



Gabriola Island Local Trust Committee Regular Meeting Agenda

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

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **REPORTS** 10:35 AM - 11:05 AM
 - 3.1 Trustee Reports
 - 3.2 Chair's Report
 - 3.3 Electoral Area Director's Report
 - 3.4 First Nations Reports
4. **PUBLIC COMMENTS** 11:05 AM - 11:25 AM
5. **DELEGATIONS - none**
6. **MINUTES** 11:25 AM - 11:30 AM
 - 6.1 Local Trust Committee Minutes dated October 26, 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** 11:30 AM - 11:45 AM
 - 7.1 Follow-up Action List dated November 22, 2023 12 - 19
8. **APPLICATIONS AND REFERRALS** 11:45 AM - 12:15 PM
 - 8.1 GB-DVP-2022.3 (Pink) and GB-DVP-2022.4 (Woodside) - 1160 and 1170 The Strand - Status Update

8.2	GB-DVP-2023.3 (Miller) - 880 Horseshoe Rd - Request to Waive Survey Requirement - Staff Report	20 - 28
8.3	GB-DVP-2021.4 (Harris) - 1091 Sea Fern Lane - Staff Report	29 - 79
9.	LOCAL TRUST COMMITTEE PROJECTS	12:15 PM - 12:30 PM
9.1	Major Project: Gabriola Island Comprehensive OCP and Land Use Bylaw Review: Results of Community Engagement Event Recipients - Memorandum	80 - 80
9.2	Major Project: Gabriola Island Comprehensive OCP and Land Use Bylaw Review: Gabriola Visioning - Verbal Update	
~ BREAK 12:30 PM - 1:00 PM ~		
10.	CORRESPONDENCE	1:00 PM - 1:05 PM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10.1	Letter dated November 20, 2023 from J. Hall regarding Dark Sky	81 - 84
11.	NEW BUSINESS	1:05 PM - 1:15 PM
11.1	Advisory Planning Commission and Housing Advisory Planning Commission Regularly Scheduled Meeting Times - Trustee Yates for Discussion	85 - 87
12.	REPORTS	1:15 PM - 1:35 PM
12.1	Trust Conservancy Report - none	
12.2	Applications Report dated November 22, 2023	88 - 91
12.3	Trustee and Local Expense Report dated September, 2023	92 - 92
12.4	Adopted Policies and Standing Resolutions	93 - 96
12.5	Local Trust Committee Webpage	
12.6	Climate Change Action Update	
12.7	First Nations Relationship Building	
12.8	2024 LTC Meeting Schedule - Staff Report	97 - 98
13.	WORK PROGRAM	1:35 PM - 1:50 PM
13.1	Active Projects Report dated November 22, 2023	99 - 101
13.2	Future Projects Report dated November 22, 2023	102 - 102

14. UPCOMING MEETINGS

14.1 Next Regular Meeting To Be Decided

15. CLOSED MEETING

1:50 PM - 2:15 PM

15.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(f) for the purpose of considering:

- (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.

15.2 Recall to Order

16. ADJOURNMENT

2:15 PM - 2:15 PM



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: October 26, 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: Sonja Zupanec, Island Planner
 Narissa Chadwick, Island Planner, via Zoom
 Margot Thomaidis, Island Planner 2
 Warren Dingman, Compliance and Enforcement Manager
 Lisa Millard, Recorder

Others Present: There were approximately seven (7) members of the public in attendance.

1. CALL TO ORDER

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

Chair Luckham called the meeting to order at 10:30 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following changes and additions to the agenda were presented for consideration:

- Move the In Camera Meeting to follow the first public comments.
- Add item 11.3 Movie Dust N' Bones

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) annual conference;
- She has been working with staff to develop communication materials for the Gabriola Visioning Engagement process; and
- The Reconciliation Learning Group held its first meeting on October 2, 2023.

Trustee Yates reported the following:

- She congratulated Mike Richards on his new role as the Islands Trust Conservancy Strategic Funds Development Specialist;
- She attended the Trust Council, Island Trust Conservancy and Financial Planning Committee meetings;
- She noted that the Gabriola Health and Wellbeing Study was released on October 11, 2023;
- She attended the Regional District of Nanaimo (RDN) Master Parks, Trails and Recreation meeting and noted that she has requested that the RDN replace the driveway chips on the village pathway with path pack instead of asphalt as planned.

3.2 Chair's Report

Chair Luckham reported the following:

- He attended the UBCM annual conference; and
- He attended the recent Trust Council Meeting.

3.3 Electoral Area Director's Report

3.3.1 Electoral Area Directors Report dated September 14, 2023

Written report included in agenda

3.4 First Nations Reports – none

4. PUBLIC COMMENTS

A member of the public stated they are concerned about the rules supporting the approval of Development Permit application GB-DP-2021.1, and that these rules were not written in collaboration with First Nations. They noted that there is a protocol agreement between the Snuneymuxw First Nation (SFN) and the Gabriola Island Local Trust Committee (LTC) and requested that the LTC delay making any decision about the application until the SFN has indicated that the permit to cut trees will not negatively affect the cultural and spiritual importance of the proposed area. The speaker further stated that if the LTC approves the application it should include a requirement that a Heritage Conservation Act permit be obtained, and that ongoing monitoring of the tree cutting by an SFN archaeologist be allowed.

The meeting was closed to the public to go to an in-camera meeting at 11:03 am.

The regular meeting was recalled to order at 11:51 am.

5. MINUTES

5.1 Local Trust Committee Minutes dated September 14, 2023 – for adoption

On page 8 of the Minutes, Item 11.2, Motion GB-2023-077, it should state Development Approval Information Bylaw not Development Permit Applications.

By general consent the minutes were adopted as amended.

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 October 18, 2023

Received for information.

Margot Thomaidis, Island Planner 2 arrived at 12:00 pm.

7. APPLICATIONS AND REFERRALS

7.1 GB-TUP-2023.3 (Moore) - 1115 Jeanette Ave. - Staff Report

7.11 Letter of Intent dated October 24, 2023 from A. Moore

A Planner reviewed the staff report and noted the following:

- The applicant has met the guidelines required for the Temporary Use Permit (TUP);
- The existing well testing is acceptable according to the TUP guidelines;
- The applicant has addressed outstanding issues noted on the home inspection report; and
- Staff have not received any public correspondence regarding the application.

The applicants were present at the meeting and advised that they have hired local cleaners and a commercial property manager, all of whom reside on Gabriola.

Discussion ensued and the Trustees made the following points:

- It is desirable to create long-term rental housing; however, the applicant's letter of intent provides explanations of why a long-term rental is not an option for them;
- It was clarified that there are not any other approved TUPs within the same neighbourhood;
- It is recommended that the guest information package include expanded information on First Nations connection to the area; and
- There is some concern about the fire pit on site and it was suggested that relevant regulations regarding fires and permit requirements be included for guest information.

GB-2023-081

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve the issuance of Temporary Use Permit GBTUP-2023.3, subject to the conditions imposed by the permit, for a 36-month term starting from the date of issuance.

CARRIED

7.2 GB-DP-2021.1 (Centre Stage Holdings) - no civic address PID 003134-806 - Staff Report

Chair Luckham stated that the application will be delayed for a further 30 days because the LTC has not yet received previously requested information from staff.

The applicant was in attendance and asked if the LTC had sent a referral letter to the SFN and if there was a timeline to respond. The Chair confirmed that the letter had been sent and they were waiting for a response.

The applicant made the following comments:

- In response to concerns about the accuracy of the steep slopes data, he noted that site inspections done with engineers and a geo hazard report mapping the slopes both confirm that there is minimal land graded at 80% or higher;
- There are several inaccuracies in an April 14, 2021 letter including that work was performed on the site without the knowledge of the Heritage Branch, that work was not stopped voluntarily, and that artifacts had been disturbed. This letter forms part of the public record and contains inaccurate information and the applicant will submit information that disputes each of these claims;
- The covenants will be registered at the time of subdivision as required; and
- They are bound by the obligations of the Heritage Protection Act.

The Chair indicated that all information that the applicant is referencing can be provided to staff who will then provide it to the LTC for review.

Warren Dingman, Compliance and Enforcement Manager, arrived 12:52 pm to discuss item 12.8.

The meeting was recessed at 1:06 pm for a break and reconvened at 1:33 pm.

Narissa Chadwick joined the meeting at 1:30 pm.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Official Community Plan Review - Community Engagement Plan - Staff Report

The Planner summarized the staff report and discussion ensued. The following points were noted:

- The LTC endorsed Option 2 with the addition of a structure of a community-led engagement process;
- There has been an open call for submissions for the community to access funds to host engagement meetings / events and a variety of groups have put in applications for funding;

- The LTC has received feedback from two Advisory Planning Commission meetings held to discuss the engagement process;
- The website will continue to be a place for residents to get information about the project;
- A survey about the process will be posted on the website and sent out to community organizations;
- The visioning phase will inform the Official Community Plan (OCP) review;
- There will be a community information meeting held in April;
- Water balance mapping is critical to the land use bylaw (LUB) planning phase and this mapping has been written into the budget request, while existing water recharge mapping and saltwater intrusion mapping will be also be used as part of the process; and
- As the communications phase of the project moves along, details related to regulation and policy will be noted for reference when moving from the OCP review to the LUB review.

GB-2023-082

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse the Community Engagement Plan for the Official Community Plan and the Land Use Bylaw Review Project.

CARRIED

GB-2023-083

It was MOVED and SECONDED

That the Gabriola Island Local Trust Committee request staff schedule a special meeting before the end of 2023 to discuss issues related to the Official Community Plan and Land Use Review Project engagement process and next steps.

CARRIED

9. DELEGATIONS – none

It was noted that Delegations should be scheduled at time of public comments early in the meeting.

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Request for Guidance and Direction from the Provincial and Federal Governments with Regards to the Protection of Indigenous Cultural Heritage on Gabriola Island in Land Use Decisions - Trustee Elliott for Discussion

Trustee Elliott summarized that there are responsibilities of local government to uphold principles related to the Declaration Act; however, there are limitations to the processes that local government can undertake. Further, legislative reform can take several years and perhaps there are other processes that the provincial government can help local governments with so that local government can stay in good relationship with First Nations.

GB-2023-084

It was MOVED and SECONDED

that the Gabriola Local Trust Committee draft a letter to formally request the Provincial and Federal governments' support and direction to aid the Gabriola Local Trust Committee in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development. In the absence of clear legislation and guidelines to support local governments' obligations to international, national and provincial frameworks, interim guidance and direction from the Province would be welcome, to ensure the Islands Trust can fulfill its obligations and duties to the preservation and protection of sacred cultural heritage sites.

CARRIED

GB-2023-085

It was MOVED and SECONDED

that the Chair of the Gabriola Island Local Trust Committee work with staff to write to seek support from Snuneymuxw First Nation and to understand if there would be interest in working on a joint call to the Provincial and Federal government to request support and direction to aid the Gabriola Local Trust Committee in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development.

CARRIED

11.2 Elected Officials Coffee Chats - Trustee Elliott for discussion

Trustee Elliott noted that there are limited ways to inform the public about the governance relationship between the RDN and LTC. Discussion ensued.

GB-2023-086

It was MOVED and SECONDED

the Gabriola Island local trust committee request staff to explore Local Trust Committee budget options for periodic, informal community discussions, jointly hosted by local Trustees and Regional District of Nanaimo Director Vanessa Craig, to discuss topics of interest with community members about local governance, land use planning and the work of our respective agencies, estimating funding of up to \$300 per meeting to cover communication, live streaming, recording, refreshments and advertising for each event.

CARRIED

11.3 Movie Dust n' Bones

GB-2023-087

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee requests the Executive Committee to approve funds from the History and Heritage Grants in Aid program for a screening of the movie Dust n Bones, with reconciliation and cultural heritage-oriented discussions, on Gabriola in winter/spring 2023/2024.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated October 18, 2023

Received for information.

12.3 Trustee and Local Expense Report dated August, 2023

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

Updates as discussed as part of the OCP review project.

12.6 Climate Change Action Update

Received for information.

12.7 First Nations Relationship Building

No new items.

12.8 Standing Resolution on Enforcement of Non-Compliant Dwellings - Staff Report

Warren Dingman, Compliance and Enforcement Manager, summarized the Staff Report and highlighted the following:

- There have been three new files opened since the standing resolution was adopted;
- All three files are related to travel trailers;
- The adoption of the resolution has not resulted in a higher number of complaints; and
- There are no trends towards an increase in non-compliant dwellings.

Discussion ensued and Trustees received the report for information.

- 12.9 **Standing Resolution Regarding Response Extension for Crown Application Referrals - Staff Report**
Received for information.

13. **WORK PROGRAM**

13.1 **Active Projects Report dated October 18, 2023**

A Trustee inquired as to why the development of an ecological protection zone was being applied only to the Elder Cedar Nature Reserve when the original intent was for the zone to be a holding zone and three properties had been identified as suitable for this zoning. A Planner noted that the project had evolved over a number of years with LTC involvement, that there were several staff reports that highlighted issues related to the other two properties, and that the zone can be applied to other lands, with amendments as applicable, in the future.

13.2 **Future Projects Report dated October 18, 2023**

Received for information.

14. **UPCOMING MEETINGS**

14.1 **Next Regular Meeting Scheduled for Thursday, November 30, 2023 at 10:30 am at the Gabriola Arts and Heritage Centre**

15. **CLOSED MEETING**

The meeting was closed to the public at 11:03 am.

15.1 **GB-2023-080**

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)(g) for the purpose of considering:

- *(g) litigation or potential litigation affecting the municipality;*
- and that the Recorder and Staff attend the meeting.*

CARRIED

15.2 **Recall to Order**

The meeting was recalled to order at 11:51 am.

Chair Luckham rose and reported that a legal opinion was received and reviewed.

16. **ADJOURNMENT**

By general consent the meeting was adjourned at 3:13 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) - 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. <i>Staff report uploaded to website.</i>	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.			In Progress

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

Follow Up Action Report

Gabriola Island

30-Mar-2023

Activity	Responsibility	Dates	Status
2 Staff to prepare a request for proposal for work on a water availability assessment.	Narissa Chadwick		In Progress

08-Jun-2023

Activity	Responsibility	Dates	Status
1 Write a report on shoreline structures and setbacks bylaw contraventions in the Gabriola Local Trust Area, as well as references to any relevant court decisions on the jurisdiction of the Islands Trust with regard to Shoreline Structures and Setbacks in the Trust Area.	Warren Dingman		In Progress

20-Jul-2023

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

Follow Up Action Report

Gabriola Island

20-Jul-2023

Activity	Responsibility	Dates	Status
1 Actions for the Major Project - OCP Review - Major Project Business Case and Project Charter: 1. Staff to post Project Charter to project website, re: Official Community Plan and Land Use Bylaw Review Project (Phase 1) - <i>complete</i> 2. Staff note business case endorsed for the OCP and LUB Review Project (Phase 2). - <i>complete</i> 3. Staff to prepare actions for Engagement Option 2. 4. Staff to prepare options for First Nations engagement Phases 1 & 2. 5. Staff to refer July 20th staff report to the APC for feedback due by September 1, 2023, on: - <i>complete</i> - the engagement options. - identification of groups and the broader community, including under represented members. - Feedback on engagement and communications (Phase 1). 6. Staff to refer materials related to the Housing Options and Impact Review Process to the HAPC for review and feedback by January 2024. - <i>complete</i> 7. Post materials for the Official Community Plan and Land Use Bylaw Review Project to the project website. <i>complete</i> 8. Staff to schedule an orientation meeting for the APC to review the terms of reference for their participation in the OCP and LUB review project, and collect feedback on the Phase 1 engagement strategy and	Chloe Straw Narissa Chadwick Wil Cottingham		In Progress

Follow Up Action Report

Gabriola Island

20-Jul-2023

Activity	Responsibility	Dates	Status
communications.			
9. Staff to schedule an orientation meeting for the HAPC to review the terms of reference for their participation in the OCP and LUB review project (Phase 1). - <i>complete</i>			
10. Staff to develop messaging and communications materials for the September 2023 soft launch of the in the OCP and LUB review project. - <i>complete</i>			
2 Regarding LTC Consideration of becoming Covenant Holder, Gabriola Commons - 675 North Road, Gabriola Island: Staff to seek a legal review of draft covenant prepared by the registered owners of the Gabriola Commons - 675 North Road, Gabriola Island [Lot 1, Plan VIP27281, Section 19, Land District 32, Gabriola Island (PID 002-600-992)].			In Progress

14-Sep-2023

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

Follow Up Action Report

Gabriola Island

14-Sep-2023

Activity	Responsibility	Dates	Status
1 Regarding GB-DP-2021.1 (Centre Stage Holdings), staff to report back about GB-DP-2021.1 as follows: discussion with the Archaeology Branch regarding the status of the subject area and any potential concerns it may have on issuance of a development permit; whether the development permit can be conditional to requiring an archeological covenant; and whether the Local Trust Committee has jurisdiction to issue a development permit on a known archeological site.	Renee Jamurat Sonja Zupanec	Target: 16-Oct-2023	Completed
2 Regarding GB-RZ-2023.1 (BC Ferries): Staff to refer proposed Bylaw No. 316 and proposed Bylaw No. 317 to the following First Nations, Local Governments and agencies for comment: a. First Nations: Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Stz'uminus First Nation, Ts'uubaa-asatx First Nation. b. Local Governments and Agencies: Gabriola Advisory Planning Commission, Gabriola Ferry Advisory Committee, City of Nanaimo, Regional District of Nanaimo, Ministry of Transportation and Infrastructure, School District 68, Islands Trust Freshwater Specialist and the Gabriola Housing Advisory Planning Commission.	Stephen Baugh		Completed

Follow Up Action Report

Gabriola Island

14-Sep-2023

Activity	Responsibility	Dates	Status
3 Staff to advise on a Standing Resolution regarding 60 day referral periods for specific crown lease referrals, and propose draft standing resolution for consideration.	Renee Jamurat	Target: 12-Oct-2023	Completed
4 Regarding the Ecological Protection Zone project (Proposed Bylaw No. 313), staff to finalize the Capacity agreement for signing between the CAO on behalf of the Local Trust Committee and the Snuneymuxw First Nation.	Stephen Baugh	Target: 29-Sep-2023	In Progress
5 Staff to prepare a communications plan with respect to the Official Community Plan Land Use Review Project.	Narissa Chadwick	Target: 16-Oct-2023	In Progress

26-Oct-2023

Activity	Responsibility	Dates	Status
1 Defer GB-DP-2021.1 (Centre Stage Holdings) to the November 30, 2024 LTC meeting agenda.	Nadine Mourao Sonja Zupanec		Completed
2 Request staff to explore LTC budget options to host periodic community discussions with RDN ~\$300/meeting and report back to LTC (see minutes for details).	Renee Jamurat		In Progress
3 Staff to prepare a request to EC on behalf of LTC to approve funds for screening Dust and Bones movie and public discussion on Gabriola in 2023/2024.	Renee Jamurat		In Progress

Follow Up Action Report

Gabriola Island

26-Oct-2023

Activity	Responsibility	Dates	Status
4 Two Letters from LTC: 1. Gabriola Local Trust Committee draft a letter to formally request the Provincial and Federal governments' support and direction to aid the Gabriola Local Trust Committee in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development. In the absence of clear legislation and guidelines to support local governments' obligations to international, national and provincial frameworks, interim guidance and direction from the Province would be welcome, to ensure the Islands Trust can fulfill its obligations and duties to the preservation and protection of sacred cultural heritage sites. 2. That the Chair of the Gabriola Island Local Trust Committee work with staff write to seek support from Snuneymuxw First Nation and to understand if there would be interest in working on a joint call to the Provincial and Federal government to request support and direction to aid the Gabriola Local Trust Committee in preserving and protecting Indigenous cultural heritage sites that may be at risk due to impacts of development.	Renee Jamurat		In Progress
5 Gabriola Island Local Trust Committee endorsed the community engagement plan for the Official Community Plan and Land Use Review project.	Narissa Chadwick		Completed

Follow Up Action Report

Gabriola Island

26-Oct-2023

Activity	Responsibility	Dates	Status
6 Gabriola Island Local Trust Committee request staff to schedule a special meeting before the end of 2023 to discuss issues related to the Official Community Plan and Land Use review project engagement process and next steps.	Chloe Straw Narissa Chadwick Wil Cottingham	Target: 16-Nov-2023	Completed
7 That the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of Crown Lease referrals: a) The Local Trust Committee be forwarded referrals; and b) That the Local Trust Committee may request an extension of 30 days for specific crown lease referrals in order to allow time for Trustees to provide comments to Staff.	Chloe Straw Renee Jamurat	Target: 17-Nov-2023	Completed

File No.: GB-DVP-2023.3 (Miller)

(xref GB-BE-2023.15 (Miller))

DATE OF MEETING: November 30, 2023

TO: Gabriola Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

SUBJECT: **Request for Waiver of Survey Requirement for
Development Variance Permit application GB-DVP-2023.3 (Miller)**
Applicant: Sandra Miller
Location: 880 Horseshoe Rd., Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee requests that the applicant of GB-DVP-2023.3 (Miller) provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, as required by Section A.3.5.1 of the Gabriola Island Land Use Bylaw No. 177.
2. That the Gabriola Island Local Trust Committee request staff to advise the applicant of GB-DVP-2023.3 (Miller) that the DVP application will be held in abeyance for three months to allow the receipt of a current survey plan signed by a B.C. Land Surveyor, which satisfies the requirement of Section A.3.5.1 of the Gabriola Island Land Use Bylaw No. 177, 2014.

REPORT SUMMARY

The purpose of this staff report is for the Gabriola Island Local Trust Committee (LTC) to consider the applicant's request to waive the requirement for a current plan signed by a B.C. Land Surveyor (BCLS) as outlined in Section A.3.5 "Enforcement of Siting Regulations" of the Gabriola Island Land Use Bylaw No. 177, 2014 for a Development Variance Permit. The application was submitted in June 2023 and to date, no site survey has been submitted, and so the application remains incomplete. The LTC is not asked to consider issuance of GB-DVP-2023.3 at this time.

The applicant is requesting that the LTC waive the requirement for a current plan signed by a BCLS for a pre-existing workshop/shed building that was built over 30 years ago. The building is located less than a metre from the interior side lot line and within the 10-metre setback area, according to a hand-drawn site plan provided by the owner.

Staff consider that a survey signed by a BCLS is reasonably necessary in this instance for the following reasons:

- the existing building does not comply with lot line setback requirements and is potentially straddling the northern interior lot line;
- the extent of the variance permit is dependent on the location of the property line in relation to the building; and

- a survey will provide certainty as to whether or not the building is sited partially on the adjacent property.

Therefore staff are recommending the LTC does not waive the requirements of LUB Section A.3.5.1.

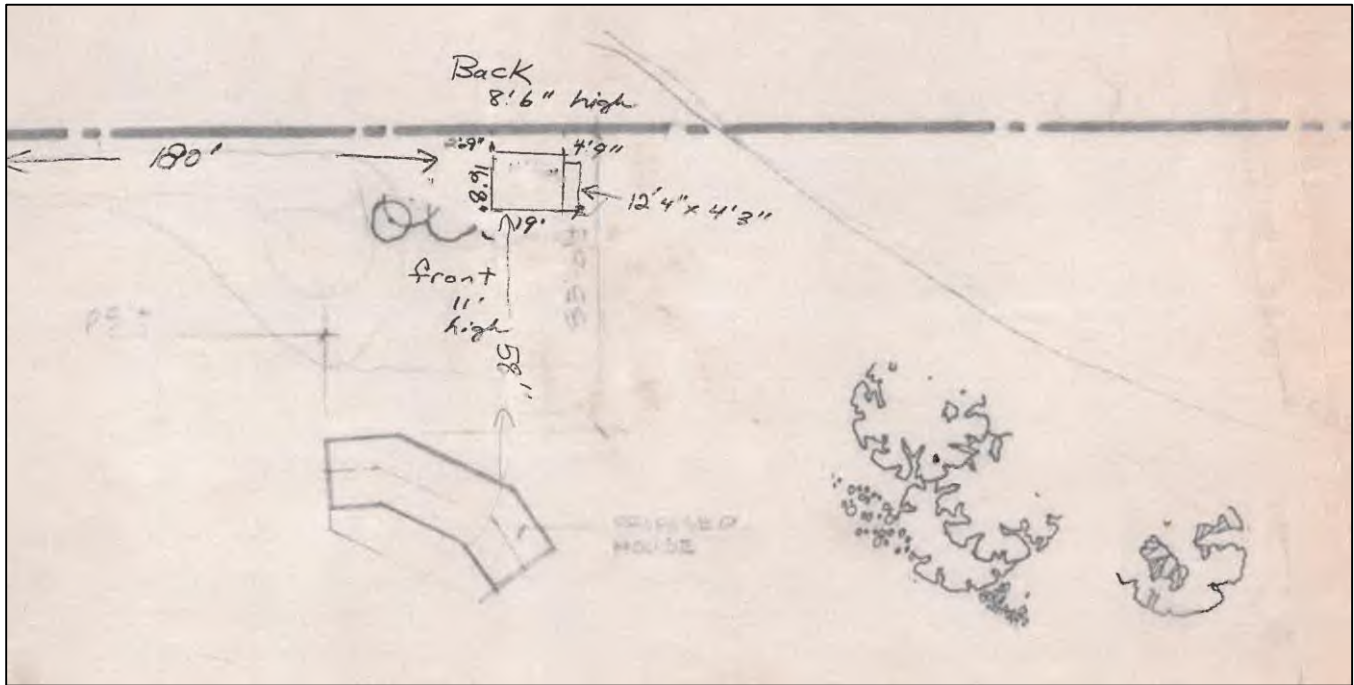
BACKGROUND

The subject property is 2.05 hectares (5.07 acres) in area and located at 880 Horseshoe Rd, Gabriola Island (see Figure 1). The DVP application is to vary an approximately 30m² accessory workshop/shed building with an attached 5m² woodshed, built over 30 years ago within less than a metre of the interior side lot line. According to a hand drawn site plan provided by the owner, the shed is between 0.8 and 1.4 metres from the northern interior lot line (see Figure 2). The required setback is at least 10 metres from the interior lot line. As a result of Bylaw Enforcement action (GB-BE-2023.15 – Miller) the owner has decided to apply for a development variance permit for the completed works.

Figure 1: Subject property outlined in yellow



Figure 2: Site plan excerpt



ANALYSIS

Land Use Bylaw:

Section A.3.5.1 of the LUB:

Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

This provision provides discretion to the LTC when considering the nature of the DVP application, so that the LTC may determine whether the provision of a plan signed by a BCLS is required or not.

Issues and Opportunities

The existing building does not comply with lot line setback requirements and is potentially straddling the northern interior lot line. For Development Variance Permits, staff rely on the accuracy of a B.C. Land Surveyors' measurements to determine the boundaries of the property and the location of all buildings and structures in order to confirm compliance with local bylaws. These measurements are used to produce permits which are then registered on title.

If the proposed variance is considered and issued as-is, the permit is a legal document, and inaccuracies about the location of the shed in relation to the adjacent lot could potentially render the variance ineffective. For example, if the shed is located partially on the adjacent property, the permit may no longer apply, and a new variance application or removal may be required. Therefore, a survey prepared by a BCLS is necessary to establish exact setbacks and confirm whether the shed is straddling the two properties.

If the LTC determines that the provision of a survey plan prepared by a BCLS is not reasonably necessary, the following alternatives could be considered:

- Staff could accept the plan already provided by the applicant and continue with the DVP review process. If the permit is issued and it is later discovered that the building is partially on the adjacent lot, the permit may no longer apply.
- Staff could attend a site visit with the owner to confirm the approximate location of the shed in relation to the property boundary and request that the owner update the site plan if necessary. Although staff have an understanding of the land surveying process, staff are not qualified land surveyors and therefore the variance authorized by the permit will not be accurate.

Applicant's Rationale

The applicant has provided the following rationale for the request to waive the survey plan, which is attached in full as a letter in Attachment 2 to this report:

- A professional survey was completed in 1989 when the owner was preparing to purchase the land, but it was never registered on title; and
- The adjacent lot owners (860 Horseshoe Rd.) would have had a survey of their lot completed in the past six to eight years, and the owner never received notice that the workshop/shed was over the property line.

Rationale for Recommendation

Staff consider that a survey signed by a B.C. Land Surveyor is reasonably necessary for the following reasons:

- the existing building does not comply with lot line setback requirements and potentially straddling the northern interior lot line;
- the extent of the variance permit is dependent on the location of the property line in relation to the building and structure; and
- a survey will provide certainty as to whether or not the building is sited partly on the adjacent property.

ALTERNATIVES

The LTC may consider alternatives to the staff recommendation:

1. Waive the requirement for a current plan signed by a B.C. Land Surveyor

The LTC may deem it unnecessary for the applicant to submit a plan signed by a B.C. Land Surveyor, pursuant to Section A.3.5.1 of the LUB. Staff advise that if this alternative is selected, there is not adequate information to determine the location of development relative to the interior lot line. Staff could work with the applicant to determine the approximate location of the shed and update the existing site plan, but this site plan will not be accurate as staff are not qualified land surveyors.

Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee waive the requirement for a survey plan signed by a B.C. Land Surveyor and direct staff to proceed with Development Variance Permit application GB-DVP-2023.3 (Miller).

NEXT STEPS

Subject to the LTC's concurrence with staff's recommendation on page 1 of this report, staff will advise the applicant that their application will remain incomplete and "in abeyance" until a site survey signed by a B.C. Land Surveyor is received and that they have until **March 1st, 2024 (three months)** to provide the plan. Upon receipt of the site survey plan, staff will review and process the DVP request and return to the LTC for consideration at a future LTC meeting.

Should the applicant not provide the plan by the specified date, then the application will be closed and 75 percent of the application fee will be refunded. The applicant will be required to submit a new application with the requested information at a later date, or remove the building to address non-compliance.

Submitted By:	Margot Thomaidis, Planner 2	November 9, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	November 23, 2023

ATTACHMENTS

1. Site Context
2. Written Request from Applicant

LOCATION

Legal Description	LOT 9, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26155
PID	002-347-733
Civic Address	880 Horseshoe Rd, Gabriola Island
Lot size	2.05 hectares/5.07 acres

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential to North, South, East and West, Subject property and all surrounding properties Agriculture (ALR)

HISTORICAL ACTIVITY

File No.	Purpose
None	N/a

POLICY/REGULATORY

Official Community Plan Designations	Agriculture (AG) Riparian Development Permit Area (DPA 3) on property – McClay Creek:  Existing wood shed and workshop appear to be located in the Riparian DPA, but were constructed prior to DPA regulation adoption and therefore do not require an approved DP. Any disturbance of soils, removal, alteration, or destruction of vegetation, construction of, addition to, or alteration of a building or other structure in the future will require an approved Development Permit.
Land Use Bylaw	Agriculture (AG)
Other Regulations	Part D - ZONES D.2 RESOURCE ZONES

	D.2.1 Agriculture (AG) D.2.1.3 Regulations a. Buildings and Structures Siting Requirements ii On lots 1.0 hectare (2.47 acres) or larger, except for a sign, fence, or pump/utility house: the minimum setback for a single family dwelling, a manufactured home for immediate family or farm worker housing, a secondary suite and buildings and structures accessory to them is 10.0 metres (32.8 feet) from any lot line. B.2 GENERAL SITING AND HEIGHT PROVISIONS B.2.1 Special Setbacks and Elevations B.2.1.1 Setbacks and Elevations from Watercourses and the Sea a. Despite all other siting references in this Bylaw excepting B.2.1.4c, third party signs, fences, pump/utility houses, retaining walls, ground level decks, structures and buildings, excepting boathouses, must be sited a minimum of 7.5 metres (24.6 feet) from and 1.5 metres (4.9 feet) above the natural boundary of the sea and a minimum of 15 metres (49.2 feet) from and 1.5 metres (4.9 feet) above the natural boundary of any lake, stream, or wetland.
Covenants	No Covenants on Title
Bylaw Enforcement	GB-BE-2023.15 - large shed along the lot line that contains an area for wood storage and a workshop. Constructed in the 1990's and at that time was required to be 10 metres from any lot line. DVP seeks varying the lot line setback for works completed.

SITE INFLUENCES

Islands Trust Conservancy	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.
Regional Conservation Strategy	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM-LOW. 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	None Mapped
Archaeological Sites	None Mapped 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	This DVP application seeks to lawfully site an existing accessory structure on the property and as such does not propose any additional intensity of use or development beyond what is currently permitted by zoning. GHG emissions can be expected to be commensurate with normal levels associated with Single Family Residential development patterns and use, including the use of personal vehicles for transport on and off island.
--	---

July 4th, 2023

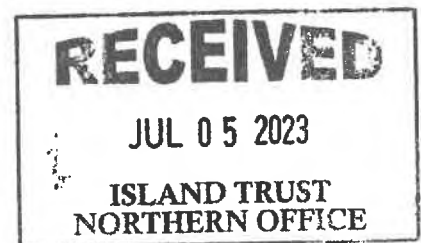
To the Local Trust Committee
Gabriola Island, BC\

Regarding file # GB-DVP-2023.3

This note is to request that my application for Development Variance Permit be accepted and processed with out a new professional survey being done.

My land 880 Horseshoe rd Gabriola Island was surveyed in 1989 when we, my X partner and I were preparing to purchase the land and build our home, unbenounced to me and due to my ignorance of process the survey was not registered. I have included the last registered survey of this land. Also considering the neighbours who made the complaint about the wood shed being to close to the property line would have had their land surveyed when they purchased their land and or built their home with in the past 6-8 years. In them doing so I have never received notice that the shed was over the property line. Which I know it not to be. Because of the nature of this bylaw report and resulting need for a Development Variance Permit I am requesting the requirement of a professional survey be waived.

Sincerely and thank you from Sandra Miller
880 Horseshoe Road Gabriola Island



File No.: GB-DVP-2021.4 (Harris)
[xref GB-BE-2021.2 (Harris)]

DATE OF MEETING: November 30, 2023
TO: Gabriola Island Local Trust Committee
FROM: Margot Thomaidis, Planner 2
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: **GB-DVP-2021.4 – Development Variance Permit Application**
Applicant: Kevin Barfoot – Kevin Barfoot Contracting
Location: 1091 Sea Fern Lane, Mudge Island (PID: 004-537-262)

RECOMMENDATION

That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit application GB-DVP-2021.4 (Harris).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit for works completed in the setback to the natural boundary of the sea as well as the interior side lot line. The setback variances would apply to an **existing cottage**, a **multi-level deck**, an **outdoor shower**, a **tent platform**, and an **underground septic tank and pump chamber** with related appurtenances.

RATIONALE FOR VARIANCE

Approving the variance will:

- Legalize the siting of the existing residential dwelling and its associated structures, as well as a septic tank and pump chamber located in the 30-metre setback to the natural boundary of the sea; and
- Legalize an existing tent platform located in the 30-metre setback to the natural boundary of the sea *and* the 1.5 metre setback to the interior side lot line.

Staff recommend approving the variance for the following reasons:

- The variance is consistent with the permitted uses of the lot;
- Granting the variance will not be detrimental to the natural environment or public health; and
- The applicant and owners have been in contact with staff from Snuneymuxw First Nation and the Nation feels that future risk to the site has been mitigated.

BACKGROUND

Bylaw Enforcement:

The application is the result of a Bylaw Enforcement file opened for the property in 2021 (GB-BE-2021.2 – Harris). A complaint was received regarding the illegal installation of a septic tank within 11 to 12 metres of the natural boundary of the sea (NBS). The septic tanks replaced an older tank that had been located even closer to the NBS, which had been removed. At that time the applicant also noted an approximately 40 m² recreational cottage within 7.5 metres of the NBS, which they claimed was built in the 1960's. Staff suggested the applicant apply for a development variance permit to address any illegally sited structures.

The subject property is 0.22 hectares (0.56 acres) in size and is located near the eastern tip of Mudge Island on the south side, adjacent to Stuart Channel and Link Island and fronting sand/cobble shoreline. The property slopes from the road frontage on Sea Fern Lane with a steep drop before flattening to a clearing near the shoreline, where the cottage and septic tank are located. Remote Access to Archaeological Data indicates a registered archaeological site on the property.

Site Visit:

A site visit was conducted on September 15, 2022, leading staff to discover a number of additional structures sited in the 30-metre setback to the natural boundary of the sea (NBS), as summarized below:

1. Wooden deck – attached multi-level structure built without a permit, positioned directly up against the NBS and encroaching slightly into the marine foreshore 0.1-0.9 metres;
2. Outdoor shower – positioned 5 metres from the NBS with a water pipe that outputs towards the ocean, built without a permit;
3. Tent platform – over 0.3 metres in height and positioned less than a metre from the NBS and the interior side lot line, built without a permit; and
4. Cottage renovations/additions – a separate shed/bunkhouse was renovated, moved and joined together with the main 1960's cottage and in 2020, creating one building.

All buildings and structures were confirmed through a site survey prepared by a registered BC Land Surveyor, dated October 28, 2022 (see Attachment 2).

The site visit was also attended by the Lands Coordinator from Snuneymuxw First Nation, who confirmed the registered archaeological site on the property. The applicant and owners proceeded to work with Snuneymuxw First Nation and hired an archaeologist. Upon investigating the file and discussing it with the owner and archaeologist, SFN confirmed that they have no further response or comments, and have no issues with the LTC approving the variances.

Proposed Development Variance Permit

No new development is proposed as part of this application. The proposed permit includes all existing illegal structures and buildings located in the setback to the NBS. The applicant claims that part of the cottage closer to the NBS and the deck were built many years ago in the 1960's when the owners first purchased the recreational property, although proof of lawful non-conformity or an exact construction year has not been provided. If the cottage and deck were constructed in the 1960's they would have likely been allowed. But it appears a number of recent additions have been made to the property, increasing the size of structures and increasing the footprint of the cottage in the setback to the natural boundary of the sea. This additional development removes lawful non-

conforming status, if any had existed before. Therefore the application seeks to comply with the Land Use Bylaw (LUB) and permit all works completed in the setbacks as shown in Figure 3.

Figure 1. Subject Property Map – Mudge Island

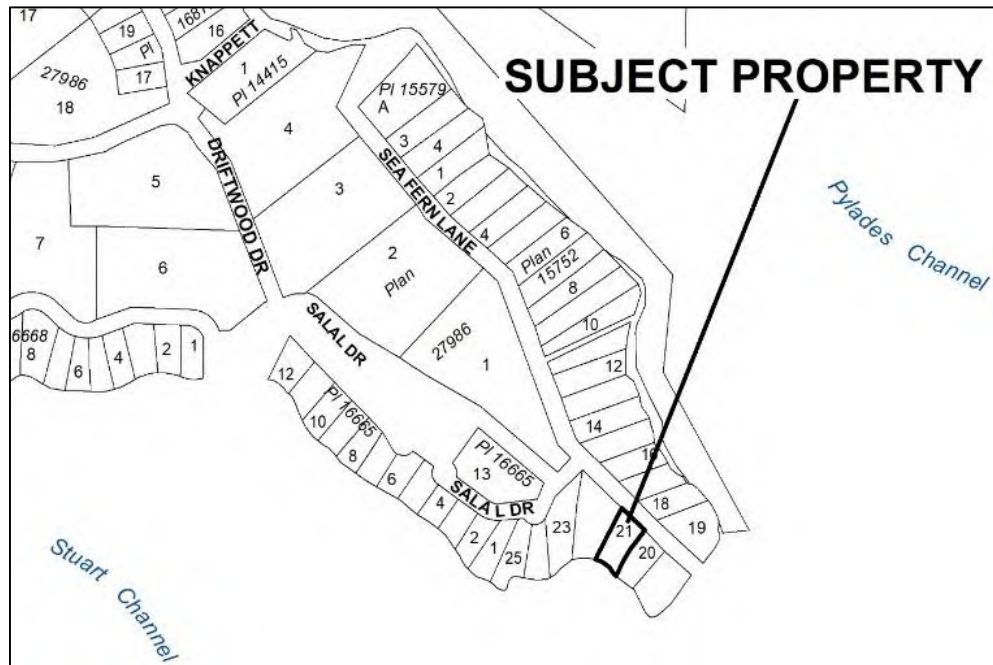
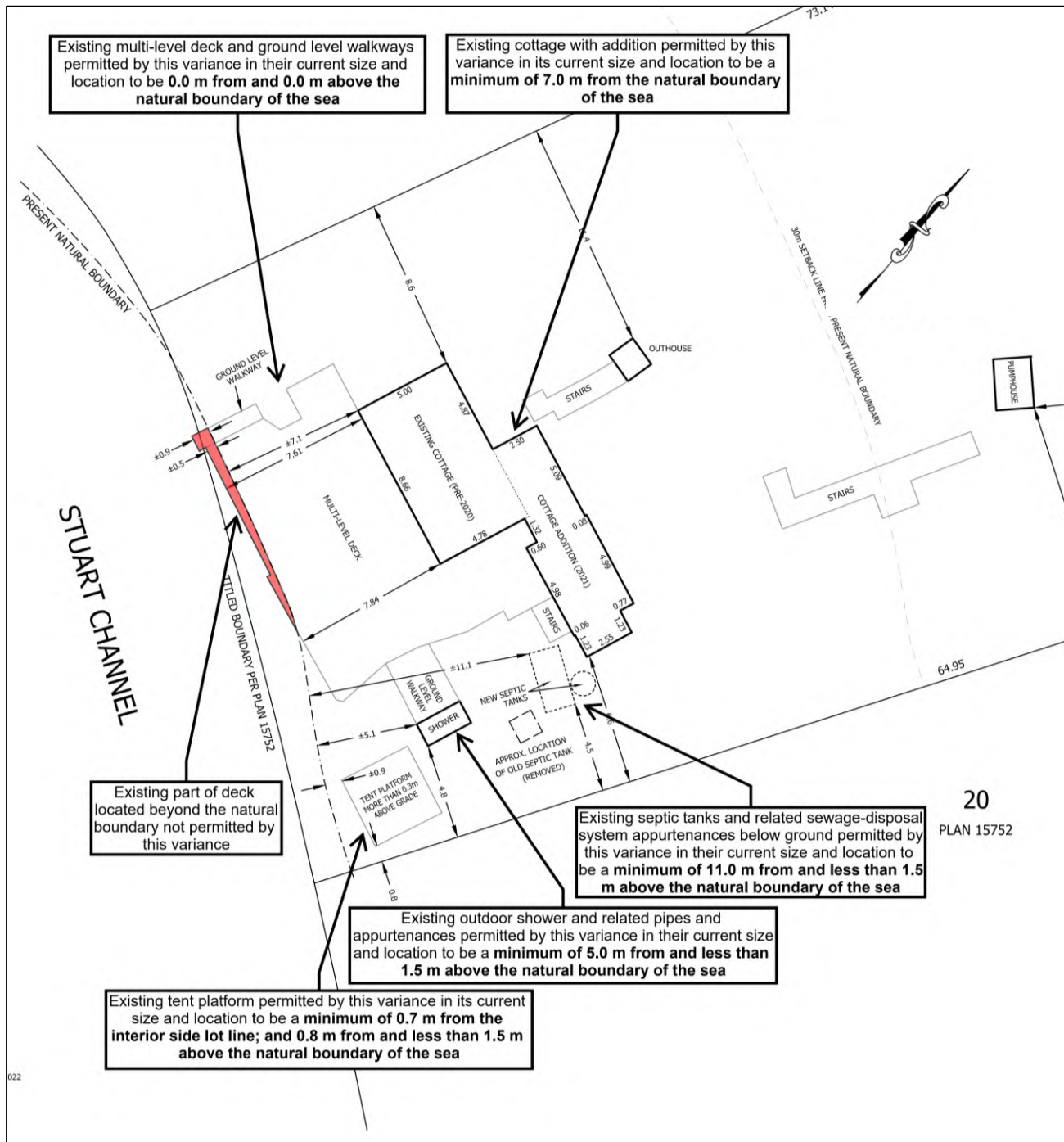


Figure 2. Property viewed from the shoreline facing north



Figure 3. Site Plan Detail – Proposed Variances



ANALYSIS

The LTC has the discretion to approve or refuse this DVP, however they should consider factors such as the existing regulations and policies, the applicant's rationale, the unique circumstances specific to the property, the impacts of approving the variance on the environment and neighbours, and impacts to First Nations archaeological sites.

Policy/Regulatory

Section 498 of the Local Government Act enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, multiple variances to siting regulations are being sought.

Official Community Plan (OCP):

The property is designated **Land Based – LB** in the Mudge Island OCP. There are no Development Permit Areas that apply to this property. There are no specific OCP policies or principles in conflict with the variance request. However, the following OCP policy is relevant to this application:

PART 3 - COMMUNITY OBJECTIVES AND POLICIES

3.1 Ecosystem Preservation and Protection

Policy 5 *Permits, bylaw amendments or other approvals should include protection of environmentally sensitive and hazardous areas including: wetlands, watercourses, riparian areas, groundwater, intertidal areas, forests and bluffs; a precautionary principle approach should be taken whereby decisions are not made until adequate information is obtained.*

To address this policy, the applicant provided a letter from a geotechnical engineer confirming that the siting of the septic tank within 11 metres of the natural boundary of the sea does not present a hazard. They also provided the septic system filing which was accepted by Island Health on July 6, 2021.

Land Use Bylaw (LUB):

The property is zoned **Rural Residential (RR)** in the Mudge Island Land Use Bylaw, 2007 (LUB).

Specifically, the application seeks to vary the setback provisions in the LUB as shown in Figure 2 and as follows:

- Part 3 – General Regulations, Section 3.3 Siting and Setback Regulations, Subsection 3.3(4) which states that buildings and structures must be sited a minimum of 30 metres (98.4 feet) from and 1.5 metres (4.9 feet) above the natural boundary of a wetland, watercourse, the sea or other body of water is requested to be varied to permit:
 - the existing siting of a cottage a minimum of 7.0 m from the natural boundary of the sea;
 - the existing siting of a multi-level deck and ground level walkways 0.0 m from and 0.0 m above the natural boundary of the sea;
 - the existing siting of a wooden tent platform a minimum of 0.8 m from and less than 1.5 m above the natural boundary of the sea;
 - the existing siting of an outdoor shower and related pipes and appurtenances to be a minimum of 5.0 m from and less than 1.5 m above the natural boundary of the sea; and
 - the existing siting of two septic tanks and related sewage-disposal system appurtenances below-ground a minimum of 11.0 m from and less than 1.5 metres above the natural boundary of the sea.
- Part 5 – Zone Provisions, Section 5.1 Rural Residential (RR), Subsection 5.1(6) Siting and Size, Article 5.1(6)(b) which states that “on lots 0.4 hectares (1 acre) or less the minimum setback of buildings and structures, except for a sign, fence or pump/utility house is 1.5 metres from any interior side lot line” is requested to be varied to permit:
 - the existing siting of a wooden tent platform a minimum of 0.7 metres from the interior side lot line.

Proposed Variances

Cottage and Deck

According to the owners the existing recreational cottage was originally built in the 1960's and included a main building and a separate accessory shed for storage. The regulations in place for Mudge Island at the time would have permitted the buildings and structures in this location.

In 2020, the applicant was hired by the owners to move the shed/'bunkee' and attach it to the main cottage via a short hallway. This addition removes any lawful non-conforming status, as the building footprint has been increased.

Elevations of the cottage were not included in the survey plan, so there is uncertainty as to whether it meets the 1.5 metre elevation from the NBS requirement. Staff recommend that the permit does not vary the NBS elevation requirement for any occupied buildings, and this is reflected in the proposed permit. If the owners find that the cottage is situated below this elevation, they should consult with a building professional about ways to raise it above that level in the future.

A small part of the deck encroaches over into the marine foreshore area. It does not appear to impede public access, but staff note that approval to use and build below the natural boundary of the sea lies with the Integrated Land Management Bureau of the Provincial Government, therefore the proposed permit cannot include this part of the structure. As well, this type of structure is not supported in the Water General zone so the owners would be required to apply for a rezoning in order to keep it there. Staff recommend the owners consult with a building professional as well as Snuneymuxw First Nation, the BC Archaeology Branch, and Department of Fisheries and Oceans about removing any parts beyond the NBS and rebuilding that section of the deck.

Due to the minor nature of the addition to the cottage and the fact that there have been no complaints from neighbours about the deck or the cottage to this date, staff recommend approving these variances.

Septic Tanks and Pump

While renovating the cottage the applicant discovered an older septic pit within 5 metres of the natural boundary of the sea, which the owners then decided to remove and replace with a new Type 1 system, sited further upland. According to the applicant the most logical location on the lot for the septic tanks was in a flat area in close proximity to the existing cottage, so that sewage could be easily collected and treated before being pumped towards the septic field area. The pipes connecting the septic tank to the septic field are also included in the variance request.

The applicant hired an ROWP to oversee the design of the new septic system, and a report and Record of Sewerage System prepared by Bruce Grayson, P.Eng of Core Geotechnical dated July 6, 2021 is provided in Attachment 4. The septic system, including the tanks, pipes, and pump, meets sewage disposal requirements established by the *Public Health Act* and the *Sewerage System Regulation*.

The septic field itself is placed on a part of the lot closer to the road and uphill from the septic tank, more than 30 metres away from the NBS.

A letter from Lewkowich Engineering Associates Ltd. dated June 28, 2022 (Attachment 5), provides confirmation that the siting of the septic tank does not present a hazard to the shoreline or surrounding areas. Staff note that the engineer's letter cites an RDN Bylaw instead of the Mudge Island LUB, and the applicant has been notified. This does not appear to impact the observations and assessments of the engineering firm.

Due to the assurances from the ROWP report and geotechnical engineer's letter regarding both health regulations and potential hazards, staff recommend approving this variance.

Outdoor Shower and Tent Platform

Both structures were repaired recently in support of existing residential uses on the lot and do not appear to be causing damage to the shoreline environment. The shower drain pipe was directed towards the ocean at the time of the site visit, but staff have since confirmed with applicant that it should be connected into the septic system for proper disposal in the future.

Intent of Regulations being varied

The overall purpose of the setback to the natural boundary of the sea and the interior side lot line setback is to minimize impacts on adjacent properties and the public realm related to:

- Protection of the natural shoreline environment and sensitive ecosystems;
- Protection of development from natural hazards, particularly with sea level rise and increased storm surges;
- Limiting the visual impact of development on adjacent properties;
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area;
- Maintaining privacy;
- Establishing a consistent development pattern within a local area;
- Public Access;
- Maintaining a rural character; and
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Staff's analysis is that the proposed variance does not challenge the intent of the bylaw regulations.

Potential impacts of granting to variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits.

Circulation

DVP notices were circulated to surrounding property owners and residents on November 13, 2023 in accordance with Section 8 of the Gabriola Island Trust Committee Development Procedure Bylaw No. 114, 1992. The notification period ends on November 29, 2023.

Six letters have been received at the time of preparing this report (Attachment 8). All of them are supportive of the variances, apart from two that expressed concerns about the threat to public health and the ecological integrity of the shoreline from placing the septic system in the 30-metre setback to the NBS.

All correspondence received on or before the LTC meeting of November 30, 2023 will form part of the public record and will be considered by the LTC. Correspondence may be sent to northinfo@islandstrust.bc.ca.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places.

Remote Access to Archaeological Data (RAAD) indicates a registered archaeological site on the property which prompted staff to share information about the application with Snuneymuxw First Nation (SFN) as well as the BC Archaeology Branch in August 2022. On September 15, 2022, the Lands Coordinator from SFN joined Planning and Bylaw Enforcement staff in a site visit with the applicant, confirming the archaeological site located on the property. They recommended the applicant hire an archaeologist to assess any damage and work with SFN going forward.

The Lands Coordinator responded to staff in May 2023, sharing that SFN had met with one of the owners and an archaeologist. After discussing the matter, SFN has no further response or comment on this file, considering the extensive conversations that have occurred between SFN and one of the owners. The Lands Coordinator has advised that the Nation feels that future risk to the site has been mitigated and should the owner wish to conduct further work on the property in the future, he has committed to obtaining the proper permits and communicating with SFN.

As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. If the owners are required to remove the existing buildings and structures, or carry out any other ground disturbing activities on their property in the future, they are first required to obtain the proper permits from SFN and the BC Archaeology Branch, in addition to any required permits from Islands Trust and other levels of government.

Rationale for Recommendation

Staff recommend approving the variances for the following reasons, as noted on Page 1 of this report:

- The variances are consistent with the permitted uses of the lot;
- Granting the variances will not be detrimental to the natural environment or public health as outlined in the ROWP filing with Island Health and the Geotechnical Engineer's letter; and
- The applicant and owners have been in contact with staff from Snuneymuxw First Nation and the Nation feels that future risk to the site has been mitigated, and the owners have committed to obtaining the proper permits and communicating with SFN in the future.

ALTERNATIVES

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

1. Further amend the permit and approve the permit as amended

The LTC may opt to make amendments to the permit as circulated provided the amendments *do not* allow further encroachments. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee amend GB-DVP-2021.4 (Harris) by____; and,

That the Gabriola Island Local Trust Committee approve issuance of GB-DVP-2021.4 (Harris) as amended.

2. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are additional time and staff resources. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that the applicant submit to the Islands Trust an assessment report, completed by a Qualified Environmental Professional and/or a Geotechnical Engineer, which identifies the potential impacts of the proposed development on the surrounding shoreline environments, etc... .

3. Deny the application

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

That the Gabriola Island Local Trust Committee refuse application GB-DVP-2021.4 (Harris).

Staff advise that the implications of this alternative are that Bylaw Enforcement action will restart for all non-permitted structures and buildings in the setback to the natural boundary of the sea and beyond, and removal will be required. Removal of the structures may require permits from Snuneymuxw First Nation and the BC Archaeology Branch. The owners may reapply for a DVP for the same structures one year from the date of the decision.

Submitted By:	Margot Thomaidis, Planner 2	November 17, 2023
Concurrence:	Renée Jamurat, RPP MCIP	November 20, 2023

ATTACHMENTS

1. Site Context
2. Photographs, Plans, and Maps
3. Applicant and Owner Letters
4. Sewerage Report
5. Geotechnical Engineering Letter
6. Notice
7. Draft Development Variance Permit
8. Public Correspondence

LOCATION

Legal Description	LOT 21, SECTION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752
PID	004-537-262
Civic Address	1091 Sea Fern Lane, Mudge Island
Lot Size	0.22 ha (0.56 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	• Shoreline directly to the Southwest; • Residential land uses directly adjacent to the North, East and West; • Parks and Institutional land use approximately 38 metres to the Southeast. <i>Islands Trust 2020 Orthophoto (subject property indicated in yellow):</i> 

HISTORICAL ACTIVITY

File No.	Purpose
None on file	

POLICY/REGULATORY

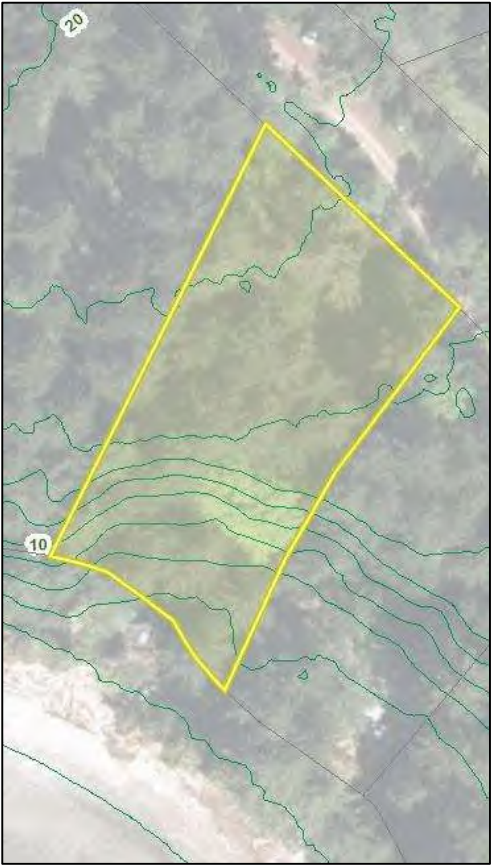
Mudge Island Official Community Plan Bylaw No. 227, 2007	Land Use Designation: LB – Land Based Development Permit Area: None.
Mudge Island Land Use Bylaw No. 228, 2007	Zone: Rural Residential (RR) Applicable regulations to this DVP request: 3.3(4) Siting and Setback Regulations Despite all provisions in this Bylaw other than subsection 3.3(5), buildings and structures must be sited a minimum of 30 metres (98.4 feet) from and 1.5 metres (4.9 feet) above the natural boundary of a wetland, watercourse, the sea or other body of water, except for: (a) boat and barge ramps; and (b) stairs and walkways with an average maximum elevated floor height of 0.3 metres (0.9 feet) and a maximum width of 1.5 metres (4.92 feet). 3.3(5) Siting and Setback Regulations Despite Subsection 3.3 (4) above, where the frontage on the sea is adequately protected from erosion by natural bedrock, as certified by a qualified professional, buildings and structures may be sited as close as 7.5 metres (24.6 feet) from the natural boundary of the sea. 2.5(2) Application Requirements Every application to the Local Trust Committee must include a plan signed by a B.C. Land Surveyor showing the location of all existing and proposed buildings, structures and sewage absorption fields in relation to lot, lease and zone boundaries, watercourses, wells, the sea, and buildings and structures, unless the Local Trust Committee determines that the provision of such a plan is not necessary. <i>BUILDING</i> means any roofed structure used or intended to be used for the shelter, habitation, storage, accommodation, assembly of persons, animals, goods or chattels <i>STRUCTURE</i> means a construction of any kind, or portion thereof, that is fixed to, supported by, or sunk into land or water, including all pathways, driveways and paved areas, whether pervious or impervious.
Other Regulations	Gabriola Island Trust Committee Development Procedure Bylaw No. 114 applies to all Development Variance Permit (DVP) applications.
Covenants	M49554: Restrictive Covenant between owner and Driftwood Island Holdings Ltd. Building scheme and septic approval requirements.
Bylaw Enforcement GB-BE-2021.2:	- Structures (cottage, septic tanks) within the required 30 m setback from the natural boundary of the sea. - Cottage may have been initially built in 1960s or 1970s, though not confirmed as legal non-conforming status. Septic tanks and field (both underground) were placed in 2021.

	- Additional concerns that legal-non-conforming status of the cottage is not applicable because additions/alterations may have been made to the dwelling. - Recommend referral to BEO.
--	---

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. That being said, the subject property is within approximately 150m of the recently designated Link Island Nature Reserve.
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-HIGH . 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	SAR (Public) Ecological Community: Coastal Douglas Fir / Dull Oregon Grape ecosystem identified on the subject property and surrounding properties (see below in green).  Threats to this public Species at Risk include urban and semi-rural development, small-scale but intensive agriculture, forest harvesting, livestock (sheep and goats) grazing, the introduction and spread of invasive species (e.g., daphne laurel, Scotch broom in early seral stages), and probably climate change. Islands Trust Conservancy's "Gabriola Island Local Trust Area - Coastal Douglas-Fir Forests" fact sheet contains more information. SAR (Public) Species: None Currently Mapped

Sensitive Ecosystems	<i>Young Forest (green) and Coastal Bluff (red) Sensitive Ecosystems (see below).</i>  The Islands Trust Conservancy's Sensitive Ecosystem Guide provides the following information: • Young Forest/ Woodland Ecosystems are among the most sensitive and biologically diverse ecosystems in the Islands Trust Area, providing habitat to a wide variety of plants, insects, reptiles and birds. To reduce impacts, recommended protection measures include limiting access and avoiding development to prevent vegetation damage, actively controlling invasive species, and preventing livestock grazing to avoid soil compaction and erosion. • Coastal Bluff/ Cliff Ecosystems offer isolated habitat protected from predators, making cliffs choice nesting sites for a variety of birds. Crevices are used by roosting bats, while deeper crevices serve as shelter and overwintering areas for snakes and lizards. Cliff ecosystems and the rare habitat they support need protection from soil compaction and erosion. This can be achieved by preventing disturbance of nesting or breeding areas—especially from March to August. Loud noises or venturing too close to nesting locations can cause birds to abandon eggs. Control invasive species such as Scotch broom, while limiting disturbance to soil by leaving root systems intact. Create a barrier or vegetated buffer around cliffs to limit human and domestic animal access Sensitive Ecosystem Inventory (SEI): None currently mapped. RAR Watercourse: None currently mapped.
Hazard Areas	None currently mapped.

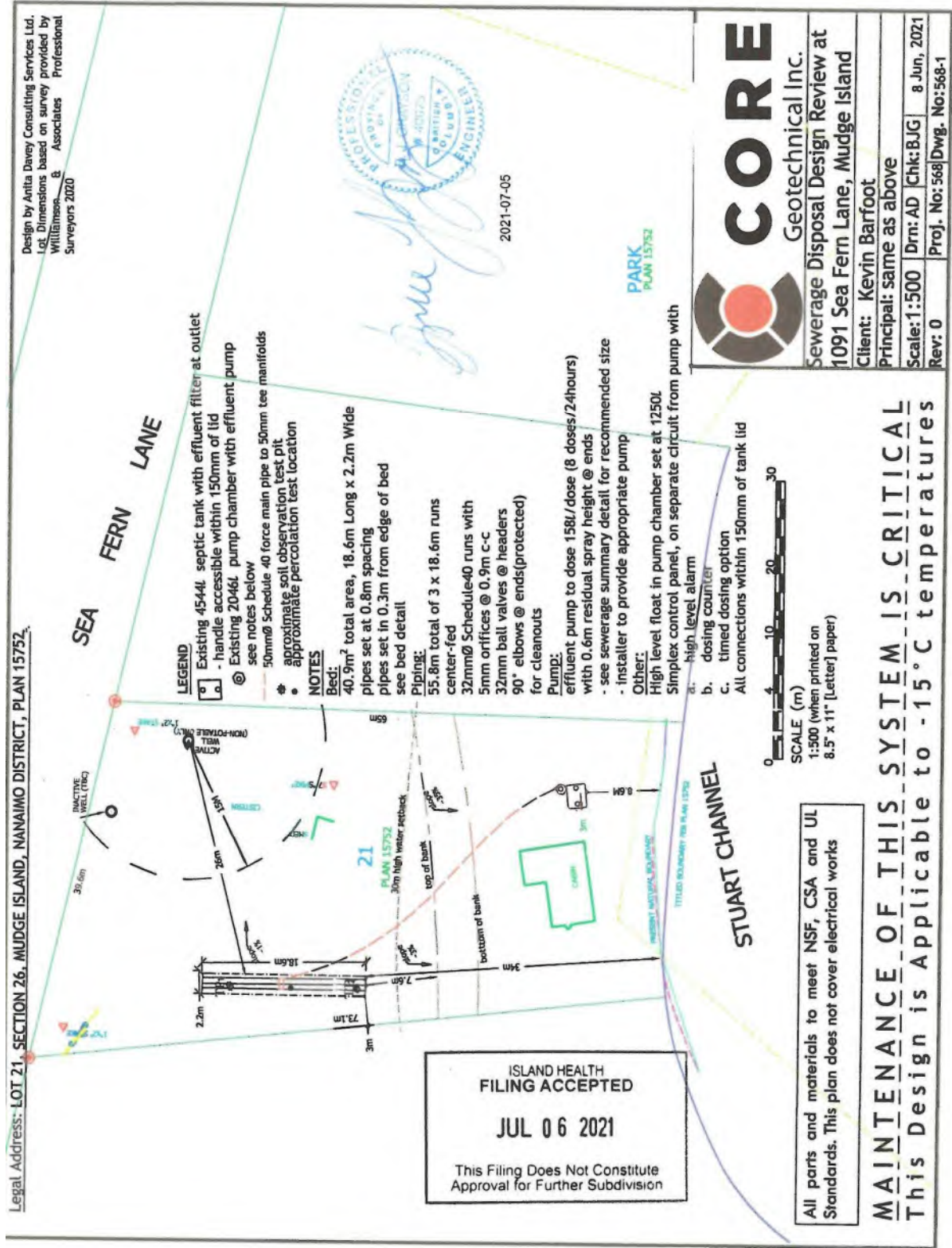
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates a known archaeological site within the property and archaeological potential within and adjacent to the property. • Disturbance of a protected archaeological site without an alteration permit is a contravention of the HCA and may result in substantial fines and development delays. • Applicant/Owners have been in contact with the BC Archaeology Branch and Snuneymuxw First Nation.
Climate Change Adaptation and Mitigation	In consideration of the existing development's close proximity to the natural boundary of the sea, there may be potential for future impacts by sea level rise or other climate change induced hazards. The existing development, including the cottage and septic tank, appear to be approximately 5.0-10.0 metres above sea level. The subject property ranges in elevation from approximately 5.0 – 19.0 metres above sea level according to Islands Trust Mapping. <i>Islands Trust Mapping Contours 2m (see below in green).</i> 
Shoreline Classification	<i>Sediment Shoreline - Pebble/Sand (see below in orange).</i>

	
Shoreline Data in TAPIS	Heron Rookery/Raptor Nest/Sea Bird Colony: <i>Sea Bird Colony approximately 42 m from subject property (see below).</i>  <i>Large Eelgrass Bed approximately 71 m from subject property (see below in grey).</i>

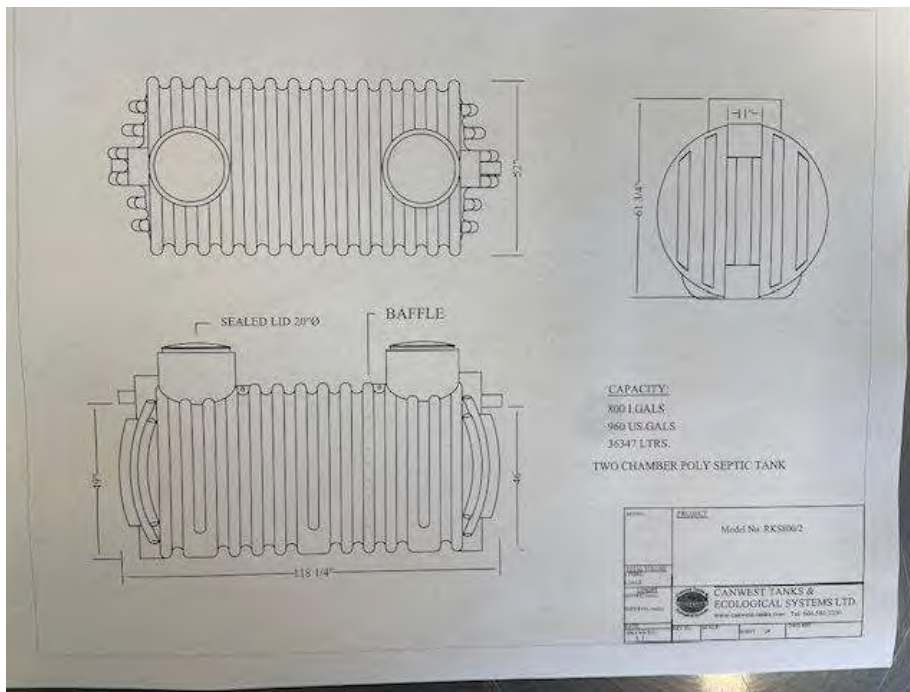


See [Map 11a: Eelgrass Presence Gabriola Is. Local Trust Area Southeast](#) and the [Nearshore Eelgrass Inventory](#) for more information.

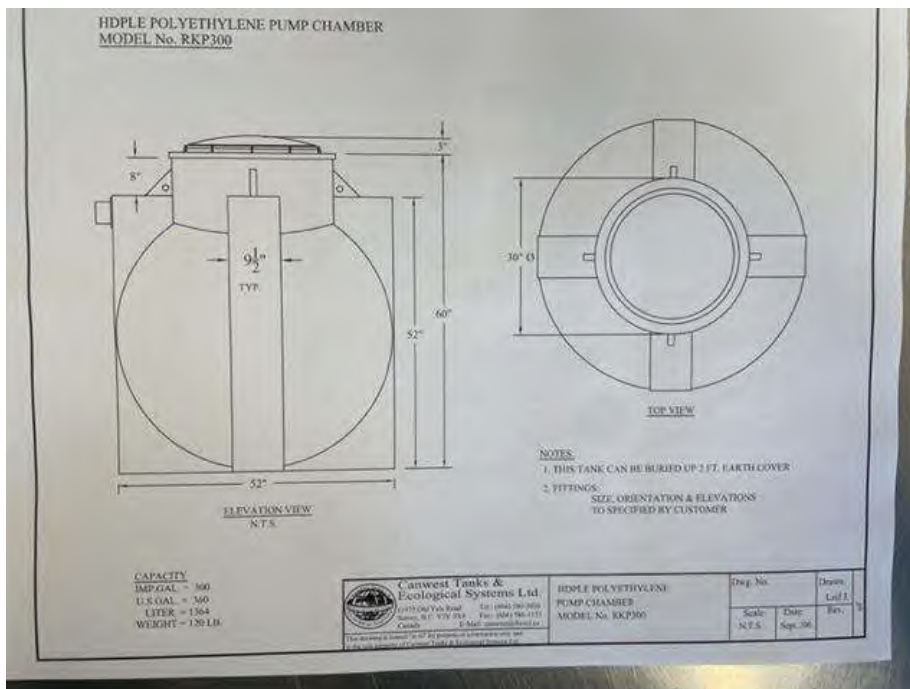
2.2 Sewerage Disposal Design Plans – Prepared by Core Geotechnical June 8, 2021



2.3 Septic Tank Plans



2.4 Septic Pump Chamber Plans



2.5 Cottage with attached deck



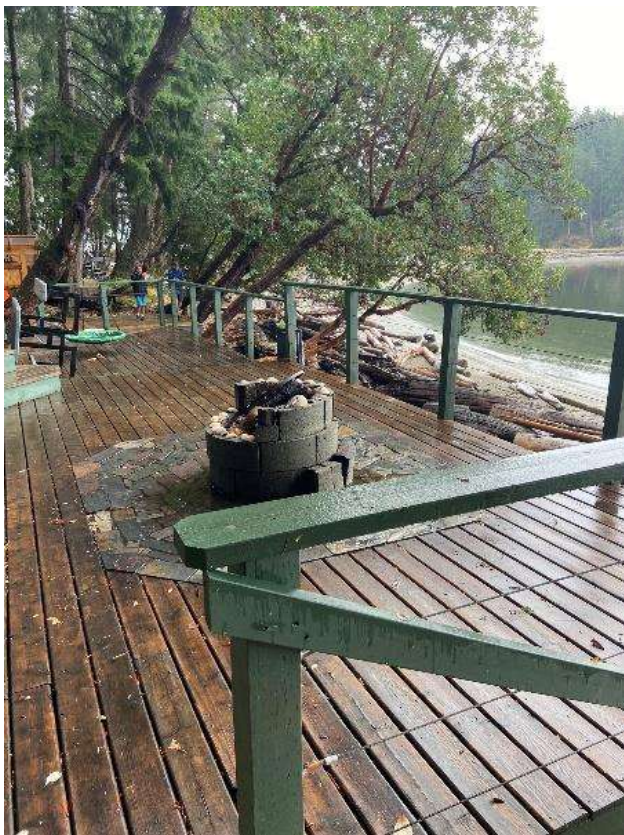
2.6 Wide view of beach and property



2.7 Western part of deck encroaching 0.1-0.9 metre into the foreshore



2.8 Deck and built-in fire pit



2.9 Septic tanks and pump chamber



2.10 Eastern portion of cottage and septic tanks



2.11 Back of cottage facing south



2.12 Western portion of cottage and deck



2.13 Eastern portion of cottage and deck



2.14 Outdoor shower



2.15 Outdoor shower facing south



2.16 Tent platform and proximity to shoreline



2.18 Tent platform proximity to neighbouring property



2.17 Tent platform facing southeast



ATTACHMENT 3

Mudge Island – Islands Trust – Variance Notice

Development Variance Permit application with Islands Trust 2021 for development completed at
1091 Sea Fern Lane – GB-DVP-2021.4 (Harris)

Lot 21, Section 26, Mudge Island, Nanaimo District, Plan 15752

November 2023

To whom it may concern at the Local Trust Committee,

I am writing on behalf of my siblings who have a family cabin on Sea Fern Lane on Mudge Island. This cabin was originally built by our late father in the 1960's and has been a cherished part of our lives for decades and is now a treasured part of our own children's lives. The cabin that our dad built still stands in its original location, but as with all structures, there have been some modest upgrades and general maintenance done to the main building, septic, deck, and outbuildings over the years. After our dad's passing in 2017, my siblings and I undertook much-needed upgrades to the original structure to honor his legacy for the future. The work was done by hard labour, without the use of heavy machinery, and was executed with the utmost sensitivity to the land and our surrounding neighbors.

As long-time Vancouver Island residents, we are acutely aware of the importance of conservation and protection of these special pieces of land in the southern Gulf Islands and feel our upgrades were in keeping with the desire to make the existing structure safer and more useable, while still maintaining the aesthetic integrity and original structure of the cabin. We have upgraded the water system to utilize the catchment of rainwater and have made sure the septic tank is to the highest standards to avoid any possible environmental damage or leakage to land and ocean.

If any of the past work was done in contravention of the variance policies, we do apologize. As many residents of Mudge Island and the surrounding Gulf Islands can appreciate, island building has always been a challenging undertaking. While we were fortunate to have work done by someone who really understood the importance of the history of the family cabin while safeguarding for future generations, it is with regret that all the appropriate variance permits may not have been sought.

We are requesting the following variance permits be approved to allow for the existing cabin to remain with the attached multi-level deck, ground level natural walkways, an existing outdoor shower, existing tent platform, and two existing septic tanks. We will seek approvals for all future work in accordance with the Gabriola Island Land Trust and hope you will appreciate our desire to be lasting stewards to the Local Land Trust and the Mudge Island community.

We take great pride in our cabin and have only ever done improvements with the vision of providing a lasting connection to Mudge, providing a safe and enjoyable legacy for our families and generations to come.

Sincerely,

Elizabeth Harris, Michael Harris, and our families.



November 19, 2023

Dear Islands Trust,

I called Margot Thomaidis on Friday November 17, 2023 to let her know that I will be away on November 30th and will need to participate in the meeting via Zoom.

During this call, Margot and I went over the 5 variances that the Harris Family and I have applied for. During our conversation I realized that the information I gave her and your Bylaw Officer during our onsite meeting was not mentioned or referenced. This was made apparent when Margot asked me when I built the tent pad, the outdoor shower, the decks, and about the addition. When I mentioned to her that the "Bunkee" used to be a shed and that I just added the hallway portion and joined the 2 buildings, she said I needed to write a letter about this.

The "Bunkee" was an old storage shed for the old generator, tools, water toys, and other miscellaneous items. I moved it closer to the cabin to allow for the future septic tank discharge pipe to go. The first survey I had done did not include the "Bunkee" because I was planning on removing the shed from the property, so I asked the surveyor not to include the shed on the survey. After working on the property and realizing how difficult it was to bring over material and remove renovation debris, the Harris family and I decided to renovate the shed also. We joined the two buildings with a hallway July 9, 2020. I have included my invoice to the Harrises dated July 22, 2020, showing you when I did that.

Myself and my crew also hand dug and removed the old rock pit sewer system and installed the 2 sewer tanks as mentioned in my August 5, 2021 email I sent to Island's Trust.

The only deck myself and my crew built was the small deck outside of the "Bunkee". We did not build any other part of the deck, we did not build the tent pad, and we did not build the outdoor shower. We have replaced rotten boards on the deck, and we have rebuilt the roof to the outdoor shower 2 times due to tree branches falling on it during the winter.

As I mentioned earlier, I told Margot, your Bylaw Officer, and Desiree from SFN all of this information at our onsite meeting.

I will be participating in the November 30th meeting via Zoom. If you have any other questions you can email me anytime and I will answer them right away.

Sincerely,

Kevin Barfoot

RECORD OF SEWERAGE SYSTEM



Filing # (OFFICE USE ONLY) NA21/144

1. Property Information	☒ New Construction		☐ Alteration		☐ Repair		☐ Amendment – Original Filing #	
	Tax Assessment Roll # 04-768-13517.350						PID # 004-537-262	
	Legal Description (Plan, Lot, District Lot, Block Numbers) Lot 21, Section 26, Nanaimo Land District, Plan VIP15752							
	Street (Civic) Address or General Location 1091 Sea Fern Lane						City Mudge Island	
2. Owner Information	Name of Legal Owner Mike Harris, Elizabeth Harris, Antony Harris						Mailing Address [REDACTED]	
	Phone [REDACTED]		City [REDACTED]				Prov BC	Postal Code [REDACTED]
3. Authorized Person Information	Name of Authorized Person Bruce Grayson, P.Eng						Mailing Address 1-5148 Metral Drive	
	Phone 250-714-2321		City Nanaimo				Prov BC	Postal Code V9T 2K8
	Registration # 40075		Email bruce@coregeotechnical.ca					
4. Structure Information	Sewerage System Will Serve:							
	☒ Single Family Dwelling ☐ Other Structure (specify) _____ ☐ Other Dwelling (specify) _____ The sewerage system is designed for an estimated minimum daily domestic sewage flow of (check one) ☒ Less than or equal to 9,100 litres ☐ More than 9,100 litres but less than 22,700 litres							
5. Site Information	Depth of native soil to seasonal high water table or restrictive layer (cm) +150				Information respecting the type, depth and porosity of the soil is attached ☒ Yes ☐ No			
	GPS Location of System (decimal degrees) Latitude 49.1233 Longitude -123.7688							
	Horizontal Accuracy (m) 6				☒ Recreational GPS ☐ Differential GPS			
6. Drinking Water Protection	Will the sewerage system be located less than 30 m from a well? ☐ Yes ☒ No							
	If yes, attach a professional's report and specify the intended distance n/a (m)							
	Distance of proposed sewerage system to the closest body of surface water +30 (m)							
7. System Information	Sewerage treatment method ☒ Type 1 ☐ Type 2 ☐ Type 3							
8. Legal or Regulatory Considerations	☒ Construction of the proposed sewerage system will not conflict with legal instruments registered on the property.						Is this filing submitted as the result of an order from the Health Authority? ☐ Yes (attach a copy of the order) ☒ No	
9. Plot Plan and Specifications	Plot Plan (to scale) and specifications are attached ☒ Yes ☐ No							
	☒ The plans and specifications are consistent with Standard Practice Source of Standard Practice: ☒ Ministry of Health Standard Practice Manual ☐ Other							
10. Authorized Person's Signature	Signature [Signature]						OFFICE USE ONLY	
	Date JUL 06 2021						Filing Accepted Date JUL 6, 2021	
						Receipt Number 252629		

Legal Address: LOT 21, SECTION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752.

Design by Anita Davey Consulting Services Ltd.
Lot Dimensions based on survey provided by
Williamson & Associates Professional
Surveyors 2020

SEA FERN LANE

- LEGEND**
- Existing 4544L septic tank with effluent filter at outlet
 - handle accessible within 150mm of lid
 - Existing 2046L pump chamber with effluent pump
 - see notes below
 - 50mmØ Schedule 40 force main pipe to 50mm tee manifolds
 - approximate soil observation test pit
 - approximate percolation test location

NOTES

Bed:
40.9m² total area, 18.6m Long x 2.2m Wide
pipes set at 0.8m spacing
pipes set in 0.3m from edge of bed
see bed detail

Piping:

55.8m total of 3 x 18.6m runs
center-fed
32mmØ Schedule 40 runs with
5mm orifices @ 0.9m c-c
32mm ball valves @ headers
90° elbows @ ends (protected)
for cleanouts

Pump:

effluent pump to dose 158L/dose (8 doses/24 hours)
with 0.6m residual spray height @ ends
- see sewerage summary detail for recommended size
- installer to provide appropriate pump

Other:

High level float in pump chamber set at 1250L
Simplex control panel, on separate circuit from pump with
a. high level alarm
b. dosing counter
c. timed dosing option
All connections within 150mm of tank lid

STUART CHANNEL

SCALE (m)
1:500 (when printed on
8.5" x 11" [Letter] paper)

All parts and materials to meet NSF, CSA and UL
Standards. This plan does not cover electrical works

MAINTENANCE OF THIS SYSTEM IS CRITICAL
This Design is Applicable to -15°C temperatures

ISLAND HEALTH
FILING ACCEPTED

JUL 06 2021

This Filing Does Not Constitute
Approval for Further Subdivision

2021-07-05

PARK
PLAN 15752



Sewerage Disposal Design Review at
1091 Sea Fern Lane, Mudge Island

Client: Kevin Barfoot

Principal: same as above

Scale: 1:500 Dm: AD Chk: BJG 8 Jun, 2021

Rev: 0 Proj. No: 568 Dwg. No: 568-1

ISLAND HEALTH
FILING ACCEPTED

JUL 06 2021

This Filing Does Not Constitute
Approval for Further Subdivision

Nilex 4510E geotextile or similar

32mm Schedule 40 pipe with

- 5mm orifices @ 0.9m centres, staggered on alternating runs by 50%
- 32mm ball valves at manifold
- 90° elbow at ends to surface for cleanouts
- pipes spaced at 0.8m centers
- outside runs set 0.3m in from edge of bed

100mmØ covered inspection port(s)

seeded cap or laid sod

23cmdrain rock bed

15cm below lateral invert, 8cm above lateral invert

native ground level

100mmØ covered observation port(s)

2.2m native soil

restrictive layer



2021-07-05

All parts and materials to meet NSF, CSA and UL Standards. This plan does not cover electrical works

MAINTENANCE OF THIS SYSTEM IS CRITICAL
This Design is Applicable to -15°C temperatures



CORE
Geotechnical Inc.

Sewerage Bed Design Details at
1091 Sea Fern Lane, Mudge Island

Client: Kevin Barfoot

Principal: same as above

Scale: N.T.S. Dm: AD Chk: BJG 8 Jun, 2021

Rev: 0 Proj. No: 568 Dwg. No: 568-2

June 17, 2021

Project No: 568

General Summary of the Sewage System

Property Information

Civic Address

1091 Sea Fern Lane, Mudge Island

Legal Description

Lot 21, Section 26, Nanaimo Land District, Plan VIP15752

Design Rationale

Based on "Onsite Sewerage Systems Version 1.3 Published May 24, 2018" and "Sewerage System Standard Practice Manual Version 3 (S³PMV3).

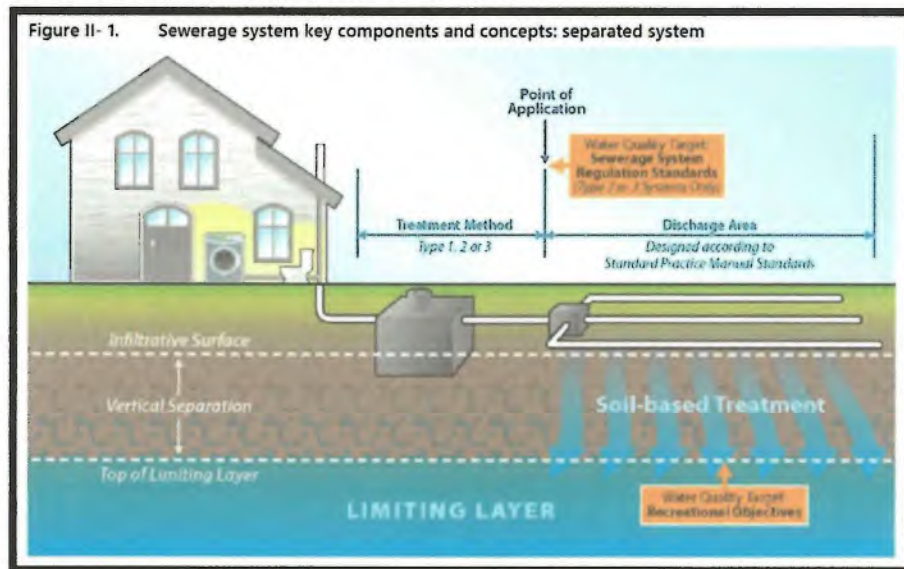


Figure 1: From S³PMV3

Design Summary

- New system for existing small seasonal residence;
- All setbacks are met; and
- An adequate depth of soil (of measured permeability) is present.

Source Characterization

From Section 4.2.1 of the "Guidelines for Onsite Sewage Systems"

ISLAND HEALTH
FILING ACCEPTED

JUL 06 2021

This Filing Does Not Constitute
Approval for Further Subdivision



Type of Source	Residential, Seasonal
Type of Operation	Domestic
Special Source Characteristics	No
Sources Not Under SSR	No

Site Assessment and Soil Evaluation Results

Table 1: Proposed Development

Description	Residence	Not a luxury home
Floor area	Maximum 280m ²	
Number of Bedrooms	3	Lowe et al (2009) 207 l/d/person SSSPMV3 Table II -8 1300 l/d SSSPMV3 Table II-9 350 l/d/person
Number of Occupants	Maximum 3	Design to be revised if >3 occupants are to be expected
Garburator Installed	No	DDF to be revised by factor of 1.5 if Garburator is to be installed.
Flow rate	1300 Litres per day (l/d)	Design Daily Flow (DDF) from Table II-8 (see below)

Table II- 8. Minimum Daily Design Flow (DDF) for Residences

NUMBER OF BEDROOMS	MAXIMUM FLOOR AREA (M ²)	DDF LITRES/DAY
1	140	700
2	240	1,000
3	280	1,300
4	330	1,600
5	420	1,900
6	520	2,200
Additional bedroom, add		300
Additional 1m ²		3

Notes:

- Use the total floor area that is living space.
- If the total occupancy is expected to be higher than calculated from the minimum occupancy per bedroom in Table II- 9, then use Table II- 9 to select DDF for the projected number of occupants.
- For luxury homes use Table II- 9.

This Filing Does Not Constitute
Approval for Further Subdivision

ISLAND HEALTH
FILING ACCEPTED
JUL 06 2021



Table II- 9. Per capita Daily Design Flow for Residences

USE	PER PERSON FLOW (L/DAY)
Single family dwelling	350
Multi-family (apartment)	300
Luxury homes	700
Seasonal cottage	250
Mobile home	300
NUMBER OF BEDROOMS	MINIMUM NUMBER OF OCCUPANTS
1	2
2	3
3	3.75
4	4.5
5	5.5
6	6.5

Table 2: Disposal Area Characteristics

Slope Of Site (At Dispersal Area)	Restrictive Layer Depth ¹	Percolation Rate Average	HLR
8%	>1.5 m	4.3 min/2.5 cm	30 (From S ³ PMV3 Table II-23) (see below)

Table II- 23. Maximum allowable HLR based on permeability or percolation rate

KFS RANGE (MM/DAY)	PERCOLATION TEST RANGE (MIN/INCH)	TYPE 1 (L/DAY/M ²)	TYPE 2 (L/DAY/M ²)	TYPE 3 (L/DAY/M ²)
> 8000	< 1.0	45	65	150
4000 – 8000	1 – 2	45	65	130
2000 – 4000	2 – 4	35	65	100
1000 – 2000	4 – 7.5	30	60	90
550 – 1,000	7.5 – 15	27	50	80
300 – 550	15 – 30	23	40	70
150 – 300	30 – 60	15	25	40
75 – 150	60 – 120	12	15	20
< 75	> 120	NA		

ISLAND HEALTH
FILING ACCEPTED
JUL 06 2021
This Filing Does Not Constitute
Approval for Further Subdivision

General System Design Parameters

The system design is based on the following parameters:

¹ Restrictive layers include: Seasonal high water table, low permeability soil, or bedrock.



- Vertical Separation – Distance between Infiltrative Surface and Restrictive Layer: >120cm;
- System Type: Type 1;
- Hydraulic Loading Rate (HLR) = 35 $\text{L}/\text{m}^2/\text{day}$; and
- Minimum Area of Infiltrative Surface (AIS) = (Flow Rate (1300 L/d) divided by HLR (35 $\text{L}/\text{m}^2/\text{day}$)) = 37.1 m^2

Table 3: System Summary

Treatment Method	Distribution	Septic Tank Size	Pump Chamber Size
Type 1	Uniform Network Seepage Bed	4544 litres	2046 litres

- Type 1 is treatment by septic tank only.
- Type 2 is treatment that produces an effluent consistently containing less than 45 mg/L of total suspended solids (TSS) and having a 5 day biochemical oxygen demand (BOD) of less than 45 mg/L; and
- Type 3 is treatment that produces an effluent consistently containing less than 10 mg/L of TSS and having;
 - a 5 day BOD of less than 10 mg/L; and
 - a median fecal coliform density of less than 400 Colony Forming Units (cfu) per 100 mL

Minimum System Contour Length and Linear Loading Rate

If either of the following are to be used:

- Evapotranspiration
- ETA bed
- BC Zero Discharge Lagoon

See Sections II-6.17 and II-6.18 of S³PMV3.

Table II- 28. LLR based on permeability or percolation rate (L/day/m)

KFS (MM/DAY)	PERCOLATION RATE (MIN/INCH)	SLOPE 0 TO < 5%				SLOPE 5 TO < 10%				SLOPE 10% TO < 15%				SLOPE ≥ 15%			
		(CM) SOIL DEPTH BELOW INFILTRATIVE SURFACE				(CM) SOIL DEPTH BELOW INFILTRATIVE SURFACE				(CM) SOIL DEPTH BELOW INFILTRATIVE SURFACE				(CM) SOIL DEPTH BELOW INFILTRATIVE SURFACE			
		25 - 45	45 - 60	60 - 90	≥ 90	25 - 45	45 - 60	60 - 90	≥ 90	25 - 45	45 - 60	60 - 90	≥ 90	25 - 45	45 - 60	60 - 90	≥ 90
> 17,000	< 0.5	150	260	340	400	290	400	400	400	400	400	400	400	400	400	400	400
8000 - 17000	0.5 - 1.0	85	140	180	250	150	250	330	400	260	400	400	400	360	400	400	400
4000 - 8000	1 - 2	50	80	110	140	80	140	180	250	140	240	310	400	200	330	400	400
2000 - 4000	2 - 4	45	55	70	90	55	85	110	150	90	140	180	240	120	190	240	340
1000 - 2000	4 - 7.5	45	55	70	70	50	60	75	90	60	90	110	140	80	120	150	200
550 - 1000	7.5 - 15	45	55	70	70	50	60	75	75	60	75	90	100	75	90	110	130
300 - 550	15 - 30	40	45	55	55	45	50	55	60	50	55	60	65	60	65	75	80
150 - 300	30 - 60	30	35	40	40	35	40	45	45	35	45	50	55	45	50	60	65
75 - 150	60 - 120	25	30	35	35	25	35	40	40	30	35	40	40	35	45	50	50
< 75	> 120	NA															

Minimum System Contour Length (m) = DDF / LLR = 1300 / 70 = 18.6m

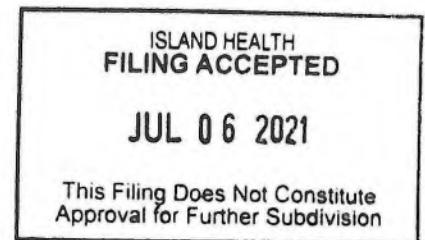




Table 4: Distribution Design Summary

Total Bed Area	Number of Runs	Length of Each Run	Width of Each Run
40.9m ²	3	18.6m	0.7m

Checks:

Total Bed Area (40.9) > 37.1 <True>

Length of Run (20) > 18.6 <True>

Laterals

Gravity ☐

Pressurized ☒

True

PROFESSIONAL
ENGINEER
J. J. GRAYSON
40075
BRITISH COLUMBIA

2021-07-05

Table 5: Laterals for Gravity or Pressurized Systems

No. of Runs	Feed Location	No. of Laterals	Length of each Run (m)	Length of each Lateral (m)	Pipe Size (mm)
3	Centre	6	18.6m	9.3m	32 mm

Table 6: Orifices for Pressurized System

Orifice Size	Orifice Spacing	Total No. of Orifices	Orifices / Run	Orifices / Lateral
5 mm	0.9 m	62	21	11

Table 7: Flow Data for Pressurized System

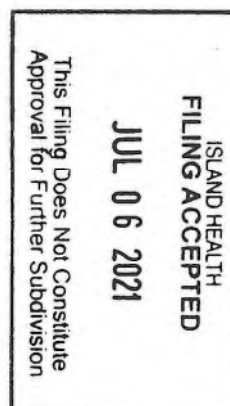
DDF	Required Flow Rate	Design Dose Volume	Squirt Height	Orifice Discharge	Design Doses / Day	Design Dose Time
1300lpd	143.2l/min	158 l	0.6m	2.31 lpm	8	66 sec

Table 8: Pressure and Losses in Pressurized System

Manifold Diameter	Force Main Diameter	Total Dynamic Head	Friction Loss in Force Main	Network Head	Static Head
50 mm	50 mm	20.9 m	1.2	4.5 m	15.2 m

Table 9: Pump Requirements:

Flow Rate (l/minute)	Head (m)
150 l/min	22 m





Core Geotechnical Inc
1-5148 Metral Drive
Nanaimo, BC, V9T 2K8
Geotechnical Inc. Telephone: 250-714-2321

Log of TH1

Sheet 1 of 1

CLIENT Kevin Barfoot

PROJECT NAME Soil Assessment

PROJECT NUMBER 568

PROJECT LOCATION 1091 Sea Fern Lane, Mudge Island

DATE STARTED 21-6-1 COMPLETED 21-6-1

GROUND ELEVATION _____ HOLE SIZE _____

DRILLING CONTRACTOR _____

GROUND WATER LEVELS: _____

Owner DRILLING METHOD

AT TIME OF DRILLING ---

backhoe LOGGED BY AD CHECKED BY AD

AT END OF DRILLING ---

NOTES _____

AFTER DRILLING ---

DEPTH (m)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (kPa)	DRY UNIT WT. (Mg/m ³)	▲ SPT N VALUE ▲			
								20	40	60	80
0.0		ORGANIC SOIL sand and silt, moist, dark brown, some organics, fine grained sand									
		SILTY SAND Soft, moist, brown silty sand.									
0.5			GB								
1.0		WELL GRADED SAND WITH SILT Soft, moist, brown sand, some silt.	GB								

Bottom of hole at 1.30 m.

COPY 1 GEOTECH BH PLOTS CORE BASE.GPJ GINT STD CANADA.GDT 21-6-14

ISLAND HEALTH
FILING ACCEPTED

JUL 06 2021

This Filing Does Not Constitute
Approval for Further Subdivision



CORE Geotechnical Inc.
 1-5148 Metral Drive
 Nanaimo, BC, V9T 2K8
 Telephone: 250-714-2321

Log of TH2

Sheet 1 of 1

CLIENT Kevin Barfoot

PROJECT NAME Soil Assessment

PROJECT NUMBER 568

PROJECT LOCATION 1091 Sea Fern Lane, Mudge Island

DATE STARTED 21-6-1 COMPLETED 21-6-1

GROUND ELEVATION _____ HOLE SIZE _____

DRILLING CONTRACTOR _____

GROUND WATER LEVELS:

Owner DRILLING METHOD

AT TIME OF DRILLING ---

backhoe LOGGED BY AD CHECKED BY AD

AT END OF DRILLING ---

NOTES _____

AFTER DRILLING ---

DEPTH (m)	GRAPHIC LOG	MATERIAL DESCRIPTION	SAMPLE TYPE NUMBER	RECOVERY % (RQD)	BLOW COUNTS (N VALUE)	POCKET PEN. (kPa)	DRY UNIT WT. (Mg/m ³)	▲ SPT N VALUE ▲			
								20	40	60	80
0.0		ORGANIC SOIL WITH SAND sand and silt, moist, dark brown, some organics, fine grained sand									
		SILTY SAND Soft, moist, brown silty sand.									
0.5											
1.0											
1.5		WELL GRADED SAND WITH SILT Soft, moist, brown sand, some silt.									

Bottom of hole at 1.50 m.

COPY 1 GEOTECH BH PLOTS CORE BASE.GPJ GINT STD CANADA.GDT 21-6-14

ISLAND HEALTH
FILING ACCEPTED

JUL 06 2021

This Filing Does Not Constitute
Approval for Further Subdivision

Percolation Tests

Civic Address: 1091 Sea Fern Land, Mudge Island **Date:** May 26/21

Legal Address: Lot 21, Section 26, Nanaimo Land District, Plan VIP15752.

Holes pre-soaked for 24 hrs.

Perc. hole # 1
Location: centre field area
4:29 min. / inch
4:27 min. / inch
4:26 min. / inch
4:26 min. / inch
Depth: 61cm

Perc. hole #
Location:
min. / inch
min. / inch
min. / inch
min. / inch
Depth: __cm

Perc. hole #
Location:
min. / inch
min. / inch
min. / inch
min. / inch
Depth: __cm

Perc. hole #
Location:
min. / inch
min. / inch
min. / inch
min. / inch
Depth: __cm

Average Perc. Rate: 4:30 min/2.5 cm

CORE GEOTECHNICAL INC. 1/5148 METRAL DRIVE · NANAIMO, BC V9T 2K8

PH 250-714-2321 · FX 250-760-1185 · info@coregeotechnical.ca · www.coregeotechnical.ca



GEOTECHNICAL FIELD REVIEW

Mr. Tony Harris
tony@tonyharris.com

File: E1306.01
Date: June 28, 2022
Revision: 00

ATTENTION: Mr. Tony Harris

PROJECT: 1091 SEA FERN LANE, MUDGE ISLAND, BC

LEGAL: LOT 21, SECTION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752

SUBJECT: GEOTECHNICAL SITE OBSERVATIONS; SEPTIC TANK LOCATION

1. As requested, Lewkowich Engineering Associates Ltd. (LEA) attended the above referenced property on June 27, 2022, to review the location of a new/ recently installed septic tank situated in proximity to the shoreline.
2. We understand the Island Trust has requested that a Geotechnical Engineer review the location of the new septic tank as it's situated within 15m of the Present Natural Boundary (PNB). We understand the Island Trust comments are related to RDN Bylaw No. 500 – Schedule 3E – Setbacks from Watercourses, which states that no building or structure shall be constructed, moved, or extended within a 15.0-meter horizontal distance from the natural boundary.
3. A recent site survey¹ indicates the new septic tank is located approximately 11m to 11.5m from the PNB at the southeast corner of the existing cabin. The survey is attached to this report. Based on the survey data, the new septic tank location is located further inland and away from the shoreline than the original tank, resulting in a decrease in encroachment relative to the prior condition.
4. LEA did not inspect the excavation bottom or the installation of the new septic tank; however, the Client was able to provide photographs of the excavation. The photographs revealed up to a 1.35m to 1.5m deep excavation (approximate) exposing what appears to be naturally deposited soils consisting of dense sand with trace percentages of gravel and silt.
5. Based on our recent site observations, and photographs provided by the Client showing that the tank was founded on competent, naturally deposited soils, it is the opinion of LEA that the location of the septic tank does not present a hazard to the shoreline or surrounding area.
6. Note that the comments in this report are specific to the recent installation of the new septic tank only. Any additional investigation, assessment, or recommendations are beyond the scope of this report.

7. LEA appreciates the opportunity to be of service on this project. If you have any comments, or if we can be of further assistance, please contact us at your convenience.

Respectfully Yours,
Lewkowich Engineering Associates Ltd.

A handwritten signature in blue ink, appearing to read 'PS', is written over a faint, larger signature.

Paul Simmons
Senior Technician

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

Attachments:

1. Williamson & Associates Professional Land Surveyors drawing titled "B.C. Land Surveyor's Site Plan of: Lot 21, Section 26, Mudge Island, Nanaimo District, Plan 15752," Dated July 22, 2021.

B.C. LAND SURVEYOR'S SITE PLAN OF:

LOT 21, SECTION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752.



NOTES:

CIVIC ADDRESS: 1091 SEA FERN LANE, MUDGE ISLAND.

LOT DIMENSIONS ARE DERIVED FROM REGISTERED PLANS.

● ROUND IRON BAR FOUND.

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.

THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:

- RESTRICTIVE COVENANT M49554;
 - BUILDING SCHEME (SEE D0324986);
- THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.



22
PLAN 15752

21
PLAN 15752

20
PLAN 15752

SEA FERN LANE

INACTIVE WELL

INACTIVE WELL

SHED

EXISTING COTTAGE

PRESENT NATURAL BOUNDARY

TITLED BOUNDARY PER PLAN 15752

NEW SEPTIC TANKS
APPROX. LOCATION
OF OLD SEPTIC TANK
(REMOVED)

STUART CHANNEL

THIS SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCE MANUAL & IS CERTIFIED CORRECT THIS DATE OF: JULY 22, 2021

Tyler J. Harrison B.C.L.S.
THIS DOCUMENT IS NOT VALID UNLESS DIGITALLY SIGNED.



WILLIAMSON & ASSOCIATES © 2021
PROFESSIONAL SURVEYORS

5085 BAYVIEW ROAD NANAIMO B.C. V9T 4E5
PHONE: 250.655.7722 FAX: 250.756.7724
EMAIL: info@williamson.ca
FILE: 20495-2 SITE PLAN (BASE PLAN 20049)

NOTICE
GB-DVP-2021.4 (Harris)
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

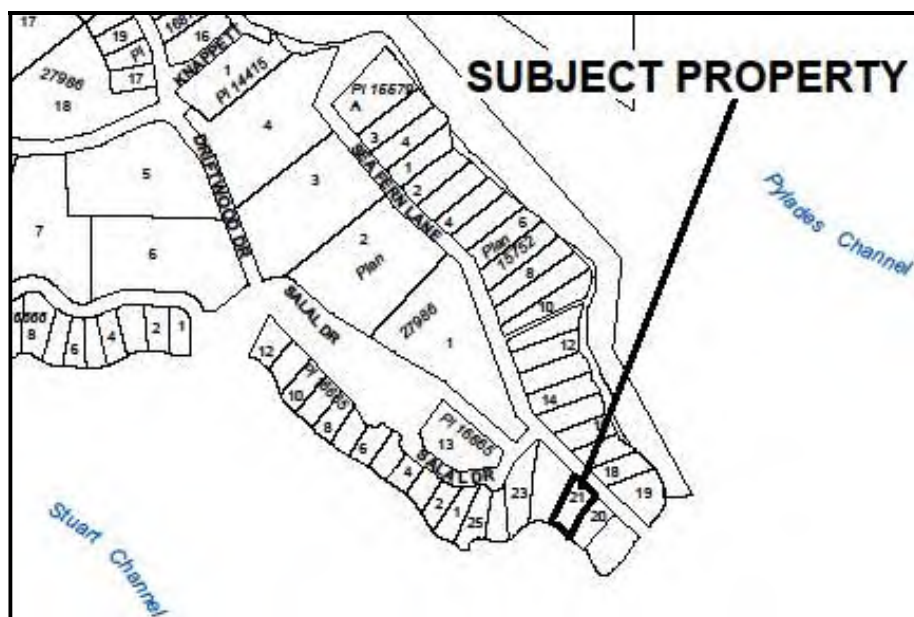
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the Mudge Island Land Use Bylaw, 2007:

- to permit the siting of an existing cottage with an attached multi-level deck, fire pit, and ground-level walkways, an existing outdoor shower, an existing tent platform, and two existing septic tanks within less than 30 metres of and less than 1.5 metres above the natural boundary of the sea, as shown in the proposed Permit.

The property is located at **1091 Sea Fern Lane, Mudge Island, BC** and is legally described as:

LOT 21, SECTION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752 (PID: 004-537-262).

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



A copy of the proposed permit is enclosed and may also 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 **November 15, 2023** and continuing up to and including **November 29, 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 4:00 pm, **November 29, 2023**.

The Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its regular Business Meeting to be held at **10:30 am November 30, 2023 at Gabriola Arts and Heritage Centre, 476 South Road, Gabriola, BC**.

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

Nadine Mourao, Deputy Secretary

To: Elizabeth and Michael Harris

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

**LOT 21, SECTION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752
(PID: 004-537-262)**

2. Pursuant to Section 498 of the *Local Government Act*, the *Mudge Island Land Use Bylaw, 2007* is varied as follows:
- a) Part 3 – General Regulations, Section 3.3 Siting and Setback Regulations, Subsection 3.3(4) which states that buildings and structures must be sited a minimum of 30 metres (98.4 feet) from and 1.5 metres (4.9 feet) above the natural boundary of a wetland, watercourse, the sea or other body of water is varied to permit:
- the existing siting of a cottage a minimum of 7.0 m from the natural boundary of the sea;
 - the existing siting of a multi-level deck and ground level walkways 0.0 m from and 0.0 m above the natural boundary of the sea;
 - the existing siting of a wooden tent platform a minimum of 0.8 m from and less than 1.5 m above the natural boundary of the sea;
 - the existing siting of an outdoor shower and related pipes and appurtenances to be a minimum of 5.0 m from and less than 1.5 m above the natural boundary of the sea; and
 - the existing siting of two septic tanks and related sewage-disposal system appurtenances below-ground a minimum of 11.0 m from and less than 1.5 metres above the natural boundary of the sea.
- b) Part 5 – Zone Provisions, Section 5.1 Rural Residential (RR), Subsection 5.1(6) Siting and Size, Article 5.1(6)(b) which states that “on lots 0.4 hectares (1 acre) or less the minimum setback of buildings and structures, except for a sign, fence or pump/utility house is 1.5 metres from any interior side lot line” is varied to permit:
- the existing siting of a wooden tent platform a minimum of 0.7 metres from the interior side lot line.

This siting and setback variance applies only to the described parcel and buildings and structures as shown on **Schedule ‘A’ – Site Plan Detail** which is attached to and forms 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 Mudge Island Land Use Bylaw, 2007, including use and density, and to obtain other approvals necessary for completion of the proposed development.

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

Deputy Secretary, Islands Trust

Date of Issuance

SCHEDULE 'A' – Site Plan Detail

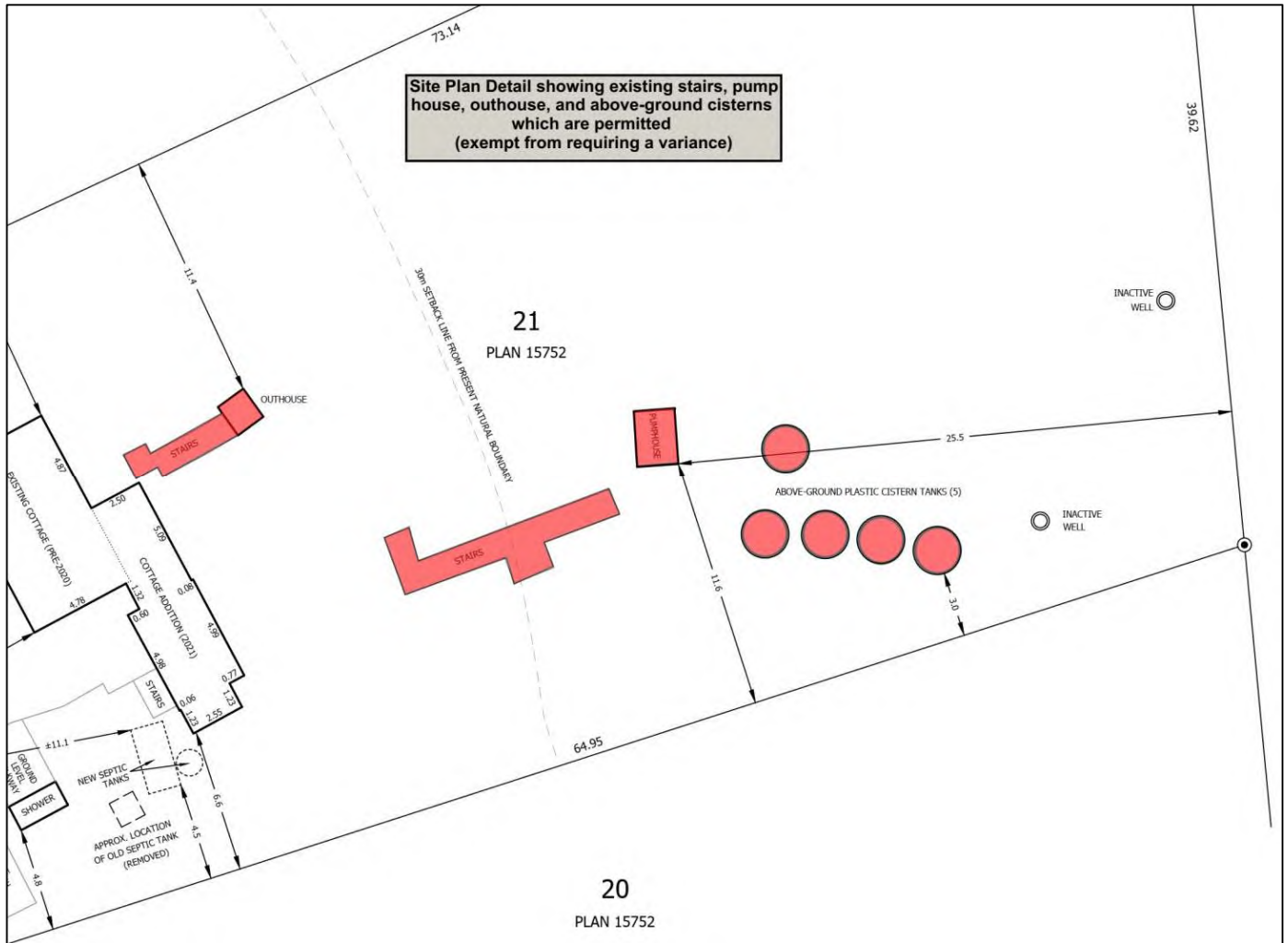


PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

GB-DVP-2021.4

SCHEDULE 'B' – Site Plan Detail – Exempt



ATTACHMENT 8

From: Wayne Gorrie [REDACTED]
Sent: Friday, November 17, 2023 5:56 PM
To: northinfo
Subject: 1091 Sea Fern Lane

Dear Margot Thomaidis

I received your letter regarding the proposed variance permit for the Harris property at 1091 Sea Fern Lane. I have been a property owner on Mudge since 1974 and am currently a nearby Mudge neighbour of the Harris's whose family have been part of the fabric of Mudge Island for even longer. I did maintenance work on that cabin in the early 80s for Mike's dad as it was getting old then. I am writing this letter to formalize that I have no issues with this property and specifically with the recent improvements to the cabin. This is a multi generation property owned by folks who are passionate about Mudge and what it stands for. They are good neighbours.

In short, I am in support of the Committee's approval of this permit.

Sincerely

Wayne Gorrie

Sent from my iPad

From: [REDACTED]
Sent: Sunday, November 19, 2023 5:05 PM
To: northinfo
Subject: Development Variance Permit Application, 1091 Sea Fern Lane, Mudge Island, BC

ATTENTION: Margot Thomaidis

RE: Development Variance Permit application located at 1091 Sea Fern Lane, Mudge Island, BC (LOT 21, SECTION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752).

I am writing to express my concern regarding this application for a Permit to be issued for the two existing septic tanks and related sewage pipes and appurtenances. According to the BC Sewage System Regulations, a 30m setback from the ocean is required. It is my understanding that the septic tanks in question were recently installed 11m from the ocean, in contravention of these regulations.

I believe the septic systems in question pose a threat to public health. They property in question (1091 Sea Fern Lane) is located at South Beach, a high-trafficked public beach on Mudge Island. As this is one of the only beaches on the island, as well as one of the warmest during summer months, it is a popular swimming and beach-combing spot for children and families. I am also concerned about the risk to the ecological integrity of the ocean at South Beach related to these septic systems.

I am further concerned that providing a Permit for these systems sets a dangerous precedent. Other property owners on Mudge may be similarly encouraged to contravene the BC Sewage System Regulations, and then "ask for permission" after the fact. This precedent would represent compounding risk to our oceans and to our public health.

I therefore recommend that a Permit not be issued for the septic systems in question. Thank you for your consideration.

Auden Neuman
Registered Nurse

[REDACTED]
[REDACTED]
[REDACTED]

From: Clint O'Hara [REDACTED]
Sent: Sunday, November 19, 2023 6:34 PM
To: Margot Thomaidis; northinfo
Subject: 1091 Sea Fern Lane, Development Variance Permit

Attention Islands Trust Elected Officials

As neighbouring property owners, we are in favour of the issuance of a development variance permit as proposed for the property at 1091 Sea Fern Lane, Mudge Island, British Columbia.

Sincerely,
Clint and Kari O'Hara
[REDACTED] British Columbia

Sent from my iPhone

From: Ross Neuman [REDACTED]
Sent: Sunday, November 19, 2023 3:49 PM
To: northinfo
Cc: Ross Neuman
Subject: Development Variance Permit Application, 1091 Sea Fern Lane, Mudge Island, BC

ATTENTION: Margot Thomaidis

This email is my comments on a Development Variance Permit application located at 1091 Sea Fern Lane, Mudge Island, BC (LOT 21, SETION 26, MUDGE ISLAND, NANAIMO DISTRICT, PLAN 15752).

I do not have any issues with the following parts of the proposed variance: existing siting of the cottage, multi-level deck and ground level walkways, wooden tent platform and outdoor shower.

I recommend that a Permit not be issued for the existing two septic tanks and related sewage pipes and appurtenances. The BC Sewage System Regulations require a 30m setback from the ocean.

The proposal to reduce this setback to 11m does not conform to the Regulations and, as such, poses a public health risk. The beach at this end of the island (commonly known as South Beach) is one of the very few beaches on the island and is heavily used by the public, including small children. Further, the existing septic tanks pose a risk to the ecological integrity of the ocean bay at this location.

My understanding is that these septic tanks were recently installed in contravention of the Regulations. Legalizing these tanks sets a potentially dangerous precedent regarding public health and might encourage other property owners to commit similar infractions.

Ross Neuman

Canada

From: KJ Ford [REDACTED]
Sent: Monday, November 20, 2023 1:39 PM
To: northinfo
Subject: 1091 Sea Fern Lane, application for variance

Attn: Margot Thomaidis,

My name is Jennifer Ford and I am a property owner on Mudge Island. I'm writing to convey our support of an application for variance by the Harris Family at 1091 Sea Fern Lane.

We have been acquainted with Mudge Island and the Harris property for several decades. We knew the cabin prior to these improvements, and we believe the small changes will continue to allow the large Harris family the opportunity to enjoy Mudge as they have for generations. We also find the improvements to the property add an esthetic benefit to the overall landscape of South Beach – a place enjoyed by many of us Mudge Island residents and visitors.

We support the application for variance.

Sincerely,
Jennifer and Kevin Ford
[REDACTED]

Jennifer Ford, MA, BTM

Department Chair and Professor of Marketing | Faculty of Management
Vancouver Island University | [900 Fifth Street, Nanaimo, BC V9R 5S5](#)
250.753.3245 x 2298 | jennifer.ford@viu.ca | B250/R484

From: Marilyn Ohara [REDACTED]
Sent: Monday, November 20, 2023 5:36 PM
To: Margot Thomaidis; northinfo
Subject: 1091 Sea Fern Lane Mudge Island

Islands Trust Elected Officials

We are in favor of a development variance permit as proposed for the property at 1091 Sea Fern Lane Mudge Island.

Dan and Marilyn O'Hara

[REDACTED]



Memorandum

200 - 1627 Fort Street Victoria BC V8R 1H8

Telephone (250) 405-5151 FAX: (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

information@islandstrust.bc.ca www.islandstrust.bc.ca

Date November 17, 2023 File Number GB-LTC 6500-20

To Gabriola Island Local Trust Committee
For November 30, 2023 LTC meeting

From Narissa Chadwick
Project Planner for Gabriola Island OCP Review Project
Local Planning Services

Re Community Engagement Event Applications

As part of the Gabriola Official Community Plan Review Project, Gabriola organizations and residents were invited to apply for honorariums to support them in hosting engagement events.

The following applications were selected to receive honorariums.

Group/Event Name	Applicant Name	Honorarium Amount
The Roamstead	Felix Addison	\$250
Kitchen Table Conversation	Kees Langereis	\$50
Gabriola Arts Council (GAC)	Sas Selfjord	\$500
Fibreshed	Alyssa Semczyszyn	\$500
Gabriola Land & Trails Trust (GaLLT)	Lou Skinner	\$500
Gabriola Assembly of Musical Artists (GAMA)	Adam Larson	\$500
Climate 12-12-12/Sustainable Gabriola	Fay Weller	\$500
Gabriola Island Land Stewards Society (GILSS)	Steven Earle	\$500
Gabriola Island Memorial Society (Green Burial)	Kristina Baerg	\$300
Gabriola Island ShoreKeepers Association (GISKA)	Joanna Mackenzie	\$300
Gabriola Rescue of Wildlife Society (GROWLS)	Liz Ciocea	\$300
Mutual Aid Group	Shaun Woods	\$250
3 Community Gatherings	Kathryn Molloy	\$500
Farm Table Talk	Jeff Rietkerk	\$260
	TOTAL	\$5,210

Dark Sky Nov, 20, 2023

Considerations for light limits extending beyond our property lines.

With higher density, more building coming to our island and inventions of new lighting technology coming to market there is a need to regulate light pollution radiating to our neighbours and friends. The new term is light trespassing, when our lighting interrupts the quality of life of those who live near us.

This is similar to driving against others who forget to lower their high beams when we are driving. Have you been walking in the dark trail, when a friend shines a light in our eyes how that blinds us for a minute or two, this same thing is happening to us when we look directly at a bulb shining from our neighbours. New evidence shows how the intensity and the colour of the light will effect our ability to sleep. A natural way to sleep is to follow the light cycles of the day, the sun comes up the eyes see a change of luminosity and we wake up refreshed. Lighting miss used during the dark hours has a direct affect on our health, our psyche and a large effect on the quality of life. With the added blessing of saving money and electricity and the night view of our shy, to be nicknamed Dark Sky

There is little need to shine our lights up in the trees. A simple fix is to direct the light with shields directed towards the ground or towards our work, so our neighbours can still have the peace from a dark sky.

If light is deemed useful and necessary, follow these guidelines to prevent, or when that's not possible, minimize light pollution.

Responsible outdoor lighting is:

1. Useful

All light should have a clear purpose

Before installing or replacing a light, determine whether light is needed. Consider how the use of light will impact the area, including wildlife and the environment. Consider using reflective paints or self-luminous markers for signs, curbs, and steps to reduce the need for permanently installed outdoor lighting.

2. Targeted

Light should be directed only to where it's needed

Use shielding and careful aiming to target the direction of the light beam so that it points downward and does not spill beyond where it is needed.

3. Low level

Illumination should be no higher than necessary

Use the lowest light level required. Be mindful of surface conditions, as some surfaces may reflect more light into the night sky than was intended.

4. Controlled

Light should be used only when it is useful

Use controls such as timers or motion detectors to ensure that light is available when it is needed, dimmed when possible, and turned off when not needed.

5. Warm-coloured Use warmer-colour lights where possible Limit the amount of shorter wavelength (blue-violet) light to the least amount needed. Light where you

Note to Table 4.3

1. For purposes of this section, residential refers to all residential land-use zoning, including all densities and types of housing such as single-family detached and duplexes, but does not include multi-family residential uses.

4.4. **Spot Light Aiming Standard.** *Light Fixtures* containing **Spot** or **Flood lamps** must be aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side) (Figure 4.4). When aimed above straight down but at less than 45 degrees, such *light fixtures* shall be considered **partially shielded**; when aimed straight down they shall be considered **fully shielded**.

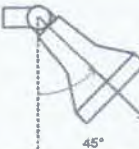
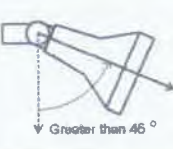
			
↓ Straight down	↓ Less than 45 °	↓ 45°	↓ Greater than 45 °
☑	☑	☑	☒
Fully Shielded	Partially Shielded	Partially Shielded	Unshielded

Figure 4.4. *Spot light* aiming

need it, when you need it, in the amount needed, and no more.

Thank you for your time, and all that you do. It has been a joy to share this idea with you.
Enjoy a lovely evening and season to come.

Please find attached a copy of the bylaw currently in use in Flagstaff Arizona.

Sincerely, Gabriolan, John Han



GABRIOLA ISLAND TRUST COMMITTEE

BYLAW NO. 296

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

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

1. Establishment

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

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve concurrent two year terms.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson, and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.
- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the

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

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

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.

5. Notice of Meeting

- a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five (5) calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.
- e) The Secretary must post a notice of the date, time, and place of any regular APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Gabriola Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50 % of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.
- e) If an applicant or agent fails to appear, despite being duly notified, deliberations and recommendations may be made in the applicant's absence.
- f) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- g) The APC must not receive development proposals or other applications directly from applicants.
- h) The APC must not consult directly with other government agencies or organizations.
- i) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.
- b) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.

- c) All APC recommendations and meeting minutes must be forwarded by the Secretary to the Local Trust Committee and to the Islands Trust Office, within seven (7) days of an APC meeting.
- d) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

8. Transition

- a) "Gabriola Island Local Trust Committee Advisory Planning Commission Bylaw, 2002", is repealed.
- b) "Gabriola Island Local Trust Committee DeCourcy Island Advisory Planning Commission Bylaw, 1996", is repealed.
- c) "Gabriola Island Local Trust Committee Mudge Island Advisory Planning Commission Bylaw, 1996", is repealed.

9. Citation

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

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

 7TH DAY OF JUNE , 2017

ADOPTED THIS 8TH DAY OF JUNE , 2017

SECRETARY

CHAIRPERSON

Applications

Development Variance Permit

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

Planner: Margot Thomaidis

Planning Status

Status Date: 11-Oct-2023

Application being considered at November 30, 2023 LTC Regular Business meeting.

Status Date: 01-Jun-2023

Planner preparing staff report.

Status Date: 30-May-2023

Snuneymuxw First Nation email confirming applicant met with archaeologist and SFN and SFN has no further comments or response.

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: 17-Oct-2023

Meeting with applicants of 1160 and 1170 The Strand. Oct. 17, 2023.

Status Date: 17-Oct-2023

Applicants for 1160 and 1170 preparing a QEP report to assess shoreline habitat impacts.

Status Date: 16-Oct-2023

Staff intend to present options for 1160 and 1170 The Strand at November 30, 2023 LTC Regular Business Mtg.

Applications

Development Variance Permit

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

Planner: Margot Thomaidis

Planning Status

Status Date: 15-May-2023

Coastal Geotechnical Report received. Planner reviewing.

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

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2023.3	Miller, Sandra	23-Jun-2023	PID: 002-347-733 request for DVP for woodshed built too close to property line in 1991 at 880 Horseshoe Rd on Gabriola Island.

Planner: Margot Thomaidis

Planning Status

Status Date: 11-Oct-2023

Request for exemption from survey to go to November 30, 2023 LTC Regular Business Meeting.

Status Date: 04-Jul-2023

Applicant requesting exemption from requiring a survey signed by a B.C. land surveyor.

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2023.5	Shaw, Douglas	14-Nov-2023	PID: 006-981-615 variance for lot coverage at 733 Berry Point Rd. on Gabriola Island.

Planner: Stephen Baugh

Planning Status

Status Date:

Applications

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.			
File Number	Applicant Name	Date Received	Purpose
GB-RZ-2023.1	on behalf of BC Ferry Services Inc. Planner: Stephen Baugh	13-Jun-2023	PID: 025-798-090 and 025-798-103 renovation and expansion of ferry terminal at Descanso Bay Ferry Terminal on Gabriola Island.
Planning Status			
Status Date: 22-Sep-2023 Referrals sent to agencies, organizations and first nations.			
Status Date: 14-Sep-2023 First reading.			
Status Date: 13-Sep-2023 Bylaws drafted and application to be presented to LTC at September 14 LTC mtg.			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2023.3	Moore, Adrian	09-May-2023	PID: 003-347-788 Short-Term Vacation Rental at 1115 Jeanette Ave on Gabriola Island.

Planner: Margot Thomaidis

Planning Status

Status Date: 26-Oct-2023

Permit issued by GB LTC on October 26, 2023, expiring October 26, 2026.

Status Date: 11-Oct-2023

Notice and Draft Permit sent out. Gabriola Sounder Notice prepared.

Status Date: 11-Oct-2023

Application being considered at Gabriola LTC Regular Business Meeting October 26, 2023.

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2023.4	Plotnikoff & Penner, Nadine & Siegfried	16-Oct-2023	PID: 004-801-270 to offer short-term rentals on the property when the owners are not there at 376 Tinson Rd on Gabriola Island.

Planner: Stephen Baugh

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2023.5	Georgiev & Godfrey, Geneen & Alex	16-Oct-2023	PID: 006-985-742 temporary use permit for short-term rental at 868 Chichester Rd W on Gabriola Island.

Planner: Stephen Baugh

Planning Status

Status Date:

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

620 Gabriola	Invoices posted to Month ending September 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	681.00	317.01	363.99
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	1,488.00	2,343.60	-855.60
65210-620	LTC - Local Exp - APC Meeting Expenses	399.00	952.50	-553.50
65220-620	LTC - Local Exp - Communications	1,000.00	80.00	920.00
65230-620	LTC - Local Exp - Special Projects	612.00	0.00	612.00
TOTAL LTC Local Expense		<u>3,499.00</u>	<u>3,376.10</u>	<u>122.90</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	18,000.00	445.78	17,554.22
73001-620-4105	Gabriola Ecological Protection Zone	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>445.78</u>	<u>19,554.22</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.
--	--	--	--	---

STAFF REPORT

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: November 30, 2023
TO: Gabriola Island Local Trust Committee
FROM: Stephen Baugh, Island Planner
Northern Team
SUBJECT: 2024 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee schedule its regular business meetings on the following dates in 2024: January 18, February 22, March 21, April 18, May 23, June 27, August 8, September 5, and November 7.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2024. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Islands Trust Conservancy, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for in-person meetings. Meeting details will be advertised in accordance with legislated notification requirements.

As part of this endorsement, the LTC may wish to designate which meeting dates are anticipated to be electronic or in-person. This would allow staff to plan further in advance to accommodate meeting logistics. The alternative is that the format of each meeting is chosen at the end of each previous meeting. If the LTC chooses the latter, staff will book venues for the year and anticipate cancelling the bookings if the meetings get changed to electronic-only.

Also of note, LTCs may consider additional special meetings that require dedicated time to discuss and provide direction on matters such as key deliverables of major projects, prioritization of the LTC's upcoming year initiatives, or direction for upcoming fiscal budget proposals.

Submitted By:	Stephen Baugh, Island Planner	November 16, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	November 17, 2023

ATTACHMENT

1. Tentative 2024 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2024 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis
	-	January 18	January 29	-	-	-
	February 13	February 22	-	-	-	February 6
	-	March 21	March 26	March 1	March 4	-
	April 9	April 18	-	April 26	-	April 30
	-	May 23	May 28	-	May 6	-
	June 4	June 27	-	June 14	-	-
	-		July 30	-	July 15	July 9
	August 13	August 8	-	August 23	-	-
	-	September 5	-	-	-	September 10
	October 8		October 1	-	October 21	-
	-	November 7	November 26	November 1	-	November 19
	December 10	-	-	-	December 16	-
Total	6	9	6	5	5	5
Start Time -In Person	10:00 am	10:30 am	10:00 am	11:30 am	11:00 am	9:30 am
Location if in person	Denman Activity Centre	Gabriola Arts & Heritage Ctr/ The Haven	<i>Gibsons/ Keats Is./ Gambier Is.</i>	Room to Grow or Community Hall	Judith Fisher Centre	Thetis Community Centre

Key Dates

Stat Holidays	Jan 1; Feb 19; Mar 29; Apr 1; May 20; Jul 9; Aug 5; Sep 2; Oct 14; Nov 11; Dec 25,26
Trust Council	Mar 12-14, Jun 18-20, Sep 24-26, Dec 3-5
Executive Committee	Jan 10, Jan 31, Feb 28, Mar 27, Apr 24, May 15, Jun 5, Jul 3 & 24, Aug 21, Oct 9 & 30, Nov 20, Dec 18
Financial Planning Committee	Jan 24, Feb 21, May 29, Aug 28, Oct 16, Nov 13
Islands Trust Conservancy	Jan 23, Mar 19, May 28, Jul 23, Oct 1, Nov 19
Trust Programs Committee	Feb 12, Apr 15, May 27, Aug 26, Nov 4
Regional Planning Committee	Feb 16, May 24, Sep 4, Nov 8
AVICC Conference	Apr 12-14
LGMA	Jun 11-13
UBCM Conference	Sep 16-20

Active Projects Report

Gabriola Island

1. Minor Project: Develop Ecological Protection Zone

Responsible

Dates

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

Stephen Baugh

2. Major Project: Gabriola Island Comprehensive OCP and LUB

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. **This is a minor project.*

Rec'd: 16-Jun-2022

LTC resolution passed June 16, 2022 - Trustee Langereis noted that DAI bylaw not up to date with current DPAs, particularly after adoption of DPA 8 - Mutli-Dewlling Affordable Housing and DPA 9- Light Industrial Use.

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.

3. *Development Permit Area Review Topics*

Responsible

Date Received

GB-2023-O576

20-Jul-2023

It was MOVED and SECONDED that the Gabriola Island Local Trust Committee request staff to add "Review and Update of Development Permit Area 6 - Steep Slopes" to the future project list.