

Regular Meeting Revised Agenda

Date: July 30, 2020
 Time: 10:30 am
 Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:30 AM - 10:35 AM	
	"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."		
2.	APPROVAL OF AGENDA		
3.	REPORTS	10:35 AM - 10:55 AM	
3.1	Trustee Reports		
3.2	Chair's Report		
3.3	<i>Electoral Area Director's Report</i>		4 - 4
3.4	First Nation Reports		
4.	TOWN HALL	10:55 AM - 11:05 AM	
5.	MINUTES	11:05 AM - 11:10 AM	
5.1	Local Trust Committee Minutes dated June 25, 2020 – for adoption		5 - 17
5.2	Section 26 Resolutions-Without-Meeting - none		
5.3	Advisory Planning Commission Minutes - none		
6.	BUSINESS ARISING FROM MINUTES		
6.1	Follow-up Action List dated July 22, 2020	11:10 AM - 11:35 AM	18 - 20
6.2	Advisory Planning Commission (APC) Referrals for Cannabis Bylaw and Antennae Consultation Protocol - verbal update		
7.	APPLICATIONS AND REFERRALS	11:35 AM - 12:00 PM	
7.1	GB-DP-2020.1 (Egan & Klus) - Staff Report		21 - 60

8. LOCAL TRUST COMMITTEE PROJECTS

12:00 PM - 12:45 PM

8.1 Housing Options and Impacts Review Project - verbal update

8.2 Coats March Regional Park and Riparian Development Permit Area - for discussion

8.3 Model Strategy for Antenna Systems - for discussion

----- **BREAK 12:45 PM TO 1:05 PM** -----

9. DELEGATIONS - none

10. CORRESPONDENCE

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

11. NEW BUSINESS

1:05 PM - 1:20 PM

11.1 A Safe and Active Transportation Plan for People of all Ages and Abilities - for discussion

11.2 *Short Term Vacation Rentals (STVR) - for discussion*

11.3 *Union of British Columbia Municipalities (UBCM) Correspondence*

12. REPORTS

1:20 PM - 1:40 PM

12.1 Climate Change Action Update

12.2 First Nations Relationship Building

12.3 Trust Conservancy Report - none

12.4 Applications Report dated July 22, 2020

67 - 70

12.5 Trustee and Local Expense Report - none

12.6 Adopted Policies and Standing Resolutions

71 - 73

12.7 Local Trust Committee Webpage

13. WORK PROGRAM

1:40 PM - 2:10 PM

13.1 Top Priorities Report dated July 22, 2020

74 - 74

13.2 Projects List Report dated July 22, 2020

75 - 78

14. UPCOMING MEETINGS

- 14.1 Next Regular Meeting Scheduled for Thursday, September 10, 2020 at 10:30 am -
Location to be determined

15. CLOSED MEETING

2:10 PM - 2:25 PM

- 15.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated June 30, 2020 and Bylaw Enforcement and that the recorder and staff attend the meeting.

- 15.2 Recall to Order

- 15.3 Rise and Report

16. ADJOURNMENT

2:25 PM - 2:25 PM

Date: July 28 2020

To: Gabriola Island Local Trust Committee

From: Vanessa Craig, RDN Director Area B

Subject: Electoral Area Director's Report

- The Village Way Path project has been awarded to Windley Contracting. Construction will begin after labour day. Very exciting – thanks to RDN staff and community members who have worked for years to get to this point.
- I'm sure this isn't news – but the RDN received its grant application to the provincial/federal governments to develop phase 2 of Huxley Park, which will include a skatepark and revamped parking area. Thank you to GLTC Trustees for supporting this project with the development variance as well as other activities. At this time the plan is to complete the project in 2021. By the end of 2021 our village core will be even better able to support active participation and safer travel for all.
- The timing of Board, Committee of the Whole (CoW), and the Electoral Area Services Committee will be changed. Board and Committee of the Whole meetings will start at 1 pm. The Electoral Area Services Committee (EASC) meetings, which occurred on the same day as the Committee of the Whole, was felt by the Directors to provide inadequate time for fulsome discussion (it started 1.5 hours prior to the Committee of the Whole). The EASC meetings will move to the week prior to the CoW to a date and time to be finalized.
- The RDN has begun initial budget discussions. Much discussion has centred around the effects of covid which has resulted in less revenue for solid waste, transit, and recreation. Recognizing that the effects of covid may last into 2021, there is discussion about opportunities for cost savings.
- The Board has requested that a report come to the Parks and Trails Select committee outlining opportunities to enhance multi-sector dialogue in support of leveraging mountain biking as both an economic and cultural driver within the RDN.
- New waste containers are starting to be delivered across the RDN in preparation for the October start of automated waste collection. To answer any questions the RDN has established a dedicated email address curbside@rdn.bc.ca and phone number 250-390-6501/1-877-607-4111
- The RDN has been working on a bylaw review project to review current bylaws, identify gaps, best practices, how the bylaws can be enforced, and ask for community input on current bylaws prior to updating bylaws. At a recent meeting two of the seven electoral areas have decided to opt out of the bylaw review, but Area B is still included. In the fall we are expecting a staff report summarizing options for proceeding with the review.
- Parks staff contracted an engineer to assess the weir at Coats Marsh Regional Park - following the review staff have a plan to install a second pond leveler in 2020.

Upcoming:

- As indicated above, the date/time of the RDN meetings is scheduled to change. Electoral Area Service Committee and the Committee of the Whole meetings are upcoming on September 8th. The next Board meeting occurs on September 15th. The EASC meeting date/time and the CoW meeting time will likely change as of October. At this time all meetings are held via Zoom and are available for online viewing. The RDN Board does not meet in August.
- The next Parks and Open Spaces Advisory Committee meeting is currently scheduled for October 5th. At this time the meeting is scheduled to begin at 10 am and be conducted via Zoom, but that might change depending on conditions.

Respectfully submitted,

Vanessa Craig



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: June 25, 2020

Location: Electronic Meeting via Zoom

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

Staff Present: Heather Kauer, Regional Planning Manager
Sonja Zupanec, Island Planner (in part)
Jaime Dubyna, Planner 2 (in part)
Bronwyn Sawyer, Planner 2 (in part)
Ian Cox, Planner 1 (in part)
Warren Dingman, Bylaw Compliance & Enforcement Manager (in part)
Diane Corbett, Recorder

Others Present: Vanessa Craig, Director, Regional District of Nanaimo
Approximately 11 Members of the Public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting."

Chair Rogers called the meeting to order at 10:35 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. He introduced Trustees, Staff, and Recorder and explained the processes for participation in the Zoom meeting.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration.

- It was noted that, when the pandemic first hit, a scheduled meeting with the proponent was cancelled, and that it would be inadequate for the Local Trust Committee (LTC) to deliberate on this without first having a meeting with First Nations representatives. Discussion ensued. Trustee Colbourne announced he recently had received an email from a First Nations representative with a request to set up a meeting the following week.

GB-2020-034

It was MOVED and SECONDED

by the Gabriola Island Local Trust Committee that items 7.2 and 8.1 regarding GB-RZ-2019.1 (BC Ferry Services Inc.) be removed from the agenda and postponed until trustees have an opportunity to connect with the Snuneymuxw First Nation.

CARRIED

- Remove items 7.2 and 8.1 regarding GB-RZ-2019.1 (BC Ferry Services Inc.)
- Move number 9. Local Trust Committee Projects to become number 8.

- Renumber 9.1 Housing Options and Impacts Review Project to 8.1
- Renumber 8. Applications and Referrals to number 9.
- Renumber 8.2 GB-RZ-2020.1 (Gabriola Housing Society – GHS) to 9.1; 8.3 (GB-DVP-2020.3 (McCaw) to 9.2; and 8.4 GB-DVP-2020.1 (Maloney & Doherty) to 9.3

By general consent the agenda was approved as amended.

Subsequent to discussion, a meeting of the LTC with the First Nation was scheduled for July 8.

3. REPORTS

3.1 Trustee Reports

Trustee Colbourne presented the following report:

- Participation as a member of the Gabriola Fire Department, which has moved to a platoon system (was currently on duty; would need to leave if received a call).
- Thanks to Islands Trust staff and Regional District of Nanaimo (RDN), Director Craig, for work pertaining to a social needs assessment.
- Attended protocol meeting of Islands Trust and Regional District of Nanaimo.
- Will attend meeting set up with Camp Miriam (not able to hold camps this year) regarding organizations on the island who potentially could use the facilities.
- Taking break from social media and re-evaluating how to communicate with the community.

Trustee Langereis presented the following report:

- Attended Trust Council meeting in June; topics included protection of forests, integrating Islands Trust reconciliation statement, cultural safety for First Nations, motion to ministries for authority for ability to apply ecological protection to Private Managed Forest Lands.
- Attended Local Planning Committee meeting; discussions of fee schedule and recouping costs of applications; development approval processes; and clean-up.
- Trust Programs Committee review of Islands Trust policy statements, being done in three small groups over the next few months.
- Attended FireSmart webinars. FireSmart app is available. Cleaning of understory has to be done carefully.
- Beyond Recovery group is looking at how to move forward after this pandemic, and reaching out to the community for 'how can we adapt our behaviour in moving forward?', and 'what are the positives that occurred that we can carry on?'

3.2 Chair's Report

Chair Rogers presented the following report:

- Trust Council was two full days of electronic meetings; kudos to Chair Luckham for walking Trustees and Staff through. A motion was passed to do this again in September. Regarding the issue of fees for development applications, they need to be in line with actual costs.
- Work on the Programs Committee: three working groups were set up to look at reconciliation, climate change, affordable housing over the next three months and will work on incorporating this into the Islands Trust Policy Statement.

- Commended Trustees and Staff for the meeting on June 5, where he learned a lot about Regional District initiatives; lines of communication are very good.
- Role of Advisory Planning Commissions (APCs) within Islands Trust, and staffing them in a virtual world; a report in July will present options to activate APCs.

3.3 Electoral Area Director's Report

Electoral Area Director Craig presented the following report:

- Spring Beach ramp design initially was not conducive to safe descent to the beach and has been replaced by stairs.
- Wooden walking platform at Joyce Lockwood Park was assessed and removed as unsafe; there are plans to replace it with a simple boardwalk.
- Village Way pathway project has gone to tender until early July; goal is to complete the pathway in 2020.
- Met the Parks and Open Space Advisory Committee who recommended reassessment of some community parks in the Whalebone area; does not look like those parks were ever developed.
- Board received a regional housing needs report; findings include challenges to affordability, rentals, and condition of rentals. Report will be incorporated into the regional housing strategy.
- RDN finished a coastal and flood plain mapping project; it will be available online. Information will be used to update land use bylaws.
- Received regional groundwater analysis for the summer period. The monitored aquifer is below average levels.
- Nanaimo is restarting its Sports 2021 Committee; Director Craig will be on that committee.

3.4 First Nation Reports

Trustee Colbourne reported that through the Trust Programs Committee, he was sitting on working group committees regarding Reconciliation and Affordable Housing. The Trustee expressed thanks for the input of Lisa Wilcox, Islands Trust Senior Intergovernmental Policy Advisor. The discussions had been open and enhanced understanding of “where we live and who we are”.

Trustee Rogers attended a webinar regarding how to work with the Skwxwú7mesh / Squamish Nation.

4. MINUTES

4.1 Local Trust Committee Minutes dated May 14, 2020

By general consent the Local Trust Committee meeting minutes of May 14, 2020 were adopted as presented.

4.2 Section 26 Resolutions-Without-Meeting Report dated June 17, 2020

Received for information.

4.3 Advisory Planning Commission Minutes – none

5. TOWN HALL

Chair Rogers explained how Town Hall works. There were 11 attendees.

A member of the public wanted to ensure that her letter regarding the Gabriola Housing Society rezoning application had been received. She expressed her concern about environmental issues, and her issue with community planning for housing in general. She wondered if the LTC had any criteria for accelerating an application, and asked questions about the timing of the stages of the planning process.

Chair Rogers explained that the public hearing could come between first and second readings, or second and third readings.

Island Planner Zupanec confirmed there were no criteria for expediting applications.

A member of the public expressed concerns about a statement within GB-DVP-2020.3, and reported he had information that the septic system posed a risk. He asserted that the DVP has to be done before construction, not after.

Chair Rogers confirmed the Local Trustees had seen the emails and information sent to the LTC by the speaker; the application would be discussed later in the meeting.

6. DELEGATIONS – none

Chair Rogers opened the Community Information Meeting at 11:40 am.

7. COMMUNITY INFORMATION MEETING

7.1 Cannabis Regulation Project – Bylaw No. 303

Regional Planning Manager Kauer gave a presentation reviewing proposed Land Use Bylaw amendments to regulate cannabis production in the Agricultural Land Reserve.

Regional Planning Manager Kauer reported that the pandemic has influenced meetings. There is still an Advisory Planning Commission (APC) referral in process. There may be an option for the APC to meet outside, or be authorized to meet electronically.

Regional Planning Manager Kauer invited questions from the public and trustees.

Trustee Colbourne pointed out that a letter from the BC Ministry of Agriculture received in the March LTC agenda package recommended maximum 35% lot coverage for cannabis production. He encouraged Islands Trust to do a percentage of lot coverage.

Discussion ensued on the impacts of setbacks, and impact of 35% lot coverage versus the proposed cannabis production area coverage restriction of 200 square metres.

Trustee Langereis noted the issue of the 200 square metres was trying to constrain the size of development to micro-processing, and wondered if the community is fine with that. He also noted some of the smaller lots would not be able to do anything.

Chair Rogers announced the LTC had given this Second Reading. The next step would be Public Hearing. He commented on the process and invited people to contact staff if there were substantive questions.

