection fences.

Excavation in the tree root zone is to be supervised by the project Arborist. Following excavation, exposed roots require pruning and application of hormone.

Within the Tree Protection area, operation of equipment, placement of construction material, or debris, is prohibited.

TREE PROTECTION ZONE SIGNAGE

All TPZ are required to have signage as shown below. The signage must be a minimum of 11" x 14" in size on *at least* 2 sides.

NO ENTRY
TREE PROTECTION AREA

NO GRADE CHANGE, STORAGE OF MATERIAL OR EQUIPMENT IS PERMITTED WITHIN THIS FENCED AREA. TREE PROTECTION BARRIER MUST REMAIN IN PLACE FOR THE DURATION OF CONSTRUCTION.

Tree Report Conclusion

- The findings of the risk assessment found several trees can be retained with specific mitigation (Table 1).
- The assessment of some of the trees that will be retained after the area is cleared for construction found a high portion of the trees not viable for retention (Table 2).
- Signs of root rot are present throughout much of the lower (south septic field area) forested area and it is not advised to place pathways through known areas of root rot.

A detailed tree assessment of the property after clearing for the development is recommended. This assessment will determine which trees are safe and healthy enough to retain around the build areas and what mitigating measures will be followed to retain or remove said trees.

Table 1

PT ID	Tree Tag #	Tree Type	Diameter (cm)	Height (m)	Canopy spread (m)	LCR %	Condition %	Defects	Remarks	Safe to Retain Yes/ No
6250	12731	Douglas fir	92	34	8	50	85	Root decay in S & E roots		**YES only if TPZ is outside dripline & tree assessed every 2 years**
6211	12732	WRC	72	31	6	45	65	Asymmetric canopy, damaged east root	Viability low	**NO**
6228	12733	Douglas fir	83	37	9	55	85			**YES**
6199	12734	Douglas fir	68	37	8	35	80			**YES Retain this tree as replacement for 6078 (12735)**
6078	12735	Hemlock	35	27	5	45	80	Structural defect	Surveyed as a Fir	**NO**
6224	12736	WRC	27	12	6	75	85			**YES**
6077	12737	Hemlock	30	26	4	35	75	Structural defects		**NO**
6062	12738	WRC	30	13	2	20	40	Lean, large stem wound		**YES only if there will be no targets**
6224	12739	WRC	81	5 (wildlife tree ht)	-	-	-		This tree is beside 12735 & 12736 Excellent wildlife tree	**YES as a wildlife tree aat a height of 5 meters**
6027	12740	Hemlock	20	7	3	10	20	Almost dead tree	Surveyed as a Fir	**NO**
6175	12741	Douglas fir	46	34	5	35	75	Very low LCR		**YES to be assessed after clearing due to low LCR**
6215	12742	Hemlock	78	35	9	65	80		Surveyed as a Fir	**YES**
6140 & 6206	12743	WRC	105	35	10	40	60		Two stems, one tree	**YES only if hydrology is not changed, health care measures will be needed (mulch/water)**
6214	12744	WRC	71	32	7	45	60		Surveyed as a Fir	**YES only if hydrology is not changed, health care measures will be needed (mulch/water)**
6136	12745	WRC	58	33	5	40	70			**YES only as a grove & no change to hydrology**
6095	12746	WRC	41	33	4	30	70	Low LCR		**YES only as a grove etc.**
6180	12747	WRC	64	34	8	40	65	Codominant stems @ 16 m		**YES only as a grove, etc.**

Table 2

PT ID	Tree Tag #	Tree Type	Diameter (cm)	Height (m)	Canopy spread (m)	LCR %	Condition %	Defects	Remarks
6097	-	Cedar	40	6	-	-	0	Dead	
6139	12772	Cedar	50	24	5	45	60	Health concerns	May not live thru construction
6135	-	Cedar	50	0	0	0	0	dead	
6213	12773	D Fir	70	34	6	50	80		
6116	12774	Cedar	40	26	4	70	70		Surveyed as a fir
6163	12775	D fir	50	31	6	45	80	Low LCR	Prone to windthrow after clearing
6177	12776	D fir	60	34	6	30	80	Low LCR	Prone to windthrow after clearing
6040	-	Hemlock	30	-	-	-	-	Dead	Surveyed as a cedar

Tree Plan to be read in conjunction with Arborists Report compiled by Mumby's Arboriculture Consulting Division of Mumby's Tree Services Ltd on 2022 August 8; ECORA Environmental Baseline Report on July, 2022; Williamson Survey March 2022.

INVASIVE SPECIES TO BE REMOVED:



https://www.coastalsc.com/priority-invasive-plants/

2022.08.11 tree survey update
2022.08.08 LJK arb survey update

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Paisley Place
Gabriola Island, BC
Tree Management Plan
Scale: NTS

TOPOGRAPHICS
landscape architecture
250 247 9720

LA 5

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DP-2022.2

SCHEDULE 'F' – Preliminary Arborist Report

DRAFT

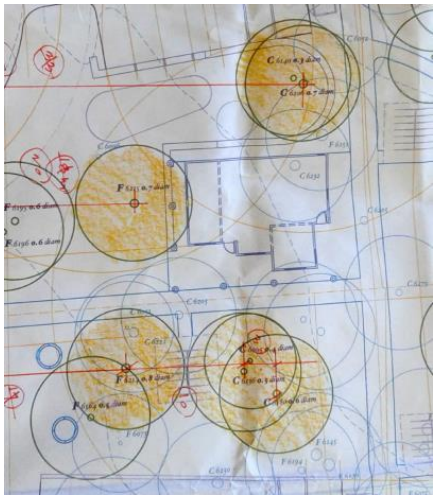
Assignment

Assess fifteen trees selected by Topographic landscape architect for risk potential to the proposed development of a housing complex. Provide risk level and mitigating measures. Provide an overview assessment of some of the trees to be retained and the forested area near the school.

Observations

On July 4 and 19, 2022, I travelled to Gabriola Island to assess the site. The location is well forested with a mix of Douglas fir, westerne red cedar, red alder, Pacific hemlock. It is a healthy forest with few failed trees. I did not see areas of root or butt rot. I began the assessment starting at a Douglas fir located the closest to the road, worked my way north, north east and south. Each tree is tagged with a metal number tag. I used the GAHS Paisley Place file #19134 of Williamson & Associates tree inventory to cross reference the trees I assessed. The following table has the PT. ID (point ID) from the survey with my tag number and then data about the tree. Following the Table are pictures of each tree with the PT. ID # and tag #.

Remarks



Picture 1

The key to safely retain cedars is to not change the hydrology to them or remove too much of the 'forest' around them. For example, in Picture 1 from the site plan; 6140 & 6206 appear to be within a road and parking lot; much of the drainage will be changed and lots of soil compaction around the trees. The next set of cedars (6136, 6195 and 6180) in the bottom right of the picture, will have many trees around them removed. IF the trees are felled and high stumps left AND no disturbance to the soils with any equipment; then the cedars may do OK. But if this area is to be cleared using an excavator and not leaving a natural area around the trees; the cedars over time will decline in health and become structurally unstable.

I am concerned about the windthrow potential with the amount of clearing being done in the south end of the property.

I recommend the determination of healthy groves of trees in consideration of the building locations. This would be a better measure to retain trees that are healthy and structurally can 'work' together.

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Table 1

PT ID	Tree Tag #	Tree Type	Diameter (cm)	Height (m)	Canopy spread (m)	LCR %	Condition %	Defects	Remarks	Safe to Retain Yes/ No
6250	12731	Douglas fir	92	34	8	50	85	Root decay in S & E roots		**YES only if TPZ is outside dripline & tree assessed every 2 years**
6211	12732	WRC	72	31	6	45	65	Asymmetric canopy, damaged east root	Viability low	**NO**
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6095	12746	WRC	41	33	4	30	70	Low LCR		**YES only as a grove etc.**
6180	12747	WRC	64	34	8	40	65	Codominant stems @ 16 m		**YES only as a grove, etc.**

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6250 (#12731)



6250 (#12731) root zone

Tree Protection Zone (TPZ) must be outside dripline and encorporate nearby cedar 6204.

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6211 (#12732)



root and stem damage to 6211 (#12732)

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6228 (#12733)



6199 (#12734)



6078 (#12735)

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6224 (#12736)



6077 (#12737)



6062 (# 12738)



6224 (#12739)



6027 (#12740)



6175 (#12741)

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6215 (#12742)



6140 & 6206 (#12743)





6214 (#12744)



6136, 6095, 6180
(#12745, 12746, 12747)

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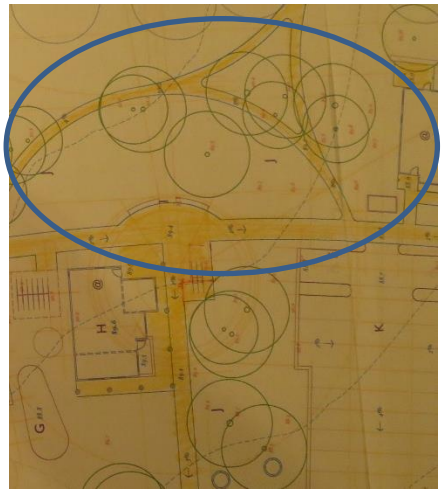
Proposed retained trees:

I assessed some of the trees that are on the site plan to be retained after the area is cleared. I found some trees are dead, others are not viable for retention. Table 2 are the trees to the west of the parking area and community center. See Picture 2 to refer to area.

Table 2

PT ID	Tree Tag #	Tree Type	Diameter (cm)	Height (m)	Canopy spread (m)	LCR %	Condition %	Defects	Remarks
6097	-	Cedar	40	6	-	-	0	Dead	
6139	12772	Cedar	50	24	5	45	60	Health concerns	May not live thru construction
6135	-	Cedar	50	0	0	0	0	dead	
6213	12773	D Fir	70	34	6	50	80		
6116	12774	Cedar	40	26	4	70	70		Surveyed as a fir
6163	12775	D fir	50	31	6	45	80	Low LCR	Prone to windthrow after clearing
6177	12776	D fir	60	34	6	30	80	Low LCR	Prone to windthrow after clearing
6040	-	Hemlock	30	-	-	-	-	Dead	Surveyed as a cedar

These findings repeat with dead trees or trees that are viable to retain along the west edge south of building #4. Some trees along the west edge by building #3 I have tagged, all have low LCR therefore prone to windthrow. A few trees along the edge of building #4 are also tagged with 3 of the trees to be retained are dead or not viable due to poor health. Picture 3 refers to the area.



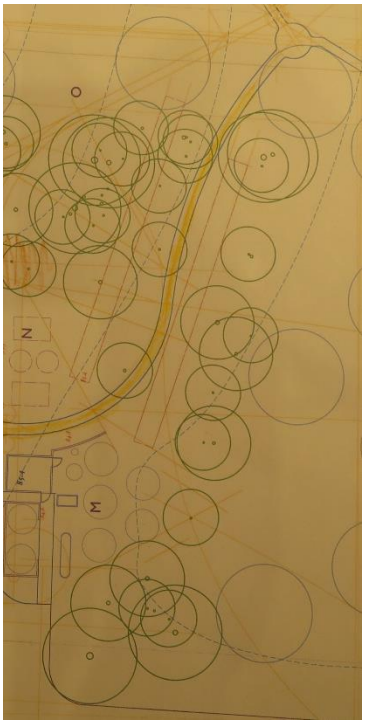
Picture 2



Picture 3

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The forested area in line with the school where a walkway is proposed to link the area to the school is shown in Picture 5. This whole area of forest has extensive root rot and laminated root rot with failed trees, leaning and poor health trees.
Picture 6 is an example of two trees surveyed and would be retained, both are standing dead.



Picture 5



Picture 6

Conclusion

- The findings of the risk assessment found several trees can be retained with specific mitigation (Table 1).
- The assessment of some of the trees that will be retained after the area is cleared for construction found a high portion of the trees not viable for retention (Table 2).
- Signs of root rot are present throughout much of the lower forested area and it is not advised to place pathways through known areas of root rot.

A detailed tree assessment of the property after clearing for the development is recommended. This assessment will determine which trees are safe and healthy enough to retain around the build areas and what mitigating measures will be followed to retain or remove said trees.

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ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist or seek additional advice. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed. Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures. Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk.

The only way to eliminate all risks is to eliminate all trees. I further certify that I am a member in good standing of the American Society of Consulting Arborists and the International Society of Arboriculture. I have been involved in the field of Arboriculture in a full-time capacity for a period of more than twenty years.

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GB-DP-2022.2

SCHEDULE 'G' – Environmental Overview

DRAFT





Environmental Overview
Lot 1/2 SEC19 Gabriola Island

Presented To: **Gabriola Housing Society**

Dated: July 2022

Ecora File No.: 220695

ENGINEERS & GEOSCIENTISTS BRITISH COLUMBIA

OQM CERTIFIED

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Presented To:

Gabriola Housing Society
c/o 2100 South Road
Gabriola, BC, V0R 1X6

Prepared by:



28/Jul/2022
Date

Scott Hawker, B.Sc., R.P.Bio.
Senior Ecologist
scott.hawker@ecora.ca

Reviewed by:



13/Jan/2020
Date

Catherine Piedt, B.Sc., P.Ag.
Environmental Sciences Manager
catherine.piedt@ecora.ca

Version Control and Revision History

Version	Date	Prepared / Revised	Reviewed	Notes/Revisions
A	10 Jan 2020	SH	CP	Draft for review
0	13 Jan 2020	SH		Revision 0 (Final)
0.1	28 Jul 2022	SH		Revision 0 (Final)

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Appendix C Species Summary List – Vegetation and Wildlife
Appendix D Photo Plates

Acronyms and Abbreviations

BEC	Biogeoclimatic Ecosystem Classification
BGC	Biogeoclimatic
BMP	Best Management Practices
BLUE LIST	*any ecological community, and indigenous species and subspecies considered to be of special concern (formerly vulnerable) in British Columbia. Elements are of special concern because of characteristics that make them particularly sensitive to human activities or natural events. Blue-listed elements are at risk, but are not Extirpated, Endangered or Threatened (http://www.env.gov.bc.ca/atrisk/red-blue.htm)*
CDC	BC Conservation Data Centre
CDFmm	Coastal Douglas-fir BEC Zone; Moist Maritime subzone
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
DP	Development Permit
EA	Environmental Assessment
Ecora	Ecora Engineering & Resource Group Ltd.
EMP	Environmental Management Plan
ESA	Environmentally Site Assessment
OCP	Official Community Plan
QEP	Qualified Environmental Professional
RED LIST	*any ecological community, and indigenous species and subspecies that is extirpated, endangered, or threatened in British Columbia. Extirpated elements no longer exist in the wild in British Columbia but do occur elsewhere. Endangered elements are facing imminent extirpation or extinction. Threatened elements are likely to become endangered if limiting factors are not reversed. Red-listed species and sub-species may be legally designated as, or may be considered candidates for legal designation as Extirpated, Endangered or Threatened under the Wildlife Act (http://www.env.gov.bc.ca/atrisk/red-blue.htm)*
RIC	Resources Inventory Committee
SARA	Species at Risk Act
SEI	Sensitive Ecosystem Inventory
TEM	Terrestrial Ecosystem Mapping

Acknowledgements

This project is delivered by Ecora Engineering & Resource Group Ltd., with administrative guidance from Ian Scott Planning Services and the Gabriola Housing Society.

Name	Position / Affiliation	Professional Accreditation	Contribution
Scott Hawker, B.Sc.	Senior Ecologist, Ecora Engineering & Resource Group Ltd.	R.P.Bio. (2004)	Primary report author, technical lead
Ian Scott, MCP, RPP	Ian Scott Planning Services	RPP	Project coordination and administrative support; report review
Dave Neads	Gabriola Housing Society		Terms of reference, transport and overview of site (June 2019), contractual administrative support; report review
Martin Humphries	Gabriola Housing Society		Terms of reference and contractual administrative support; report review
Nancy Hetherington Peirce	Gabriola Housing Society		Terms of reference and contractual administrative support

1. Introduction

Ecora Engineering & Resource Group Ltd. (Ecora) was retained by the Gabriola Housing Society to complete a baseline environmental report and assessment (EA) as part of its pre-development planning and rezoning application for lots 1 and 2 located on Paisley Place, Gabriola Island, BC (collectively referred to as the Property). The Property is legally described as Lot 1/2 SEC19 Gabriola Island, Nanaimo District Plan EPP11544. The report addresses the environmental guidelines outlined within the DP11 Environmental Protection Development Permit Area that the Property occurs within.

Originally developed by Ecora to support the rezoning application from Institutional (IN3) to an Affordable Multi-Family Residential, this report is updated to support the Development Permit (DP) application process.

The assessment describes the existing pre-development (baseline) environmental conditions on the site, with descriptions of sensitive elements of the Property that should be considered prior to development or that could constrain development opportunities. Ecora understands that the Islands Trust is the municipal government with jurisdiction for the Property and the approving body for rezoning and DP applications.

Previous soil and site risk assessments have been conducted and a Phase I environmental site assessment (ESA) was delivered, under separate cover.

1.1 Scope of Work

The assessment is based on the following scope of work:

- Review of existing publicly available land parcel information, including DP areas and other previously identified constraints to development.
- Review of proposed site plan information, in relation to administrative Lot boundaries.
- Completion of a desktop assessment, including reviews of previous site assessments and planning studies, publicly available ecosystem mapping and inventory data, and other online resources to identify potential and known at-risk species and ecosystem occurrences.
- Completion of initial site assessments of the Property, to prepare a description of the baseline condition and to identify any terrestrial, riparian, and/or aquatic areas of environmental sensitivity.
- Completion of an assessment in June 2022 to review the site plan information and address requirements under DP11. Information acquired and referenced during the 2022 assessment included:
  - civil engineering drawings;
  - architectural plan;
  - landscape architecture plan;
  - topographic site plan;
  - tree survey points (all trees greater than 20 cm diameter at breast height (DBH); and
  - tree protection plan, showing the trees greater than 20 cm DBH that are proposed for retention.

- Amendment to the previous baseline report to address the environmental requirements within the respective Development Permit guidelines.

Documents pending at the time of the assessment included an arborist report and an updated version of the tree protection plan.

This report provides an overview of the environmental conditions prior to development of Lots 1 and 2 and addresses the significance of the land and natural amenities. Although the Property is privately managed and not under management by the Islands Trust, the report addresses information requirements outlined in the Islands Trust Conservancy's Baseline Inventory Report Standard, dated July 2018.

1.2 Study Area

The approximately 5-acre, 2-hectare, Property (outlined in red on Figure 1) is located 1.2 kilometres directly east of the Gabriola Island ferry terminal, along the eastern and northern edges of Paisley Place, accessed from Lockinvar Lane. The privately managed Property is in a relatively natural state characterized by previously logged (second growth) forest, dominated by Douglas-fir trees with minor components of western redcedar, western hemlock and occasional arbutus. The terrain is broadly characterized by level to gently undulating topography, with short sloping sections of less than 10 % gradient.

The Property is comprised of a two-lot subdivision, referenced in this report as Lots 1 and 2. Lot 1, the northern parcel, is bounded on the west side by rural single-family properties, on the north side by a previously cleared regenerating forest (in a shrub stage), and on the east side, by mature forest.

Lot 2, along the eastern side of Paisley Place, borders mature forest for most of its length and, at the southern end, borders the sports field complex behind Gabriola Elementary School. Immediately south of Lot 2 is a small park dedication area, connecting Paisley Place to the school field. To the south of Lot 2, adjacent to the bend in Paisley Place road, is the current Highways Works yard, operated by Mainroad Mid-Island Contracting LP (Mainroad). There are several trail networks that bisect the Property and are well used by local residents for walking, biking and dog-walking, among other recreation purposes.



Figure 1 The Property (Lot 1: northern parcel; Lot 2: eastern parcel)

1.3 Expected Construction Activities

The information provided below represents a summary of typical construction activities associated with housing developments that could affect ecosystems; it does not suggest this work will necessary be completed for the Property.

Development of the type presently planned for the Property typically includes driveway construction with excavation, re-grading, and installation of stormwater drainage features to enable safe access to the proposed structure footprints. Upon successful receipt of a DP, the construction-related activities can be expected to include:

- Clearing of existing forest cover and understory vegetation and stripping of overburden material in preparation for construction. Includes excavation and hauling, and may include blasting;
- Grading to accommodate the proposed layout, including cuts, fills, and compaction;
- Completing site servicing, including construction of watermains, stormwater and sanitary sewers, wells, water storage and transport infrastructure, and septic field;
- Constructing driveways and parking areas, including, grading, compaction, and paving. Access will be via Paisley Place;
- Constructing foundations and housing structures; and

- Completing site cleanup and restoration in accordance with the Project's landscape architecture plan, including installation of landscaping, and planting of shrubs and trees, with priority on species that are native to the local area.

Appendix A further outlines the general management recommendations to minimize risk of adverse environmental effects resulting from the planned development activity.

2. Background Information

The following presents a summary of the regulatory context and sources of information used in the completion of the assessment. Sections 2.1 and 2.6 provide additional information addressing the cultural and ecological significance of the land and natural amenities in context of the proposed development.

2.1 Site History

Situated in the centre of Coast Salish territory, Gabriola Island occurs within part of the traditional territory of the Snuneymuxw First Nation (Snuneymuxw), which includes portions of the eastern coast of Vancouver Island, the Gulf Islands, and spans eastward along the Fraser River. Snuneymuxw currently has four small reserves on the shores of Nanaimo Harbour and Nanaimo River, and two smaller reserves at Gabriola Island. The total reserve land base is 266 hectares. Of these six reserves, only Reserve No. 1 (22.4 hectares), located in the Nanaimo District on Nanaimo Harbour and adjacent to the city of Nanaimo, is fully serviced and inhabitable. Approximately two-thirds of Snuneymuxw members live off-reserve.

Described in the Gabriola Island Community Profile[1], both physical evidence and oral history indicate that members of the Snuneymuxw Nation had permanent and seasonal occupation of Gabriola Island prior to European contact. Seasonal residents moved between villages on Newcastle Island and Gabriola from September to April in search of shellfish, cod and other resources, and lived in the Fraser Valley for the remainder of the year. Permanent residences existed along coastal regions including Degnen Bay and Indian Point known as t'hit'h w'utquson.

Described in the Statement of Intent[2] on the BC Treaty website, the local Snuneymuxw groups inhabited a village along the Fraser River near the confluence of the Pitt and Fraser Rivers east of Barnston Island as well as one or more seasonal camps on Lulu Island. They shared the resources of the Fraser with other mainland groups.

2.2 Ecological Classification

The Property occurs within the Moist Maritime Subzone of the Coastal Douglas-fir Biogeoclimatic Zone (CDFmm). Ecosystem community types were previously classified during the Sensitive Ecosystem Mapping process (Islands Trust and Province of BC 2007), which was developed through conversion of the Terrestrial Ecosystem Mapping (TEM) completed previously by Madrone (2008). The CDFmm subzone, as described by Madrone (2008) covers a very small proportion of coastal BC, spanning the eastern coastline of Vancouver Island (north to Deep Bay), the southern Gulf Islands, parts of the Sunshine Coast, and a portion of the Fraser Valley on the mainland.

[1] Accessed online at: http://www.islandstrust.bc.ca/media/314027/Gabriola-Final-Profile-Final-Report.pdf
[2] Accessed online at: http://www.bctreaty.ca/sites/default/files/snuneymuxw.pdf

2.3 Regulatory Overview

Confirmed through review of the Gabriola Island Official Community Plan (OCP) Bylaw #166 (1997), the Property occurs within an Environmental Protection Development Permit Area (DP11).. Other regulatory requirements pertaining to development of the Property are outlined within Table 2.1..

Table 2.1 Federal and Provincial legislation applicable to the Project

Jurisdiction	Applicable Legislation	Agency	Summary
Provincial	*Wildlife Act; Wildlife Amendment Act*	Ministry of Environment	Protection of wildlife and wildlife habitats including the protection of raptors, owls, herons and nests during nesting periods.
	Water Sustainability Act	Ministry of Forests	Ensures protection of water quality, quantity and riparian habitat for works in about a stream.
	Environmental Management Act	Ministry of Environment	Prohibits causing pollution by regulating the discharge or emissions of contaminants or waste and requires spill reporting regulations
	Local Government Act	Ministry of Environment	Provides local governments with a legal framework and foundation to represent the interests and acknowledge the needs of their communities.
	Land Act	Ministry of Forests	Protection and conservation of any land owned by the Province such as foreshore and the beds of lakes, rivers and streams.
Federal	*Fisheries Act*	Fisheries and Oceans Canada (DFO)	Section 35 for the management through the conservation and protection of fish and fish habitat.
	Migratory Birds Convention Act	Environment and Climate Change Canada (ECCC; Canadian Wildlife Service)	Prevents capturing, injuring, killing or disturbing migratory birds as well as damaging, destroying, removing or disturbing their nests.
	Species at Risk Act	Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC)	Provides legal protection of wildlife and their habitats designated under Schedule 1

Other relevant regulations include municipal bylaws and policies, as described in the OCP and regional Best Management Practices (BMP). Drinking water well development may require additional permitting and/or registration through the province.

2.4 Information Sources

Information sources referenced in the desktop assessment and development of the environmental overview report for the Property are listed below.

- BC Conservation Data Centre Species and Ecosystems Explorer (accessed June 2022) https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/species-and-ecosystems-explorer
- Gabriola Island Official Community Plan - Bylaw No. 166 (1997; Islands Trust 2018) http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/bylaws/

- Province of BC - iMapBC web application (accessed June 2022); https://www2.gov.bc.ca/gov/content/data/geographic-data-services/web-based-mapping/imapbc
- Environment Canada Critical Habitat Mapping for Species at Risk (accessed June 2022) https://open.canada.ca/data/en/dataset/db177a8c-5d7d-49eb-8290-31e6a45d786c
- Regional Conservation Plan (Islands Trust Conservancy 2018) http://www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf
- Gabriola Island Sensitive Ecosystem Mapping - Air photo 2007 (Islands Trust Conservancy 2007) http://www.islandstrustconservancy.ca/media/20227/orgmapsemgabriola.pdf
- Gabriola Island Community Profile (Islands Trust Council 2008) http://www.islandstrust.bc.ca/media/314027/Gabriola-Final-Profile-Final-Report.pdf

2.5 Terrestrial and Sensitive Ecosystem Mapping

Terrestrial Ecosystem Mapping (TEM), completed as the basis for most baseline and environmental impact assessments in BC, represents a site or landscape-level inventory of ecological communities. Developed upon the provincial BEC framework, ecosystem polygons represent vegetation communities that result from a combination of local climate, parent material and soil development, and topographic characteristics (RIC 1998). TEM scales vary depending on the project size and requirements, although mapping at a scale of 1:5,000 or larger is often required to provide a baseline inventory for smaller environmental inventories and assessments. Madrone Environmental Services Ltd. (2008) conducted a TEM of the Coastal Douglas-fir (CDF) Biogeoclimatic Ecosystem Classification (BEC) Zone, including the entire landbase of Gabriola Island.

