

Regular Meeting Revised Agenda

Date: January 26, 2023
 Time: 10:30 am
 Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

			Pages
1.	WELCOME AND BLESSING by SNUNEYMUXW ELDER - LOLLY GOOD	10:30 AM - 10:45 AM	
2.	CALL TO ORDER	10:45 AM - 10:50 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."		
3.	APPROVAL OF AGENDA		
4.	RISE AND REPORT		
5.	REPORTS	10:50 AM - 11:10 AM	
5.1	Trustee Reports		
5.2	Chair's Report		
5.3	<i>Electoral Area Director's Report</i>		4 - 5
5.4	First Nation Reports		
6.	PUBLIC COMMENTS	11:10 AM - 11:20 AM	
7.	MINUTES	11:20 AM - 11:25 AM	
7.1	Local Trust Committee Minutes dated December 1, 2022 – for adoption		6 - 14
7.2	Section 26 Resolutions-Without-Meeting Report dated January 17, 2023		15 - 15
7.3	Advisory Planning Commission Minutes - none		
8.	BUSINESS ARISING FROM MINUTES	11:25 AM - 12:20 PM	
8.1	Follow-up Action List dated January 17, 2023		16 - 18

8.2 February 23, 2023 Local Trust Committee Strategic Planning Session - for discussion

9. APPLICATIONS AND REFERRALS 12:20 PM - 12:50 PM

9.1 GB-DVP-2022.7 (Winckers-Lightbody - 97 Malaspina Drive) - Staff Report 19 - 37

9.2 GB-DP-2022.3 (Scrimshaw - 390 Daniel Way) - Staff Report 38 - 115

----- **BREAK 12:50 PM TO 1:20 PM** -----

10. LOCAL TRUST COMMITTEE PROJECTS 1:20 PM - 2:00 PM

10.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project - for discussion

11. DELEGATIONS

12. CORRESPONDENCE 2:00 PM - 2:05 PM

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

12.1 Email dated January 10, 2023 from A. Davis regarding YVR Proposed Flight Path Changes 116 - 118

13. NEW BUSINESS

13.1 *Invitation from BC Ferries Open House on February 16, 2023*

14. REPORTS 2:05 PM - 2:20 PM

14.1 Climate Change Action Update

14.2 First Nations Relationship Building

14.3 Trust Conservancy Report - none

14.4 Applications Report dated January 17, 2023 119 - 121

14.5 Trustee and Local Expense Report dated November, 2022 122 - 122

14.6 Adopted Policies and Standing Resolutions 123 - 126

14.7 Local Trust Committee Webpage

15. WORK PROGRAM 2:20 PM - 2:40 PM

15.1 Active Projects Report dated January 17, 2023 127 - 129

16. UPCOMING MEETINGS

- 16.1 Next Regular Meeting Scheduled for Thursday, February 23, 2023 (Time and Place - to be decided)

17. CLOSED MEETING

2:40 PM - 2:55 PM

- 17.1 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) (a) and (d) for the purpose of considering (a) Appointment of Advisory Planning Commission and Housing Advisory Planning Commission Members and (d) Adoption of In-Camera Meeting Minutes dated October 27, 2022 and that the recorder and staff attend the meeting.

- 17.2 Recall to Order

18. ADJOURNMENT

2:55 PM - 3:00 PM

Date: January 26, 2023

To: Gabriola Island Local Trust Committee

From: Vanessa Craig, RDN Director Area B

Subject: Electoral Area Director's Report

Dear Chair Luckham and Trustees Elliott and Yates,

A brief update for your January meeting:

- As is the case with the Islands Trust, the RDN Board is deep into budget planning at this time. Parks initiatives remain a high priority for the Board and for Area B;
- The initiative to explore creating a new community wellness coordinator service for Gabriola which supports the many non-profit and volunteer organizations on Gabriola working for the benefit of the community is continuing. A feasibility report has been completed. The next step is public engagement and determining how a position would be administered (eg which Gabriola group would hold the contract, who would set priorities for the coordinator and oversee their work). Once that work is completed we may move to an Alternative Approval Process (AAP) to gauge resident support for creating a new service on Gabriola. The likely intention would be to start with a part-time position through a contract in 2024 via taxation of approximately \$50,000. In 2023 funds will need to be allocated to finalize what the service will look like as well as a potential AAP.
- At the Board meeting this week the Board supported receiving a staff report on creating a social planning service for the RDN and a report on the background, funding structure, and housing programs of the Capital Regional District Housing Corporation. As you might recall, the RDN previously completed a social needs assessment (in collaboration with the Gabriola Local Trust Committee) and a housing needs assessment. A recommendation from the social needs assessment was to explore a social planning function for the RDN; however, the previous RDN Board did not support it at the time.
- The Board received a 5-year review of the progress made on 11 goals outlined in the Regional Growth Strategy which range from reducing energy consumption to coordinating landuse and mobility, to facilitating the provision of affordable housing. Although Area B is not a participant in the Regional Growth Strategy, the report reflects some of the activity in the region. The report is available here: <https://rdn-pub.escribemeetings.com/filestream.ashx?DocumentId=28530>. The Board received a presentation on the report at the December 6 2022 Board meeting – the meeting video is available on the RDN's website (click on the Board meeting under that date <https://www.rdn.bc.ca/agendas-minutes-videos>).
- The City of Nanaimo and Regional District of Nanaimo (RDN) are seeking local neighborhood teams to sign up as volunteers for the newly launched Acting for Climate Together (ACT) initiative. Participants will complete suggested actions and can accumulate points to win badges and sustainable prizes. Residents can sign up as individuals or as a team by February 10th. See the RDN Get Involved website www.rdn.bc.ca/getinvolved and click on Acting for Climate Together link.
- Some grant funding is available:
 - Stewardship seed funding – stewardship groups can apply for up to \$5000 per project. For more information and to apply see <https://www.rdn.bc.ca/stewardship-seed-funding>
 - RDN community grants close the last Friday in April. Organizations must provide a social enrichment service and demonstrate that the service fills a need in the community.

Gabriola groups have done quite well through this grant. For more information see <https://www.rdn.bc.ca/community-grants>

- The RDN's rebate program for 2023 is open. For more information and to apply see <https://www.rdn.bc.ca/rdn-rebates>
 - Irrigation Upgrades and Soil Improvements - up to \$675
 - Rainwater Harvesting - up to \$750
 - Septic System Upgrades - up to \$700
 - Wellhead Upgrades - up to \$650
 - Well Water Testing - up to \$250
 - Woodstove Exchanges - up to \$1,000
 - Sustainable Development Checklist - \$500 and \$1,000
 - Home Energy Assessments - up to \$350
 - Graded Site-Cut Timber Use - up to \$250
 - Oil to Heat Pump Replacements - \$250
 - Renewable Energy Systems - up to \$650
 - Residential Electric Vehicle Charging Stations - up to \$150

Upcoming

- All meetings continue to be held in hybrid fashion and are live streamed. Videos and agendas of the meetings are available on the RDN calendar webpage <https://www.rdn.bc.ca/agendas-minutes-videos>
- The next Electoral Area Services Committee meeting is on February 9th (1 pm start)
- The next RDN Board meetings are on February 14th and Feb 28th (1 pm start)
- The next Regional Parks and Trails Select Committee is February 7th (9:30 am start)
- The next budget meetings will be held on February 8th (1 pm) and 9th (9 am)

Respectfully submitted,

Vanessa Craig



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: December 1, 2022
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

Members Present: Peter Luckham, Chair
 Susan Yates, Trustee
 Tobi Elliott, Trustee

Staff Present: Sonja Zupanec, Island Planner
 Margot Thomaidis, Planner 2
 Nadine Mourao, Recorder

Others Present: There were approximately seven (7) 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 Luckham called the meeting to order at 10:34 am, welcomed the public and introduced Trustees, Staff and Recorder. Chair Luckham, Trustee Yates and Trustee Elliott acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

Chair Luckham acknowledged former Chair Dan Rogers and former Trustees Colbourne and Langereis for their work in the previous term.

As communication systems were down on Gabriola, the livestream of meeting was not available, however, the meeting was recorded.

Chair Luckham noted that public may send all correspondence to northinfo@islandstrust.bc.ca for inclusion in Agenda Packages.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Added 11.4 Bruce Thomson correspondence.

By general consent the agenda was approved as amended.

3. RISE AND REPORT - none

4. REPORTS

4.1 Trustee Reports

Trustee Yates reported her attendance at Trust Council (TC) in Victoria.

Trustee Elliott reported on her attendance at the following meetings and events:

- TC; and
- Will report on financial planning, regional and federation wide decisions on Gabriola Island Local Trust Area Trustee Corner webpage.

4.2 Chair's Report

Chair Luckham reported the following:

- Attendance at TC meeting; and
- Honoured to be re-elected as Chair of TC and grateful to be Chair on Gabriola.

4.3 Electoral Area Director's Report

Vanessa Craig, Regional District of Nanaimo (RDN) Electoral Area B sent her regrets, she was unable to attend meeting. Trustees received electronic report as correspondence.

4.4 First Nation Reports

Trustees noted the following:

- Interested in requesting a Snuneymuxw First Nation's Elder to attend the first meeting in the New Year and conduct a traditional welcoming;
- Reminded Trustees and public that First Nations Reports and First Nations Relationship Building are standing items on Agenda;
- Trustee Elliott contacted the Clerk for Snuneymuxw First Nations Chief and Council requesting opportunity for Trustees to meet, she has been invited, along with Former Trustee Colbourne to attend Snuneymuxw Council meeting on December 8, 2022 as a Delegation; and
- Interested in a Protocol Meeting with Snuneymuxw Elder Geraldine Manson.

5. TOWN HALL

A member of the public requested Trustees repeal Bylaw No. 177 regarding home occupations on half acre lots on Gabriola, noted Naturescape BC program, and their support for priority of undeveloped natural environments as opposed to overdevelopment of lots supported by Bylaw No. 177.

A member of the public supported establishment of a Heritage Register and Heritage Commission Bylaw as the Official Community Plan 1997 calls for a Community Heritage Register. They asked the Trustees to consider adding as a project and noted that the ad-hoc committee made up of representatives of Gabriola Historical Museum Society, Gabriola Island Community Hall Association, and other stakeholders were prepared to take on tasks set out by the Local Trust Committee (LTC) in a memorandum of understanding, thus alleviating the Planning Staff budget and time constraints. They noted that the *Local Government Act* specifically states a commission may be designated and a bylaw is not necessarily required.

A member of the public supported creation of a local community information resource sharing network for autonomous community internet hosted by islanders. This network would enable community resilience, emergency communication, understanding community needs and planning, and supply community data needed for local planning. Local communication and discussion allows for creation of effective priorities and resource overlay mapping with existing Islands Trust (IT) mapping and collective understanding to meet its own needs.

A member of the public welcomed Gabriola Trustees and supported Bylaw No. 313 final reading and adoption to protect Gabriola's ecosystems and biodiversity. They noted Nature Conservancy of Canada's eco crisis and COP15 in Montreal's targets for biodiversity planning and preservation. Requested LTC stand in solidarity with global citizens to protect Earth's lands and stop destruction of nature, reverse biodiversity loss and protect the environment. Correspondence was received for information.

6. MINUTES

6.1 Local Trust Committee Minutes dated October 27, 2022 – for adoption

By general consent the Local Trust Committee meeting minutes of October 27, 2022 were adopted, in absence of any members sitting at that meeting.

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 November 24, 2022

Received.

7.2 Consider adding to the Project List - Establishment of a Heritage Register and Heritage Commission Bylaw - for discussion

Planner Zupanec provided a brief overview and noted:

- No background material was included in Agenda, Staff may provide in future Agenda package if Trustees requested.

Trustees noted the following key points:

- Did not support non-indigenous group holding First Nations cultural data that belongs to the Nations;
- A strong sense of partnership is needed and clarity of how First Nations with an interest in Gabriola would be involved in the process;
- More information is required, inclusion and collaboration are important;
- A professional policy advisor needed, hoped that the IT's Senior Intergovernmental Policy Advisor position would be filled soon;
- Interested if Snuneymuxw and other local First Nations would be interested in participating, this information needed prior to establishing project for heritage registry and/or commission;
- Require clarity on designating commission versus enacting a bylaw;
- Interested in Staff analysis on background, options, and funding opportunities such as Heritage Grants in Aid for possible future project for Gabriola Trust Area; and
- Interested in information regarding South Pender Heritage Registry.

Ivan Bulik, a proponent of the establishment of a Heritage Register and Heritage Commission noted:

- Heritage Commissions are governed by the *Heritage Act*, the Commission would adhere and comply with the Act; and
- Once the commission was formed, discussion with Snuneymuxw to be initiated.

GB-2022-095

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff prepare a summary of the information to date on the possibility of a Community Heritage Registry on Gabriola Island with analysis of the implications of designating a Commission with a Memorandum of Understanding with this Local Trust Commission versus drafting a Bylaw to establish that Register.

CARRIED

8. APPLICATIONS AND REFERRALS

8.1 GB-DVP-2022.5 (Bustard - 663 Balsam Street) - Staff Report

Planner Thomaidis provided an overview of the report which introduced a Development Variance Permit (DVP) application for consideration to permit the siting of existing septic tanks, a pump chamber and a culvert, as well as permit the siting of a new proposed septic field and sewage pipes to be installed on the property.

GB-2022-096

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2022.5 (Bustard).

CARRIED

8.2 GB-DVP-2017.1 and GB-DP-2017.2 (Weston - Acorn Island) - Staff Report

Planner Zupanec summarized the report which provided the Baseline Erosion and Sediment Control Analysis submitted by the owner of the subject property to the LTC to determine if it is sufficient pursuant to Covenant CA7939129 registered on title and granted to the Gabriola LTC by the owner. The covenant was granted by the owner prior to issuance of a DVP (GB-DVP-2017.1) and Development Permit (DP) (GB-DP-2017.2) for the subject property.

Staff noted a point of clarity for Trustees that the required 2027 Follow-up Report would need to be prepared by a qualified professional.

GB-2022-097

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve the Baseline Erosion and Sediment Control Analysis prepared by Great Pacific Engineering & Environment and attached to this report as Attachment 1 as sufficient to meet requirement 5(b) of Covenant CA7939129.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Targeted Review - for discussion

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

- Interested in defining OCP planning and education phase with community engagement and feedback prior to OCP review;

- Some areas of definition include: How the OCP came to be, other Trust Area's OCPs, areas, where Gabriola's OCP is not meeting needs, if community is interested in public engagement in this area, and what is the process for an OCP review?
- Concerned with losing funding opportunity for OCP review;
- Interested in enhanced community engagement;
- Supported engagement with First Nations in preliminary phase with dedicated resources, relationship building and co-designing process;
- Understood IT is in fiscal restraint and a need to be more creative in a way that meets legislative work and review;
- Interested in understanding what needs to be done before getting work started;
- First Nations and community engagement requires funding over and above annual budget, need business case to request further funding;
- Budgeted review funds needed to identify strategic plan, vision, scope and deliverables, timeline, community engagement, top priorities, as well as capacity to manage project;
- Concerned with risk of rushing project, as OCP review is necessary and needs to be done well;
- Not interested in pausing OCP review project;
- Interested in comprehensive preliminary First Nations government to government consultation prior to project planning and engagement being finalized;
- Capacity funding for First Nations government to government needed;
- Did not support special tax requisition as an OCP and LUB review was part of Islands Trust core work;
- Interested in reducing scope to first phase strategic planning for the OCP review working with Snuneymuxw to draft a Project Charter and plan for future phases and additional budget requests; and
- This project will benefit entire Trust Area, a case study like this will demonstrate future order of operations and more effective regional planning services.

By general consent the meeting was recessed at 1:11 pm and reconvened at 1:44 pm.

10. DELEGATIONS - none

11. CORRESPONDENCE

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

11.1 Email dated October 30, 2022 from K. Gordon regarding Standing Resolution on Enforcement of Non-Compliant Dwellings

Received.

Trustees noted the following:

- Supported Standing Resolution on deferment of enforcement on non-compliant dwellings with regular review; and
- A comprehensive review of OCP needed; Standing Resolution is not a permanent solution.

11.2 Email dated October 31, 2022 from T. Elliott to K. Gordon regarding Standing Resolution on Enforcement of Non-Compliant Dwellings

Received.

11.3 Email dated November 10, 2022 from T. Maika regarding alternatives to Fire Department Collecting and Burning Yard Waste in Ministry of Transportation and Infrastructure Gravel Pit

Received.

Trustees supported community composting initiatives, there are better alternatives to burning yard waste in climate crisis.

11.4 Email from Bruce Thomson regarding Bylaw No. 177

Received and Trustees noted that repealing bylaws may be incorporated during OCP review with community consultation.

12. NEW BUSINESS

12.1 2023 Local Trust Committee Meeting Dates - for discussion

Planner Zupanec provided an overview of planning for regular business meetings, Community Information Meetings, Special Meetings, electronic formats, Staff availability for meetings during regular business hours, and securing venues.

Trustees noted:

- Interested in additional community engagement and meetings outside of regular business hours so that more residents may attend;
 - Staff are available during regular business hours for regular LTC business meetings; Special Meetings for project work or community discussion/engagement with the LTC may not require multiple planners and may be scheduled outside of business hours;
- Interested in at least one meeting per year on Mudge and/or DeCourcy Islands; and
- Would like a facilitated strategic planning meeting early in 2023 with public, APC and HAPC in attendance.

GB-2022-098

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee schedule its regular business meetings on the following dates in 2022: January 26, February 23, March 30, May 11, June 8, July 20, September 14, October 26, November 30 with the possibility of having the July 20 meeting on Mudge Island.

CARRIED

GB-2022-099

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to put February regular business meeting aside as a strategic planning workshop on education around the Gabriola Official Community Plan review, with Gabriola Island Advisory Planning Commission and Gabriola Island Housing Advisory Planning Commission in attendance.

CARRIED

12.2 Advisory Planning Commission and the Housing Advisory Planning Commission - for discussion

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

- Interested in dissolving HAPC with HAPC members appointed to APC, if willing, for a more effective active body working on solutions and referrals;
- HAPC handles specific project related referrals and APC handles referrals on rezoning and applications, there is value in having both Advisory Commissions;
- Regular meeting dates and times needed for APC to address scheduling difficulties;
- Intergovernmental discussion needed with First Nations on how they would like to be engaged in land use planning process;
- APC residency requirement may need amending to enable First Nations participation;
- Interested in taskforce for creative planning ideas and community engagement that LTC is unable to facilitate;
- Interested in looking at terms of reference for the APC and HAPC;
- Clarity needed for project priorities with Staff suggestions on how to utilize both APC and HAPC;
- More members needed for both APC and HAPC to fill vacant positions; and
- Interested in skills-based appointments.

GB-2022-100

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to advertise for Expressions of Interest for the vacant positions on the Gabriola Advisory Planning Commission and Gabriola Housing Advisory Planning Commission.

CARRIED

12.3 Strategic Planning Process to set Priorities for this Term - for discussion

Trustees noted strategic planning session needed to layout term priorities, budget requirements, OCP review definition and engagement planning.

13. REPORTS

13.1 Climate Change Action Update

Received.

13.2 First Nations Relationship Building

Received.

GB-2022-101

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee direct Staff to request an Elder from Snuneymuxw First Nation to open the January 26, 2023 regular Local Trust Committee business meeting.

CARRIED

13.3 Trust Conservancy Report dated October 6, 2022

Received.

13.4 Applications Report dated November 24, 2022

Received.

13.5 Trustee and Local Expense Report dated September, 2022

Received.

13.6 Adopted Policies and Standing Resolutions

Received.

13.7 Local Trust Committee Webpage

No updates requested and Trustee Elliot to post regular updates in Trustee Corner.

14. WORK PROGRAM

14.1 Top Priorities - for discussion

Received.

Planner Zupanec noted Staff currently only working on first priority Ecological Protection Zone due to Staff resource constraints.

Trustees noted the following key points:

- Supported completing Ecological Protection Zone top priority with second priority, Development Application Information (DAI) bylaw as it needed to be brought up to date to be applied to DVP and rezoning applications for fundamental administrative fairness and professional standards;
- Interested in looking at North Pender's DAI bylaw for reference;
- Comprehensive OCP review needed versus a targeted OCP review;
- Clarity and accurate up-to-date data needed for OCP review on how many residents are living in unsecured housing or are unhoused on Gabriola, and how Short-Term Vacation Rentals (STVRs) impact housing stock; and
- Interested in an updated IT Housing Needs Assessment for census data as the current report will be outdated in 2024.

14.2 Active Projects Report dated November 24, 2022

Received.

14.3 Future Projects List Report dated November 22, 2022

Received.

15. CLOSED MEETING - none

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled – January 26, 2022

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:12 pm.

Peter Luckham, Chair

Certified Correct:

Nadine Mourao, Recorder

DRAFT



Resolutions Without Meetings Log

Gabriola Island

Resolution Number	Action	Date
2022-003	Carried	19-Dec-2022
Adopt 2023 LTC Meeting dates		
"That the Gabriola Island Local Trust Committee schedule its regular business meetings for 2023 on Thursdays as follows: January 26, February 23, March 30, May 11, June 8, July 20, September 14, October 26, and November 30 and to be held at 10:30 am at the Gabriola Art's and Heritage Centre, 476 South Road, Gabriola, BC "		

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 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
2 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

Follow Up Action Report

Gabriola Island

01-Dec-2022

Activity	Responsibility	Dates	Status
1 LTC approved the baseline sediment control analysis report for Acorn Island covenant. Update applications log and schedule monitoring for follow up in 2027.	Stephen Baugh		Completed
2 LTC issued GB-DVP-2022.5 (Bustard)	Becky McErlean Margot Thomaidis		Completed
3 Planning staff to prepare a summary report for a future LTC meeting on past LTC discussions re: heritage register for Gabriola island; potential funding opportunities and alignment with other LTC projects; what's entailed with a MOU with commission under heritage act; analysis of designation of a commission vs a bylaw to establish the heritage register. Incorporate any comments from senior policy advisor staff on this approach. See minutes for further details on this discussion.			In Progress
4 LTC adopted the meeting schedule as presented - possible Mudge Island meeting in July 2023. Staff to coordinate with Trustee Elliot the planning for a First Nation elder to open the Jan 2023 LTC meeting. Reimbursement to come from LTC meeting budget. - done	Becky McErlean Wil Cottingham		Completed

Follow Up Action Report

Gabriola Island

01-Dec-2022

Activity	Responsibility	Dates	Status
5 Staff to advertise for expressions of interest for vacant seats on both APC and HAPC; return APC bylaw with draft changes to quorum requirement (remove 3 members and keep at 50%) and options for First Nations participation on both commissions.	Penny Hawley Sonja Zupanec		In Progress
6 Feb 23 LTC meeting agenda to be reserved as a strategic planning workshop with HAPC and APC members to discuss community engagement and communication around an OCP review project.	Becky McErlean Sonja Zupanec		In Progress

DATE OF MEETING: January 26, 2023
TO: Gabriola Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
SUBJECT: GB-DVP-2022.7
Applicant: Mike Lightbody
Location: 97 Malaspina Dr, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2022.7.

REPORT SUMMARY

This report is to introduce a Development Variance Permit (DVP) Application which would reduce the front lot line setback from 6 metres to 0.15 metres to permit an existing woodshed, and to 1.5 metres to facilitate the construction of a new garage and office accessory building. Staff are recommending the proposed permit be approved for the following reasons:

- The site is constrained by the irregular shape of the lot and that the front lot line setback extends along the side of the lot
- The proposed garage is sited in the proposed location to avoid the removal significant trees
- The existing wood shed is a minimal amount taller than the adjacent fence which is permitted within the setback

RATIONALE FOR VARIANCE

The property owners have provided a number of points as rationale for the variance:

- Siting the building in this location will allow the original driveway entry point and garage location to be maintained which reduces the modifications of the site from its current condition.
- The proposed location allows for several mature trees and existing vegetation along the northeast property line to be maintained.
- The shape of the lot and existing septic system means that there are limited options feasible to locate the building and remain outside of the front lot line setback.

The full text of the owner's rationale is included as Attachment 2.

BACKGROUND

This application is to facilitate the construction of an accessory building on the property that does not meet the siting requirements set out in the Gabriola Island Land Use Bylaw (LUB). If the variance is approved the applicant will proceed to make an application for a building permit with the Regional District of Nanaimo. There are also plans to replace the existing house on the lot with a new dwelling, but this is not included in the variance permit as the proposed dwelling complies with the LUB regulations.

In the course of reviewing the application staff noted that an existing wood shed, water tank and concrete tank were located within lot line setbacks. The applicant has indicated that they do not intend to keep the concrete tank and water tank in their present location and will be moving or removing these structures when the new dwelling is constructed. However, they do wish to keep the wood shed and as a result are requesting a variance to the front lot line setback to permit the wood shed in its current location.

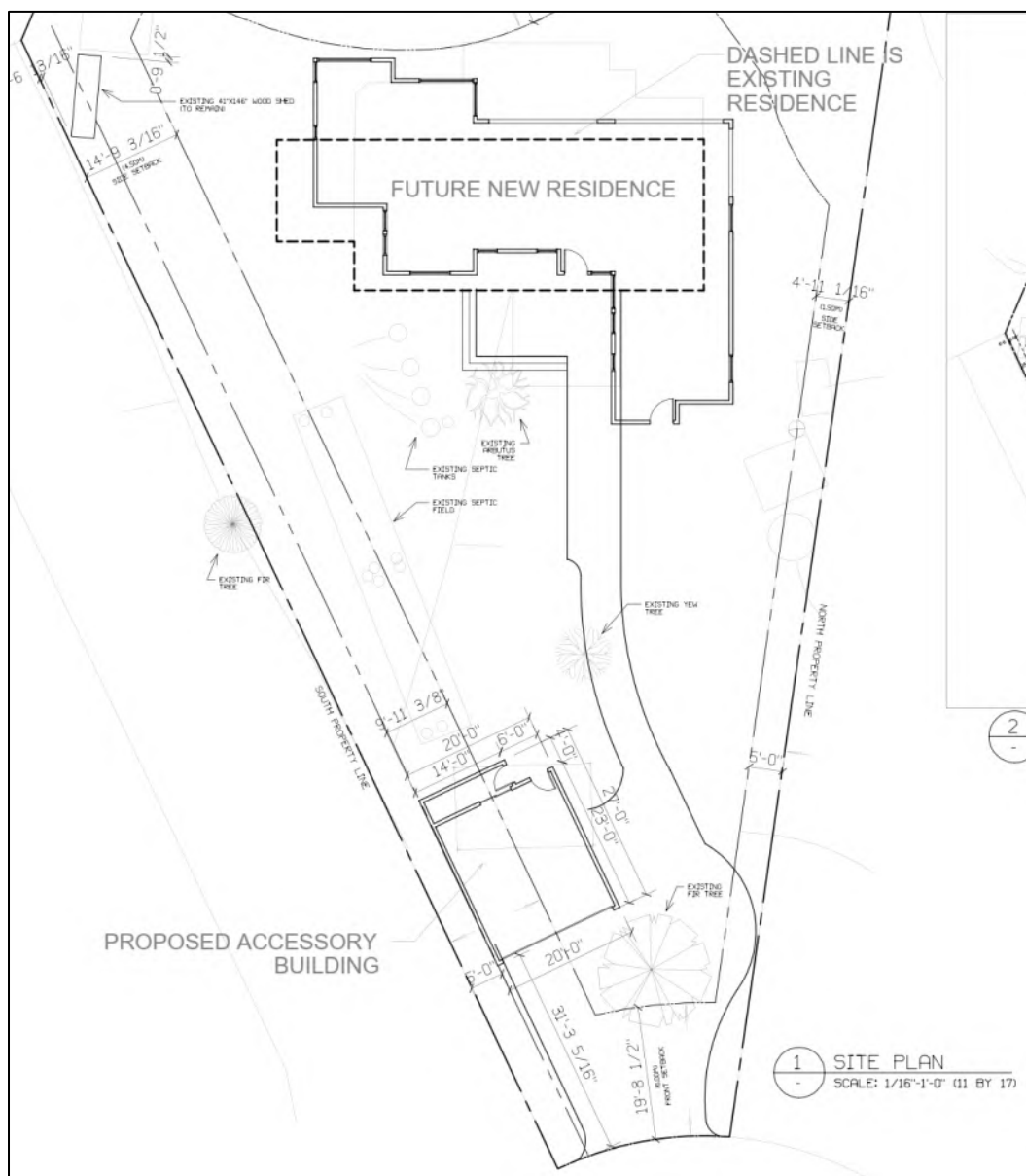


Figure 1 Proposed Site Plan

ANALYSIS

Issues and Opportunities

The property that is subject of this variance application is adjacent to a road right of way on two sides, the first is a short 8 metre section at the end of Malaspina Dr which forms the narrow end of the pie shaped lot. The second is a 56 metre long boundary between the property and a public walking path providing access to Malaspina Galleries Community Park. Although access to the lot by vehicle is through the short lot line which fronts on Malaspina Dr, the front lot line, as defined in the LUB, is the longer lot line that fronts along the walking path since the other lot line is shorter than 20 metres in length. This constrains the building area on the lot due to the 6 meter setback required from a front lot line in the Small Rural Residential zone and the narrow width of the lot at the south east end.

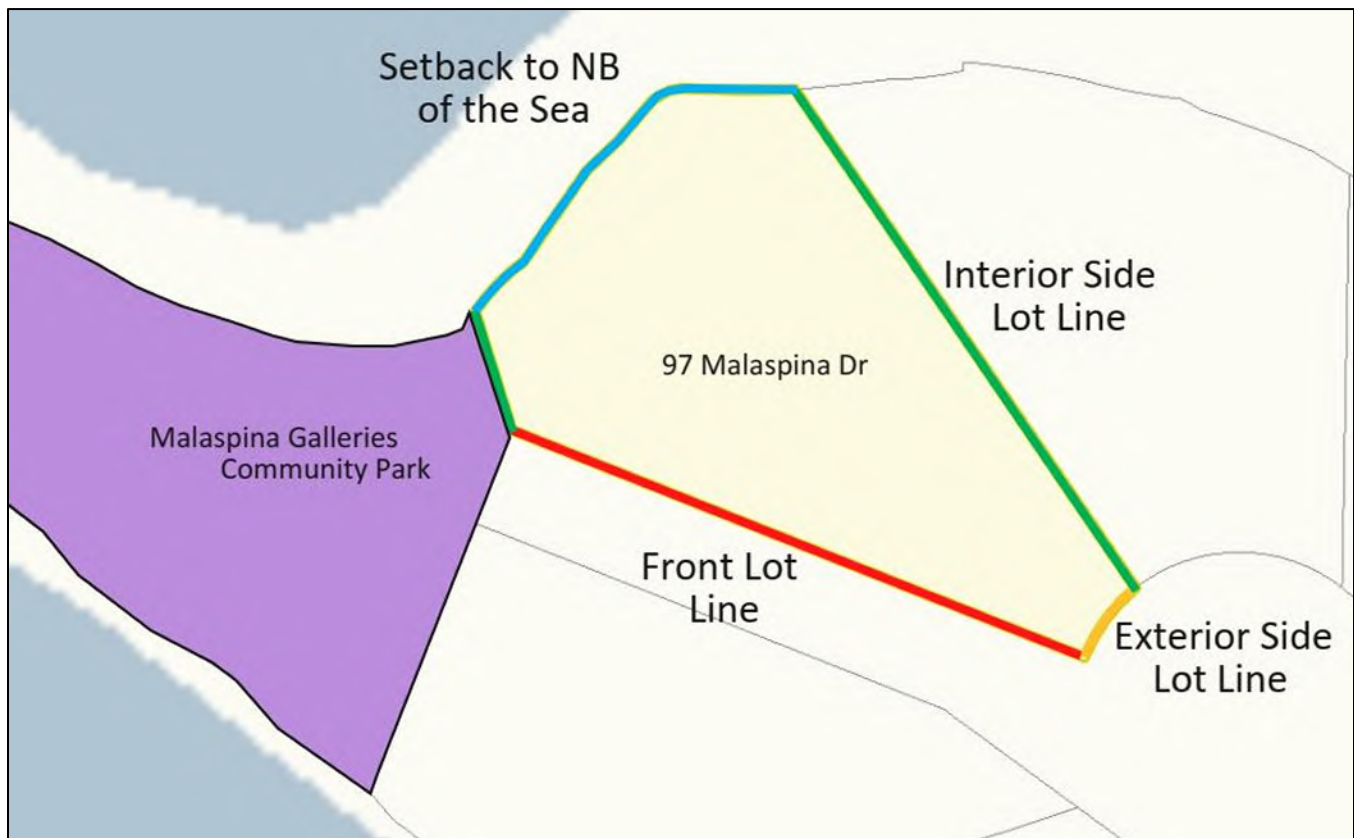


Figure 2 Lot Line Interpretation

Potential impacts of granting to variance

The intent of a front lot line setback is to ensure buildings and structures are a sufficient distance from roads, the setback also contributes to a consistent pattern of development between lots within the same neighbourhood.

The structures included in the variance request are located away from neighbouring properties. Although they will be located near a road right of way, it is not used as a road but as a walking path to access a community park. A setback permit from the Ministry of Transportation and Infrastructure (MOTI) is required to allow the buildings within 4.5 meters of a road right of way and the applicant has submitted this application to MOTI. The impact of granting the variance is minor due to the distance of the buildings from other properties and roads that are travelled by vehicles.

Circulation

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 January 25, 2023.

No correspondence has been received at the time this staff report was submitted, any submissions received following the preparation of this staff report will be forwarded to the Local Trust Committee (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. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Although both the proposed and existing building each encroach significantly into the front lot line setback, on this lot the road right of way which forms the “front lot line” as defined by the bylaw is not traveled by vehicles, instead what the bylaw defines as the exterior side lot line functions as the front of the lot and is the main access to the lot.

The wood shed, an existing structure, is close to the front lot line but only extends above the adjacent fence by a minor amount. It is outside of the minimum setback to the interior lot line and the natural boundary of the sea. The proposed garage is sited 1.5 metres away from the front lot line and allows a Yew tree on the lot to be retained.

Staff are recommending approval of the variance due to the irregular shape of the lot and resulting lot line interpretation, the fact that significant trees will be retained, and the small size of the existing wood shed.

ALTERNATIVES

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

1. Request further information

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

That the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust [insert information].

2. Deny the application

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

That the Gabriola Island Local Trust Committee deny application GB-DVP-2022.7.

Submitted By:	Stephen Baugh, Planner 2	January 5, 2023
Concurrence:	Sonja Zupanec, RPP, MCIP, Acting Regional Planning Manager, Northern Region	January 5, 2023

ATTACHMENTS

1. Site Context
2. Applicant Rationale
3. Photographs
4. Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 17 SECTION 24 GABRIOLA ISLAND NANAIMO DISTRICT PLAN 13535
PID	004-503-198
Civic Address	97 Malaspina Dr, Gabriola Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Shoreline, Community Park (Malaspina Galleries), Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	N/A

POLICY/REGULATORY

Official Community Plan Designations	Small Rural Residential – SRR
Land Use Bylaw	Small Rural Residential (SRR) D.1.1.3(a)(i) On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is: • 6.0 metres (19.7 feet) from the front lot line; • 4.5 metres (14.8) from any exterior side lot line; and • 1.5 metres (4.9 feet) from any interior lot line lot line - front the lot line common to the lot and the abutting highway, or access route under the “Strata Property Act”, and where there is more than one lot line common to a highway or access route, the following rules must apply: 1. the shortest lot line greater than 20.0 metres (65.6 feet) is the front lot line, except where there are no lot lines greater than 20 metres (65.6 feet) abutting a highway in which case the longest lot line abutting a highway is the front lot line; 2. where there are three or more lot lines, and one of the lines is a corner-cut, one of the other lot lines is the front lot line based on Rule 1; and 3. where there are more than two lot lines defining a curve, including any tangents making up the curve in a highway or access route under the “Strata Property Act”, all such lot lines defining the curve must be considered to be one lot line for the purpose of using

	Rule 1. lot line – exterior side the property line common to the lot and an abutting highway, or access route under the “Strata Property Act”, that is not the front lot line;
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Plan	The subject property has a relative value of Medium. Gabriola Island in general is classified as having a medium need for Forest protection.
Species at Risk	None Mapped
Sensitive Ecosystems	SEM Tertiary Class – Woodland
Hazard Areas	Small area mapped as a low risk steep slope.
Archaeological Sites	Mapping indicates areas of high archaeological potential exist on the property and within 100m of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	This DVP application seeks to lawfully site two accessory buildings on the property and as such does not propose any intensity of use or development beyond what is currently permitted by zoning. GHG emissions can be expected to be commensurate with normal levels associated with Single Family Residential development patterns and use.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder

Attachment 2

Islands Trust - Northern Office
700 North Road
Gabriola Island BC V0R 1X3
250 247 2063

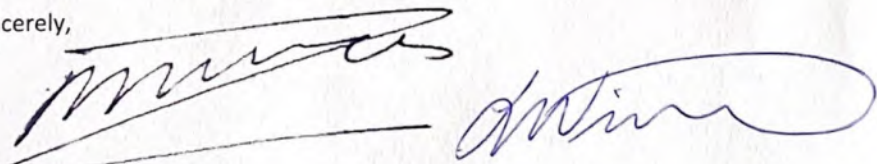
RE: 97 Malaspina Drive, Gabriola, BC
Request for variance to reduce side-yard setback for accessory building.

We (Marc and Lorna Winckers) being the owners of 97 Malaspina Drive for approximately 7 years have been thoroughly enjoying our cabin on Gabriola Island and over the years have used the cabin more and more at all times of the year. The existing cabin and garage, however, are both in need of much repair and were never built to be more than a summer cabin. As such we have decided that it is time to move on with a complete update. We hope to make this our principal residence once complete as there is far too much maintenance of old construction for us to consider aging in place here. For this reason, we have engaged Mike Lightbody of Bowen Island to design a new residence, garage and office area for our future habitation. While working on the plans we quite quickly realized that the accessory building has only one place to go given all the site constraints. We are therefore seeking a variance for the accessory building location. It is intended that this building be located where the current garage is however the current garage is a non-conforming RE incursion into the setback. The following points speak to the rationale for this location:

1. The original driveway entry point and garage location will be maintained, thus minimizing site work and property modifications from existing conditions.
2. This location permits us to keep the existing vegetation along the northeast property line (adjacent to our north-east neighbour).
3. There are several mature trees on the property and keeping the new accessory building in the same location as the current garage allows us to avoid removing a large fir tree, an arbutus tree, a yew tree and a cherry tree.
4. Locating the garage along the north-east property line with a setback of 1.5m would require removal of a significant number of encroaching limbs from neighbouring cedar trees, leaving the trees vulnerable and likely shadowing the remaining vegetation for the neighbour.
5. Our "pie-shaped" lot makes access limited. There is only 1 location where the driveway can access the property and the existing large fir tree bisects the entrance to the lot making it virtually impossible to respect the standard 4.5m setback along the south property line to access the garage location.
6. Our existing septic system, just replaced 2 years ago, further constrains how deep into the lot the new accessory building can be located.

For the reasons noted above we respectfully request a relaxation of the south property line to permit a typical side-yard setback of 1.5m. Should you need more information, wish to meet, or discuss the above please don't hesitate to call or email.

Sincerely,



Marc & Lorna Winckers

ATTACHMENT 3 – PHOTOGRAPHS



Top Left: Front of Wood Shed from subject property.

Bottom Right: Rear of Wood Shed from road right of way.

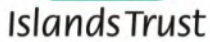




Top left: Looking northwest along the front lot line.

Bottom Right: Existing carport and approximate location of proposed garage with Yew tree visible to the right.





NOTICE
GB-DVP-2022.7
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

Attachment 4

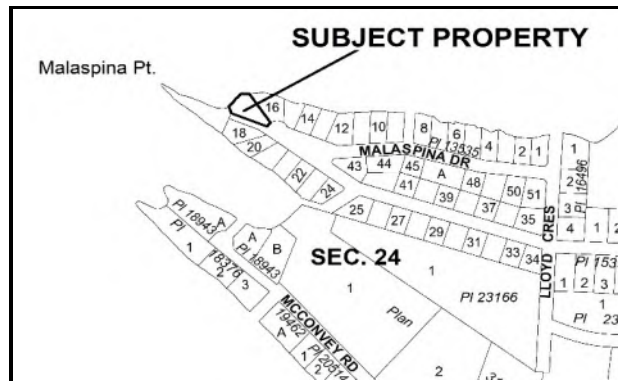
NOTICE is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 499 of the *Local Government Act*. The proposed permit would vary the Gabriola Island Land Use Bylaw No. 177 by:

- Permitting an existing accessory building (wood shed) within 0.15 meters of the front lot line.
- Permitting a proposed accessory building (garage) within 1.5 meters of the front lot line.

The property is located at **97 Malaspina Drive, Gabriola Island, BC** and is legally described as:

LOT 17 SECTION 24 GABRIOLA ISLAND NANAIMO DISTRICT PLAN 13535 (PID: 004-503-198).

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, commencing **January 13, 2023** and continuing up to and including **January 25, 2023**.

Enquiries or comments should be directed to Stephen Baugh, Planner 2 at (250) 247-2201, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **January 25, 2023**.

The Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its regular Business Meeting to be held at **10:30 am, January 26, 2023 at Gabriola Arts and 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

**GABRIOLA LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GB-DVP-2022.7**

To: Mark and Lorna Winkers,
c/o Mike Lightbody

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

LOT 17 SECTION 24 GABRIOLA ISLAND NANAIMO DISTRICT PLAN 13535
(PID: 004-503-198)

2. Gabriola Island Land Use Bylaw 177, 1999 is varied as follows:

- a) Clause D.1.1.3(a)(i) which states that the minimum setback from a front lot line is 6.0 metres varied to permit:
- i) an existing wood shed a minimum of 0.15 metres from the front lot line; and,
 - ii) the construction of an accessory building within 1.5 metres of the front lot line.

The development shall be consistent with Schedule 'A,' Schedule 'B,' Schedule 'C,' and Schedule 'D' 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 Regional District of Nanaimo and Ministry of Transportation and Infrastructure.

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

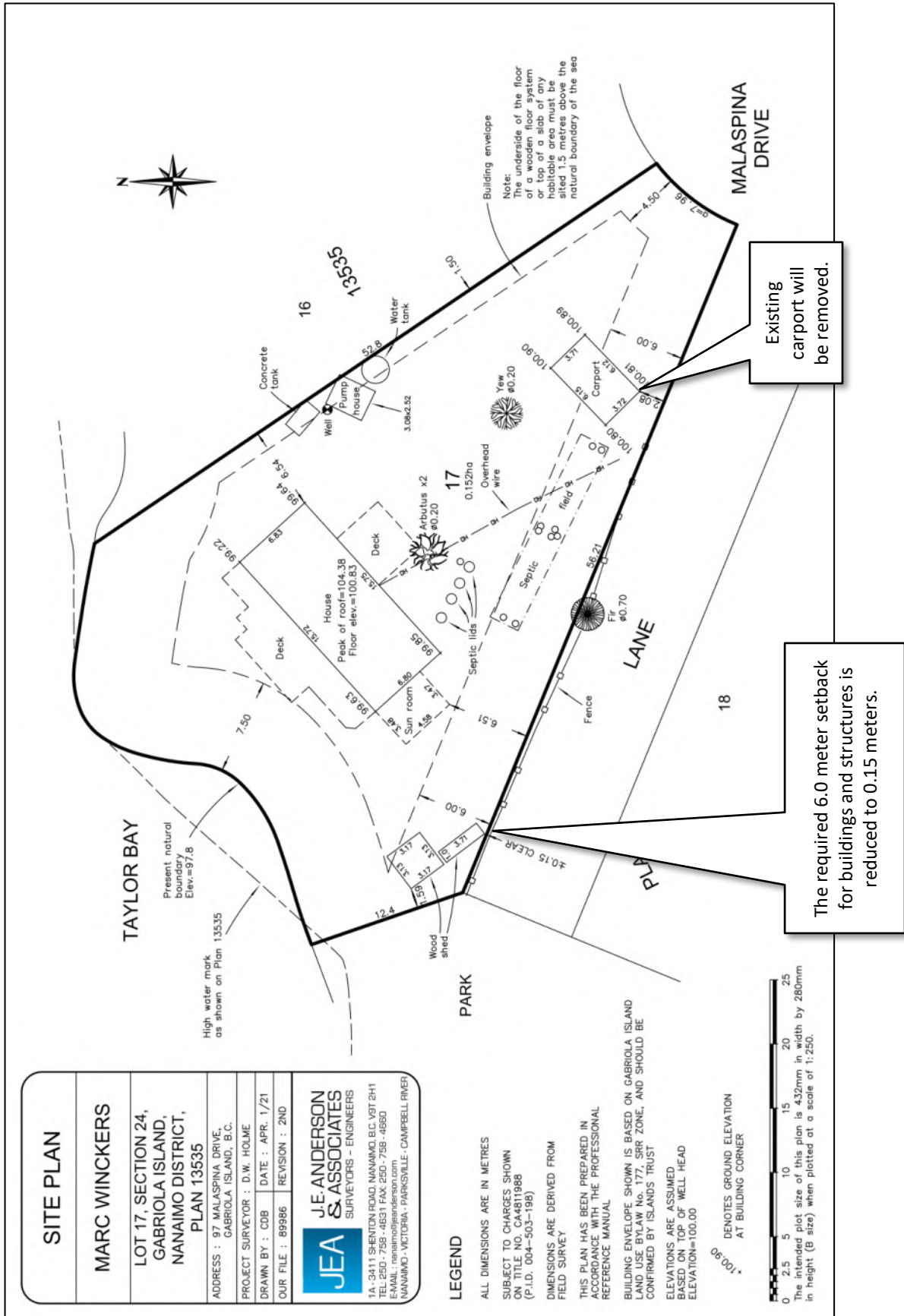
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DVP-2022.7

SCHEDULE 'A'

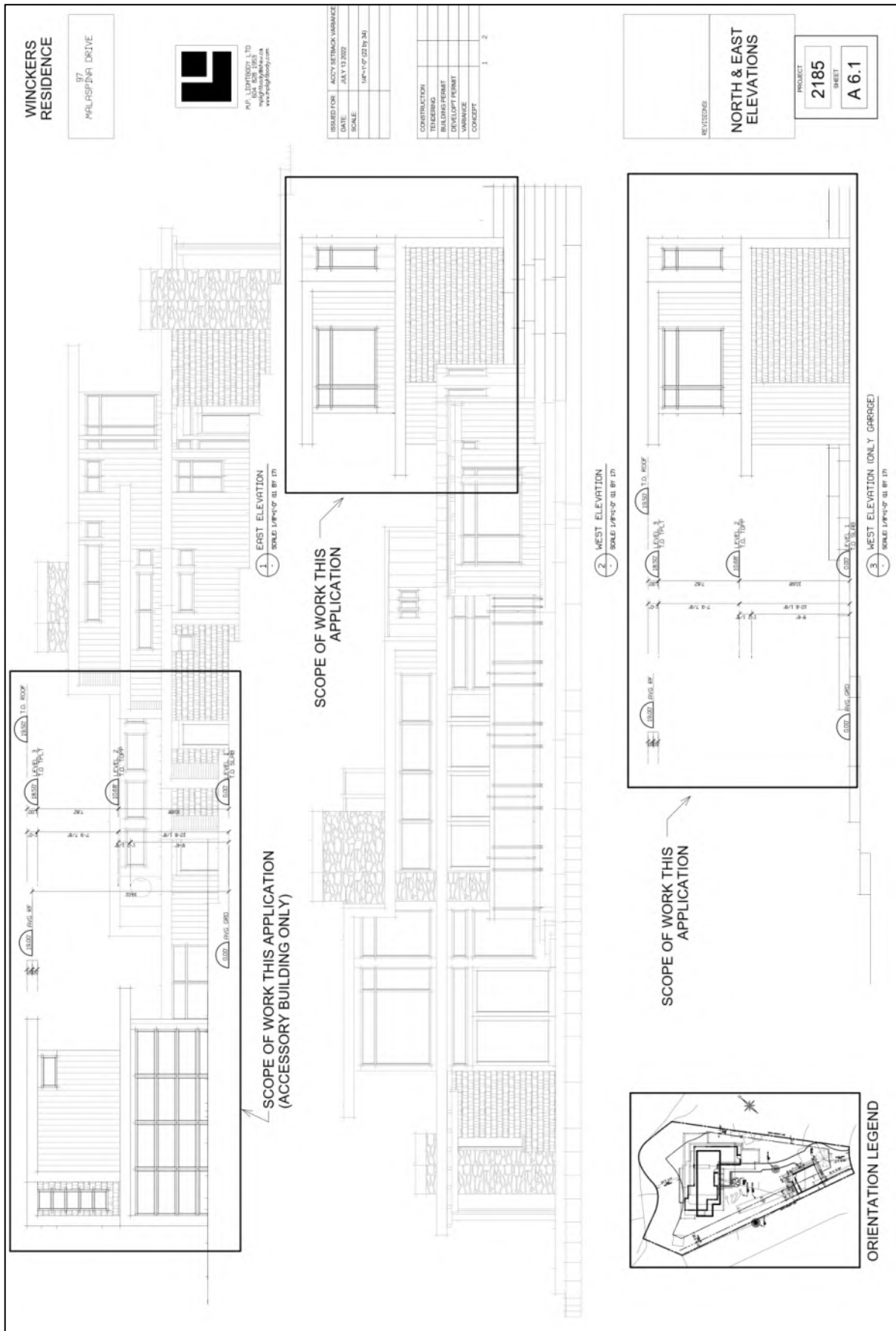


SCHEDULE 'B'



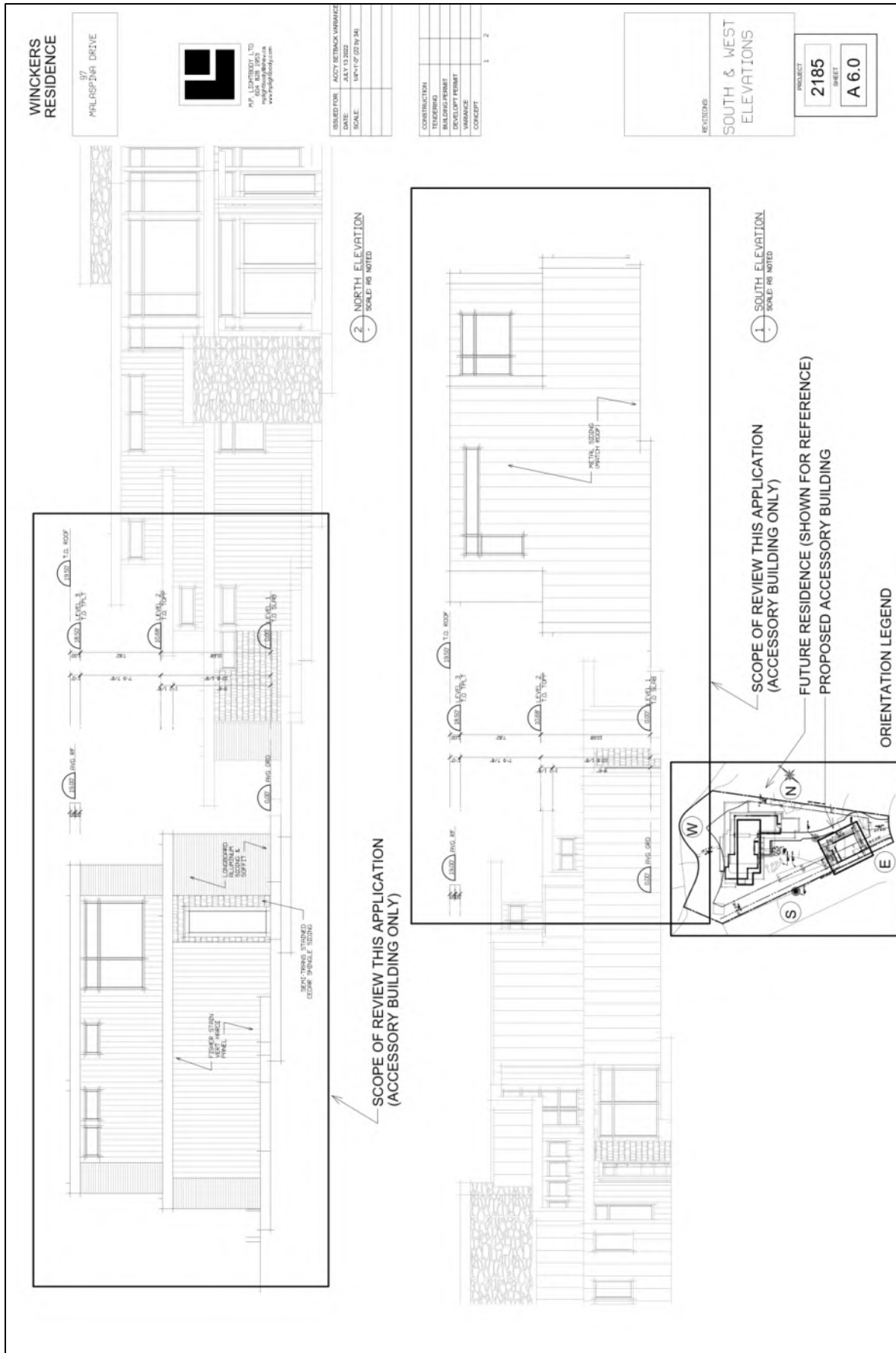
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DVP-2022.7

SCHEDULE 'C'



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DVP-2022.7

SCHEDULE 'D'



From: David Kellenberger [REDACTED]
Sent: Monday, January 23, 2023 10:57 AM
To: Becky McErlean <bmcerlean@islandstrust.bc.ca>
Subject: Revised Letter re GB-DVP-2022.7

Stephen Baugh, Planner 2/GLT Committee,

Thank you for the opportunity to comment on the proposed Development Variance Permit GB-DVP-2022.7.

My main concern is that the Winkers have emailed me their intent to use the “proposed accessory building” for overnight accommodations. My understanding of the Island Trust Bylaws is that such use of an accessory building is prohibited. As noted during previous GLT committee meetings, once built this becomes very difficult to enforce.

With rapidly rising interest rates the incentive to construct and use such buildings for Airbnbs and the like becomes much greater. Not only do these illegal structures adversely affect the protection of this island, they can be very detrimental to the legitimate B&Bs, Motels, and other such businesses on the island. I view this as a great concern for the island going forward.

Of secondary, but equally important, concern is the two-storey nature of the building and the much reduced setback. I believe this would seriously reduce the amount of natural light falling on the foliage along the path of the Malaspina Gallery Park. Given the increase in storm intensities over the last few years, having a thriving ground growth helps reduce soil erosion. In addition, being right along the path, it creates an imposing structure to the naturalistic look and feel into the park.

In summary, the Winkers have noted their intent to use the auxiliary building for overnight accommodations. In my opinion, they simply don’t have enough land to do everything they want. More importantly, I don’t want to see Gabriola turned into a culture of illegal pop-up Airbnbs or worse.

Thank you for once again for this opportunity.

David Kellenberger (immediate neighbour)

[REDACTED]

From: paula gray [REDACTED]
Sent: Monday, January 23, 2023 3:32 PM
To: northinfo
Subject: 97 Malaspina Drive, GB-DVP-2022.7

Attn: Stephen Baugh

Thank you for your notice of the proposed variance.

We fully support the proposed Development Variance Permit application of 97 Malaspina Drive. It appears they have taken into consideration the impact on the neighbouring properties and existing trees. The proposed location offers the best solution for the shape of their property.

Sincerely,

Paula & Johnny Gray

[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 24, 2023 1:24 PM
To: Stephen Baugh <sbaugh@islandstrust.bc.ca>
Cc: [REDACTED]
Subject: RE: Winckers DVP application - response to Public correspondence from D Kellenberger.

Hello Stephen,

We have read the email from our immediate neighbour, David Kellenberger to Becky McErlean at the Islands Trust office that opposes our Development Variance Permit application. There appears to be a misunderstanding with respect to our intent with the accessory building that we seek to clarify herein. Mr. Kellenberger is insinuating that we planned to use the atelier on the second floor of the proposed structure as an illegal AirBnB; this is categorically false. We have absolutely no intention of using the atelier as an illegal bed and breakfast or vacation rental as suggested by Mr. Kellenberger. In fact, we have no intention of doing any sort of rental, legal or not.

The intent of this building is to house a 2-car garage on the first floor, and to have a small atelier on the second floor that we will use as an office with 2 independent workspaces as we both work from home plus provide us with some much-needed insulated dry storage space. Prior to submission of the development permit application, we had discussed the goals of the atelier with some neighbours and had mentioned that from time to time when all three of our children visit us together, we may use the atelier for one of them to sleep in, ie. Throw a mattress on the floor. In going through the DVP application process we have come to understand that no overnight accommodation is permitted whatsoever according to the Gabriola Land use bylaw section B.1.2.1(a) other than some specific exceptions. By adding this extra office space above the garage, it will allow us to use our 2 extra bedrooms in our house for overnight guests (family & friends).

Further, we would like to address Mr. Kellenberger's secondary concern that this building would greatly reduce the amount of natural light falling on the foliage along the path to the park. In fact, we don't believe the building will significantly impact the foliage. Most of the foliage is in the evergreen tree canopy above the height of the proposed accessory building, additionally sunlight reaching the MOTI right of way will not be blocked by this proposed structure as the sun moves along its daily path throughout the year; rather it is blocked by existing trees and building structures to the south and west of the MOTI lane allowance.

In conclusion, the reason we have submitted this development variance permit application for the location of this structure, was to minimize further removal of trees from our property and to minimize the impact on our neighbours' views and enjoyment of their respective properties.

Thank you for your time.

Sincerely,

Marc Winckers
[REDACTED]

DATE OF MEETING: January 26, 2023
TO: Gabriola Island Local Trust Committee
FROM: Margot Thomaidis, Planner 2
Northern Team
SUBJECT: **Development Permit Application**
Applicant: Laird Scrimshaw
Location: 390 Daniel Way (Lot 1)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2022.3 (Scrimshaw).

REPORT SUMMARY

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

The purpose of the DP application is for measures for the protection of the sensitive ecosystem and construction management for a dwelling; tree removal; and associated land alteration within **Development Permit Area No. 2 – Lock Bay Area (DP-2)**.

BACKGROUND

The subject property is 5.4 hectares (13.34 acres) in size and located on Daniel Way as shown in Figure 1, upland and west of Lock Bay, and northwest of Sandwell Provincial Park. DPA 2 (Lock Bay Area) covers the eastern edge of the property as shown in Figure 1. Castell Creek flows west to east, approximately 150 metres north of and parallel to the northern property line, and an isolated, unmapped wetland is located on the subject property approximately 59 metres south of the proposed development area. Further information about the subject property is contained within the 'Site Context' and 'Mapping' documents (Attachments 1 and 2).

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

Existing:

- A one-storey cabin dwelling
- A garage/ workshop building with a loft.
- Two pump/ utility houses, one in the northwest part of the property and one in the northeast.
- Two storage sheds.
- An outdoor covered work space.

Proposed:

- The removal of 31 second-growth trees and understory vegetation within a part of DPA 2, including twenty-two (22) Douglas fir, seven (7) western redcedar, one (1) arbutus, and one (1) western hemlock tree.
- Construction of a 602m² (6,476ft²) 2.5 storey single-family dwelling with 142m² (1,528ft²) deck, partially within DPA 2.
- Installation of a Type 1 septic tank, pump chamber, and piping within DPA 2.

Pursuant to Section F.2.2 of the [Gabriola Island Land Use Bylaw No. 177](#) (LUB), a DP is required to be issued by the LTC prior to development activities occurring within DPA 2.

A filing for the septic disposal system with Island Health was also submitted with the application, and the proposed septic plans are attached to the proposed DP as Schedule 'C'.

An 'Environmental Assessment' (EA) report was prepared by Crystal Campbell (Environmental Technician) and reviewed by Sarah Bonar (R.P. Bio) (Aquaparian Environmental Consulting, August 22, 2022) and is attached in full to the proposed DP as Schedule 'D'. This report was assessed by staff and is analysed further with the application in 'Issues and Opportunities' (below). The report is attached in full to this staff report as 'Attachment 5'.

A Geotechnical Hazard Assessment was prepared by John Hessels (AScT) and Chris Hudec (M.A.Sc., P.Eng) (Lewkowich Engineering Associated Ltd., March 15, 2021) and is attached in full to this report as 'Attachment 6'.

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

Figure 1 – Orthophoto & DPA 2 (Lock Bay Area)



Official Community Plan

The subject property is designated **Resource (R)** in the [Gabriola Island Official Community Plan \(OCP\) Bylaw No. 166](#), and is located within **DP-2 – Lock Bay Area**.

The objective of DPA 2 is:

To protect these natural areas from the impact of land development.

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

Land Use Bylaw

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

The guidelines for DPA 2 are contained within Section F.2.2 of the LUB, and the proposed development complies with applicable development permit area guidelines as analysed in Attachment 3.

Issues and Opportunities

Environmental Assessment (EA) Report

The report prepared by Aquaparian Environmental Consulting (Attachment 5) contains a detailed description of the proposed development and environmental values within DPA 2.

The proposed site is located approximately 200m west of the intertidal marsh shoreline and just within the northwest boundary of DPA 2. The building site is primarily within a cleared lawn area, aside from the southern part of the building site which will require vegetation and tree removal.

Thirty-one (31) trees are estimated to be removed within the construction area which is within DPA 2 including:

- Twelve (12) Douglas fir trees 15-20cm DBH¹;
- Ten (10) Douglas fir trees 20-30cm DBH;
- Seven (7) western redcedar trees 20-30cm DBH;
- One (1) arbutus tree 20cm DBH; and
- One (1) western hemlock tree 15cm DBH.

Understorey vegetation within the clearing area includes evergreen huckleberry, sword fern, salal, dull Oregon-grape, Canadian thistle, stinging nettle, sweet-scented bedstraw, grass species and invasive Himalayan blackberry.

At the recommendation of the EA report, the applicant reports that they are planning to have a Certified Arborist assess the property and indicate additional danger trees to be removed, as those too close to the proposed dwelling could pose a risk.

The EA report states that the proposed project is not expected to result in a significant impact to the integrity of DPA 2, or the wetland and watercourse indicated in the assessment. Proposed development is not expected to have any impact on the intertidal marsh area located 200 metres east of the building site.

¹ DBH (Diameter at Breast Height).

DP Conditions for Protection Measures and Environmental Monitoring

LUB Guideline F.2.2.5 permits that 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 an existing development. The Environmental Assessment report recommends measures to protect and maintain the environmentally sensitive area, meeting the DPA guidelines. These have been included as conditions in the draft DP and are as summarized as follows:

- The timing of vegetation clearing must be outside of the migratory bird nesting season if possible; or must avoid the peak season. If clearing occurs from March 15th to August 15th, a pre-clearing bird nest survey must be completed by a Qualified Environmental Professional prior to clearing.
- A Certified Arborist shall be retained to assess potential danger trees, any proposed tree limb removal, potential wind throw issues, and make recommendations in the vicinity of the proposed construction zone.
- Mature trees shall be retained and vegetation removal shall be reduced as much as possible. Clearing of vegetation shall be limited to the proposed construction footprint to maintain slope stability.
- The veteran Douglas fir tree identified in the northwest corner of the parcel is to be protected.
- The other veteran Douglas fir tree to the east of the proposed house development shall be retained if the Certified Arborist deems it safe to do so.
- Stumps of any danger trees that require removal shall be retained along slopes to maintain slope stability. Trees remaining adjacent to the construction footprint shall be protected by installing plastic snow-fencing around the drip line of trees to prevent damage and compaction of root systems by heavy equipment.
- Fill shall not be placed within the root protection zone of retained trees.
- Deleterious materials including silt shall not be allowed to enter any watercourses or drainages.
- Excavation and fill placement required shall be completed during the dry season or with minimal rain forecast.
- Erosion and sediment controls (such as silt fence, straw bales etc.) shall be installed to prevent sediment migration down the slope into the forest below the house to limit construction impacts.
- Exposed slopes shall be seeded as soon as possible and covered with straw to prevent surface erosion.
- The wetland habitat within the eastern portion of the subject parcel shall be protected by a 10m wide protective buffer area measured from the wetland boundary.

The EA report does not recommend any monitoring requirements, and does not identify actions that will be taken to ensure all proposed activities are completed as described.

Geotechnical Hazard Assessment Report

Prior to preparing building plans, the applicant hired Lewkowich Engineering Associates Ltd. to prepare a Geotechnical Hazard Assessment (March 15, 2021) (Attachment 6). This report determined that the land is considered safe for the use intended, provided the residence is situated a minimum horizontal distance of at least 3.0 metres from the crest of the defined slope at the proposed siting location. The report also states that if this setback is deemed too restrictive, a relaxed setback would be possible if the footing grade is lowered. The proposed dwelling appears to encroach into the crest of the defined slope (see Figure 2), so the applicant has agreed to retain a new assessment from the same professional engineer to determine that the proposed dwelling is safe from geotechnical hazards, prior to submitting a building permit application to the RDN.

Non-compliance with Building Density Provisions

The proposed development does not meet Item D.2.4.2.a.i of the LUB's Resource (R) zoning regulations for permitted buildings and structures, as there are more than three existing and proposed buildings on the subject property. This DP application is not discretionary and only considers whether the proposed building meets DPA 2 – Lock Bay Area guidelines. However, an approved building permit through the Regional District of Nanaimo (RDN) is required prior to beginning construction, and will not be issued if the proposed development is not compliant with the Gabriola Island Land Use Bylaw. Staff have recommended that the applicant resolve this by removing two existing buildings/storage sheds and designating the older cabin on the lot as a secondary suite as part of the building permit application. Please see Attachment 1 – Site Context for more information.

Consultation

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

First Nations

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

Rationale for Recommendation

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

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

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-2. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee has determined that application GB-DP-2022.3 as presented on January 26, 2023 does not meet guideline(s) _____ for the following reasons:
_____.

2. Request further information

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

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

NEXT STEPS

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

Submitted By:	Margot Thomaidis, Planner 2	January 13, 2023
Concurrence:	Renee Jamurat, MCIP RPP, Regional Planning Manager, Northern Office	January 16, 2023

ATTACHMENTS

1. Site Context
2. Mapping, Plans and Photos
3. Development Permit Area Guidelines Checklist
4. Draft Development Permit
5. Environmental/Watercourse Assessment (Aquaparian Environmental Consulting Ltd.)
6. Geotechnical Hazard Assessment (Lewkowich Engineering Associates Ltd.)

LOCATION

Legal Description	LOT 1 SECTION 22 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP66042
PID	023-931-167
Civic Address	390 Daniel Way, Gabriola BC VOR 1X3

LAND USE

Current Land Use	Residential
Surrounding Land Use	North: Vacant East: Estuary/Residential South: Residential West: Residential/ Agricultural

HISTORICAL ACTIVITY

File No.	Purpose
GB-SUB-1991.72	Subdivision
GB-SUB-1996.9	Subdivision
GB-ALR-2009.2	Extract water from single well for distribution to community residents who are in need due to seasonal shortages in certain areas.

POLICY/REGULATORY

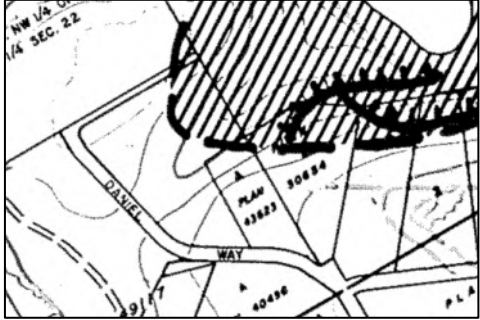
Gabriola Island Official Community Plan No. 166 Designations	Land Use Designation: Resource (R) Development Permit Area: DP-2 Lock Bay Area
Gabriola Island Land Use Bylaw No. 177	Zoning: Resource (R) Relevant Item to this DP application: D.2.4.2.a.i Part D - ZONES D.2 RESOURCE ZONES D.2.4 Resource (R) D.2.4.2 a. Permitted Buildings and Structures i Maximum of: • one <i>single family dwelling</i> per lot; • one <i>secondary suite</i> per lot; • three <i>buildings</i> per lot excluding a <i>secondary suite, pump/utility house and woodshed</i>, and that are <i>accessory</i> to all dwellings; and • one <i>produce stand</i> per lot, not exceeding 20.0 square metres (215.3 square feet) in <i>floor area, accessory</i> to an agricultural use.

	The existing subject property contains a small cabin, a workshop, two storage buildings/sheds, two pump/utility houses, and a covered work area with an awning. This exceeds the permitted number of buildings by two. This DP application proposes an additional dwelling, which further exceeds the permitted number of buildings per lot. The DP application is not discretionary and only considers whether the proposed building meets DPA 2 guidelines and cannot require the removal of other buildings on the lot outside of DPA 2. However, an approved building permit through the Regional District of Nanaimo (RDN) would still be required prior to beginning construction. A building permit will not be issued if the proposed development is not in compliance with the Gabriola Island Land Use Bylaw. The applicant is therefore encouraged to decommission and remove any existing buildings on the lot (such as the two small storage buildings/sheds) that exceed the permitted number of buildings, while accounting for the proposed new dwelling.
Other Regulations	The soil and location at the building site has been approved by a Registered Onsite Wastewater Practitioner (ROWP) for septic system installation, and meets the Public Health Act Sewerage System Regulation .
Covenants	EF62843 – Covenant held by Islands Trust to limit portion of a parcel to residential use, and prohibit further subdivision. Does not affect the proposed development area. EL116974 – Restrictive Covenant concerning installation of sewage disposal systems. Does not affect the proposed development. EM101563 – Restrictive Covenant restricting the clearing of, or building upon the northwest corner of the property to protect an old growth fir tree. Covenant area not affected by proposed development.
Bylaw Enforcement	GB-BE-2006.8 Bulk water sales without a TUP. Violation discontinued.

SITE INFLUENCES

Islands Trust Conservancy	There are no ITC covenants or properties in the direct area. Referral to ITC is not required.
Regional Conservation Plan	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM-HIGH . This application appears to be consistent with the goals and objectives set out in the ITC Regional Conservation Plan ITC Conservation Planning .
Species at Risk	Islands Trust mapping does not indicate any species at risk on the subject property. SAR (public) Ecological Community mapped within 100 metres of the subject property: Douglas Fir / Dull Oregon Grape

	
Sensitive Ecosystems	Islands Trust mapping indicates areas of the subject property within the following sensitive ecosystems (see map below): • Mature Forest (green) • Wetland (yellow)  Islands Trust Conservancy Sensitive Ecosystem Guide provides the following: • Mature forest ecosystems are conifer-dominated dry to moist forest stands, usually 80 to 250 years old. They are often found in areas surrounding or bordering old forests and wetlands, serving as a buffer for these sensitive ecosystems while providing habitat for a variety of plant and animal species. Mature forest stands serve as buffers and corridors between different sensitive ecosystems, protect micro-habitats, and allow forest dwelling species to move freely and safely between the various habitats. They also play an important role in the capture and storage of carbon dioxide and the fight against climate change. We can protect Mature Forest Ecosystems by maintaining the largest possible patches of mature forest, allowing succession, natural disturbance and decay to occur, restricting access by vehicles and livestock, and controlling invasive species. • Wetland ecosystems feature moisture-dependent plants that thrive in an environment where water remains at or above the surface of the soil during most of the year. There are very few wetlands in the islands and they are precious. They serve as water filtration systems, removing toxins and sediments from run-off. They capture and store water, aiding in ground water recharge and flood control. Wetland ecosystems

	provide key breeding and feeding areas for birds, insects and amphibians and exhibit high rates of biodiversity. Seasonally flooded agricultural fields are vital additions to dwindling natural wetland and riparian habitats and play a critical role as wintering stopover areas for migratory birds. We can protect wetland ecosystems by avoiding infilling, draining, or ditching wetlands; creating and retaining a vegetated buffer around wetlands and associated riparian ecosystems to protect hydrology systems; preventing disturbance of nesting or breeding areas by humans, livestock or pets, especially between March and August; and restricting nearby pesticide, fertilizer or other chemical use. As part of this DP application, an Environmental Technician and R.P. Bio (Aquaparian Environmental Consulting Ltd.) were hired to complete an environmental assessment to determine if there are any watercourses or other sensitive environmental features that may impact planned development for the subject property. Please see Attachment 5 for more information.
Hazard Areas	Schedule C of the Gabriola Island Official Community Plan indicates hazardous conditions adjacent to but not directly on the property:  Islands Trust mapping indicates areas of moderate risk steep slopes on the subject property (orange). Parts of the proposed building and structures being considered in this DP application are located on the areas of mapped moderate risk steep slopes. 

	An applied science technologist and a professional engineer (Lewkowich Engineering Associates Ltd.) were hired to complete a geotechnical hazard assessment for the subject property. The assessment identified any geotechnical hazards that may impact the property and proposed residence, the potential consequences, and the possible mitigation measures prior to development. Please see Attachment 6 for more information.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) does not indicate registered archaeological sites within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. Staff have provided directly to the applicant the Islands Trust Chance Find Protocol, BC Archaeology Branch Guidance document and a link on obtaining archaeological information.
Climate Change Adaptation and Mitigation	GHG emissions are expected from shipping materials, etc. due to construction and the size of the proposed single family dwelling. Removal of 31 trees is proposed, to clear a part of the site for the dwelling.
Shoreline Classification	Although this property is upland from the water and therefore does not border the shore, there is a large estuary and pebble/sand beach on the adjacent eastern property. Parts of the subject property are included in DP-2 because development may impact the adjacent estuary/marsh and sensitive intertidal ecosystems of the Lock Bay Area.
Shoreline Data in TAPIS	Islands Trust mapping shows a large eelgrass bed mapped approximately 400 metres from the subject property. 

ATTACHMENT #3 – DEVELOPMENT PERMIT AREA GUIDELINES

GB-DP-2022.3 (Scrimshaw)

DEVELOPMENT PERMIT AREA No. 2 (DP-2 LOCK BAY AREA)

Development Permit Area 2 (Schedule D) is designated as a development permit area according to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. The area is also designated as an area for which development approval information may be required as authorized by Section 920.1 of the Local Government Act. Development approval information in the form of a report from a Registered Professional Biologist (R.P.Bio.) and/or or another qualified professional may be required due to the special conditions and objectives described below.

Guideline	Complies	Planner Comments
There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.	yes	No disturbance of vegetation or use of chemicals is proposed within 30 metres of the natural boundary of the sea.
Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.	yes	An Environmental Assessment (EA) report was prepared by Aquaparian Environmental Consulting Ltd. dated August 25, 2022 (see Attachment 5). There are no mapped Garry oak meadows on the subject property.
There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.	yes	The development is proposed to be located approximately 200 metres west of the intertidal marsh shoreline. As per the EA report, the proposed clearing and construction is not expected to result in a significant impact to the integrity of the DPA and is not expected to have any impact on the intertidal marsh area located 200 metres away. The EA report also determines that the proposed development will not impact watercourse or wetland habitat.
Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.	yes	The building site is primarily within a previously cleared lawn area (historic orthophotos show that the clearing was made prior to 2002). Vegetation removal is still necessary, but the building is proposed to be sited to minimize removal of vegetation.
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 an existing development.	yes	The recommendations including mitigation and protection measures in the EA report have been made conditions of the Development Permit.
Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.	yes	From EA report page 4: "31 trees are estimated to be removed within the construction area which is within the DPA including 12 Douglas fir trees 15-

		20cm DBH¹, 10 Douglas fir trees 20-30cm DBH, 7 western redcedar trees 20-30cm DBH, 1 arbutus tree 20cm DBH and 1 western hemlock tree 15cm DBH. Understorey vegetation within the clearing area includes evergreen huckleberry, sword fern, salal, dull Oregon-grape, Canadian thistle, stinging nettle, sweet-scented bedstraw, grass species and invasive Himalayan blackberry.” The EA report recommends retaining mature trees and reducing vegetation removal as much as possible, and limiting clearing of vegetation to the proposed construction footprint to maintain slope stability. If any danger trees need to be removed beside the building footprint, the EA report recommends retaining the stumps to maintain slope stability. Other protection measures include protecting trees to remain adjacent to the construction footprint by installing plastic snow-fencing around the drip line to prevent damage and compaction of root systems by heavy equipment, and not placing fill within the root protection zone of retained trees.
Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).	yes	A Record of Sewerage System report dated March 31, 2021 indicates that the distance of the proposed sewerage system to the nearest body of surface water is more than 30 metres.
Areas subject to flooding shall be subject to a 30 metre setback from the natural boundary of the sea, unless waived by the Ministry of Environment.	n/a	The proposed area of the dwelling is the highest point of the property. It is setback approximately 200 metres from the intertidal marsh shoreline.
Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.	yes	The EA report determined that there were no mapped bald eagle nest trees, no mapped great blue heron nests or nest colonies, and no raptor nests identified on the subject parcel during site reconnaissance. The EA report recommends that vegetation clearing occur outside of the migratory bird nesting season if possible, and if clearing must occur between March 15th and August 15th, a pre-clearing bird nest survey must be completed by a Qualified Environmental Professional prior to clearing to ensure active nests are not disturbed or damaged.

¹ DBH (Diameter at Breast Height).

PART V Section 16 provides the following:

16. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Shoreline and Marine areas (Gabriola Pass, Flat Top Islands and Lock Bay Areas)**, the report shall contain the following information:
- a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, natural boundary of the sea, the landward development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.
 - b. A site inventory, providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport. This baseline assessment may require the involvement of several suitably qualified professionals.
 - c. For land based developments, a site background analysis that includes the following known information on the site:
 - A check for observed species and ecosystems at risk;
 - A description of the context of the site including the use of adjacent lands and proximity to protected areas;
 - A check for the presence of raptor and heron nests; and
 - A check for the presence of fish-bearing watercourses.
 - d. A description of the proposed development detailing construction (e.g. buildings, dock, ramp, road or driveway, etc), cut and fill, blasting, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
 - e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified site conditions, including but not limited to marine and terrestrial habitat, site hydrology, marine sediment transport, and public access to and along the foreshore. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.
 - f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial and marine habitats, as well as geomorphic, hydrological and coastal processes. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.
 - g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
 - h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.

ATTACHMENT 6



Lewkowich Engineering Associates Ltd.

geotechnical • environmental, health & safety • materials testing

GEOTECHNICAL FIELD REVIEW

Laird Scrimshaw
lairds1953@gmail.com

File: F9401.01
Date: March 15, 2021

ATTENTION: Mr. Laird Scrimshaw

PROJECT: FUTURE SINGLE-FAMILY RESIDENCE
390 DANIEL WAY, GABRIOLA ISLAND, BC
LEGAL: LOT 1 SECTION 22 GABRIOLA ISLAND NANAIMO DISTRICT PLAN
VIP66042

SUBJECT: GEOTECHNICAL HAZARD ASSESSMENT

1.0 INTRODUCTION

- a. As requested, Lewkowich Engineering Associates Ltd. (LEA) has carried out a Geotechnical Hazard Assessment of the subject property with respect to the construction of a single-family residence. The purpose of this assessment is to identify any geotechnical hazards that may impact the property and future residence, the potential consequences of those hazards, and the possible mitigation measures, prior to development of the land.

2.0 BACKGROUND

- a. The 13.34 acre property is located within the jurisdictional limits of the Regional District of Nanaimo (RDN). The Island Trust – Schedule B Zoning Map indicates that the property is zoned as “resource” (R).
- b. The Gabriola Official Community Plan notes that the property is located within a development permit area (DP-2 – Lock Bay), which requires that landowners obtain an assessment of environmental impacts of proposed development.
- c. We understand that future development will consist of a new single-family residence of conventional construction methods, including typical cast-in-place concrete foundations.

3.0 SITE DESCRIPTION

- a. A site reconnaissance was completed on March 4, 2021 which entailed a subsurface excavation program (test pits) to identify and assess subsurface conditions throughout the vicinity of the proposed siting location for the residence.

- b. The property is immediately bordered by Daniel Way to the west, Large Rural Residential (LRR) properties to the south, and other resource zoned parcels in all other immediate directions.
- c. Current site infrastructure includes a two-storey structure understood to be a garage/shop with a loft, as well as a small cabin like structure; each situated in the northwest corner of the property. There is a rough driveway off Daniel Way which accesses the two (2) buildings. The driveway continues in an easterly direction up to the northeast corner of the property (proposed siting location for the residence).
- d. In general, the property is located on a bedrock knoll that declines in a south/ southwest direction throughout the limits of property. The knoll declines in all directions past the boundaries of the property. The northeast extent of the property is located at the top of the knoll and is overall relatively flat, with slightly undulating bedrock. We understand this is the preferred siting of the future residence due to the relatively flat terrain. See **Figure 1** below.

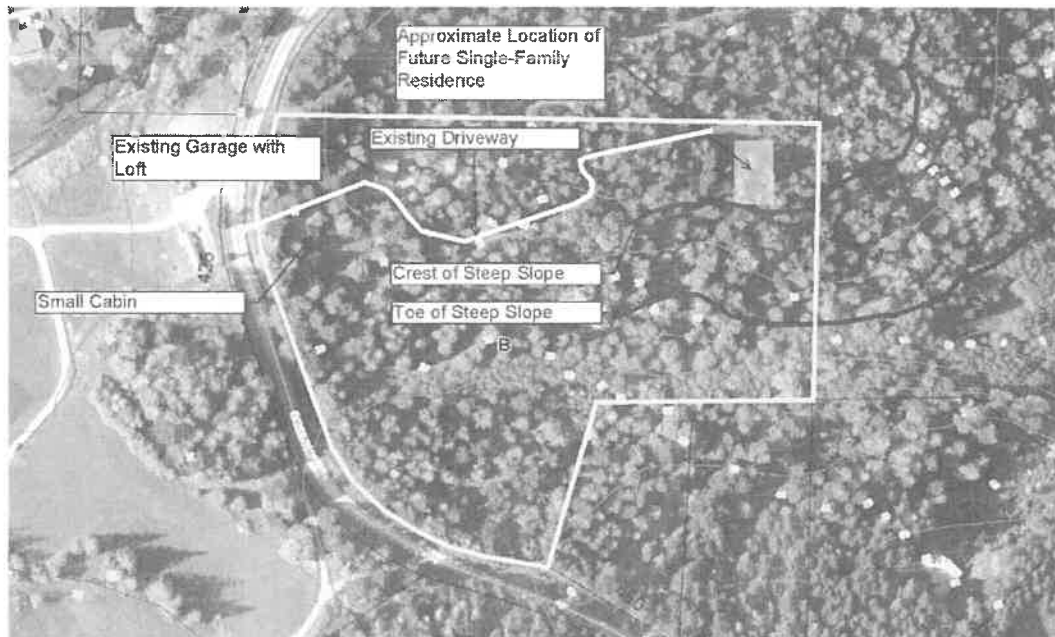


Figure 1 – Proposed Siting Location for SFR

- e. Continuing south, the property declines into a moderately steep bedrock slope. The slope averages angles between 35 and 45 degrees from horizontal based on available contour mapping and tools utilized in the field (digital inclinometer).
- f. Bedrock exposures were observed all throughout the slope. The bedrock was identified as sedimentary (sandstone) and was relatively intact with delaminated zone observed throughout. Only the occasional displaced / block was observed near the toe of the natural slope.
- g. The slope angle lessens and is mildly steep throughout the remainder of the property.

- h. The slope is moderately vegetated with mature to immature coastal forest, including Fir, Cedar and Arbutus trees, and a ground cover of Salal, and Fern. The upper proposed development area has been cleared of its natural vegetation and includes a manicured lawn.



Figure 2 – Northeast Corner of the Lot (top of rock knoll) Facing South



Figure 3 – Base of the Rock Slope Looking West



Figure 4: Base of the Rock Slope Looking North



Figure 5: Crest of the Rock Slope Facing East

4.0 SUBSURFACE CONDITIONS

- a. A series of test pits were advanced throughout the proposed siting location of the residence. In general, soil conditions consisted of a surficial layer of topsoil, underlain by silty sands and gravels, underlain by sound sedimentary bedrock. Bedrock was encountered in all test pits, and varied in depth from 0.2 to 0.8m.
- b. There was no ponding water, seepage, nor abnormal groundwater conditions observed during our site reconnaissance. We expect ground water flow would be confined to cracks and fissures in the bedrock mantel.

5.0 GEOTECHNICAL HAZARDS – STEEP SLOPE

- a. The only geotechnical hazard identified during our site reconnaissance relates to the stability of the steep slope within the property. As described above, the proposed development area is in proximity to a steep slope with average slope angles between 35 to 45 degrees. The steep slope comprises entirely of bedrock as confirmed during our test pitting investigation, as well as a visual observation of the slope.
- b. A detailed slope stability assessment is not warranted at the site as the steepness of the bedrock slope does not exceed 45 degrees overall – with the exception of some small localized sections (<2.0m in height).
- c. As a preliminary rule-of-thumb, a conservative setback for the seismic stability of this type of bedrock formation can be determined by projecting a 1 Horizontal to 1 Vertical (1H:1V or 45 degree) line from the toe of slope to the upper ground surface.
- d. Being that the slope is less than 45 degrees in overall steepness, a future residence can be situated in proximity to the crest of the slope without geotechnical concerns; however, there could be some minor regression of the slope crest during a seismic event. We recommend that the residence be sited a minimum 3m from the crest of the slope. If this setback is deemed too restrictive, a relaxed setback would be possible if the footing grade is lowered. This would require the removal of bedrock. Whatever vertical distance the footing grade is lowered, would allow for an equal horizontal encroachment.
- e. Please note that the building site appears to encroach into the Lock Bay DP area. If confirmed, an assessment of environmental impacts will be required prior to the development of the land, which may supersede the geotechnical requirements in this report.

6.0 CLOSURE

- a. We confirm the land is considered safe for the use intended, provided the residence is situated a minimum horizontal distance of at least 3.0m from the crest of the defined slope at the proposed siting location referenced in this report.
- b. Lewkowich Engineering Associates Ltd. appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Yours,
Lewkowich Engineering Associates Ltd.



John Hessels, ASCT
Senior Technologist
Project Manager – Geotechnical



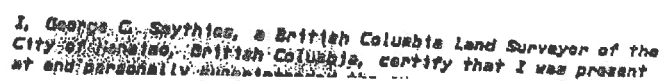
Chris Hudec, M.A.Sc., P.Eng.
Senior Project Engineer

7.0 ATTACHMENTS

1. Survey Plan.
2. Bennett Land Surveys Ltd. – Sketch Plan of Lot 1 Showing Limit of Lock Bay Development Permit Area.
3. Appendix D.

8.0 REFERENCES

1. RDN GIS/Mapping Webmap, Accessed March 12, 2021
2. Google Earth® Online Mapping System, Accessed March 12 2021.
3. Gabriola Island Official Community Plan, Bylaw 166. 1997, Schedule D Development Permit Areas
4. Gabriola Island Land Use Bylaw #177, Schedule B
5. Geoscience BC map titled "Map 2013-NVI-1-1, Geology, Northern Vancouver Island Project," Dated January 2013.



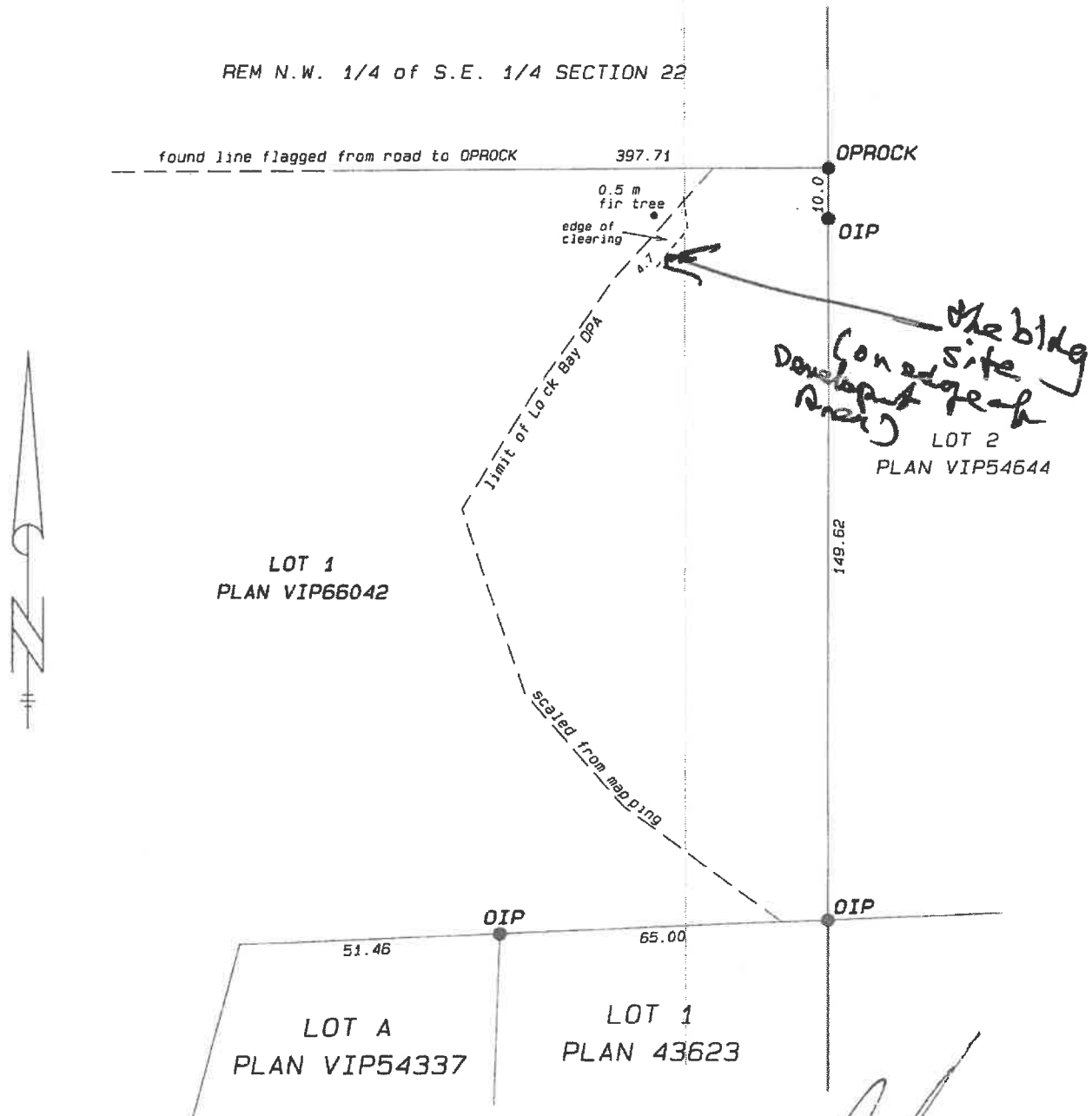
SKETCH PLAN OF LOT 1, PLAN VIP66042, SEC. 22, GABRIOLA ISLAND, NANAIMO DISTRICT.

SHOWING LIMIT OF LOCK BAY DEVELOPMENT PERMIT AREA

SCALE = 1: 1250

All distances are in metres.

REM N.W. 1/4 of S.E. 1/4 SECTION 22



Bennett Land Surveys Ltd.®

B.C. Land Surveyors & Planners
Nanaimo, B.C.

Date: October 6, 2020.

File: GB-22-GEN

Certified Correct

[Signature]

B.C.L.S.

This document is not valid unless
originally signed and sealed.

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Date: March 16, 2021 File# F9401

Regional District of Nanaimo

6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2

Jurisdiction and address

With reference to (check one):

- ☐ Land Title Act (Section 86) – Subdivision Approval
- ☒ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☒ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- ☐ British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: LOT 1 SECTION 22 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP66042; 390 Daniel Way

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer or Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - ☒ 6.2 estimated the *landslide hazard*
 - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the Approving Authority has adopted a *level of landslide safety* I have:
 - ☐ 7.1 compared the *level of landslide safety* adopted by the Approving Authority with the findings of my investigation
 - ☐ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - ☐ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*

- 8. Where the Approving Authority has **not** adopted a *level of landslide safety* I have:

- ☒ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- ☒ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- ☒ 8.3 compared this guideline with the findings of my investigation
- ☒ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- ☒ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- ☒ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- ☐ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- ☒ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment* report,

Check one

- ☐ for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- ☐ with one or more recommended registered covenants.
- ☐ without any registered covenant.

- ☒ for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".

- ☒ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- ☒ with one or more recommended registered covenants.
- ☐ without any registered covenant.
- ☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
- ☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Chris Hudec, M.A.Sc., P.Eng.

Name (print)


Signature

March 16, 2021

Date

^[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

1900 Boxwood Road, Nanaimo, BC, V9S 5Y2

Address

250 756 0355

Telephone



If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Lewkowich Engineering Associates Ltd.

and I sign this letter on behalf of the firm.

(Print name of firm)

ATTACHMENT 5



August 25, 2022

Laird Scrimshaw
390 Daniel Way
Gabriola Island, BC
V0R 1X3
403-852-8493

Via Email: lairds1953@gmail.com

**RE: 390 DANIEL WAY, GABRIOLA ISLAND, BC
WATERCOURSE DETERMINATION**

1.0 INTRODUCTION

Aquaparian was retained by Mr. Laird Scrimshaw to complete an environmental assessment to determine if there are any watercourses or other sensitive environmental features that may impact planned development for 390 Daniel Way on Gabriola Island, BC. The property is currently developed with a cabin, garage/workshop and small storage sheds. As understood, a new house is proposed to be constructed on the property.

The property is 13.3 acres (5.4 ha) in size, zoned Resource (RS) and located within Area 'B' of the Regional District of Nanaimo (RDN) and is within the Island's Trust Gabriola Island planning and regulation area. Responsibilities of the Islands Trust include creation of Official Community Plans, zoning and subdivision bylaws, regulation of soil removal and deposit and authorization of permits. A site location map is included as Figure 1. Site photographs have been included as Appendix A. The property is legally identified as:

- LOT 1, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP 66042 (PID: 023-931-167).

Aquaparian completed a site survey of the subject property on July 21, 2022. The intent of this letter report is to provide a brief overview of the findings from a background review of government databases, maps and a site visit including an inventory of the features that exist on the property to determine if there are any sensitive environmental features that may pose a constraint for the proposed development. This report is not to be considered a detailed environmental assessment.

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2.0 BACKGROUND REVIEW

A review of the Gabriola Island Trust's map (MapIT) identifies that the property is subject to the Lock Bay Development Permit Area (DPA-2) that extends into the eastern end of the parcel (Figure 2). Lock Bay is designated as a Development Permit Area for the protection of the natural environment, its ecosystems and biological diversity. Lock Bay has been identified as a sensitive, unique beach of sand and gravel isolating a marsh of about 40 acres (Gabriola Islands Trust OCP, 1997). A development permit is required for the following activities: subdivision of land; construction of, addition to, or alteration of a building or other structure; and, alteration of land.

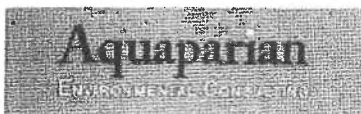
The map also identifies Castell Creek to the northwest of the parcel on the west side of Daniel Way. The DPA of the watercourse extends 30m from the stream boundary. Based on the RDN online map, Castell Creek is 78m northwest of the property at the closest point. The site survey confirmed that the DPA of this watercourse does not encroach into the subject property.

A review of the Wildlife Tree Stewardship (WITS) atlas identified that there are no mapped bald eagle (*Haliaeetus leucocephalus*) nest trees located in the vicinity of the subject parcel. A review of the BC Great Blue Heron Atlas identified that there are no great blue heron nests (*Ardea herodias*) or nest colonies in the vicinity of the subject parcel. No raptor nests were identified during the site reconnaissance. Most of the parcel is undeveloped and forested with second-growth trees that includes a few mature conifer trees that would provide suitable nesting habitat for a number of small raptors such as hawks or owls as well as corvids (crows and ravens) and many song bird species. The parcel also has several standing dead trees that provide cavity nesting opportunities for some species of songbirds, owls and woodpeckers. A barred owl (*Strix varia*) was observed within the forested land in the central-east portion of the parcel.

A review of the provincial BC Conservation Data Centre iMap did not identify any provincially-listed rare or threatened species within the subject parcel. No rare species were identified during the site visit however, a detailed assessment for plant and animal species was not completed as a part of this site assessment.

3.0 SITE DESCRIPTION

The property is located in the northern portion of Gabriola Island and is bounded by Daniel Way to the west which curves around the southern boundary, a similar large lot to the north that is mostly forested, and an undeveloped forested lot to the east that transitions to marsh habitat surrounding the beach and shoreline of Lock Bay.



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The subject parcel is partially cleared for single family residential use within the northwest corner with access off Daniel Way. Most of the property is forested with a second-growth mixed forest stand. The tree canopy is comprised primarily of Douglas fir (*Pseudotsuga menziesii*) with some western redcedar (*Thuja plicata*), bigleaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*) and minor western hemlock (*Tsuga heterophylla*), arbutus (*Arbutus menziesii*) and willow species. Some mature western redcedar trees and a couple of mature Douglas fir trees were observed as well as old stumps from historical selective logging throughout the parcel. A veteran Douglas fir tree with a Diameter-at-Breast-Height of approximately 140cm was identified in the northwest corner of the parcel and located at the following coordinates: 49° 11' 19.6" N / 123° 49' 49.3" W. Understorey species were dominated by salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*), evergreen huckleberry (*Vaccinium ovatum*), snowberry (*Symphoricarpos albus*), bracken fern (*Pteridium aquilinum*), sword fern (*Polystichum munitum*), lady fern (*Athyrium filix-femina*), salmonberry (*Rubus spectabilis*), stinging nettle (*Urtica dioica*), Canadian thistle (*Cirsium arvense*), skunk cabbage (*Symplocarpus foetidus*), sweet-scented bedstraw (*Galium triflorum*), oxeye daisy (*Leucanthemum vulgare*), common dandelion (*Taraxacum officinale*), creeping buttercup (*Ranunculus repens*), slough sedge (*Carex obnupta*), grass species, moss species and invasive species including Himalayan blackberry (*Rubus armeniacus*) and spurge laurel (*Daphne laureola*).

A roadside ditch along Daniel Way on the west side of the property is confined within topographic gradients that slope up towards the north end of the parcel and towards the south end with the low point in the central portion. Therefore, this ditch is not connected downstream to any stream or fish-bearing habitat.

A small, unmapped wetland is located in the eastern portion of the parcel on the north side of an old access road that is accessed off Daniel Way (refer to Figure 3 – Site Plan). The wetland is a forested swamp and is isolated. No watercourse channel was identified that drains into or out of the wetland. The wetland is a topographic depressional area surrounded by forest. A small groundwater-fed pond is located in the neighbouring property approximately 40m to the east of the subject parcel. This small pond is the headwaters of a watercourse that flows northeast and discharges to Lock Bay.

The proposed construction footprint for the new house is located just south of a relatively flat, benched area in the northeast corner of the parcel which is the topographic high point of land. The location was selected to obtain a view and to minimize clearing and ground displacement and minimize the volume of imported fill. The proposed house area is just within the northwest boundary of the Lock Bay DPA. The land slopes down steeply towards the east and south from this benched area. The substrate is blocky sedimentary rock overlain with soils. The northern end of the proposed footprint is within the benched area that has been previously cleared and is



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currently vegetated with grass and groundcover species. The remainder of the proposed footprint is second-growth forest cover that will require clearing. The southern end of the building footprint will need to be infilled to create a flat building surface and a few second growth trees will need to be removed along this slope.

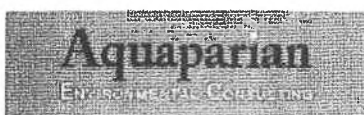
A total of 31 trees are estimated to be removed within the construction area which is within the DPA including 12 Douglas fir trees 15-20cm DBH, 10 Douglas fir trees 20-30cm DBH, 7 western redcedar trees 20-30cm DBH, 1 arbutus tree 20cm DBH and 1 western hemlock tree 15cm DBH. Understorey vegetation within the clearing area includes evergreen huckleberry, sword fern, salal, dull Oregon-grape, Canadian thistle, stinging nettle, sweet-scented bedstraw, grass species and invasive Himalayan blackberry. A veteran Douglas fir tree (~100cm DBH) is located to the east of the proposed house at the following coordinates (49° 11' 18.6" N / 123° 49' 36.4" W). The tree is leaning, but appears to be stable. Aquaparian recommends that a Certified Arborist be retained to assess potential danger trees in the vicinity of the proposed construction zone.

4.0 CONCLUSION

The identified watercourse that was flagged and surveyed to the east of the subject property is approximately 40m from the property line. The 30m Riparian Areas DPA for this watercourse does not encroach into the subject property and the proposed development does not trigger this DPA or the requirement for a RAPR assessment and report.

The identified wetland within the subject property is an isolated wetland that is not connected to any stream or fish-bearing habitat. This wetland does not trigger the Riparian Areas DPA or the requirement for a RAPR assessment and report. In addition, the proposed development is approximately 59m away from the boundary of this wetland. Wetlands are protected by the provincial *Water Sustainability Act*. Wetlands provide important hydrological functions as well as providing habitat for amphibians and provide food, water and migration corridors for birds and wildlife and should be protected from disturbance. The proposed development will not impact this wetland habitat.

The proposed house development is located approximately 200m west of the intertidal marsh shoreline and just within the northwest boundary of the Lock Bay DPA. The building site is primarily within a cleared lawn area with a total of 31 second growth trees that are to be removed for the southern end of the building supported on fill. The proposed project is not expected to result in a significant impact to the integrity of the DPA and will have not expected to have any impact on the intertidal marsh area located 200m away. A development permit will



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be required to be submitted to the RDN for this project. This letter report is to be submitted as a supporting document for the development permit application.

The following development permit area guidelines for the Lock Bay DPA are provided in the Gabriola Island Land Use Bylaw No. 177:

- There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.
- Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
- Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
- Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).

4.0 RECOMMENDATIONS

The following environmental protection measures are recommended for the proposed house development of the site:

- Time vegetation clearing outside of the migratory bird nesting season if possible; or avoid the peak season. If clearing must occur during the migratory bird nesting season for the area (March 15th to August 15th), a pre-clearing bird nest survey must be completed by a Qualified Environmental Professional prior to clearing to ensure no active nests are disturbed or damaged.
- Retain a Certified Arborist to assess potential danger trees, any proposed tree limb removal potential windthrow issues and make recommendations in the vicinity of the proposed construction zone. Retain mature trees and reduce vegetation removal as much as possible. Limit clearing of vegetation to the proposed construction footprint to maintain slope stability.
- The veteran Douglas fir tree identified in the northwest corner of the parcel is to be protected. Retain the veteran Douglas fir tree to the east of the proposed house development if the Certified Arborist deems it safe to do so. Retain stumps of any danger trees that require removal along slopes to maintain slope stability. Protect trees to remain adjacent to the construction footprint by installing plastic snow-fencing around the drip line of trees to prevent damage and compaction of root systems by heavy equipment. Do not place fill within the root protection zone of retained trees.

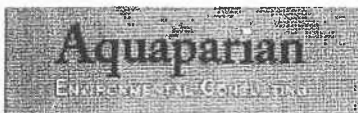


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- Do not allow any deleterious materials including silt to enter any watercourses or drainages. Complete the excavation and fill placement required during the dry season or with minimal rain forecast. Install erosion and sediment controls (such as silt fence, straw bales etc) to prevent sediment migration down the slope into the forest below the house to limit construction impacts. Seed exposed slopes as soon as possible and cover with straw to prevent surface erosion.
- Aquaparian recommends that the wetland habitat within the eastern portion of the subject parcel be protected. A 10m wide protective buffer area is recommended measured from the wetland boundary.
- All archaeological sites, recorded or not, are protected under the *Heritage Conservation Act* and must not be altered or damaged without a site alteration permit from the Archaeology Branch. If evidence of an archaeological site is encountered during development, activities must be halted immediately and the Archaeological Branch contacted at 250-953-3334 for guidance. No further clearing or excavation should occur until an Archaeological Assessment is completed by a Professional Archaeologist.



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5.0 CLOSURE

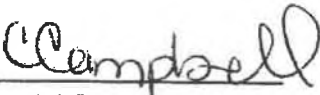
Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Regards,

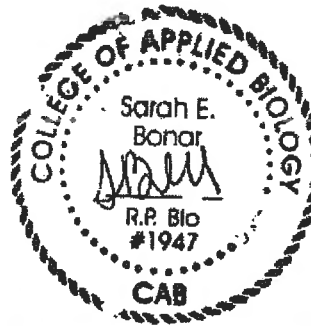
AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

Prepared by:

Reviewed by:



Crystal Campbell
Environmental Technician



Sarah Bonar B.Sc., R.P.Bio
Senior Biologist/Principal

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WATERCOURSE DETERMINATION LETTER REPORT.DOCX



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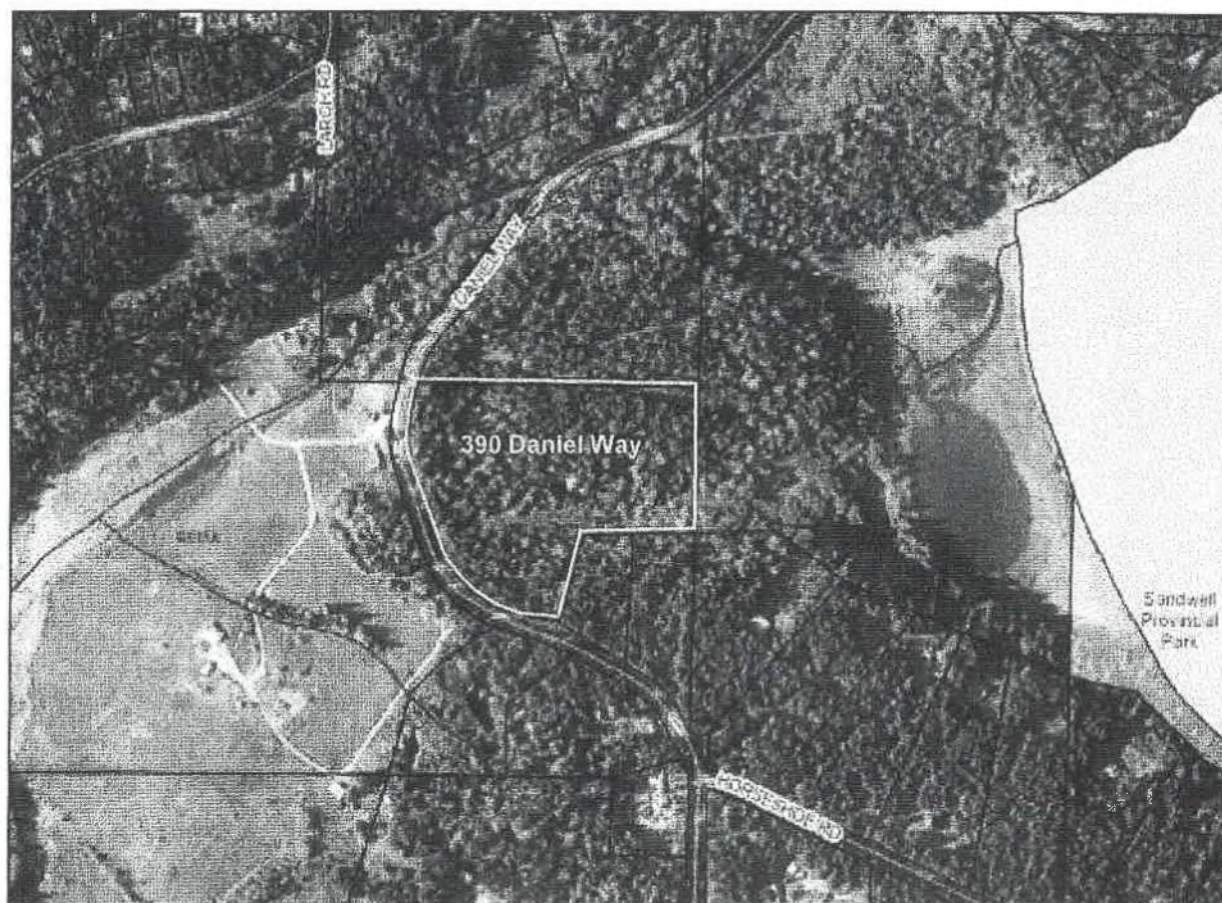
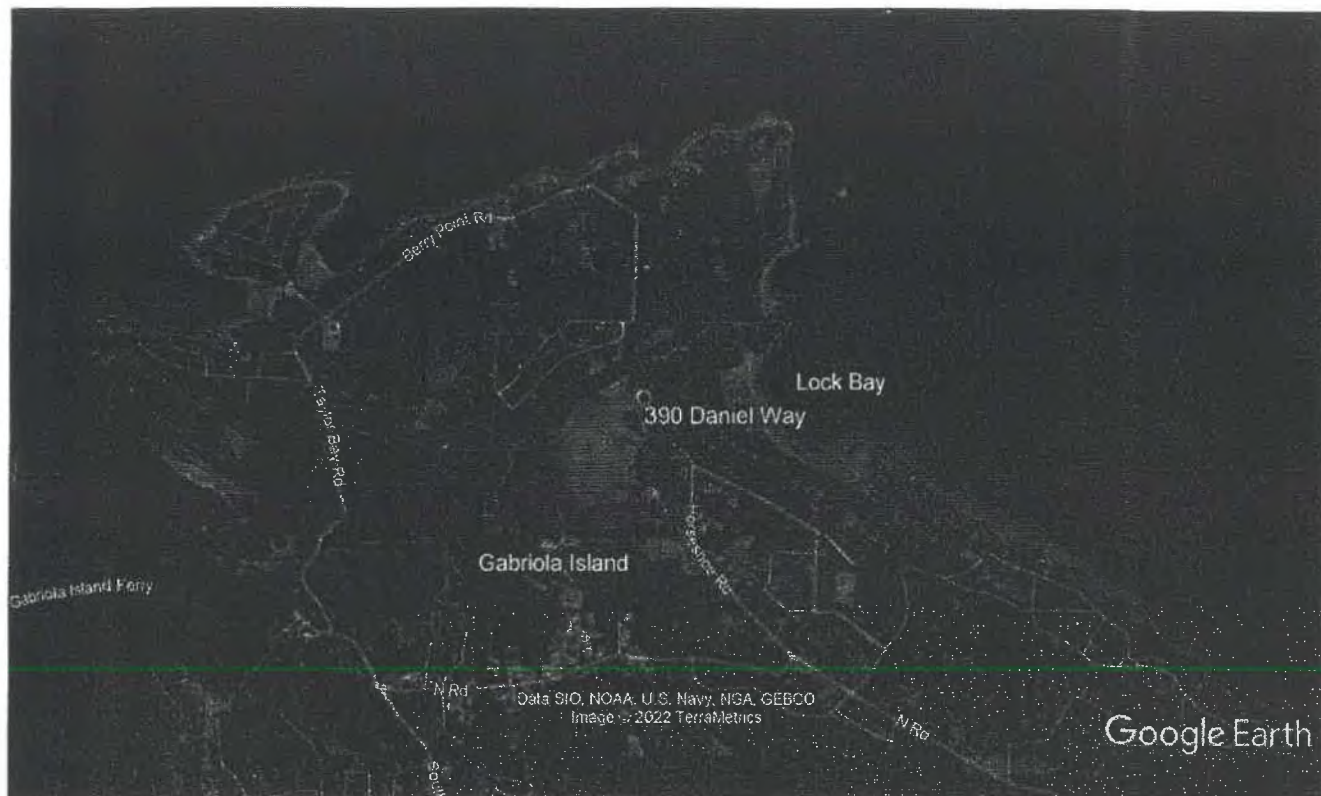
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FIGURE 1**SITE LOCATION MAP**

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Figure 1. Site Location Map
390 Daniel Way, Gabriola Island, BC



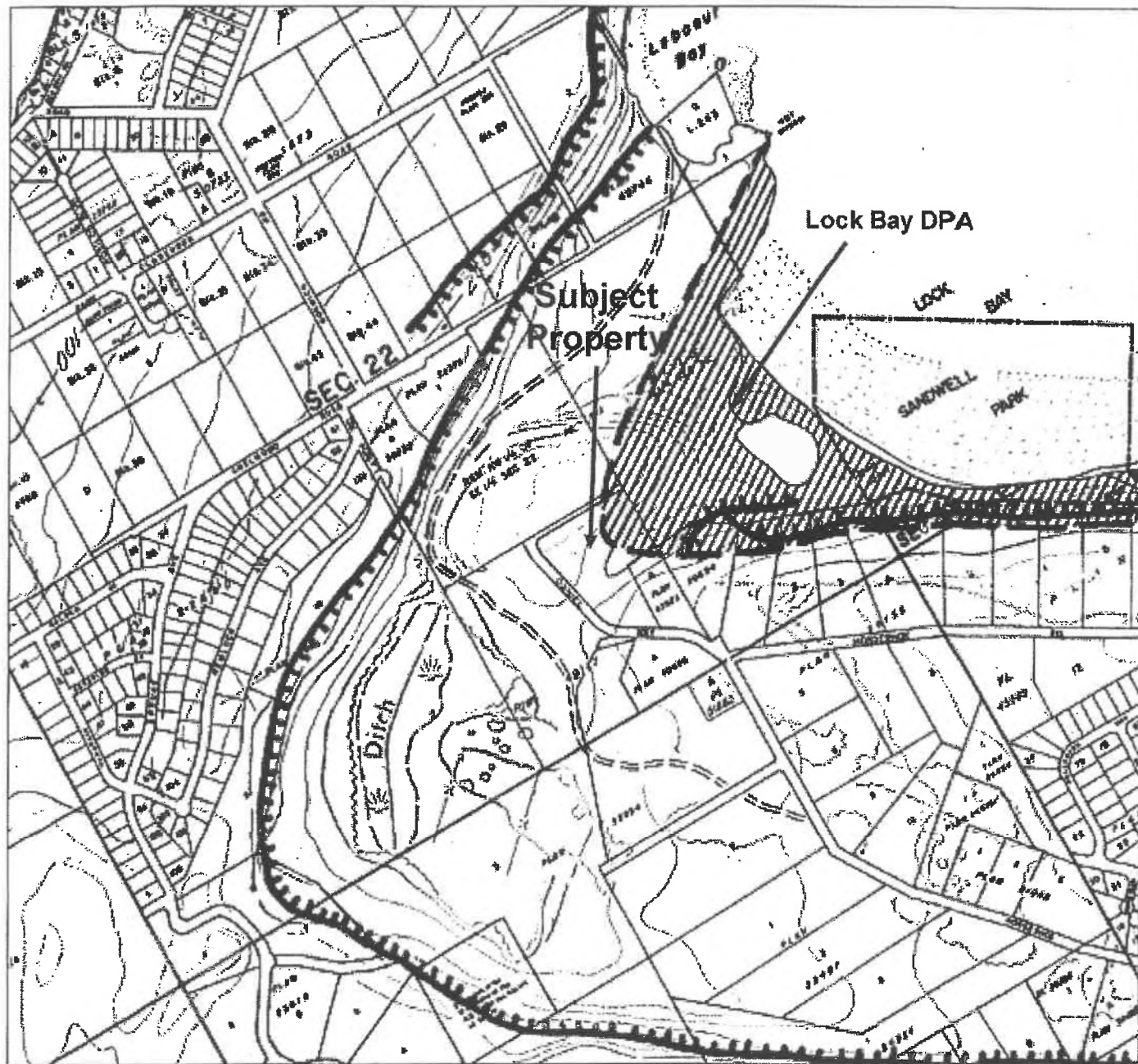
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FIGURE 2**GABRIOLA ISLANDS TRUST DPA MAP**

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Figure 2. Gabriola Islands Trust DPA Map



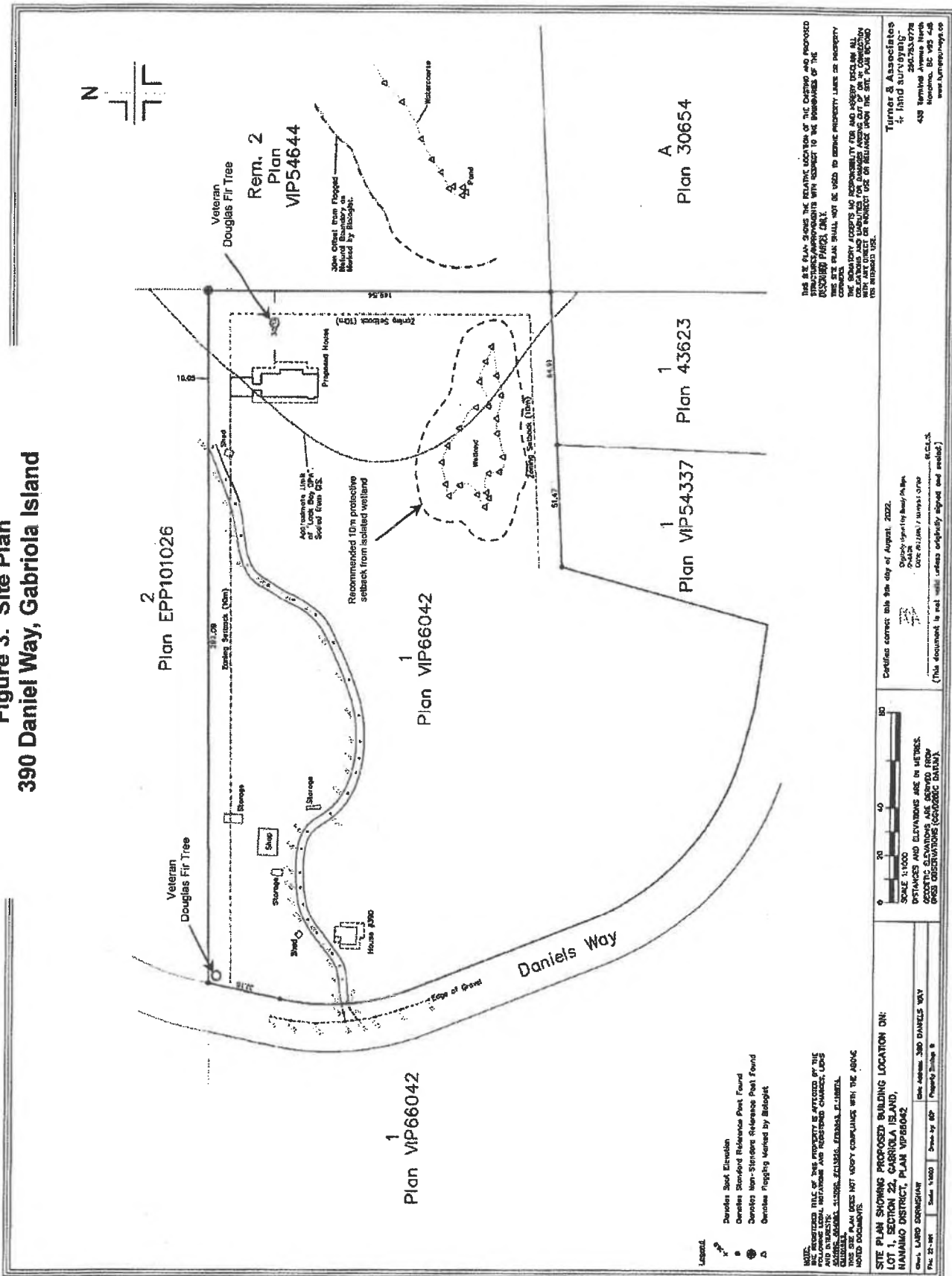
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FIGURE 3**SITE PLAN****TURNER & ASSOCIATES LAND SURVEYING**

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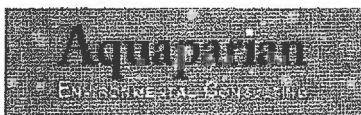
Figure 3. Site Plan
390 Daniel Way, Gabriola Island



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APPENDIX A
SITE PHOTOGRAPHS



203-321 Wallace St, Nanaimo, BC V9R 5B6
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390 Daniel Way, Gabriola Island, BC
Photo Sheet 1



Photo 1. The subject property at 390 Daniel Way on Gabriola Island is developed with a cabin in the northwest corner with driveway access to Daniel Way to the west.



Photo 2. A garage/workshop is located to the northeast of the cabin surrounded by small accessory sheds.

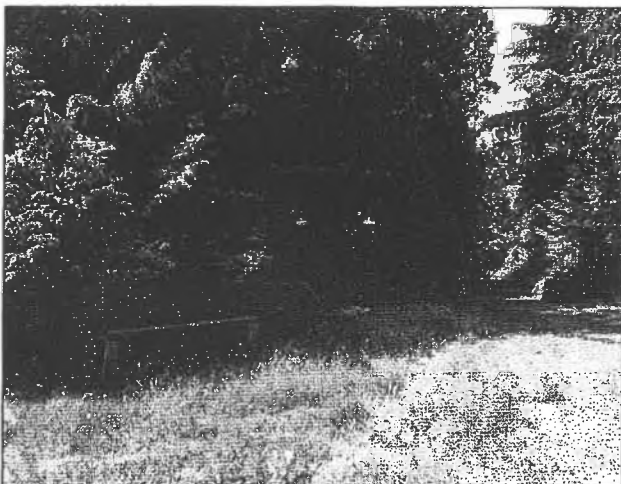


Photo 3. The existing driveway accesses the northeast corner of the lot where the proposed house development footprint is located. Photo shows a pump house that has been newly constructed.



Photo 4. Showing the proposed house footprint on a relatively flat benching area that overlooks a slope that leads down to Lock Bay. Some vegetation removal will be required due to property boundary setbacks along the northern boundary that cause the building footprint to be aligned partially into the treed area.

Photo Sheet 2

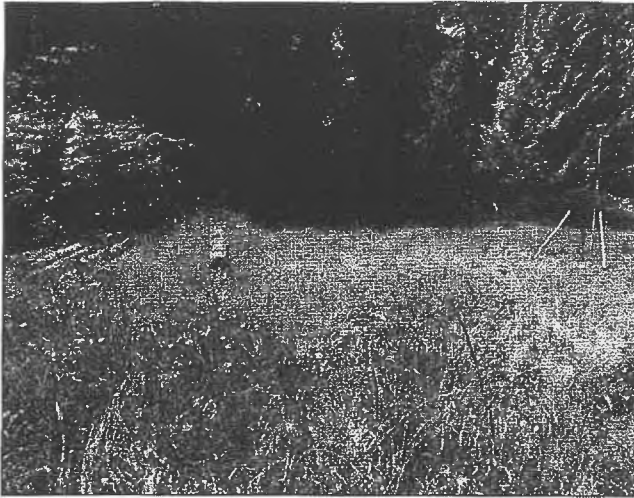


Photo 5. The proposed house footprint facing south.

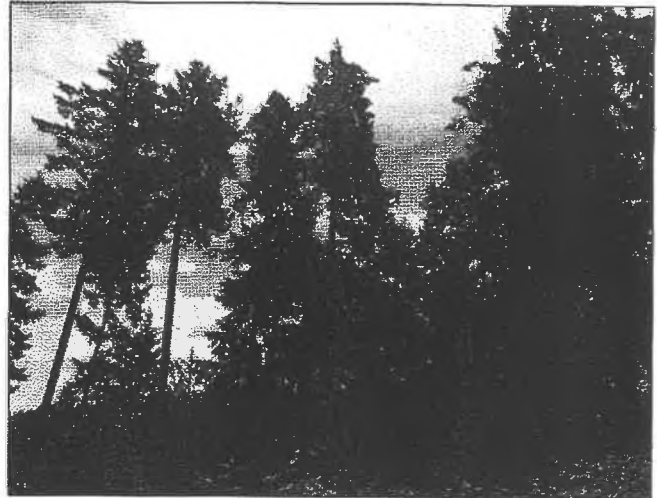
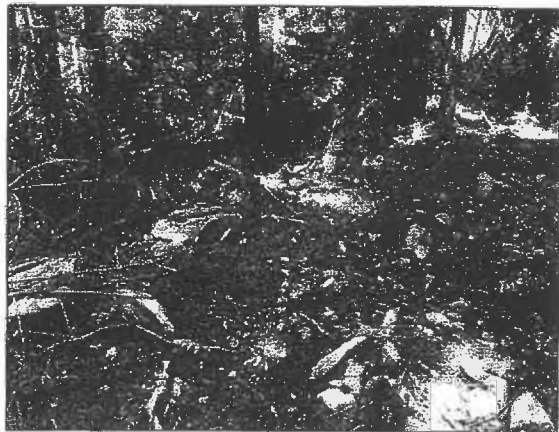


Photo 6. Showing some Douglas fir trees along the slope to the east of the proposed house development. The property owner intends to remove a few younger trees from the slope to create views towards Lock Bay.



Photo 7. A mature Douglas fir tree (~100cm DBH) within the area to the east of the building footprint is leaning but appears stable. A Certified Arborist should be retained to assess potential danger trees within the vicinity of the proposed construction zone.



Photos 8 & 9. The proposed construction footprint extends into the forested area to the south of the clearing where approximately 31 trees will require removal and infilling will be required along the slope to create a flat buildable area.

Photo Sheet 3

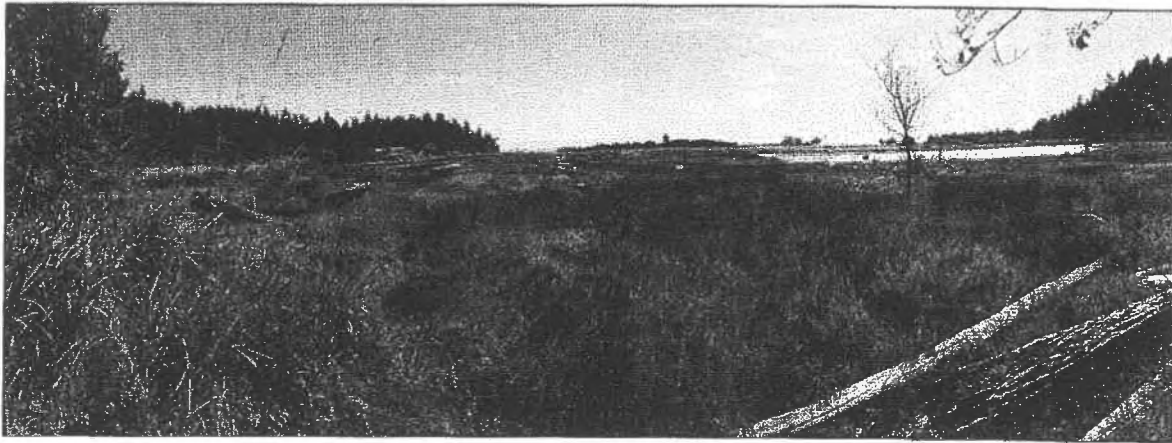


Photo 10. Panoramic view of the coastal marsh habitat that surrounds the beach around Lock Bay to the east of the subject parcel.



Photo 11. Showing the isolated wetland within the eastern portion of the parcel on the north side of the old access road.



Photo 12. A barred owl was observed perched within an alder tree within the forested area along the old access road.

Photo Sheet 4

Photo 13. Small pond located to the east of the subject property.



Photo 14. A watercourse with steep banks flows northeast out of the small pond. The average channel width is 1.3m.



Photo 15. Showing the drainage watercourse further downstream. The watercourse drains northeast towards Lock Bay.

Photo Sheet 5

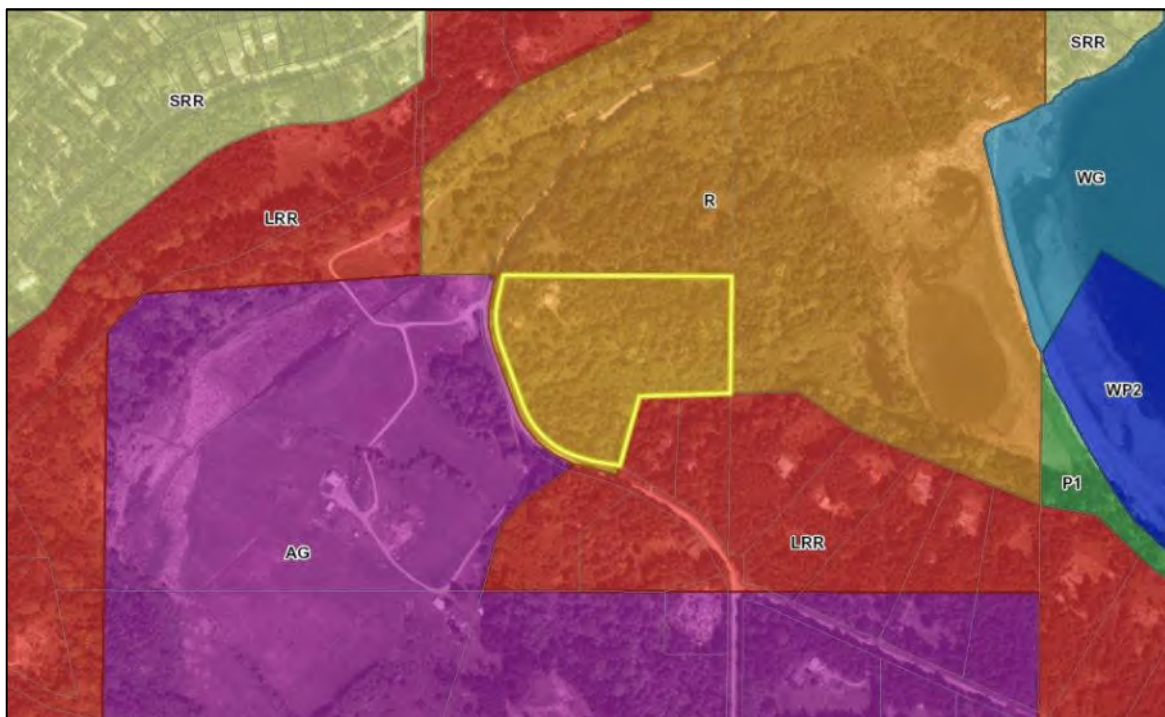
Photo 16. A roadside ditch along the east side of Daniel Way is not connected downstream to a 'stream'. The road slopes up towards the northwest corner of the subject parcel and also slopes up towards the southwest corner so that the ditch is contained within a topographic low point along the western boundary of the parcel.



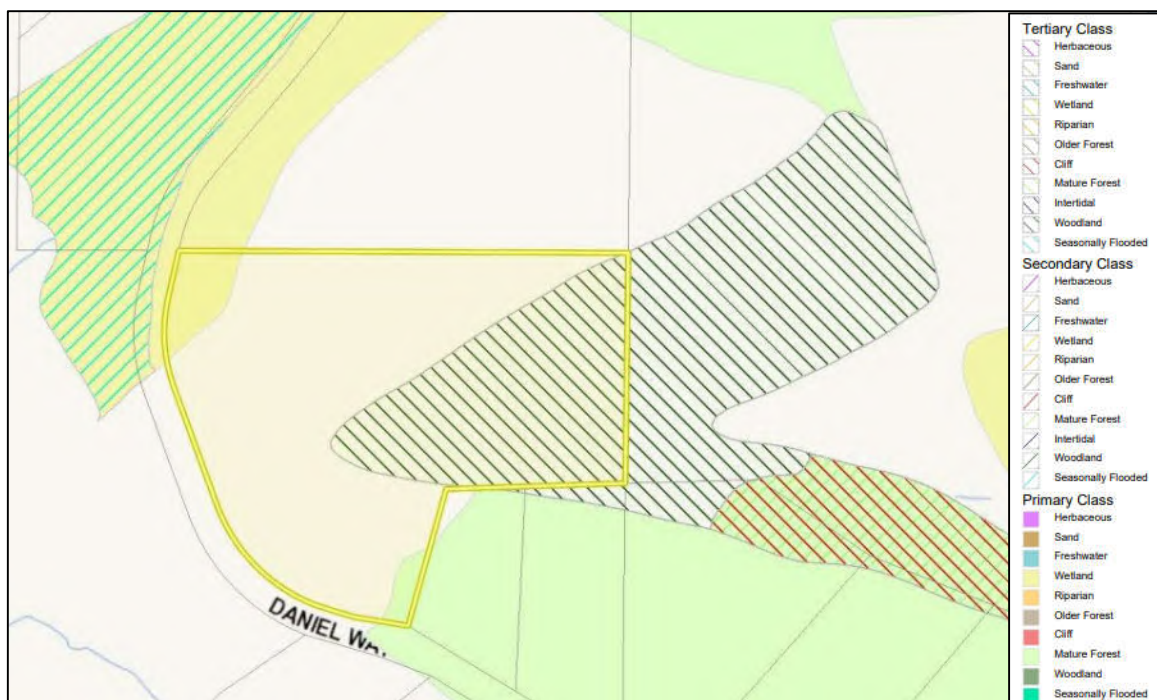
Photo 17. Showing a veteran Douglas fir tree (~140cm DBH) located in the northwest corner of the subject parcel.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO AND ZONING



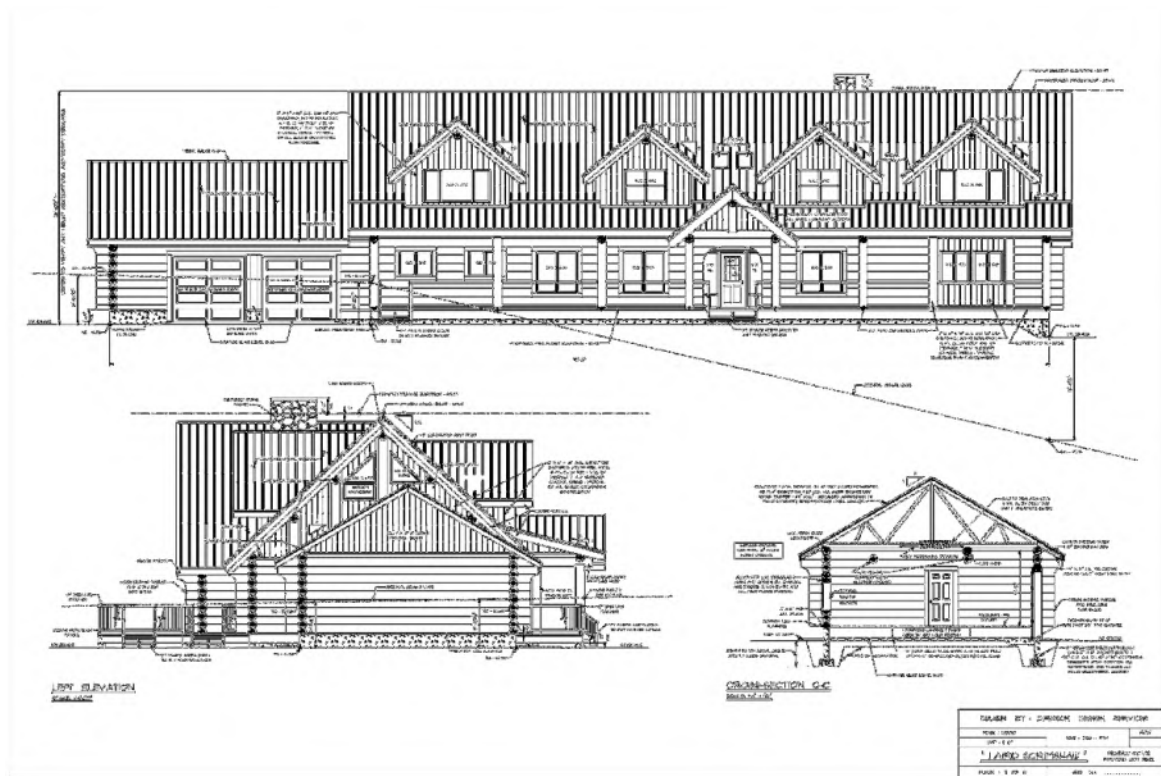
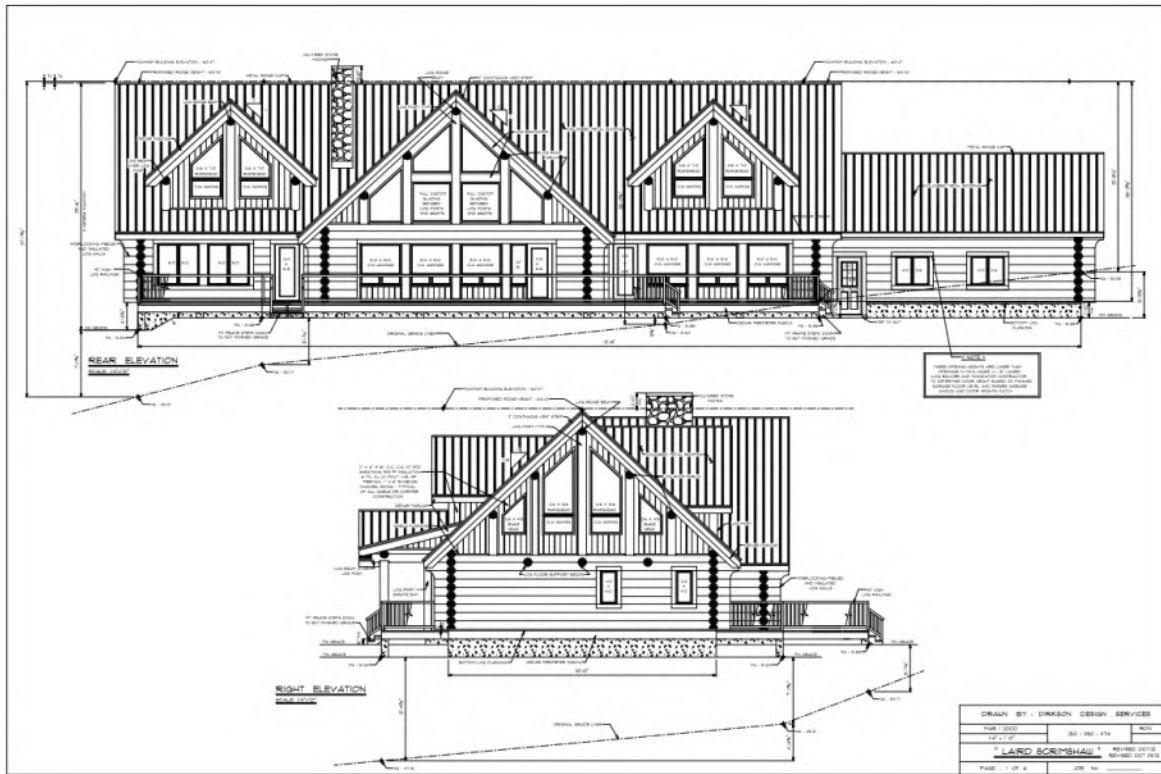
2.2 SENSITIVE ECOSYSTEM MAPPING



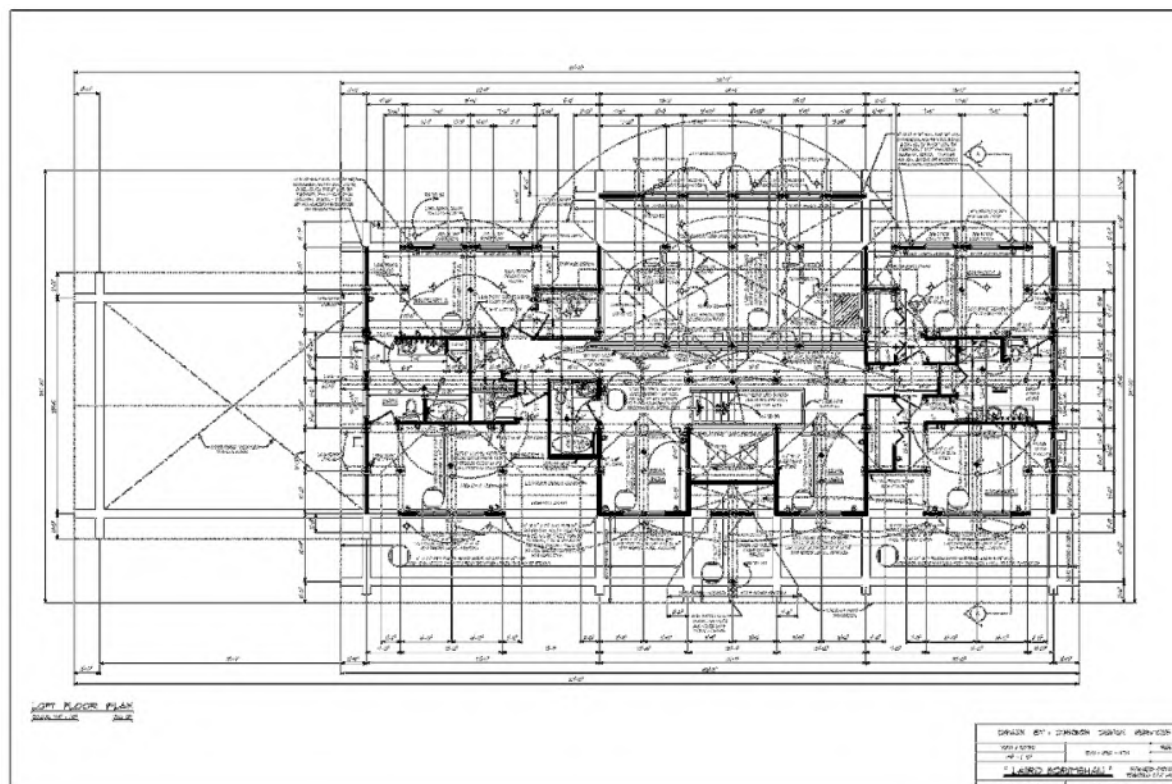
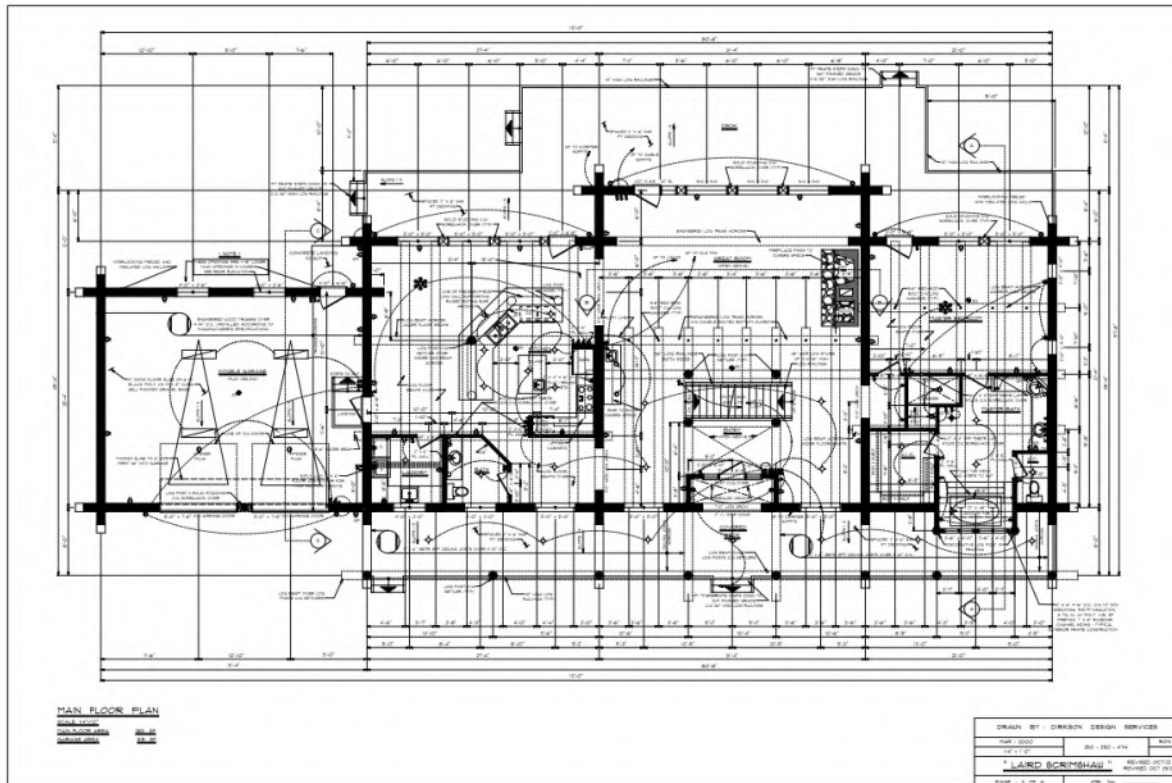
Islands Trust



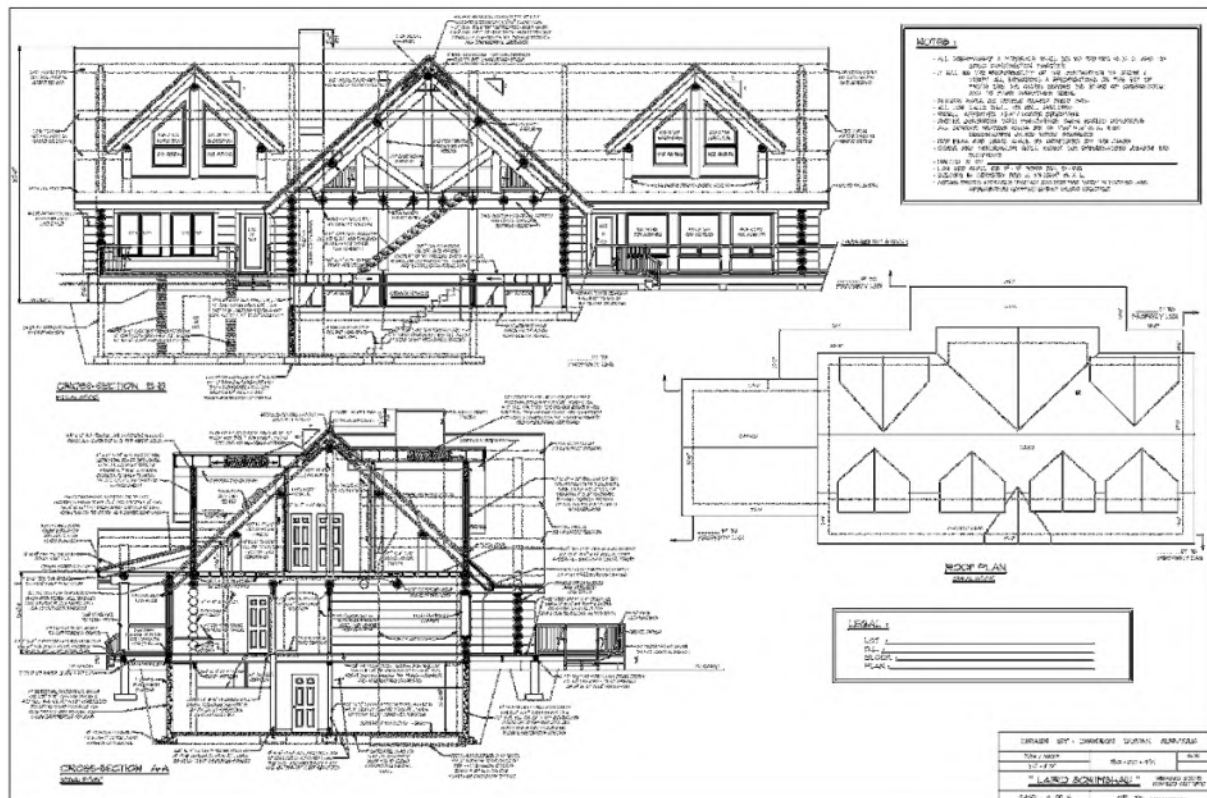
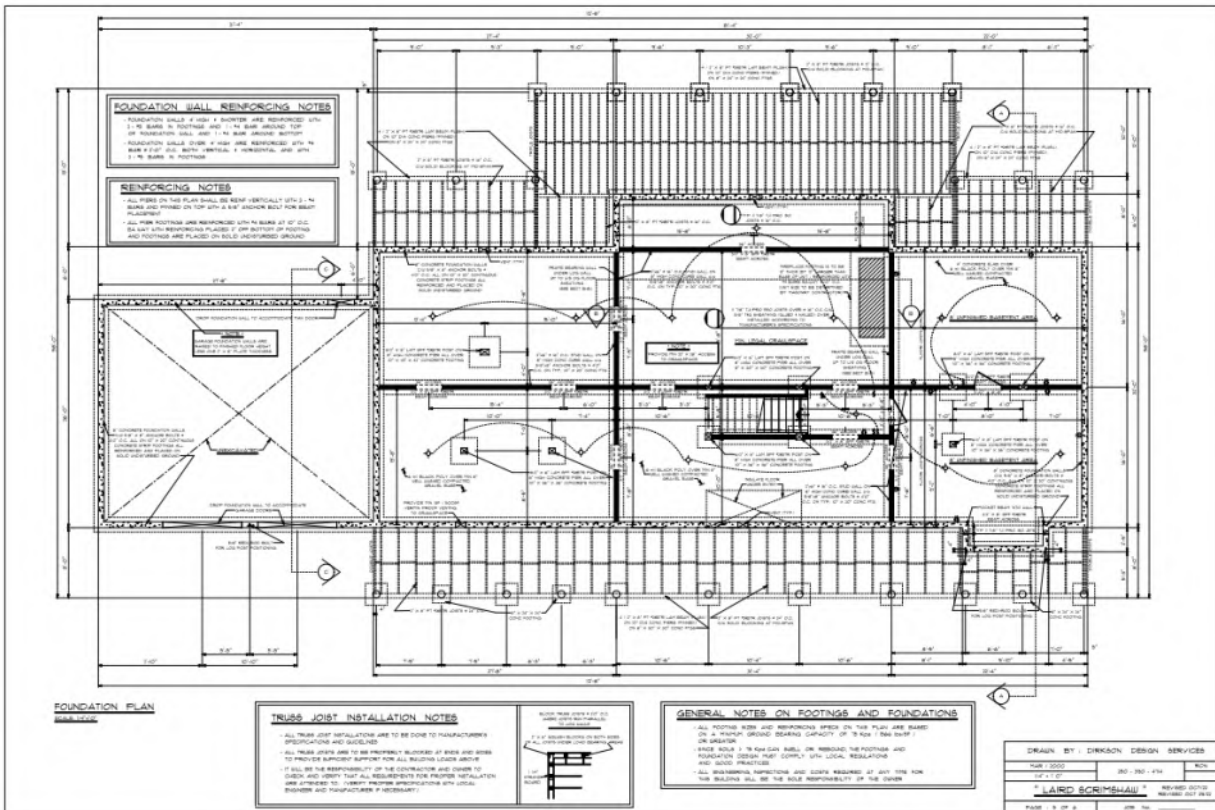
2.4 BUILDING PLANS



2.4 BUILDING PLANS (CONT'D)



2.4 BUILDING PLANS (CONT'D)



The site plan shows Lot 1 bounded by Daniel Way to the south and east. A house is located in the northern portion of the lot. To the west of the house are two wells, each enclosed in a dashed circle. The boundary between Lot 1 and an adjacent lot to the west is marked as a 3m Office Line. A curved boundary to the south is labeled '3m From Well'. Various dimensions are provided along the boundaries and within the lot.

Feature	Description / Dimensions
Boundary West	292.4m
Well (West)	32.7m
Well (East)	65.0m
House	139.6m
Boundary South (Curved)	81.9m, 81.9m, 51.1m, 91.9m, 51.5m
Boundary East	102.9m
Office Line	3m Office Line
From Well Boundary	3m From Well

Legend:

- ① PROPOSED 1000 I.G. SEPTIC TANK w/ FILTER
- ② PROPOSED 300 I.G. PUMP TANK w/ PUMP & CONTROLS
- ③ INSTALL 4- 14.63m CHAMBERS IN SAND FILL (SEE DETAIL)
- ④ PROPOSED FLUSH OUTS AT DISTAL ENDS
- ⑤ 50mmØ PVC SCH 40 TRANSPORT LINE
- ⑥ 100mmØ PVC SEWER CSA SEWER PIPE
- DENOTES 4' TEST HOLE LOCATION
- DENOTES PERK TEST LOCATION

Scale: 1" = 10'-0"

North Arrow: N

Professional Seal: Registered Onsite Wastewater Practitioner, Island of Hawaii, License No. 1871, Signature: [Illegible]

Approval Stamp: ISLAND HEALTH
FILING ACCEPTED
MAR 30 2021
This Filing Does Not Constitute Approval for Further Subdivision

Other Labels: LOT 1, DANIEL WAY, HOUSE, WELL, OFFICE LINE, 3m FROM WELL, 3m OFFICE LINE, 139.6m, 292.4m, 32.7m, 65.0m, 81.9m, 51.1m, 91.9m, 51.5m, 102.9m.

2.6 PHOTOGRAPHS



View west of existing clearing for dwelling, no trees proposed for removal



View of existing clearing looking east, no trees proposed for removal

2.6 PHOTOGRAPHS (CONT'D)



View south of existing clearing, trees proposed
for removal to increase size of building site

DRAFT
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
GB-DP-2022.3

To: Laird Scrimshaw

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

LOT 1 SECTION 22 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP66042
(PID: 023-931-167)

2. This Development Permit GB-DP-2022.3 authorizes the specific clearing of existing forest cover and understory vegetation; stripping of overburden material in preparation of construction; excavation; possible blasting; grading; site servicing, construction of a single family dwelling and associated septic system within the parts of the proposed building site located in Development Permit Area 2 (DPA 2) – Lock Bay Area, subject to the following requirements and conditions:
 - a) The timing of vegetation clearing must be outside of the migratory bird nesting season if possible; or must avoid the peak season. If clearing must occur during the migratory bird nesting season for the area (March 15th to August 15th), a pre-clearing bird nest survey must be completed by a Qualified Environmental Professional prior to clearing to ensure no active nests are disturbed or damaged.
 - b) A Certified Arborist shall be retained to assess potential danger trees, any proposed tree limb removal potential wind throw issues and make recommendations in the vicinity of the proposed construction zone. Mature trees shall be retained and vegetation removal shall be reduced as much as possible. Clearing of vegetation shall be limited to the proposed construction footprint to maintain slope stability.
 - c) The veteran Douglas fir tree identified in the northwest corner of the parcel is to be protected. The other veteran Douglas fir tree to the east of the proposed house development shall be retained if the Certified Arborist deems it safe to do so. Stumps of any danger trees that require removal shall be retained along slopes to maintain slope stability. Trees remaining adjacent to the construction footprint shall be protected by installing plastic snow-fencing around the drip line of trees to prevent damage and compaction of root systems by heavy equipment. Fill shall not be placed within the root protection zone of retained trees.
 - d) Deleterious materials including silt shall not be allowed to enter any watercourses or drainages. Excavation and fill placement required shall be completed during the dry season or with minimal rain forecast. Erosion and sediment controls (such as silt fence, straw bales etc.) shall be installed to prevent sediment migration down the slope into the forest below the house to limit construction impacts. Exposed slopes shall be seeded as soon as possible and covered with straw to prevent surface erosion.
 - e) The wetland habitat within the eastern portion of the subject parcel shall be protected by a 10 metre wide protective buffer area measured from the wetland boundary.
3. The development shall be consistent with:
 - Schedule 'A' – Site Plan – Turner and Associates Land Surveying (August 2022)
 - Schedule 'B' – Building Elevations – Dirkson Design Services (October 29, 2022)
 - Schedule 'C' – Design Specifications for Septic System – Island Health (March 30, 2021)
 - Schedule 'D' – Environmental Assessment – Aquaparian Environmental Consulting Ltd. (August 25, 2022)

which are attached to and form part of this permit.

4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

5. This permit does not relieve the applicant from complying with the provisions of the Gabriola Island Land Use Bylaw.

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.

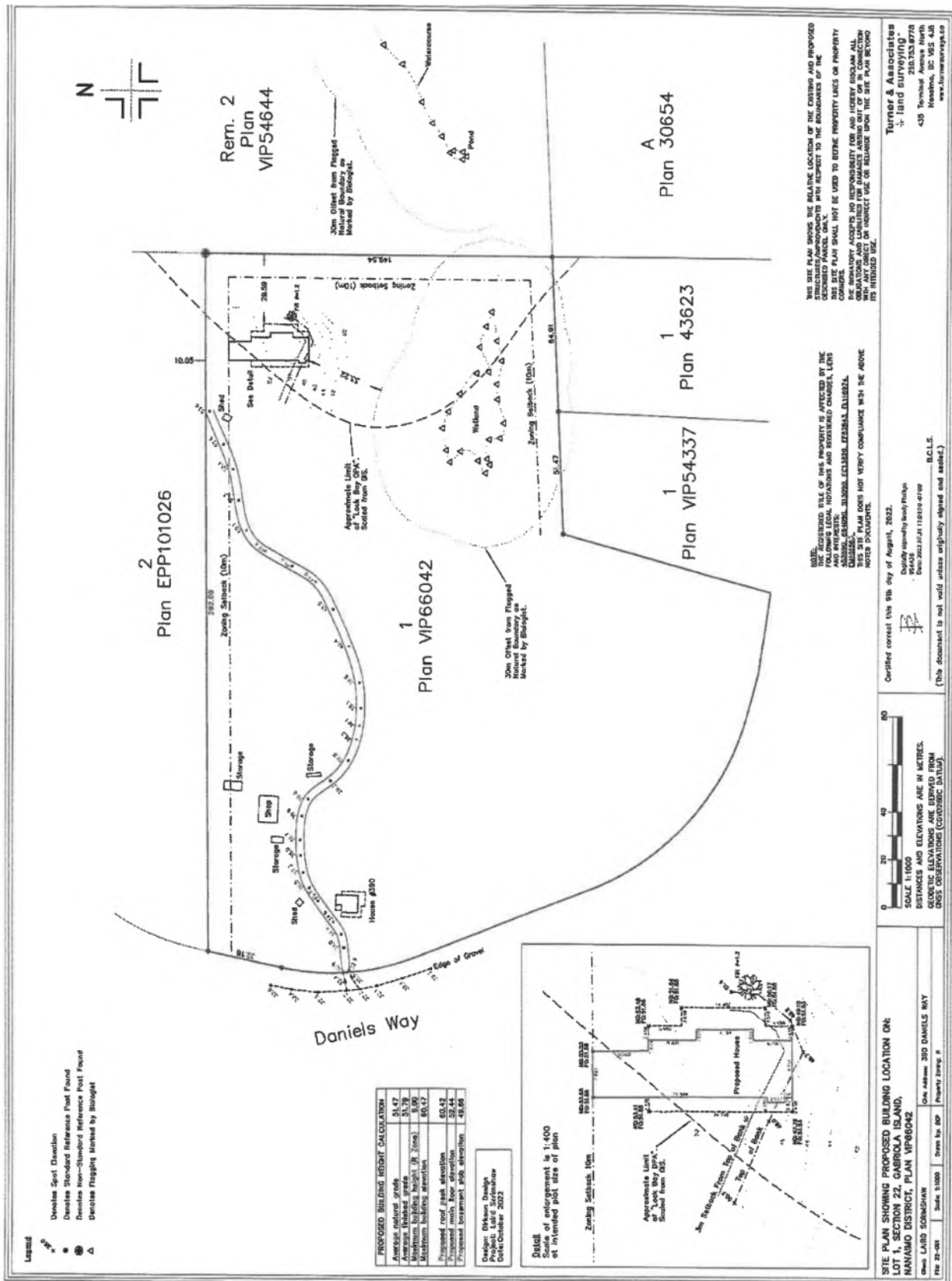
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF MONTH, YEAR.

Deputy Secretary, Islands Trust

Date of Issuance

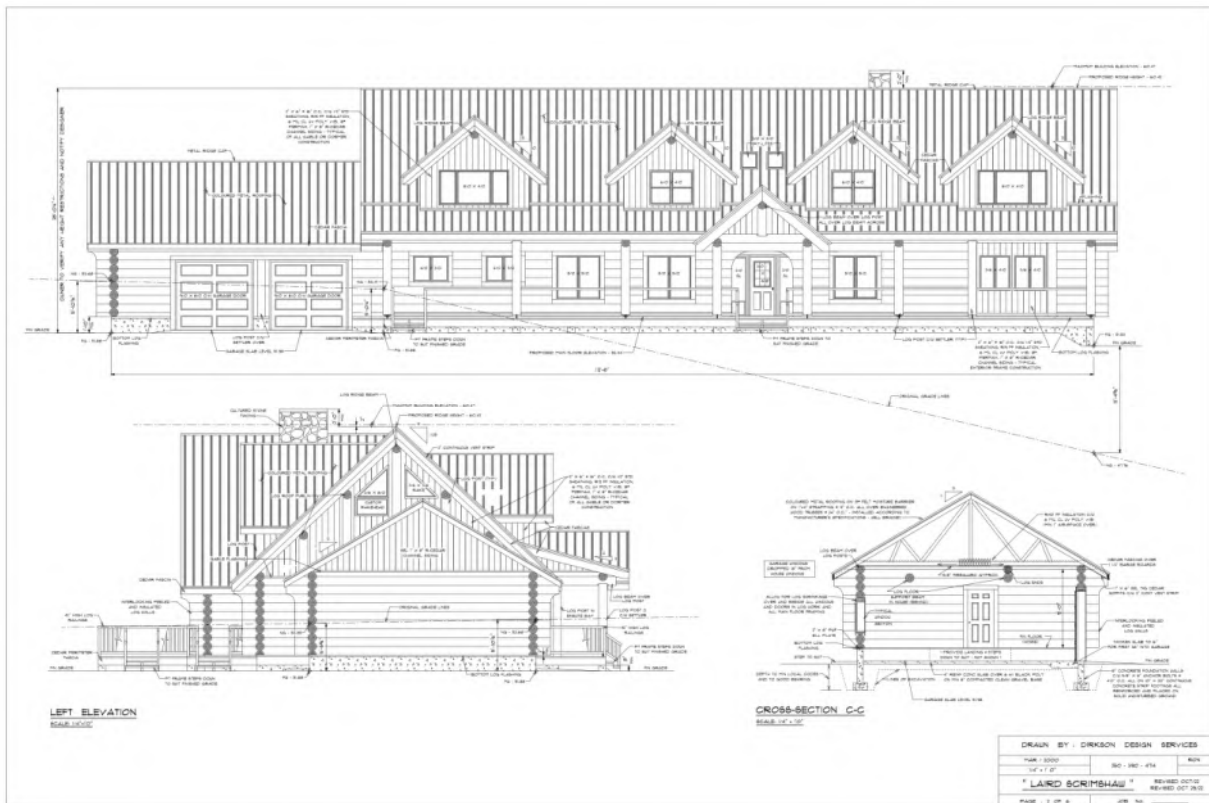
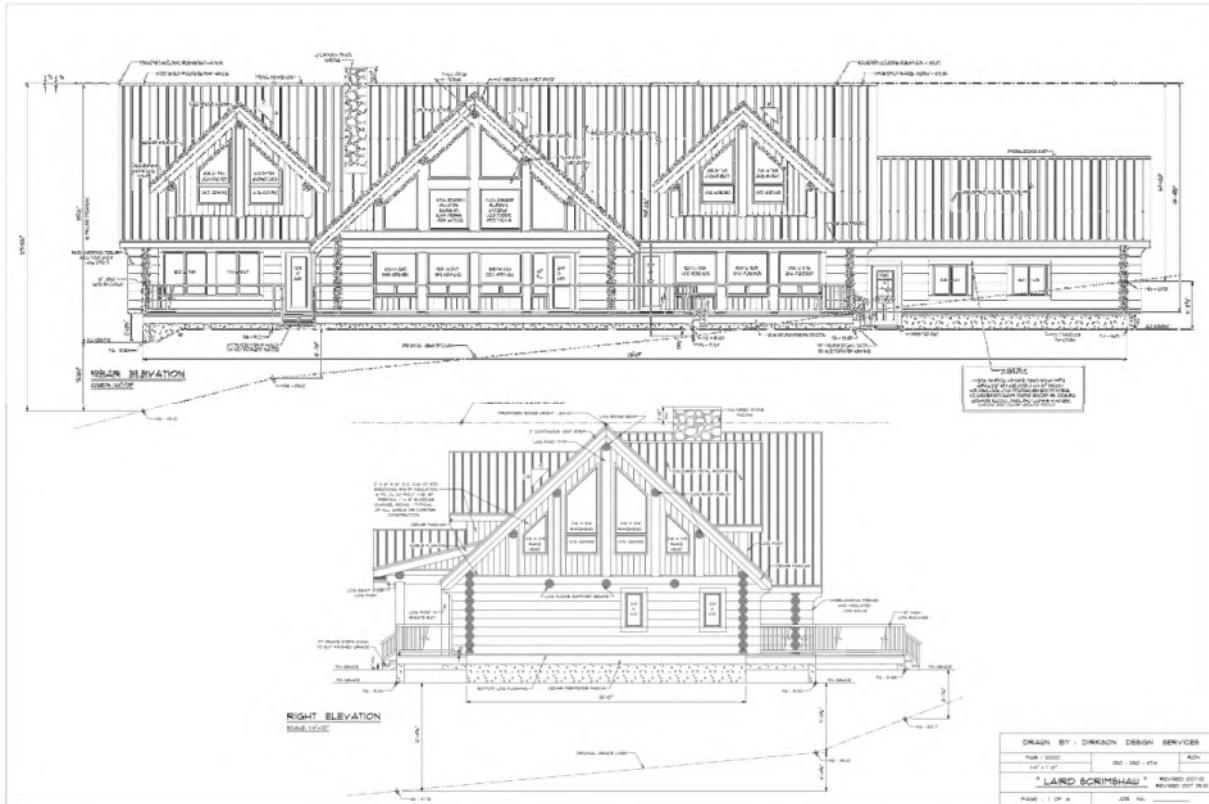
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, YEAR , THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A' Site Plan



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-DP-2022.3

SCHEDULE 'B' Building Elevations



SCHEDULE 'C' Design Specifications for Septic System (Island Health)



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

GB-DP-2022.3

SCHEDULE 'D' Environmental Assessment (Aquaparian Environmental Consulting Ltd.)



August 25, 2022

Laird Scrimshaw
390 Daniel Way
Gabriola Island, BC
V0R 1X3
403-852-8493

Via Email: lairds1953@gmail.com

**RE: 390 DANIEL WAY, GABRIOLA ISLAND, BC
WATERCOURSE DETERMINATION**

1.0 INTRODUCTION

Aquaparian was retained by Mr. Laird Scrimshaw to complete an environmental assessment to determine if there are any watercourses or other sensitive environmental features that may impact planned development for 390 Daniel Way on Gabriola Island, BC. The property is currently developed with a cabin, garage/workshop and small storage sheds. As understood, a new house is proposed to be constructed on the property.

The property is 13.3 acres (5.4 ha) in size, zoned Resource (RS) and located within Area 'B' of the Regional District of Nanaimo (RDN) and is within the Island's Trust Gabriola Island planning and regulation area. Responsibilities of the Islands Trust include creation of Official Community Plans, zoning and subdivision bylaws, regulation of soil removal and deposit and authorization of permits. A site location map is included as Figure 1. Site photographs have been included as Appendix A. The property is legally identified as:

- LOT 1, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP 66042 (PID: 023-931-167).

Aquaparian completed a site survey of the subject property on July 21, 2022. The intent of this letter report is to provide a brief overview of the findings from a background review of government databases, maps and a site visit including an inventory of the features that exist on the property to determine if there are any sensitive environmental features that may pose a constraint for the proposed development. This report is not to be considered a detailed environmental assessment.

390 Daniel Way, Gabriola Island BC
Watercourse Determination
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2.0 BACKGROUND REVIEW

A review of the Gabriola Island Trust's map (MapIT) identifies that the property is subject to the Lock Bay Development Permit Area (DPA-2) that extends into the eastern end of the parcel (Figure 2). Lock Bay is designated as a Development Permit Area for the protection of the natural environment, its ecosystems and biological diversity. Lock Bay has been identified as a sensitive, unique beach of sand and gravel isolating a marsh of about 40 acres (Gabriola Islands Trust OCP, 1997). A development permit is required for the following activities: subdivision of land; construction of, addition to, or alteration of a building or other structure; and, alteration of land.

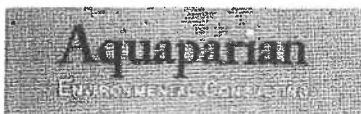
The map also identifies Castell Creek to the northwest of the parcel on the west side of Daniel Way. The DPA of the watercourse extends 30m from the stream boundary. Based on the RDN online map, Castell Creek is 78m northwest of the property at the closest point. The site survey confirmed that the DPA of this watercourse does not encroach into the subject property.

A review of the Wildlife Tree Stewardship (WITS) atlas identified that there are no mapped bald eagle (*Haliaeetus leucocephalus*) nest trees located in the vicinity of the subject parcel. A review of the BC Great Blue Heron Atlas identified that there are no great blue heron nests (*Ardea herodias*) or nest colonies in the vicinity of the subject parcel. No raptor nests were identified during the site reconnaissance. Most of the parcel is undeveloped and forested with second-growth trees that includes a few mature conifer trees that would provide suitable nesting habitat for a number of small raptors such as hawks or owls as well as corvids (crows and ravens) and many song bird species. The parcel also has several standing dead trees that provide cavity nesting opportunities for some species of songbirds, owls and woodpeckers. A barred owl (*Strix varia*) was observed within the forested land in the central-east portion of the parcel.

A review of the provincial BC Conservation Data Centre iMap did not identify any provincially-listed rare or threatened species within the subject parcel. No rare species were identified during the site visit however, a detailed assessment for plant and animal species was not completed as a part of this site assessment.

3.0 SITE DESCRIPTION

The property is located in the northern portion of Gabriola Island and is bounded by Daniel Way to the west which curves around the southern boundary, a similar large lot to the north that is mostly forested, and an undeveloped forested lot to the east that transitions to marsh habitat surrounding the beach and shoreline of Lock Bay.



203-321 Wallace St, Nanaimo, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

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The subject parcel is partially cleared for single family residential use within the northwest corner with access off Daniel Way. Most of the property is forested with a second-growth mixed forest stand. The tree canopy is comprised primarily of Douglas fir (*Pseudotsuga menziesii*) with some western redcedar (*Thuja plicata*), bigleaf maple (*Acer macrophyllum*), red alder (*Alnus rubra*) and minor western hemlock (*Tsuga heterophylla*), arbutus (*Arbutus menziesii*) and willow species. Some mature western redcedar trees and a couple of mature Douglas fir trees were observed as well as old stumps from historical selective logging throughout the parcel. A veteran Douglas fir tree with a Diameter-at-Breast-Height of approximately 140cm was identified in the northwest corner of the parcel and located at the following coordinates: 49° 11' 19.6" N / 123° 49' 49.3" W. Understorey species were dominated by salal (*Gaultheria shallon*), red huckleberry (*Vaccinium parvifolium*), evergreen huckleberry (*Vaccinium ovatum*), snowberry (*Symphoricarpos albus*), bracken fern (*Pteridium aquilinum*), sword fern (*Polystichum munitum*), lady fern (*Athyrium filix-femina*), salmonberry (*Rubus spectabilis*), stinging nettle (*Urtica dioica*), Canadian thistle (*Cirsium arvense*), skunk cabbage (*Symplocarpus foetidus*), sweet-scented bedstraw (*Galium triflorum*), oxeye daisy (*Leucanthemum vulgare*), common dandelion (*Taraxacum officinale*), creeping buttercup (*Ranunculus repens*), slough sedge (*Carex obnupta*), grass species, moss species and invasive species including Himalayan blackberry (*Rubus armeniacus*) and spurge laurel (*Daphne laureola*).

A roadside ditch along Daniel Way on the west side of the property is confined within topographic gradients that slope up towards the north end of the parcel and towards the south end with the low point in the central portion. Therefore, this ditch is not connected downstream to any stream or fish-bearing habitat.

A small, unmapped wetland is located in the eastern portion of the parcel on the north side of an old access road that is accessed off Daniel Way (refer to Figure 3 – Site Plan). The wetland is a forested swamp and is isolated. No watercourse channel was identified that drains into or out of the wetland. The wetland is a topographic depressional area surrounded by forest. A small groundwater-fed pond is located in the neighbouring property approximately 40m to the east of the subject parcel. This small pond is the headwaters of a watercourse that flows northeast and discharges to Lock Bay.

The proposed construction footprint for the new house is located just south of a relatively flat, benched area in the northeast corner of the parcel which is the topographic high point of land. The location was selected to obtain a view and to minimize clearing and ground displacement and minimize the volume of imported fill. The proposed house area is just within the northwest boundary of the Lock Bay DPA. The land slopes down steeply towards the east and south from this benched area. The substrate is blocky sedimentary rock overlain with soils. The northern end of the proposed footprint is within the benched area that has been previously cleared and is



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currently vegetated with grass and groundcover species. The remainder of the proposed footprint is second-growth forest cover that will require clearing. The southern end of the building footprint will need to be infilled to create a flat building surface and a few second growth trees will need to be removed along this slope.

A total of 31 trees are estimated to be removed within the construction area which is within the DPA including 12 Douglas fir trees 15-20cm DBH, 10 Douglas fir trees 20-30cm DBH, 7 western redcedar trees 20-30cm DBH, 1 arbutus tree 20cm DBH and 1 western hemlock tree 15cm DBH. Understorey vegetation within the clearing area includes evergreen huckleberry, sword fern, salal, dull Oregon-grape, Canadian thistle, stinging nettle, sweet-scented bedstraw, grass species and invasive Himalayan blackberry. A veteran Douglas fir tree (~100cm DBH) is located to the east of the proposed house at the following coordinates (49° 11' 18.6" N / 123° 49' 36.4" W). The tree is leaning, but appears to be stable. Aquaparian recommends that a Certified Arborist be retained to assess potential danger trees in the vicinity of the proposed construction zone.

4.0 CONCLUSION

The identified watercourse that was flagged and surveyed to the east of the subject property is approximately 40m from the property line. The 30m Riparian Areas DPA for this watercourse does not encroach into the subject property and the proposed development does not trigger this DPA or the requirement for a RAPR assessment and report.

The identified wetland within the subject property is an isolated wetland that is not connected to any stream or fish-bearing habitat. This wetland does not trigger the Riparian Areas DPA or the requirement for a RAPR assessment and report. In addition, the proposed development is approximately 59m away from the boundary of this wetland. Wetlands are protected by the provincial *Water Sustainability Act*. Wetlands provide important hydrological functions as well as providing habitat for amphibians and provide food, water and migration corridors for birds and wildlife and should be protected from disturbance. The proposed development will not impact this wetland habitat.

The proposed house development is located approximately 200m west of the intertidal marsh shoreline and just within the northwest boundary of the Lock Bay DPA. The building site is primarily within a cleared lawn area with a total of 31 second growth trees that are to be removed for the southern end of the building supported on fill. The proposed project is not expected to result in a significant impact to the integrity of the DPA and will have not expected to have any impact on the intertidal marsh area located 200m away. A development permit will



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be required to be submitted to the RDN for this project. This letter report is to be submitted as a supporting document for the development permit application.

The following development permit area guidelines for the Lock Bay DPA are provided in the Gabriola Island Land Use Bylaw No. 177:

- There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.
- Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
- Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
- Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).

4.0 RECOMMENDATIONS

The following environmental protection measures are recommended for the proposed house development of the site:

- Time vegetation clearing outside of the migratory bird nesting season if possible; or avoid the peak season. If clearing must occur during the migratory bird nesting season for the area (March 15th to August 15th), a pre-clearing bird nest survey must be completed by a Qualified Environmental Professional prior to clearing to ensure no active nests are disturbed or damaged.
- Retain a Certified Arborist to assess potential danger trees, any proposed tree limb removal potential windthrow issues and make recommendations in the vicinity of the proposed construction zone. Retain mature trees and reduce vegetation removal as much as possible. Limit clearing of vegetation to the proposed construction footprint to maintain slope stability.
- The veteran Douglas fir tree identified in the northwest corner of the parcel is to be protected. Retain the veteran Douglas fir tree to the east of the proposed house development if the Certified Arborist deems it safe to do so. Retain stumps of any danger trees that require removal along slopes to maintain slope stability. Protect trees to remain adjacent to the construction footprint by installing plastic snow-fencing around the drip line of trees to prevent damage and compaction of root systems by heavy equipment. Do not place fill within the root protection zone of retained trees.



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- Do not allow any deleterious materials including silt to enter any watercourses or drainages. Complete the excavation and fill placement required during the dry season or with minimal rain forecast. Install erosion and sediment controls (such as silt fence, straw bales etc) to prevent sediment migration down the slope into the forest below the house to limit construction impacts. Seed exposed slopes as soon as possible and cover with straw to prevent surface erosion.
- Aquaparian recommends that the wetland habitat within the eastern portion of the subject parcel be protected. A 10m wide protective buffer area is recommended measured from the wetland boundary.
- All archaeological sites, recorded or not, are protected under the *Heritage Conservation Act* and must not be altered or damaged without a site alteration permit from the Archaeology Branch. If evidence of an archaeological site is encountered during development, activities must be halted immediately and the Archaeological Branch contacted at 250-953-3334 for guidance. No further clearing or excavation should occur until an Archaeological Assessment is completed by a Professional Archaeologist.



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5.0 CLOSURE

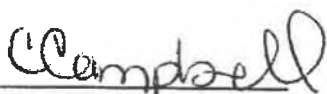
Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Regards,

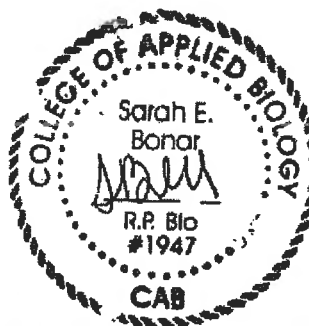
AQUAPARIAN ENVIRONMENTAL CONSULTING LTD

Prepared by:

Reviewed by:



Crystal Campbell
Environmental Technician



Sarah Bonar B.Sc., R.P.Bio
Senior Biologist/Principal

\\AQUAPARIAN-NAS\DOCUMENTS\PROJECTS\PROJECTS\N929 390 DANIEL WAY GABRIOLA\390 DANIEL WAY
WATERCOURSE DETERMINATION LETTER REPORT.DOCX



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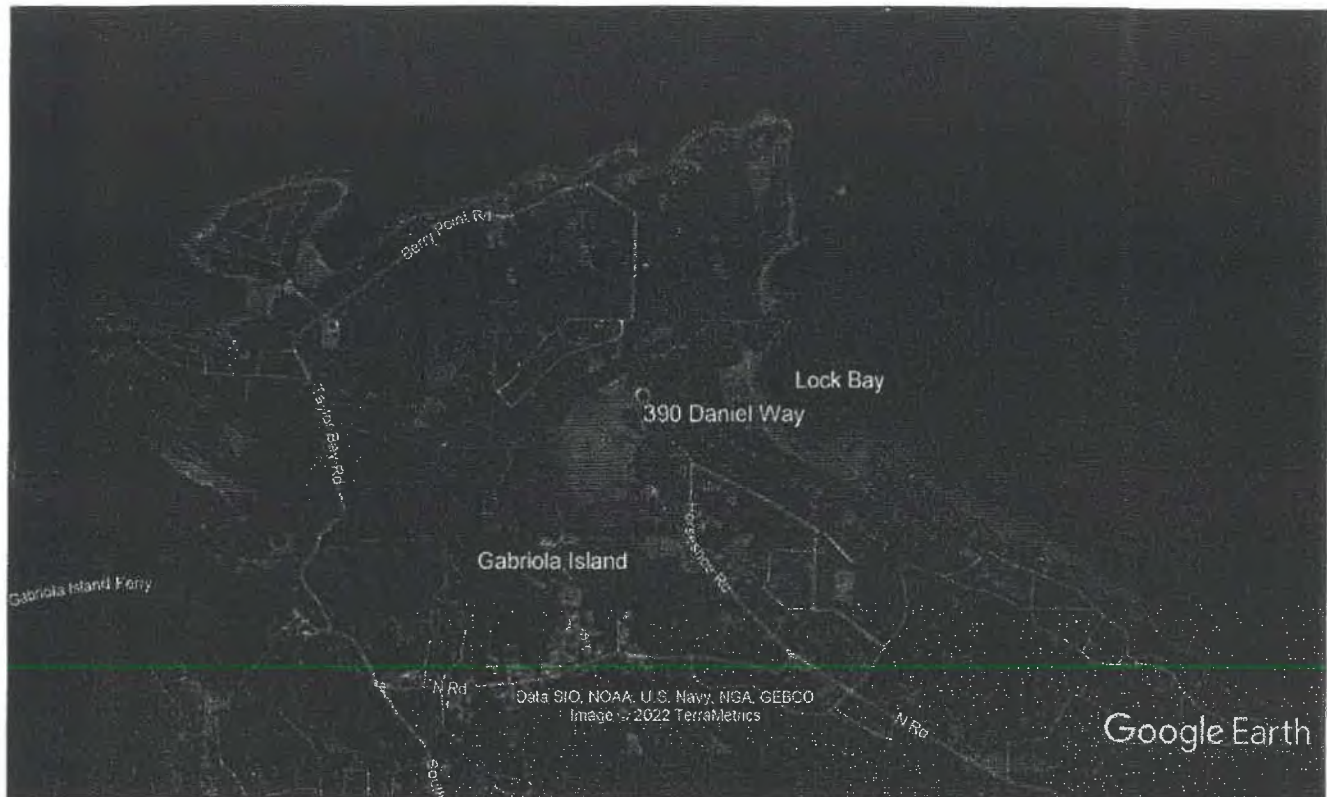
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FIGURE 1**SITE LOCATION MAP**

203-321 Wallace St, Nanaimo, BC V9R 5B6
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Figure 1. Site Location Map
390 Daniel Way, Gabriola Island, BC



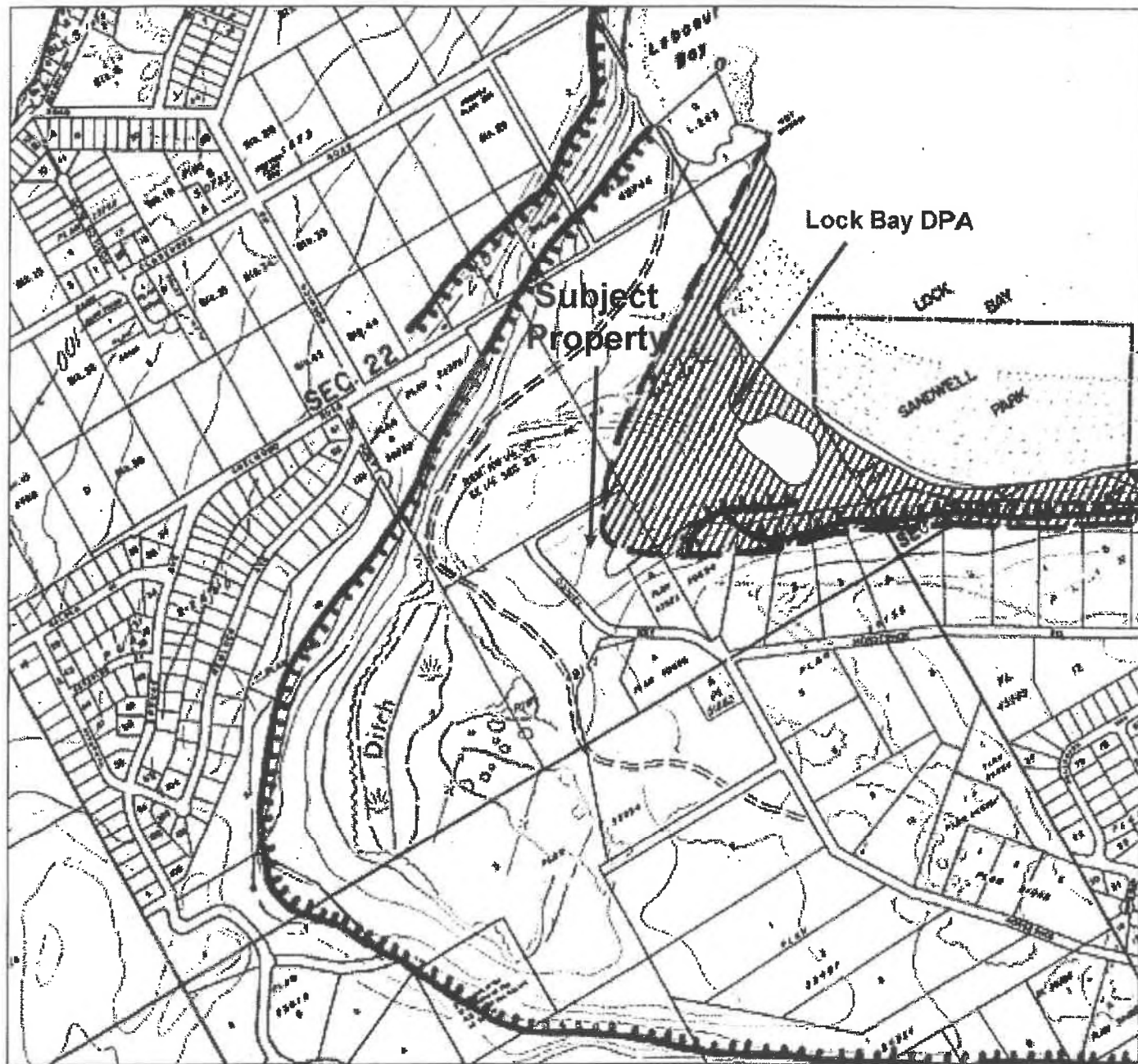
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FIGURE 2**GABRIOLA ISLANDS TRUST DPA MAP**

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Figure 2. Gabriola Islands Trust DPA Map



390 Daniel Way, Gabriola Island BC
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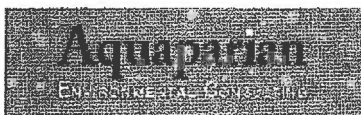
FIGURE 3**SITE PLAN****TURNER & ASSOCIATES LAND SURVEYING**

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APPENDIX A
SITE PHOTOGRAPHS



203-321 Wallace St, Nanaimo, BC V9R 5B6
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390 Daniel Way, Gabriola Island, BC
Photo Sheet 1



Photo 1. The subject property at 390 Daniel Way on Gabriola Island is developed with a cabin in the northwest corner with driveway access to Daniel Way to the west.



Photo 2. A garage/workshop is located to the northeast of the cabin surrounded by small accessory sheds.

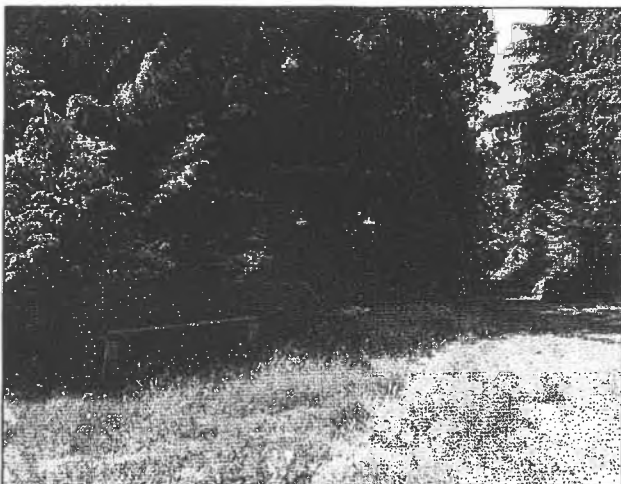


Photo 3. The existing driveway accesses the northeast corner of the lot where the proposed house development footprint is located. Photo shows a pump house that has been newly constructed.



Photo 4. Showing the proposed house footprint on a relatively flat benching area that overlooks a slope that leads down to Lock Bay. Some vegetation removal will be required due to property boundary setbacks along the northern boundary that cause the building footprint to be aligned partially into the treed area.

Photo Sheet 2

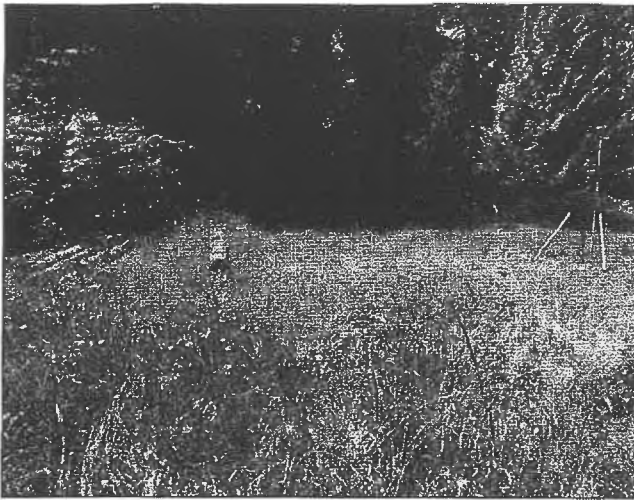


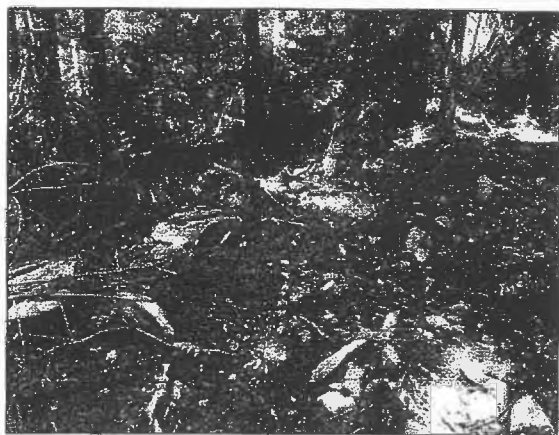
Photo 5. The proposed house footprint facing south.



Photo 6. Showing some Douglas fir trees along the slope to the east of the proposed house development. The property owner intends to remove a few younger trees from the slope to create views towards Lock Bay.



Photo 7. A mature Douglas fir tree (~100cm DBH) within the area to the east of the building footprint is leaning but appears stable. A Certified Arborist should be retained to assess potential danger trees within the vicinity of the proposed construction zone.



Photos 8 & 9. The proposed construction footprint extends into the forested area to the south of the clearing where approximately 31 trees will require removal and infilling will be required along the slope to create a flat buildable area.

Photo Sheet 3

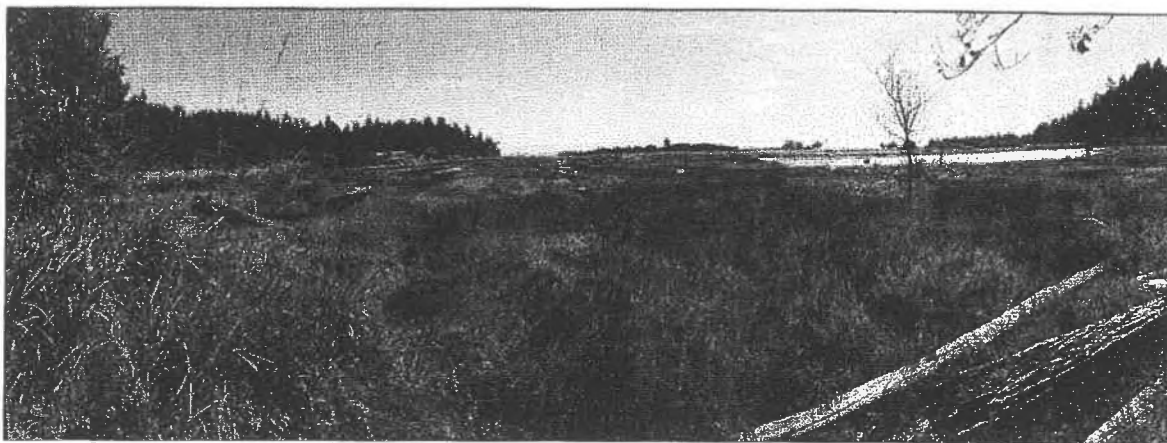


Photo 10. Panoramic view of the coastal marsh habitat that surrounds the beach around Lock Bay to the east of the subject parcel.



Photo 11. Showing the isolated wetland within the eastern portion of the parcel on the north side of the old access road.



Photo 12. A barred owl was observed perched within an alder tree within the forested area along the old access road.

Photo Sheet 4

Photo 13. Small pond located to the east of the subject property.



Photo 14. A watercourse with steep banks flows northeast out of the small pond. The average channel width is 1.3m.



Photo 15. Showing the drainage watercourse further downstream. The watercourse drains northeast towards Lock Bay.

Photo Sheet 5

Photo 16. A roadside ditch along the east side of Daniel Way is not connected downstream to a 'stream'. The road slopes up towards the northwest corner of the subject parcel and also slopes up towards the southwest corner so that the ditch is contained within a topographic low point along the western boundary of the parcel.



Photo 17. Showing a veteran Douglas fir tree (~140cm DBH) located in the northwest corner of the subject parcel.

From: Audra Davies [REDACTED]
Sent: Tuesday, January 10, 2023 1:25 PM
To: northinfo
Subject: Fwd: Proposed Flight Path Changes - YVR

Tobi Elliott requested that I send a copy of this email to you ...

Regards,

Audra

----- Forwarded message -----

From: Audra Davies [REDACTED]
Date: Mon, Jan 9, 2023 at 6:26 PM
Subject: Proposed Flight Path Changes - YVR
To: <syates@islandstrust.bc.ca>, <telliott@islandstrust.bc.ca>

Tobi & Susan,

I'm hoping that Islands Trust can lend a voice to the discussions that are being hosted by NavCanada on the proposed flight path changes for incoming YVR flights that would go over the north part of Gabriola Island. Its my understanding that several years ago, Islands Trust wrote letters on behalf of Gabriola residents expressing concern on a similar issue.

I live on the north end of Gabriola on McConvey Road. In the past year, I have noticed a significant increase in the number of flights flying over our property heading into Nanaimo airport. I believe there may have been a flight path change as the number of flights and the noise from these flights has increased significantly in the past year. The noise pitch from these flights sends my dog into an absolute rage and this did not occur until recently.

If the proposed changes for YVR go into effect, I have significant concerns for our quality of life given the noise pollution from these changes. The Nanaimo flights are disruptive and annoying but manageable. If flights going into YVR are added into the mix, I have real concerns about the noise pollution ... not just for my dog but for every living creature on the island. I personally struggle with sleep issues and actively seek to minimize negative impacts to my sleep hygiene. My health and wellness will be negatively impacted by additional noise pollution from flights.

I have so many un-answered questions around these proposed changes.

How does the noise pollution from flights disrupt wildlife? We thoroughly enjoy regular sightings of eagles and other birds along our coastline ... will they be impacted by these changes in commercial jet flight paths?

Do we know how many inbound YVR flights will be flying over Gabriola each day?

What hours of the day (or night) will we experience these flights?

How does the number of flights, altitude (& corresponding noise pollution) of the inbound YVR flights passing over Gabriola compare to the inbound Nanaimo flights?

We purchased property on Gabriola after living in a densely populated urban area for many years to enjoy a more peaceful and tranquil life. The proposed flight path changes for YVR would be disruptive - not just to human life on the islands but also birds and animals. My dog is living proof that the noise pollution from commercial aircraft has a negative impact on animals.

Your advocacy to preserve and protect the tranquility of island life from these proposed changes - for all living creatures - would be greatly appreciated.

I am aware of the public consultation scheduled for Nanaimo on January 24 (although I'm unfortunately unable to attend due to a prior commitment) and I have filled out the online survey to provide my feedback. Advocacy from Islands Trust would be a valued voice in the discussion.

Thank you in advance.

Regards,

Audra Davies

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2022.3	Scrimshaw, Laird	01-Nov-2022	PID: 023-931-167 New SFD. Civic address: 390 Daniel Way, Gabriola Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 09-Nov-2022

Planner reviewing file.

Development Variance Permit

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

Planner: Margot Thomaidis

Planning Status

Status Date: 24-Nov-2022

Mtg with Applicant: option of rezoning water zone or removal - planner awaiting decision

Status Date: 27-Oct-2022

Site visit with WD + MT

Status Date: 08-Sep-2022

Planner reviewing file.

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: 05-Dec-2022

Mtg with Applicant: option of rezoning water zone or removal - planner awaiting decision

Status Date: 27-Oct-2022

Site visit with WD + MT

Status Date: 08-Sep-2022

Planner reviewing file.

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:

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2022.1	Alley Enterprises Ltd. (Patricia Maloney Consulting)	07-Jun-2022	PID: 023-005-629 Change zoning to accommodate multiple changes in use. Civic address: 750 Tin Can Alley, Gabriola Island, BC.

Planner: Sonja Zupanec

Planning Status

Status Date: 08-Jul-2022

File opening procedure finished and file given to planner.



Applications

Islands Trust

LTC EXP SUMMARY REPORT F2023

Invoices posted to Month ending November 2022

620 Gabriola	Invoices posted to Month ending November 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	643.00	0.00	643.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	3,708.00	2,969.94	738.06
65210-620	LTC - Local Exp - APC Meeting Expenses	399.00	639.60	-240.60
65220-620	LTC - Local Exp - Communications	1,000.00	369.00	631.00
65230-620	LTC - Local Exp - Special Projects	612.00	0.00	612.00
TOTAL LTC Local Expense		<u>5,719.00</u>	<u>3,978.54</u>	<u>1,740.46</u>
Projects				
73001-620-4097	Gabriola Housing Options & Impacts	1,500.00	0.00	1,500.00
73001-620-4105	Gabriola Ecological Protection Zone	1,500.00	1,008.00	492.00
TOTAL Project Expenses		<u>3,000.00</u>	<u>1,008.00</u>	<u>1,992.00</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy and Description
1.	June 14, 2018	GB-2018-040	Processing non-medical cannabis retail license applications	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee; - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical; - The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - Name of the applicant and a description of the proposal in general terms; - The location of the proposed establishment and the subject site; - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered; - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - How public comments may be submitted to the Local Trust Committee.
2.	November 22, 2018	GB-2018-122	Applications for Federal Cannabis License	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
3.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution: Whereas the Local Trust Committee seeks to engage in Reconciliation with local

				First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and Staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; and e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.
4.	April 11, 2019	GB-2019-038	Limited Public Markets Enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets: a) Islands Trust Bylaw Enforcement Staff are directed to not enforce Section B.6.2 of Gabriola Island Land Use Bylaw No. 177, 1999 when limited public markets are operated indoors, but rather to inform the operators of the applicable land use regulations; b) This enforcement policy does not permit violation of the Land Use Bylaw and the Gabriola Island Local Trust Committee may at any time, by resolution, modify or rescind this policy or give direction to expand enforcement activities.
5.	April 11, 2019	GB-2019-040	S219 Covenant	It was MOVED and SECONDED

			Signatories	that the Gabriola Island Local Trust Committee adopt the following standing resolution: that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.
6.	January 23, 2020	GB-2020-002	Consultation for Communication Towers	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the "Model Strategy for Antenna Systems" prepared by the Local Planning Committee of the Islands Trust, as the Gabriola Local Trust Committee strategy to assess any future potential tower proposals in the Gabriola Local Trust Area.
7.	July 30, 2020	GB-2020-053	Proactive unlawful STVR enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt as a standing resolution to authorize proactive enforcement of unlawful Short Term Vacation Rentals.
8.	October 27, 2022	GB-2022-089	Defer enforcement on all existing non-compliant dwellings being used for residential purposes except.....	It was MOVED and SECONDED a) that the Gabriola Island Local Trust Committee note that given the lack of housing options on Gabriola, Bylaw Staff will defer enforcement on all existing non-compliant dwellings being used for residential purposes except in the following circumstances: i. It is determined that there are risks to health and safety; ii. It is determined 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 non-compliant dwellings; iii. It is determined that there is contamination of wells or other drinking water sources; iv. Non-permitted residential uses are in water zones or 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 residents or to the environment. 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.

				c) The Gabriola Local Trust Committee will review this standing resolution at a minimum of once per year with updates from the Bylaw Compliance and Enforcement Manager to measure results and impacts, as amended. d) That the Gabriola Local Trust Committee recommend to the incoming Gabriola Local Trust Committee that it conduct a community consultation regarding the Standing Resolution.
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Active Projects Report

Gabriola Island

1. 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.

2. Review and update Development Approval Information (DAI)

Responsible

Dates

Update Gabriola Island Bylaw No. 150, DAI Bylaw. Include new DPAs.

Rec'd: 16-Jun-2022

3. Gabriola Island Comprehensive OCP and LUB Review

Responsible

Dates

- Establish opportunities to incorporate First Nations perspectives on indigenous housing needs and intergovernmental collaboration for effective decision making.
- Consider new Development Permit areas for water conservation; form and character; and protection of biodiversity.
- Consider and incorporate RCP goals as part of the housing project.
- Develop an island wide water sustainability plan that builds on the RDN water budget data, rainwater catchment and requirements of the Water Sustainability Act.
- Review definitions of "affordable" and "attainable" housing.
- Review OCP policies respecting affordable, rental, seniors, special needs housing, social needs, social well-being and social development; develop a new 'housing first' policy.
- Review amenity zoning and housing agreements; density bank policies; opportunities for rental zoning.

Active Projects **Report**

Gabriola Island

- Consider secondary suites on lots smaller than 2hectares.
- Consider OCP designations, density provisions, LUB regulations, and Development Permit guidelines for multi-dwelling housing and mixed use buildings.
- Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area
- Hazardous areas/Steep Slopes DPA: Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain
- Consider implementing Eelgrass protection regulations
- Gabriola Village Plan: Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core
- Green Energy: Consider policy and regulatory mechanisms to encourage green and renewable energy
- Review bylaws with respect to temporary use permits for commercial vacation rentals
- Review of temporary sawmill regulations
- Definition of personal use of animals for SRR zoned lots
- Review of how cisterns, solar panels and parking are regulated as structures subject to lot coverage calculations
- Review of section B.2.1.1 for variances within DP3
- Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland

Active Projects **Report**

Gabriola Island

- Review definition and regulations for limited public market, and INI zone uses pertaining to market sales
 - correction to WC3 mapped location to coincide with Green Wharf
 - Water Resource Planning: Review of water requirements at the time of subdivision
 - Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018): Implementation of the report recommendations into OCP policy and LUB regulations.
 - Accessory Buildings: Review of regulations pertaining to the order of construction of accessory buildings on lots.
 - Review options to allow cannabis production in zones other than 'agriculture' and possible ways to regulate odour, noise, water use and light pollution related to agricultural activities when permitted in a zone.
 - Recognize areas of cultural significance - consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturnina.
 - Review regulations to ensure flexibility for housing options in ALR are consistent with recent ALC changes.
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Future Projects Report

Gabriola Island

1. *DeCourcy Island OCP and LUB Review*

Responsible

Date Received

Review OCP and regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning; zoning; DAI Bylaw; subdivision policies and regulations.

2. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation.