



Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: June 8, 2023
Time: 9:30 am
Location: Electronic Meeting

Pages

- | | | |
|---|---|---------|
| 1. CALL TO ORDER | 9:00 AM - 9:05 AM | |
| "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. APPROVAL OF AGENDA | | |
| 3. RISE AND REPORT | | |
| 4. REPORTS | 9:05 AM - 9:25 AM | |
| 4.1 | Trustee Reports | |
| 4.2 | Chair's Report | |
| 4.3 | Electoral Area Director's Report | |
| 4.4 | First Nation Reports | |
| 5. PUBLIC COMMENTS | 9:25 AM - 9:35 AM | |
| 6. MINUTES | 9:35 AM - 9:40 AM | |
| 6.1 | Local Trust Committee Minutes dated April 11, 2023 – for adoption | 4 - 11 |
| 6.2 | Section 26 Resolutions-Without-Meeting Report - none | |
| 6.3 | Advisory Planning Commission Minutes - none | |
| 7. BUSINESS ARISING FROM MINUTES | 9:40 AM - 10:00 AM | |
| 7.1 | Follow-up Action List dated May 31, 2023 | 12 - 15 |
| 8. APPLICATIONS AND REFERRALS | 10:00 AM - 10:20 AM | |
| 8.1 | Development Variance Permit Application GB-DVP-2016.3 Packham & Van Herwaarden - Staff Report | 16 - 33 |

8.2	Temporary Use Permit 2022.1 Garner (Renewal of GB-TUP-2018.1) for a Commercial Vacation Rental - Staff Report	34 - 81
9.	LOCAL TRUST COMMITTEE PROJECTS - none	
10.	DELEGATIONS - none	
11.	CORRESPONDENCE	10:20 AM - 10:30 AM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
11.1	Email dated May 12, 2023 from Ken Gurr regarding Elder Cedar Trees Cut	82 - 85
12.	NEW BUSINESS	10:30 AM - 10:50 AM
12.1	Freedom of Information and Protection of Privacy Bylaw - for adoption	86 - 91
12.2	Shoreline Structures and Setbacks - for discussion	
12.3	Municipal Regional District Tax (MRDT) - for discussion	
13.	REPORTS	10:50 AM - 11:05 AM
13.1	Climate Change Action Update - none	
13.2	First Nations Relationship Building - none	
13.3	Trust Conservancy Report - none	
	13.3.1 S'ul-hween X'pey (Elder Cedar) Management Plan - Danger Tree - for discussion	
13.4	Applications Report dated May 31, 2023	92 - 96
13.5	Trustee and Local Expense Report dated April 2023	97 - 97
13.6	Adopted Policies and Standing Resolutions	98 - 101
13.7	Local Trust Committee Webpage	
14.	WORK PROGRAM	11:05 AM - 11:25 AM
14.1	Active Projects Report dated May 31, 2023	102 - 104
14.2	Future Projects Report dated May 31, 2023	105 - 105
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Thursday, July 20, 2023 at 10:30 am at the Gabriola Arts and Heritage Centre	

16. CLOSED MEETING

11:25 AM - 11:30 AM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- *(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and*
- *(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment*

AND that the Recorder and Staff attend the meeting.

16.2 Recall to Order

17. ADJOURNMENT



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: May 11, 2023
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

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

Staff Present: Renée Jamurat, Regional Planning Manager
 Narissa Chadwick, Island Planner, via Zoom
 Sonja Zupanec, Island Planner
 Warren Dingman, Bylaw Enforcement Officer
 Taryn Plater, Co-op Student Planner
 Lisa Millard, Recorder

Others Present: There were approximately 9 members of the public in attendance.

1. CALL TO ORDER

The Chair called the meeting to order at 10:30 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations and he introduced Staff and the Recorder.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

3.3 Electoral Area Director's Report received by email.

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Elliott reported the following:

- She attended the Union of BC Municipalities (UBCM) Housing Summit "Housing BC Together," the Association of Vancouver Island Coastal Communities Conference, and the Rural Islands Economic Partnership Forum. A full report detailing the highlights of these events can be found at <https://islandstrust.bc.ca/island-planning/gabriola/gabriola-island-local-trustee-corner/> ;

- She is a representative on the Steering Committee of the Vancouver Island and Coastal Communities Climate Leadership Plan (VICC CLP); and
- She attended the Association of Vancouver Island Coastal Communities Conference (AVICC).

Trustee Yates reported the following:

- She attended the Gabriola Island Earth Day celebration;
- She participated in a session on circular economy at the Rural Islands Economic Partnership Forum;
- She attended a workshop on the electrification of public transportation at the Electrify Salt Spring event; and
- She visited the Andreas Vogt Nature Reserve on Salt Spring Island.

3.2 Chair's Report

The Chair reported the following:

- He attended the Growing Farmers and Food Resilience workshop, and the Managing Emergencies-The Increasing Impact on our Communities workshop at the AVICC Conference;
- The annual budget was adopted at the Executive Committee meeting at the end of March, and he is preparing for the June Trust Council meeting; and
- He attended a Special Meeting in April to discuss advancing First Nations consultant engagement and housing.

3.3 Electoral Area Director's Report

The Electoral Area Director's report was submitted by email and received for information.

- 3.3.1 Participation in the RDN's Gabriola Recreation and Electoral Area B Parks and Trails Master Plan Advisory Committee
Letter received for information.

GB-2023-023

It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee nominate Trustee Yates to serve on the Gabriola Recreation and Electoral Area B Parks and Trails Master Plan Advisory Committee.

CARRIED

3.4 First Nation Reports – nothing to report

4. PUBLIC COMMENTS

- Two members of the public requested that the Gabriola Island Local Trust Committee (LTC) support the Staff recommendation that the LTC not pursue the Canadian Mortgage and Housing (CMHC) Housing Accelerator Funding. One individual supported the

recommendation that the LTC focus on housing as a priority as part of the Official Community Plan (OCP) / Land Use Bylaw (LUB) review, while the other individual requested that the LTC not make housing a priority, but instead that climate emergency and Reconciliation be the primary lens for the review.

- A member of the public indicated support of a letter written by Wendy Shaw dated April 23, 2023 in which Ms. Shaw requests that the LTC ask Bylaw Enforcement to dismiss the current action against her regarding a structure on the foreshore of her property. A second member of the public noted that the rocky structure in question also spans a length of the beach in front of approximately 20 other properties and has been in place for 20 to 30 years and also supports dismissal of the enforcement matter.
- A member of the public referenced correspondence from the Dead Boats Disposal Society and requested that the LTC support the Society and bring to their attention the derelict boats located in Degnan Bay.

5. MINUTES

5.1 Local Trust Committee Minutes dated March 30, 2023 – for adoption

The following amendments to the minutes were presented for consideration:

- On page 7, Item 12.2 should read that Trustees expressed their congratulations to Snuneymuxw First Nation for successfully hosting the Junior All Native Basketball Tournament.

By general consent the minutes were adopted as amended.

GB-2023-024

It was MOVED and SECONDED

that the minutes of the April 28, 2023 Gabriola Island Local Trust Committee special meeting be forwarded to the Local Trust Committee to be adopted and published by the Regional District of Nanaimo (RDN).

CARRIED

5.2 Section 26 Resolutions-Without-Meeting Report - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated May 2, 2023

- 6.1.1 Follow Up Action List: Density Donation Outreach Project - Trustee Yates - for discussion

A Planner summarized the intent of the Density Donation Outreach Project and actions taken to solicit interest. Discussion ensued and it was determined that the project has generated limited interest and success to date.

GB-2023-025

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee remove the density donation outreach program from the follow up action list and from the future projects list.

CARRIED

A Trustee questioned the status of the January 26, 2023 Follow Up Action Report item regarding correspondence that was sent to the Executive Committee (EC) outlining concerns over proposed flight path changes. The Regional Planning Manager indicated that Trust Council did not wish to proceed further with the letter, therefore the action item was marked completed. Discussion ensued.

GB-2023-026

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request the Chair of the Local Trust Committee work with staff to write a letter of concern to Nav Canada regarding the proposed flight path changes, and that documentation and letters from Gabriola residents be included for information.

CARRIED

6.2 Upcoming Gabriola Local Trust Committee Regular Meetings for June 8 & July 20, 2023 - update from Regional Planning Manager

The Regional Planning Manager noted that no venues were available for the June 8, 2023 meeting and outlined logistical challenges of holding the July 20, 2023 meeting on Mudge Island.

GB-2023-027

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee schedule its regular business meeting virtually for June 8, 2023.

CARRIED

GB-2023-028

It was MOVED AND SECONDED

that the Gabriola Island Local Trust Committee schedule its regular business meeting for July 20, 2023 at the Gabriola Arts and Heritage Hall on Gabriola Island.

CARRIED

6.3 Clarification regarding resolution for letter to Snuneymuxw First Nations for the OCP Project

The Regional Planning Manager indicated that the letter should state “and other First Nations.”

GB-2023-029

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff draft a letter on behalf of the Gabriola Local Trust Committee to Snuneymuxw First Nation and other First Nations who may have an interest in Gabriola Island, learning how the Nations might wish to be involved with an Official Community Plan review project on Gabriola Island and how we might respect the Nation's engagement priorities at this time.

CARRIED

7. APPLICATIONS AND REFERRALS

7.1 Closing of OCP/LUB application GB-RZ-2022.1 commercial and residential redevelopment of the Wild Rose Garden Centre - Staff Report

It was noted that the applicant was in attendance.

A Planner reviewed the Staff Report and discussion ensued.

GB-2023-030

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff provide the applicant an extension to November 30, 2023 to complete the required reports required for application GB-RZ-2022.1.

CARRIED

8. LOCAL TRUST COMMITTEE PROJECTS - none

9. DELEGATIONS - none

10. CORRESPONDENCE

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

10.1 Correspondence from W. Shaw dated April 5, 2023

Discussion ensued and the applicant indicated the following:

- She was advised to remove the rocks on the foreshore of her property by June 15, 2023 or apply for Crown Tenure;
- The Department of Fisheries and Oceans (DFO) was contacted in 2001 regarding permission to construct a sea wall, which was not approved; however, based on the

response received from DFO the applicant followed the guidelines outlined within the reply; and

- Over an estimated period of over twenty years, rocks have been placed on the foreshore along the entire stretch of beach in front of approximately twenty homes.

Trustees noted the following:

- The letters submitted by the applicant's neighbours have been taken into consideration; and
- There is a need to consider environmental impacts of removing the rocks.

The Bylaw Enforcement Officer advised that:

- The rock structure was built in the summer of 2002 in front of the applicant's property after receipt of the letter from DFO which specified how to do the work properly in order to minimize habitat and foreshore damage;
- That said letter did not constitute approval and that placement of the rocks would have contravened the bylaws in place at that time; and
- If the bylaw complaint action was dropped it would be up to the Province to determine if action is required regarding an application for Crown Tenure.

GB-2023-031

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to write a report on correspondence received from Wendy Shaw dated April 5, 2023 to indicate appropriate direction to be taken.

CARRIED

10.2 Correspondence from The Dead Boats Disposal Society dated April 27, 2023

Correspondence was received for information. Bylaw Enforcement Officer Dingman stated that Transport Canada would be going to Degnan Bay in the upcoming week and that some boats are slated to be removed.

The meeting recessed for a break at 12:30 pm and reconvened at 1:00 pm.

11. NEW BUSINESS - none

12. REPORTS

12.1 Climate Change Action Update - none

12.2 First Nations Relationship Building - none

12.3 Trust Conservancy Report – none

It was noted that the extent of the tree cutting that was done in the Elder Cedar (S'ul-hween X'pey) Nature Reserve would be discussed at the upcoming May 30, 2023 Trust Conservancy meeting.

12.4 Applications Report dated May 2, 2023

Received.

12.5 Trustee and Local Expense Report dated March, 2023
Received.

12.6 Adopted Policies and Standing Resolutions
Received.

12.7 Local Trust Committee Webpage
No updates.

12.8 Approval of Gabriola Island's LTC Section for 2022/23 Annual Report - request for decision

Trustees noted that the following amendments should be made to the text:

- Add the traditional name, S'ul-hween X'pey, for the Elder Cedar Nature Reserve.
- Change the term "housing options" to "housing options and impacts."

GB-2023-032

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approves the attached text with amendments for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

12.9 Housing Accelerator Fund Potential Application - Request for Decision

A Planner reviewed the staff report and highlighted the following:

- There is limited time and limited staff resources available to complete the necessary work needed for the funding application, and that the Executive Committee would need to approve said reallocation;
- There is limited opportunity for community engagement;
- There is a requirement of the housing funding program to have a housing action plan in place; and
- If the charter for the OCP review has a focus on housing as a priority, then a suitable land analysis and ground water availability assessment can be undertaken, which can be used to create a housing action plan.

Discussion ensued.

GB-2023-033

It was MOVED and SECONDED

That the Gabriola Island Local Trust Committee not pursue the Canadian Mortgage and Housing Corporation's Housing Accelerator Funding at this time.

CARRIED

GB-2023-034

It was MOVED and SECONDED

That the Gabriola Island Local Trust Committee request staff to develop a project charter for the Official Community Plan/Land Use Bylaw review which focusses on housing as a priority.

CARRIED

13. WORK PROGRAM

13.1 Active Projects Report dated May 2, 2023

Received.

13.2 Future Projects Report dated May 2, 2023

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, June 8, 2023 at 10:30 am.

GB-2023-035

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee Regular Meeting on June 8, 2023 begin at 9:00am and be held electronically.

CARRIED

15. CLOSED MEETING

15.1 Motion to Close the Meeting

GB-2023-036

It was MOVED and SECONDED

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality and (f) for the purpose law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment, and that the Recorder and Staff attend the meeting.

CARRIED

15.2 Recall to Order

The meeting was recalled to order at 2:37 pm.

15.3 Rise and Report

The Chair will Rise and Report on the Housing Advisory Planning Committee appointments at the next regular meeting of the LTC.

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:39 pm.

Peter Luckham, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Gabriola Island

29-Sep-2022

Activity	Responsibility	Dates	Status
1 GB-RZ-2022.1 (Alley Enterprises, Maloney) - Staff to prepare draft bylaws to amend the OCP and LUB; notify Snuneymuxw and advise applicant of requirements for water and sewage reports prior to LTC consideration of first reading. Update application website with preliminary staff report package from Sept 2022 LTC meeting.	Sonja Zupanec		In Progress

01-Dec-2022

Activity	Responsibility	Dates	Status
1 Planning staff to prepare a summary report for a future LTC meeting on past LTC discussions re: heritage register for Gabriola island; potential funding opportunities and alignment with other LTC projects; what's entailed with a MOU with commission under heritage act; analysis of designation of a commission vs a bylaw to establish the heritage register. Incorporate any comments from senior policy advisor staff on this approach. See minutes for further details on this discussion.	Renee Jamurat		In Progress

26-Jan-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gabriola Island

26-Jan-2023

Activity	Responsibility	Dates	Status
1 forward correspondence and Gabriola LTC concerns to EC for consideration of a letter of concern written by the Chair of Trust Council stating our concerns over the proposed flight path changes. Trustee Luckham will include documents from Transport Canada.	Clare Frater Mike Richards Wil Cottingham		Completed

30-Mar-2023

Activity	Responsibility	Dates	Status
1 The GB LTC asks the Bylaw Enforcement staff to provide a report on item c) standing resolution GB-2022-089 for the October 2023 meeting.	Warren Dingman		In Progress
2 Staff to prepare a request for proposal for work on a water availability assessment.	Narissa Chadwick		In Progress

28-Apr-2023

Activity	Responsibility	Dates	Status
1 That staff draft a letter on behalf of the Gabriola Local Trust Committee to Snuneymuxw First Nation and other First Nations whose territory Gabriola Island occurs on, expressing interest in learning how the Nation might wish to be involved with an Official Community Plan review project on Gabriola and how we might respect the Nation's engagement priorities at this time.	Narissa Chadwick		In Progress

Follow Up Action Report

Gabriola Island

11-May-2023

Activity	Responsibility	Dates	Status
1 Request staff to forward to the Regional District of Nanaimo, the nomination of Trustee Yates to serve on the Gabriola Recreation and Electoral Area B Parks and Trails Master Plan Advisory Committee. Trustee Elliott will serve as back-up as needed.	Renee Jamurat	Target: 19-May-2023	Completed
2 Request staff to schedule its regular business meeting virtually for June 8, 2023 and to begin at 9:00am.	Nadine Mourao Wil Cottingham	Target: 19-May-2023	Completed
3 Request staff to schedule its regular business meeting for July 20, 2023 at the Gabriola Arts and Heritage Hall on Gabriola Island.	Nadine Mourao Wil Cottingham	Target: 31-May-2023	Completed
4 Request staff to complete a RWM to receive and share the minutes from the April 28, 2023 LTC Special Meeting.	Nadine Mourao	Target: 31-May-2023	Completed
5 Forward Gabriola LTC and public concerns to EC for consideration of a letter of concern written by the Chair of Trust Council stating our concerns over the proposed flight path changes. Trustee Luckham will include documents from Transport Canada. Copy the Gabriola LTC in the letter correspondence.	Clare Frater Mike Richards Wil Cottingham		In Progress
6 Request staff to prepare a report to the Gabriola LTC on options for actions regarding the W. Shaw property and related correspondence dated April 5, 2023.	Warren Dingman		In Progress

Follow Up Action Report

Gabriola Island

11-May-2023

Activity	Responsibility	Dates	Status
7 Re: 2022/23 Annual Report, request staff amend the text as indicated and forward the approved text for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.	Morgana van Niekerk		In Progress
8 Request staff to develop a project charter for the OCP/LUB review which focusses on housing as a priority.	Narissa Chadwick		In Progress

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

DATE OF MEETING: June 8, 2023

TO: Gabriola Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

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

RECOMMENDATION

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

REPORT SUMMARY

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

The DVP application is for a variance to the requirement for any structure to be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland. The DVP seeks to address outstanding bylaw contraventions by permitting existing structures (two bridges and approximately four concrete abutment structures and channel hardening) to remain sited less than 15 metres from and an elevation of less 1.5 metres above a stream (Goodhue Creek).

This report explains that the applicant was asked by the LTC to provide additional information by resolution at the LTC meeting held September 29, 2022 and given a deadline to provide that information by December 31st, 2022. An additional five months has passed since that deadline and the applicant has not provided the requested information or responded to staff's letters or communication. Staff are recommending denying issuance of the variance and forwarding the file to Bylaw Enforcement.

BACKGROUND

The application is the result of a Bylaw Compliance and Enforcement action for works undertaken in the setback to the natural boundary of a stream without a permit, specifically the installation in the summer of 2010 of multiple concrete footing structures that held in place two metal grates at the base of bridges crossing the stream, as well as concrete channel hardening. The owners removed the metal grates at the request of staff from the Ministry of Forests, Lands, and Natural Resource Operations in 2010, but left the concrete footings in and around the stream and bridges.

Staff have determined that the bridges were legal non-conforming prior to 2010, but that when the concrete structures were installed, including channel hardening, installation of the metal grates and upgrading the bridge abutments, the bridges lost their legal non-conforming status.

The subject property is 0.33 hectares (0.83 acres) in size and located on Wildwood Crescent as shown on Figure 1. Goodhue Creek flows across the property from south to north and is a provincial *Riparian Areas Protection Regulations (RAPR)* designated stream. The development considered in this DVP predates the *Riparian Areas Protection Regulation* and **Development Permit Area No. 3 – Riparian Areas (DPA)**, so a Development Permit for approving the existing structures is not applicable.

Figure 1 - Subject property

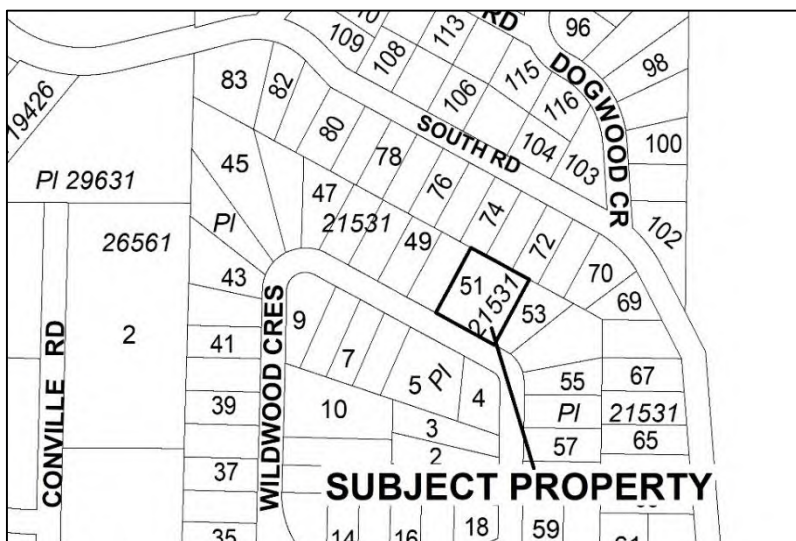


Figure 2 – Orthophoto & Riparian DPA Stream (Goodhue Creek)

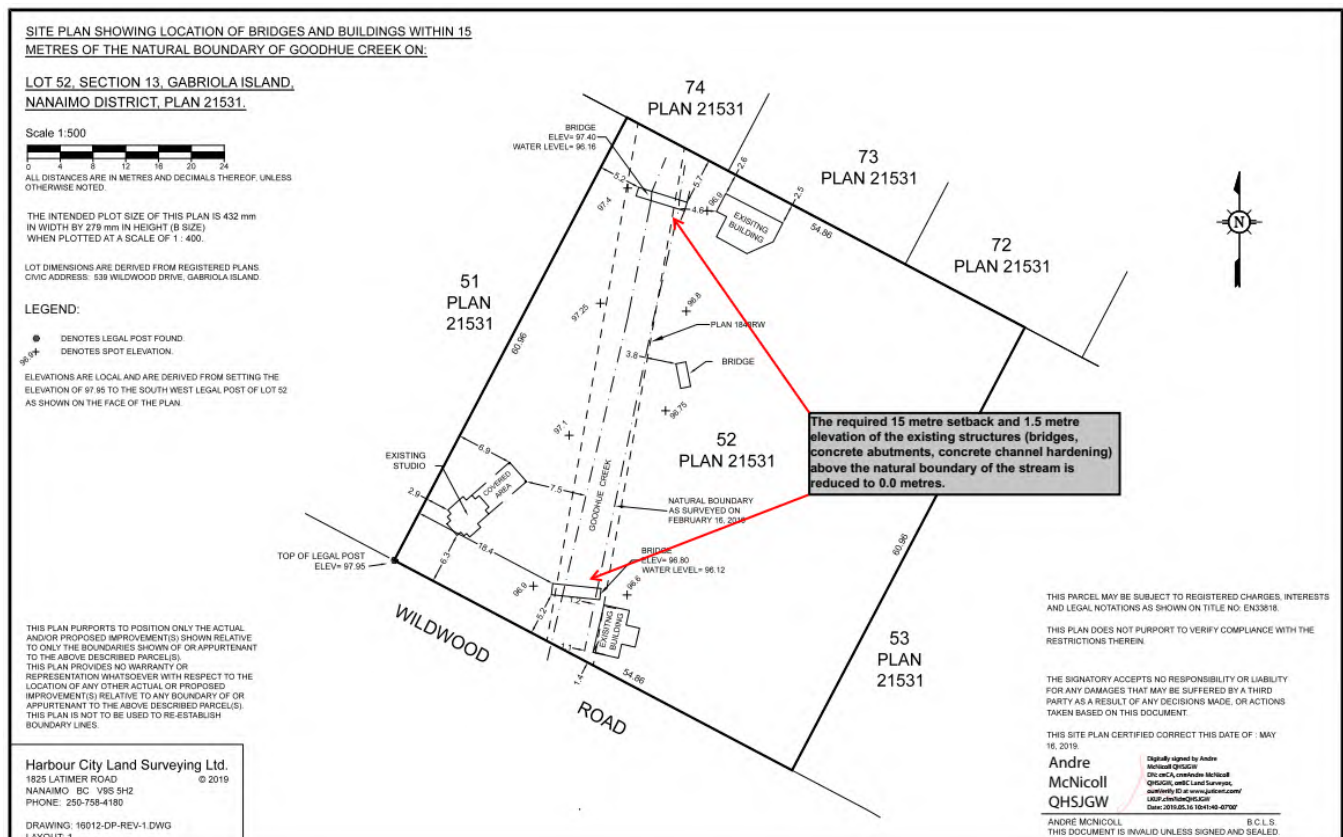


During the bylaw enforcement action, staff noted additional buildings and structures encroaching into the setback to the natural boundary of the stream in addition to the concrete footings/structures/channel hardening, which had not received permits. Adequate proof of legal non-conformity has not been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

- Two existing bridges (6.5m² and 8.0m²) crossing the stream;
- Four or more concrete footing structures and abutments in and around the stream and along the stream channel (not included in the site plan);
- An existing bridge (3.5m²) sited less than 15.0 metres from and less than 1.5 metres above the natural boundary of the stream;
- An existing 24m² greenhouse sited less than 15.0 metres from and less than 1.5 metres above the natural boundary of the stream, and 1.4 metres from the front lot line;
- An existing 35m² garden shed sited 4.6 metres from and less than 1.5 metres above the natural boundary of the stream; and
- An existing 36m² studio sited 7.5 metres from the natural boundary of the stream.

The two bridges and the concrete structures in and around the stream are included in this variance request. Staff recommend the applicant apply for a separate variance for the remaining buildings and structures.

Figure 3 – Site Plan



In 2015, the owners were asked to remove the two bridges crossing the stream and the concrete footing structures in the stream setback, or apply for a retroactive DVP. The owners submitted a DVP application in August 2016. The site plan submitted with the application was incomplete so the owners were asked by planning staff to update it. An updated site plan was not provided until 2019 and it did not indicate the location of the concrete footing structures in and around the stream.

Figure 4 – Photos



Bylaw enforcement staff initial site investigation photos taken in 2010, showing concrete bridge abutments, metal grates (since removed), and concrete channel hardening.

Due to the proximity of development to the stream, in 2020 staff also asked the owners to provide a *Qualified Environmental Professional* (QEP) report containing a *Conditions and Impact Assessment* (post development) assessing the existing development and the surrounding riparian area. Staff followed up with the applicant again in 2022 to request this information but the applicant did not provide it.

At the September 29th Gabriola Island LTC meeting, the LTC considered the DVP application and passed the following resolution concurrent with staff's recommendation:

GB-2022-071

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee has determined that it is reasonably necessary that the applicant of GB-DVP-2016.3 (Packham & Van Herwaarden) provide the following to planning staff prior to December 31, 2022 in order for the application to be considered by the Local Trust Committee:

- a) a complete site plan showing setbacks for all existing and proposed buildings, structures and septic fields to watercourses; and
- b) a *Conditions and Impact Assessment* (post development) prepared by a Qualified Environmental Professional assessing the condition of the riparian area on the lot and the impact of buildings and structures constructed within 15 metres of the watercourse.

CARRIED

To date, a completed site plan and QEP report as described have not been submitted. Thus, staff are recommending the LTC deny issuance and forward the file to bylaw enforcement staff, which will continue bylaw enforcement action for the property.

Further information about the subject property is contained within the 'Site Context' and 'Site Plan' (Attachments 1 and 2). The proposed Permit and a copy of the notice are Attachments 3 and 4.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

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

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

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

Official Community Plan:

The subject property is designated **Small Rural Residential** in the [Gabriola Island Official Community Plan \(OCP\) Bylaw No. 166](#), and is located within Development Permit Area 3 (**DP-3 – Riparian Areas**). However, all of the structures being considered in this application were built prior to 2015, therefore were in place before DP-3 was adopted.

Land Use Bylaw:

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

Section B.2.1.1(a) of the LUB provides that structures, including retaining walls, must be sited a minimum of 15 metres from and 1.5 metres above the natural boundary of any lake, stream, or wetland.

Issues and Opportunities

LTC requirement for professional reports

For DVP applications, staff rely on the accuracy of a B.C. Land Surveyors' measurements to determine the boundaries of the land and the location of all existing and proposed buildings and structures. These measurements

are used to produce DVPs which are then registered on title. As this application pertains to the specific location of structures on the lot, a comprehensive site plan that indicates all elements (including the concrete structures in and around the stream) would benefit from a qualified professional certifying that the location of the structures are accurately plotted.

Staff rely on the assessment of QEPs when considering DVPs in identified environmentally sensitive areas. A QEP can assess the impact of the concrete footing structures poured in and around the *RAPR* applicable stream in 2010, to determine if they need to be removed or if they are better left in place. They can also determine the impact of the other structures in the setback to the natural boundary of the stream and the wetland on the northern corner of the property. In absence of this information, staff have been unable to accurately review the application.

Receipt of a QEP report containing a *Conditions and Impact Assessment* (post development) assessing the existing development and the surrounding riparian area would be required before any structures are removed. A *RAPR Detailed Assessment Report* may be required before removal as well. If the LTC concurs with staff's recommendation to deny issuance, staff would close the file and forward it to bylaw enforcement staff, recommending that the applicant seek the advice of a QEP for removal of non-compliant structures.

Consultation

Statutory Requirements - Notification

DVP Notices were circulated to surrounding property owners and residents within 100 metres in accordance with statutory requirements (Attachments 3 and 4). The notification period ends at 4:30 p.m. on June 7, 2023.

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

Agencies

Ministry of Water, Land and Resource Stewardship

The Province has jurisdiction over changes in and about a stream, as per *Section 11* of the Water Sustainability Act.¹ Staff contacted a Resource Officer from the Ministry of Water, Land and Resource Stewardship to ask if provincial approval as per *Section 11* of the *Water Sustainability Act* (WSA) is required for these concrete structures in and about the stream.

The Resource Officer confirmed that provincial approval is not required before the LTC proceeds with considering the DVP. A QEP's report should determine which structures are currently sited instream, and which are sited above the natural boundary of the creek. The QEP will also determine whether a *Section 11 WSA* authorization/permitting application to the Province is needed. If the QEP determines that the footings or any other structures in and around the stream should be removed (i.e., they are causing more harm staying in the creek because of leeching and/or blocking fish habitat), at that time, a *Section 11 WSA* application should be made to the Province by the applicant. If the QEP determines that the existing structures should stay where they are and removal is not recommended (i.e., removal would cause more harm); authorization and approval from the Province is not necessary.

¹ [Water Sustainability Act, Section 11](#)

Ministry of Transportation and Infrastructure

Although not included in this DVP request, an existing building (greenhouse) encroaches into the Ministry of Transportation and Infrastructure's highway right of way setback and is 1.4 metres from the front lot line. Therefore staff recommend the applicant seek a highway setback permit from the Ministry of Transportation and Infrastructure as well as a DVP from the Gabriola LTC for both the setback from the stream and from the front lot line, or relocate/remove the structure to meet setback requirements.²

First Nations

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

Rationale for Recommendation

Staff recommend denying issuance of the DVP as the applicant has not provided the necessary site plan and QEP report as requested by the LTC. In absence of this information, staff are unable to accurately review the application.

ALTERNATIVES

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

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

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

Recommended wording for the resolution is as follows:

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

2. Issue the DVP

The LTC may choose to issue the DVP as proposed. Staff advise that the structures in the setback to the natural boundary of the stream may negatively impact the environmentally sensitive riparian areas on the lot.

² See MOTI Setback/Encroachment Permit info here: <https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits/works/setbacks-encroachments>

Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee issue Development Variance Permit application GB-DVP-2016.3 (Van Herwaarden).

NEXT STEPS

Subject to the LTC's concurrence with staff's recommendation on page 1 of this report, staff will advise the applicant that their application has been denied issuance and the file will be closed and forwarded to bylaw enforcement staff for next steps.

Submitted By:	Margot Thomaidis, Planner 2	May 18, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 19, 2023

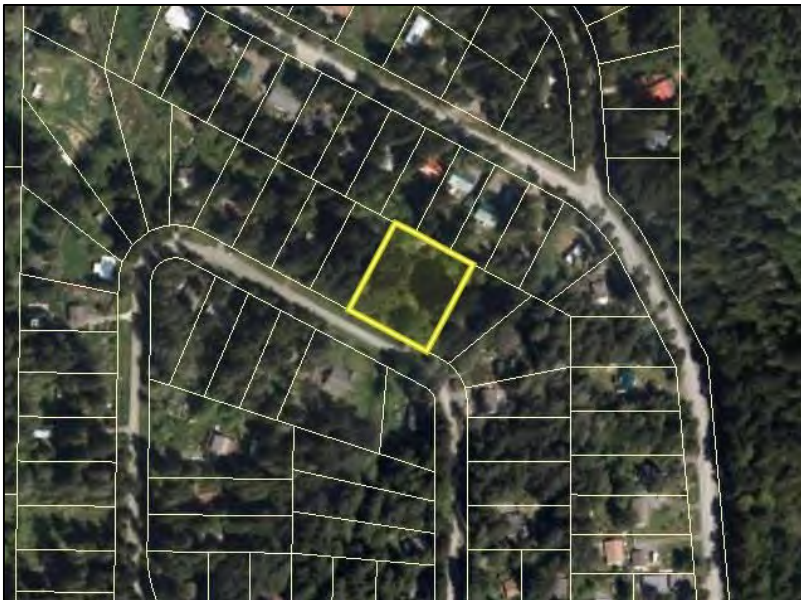
ATTACHMENTS

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

LOCATION

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

LAND USE

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

HISTORICAL ACTIVITY

File No.	Purpose
None on file	

POLICY/REGULATORY

Gabriola Island Official Community Plan Bylaw No. 166, 1997	Land Use Designation: Small Rural Residential Development Permit Area: DP-3 – Riparian Areas If the LTC denies this DVP application and requests the removal of structures sited within 15 metres of the natural boundary of the stream, the
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	applicant/owner must submit a Development Permit application for DP-3 – Riparian Areas before removal.
Gabriola Island Land Use Bylaw No. 177, 1999	Zone: Small Rural Residential (SRR)  Applicable regulations to this DVP request: General Regulations B.2.1.1 Setbacks and Elevations from Watercourses and the Sea - 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. ... - 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. - elevation requirements in B.2.2.1.a. are measured to the underside of the floor of any wooden floor system or top of a slab or pad of any habitable area. Buildings and Structures Siting Requirements - On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is: 6.0 metres (19.7 feet) from the front lot line; 4.5 metres (14.8) from any exterior side lot line; and 1.5 metres (4.9 feet) from any interior lot line. F.3 DP-3 Riparian Areas F.3.2 Applicability F.3.2.1 The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.3.3.1:

	a. subdivision of land b. construction of, addition to, or alteration of a building or other structure c. removal, alteration or destruction of vegetation d. disturbance of soils e. creation of non-structural, impervious or semi-impervious surfaces f. application of artificial fertilizer, pesticides or herbicides g. any other development, as that term is defined under the provincial Riparian Areas Regulation
Other Regulations	Setbacks as per the historical Gabriola Land Use Bylaw No. 177 (1999 – 2008) Note that the bylaw of this time does not include third party signs, fences, pump/utility houses, retaining walls, and structures, but was amended to include them in 2008. “B.2.1 Special Setbacks and Elevations B.2.1.1 Setbacks and Elevations from Watercourses and the Sea a. Buildings, excepting boathouses, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland. Where the frontage on the sea is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings must be sited a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea.” Provincial Regulations: <u>Riparian Areas Protection Regulation</u> 1 Definitions (1) In the Act and this regulation "development" includes the following: (a) the addition, removal or alteration of soil, vegetation or a building or other structure; ...” <u>Water Sustainability Act</u> Changes in and about a stream 11 (1) On application in accordance with section 12, the comptroller, a water manager or an engineer may issue an approval authorizing any of the following persons to make changes in and about a stream: a) the government of British Columbia or Canada; b) another person. (2) Changes in and about a stream may only be made in accordance with a) the terms and conditions of a change approval, b) the regulations, c) the terms and conditions of an authorization, or d) an order.

Covenants	373239G - EASEMENT 383970G - RESTRICTIVE COVENANT 53735G - UNDERSURFACE RIGHTS
Bylaw Enforcement GB-BE-2010.1 (Open):	- Owner installed concrete abutments with metal gates across the stream in two places in 2010. Bylaw enforcement was notified, and then the Province was notified. At the request of the Province, the metal gates were removed. Four concrete abutments remained in and around the stream. - In 2015 owners were asked to remove the concrete abutments and other structures in the setback to the stream, including two bridges, or apply for a variance. DVP was submitted in August 2016. DVP has been missing key information, including indication of the concrete structures in and around the stream on the site plan or survey.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	N/A – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM . A QEP report will determine whether the DVP application is inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	SAR (Public) Species: None Currently Mapped
Sensitive Ecosystems	<i>Sensitive Ecosystem Inventory (SEI): Wetland</i>  <i>Primary Sensitive Ecosystem Mapping (SEM) Rating: Mature Forest</i>



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

Tertiary SEM Rating: Seasonally Flooded



RAPR Watercourse: DP-3

	
Hazard Areas	None currently mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates a small area of archaeological potential on the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

ATTACHMENT 2 - SITE PLAN

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

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

Scale 1:500



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

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

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

LEGEND:

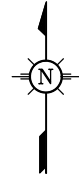
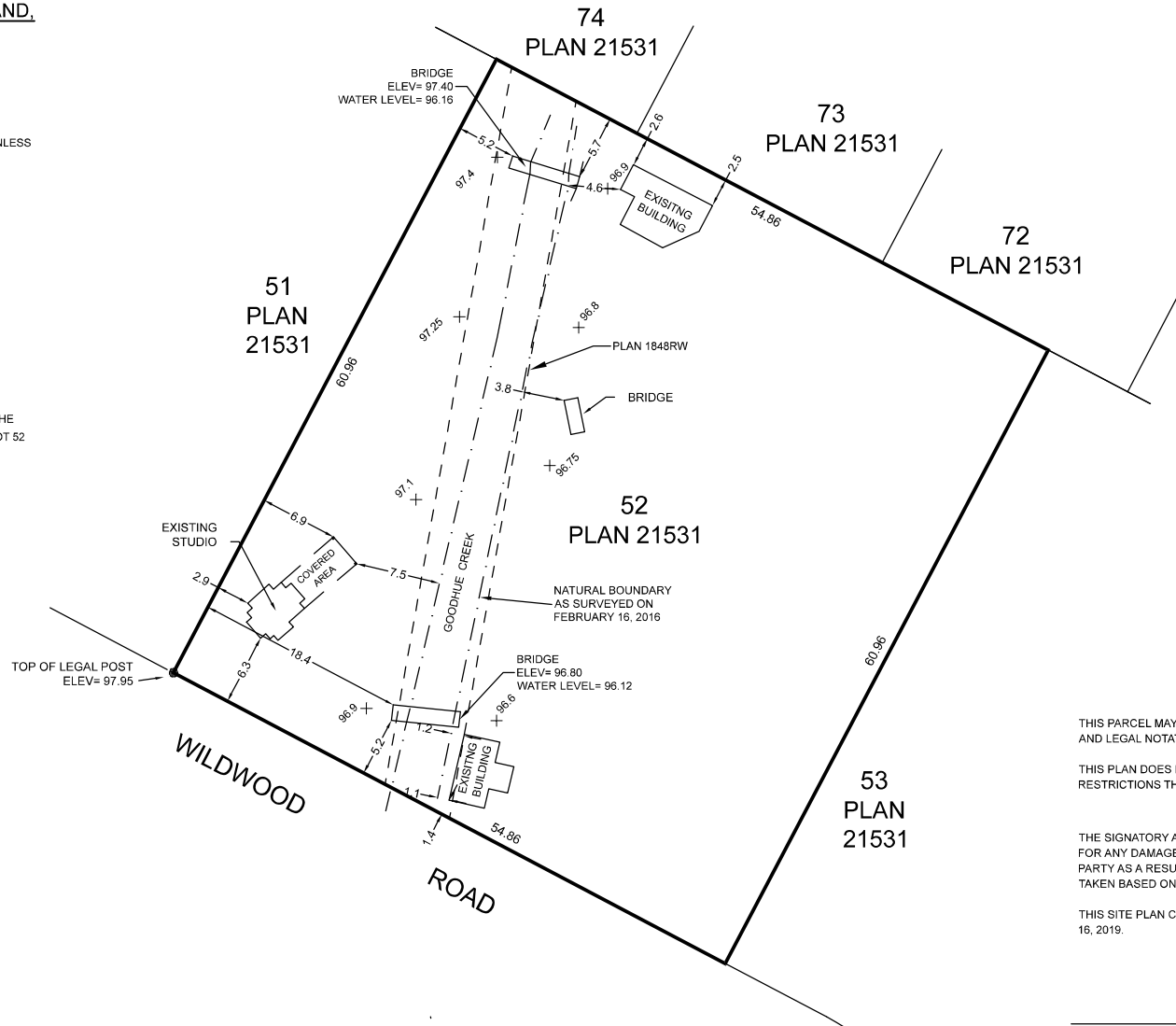
- DENOTES LEGAL POST FOUND.
- 96.97+ DENOTES SPOT ELEVATION.

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

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

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

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



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

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

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

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

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

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

To: Lynn Van Herwaarden and Vernon Packham,

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

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

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

1. Clause B.2.1.1(a) which states that, "...third party signs, fences, pump/utility houses, retaining walls, ground level decks, *structures* and *buildings*, excepting *boathouses*, must be sited a minimum of... 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the *natural boundary* of any lake, stream, or wetland..." is varied to permit the siting of the following structures and buildings:
- a) Two existing bridges (6.5m² and 8.0m²), concrete footing structures and concrete channel hardening sited 0.0 metres from and 0.0 metres above the natural boundary of a stream;

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

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

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 2023.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __ DAY OF __, 2025 THIS PERMIT
AUTOMATICALLY LAPSES.**



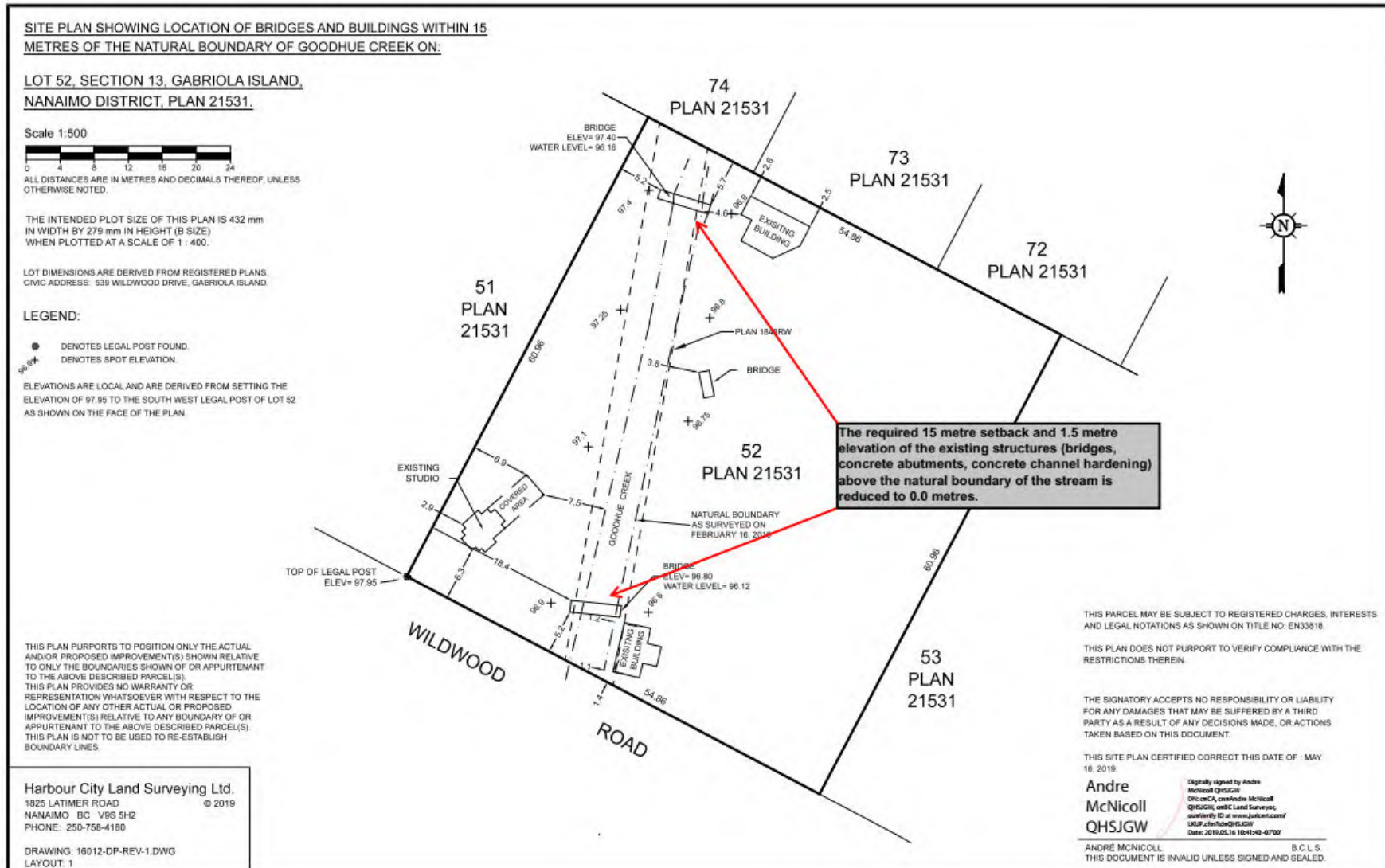
Islands Trust

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

GB-DVP-2016.3

SCHEDULE 'A' – Site Plan



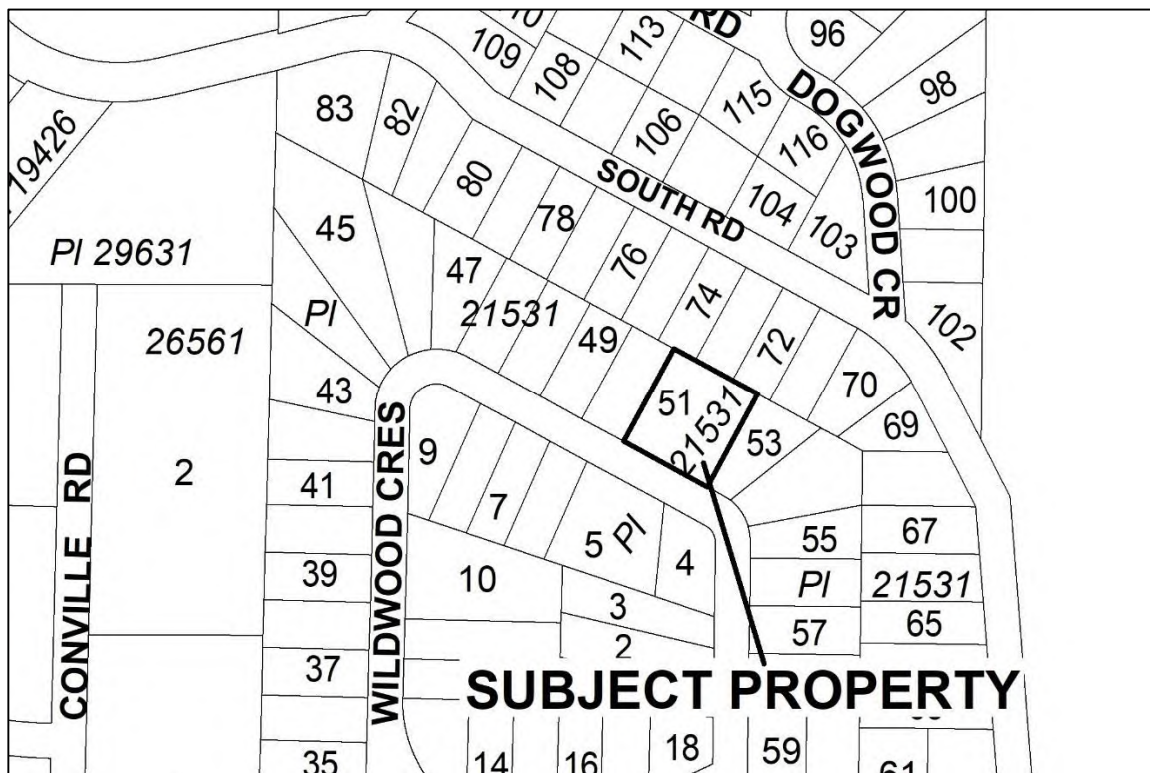
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Gabriola Island Land Use Bylaw No. 177 by:

- Permitting existing structures (two bridges, concrete abutments, and concrete channel hardening) less than 15 metres from and less than 1.5 metres above the natural boundary of a stream.

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

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

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **May 25, 2023** and continuing up to and including **June 7, 2023**.

Enquiries or comments should be directed to Margot Thomaidis, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before 4:30 pm, **June 7, 2023**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the Regular Business Meeting to be held **virtually (over Zoom) at 10:30 AM, June 8, 2023**. Visit <https://islandstrust.bc.ca/location/gabriola/> to watch live.

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

File No.: GB-TUP-2022.1 (Garner)

(Renewal of GB-TUP-2018.1)

DATE OF MEETING: June 8, 2023

TO: Gabriola Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: Temporary Use Permit (Renewal of GB-TUP-2018.1) for a
Commercial Vacation Rental in a Residential Zone
Applicant: Kevan and Julia Garner
Location: 671 Balsam Street, Gabriola Island (PID: 003-330-460)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GB-TUP-2022.1 (a renewal of previously-issued Temporary Use Permit GB-TUP-2018.1), subject to the conditions imposed by the permit, with an expiry date of January 30, 2025.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider the **renewal** of a Temporary Use Permit (TUP) for the continued temporary operation of a Commercial Vacation Rental (CVR) within a single family dwelling on the subject property (Figure 1 below) in the Small Rural Residential (SRR) designation.

Figure 1 – Subject Property Map



BACKGROUND

Detailed background information, including the Site Context can be found in Attachment 1, and details of how the application renewal has been evaluated against the TUP Guidelines can be found in Attachment 2. Supporting information provided by the applicant is included as Attachments 3-7.

A TUP was previously issued for the same use on the subject property, therefore this is a TUP renewal request. The LTC first considered a staff report regarding Temporary Use Permit GB-TUP-2018.1 at the September 27, 2018 business meeting and requested more information prior to rendering a decision. At the business meeting on January 24, 2019, the LTC considered a follow-up staff report, and ultimately passed the following resolution:

GB-2019-006

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve as amended, issuance of Temporary Use Permit GB-TUP-2018.1 for a commercial vacation rental for a period of three (3) years from date of issuance.

CARRIED

Following the January 2019 LTC meeting, staff issued the TUP on January 30, 2019 and so the TUP expired three years later, on January 30, 2022.

Pursuant to article 3.8 (a)(vii) of the Gabriola Island Official Community Plan (OCP), a TUP may be issued for commercial vacation rentals within land designated as Small Rural Residential (SRR).

Because the applicant submitted their TUP application in January 2022 prior to the expiry of their previous GB-TUP-2018.1, this application is considered a renewal of GB-TUP-2018.1, not a new application, even though it will have been expired for 16 months at the time of writing this report and at the June 8, 2023 meeting for the LTC's consideration. The applicant was unable to pass the Fire Code Compliance Inspection without addressing certain fire code compliance issues and therefore, staff could not process the application renewal until now. The applicant submitted a letter dated April 04, 2023 (Attachment 5) from Fire Chief Will Sprogis, of the Gabriola Fire Department, indicating that the residence meets the requirements of the B.C. Fire Code for the purpose of this Temporary Use Permit.

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

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

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

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

(3) Subsection (1) and sections 495 [permit conditions: undertaking respecting land] and 496 [permit conditions: additional security requirements] apply in relation to a renewal under subsection (2).

With this in mind, staff are recommending that because this is a renewal of a previously-issued TUP (not a new application), that the renewal be issued with an expiry date of **January 30, 2025; a 3-year renewal extension to the previous TUP expiry date**, instead of 3 years from a new issuance date.

As the *LGA* clearly states that a TUP may be renewed only once, if this TUP renewal is issued and the property owners wish to continue their commercial vacation rental on the subject property following its expiry, a bylaw amendment by way of a rezoning or a new TUP application will be required to do so.

ANALYSIS

Policy/Regulatory

Official Community Plan policies were reviewed and the relevant TUP guidelines are included as Attachment 2 of this report.

Land Use Bylaw:

As noted in Attachment 1, the subject property is zoned Small Rural Residential (SRR) in the Gabriola Island Land Use Bylaw No. 177. The intent of the TUP is to allow a use that is not otherwise permitted. Regulation B.6.3.1 notes that “All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited **except where a temporary use permit has been issued by the Local Trust Committee**” – and thus this TUP renewal is required for this temporary commercial vacation rental use.

Issues and Opportunities

Although addressing neighbours’ concerns regarding potential noise was a point of discussion when issuing the original TUP in 2019, staff are not aware of any complaints regarding the commercial vacation rental use on this property, and it is understood that the conditions outlined in the original TUP have been adhered to and are considered acceptable to the community. Therefore, it is also an expectation for this TUP renewal that the TUP guidelines of the OCP and the conditions of the original TUP (which have been carried over to this renewal permit – see Attachment 2) will continue to be met. A copy of the Public Notice that was mailed out to neighbouring property owners is included as Attachment 9.

Water

There are concerns related to commercial vacation rentals and the increased pressure on water resources that may occur from this use. Generally, commercial vacation rentals result in an increased use of water for laundry and other cleaning activities following each guest’s departure. This application proposes to rent out the existing single family dwelling and does not propose to increase the number of water fixtures/appliances, or increase the number of people who would typically stay in the dwelling.

Guideline Section 3.8 (h) (v) in the OCP addresses water use for commercial vacation rental applications:

- v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;*

Staff consider the applicant has met this requirement by submitting a written Water Plan from 2022 and the well test results from 2018 as well as installing two 1600 gallon cisterns on the lot. However, it is unclear whether the amount required in the guideline will continue to be met. Staff have provided a breakdown of the submitted well test to ascertain whether OCP guideline 3.8 (h) (v) may be met:

<u>Requirement:</u> 227 L per guest per day @ 4 guests (current capacity) $227 \times 4 = \mathbf{908}$ L required per day for current capacity 227 L per guest per day @ 6 guests (max. capacity) $227 \times 6 = \mathbf{1362}$ L required per day for max. capacity	<u>February 7, 2018 Well Yield:</u> Minutes per day x litres recharged per minute $1440 \times 4.55 = \mathbf{6552^*}$ L produced on February 7, 2018 *(not including cistern and well storage capacity)
--	--

While the data from February 7, 2018 appears to exceed the requirement in OCP guideline 3.8 (h) (v), the well test provides only a “snapshot” of the current water level at the time of the test. The well test reflects water levels in the month of February (over five years ago) when levels are typically higher, and does not reflect levels during the dry season (July to November) and during the high season for commercial vacation rentals.

The Islands Trust’s Freshwater Specialist recommends that a pumping test be conducted during the dry season over a minimum 4-hour period, followed by an assessment report completed by a professional hydrogeologist to gain a clearer understanding of whether there is sufficient groundwater available for the proposed use over time. Staff note that the TUP guidelines do not support requiring this type of assessment and reporting.

However, the LTC may consider requiring this more intensive testing if a subsequent rezoning application is made to allow the proposed use on a permanent basis.

Staff note that the BC *Water Sustainability Act* (WSA) outlines licensing requirements for use of groundwater for non-domestic purposes, and that these requirements apply to this proposal. It is staff’s understanding that property owners with commercial vacation rentals are required to apply for a commercial groundwater license.

The LTC specified on the previous TUP (GB-TUP-2018.1) that the applicants are required to obtain any necessary approvals for groundwater use under the WSA or any subsequent legislation. The permit was not withheld until the applicant secured any required water license, as it was staff’s understanding that at that time the groundwater licensing processing times could take over a year. **At the time of writing this report, the applicant had not applied for a groundwater licence and staff will recommend this as a condition of the TUP.**

Consultation

No community consultation beyond the public notification requirements, including neighbourhood notification and a newspaper advertisement, has been undertaken. A Community Information Meeting is not required for this application.

Statutory Requirements

In accordance with Section 494 of the *Local Government Act*, neighbours must be notified of a TUP application. Notice of the proposed TUP was sent out on May 24, 2023 to all property owners and occupants of properties within 100 metres of the subject property. A notice of the proposed TUP was published in *the Gabriola Sounder* newspaper on May 31, 2023 edition.

No correspondence has been received at the completion time of this report, but may be received before or during the LTC meeting. Correspondence may be sent to northinfo@islandstrust.bc.ca

Referrals

This application does not trigger the requirement for agency or First Nations referrals; however the LTC may do so if it determines that any agencies or First Nations may have an interest.

RATIONALE FOR RECOMMENDATION

Staff consider the renewal proposal and information provided to continue to meet the TUP Guidelines for commercial vacation rentals outlined in Section 3.8 of the OCP, and are also not aware of any complaints regarding the commercial vacation rental use on this property. Therefore, staff recommends that the TUP be renewed, and continue to be subject to the conditions imposed by the permit.

ALTERNATIVES

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

1. Request further information

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

That the Gabriola Island Local Trust Committee request further information prior to making a decision on Temporary Use Permit renewal application GB-TUP-2022.1 [specify required information].

2. Impose additional permit conditions

The LTC may choose to impose additional permit conditions in accordance with OCP guideline 3.8(h) (xvii) which states, “such other considerations as are deemed applicable with respect to a specific commercial vacation rental application.” Recommended wording for the resolution is as follows:

That the following be made a condition of Temporary Use Permit renewal application GB-TUP-2022.1: [insert condition(s)].

3. Deny issuance of the permit

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

That the Gabriola Island Local Trust Committee deny Temporary Use Permit renewal application GB-TUP-2022.1 for the following reasons: [specify reasons].

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, staff will issue the TUP renewal as drafted in Attachment 8. No further TUP renewals will be considered for this temporary use; a future rezoning would be required to permit the use permanently on the subject property or a new TUP application would be required.

Submitted By:	Marlis McCargar, Island Planner	May 17, 2023
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Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 18, 2023
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ATTACHMENTS

1. Site Context
2. OCP TUP Guidelines
3. Water Plan & Test
4. Septic Information – dated March 11, 2022
5. Fire Code Compliance Letter – dated April 04, 2023
6. Guest Information Packet
7. Occupancy Permit
8. Draft Temporary Use Permit
9. Copy of Public Notice

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 35, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 22540
PID	003-330-460
Civic Address	671 Balsam Street
Lot Area	0.23 ha (0.56 acres)

LAND USE

Current Land Use	Residential; temporary Commercial Vacation Rental Existing buildings and structures include: • a principal residence (2-bedroom cottage), • an art studio (220 sq ft), • a garden studio (60 sq ft), • two greenhouses (72 and 150 sq ft), • a pump house • two 1600 gallon cistern and two smaller cisterns for collecting rain water
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
GB-BE-2017.14	Commercial vacation rental occurring without a Temporary Use Permit. File closed January 24, 2019 following the LTC meeting to issue the initial TUP (GB-TUP-2018.1).
GB-TUP-2018.1	Permit issued January 30, 2019. The 3-year period expired January 30, 2022.

POLICY/REGULATORY

Gabriola Island Official Community Plan No. 166, 1997	The subject property is within the Small Rural Residential (SRR) land use designation. Not within any Development Permit Areas.
Gabriola Island Land Use Bylaw No. 177, 1999	The subject property is within the Small Rural Residential (SRR) zone. Permitted Principal uses in the SRR zone include single family residential. Permitted Accessory uses in the SRR zone include home occupations (including Bed and Breakfasts), subject to regulations in section B.3.

	B.3.1.1 Home occupation uses must be carried out by at least one permanent resident of the premises in which the home occupation is located; B.3.6.1 The following additional regulations apply to bed and breakfast home occupations: a. On lots: i. less than 0.5 hectares (1.24 acres), a maximum number of two bedrooms may be used for bed and breakfast accommodation; c. The bed and breakfast use must be in the principal single family dwelling and not in any accessory building; d. Breakfast is to be the only meal served; e. No additional set of cooking facilities may be provided for the bed and breakfast use. B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.
Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants, Parks/Protected Areas, Steep Slopes, or Watercourses.
Covenants	Restrictive Covenant 391133G (held by Gabriola Wildwood Estates Ltd, dissolved February 1983). As this covenant is not held by the LTC, it would be the responsibility of the property owner to have this covenant discharged from the Title.
Bylaw Enforcement	None active. GB-BE-2017.14 (closed) – See Historical Activity above.

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a – This application does not directly affect an ITC-owned property, conservation covenant, or nature reserve; nor does it directly affect a property adjacent to an ITC-owned property, conservation covenant, or nature reserve. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	None mapped.
Sensitive Ecosystems	The subject property is within a Young Forest ecosystem.
Hazard Areas	None mapped.

Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100 metres of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated impacts.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is in a low vulnerability area and with moderate vulnerability to saltwater intrusion.

ATTACHMENT 2 – TUP GUIDELINES IN THE GABRIOLA OCP

OCP Subsection 3.8(h)

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

Guideline	Submitted	Compliant?	Planner Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals	<i>n/a</i>		TBD by LTC There are currently only a few other active TUPs for CVRs on the Island, and no others in this neighbourhood.
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood	<i>n/a</i>		TBD by LTC The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.1 of Draft TUP.
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues	<i>n/a</i>		TBD by LTC The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.1 of Draft TUP.
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	<i>n/a</i>	<i>n/a</i>	Not in the ALR.
v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest	Yes	Yes	The applicant submitted an updated Water Plan in 2022 and the Well Flow Test from February 2018 (Attachment 3 of Staff Report) The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.6 of Draft TUP.

vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	Yes (proof provided under previous permit GB-TUP-2018.1)	Yes	Staff originally did a site visit for the previous TUP and were satisfied that off-street parking is adequate. The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.2 of Draft TUP.
vii. the landowner should be required to provide documentation from a qualified professional that the septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	Yes	Yes	Van Isle Septic Services provided a septic system performance survey (Attachment 4 to Staff Report). The intent of this survey is to evaluate the operational performance of the system in relation to the current usage, potential usage, and general operations. The report is based on the current conditions observed and is not a guarantee on the future operating performance. This inspection is valid for 30 days from the date of issue (March 11, 2022). It stated that overall, the 600 gallon 2-chambered concrete septic tank appears to be in good condition with the exception of the inlet pipe.
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code	Yes	Yes	The applicant submitted a copy of the RDN Building Inspection Service Occupancy Permit under their previous permit GB-TUP-2018.1, which we retain on file as it continues to be applicable to this renewal. The applicant has submitted a letter dated April 04, 2023 (Attachment 5 to Staff Report) from Fire Chief Will Sprogis, of the Gabriola Fire Department, indicating that the residence meets the requirements of the B.C. Fire Code for the purpose of the Temporary Use Permit.
ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	n/a		The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.3 of Draft TUP.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit	n/a		The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.4 of Draft TUP.

xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted)	Yes	The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Guest information package is available in Attachment 6 of the staff report. Condition 4.5 of Draft TUP.	
xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom	n/a	The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.8 of Draft TUP.	
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	n/a	The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.10 of Draft TUP.	
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients	n/a	The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.11 of Draft TUP.	
xv. a condition of the permit should limit the number of bedrooms to: a maximum of 3 on lots smaller than 2.0 hectares	n/a	The single family dwelling only has 2 bedrooms. The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.7 of Draft TUP.	
xvi. a condition of the permit should prohibit recreational vehicles or camping	n/a	The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Condition 4.12 of Draft TUP.	
xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application	n/a	TBD by LTC Not a requirement for the previous TUP; staff are not aware of any violations to this potential guideline and so are not recommending that it be required of the renewal either.	
xviii. the Local Trust Committee may require water metering	n/a	TBD by LTC Not a requirement for the previous TUP; staff are not aware of any violations to this potential guideline and so are not recommending that it be required of the renewal either.	
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the	n/a	Yes	Copy of the original occupancy permit was already provided under previous permit GB-TUP-2018.1 (see viii above).

proposed commercial vacation rental use and activities			
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts	<i>n/a</i>	The previous TUP had included this as a condition; staff are not aware of any violations of this condition, so have included it in this TUP renewal as well. Information is included in the guest information package (see Attachment 6 of Staff Report). Condition 4.5 of Draft TUP.	

671 Balsam St. Gabriola Island

WATER CONSERVATION PLAN

May 8th, 2022

To whom it may concern:

Our property has a 1600 gallon cistern and a couple of extra small cisterns for gathering rainwater for our garden. In 2018, we also added another 1600 gallon cistern which is connected to the well and provides a reservoir so that if the well runs dry or is out of service, we still have a supply of water which will last for a few weeks for the house, depending upon usage. I have attached the March receipt for the pump that needed to be replaced for this cistern (feeds the water into the home). We also recently replaced the well pump last year because it malfunctioned so it is brand new. Unfortunately, I was unable to find the receipt but if necessary, I will reach out to Dan Foley of Summer Rain to see if they can send me a copy.

I have also attached as a reference, the original documents submitted in 2018 for the permit.

Regards,

Julia Garner

Summer Rain Water Delivery

3153 Whalley Road
 Gabriola Island, B.C.
 V0R1X7
 (250) 247-9136

Invoice

Date	Invoice #
2/27/2022	

Bill To
Kevin Garner 671 Balsam Gabriola Island, B.C. V0R 1X1

P.O. No.	Terms	Project

Qty	Description	Rate	Amount
1	Tankless Jet Pump 3/4 hp	550.00	550.00T
	Labour	80.00	80.00T
	Total GST		31.50
	Business Number: 110830544		
	Total PST		38.50
		Total	\$700.00

671 Balsam St. Gabriola Island

WATER CONSERVATION PLAN

Feb 17th, 2018

To whom it may concern:

Our property has a 1600 gallon cistern and a couple of extra small cisterns for gathering rainwater for our garden. We have never had issues with running out of water in the last 13 years since we purchased the property in 2005. Even during dry spells, the pond has water and the grass remains green during the height of summer. We try to conserve water and our garden (except for some fuschias and lilies) have drought-tolerant plants. In the information brochure that we provide to our guests, we have emphasized the importance of water conservation and included guidelines to ensure the health of the septic system.