There were no questions from the public in attendance, and no further questions from Trustees.

Chair Rogers closed the Community Information Meeting at 11:56 am.

Chair Rogers announced the meeting could go back to the Town Hall.

5. TOWN HALL

Steven Earle joined the Town Hall at 11:57 am.

Mr. Earle referenced a 1992 agreement between Islands Trust and the Ministry of Transportation and Infrastructure, stipulating that roadways would have 1.2 metre cycling lanes on both sides. He asked that the Trust Committee assure him that cycling lanes would be constructed on this new Spruce-Church connection section of road.

Chair Rogers indicated the LTC had received the email from Mr. Earle on this topic, and thanked him. Chair Rogers invited Mr. Earle to stay for further discussion during agenda item 12.1.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Housing Options and Impacts Review Project

The Regional Planning Manager discussed the staff report dated June 25, 2020 that provided an analysis of the draft engagement strategy submitted by the Gabriola Housing Advisory Planning Commission (APC) and proposed recommendations for a staged plan for next steps on the project. It was anticipated there would be a year-long public consultation strategy.

The Regional Planning Manager noted that the Project Charter indicated areas that the LTC wants to address; a purpose of the preliminary public consultation would be to help prioritize those things. Given that Islands Trust cannot do kitchen table or open house sessions at this time, staff could develop a survey and advertise about this effort.

Discussion ensued regarding the following points:

- Consultation process and referral of the Housing Options and Impacts Review to the Housing Advisory Planning Commission (HAPC).
- Public engagement process, staff workload and the purpose and nature of a referral to the HAPC.

Chair Rogers recessed the meeting at 12:38 pm.

Chair Rogers reconvened the meeting at 1:02 pm.

Discussion resumed and the following point was made:

- There was support for prioritization of components, and based on that, development of a strategy and data for the consultation process.

GB-2020-035**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer the project charter and public engagement strategy of the Housing Options and Impacts Review Project to the Housing Advisory Planning Commission to provide recommended prioritization of the in-scope components of version 5 of the Project Charter, other than the review of the Gabriola Build Out Map, based on staff comments regarding budget and staffing, and that all meetings resulting from the referral must meet the respective health and legislative requirements set forth by the Provincial Health Officer and Provincial Government.

CARRIED**9. LOCAL TRUST COMMITTEE PROJECTS****9.1 GB-RZ-2020.1 (Gabriola Housing Society – GHS)**

Planner Dubyna gave an overview of the staff report that introduced two draft bylaws, one to amend the Gabriola Island Official Community Plan (OCP) Bylaw No. 166, and the other to amend the Gabriola Island Land Use Bylaw No. 177 (LUB).

Representatives of the Gabriola Housing Society spoke to the application. There was a request to the LTC to establish a schedule for the rezoning project so it would be completed prior to the end of 2020. A letter had been sent to Islands Trust on June 11, 2020 requesting an accelerated rezoning process. It was pointed out that there is tremendous competition for funding from BC Housing, and that there would be a better chance of success to obtain funding the closer the project is to approval. The Society would be in a better position with less risk, once past the process where trustees and the local community have weighed in on it.

The Regional Planning Manager provided an explanation of the required and optional steps pertaining to the OCP and LUB amendment process, and recommended a Community Information Meeting not occur until the referral period is over or almost over. It was not possible to commit to a timeline, not knowing what the public response would be. The process is designed so that community members have a say and can review the proposal.

It was noted that the Province (Ministry of Municipal Affairs and Housing) has final say regarding OCP amendments, so this would be outside the authority of Islands Trust.

Discussion ensued and included the following points:

- There is a separate and parallel process for the housing agreement bylaw. Islands Trust has a template housing agreement that recently was sent to the proponent. Quite a bit of work was done the previous term on a project that included developing the housing agreement template and a housing needs assessment.
- It was suggested that the lack of affordable housing on Gabriola should be a positive factor in this application.
- There was reluctance to put time limits on the referral period for First Nations. Consultation is ongoing.
- Staff noted in the report that Policy 4.4.2 of the Islands Trust Policy Statement is not applicable. The hydrologist report indicated there was no concern for the water

quality. The water report was forwarded to the Freshwater Specialist prior to the April 2020 staff report, who was very satisfied with the report and spoke by phone with the head hydrologist. The LTC added the Islands Trust Freshwater Specialist to the agency referral list.

- Buildings would be made rainwater harvesting ready.
- Definition of family residence could be reworded to indicate that secondary suites are not included.
- Discussion of duplexes versus triplexes; selection would be determined at the time of the environmental development application. Under BC Housing, projects must be protected by sprinklers; there may be some advantage building duplexes instead of triplexes in terms of the building code and fire code.
- Intent is that home occupations take place within the principle dwelling.
- There was discussion of the timeframe for the rezoning process, with agreement to set an approximate date for a public hearing.

GB-2020-036

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 306 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020” be read a first time.

CARRIED

GB-2020-037

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Bylaw No. 307 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020” be read a first time.

CARRIED

GB-2020-038

It was MOVED and SECONDED

by the Gabriola Island Local Trust Committee that Proposed Bylaw Nos. 306 and 307 be referred to the following Local Governments and Agencies for comment for a 45 day period:

Regional District of Nanaimo, Vancouver Island Health Authority (Island Health), Ministry of Transportation and Infrastructure, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, School District 68, Gabriola Volunteer Fire Department, and Islands Trust Freshwater Specialist.

CARRIED

GB-2020-039

It was MOVED and SECONDED

by the Gabriola Island Local Trust Committee that Proposed Bylaw Nos. 306 and 307 be referred to the following First Nations:

Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Stz’uminus First Nation.

CARRIED

GB-2020-040**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to schedule a community information meeting for application GB-RZ-2020.1 (Gabriola Housing Society) and Proposed Bylaw Nos. 306 (OCP) and 307 (LUB) following the close of the bylaw referral period, and make best effort to schedule a public hearing prior to or during the week of October 5, 2020.

CARRIED

Chair Rogers express thanks to trustees, staff and representatives of Gabriola Housing Society.

The meeting recessed at 2:38 pm and reconvened at 2:41 pm.

The applicants for GB-DVP-2020.3 joined the meeting at 2:41 pm.

9.2 GB-DVP-2020.3 (McCaw)

Chair Rogers advised the applicants that the LTC heard from a neighbour regarding the DVP application at the Town Hall and by emails.

Planner Cox introduced the staff report on the DVP application requesting a variance of the Gabriola Island Land Use Bylaw (LUB) to reduce the setback from the natural boundary of the sea from 30 metres to 21.4 metres. The Planner pointed out that the variance request would be changed to 19.5 metres, not 21.4.

The addendum package included the engineering report. This DVP came about as an option for compliance pertaining to a neighbour bylaw complaint.

For the setback from the natural boundary of the sea, the rationale was the system installed has a higher standard than the traditional leach field system.

The applicants spoke to the application. They confirmed that they relied on the qualified professional for the design and location of the septic system.

Discussion ensued, that included consideration of setbacks to wells, health regulations, role of the health authority, unregistered well nearby, drainage ditch adjacent to the property, public feedback, and professional reliance for septic system installation.

As noted in the staff report, the health authority had accepted the findings of the hydrogeological engineering report pertaining to how the septic system might affect the aquifer and nearby water well within the recommended 30-metre limit, and had rescinded a Health Order.

Trustee Langereis had questions around the actions of the Health Authority in regard to this matter.

GB-2020-041

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee amend draft Development Variance Permit GB- DVP-2020.3 by replacing 21.4 with 19.5 metres, and approve issuance as amended.

CARRIED

**Trustee Colbourne and Trustee Rogers in favour
Trustee Langereis opposed**

The applicants for GB-DVP-2020.1 joined meeting at 3:17 pm.

9.3 GB-DVP-2020.1 (Maloney & Doherty)

Planner Sawyer presented the staff report on a development variance request to permit the siting of two existing sheds and an existing greenhouse within the front and exterior side lot line setbacks.

Applicant Maloney spoke to the application, noting that: the sheds were on the property when purchased in 1999, apparently built before the establishment of the bylaws; a setback waiver had been received from the Ministry of Transportation and Infrastructure; a legal survey had been provided to Islands Trust. Nothing was obstructing the septic field. The greenhouse and one shed were under 100 square feet, the second shed slightly more than 100 square feet, none on permanent foundations.

GB-2020-042

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee waive the requirement to provide a plan signed by a BC Land Surveyor as per Gabriola Island Land Use Bylaw No. 177, A.3.5.1 *Enforcement of Siting Regulations* for application GB-DVP-2020.1.

CARRIED

GB-2020-043

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2020.1 (Maloney and Doherty).

CARRIED

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List dated June 17, 2020

Received.

11. CORRESPONDENCE

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

11.1 June 8, 2020 Email from S. Earle for Gabriola Cyclepaths regarding Spruce-Church Connection

Received.

11.2 June 10, 2020 Email from K. Clifford regarding Safe Public Access on Roadways

Received.

12. NEW BUSINESS

12.1 Safe Public Access on Roadways

Trustee Colbourne announced that there is a need for clarification regarding what is happening with the Church-Spruce connector, which is currently in front of MoTI. There is a bike route plan that flows from a 1992 agreement; what is the status of that? What is providing access if possible through that development for trails connected to trails? Is it only at a certain phase of the development, or is it expected throughout the construction phase of the project? It does not seem to be spelled out as to whether the road will have active transportation infrastructure, and the current MoTI direction.

Island Planner Zupanec reported MoTI has Islands Trust's referral response from over a year ago where it was indicated clearly that there would be a 1.2 metre shoulder. It was understood by staff that there were a number of conditions that needed to be met. There had been no correspondence received from MoTI indicating that the review had been finalized.

The Island Planner clarified that four trails were promised as part of subdivision and rezoning; some are on strata land (part of the subdivision) and they do not necessarily tie into the Spruce connector, but tie into a strata subdivision and the flow of pedestrian traffic to and from the 16-hectare park. Those trails are not connected to the Spruce-Church Road or potential site improvements, but are part of subdivision approval, and still on the table as part of the final approval of the subdivision layout. Islands Trust cannot give final approval of the subdivision if road design does not accommodate the conditions.

Staff was asked to get an update on the status of the development of trails and the condition related to the road shoulder to the next meeting.

Trustee Colbourne will follow up with Mr. Earle.

12.2 Clarification regarding Transportation Connections through Development Projects

There was no further discussion on this topic at this time.

12.3 Relief from Bylaw Enforcement Action amid COVID 19 Restrictions

Chair Rogers read aloud an email received from staff indicating no bylaw enforcement action would be taken until Covid-19 restrictions have been lifted. Discussion ensued regarding the importance of communication with people who are in extenuating circumstances due to the pandemic and unable to respond to bylaw enforcement obligations at this time, as well as communication with complainants.

Bylaw Compliance and Enforcement Officer Dingman joined the meeting at 3:54 pm. Officer Dingman explained that Bylaw Enforcement was not doing anything to cause people to be removed or evicted from their properties. If there were contraventions on the lot, a letter would be sent saying that a file is being opened, there may be contraventions on the lot, and please contact Bylaw Enforcement. Due to Covid-19 restrictions, people were being given time to comply.

Chair Rogers directed Trustees to guide people with issues related to bylaw enforcement to contact staff, and, if Trustees had specific bylaw enforcement issues on which they wished to consult, to arrange to meet with bylaw staff at an LTC in camera meeting.

12.4 Response to Email from Islands Trust requesting Expressions of Interest from Local Trust Committees to Participate in a Pilot to Live Stream Local Trust Committee Meetings

Chair Rogers remarked that the LTC had already advised the technical support staff of its interest in participating in a pilot to live stream LTC meetings.

Trustee Langereis indicated he would contact the technical support person to advise that the LTC had passed a motion expressing interest in participation several months ago.

12.5 Standing Resolution regarding Restaurant Expansion during COVID Emergency Response

The Regional Planning Manager presented the staff report on restaurant expansion during COVID emergency response. This also would apply to distilleries with seating areas.

GB-2020-044

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorization for liquor primary and manufacturer licensees in the Gabriola Island Local Trust Area.

CARRIED

13. REPORTS

13.1 Climate Change Action Update

A FireSmart and climate crisis webinar is scheduled for Saturday, July 4 at 2:00 pm.

In the fall, there will be a series of webinars presented, on topics that include eelgrass and water sustainability.

13.2 First Nations Relationship Building

No further updates were discussed.

13.3 Trust Conservancy Report

The Islands Trust Conservancy (ITC) report dated May 26, 2020 was received with the agenda addendum.

The Executive Committee has an annual liaison meeting with the Conservancy the second week of July.

Trustee Colbourne announced Stan McCrae had passed away recently. McCrae conservation area is a Natural Area Protection Tax Exemption Program (NAPTEP) covenant.

The Trustee reported he received emails from community members regarding the boundary line with the museum and trail access that he would forward to Kate Emmings at the Conservancy for clarification on what is happening, and copy the ITC Chair.

13.4 Applications Report dated June 17, 2020

Received.

13.5 Trustee and Local Expense Report dated May, 2020

Received.

13.6 Adopted Policies and Standing Resolutions

Received.

13.7 Local Trust Committee Webpage – none**14. WORK PROGRAM****14.1 Top Priorities Report dated June 17, 2020**

Received.

There was discussion about the process pertaining to the ecological protection zone. It was proposed that a Trustee meet with the Nature Trust to learn why they were opposed to the zone.

Trustee Langereis planned to contact Nature Trust for further information, and report back to Planner Cox and the LTC by the next LTC meeting.

Participant Derek Kilbourne, commented on Coats Marsh Regional Park, noting that it is not within Islands Trust jurisdiction. It often is not seen by the public as a conservation area but an extension of 707 Park. Members of the Parks and Open Spaces Advisory Committee were asked to work on public education regarding the differences between the two. There will be more information brought to the committee in the fall about what the management plan states regarding Coats Marsh.

14.2 Projects List Report dated June 17, 2020

Received.

15. CLOSED MEETING – none

GB-2020-045

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee indicate it will have a meeting closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(e) for the purpose of considering acquisition and disposition of land and that the recorder and staff attend the meeting, on a date to be determined.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Thursday, July 30, 2020 at 10:30 am - location to be determined

17. ADJOURNMENT

The meeting adjourned at 4:20 pm.

Dan Rogers, Chair

Certified Correct:

Diane Corbett, Recorder



Follow Up Action Report

Gabriola Island

16-May-2019

Activity	Responsibility	Dates	Status
1 GB-DVP-2019.1 (Huxley Park) - LTC waived requirement for BCLS survey; issued DVP subject to receipt of a planting plan to mitigate tree loss/reduction in area for tree removal and reduction in parking area (see resolution from minutes). Staff to follow up with RDN on submission requirements and issuance of DVP.	Becky McErlean Bronwyn Sawyer		In Progress

11-Jul-2019

Activity	Responsibility	Dates	Status
1 Staff to prepare draft bylaws for the ecological protection zone with site specific provisions for Coats Marsh and B. Acres. (In progress - coordination with Trust Conservancy staff). No change in status while further meeting with RDN being scheduled for late July/early August 2020.	Ian Cox		In Progress

28-Nov-2019

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



Follow Up Action Report

Gabriola Island

28-Nov-2019

Activity	Responsibility	Dates	Status
2 LTC approved issuance of GB-DP-2017.2 following issuance of GB-DVP-2017.1 (Awaiting registration of covenant and HCA notice)	Becky McErlean Ian Cox		In Progress
3 For the Ecological Protection Zone Top Priority Project, the LTC direct staff to: <ul style="list-style-type: none"> ·amend the Project Charter to include rezoning of Elder Cedar Nature Reserve; (DONE) ·prepare draft amendments to the Gabriola Island OCP; (In progress - coordination with Trust Conservancy staff) ·prepare draft amendments to the Gabriola Island LUB; (In progress - coordination with Trust Conservancy staff) ·consider options for Coats Marsh Regional Park, consult with RDN and TNT, and report back. (DONE) 	Ian Cox		In Progress

27-Feb-2020

Activity	Responsibility	Dates	Status
1 Refer the Feb 27 report from Trustee Langereis to the APC for comment on the process of public consultation. Add review of the model strategy for antenna to the project list	Becky McErlean Penny Hawley Sonja Zupanec		In Progress

14-May-2020

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gabriola Island

14-May-2020

Activity	Responsibility	Dates	Status
1 staff to send correspondence on behalf of the Local Trust Committee Chair to the Housing Advisory Planning Commission to thank them for their work and advise them of the status of the project.	Heather Kauer Sonja Zupanec		Completed

25-Jun-2020

Activity	Responsibility	Dates	Status
1 Refer the project charter and public engagement strategy of the Housing Options and Impacts Review Project to the HAPC as per LTC resolution June 2020.	Heather Kauer Penny Hawley Sonja Zupanec		Completed
2 GB-RZ-2020.1 - Bylaw Nos. 306 (OCP) and 307 (LUB) given first reading, proceed with Local Government referrals as per staff report with 45 day referral period; add Islands Trust Freshwater Specialist to referral list; proceed with referrals to First Nations. Schedule PH prior to or during the week of October 5 2020.	Becky McErlean Jaime Dubyna		In Progress
3 GB-DVP-2020.3 - issuance approved as per amended DVP.	Becky McErlean Ian Cox		Completed
4 GB-DVP-2020.1 - issuance of DVP approved, requirement for signed BCLS survey waived.	Becky McErlean Bronwyn Sawyer		Completed

File No.: GB-DP-2020.1 (Williamson & Associates)

DATE OF MEETING: July 30, 2020

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: **Development Permit Application GB-DP-2020.1 – DP-3 Riparian Areas**
Applicant: Williamson & Associates (on behalf of Rob Egan and Natashya Klus)
Location: THE SOUTH WEST 1/4 OF SECTION 18 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARTS IN PLANS 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, AND VIP53490; PID 000-988-081

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2020.1 (Williamson & Associates) for THE SOUTH WEST 1/4 OF SECTION 18 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARTS IN PLANS 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, AND VIP53490 (PID 000-988-081).

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application for the construction of a single family dwelling (modular home), pumphouse, driveway and associated land clearing, on the subject property located within Development Permit Area No. 3 (DP-3) – Riparian Areas. Pursuant to Section F.3.2 of the [Gabriola Island Land Use Bylaw No. 177](#) (LUB), a DP is required to be issued by the LTC prior to development occurring within DP-3.

The applicant has submitted a *Riparian Areas Protection Regulation* (RAPR) Assessment Report by Toth and Associates Environmental Services, dated May 2, 2020. The RAPR Assessment Report has been assessed and approved for methodological compliance by Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) staff. The RAPR report contains recommendations intended to meet the DP-3 guidelines for development found in Section F.3.4 of the LUB, and these recommendations have been included as conditions in the draft Development Permit.

BACKGROUND

The 2.2 hectare (5.44 acre) subject property is located on the corner of North Road and Horseshoe Road, as shown on Figure 1. Castell Brook flows through the property in a northwest direction (see Figure 2). The applicant proposes to construct a single family dwelling (modular home), driveway and pumphouse, along with associated land clearing of the construction area. The siting of the proposed development activities are within the 30-metre Riparian Assessment Area (RAA), therefore a DP is required to be issued by the LTC prior to development occurring. The RAPR report, dated May 2, 2020, has established a 10 metre Streamside Protection and Enhancement Area (SPEA) from the high water mark of the stream. No buildings or structures are proposed within the SPEA.

Information about the subject property is contained within the Site Context in Attachment 1. Applicable DP guidelines are included in Attachment 2. The proposed development is shown on the site plan, and the RAPR Assessment Report, attached to the draft DP in Attachment 3.

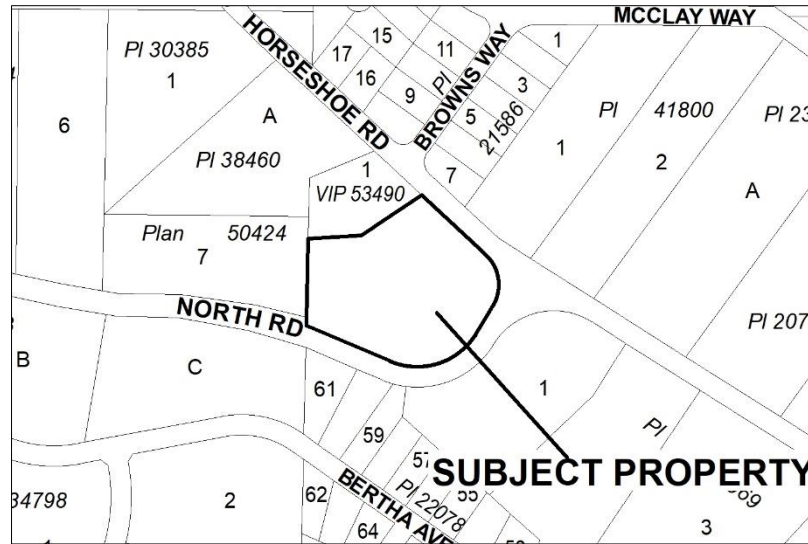


Figure 1. Subject property map

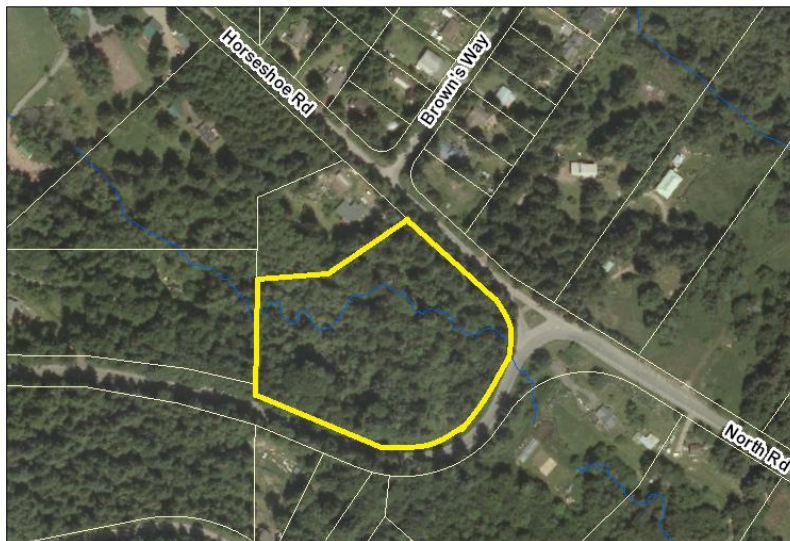


Figure 2. Orthophoto of subject property. Castell Brook shown in blue.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

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

- 3.1.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.*
- 3.3.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands, and riparian zones to protect aquatic wildlife.*

This application is not contrary to the ITPS.

Official Community Plan:

The subject property is currently designated as Agriculture (AG) in the [Gabriola Island Official Community Plan \(OCP\) Bylaw No. 166](#), and is located within DP-3 – Riparian Areas. The OCP identifies a development permit area measured 30 metres on both sides of the stream, measured from the high water mark.

The objectives of DP-3 are:

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

The proposed development complies with the objectives and policies of the OCP.

Land Use Bylaw:

The subject property is zoned Agriculture (AG) under the LUB. The guidelines for DP-3 are contained within Section F.3.4 of the LUB.

The proposed development complies with applicable development permit area guidelines (see Attachment 2). The proposed development appears to meet all other LUB requirements, including:

- Clause B.2.1.1.a, which requires that buildings and structures are setback, "...a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream or wetland";
- Clause B.2.1.1.b, which requires a septic sewage disposal field to be sited, "...a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland."

Issues and Opportunities

Protection Measures and Environmental Monitoring

Pursuant to Guideline F.3.4.1 of the LUB, the LTC may impose permit conditions where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems.

Staff have reviewed the recommendations in the RAPR report by Toth and Associates Environmental Services, dated May 2, 2020, and recommend the following conditions in the draft DP:

- The SPEA boundary be marked on the ground prior to commencement of development activities;
- Silt fencing be installed and maintained during construction;
- Land clearing or soil disturbance activities occur during dry weather only;
- Exposed soils be covered with straw mulch and seeded with grass seed;
- No trenching of root zones, paving, changes to ground level, parking of vehicles and concrete washout or other pollutant runoff, shall occur around trees located on the boundary of the SPEA;
- Stormwater management systems be installed and stormwater run-off be directed outside of the SPEA;
- The property owner retain a professional arborist to provide a Hazard Tree Assessment report, at the property owner's expense, prior to any removal of a tree of concern within the SPEA.

In the RAPR report, the QEP does not require environmental monitoring of site conditions during construction and states that "...the requirement for any post-development assessment is at the discretion of the Approving Authority." Staff note that in the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) assessment of the QEP report, FLNRORD staff state, "Monitoring is an effective tool for ensuring prescribed measures are adhered to as the QEP is responsible for ensuring protection of the SPEA through Measures outlined in their report."

Staff have included a condition in the draft DP that requires the property owner to retain a QEP, at the property owner's expense, to monitor site conditions during two site visits – one at the middle-term and one post construction – and to submit a post-development assessment report by a QEP to confirm that protective measures and environmental monitoring have been properly implemented. This is supported by DP-3 Guideline F.3.4.3 which provides,

*"Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. **Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.**"*

Agricultural Land Reserve

The subject property is located within the provincial Agricultural Land Reserve (ALR). According to the Agricultural Land Commission (ALC) [Information Bulletin 05: Residences in the ALR](#), for a lot within the ALR, no application is required to the ALC to construct a residence with a total floor area of 500 m² or less where there is no existing residence.

Consultation

A community information meeting and/or public consultation and notification are not required for development permit applications.

Rationale for Recommendation

Staff advises that the guidelines for DP-3 appear to be satisfied through the recommendations of the RAPR report completed by Toth and Associates Environmental Services, and these recommendations have been included in the draft DP.

In order to ensure protection of the biological diversity and habitat values of the riparian ecosystem, within 90 days of completion of the proposed development, the applicant has a responsibility to have a QEP complete and file a post-development report to ensure that the construction is in keeping with the RAPR report.

Staff recommends issuance of the Development Permit as noted in the recommendation listed on page 1 of the staff report.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application. If the decision is to deny the development permit application, the decision must be accompanied by reasons provided by the LTC. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-DP-2020.1 for the following reasons: [indicate how the proposal does not comply with the applicable guidelines].

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 [requested information to be provided by the LTC].

NEXT STEPS

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

Submitted By:	Jaime Dubyna Planner 2	July 13, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	July 13, 2020

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – Development Permit Area Guidelines Checklist
3. Attachment 3 – Draft Development Permit

ATTACHMENT 1 – SITE CONTEXT

GB-DP-2020.1 (WILLIAMSON & ASSOCIATES)

LOCATION

Legal Description	THE SOUTH WEST 1/4 OF SECTION 18 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARTS IN PLANS 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, AND VIP53490
PID	000-988-081
Civic Address	n/a
Lot Size	2.2 ha (5.44 acres)

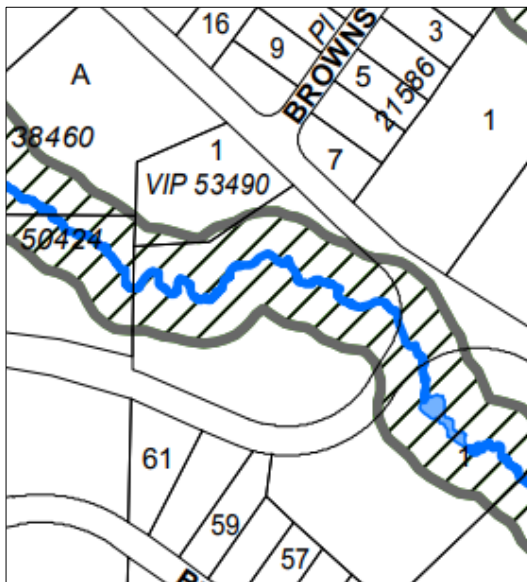
LAND USE

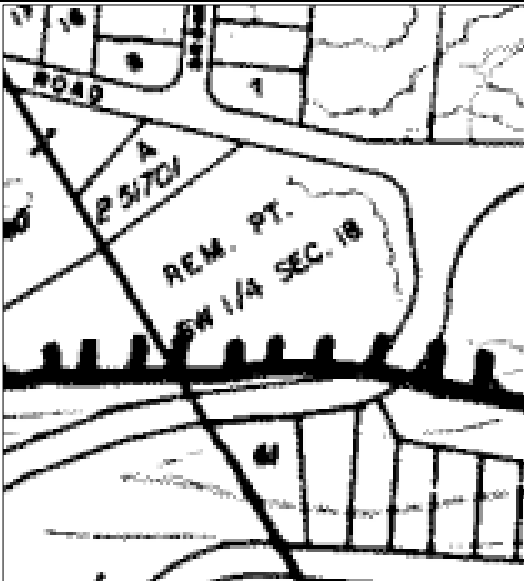
Current Land Use	Undeveloped (existing shed)
Surrounding Land Use	Residential; Agricultural

HISTORICAL ACTIVITY

File No.	Purpose
GB-BP-2019.3	RDN Building Permit referral for proposed single family dwelling.

POLICY/REGULATORY

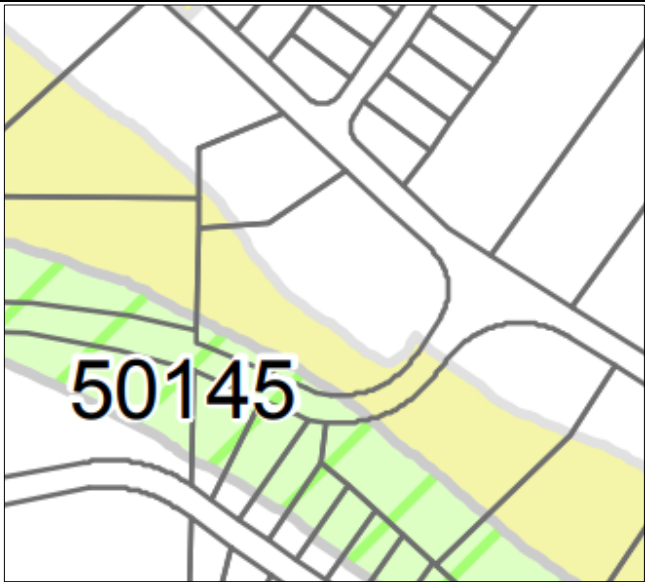
Official Community Plan Designations	<p>Land Use Designation: AG – Agriculture</p> <p>Development Permit Area: DP-3 – Riparian Areas; DP-6 Escarpment Areas</p>  <p>Figure 2. Area of DP-3 on subject property (Schedule D of OCP).</p>
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Land Use Bylaw	<p>Figure 3. Area of DP-6 on subject property (Schedule C of OCP).</p> <p>Zone: Agriculture (AG)</p> <p>D.2.1.2.a Permitted <i>Buildings and Structures</i></p> <p>i. Maximum of:</p> <ul style="list-style-type: none"> • one <i>single family dwelling</i> per lot; • one <i>secondary suite</i> per lot; • for lots in the Agricultural Land Reserve, one <i>secondary suite</i> AND one <i>manufactured home</i> for immediate family or <i>farm worker housing</i>; • three <i>buildings</i> per lot excluding a <i>secondary suite</i>, <i>pump/utility house</i> and <i>woodshed</i> and that are <i>accessory</i> to all <i>dwellings</i>; • one <i>produce stand</i> per lot <i>accessory</i> to an <i>agriculture principal</i> use and not exceeding 20 square metres (215.3 square feet) <i>floor area</i>; <p>DP-3 – Riparian Areas</p> <p>F.3.2 Applicability</p> <p>F.3.2.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.3.3.1:</p> <ul style="list-style-type: none"> b. construction of, addition to, or alteration of a building or other structure c. removal, alteration or destruction of vegetation d. disturbance of soils e. creation of non-structural, impervious or semi-impervious surfaces g. any other development, as that term is defined under the provincial <i>Riparian Areas Regulation</i> <p>B.2.1.1 Setbacks and Elevations from <i>Watercourses</i> and the Sea</p> <p>a. Despite all other siting references in this Bylaw excepting B.2.1.4c, third party signs, fences, pump/utility houses, retaining walls, ground level decks, <i>structures</i> and <i>buildings</i>, excepting <i>boathouses</i>, must be</p>

	<p>sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the <i>natural boundary</i> of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the <i>natural boundary</i> of any lake, stream, or wetland. Where the <i>frontage</i> on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, <i>buildings</i> and <i>structures</i> must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the <i>natural boundary</i> of the sea.</p> <p>b. A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the <i>natural boundary</i> of the sea, lake, stream or wetland.</p> <p>c. elevation requirements in B.2.2.1.a. are measured to the underside of the floor of any wooden floor system or top of a slab or pad of any <i>habitable area</i>.</p> <p>See Attachment 2 of this report for DPA Guidelines.</p>
Other Regulations	<p>The provincial <i>Riparian Areas Protection Regulation</i> (RAPR) requires local governments to protect riparian areas during residential, commercial and industrial development by ensuring that a Qualified Environmental Professional (QEP) conducts a science-based assessment of proposed activities.</p> <p>The subject property is within the Agricultural Land Reserve (ALR). According to the Agricultural Land Commission Information Bulletin 05: Residences in the ALR, "...a local government may not approve or permit construction or alteration of a principal residence on ALR land unless the principal residence has a total floor area of 500 m² or less and is sized, sited and used in accordance with the ALR Use Regulation, or is permitted by the Commission on application: ALCA, s. 18."</p>
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) - owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Plan	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is LOW/MEDIUM; however, Gabriola Island as a whole has been identified as a HIGH priority.
Species at Risk	None mapped.
Sensitive Ecosystems	<p>Sensitive Ecosystem mapping identifies:</p> <ul style="list-style-type: none"> • Wetland and Mature Forest (Primary class); • Seasonally flooded (Secondary class).

	 <p>Figure 4. Area of mapped Sensitive Ecosystems on subject property (Source: Islands Trust Conservancy: http://www.islandstrustconservancy.ca/media/20227/orgmapsemgabriola.pdf)</p> <p>Riparian Area – Castell Brook</p>
Hazard Areas	Low Risk steep slope mapping identified in southwest corner of lot.
Archaeological Sites	<p>Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or near to the subject property.</p> <p>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.</p>
Climate Change Adaptation and Mitigation	n/a
Groundwater Vulnerability	Islands Trust mapping indicates the subject property to be within a Moderate/Moderate High vulnerability area.

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

GB-DP-2020.1 (WILLIAMSON & ASSOCIATES)

GABRIOLA ISLAND DPA NO. 3 RIPARIAN AREAS

Guideline	Complies	Planner Comments
F.3.4.1 In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	yes	<p>The Riparian Area Protection Regulation (RAPR) Assessment Report provided by the QEP has indicated measures and recommendations to protect and maintain the riparian area and stream.</p> <p>Staff have included the measures and recommendations identified by the QEP in the RAPR Assessment Report as conditions of the draft Development Permit.</p> <p>Staff have included as a condition in the draft permit that the property owner be required to hire a QEP at the property owner's expense to confirm that the protection requirements identified in the RAPR Assessment Report dated May 2, 2020, have been properly implemented with a post-development assessment report submission.</p>
F.3.4.2 The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.	yes	<p>The RAPR Assessment Report provided by the QEP has identified the SPEA to be a maximum of 10 metres from the top of the stream bank. The site plan indicates that the proposed single family dwelling (modular home), pump house, driveway and septic field are located outside of the SPEA.</p> <p>The RAPR Assessment Report identifies the following measures to protect the SPEA:</p> <ul style="list-style-type: none"> • Prior to removal of a tree considered to pose a threat that is located within the SPEA, it is recommended that a professional tree service provides a Hazard Tree Assessment report; • To protect trees in the SPEA, no trenching through the root zone, paving, changes to ground level, parking of vehicles, and concrete washout or other pollutants/contaminates should occur around trees located on the boundary of the SPEA; • The SPEA boundary should be marked on the ground prior to any development occurring. It is recommended that waste logs from land

		<p>clearing activities be used, laid end to end;</p> <ul style="list-style-type: none"> • Mitigation measures implemented during land development, including installment of a silt fence in any low point leading to the SPEA; • Stormwater infiltration systems must be sited outside of the SPEA, and stormwater runoff must be directed away from the SPEA. <p>Staff have included the measures and recommendations to protect the SPEA identified by the QEP as conditions of the draft Development Permit.</p> <p>Staff have included a condition in the permit that no residential, commercial or industrial development, and no vegetation or tree removal, shall take place within the SPEA identified by the QEP.</p>
<p>F.3.4.3 Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.</p>	yes	<p>The RAPR Assessment Report outlines measures that must be taken to protect the riparian area, including:</p> <ul style="list-style-type: none"> • Land clearing activities should be postponed during heaving rainfall periods; • Exposed soils should be covered with straw mulch, and seeded with turf grass seed prior to rainfall. <p>The RAPR Assessment Report does not require environmental monitoring of land development activities. <u>However</u>, in its review of the RAPR Assessment Report, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) staff note, "Monitoring is an effective tool for ensuring prescribed measures are adhered to as the QEP is responsible for ensuring protection of the SPEA though Measures outlined in their report."</p> <p>Staff have included a condition in the permit that the property owner be required to hire a QEP at the property owner's expense for two monitoring site visits (middle-term and post construction) and forward confirmation of site visits to the Islands Trust.</p>
<p>F.3.4.4 If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the</p>	yes	<p>The RAPR Assessment Report provided by the QEP does not require environmental monitoring. However, FLNRORD staff have indicated environmental monitoring ensures protection measures of the SPEA are adhered to.</p> <p>The RAPR Assessment Report indicates that the requirement for a post-development assessment is at</p>

assessment at the applicant's expense and development permit conditions may be amended accordingly.		<p>the discretion of the Approving Authority.</p> <p>Staff have included a condition in the permit that requires that the property owner submit at the property owner's expense, confirmation of two site visits and a post-development report by a QEP to the Islands Trust.</p>
F.3.4.5 The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.	n/a	<p>The siting of the single family dwelling (modular home), pump house, driveway and septic field is proposed to be outside of the 15 metre setback from a watercourse required by Clause B.2.1.1.a of the Gabriola Island Land Use Bylaw No. 177.</p>



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2020.1**

To: Rob Egan & Natashya Klus

1. This permit applies to:

PID: 000-988-081

THE SOUTH WEST 1/4 OF SECTION 18 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARTS IN PLANS 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, AND VIP53490

2. Whereas the subject property as described above lies within "Development Permit Area No. 3 – Riparian Areas" designated under Gabriola Island Official Community Plan Bylaw No. 166, this development permit is issued under Gabriola Island Land Use Bylaw No. 177 that authorizes the **construction of one single family dwelling, one pumphouse, and a driveway**, in accordance with Schedules "A", "B" and "C", attached to and forming part of this permit.

3. The Permit is subject to the following conditions:

- 3.1 No residential, commercial or industrial development shall take place within the Streamside Protection and Enhancement Area (SPEA) identified in the Riparian Areas Protection Regulation (RAPR) Assessment Report by Toth and Associates Environmental Services, dated May 2, 2020, and attached as Schedule "C".
- 3.2 The SPEA boundaries must be marked on the ground prior to commencement of any development activities.
- 3.3 The property owner is required to install and maintain a silt fence adjacent to the proposed development area, to prevent the discharge of sediment into the SPEA.
- 3.4 No trenching of root zones, paving, changes to ground level, parking of vehicles and concrete washout or other pollutant runoff, shall occur around trees located on the boundary of the SPEA.
- 3.5 Land clearing or soil disturbance activities within the Riparian Assessment Area are to occur during dry weather only.
- 3.6 All exposed soils within the Riparian Assessment Area must be covered with straw mulch and seeded with turf grass seed prior to a rainfall event, to prevent erosion and discharge of sediment into the SPEA.
- 3.7 Stormwater management systems, including rock pits and infiltration chambers, must be sited outside of the SPEA, and stormwater run-off must be directed away from the SPEA and stream.
- 3.8 The property owner is required to retain a professional arborist to provide a Hazard Tree Assessment report, at the property owner's expense, prior to any removal of a tree of concern within the SPEA.

- 3.9 The property owner is required to retain a Qualified Environmental Professional (QEP), at the property owner's expense, to monitor site conditions during two site visits (middle-term and post construction) and provide confirmation to the Islands Trust via email northinfo@islandstrust.bc.ca within 10 business days of each site visit.
- 3.10 The property owner is required to submit to the Islands Trust via email northinfo@islandstrust.bc.ca, at the property owner's expense, a post-development assessment report by a QEP within 90 days of completion of the development, that confirms the protection and environmental monitoring requirements identified in the RAPR Assessment Report, dated May 2, 2020, and attached as Schedule "C", have been properly implemented.

This permit does not relieve the applicant from complying with the provisions of the *Gabriola Island Official Community Plan Bylaw No. 166, 1997* and the *Gabriola Island Land Use Bylaw No. 177, 1999*, nor does it provide permission to construct any works without other lawfully required approvals and permits.

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

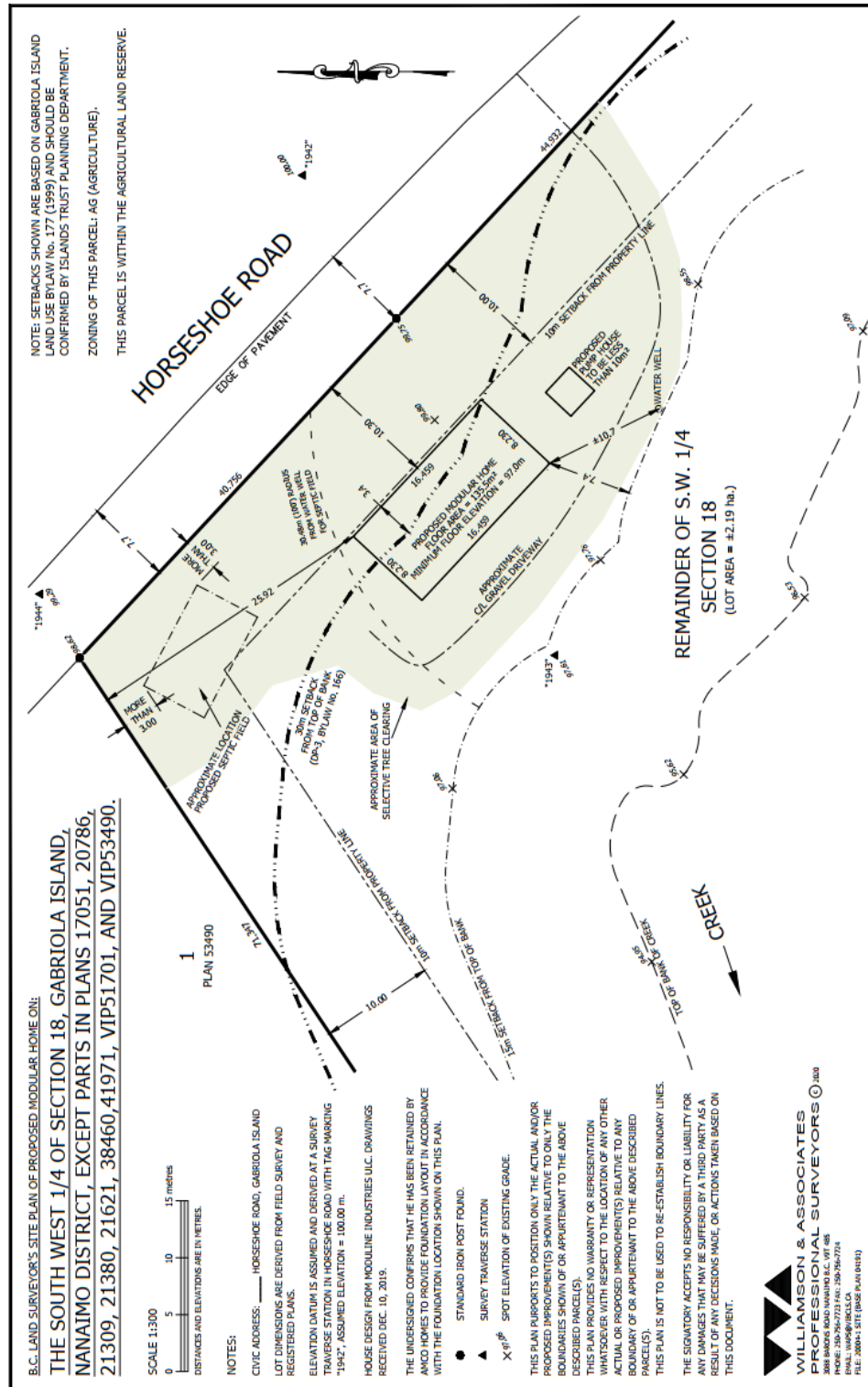
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE _____TH DAY OF _____, 20__ THIS PERMIT AUTOMATICALLY LAPSES.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2020.1

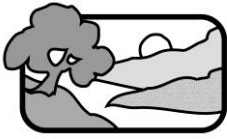
Schedule "A" – Survey Plan



Schedule "B" – Building Plans

 <p>FRONT SIDE ELEVATION</p>		 <p>FRONT END ELEVATION</p>	
 <p>BACK END ELEVATION</p>		 <p>BACK SIDE ELEVATION</p>	

 <p>MODULE INDUSTRIES ULC. P.O. BOX 80 175 RAILWAY STREET PENTICTON, B.C. V2A 6K3 (250) 493-0122</p>	<p>DRAWN BY: J.B.T.</p> <p>DATE: 7-30-12</p> <p>CHECKED BY:</p>	<p>NO. REVISIONS:</p> <table border="1"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>							<p>INITIALS:</p> <p>DATE:</p>	<p>TITLE: LEXINGTON</p> <p>DRAWING NO. PENTICTON 28853</p> <p>SERIAL NO. BALDWIN</p>
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Islands Trust

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2020.1**

**Schedule "C" – RAPR Assessment Report,
by Toth and Associates Environmental Services, dated May 2, 2020**

DRAFT

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date		May 2, 2020	
I. Primary QEP Information			
First Name	Steve	Middle Name	
Last Name	Toth		
Designation	R.P.Bio	Company	Toth and Associates Environmental Services
Registration #	1788	Email	stoth@shaw.ca
Address	6821 Harwood Drive		
City	Lantzville	Postal/Zip	V0R-2H0 Phone # 250-390-7602
Prov/state	BC	Country	Canada
II. Secondary QEP Information (use Form 2 for other QEPs)			
First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	Phone #
Prov/state		Country	
III. Developer Information			
First Name	Rob & Natashya	Middle Name	
Last Name	Egan & Klus		
Company			
Phone #		Email	
Address	Box 12		
City	Qualicum Beach	Postal/Zip	V9K-1S7
Prov/state	BC	Country	Canada
IV. Development Information			
Development Type	Construction: Single Family Residential		
Area of Development (ha)	0.1	Riparian Length (m)	250
Lot Area (ha)	2.2	Nature of Development	New
Proposed Start Date	2020-05-01	Proposed End Date	2022-12-31
V. Location of Proposed Development			
Street Address (or nearest town)	Horseshoe Road		
Local Government	Islands Trust	City	Gabriola Island
Stream Name	Castell Brook		
Legal Description (PID)	000-988-081	Region	Vancouver Island
Stream/River Type	Stream	DFO Area	South Coast
Watershed Code	925-380000-65800		
Latitude	49	10	32 Longitude 123 49 11

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed. Insert that form immediately after this page.

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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

1.1 Introduction

Steve Toth, ASCT, R.P.Bio. (Toth and Associates Environmental Services) conducted a detailed *Riparian Areas Protection Regulation* (RAPR) assessment of the Southwest ¼ of Section 18, Gabriola Island, Nanaimo District, Except Parts in Plans 17051, 20786, 21309, 21380, 21621, 38460, 41971, VIP51701, and VIP53490, located on the west side of the intersection of North and Horseshoe Roads on Gabriola Island on February 3, 2020.

The proposed development includes construction of a single family residential modular home (Figure 1) and associated development (septic field, driveway, clearing for a yard).

With the exception of a small shed / outbuilding, the 2.2 ha subject property is undeveloped. Castell Brook runs east to west through the property.

1.2 Aquatic and Terrestrial Habitat Conditions

No information was found for Castell Brook from searches of online government websites (FIDO, EcoCat, Habitat Wizard). The only sources of information were found in the Gabriola Island Riparian Area Regulation Stream Identification report (Madrone Environmental Services, February 24, 2012), on the Gabriola Streamkeepers website (<https://www.galtt.ca/gabriolastreamkeepers.html>) and in the Gabriola, Valdes, Thetis and Kuper Islands Water Allocation Plan (https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-planning/water_allocation_gabriola.pdf).

Our prior experience with this watercourse includes a RAR assessment of Castell Brook between the culvert crossing on Daniel Way and the mouth of the stream at Lock Bay in 2010, and an assessment of 680 Tin Can Alley (Assessment #5718) located approximately 430 m downstream of the subject property in 2018. Castell Brook downstream of Daniel Way was noted as having several limitations to potential fish use associated with chronic siltation, a bedrock cascade forming an impassable barrier to upstream fish passage immediately downstream of Daniel Way, beaver dams and a vast accumulation of woody debris at the mouth of the stream / tidal marsh at Lock Bay. Similar conclusions were drawn by the assessment by Madrone, which indicated that "due to a lack of habitat attributes, most notably a seasonal flow regime, no resident fish currently exist in the stream. It is possible, however, that seasonal anadromous fish use may occur downstream of the identified barrier. Species such as chum salmon (*Oncorhynchus keta*) or pink salmon (*O. gorbuscha*), which migrate to the ocean quickly after emergence from the gravel, could potentially occur. It is possible, however, that water quality limitations currently preclude the use of the stream by fish. Prior to the culvert under Daniel Way, a series of steps over bedrock creates a barrier to the upstream migration of fish. This feature represents a definitive barrier to the upstream movement of all fish. The most significant bedrock step has a gradient of 80% and a height of 2.5 m".

Castell Brook through the subject property (Photographs 1 - 6) is located within a mature mixed forest (red alder, bigleaf maple, western redcedar) dominated, open canopied woodland with an understorey comprised of primarily sword fern. The stream is located within low banks near the upstream end of the property, with bank height increasing with distance downstream. Castell Brook through the subject property is not located within a ravine. Stream banks and substrates are composed of clay, resulting in chronic high turbidity levels. Channel widths are generally 1.3 – 3.0 m wide (mean = 1.9m) with an average grade of 3.2 %.

A small spring sourced left bank tributary with a total channel length of 32 m flows to Castell Brook near the west end of the property (Photographs 7 – 9). A small non-permanent shed / outbuilding (Photograph 10) is located approximately 15 m from Castell Brook near the center of the property.

1.3 Provincial Review

The initial submission of this assessment report (6128A) to the province was rejected, with the Ministry of Forests, Lands, Natural Resource Operations reviewer indicating that the “*extent of the clearing has not been defined in the site plan. All developmental activities ancillary to the development (e.g. clearing, access, servicing (septic) parking, landscaping etc.) should be included. See section 18(F) of the RAPR. Please update report with this information when available as they will inform other Measures in this section*”. An updated Site Plan showing the limit of clearing, driveway, septic field and pump house is included as Figure 1.

The reviewer also asked “*Are there non-native species present on site that would warrant QEP with specialized expertise to assess danger tree status as noted? If so please include specialist report*”. We are uncertain of the correlation between non-native species and hazard tree assessment and therefore how to respond to this question, but there are no significant occurrences of non-native invasive species on the subject property and any proposed removal of hazard trees within the SPEA would require an assessment by a certified arbourist / hazard tree assessor, as stated in Section 3.

The reviewer noted that “*Land clearing activities not outlined in report. Is an additional windfirm buffer required to protect SPEA from proposed development?*”. The proposed limit of clearing is outside the 15 m watercourse setback required by the Gabriola Island Land Use Bylaw, providing a minimum 5 m buffer for trees within the 10 m SPEA. It is our opinion this buffer is sufficient to protect trees within the SPEA.

The reviewer also asked “*How does the development meet the standard of the escarpment DP?*”. Escarpment DP areas are areas where a land slope of greater than 80 per cent exists (see Section 1.4.1). The proposed modular home would be located approximately 85 m north of the toe of the Escarpment DP Area.

The reviewer commented that “*the developer should not be responsible for ensuring the correct implementation of measures to protect the SPEA, this should fall on the QEP to direct and evaluate effectiveness*”. It is our opinion that on developments where there is minimal or no risk of a HADD of fish habitat associated with the development, and therefore no justification for the involvement of an environmental monitor, it is the responsibility of the developer to ensure that the measures provided in an assessment report have been implemented correctly. The measures presented in an assessment report are provided specifically to give direction to the proponent or their agents, and local government (as stated in Section 3.7 of the RAPR Technical Manual).

1.4 Land Use Bylaws

Castell Brook is identified on Schedule D of the Gabriola Island Official Community Plan (OCP Bylaw No. 166, 1997) as a Riparian Areas Development Permit Area (DPA 3). The extent of the DPA is indicated on Schedule D as 30 m.

Section 9.1 of the Gabriola Island OCP indicates that "the Riparian Areas Development Permit Area, DP-3, includes all land designated on Schedule D of this plan, which are Streamside Protection and Enhancement Areas (SPEA) as determined using simple assessment methodology under the Riparian Areas Regulation and which includes any of the following that provides fish habitat:

- a) a watercourse, whether it usually contains water or not;
- b) a pond, lake, river, creek or brook; or
- c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b)."

For a stream that is not located in a ravine, the development permit area is a 30 metre strip on both sides of the stream measured from the high water mark, except for areas where a lesser distance is indicated on Schedule D.

Guidelines for DPA 3 are contained Section F.3.4 of the Gabriola Island Land Use Bylaw, 1999, and are included below.

F.3.4 Guidelines

Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.3.4.1

In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

F.3.4.2

The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term and these measures should be included as conditions of the development permit. The width of the SPEA may be less than the width of the DPA.

F.3.4.3

Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

F.3.4.4

If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the

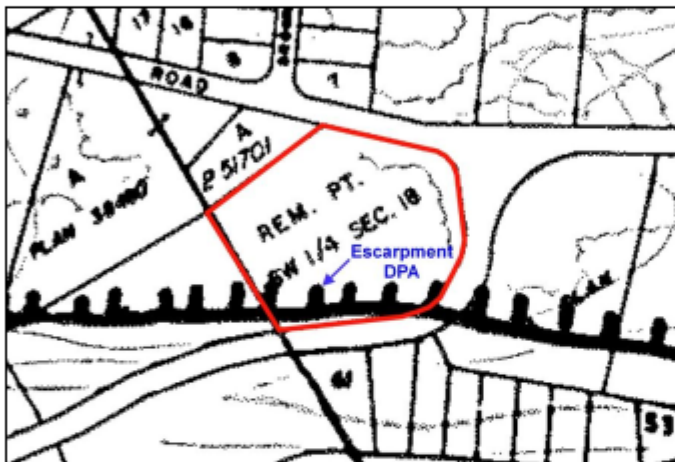
development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and development permit conditions may be amended accordingly.

F.3.4.5

The Local Trust Committee may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

1.4.1 Escarpment Development Permit Area

The south side of the subject property below North Road is identified on Schedule C of the Gabriola Island OCP as an Escarpment Development Permit Area (DPA 6). See excerpt below:



Escarpment areas are areas where a land slope of greater than 80 per cent exists. The stated objective is to protect development from natural hazards, including terrain instability, erosion, land slippage, rock falls, subsidence, debris flows and flooding or changes to stormwater runoff due to development on or in proximity to lands with excessive slope conditions.

The Guidelines for DPA 6 are contained in Section F.6 of the Gabriola Island Land Use Bylaw, 1999, and are included below.

F.6.1 Applicability

F.6.1.1

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.6.2.1:

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

F.6.1.2

In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

F.6.2 Exemptions

F.6.2.1

In cases where the Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.

F.6.3 Guidelines

Prior to undertaking any development activities within DP-6, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

F.6.3.1

There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.

F.6.3.2

There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.

1.5 Watercourse Setbacks

Under the RAPR, Castell Brook and its tributary through the subject property would receive 10.0 m Streamside Protection and Enhancement Area (SPEA) setbacks from the Stream Boundary (Figures 2 & 3). Section B.2.1 of the Gabriola Island Land Use Bylaw requires 15 m setbacks from natural boundary as indicated below.

B.2.1 Special Setbacks and Elevations

B.2.1.1 Setbacks and Elevations from Watercourses and the Sea

- a) Despite all other siting references in this Bylaw excepting B.2.1.4c, third party signs, fences, pump/utility houses, retaining walls, ground level decks, structures and buildings, excepting boathouses, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland. Where the frontage on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings and structures must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea.
- b) A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland.
- c) elevation requirements in B.2.2.1.a. are measured to the underside of the floor of any wooden floor system or top of a slab or pad of any habitable area.

Section 2. Results of Detailed Riparian Assessment

Refer to Section 3 of Technical Manual

Date: February 28, 2020

Description of Water bodies involved (number, type)

Castell Brook

Stream	<input checked="" type="checkbox"/>
Wetland	<input type="checkbox"/>
Lake	<input type="checkbox"/>
Ditch	<input type="checkbox"/>
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)		Gradient (%)	
starting point upstream	1.8		<p>I, <u>Steve Toth</u> (name of qualified environmental professional), hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u> (name of developer);</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.</p>
	2.0		
	1.6	3.2	
	2.0		
downstream	2.3		
	1.5		
	3.0		
	2.2		
	1.3		
	1.7	3.2	
	2.0		
Total: minus high flow	17.1	6.4	
mean	1.9	3.2	
	R/P	C/P	S/P
Channel Type	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes</p> <p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.</p>						
Polygon No:	<u>1</u>	Method employed if other than TR						
SPVT Type	<table border="1"> <tr> <td>LC</td> <td>SH</td> <td>TR</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	LC	SH	TR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
LC	SH	TR						
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>						

Zone of Sensitivity (ZOS) and resultant SPEA

Segment	<u>1</u>	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
No:						
LWD, Bank and Channel Stability ZOS (m)	<u>10</u>					
Litter fall and insect drop ZOS (m)	<u>10</u>					
Shade ZOS (m) max	<u>5.7</u>	South bank	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If non-fish bearing insert no fish	<input type="checkbox"/>

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Bearing		bearing status report
SPEA maximum	10.0	(For ditch use table3-7)
Segment No:	2 If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons	
LWD, Bank and Channel Stability ZOS (m)	10	
Litter fall and insect drop ZOS (m)	10	
Shade ZOS (m) max	NA	South bank Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> X
SPEA maximum	10.0	(For ditch use table3-7)

I, Steve Toth, hereby certify that:
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Rob Egan;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Refer to Section 3 of Technical Manual	Date:	February 28, 2020
Description of Water bodies involved (number, type)	Tributary to Castell Brook	
Stream	<input checked="" type="checkbox"/>	
Wetland	<input type="checkbox"/>	
Lake	<input type="checkbox"/>	
Ditch	<input type="checkbox"/>	
Number of reaches	1	
Reach #	1	

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)
starting point	1.0	
upstream	0.4	
	0.4	6.0
	0.4	
	0.4	
downstream	0.4	
	0.3	
	0.3	
	0.3	6.0
	0.3	
Total: minus high / low mean	3.2	12.0
	0.35	6.0
	R/P	C/P S/P
Channel Type	X	

I, Steve Toth, hereby certify that:
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Rob Egan;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

SPVT Polygons	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
Polygon No:	1	Method employed if other than TR

I, Steve Toth, hereby certify that:
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Rob Egan;
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

FORM 1
Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

SPVT Type LC SH TR
☐ ☐ ☒

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	1.0	South bank	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If non-fish bearing insert no fish bearing status report	
SPEA maximum	10.0	(For ditch use table3-7)				

Segment No:	2	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10					
Litter fall and insect drop ZOS (m)	10					
Shade ZOS (m) max	NA	South bank	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
SPEA maximum	10.0	(For ditch use table3-7)				

Comments

Figure 2. Subject property stream network, watercourse setbacks and modular home site on August 2016 air photo

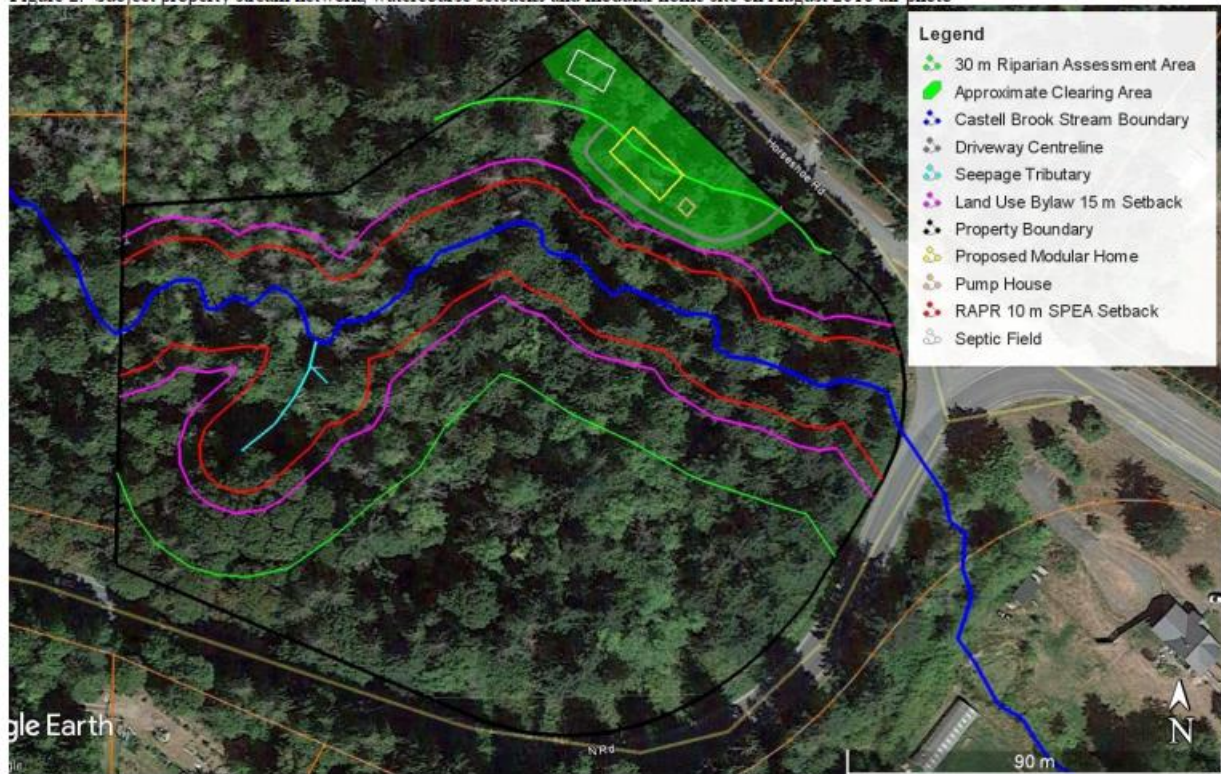
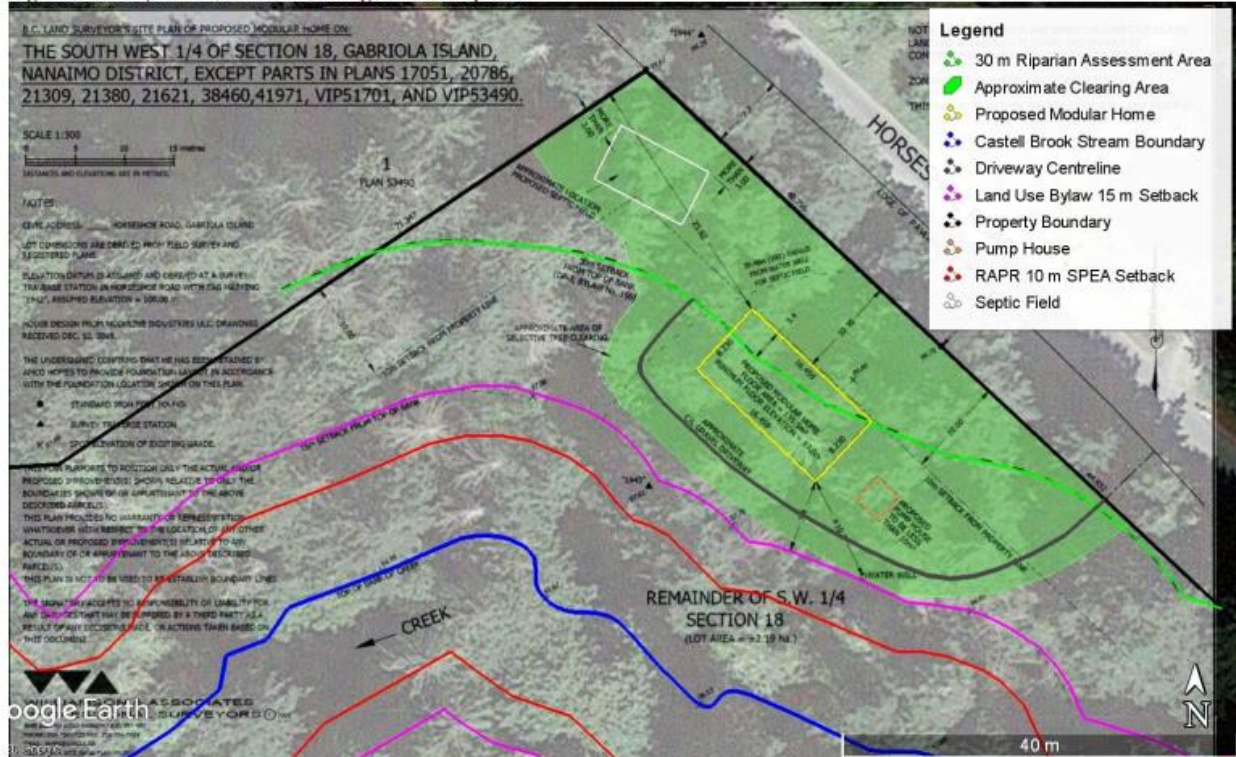


Figure 3. Survey Site Plan overlaid on August 2016 air photo




Section 3. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in Part 4 of the RAPR. It is suggested that documents be converted to PDF before inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	<p>Section 1.3.1 of the RAPR Technical Assessment Manual indicates that "The only Measure permitted within the SPEA is the treatment of hazard trees as assessed by a QEP with <u>provincial hazard tree training</u>". Section 3.7.1 of the Manual indicates that "To determine whether to remove a danger tree, an assessment should be completed by a qualified professional who is a <u>qualified provincial danger tree assessor</u>". However, within the same section the Manual indicates that the Wildlife Danger Tree Assessor's Course: Parks and Recreation Module "does not cover the entirety of tree species and defects experienced within an urban environment. A training course is available through the Pacific Northwest Chapter of the International Society of Arboriculture on Tree Risk Assessment in Urban Areas and the Urban/Rural Interface". Upon review of the International Society of Arboriculture's entry requirements for the Tree Risk Assessment Program, it is clear that the vast majority of QEPs would not be eligible for this program.</p> <p>Therefore, all we can recommend to the proponent is that they engage the services of a professional tree service to provide a Hazard Tree Assessment report for any tree of concern located within the SPEA.</p> <p>In general there were few dead standing snags or evidence of past tree failure noted in the mixed coniferous areas of the property, which includes the proposed development area, and relatively high numbers of standing snags and evidence of tree failure in the deciduous (red alder) dominated areas of the property (see Windthrow comments).</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
2. Windthrow	<p>Evidence of windthrow was largely limited to the areas dominated by red alder on the property, and was associated with the mature / over-mature age of the majority of red alder trees on the property. Most of the failed trees were dead, and therefore highly susceptible to failure, regardless of winds or land clearing activities.</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
3. Slope Stability	<p>See Section 1.4.1 of this report. The subject property is within the Escarpment DPA and may require a geotechnical assessment for the proposed development. The proposed development area is approximately 85 m north of the toe of the escarpment slope.</p> <p>From approximately the confluence of the south bank tributary to the west end of the property, the area south of Castell Brook is quite steep. Considering the high clay content of the soils and number of seepage sites noted, it is likely that this area and the area around the south bank tributary can be considered sensitive soils, and susceptible to erosion if disturbed.</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
4. Protection of Trees	<p>To protect trees in the SPEA, the following land development practices should be employed:</p>

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	<ul style="list-style-type: none"> Do not trench through the root zone of a tree located on the boundary of the SPEA Do not pave around trees located on the boundary of the SPEA Do not change the ground level around the trees located on the boundary of the SPEA Do not allow any parking under trees located on the boundary of the SPEA Do not allow concrete washout or other pollutants to contaminate the soil around trees located on the boundary of the SPEA
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
5. Encroachment	<p>Section 3.7.5 of the RAPR Technical Assessment Manual indicates that <i>"The QEP will evaluate the severity of encroachment expected on the site both during and post construction and must provide recommendations for the type of barrier that would be most effective to the situation"</i>.</p> <p>Considering the size of the property and proposed use (single family residential) we expect the potential for encroachment to be very low. The SPEA boundary adjacent to any proposed development activities must be marked on the ground prior to any development occurring. We would recommend that the landowner / developer use waste logs from land clearing activities, laid end to end on the ground to mark the SPEA boundary through those areas where the SPEA boundary abuts an area of development (e.g. yard, driveway) or install a simple post and 2-rail wooden fence similar to the picture below:</p> 
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
6. Sediment and Erosion Control	<p>Although Castell Brook does not appear to support fish and suffers from chronic turbidity due to the local geology, the downstream Reaches of Castell Brook below Daniel Way could potentially support fish. During land development, mitigation measures will need to be implemented to prevent the discharge of sediment laden water into the SPEA or Castell Brook.</p> <p>Silt fence sections should be installed in any low point leading to the SPEA adjacent to the proposed development area. High clay content soils are highly erodible and therefore land clearing activities should be post-poned during periods of heavy rainfall. Exposed soils should be covered with straw mulch to reduce rain splash erosion, and seeded with turf grass seed prior to fall rains. The SPEA cannot be used to filter sediment laden water.</p> <p>We request that the construction contractor / developer send us photographs documenting mitigation measures, as these measures are implemented on site.</p>
<p>I, <u>Steve Toth</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u>;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
7. Stormwater Management	<p>Given the low density of proposed development it is likely that traditional rock pits / infiltration chambers will be employed to capture hard-surface (e.g. roof-top, driveway) derived run-off. All</p>

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such structures must be located outside the SPEA boundaries and no surface discharge (e.g. overflow) from these structures is permitted to be directed to the SPEA.	
I, <u>Steve Toth</u> , hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
8. Floodplain Concerns (highly mobile channel)	Castell brook through the subject property is located within defined stream banks, with bank height increasing with distance downstream. Section B.2.1 of the Gabriola Island Land Use Bylaw requires a flood construction level of 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland.
I, <u>Steve Toth</u> , hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Rob Egan</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	

Section 5. Environmental Monitoring

Given the low density of the proposed development, seasonal nature and non fish-bearing status of the upper Reaches of Castell Brook on the subject property, we will not be requiring environmental monitoring of land development activities. We are requesting that the developer / landowner send us photographs of mitigation measures listed under Measure 6, above as proof of their implementation.

The Riparian Areas DPA Guidelines indicate that Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit. Therefore the requirement for any post-development assessment is at the discretion of the Approving Authority.

Section 6. Photos



Photograph 1. February 3, 2020. View upstream on Castell Brook to the outlet of the culvert under North Road.



Photograph 2. February 3, 2020. View downstream on Castell Brook from North Road culvert outlet.



Photograph 3. February 3, 2020. View upstream 50 m downstream of North Road.



Photograph 4. February 3, 2020. View downstream 50 m downstream of North Road.



Photograph 5. February 3, 2020. View downstream on Castell Brook from left bank tributary.

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Photograph 6. View downstream to west property boundary.



Photograph 7. View of left bank tributary.



Photograph 8. View upstream on left bank tributary.



Photograph 9. View downstream on left bank tributary from spring source.



Photograph 10. View of small outbuilding located approximately 15 m from the left bank of Castell Brook.

Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date May 2, 2020

1. I/We Steve Toth

(Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Rob Egan, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) N/A the site of the proposed development is subject to undue hardship, (if applicable, indicate **N/A** otherwise) and
- b) ☒ the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

Appendix A: Riparian Assessment Assurance Statement – Qualified Environmental Professional

Note: This Statement is to be read and completed in conjunction with the *Professional Practice Guidelines – Legislated Riparian Assessments* and the Riparian Areas Regulation 2004 OIC 837 and is to be provided for *riparian assessments* (not landslides, floods or flood controls) for the purposes of the Riparian Areas Protection Regulation. Italicized words are defined in the guidelines.

To: The <i>Approving Authority</i> : The Islands Trust Jurisdiction: Gabriola Island Address: Northern Office 700 North Road, Gabriola Island, B.C., V0R-1X1	Date: May 2, 2020
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With reference to the Riparian Areas Protection Regulation Assessment for the subject property:

Legal description or PID: 000-988-081	Civic address: N/A
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The undersigned hereby gives assurance that he/she is a *Qualified Environmental Professional*:

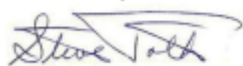
Name of <i>Qualified Environmental Professional</i> : <u>Steve Toth</u> Professional designation: <u>R.P.Bio, AScT</u>	Professional association: <u>College of Applied Biology of British Columbia</u> <u>Association of Professional Biology</u> <u>Applied Science Technologists & Technicians of</u> <u>British Columbia</u>
---	--

I have signed, sealed and dated, and thereby certified, the attached riparian assessment report on the property in accordance with the *Professional Practice Guidelines – Legislated Riparian Assessments* and with the *assessment methods*. That report must be read in conjunction with this statement. In preparing that report I have:

1. ☒ Collected and reviewed appropriate background information
2. ☒ Reviewed the *development proposal* 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. ☒ Incorporated recommendations or assessment results from other *specialists*
6. ☒ Prescribed *measures* to protect and maintain the integrity of the streamside protection and enhancement area
7. ☒ Prescribed *measures* to avoid the occurrence of a *HADD**
8. ☒ Reported on the requirements for *field reviews* or *environmental monitoring* of the property during or following site works for the proposed *development* and recommended who should conduct those *field reviews* or *environmental monitoring*
9. ☒ Reviewed the *riparian assessment* report with the *client* and explained the content and the *measures* required to be implemented.

*HADD – harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes

Steve Toth, AScT, R.P.Bio.



Toth and Associates Environmental Services

Tel. (250) 390-7602

E-mail: stoth@shaw.ca



Appendix B: Qualified Environmental Professional (QEP) - Statement of Qualifications

Name of primary QEP:
Steve Toth
Professional designation:
R.P.Bio, ASCT
Registration Number:
1788 / 20057

Professional association:
College of Applied Biology of British Columbia
Association of Professional Biologists
Applied Science Technologists & Technicians of British Columbia

Training in Riparian Areas Regulation assessment methods	
Organization or agency delivering training:	Ministry of Environment
Name of trainer:	Margaret Henigman / Marlene Caskey, Peter Law
Date of training session:	March 2010
Certificate number:	NA
Organization or agency delivering training:	Ministry of Forests, Lands and Natural Resource Operations
Name of trainer:	Margaret Henigman / Marlene Caskey, Michele Jones
Date of training session:	February 2012
Certificate number:	NA
Organization or agency delivering training:	Ministry of Forests, Lands and Natural Resource Operations
Name of trainer:	Margaret Henigman, Andrew Appleton, Stacey Wilkerson
Date of training session:	November 2015
Certificate number:	NA
Organization or agency delivering training:	Ministry of Forests, Lands and Natural Resource Operations
Name of trainer:	Andrew Appleton
Date of training session:	October 2019
Certificate number:	NA

Other relevant education, training or experience:

Mr. Steven Toth, ASCT, R.P.Bio is the owner and operator of Toth and Associates Environmental Services. Mr. Toth has 27 years of experience in the environmental consulting industry as a Registered Professional Biologist and Applied Science Technologist. Work experience consists of a diverse range of projects including environmental impact assessments, wildlife and ecological inventories, riparian area assessments, urban / sub-urban biophysical inventories, detailed fish habitat assessments, fisheries inventories, stream, lake and wetland classifications, fisheries research and population assessments, forestry audits, tree inventories, water quality and environmental monitoring. Project experience includes:

- ~250 provincial *Riparian Areas Protection Regulation* Assessments as primary QEP;
- ~350 biophysical inventories for various land development projects;
- ~20 Wildlife EIAs for run-of-river hydropower developments;
- >100 Raptor and heron nest tree assessments;
- 4 Watershed Restoration Program Overview and Level 1 Fish Habitat Assessments, along with numerous other fisheries related projects;
- >50 environmental and water quality monitoring projects;
- >40 Tree surveys for tree removal permit applications
- 5 large scale 1:20,000 Forest Renewal B.C. Fish and Fish Habitat Inventories; and,
- >180 lake surveys conducted according to RISC standards and DFO's juvenile sockeye assessment methodologies.

Steve Toth, ASCT, R.P.Bio.



Toth and Associates Environmental Services



File No.: GB-RZ-2020.1 (Gabriola Housing Society)

DATE OF MEETING: July 30, 2020

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Application to amend the OCP and LUB to allow for 24 units of Multi-dwelling Affordable Housing
Applicant: Gabriola Housing Society
Location: LOT 1 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544 (PID 028-580-095); and
LOT 2 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544 (PID 028-580-109)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to develop a draft housing agreement in consultation with the applicant/agent for application GB-RZ-2020.1 (Gabriola Housing Society) for Local Trust Committee consideration.
2. That the Gabriola Island Local Trust Committee enter into a cost recovery agreement, if necessary, with the applicant/agent allowing Islands Trust legal counsel to review a draft housing agreement for application GB-RZ-2020.1 (Gabriola Housing Society).

REPORT SUMMARY

This reports provides an update and next steps to the Gabriola Island Local Trust Committee (LTC) on the application GB-RZ-2020.1 (Gabriola Housing Society).

Staff are recommending drafting a housing agreement, along with entering into a cost recovery agreement for the legal review of the draft housing agreement if necessary.

BACKGROUND

The LTC passed the following resolutions at their last regular business meeting, held on June 25, 2020:

GB-2020-037

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

that the Gabriola Island Local Trust Committee Bylaw No. 306 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020” be read a first time.

CARRIED

GB-2020-038

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

that the Gabriola Island Local Trust Committee Bylaw No. 307 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020” be read a first time.

CARRIED

GB-2020-039

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee that Proposed Bylaws No. 306 and 307 be referred to the following Local Governments and Agencies for comment for a 45 day period:

Regional District of Nanaimo, Vancouver Island Health Authority (Island Health), Ministry of Transportation and Infrastructure, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, School District 68, Gabriola Volunteer Fire Department, and Islands Trust Freshwater Specialist.

CARRIED

GB-2020-040

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee that Proposed Bylaws No. 306 and 307 be referred to the following First Nations:

Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Stz’uminus First Nation.

CARRIED

GB-2020-041

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee request staff to schedule a community information meeting for application GB-RZ-2020.1 (Gabriola Housing Society) and Proposed Bylaw Nos. 306 (OCP) and 307 (LUB) following the close of the bylaw referral period, and make best effort to schedule a public hearing prior to or during the week of October 5, 2020.

CARRIED

ANALYSIS

Issues and Opportunities

Referrals

Referrals to local governments and agencies were sent on July 9, 2020; and referrals to First Nations were sent on July 17, 2020.

Staff advise that referrals to First Nations were delayed in order to accommodate a Snuneymuxw First Nation request for a meeting with staff to discuss the referral process. Snuneymuxw First Nation communicated with Islands Trust through a letter received on June 30th, 2020 that they require a minimum 60 day review period from the date of receipt of any referrals. Staff note that discussions are ongoing between Islands Trust and Snuneymuxw First Nation regarding an agreed-upon referral process.

Generally, referral periods for zoning amendment applications are 60 days to provide adequate response time for all referral agencies and First Nations. At the June 25 regular business meeting, the LTC reduced the agency referral period to 45 days to support the applicant’s request to accelerate the application process to meet BC Housing funding deadlines. The LTC did not assign a time limit on First Nations referrals, and the First Nations referral period will remain ongoing.

Following the completion of the agency referral period, staff will report back to the LTC at a subsequent regular business meeting. Staff will continue to report back to the LTC when responses are received from First Nations throughout the application process.

Pending Housing Agreement

Pursuant to Policy 2.4(h) of the Gabriola Island Official Community Plan (OCP) Bylaw No. 166, a housing agreement is required for rezoning applications for Multi-dwelling Affordable Housing:

h) As a condition of rezoning for Multi-dwelling Affordable Housing, a housing agreement pursuant to s. 905 of the Local Government Act shall be required and shall include provisions that:

- i. ensure the maintenance and stability of affordability in perpetuity;*
- ii. specify how the housing project will be managed and administered including, if deemed applicable, that it be operated on a not-for-profit basis;*
- iii. specify the manner in which the housing units will be made available to the identified class of persons at the time the housing units are first occupied and with respect to subsequent occupancy; and*
- iv. specify the mix of rental and ownership housing units permitted.*

Staff recommend that a housing agreement be drafted now in consultation with the applicant/agent in order to advance this important element of the rezoning application.

The primary purpose of a housing agreement is to ensure affordability for the renters or owners into the future. For this proposal, the Gabriola Housing Society is proposing rental units only. While the terms and conditions of an agreement can vary between properties, a housing agreement usually serves to limit rental rates or sale price (rental rates in this case), and may also stipulate who may reside in the units on the property. The specific terms, such as the rental amounts and other charges, are determined at the time that an individual housing agreement is drafted.

There are three parts to a housing agreement:

1. A bylaw. The bylaw is established by the LTC that authorizes the LTC to enter into a housing agreement with another party.
2. The housing agreement. The housing agreement is attached to the bylaw, and is a contract between the parties to provide affordable housing.
3. Registration on title. Once the housing agreement bylaw is approved, the housing agreement will be registered on title as a covenant.

A housing agreement template was developed in consultation with Islands Trust's legal counsel with the intent to eliminate or minimize the cost to applicants. The template provides flexibility for individual applications to insert project-specific details; however, if the template needs to be substantially modified, legal review may be necessary for which a cost recovery agreement is required.

Following the June 25, 2020 regular business meeting, staff provided a copy of the housing agreement template to the applicant/agent for review and comment. The applicant/agent have proposed minor changes to date that do not appear to need legal review, but have indicated additional changes may be proposed. In anticipation of any future modifications that may require legal review, staff are recommending that the LTC anticipate the possibility of entering into a cost recovery agreement with the applicant, if necessary.

Community Information Meeting

At the June 25, 2020 regular business meeting, the LTC requested that staff schedule a community information meeting (CIM) following the end of the bylaw referral period. The 45-day agency referral period will end on August 24, 2020, meaning that the earliest a CIM could be scheduled would be the week of August 24 to August 28. Staff note that scheduling a CIM in that week could result in it being conducted prior to receiving a response from the First Nations to whom referrals have been sent.

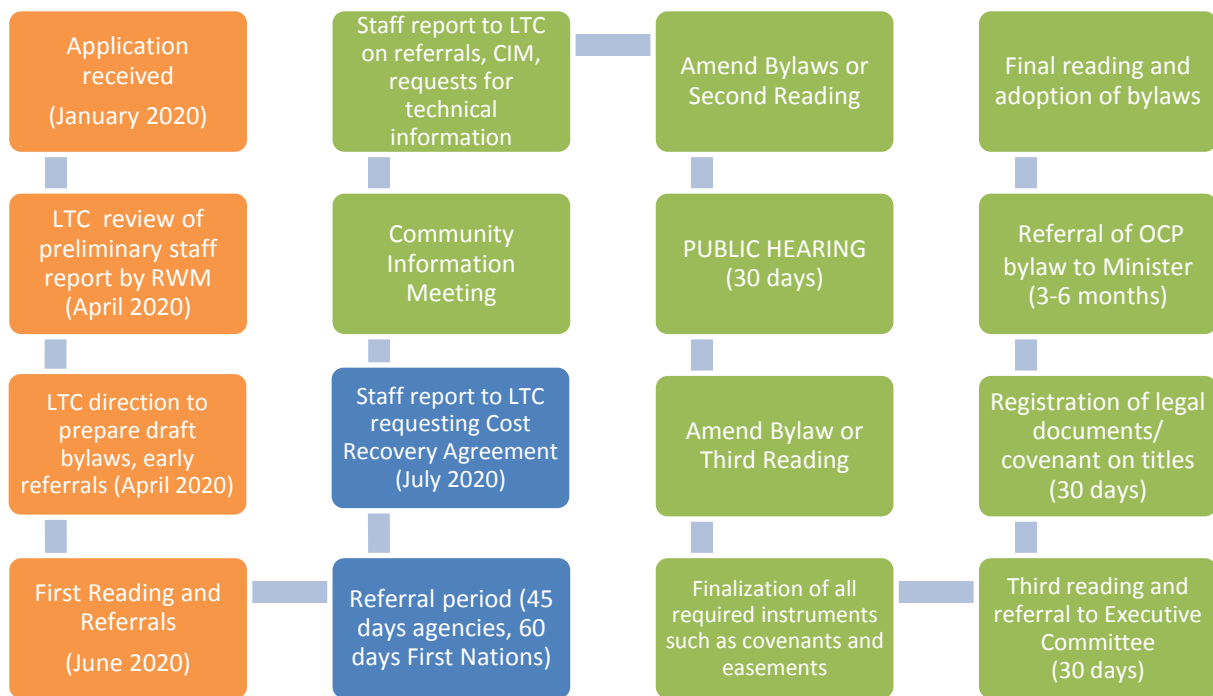
Given that Snuneymuxw First Nation requires a minimum of 60 days from the date of receipt of a referral, the LTC may wish to schedule a CIM at a later date to wait for the Nation's response. This would also accommodate other First Nations that have received referrals.

One option could be for staff to contact First Nations and enquire whether they would be amenable to the LTC proceeding with a CIM, with the stipulation that holding a CIM in no way suggests the referral period is over, and rather that it remains open.

The LTC may direct staff to proceed with scheduling a CIM at the end of the agency referral period, or to wait to schedule a CIM at a later date.

Application Process Steps and Timing

The following timeline outlines the rezoning application process milestones to date along with next steps and the approximate timing which may assist in managing applicant and community expectations in how an OCP and LUB amendment application such as this is processed:



Consultation

Statutory Requirements

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

Rationale for Recommendation

Staff are recommending that a housing agreement be drafted in consultation with the applicant/agent, and that the LTC enter into a cost recovery agreement with the applicant/agent, if necessary.

The staff recommendations are found on page 1 of this report.

ALTERNATIVES

1. Request staff to schedule a CIM

The LTC may request staff to proceed with scheduling a CIM. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to schedule a special meeting for a community information meeting for application GB-RZ-2020.1 (Gabriola Housing Society) and Proposed Bylaw Nos. 306 and 307 following [date or event].

2. Request further information

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

That the Gabriola Island Local Trust Committee request that staff provide the following/that the applicant submit to the Islands Trust [LTC to specify requested information].

3. Receive for information

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

NEXT STEPS

Should the LTC concur with staff recommendations, staff will draft a housing agreement in consultation with the applicant.

Submitted By:	Jaime Dubyna Planner 2	July 14, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	July 15, 2020



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2017.2	Fenton, Rob	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance Civic: Acorn Island

Planner: Ian Cox

Planning Status

Status Date: 22-Jul-2020

No change in status.

Status Date: 04-May-2020

Waiting on applicant and agency information. Heritage Branch notice on title.

Status Date: 07-Feb-2020

Environmental covenant registered. Applicant awaiting direction from Arch Branch for HCA Notice.

File Number	Applicant Name	Date Received	Purpose
GB-DP-2020.1	Williamson & Associates	21-Apr-2020	PID: 000-988-081 DP required for moved on mobile home. Civic address: Horseshoe Road, Gabriola Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 08-Jun-2020

Planner reviewing file.

Status Date: 29-May-2020

RAPR Assessment Report, by Toth and Associates Environmental Services, dated May 2, 2020, received.

Status Date: 29-Apr-2020

Waiting on copy of RAPR Assessment Report.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2016.3	Van Herwaarden, Lynn	24-Aug-2016	PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance.

Planner: Ian Cox

Planning Status

Status Date: 22-Jul-2020

No change in status. Awaiting management approval/COVID-19 protocol to conduct site visit.

Status Date: 15-Jun-2020

No change in status. Awaiting management approval/COVID-19 protocol to conduct site visit.

Status Date: 12-May-2020

No change in status.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2017.1	Fenton, Rob	03-Aug-2017	PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island

Planner: Ian Cox

Planning Status

Status Date: 22-Jul-2020

No change in status.

Status Date: 04-May-2020

Waiting for information from applicant and agency. Heritage Branch notice on title must be registered before DVP issuance.

Status Date: 17-Mar-2020

Environmental covenant as part of DP registered to property title. Applicant awaiting direction from Arch Branch for HCA Notice as condition of DVP.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2019.1	Regional District of Nanaimo (Huxley Community Park)	22-Jan-2019	PID: 016-001-826 Setback variance. Civic address: 585 North Road, Gabriola Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 16-Oct-2019

Spoke with applicant - no change in application status

Status Date: 16-May-2019

Report to LTC

Status Date: 16-May-2019

GB-DVP-2019.1 to be issued subject to conditions - in progress

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2020.2	Swift, Susan	06-Feb-2020	PID: 003-135-136 Retaining wall in setback. Civic address: 1059 Pat Burns Avenue, Gabriola Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 16-Jul-2020

Expected to be on September LTC Agenda

Status Date: 04-May-2020

Under review by planner

Status Date: 10-Feb-2020

Under review by planner

**Applications****Rezoning**

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2019.1	BC Transportation Financing Authority/BC Ferry Services Inc.	05-Apr-2019	PIDs: 025-798-090 and 025-798-103 Rezoning for improved ferry terminal - future marine and upland improvements. Civic address: Descanso Bay, Gabriola

Planner: Sonja Zupanec**Planning Status****Status Date:** 14-May-2020

Verbal update to LTC. Staff to schedule CIM.

Status Date: 16-Apr-2020

Staff memo to LTC.

Status Date: 23-Jan-2020

Draft amendment bylaws 304 & 305 given 1st reading, referrals sent out. Staff to schedule a CIM following referral period.

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

Planner: Jaime Dubyna**Planning Status****Status Date:** 25-Jun-2020

Bylaw 306 (OCP) and 307 (LUB) given 1st reading. Direction to send out bylaw referrals and schedule a Public Hearing in the week of Oct 5, 2020.

Status Date: 11-Jun-2020

Applicant submitted delegation letter to LTC requesting accelerated rezoning process.

Status Date: 13-May-2020

Response received from RDN Planning Dept. re. notification letter.

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	<p>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:</p> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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	<p>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.</p>
3.	February 28, 2019	GB-2019-031	First Nations - Community Reconciliation	<p>It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local</p>

				<p>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:</p> <ul style="list-style-type: none"> 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	<p>It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to limited public markets:</p> <ul style="list-style-type: none"> 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	<p>that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <p>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.</p>
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Top Priorities Report

Gabriola Island

1. *Housing Options and Impacts Review Project*

Responsible

Dates

Develop an Engagement and Communication Strategy;
Strengthen relationships with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options;
Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services;
Develop a strategy to address all housing continuum gaps;
Ensure policy/regulatory changes are consistent with the Object of the Islands Trust, the ITPS, with focus on water protection/conservation and ecological footprints.

Sonja Zupanec

Rec'd: 22-Nov-2018

2. *Cannabis Production and Retail Sales*

Responsible

Dates

Proposed Bylaw 303 introduced to amend the Gabriola Land Use Bylaw provisions pertaining to cannabis regulations, definitions, lot setbacks and building size.

Heather Kauer

Rec'd: 22-Nov-2018

3. *Develop an Ecological Protection Zone*

Responsible

Dates

Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties.

Ian Cox

Rec'd: 22-Nov-2018



Projects Report

Gabriola Island

1. *DeCourcy Island OCP and Bylaw Review*

Responsible

Date Received

Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).

21-Apr-2011

2. *Hazardous areas/Steep Slopes DPA*

Responsible

Date Received

Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain

21-Feb-2013

3. *Coastal areas protection*

Responsible

Date Received

Review OCP and LUB to improve protection of coastal areas; development of a comprehensive DPA for shorelines in the Gabriola Island Local Trust Area

19-Jan-2012

4. *First Nations cultural references*

Responsible

Date Received

Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping.

27-Jan-2011

5. *Eelgrass protection*

Responsible

Date Received

Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).

14-May-2014



Projects Report

Gabriola Island

6. *Snuneymuxw Protocol Agreement*

Responsible

Date Received

Implementation of Snuneymuxw First Nation Protocol Agreement

22-Jan-2015

7. *Gabriola Village Plan*

Responsible

Date Received

Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core

02-Apr-2015

8. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation

02-Apr-2015

9. *Green Energy*

Responsible

Date Received

Consider policy and regulatory mechanisms to encourage green and renewable energy

02-Apr-2015

10. *Commercial Vacation Rental Review*

Responsible

Date Received

Review bylaws with respect to temporary use permits for commercial vacation rentals

07-May-2015

11. *LUB Amendments*

Responsible

Date Received

Projects Report

Gabriola Island

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

08-Sep-2016

12. *Water Resource Planning*

Responsible

Date Received

Review of water requirements at the time of subdivision

14-Jun-2018

13. *Water Taxi Feasibility*

Responsible

Date Received

Follow up items emerging out of water taxi feasibility (completed fall 2018)

22-Nov-2018

14. *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)*

Responsible

Date Received

Implementation of the report recommendations into OCP policy and LUB regulations.

24-Jan-2019

Projects Report

Gabriola Island

15. *GB LUB Accessory Buildings*

Responsible

Date Received

Review of regulations pertaining to the order of construction of accessory buildings on lots.

12-Sep-2019

16. *Draft an application for a UBCM grant to develop a poverty reduction strategy*

Responsible

Date Received

24-Oct-2019

17. *Review of model antenna strategy*

Responsible

Date Received

27-Feb-2020