The Islands Trust, in 2007 and in association with the Province of BC, completed the process of sensitive ecosystem mapping through conversion of Madrone's previously completed TEM product. This included the definition of sensitive elements, in accordance with the Sensitive Ecosystem Inventory (SEI) protocol, to provide an inventory of the fragile and/or rare ecosystems and wildlife habitat throughout the CDF BEC Zone, an area with high biodiversity value and abundance of unique ecosystems, plants and animals. The objective of this process was to serve as a platform upon which to develop local land use plans and to ensure the effective stewardship of private lands.

The six sensitive ecosystem classes mapped within the Gabriola Local Trust Area include:

1. Mature Forest
2. Woodland
3. Herbaceous
4. Cliff
5. Wetland
6. Freshwater

2.6 Species and Ecosystems of Conservation Concern

2.6.1 BC Conservation Data Centre

The status of species at risk is determined using provincial and national ranking systems. The provincial system applies to species that have been assessed by the BC Conservation Data Centre (CDC) and are categorized as Yellow (Not Considered at Risk), Blue (Of special concern) or Red (Endangered or Threatened). The national ranking system applies to species that have been assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC).

Given the long history of development and forest loss associated with urbanization throughout the southern coast and adjacent islands, ecosystems throughout the CDFmm are currently listed as critically imperiled in a global context by the CDC (Madrone 2008). Currently, 35 plant communities are provincially Red or Blue-listed in the CDFmm. Prior to the site visit, Ecora conducted a background review of the BC CDC's Species and Ecosystems Explorer and the iMapBC Habitat Wizard web applications to identify the ecological communities and listed plant and animal species with potential to occur within or adjacent to the Property. Discussion with the Proponent and assessment of previous mapping and recent aerial imagery indicates that the Property is entirely forested, with trees of a relatively consistent age.

The results of the query are based on the following parameters.

- South Island Forest District;
- Coastal Douglas-fir (CDF) BEC Zone;
- Ecological Communities – Forest Realm
- Habitat Subtypes: Anthropogenic (Urban/Suburban) and Coniferous Forest (mesic); and
- Red and Blue-listed species and/or COSEWIC listed species (threated, endangered, or special concern).

The results of a query of the CDC occurrences using the public iMapBC online database and mapping feature indicate that one occurrence of the Red-listed "Douglas-fir / Dull Oregon-grape" plant community (CDFmm / 01 site series) is mapped approximately 1.7 kilometres to the northeast of the Property.

Table 2.2 Known CDC Ecological Communities

English Name	Scientific Name	BC Status	BC List	Global Status
Douglas-fir / Dull Oregon-grape	*Pseudotsuga menziesii / Berberis nervosa*	S1 (2018)	Red	G1

Table 2.3 summarizes the number of potentially occurring Blue and Red-listed species, based upon species identified by the CDC in mesic forest habitats. Appendix B provides the details on the specific ecosystems and species. The list of potential species and ecosystems was carried in the field for reference.

Table 2.3 Summary of Potential Blue- and Red-listed Species and Ecosystems

Query Parameters	# Potential Red-listed	# Potential Blue-listed
Ecosystems (Ecological Communities); *All natural treed ecosystems either Blue or Red-listed within the CDF Zone*	13	3
Plants	2	2
Animals – birds	1	8
Animals – mammals	0	3
Animals – insects	2	1
Animals – snail	0	1

2.6.2 Islands Trust Conservancy

In 1990, the Islands Trust Conservancy was established as a conservation land trust to assist in carrying out the "preserve and protect" mandate as described in Part 6 of the *Islands Trust Act.* Described on the Planning for Conservation page of the Island Trust Conservancy's website[3], it is stated that *'The Islands Trust Conservancy's work is guided by the Regional Conservation Plan, a science-based and community informed plan that identifies, prioritizes and plans for the protection of the best of the islands' natural spaces. We develop conservation plans to focus our efforts and resources on what's most urgently in need of protection.'*

2.6.2.1 Gabriola Local Trust Area

The Gabriola Island Local Trust Area includes twenty other islands. Described within the 2018 Island Trust Conservancy's Regional Conservation Plan, approximately 2,130 ha (37 %) of the 5,817-ha Local Trust area is presently identified as a Sensitive Ecosystem. This includes 903 ha (16 %) mapped as Wetland, 660 ha (11 %) mapped as Mature Forest, and 471 ha (8 %) mapped as Woodland (Table 2.4).

Table 2.4 Sensitive Ecosystem Classes – Gabriola Local Trust Area

Sensitive Ecosystem	Description[1]	Area (ha)	Portion Protected (%)	Portion of Local Trust Area (%)
Mature Forest	Usually conifer-dominated, occasionally deciduous, dry to moist forest types, structural stage 6, generally >80yrs.	660.0	14.3	11.4
Woodland	Dry open forests, generally between 10 and 30% tree cover, can be conifer-dominated or mixed conifer and arbutus stands; because of open canopy, will include non-forested openings, often with shallow soils and bedrock outcroppings	470.6	13.6	8.2
Herbaceous	Non-forested ecosystems (less than 10% tree cover), generally with shallow soils. They include bedrock	51.3	12.5	0.9

[3] Accessed online at: http://www.islandstrustconservancy.ca/initiatives/ planning-for-conservation/

Sensitive Ecosystem	Description[1]	Area (ha)	Portion Protected (%)	Portion of Local Trust Area (%)
	outcroppings, large openings within forested areas, spits, dunes and shorelines vegetated with grasses and herb			
Cliff	Very steep slope, often exposed bedrock, may include steep-sided sand bluffs	24.4	2.3	0.4
Wetland	Areas that are saturated or inundated with water for long enough periods of time to develop vegetation and biological activity adapted to wet environments. This may result from flooding, fluctuating water tables, tidal influences or poor drainage conditions.	903.3	8.8	15.7
Freshwater	Freshwater ecosystem includes bodies of water such as lakes and ponds that usually lack floating vegetation	21.2	0.0	0.4
Total		**2,130.8**	**51.5**	**37.0**

[1] Descriptions adapted from: http://www.islandstrustconservancy.ca/media/20227/orgmapsemgabriola.pdf

3. Environmental Overview Methodology

Ecora's Senior Ecologist, Scott Hawker, B.Sc., R.P.Bio, visited the Property on Monday June 10, 2019 to conduct an overview assessment with a focus on the existing (pre-development) ecosystems, vegetation communities, wildlife habitat features, and other potential sensitive features. The intent was to characterize pre-development conditions and to address potential environmental features for reference in future development planning. The assessment was completed by walking the extent of each of each lot. Conditions were clear and warm (20°C) during the assessment. A follow-up assessment was conducted on January 6, 2020 (5°C and light rain) to re-assess Lots 1 and 2 to review the area of proposed development, record average species covers and to measure ages and heights of representative trees from the dominant tree canopy.

Ecosystem and vegetation descriptions were recorded through combination of written field and completion of Ground Inspection Forms (GIFs), which are standard ecological data forms for collection of site, soil and vegetation data within BC. At each field assessment location, notes were recorded to describe the general topography, the dominant ecosystem type, the tree composition mix and dominant vegetation species within the understory shrub (less than 10-metre height), herbaceous and moss development layers. Additional notes on disturbances or signs of wildlife were noted.

Tree heights were measured using a 50-m Eslon tape and clinometre, and manual ages (recorded at the DBH) were taken using a 14-inch Haglof increment borer. All plot locations were spatially referenced using an iPad with pre-loaded field maps, using Avenza PDF Maps software. Digital photographs were taken using the iPad (tagged to the plot locations in Avenza PDF Maps), to depict the representative ecosystems, dominant plant communities and other features of interest. During the June 2019 assessment, plant images were captured using a Canon handheld digital camera.

Upon receipt of the Project site plans, civil drawings and architectural plans, a follow-up-site assessment was conducted on June 27, 2022, to re-assess the area considering the requirements for the Environmental Protection Development Permit Area. Specific focus was placed on the assessment of habitat potential, unique habitat characteristics and potential to support at-risk plants and/or ecosystems. The section references from the Zoning Bylaw are provided below:

- F.11.3.6 Avoid removal of mature and old Douglas-fir and western red cedar trees to the extent possible. Trees with unique identified wildlife habitat or unique habitat potential should be retained and incorporated into the design.
- F.11.3.7 Where species at risk or critical habitat for species at risk have been observed, requirements to protect species at risk and mitigation measures shall be in accordance with the federal Species at Risk Act (SARA) and with the provincial Wildlife Act.

The following activities were conducted during the follow-up assessment:

- Walkthrough of the proposed development and navigation to the pre-established structure corners, Visual observation of the forest and vegetation communities in the areas where clearing and tree removal will occur.
- Visual observation of any trees that exhibit unique or special habitat characteristics that would warrant incorporation or retention in the final design.
- Visual observation of trees to identify any that may be in active use by nesting birds.
- Visual observation for at-risk plants, including the suspected Blue-listed summer coralroot which was previously identified in the Property in 2019.
- Visual observation for habitat characteristics or attributes that would indicate high potential habitat for the species at risk identified in Appendix B.

4. Environmental Overview Results

The results of the desktop review and site assessments are summarized below.

4.1 Terrestrial and Sensitive Ecosystem Mapping (TEM)

The Property occurs within portions of two previously mapped polygons, representing two different ecosystem / disturbance types. For each of the two types mapped within the Property, Table 4.1 presents the ecosystem map codes, site series name, and provincial status. The mapped ecosystem types include a coniferous forest and a non-vegetated anthropogenic type.

Table 4.1 Summary of Mapped Ecosystems within the Property

Map Code	Site Series	Ecosystem (Site Series) Name	Broad Type	Provincial Status[1]
DS	01	Douglas-fir / Salal	Coniferous forest	Red
RW	00	Rural	Anthropogenic	n/a; not sensitive

[1] Status assignment and definitions provided from: http://www.env.gov.bc.ca/cdc/
Red: Endangered or threatened.

The Douglas-fir / Salal (DS) ecosystem mapped by Madrone (2008) is Red-listed, which means it is considered at risk of becoming endangered from further ecosystem loss and/or disturbance. The Rural (RW) designation is used to represent anthropogenic features and activity, typically mapped in areas covered by roads, lawns and rural dwellings, and is considered of low habitat value and thus not sensitive to development. There are no mapped anthropogenic features overlapping the boundaries of either Lot 1 or 2, although the Paisley Place road and cul-de-sac surfaces borders each of them. The adjacent rural residences and Mainroad works yard occur outside of the lot boundaries.

Depicted in the Sensitive Ecosystem Mapping conducted by the Islands Trust and the Province of BC (2007; Figure 2), the areas designated in light green are mapped as Mature Forest, considered a rare ecosystem class within the Gabriola Local Trust Area.



Figure 2 Sensitive Ecosystem Mapping (Mature Forest in light green)

The Property overlaps, or is immediately adjacent to, portions of two Sensitive Ecosystem Mapping polygons (Table 4.2).

Table 4.2 Sensitive Ecosystem Mapping Overlapping the Property

Sensitive Ecosystem ID [1]	Ecosystem Label	Description	Reference to the Property
50101	10 MF:co DS 6	100% mature forest (> 80 years); dominated by coniferous trees	Entirety of Lots 1 and 2.
50117	7 MF:co DS 6 3 NA RW 0	70% mature forest (> 80 years); dominated by coniferous trees; 30% rural (non-vegetated - roads and buildings)	Bisects Paisley Place, just south of Lot 2.

1 Sensitive Ecosystem Mapping accessed at: http://www.islandstrustconservancy.ca/media/20227/orgmapsemgabriola.pdf

Further to the sensitive area mapping described above, Figure 3 refines the ecosystems within the two lots, based on perceived differences in stand structure, in accordance with protocol described by the Standard for Terrestrial Ecosystem Mapping in British Columbia (RIC 1998). Based on current imagery, the lines reflect potential boundaries between young forest (40 to 80 years) and mature forest (greater than 80 years, but less than 250 years). The field plot locations completed in June 2019 and January 2020 are depicted in Figure 4. A complete list of plant and tree species identified throughout the Property, including species both native and exotic to BC is provided in Appendix C. Digital photographs of representative conditions and dominant species are included as Appendix D: Photo Plates.

The species composition and respective percent covers are addressed within subsection 4.2.1.



Figure 3 Ecosystem Polygons in Lots 1 and 2

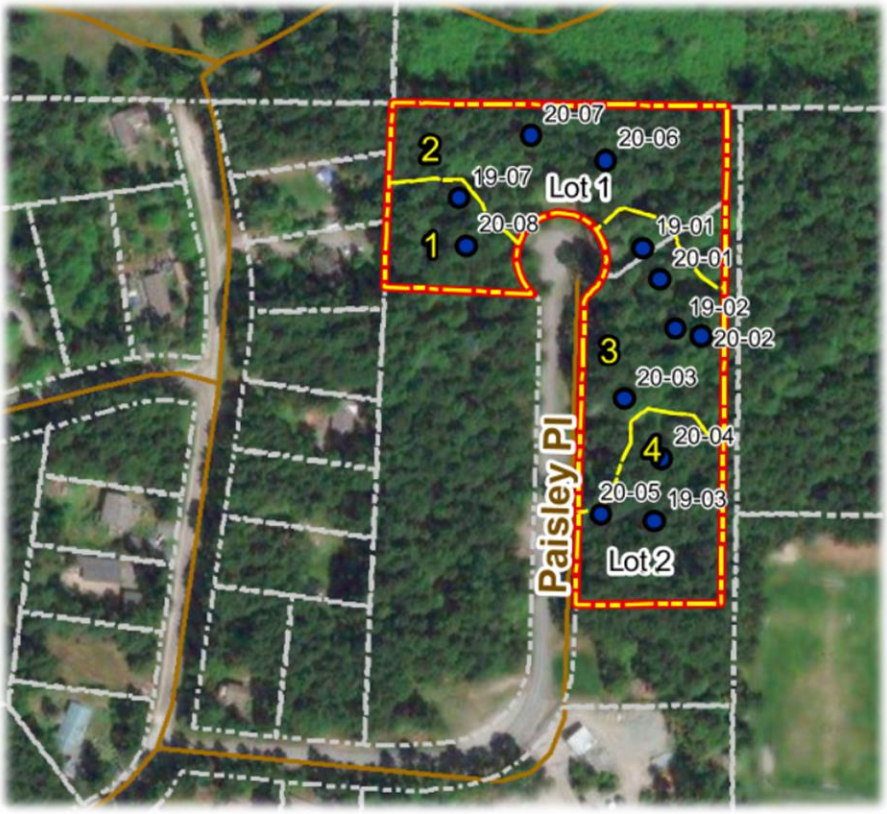


Figure 4 Field Plot Locations (2019 and 2020) in Lots 1 and 2

4.2 Vegetation

The natural areas within the Property are dominated by mature forest communities, with some areas supporting a mix of younger trees aged less than 80 years. Away from the immediate road edge, the vegetation community is consistent with that described within 'A Field Guide for Site Identification and Interpretation for the Vancouver Forest Region' (Green and Klinka 1994) as typical for natural areas within the CDFmm subzone. There are isolated occurrences of non-native and invasive plant species present, especially along the road margins. Vegetation communities have been divided into two broad categories described in the subsections below.

4.2.1 Coniferous Forest

In general, the coniferous community mapped as Douglas-fir / Salal (DS) is characterized throughout the Property by a contiguous moderate to dense tree canopy comprised largely of Douglas-fir (*Pseudotsuga menziesii*), with lesser but varying amounts of western redcedar (*Thuja plicata*). There are few occurrences of western hemlock (*Tsuga heterophylla*) throughout the Property, and the occasional arbutus (*Arbutus menziesii)*, although the latter were identified primarily on the west side of Paisley Place, south of the Lot 1 boundary. Although there are larger, old Douglas-fir trees scattered throughout the Property, and the area falls with a mature forest designation (greater than 80 years since disturbance) as mapped by Madrone (2008), the Property is broadly on the young end of a mature forest designation, with age counts confirming a stand age of approximately 80-85 years at breast-height (defined as 1.3 metres up the bole of the tree, above the highest side of the ground). Tree heights representative

of the dominant canopy were measured in January 2020. Forming the main overstory layer, the mature Douglas-fir trees ranged from 43 to 47 metres. Younger trees throughout the property (counted as 68 years at breast height) measured approximately 35 metres.

Western redcedar is common within the tall shrub layer (2-10 metres) and in the 'intermediate layer' canopies, growing under the shade of the taller Douglas-fir overstory. At 10 to 15 metres shorter than the dominant Douglas-fir canopy, the western redcedar were confirmed through measurement to be consistently in the range of 30 to 35 metres. Many of the larger redcedar trees have basal scars indicative of basal 'butt rot', which was confirmed through tree core analysis in the field. Other redcedar trees without obvious scarring had a hollow sound when knocked, suggesting internal rot at the base of the trees. Identified in Lot 2, the foliage on many western redcedar appears relatively sparse, suggesting the trees could be experiencing some form of environmental or climatic-induced stress, consistent with redcedar decline evident along other areas of the southern coast. Several standing dead western redcedar trees were observed during the 2022 site assessment in Lot 2.

The shrub (B) layer, defined as vegetation growth less than 10 metres tall, is comprised of native species typical of Douglas-fir dominated forests, including salal (*Gaultheria shallon*), evergreen huckleberry (*Vaccinium ovatum*), dull Oregon-grape (*Berberis nervosa*), and red huckleberry (*Vaccinium parvifolium*). Coniferous tree regeneration, including Douglas-fir, western redcedar and western hemlock, is also evident in the shrub layer. The herbaceous (C) layer, typical beneath young and early-mature forests, is patchy and poorly developed. Comprised of common species, this layer is dominated by sword fern (*Polystichum munitum*), Northern, or broad-leaved, starflower (*Trientalis latifolia*), vanilla leaf (*Achlys triphylla*) and bracken fern (*Pteridium aquilinum*).

Table 4.3 through Table 4.6 summarize the ecological communities within the four polygons in Figure 3.

Table 4.3 Polygon 1 Summary

Polygon ID	1
Ecological Community	Douglas-fir / Salal
Classification	CDFmm / 01
Structural Stage (Leading)	6 – mature forest
Status (BC)	Red
Photopoint(s)	Yes (19-07, 20-08)
Ecological Community Description	Relatively even-aged. Moderate to dense tree canopy comprised largely of Douglas-fir (*Pseudotsuga menziesii*), with less western redcedar (*Thuja plicata*) and occasional western hemlock (*Tsuga heterophylla*). Most trees appear greater than 80 years but are on the young end of the mature forest stage, just slightly older than 80 years. The shrub layer is dominated by dull Oregon-grape (Berberis nervosa), with patchy cover of salal (*Gaultheria shallon*). The sparse herb later is dominated by sword fern (*Polystichum munitum*). The moss layer, also poorly developed, is dominated by Oregon beaked moss (*Eurhynchium oreganum*) and stepmoss (*Hylocomium splendens*).
Disturbance Notes	Lightly used trails throughout and evidence of tree cutting
Anticipated Change / Succession	n/a – subject to development proposal
Wildlife Observations	Black-tailed deer pellets; bird list from June 2019 provided in Appendix C.

Table 4.4 Polygon 2 Summary

Polygon ID	2
Ecological Community	Douglas-fir / Salal
Classification	CDFmm / 01
Structural Stage (Leading)	6 – mature forest

Status (BC)	Red
Photopoint(s)	Yes (20-06, 20-07)
Ecological Community Description	Mixed age. Moderate to dense tree canopy comprised largely of Douglas-fir (*Pseudotsuga menziesii*), with less western redcedar (*Thuja plicata*) and occasional western hemlock (*Tsuga heterophylla*). Most trees appear greater than 80 years but are on the young end of the mature forest, slightly older than 80 years, although estimated 20 % of the stand is of young age (< 80 years). The shrub layer is dominated (30 %) by salal (*Gaultheria shallon*), with a smaller area of dull Oregon-grape (Berberis nervosa) and evergreen huckleberry (*Vaccinium ovatum*). The sparse herb later is dominated by sword fern (*Polystichum munitum*). The moss layer, also poorly developed, is dominated by Oregon beaked moss (*Eurhynchium oreganum*) and stepmoss (*Hylocomium splendens*).
Disturbance Notes	Lightly used trails throughout and evidence of tree cutting
Anticipated Change / Succession	n/a – subject to development proposal
Wildlife Observations	Black-tailed deer pellets; bird list from June 2019 provided in Appendix C.

Table 4.5 Polygon 3 Summary

Polygon ID	3
Ecological Community	Douglas-fir / Salal
Classification	CDFmm / 01
Structural Stage (Leading)	6 – mature forest
Status (BC)	Red
Photopoint(s)	Yes (19-01, 19-02, 20-01, 20-02, 20-03)
Ecological Community Description	Relatively even-aged. Moderate to dense tree canopy comprised largely of Douglas-fir (*Pseudotsuga menziesii*), with less western redcedar (*Thuja plicata*) and occasional western hemlock (*Tsuga heterophylla*). Most trees appear greater than 80 years but are on the young end of the mature forest, slightly older than 80 years. The shrub layer is dominated by a mix of salal (*Gaultheria shallon*), dull Oregon-grape (*Berberis nervosa*), and evergreen huckleberry (*Vaccinium ovatum)*, in roughly equal abundance. The sparse herb later is dominated by sword fern (*Polystichum munitum*). The moss layer, also poorly developed, is dominated by Oregon beaked moss (*Eurhynchium oreganum*) and stepmoss (*Hylocomium splendens*).
Disturbance Notes	Trail,
Anticipated Change / Succession	n/a – subject to development proposal
Wildlife Observations	Black-tailed deer pellets; bird list from June 2019 provided in Appendix C.

Table 4.6 Polygon 4 Summary

Polygon ID	4
Ecological Community	Douglas-fir / Salal
Classification	CDFmm / 01
Structural Stage (Leading)	5 – young forest
Status (BC)	Red
Photopoint(s)	Yes (19-03, 20-04, 20-05)
Ecological Community Description	Relatively even-aged. Moderate to dense tree canopy comprised largely of Douglas-fir (*Pseudotsuga menziesii*), with minor western redcedar (*Thuja plicata*). Most trees appear younger than 80 years, with an estimated 20 % of the trees in a mature stage (structural stage 6). The shrub layer is dominated (40 %) by salal (*Gaultheria shallon*),

	with a smaller area of dull Oregon-grape (*Berberis nervosa*), ocean spray (*Holodiscus discolor*) and evergreen huckleberry (*Vaccinium ovatum*). The sparse herb later is dominated by sword fern (*Polystichum munitum*), with occasional bracken fern (*Pteridium aquilinum*). The moss layer, also poorly developed, is dominated by Oregon beaked moss (*Eurhynchium oreganum*) and stepmoss (*Hylocomium splendens*).
Disturbance Notes	Trail,
Anticipated Change / Succession	n/a – subject to development proposal
Wildlife Observations	Black-tailed deer pellets; bird list from June 2019 provided in Appendix C.

Table 4.7 summarizes the identified vegetation within the four polygons displayed in Figure 3, including their typical percentage covers, reported by vegetation structure layer. Although the percentage covers for understory vegetation varies depending upon site-specific conditions (i.e., salal cover will be higher in localized areas, such as beneath gaps created when trees die or have fallen), the values represent average percentages.

For the Ecosystem Label column, in accordance with the protocol for ecosystem mapping in BC (RIC 1998):

- The first component represents the proportion of the polygon (expressed as a decile). For example, an 8 represents 80 %, 10 represents 100 %).
- The second component (i.e., 01 (DS)) represents the provincial ecosystem "site series" number, as described by Green and Klinka (1994), with its respective provincial 2-letter map code in parentheses. All ecosystems within the Property are mapped as site series CDFmm / 01, with an accompanying map code of DS (Douglas-fir / Salal), to describe the dominant forest cover and shrub species.
- The third component describes the respective development stage (structural stage). Stage 5 denotes young forest (between 40 and 80 years), and Stage 6 denotes mature forest (between 80 and 250 years).

Table 4.7 Dominant Vegetation Summary

Ecosystem Polygon ID	Ecosystem Label	Vegetation Layer[1]	Species – Common	Species - Latin	Typical % Cover
1	10-01(DS)-6	A	Douglas-fir	*Pseudotsuga menziesii*	50
			western redcedar	*Thuja plicata*	20
			western hemlock	*Tsuga heterophylla*	5
		B	salal	*Gaultheria shallon*	2
			evergreen huckleberry	*Vaccinium ovatum*	1
			dull Oregon-grape	*Berberis nervosa*	10
			red huckleberry	*Vaccinium parvifolium*	0.5
			spurge-laurel[2]	*Daphne laureola*	<1
		C	sword fern	*Polystichum munitum*	1
			vanilla leaf	*Achlys triphylla*	< 1
			broad-leaved starflower	*Trientalis latifolia*	<1
			sweet-scented bedstraw	*Galium triflorum*	<1
		D	stepmoss	*Hylocomium splendens*	5
			Oregon beaked-moss	*Eurhynchium oreganum*	10
2	8-01(DS)-6 2-01(DS)-5	A	Douglas-fir	*Pseudotsuga menziesii*	50
			western redcedar	*Thuja plicata*	10
			western hemlock	*Tsuga heterophylla*	5

		B	salal	*Gaultheria shallon*	30
			evergreen huckleberry	*Vaccinium ovatum*	3
			dull Oregon-grape	*Berberis nervosa*	10
			red huckleberry	*Vaccinium parvifolium*	1
		C	sword fern	*Polystichum munitum*	4
		D	stepmoss	*Hylocomium splendens*	25
			Oregon beaked-moss	*Eurhynchium oreganum*	10
3	10-01(DS)-6	A	Douglas-fir	*Pseudotsuga menziesii*	40
			western redcedar	*Thuja plicata*	40
			western hemlock	*Tsuga heterophylla*	5
		B	salal	*Gaultheria shallon*	5
			evergreen huckleberry	*Vaccinium ovatum*	6
			dull Oregon-grape	*Berberis nervosa*	7
			red huckleberry	*Vaccinium parvifolium*	2
		C	sword fern	*Polystichum munitum*	4
			bracken fern	*Pteridium aquilinum*	2
			vanilla leaf	*Achlys triphylla*	<1
			broad-leaved starflower	*Trientalis latifolia*	<1
			wall lettuce	*Lactuca muralis*	<1
			sweet-scented bedstraw	*Galium triflorum*	<1
		D	stepmoss	*Hylocomium splendens*	45
			Oregon beaked-moss	*Eurhynchium oreganum*	15
4	8-01(DS)-5 2-01(DS)-6	A	Douglas-fir	*Pseudotsuga menziesii*	40
			western redcedar	*Thuja plicata*	10
			western hemlock	*Tsuga heterophylla*	5
		B	salal	*Gaultheria shallon*	5
			evergreen huckleberry	*Vaccinium ovatum*	5
			dull Oregon-grape	*Berberis nervosa*	4
			Ocean spray	*Holodiscus discolor*	2
			red huckleberry	*Vaccinium parvifolium*	1
			Baldhip rose	*Rosa gymnocarpa*	<1
		C	sword fern	*Polystichum munitum*	2
			bracken fern	*Pteridium aquilinum*	1
			trailing blackberry	*Rubus ursinus*	<1
		D	stepmoss	*Hylocomium splendens*	40
			Oregon beaked-moss	*Eurhynchium oreganum*	10
			robust moss	*Rhytidiopsis robusta*	5

[1] Vegetation Layers, as defined in RIC (1998): A – Tree layer (> 10 m); B – Shrub layer (2-10 m); C – Herb/forb layer; D – Moss layer
[2] Non-native / invasive species

Notable species include spurge-laurel (*Daphne laureola*), a toxic and invasive species, Scotch broom (*Cytisus scoparius*), an invasive species that is already being managed on-site through manual (cutting) control methods, and a sub-variety of summer coralroot, which appears to be the provincially blue-listed *Corallorhiza maculata var. ozettensis*, which lacks the spots on the flowers that are present on the more common *Corallorhiza maculata var. occidentalis.* This species was observed south of Lot 1, on the west side of Paisley Place (Appendix D), situated at

UTM Northing: 5447357, Easting: 438577. The suspected, blue-listed variety of the species was not observed within the areas assessed in July 2022, although there was evidence of the *Corallorhiza maculata var. occidentalis.*

4.2.2 Roadside Vegetation

Vegetation that is adapted to disturbance and increased sunlight is common along Paisley Place. Species identified along the roadside included scotch broom (*Cytisus scoparius*), orchard grass (*Dactylis glomerata*), red raspberry (*Rubus idaeus*), vetch (species unconfirmed), thistles (species unconfirmed), as well as other unidentified low-growing grasses. Throughout the Property, active scotch broom control was evident along the immediate edges of Paisley Place.

4.3 Aquatic Resources

There were neither watercourses, waterbodies, riparian ecosystems, nor wetland ecosystems observed within the Property. A review of base maps also suggests that no permanent or seasonally intermittent streams border or bisect the Property.

4.4 Wildlife and Wildlife Habitat

The Property is dominated by a consistent tree and understory plant community, with a relatively even-aged canopy of Douglas-fir and, to a lesser extent, wester redcedar and western hemlock. Western redcedar is common in the tall shrub and intermediate forest canopies. Excavated cavities, from woodpecker activity, were identified on the boles of several trees. The Property provides suitable habitat for bird species that require larger diameter trees for feeding and/or nesting activity. Although neither stick nests nor actively occupied cavities were identified during any of the surveys, there are habitat features that provide nesting opportunities for birds (Appendix C). Large old trees and dead / decaying trees (including snags and stumps) provide high habitat value to birds, insects, bats and other small mammals.

The wildlife species identified during the assessment, either observed through sightings or signs, and/or heard within or adjacent to the Property, are summarized in Appendix C. In addition to birds, pellets of black-tailed deer were observed throughout the Property.

4.5 Other Species and Ecosystems at Risk

Apart from the dominant ecosystem mapped by Madrone (2008), CDFmm/01 (DS - Douglas-fir / Salal), a red-listed community in BC that was confirmed through field assessment, and the suspected, blue-listed summer coralroot, there were no observed occurrences of other at-risk plants or ecosystems within the Property.

4.6 Environmental Overview Summary

Further to the completion of the assessment, Ecora identified no environmental concerns that would appear to constrain a DP application.

The forest overlapping the two lots is recognized as a Sensitive Mature Forest Ecosystem (Islands Trust and Province of BC 2007), based on previous ecosystem mapping and inventories conducted throughout the CDFmm subzone by Madrone (2008). As a result, every effort should be made to minimize the development footprint and to minimize the potential loss and disturbance to mature trees, native understory vegetation and rooting zone soil layer, and high-value habitat features such as large diameter trees, old (veteran) trees and standing dead trees (snags) that possess known or potential value as wildlife habitat, especially as nesting and foraging habitat for birds.

The vegetation communities assessed are typical of those developing on mesic soils, defined as soils that neither shed nor accumulate excess moisture during a growing season. The current ecosystem description and mapping framework throughout BC (RIC 1998) defines such sites as 'zonal' (termed 01 site series); they typically cover the largest (matrix) portion of a landbase within a given BEC zone/subzone (i.e., CDFmm). These areas are typically the least sensitive to development, given the typically gentle topographic relief and soils characterized as deep and medium-textured.

The forested habitat within which the Property resides is characterized by a consistent ecosystem structure and composition. The forest is dominated by a well-developed tree canopy comprised largely of mature Douglas-fir and western redcedar trees, with a minor component of western hemlock. Old, veteran trees do occur within the Property. Confirmed through tree age and height assessment in January 2020, the Property is dominated by trees on the young end of a mature forest designation (defined throughout the CDFmm (RIC 1998) as stands greater than 80 years but less than 250 years). There are several areas where large, old Douglas-fir trees occur, representing features with high ecosystem and wildlife habitat value within the Property. Several of the largest old trees occur on the west side of Paisley Place, to the south of the Lot 1 boundary, however, and will not be affected by development

Notable observations during the site visits:

- The forested land base within which the Property resides is characterized by a consistent ecosystem structure and composition.
- Lot layout, structure and associated infrastructure design has considered the existing tree cover; several structures are proposed in locations that coincide with natural openings within the canopy. This maximizes the use of non-treed openings and minimizes the number of trees that need to be cleared.
- There were no large stick nests identified to suggest active use by owls or raptors such as hawks, eagles or ospreys. Excavated cavities (woodpeckers) were evident in several dead standing trees and stumps throughout the Property. A western redcedar with abundance of cavity excavations (Plate 7) has been marked for retention to the east of structure 1 in Lot 1.
- The largest and oldest trees occur in Lot 1, adjacent to and northeast of the existing Paisley Place cul-de-sac.
- Existing large trees have been identified and retained throughout the Project design, where possible. There are notable large Douglas-fir and western redcedar trees adjacent to the Paisley Place cul-de-sac, west of structure 2 in Lot 1. A large, old Douglas-fir on the north side of structure 1 in Lot 1 has been identified for retention. Given their relatively larger size and greater age, these trees represent unique habitat elements within the Property.
- It is recognized that some standing dead and/or weakened trees may need to be removed during construction, where identified as danger trees during the hazard assessment.

4.6.1 Mitigation Summary

The content below summarizes how the Project addresses and minimizes potential for adverse effects on vegetation, ecosystems, and habitat values. Appendix A provides additional comments on environmental management and mitigation during construction.

- Project design considered understory vegetation and tree retention as a priority throughout the process.
- Project design incorporates elements addressing tree management and protection, including a Tree Point Survey for all stems exceeding 20 cm DBH (Williamson & Associates Professional Surveyors) and a Tree Plan and Tree Management Plan (Topographics Landscape Architecture) that identifies the proposed cleared and retained trees in context of the detailed Site Plan design. The Tree Plan and Tree Management Plan was developed to identify and prioritize the retention of large and old trees, wherever feasible. Large trees within Lot 1 to the north of Structure 1 (Douglas-fir) and west of Structure 2 (western redcedar and Douglas-fir) are retained in the final Tree Plan).
- Planting Plan (Topographics Landscape Architecture) that illustrates the locations and species for post-construction restoration and landscape design, including trees, shrubs, groundcovers, perennials, and grasses. Priority was placed on selection of species that are native to coastal BC.
- Civil Drawing C01: Key Plan, Drawing List and General Notes (Herold Engineering) – provide several environmental protection statements under the General Notes.
- All development requiring vegetation clearing within the migratory bird nesting period (late March through mid-August; based on the Federal nesting periods of migratory birds4) will require pre-clearing nest surveys (completed by a qualified environmental professional (QEP) no more than 72 hours prior to clearing) to ensure no active nests occur within or immediately adjacent to the proposed clearing footprint.

[4] Nesting periods accessed at: https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html#ZoneA

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Appendix A

Environmental Management & Mitigation

Whether or not a formal Construction Environmental Management Plan (CEMP) is required through the application process for a development permit (DP), the general management recommendations below should apply to the land development, including.

- Ensuring development plans address all required environmental commitments under local, provincial and federal Acts and regulations;
- Retaining a qualified environmental professional (QEP), if/as required by the Islands Trust, to further develop an impact assessment and accompanying CEMP;
- Minimizing the footprint and clearing of tree and understorey vegetation cover, as the Property is recognized as a sensitive ecosystem in BC;
- Where vegetation clearing is required, including shrub species, *clearing should occur during the least risk timing window for most bird species (August 15 - March 31)*. If works cannot be completed during this window, a QEP should survey areas prior to clearing to rule out the presence of nesting birds or other species;
- Maintaining existing larger and old Douglas-fir and western redcedar trees (i.e., greater than 80 cm DBH), through design that seeks to retain such trees within the development plans, to the extent possible;
- Maintaining trees with identified wildlife habitat use (i.e., excavated cavities) or habitat potential (older, decaying trees and dead standing trees), through design that seeks to retain them within the development plans, to the extent possible;
- Advising all contractors to maintain caution and be respectful of potential wildlife encounters when working in the area;
- Ensuring phasing of construction activities are considered to reduce the amount of time soils remain exposed, to prevent erosion and invasive species growth;
- Developing a restoration plan and post-construction monitoring to prevent the further spread and establishment of invasive and/or toxic plant species, especially scotch broom and spurge-laurel.

The site-specific mitigations in a CEMP are typically organized as sub-plans, including (for example):

- Environmental Monitoring
- Site Preparation and Earthworks
- Erosion and Sediment Control
- Equipment Maintenance and Fueling

- Spill Response and Contingency Planning
- Waste Management
- Air Quality and Fire Management
- Archaeological and Heritage Resources
- Site Cleanup and Restoration

Appendix B

CDFmm – CDC Ecosystems and Species

RED AND BLUE-LISTED ECOSYSTEMS – CDFmm SUBZONE

Scientific Name	English Name	Global Status	Prov Status	Prov Status Change Date	BC List	BGC	Ecosystem Group
Quercus garryana - Arbutus menziesii	Garry oak - arbutus	G1	S1	15-Jun-00	Red	CDFmm/00	Forest: Broadleaf - dry
Quercus garryana / Bromus carinatus	Garry oak / California brome	G1	S1	03-Jul-92	Red	CDFmm/00	Forest: Broadleaf - dry
Quercus garryana / Holodiscus discolor	Garry oak / oceanspray	G1	S1	15-Jun-00	Red	CDFmm/00	Forest: Broadleaf - dry
Arbutus menziesii / Arctostaphylos columbiana	arbutus / hairy manzanita	G2	S2	26-Jul-02	Red	CDFmm/00	Forest: Broadleaf - dry
Populus trichocarpa - Alnus rubra / Rubus spectabilis	black cottonwood - red alder / salmonberry	GNR	S3	29-Sep-94	Blue	CDFmm/08	Forest: Broadleaf - moist/wet
Pseudotsuga menziesii - Arbutus menziesii	Douglas-fir - arbutus	GNR	S2	31-Jul-02	Red	CDFmm/02	Forest: Coniferous - dry
Pseudotsuga menziesii / Melica subulata	Douglas-fir / Alaska oniongrass	G1	S1	15-Jun-00	Red	CDFmm/03	Forest: Coniferous - dry
Abies grandis / Berberis nervosa	grand fir / dull Oregon-grape	G1	S1	15-Jun-00	Red	CDFmm/04	Forest: Coniferous - mesic
Pseudotsuga menziesii / Berberis nervosa	Douglas-fir / dull Oregon-grape	G2	S1	22-Mar-18	Red	CDFmm/01	Forest: Coniferous - mesic
Abies grandis / Tiarella trifoliata	grand fir / three-leaved foamflower	G1	S1	15-Jun-00	Red	CDFmm/06	Forest: Coniferous - moist/wet
Thuja plicata / Achlys triphylla	western redcedar / vanilla-leaf	G1	S1	15-Jul-02	Red	CDFmm/12	Forest: Coniferous - moist/wet
Thuja plicata / Oemleria cerasiformis	western redcedar / Indian-plum	G1	S1	11-Jul-02	Red	CDFmm/13	Forest: Coniferous - moist/wet
Thuja plicata - Picea sitchensis / Lysichiton americanus	western redcedar - Sitka spruce / skunk cabbage	G3?	S3?	16-Jul-02	Blue	CDFmm/Ws54	Forest: Coniferous - moist/wet; Wetland Realm - Mineral Wetland Group: Swamp Wetland Class (Ws)
Thuja plicata / Polystichum munitum - Lysichiton americanus	western redcedar / sword fern - skunk cabbage	GNR	S3?	13-Apr-12	Blue	CDFmm/11; CDFmm/Ws53	Forest: Coniferous - moist/wet;Wetland Realm - Mineral Wetland Group: Swamp Wetland Class (Ws)

Scientific Name	English Name	Global Status	Prov Status	Prov Status Change Date	BC List	BGC	Ecosystem Group
Thuja plicata - Pseudotsuga menziesii / Eurhynchium oreganum	western redcedar - Douglas-fir / Oregon beaked-moss	GNR	S1	15-Jul-02	Red	CDFmm/05	Forest: Coniferous - moist/wet
Thuja plicata / Symphoricarpos albus	western redcedar / common snowberry	GNR	S1	15-Jun-92	Red	CDFmm/07	Forest: Mixed - moist/wet

Ecosystem Realm-Groups: Forest

AND BC Conservation Status: Red (Extirpated, Endangered, or Threatened) OR Blue (Special Concern)

AND Forest Districts: South Island Forest District (DSI) (Restricted to Red, Blue, and Legally designated species)

AND BGC Zone, Subzone, Variant, Phase: CDFmm

Sort Order: Scientific Name Ascending

RED AND BLUE-LISTED PLANTS – CDFmm SUBZONE

Scientific Name	English Name	Global Status	Prov Status Change Date	BC List	SARA	General Status - Canada	Habitat Subtype
Cephalanthera austiniae	phantom orchid	G4	30-Apr-96	Red	1-T (Jun 2003)	1 - At Risk (2010)	Conifer Forest - Mesic (average); Mixed Forest (deciduous / coniferous mix)
Heterocodon rariflorus	heterocodon	G5	07-Mar-01	Blue		3 - Sensitive (2010)	Vernal Pools / Seasonal Seeps; Conifer Forest - Mesic (average); Conifer Forest – Moist / wet; Garry Oak Maritime Meadow
Orobanche pinorum	pine broomrape	G4	30-Dec-00	Red		2 - May be at risk (2010)	Conifer Forest - Mesic (average);Conifer Forest - Moist/wet
Rubus lasiococcus	dwarf bramble	G5	29-Apr-15	Blue		3 - Sensitive (2010)	Conifer Forest - Mesic (average);Conifer Forest - Moist/wet

Plants

AND BC Conservation Status: Red (Extirpated, Endangered, or Threatened) OR Blue (Special Concern)

AND Forest Districts: South Island Forest District (DSI) (Restricted to Red, Blue, and Legally designated species)

AND Habitat Subtypes: Conifer Forest - Mesic (average) (Restricted to Red, Blue, and Legally designated species)

AND BGC Zone:

Sort Order: Scientific Name Ascending

RED AND BLUE-LISTED ANIMALS – CDFmm SUBZONE

Scientific Name	English Name	Global Status	Species Code	BC List	SARA	General Status - Canada
Accipiter gentilis laingi	Northern Goshawk, laingi subspecies	G5T2	B-NOGO-LA	Red	1-T (Jun 2003)	
Ardea herodias fannini	Great Blue Heron, fannini subspecies	G5T4	B-GBHE-FA	Blue	1-SC (Feb 2010)	
Brachyramphus marmoratus	Marbled Murrelet	G3	B-MAMU	Blue	1-T (Jun 2003)	1 - At Risk (2005)
Contopus cooperi	Olive-sided Flycatcher	G4	B-OSFL	Blue	1-T (Feb 2010)	4 - Secure (2005)
Glaucidium gnoma swarthi	Northern Pygmy-owl, swarthi subspecies	G4G5T3Q	B-NPOW-SW	Blue		
Hirundo rustica	Barn Swallow	G5	B-BASW	Blue	1-T (Nov 2017)	4 - Secure (2005)
Megascops kennicottii kennicottii	Western Screech-Owl, kennicottii subspecies	G5T4	B-WSOW-KE	Blue	1-T	
Patagioenas fasciata	Band-tailed Pigeon	G4	B-BTPI	Blue	1-SC (Feb 2011)	3 - Sensitive (2005)
Phalacrocorax auritus	Double-crested Cormorant	G5	B-DCCO	Blue		4 - Secure (2005)
Mustela erminea anguinae	Ermine, anguinae subspecies	G5T3	M-MUER-AN	Blue		
Myotis keenii	Keen's Myotis	G3	M-MYKE	Blue	3 (Mar 2005)	2 - May be at risk (2005)
Corynorhinus townsendii	Townsend's Big-eared Bat	G4	M-COTO	Blue		2 - May be at risk (2005)
Callophrys johnsoni	Johnson's Hairstreak	G3G4	LE-CALJOH	Red		6 - Not Assessed (2000)
Coenonympha tullia insulana	Common Ringlet, insulana subspecies	G5T3T4	LE-COETUL-IN	Red		
Epargyreus clarus	Silver-spotted Skipper	G5	LE-EPACLA	Blue		6 - Not Assessed (2000)
Pristiloma johnsoni	Broadwhorl Tightcoil	G3	MO-PRIJOH	Blue		

Animals

AND BC Conservation Status: Red (Extirpated, Endangered, or Threatened) OR Blue (Special Concern)

AND Forest Districts: South Island Forest District (DSI) (Restricted to Red, Blue, and Legally designated species)

AND Habitat Subtypes: Conifer Forest - Mesic (average) (Restricted to Red, Blue, and Legally designated species)

AND BGC Zone:

Sort Order: Scientific Name Ascending

Appendix C

Species Summary List – Vegetation and Wildlife

VEGETATION

Common name	Latin name	Status in BC	Species notes
TREE LAYER (A)			
coastal Douglas-fir	*Pseudotsuga menziesii*	Native	Dominant tree throughout Property
western redcedar	*Thuja plicata*	Native	Common with Douglas-fir
western hemlock	*Tsuga heterophylla*	Native	Infrequent
arbutus	*Arbutus menziesii*	Native	Sporadic occurrence (Lot 4)
SHRUB LAYER (B)			
Scotch broom	*Cytisus scoparius*	Exotic (escaped garden ornamental); invasive species in BC	Open areas along road. Evidence of ongoing control noted throughout the Property
spurge-laurel	*Daphne laureola*	Exotic (introduced from Eurasia); invasive species in BC	Infrequent; Recognized as toxic and poisonous; should be controlled where found
Baldhip rose	*Rosa gymnocarpa*	Native	Open areas along road
dull Oregon-grape	*Berberis nervosa*	Native	Common throughout Property
evergreen huckleberry	*Vaccinium ovatum*	Native	Common throughout Property
hairy honeysuckle	*Lonicera hispidula*	Native	Infrequent
ocean spray	*Holodiscus discolor*	Native	Infrequent
salal	*Gaultheria shallon*	Native	Common throughout Property
red huckleberry	*Vaccinium parvifolium*	Native	Common throughout Property
red raspberry	*Rubus idaeus*	Native	Open areas along road
HERB LAYER (C)			
orchard grass	*Dactylis glomerata*	Exotic (introduced from Europe)	Open areas along road
wall lettuce	*Mycelis muralis*	Exotic (introduced from Europe)	Infrequent
vetch	*Vicia sp.*	Exotic (introduced from Europe)	Infrequent, Species unconfirmed
bracken fern	*Pteridium aquilinum*	Native	Common throughout Property
Northern (broad-leaved) starflower	*Trientalis latifolia*	Native	Common throughout Property
erigeron	*Erigeron sp.*		Species unconfirmed
nodding trisetum	*Trisetum cernuum*	Native	Infrequent
pathfinder	*Adenocaulon bicolor*	Native	Infrequent
rattlesnake plantain	*Goodyera oblongifolia*	Native	Infrequent
small-flowered nemophila	*Nemophila parviflora*	Native	Infrequent

Common name	Latin name	Status in BC	Species notes
summer coralroot	*Corallorhiza maculata var. occidentalis*	Native	Infrequent
	Corallorhiza maculata var. ozettensis	Native	Infrequent; Suspect this is the Blue-listed variety of C. maculata
sweet-scented bedstraw	*Galium triflorum*	Native	Common throughout Property
sword fern	*Polystichum munitum*	Native	Common throughout Property
thistle	*Cirsium sp. (?)*		Species unconfirmed
trailing blackberry	*Rubus ursinus*	Native	Open areas along road
twinflower	*Linnaea borealis*	Native	Common throughout Property
vanilla leaf	*Achlys triphylla*	Native	Common throughout Property
MOSS LAYER (D)			
Oregon beaked moss	*Eurhynchium oreganum*	Native	Common
stepmoss	*Hylocomium splendens*	Native	Common
Flat moss	*Brachythecium undulatum*	Native	Infrequent
pipecleaner moss	*Rhytidiopsis robusta*	Native	Infrequent

BIRDS & MAMMALS

Common Name	Species Group	Latin Name
Dark-eyed junco	Bird	*Junco hyemalis*
Pacific-slope flycatcher		*Empidonax difficilis*
Orange crowned warbler		*Vermivora celata*
Spotted towhee		*Pipilo maculatus*
Chestnut-backed chickadee		*Poecile rufescens*
Red-breasted nuthatch		*Sitta canadensis*
Golden-crowned kinglet		*Regulus satrapa*
Western tanager		*Piranga ludoviciana*
Townsend's warbler		*Setophaga townsendi*
Pacific wren		*Troglodytes pacificus*
White-crowned sparrow		*Zonotrichia leucophrys*
Pine siskin		*Spinus pinus*
Northern flicker		*Colaptes auratus*
American robin		*Turdus migratorius*
Common raven		*Corvus corax*
Turkey vulture		*Cathartes aura*
Coastal black-tailed deer	Mammal	*Odocoileus hemionus*

Appendix D

Photo Plates

Plate 1.

Mixed Douglas-fir and western redcedar forest; Representative - Field Plot 19-01 (L); dull Oregon-grape, Mahonia nervosa (R). UTM Easting: 438666, Northing: 5447511





Plate 2.

Mixed Douglas-fir and western redcedar forest; Field Plot 19-02 (L); evergreen huckleberry, *Vaccinium ovatum* (R). UTM Easting: 438681, Northing: 5447475

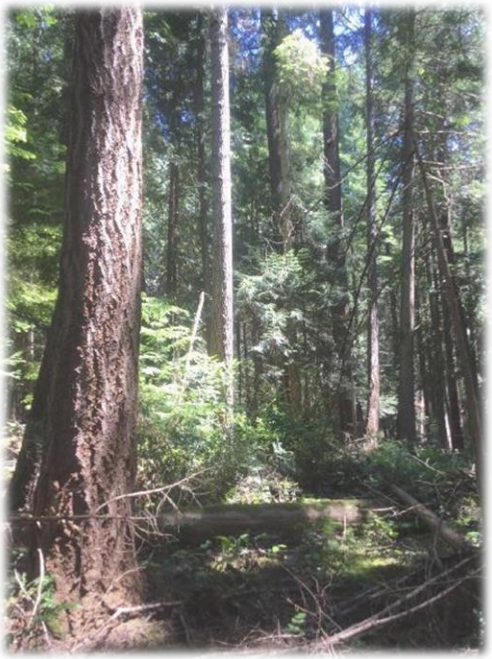




Plate 3.

Mixed Douglas-fir and western redcedar forest; Field Plot 19-03 (L); sword fern, *Polystichum munitum* (R). UTM Easting: 438671, Northing: 5447390





Plate 4.

Old Douglas-fir; Field Plot 19-05 (L); spurge-laurel, *Daphne laureola* (R). UTM Easting: 438577, Northing: 5447357





Plate 5.

Summer coralroot; *Corallorhiza maculata var. occidentalis* (L); *Corallorhiza maculata var. ozettensis* (R). UTM Easting: 438577, Northing: 5447357





Plate 6.

Scotch broom control underway along Paisley Place, across from the Mainroad yard and South of Lot 1. UTM Easting: 438586, Northing: 5447315.



Plate 7.

Excavated cavities within the Property (‘wildlife tree’)





NOTICE
GB-DVP-2022.6
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

ATTACHMENT 4

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.

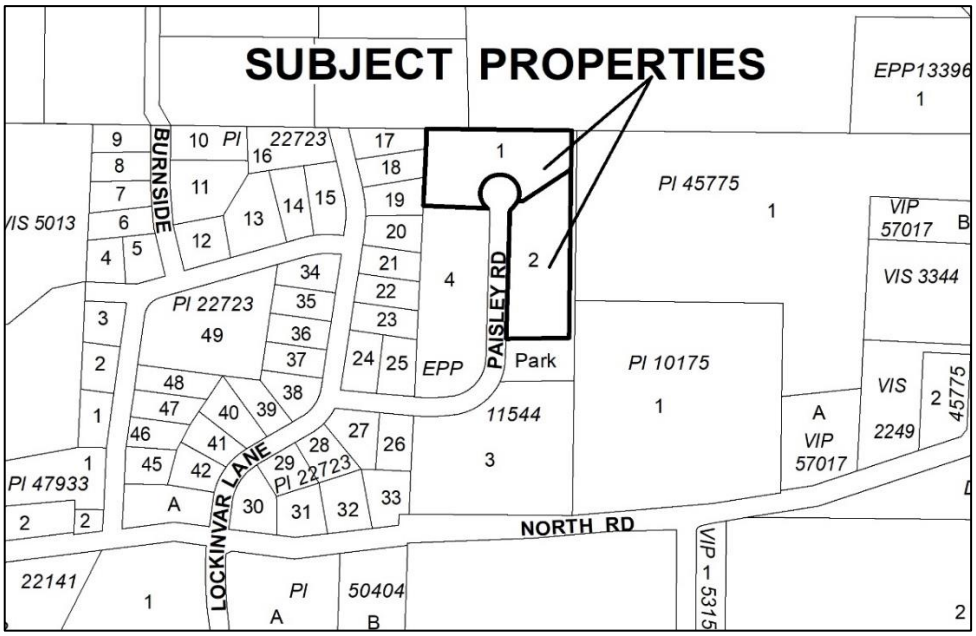
The proposed permit would vary the Gabriola Island Land Use Bylaw No. 177 section B.5.4.3 by permitting parking spaces on the subject property to be located within 1.5 metres (4.9 feet) of the front property line as shown in the proposed permit.

A Development Permit (GB-DP-2022.2) is being considered concurrently for this subject property. Please check the Current Applications page of the website for details.

The property is located at **Lots 1 and 2 Paisley Road,** Gabriola Island, BC and is legally described as:

PID: 028-580-095: Lot 1 Section 19 Gabriola Island Nanaimo District Plan EPP11544
PID: 028-580-109: Lot 2 Section 19 Gabriola Island Nanaimo District Plan EPP11544

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 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website https://islandstrust.bc.ca/island-planning/gabriola/current-applications/ commencing **October 17, 2022** and continuing up to and including **October 26, 2022**

Enquiries or comments should be directed to Sonja Zupanec, Island Planner at (250) 247-2063, 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 email to: northinfo@islandstrust.bc.ca before 4:30 pm, **October 26, 2022**

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit at its Regular Business Meeting to be held at **10:30 am, October 27, 2022 at 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.

Becky McErlean, Deputy Secretary

Islands Trust	**GABRIOLA ISLAND LOCAL TRUST COMMITTEE** **DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2022.6**

TO: Gabriola Housing Society c/o Nancy Hetherington Peirce

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

PID: 028-580-095

LOT 1 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544

PID: 028-580-109

LOT 2 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544

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

a) Clause B.5.4.3 which requires that a parking space may not be located within 1.5 metres (4.9 feet) of a property boundary, is varied to permit parking spaces within the setback area.

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 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

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

_____ _____

Deputy Secretary, Islands Trust **Date of Issuance**

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE -- DAY OF ---, 202X, THIS PERMIT AUTOMATICALLY LAPSES.

DRAFT

I hereby certify this to be Schedule "A" which is attached to and forms part of Development Permit No. GB-DVP-2022.6.

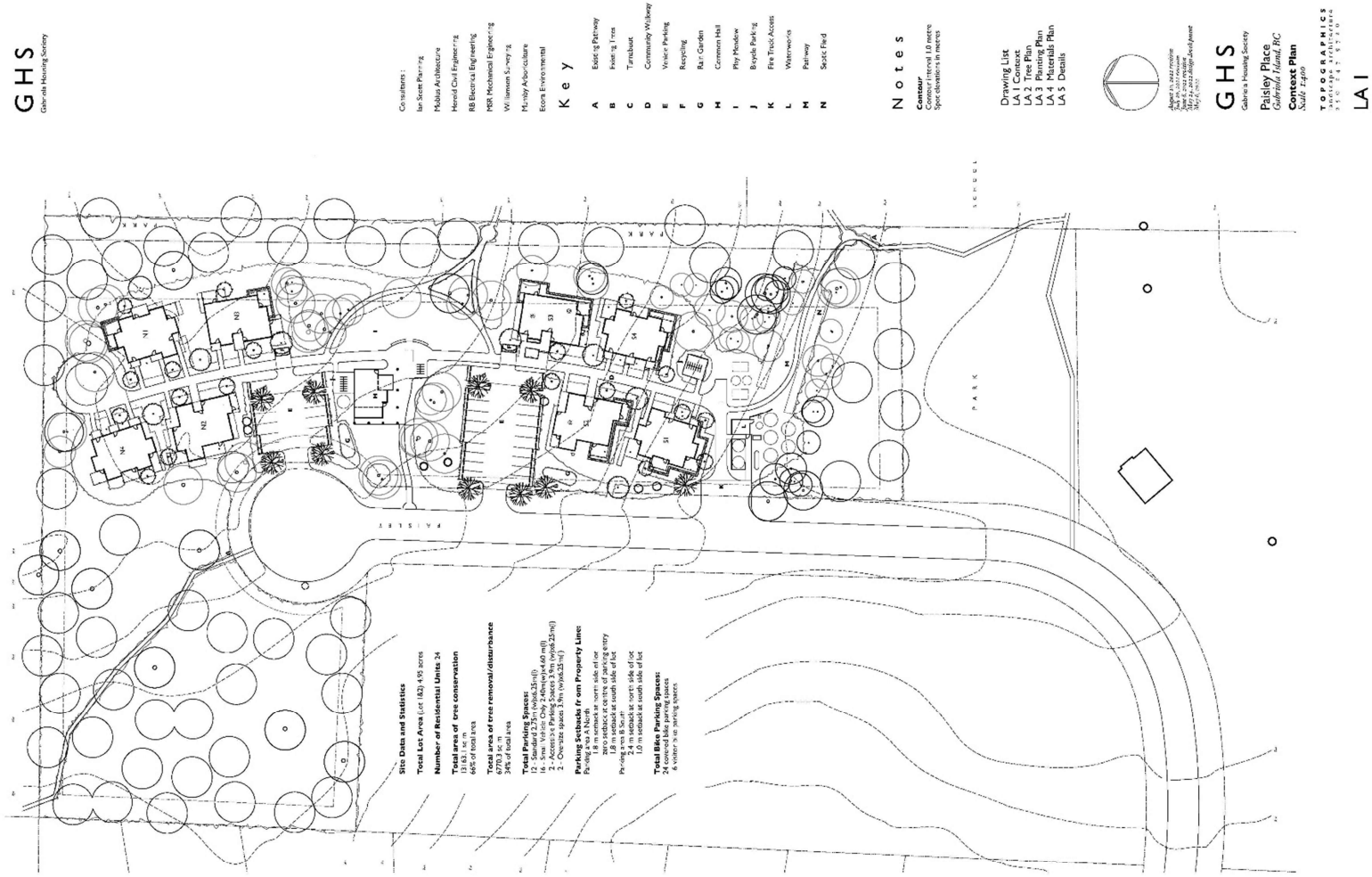
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Signature of Islands Trust Official Date of Issuance

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT GB-DVP-2022.6

Schedule 'A' – Site Plan


GHS
Gabriola Housing Society
Consultants:
Ian Scott Planning
Mobius Architecture
Herold Civil Engineering
RB Electrical Engineering
MSR Mechanical Engineering
Williamson Surveying
Mumby Arboriculture
Ecora Environmental
Key
A Existing Pathway
B Existing Trees
C Turnabout
D Community Walkway
E Visitor Parking
F Recycling
G Rain Garden
H Common Hall
I Play Meadow
J Bicycle Parking
K Fire Truck Access
L Waterworks
M Pathway
N Septic Field
Notes
Contour
Contour interval 1.0 metre
Spot elevations in metres
Drawing List
LA 1 Context
LA 2 Tree Plan
LA 3 Planting Plan
LA 4 Materials Plan
LA 5 Details
GHS
Gabriola Housing Society
Paisley Place
Gabriola Island, BC
Context Plan
Scale 1:250
TOPOGRAPHICS
LA I
Site Data and Statistics
Total Lot Area (Lot 182) 4.95 acres
Number of Residential Units 24
Total area of tree conservation
13,163.1 sq. m
66% of total area
Total area of tree removal/disturbance
6770.3 sq. m
34% of total area
Total Parking Spaces:
12 - Standard 2.75m (wide,5.5m(l)
6 - Small Car Spaces 2.5m (wide,4.6m (l))
2 - Accessible Parking Spaces 3.9m (wide,5.5m(l)
2 - Oversize spaces 3.9m (wide,5.5m(l)
Parking Setbacks fr om Property Lines:
Parking area A North
1.8 m setback at north side of lot
3.0 m setback at north side of entry
1.8 m setback at south side of lot
Parking area B South
2.4 m setback at north side of lot
1.0 m setback at south side of lot
Total Bike Parking Spaces:
24 covered bike parking spaces
6 visitor bike parking spaces
PARK
PARK
PARK

From: [redacted]
Sent: Monday, October 24, 2022 11:34 AM
To: northinfo; Kees Langereis; Scott Colbourne; Dan Rogers
Cc: 'Tobi Elliott'; susan[redacted]yates[redacted]
Subject: Regarding Draft Standing Resolution on Enforcement of Non-Compliant Dwellings

Thank you for the opportunity to express a view on the proposed resolution.

First, for context, I appreciate my good fortune in having owned my own home on Gabriola for 19 years. I know many people here who are reliant on renting their housing and I believe it is incumbent on all Gabriola residents, especially home owners, to support safe, accessible, reasonably-priced rental housing on the island. For that reason, I support in principle the first version of the resolution – an artificial time limit of two years does not recognize the realities of how long it may take to complete this work safely, comprehensively and effectively.

I do have the following specific comments however on the wording of the resolution, which I consider fails to achieve its purpose adequately:

1. The resolution does not specify whose concerns will be relevant. Concerns of the Islands Trust staff? Concerns of complainants? I would suggest greater specificity in this regard will avoid difficulties with neighbours who simply don't like or want people living in secondary accommodation and who can simply raise "concerns" that have no validity. I would also strongly recommend you add the word "valid" prior to all references to concerns to further limit the potential for people to be evicted without a valid reason having been established. The better alternative would be to adopt the use of the word "risk" (as you have at the end of the resolution) which is a more objective standard than a "concern," which is purely subjective. In addition, there should be a standard of risk – not simply any risk at all. I recommend including a standard such as "reasonable risk" or "significant risk."
2. Likewise, risk to health and safety is a rather open-ended provision (and I note that the first exception is open-ended, while the ability to direct resumption of enforcement refers to health and safety first of neighbours – really?! – and secondly of the residents of the unpermitted dwelling. Surely the residents should take priority in health and safety concerns. After all, as neighbours none of us have the ability to ask for the eviction of residents of permitted dwellings we think pose a risk of health and safety to us.) I

recommend the first exception focus first and foremost on the health and safety of the resident. After all, if it is not safe, that ends the matter. If it is safe for the resident, how can it be unsafe for the neighbours? I am struggling to see why neighbours should be involved at all in this matter.

3. I note the exception for “environmentally sensitive areas.” I would be interested to know how the Trust will distinguish what is sensitive and what is not, as the entire island is environmentally sensitive. If someone is to be rendered homeless on this basis, I believe much greater precision is required in that definition.
4. No distinction appears to have been made between what are currently considered unlawful dwellings (which may include trailers and campers) and individuals temporarily residing in trailers while building, which I understand carries a two-year limit. I would suggest it is important not to inadvertently allow an unlimited time period for people in that situation, as there needs to be an incentive to build, nor are these individuals who are at risk of being rendered homeless (unlike those currently residing in safe but unpermitted buildings or trailers).

In conclusion, I wholeheartedly support the concept of an open-ended suspension of the bylaw, but the exceptions need more thought, attention and work.
Sincerely,
Katherine Palmer Gordon



From: gavin coford [redacted]
Sent: Monday, October 24, 2022 9:37 PM
To: northinfo
Subject: Agenda Item 7.2Draft Standing Resolution on Enforcement of Non-Compliant Dwellings

Hello Gabriola Trustees ,Planners and By-law enforcement

I am opposed to the changes and or measures outlined to be discussed in Agenda item 7.2 at the meeting of the Gabriola Islands Trust October 27 2022 with regard to reduced enforcement of non compliant dwellings and structures without any due diligence on the part of the Gabriola Islands Trust.

The use of the words" in perpetuity" boggles the mind, this was not a clearly thought out motion as it will have many unintended consequences.

There should be proper community consultation with numerous public meetings with residents and First Nations prior to such a radical change to land use bylaw enforcement. There has to be a case by case analysis of each unlawful dwelling by bylaw enforcement or another government body to see if it merits approval as reasonable living quarters.

This standing resolution will have the effect of extinguishing landowner rights of adjacent properties to these illegal dwellings. The term structures is very vague, more defined terms have to be used so that, boats, float houses, trailers, Tents, RVs 10 x10 structures and any sort of vehicles motorized or otherwise are excluded from the permissible dwelling list.

This resolution will have a deleterious effect on the environment, unless strict quality controls are adhered to as far as septic and water use.The health and safety concerns mentioned as a reason for non compliance may not be known for a number of years by then it will be too late to correct. The marine environment has not been mentioned and deserves specific off limits to dwellings wording.

In closing, my opinion on this matter is simply that yes there are some onerous rules regarding second dwellings on lots that may be perfectly suited to second dwellings, however these dwellings must be fully compliant and inspected with regards to sanitation, water and operate with the agreement of the neighbourhood as in for instance when one applies for a variance, your neighbour's need to be consulted.

A blanket motion to proceed with this standing resolution without community consultation, strict guidelines or time frame should be out of the question.

I would like this letter made part of the agenda of the Gabriola Island local Trust committee meeting on the 27th of October 2022.

Yours Sincerely
Gavin Coford
Gabriola Island

From: Gabbotts Gmail [redacted]
Sent: Tuesday, October 25, 2022 9:00 PM
To: northinfo
Subject: Agenda Item 7.2Draft Standing Resolution on Enforcement of Non-Compliant Dwellings

Dear Gabriola Trustees ,Planners and By-law enforcement,

We would like it acknowledged at the meeting of October 27th 2022, that we are **strongly** opposed to the word "Imperpetuity" in this resolution.

We feel the resolution is inhibitive and counterproductive to what the Islands Trust is mandated to do.

Any changes as important as this, requires open and structured consultation within the community of the Islands Trust.

Sincerely,
Steve and Kris Gabbott
[redacted]
Gabriola Island
[redacted]

To- Gabriola Trust Committee
Re.-for your consideration at the meeting of Oct. 27, agenda item 7.2

I have many concerns with your intention to defer bylaw enforcement of non compliant dwellings. It may be a moot point as I feel bylaw enforcement has been pretty well non existent in any event but I will still share my concerns.

-for starters, your list of exceptions is missing several aspects of multi family use of a property. Examples are, impact on water table and neighbours wells, street parking issues, garbage disposal (is the second dwelling paying separate garbage assessment and getting pick up, or is it being dumped in the abandoned building in my neighbourhood), and usually a plethora of unsightly added storage containers for the accumulated possessions that don't usually fit into these accessory buildings. Does the fire department know about the occupancy status of these buildings and hence be able to do a proper risk assessment when fighting a fire?

-Public safety. Are the bylaw enforcement officers qualified to determine if the electrical systems in these accessory dwellings meet code? Many conversions have been done without benefit of permits so in many cases electrical safety can be compromised. The officers cannot be responsible for ensuring this happens. Everything can look good on the surface, it's what's hidden in the walls that are the problem. Who will be liable in the tragic event of a death or injury by fire in one of these dwellings or worse, wide spread fire to parts of the island. The RDN will simply say they never issued an occupancy permit for residential use so it's not their problem. Is the Island Trust and it's representatives really willing to take on this liability risk for loss of life or wide spread Island fire? Whose insurance will cover my place if one of these unapproved dwellings burns down the neighbourhood. I would take a long hard look at your personal and Island Trust's liability situation before approving this change.

-We are getting more interest in "tiny homes" here on Gabriola. It has to be pointed out, that if it's on wheels then it's a trailer which has time limitations on occupancy. A bylaw that is not being enforced. With this concept comes other concerns. How many "tiny homes" are allowed on a property? When will these Tiny homes start paying their share of the "buildings" portion of the property tax? One in my neighbourhood has been getting a free ride on the property tax assessment for several years now only paying land value taxes while the rest of us pay for the hospitals, libraries, policing, etc. Another common feature of the "tiny home" life style, is the fact the occupants cannot seem to live in a tiny home without adding an unsightly shipping container for storage. I do like the concept of "tiny home" living, and can see many benefits, but it cannot be a free for all with no regulations or guidelines. There also has to be proper code requirement to ensure we are not allowing death traps to be used for unregulated, sometimes home made dwellings.

-By implementing this standing resolution, in many cases you are only enabling slum landlords to profit from the misfortune of others. The housing crisis pressure has to be brought front and centre to the provincial government for them to address, and not be hidden behind a false facade of people being housed in many cases, substandard dwellings. The more you accommodate these stop gap options the less pressure is on the government to do anything. The other problem is you will only be encouraging these slum landlords to add to their portfolio of substandard dwellings for personal gain, further adding to the deterioration of the Gabriola neighbourhoods.

-I have major concerns on the impact on property values if this standing resolution is implemented. Already my neighbourhood is being degraded with full time trailer occupancy, tiny homes proliferation, and a vast array of substandard dwellings. Not to mention abandoned trailers, and

dwellings filling with household garbage. It is an embarrassment to to have friends and family visit and see the degradation going on in my neighbourhood. Every year my assessment goes up drastically while other properties are not assessed properly (eg. Tiny homes and trailers) and are getting a free ride on the backs of others. My property is part of my long term retirement strategy, in that it's eventual sale will cover the cost of extended care if required. The way my neighbourhood is going I would be lucky to sell at anywhere near the assessed value, or even find a buyer, based on the ongoing degradation of properties in the area.

-this proposed standing resolution could turn into the thin edge of the wedge, leading up to grandfathering these non compliant buildings. What happens in two years? Do we get another sob story and defer the enforcement for another two years, or forever? This is a stop gap measure that is only enabling landlords to profit from others misfortune while the government just talks and talks and talks about the problem. We don't need deferrals of bylaws. We need solutions that meet some standard acceptable to all Gabriolans be they renters or owners.

As you see, I feel very strongly about this issue and acknowledge there is a problem, but just doing these band aid solutions is not the answer. On that closing note I urge you not to mess with the by laws, but properly enforce them and give the enforcement people the tools and manpower they need to do the job they were hired to do.

Graham MacDonald
[redacted]
Gabriola Island
-

DATE: October 16, 2022

ISSUE: Quorum for a meeting of an Advisory Planning Commission.

RECOMMENDATION:
That the Gabriola Local Trust Committee request staff prepare an amendment to the text of section 6 (b) of Bylaw # 296 by striking out the words "the lessor of three members or".

BACKGROUND:
The three Advisory Planning Commissions Bylaws for Gabriola, Mudge and DeCourcy Islands respectively were repealed and replaced by Bylaw #296 which was adopted on June 8, 2017.

Under Bylaw #296, the Gabriola Local Trust Committee (LTC) may appoint up to nine (9) members to an advisory commission, of whom 2/3 must be residents of the Local Trust Area.

Section 6 (b)[1] of that Bylaw sets the quorum for a meeting of the commission at the lessor of 3 or 50% of those appointed.

A review of other LTC bylaws establishing a quorum for an advisory planning commission determined that:

- All the Northern Region[2] LTCs use the Gabriola quorum approach and set the maximum number of appointees at nine (9), with the exceptions being Hornby and Thetis who set their maximum number of appointees at seven (7) appointees.

- The quorum used for all the Southern Region LTCs and Salt Spring Island is "50% of appointed members".

DISCUSSION:
Trust Council Bylaw # 101 sets the quorum of a meeting of Trust Council, Trust Council Committees and Executive Committee as follows:

- Trust Council - at least 50% of the number of trustees provided for under the Act (ie 50%),
- Trust Council committee (eg Trust Programs Committee)- a majority (ie 50% plus 1),
- Executive Committee- three (3) members (ie majority), and
- LTCs- two (2) members (ie majority).

A meeting quorum is often a simple majority. Applying the Northern Region approach, an APC comprised of 9 members could meet and make decisions with only 3 members present. Use of a specific minimum number of members present may be appropriate for an organization with a very large membership, but it does not seem appropriate for a committee of only 7 or 9 members.

[1] Note that the repealed Gabriola APC Bylaw # 209 also used the "lessor of three members or 50%" quorum.
[2] the Ballenas/Winchelsea LTC does not have an APC Bylaw,

I am not aware of the reasons for selecting a quorum that is less than the usual rule of a “majority” or “50%” of all appointed members.

An alternative wording more consistent with usual quorums applicable to smaller groups would be to set the quorum at “a majority” of members.

Alternate Recommendation:

That a discussion of Bylaw #296 be placed on the agenda of the next Gabriola Island Local Trust Committee for discussion.

Respectfully submitted,

Kees Langereis
Trustee
Gabriola Local Trust Committee

Attachment: Gabriola Bylaw # 296

GABRIOLA ISLAND TRUST COMMITTEE

BYLAW NO. 296

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

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

1. Establishment

a) The Gabriola Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve concurrent two year terms.

b) At least two thirds of APC members must be residents of the Local Trust Area.

c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.

d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson, and a Secretary, during the first meeting after their appointment.

b) The Chairperson will:

i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;

ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;

iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.

iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;

v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

c) The Deputy Chairperson will:

i) Undertake the duties listed in 3b) above, in the Chairperson's absence.

d) The Secretary will:

i) Assist the Chairperson, as needed, to arrange meetings;

ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;

iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the

Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;

iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.

b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.

5. Notice of Meeting

a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.

b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.

c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five (5) calendar days prior to the meeting.

d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.

e) The Secretary must post a notice of the date, time, and place of any regular APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Gabriola Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.

b) A quorum is the lessor of three members or 50 % of those appointed.

c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.

d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

e) If an applicant or agent fails to appear, despite being duly notified, deliberations and recommendations may be made in the applicant's absence.

f) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.

g) The APC must not receive development proposals or other applications directly from applicants.

h) The APC must not consult directly with other government agencies or organizations.

i) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

a) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

b) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.

c) All APC recommendations and meeting minutes must be forwarded by the Secretary to the Local Trust Committee and to the Islands Trust Office, within seven (7) days of an APC meeting.

d) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

8. Transition

a) "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2002", is repealed.

b) "Gabriola Island Local Trust Committee DeCourcy Island Advisory Planning Commission Bylaw, 1996", is repealed.

c) "Gabriola Island Local Trust Committee Mudge Island Advisory Planning Commission Bylaw, 1996", is repealed.

9. Citation

a) This Bylaw may be cited as "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2017".

READ A FIRST TIME THIS 11TH DAY OF MAY , 2017

READ A SECOND TIME THIS 11TH DAY OF MAY , 2017

READ A THIRD TIME THIS 23RD DAY OF MAY , 2017

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

7TH DAY OF JUNE , 2017

ADOPTED THIS 8TH DAY OF JUNE , 2017

_____ _____

SECRETARY CHAIRPERSON

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-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.

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-Sep-2022

Planner reviewing file.

Status Date: 08-Jul-2022

File opened & assigned. Waiting for Site survey.

Applications

Development Variance Permit

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-Sep-2022

Planner reviewing file.

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: 05-Sep-2022

Planner reviewing file.

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

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.7	Mike Lightbody	28-Sep-2022	PID: 004-503-198 Requesting reduced side setback for garage/office above. Civic address: 97 Malaspina Drive, Gabriola Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date:

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2020.1	Gabriola Housing Society (Nancy Hetherington Peirce) **Planner:** Sonja Zupanec	15-Jan-2020	PIDs: 028-580-095 and 028-580-109 Affordable housing project. Civic address: Lots 1 & 2 Paisley Place, Gabriola Island, BC.

Planning Status

Status Date: 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.

Status Date: 31-May-2022

EC consideration/approval of Housing Agreement Bylaw 308

Status Date: 07-Apr-2022

LTC gave 1st reading as amended to BL 308 (Housing Agreement)

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.

Applications

Subdivision

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

Planner: Heather Kauer

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.

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 August 2022

620 Gabriola	Invoices posted to Month ending August 2022	Budget	Spent	Balance
65000-620	LTC "Trustee Expenses"	643.00	0.00	643.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	3,708.00	2,010.55	1,697.45
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		5,719.00	2,010.55	3,708.45
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		3,000.00	504.00	2,496.00

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.

Islands Trust

Print Date: October 18, 2022

Top Priorities Report

Gabriola Island

Develop Ecological Protection Zone	Responsible	Dates
Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties.	Anthony Fotino	

Review and update DAI bylaw	Responsible	Dates
Review and update; add DPA 8 and 11.		Rec'd: 16-Jun-2022

0. *Density Donation Outreach Program*	Responsible	Dates
To identify and work with Gabriola Island land owners who wish to voluntarily donate un-used density from vacant land or parcels with subdivision potential and deposit the density potential into the Gabriola Island Density Bank, for future use in relocating density for affordable housing elsewhere on the island.	Sonja Zupanec	Rec'd: 22-Nov-2018

Projects Report

Gabriola Island

1. *DeCourcy Island OCP and Bylaw Review*	Responsible	Date Received
Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).		21-Apr-2011

2. *Hazardous areas/Steep Slopes DPA*	Responsible	Date Received
Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain		21-Feb-2013

3. *Coastal areas protection*	Responsible	Date Received
Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area		19-Jan-2012

4. *First Nations cultural references*	Responsible	Date Received
Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.	Lisa Wilcox	27-Jan-2011

5. *Eelgrass protection*	Responsible	Date Received
Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).		14-May-2014

Projects Report

Gabriola Island

6. *Snuneymuxw Protocol Agreement*	Responsible	Date Received
Implementation of Snuneymuxw First Nation Protocol Agreement		22-Jan-2015

7. *Gabriola Village Plan*	Responsible	Date Received
Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core		02-Apr-2015

8. *Snuneymuxw Relationship Building*	Responsible	Date Received
Strengthen relationship with Snuneymuxw First Nation		02-Apr-2015

9. *Green Energy*	Responsible	Date Received
Consider policy and regulatory mechanisms to encourage green and renewable energy		02-Apr-2015

10. *Commercial Vacation Rental Review*	Responsible	Date Received
Review bylaws with respect to temporary use permits for commercial vacation rentals		07-May-2015

11. *LUB Amendments*	Responsible	Date Received

Projects Report

Gabriola Island

- Review of temporary sawmill regulations - Definition of personal use of animals for SRR zoned lots - Review of how cisterns, solar panels and parking are regulated as structures subject to lot coverage calculations -Review of section B.2.1.1 for variances within DP3 -Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland -IN1 zoning to ensure consistent with existing Arts Council use. -definition and regulations for limited public market, and INI zone uses pertaining to market sales -correction to WC3 mapped location to coincide with Green Wharf -add Burren's Acres to 'Ecological Protection Zone'	08-Sep-2016

12. ***Water Resource Planning***	**Responsible**	**Date Received**
Review of water requirements at the time of subdivision		14-Jun-2018

13. ***Water Taxi Feasibility***	**Responsible**	**Date Received**
Follow up items emerging out of water taxi feasibility (completed fall 2018)		22-Nov-2018

14. ***Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)***	**Responsible**	**Date Received**
Implementation of the report recommendations into OCP policy and LUB regulations.		24-Jan-2019

Projects Report

Gabriola Island

15. *GB LUB Accessory Buildings*	Responsible	Date Received
Review of regulations pertaining to the order of construction of accessory buildings on lots.		12-Sep-2019

16. *Review of model antenna strategy*	Responsible	Date Received
		27-Feb-2020

17. *Cannabis Production Regulations*	Responsible	Date Received
Review options to allow cannabis production in zones other than 'agriculture' and possible ways to regulate odour, noise, water use and light pollution related to agricultural activities when permitted in a zone.		15-Apr-2021

18. *Update the IN1 zone to reflect community resource and recycling centre range of uses.*	Responsible	Date Received
		13-May-2021

19. *Heritage Conservation Areas*	Responsible	Date Received
Recognize areas of cultural significance - consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturnina.		03-Mar-2022

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