I have attached the original well log from Windecker in 1991, the water history that we received when we purchased the property as well as the well log provided by Red Williams Drilling.

For the septic certification, Bob Bye replaced the existing septic tanks (see attached receipts) and asked for the extra well that was on the property to be closed (see well closure report from Red Williams Drilling). We also had the secondary tank pumped out by Van Isle Septic.

Within the next year, we plan on having Summer Rain connect a small cistern to the existing well so that there is always a reserve available for the primary house, as a contingency, in case of extreme drought situations.

Regards,

Julia Garner

RED WILLIAMS WELL DRILLING LTD.

OFFICE ADDRESS: 1125 Smithers Rd. Parksville

**MAILING ADDRESS: 980 Pratt Road, Qualicum Beach, B.C.
V9K 1W5**

Phone Number (250) 248-4551

Fax Number (250) 248-4555

E-mail redwoodcentre@shaw.ca

G.P.M. WELL ASSESSMENT

CUSTOMER: GARNER, JULIA

E-MAIL: [REDACTED]

SITE ADDRESS: 671 BALSAM AVENUE

DATE: 2018 FEBRUARY 7TH

TYPE OF WELL: SIX INCH DRILLED WELL

I.D. PLATE # - [REDACTED]

WATER LEVEL: APPROX. 13 FEET

WATER SAMPLE TAKEN: NO

PUMPING LEVEL @ APPROX. 85 FEET

FLOW RATE: ASSESSED @ APPROX. ONE GALLON PER MINUTE

WELL DEPTH: APPROX. 90 FEET

**FIELD TECHNICIAN: Andy Neggers – CERTIFIED WELL DRILLER – PUMP
TECHNICIAN**

NOTE: This report is an assessment of the current status of the well on this date. This report does not guarantee the water quality or quantity of the wells' potential in the future. This assessment was done for residential use only.



Ministry of
Environment

- ☐ Well Construction Report
☒ Well Closure Report
☐ Well Alteration Report

Red Williams Well
Drilling Ltd.
980-888-5552
250-248-5552

Min/ID Plate Number: _____
Min/Tag Number: _____
☐ Confirmation/alternative specs. attached
☐ Original well construction report attached

Red lettering indicates minimum mandatory information.

See reverse for notes & definitions of abbreviations.

Owner name: Julia and Kevan Garner
Mailing address: _____ Town: _____ Prov: BC Postal Code: _____

Well Location: Address: Street no. 671 Street name Balsam Town GABRIOLA ISLAND

Legal description: Lot 35 Plan 22540 D.L. _____ Block _____ Sec. _____ Twp. _____ Rg. _____ Land District _____

PID: 603-330-460 (and) Description of well location (attach sketch, if nec.): WITHIN PROPERTY BOUNDARIES

NAD 83: Zone: 19 UTM Easting: _____ m Latitude (see note 3): 49° 11' 29.04
(see note 2) UTM Northing: _____ m Longitude: 123° 50' 20.17

Method of drilling: ☒ air rotary ☐ cable tool ☐ mud rotary ☐ auger ☐ driving ☐ jetting ☐ excavating ☐ other (specify): _____

Orientation of well: ☒ vertical ☐ horizontal Ground elevation: 174 ft (asl) Method (see note 4): _____

Class of well (see note 5): Water Supply Sub-class of well: Domestic

Water supply wells: Indicate intended water use: ☐ private domestic ☐ water supply system ☐ irrigation ☐ commercial or industrial ☐ other (specify): _____

Lithologic description (see notes 7-14) or closure description (see notes 15 and 16)				Water-bearing	Observations (e.g., fractured, weathered, well sorted, silty wash); closure details
From ft (bgl)	To ft (bgl)	Relative Hardness	Colour	Estimated Flow (USgpm)	
0	1				
1	16				
16	35				
35	38				
38	58				
58	61				
61	81				
81	84				
84	100				

Casing details

From ft (bgl)	To ft (bgl)	Dia in	Casing Material / Open Hole	Well Thickness in	Drive Shoe
0	14	6			

Screen details

From ft (bgl)	To ft (bgl)	Dia in	Type (see note 18)	Slot Size

Surface seal: Type: _____ Depth: _____ ft
Method of installation: ☐ Poured ☐ Pumped Thickness: _____ in
Backfill: Type: _____ Depth: _____ ft
Liner: ☐ PVC ☐ Other (specify): _____
Diameter: _____ in Thickness: _____ in
From: _____ ft (bgl) To: _____ ft (bgl) Perforated: From: _____ ft (bgl) To: _____ ft (bgl)

Intake: ☐ Screen ☐ Open bottom ☐ Uncased hole
Screen type: ☐ Telescope ☐ Pipe size
Screen material: ☐ Stainless steel ☐ Plastic ☐ Other (specify): _____
Screen opening: ☐ Continuous slot ☐ Slotted ☐ Perforated pipe
Screen bottom: ☐ Ball ☐ Plug ☐ Plate ☐ Other (specify): _____
Filter pack: From: _____ ft To: _____ ft Thickness: _____ in
Type and size of material: _____

Developed by:

☐ Air lifting ☐ Surging ☐ Jetting ☐ Pumping ☐ Bailing
☐ Other (specify): _____ Total duration: _____ hrs
Notes: _____

Well yield estimated by:

☐ Pumping ☐ Air lifting ☐ Bailing ☐ Other (specify): _____
Rate: _____ USgpm Duration: _____ hrs
SWL before test: _____ ft (btoc) Pumping water level: _____ ft (btoc)

Obvious water quality characteristics:

☐ Fresh ☐ Salty ☐ Clear ☐ Cloudy ☐ Sediment ☐ Gas
Colour/odour: _____ Water sample collected: ☐

Well driller (print clearly):

Name (first, last) (see note 19): Paul A. Neggers
Registration no. (see note 20): 220 0503 2904
Consultant (if applicable, name and company): _____

DECLARATION: Well construction, well alteration or well closure, as the case may be, has been done in accordance with the requirements in the Water Act and the Ground Water Protection Regulation.

Signature of Driller Responsible: Paul A. Neggers

PLEASE NOTE: The information recorded in this well report describes the work and hydrogeologic conditions at the time of construction, alteration or closure, as the case may be. Well yield, well performance and water quality are not guaranteed as they are influenced by a number of factors, including natural variability, human activities and condition of the works, which may change over time.

Final well completion data:

Total depth drilled: _____ ft Finished well depth: _____ ft (bgl)
Final stick up: _____ in Depth to bedrock: _____ ft (bgl)
SWL: _____ ft (btoc) Estimated well yield: _____ USgpm
Artesian flow: _____ USgpm, or Artesian pressure: _____ ft

Type of well cap: _____ Well disinfected: ☐ Yes ☐ No

Where well ID plate is attached: _____

Well closure information:

Reason for closure: No longer needed
Method of closure: ☒ Poured ☐ Pumped
Sealant material: BENTONITE Backfill material: PEA GRAVEL
Details of closure (see note 17): _____

Date of work (YYYY/MM/DD):

Started: 2018/02/07 Completed: 2018/02/07
Comments: _____

white: Customer copy
canary: Driller copy
pink: Ministry copy
Sheet 1 of 1

WELLS	Depth	Material
-------	-------	----------

PHONE: 247-9391

PLAN 22540 Sec. 22

12

shall

70

19 91

sandstone &
shale in layers

100.

well complete

Screen used _____

Bottom of Screen feet from surface

gpm at _____ feet _____

Driller:

MINIMUM CHARGE FOR DRILLING 30 Feet

3/4 JET PUMP 2 WINGS
CHECK VALVE
1/4" SUBMERIBLE 1 1/4" ~ 1 1/2" 6" CASING
1/2" ROPE

WATER HISTORY

ADDRESS # 671 BALSAM STREET

DATE May 20 2005 (when originally filled out by Seller)

Water supply is a Gulf Island issue that some urban buyers may not understand. As a tool to be clear on the water circumstances during your use, please fill in the following information sheet. Please be complete with your answers, as Buyers will use this information for their water management decisions and as a starting place for further investigations. Buyers must recognize that long term owners may not be able to document their use from home purchase time and will answer all questions with usage over more recent times. Owners who rent out their homes may not be able to give complete answers.

A. How long have you lived in this house?

5 years

B. Have you ever had your water tested for fecal or total coliforms, or minerals? If so, when & what were the results? (If you have had it tested more than once, please list the results & dates for each time or if you have copies please attach).

We never tested - but it was tested in 1998.

C. Have you ever run your well dry? If so, what were the circumstances around it? How long did it take to recover? Is this a regular occurrence?

Never run dry.

D. Have you ever purchased water? If so, how many loads (a load is 2,000 gallons) per year?

Never.

E. Please provide an explanation of your water usage - how many people normally reside at your home, how you use your water, do you service guests in the summer, etc. (If there is a copy of a well log available, please attach)

Tons of gardens on property. Two people live in house, & often have summer guests. We shower daily.

[Redacted] Seller [Redacted] Seller
[Redacted] Buyer [Redacted] Buyer

Date: _____ (When Buyer read and received copy)

The Buyer is aware that water quantity and quality are not stable statistics & may change from year to year, month to month & even day to day, and depending on household needs, additional water collection &/or storage may be needed.



Van Isle Septic Services Inc.

Septic System Performance Survey

Prepared For:
Julia & Kevan Garner

Property Inspected:
671 Balsam Street
Gabriola Island, BC V0R 1X1

Inspection Date:
March 11, 2022



1712 Vowels Road, Box 111 Cassidy, BC V0R 1H0

Office (250) 741-1222 Fax (250) 585-5223

Your Friend In The Business!

Date: March 11, 2022

Property: 671 Balsam Street
Gabriola Island, BC

Legal Description: LT 35, PL VIP22540, SEC 22, NANAIMO LAND DISTRICT

Dear Mr. & Mrs. Garner

As requested, Van Isle Septic Services provided a septic system performance survey on the above noted property. This report is prepared for the client stated above and requires his or her consent for any request of information be it verbal or written regarding this report. The report is based solely on the current conditions observed at that specific time and date and is in no way a guarantee on the future operating performance. This inspection is valid for 30 days from the date of issue. The owner of this document may use this report at his or her own discretion. The intent of this survey is to evaluate the operational performance of this system in relation to the current usage, potential usage, and general operations. Please note that vacant properties and weather conditions at the time of inspection could impact the results of this report.

Based on the information provided in the "Owner's Declaration" and upon performing visual and passive means of inspection on the current septic system we have the following comments and recommendations:

General Information

Current Weather Conditions:	Cloudy
Property Type:	Single Family Dwelling
No. of Bedrooms:	2
Septic System Design:	Type 1: Gravity System
System Installed:	1993
Volume of Tank:	600 gallons
Estimated Sewage Flow:	220 gallons per day by today's guidelines
Dispersal Piping:	3" PVC
Health Permit Enclosed:	Yes

Tank Components	Type	Condition
General Tank	Concrete	Good
Inlet Sewer Line	PVC Pipe	Fair
Inlet Baffle	Concrete	Good
Outlet Baffle	PVC Pipe	Good
Effluent Filter	Not Applicable	Not Applicable
Compartment Wall	Concrete	Good

Septic Tank Evaluation

All of the sewage for the main dwelling drains into the septic tank. Inside the septic tank the solids are settled from the liquid, and the effluent travels through the system.

The septic tank is located: In the brick path and landscaped area beside the front stairs

GPS Location: (lat. 49.191354, long. -123.839111)

Tank Volume: 600 gallons

Tank Size: Length 96" x Width 44" x Depth 52"

Outlet @ 12" (from top of tank)

Lids Accessible: Yes

Risers: Yes

Soils depth (to lid): 0" at surface

Two lids to access the tank: 20" Round Plastic

Condition: Good

One lid for maintenance: 12" Round Plastic

Condition: Good

Solids level: Heavy

Inlet pipe settled: Yes

Outlet pipe settled: No

Back flow from the septic field? No

Additional Comments: The inlet pipe of the tank has settled. There is no effluent filter installed on this system which, although not required, prolongs the life of the system by keeping smaller solids from escaping the tank and entering the field. No cracks or leaks were visible in the tank at the time of the inspection. Overall, this 600 gallon 2-chambered concrete septic tank appears to be in good condition with the exception of the inlet pipe.

Septic System Distribution Evaluation

The effluent leaves the septic tank by gravity and travels to the distribution box (d-box) via:

Outlet sewer pipe: 3" PVC Pipe

Manifold: Yes

Location: End

The d-box is located: Beside the stone walkway off the front stairs of the house

GPS Location: (lat. 49.191403, long. -123.839054)

Lids Accessible: Yes

Riser: Yes

Soils depth (to lid): 0" at surface

Lid size: 20" Round Plastic

Condition: Good

D-box overall Condition: Good

Explain: original d-box recently upgraded to PVC

Solid build-up: Moderate

Speedy Levellers: Yes

Dispersal pipe: 3" PVC Pipe

No. of pipes: 3

Total Length: ~150 lineal feet

Flow & Dye Test: Yes

Results: Lines accept flows (some backflow in center run)

Video Inspection: Yes

Comments: Ends of all three runs were located; moderate sludge in all lines; some roots in middle run (recommend to high-pressure flush dispersal lines).

Type of field: trench

GPS Location: (lat. 49.191523, long. -123.839158)

Describe location: in the upper flat grassy area of the front yard

Was dispersal area opened: Yes

Observations: 3" white PVC pipe in drain rock

Additional Comments: No breakout or dye was seen at the surface. An interior investigation of the lines showed a moderate sludge build up in all lines and minor root infiltration of the middle run. Overall this septic field appears draining at a slightly reduced rate at this time. High-pressure flushing of the lines is recommended to remove buildup.

Other Comments and Observations

There is evidence that there may have been some vehicle traffic over the septic field area. It is recommended to clearly mark and/or set up barriers to ensure that no vehicle drives over the dispersal field.

Septic systems are not designed to be able to process the waste that a garbomotor produces, any garbomotor should be removed and/or upgrade system to accommodate garbomotor.

Any water treatment systems in the house that produce a “backwash” must not back flush into the sanitary.

We have the following recommendations:

(*Any anticipated renovations to the building may affect the recommendations in this report)

Repairs

- 1) High-pressure flush dispersal lines to remove buildup

Upgrades

- 1) Install an effluent filter in outlet of septic tank
- 2) Monitor system performance and upgrade when required

Maintenance

- 1) Pump septic tank every 3 years
- 2) Flush the septic field with every second tank pump out
- 3) Have a maintenance contract to ensure the longevity of your system
- 4) Follow Do's and Don'ts (Google "Septic Savvy" for more information)

For ANY questions, comments or clarification please call us at (250) 741-1222. We would be pleased to be of further assistance, to go over this report if necessary.

Picture 1: Septic tank location



Picture 2: GPS location of septic tank (shows 3 access openings)



Picture 3: Inlet maintenance hatch



Picture 4: Outlet baffle (no filter installed)



Picture 5: Location of distribution box (d-box)



Picture 6: GPs location of d-box (shows interior)



Picture 7: Inside d-box during flow & dye test



Picture 8: Exposed section of the septic field



Picture 9: Location of exposure site



Picture 10: Dispersal field area (viewed away from d-box & tank)



Picture 11: Dispersal field area (viewed toward d-box & tank)





Province of
British Columbia

Ministry of
HEALTH
PROTECTION

APPLICATION FOR A PERMIT TO CONSTRUCT
A SEWAGE DISPOSAL SYSTEM

THE APPLICANT LISTED BELOW HEREBY MAKES APPLICATION FOR A PERMIT TO CONSTRUCT A SEWAGE DISPOSAL SYSTEM PURSUANT TO THE REQUIREMENTS OF THE SEWAGE DISPOSAL REGULATIONS AND AS DESCRIBED IN THE PLAN AND SPECIFICATIONS CONTAINED HEREIN AND/OR ATTACHED HERETO.

PLEASE PRINT OR TYPE

APPLICANT'S FULL NAME <u>Steve's Backhoe</u>		OWNER'S NAME <u>[Redacted]</u>	
LEGAL DESCRIPTION AND STREET ADDRESS <u>Lot 35 Sect 22 Pl 22540</u>		OWNER'S ADDRESS <u>[Redacted]</u>	
POSTAL CODE <u>Bakaln St. Gabriola T.</u>	APPLICANT'S PHONE <u>[Redacted]</u>	POSTAL CODE <u>[Redacted]</u>	OWNER'S PHONE <u>[Redacted]</u>
TYPE OF PREMISES SERVED ☒ SINGLE FAMILY DWELLING ☐ DUPLEX ☐ OTHER, SPECIFY: _____			
ESTIMATED TOTAL DAILY SEWAGE FLOW (REFER TO APPENDIX 1 OF REGULATIONS FOR MINIMUM FLOWS) <u>2 Bbroom</u>		DIMENSIONS OF LOT <u>—</u>	LOT AREA <u>1/2 Acre</u>
DEPTH OF SOIL TO HARDPAN, BEDROCK OR HIGHEST WATER TABLE <u>100'</u>	SEPTIC TANK (NAME, IF PREFABRICATED) <u>ABC Pre K&T</u>	MATERIAL <u>Concrete</u>	LIQUID CAPACITY <u>600 gal</u>
TYPE OF ULTIMATE DISPOSAL ☒ CONVENTIONAL SYSTEM ☐ ALTERNATE (DESCRIBE) _____	TOTAL LENGTH OF DISPOSAL PIPE <u>100'</u>	TYPE OF PIPE <u>Plastic Perf</u>	INSIDE DIAMETER OF PIPE <u>3"</u>
DISTANCES FROM SOURCES OF DOMESTIC WATER <u>100'</u> FROM OWN		<u>100'</u> FROM NEIGHBOUR'S <u>N/A</u> FROM STREAM OR LAKE	
IF A PACKAGE TREATMENT PLANT IS PROPOSED MAKE AND MODEL _____		TREATMENT CAPACITY _____	

NOTE: A SITE PLAN MUST BE SUBMITTED WITH THIS APPLICATION (see below) AND PERCOLATION TEST RESULTS MUST ALSO BE PROVIDED. RESULTS SHOULD BE RECORDED ON PLOT PLAN.

THE SEWAGE DISPOSAL SYSTEM DESCRIBED ABOVE MUST BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEWAGE DISPOSAL REGULATIONS. THE MEDICAL HEALTH OFFICER OR HIS DELEGATE MUST BE NOTIFIED WHEN THE INSTALLATION IS READY FOR USE AND BEFORE COVERING.

Sept 30/93
DATE OF APPLICATION

[Signature]
SIGNATURE OF OWNER OR AGENT

PERMIT TO CONSTRUCT - PURSUANT TO THIS APPLICATION AND THE SEWAGE DISPOSAL REGULATIONS, PERMISSION IS HEREBY GRANTED FOR THE CONSTRUCTION OF A SEWAGE DISPOSAL SYSTEM.

CONDITIONS OF PERMIT

See attached diagram for details of installation
any well to be 100 feet from this sewage field
leave trench open in sections 50 ft max 3' depth of drain rock

Aug 10/93
DATE OF ISSUANCE

[Signature]
MEDICAL HEALTH OFFICER OR PUBLIC HEALTH INSPECTOR

NOTE: CONSTRUCTION MUST NOT COMMENCE UNTIL THIS PERMIT HAS BEEN SIGNED BY THE MEDICAL HEALTH OFFICER OR PUBLIC HEALTH INSPECTOR. AUTHORIZATION TO USE THE SEWAGE DISPOSAL SYSTEM MUST BE GRANTED IN WRITING BY THE AUTHORITY HAVING JURISDICTION BEFORE BACKFILLING. CHECK WITH YOUR LOCAL AUTHORITIES REGARDING BUILDING AND ZONING BY-LAWS. THIS PERMIT IS NOT TRANSFERABLE AND EXPIRES SIX MONTHS FROM DATE OF ISSUE.

COMMENTS:

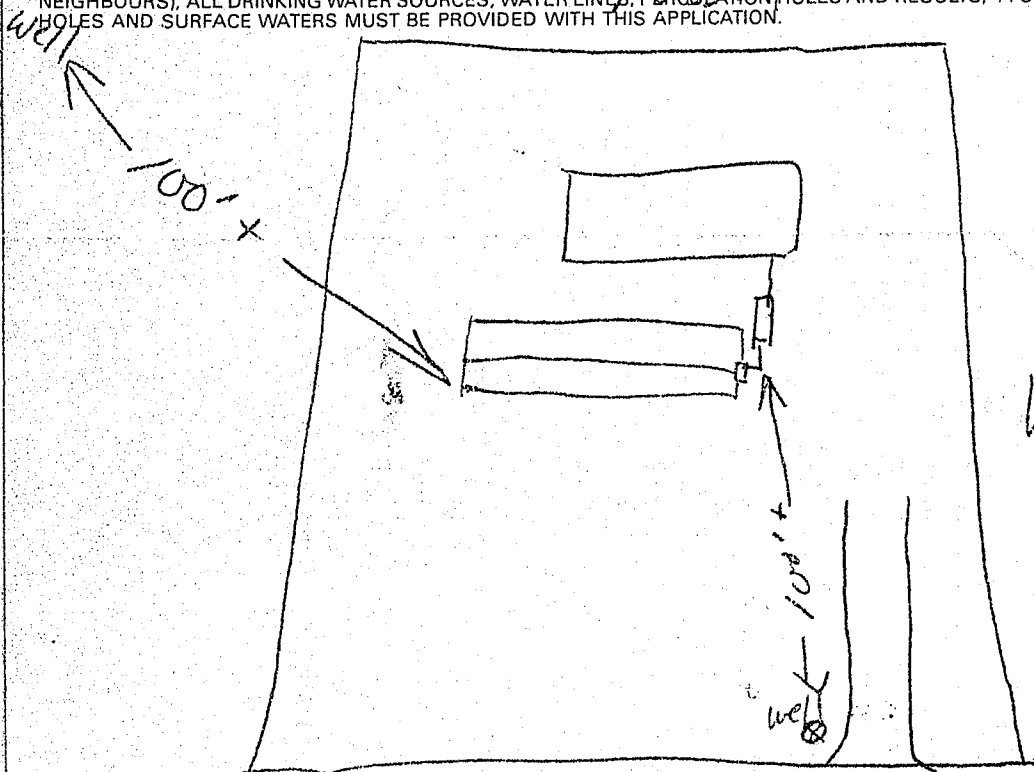
System built as planned. Slopes
on lines range from 1/2" to 2"
well 500' from system

BACKFILLING AND USE AUTHORIZED ☒ YES ☐ NO	DATE <u>Sept 14/93</u>
<u>[Signature]</u> MEDICAL HEALTH OFFICER OR PUBLIC HEALTH INSPECTOR	

A PLOT PLAN SHOWING LOCATIONS OF BUILDINGS, SEPTIC TANKS, DISPOSAL FIELDS (YOURS AND YOUR NEIGHBOURS), ALL DRINKING WATER SOURCES, WATER LINES, PERCOLATION HOLES AND RESULTS, 4 FOOT TEST HOLES AND SURFACE WATERS MUST BE PROVIDED WITH THIS APPLICATION.



PERC RATES 6.5



Now well
VACANT

PAID
JUN 30 1993
784240 \$250

VANISLE SEPTIC
1712 VOWELS RD
CASSIDY, BC
V0R1H0

Mar 14 2022 01:39 pm Inv# 104822

TRANSACTION RECORD

Card:
Card Type :
Trans Type : PURCHASE
Card Entry : M
Auth # : 08330J
Sequence # : 001071003
Merchant ID : 21669986
Terminal # : PM2166998601
Date : 03-14-2022
Time : 13:39:44
Amount : \$1532.79

APPROVED - THANK YOU

Retain this copy for your
records
*** CUSTOMER COPY ***

Van Isle Septic

Telephone: (250) 741-1222 or (250) 240-6067
Email: info@vanisleseptic.com
Website www.vanisleseptic.com

INVOICE NO: **10251**

1712 Vowels Road, Box 111, Cassidy, BC, V0R 1H0

GST# 85967 9888 RT0001

Customer: KEVAN & JULIA GARNER (B&B owners)	Date: MARCH 11, 2022
Address: 671 BALSAM STREET	Phone:
City: GABRIOLA ISLAND, BC	P/C: V0R 1X1
Email:	
Job Site (if different from above): NOTE: Low entrance gate (small pumper only) > neighbor access possible	

Last Pumped	Tanks Size	Payment Info	Lids Exposed	Next Service Due	Nature of Work
AUGUST 2017 (?)	600-750?	CC	RISERS		INSP & PO

Tank Components

Sludge Level	Norm. ☐	High ☒
Tank	Conc. ☒	Good ☒
	PVC ☐	Fair ☐
	Other ☐	Poor ☐
Lids	Conc. ☐	Good ☒
	PVC ☒	Fair ☐
	Other ☐	Poor ☐
Baffle	Conc. ☒	Good ☒
	PVC ☒	Fair ☐
	Other ☐	Poor ☐
Filter	Yes ☐	No ☒

NOTE: This is NOT a
septic system inspection

Description	Amount
Pump out	450 00
Operating Volume: 660 @ Disposal fee .28/gal	184 80
COMPLIANCE INSPECTION (for B&B usage)	795 00
(2x) Fuel surcharge @ \$15 each	30 00
Sub-Total	1459 80
GST	72 99
TOTAL	\$1532 79

Thank you for choosing Van Isle Septic!
Your Friend In The Business!

INVOICE



Proudly serving Gabriola since 1968

April 04, 2023

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

To Whom It May Concern,

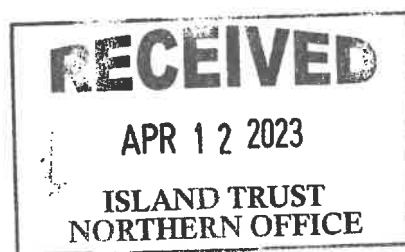
Re: Fire code compliance inspection - 671 Balsam, Gabriola, B.C.

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

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

Yours truly,

Will Sprogis,
Fire Chief
GVFD



Gabriola Cottage 671 Balsam

Tips and tricks for enjoying our neighbourhood



JULIA KEVAN AND ELISE GARNER M: **H:**

May 19, 2022

Authored by: Julia Garner

Helpful hints on Gabriola Island

Noise Bylaw and House Rules:

Please be respectful of our neighbours and enjoy the peace and quiet that make this island a sanctuary.

If there are any complaints, they will be notifying us and we will have to contact you immediately.

Nanaimo Noise Control Bylaw No. 1082 (attached addendum)

House Rules

Water Conservation:

Please conserve water and limit the number of showers, laundry and toilet flushes. The drilled well has a pump that automatically shuts off if the water level is below a certain limit. We rarely have any issues even in the summer when conditions can be quite dry but it is still important to be **water-conscious**.

Septic System: (septic field is located to the right along the driveway)

Do not dispose of any solid items (see list below) and be careful with the amount of toilet paper that you use.

- Coffee grounds
- Disposable diapers
- Sanitary napkins or tampons
- Kitty litter
- Hair combings
- Dental floss
- Cigarette butts
- Condoms
- Fat grease or oil
- Paper towels or bandages

Location of Fire Extinguisher and Emergency Instructions for Medical Clinic or 911

One is by garbage can in kitchen, one is on the post by the bed upstairs. See poster by phone for emergency instructions. (location and numbers of medical clinic, fire hall, dental clinic)

Kitchen:

Please do not put cast iron pans or any of the pots in the Dishwasher.

Compost and Garbage - Reduce, reuse and recycle

Take out garbage and put out in garbage bins by gate. Recycle all paper, glass and plastics.

All compost (vegetables only) can be put out with in the bins by the Wood Shed.

Please ensure floors are swept and that there are no crumbs or food left out because it attracts mice.

Front Gate:

ALWAYS make sure that it is closed and secure because the deer are extremely voracious and the garden will quickly be eaten by these beautiful creatures.

Electrical Baseboard Heating

Please use the remote control for the Heat Pump to change the temperature. The electrical baseboards are no longer required and the thermostats are turned off.

Control of Pets:

Dogs are not allowed in the pond which we have nurtured to be frog-friendly. Ensure that your dog is leashed once they are off the property and pick up after your dog.

We have lots of birds and bird houses. Try to keep your cat indoors as much as possible.

Ferry Schedules:

Mobile: HorseShoe Bay Ferry - <http://www.bcferries.com/schedules/wireless/>

Gabriola Ferry Cam - www.ferrycam.clayrose.com/ -Very useful for monitoring ferry traffic

Local Contacts:

Vicky lives at the foot of Balsam (sign with dog) and can assist if you have any questions. Rosemary just lives around the corner.

[REDACTED]

[REDACTED]

Please feel free to text me anytime through the AirBnb App or call me: [REDACTED]

Internet

Network Name: [REDACTED] WIFI Password : [REDACTED]

NETFLIX and Streaming ROKU TV and SPOTIFY is available

There is a remote control for the SoundBar and one for the TV and one for the DVD player.

Please aim the remote at the Sound Bar above the cabinet for it to turn on. It is a bit finicky.

Our Favourite Places and Things to do:

- ✓ Surf Lodge Restaurant and Pub – great sunsets located on Berry Point road down the hill and turn right, about 15 minute walk or 5 minute drive
- ✓ Woodfire Pizza, (Sharon and Chris Hooten – family run business – great food!)
- ✓ Madrona's - Really good coffee, smoothies and sandwiches located near Ferry
- ✓ Art galleries, (Local artist studios, , Pier in Drumbeg)
- ✓ Shopping (Wishbone or Nature Spirit Market or Folk Life Village, Gabe Shop)
- ✓ Farmers market on Saturdays 10:00 to 2:00 pm
- ✓ Swimming in front of Surf Lodge on the beach (our favourite spot)
- ✓ Drumbeg National Park – great for kayaking and walking/reading on the beach
- ✓ Sandwell Beach – beautiful view of the ocean
- ✓ Twin Beaches – very shallow water which is good for kids (about 10 minute drive)
- ✓ Malaspina Caves
- ✓ Kayaking near Malaspina beach (5 minute drive away)

First Nations presence on Gabriola Island:

Gabriola Island is within Coast Salish territory and has a high occurrence of archaeological sites and artifacts such as shell middens and the famous Salish landmark known as the Malaspina Galleries. The Province protects archaeological sites, whether they are known or unrecorded, through the *Heritage Conservation Act*. This protection applies to both private and Crown land. Please be aware, respectful and sensitive to the fact that there are First Nations artifacts on Gabriola Island.

How to get to Gabriola:

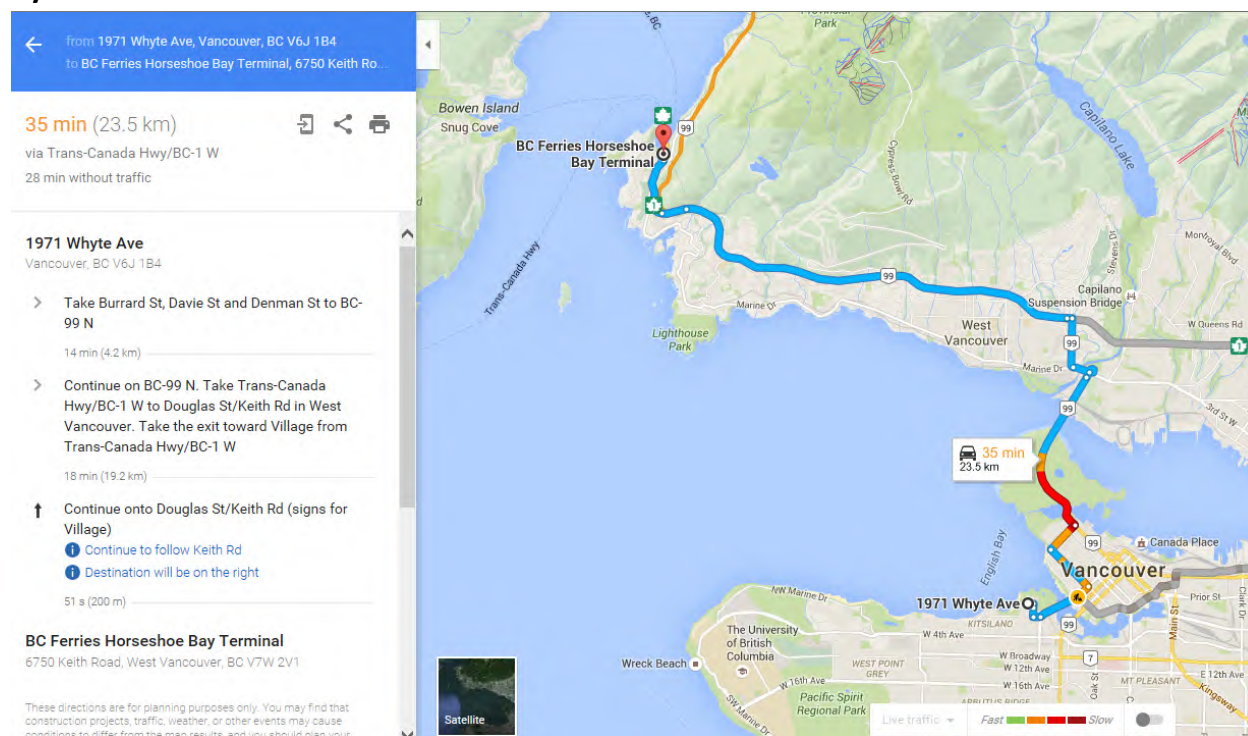
From Vancouver to Horseshoe Bay:

Plan for about 4 to 5 hours for the trip if you drive and a leisurely day if you take transit:

- ✓ 30 to 45 minutes to drive from Vancouver onto the TransCanada 99 Sea to Sky Highway to Horseshoe Bay
- ✓ 2 hr on the first ferry from Horseshoe Bay to Nanaimo
- ✓ 20 min on the second ferry from Nanaimo to Gabriola

Reservations for the Horseshoe Bay to Departure Bay Ferry are recommended. You have to arrive within 35 minutes of departure time otherwise you will lose the reservation.

By Car:



Drive through downtown, cross Lions Gate Bridge and take exit to West Vancouver onto Taylor Bay Road. Drive a few blocks up Taylor Bay Road and take left to get onto Hwy 99

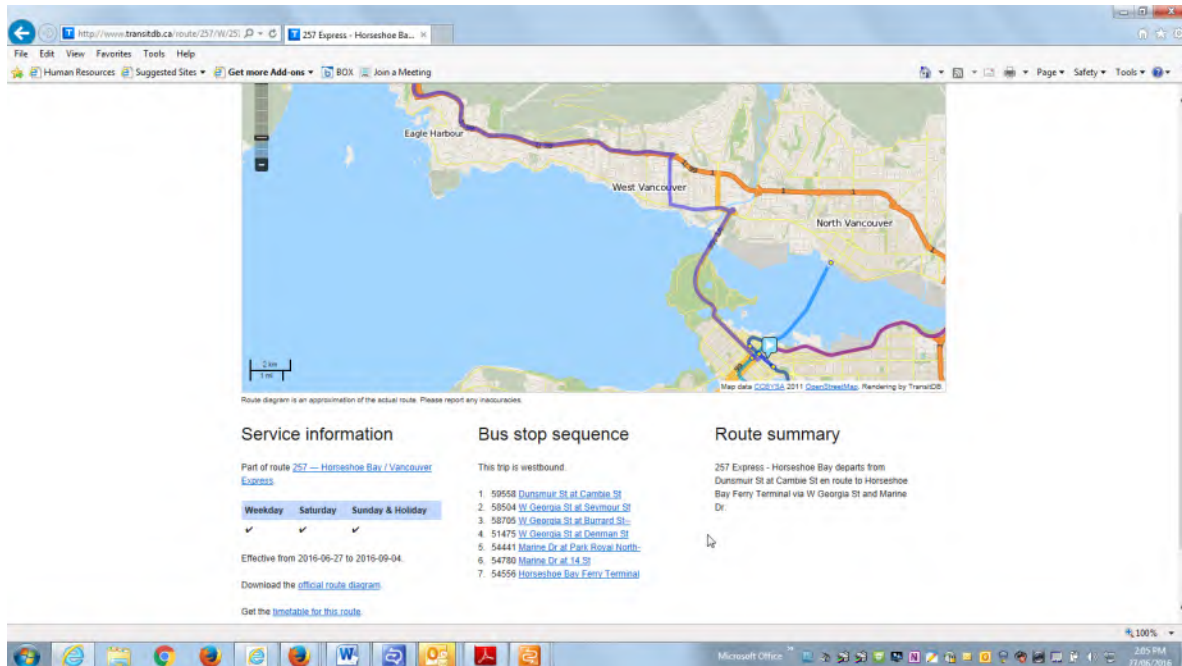
- ✓ Take Horseshoe Bay ferry to Departure Bay ferry to get to Nanaimo.
- ✓ Turn left onto Island Hwy N, continue towards downtown Nanaimo. Turn left onto Esplanade. Turn Left onto Front St. Turn slight right onto Nanaimo-Gabriola Ferry. (about a 5 minute drive)
- ✓ Take Gabriola ferry (about 20 minutes to cross)

Transit:

Take Mcdonald 22 or Dunbar bus from Cypress & Cornwall to Burrard and W. Georgia Stop 58705.

Take 257 Horseshoe Bay Express bus to Horseshoe Bay. Bus stops right in front of Ferry Terminal.

- ✓ Take Horseshoe Bay ferry to Departure Bay ferry to get to Nanaimo.
- ✓ Turn left and walk along the seawall to the Gabriola Ferry. It is a very pleasant 1 hour stroll or about half an hour by bike. There is a cute little Mexican place where you can have lunch (Penny's Palapas) as well as coffee shops and ice cream stores.
- ✓ Ferry leaves on an hourly basis to get to Gabriola.



When you get to Gabriola

1. When you get to Gabriola, Immediately turn left onto Taylor Bay Road, continue straight ahead and stay on this road past Twin Beaches mall, past Berry Point road, up the hill (Norwich) until you reach Balsam. Turn right and It is the first house on your left (flag with frog is above gateway.) This will take about 10 minutes.

Gertie Bus is now available on Gabriola

Gertie Bus Schedule

or Taxi at 250 247-0049

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1082

**A BYLAW TO REGULATE OR PROHIBIT OBJECTIONABLE NOISE WITHIN
ELECTORAL AREA 'B'**

WHEREAS the Regional District of Nanaimo has converted its authority under Supplementary Letters Patent and established an extended service for noise control under Section 799(1)(b) of the Municipal Act;

AND WHEREAS the Board believes that:

- (a) certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; and
- (b) it is desirable to regulate or prohibit them;

AND WHEREAS it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct of reasonable daily activity at reasonable times;

AND WHEREAS the advertising provisions under Section 839 of the Municipal Act have been met;

NOW THEREFORE the Board of the Regional District of Nanaimo in open meeting assembled, enacts as follows:

1. INTERPRETATION

In this bylaw:

“Board” means the Board of Directors of the Regional District of Nanaimo.

“Bylaw Enforcement Officer” includes a Peace Officer and a person appointed by the Board as a Bylaw Enforcement Officer.

“Continuous Noise” means any noise or sound continuing for a period of more than three (3) minutes or during periods totalling more than three (3) minutes in any fifteen (15) minute period of time.

“District” means the Regional District of Nanaimo.

“Motor Vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or traction engine, farm tractor or self-propelled implement of husbandry.

Bylaw No. 1082

Page 2

“Persistent” means enduring or constantly repeated.

“Real Property” means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.

“Residential Premises” means land upon which is located a building or structure, including a mobile home used seasonally or permanently for human occupancy.

2. TITLE

This bylaw may be cited as the “Regional District of Nanaimo Gabriola Island Noise Control Regulatory Bylaw No. 1082, 1998”.

3. JURISDICTION

This bylaw is applicable to and enforceable within that portion of Electoral Area ‘B’ known as “Gabriola Island” as shown in heavy black on the map attached to this bylaw as Schedule ‘A’.

4. OBJECTIONABLE AND DISTURBING NOISES

The acts listed in Schedule ‘B’ to this bylaw are considered by the Board to cause noises or sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts.

5. GENERAL PROHIBITION

No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on or is emitted from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

6. PROHIBITION BY TIME OR PLACE

Without limiting Section 5 of this bylaw, no person shall commit, cause or permit the commission of an act listed in Schedule ‘B’ to this bylaw which results in the emission of a continuous noise which is audible at a residential premises in the vicinity or in a public place during the period of time specified in respect of that act in Schedule ‘B’;

7. EXCEPTIONS

The prohibitions contained in Sections 5 and 6 of this bylaw do not apply to the emission of sound in connection with an act listed in Schedule 'C'.

8. INSPECTION AND ENTRY

A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the Board, to ascertain whether the regulations or directions of this bylaw are being observed.

Bylaw No. 1082

Page 3

9. SCHEDULES

Schedules 'A', 'B' and 'C' form a part of and are enforceable in the same manner at this bylaw.

10. PENALTY

- (a) A person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction for the first offence, to a penalty of not less than \$100 and not more than \$2,000, and for a second or subsequent offence, to a penalty of not less than \$250 and not more than \$2,000.
- (b) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

11. SEVERABILITY

If any provision of this bylaw is held to be beyond the power of the Regional District by any Court of competent jurisdiction, then the provision may be severed from the remainder of the bylaw without affecting the validity of any other provision.

12. REPEAL

"Gabriola Island Noise Control Regulating Bylaw No. 862, 1992" and amendments thereto are hereby repealed.

Introduced and read three times this 13th day of January, 1998.

Advertised in accordance with Section 839 of the Municipal Act this 20th day of February, 1998.

Adopted this 10th day of March, 1998.

SCHEDULE 'B'

PROHIBITIONS OF TIME

Act	Prohibited Period of Time
1. The operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and designed for the production, reproduction or amplification of sound, including but not limited to radios, record players, compact disc players, televisions, receivers and audio and video tape players.	At all times
2. The operation of an auditory signalling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law.	10:00 p.m. to 8:00 a.m.
3. Persistent barking, calling, whining or other similar persistent sound made by a domestic pet, other animal or bird, kept or used for a purpose other than agriculture.	At all times
4. Persistent yelling and shouting.	At all times
5. The operation of a motor vehicle other than on a highway or other place intended for its operation.	At all times
6. The operation of a motor vehicle on a highway in a manner which results in tires squealing, racing its engine or without effective unmodified exhaust or intake muffling device which is in good working order and in constant operation.	At all times
7. The operation of a mechanical device, including but not limited to power saws and compressors.	8:00 p.m. to 8:00 a.m.

SCHEDULE 'C'

EXCEPTIONS

Sound emitted in connection with:

1. Emergency Measures Undertaken
 - (a) for the immediate health, safety or welfare of any person or persons, or
 - (b) for the preservation or restoration of property

unless the sound is of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
2. Works or activity associated with and necessarily incidental to:
 - (a) construction, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things;
 - (b) excavating, grading or filling land; (c) well drilling.

between 8:00 a.m. and 8:00 p.m. on any day.
3. Works or activity associated with and necessarily incidental to:
 - (a) installing, altering, repairing or removing public facilities or utilities; or
 - (b) repairing or raising a highway between 7:00 a.m. and 10:00 p.m. on any day.
4. Traditional, religious or other activities listed below:
 - (a) fireworks;
 - (b) special events held under Regional District of Nanaimo Special Events Bylaw No. 1010, 1996; (c) church bells.
5. Shouting in relation to games played in a community park.

REGIONAL DISTRICT OF NANAIMO

Building Inspection Service
OCCUPANCY PERMIT

N. 6776

Street and house number 671 BALSAM ST.

Legal description LOT 35, SEC 22, PLAN 22540 NANAIMO L.D

Class of Occupancy SINGLE FAMILY DWELLING

Building Permit Number 17824

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

IMPORTANT: Owners are reminded that a new OCCUPANCY PERMIT is required prior to CHANGE in CLASS of OCCUPANCY.

Date 94-10-17

P.O. [Signature]
Building Inspector

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

PROPOSED



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2022.1 (Garner)
[TUP Renewal of GB-TUP-2018.1 (Garner)]
671 Balsam Avenue, Gabriola Island

To: J. Garner and K. Garner

1. This Permit applies to the land described below:
PID 003-330-460
Lot 35, Section 22, Gabriola Island, Nanaimo District, Plan 22540.
2. This Permit expires on January 30, 2025.
3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the use of a commercial vacation rental within the single family dwelling (principal residence) on the subject property.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance, and the existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of the area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is 2;
 - 4.8 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 4 guests at any given time;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited; and
 - 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedules "A" and "B" attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

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

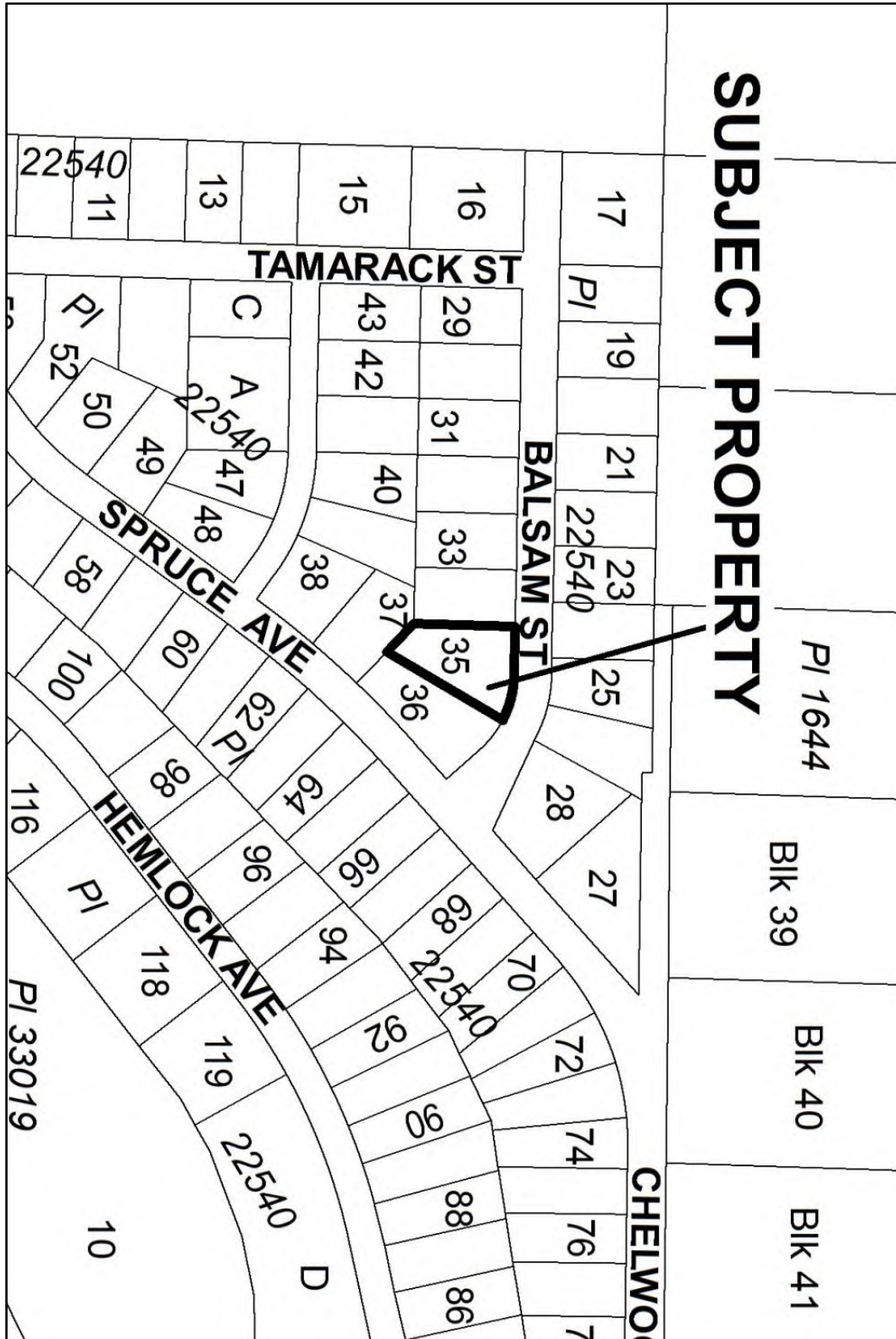
Deputy Secretary, Islands Trust

Date Issued

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
GB-TUP-2022.1 (Garner – TUP Renewal)

SCHEDULE "A" – Subject Property



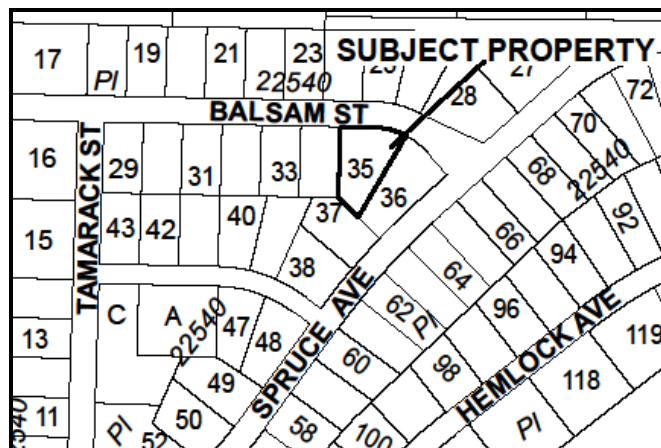
NOTICE
GB-TUP-2022.1
(Renewal of GB-TUP-2018.1)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Gabriola Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 003-330-460, Lot 35, Section 22, Gabriola Island, Nanaimo District, Plan 22540. This property is located at **671 Balsam Street, Gabriola Island, BC.**

The purpose of the proposed permit is to permit the operation of a **commercial vacation rental** within the single family dwelling (principal residence) on the subject property.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would expire on January 30, 2025.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **May 26, 2023** and continuing up to and including **June 7, 2023**.

Enquiries or comments should be directed to Marlis McCargar, Island Planner at (250) 247-2210, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before **4:00 p.m., June 7, 2023**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting to be held at **10:30 am, June 8, 2023, electronically**. Visit <https://islandstrust.bc.ca/location/gabriola/> to watch live.

Written comments made in response to this notice will also be available for public review.

Nadine Mourao, Deputy Secretary

From: Tobi Elliott [REDACTED]
Sent: Tuesday, May 30, 2023 9:08 AM
To: Ken Gurr
Cc: Nadine Mourao; Gabriola Island Local Trust Committee
Subject: Fwd: outcome of May 11 LTC meeting — Elder Cedar trees cut

Hi Ken,

Discussing this at the ITC Board meeting today. Thank you so much for your thoughtful comments and insight.

Can these two letters be added to the next Gabriola LTC meeting agenda package as correspondence?

Tobi

Begin forwarded message:

From: Ken P Gurr [REDACTED]
Subject: RE: outcome of May 11 LTC meeting — Elder Cedar trees cut
Date: May 12, 2023 at 4:57:13 PM PDT
To: Kate Emmings <kemmings@islandtrust.bc.ca>, Susan Yates <syates@islandtrust.bc.ca>, Tobi Elliott <telliott@islandtrust.bc.ca>
Cc: Anne Landry <[REDACTED]>, Hugh Skinner <[REDACTED]>

Thank you Kate,

Yes, please, do send on to the Board as is. And please add this as an addendum. Much appreciated.

.....

Again -- in looking at the reserve's ITF(C) management plan and the advance, published announcements about tree removal (which were message-centred on informing people to simply stay out of the reserve on given chop days, BUT, not to seek and get public feedback on trees flagged-for-cutting) – the trusting and natural assumption considering the conservation agencies involved and the published management plan – was this was to remove individual trees that were obviously dead AND clearly leaning over trails or already on trails.

I am stunned that this has happened. Again, I believe far too much emphasis and, inordinate time, is spent on litigious (legal counsel) fear-mongering as an organizational bias here, disguised as “due diligence”, without any rational consideration of the true, statistically infinitesimal risk to life from dead trees falling on a passerby -- in a rural island nature reserve!! The due diligence answer is simple: a sign “Nature Reserve – Natural hazards present. Users assume all risks of walking here”.

I would love to see the actuarial study on this one! And the cost of the contractor versus the insurance premium to cover public liability and likelihood of court settlements for trees murdering hikers that walk in a wind storm and then stand under the cracking tree to watch it, gape-mouthed, hit them. We better put hand-rails on the boardwalks and pave the trails to remove the risk of those pesky tree roots.

It's as if no one was watching on this one, the contractor (who is not of ecological-minded-repute of the known island contractors) was let loose unsupervised, and no one was ultimately in charge (like a pop fly ball coming down between 3 outfielders and no one calling it!!).

And perhaps that is the dire lesson that will need to be salvaged from this mess of conservation management. Someone must be the lead forest-focussed ecologist/the clear point person to make the call on how to manage a nature reserve with nature coming first as the default.

Yours truly, Ken Gurr

From: [Kate Emmings](#)

Sent: Friday, May 12, 2023 1:30 PM

To: [Ken Gurr](#); [Susan Yates](#); [Tobi Elliott](#)

Cc: [Anne Landry](#); [Hugh Skinner](#)

Subject: RE: outcome of May 11 LTC meeting — Elder Cedar trees cut

Hi Ken,

Thank you for your email. ITC staff and Board care deeply about the natural values in ITC Nature Reserves and we have been reviewing the circumstances at Elder Cedar with our partners. The ITC Board will be discussing the matter at its meeting on May 30.

We did work with our friends at GaLTT to craft a message on the GaLTT Blog at <https://galtt.ca/nature-reserve-danger-tree-removal-complete/> and to share messaging on social media regarding the work; however, I understand the community's wish to have further answers. We will discuss further at the Board meeting and hope to have more information available once the ITC Board has a chance to discuss the matter further.

We value voices like yours as we move through these conversations. If you would like me to submit your correspondence to the Board, please let me know and I can add it to the agenda. Alternatively, if you would like to draft a different email for submission, we can do that too. Just send it along to me at this email or direct it to itcmail@islandstrust.bc.ca. ITC Board welcomes public voices at its meetings. Information about sharing your views is available at <https://islandstrust.bc.ca/contact-us/share-your-views/> (scroll down to see info for the ITC Board and click on the "+" sign for details).

Warm regards,
Kate

Kate Emmings (she, her, hers)
Manager
Islands Trust Conservancy | T 250.405.5191

From: Ken Gurr <[REDACTED]>
Sent: Friday, May 12, 2023 1:05 PM
To: Kate Emmings <kemmings@islandstrust.bc.ca>; Susan Yates <syates@islandstrust.bc.ca>; Tobi Elliott <telliott@islandstrust.bc.ca>
Cc: Anne Landry <[REDACTED]>; Hugh Skinner <[REDACTED]>
Subject: Re: outcome of May 11 LTC meeting — Elder Cedar trees cut

Dear Susan, Tobi and Kate:

I am writing today as I couldn't be at the meeting yesterday.

Several of us known GaLTTers are getting earfuls from folks we run into who are so very deeply upset about the failure of judgement, conservancy principles, and contractor oversight at Elder Cedar.

Photos shown to me of the felled fir trees in the reserve from people's phones and in the Sounder show trunk bases along trail ways with very little to no heartwood rot. These trees were alive and standing!

I and others are asking for full accountability and reply to how this could happen? If the prevailing theme was fear of liability as seems to so often be the "go to" overzealous risk assessment of any notion of danger, than why instead, was not educational warning signage posted as due diligence for public safety in a

designated nature reserve — of all places! There is nothing at all in the reserve's 2008 ITF management plan (Haas & Associates) that cites removal of standing trees as a risk mitigation tool along trails.

So the questions are: How did this even get decided? And who exactly is involved and what is the role and responsibility and chain of command, contractor vetting and oversight, for all covenant-holders in making this horrible management call?

It is a tragic shame on so many levels, and a extremely significant community PR disaster for the integrity and management responsibility of all involved. It makes a farce out of nature reserve and covenant designations. I and others would like to have a full public explanation and revelation of accountability in a timely manner.

Thank you for your attention. This is a sorry state of affairs. I look forward to an answer in public media.

Sincerely
Ken Gurr

[REDACTED]

Gabriola

[REDACTED]

--

=====

Ken Gurr
Gabriola , B.C.

[REDACTED]



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** June 6, 2023
From: Nadine Mourao, Legislative Clerk **Date Prepared:** May 24, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

1. That Gabriola Island Local Trust Committee Bylaw No. 315, cited as “Gabriola Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 315, 2023” be adopted.

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A**IMPLEMENTATION/COMMUNICATIONS:**

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A**5 ATTACHMENT(S):****1. Gabriola Island Local Trust Committee – Freedom of Information and Protection of Privacy Bylaw No. 315**

Alternative:

1. That this report be referred back to staff for additional information.

Submitted By:	Nadine Mourao, Legislative Clerk	May 23, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 24, 2023

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW NO. 315

A Bylaw to designate the head of the Gabriola Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the Gabriola Island Local Trust Committee the authority to designate a person as the head of the Gabriola Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the Gabriola Island Local Trust Committee the authority to set any fees the Gabriola Island Local Trust Committee requires to be paid under section 75 of the Act,

THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "Gabriola Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 315, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Gabriola Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

PROPOSED

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the Gabriola Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "Gabriola Island Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 129, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this 30th DAY OF MARCH , 2023

READ A SECOND TIME this 30th DAY OF MARCH , 2023

READ A THIRD TIME this 30th DAY OF MARCH , 2023

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
3rd DAY OF MAY , 2023

RECONSIDERED AND FINALLY ADOPTED THIS
_____ DAY OF _____ , 20__

Chairperson

Secretary

PROPOSED

**Gabriola Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 315 - Schedule 'A'**

Schedule of Maximum Fees

Item	Description of Services		Fees	
1	(a)	Application Fee	\$10.00 (non-refundable)	
	(b)	An applicant's request for his/her own personal information is not subject to any fees.		
2	For applicants other than commercial applicants:			
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours	
	(b)	for producing a record manually	\$7.50 per ¼ hour	
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record	
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour	
	(e)	for shipping copies	actual costs of shipping method chosen by applicant	
	(f)	for copying records		
		(i)	floppy disks	\$2 per disk
		(ii)	CDs and DVDs, recordable or rewritable	\$4 per disk
		(iii)	computer tapes	\$40 per tape, up to 2 400 feet
		(iv)	microfiche	\$3 per fiche
		(v)	microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
		(vi)	microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
		(vii)	photographs, colour or black and white	\$5 to produce a negative
				\$12 each for 16" x 20" photograph
				\$9 each for 11" x 14" photograph
				\$4 each for 8" x 10" photograph
			\$3 each for 5" x 7" photograph	
		(viii)	photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix)	dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")	
	(x)	dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")	
	(xi)	scanned electronic copy of a paper record	\$0.10 per page	
	(xii)	photomechanical reproduction of 105 mm cartographic record/plan	\$3 each	

PROPOSED

		(xiii)	slide duplication	\$0.95 each
		(xiv)	audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
		(xv)	video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2			the actual cost to the public body of providing that service

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2023.1	Intrascap Developments Inc. Planner: Margot Thomaidis	07-Mar-2023	PID: 012-935-719 construction of 600 sq ft patio for tenant Woodfire Pizza & Pasta of Madrona Marketplace at 500 & 510 North Rd, Gabriola.
Planning Status			
Status Date: 17-Mar-2023 Planner reviewing file			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2021.4	Kevin Barfoot Contracting Planner: Margot Thomaidis	14-Nov-2021	PID: 004-537-262 Variance to setback compliance. Civic address: 1091 Sea Fern Lane, Mudge Island, BC.
Planning Status			
Status Date: 20-May-2022 Planner reviewed file. Followed up with applicant; additional information required to complete review, including geotech.			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 14-Dec-2021 Planner reviewing file.			

Applications

Development Variance Permit

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

Planner: Margot Thomaidis

Planning Status

Status Date: 24-Nov-2022

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

Status Date: 27-Oct-2022

Site visit with WD + MT

Status Date: 08-Sep-2022

Planner reviewing file.

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

Planner: Margot Thomaidis

Planning Status

Status Date: 05-Dec-2022

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

Status Date: 27-Oct-2022

Site visit with WD + MT

Status Date: 08-Sep-2022

Planner reviewing file.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2023.1	Wilson, Michael & Davida Planner: Marlis McCargar	25-Apr-2023	PID: 000-334-758 request for Septic ocean setback variance due to size of property and well location at 1036 Berry Point Rd on Gabriola Island.
Planning Status			
Status Date:			

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2023.2	L&E Excavating Ltd. Planner: Stephen Baugh	24-Apr-2023	PID: 004-801-211 variance for setback for septic system distance from ocean at 150 Decourcy Drive on Gabriola Island.
Planning Status			
Status Date:			

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2022.1	Wild Rose Garden Centre Planner: Sonja Zupanec	07-Jun-2022	PID: 023-005-629 Change zoning to accommodate multiple changes in use. Civic address: 750 Tin Can Alley, Gabriola Island, BC.
Planning Status			
Status Date: 11-May-2023 application extended to November 30, 2023 to allow time for applicant to provide reports.			
Status Date: 08-Jul-2022 File opening procedure finished and file given to planner.			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2022.1	Garner, Kevan & Julia	06-Jan-2022	PID: 003-330-460 Temporary Use Permit renewal of GB-TUP-2018.1. Civic: 671 Balsam Street, Gabriola Island, BC.

Planner: Marlis McCargar

Planning Status

Status Date: 19-Apr-2023
file reassigned.

Status Date: 17-Apr-2023
Fire Inspection report received.

Status Date: 04-Nov-2022
Applicant waiting for plumbing and heating specialist to complete work required to pass fire inspection. Applicant will keep in contact with Planner and indicate when work is completed.

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2023.1	Taylor, Leanne	05-Jan-2023	PID: 000-581-275 Acquire permit for STVR. Civic address: 1100 Berry Point Road, Gabriola Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 17-Apr-2023
File re-opened at applicants request.

Status Date: 27-Feb-2023
Applicant withdraws application. File to PTA to close.

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2023.2	Mackay, Ike	30-Mar-2023	PID: 000-334-715 Applying for renewal of GB-TUP-2020.2 for 1016 Berry Point Rd on Gabriola Island.

Planner: Margot Thomaidis

Planning Status

Status Date: 10-Apr-2023
Planner reviewing file.



Applications

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending April 2023

620 Gabriola	Invoices posted to Month ending April 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	681.00	0.00	681.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	1,488.00	0.00	1,488.00
65210-620	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-620	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-620	LTC - Local Exp - Special Projects	612.00	0.00	612.00
TOTAL LTC Local Expense		<u>3,499.00</u>	<u>0.00</u>	<u>3,499.00</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	18,000.00	75.60	17,924.40
73001-620-4105	Gabriola Ecological Protection Zone	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>75.60</u>	<u>19,924.40</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

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

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

			Signatories	that the Gabriola Island Local Trust Committee adopt the following standing resolution: that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.
6.	January 23, 2020	GB-2020-002	Consultation for Communication Towers	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt the "Model Strategy for Antenna Systems" prepared by the Local Planning Committee of the Islands Trust, as the Gabriola Local Trust Committee strategy to assess any future potential tower proposals in the Gabriola Local Trust Area.
7.	July 30, 2020	GB-2020-053	Proactive unlawful STVR enforcement	It was MOVED and SECONDED that the Gabriola Island Local Trust Committee adopt as a standing resolution to authorize proactive enforcement of unlawful Short Term Vacation Rentals.
8.	October 27, 2022	GB-2022-089	Defer enforcement on all existing non-compliant dwellings being used for residential purposes except.....	It was MOVED and SECONDED a) that the Gabriola Island Local Trust Committee note that given the lack of housing options on Gabriola, Bylaw Staff will defer enforcement on all existing non-compliant dwellings being used for residential purposes except in the following circumstances: i. It is determined that there are risks to health and safety; ii. It is determined that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of non-compliant dwellings; iii. It is determined that there is contamination of wells or other drinking water sources; iv. Non-permitted residential uses are in water zones or environmentally sensitive areas; v. That the Gabriola Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of residents or to the environment. b) Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Gabriola Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.

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

Gabriola Island

1. *Develop Ecological Protection Zone*

Responsible

Dates

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

Stephen Baugh

2. *Gabriola Island Comprehensive OCP and LUB Review*

Responsible

Dates

- Establish opportunities to incorporate First Nations perspectives on indigenous housing needs and intergovernmental collaboration for effective decision making.
- Consider new Development Permit areas for water conservation; form and character; and protection of biodiversity.
- Consider and incorporate RCP goals as part of the housing project.
- Develop an island wide water sustainability plan that builds on the RDN water budget data, rainwater catchment and requirements of the Water Sustainability Act.
- Review definitions of 'affordable' and 'attainable' housing.
- Review OCP policies respecting affordable, rental, seniors, special needs housing, social needs, social well-being and social development; develop a new 'housing first' policy.
- Review amenity zoning and housing agreements; density bank policies; opportunities for rental zoning.
- Consider secondary suites on lots smaller than 2 hectares.
- Consider OCP designations, density provisions, LUB regulations, and Development Permit guidelines for multi-dwelling housing and mixed use buildings.

Narissa Chadwick

Active Projects Report

Gabriola Island

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

Active Projects Report

Gabriola Island

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

3. Review and update Development Approval Information (DAI)

Responsible

Dates

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

Rec'd: 16-Jun-2022

Future Projects Report

Gabriola Island

1. *DeCourcy Island OCP and LUB Review*

Responsible

Date Received

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

2. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation.