



Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: April 18, 2024
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 - 10:50 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	10:50 AM - 11:05 AM	
5.	DELEGATIONS - none		
6.	MINUTES	11:05 AM - 11:10 AM	
6.1	Local Trust Committee Minutes dated March 21, 2024 – for adoption		4 - 12
6.2	Section 26 Resolutions-Without-Meeting Report - none		
6.3	Advisory Planning Commission Minutes - none		
7.	BUSINESS ARISING FROM MINUTES	11:10 AM - 11:25 AM	
7.1	Follow-up Action List dated April 11, 2024		13 - 20
8.	APPLICATIONS AND REFERRALS	11:25 AM - 12:30 PM	
8.1	GB-DVP-2023.5 (Shaw) - Staff Report		21 - 34
8.2	GB-DP-2024.1 (Silva Bay) - Staff Report		35 - 106

8.3	GB-TUP-2024.1 (Furlong) - Staff Report	107 - 131
8.4	GB-TUP-2024.3 (Griesdale) - Staff Report	132 - 183
8.5	GB-DVP-2023.3 (Miller) - Staff Report	184 - 198

~ BREAK 12:30 PM - 1:00 PM ~

9.	LOCAL TRUST COMMITTEE PROJECTS	1:00 PM - 1:20 PM
9.1	Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review - Staff Report	199 - 203
10.	CORRESPONDENCE	1:20 PM - 1:30 PM
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10.1	Email dated March 29, 2024 from B. Moisuk regarding Gabriola Lions Concert on the Green Event Permit	204 - 204
10.2	Email dated March 26, 2024 from D. Bradley regarding Land Use and Private Campgrounds on Gabriola	205 - 205
10.3	Letter from Ministry of Housing regarding Opting In to Bill 35 Principal Residence Requirement	206 - 206
11.	NEW BUSINESS	1:30 PM - 1:40 PM
11.1	Annual Reporting Excerpt for Gabriola LTA - Memorandum	207 - 209
12.	STAFF REPORTS	1:40 PM - 2:00 PM
12.1	Trust Conservancy Report - none	
12.2	Applications Report dated April 11, 2024	210 - 215
12.3	Trustee and Local Expense Report dated February, 2024	216 - 216
12.4	Adopted Policies and Standing Resolutions	217 - 220
12.5	First Nations Relationship Building Verbal Update	
12.6	Climate Change Action Update	
12.7	Local Trust Committee Webpage	
13.	WORK PROGRAM	2:00 PM - 2:15 PM
13.1	Active Projects Report dated April 11, 2024	221 - 223

14. UPCOMING MEETINGS

- 14.1 Next Regular Meeting Scheduled for Thursday, May 23, 2024 at 10:30 am at the Gabriola Arts and Heritage Centre

15. CLOSED MEETING

2:15 PM - 2:45 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

2:45 PM - 2:45 PM



Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: March 21, 2024
Location: Gabriola Arts & Heritage Centre
 476 South Road, Gabriola Island, BC

Members Present: Peter Luckham, Chair
 Susan Yates, Trustee

Regrets: Tobi Elliott, Trustee

Staff Present: Stephen Baugh, Island Planner
 Narissa Chadwick, Island Planner, via Zoom
 Warren Dingman, Bylaw Compliance & Enforcement Manager
 William Shulba, Freshwater Specialist, via Zoom
 Lisa Millard, Recorder

Others Present: There were approximately 11 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

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Yates reported the following:

- She attended the Gabriola Arts Council 2050 Visioning meeting;
- She attended a special Local Trust Committee meeting with Snuneymuxw First Nation representatives Elder Geraldine Manson, Executive Advisor to the Chief Erralyn Joseph, and Lands Clerk Hannah Paulson;
- She attended a Regional District of Nanaimo meeting focussed on the draft master advisory plan for parks and recreation;

- She attended an Islands Trust Conservancy board meeting in which input was received from Ken Thomas of the Penelakut Tribe in preparation for updating the Conservancy's five-year plan to ensure adequate engagement with First Nations; and
- She noted that the Islands Trust budget passed at Trust Council and she was pleased that funds have been provided for a water balance study.

Trustee Elliott provided a written report as follows:

- She is absent from the meeting today while she attends a conference hosted by Ahousaht First Nation focused on developing strategies for food security and sovereignty for all Nations across Vancouver Island;
- She will continue holding office hours;
- She noted Wil Cottingham's upcoming retirement from her administration position in the Northern Office and thanked Wil for her contributions;
- She will attend the September Trust Council meeting being held on Gabriola;
- She did an interview with CHLY radio about Trust Council, Gabriola's Official Community Plan review, and why water balance is critical to land suitability analysis for planning;
- She will be attending an upcoming Association of Vancouver Island Coastal Communities convention during which she will advocate for the Islands Trust's resolution to request that the province revise the guidelines and update the manual on composting toilets and grey water;
- She attended a spring gathering with the Culturally Committed group during which Beau Wagner, who carved the traditional canoe with the Gabriola school children in 2021-22, shared the importance of x'pey (cedar) while they made cedar bracelets; and
- She will be attending the upcoming Official Community Plan community meeting.

3.2 Chair's Report

Chair Luckham stated he participated in the recent Trust Council session which included budget deliberations and approval, attendance at a workshop on the goals and priorities of Islands Trust, and attendance at a session focused on communications surrounding the launching of the Islands Trust policy statement.

3.3 Electoral Area Director's Report

Electoral Area Director Vanessa Craig was in attendance and stated that she had submitted a report electronically. She also noted the Ministry of Transportation and Infrastructure indicated that they had posted information about the roadside verge brushing on Gabriola, and that brushing, versus mowing, occurs every three years. Further follow-up is forthcoming as there was limited awareness of this notice being given.

3.4 First Nations Reports - none

4. PUBLIC COMMENTS

A member of the public stated the following:

- They live near the property that has a Temporary Use Permit application being heard today;
- The roadway map erroneously shows a connection all the way to Norwich Road; however, the road stops at the applicant's property and turns into a very narrow roadway that is maintained by local property owners;
- There have been occasions when the driveway access has been blocked; and
- There is very little parking available on the applicant's property.

The same member of the public asked if a permit allows for a commercial rental or if it is restricted to a vacation rental.

- The Chair replied that a Temporary Use Permit allows for non-permitted use, and a commercial rental could be a possibility under the permitting guidelines.

5. DELEGATIONS

5.1 Rob Griesdale & Erica Nassichuk regarding Provincial Short-Term Vacation Rentals Legislation

Erica Nassichuk was not in attendance.

Rob Griesdale made the following points:

- They have a Temporary Use Permit for a short-term vacation rental and the permit is up for renewal;
- They use the property as a residence;
- They believe short-term vacation rentals offer a lot of benefit to the community;
- Banning short-term rentals will not necessarily turn those rentals into long-term housing stock;
- Their guests spend approximately \$500 (five hundred dollars) in the community during their stay;
- They employ a local cleaner;
- They rent to a variety of individuals including tourists, whale researchers, guests of local families, trades people, and BC Hydro employees;
- Gabriola hotels do not provide enough rooms to meet the demand;
- The Temporary Use Permit process allows the Local Trust Committee to oversee short-term rentals to ensure they are operating for the benefit of the community; and
- They believe that short-term vacation rental owners that are operating without a permit will not be deterred by a ban on vacation rentals.

Trustee Yates responded with the following observations:

- She understands that curtailing short-term rentals might not lead to more long-term rentals;
- There is concern that there is a trend of individuals purchasing housing stock specifically to be used as vacation rentals, which has caused a false rise in real estate prices.

- Gabriola can only support a limited number of short-term rentals, particularly in areas with water problems; and
- While some employment can be gained due to short-term rental operations, there is a lack of housing for the individuals performing the work.

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes dated April 28, 2023 - for adoption

By general consent the Local Trust Committee Special meeting minutes of April 28, 2023 were adopted.

6.2 Local Trust Committee Minutes dated February 22, 2024 – for adoption

By general consent the Local Trust Committee meeting minutes of February 22, 2024 were adopted.

6.3 Section 26 Resolutions-Without-Meeting Report - none

6.4 Housing Advisory Planning Commission Minutes dated February 22, 2024 - for receipt

Received for information.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated March 13, 2024

Received for information

8. APPLICATIONS AND REFERRALS

8.1 GB-TUP-2023.5 (Godfrey and Georgiev) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application is for a commercial vacation rental within a single-family dwelling;
- The applicants plan to use the property as their principal residence, and leave the property when it is being used by guests;
- The property previously operated as a bed and breakfast;
- A commercial vacation rental allows guests to use the kitchen and up to three bedrooms versus two bedrooms that are allowed in a bed and breakfast;
- The applicant has submitted a referral to Snuneymuxw First Nation and a response has not been received yet; and
- Staff are requesting direction from the Local Trust Committee regarding water and privacy screening.

The applicants are in attendance and made the following comments:

- To conserve water they did a water flow test for a ten second interval only;
- The well supplies three households and the gallons per minute rating is substantial enough to support the use;
- They have a large cistern on a well water trickle system;

- One of the applicants has lived on the property full-time for two years and often has up to ten guests throughout the summer, there is a large bathtub that is filled twice per day, a garden that is watered daily, plus a hot tub and there has been ample water to supply this use;
- Short-term vacation rental use will result in less water used in the summer than what is used currently;
- They received a response from the Snuneymuxw First Nation indicating they would receive a referral response this week;
- In response to letters received from neighbours, they note that there was a parking issue that they have attempted to correct, they understand the challenges associated with the proximity of another neighbour's driveway, they are happy to work with neighbours regarding water rights and use, and there is limited traffic on the road;
- The house has also been used by individuals needing longer term accommodation while searching for property to buy;
- Short-term accommodations could support the tourism economy;
- They have received a quote on grading the road and hope that neighbours will be interested in having the work done and sharing the cost;
- They are willing to investigate privacy screening;
- They have tried to be proactive regarding parking and the Surf Lodge has agreed to let them use some parking, if needed; and
- They are happy to address any concerns.

Islands Trust Fresh Water Specialist William Shulba commented as follows:

- He worked with the Planner on crafting the recommendation that the applicant obtain a proof of water report from a professional hydrology specialist;
- If the Local Trust Committee requires proof of water for any application it should be done by a professional; and
- Proof of water should not be a subjective process.

The applicant enquired if the Local Trust Committee recommends who performs the water test.

Chair Luckham replied that:

- The applicant is responsible for selecting a professional to perform the testing, and that professional would specify how proof of water is determined, as well as ensuring the test is conducted to their professional standard;
- If the well is shared, he assumes that there is a water board responsible for management of the water supply; and
- The Local Trust Committee takes the needs of all users of the well into consideration.

Trustee Yates commented as follows:

- There are water concerns because three households use the well;
- The cisterns are not rainwater catchment cisterns but fed from the well;

- Neighbours have indicated concern about parking, noise, and privacy issues;
- The home is in a small neighbourhood;
- Privacy screening might be made a requirement of the Temporary Use Guidelines for the property; and
- She would like to see the referral response from the Snuneymuxw First Nation.

GB-2024-018

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request the applicant provide a proof of water report from a professional engineer or geoscientist with competency in hydrogeology in consideration of the Temporary Use Permit Guidelines from the Gabriola Island Official Community Plan.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review: Housing Advisory Planning Commission Housing Policy Review Recommendations Report Presentation

Steve Earle, Chair of the Housing Advisory Planning Commission, stated that any proposed recommendations that result in an increase in density need to be based on site-specific parameters, including water availability, septic capacity, and ecosystem preservation, and any limitations to the number of residents on an existing property and on a new development should be considered based on these factors rather than on familial relationships.

Mr. Earle summarized the recommendations report, which asks that the Local Trust Committee:

- Request that Trust Council lobby the provincial government to extend the Speculation and Vacancy Tax to the Gabriola Island Trust Area,
- Make changes to allow increased density in the Village Core area by increasing the permitted number of dwelling units on all parcels over 1 hectare;
- To increase the number of allowed residential units within commercial developments, and that the number of units should be proportional to the commercial floor area;
- Proactively up-zone suitable properties in the Village Core area to allow for market rate multi-family residential development with stipulation that a proportion of dwellings must be rented below market value;
- Increase options for additional residences in all parts of the island by expanding the types of properties where secondary suites and accessory dwelling units are permitted;
- Do what is needed to make alternative dwelling units, that meet provincial and federal construction standards, possible either on their own or in addition to a primary residence;

- Create zoning for clusters of manufactured, tiny, and mobile homes that meet provincial and federal construction standards; and
- Create a way to allow bare-land stratification of a property that already has a dwelling.

Discussion ensued and it was noted that the Regional District of Nanaimo would have jurisdictional authority to collect the vacancy tax; however, the tax would not necessarily be directed to Islands Trust housing programs. This topic will be discussed at the upcoming Association of Vancouver Island and Coastal Communities conference.

9.2 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review: Gabriola 2050 Engagement - verbal update

Planner Chadwick provided a verbal update and highlighted the following:

- They have been working through phase one of the Official Community Plan project which has included the Gabriola Visioning 2050 community-led engagement events with over 700 (seven hundred) individuals participating in the process; and
- A community meeting will be held on Saturday, March 23 which will focus on sharing the key values and goals that have emerged from the data received to date, and the meeting will provide the opportunity for community members to discuss processes that can support some of the visions and goals.

The meeting recessed for a break at 12:15 p.m. and reconvened at 12:45 p.m.

10. CORRESPONDENCE

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

10.1 Email dated February 27, 2024 from P. Brent regarding Secondary Suites

Received for information.

11. NEW BUSINESS

11.1 Gabriola Commons Covenant - verbal discussion

The Planner stated that the Local Trust Committee had previously requested that staff obtain a legal review of the covenant; however, a budget for the review was not established. Staff have received an estimate of costs which will require approval from the Executive Committee.

GB-2024-019

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that the Executive Committee approve up to \$4,500 (four thousand five hundred dollars) for the legal review of a covenant, to be charged to the Gabriola Island Local Trust Committee budget.

CARRIED

11.2 Advertising Trustee Hours in the Gabriola Sounder Newspaper - verbal discussion

The Planner advised that more information is required to review the request.

GB-2024-020

It was MOVED and SECONDED

that the Gabriola Local Trust Committee request staff to bring back to the next Local Trust Committee meeting advice about the communications budget for advertising in the Gabriola Sounder newspaper.

CARRIED

12. STAFF REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated March 13, 2024

Received for information.

12.3 Trustee and Local Expense Report dated January, 2024

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 First Nations Relationship Building Update

The Local Trust Committee is planning a second meeting with Snuneymuxw First Nation leadership members.

12.6 Climate Change Action Update - none

12.7 Local Trust Committee Webpage - none

13. WORK PROGRAM

13.1 Active Projects Report dated March 13, 2024

Received for information.

13.2 Future Projects Report dated March 13, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, April 18, 2024 at 10:30 am at the Gabriola Arts and Heritage Centre

15. CLOSED MEETING

15.1 Motion to Close the Meeting

GB-2024-021

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) (f)&(i) 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;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

and that the Recorder and Staff attend the meeting.

CARRIED

The recorder declared a potential conflict of interest and left the meeting at 12:55 p.m.

The regular meeting was closed to the public at 12:55 p.m. and reconvened at 1:12 p.m.

15.2 Recall to Order

The recorder returned at 1:13 p.m.

Chair Luckham reported that In-Camera meeting minutes were adopted and that they received a legal opinion.

16. ADJOURNMENT

By general consent the meeting was adjourned at 1:13 p.m.

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>	Stephen Baugh		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		Completed

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)]. <i>Update April 8, 2024: Staff have prepared RFD for EC to request funding for legal review of covenant.</i>	Stephen Baugh	Target: 26-Oct-2023	In Progress

14-Sep-2023

Activity	Responsibility	Dates	Status
1 Staff to prepare a communications plan with respect to the Official Community Plan Land Use Review Project.	Narissa Chadwick	Target: 16-Oct-2023	Completed

Follow Up Action Report

Gabriola Island

26-Oct-2023

Activity	Responsibility	Dates	Status
1 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. - <i>March 8: Dir. TAS has noted the request for EC and confirmed funds for screening. TAS Director awaiting more information about the event.</i>	Clare Frater		In Progress

Follow Up Action Report

Gabriola Island

26-Oct-2023

Activity	Responsibility	Dates	Status
2 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

30-Nov-2023

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

Follow Up Action Report

Gabriola Island

30-Nov-2023

Activity	Responsibility	Dates	Status
1 Extension granted for GB-RZ-2022.1, staff to continue processing application and bring back report to LTC.	Stephen Baugh		In Progress

18-Jan-2024

Activity	Responsibility	Dates	Status
1 Actions for the Major Project - OCP Review: - Set up meeting between SFN Staff and leadership, and GB LTC and IT Staff to discuss SFN interests related to Gabriola and interest in engagement with the FB OCP review process. - Communicate the feedback related to the Official Community Plan engagement received from community engagement groups to the Local Trust Committee in writing. - Add the letter from Drs. J & C Johnstone and the Foreshore Structures Report from Warren to the OCP review project file.	Narissa Chadwick		In Progress

22-Feb-2024

Activity	Responsibility	Dates	Status
1 Prepare a capacity work agreement between the Local Trust Committee and Snuneymuxw First Nation, for the purpose of engagement with the Nation on the Gabriola OCP Review Project.	Narissa Chadwick		Completed

Follow Up Action Report

Gabriola Island

22-Feb-2024

Activity	Responsibility	Dates	Status
2 Schedule a special meeting on Mudge Island in Spring/Summer 2024 to hear from the community about bylaw enforcement and safe water access.	Stephen Baugh Wil Cottingham		In Progress
3 Request a meeting between the LTC and MOTI regarding mowing/maintenance of the road allowance.	Stephen Baugh		In Progress
4 Prepare a webinar regarding bylaw enforcement on Mudge Island.	Warren Dingman		In Progress
5 Provide a staff report regarding bylaw enforcement files in the Gabriola Local Trust Area to the LTC.	Warren Dingman		In Progress
6 Send a response to Center Stage Holdings in response to the complaint based upon the draft of the letter dated January 22, 2024.	David Marlor Renee Jamurat		Completed
7 Staff to provide info to be included in the Trust Council agenda regarding the rationale for funding water balance assessments on Gabriola.	Narissa Chadwick		Completed
8 Send following resolution to the Minister of Housing and include appropriate background information describing the area and jurisdiction: "That the Gabriola Island Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the Gabriola Island Local Trust Area and that the Gabriola Island Local Trust Area be removed from the exempt land as per S. 15 of the Short-Term Rental Accommodation Act."	Rob Kroeker Stefan Cermak	Target: 31-Mar-2024	Completed

Follow Up Action Report

Gabriola Island

21-Mar-2024

Activity	Responsibility	Dates	Status
1 Staff prepare RFD for EC to request approval of up to \$4,500, for the legal review of a covenant, to be charged to the Gabriola Island Local Trust Committee budget.	Stephen Baugh		Completed
2 GB-TUP-2023.5 - Staff to advise applicants of proof of water report requirement prior to LTC consideration of the TUP.	Stephen Baugh		Completed
3 Staff to bring back advice about Gabriola communications budget to the next LTC meeting to inform decision on advertising Trustee office hours in the Gabriola Sounder newspaper.	Renee Jamurat Stephen Baugh	Target: 18-Apr-2024	In Progress



File No.: GB-DVP-2023.5

DATE OF MEETING: April 18, 2024
TO: Gabriola Island Local Trust Committee
FROM: Stephen Baugh, Island Planner
Northern Team
SUBJECT: Development Variance Permit – GB-DVP-2023.5
Applicant: Douglas and Elizabeth Shaw
Location: 733 Berry Point Rd, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2023.5.

REPORT SUMMARY

The purpose of this report is to introduce a Development Variance Permit (DVP) application for consideration by the Gabriola Local Trust Committee.

The DVP proposes to increase the maximum lot coverage from 20% to 24.9% on a residential property in order to permit the existing buildings and structures on the lot. Staff recommend the permit be issued because it is a minor variance and there is not expected to be negative impacts to granting the variance.

RATIONALE FOR VARIANCE

The applicant has provided a document to explain the application which is included as Attachment 2. They make the following points in support of their application:

- They were unaware that the lot coverage was not compliant when they purchased the property,
- They have removed two sheds to reduce the lot coverage,
- Removing additional structures to reduce the lot coverage further may make the buildings unsightly, and
- Some of the structures are needed to shelter their cisterns since they do not have a well and rely on rainwater collection.

BACKGROUND

This application is proceeding as a result of a Bylaw Enforcement file which found that the lot coverage of the existing structures on the lot exceeded the maximum permitted in the Gabriola Land Use Bylaw. In response, the owner removed two sheds from the property which reduced the lot coverage but a survey provided by the applicant confirms the lot coverage still exceeds the 20% maximum from the bylaw. As a result the owner is seeking a variance to the bylaw regulation.

Staff did enquire with the applicant regarding the part of the building labelled “Carriage House” on the survey. A secondary suite is not permitted on the subject property and the applicant stated the area is not used as a

secondary suite. The applicant also provided a photo showing that there are no cooking facilities in the “Carriage House” and states the dwelling only has one set of cooking facilities. This is consistent with the definition of “dwelling – single family” in the Gabriola Land Use Bylaw.

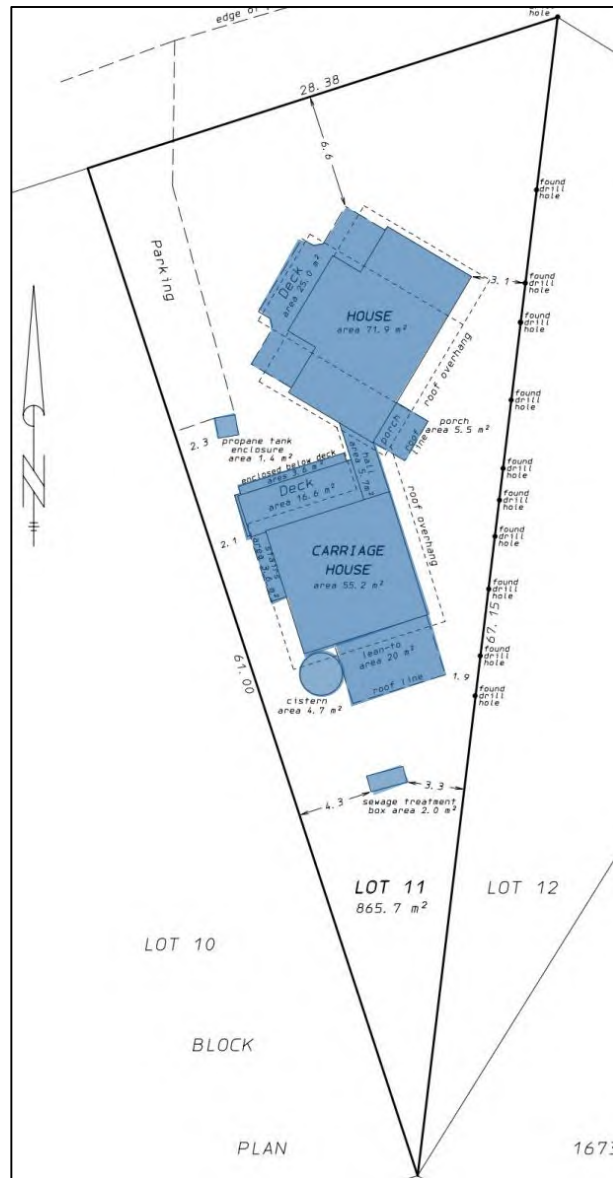


Figure 1 Site plan showing areas contributing to the total lot coverage highlighted in blue.

ANALYSIS

Intent of Regulations being varied

Lot coverage regulations limit the area permitted for the development of buildings and structures on a lot to a specified percentage of the total lot area. This limits the area of a lot that is developed which reduces the impact to vegetation, ensures a level of development that is suitable for a rural area is achieved, and results in permeable area remaining available for groundwater infiltration. Lot coverage is calculated as a percentage of the area of a lot which means that smaller lots are more constrained in the developable area than larger lots.

Potential impacts of granting to variance

Staff consider the variance to be of a minor nature and the impacts of granting the variance are not considered significant for the following reasons:

- The lot is smaller than many other lots in its vicinity, resulting in 173m² (1862ft²) of area allowed for all buildings and structures on the lot;
- There are no sensitive ecosystems or species-at-risk mapped on the lot;
- The roof of the dwelling is used for rainwater collection which reduces water runoff from the buildings;
- Part of the reason the lot coverage exceeds the maximum is that cisterns are required to collect rainwater; and
- The buildings and structures meet other bylaw regulations regarding siting and height.

Should the variance not be granted, structures would need to be removed from the property in order for the lot to confirm the maximum lot coverage regulation in the LUB.

Circulation

DVP Notices were circulated to surrounding property owners and residents within 100 metres (Attachment 3). The notification period ends at 4:30 p.m. on April 17, 2024.

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

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. The applicant has submitted a referral form to Snuneymuxw First Nation in order to request their review and comment of this application. Snuneymuxw First Nation sent a response dated March 28, 2024 (Attachment 3), expressing that structures should not be removed from the property due to their proximity to archaeological sites and requesting that they be notified when the LTC has made a decision on this permit application. It is also highlighted that if structures are removed from the property the proponent must seek a Heritage Conservation Act permit.

The applicant has been provided the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on HCA compliance. During the course of any development or land alteration applicants must ensure that in the event of archaeological material, or values being found all work on the property is stopped to preserve and protect cultural heritage.

Rationale for Recommendation

Staff recommend the permit be approved for issuance because the proposed variance is minor in nature, and the increased lot coverage permitted by the variance will not have a significant impact to the environment or neighbouring properties. Approval of the permit will also avoid the need for structures to be removed from the property which could disturb archaeological material.

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

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

That the Gabriola Island Local Trust Committee deny application GB-DVP-2023.5.

Submitted By:	Stephen Baugh, Island Planner	April 2, 2024
Concurrence:	Renee Jamurat, RPP MICP, Regional Planning Manager	April 8, 2024

ATTACHMENTS

1. Site Context
2. Applicant Supplemental Description
3. Snuneymuxw First Nation Referral Response
4. Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 11, BLOCK 4, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 1673
PID	006-981-615
Civic Address	733 Berry Point Rd, Gabriola Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
None	N/A

POLICY/REGULATORY

Official Community Plan Designations	Small Rural Residential (SRR)
Land Use Bylaw	Small Rural Residential (SRR) <i>D.1.1.3(b)(i)</i> <i>The maximum combined lot coverage by buildings and structures is 20 percent of the lot area.</i> Lot Area: 865.7m ² Coverage Area: 215.2m ² Lot Coverage: 24.9%
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	GB-BE-2023.7

SITE INFLUENCES

Islands Trust Conservancy	Referral to Islands Trust Conservancy is not required for this application.
Species at Risk	None mapped
Sensitive Ecosystems	None mapped
Hazard Areas	None mapped
Archaeological Sites	Archaeological sites are mapped within 100m of the subject property and areas of high archaeological potential exist on the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be

	needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No impacts anticipated.
Shoreline Classification	N/A

Douglas and Elizabeth Shaw Variance Application (Addendum)

Purpose of Application:

When we purchased this property two years ago the lot coverage issue was not disclosed in the property disclosure statement, and we were unaware that our home was out of compliance in this regard.

After the Bylaw Officer made us aware that we were out of compliance we proactively removed two accessory sheds valued at approximately \$5,000.

A new site survey was then done to determine existing lot coverage. Cost for the survey was over \$2000.

Based on the new site survey there is still an overage of lot coverage beyond 20% allowable by the current land use bylaw. Our calculations suggest the total coverage currently stands at approximately 24.3%.

Existing structures on the property:

The main structure building, (house) and the garage are 183.5 m² = 21.2% lot coverage. Two separate building permits were issued allowing for their construction on this site, (see attached).

Required utility boxes: propane tank enclosure, insulated cistern water line box and septic box are 7 m² = 0.81% lot coverage.

Accessory shelter/cistern enclosure is 20 m² = 2.3% lot coverage.

Behind the garage there is a single exposed 2000 gallon cistern that was added a few years ago and is hidden by the trees and adjacent there are two additional 2000 gallon cisterns, as shown in the original building permit for the garage, (attached). This section of the garage gets intense southerly sun exposure. These two cisterns are protected by the accessory shelter attached to the garage, and are surrounded by decorative lattice and vines to reduce bacterial growth in the water and UV breakdown of the cisterns by the direct southerly sun exposure. This is our essential and only water supply, as we do not have a well and rely solely on roof-top water catchment. This shelter not only helps protect these cisterns and the safety of our family's drinking water supply, but also eliminates their unsightly appearance which serves to benefit our neighbors to the east and those using the community trail access to the west. It also serves our great need for the storage of lawn and garden equipment now that the other sheds have been removed. Removing this shelter will also be very intrusive and leave scars on the main building, further adding to the unsightly appearance.

Please approve this lot variance application to allow our family to best maintain the safety, accessory use and appearance of our home. Thank you.



Snuneymuxw

First Nation

www.snuneymuxw.ca

March 28, 2024

via email

Doug and Betty Shaw
733 Berry Point Rd.
Gabriola Island, BC, V9P 9G3
(250) 217-7763
rrt1shaw@gmail.com

RE: 733 Berry Point Rd., Gabriola Island

Thank you for your patience as we completed the Review Phase of the above-mentioned project, as part of the Snuneymuxw First Nation ("SFN") Referral Management Policy. We appreciate your willingness to become more familiar with the Snuneymuxw Sarlequun Treaty of 1854, a trade and commerce treaty that, among other things, preserves and protects Snuneymuxw lands, waters, and resources, villages and fields, harvesting and gathering, and the right to hunt and carry-on fisheries as formerly. Snuneymuxw Governance is rooted in our Snawayalth (Teachings) and is the basis for our Snuneymuxw way of life, informing how we operate governance, administration, legal and socio-economic systems within our Nation. It is the foundation for the implementation of the Snuneymuxw Referral Policy and the process we are currently engaged in together. Snuneymuxw core values include: mutual respect and recognition, the interconnectedness of all things in creation, and our stewardship and jurisdiction over our lands and resources.

During the Review Phase, SFN staff and professional consultants assessed the details of the proposed activities to be conducted under **733 Berry Point Rd. Gabriola Island**. Any conditions for consent or mitigations proposed will apply to the above-mentioned development permit, unless stated otherwise. The following conditions for consent and/or mitigations have been approved in principle by Snuneymuxw Chief and Council:

SFN requests that the offending structures not be removed due to their proximity to archaeological sites and likelihood to disturb or modify archaeological material. SFN also requests that GILTC notifies SFN when conditions for consent are accepted and congruent with staff planner's recommendations.

If, against the wishes of SFN, GILTC determines that the offending structures must be removed and ground altering activities are anticipated, the proponent MUST seek an HCA permit and the following methods must be followed. Ground altering

activities include, but are not limited to, any excavation by hand or by machine, removal of tree stumps, removal of structure foundations, landscaping, and ground disturbances due to heavy machinery with tracks.

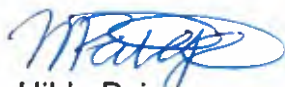
1. Within SFN territory, advanced archaeological testing must be conducted whenever possible for ANY subsurface disturbance work that is occurring within a minimum of 50 m of a previously recorded archaeological site, or any areas with an elevated potential for archaeological materials;
 - a. This testing should be done by hand and must be carried out by a qualified archaeologist and a SFN archaeological monitor;
 - b. Testing should be done on a minimum of 5 m spacing, with smaller spacing should the complexity of the cultural material require it;
 - c. 100% of the sediment excavated from each shovel test will be screened by hand through 6 mm or smaller mesh;
 - d. If intact cultural materials are encountered, shovel tests may extend to the depth of the required excavations, but detailed stratigraphic notes and photos must be provided to SFN prior to further work being conducted;
 - e. Should intact cultural materials be encountered, NO machine excavation may be completed until an appropriate mitigation and site management plan has been determined in conjunction with SFN; and,
 - f. If ancestral remains (in any condition) are encountered excavation must stop and SFN should be contracted to discuss next steps.
2. SFN typically does not accept archaeological monitoring as an acceptable method of managing archaeological potential in areas within 50 m of a previously recorded archaeological site, or any areas with an elevated potential for archaeological materials.
3. Within SFN territory, if advanced archaeological testing cannot be conducted due to safety concerns, complex project designs, or other acceptable reasons, archaeological monitoring may be conducted and should include the following methodologies:
 - a. 100% of the disturbed sediment that is deemed to contain cultural materials will be screened by hand through 6 mm or smaller mesh;
 - b. If intact cultural materials are encountered, excavation must stop and SFN should be contracted to discuss the next steps. No intact cultural materials should be impacted without prior discussion with SFN;
 - c. If ancestral remains (in any condition) are encountered excavation must stop and SFN should be contracted to discuss next steps.
4. Hydrovac (high-pressure water and suction) trucks are not considered an acceptable tool to use for utility locations, daylighting, or other construction processes located within 50 m of a previously recorded archaeological site, or any areas with an elevated potential for archaeological materials in SFN territory.
 - a. SFN required developers to make use of a **DryVac system with an air spade**.

- b. Prior to commencing ANY industrial Vac truck work, the Vac truck operator must demonstrate to the archaeologist on site and the SFN archaeological monitor on site that the truck hopper is empty and clean.
 - c. Prior to commencing ANY industrial Vac truck work, a location on site must be identified in which the truck can dump its load should archaeological materials be encountered during the Vac truck work.
5. All Archaeological work within SFN territory MUST be done with a qualified SFN archaeological monitor present unless SFN has provided written guidance indicating otherwise.

If the proponent agrees with the conditions and mitigations proposed, please response at your earliest convenience. Once we receive formal notice that the conditions for consent are acceptable, SFN will issue a SFN Decision Letter.

If you have any questions, please follow up with SFN's Referrals Clerk, Hannah Paulson at Hannahp@snuneymuxw.ca.

Hay ch q'a,



Hilda Paige
Senior Intergovernmental Relations Analyst
Snuneymuxw First Nation

cc:

Erralyn Joseph, Executive Advisor to Chief & Negotiator
Hannah Paulson, Referrals Clerk

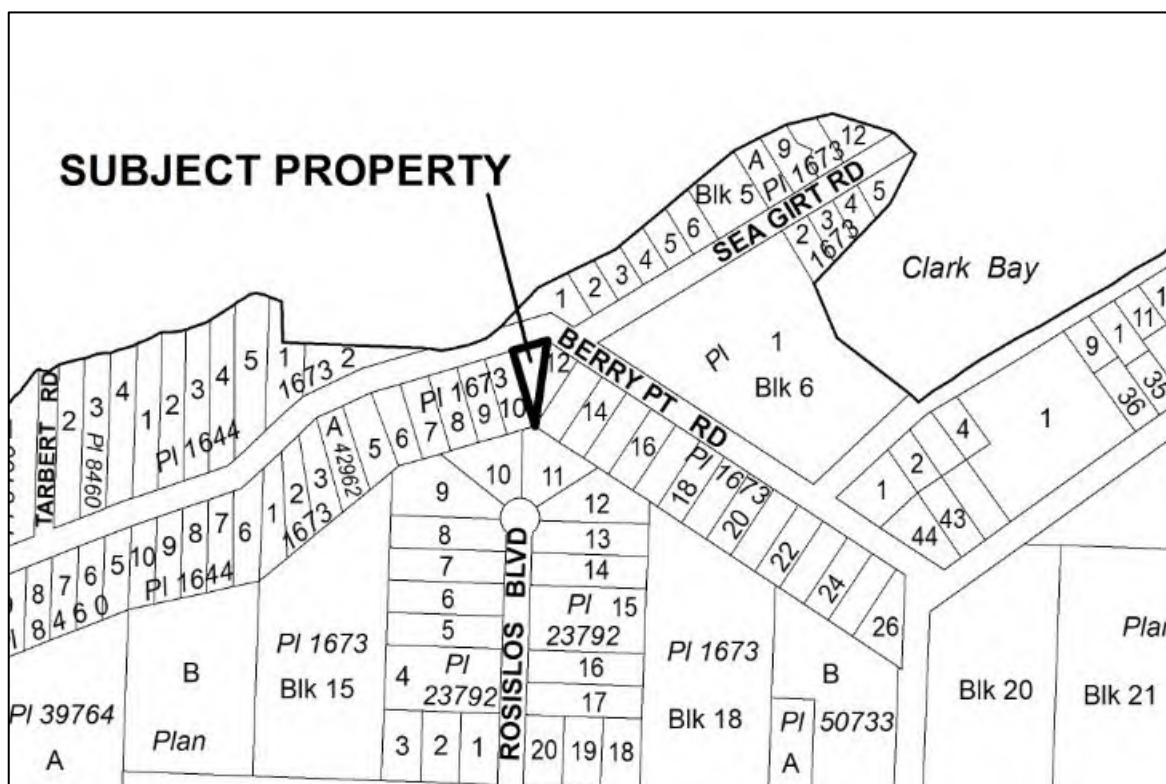
NOTICE
GB-DVP-2023.5
GABRIOLA ISLAND LOCAL TRUST COMMITTEE

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 Gabriola Island Land Use Bylaw No. 177 by:

- Increasing the permitted lot coverage from 20% to 24.9% on the subject property.

The property is located at **733 Berry Point Rd, Gabriola Island** and is legally described as LOT 11, BLOCK 4, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 1673 (PID: 006-981-615).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Rd, Gabriola Island, BC, V0R 1X3 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 4, 2024** and continuing up to and including **April 17, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Gabriola Island.

Enquiries or comments should be directed to Stephen Baugh, Island Planner at (250) 247-2201, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **April 17, 2024**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:30 AM, April 18, 2024 at Gabriola Arts & 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.

PROPOSED



GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2023.5

TO: Douglas and Elizabeth Shaw,

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

PID: 006-981-615

LOT 11, BLOCK 4, SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 1673

2. Pursuant to Section 498 of the *Local Government Act*, the *Gabriola Island Land Use Bylaw, 1999* is varied as follows:

- a) **Part D – Zones, Section D.1 Residential Zones, Subsection D.1.1 Small Rural Residential (SRR), Article D.1.1.3 Regulations, Clause b Lot Coverage Limitations, Item i** The maximum combined lot coverage by buildings and structures is 20 percent of the *lot* area, is varied:

- To allow a maximum combined lot coverage by buildings and structures of 24.9%.

3. The development shall be consistent with Schedule 'A', which is attached to and form part of this permit. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Gabriola Island Land Use Bylaw, 1999 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____TH DAY OF ____, 2024.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXTH DAY OF ____, 2026, THIS PERMIT AUTOMATICALLY LAPSES.

File No: GB-DP-2024.1
(Silva Bay Resort Ltd.)

DATE OF MEETING: April 18, 2024
TO: Gabriola Island Local Trust Committee
FROM: Ian Cox, Planner 2
Northern Team
SUBJECT: Works within Development Permit Area No. 4 – Flat Top Islands Area
Applicant: 1167433 BC Ltd., Inc. No. BC1167433
Agent: Jari Eikenaar, Legacy Environmental
Location: 3383 South Road, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Permit GB-DP-2024.1 subject to the conditions imposed therein.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application within Development Permit Area 4 (DPA 4) - Flat Top Islands Area, to allow work to be undertaken within the marine and immediate foreshore areas below the natural boundary of the subject property, shown in Figures 1 and 2 below and in **Attachment 1**.



Figure 1 - Subject Property (outlined)



Figure 2 - DPA 4 - Flat Top Islands Area (solid blue)

Pursuant to F.4.1.1 of the Gabriola Island Land Use Bylaw No. 177 (LUB), an approved DP is required prior to issuance of any building permits by the Regional District of Nanaimo (RDN) for the proposed demolition and construction work facilitating installation of a boat launch ramp that will replace the existing shipway. As required by the DP Guidelines section F.4.2.5, the applicant has submitted a Marine Environmental Assessment (MEA) report dated March 27, 2024 prepared by Legacy Environmental that forms part of the draft development permit as presented in **Attachment 2**. In addition, as small building will be removed on the upland area adjacent to the ramp location but is not considered as part of the DP, since the DPA does not extend to the upland portion of the property. Subject property information is contained in the Site Context as **Attachment 3**.

Analysis of how the application meets the Gabriola Official Community Plan (OCP) Objectives and LUB Guidelines for DPA 4 is presented in **Attachment 4**; staff recommends issuing the permit as the analysis has determined that the application meets the DPA Guidelines, primarily through conditioning the permit on the mitigation measures contained in the MEA.

BACKGROUND

The subject property is located at Silva Bay and includes a marina and buildings which are left following demolition work carried out under previous permits GB-DP-2020.2 and GP-DP.2021.2. The scope of work for the current GB-DP-2024.1 includes the replacement of the existing shipway structure with new installations for the proposed boat launch ramp anticipated to occur during the spring low tides in June 2024, per Fisheries and Oceans Canada (DFO) requirements (Request for Review submitted, **Attachment 5**). The following is a summary of the Applicant Project Description found in **Attachment 6**:

- Dismantling the existing lock block wall, place geotextile material at the base and rebuild the lock block wall in the same footprint.
- If and where required, place free drainage fill behind the lock block wall on the upland (car park) side.
- Place granular fill on top of existing shipway ramp and place pre-cast concrete panels
- Place geotextile material either side of the concrete ramp at ramp shoulder for rip rap underlay.
- Rip rap placement:
 - ~242 m³ (over ~345.6 m²) to create ramp shoulders.
 - ~12.3 m³ (over ~24.6 m²) at toe of the offshore end of the boat launch. No excavation will occur.
 - Remove ~115 m³ existing rip rap at the base of the retaining wall (from an area ~46 m²) and replace when repairs are completed augmenting with an additional 12.5 m³ rip rap over an area ~18 m².

There is a provincial Crown Lease over the water area below the natural boundary where the works will take place; is the responsibility of the applicant to comply with the terms of that lease.

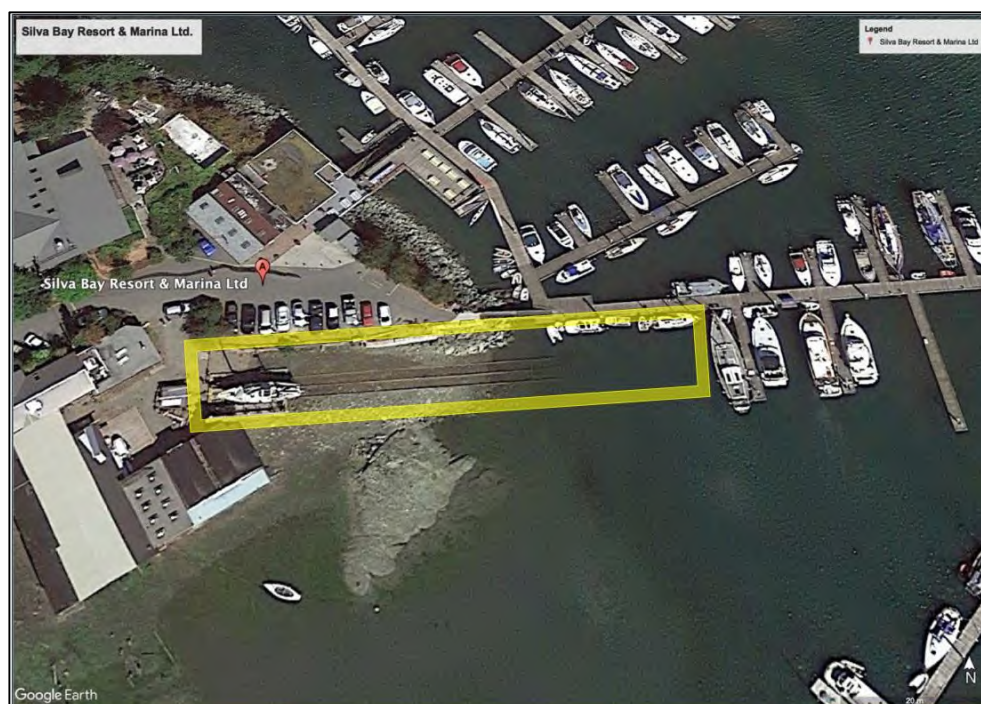


Figure 1 - Subject Property Air Photo showing existing shipway/proposed ramp location

Snuneymuxw First Nation

As was noted in the [staff report dated June 17, 2021](#) for the previously-issued DPs (application GB-DP-2020.2 and amendment GB-DP-2021.2), specific information regarding archaeology sites cannot be publically disclosed, however the property contains areas of significant archaeological and cultural heritage and the potential for others. This is understood both through provincial mapping and identification by Snuneymuxw First Nation (SFN) that the area is highly culturally significant and of central importance to the Nation. The applicant is engaged in ongoing discussion with SFN through the Nation's Lands Referral/Application process for the proposed works, as was the case for the 2020/2021 DP. SFN has provided the applicant with an initial letter of receipt and indication that further instruction will be provided through a follow-up letter identifying any requirements and conditions during the works (**Attachment 7**); for the 2 previously issued DPs which facilitated the shipyard demolition work, this included a letter of support with conditions, an on-site monitor, etc.

Staff is satisfied that the applicant is again working in good faith with SFN and that they understand the importance of the archaeological aspect of the project. This is evidenced by the SFN Lands Application and through the engagement of a professional archaeologist for the project, Greg Morrissey of Campfire Archaeology and Heritage Ltd., overseeing the SFN and BC Archeology Branch processes.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The proposal is not contrary to or at variance with the ITPS provided that the works are carried out according to the conditions of the DP, provincial and federal authorizations, SFN concurrence and requirements, and the MEA prepared by Legacy Environmental that forms part of the permit.

Official Community Plan:

The subject foreshore is currently designated as Marine (M) in the Gabriola Island Official Community Plan No. 166, 1997 (OCP) and is located within DPA 4 - Flat Top Islands Area.

Justification for DP-4 is as follows:

The Flat Top Islands and Breakwater Island have been identified as having high marine, vegetation and wildlife natural areas value. The designation of this area as a development permit area for the purposes of protecting the natural environment, its ecosystems and biological diversity will help ensure that the environmental values of this area are protected from the potential impacts of land development.

The following excerpts from the OCP are also relevant to the application and highlight the need for consideration of the marine environment:

Section 6 - Environmental, Marine and Heritage Resources

Background...As the degree of human activity intensifies so does the threat to permanently alter or destroy valuable environmental features and resource areas. In accommodating future development on Gabriola, care must be taken so as not to irreversibly alter the island's healthy, liveable and aesthetically pleasing upland and marine-based natural areas.

Equally important is the need to identify and preserve those precious features which recall the past. As a result, heritage sites which provide a valuable record of past human activity and settlement significant to the preservation of the area's local history need to be protected.

Marine Resources Objectives

- 1. To manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate;*
- 2. To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats;*

These policies are addressed by the Marine Environmental Assessment (MEA) report by Legacy Environmental dated March 27, 2024, including mitigation measures for spill/contamination, damage to fish and fish habitat, and so on. Further, the project is subject to authorization and requirements from Fisheries and Oceans Canada (DFO), the BC Archaeology Branch, and by any conditions as requested by SFN as part of the Lands Application the applicant has submitted. See also analysis of DPA 4 Guidelines in **Attachment 4**.

Land Use Bylaw:

The works that are the subject of this DP application are within the LUB Water Commercial 1 – Marina (WC1) Zone, permitting the following:

D.5.2.1 Permitted *Principal Uses*

a. Permitted *Principal Uses*

- i marinas*
- ii marine fuel sales*
- iii boat sales and rental*
- iv public wharves*
- v moorage and dockage for water taxis and fishing boats*
- vi moorage and dockage for seaplanes on lands legally described as Crown Water Lot L. 294 and on lands as shown on Schedule C, Map 9*
- vii marine navigation aids*

Permitted buildings and structures include:

D.5.2.2 Buildings and Structures

a. Permitted *Buildings and Structures*

- i Mooring buoys, floats, wharves, docks and other structures for the permitted uses set out in this zone.*

Islands Trust Conservancy:

The subject property and area of application is not on or adjacent to any current ITC Nature Reserve or covenant areas. Potential issues arising from the proposal regarding environmental impacts to sensitive ecosystems, Species at Risk, eelgrass, etc., are addressed through the measures identified in the MEA (itself a condition of the draft DP) as well as through any DFO authorization that may be required to complete the works.

Issues and Opportunities

Timing of the DP has become critical for the applicant, who has identified that DFO has a strict Fisheries window in June, 2024 for the aquatic works to occur in order to minimize disturbance to fish and habitat. The applicant has therefore requested that the permit be considered by the LTC prior to receiving all complete agency and SFN

referral responses and/or authorizations. The applicant has demonstrated that these processes are in stream with the information as submitted. As presented, staff finds the application meets the DPA Guidelines.

Consultation

Per the *Local Government Act*, Development Permit applications do not require statutory public notice.

Rationale for Recommendation

Staff finds that the application meets the OCP Objectives and LUB Guidelines for DPA 4 as presented in Attachment 4 and therefore recommends issuing the permit as indicated on page 1 of this report.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative could be a delay in completing the works within the required DFO fisheries window. 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 [describe information request here] in the form of [describe professional report or other here] prior to making a decision on issuance of GB-DP-2024.1

2. Deny the application

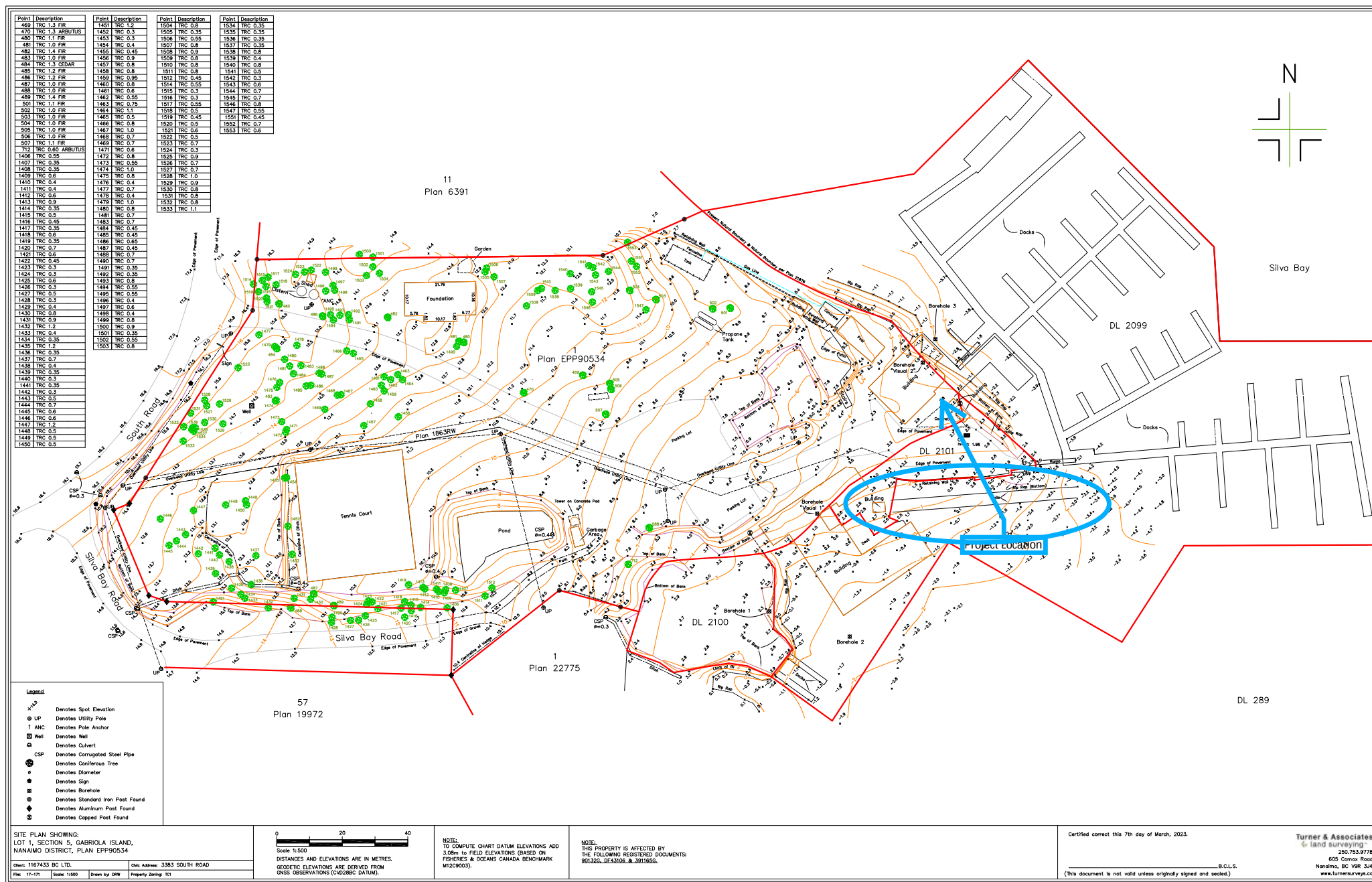
The LTC may deny the application. If this alternative is selected, the decision **must** be accompanied by reasons as the LTC may only exercise its discretionary powers in accordance with the designated DPA Guidelines per *Local Government Act* section 490 - Development permits: general authority. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-DP-2024.1 for the follows reasons [insert reasons].

Submitted By:	Ian Cox, Planner 2	April 9, 2024
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	April 9, 2024

ATTACHMENTS

1. Project Mapping and Plans
2. Draft DP
3. Site Context
4. DPA Guidelines
5. DFO Request For Review
6. Applicant Project Description
7. SFN Lands Application Response Letter



SITE PLAN SHOWING:
LOT 1, SECTION 5, GABRIOLA ISLAND,
NANAIMO DISTRICT, PLAN EPP90534

Client: 1167433 BC LTD.
Plan: 15-179

City Address: 3383 SOUTH ROAD
Drawn by: DMW
Property Zoning: T01

0 20 40
Scale: 1:500
DISTANCES AND ELEVATIONS ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM
GNSS OBSERVATIONS (VDZ88C DATUM)

NOTE:
TO COMPUTE CHART DATUM ELEVATIONS ADD
3.08m to FIELD ELEVATIONS (BASED ON
FISHERIES & OCEANS CANADA BENCHMARK
M128003).

NOTE:
THIS PROPERTY IS AFFECTED BY
THE FOLLOWING REGISTERED DOCUMENTS:
90.0326, DEAST06 & 3011652.

Certified correct this 7th day of March, 2023.

B.C.L.S.
(This document is not valid unless originally signed and sealed.)

Turner & Associates
land surveying
250.753.9778
605 Comox Road
Nanaimo, BC V9R 3J4
www.turnersurveys.ca

SILVA BAY RESORT AND MARINA

SILVA BAY BOAT RAMP REPLACEMENT PROJECT



VICINITY MAP
NTS



LOCATION PLAN
NTS

INDEX OF DRAWINGS		
INDEX NO.	SHEET NO.	SHEET TITLE
1	G-001	COVER SHEET
2	G-002	GENERAL NOTES (1 OF 2)
3	G-003	GENERAL NOTES (2 OF 2)
4	V-101	EXISTING SITE PLAN
5	C-101	PLAN AND PROFILE
6	C-102	PLAN AND PROFILE - WALL
7	C-301	RAMP SECTIONS SHEET
8	S-501	RAMP DETAIL

CLIENT REVIEW
ISSUED FOR PERMIT
ISSUED: 2024-02-22
NOT TO BE USED FOR CONSTRUCTION



Rev.	Date	By	For
1	2024-02-22	MM	MM
2	2024-02-22	MM	MM

SILVA BAY BOAT RAMP REPLACEMENT PROJECT
SILVA BAY RESORT AND MARINA
COVER SHEET

DATE: 2024-01-18
DRAWN BY: DAN LEE
CHECKED BY: MM
DESIGNED BY: MM
PROJECT NO.: 231405
PROJECT NAME: SILVA BAY BOAT RAMP REPLACEMENT PROJECT
PROJECT LOCATION: SILVA BAY RESORT AND MARINA
PROJECT SCALE: 1:1 (Metric)

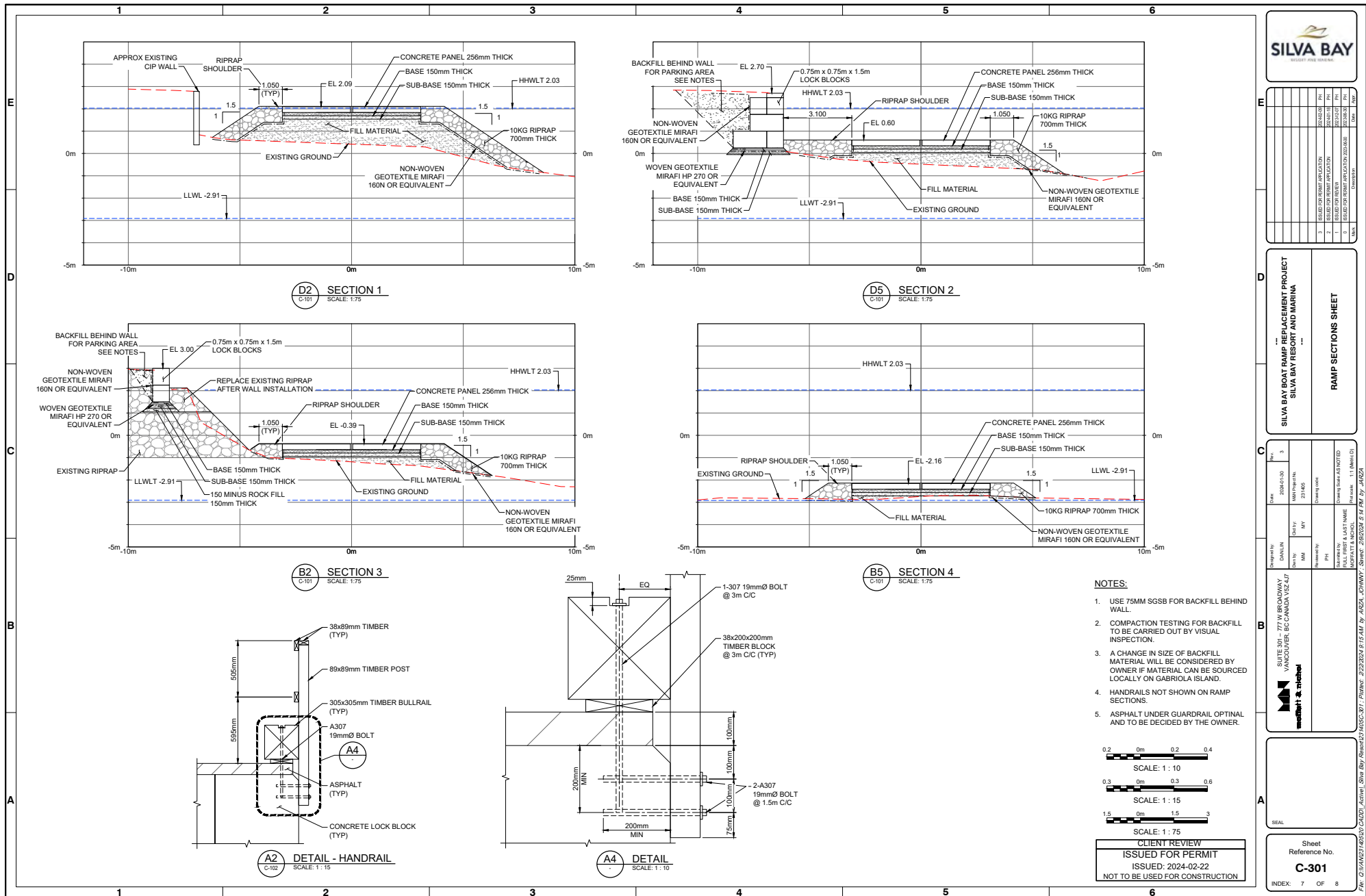
SEAL

Sheet Reference No.
G-001
INDEX: 1 OF 8

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

	1	2	3	4	5	6																																																								
E	6.0 RIPRAP 6.1 GENERAL 6.1.1 MANAGEMENT OF ENVIRONMENTAL EFFECTS (SUCH AS WIND, AND WATER LEVELS) ON CONSTRUCTION OF SLOPE PROTECTION, SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. 6.1.2 THE NORMAL WATER LEVELS AT THE BOAT RAMP ARE GIVEN IN DESIGN CRITERIA. 6.2 PRODUCTS 6.2.1 STONE SHALL BE QUARRIED ROCK, HARD, SOUND, AND SHALL NOT DISINTEGRATE FROM ACTION OF ATMOSPHERE, WATER, HANDLING OR PLACING. IT SHALL BE FREE FROM CRACKS, BLAST FRACTURES, BEDDING, SEAMS AND OTHER DEFECTS THAT WOULD TEND TO INCREASE ITS DETERIORATION FROM NATURAL CAUSES. INSPECTIONS FOR CRACKS, FRACTURES, SEAMS AND DEFECTS SHALL BE MADE BY VISUAL EXAMINATION IF, BY VISUAL EXAMINATION, IT IS DETERMINED THAT 10% OR MORE OF THE STONE PRODUCED CONTAINS HAIRLINE CRACKS, THEN ALL STONE PRODUCED BY THE MEANS AND MEASURES WHICH CAUSED THE FRACTURES SHALL BE REJECTED. A HAIRLINE CRACK THAT IS DEFINED AS BEING DETRIMENTAL SHALL HAVE A MINIMUM WIDTH OF 4 MM AND SHALL BE CONTINUOUS FOR ONE-THIRD THE DIMENSION OF AT LEAST TWO SIDES OF THE STONE. 6.2.2 ALL STONE SHALL BE DURABLE MATERIAL AS APPROVED BY THE ENGINEER. STONE SHALL BE OF A SUITABLE QUALITY TO ENSURE PERMANENCE IN THE STRUCTURE AND IN THE CLIMATE IN WHICH IT IS TO BE USED. 6.2.3 THE STONE SHALL BE CLEAN AND ADEQUATELY FREE FROM ALL FOREIGN MATTER, ANY FOREIGN MATERIAL ADHERING TO OR COMBINED WITH THE STONE AS A RESULT OF STOCKPILING SHALL BE REMOVED PRIOR TO PLACEMENT, TO THE SATISFACTION OF THE ENGINEER. ROCK SHOULD BE WASHED AND FREE OF FINES BEFORE BEING BROUGHT TO SITE. 6.2.4 THE MAXIMUM DIMENSIONS OF ANY PIECE OF RIP RAP ROCK IN SLOPE PROTECTION SHALL NOT BE MORE THAN 2 ½ TIMES ITS LEAST DIMENSION. 6.2.5 ANY RANDOMLY SELECTED SAMPLE OF SLOPE PROTECTION ROCK SHALL MEET ALL OF THE REQUIREMENTS STIPULATED IN TABLE 3 WHEN TESTED IN ACCORDANCE WITH THE SPECIFIED STANDARD PROCEDURES: TABLE 3 - SLOPE PROTECTION ROCK PROPERTIES <table border="1"> <thead> <tr> <th>TEST</th><th>REQUIREMENTS</th><th>TEST STANDARD</th></tr> </thead> <tbody> <tr> <td>SPECIFIC GRAVITY</td><td>> 2.65</td><td>ASTM C-127</td></tr> <tr> <td>WATER ABSORPTION</td><td>< 2 %</td><td>ASTM C-127</td></tr> <tr> <td>COMPRESSIVE STRENGTH</td><td>> 100 MPa</td><td>ASTM D-2938</td></tr> <tr> <td>L.A. ABRASION RESISTANCE (500 CYCLES)</td><td>< 30 %</td><td>ASTM C-535</td></tr> <tr> <td>SULPHATE SOUNDNESS</td><td>< 5 %</td><td>ASTM C-88</td></tr> <tr> <td>PARTICLE SHAPE</td><td>L/D < 2.5</td><td>ASTM D-3398</td></tr> </tbody> </table>	TEST	REQUIREMENTS	TEST STANDARD	SPECIFIC GRAVITY	> 2.65	ASTM C-127	WATER ABSORPTION	< 2 %	ASTM C-127	COMPRESSIVE STRENGTH	> 100 MPa	ASTM D-2938	L.A. ABRASION RESISTANCE (500 CYCLES)	< 30 %	ASTM C-535	SULPHATE SOUNDNESS	< 5 %	ASTM C-88	PARTICLE SHAPE	L/D < 2.5	ASTM D-3398	6.3.3 THE ENGINEER WILL, WITHIN SEVEN (7) DAYS OF RECEIVING THE ABOVE SUBMISSION, ADVISE THE CONTRACTOR OF THE ACCEPTABILITY OF THE PROPOSED MATERIALS AND PROCEDURES. 6.3.4 DURING PLACEMENT, THE ENGINEER MAY AT HIS DISCRETION INSPECT THE SLOPE PROTECTION FOR CONFORMANCE TO THE SPECIFICATION. THIS QUALITY ASSURANCE INSPECTION MAY INCLUDE SAMPLING AND TESTING AT NO COST TO THE CONTRACTOR, UNLESS MATERIAL DOES NOT CONFORM, WHEREON THE TESTING SHALL BE AT THE CONTRACTOR'S EXPENSE. 6.3.5 FAILURE OF A SAMPLE TO MEET ANY ONE OF THE SPECIFIED GRADATION AND PHYSICAL PROPERTIES CONSTITUTES AN UNACCEPTABLE MATERIAL AND SUCH MATERIAL MAY BE SUBJECT TO REJECTION BY THE ENGINEER. 6.3.6 DURING THE COURSE OF THE WORK, SHOULD THE CONTRACTOR PROPOSE TO OBTAIN SLOPE PROTECTION FROM AN ADDITIONAL SOURCE, OR SHOULD THE ROCK FROM AN APPROVED QUARRY APPEAR DIFFERENT IN ANY WAY FROM THE QUARRY SAMPLES TESTED, THE CONTRACTOR SHALL HAVE A SAMPLE FROM EACH ADDITIONAL SOURCE TESTED, OR EXISTING SOURCES RETESTED, AS DESCRIBED ABOVE AT THE CONTRACTOR'S EXPENSE. TABLE 4 - CLASS FOR RIPRAP <table border="1"> <thead> <tr> <th rowspan="2">CLASS OF RIPRAP (KG)</th><th colspan="4">APPROXIMATE AVERAGE DIMENSION (mm)</th></tr> <tr> <th>15%</th><th>50%</th><th>85%</th><th><100%</th></tr> </thead> <tbody> <tr> <td>10</td><td>90</td><td>195</td><td>280</td><td>330</td></tr> <tr> <td>25</td><td>120</td><td>260</td><td>380</td><td>450</td></tr> </tbody> </table> 6.4 EXECUTION 6.4.1 GENERAL AT THE END OF EACH WORKING DAY, CLEAN UP ALL FALLEN ROCK, DUST AND DEBRIS ARISING FROM ROCK DELIVERIES, TO THE ENGINEER'S SATISFACTION. 6.4.2 STOCKPILING THE CONTRACTOR SHALL NOT STOCKPILE IMPORTED RIPRAP ON THE EXISTING PARKING AREAS, EMBANKMENT SLOPES OR FORESHORE THAT CAUSES TRAFFIC DISRUPTIONS, SETTLEMENT TO EXISTING PARKING AREA, DAMAGE TO STRUCTURES WITHIN THE PROPERTY AND THAT IS HARMFUL TO THE ENVIRONMENT. IN THE EVENT THAT THE CONTRACTOR CAUSES SUCH DAMAGE, THEN HE SHALL BE RESPONSIBLE FOR ALL NECESSARY REPAIRS AT NO COST TO THE OWNER. 6.4.3 PLACING 6.4.3.1 THE UNDERLYING SURFACE SHALL BE TRIMMED AND COVERED WITH GEOTEXTILE PRIOR TO PLACING THE SLOPE PROTECTION, ANY LOSS OF MATERIAL OR FLATTENING OF THE SLOPES DURING THE WORK DUE TO WAVE ACTION OR OTHER CAUSE SHALL BE CORRECTED PROMPTLY. EXISTING PROFILE SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACING SLOPE PROTECTION. 6.4.3.2 PLACE SLOPE PROTECTION IN THE LOCATIONS AND TO THE ELEVATIONS, THICKNESS AND DETAILS INDICATED ON THE DRAWINGS OR AS DIRECTED BY THE ENGINEER. USE METHODS TO ENSURE THAT THE FINER ONE THIRD OF THE GRADATION IS EVENLY DISTRIBUTED THROUGHOUT THE LAYER AND OVER THE SURFACE BEING COVERED. 6.4.3.3 BEGIN PLACEMENT OF SLOPE PROTECTION AT THE TOE OF THE SLOPE AND CONTINUE WORKING UP THE SLOPE. PLACE THE ROCK IN TWO LAYERS IN SUCH A MANNER AS TO CREATE FIRM BEDDING AND INTERLOCKING OF INDIVIDUAL PIECES TO OBTAIN A TIGHTLY PACKED STRUCTURE. THE FINISHED SURFACE SHALL BE DENSELY PACKED BY PLACING SUITABLY SIZED ROCKS WITHIN VOIDS SO THAT RIPRAP IS WELL KEYED AND UNIFORM. FILL VOIDS, RE-WORK ROCKS NOT PROPERLY EMBEDDED, AND REMOVE PROTUBERANCES TO THE SATISFACTION OF THE ENGINEER. REMOVE AND REPLACE THAT PORTION OF ANY LAYER IN WHICH MATERIAL BECOMES SEGREGATED DURING SPREADING. 6.4.3.4 ENSURE THAT SLOPE PROTECTION DOES NOT EXTEND BEYOND THE NEAT LINE LIMITS AS SHOWN ON THE DRAWINGS. 6.4.3.5 PLACE SLOPE PROTECTION ON THE SLOPES EXPEDITIOUSLY AFTER COMPLETION OF EXCAVATION AND FILL PLACEMENT TO AVOID LOSSES DUE TO ENVIRONMENTAL AND/OR WAVE CONDITIONS.	CLASS OF RIPRAP (KG)	APPROXIMATE AVERAGE DIMENSION (mm)				15%	50%	85%	<100%	10	90	195	280	330	25	120	260	380	450	6.5 TOLERANCES 6.5.1 ALL ROCK MATERIALS SHALL BE PLACED TO THE LINES, GRADES AND ELEVATIONS INDICATED ON THE DRAWINGS. THE MAXIMUM PERMISSIBLE VARIATION IN ELEVATION FROM THE PRESCRIBED LINE, MEASURED VERTICALLY AT COMPLETION OF PLACEMENT, SHALL BE +0.0 M AND -0.10 M. 6.5.2 THE MAXIMUM PERMISSIBLE VARIATION IN THE FINISHED THICKNESS OF SLOPE PROTECTION LAYERS, WHEN MEASURED AS THE PERPENDICULAR DIMENSION BETWEEN THE TOP AND BOTTOM SURFACE PLANES SHALL BE +/- 15 % OF THE LAYER THICKNESS AS INDICATED ON THE DRAWINGS. 6.5.3 THE FINAL SURFACE SHALL BE SURVEYED AND THE CONTRACTOR SHALL CORRECT ANY DEFICIENCIES TO THE SPECIFIED LIMITS AND SATISFACTION OF THE ENGINEER. DESIGN CRITERIA 1.0 CODES AND STANDARDS THE STRUCTURES ARE DESIGNED TO CONFORM TO THE MOST CURRENT VERSION OF THE FOLLOWING CODES AND STANDARDS. - CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS, "LAYOUT, DESIGN AND CONSTRUCTION HANDBOOK FOR SMALL CRAFT BOAT LAUNCHING FACILITIES"; - PROVINCE OF BRITISH COLUMBIA, MINISTRY OF ENVIRONMENT LANDS AND PARKS, "PARK DESIGN GUIDELINES AND DATA" - CSA A23.3 - "DESIGN OF CONCRETE STRUCTURES" - OREGON STATE MARINE BOARD, "LAYOUT AND DESIGN GUIDELINES FOR RECREATIONAL BOATING FACILITIES" 2.0 MATERIALS AND TESTING MATERIALS AND TESTING IS SPECIFIED TO CONFORM TO THE MOST CURRENT EDITION OF THE RELEVANT STANDARDS, WHERE APPLICABLE, AS PUBLISHED BY THE FOLLOWING ORGANIZATIONS: - CANADIAN STANDARDS ASSOCIATION (CSA) - AMERICAN SOCIETY OF TESTING AND MATERIALS (ASTM) 3.0 UNITS OF MEASUREMENT CONSTRUCTION DRAWINGS AND SPECIFICATIONS ARE IN ACCORDANCE WITH THE INTERNATIONAL SYSTEM OF UNITS (SI) METRIC UNITS. ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE. 4.0 PROJECT DATUM AND ELEVATIONS COORDINATES ARE IN METRES TO UTM NAD83 ZONE 10 COORDINATE SYSTEM. ALL ELEVATIONS ARE REFERENCED TO GEODETC DATUM BASED ON DATA PROVIDED BY TURNER AND ASSOCIATES LAND SURVEYING FROM A SURVEY CONDUCTED IN MARCH 2023. TO COMPUTE CHART DATUM ELEVATIONS, ADD 3.08M TO FIELD ELEVATIONS (BASED ON FISHERIES & OCEANS CANADA BENCHMARK M12C9003). 5.0 DESIGN LIFE THE NEW COMPONENTS OF THE PROPOSED FACILITY ARE DESIGNED FOR A SERVICE LIFE OF 30 YEARS. 6.0 MARINE CRITERIA 6.1 WATER LEVELS ELEVATIONS ARE REFERENCED TO GEODETC SURVEY OF CANADA DATUM. <table border="1"> <thead> <tr> <th>WATER LEVELS</th><th>ELEVATION (m)</th><th>LOCATION</th></tr> </thead> <tbody> <tr> <td>MAXIMUM WATER ELEVATION</td><td>2.03</td><td>SILVA BAY</td></tr> <tr> <td>MINIMUM WATER ELEVATION</td><td>-2.91</td><td>SILVA BAY</td></tr> </tbody> </table> THE RAMP DESIGN TOE ELEVATION IS BASED ON EXISTING LOCATION OF SHIPWAY RAIL. 7.0 STRUCTURAL LOADS THE RAMPS ARE DESIGNED TO CARRY THE WEIGHT OF A VEHICLE WITH A LOADED BOAT TRAILER. THE DESIGN WEIGHT OF THE VEHICLE IS 6050kg AND THE DESIGN WEIGHT OF A LANDED BOAT TRAILER IS 4400kg. 8.0 GEOTECHNICAL INFORMATION GEOTECHNICAL INFORMATION IS TO BE COMPLETE BY GEOTECHNICAL ENGINEERS. 9. DESIGN WAVE HEIGHT <table border="1"> <thead> <tr> <th>WIND DIRECTION DEGREES AZIMUTH</th><th>WIND SPEED (m/s)</th><th>SIGNIFICANT WAVE HEIGHT (m)</th></tr> </thead> <tbody> <tr> <td>80°</td><td>35.1</td><td>0.5</td></tr> </tbody> </table>	WATER LEVELS	ELEVATION (m)	LOCATION	MAXIMUM WATER ELEVATION	2.03	SILVA BAY	MINIMUM WATER ELEVATION	-2.91	SILVA BAY	WIND DIRECTION DEGREES AZIMUTH	WIND SPEED (m/s)	SIGNIFICANT WAVE HEIGHT (m)	80°	35.1	0.5	SILVA BAY BOAT RAMP REPLACEMENT PROJECT SILVA BAY RESORT AND MARINA --- GENERAL NOTES (2 OF 2)	Rev. 2 Date: 2024-01-18 Drawn by: Matt Thompson Checked by: JBY Design notes: 23-0425 Revised by: PH Revised by: FULL FIRST & LAST NAME Revised by: Drawing notes (AS NOTED) Per scale: 1:1 (Metric)	SUITE 301 – 771 W BROADWAY VANCOUVER, BC CANADA V2Z 4J7 metcon® & metcon!	Sheet Reference No. G-003 INDEX: 3 OF 8
TEST	REQUIREMENTS	TEST STANDARD																																																												
SPECIFIC GRAVITY	> 2.65	ASTM C-127																																																												
WATER ABSORPTION	< 2 %	ASTM C-127																																																												
COMPRESSIVE STRENGTH	> 100 MPa	ASTM D-2938																																																												
L.A. ABRASION RESISTANCE (500 CYCLES)	< 30 %	ASTM C-535																																																												
SULPHATE SOUNDNESS	< 5 %	ASTM C-88																																																												
PARTICLE SHAPE	L/D < 2.5	ASTM D-3398																																																												
CLASS OF RIPRAP (KG)	APPROXIMATE AVERAGE DIMENSION (mm)																																																													
	15%	50%	85%	<100%																																																										
10	90	195	280	330																																																										
25	120	260	380	450																																																										
WATER LEVELS	ELEVATION (m)	LOCATION																																																												
MAXIMUM WATER ELEVATION	2.03	SILVA BAY																																																												
MINIMUM WATER ELEVATION	-2.91	SILVA BAY																																																												
WIND DIRECTION DEGREES AZIMUTH	WIND SPEED (m/s)	SIGNIFICANT WAVE HEIGHT (m)																																																												
80°	35.1	0.5																																																												
D																																																														
C																																																														
B																																																														
A																																																														
	1	2	3	4	5	6																																																								





SILVA BAY BOAT RAMP REPLACEMENT PROJECT
SILVA BAY RESORT AND MARINA

RAMP SECTIONS SHEET

Rev	Date	Drawn by	Check by	Reviewed by	Checked by	Project
3	2024-01-30	MM	MM	MM	MM	2024-01-30
2	2024-01-30	MM	MM	MM	MM	2024-01-30
1	2024-01-30	MM	MM	MM	MM	2024-01-30

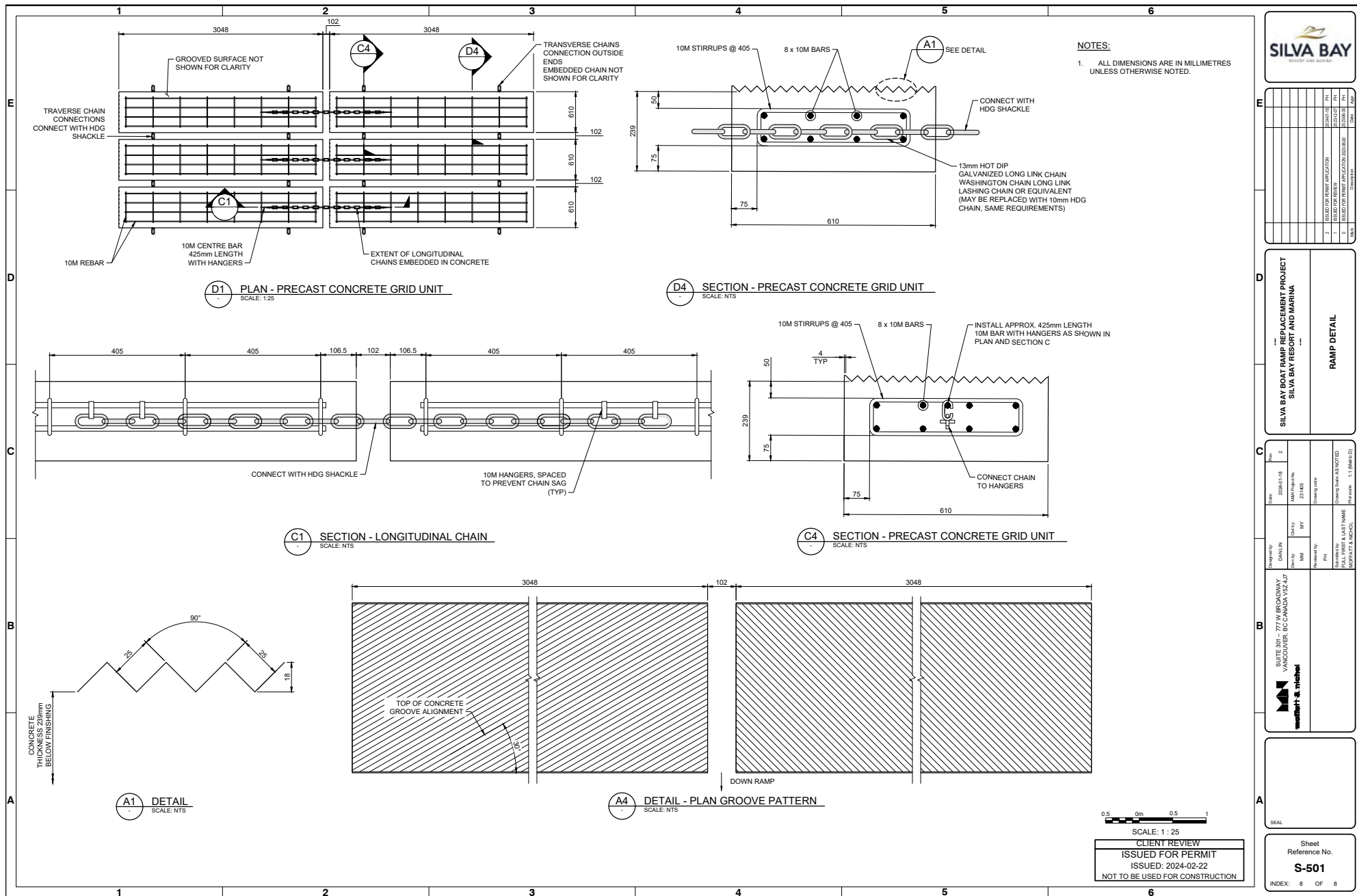
Designed by: DANIEL
Drawn by: MM
Checked by: MM
Reviewed by: MM
Project: 2024-01-30

Scale: 1:10, 1:15, 1:75
Project: 2024-01-30

Scale: 1:10, 1:15, 1:75
Project: 2024-01-30

Scale: 1:10, 1:15, 1:75
Project: 2024-01-30

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



SILVA BAY
SILVA BAY RESORT AND MARINA

Rev	Date	By	Check	Appr	Description
1	2024-01-18	DAK/ML	MM	PH	ISSUED FOR PERMIT
2	2024-02-22	MM	MM	PH	ISSUED FOR PERMIT

SILVA BAY BOAT RAMP REPLACEMENT PROJECT
SILVA BAY RESORT AND MARINA

RAMP DETAIL

DESIGNED BY: DAK/ML
CHECKED BY: MM
APPROVED BY: PH

DATE: 2024-01-18
PROJECT: SILVA BAY BOAT RAMP REPLACEMENT PROJECT
LOCATION: SILVA BAY RESORT AND MARINA
SCALE: 1:25 (Plan & Section)

CLIENT REVIEW
ISSUED FOR PERMIT
ISSUED: 2024-02-22
NOT TO BE USED FOR CONSTRUCTION

INDEX: 8 OF 8

Sheet Reference No. S-501

File: G:\W\24\1462030 CAD\03 - Architect - Silva Bay Resort\24\1462030\24\1462030.dwg

DRAFT



Islands Trust

GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT GB-DP-2024.1

To: Silva Bay Resort & Marina – 1167433 BC Ltd.

1. This permit applies to the property described below:

PID: 030-792-606

Legal Description: Lot 1, Section 5 Gabriola Island Nanaimo District Plan EPP90534

2. Whereas the subject property as described above lies within “Development Permit Area No. 4 – Flat Tops Islands Area” designated under Gabriola Island Official Community Plan Bylaw No. 166, this Development Permit is issued under Gabriola Island Land Use Bylaw No. 177, that authorizes the:
 - a. Demolition and reconstruction of the “Stores Deck”;

in accordance with the following Schedules:

- “A” - Project Location Map and Plans;
- “B” - Marine Environmental Assessment report (MEA) by Legacy Environmental dated March 27, 2024.

all attached to and forming part of this permit.

3. This Permit is subject to the following conditions:

3.1 Marine Environmental Assessment (MEA) Report by Legacy Environmental dated March 27, 2024 with specific relevant sections:

- Section 7.0 - MITIGATION MEASURES TO AVOID HADD TO FISH AND FISH HABITAT
- Section 7.1 – ENVIRONMENTAL MONITORING
- Section 7.7 – EROSION AND SEDIMENT CONTROL MEASURES
- Section 7.9 – DEBRIS MANAGEMNT
- Section 7.12 - ENVIRONMENTAL EMERGENCY AND SPILL PREVENTION AND RESPONSE PLAN
- Section 7.14 - WASTE MANAGEMENT
- Section 7.14.1 – NON-HAZARDOUS SOLID WASTE MANAGEMENT

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

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE
THIS XXTH DAY OF XX, 2024.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE XXTH DAY OF XX, 2026,
THIS PERMIT AUTOMATICALLY LAPSES.



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2024.1**

Schedule "A" – Project Location Map and Plans

(PDF document begins on next page)

SILVA BAY RESORT AND MARINA

SILVA BAY BOAT RAMP REPLACEMENT PROJECT



VICINITY MAP
NTS



LOCATION PLAN
NTS

INDEX OF DRAWINGS		
INDEX NO.	SHEET NO.	SHEET TITLE
1	G-001	COVER SHEET
2	G-002	GENERAL NOTES (1 OF 2)
3	G-003	GENERAL NOTES (2 OF 2)
4	V-101	EXISTING SITE PLAN
5	C-101	PLAN AND PROFILE
6	C-102	PLAN AND PROFILE - WALL
7	C-301	RAMP SECTIONS SHEET
8	S-501	RAMP DETAIL

CLIENT REVIEW
ISSUED FOR PERMIT
ISSUED: 2024-02-22
NOT TO BE USED FOR CONSTRUCTION



Rev.	Date	By	For
1	2024-02-22	MM	MM
2	2024-02-22	MM	MM

SILVA BAY BOAT RAMP REPLACEMENT PROJECT
SILVA BAY RESORT AND MARINA
COVER SHEET

DATE: 2024-01-18
DRAWN BY: DAN LEE
CHECKED BY: MM
DESIGNED BY: MM
PROJECT NO.: 231405
PROJECT NAME: SILVA BAY BOAT RAMP REPLACEMENT PROJECT
PROJECT LOCATION: SILVA BAY RESORT AND MARINA
PROJECT SCALE: 1:1 (Metric)

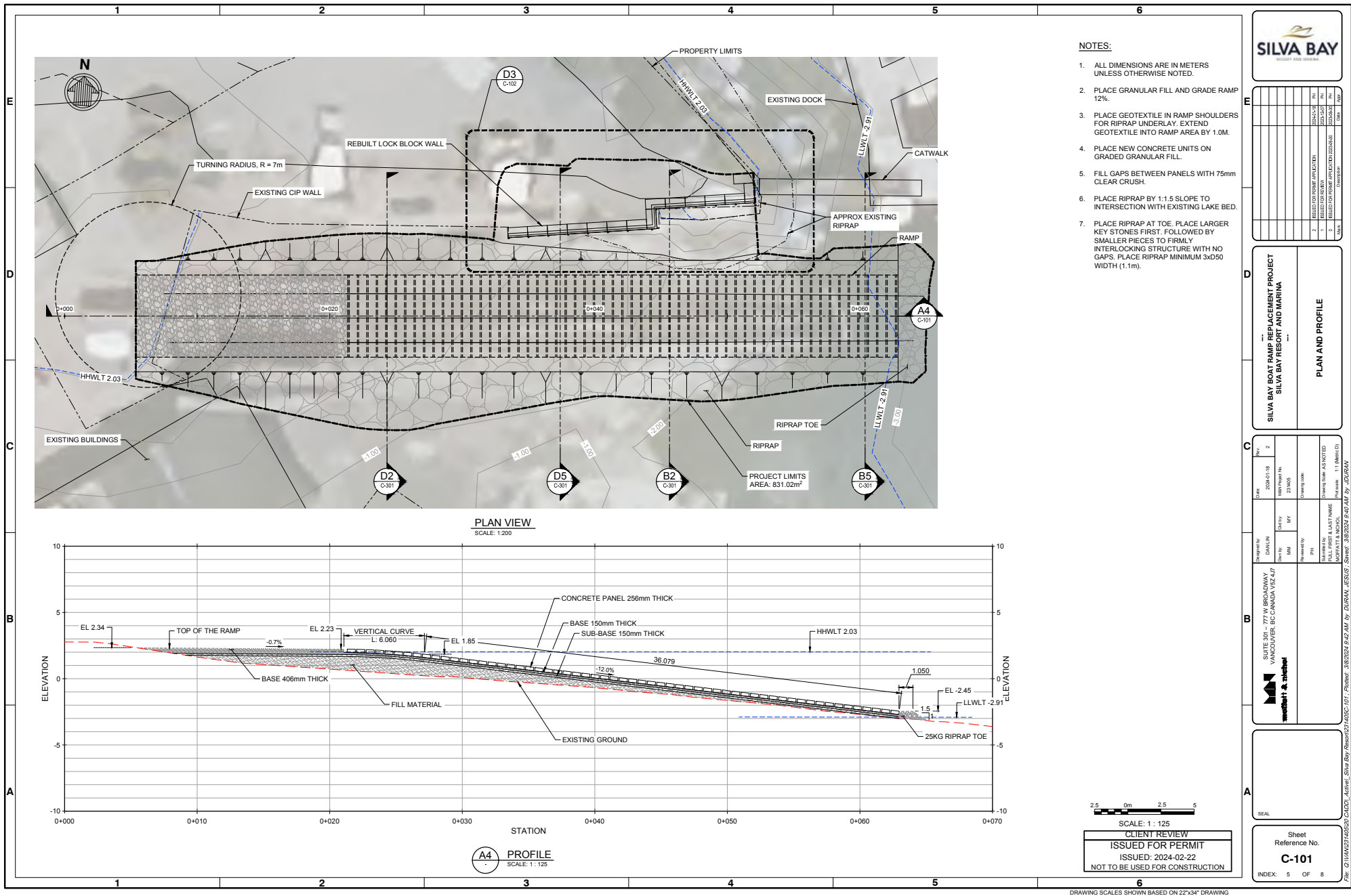
SEAL

Sheet Reference No.
G-001
INDEX: 1 OF 8

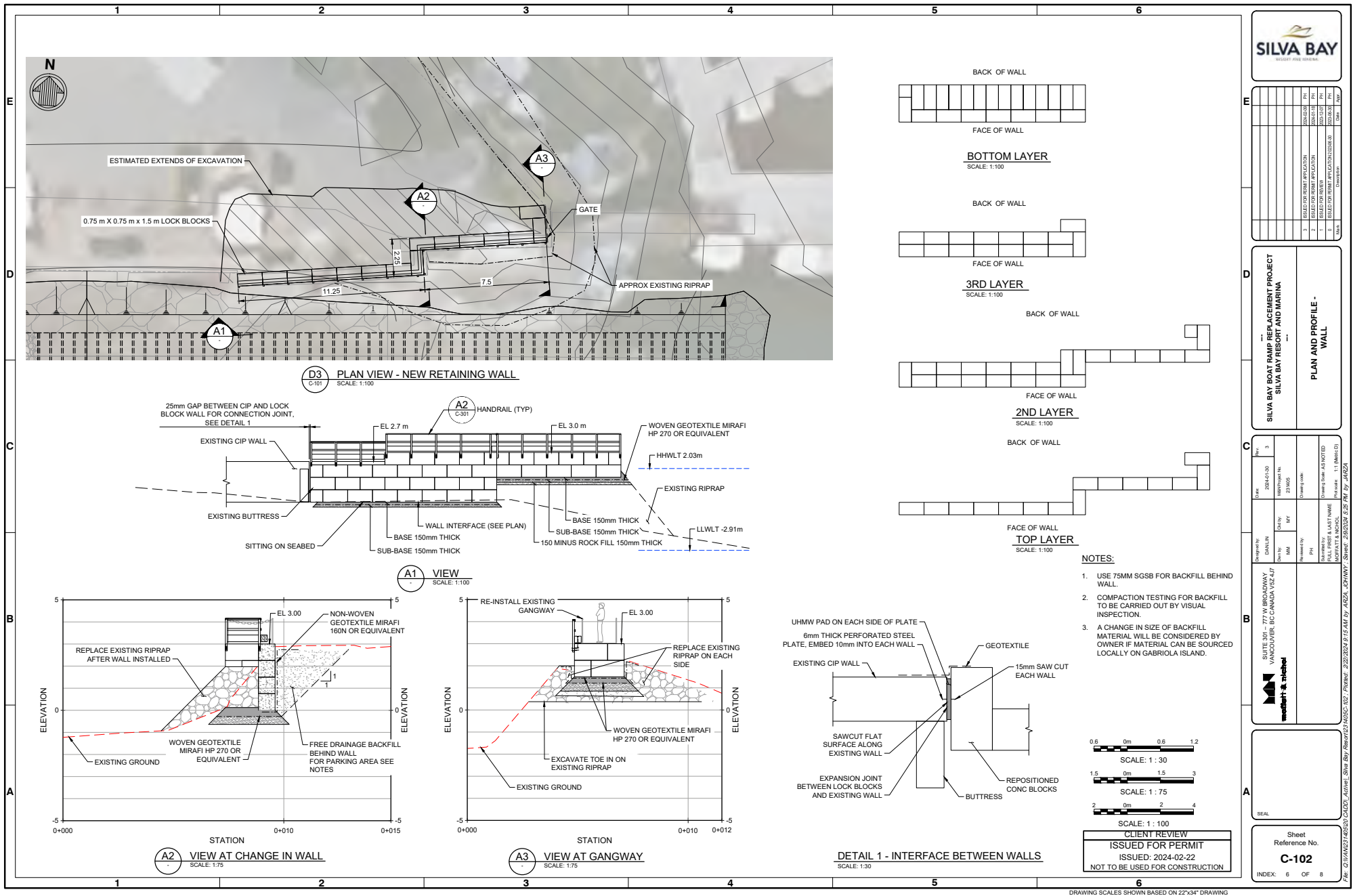
DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

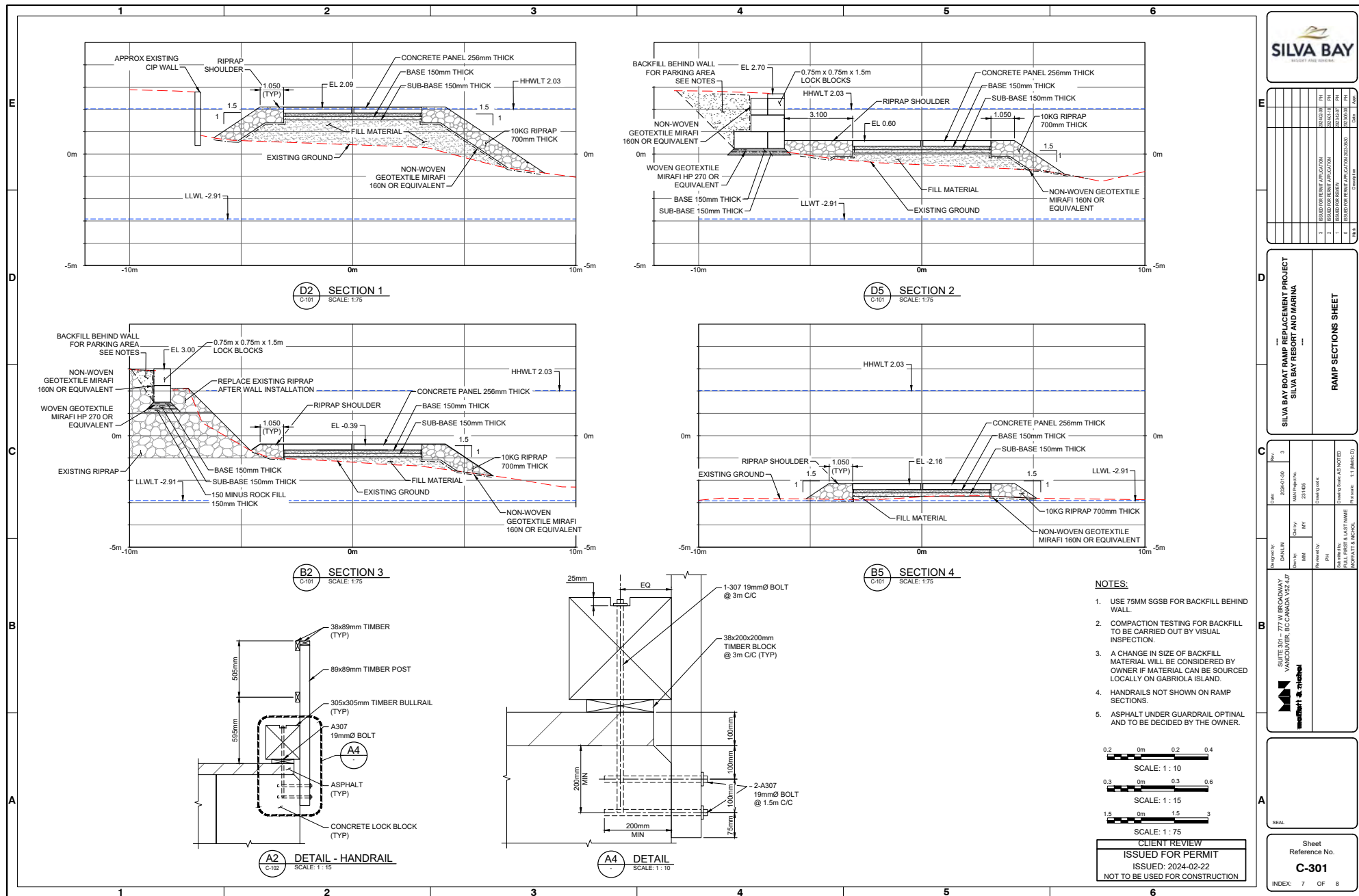


DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING





SILVA BAY BOAT RAMP REPLACEMENT PROJECT
SILVA BAY RESORT AND MARINA

RAMP SECTIONS SHEET

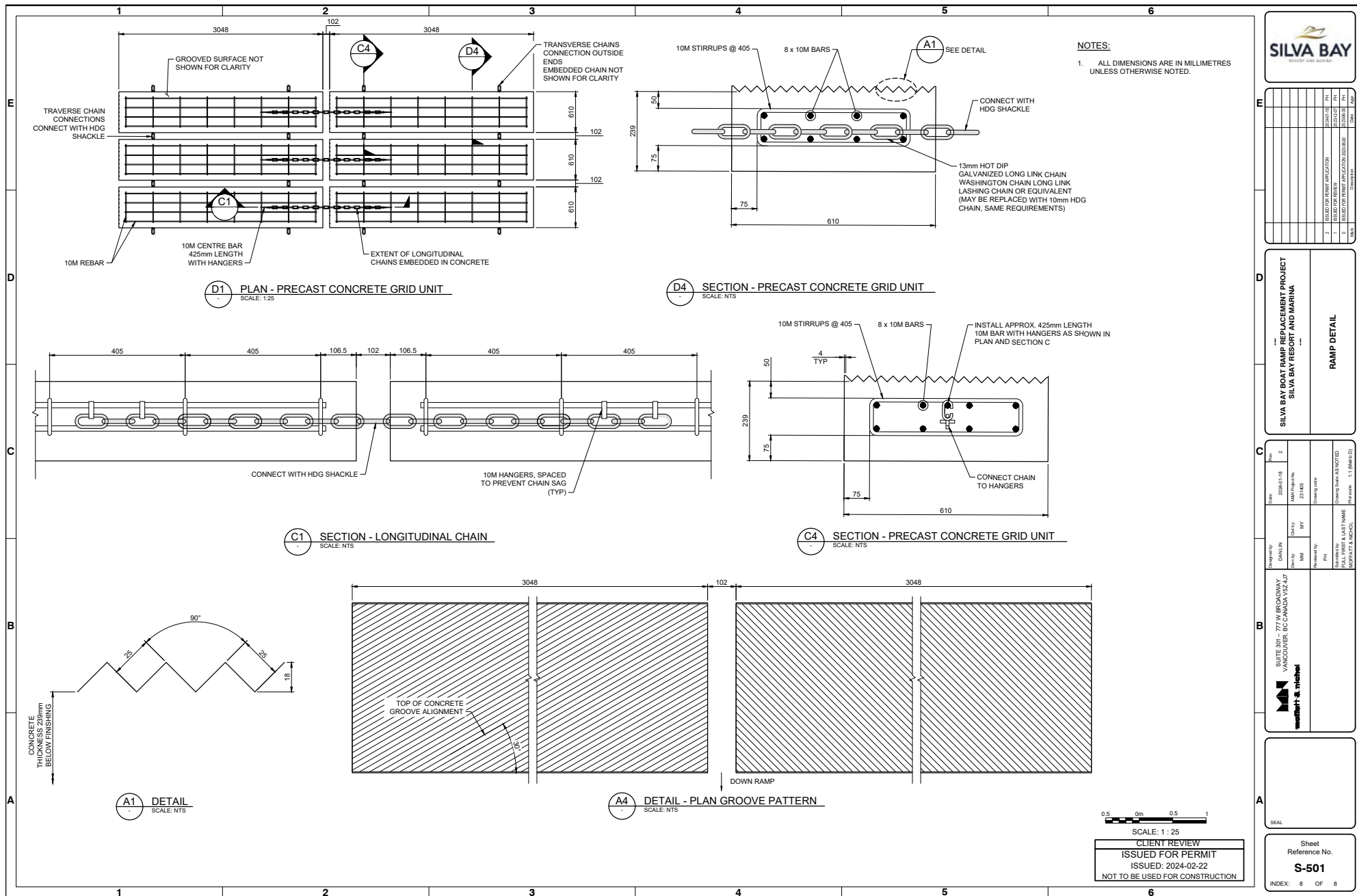
Rev	Date	Drawn by	Check by	Reviewed by	Drawn code	Reviewed code
3	2024-01-30	DAHLIN	MM	PH	231405	231405
2	2024-02-01	DAHLIN	MM	PH	231405	231405
1	2024-02-01	DAHLIN	MM	PH	231405	231405

Designated by: DAHLIN
 Drawn by: MM
 Check by: PH
 Reviewed by: PH
 Drawing code: 231405
 Reviewed code: 231405
 Project name: SILVA BAY BOAT RAMP REPLACEMENT PROJECT
 Project location: SILVA BAY RESORT AND MARINA
 Project number: 231405
 Project date: 2024-01-30

Suite 301, 3771 BURNBURY
 VANCOUVER, BC CANADA V5Z 4J7
 Tel: 604.271.1111
 Email: info@silvabay.ca
 Website: www.silvabay.ca

SEAL
 Sheet Reference No.
C-301
 INDEX: 7 OF 8

File: G:\HAWK\24\02\03\CLADD_Actual_Silva_Bay_Ramp\03_MISC\01_Planet_22222024 8 15 AM by AGZA_JOWNOY - Saved: 2024-02-22 8 15 PM by AGZA



SILVA BAY
SILVA BAY RESORT AND MARINA

Rev	Date	By	Check	Drawn	Scale	Description
1	2024-01-18	DAK/LL	MM	MM	1:1	ISSUED FOR PERMIT
2	2024-02-22	DAK/LL	MM	MM	1:1	ISSUED FOR PERMIT

SILVA BAY BOAT RAMP REPLACEMENT PROJECT
SILVA BAY RESORT AND MARINA

RAMP DETAIL

Designed by: DAK/LL
Drawn by: MM
Checked by: MM
Reviewed by: MM
Permitted by: MM
Approved by: MM

Project No.: 2024-01-18
Drawing No.: 2024-02-22
Scale: 1:1 (Permit Only)

SILVA BAY
2771 SILVA BAY
VANCOUVER, BC CANADA V5Z 4J7

ISSUED FOR PERMIT

Sheet Reference No.
S-501

INDEX: 8 OF 8

File: G:\HAWK\21462030 CAD\Drawn: Silva Bay Resort\21462030 CAD\Drawn: 2024-02-22 14:52 PM By: ARZ/LL



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT GB-DP-2024.1**

**Schedule “B” – Marine Environmental Assessment (MEA) by Legacy Environmental,
March 27, 2024**

(PDF document begins on next page)



March 27, 2024

File # 0110.01.04

Silva Bay Resort and Marina
3383 South Road
Gabriola Island, BC
V0R 1X7

Attention: Dean Chen, Operations Manager and Jenni Chan, Project Assistant

RE: Letter Report - Marine Environmental Assessment, Silva Bay Marine Resort (SBMR), Gabriola Island.

1.0 INTRODUCTION

Legacy Environmental Ltd. ("LEGACY") is pleased to provide this Letter Report for a Marine Environmental Assessment (MEA) for the property located at Silva Bay Marine Resort (SBMR) on the southeastern shore of Gabriola Island, BC (the "Site").

This MEA Letter Report serves as an update to the Aquatic Effects Assessment (AEA) previously completed for the Project Site (Hemmera 2020). The purpose of this assessment is to confirm if the biophysical conditions at the Project Site remain consistent with the 2020 survey, evaluate potential effects of the proposed changes to the existing shipway on the environment and prescribe measures to mitigate potential project impacts at SBMR.

2.0 BACKGROUND

The shipway at SBMR is an important access point for recreational boaters in the region (**Photo 1**). Surrounding land and water uses include residential properties and recreational boating and fishing. The shipway comprises three steel rails and a steel ship cradle that raises/lowers boats via an electric cable winch (**Photo 1** and **2**). A cast-in-place concrete retaining wall transitions from the upper intertidal down to the lower intertidal where it transitions to a concrete lock block retaining wall (**Photo 3**).

SBMR is proposing the removal of the existing rails and cradle to create a boat launch. In 2023, a condition assessment of the boat launch was completed by Emerald Sea Surveying Ltd. at the Site that highlighted

that repairs were required to maintain the functionality of the existing infrastructure (Emerald Sea Surveying, 2023).



Figure 1. The Project Site showing the shipway delineated in yellow.



Photo 1. The shipway from the upper intertidal, looking east.



Photo 2. An overview of the shipway area as viewed from the upland, looking east towards the intertidal and subtidal areas.



Photo 3. Existing cast-in-place and lock block concrete retaining wall on the north side of the shipway.

3.0 PROJECT DESCRIPTION

The proposed repair work will replace the existing shipway structure with new installations for the boat launch. Project activities will include:

- Dismantling the existing lock block wall, placing geotextile material at the base, and rebuilding the lock block wall in the same footprint.
- If and where required, placing free drainage fill behind the lock block wall on the upland (car park) side.
- Placing granular fill on top of existing shipway ramp and place boat ramp pre-cast concrete panels.
- Placing geotextile material either side of the concrete ramp at ramp shoulder for rip rap underlay.
- Rip rap placement.

Work is anticipated to occur during the spring low tides in June 2024.

3.1 Regulatory Context

The following environmental legislation are expected to apply to this project.

3.2 Fisheries Act

The *Fisheries Act* governs fisheries in Canada and provides a framework for:

- a) The management and control of fisheries; and,
- b) The conservation and protection of fish and fish habitat, including by preventing pollution.

The fish and fish habitat protection provisions apply to all fish and fish habitat throughout Canada.

Fish habitat is defined under subsection 2(1) as “water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas”.

The Fish and Fish Habitat Protection and Pollution Prevention provisions of the Act include the following:

- A prohibition against causing the death of fish, by means other than fishing (section 34.4).
- A prohibition against causing the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat (section 35).
- A framework of considerations to guide the Minister’s decision-making functions (section 34.1).
- Ministerial powers to ensure the free passage of fish or the protection of fish or fish habitat with respect to existing obstructions (section 34.3).

Subsection 34.4(2)(b) and 35(2)(b) qualifies these prohibitions and allows for the authorization of harmful impacts to fish and fish habitat by the Minister of Fisheries and Oceans Canada (DFO).

DFO applies a risk-based approach when evaluating the impacts of works, undertakings, or activities on fish habitat. HADD is defined as any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat’s capacity to support one or more life processes of fish.

DFO’s Fisheries Protection Policy Statement¹ provides direction regarding the *Fisheries Act*. The goal of the Fish and Fish Habitat Protection Policy Statement is to provide a framework for the conservation and protection of fish and fish habitat.

Proponents of works, undertakings, or activities taking place in or near water may harmfully impact fish or fish habitat are expected to:

- Understand the types of harmful impacts their works, undertakings, or activities are likely to cause.

¹ Fish and Fish Habitat Protection Policy Statement, August 2019: <http://www.dfo-mpo.gc.ca/pnw-ppe/policy-politique-eng.html>

- Take measures to avoid harmful impacts, including following relevant standards, codes of practice, or regulations.
- Request an exception (Authorization Concerning Fish and Fish Habitat Protection Regulations) to the section 34.4 and 35 prohibitions when it is not possible to avoid harmful impacts to fish and fish habitat.

DFO has provided codes of practice on their website for low-risk activities in and around water. A project review by DFO is not required when the conditions and measures set out in this code of practice and all applicable [measures to protect fish and fish habitat](#) are applied. In this case, there is no code of practice applicable to pile removal, so a Request for Project Review will be submitted to DFO for review to determine whether the project is expected to result in a HADD of fish habitat.

3.3 Species at Risk Act

Federally, the *Species at Risk Act* (SARA) prohibits the killing, harm, harassment, and capture of a species listed on Schedule 1 of SARA as Extirpated, Endangered, or Threatened as per Sections 32 of SARA. Additional provisions are contained in SARA that prohibit the damage or destruction of the residence of one or more individuals listed on Schedule 1 of SARA (Section 33). Furthermore, the destruction of critical habitat of listed species as identified in the recovery strategy or action plan for that species is prohibited under Section 58(1) of SARA.

4.0 METHODS

Observational surveys of biophysical features in intertidal and surrounding backshore areas, and a subtidal surface supply dive survey, were conducted on March 7th, 2023, to classify the biophysical characteristics at the Project Site. Intertidal areas were surveyed during a low tide. For the subtidal portion of the survey, divers completed three transects of the Project Area, beginning in the northwesternmost subtidal portion, traveling eastward for transect 1 to -4.5 m depth, then back west for transect 2, and east before finishing transect 3 in the southeast corner of the project area (**Figure 2**).

Marine organisms present were identified to species level, where possible. Substrates were characterized based on a visual assessment of size classes presented in DFO (2002):

- Boulder (> 256 mm)
- Cobble (64 mm to 256 mm)
- Gravel (2 mm to 64 mm)
- Sand (0.0625 mm to 2 mm)
- Silt/Mud/Clay (< 0.0625 mm)

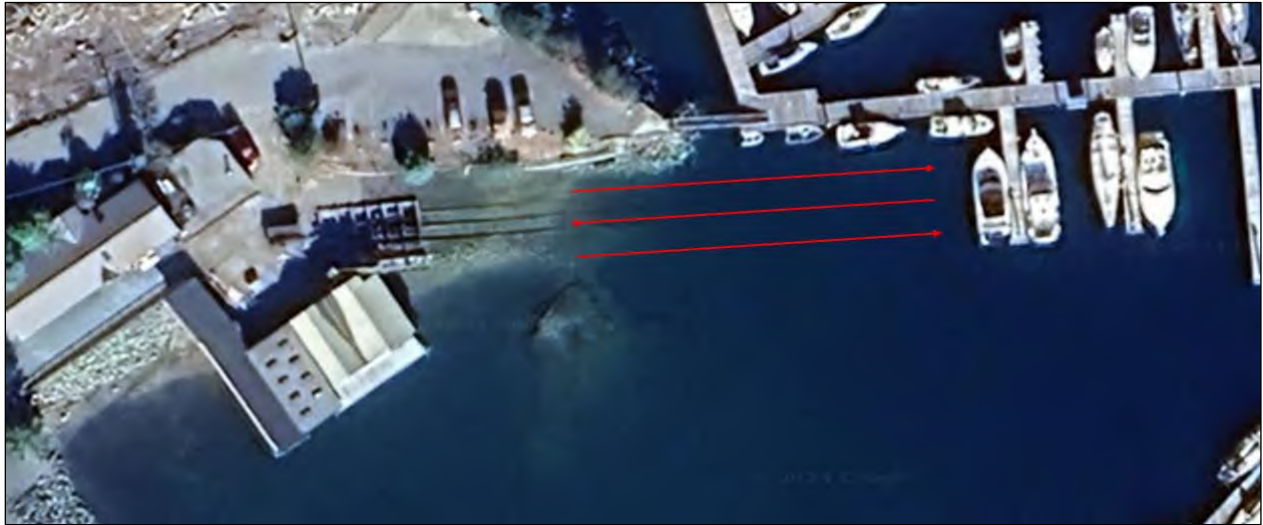


Figure 2. Subtidal transect locations in the subtidal portion of the shipway.

5.0 EXISTING CONDITIONS

5.1 Habitat Description and Fish Species Present

5.1.1 Regional Context

Gabriola Island lies in Fisheries Management Area 17, subarea 10. Bivalve shellfish harvesting in Silva Bay is permanently closed to all species due to the risk of sanitary and biotoxin contamination (DFO 2018). Recreational fishing for Dungeness crab (*Metacarcinus magister*) and red rock crab (*Cancer productus*) occurs in the subtidal zone of Silva Bay (Hemmera, 2020).

There are no freshwater streams discharging within 1.2 km of the Project Area. The nearest salmon bearing stream to the Project Area are the Nanaimo River and Holden Creek, approximately 14 km northwest and 11 km southwest, respectively (Hemmera, 2020).

5.1.2 Biophysical Features of the Project Site

5.1.2.1 Backshore and Intertidal Area

The narrow intertidal and upland area of the Project Site is highly disturbed. The upland area is highly developed, comprising consolidated, unsealed fill with concrete and timber retaining areas housing marina infrastructure (**Photo 4A**).



Photo 4. (A) Backshore area with shipway infrastructure. Photo is facing west onshore from the upper intertidal area.



(B) Existing rip rap in front of the lock block wall. Photo is facing north from the intertidal area.

The intertidal area comprises coarse soft substrates with some existing rip rap armoring (**Photo 4B**) and some mixed pebble, cobble, and boulder (**Photo 5**). Macroalgal cover was low (less than 5% of the substrate) and limited to rockweed (*Fucus gardnerii*) and sea hair (*Ulva intestinalis*). Invertebrate abundance was similarly very low and limited to acorn barnacles (*Balanus glandula*) observed on the rock and cobble substrates and concrete retaining structures (**Photo 6**). Occasional shell hash from blue mussels (*Mytilus* sp.), non-native Pacific oysters (*Crassostrea gigas*) and clams (various species) littered the project area.



Photo 5. Low intertidal area and macroalgal cover on the shipway. Photos are facing southeast.

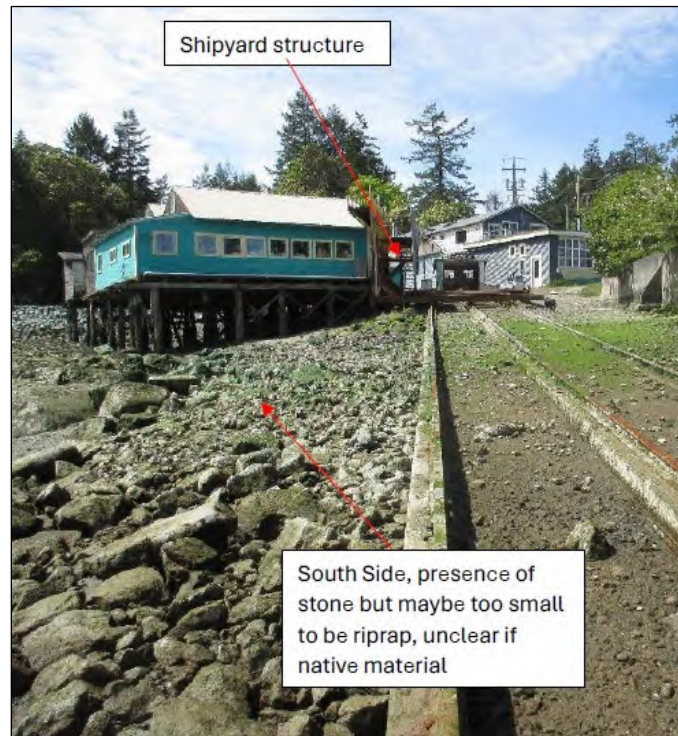


Photo 3. Existing boulder and cobble substrate on the south side of the shipway. Photo is facing west up the shipway. Possibly existing rip rap.

5.1.2.2 Subtidal Zone

Macroalgal and invertebrate abundance at the shipway was very low. The subtidal portion of the shipway rails hosted various fouling communities, including small individuals of non-native wireweed (*Sargassum muticum*), sea lettuce (*Ulva* sp.), rockweed, and acorn barnacles (**Photo 7A**). As the rails extended into subtidal area, heavy diatomaceous cover was observed (**Photo 7B**).

Subtidal substrates offshore of the shipway are relatively homogenous, comprising diatom covered soft substrates with occasional empty bivalve shells dispersed throughout. A single leather star (*Dermasterias imbricata*) was observed on bottom substrates (**Photo 7C**). One small kelp individual was observed attached to a small boulder (**Photo 7D**).

The lack of hard substrate in the subtidal zones suggests that productivity will not increase significantly during the late spring or summer. Although no crabs were observed during the assessment, the unconsolidated substrates are preferred habitat for crab species and invertebrate burrows were evident through the Site. No fish were observed during the assessment.

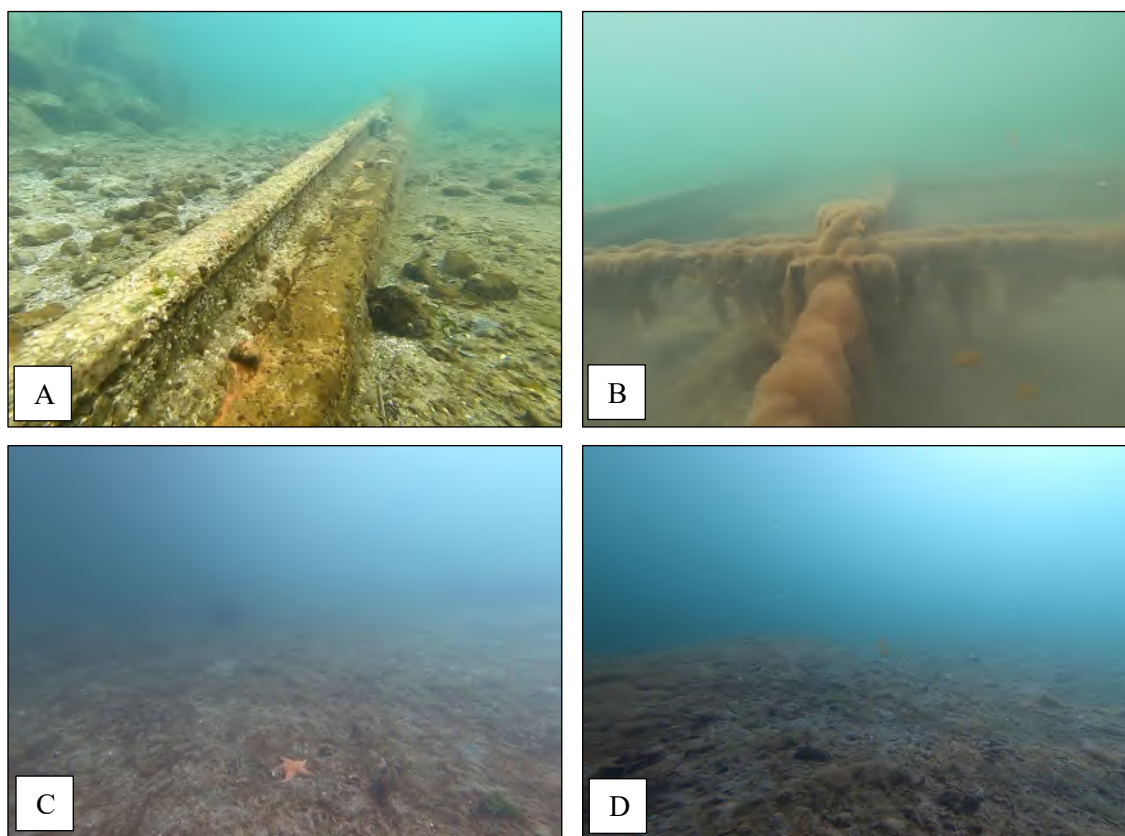


Photo 7. Subtidal biophysical conditions at the Project Site.

The previous biophysical survey at the Site (Hemmera 2020) recorded two small patches of native eelgrass (*Zostera marina*) at distinct locations within the tenure area. The nearest eelgrass patch is on the boundary of the tenure area, approximately 50 m southeast of the shipway project area. No eelgrass was observed during the 2023 survey of the shipway area.

6.0 POTENTIAL EFFECTS TO FISH AND FISH HABITAT

The existing Shipway comprises an area of ~660 m². All proposed activities will occur within the footprint of the existing Shipway. **Table 1** shows the footprints of the proposed project activities at the Site.

Table 1. Change in Area of Impact from Project Activities

Location	Existing Area (m ²)	Area of Impact from Project Activities (m ²)
Existing Shipway	660	--
Gravel approach to boat ramp	--	98
Pre-cast concrete panels	--	257
Rip rap shoulder south side of boat ramp	Unknown if rip rap (see Photo 6)	200

Location	Existing Area (m ²)	Area of Impact from Project Activities (m ²)
Rip rap in front of rebuilt lock block wall (north side)	115	120
Rip rap at toe of ramp	--	22
Subtotal area	775	697

The proposed project has the potential to cause HADD to fish and fish habitat through:

- Placement of rip rap over 22 m² at the toe of the boat launch. The area currently contains the existing the Shipway rails over soft substrates.
- Placement of rip rap over 200 m² on the south side of the Shipway on existing rock (unknown if rock was placed as rip rap or naturally occurring – see **Photo 6**).
- Placement of an additional 5 m² of riprap on top of existing, in front of the rebuilt lock block wall.
- Temporary disturbance to fish by project activities.
- Turbidity impacts from Shipway rail removal and placement of pre-cast concrete panels.

Pre-cast concrete panels have been selected over cats-in-place concrete to mitigate impacts to water quality. Panels will be placed in the dry, during low tide.

Mobile species such as crabs and fish are expected to move away from the area of activity due to disturbance. Disturbance is expected to be temporary and restricted to the duration of the project activities.

Project activities will be conducted during the summer least risk timing window for Area 17-10 to take advantage of the low tides:

- Summer window: June 1 – September 1.

When considering whether a project is likely to cause HADD of fish habitat or death of fish, the following components are assessed against project-related effects:

- **Impacts to habitat components and significance:** The Project Site does not comprise productive fish habitat, nor key rearing habitat for juvenile salmonids. No species at risk were identified at the Project Site. Use by key marine species would be infrequent given habitat conditions and the active nature and frequent disturbance of the site. Mobile organisms are expected to leave the area during Project activities. The overall magnitude of the effect is anticipated to be low and not result in a localized effect at the population level for any given finfish species. Similar habitats (e.g., marina infrastructure, subtidal soft sediments) are abundant both within and outside of the Project Site in the general Project area. Access to these habitats and their availability to fish will not be affected by the Project.
- **Spatial extent of the affected habitat component:** The geographic scale of the effects of the project is small and the replacement is limited to the existing Shipway area. Project effects will be confined to the Project Site.

- **Affected habitat sensitivity:** The habitats being impacted by rip rap placement are previously disturbed soft mud substrate within the intertidal and subtidal environment that are low in species diversity and abundance. The site does not comprise fish dependent habitat or aggregation areas.
- **Effects persistence:** No localized effect on fish populations are expected from the proposed project activities. Direct injury to, or mortality of, fish will be avoided through construction mitigation (**Section 7.0**). There is not expected to be a measurable effect to fish populations as a result of the physical activities. Post project habitat productivity is expected to be similar (low) to pre-project conditions and recolonization of replacement structures within the intertidal and subtidal environmental is expected to be relatively rapid (i.e., within 6 months).

7.0 MITIGATION MEASURES TO AVOID HADD TO FISH AND FISH HABITAT

7.1 Environmental Monitoring

An experienced EM will be present during required works, undertakings, or activities with written authority to modify or stop any construction activity for the protection of fish and fish habitat.

Onsite monitoring will consist of a site inspection to verify the presence and appropriateness of applicable environmental protection equipment, including but not limited to:

- Copies of environmental permits and plans;
- Any required ESC materials;
- Spill response and mitigation equipment;
- Hazardous and deleterious materials storage;
- Water quality mitigation measures (e.g., silt curtain); and,
- Storage and disposal equipment and locations for hazardous and non-hazardous waste.

While onsite, the EM will monitor activities to verify compliance with applicable permits and plans. The EM will conduct fish and marine mammal observational (MMO) monitoring (described in **Section 7.3** and **7.5** respectively), water quality monitoring (described in **Section 7.6**), erosion and sediment control monitoring (if applicable, **Section 7.7**) and surface water control (**Section 7.8**), spill response mitigation measures (**Section 7.12**), and monitor mitigation measures in place to protect the surrounding environment.

7.2 Wildlife Management

The Project has the potential to result in temporary and permanent disturbance to wildlife and wildlife habitat. Mitigation measures for working around wildlife and wildlife habitat include, but are not limited to, the following:

- If any environmentally sensitive areas or habitat features (e.g., eelgrass beds) are observed prior to construction, the extents will be delineated (flagged or stake buffers) so as to not disturb the area(s) during construction.

- If construction occurs during the breeding bird nesting period (late March to mid-August), a nest survey by a qualified environmental professional may be required to ensure breeding birds are not disturbed by Project Activities. The bird nest survey will be valid for 72-hours, so should occur immediately prior to repairs commencing.
- Deliberate interaction with wildlife is not permitted (e.g., feeding, harassing, etc.). All wildlife sightings will be reported to the EM.
- Food scraps and other organic waste will be managed to avoid attracting wildlife to the Project Site. Nuisance wildlife and wildlife-vehicle collisions will be reported to the Conservation Officer Service at 1-800-663-9453.

7.3 Fish and Fish Habitat

The following measures should be followed to mitigate impacts of in-water works on fish and fish habitat:

- In-water activities should be conducted in accordance with the mitigation measures outlined in the DFO Letter of Advice (LOA) (pending).
- An exclusion device such as silt curtains should be onsite and, if required, suspended in the water column around the work area to prevent access to fish and other marine fauna and to contain turbidity resulting from suspension of fine substrates. Silt curtains must be of suitable size for the planned works.
- If the Site is isolated, visually inspect isolated work areas for fish presence prior to and during in-water activities. Manually remove fish within isolation, including macroinvertebrates colonizing timber piles being removed. Relocate any captured fish to an appropriate location, at the same water depth, away from potential harm. If required, appropriate fish salvage permits will be obtained prior to works commencing.
- All activities should be conducted during daylight hours and in favourable weather.
- If Project Activities occur during the spring herring spawning season, the onsite EM will actively monitor the Site for signs of herring spawn. If spawning herring are observed at the Site, stop work immediately and implement the appropriate mitigation measures to avoid harming herring, including spawn and larvae. If herring enter the Site and spawn successfully, do not disturb the spawn sites until the eggs hatch. This includes any marine vegetation, materials (e.g., silt curtains) and equipment on which herring have deposited eggs.
- Avoid all disturbance to fish and fish habitat outside the footprint of the Project.

If the HADD of fish or fish habitat is observed, the Contractor is required to report to DFO immediately through the DFO-Pacific Observe, Record and Report phone line (toll free) at 1-800-465-4336.

7.4 Eelgrass

- Monitor activities during construction to ensure no Project related effects to the eelgrass beds, including water quality (see **Section 4.2.6**).
- *In situ* turbidity will be monitored between the approach ramp and the eelgrass beds. If turbidity exceedances are observed, additional mitigation devices (e.g., silt curtains) will be deployed.

7.5 Marine Mammals

In-water works have the potential to disturb marine mammals in the Sturdies Bay area. The following measures should be followed to prevent danger or disturbance to marine mammals:

- A 30-minute visual assessment will be conducted by the EM prior to initiation of in-water works to verify that no marine mammals are observed within their marine mammal exclusion zones (MMEZ), as follows:
 - Pinnipeds: 50 m
 - Cetaceans: 1000 m
- If a marine mammal enters the exclusion zone or if there is a risk of harm to any marine mammal from direct contact, the EM will temporarily suspend in-water works until there is no longer a risk of harm to the marine mammal(s). In-water activities will only resume once the mammal has been observed leaving the exclusion zone or has not been resighted for 30 minutes.

7.6 Water Quality

- Direct or indirect releases of water containing elevated suspended solids or elevated turbidity will be minimized.
- The EM will monitor in-situ turbidity (measured in nephelometric turbidity units [NTUs]) prior to and during in-water work, when required or possible, to confirm turbidity levels in the water column outside of the immediate vicinity of the Site. This information will be used to establish a site-specific baseline to which activity-based deviations in turbidity levels can be compared. Monitoring within the water column will occur at the following depths, where practicable:
 - One meter below the surface.
- Readings will be compared against the Canadian Council of Ministers of the Environment (CCME) Canadian Water Quality Guidelines for the Protection of Aquatic Life (CCME 2002).
 - For periods of clear flow: maximum increase of 8 NTUs from background levels for a short-term exposure (e.g., 24-hr period), or a maximum average increase of 2 NTUs from background levels for a longer-term exposure (e.g., 30-day period).
- The guidelines provided above are based on daily averages. During in-water works, turbidity will be monitored every 30 minutes or more frequently if higher instantaneous readings are observed. These measurements will be recorded daily in the monitoring reports. Acceptable NTUs will be referenced to background pre-work conditions and averaged over 24 hours. Work will be stopped, and mitigation actions will be identified if these guidelines are exceeded.
- The EM will notify the Contractor if an instantaneous reading between 50 and 100 NTU occurs. The EM will request that the works pause to allow sediments to settle. The EM may stop work if an instantaneous reading is 100 NTU or greater or if a sediment plume persists for more than a few minutes. In the event of a work stoppage, works will not resume until additional mitigation measures are implemented (e.g., deployment of silt curtains) or turbidity readings drop below 100 NTU.
- If turbidity levels rise to threshold values exceeding the above guidelines, the EM will advise the Contractor on measures that could be taken to move forward and mitigate turbidity exceedances.

Mitigation methods may include pausing work to allow sediment to dissipate, implementing a silt curtain or containment boom, or adjusting the speed at which work is performed.

Water quality will be monitored from a reasonable distance from in-water activities to monitor effects on turbidity while maintaining crew and EM safety. Sampling locations are generally located 10 m from the work area and take into consideration the tides and prevailing currents.

No cast in place concrete or grout use is anticipated for the project.

7.7 Erosion and Sediment Control Measures

For Project Activities above the highwater mark, including laydown areas, there is the potential to introduce sediment to nearby waterbodies and the generation of dust. The Contractor must employ ESC measures to prevent construction-related impacts in any generated surface runoff.

The EM will advise upon appropriate ESC measures for the conditions and activities onsite. If applicable to the activity, in general the Contractor will:

- Install filter bags in all catch basins within the Site that are down gradient from active work areas prior to commencing any work activities onsite.
- Implement ESC measures prior to commencing any onsite activities and maintain and repair the measures in a timely manner for the duration of the Project.
- Control erosion and sediment transport close to the source and contain all ESC measures within construction areas.

7.8 Surface Water Control

Surface runoff on the Site is expected to be minimal if work is conducted in June. As upland access will be used for debris removal and equipment laydown, surface water control of all Project areas must be considered to prevent Project-related impacts to neighbouring properties or receiving waters from impacted surface water. BMPs regarding control of runoff in and around the construction site are expected to be implemented as applicable for the activities and conditions and are as follows:

- Where possible, divert clean water away from work areas so that only water within the construction area needs to be managed.
- Minimize vegetation clearing to prevent unnecessary soil exposure.
- No discharges of deleterious substances to aquatic habitat (including sediment-laden water) may occur. Sediment-laden water may be discharged to natural vegetation or natural depressions to allow for filtration and/or infiltration prior to entering aquatic habitat.
- Ensure that discharge points are armoured with gravel or geotextile material to prevent scouring and erosion.
- Silt fence will be installed around stockpiles, sloped areas, site perimeters, and environmentally sensitive areas, where ground conditions allow. If installation of silt fencing is not feasible due to ground conditions, perimeter isolation of stockpiles or other erodible features can be conducted using piled sandbags and tarps or other techniques as approved by the EM.

7.9 Debris Management

During Project Activities, there is the potential for mobile debris and disturbed sediment to leave the Project Area if not properly contained. Minimizing Project effects on nearby properties, communities, and habitats is to be considered a high priority throughout all Project activities. The following measures are therefore recommended to be implemented throughout all onsite activities:

- The EM will conduct visual monitoring of the Site during debris removal to identify mobile debris at risk of escaping the Site and will alert the Contractor to any debris which needs to be retrieved for proper disposal.
- An exclusion device (e.g., silt curtain) should be onsite and, if required, suspended in the water column around the work area to prevent access to fish and other marine fauna, to contain woody debris at the Site and to contain turbidity resulting from suspension of fine substrates. Silt curtains must be of suitable size for the planned works.
- Where possible, debris removal should be conducted at low tides to minimize suspension of sediment.
- If required to manage floating debris, a containment boom should be affixed downstream of the Project area to prevent debris from escaping the Site.
- All project-related waste should be collected and placed in appropriate receptacles for offsite disposal at an appropriate facility.

7.10 Noise and Vibration

Given the location of the Site, risk of noise pollution and vibration disturbances to surrounding aquatic ecosystems and nearby residential neighbourhoods should be considered in planning and execution of the Project. The following BMPs for mitigation and management of noise and vibrations should be followed by the Contractor:

- Construction activities will be conducted between 08:00 and 20:00 on any day. If exceptions to these hours are required, they must be approved by Islands Trust and the Regional District of Nanaimo as required.
- Equipment will be maintained in good working order and fitted with functioning exhaust and muffler systems.
- Machinery covers and equipment panels will be well fitted to muffle excess noise, as appropriate.
- Engines will be turned off when not in use or reduced to idle or a setting appropriate for reducing air emissions.

7.11 Air Quality

Air quality and dust management issues may occur during site preparation, repair or replacement existing structures, vehicle and equipment operations, transport of materials, and any other project construction activities producing deleterious air emissions and/or fugitive dust. Emissions from vehicle/equipment operation such as exhaust, dust, vapours, and greenhouse gases should be minimized to avoid adverse environmental effects along with adverse effects to health, safety, and nuisance both on and off Site.

To minimize potential impacts to the project area and surrounding environment, the Contractor should utilize the following BMPs for air and dust quality control:

- Equipment will be in good working order and maintained and repaired as required to minimize emissions.
- If possible, plan site layout so dust causing activities are located away from waterbodies or sensitive areas.
- Consider suspending operations under severe weather (e.g., high winds).
- The burning of oils, rubber, tires, or any other material will not occur on site.
- Equipment not in use will be turned off. Idling will be kept to a minimum wherever practicable.

7.12 Environmental Emergency and Spill Prevention and Response Plan

Accidental spills of deleterious materials resulting in impacts to the environment may occur during project construction, despite all reasonable efforts to prevent such an event. The following measures will be implemented by the Contractor to reduce the risk of, and/or control an accidental discharge.

The Contractor will conduct a daily visual inspection of all prospective sources of hazardous materials for signs of leakage and/or other conditions that may contribute to a spill; daily visual inspections will ensure that all personal protective equipment and other emergency response equipment is in place and readily accessible. The Contractor will post the list of key emergency contacts (**Table 1**) at conspicuous locations throughout the Site and within any on-site offices.

Table 1. Emergency Contact Information

Name	Phone Number
Emergency Services (Fire, Ambulance, Police)	911
WorkSafe BC	604 276 3100 or 1 888 621 7233
Provincial Environmental Emergency Program	1 800 663 3456
Department of Fisheries and Ocean (aquatic habitat/fisheries)	1 800 456 4336
Canadian Coast Guard Spill Response Reporting Line	1 800 889 8852
Ministry of Forest, Lands, Natural Resource Operations and Rural Development (for reporting of chance finds)	250 953 3334
Provincial Emergency Program/Emergency Management British Columbia	1 800 663 3456

7.12.1 Spill Prevention

The first line of defense against environmental emergencies is prevention. The Contractor will adhere to the following BMPs to prevent spills from occurring on site for the duration of Project construction:

- All sources of fuel, hazardous products, and hazardous substances, along with their storage and containment measures will be identified. Safety Data Sheets (SDS) for these products will be stored on site and made available to all construction team members.
- Pre-construction and daily tailgate meetings will be held to identify all materials of a deleterious nature that could be spilled.
- Spill kits will be available and labelled at designated locations in quantities sufficient for the activities occurring.
- All equipment and machinery arriving and operating on site will be maintained in a good state of repair, not have any leaks and/or excess grease, checked regularly for mechanical deficiencies, and equipped with a properly stocked spill kit.
- Washing, servicing, and refueling of equipment on site will occur only in designated areas or at designated facilities.
- Use secondary containment for all machinery containing fuel and fuel containers (e.g., jerry cans) and install drip trays containing sorbent pads under stationary equipment. Inspect, clean out, and replace sorbent pads regularly.
- Any water in drip trays will be inspected for a sheen prior to disposal and will be considered contaminated if a sheen is observed. Non-contaminated water from drip trays discharged to the ground will be discharged >30 m from watercourses or environmentally sensitive areas in a manner that does not cause erosion and, where practicable, to an unpaved area to decrease surface runoff.
- Oils, lubricants, and other hazardous products must not be stored within 30 m of any drainage.
- To prevent vandalism during periods of inactivity (if applicable), all fuels, lubricants, and toxic substances will be stored in locked structures.
- All workers on-site must be knowledgeable and trained on hazardous material storage and handling.
- All field staff must know the location of the spill kit and how to use the products within.
- All waste fuel or products such as filters will be secured in spill-proof containers and discarded at an approved facility.

7.12.1.1 *Fueling*

Specific spill prevention BMPs are included for fueling of equipment. If fueling is not expected to occur on site, these BMPs should still be followed wherever fueling will occur to prevent spills of deleterious materials. The following steps should be taken by the Contractor, and apply to refueling of both large machinery and stationary equipment (i.e., using a jerry can):

- Conduct refueling with absorbent pads present, on stable ground, and in such a way that contaminants do not enter any drainage, groundwater, or waterbodies.
- Where practicable, a drip tray will be used to catch any drips during fueling in accordance with the best practices from the BC Ministry of Water, Land and Air Protection Field Guide to Fuel Handling, Transportation and Storage (2002).

- When possible and as applicable, all vehicles and machinery are to be refueled at least 30 m away, taking topography and slope into account, from all aquatic environments, storm drain access locations, or sediment control facilities.
- A solid cover will be placed over the top of the fuel cache to prevent accumulation of precipitation in the containment area.
- Fuel tanks and trucks will be inspected regularly for leaks and residual hydrocarbons. Any leaks will be addressed and repaired immediately.

If fueling is to occur on site, the Contractor will maintain a Fuel Spill Emergency Response Kit at the project sites. The kit will include, but is not limited to:

- Propylene ‘white’ oil and lubricant absorbent pads.
- Absorbent litter.
- ‘Restricted Access’ barrier tape.
- Black contractors’ garbage bags (6 mm).
- Personal protective equipment (20 nitrile gloves [both hands], 2 splash goggles, 2 poly coated Tyvek suits and boots, 2 P100 dual cartridge respirators).
- SDS for any hazardous substances used on site.
- Key emergency contacts with telephone numbers.
- Written procedures for emergency response and spill reporting.

7.12.2 Spill Kits

Spill kit materials will be regularly inventoried and must be sufficient for the activities occurring onsite. Specialized spill kits may be required for specialized tasks, including working near water or fueling. All onsite staff should be familiar with the contents and utilization of a spill kit in case of a spill occurring.

Appropriate spill kits will accompany each piece of equipment onsite. Spill kits will be regularly inspected by construction staff or the EM to ensure maintenance of adequate supplies. Any missing, used, or soiled supplies will be replaced as soon as possible by the Contractor.

7.12.3 Spill Response Plan

The Contractor will provide the necessary labour, equipment, materials, and absorbents to contain and remove any spill, clean up the affected area, dispose of waste materials at an approved disposal site, and restore the area. Any individual who notices a potential spill, spill, or equipment malfunction will stop work immediately and shut down equipment. The spill must be immediately reported to the Site Supervisor and the EM. Once spill response has commenced, the Contractor’s Site Supervisor will facilitate additional spill response measures as required. Initial response to spills is as follows:

1. Assess safety risks in the spill area:
 - Evaluate the risk to personal/public, electrical, and environmental safety.

- Wear appropriate Personal Protective Equipment (PPE).
 - Never rush in; always determine the product that spilled before taking action.
 - Warn people in the immediate vicinity.
 - Verify that no ignition sources are present if the spill is a flammable material.
2. Stop the discharge of any deleterious substance when safe to do so:
- Act quickly to reduce the risk of environmental impacts.
 - Close valves, shut off pumps, or plug holes/leaks.
 - Stop the flow or the spill at its source.
3. Secure and isolate the spill area:
- Limit access to the spill area.
 - Prevent unauthorized entry onto the site.
4. Contain the spill as best as possible:
- Block off and protect drains and culverts.
 - Prevent spilled material from entering drainage conveyance structures (ditches, culverts, drains).
 - Use spill containment and sorbent material to contain the spill appropriate to the site location and spilled materials.
5. Notify project team members:
- Contact the Site Supervisor or the EM and notify them of the spill.
 - The EM will support the on-site crews in containing the spill and cleaning up the spill.
6. Commence recovery of the deleterious substance with on-site emergency spill equipment and material if safe to do so:
- Mobilize recovery equipment and cleanup crew and conduct cleanup activities.
 - Dispose of all equipment and/or material used in clean up (e.g., used sorbent, oil containment materials) in accordance with MFLNRO requirements. Disposal of special wastes (e.g., material with >3% oil by mass) and contaminated soil must comply with the EMA.
 - Replenish spill response kits and equipment.
 - Soil that is contaminated by a spill should be excavated and transported off-site to an approved disposal facility.
 - Water contaminated by spills should be transported off-site to an approved facility.
 - Used spill response materials should be transported out of the work area to the designated waste disposal site immediately after use.

7. Investigate and conduct an initial assessment of the situation (identify product, equipment involved, affected area, spill status, time at which spill commenced, cleanup activities, potential environmental effects):
 - The EM will conduct a site assessment to document details of the spill and support complete containment, cleanup, and remediation of the spill as deemed necessary.
8. Complete the spill notification and reporting procedure as described in **Section 7.12.4**.
 - The EM will notify the applicable regulatory bodies of the spill.
 - Spill response reports will be submitted as soon as reasonably practical, with consideration given to the severity of the incident.

Following spill response and clean-up, the Contractor will conduct a Spill Event Debriefing with the EM and on-site personnel. The debriefing will review the spill event timeline and actions leading up to, during and after the event, the response and its effectiveness, adverse environmental effects, further remedial action requirements, and lessons learned.

7.12.4 Spill Event Reporting

Reportable substances and quantities are listed in **Table 2**. Any spills, regardless of volume, which enter aquatic habitats the EM will stop work, and will immediately notify the Project Manager who is responsible for reporting to the Provincial Emergency Program (PEP) (contact details provided in **Table 1**). When verbally reporting a spill, the caller will provide the following information:

- Name and contact number of the person and affiliation (i.e., company and position) initiating the call.
- Name and contact number of the person and affiliation that caused the spill.
- Location and time of spill.
- Type and quantity of the spill.
- Cause and effects of spill.
- Details of remedial actions taken and/or proposed.
- Description of spill location and surrounding areas.
- Name of authorities and/or agencies responding to the spill location.
- Name of other persons and/or authorities and/or agencies notified or to be notified of the spill.

If there are any impacts to fish habitat or death of fish is observed, **DFO must be advised immediately** through the DFO-Pacific Observe, Record and Report phone line (toll free) at **1-800-465-4336**. The **Province of BC** must be notified as well through the Natural Resource Online website: <https://portal.nrs.gov.bc.ca>. Significant emergencies should be reported to Emergency Management BC (EMBC).

Table 2. Substances and Reportable Quantities According to the Transportation of Dangerous Goods Act and Hazardous Waste Regulations

Class	Substance	Quantity
1	Explosives	50 kg, or any quantity that could pose a danger to public safety
2.1	Flammable Gases	10 kg
2.2	Non-flammable and Non-toxic Gases	10 kg
2.3	Toxic Gases	5 kg
3	Flammable Liquids	100 litres (L)
4	Flammable Solids	25 kg
5.1	Oxidizing Substances	50 kg or 50 L
5.2	Organic Peroxides	1 kg or 1 L
6.1	Toxic Substances	5 kg or 5 L
6.2	Infectious Substances	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
7	Radioactive Materials	Any quantity that could pose a danger to public safety
8	Corrosives	5 kg or 5 L
9	Miscellaneous Products, Substances or Organisms as defined in section 2.43 of the Federal Regulations	25 kg or 25
-	Waste containing dioxin	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
-	Leachable toxic waste	25 kg or 25 L
-	Waste containing polycyclic aromatic hydrocarbon	5 kg or 5 L
-	Waste asbestos	50 kg
-	Waste oil	100 L
-	Waste that contains a pest control product	5 kg or 5 L
-	PCB wastes	25 kg or 25 L
-	Waste containing tetrachloroethylene	50 kg or 50 L
-	Biomedical waste	1 kg or 1 L, or less if the waste poses a danger to public safety or the environment
-	Hazardous waste as defined in section 1 of the Hazardous Waste	25 kg or 25 L

	Regulation and not covered under items 1 to 22	
-	Any substance, not covered by the above items, that can cause pollution	200 kg or 200 L
-	Natural gas	10 kg

7.13 Construction Equipment and Operations

A number of BMPs are applicable to this project regarding operation of construction equipment:

- Vehicles and equipment, including their hydraulic fittings, will be inspected daily to verify they are in good condition and free of leaks, and excess oil or grease.
- Heavy equipment working in and near sensitive environments should be clean, in good working order and, if practicable, use biodegradable lubrication and hydraulic fluids.
- Construction materials should meet or exceed currently accepted environmental standards.
- The work site and equipment must have emergency spill kits available (pads, sorbent booms, etc.). The kits shall be suitable for the quantities and types of material stored at the site and shall contain sufficient materials to contain any leaks from cables that are accidentally damaged or cut. Site personnel will be trained in the proper use of the kits in case of a spill.
- Maintain all equipment in clean working order to reduce risk of spills and leaks.
- Where practicable, equipment will be parked on level ground and secured with wheel chocks and parking brakes at the end of shift.
- Light pollution will be reduced by pointing lights down and placing light sources as close to the work area as possible.

7.14 Waste Management

All debris and deleterious substances associated with the project activities shall be appropriately contained in the immediate work area, collected, and disposed of in accordance with all applicable legislations, guidelines and BMPs. The following sections describe management BMPs for non-hazardous and hazardous waste, respectively.

7.14.1 Non-Hazardous Solid Waste Management

Non-hazardous solid wastes shall be sorted into separate, clearly labelled bins and recycled if appropriate. Recyclable wastes include cardboard, wood, metal, and approved plastics. Non-hazardous, non-recyclable wastes shall be included as general refuse and disposed of at the local landfill.

Waste material generated during construction will be handled using industry-accepted BMPs such as:

- Waste disposal containers are to remain within the designated contractor laydown areas.
- Where practical, the segregation of recyclable materials before transport to the appropriate facility.
- Waste materials must be secured to prevent the development of leachate from material contact with rain and surface water (e.g., lids on waste disposal containers, poly sheeting lining of storage sites).

- Municipal waste, including any food waste, should be stored in containers with a secured lid to avoid attracting wildlife.
- Removal of waste materials should be done on a regular basis to prevent buildup on waste and to prevent potential wildlife encounters.

7.14.2 Hazardous Waste Management

Hazardous Substances and Hazardous Products used on site will be transported, stored, removed, and disposed of in accordance with Hazardous Waste Legislation Guide (BC MOE, 2005) and according to any and all other relevant legislation.

Hazardous materials may include any controlled or hazardous substances used on the Site including, but not limited to, asbestos, fuels, used fuels, oils, oil filters, greases, bitumen's, lubricants, solvents, cement, paints, solvents, batteries, cleaners, dust suppressants, PCBs, and used spill cleanup materials.

Hazardous waste that is spilled could affect surface water quality, air quality, fish habitat, or wildlife habitat. Prevention of such occurrences is best undertaken by conformance with BMPs and spill prevention measures (e.g., secondary containment, spill kits). All hydrocarbon products and other hazardous wastes potentially present during project activities will be identified and the associated Workplace Hazardous Materials Information System (WHMIS) and SDS made available to all construction team members. WHMIS labels must be on all controlled materials and the materials must be stored in appropriate containment.

Hazardous waste generated by contractors must be stored and handled according to the BC Hazardous Waste Regulation. For temporary storage on site, this will include:

- Covered containment using approved containers.
- Isolation from flammable and combustible materials (> 10 m).
- Proper labelling, inventory, and documentation.
- Storage at least 30 m away from storm drains or waterbodies.

Bringing hazardous waste onto the Site is strictly forbidden (e.g., waste lead-acid batteries, motor oil) and the Contractor is not permitted to perform equipment maintenance onsite which can generate hazardous waste (e.g., waste oil, hydraulic fluid, lead-acid battery replacement). Contractors are expected to use licensed waste carriers and authorized disposal facilities only.

All hazardous wastes shall be transported off-site with appropriate manifesting and record keeping for transport and disposal of Hazardous Wastes in accordance with provincial regulations, if applicable. Any manifests should be kept onsite and provided to the project owner and made available to the EM upon request.

8.0 CLOSURE

We appreciate your business! Should you have any questions or concerns please do not hesitate to contact the undersigned.

Prepared by LEGACY:



Jen Gendall, R.B.Tech.
Environmental Scientist
250.415.3473
jgendall@legacyenv.ca

Reviewed by LEGACY:



Laura White, R.P.Bio., Ph.D.
Marine Biologist
604.379.2251
lwhite@legacyenv.ca

9.0 LITERATURE CITED

BC MOE. 2005. Hazardous Waste Legislation Guide.

BC Ministry of Water, Land and Air Protection Field Guide to Fuel Handling, Transportation and Storage (2002).

CCME. 2002. Canadian Council of Ministers of the Environment (CCME) Canadian Water Quality Guidelines for the Protection of Aquatic Life.

Emerald Sea Surveying. 2023. Silva Bay Resort & Marina Boat Shipway Marine Inspection.

Hemmera. 2020. Aquatic Effects Assessment: Silva Bay Marine Resort, Gabriola Island, BC.

10.0 STATEMENT OF LIMITATIONS

LEGACY completed this Report for Silva Bya Marine Resort (Client) in a manner consistent with the level of care and skill normally exercised by environmental science professionals practicing under similar conditions in BC at the time the Report was completed. No warranty, expressed or implied, is given concerning the presence, absence, type or level of contamination at the Site. The evaluation and interpretation of the information contained in this Report is based on the actual data obtained at the time under the conditions encountered during the performance of the work and may vary, despite the use of due professional care. Any conclusions and recommendations provided are based upon applicable legislation existing at the time the Report was completed. Any changes in the legislation may alter the conclusions and/or recommendations made by LEGACY.

This Report shall not create any rights or benefits to parties other than Client and LEGACY. No third party shall have the right to rely on LEGACY opinions rendered in connection with this Report without LEGACY's written consent. Any use that a third party makes of these opinions, or any reliance on or decision made based on this Report, will be at such third party's sole risk without liability to LEGACY. LEGACY accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions taken based on this report or opinions.

Site Context

LOCATION

Legal Description	LOT 1 SECTION 5 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP90534
PID	030-792-606
Civic Address	3383 South Road, Gabriola

LAND USE

Current Land Use	Marina and moorage, sea plane dock including gasoline, shipyard.
Surrounding Land Use	Residential, institutional (church), Tourist Commercial (Page's Resort)

HISTORICAL ACTIVITY

File No.	Purpose
GB-BP-2021.16	Closed - various
GB-BP-2021.24	Closed - various
GB-BP-2021.33	Closed - various
GB-BP-2021.35	Closed - various
GB-BP-2021.63	Closed - various
GB-BP-2022.18	Closed - various
GB-DP-2021.2	Closed - Amendment to previous DP
GB-DP-2020.2	Closed – Shipyard building demo and stores deck reconstruction, dock piles
GB-BP-2018.1	Closed – not constructed
GB-BP-2021.16	Closed – demolition of stores deck and shipyard building (DP application)
GB-BP-2021.24	Closed – upland resort development
GB-BP-2021.33	Closed - upland resort development
GB-DP-2020.2	Closed - demolition of stores deck and shipyard building
GB-RZ-2003.1	Closed
UN-RZ-1985.1	Closed

POLICY/REGULATORY

Official Community Plan Designations	Commercial (Tourist)
Land Use Bylaw	Tourist Commercial 1 (TC1)
Other Regulations	DPA 4 – Flat Top Islands Area
Covenants	391165G 391166G 90132G DF43106 FB403173
Bylaw Enforcement	GB-BE-2018.2 (land use)

SITE INFLUENCES

Islands Trust Conservancy	No referral to the Islands Trust Conservancy is required for the DP.
---------------------------	--

Regional Conservation Strategy	The proposal is not contrary to or at variance with the ITC RCP. Conservation of the Gabriola LTA is a high priority within the context of the RCP.
Species at Risk	Masked/secure occurrence
Sensitive Ecosystems	Young Forest primarily, with occurrences of Douglas-fir - Shore Pine – Arbutus. No SEI occurrence within DP works area.
Hazard Areas	Moderate/High risk steep slope along foreshore bank at natural boundary.
Archaeological Sites	See staff report

Climate Change Adaptation and Mitigation	Potential includes sea level rise impacts to all marine and nearshore Structures, emissions from vehicle/boat launch traffic.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	“Altered”

DPA 4 - FLAT TOPS ISLANDS AREA GUIDELINES

Guideline	Complies	Planner Comments
F.4.2.1 There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.	yes	Works subject to DFO measures and authorization. See MEA report Spill Prevention section 7.12 and Sediment/Erosion Control measures section 7.7. Foreshore and immediately adjacent upland consists primarily of altered/filled areas and marine foreshore habitat.
F.4.2.2 Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.	yes	No Garry oak meadows or similar within project area as proposed works are within previously developed foreshore and below natural boundary.
F.4.2.3 There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.	yes	See MEA Report section 7 - Mitigation Measures (Fish and Fish Habitat). Also subject to DFO requirements.
F.4.2.4 Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.	yes	No new buildings proposed. One removed from upland area outside DPA.
F.4.2.5 Other than within existing marine lease areas, applicant shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments.	yes	MEA report by Legacy Environmental has been provided.
F.4.2.6 Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.	yes	No native vegetation removal is proposed. Foreshore and immediately adjacent upland consists primarily of altered/filled areas and marine foreshore habitat.
F.4.2.7 Septic systems shall not be constructed within 30 metres of the natural boundary of any watercourse (including a body of water or the sea).	yes	No septic system as part of project works/within DPA.
F.4.2.8 Areas subject to flooding shall be subject to a 15 metre setback unless waived by the Ministry of Environment.	n/a	Project works below natural boundary, no buildings proposed as part of ramp structures.
F.4.2.9 Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.	n/a	No currently mapped raptor nests on foreshore. Provincial regulations and Species at Risk Act apply for any unmapped nests.



Request for Review

Please note that Guidance on Submitting a Request for Review is available at the end of this form. This guidance explains the requirements for a Request for Review by DFO under the fish and fish habitat protection provisions of the *Fisheries Act*. All information requested must be provided. If you attach documents to your application with additional information, you must still provide appropriate summaries in the spaces provided on the application document or your application will be considered incomplete.

A) Contact information

Name of Business/Company:

Silva Bay Resort and Marina

Name of Proponent:

Dean Chen, Operations Manager
Jenni Chan, , Project Assistant

Mailing address:

3383 South Road

City/Town:

Gabriola Island

Province/Territory:

BC

Postal Code:

V0R 1X7

Tel. No. :

778.297.9977

Fax No.:

N/A

Email:

dean.chen@silvabay.com

Select additional contact:

Contractor/Agency/Consultant (if applicable):

Laura White, Ph.D., RPBio
Legacy Environmental Ltd.

Mailing address:

251-409 Granville Street

City/Town:

Vancouver

Province/Territory:

BC

Postal Code:

V6C 1T2

Tel. No. :

604.379.2251

Fax No.:

N/A

Email:

lwhite@legacyenv.ca

Is the Proponent the main/primary contact? ☐ Yes ☒ No



If no, please enter information for the primary contact or any additional contact.

See Consultant.

B) Description of Project

If your project has a title, please provide it.

Silva Bay Shipway Area Repair and Repurpose

Is the project in response to an emergency circumstance*? ☐ Yes ☒ No

Does your project involve work in water? ☒ Yes ☐ No

If yes, is the work below the High Water Mark*? ☒ Yes ☐ No

What are you planning to do? Briefly describe all project components you are proposing in or near water.

The Project involves repairs and changes to existing Shipway infrastructure to maintain functionality and repurpose as a boat launch. Proposed works include:

- Removal of Shipway rail ties and cradles.
- Dismantling the existing lock block wall, placing geotextile material at the base, and rebuilding the lock block wall in the same footprint.
- If and where required, placing free drainage fill behind the lock block wall on the upland (car park) side.
- Placing granular fill on top of existing shipway ramp and place boat ramp pre-cast concrete panels.
- Placing geotextile material either side of the concrete ramp at ramp shoulder for rip rap underlay.
- Rip rap placement.

Work is anticipated to occur during the spring low tides in June 2024.

How are you planning to do it? Briefly describe the construction materials, methods and equipment that you plan to use.

Project Activities will be completed with equipment from the upland owned by Silva Bay Marine Resort. No marine access is anticipated. Work will all be conducted in the dry, during low tide. All concrete will be pre-cast with no cast in place concrete or grout being used. An environmental monitor will be onsite.

Include a site plan (figure/drawing) showing all project components in and near water.

Are details attached? ☒ Yes ☐ No

Identify which work categories apply to your project.

- | | |
|---|---|
| ☐ Aquaculture Operations | ☐ Log Handling / Dumps |
| ☐ Aquatic Vegetation Removal | ☐ Log Removal |
| ☐ Beaches | ☐ Moorings |
| ☐ Berms | ☐ Open Water Disposal |
| ☐ Blasting / Explosives | ☐ Piers |
| ☐ Boat Houses | ☐ Riparian Vegetation Removal |
| ☒ Boat Launches / Ramps | ☐ Seismic Work |
| ☐ Breakwaters | ☒ Shoreline Protection |
| ☐ Bridges | ☐ Stormwater Management Facilities |
| ☐ Cable Crossings | ☐ Surface Water Taking |

- | | |
|--|---|
| ☐ Causeways | ☐ Tailings Impoundment Areas |
| ☐ Culverts | ☐ Temporary Structures |
| ☐ Dams | ☐ Turbines |
| ☐ Dewatering / Pumping | ☐ Water Control Structures |
| ☐ Docks | ☐ Water Intakes / Fish Screens |
| ☐ Dredging / Excavation | ☐ Water Outfalls |
| ☐ Dykes | ☐ Watercourse Realignment |
| ☐ Fishways / Ladders | ☐ Weirs |
| ☐ Flow Modification (hydro) | ☐ Wharves |
| ☐ Groundwater Extraction | ☐ Wind Power Structures |
| ☐ Groynes | |
| ☐ Habitat Restoration | ☐ Other Please Specify |
| ☐ Ice Bridges | |

Was your project submitted for review to another federal or provincial department or agency? ☐ Yes ☒ No

If yes, indicate to whom and associated file number(s).

N/A

C) Location of the Project

Coordinates of the proposed project	Latitude	49°08'57"	N	Longitude	123°41'57"	W
-------------------------------------	----------	-----------	---	-----------	------------	---

OR

UTM zone	N/A		N/A	Easting
			N/A	Northing

Include a map clearly indicating the location of the project as well as surrounding features.

Name of Nearest Community (City, Town, Village):

Silva Bay

Municipality, District, Township, County, Province:

Gabriola Island, British Columbia

Name of watershed (if applicable):

N/A

Name of watercourse(s) or waterbody(ies) near the proposed project:

Pacific Ocean

Provide detailed directions to access the project site:

From Naniamo:

Take Gabiola Island Ferry to Descanso Bay on Gabriola Island

Follow N Rd for approx 12 km

Turns into S Rd

Follow for 300m and turn left to Silva Bay Resort and Marina.

D) Description of the Aquatic Environment

Identify the predominant type of aquatic habitat where the project will take place.



- ☐ Estuary (Estuarine)
- ☐ Lake (Lacustrine)
- ☐ On the bank/shore at the interface between land and water (Riparian)
- ☐ River or stream (Riverine)
- ☒ Salt water (Marine)
- ☐ Wetlands (Palustrine)

Provide a detailed description of biological and physical characteristics of the proposed project site. This description should include information on aquatic species at risk* (<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>), their residence* and critical habitat* if found in the area. An overview of the distribution of aquatic species at risk and the presence of their critical habitat within Canadian waters can be found here <http://dfo-mpo.gc.ca/species-especes/sara-lep/map-carte/index-eng.html>

Please see attached: Legacy Environmental Ltd. (2024) Marine Environmental Assessment , Silva Bay Marine Resort, Gabriola Island.

The Project Site is located within DFO Fisheries Management Area 17 subarea 10. The Project Site is not located directly within a DFO Rockfish Conservation Areas (RCA); however, there is one RCA located nearby, located approximately 1.3 kilometres (km) southeast of the Site.

There is no recorded critical habitat for aquatic species at risk within 1 kilometer (km) of the Site. Sixteen at-risk marine species are listed as occurring, or having the potential to occur, within 1 km of the proposed Project Site: Harbour Porpoise – Pacific Ocean, Humpback Whale – North Pacific, Killer Whale – Northeast Pacific offshore, Killer Whale – Northeast Pacific southern resident, Grey Whale - Eastern north pacific, Leatherback Sea Turtle, Steller Sea Lion, Bluntnose Sixgill Shark, Basking Shark, Longspine Thoryhead, Tope, Green Sturgeon, Rougheye Rockfish type I and type II, Yelloweye Rockfish, and Northern Abalone.

Observational surveys of biophysical features in intertidal and surrounding backshore areas, and a subtidal surface supply dive survey, were conducted on March 7th, 2023, to classify the biophysical characteristics at the Project Site. Intertidal areas were surveyed during a low tide. The upland and narrow intertidal area are highly disturbed. The upland area is highly developed, comprising consolidated, unsealed fill with concrete and timber retaining areas housing marina infrastructure. The intertidal area comprises coarse soft substrates with mixed pebble, cobble and boulder. Low macroalgal cover (>5%), limited to rockweed and sea hair, and very low invertebrate abundance limited to acorn barnacles were observed on the rock and cobble substrates and concrete retaining structures. Occasional shell hash from blue mussels, non-native pacific oysters, and clams littered the project area.

The subtidal portion of the shipway rails hosted various fouling communities, including small individuals of non-native wireweed (Sargassum muticum), sea lettuce, rock weed, and acorn barnacles. Subtidal substrates offshore of the shipway are relatively homogeneous, comprising diatom covered soft substrates with occasional empty bivalve shells dispersed throughout. A single leather star was observed on bottom substrates and one small kelp individual was observed attached to a small boulder.

The lack of hard substrate in the subtidal zones suggests that productivity will not increase significantly during the late spring or summer. Although no crabs were observed during the assessment, the unconsolidated substrates are preferred habitat for crab species and invertebrate burrows were evident through the Site. No fish were observed during the assessment.

The previous biophysical survey at the Site (Hemmera 2020) recorded two small patches of native eelgrass (Zostera marina) at distinct locations within the tenure area. The nearest eelgrass patch is on the boundary of the tenure area, approximately 50 m southeast of the shipway project area. No eelgrass was observed during the 2023 survey of the shipway area.

Include representative photos of affected area (including upstream and downstream area) and clearly identify the location of the project.

E) Potential Effects of the Proposed Project

Have you reviewed the Pathways of Effects (PoE) diagrams (<http://www.dfo-mpo.gc.ca/pnw-ppe/pathways-sequences/index-eng.html>) that describe the type of cause-effect relationships that apply to your project?

- ☒ Yes ☐ No

If yes, select the PoEs that apply to your project.

☐ Addition or removal of aquatic vegetation

☒ Placement of material or structures in water



- | | |
|---|---|
| ☐ Change in timing, duration and frequency of flow | ☐ Riparian Planting |
| ☐ Cleaning or maintenance of bridges or other structures | ☐ Streamside livestock grazing |
| ☐ Dredging | ☒ Structure removal |
| ☐ Excavation | ☐ Use of explosives |
| ☐ Fish passage issues | ☒ Use of industrial equipment |
| ☐ Grading | ☐ Vegetation Clearing |
| ☐ Marine seismic surveys | ☐ Wastewater management |
| ☐ Organic debris management | ☐ Water extraction |
| ☐ Placement of marine finfish aquaculture site | |

Will there be changes (i.e., alteration) in the fish habitat*? ☒ Yes ☐ No ☐ Unknown

If yes, provide a description.

The existing Shipway comprises ~ 660m² with a minimum of 115m² of existing rip rap supporting the lock block wall. The proposed project will be within the existing Shipway footprint, changing ~227m² of previously altered Shipway ramp through the addition of rip rap (of which 220m² may be existing riprap - please see photo 6, LEGACY 2024). No impacts to previously undisturbed or unaltered areas are planned. Rip rap will provide hard substrates for attachment and increase vertical complexity at the shipway area.

Please see Table 1 in the MEA report (LEGACY 2024).

Is there likely to be a harmful alteration, disruption or destruction of habitat used by fish? ☐ Yes ☒ No ☐ Unknown

Is there likely to be destruction or loss of habitat used by fish? ☐ Yes ☐ No ☒ Unknown

What is the footprint (area in square meters) of your project that will take place below the high water mark*?

~697 m² of previously altered area.

Is your project likely to change water flows or water levels? ☐ Yes ☒ No ☐ Unknown

If your project includes withdrawing water, provide source, volume, rate and duration.

N/A

If your project includes a water control structure, provide the % of flow reduction.

N/A

If your project includes discharge of water, provide source, volume and rate.

N/A

Will your project cause death of fish? ☐ Yes ☒ No ☐ Unknown

If yes, how many fish will be killed (for multi-year project, provide average)? What species and lifestages?

N/A

What is the time frame of your project?

The construction will start on 06/01/2024 and end by 09/01/2024

If applicable, the operation will start on MM/DD/YYYY and end by MM/DD/YYYY

If applicable, provide schedule for the maintenance

N/A



If applicable, provide schedule for decommissioning

N/A

Are there additional effects to fish and fish habitat that will occur outside of the time periods identified above?

☐

Yes

☒

No

(If yes, provide details)

N/A

Can you follow appropriate Timing Windows (<http://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/index-eng.html>) for all your project activities below the High Water Mark*?

☒

Yes

☐

No

(If no, provide explanations.)

N/A

Have you considered and incorporated all options for redesigning and relocating your project to avoid negative effects to fish and fish habitat?

☒

Yes

☐

No

If yes, describe.

Maintenance and repair of the existing Shipway structure is required to extend the life of the lockblock retaining wall. The infrastructure cannot be relocated. Pre-cast concrete panels have been selected over cast-in-place concrete to mitigate impacts to water quality. Panels and rip rap will be pre-cleaned and inspected for fines by the onsite EM prior to placement in the dry during low tide. Mitigation measure will be implemented to avoid negative effects to fish and fish habitat (please see Section 7.0, LEGACY 2024).

Have you consulted DFO's Fish and Fish Habitat Protection Measures Habitat (<https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>) to determine which measures apply to your project?

☒

Yes

☐

No

Will you be incorporating applicable measures into your project?

☒

Yes

☐

No

If yes, identify which ones. If No, identify which ones and provide reasons.

- prevent the death of fish
- maintain riparian vegetation
- maintain fish passage
- ensure proper sediment control
- prevent entry of deleterious substance in water

Have you considered whether DFO standards and codes of practice apply to your project?

☐

No

☒

Yes

If Yes, include a list.

Interim code of practice: repair and maintenance of in-water structures

Have you considered other avoidance and mitigation measures?

☐

No

☒

Yes

If Yes, include a list.

Please see Section 7.0 Legacy Environmental Ltd. (2024) Marine Environmental Assessment , Silva Bay Marine Resort, Gabriola Island.

- Complete works during Least Risk Timing Windows.
- Have an experienced environmental monitor (EM) onsite during all in-water activities.
- Delineate environmentally sensitive areas or habitat features (e.g., eelgrass beds), so as to not disturb the area(s) during construction.
- Silt curtain available onsite, and if necessary, install around the work area to contain turbid water and isolate the work area from fish and marine mammals.
- Isolated work areas should be visually inspected for fish prior to undertaking construction activities.
- A 30-minute visual assessment will be conducted by the onsite EM prior to all in-water works.
- If any marine mammal is observed within exclusion zones, such that there is a risk of physical harm from direct contact, all works will be



ceased, and only resumed once the marine mammal has been observed leaving the work zone or has not been re-sighted for 30 minutes.

-The EM will monitor in-situ turbidity (measured in nephelometric turbidity units [NTUs]) prior to and during in-water work, when required or possible, to confirm turbidity levels in the water column outside of the immediate vicinity of the Site.

-If Project activities occur during the spring herring spawning season, the onsite EM will actively monitor the Site for signs of herring spawn. If spawning herring are observed at the Site, stop work immediately and implement the appropriate mitigation measures

-Install filter bags in all catch basins within the Site that are down gradient from active work areas prior to commencing any work activities onsite.

-Heavy equipment working in and near the marine environment should be clean, in good working order and, if practicable, use biodegradable lubrication and hydraulic fluids.

-The work site and equipment must have emergency spill kits available (pads, sorbent booms, etc.). The kits shall be suitable for the quantities and types of material stored at the site and shall contain sufficient materials to contain any leaks from cables that are accidentally damaged or cut. Site personnel will be trained in the proper use of the kits in case of a spill. All spills to ground and water will be contained and reported to relevant environmental agencies.

-All debris and deleterious substances associated with the project activities shall be appropriately contained in the immediate work area, collected, and disposed of in accordance with all applicable legislations, guidelines.

Are there any relevant measures that you are unable to incorporate?

☐ Yes ☒ No

(If yes, identify which ones.)

N/A

What harmful effects to fish and fish habitat do you foresee after taking into account the avoidance and mitigation measures described above?

None.

Do these include effects on aquatic species at risk*?

☒ Yes ☐ No

If yes, please describe, including how many individuals will be harmed, harassed, or otherwise affected by the project, and how?

None.

Do these include effects on areas identified as their residence or critical habitat?

☒ Yes ☐ No

If yes, please describe

No critical habitat.

Are there any aquatic invasive species in the vicinity of your project area?

☒ Yes ☐ No

(If yes, identify which ones.)

Wireweed (Sargassum muticum)

Does your project aim to, or will it be likely to, effect any of these aquatic invasive species?

☐ Yes ☒ No

If yes, how?

N.A.



F) Signature

I, (print name) certify that the information given on this form is to the best of my knowledge, correct and completed.

Signature

Date

Information about the above-noted proposed work or undertaking is collected by DFO under the authority of the *Fisheries Act* for the purpose of administering the Fish and Fish Habitat protection provisions of the *Fisheries Act*. Personal information will be protected under the provisions of the *Privacy Act* and will be stored in the Personal Information Bank DFO-PPU-680. Under the *Privacy Act*, Individuals have a right to, and on request shall be given access to any personal information about them contained in a personal information bank. Instructions for obtaining personal information are contained in the Government of Canada's Info Source publications available at www.infosource.gc.ca or in Government of Canada offices. Information other than "personal" information may be accessible or protected as required by the provision of the *Access to Information Act*.

**All definitions are provided in Section G of the Guidance on Submitting a Request for Review*



Guidance on Submitting a Request for Review

This document explains the requirements for a Request for Review by DFO under the fish and fish habitat protection provisions of the *Fisheries Act*. To determine whether you should request a review, visit DFO's Projects Near Water webpage (<http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>).

Incomplete Requests for Review will be returned to the applicant without review by DFO. All information requested must be provided. If you attach documents to your application with additional information, you must still provide appropriate summaries in the spaces provided on the application document or your application will be considered incomplete.

Section A: Contact Information

Provide the full legal name of the proponent and primary mailing address for the proponent. When the proponent is a company, identify the full legal registered name of the company.

If applicable, also provide the contact information of the duly authorized representative of the proponent. Please note that a copy of correspondence to Contractor/Agency/Consultant will also be sent to the Proponent.

Section B: Description of Project

This information is meant to provide background about the proposed project. All components of the proposed project in or near water, must be described.

Proponents should provide information about all appropriate phases of the project, i.e., the construction, operation, maintenance and closure phases for the proposed project.

All details about the construction methods to be used, associated infrastructure, permanent and temporary structure, structure type (e.g. corrugated steel pipe vs box culvert), structures dimension, building materials to be used, machinery and equipment to be used must also be provided. For example, the construction of **permanent structures** may require the construction of temporary structures such as temporary dikes, in conjunction with other associated activities like the withdrawal of water, land clearing, excavation, grading, infilling, blasting, dredging, installing structures, draining or removing debris from water. Similarly, the equipment and materials to be used may include hand tools, backhoes, gravel, blocks or armor stone (provide the average diameter), concrete (indicate if pre-cast or poured in-water), steel beams or wood.

When physical structures in or near water are proposed, provide the plan and specifications of those works which would require a review.

Section C: Location of the Project

The purpose for this information is to describe and illustrate the location of the proposed project, and to provide geographical and spatial context. The information should also facilitate an understanding of how the project will be situated in relation to existing structures.

The details to be provided must include:

- Coordinates of the project (e.g., Latitude and Longitude or Universal Transverse Mercator Grid coordinates);
- A map(s), site plan, or diagrams indicating the high water mark and the location, size and nature of proposed and existing structures (e.g., floating or fixed), landmarks and proposed activities. In a marine setting, it may be helpful to depict the approximate location of the proposed development on a nautical chart or showing the relation of the site to sea marks or other navigational aids. These plans, maps or diagrams should be at an appropriate scale to help determine the relative size of the proposed structures and activities, the proximity to the watercourse or waterbody and the distance from existing structures;
- The community nearest to the location of the proposal as means to provide a general reference point. When possible, proponents should use geographical names recognized by the Geographical Names Board of Canada (<http://www.nrcan.gc.ca/earth-sciences/geography-boundary/geographical-name/11680>).
- If available, provide aerial photographs or satellite imagery of the water source(s) and waterbody(ies);
- Names of the watershed(s), water source(s) and/or waterbody(ies) likely to be affected by the proposal; and
- Brief directions to access the proposed project site.

Section D: Description of the Aquatic Environment

Proponents must describe the environmental context and aquatic resources present at the proposed site. The information must identify the current state of the fish and fish habitat prior to the carrying on of the project.

It is important to include information about the fish species present, the biological, chemical, physical features present (habitat characteristics), and the fish life-cycle functions (fish characteristics).

The spatial scope for assessing fish and fish habitat should encompass the direct physical footprint of the project, and the upstream and downstream areas affected.

As an example, the following is a non-exhaustive and non-prescriptive list of some common attributes which may characterize the aquatic environment:

- Type of water source or watercourse (groundwater, river, lake, marine, estuary, etc.);
- Characteristics of the water source or waterbody could include:
 - Substrate characterization - describe the types of substrate (e.g., bedrock, boulder, cobble, gravel etc.), identify the predominant substrate type (e.g., 80% cobble, 20% gravel etc.) and provide maps of the substrate;
 - Aquatic and riparian vegetation characterization - identify the prevalent types of vegetation (e.g. rooted, submerged, emergent, etc.), identify the relative abundance of the vegetation (e.g., 10% cattails, 80% grass, 10% sedge) , indicate the predominant vegetation (e.g., by species or types) and identify the vegetation densities (e.g., type of vegetation/ area);
 - Flow characterization - specify if the flow is controlled or if it is natural, identify if the flow is permanent or intermittent, identify the current and tide (marine environment) etc.;
 - Physical waterbody characterization - identify the average depth of water for water bodies, identify bathymetry of water bodies, provide bathymetric maps where available, channel width (determine the width of the channel from the high water mark), slope ;
 - Water quality characterization - (e.g., annual or average pH, salinity, alkalinity, total dissolved solids, turbidity, temperature etc.);
 - Biological water quality characterization - (e.g., benthic macro-invertebrates, zooplankton, phytoplankton, etc.)
- Fish species characterization - identify the fish species (including molluscs, crustaceans, etc.) known or suspected to be in the area, predator prey relationships etc. Identify what source of information was used to determine the presence of fish in that area; and
- Estimate the fish abundance - estimate the number of fish present, estimate the year class for each species etc.

There are many different methods and attributes available to characterize fish and fish habitat. Proponents must describe all sources of information used, all fish and environment sampling techniques used, all modelling techniques used and all other approaches used to define the fish and fish habitat. Proponents are encouraged to use recognized fisheries inventory methods such as those approved by DFO or provinces and territories, and/or scientifically defensible methodologies and techniques whenever possible.

Whenever possible, proponents should support descriptions of the aquatic environment with the use of detailed drawings, such as plans or maps and photographs of the habitat features. In an offshore marine setting, photos may not be useful to depict the proposed development site. Instead describe and/or sketch the specific features of the sea floor which may include the presence of submarine features such as canyons, cliffs, caverns, etc.

Section E: Potential Effects of the Proposed Project

The objective of this section is to identify all anticipated effects on fish and fish habitat likely to be caused by the project. Proponents should consider all mitigation or avoidance techniques.

The description must include qualitative and/or quantitative information about the predicted/potential effects to fish species and fish habitat. Some examples of likely effects may include mortality to fish, area of habitat loss, change to flow, changes to habitat function, reduction in prey availability etc.



The spatial scope of the aquatic effects assessment would include the direct physical "footprint" of the proposed project, and any areas indirectly affected, such as downstream or upstream areas. The footprint of each component of the project below the higher water mark should be provided individually. This may also include areas in or on the water, on the shoreline, coast or bank(s) (i.e., in the riparian zone).

The assessment must include the following attributes:

- Identification of all fish species affected by the proposed project as well as their life stages (e.g., juvenile, yearling, adult, etc.);
- Identification of the type of fish habitat affected (e.g., spawning habitat - gravel and cobble, feeding and rearing areas - side channel slough, small tributaries, etc.), estimate of the affected area (e.g., square meters or hectares);
- Description of the effect (e.g., mortality to fish from entrapment, delayed migration of spawning adults, reduction in prey availability, etc.)
- Probability of the effect - this is the likelihood of the effect occurring (e.g., probability of fish strike from turbines for specific fish sizes, probability of sediment plume within a distance from source, etc., or qualitative assessment: low, medium, high)
- Magnitude of the effect - this is the intensity or severity of the effect (e.g., total number of fish affected, or qualitatively assessment: low, medium, high).
- Geographic extent of the effect - this is the spatial range of the effect (e.g., localized to 100m from the work, channel reach or lake region, entire watershed etc.); and
- Duration of the effect - this is the temporal period for which the effect will persist (e.g., duration of delay to fish migration in hours, days, months or years).

The information to be provided must also describe the methods and techniques used to conduct the assessment. As much as possible, methods and techniques used should be scientifically defensible.

The schedule should, at minimum, identify the proposed start and end dates for carrying out each proposed activity, and where applicable, identify the respective phase of the proposal; i.e., the construction, operation, maintenance and closure phases. In some cases, in order to provide additional context, it may be relevant to identify other information such as the expected life span of permanent and temporary structures.

Proponents must provide comprehensive information about all available measures that are proposed to avoid or mitigate potential harmful alteration, disruption or destruction of fish habitat, or death of fish (e.g., in standards or codes of practice).

Residual harmful impacts that remain after the application of such measures.

It is important to clearly describe and quantify harmful impacts because DFO will use this information as part of its decision making on whether harmful alteration, disruption or destruction of fish habitat or death of fish is likely and an authorization is required under subsection 35(2)(b) or 34.4(2)(b) of the *Fisheries Act*.

Section F: Submission and Signature

The proponent must sign their application. A signed original of the Request for Review must be provided to the regional DFO office (<http://www.dfo-mpo.gc.ca/pnw-ppe/contact-eng.html>), even if an electronic copy was sent by email. Should the review of your project indicate that harmful alteration, disruption or destruction of fish habitat or death of fish is likely, the information provided in the Request for Review document can be referred to in the subsequent application for an authorization under Paragraphs 35(2)(b) or 34.4 of the *Fisheries Act*.

Section G: Definitions

Aquatic Species at Risk: an extirpated, endangered, threatened species, or a species of special concern. A non-exhaustive list of aquatic species at risk found in Canadian waters can be found here (<http://www.dfo-mpo.gc.ca/species-especes/sara-lep/identify-eng.html>).

Aquatic Species at Risk Critical Habitat

the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species critical habitat in the recovery strategy or in an action plan for the species.



Aquatic Species at Risk Residence: the specific dwelling place, such as a den, nest or other similar area or a place that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding, or hibernating.

Aquatic invasive species: are fish, invertebrate or plant species that have been introduced into a new aquatic environment, outside of their natural range. Once introduced, aquatic invasive species populations can grow quickly because they don't have natural predators in their new environment. As a result, they can outcompete and harm native species. They can even alter habitats to make them inhospitable for the native species. A non-exhaustive list of aquatic invasive species can be found here (<http://www.dfo-mpo.gc.ca/species-especes/ais-eae/identify-eng.html>).

Emergency circumstance: If your project must be conducted in response to an emergency, you may apply for an Emergency Authorization. The emergency situations are:

- The project is required as a matter of national security
- The project is being conducted in response to a national emergency where special temporary measures are being taken under the federal *Emergencies Act*
- The project is required to address an emergency that poses a risk to public health or safety or to the environment or property.

Fish habitat: means habitat that can directly or indirectly support life processes. This includes but is not limited to: spawning grounds, nursery, rearing, food supply and migration areas.

Harmful alteration, disruption or destruction means any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish.

High Water Mark: The usual or average level to which a body of water rises at its highest point and remains for sufficient time so as to leave a mark on the land.

The shipway at Silva Bay Marine Resort (SBMR) is an important access point for recreational boaters in the region (**Photo 1**). Surrounding land and water uses include residential properties and recreational boating and fishing. The shipway comprises three steel rails and a steel ship cradle that raises/lowers boats via an electric cable winch (**Photo 1 and 2**). A cast-in-place concrete retaining wall transitions from the upper intertidal down to the lower intertidal where it transitions to a concrete lock block retaining wall (**Photo 3**).

SBMR is proposing removal of the existing rails and cradle to create a boat launch. In 2023, a condition assessment of the boat launch was completed by Emerald Sea Surveying Ltd. at the site that highlighted that repairs were required to maintain the functionality of the existing infrastructure (Emerald Sea Surveying, 2023).



Figure 1. The Project Site showing the shipway delineated in yellow.



Photo 1. The shipway from the upper intertidal, looking east.



Photo 2. An overview of the shipway area as viewed from the upland, looking east towards the intertidal and subtidal areas.



Photo 3. Existing cast-in-place and lock block concrete retaining wall on the north side of the shipway.

Project Description

The proposed repair work will replace the existing shipway structure with new installations for the boat launch. Project activities will include:

- Dismantling the existing lock block wall, place geotextile material at the base and rebuild the lock block wall in the same footprint.
- If and where required, place free drainage fill behind the lock block wall on the upland (car park) side.
- Place granular fill on top of existing shipway ramp and place pre-cast concrete panels
- Place geotextile material either side of the concrete ramp at ramp shoulder for rip rap underlay.
- Rip rap placement:
 - $\sim 242 \text{ m}^3$ (over $\sim 345.6 \text{ m}^2$) to create ramp shoulders.
 - $\sim 12.3 \text{ m}^3$ (over $\sim 24.6 \text{ m}^2$) at toe of the offshore end of the boat launch. No excavation will occur.
 - Remove $\sim 115 \text{ m}^3$ existing rip rap at the base of the retaining wall (from an area $\sim 46 \text{ m}^2$) and replace when repairs are completed augmenting with an additional 12.5 m^3 rip rap over an area $\sim 18 \text{ m}^2$.

Work is anticipated to occur during the spring low tides in June 2024.



Snuneymuxw

First Nation

www.snuneymuxw.ca

January 15th, 2024

To whom it may concern,

RE: Silva Bay Resort and Marina AIA (0164-01)

This Letter of Receipt is to notify your organization that Snuneymuxw First Nation (Snuneymuxw) has received the above captioned referral. In order to review referrals, including determining completeness of the referral package, we require a minimum **90-day review period (Review Period) from the date of this Letter of Receipt**. Our Nation receives a high volume of referrals on a daily basis, and we appreciate your patience.

On December 23, 1854 at Xwsolexwel (Nanaimo harbour), the Snuneymuxw People and the Crown entered into the Snuneymuxw Sarlequun Treaty of 1854, a trade and commerce treaty that, among other things, preserves and protects Snuneymuxw lands, waters, and resources, villages and fields, harvesting and gathering, and the right to hunt and carry-on fisheries as formerly. The Council of Snuneymuxw has the authority to preserve and protect the Aboriginal and Treaty rights and title of Snuneymuxw, which are recognized and affirmed by Section 35 of the *Constitution Act, 1982*. Any potential impact to Snuneymuxw's Aboriginal and Treaty rights and title requires our Nation's free, prior, and informed consent.

During the Review Period, Snuneymuxw will review the referral package. We may require further information from yourself, the government, the proponent and/or a related party. If you do not hear from Snuneymuxw within the Review Period, this does not constitute or imply Snuneymuxw support for this referral. Depending on the referral package and the potential impact to Snuneymuxw's Aboriginal and Treaty rights and title, we may require more time to review and respond appropriately. In some cases, there may be mitigating or accommodation measures that Snuneymuxw can consider or accept, but such arrangements must be the product of direct discussion and our free, prior, and informed consent.

For any additional inquiries, feel free to reach out to our Referrals Clerk, Hannah Paulson, by email at landsclerk@snuneymuxw.ca.

Sincerely,
Referrals Clerk



File No.: GB-TUP-2024.1

DATE OF MEETING: April 18, 2024

TO: Gabriola Island Local Trust Committee

FROM: Ian Cox, Planner 2
Northern Team

SUBJECT: Temporary Use Permit – Commercial Vacation Rental
Applicant: Allan Furlong
Location: 1760 Seymour Road, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Temporary Use Permit GB-TUP-2024.1 for 30 months from the date of issuance.

REPORT SUMMARY

The Gabriola LTC is asked to consider application GB-TUP-2024.1 (**Attachment 1**), a Temporary Use Permit (TUP) to allow a commercial vacation rental (CVR) within a single family dwelling at 1760 Seymour Road. Staff analysis of the application suggests that it meets the guidelines for CVR TUP applications in the Gabriola Island Official Community Plan (OCP) and is recommending approval of the permit for a period of 30 months from the date of issuance. The applicant understands that in order to continue operating past November 1, 2024, they will need to comply with the provincial principal residence requirement under section 15 of the *Short-Term Rental Accommodation Act* per Gabriola LTC Resolution 2024-013. The application is coming forward as a result of bylaw enforcement action for operating without an approved TUP.

BACKGROUND

The applicant has submitted several professional letters and reports in support of the application per the OCP TUP guidelines as follows:

- Well Test (**Attachment 2**)
- Registered Onsite Wastewater Practitioner (ROWP) Letter of Assurance (**Attachment 3**)
- Fire Department Home Inspection (**Attachment 4**)
- Water Supply and Conservation Plan (**Attachment 5**)
- Occupancy Permit (**Attachment 6**)
- Guest Information (**Attachment 7**)



Figure 1. Subject Property Map

ANALYSIS

Islands Trust Policy Statement

This application is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

Temporary Use Permit Designations and Guidelines

Designations

- a) Subject to the guidelines, Temporary Use Permits may be issued for:
 - vii. commercial vacation rentals within areas designated on Schedule B as 'Small Rural Residential', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'.

An analysis of the OCP Guidelines for commercial vacation rental of single family dwellings is included as **Attachment 8** of this report.

Land Use Bylaw:

B.6.3 Commercial Vacation Rentals

B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.

The subject property is located within the Large Rural Residential (LRR) zone which does not permit commercial vacation rentals, thus a temporary use permit is being sought to allow the use.

Issues and Opportunities

Alignment with TUP Guidelines

The applicant has provided information to satisfy the TUP guidelines from the Gabriola Island OCP. This includes providing supporting information to show:

- the existing well provides a sufficient volume of water for the proposed number of guests;
- there is an adequate sewerage system;
- there is off street parking for two vehicles;
- the dwelling meets the fire code;
- there is an on-island operations manager available 24 hours per day, 7 days per week.

Principal Residence Requirement

On November 1, 2024, all CVR operations on Gabriola must be conducted at the principal residence of the owner, per LTC Resolution 2024–013 opting in to the provincial principal residence requirement under section 15 of the *Short-Term Rental Accommodation Act*. The applicant has indicated that they intend to register 1760 Seymour Road as their primary residence, which would be confirmed after Islands Trust receives updated property information from BC Assessment. Any non-principal residence operation of CVRs after November 1 will become unlawful and any TUPs issued considered to expire, regardless of the validity period.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage and archaeological sites. At this time, SFN does not require property owners to complete a referral process with their Lands Department for applications that do not involve ground disturbance or physical impact to known cultural heritage sites and values as part of CVR TUP applications. The applicant has provided prominent acknowledgment of Snuneymuxw First Nation at the beginning of the guest information sheet, though not as extensive as what has been requested by the LTC for some past applications.

Notification

In accordance with Section 494 of the *Local Government Act* and the Gabriola Island Development Procedure Bylaw No. 114, neighbours within 100m of the subject property must be notified of a TUP application and a notice must be published in the local newspaper. Notice of the proposed TUP was sent out to all property owners and occupants of properties within 100 metres of the subject property. A notice of the proposed TUP was published in *the Gabriola Sounder* newspaper.

No correspondence has been received at the time of writing this report. Subsequent public comments received will be shared with the LTC and reported out at the LTC meeting on April 18th, 2024.

Rationale for Recommendation

Staff considers the information provided by the applicants to meet the TUP Guidelines outlined in Section 3.8 of the OCP and further, no public concerns have been raised regarding the proposed CVR use at the time of writing this report.

ALTERNATIVES

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

1. Request further information

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

That the Gabriola Island Local Trust Committee request further information prior to making a decision on Temporary Use Permit application GB-TUP-2024.1 [specify required information].

2. Impose additional permit conditions

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

That the following be made a condition of Temporary Use Permit application GB-TUP-2024.1 [insert condition(s)].

3. Deny issuance of the permit

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

That the Gabriola Island Local Trust Committee deny Temporary Use Permit application GB-TUP-2024.1 for the following reasons [specify reasons].

NEXT STEPS

Subject to concurrence with the staff recommendation on page 1 of this report, the TUP will be issued as presented in Attachment 1. After November 1, 2024, the applicant will need to comply with the *Short-Term Rental Accommodation Act* principal residence requirement per LTC Resolution 2024-13.

Submitted By:	Ian Cox, Planner 2	April 8, 2024
Concurrence:	Reneé Jamurat, RPP MCIP, Regional Planning Manager	April 8, 2024

ATTACHMENTS

1. GB-TUP-2024.1 DRAFT
2. Well Test
3. ROWP Septic Assurance
4. Fir Department Home Inspection
5. Water Supply and Conservation Plan
6. Original RDN Occupancy Permit
7. Guest Information
8. TUP Guidelines
9. Public Notice
10. Site Context
11. Applicant Proposal Description

PROPOSED

 Islands Trust	GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2024.1 1760 Seymour Road, Gabriola Island
---	--

To: Dr. Allan Furlong Inc.

1. This Permit applies to the land described below:

PID 002-071-096

LOT 10, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 28494

2. This Permit is valid for a period of 30 months from the date of issuance.
3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the use of a commercial vacation rental within a dwelling on the subject property.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of the area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of bedrooms in the dwelling unit for the commercial vacation rental is 3;
 - 4.8 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 6 guests at any given time;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;
 - 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw

PROPOSED

Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.

- 4.14 The room labelled “family room” on the floor plan may not be used as a bedroom.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedule “A” – Subject Property and Schedule “B” - Site Plan attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF _____, 2024.

Deputy Secretary, Islands Trust

Date Issued

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE GB-TUP-2024.1

SCHEDULE "A" – Subject Property







VORTECH

PLUMBING ■ SEPTIC ■ DRAINAGE

Tel: 250-746-0706

2930 Allenby Road Duncan BC V9L 6V3 info@vortechservices.ca

October 26, 2023

Allen Furlong
1760 Seymour Road
Gabriola BC
V0R 1X6

Dear Mr. Furlong:

Well located at GPS N-49.14664 W-123.77912 – WTN # 68785

- > Pumped well at 7.0 US GPM for 1.5 hrs
- > Total of 630 US gallons was pump from the well.
- > Drawdown was 2 cm and after Drawdown, pump was shut off manually and well fully recovered within 1 minute
- > Based on this test, the well is capable of producing 10,080 US gallons per day
- > Well is currently artisanning possible seasonal artesian only pit has a drain.
- > Drain functioning normally as per BC Ground Water Protection Act an artesian flow well must be controlled or stopped
- > Secondly all wells must have a secure vermin proof well cap
- > All regulations can be viewed at gov.bc.ca under the Ground Water Protection Regulation

We have confirmed the well volume at the time of our assessment.

Disclaimer: We can neither warrant nor guarantee the function nor capacity of this well now or in the future due to uncontrollable factors such as higher volume demand and seasonal changes.

Vortech Plumbing & Drainage (2022) Inc.



Drain Doctor Septic Services

Unit D-1694 Cedar Road, Nanaimo, V9X 1W1

250-585-4443

www.draindoctors.ca

November 24, 2023

Subject Address:

1760 Seymour Road,

Gabriola Island, B.C.

LOT 10, PLAN VIP28494, SECTION 9,

NANAIMO LAND DISTRICT, GABRIOLA ISLAND

To whom it may concern,

I hereby give assurance that:

The original sewerage system at subject address: 1760 Seymour Road, Gabriola Island, has been replaced with a new septic system.

- The Onsite Wastewater System at the above address is adequate for a 4-bedroom residence with typical occupancy up to 8 persons in total. Not exceeding daily wastewater flow of 2800 liter/day.
- **The Onsite Wastewater System at the above address will support the proposed Vacation Rental occupancy load.**

This assurance is subject to:

- The proposed Vacation Rental occupancy load. Not exceeding the daily wastewater flow of 2800 liter/day
- Any future construction or landscaping does not encroach on the required setback to the onsite wastewater system.

Kind regards,

Darryl Saam

ROWP PL(anner) IN(staller)

OW0863

Phone: 250-585-4443

Email: draindoctors@shaw.ca





Proudly serving Gabriola since 1968

October 31, 2023

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

To Whom It May Concern

Re: Fire code compliance inspection – 1760 Seymour, Gabriola, B.C.

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

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

Yours truly,

Will Sprogis, Fire Chief
Gabriola Volunteer Fire Department

Water Supply and Conservation Plan

Water for the property comes from an artisanal well, with a capacity of 10,080 US gallons per day. No water will be trucked in.

The well was sufficient for a large family for approximately 20 years without issue.

Since Dr Allan Furlong purchased the property in July 2021:

- For the last 3 summers, all droughts, there has been no issue with water supply.
- Knowing that the property is in a drought prone area, as part of updating the house, low flow toilets and showers were installed and a large Jacuzzi tub was removed.
- A low flow timed drip irrigation system was installed in the orchard to reduce water use and in the next two years there are plans to install similar systems in the vegetable garden and blueberry patch.

Guests will be informed of the drought conditions, to conserve water and the need for fire safety.

REGIONAL DISTRICT OF NANAIMO

**Building Inspection Service
OCCUPANCY PERMIT**

4975

Street and house number 1760 SEYMOUR ROAD

Legal description LOT 10 SECTION 9 PLAN 28494
NANAIMO LAND DISTRICT

Class of Occupancy SINGLE FAMILY DWELLING

Building Permit Number 15563

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

- OK ① BLOCK BACK DOOR UNTILL
STEPS AND HANDRAILS complete
AND INSPECTED
- OK ② Complete FINISHING
- OK ③ NO FIREPLACE INSTALLED AT THIS
TIME
- OK ④ CRAWSPACE INcomplete INSULATION
PLEASE Recall FOR FINAL
when complete

IMPORTANT: Owners are reminded that a new OCCUPANCY PERMIT is required
CLASS of OCCUPANCY.

Date 97-01-14

07

This CERTIFICATE must be affixed to a conspicuous wall
and shall not be removed.

Welcome

Please Make Yourself at Home

Thank you for choosing our home to create your next memories

Please read through and enjoy your stay

We are privileged to live, work and play on the ancestral, traditional, and unceded territory of the Snuneymuxw First Nation, to whom we are grateful for their ongoing stewardship of these lands and waters for thousands of years.

HOUSE RULES

- No Smoking or Vaping at any time
- No Events or Parties
- No Open Flames or Candles inside or outside
- Report any Damage Immediately
- Discard All Cooking oil into garbage
- Well water is used on the property, please consider conserving water (do not let outside hoses run freely)
- Only flush toilet paper due to septic field
- Do not drive on the septic field (located on the west side of the house toward the carport)
- Please review applicable Regional District of Nanaimo bylaws summarized below

Noise Bylaw No. 1082

- *No noise at any time that disturbs any person in the neighbourhood or vicinity including from noise from an electronic device, noise made by a pet, persistent shouting, or noise made by a vehicle*
- *No noise from bells, gongs, horns, sirens, or amplified sounds between 10:00 pm and 8:00 am*

Control of Dogs Bylaw No. 1066

- *Keep dogs under control and prevent excessive barking at all times while on the property*
- *When off the property keep control of your dog at all times*

Outdoor Burning Bylaw No. 1028

- *When risk of fire is High, High Early Shift, Extreme Early Shift or Extreme do not use any powered equipment outside (including the lawnmower)*
- *A barbecue may be used at any time but no outdoor cooking fires are allowed*

WIFI

- Network: "ourlastnameplural"
- Password: "furlongs"

HOUSE PHONE NUMBER

- 250-325-0201

CONTACT ALLAN

- 604-773-6625
- paris1801@yahoo.ca

CHECKOUT

- 11:00 am
- Lock all doors and windows
- Load and run the dishwasher
- Turn OFF lights and fans
- Empty kitchen garbage and compost into outside bins

***We Hope You Enjoyed Your Stay!
Please come again.***

Thank you.

ATTACHMENT 8 – TUP GUIDELINES

OCP Subsection 3.8(h)

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

Guideline	Submitted	Compliant?	Planner Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals	n/a		<i>TBD by LTC</i> There are currently 6 active TUPs for CVRs.
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood	Assessed from mapping.		<i>Included as a condition of the Permit.</i> Condition 4.1 of Draft TUP
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues	n/a		<i>Included as a condition of the Permit.</i> Condition 4.1 of Draft TUP Subject residence set back from road and vegetative screening present.
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	n/a	n/a	<i>Not in the ALR.</i>
v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest.	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.6 of Draft TUP See staff report and attached Water Plan and Well Test report.

vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.2 of Draft TUP. Staff are satisfied from aerial imagery and site plan that there is adequate parking space for at least two vehicles on the subject property.
vii. the landowner should be required to provide documentation from a qualified professional that the septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	Yes	Yes	See Staff Report and attached ROWP report in attachment 3.
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code.	Yes	Yes	See Staff Report and attached RDN occupancy permit (attachment 6) and Fire Department Home Inspection (attachment 4).
ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week	Yes	Yes	<i>Included as a condition of the Permit.</i> Condition 4.3 of Draft TUP.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit	n/a	<i>Included as a condition of the Permit.</i> Condition 4.4 of Draft TUP.	
xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted)	Yes	<i>Included as a condition of the Permit.</i> Condition 4.5 of Draft TUP and included in attachment 7.	
xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom	n/a	<i>Included as a condition of the Permit.</i> Condition 4.8 of Draft TUP.	

		This TUP request is for a 4-bedroom dwelling, so a maximum of 8 guests permitted at any given time.	
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated	n/a	<i>Included as a condition of the Permit.</i> Condition 4.10 of Draft TUP.	
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients	n/a	<i>Included as a condition of the Permit.</i> Condition 4.11 of Draft TUP.	
xv. a condition of the permit should limit the number of bedrooms to: a maximum of 4 on lots 2.0 hectares or larger.	Yes	<i>Included as a condition of the Permit.</i> Condition 4.7 of Draft TUP. Subject property is 2.03 hectares. Applicant requesting rental of 4-bedroom house, therefore Draft TUP restricts number of bedrooms to 4.	
xvi. a condition of the permit should prohibit recreational vehicles or camping	n/a	<i>Included as a condition of the Permit.</i> Condition 4.12 of Draft TUP.	
xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application.	n/a	TBD by LTC.	
xviii. the Local Trust Committee may require water metering.	n/a	TBD by LTC.	
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities.	n/a	Occupancy permit provided by applicant in attachment 6.	
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts.	Minimal but present.	TBD by LTC	<i>Included as a condition of the Permit.</i> Condition 4.5 of Draft TUP. See attachment 7.

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Gabriola Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 002-071-096, LOT 10, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 28494. This property is located at **1760 SEYMOUR RD, Gabriola Island, BC.**

The purpose of the proposed permit is to permit the operation of a **commercial vacation rental** within the principal single family dwelling on the subject property. The establishment of this use would be subject to the conditions specified in the attached proposed permit.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **April 4, 2024** and continuing up to and including **April 17, 2024**.

Enquiries or comments should be directed to Ian Cox, Planner 2 at (250) 247-2207, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before **4:00 p.m., April 17, 2024**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting to be held at **10:30 am, April 18, 2024, at the Gabriola Arts and Heritage Centre. 476 South Rd, Gabriola, BC.**

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

Nadine Mourao, Deputy Secretary

PROPOSED

 Islands Trust	GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2024.1 1760 Seymour Road, Gabriola Island
---	--

To: Dr. Allan Furlong Inc.

1. This Permit applies to the land described below:

PID 002-071-096

LOT 10, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 28494

2. This Permit is valid for a period of 30 months from the date of issuance.
3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the use of a commercial vacation rental within a dwelling on the subject property.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of the area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of bedrooms in the dwelling unit for the commercial vacation rental is 3;
 - 4.8 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 6 guests at any given time;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;
 - 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw

PROPOSED

Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.

- 4.14 The room labelled “family room” on the floor plan may not be used as a bedroom.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedule “A” – Subject Property and Schedule “B” - Site Plan attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS __ DAY OF _____, 2024.

Deputy Secretary, Islands Trust

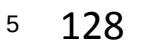
Date Issued

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE GB-TUP-2024.1

SCHEDULE "A" – Subject Property





ATTACHMENT 10 – SITE CONTEXT

LOCATION

Legal Description	LOT 10, SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 28494
PID	002-071-096
Civic Address	1760 Seymour Road
Lot Size	5.02 acres (2.03 hectares)

LAND USE

Current Land Use	Building	Existing Use	Proposed Use
	Principal Dwelling Unit	Recreational Property	Recreational Property and STVR
	Pool House	Enclosure for pool	Enclosure for pool
	Pump House	Enclosure for pool pump and controls	Enclosure for pool pump and controls
	Cottage	Home to resident caretakers	Home to resident caretakers
	Garage	Storage	Storage
	Boat Shed	Shed for inoperable boat	Shed for inoperable boat
	Barn	Empty animal barn/chicken coop	Empty animal barn/chicken coop
	Covered Bridge	Bridge cover for seasonal run-off pond	Bridge cover for seasonal run-off pond
	Woodshed	Shed for firewood	Shed for firewood
	Aviary	Empty bird enclosure	Empty bird enclosure
Surrounding Land Use	Residential/Resource Residential		

HISTORICAL FILE ACTIVITY

None	No applications, see bylaw enforcement section below.
------	---

POLICY/REGULATORY

Gabriola Island Official Community Plan No. 166, 1997	The subject property is within the Large Rural Residential (RR) land use designation. See staff report and attachments for TUP Guideline info. Not within Development Permit Areas.
Gabriola Island Land Use Bylaw No. 177, 1999	The subject property is within the Large Rural Residential (LRR) zone. In the LRR zone, permitted principal uses include single family residential, and permitted accessory uses include a secondary suite on lots 2.0 ha or larger.
Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants; or Parks/Protected Areas
Covenants	None on Title.
Bylaw Enforcement	GB-BE-2023.24 - unlawful CVR use

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a
ITC Regional Conservation Plan (2018-2027)	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject property is MEDIUM. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	None mapped.
Sensitive Ecosystems	Islands Trust Ecosystem Mapping (ITEM) and Sensitive Ecosystem Mapping (SEM) classifies the subject property as a Young Forest/Rural ecosystem.
Hazard Areas	Small area of Low Risk slope.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) indicates that the subject property is not within 100 metres of a known archaeological site. 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	Vehicle emissions, water, electricity commensurate with recreational travel use.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is in an area of moderately low aquifer intrinsic vulnerability and saltwater intrusion sensitivity. Subject property has no mapped TRIM or RAR-applicable watercourses or waterbodies.

Description of Existing and Proposed Uses of Buildings and Structures

Lot 10, Section 9, Gabriola Island, Nanaimo District, Plan 28494 is a 5 acre section of land related to this application for a Temporary Use Permit to use the principal dwelling unit and some of the property for short-term rentals. The land and buildings are owned by Dr. Allan Furlong Inc. and all buildings were constructed prior 2021 when Dr. Furlong purchased the property.

Building	Existing Use	Proposed Use
Principal Dwelling Unit	Recreational Property	Recreational Property and STVR
Pool House	Enclosure for pool	Enclosure for pool
Pump House	Enclosure for pool pump and controls	Enclosure for pool pump and controls
Cottage	Home to resident caretakers	Home to resident caretakers
Garage	Storage	Storage
Boat Shed	Shed for inoperable boat	Shed for inoperable boat
Barn	Empty animal barn/chicken coop	Empty animal barn/chicken coop
Covered Bridge	Bridge cover for seasonal run-off pond	Bridge cover for seasonal run-off pond
Woodshed	Shed for firewood	Shed for firewood
Aviary	Empty bird enclosure	Empty bird enclosure

File No.: GB-TUP-2024.3
(Nassichuk & Griesdale)

DATE OF MEETING: April 18, 2024
TO: Gabriola Island Local Trust Committee
FROM: Ian Cox, Planner 2
Northern Team
SUBJECT: Temporary Use Permit Renewal
Applicant: Erika Nassichuk & Robert Griesdale
Location: 1510 Barrett Road, Gabriola

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.3, a renewal of GB-TUP-2020.3, for a period of three years.

At its regular business meeting on April 15, 2021, the Gabriola Island Local Trust Committee (LTC) approved GB-TUP-2020.3 (**Attachment 1**) for the operation of a commercial vacation rental (CVR) within an existing single family dwelling on the subject property. GB-TUP-2024.3 (**Attachment 2**) requests that the LTC consider renewing the permit for a further three years per the Gabriola Land Use Bylaw TUP Guidelines. Staff is recommending issuance considering the letters of support from neighbouring property owners and that no formal concerns have been raised during the operation to date. See the applicants' stated purpose for the renewal request in **Attachment 3**.

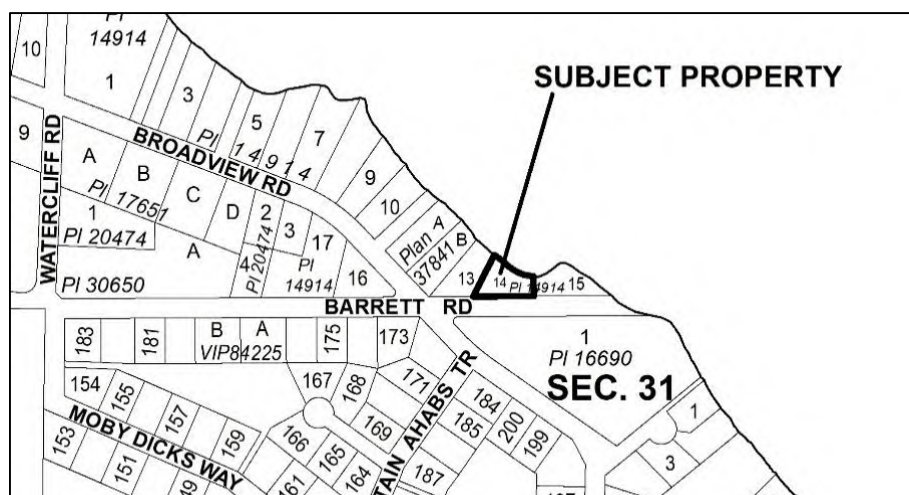


Figure 1 - Subject Property Location

ANALYSIS

Islands Trust Policy Statement

This application is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

Temporary Use Permit Designations and Guidelines

Designations

- a) Subject to the guidelines, Temporary Use Permits may be issued for:
 - vii. commercial vacation rentals within areas designated on Schedule B as ‘Small Rural Residential’, ‘Large Rural Residential’, ‘Forestry’, ‘Agriculture’ or ‘Resource’.

An analysis of the OCP Guidelines for commercial vacation rentals is included in **Attachment 4**.

Land Use Bylaw:

B.6.3 Commercial Vacation Rentals

B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.

Issues and Opportunities

The applicants provided documentation for the original application to satisfy the OCP TUP guidelines, including the following supporting information:

- there is an adequate sewerage system installed;
- there is off street parking for two vehicles;
- the dwelling meets fire code;
- the dwelling is safe to occupy; and
- there will be an on-island operations manager available 24 hours per day, 7 days per week.

Water supply

In 2020, the applicant engaged Brian Strachan of Gabriola Waterworks to perform a well test to meet the TUP Guidelines for the original application. At that time, the well flow rate exceeded the requirement of the Guidelines for the proposed CVR use. The applicant has provided an email response to a request for an updated test to support the renewal permit, which states that the professional is of the opinion that the flow is unlikely to have changed since the original test. Staff suggested an update be performed to ensure this is the case, but ultimately the Guidelines could be considered to be satisfied, particularly as there has been no reported issue with the supply to date as part of the operation of the CVR. The applicants post water conservation signage in the rental residence for guests as well as in the Guest Information Package (**Attachment 5**).

Principal residence requirement

On November 1, 2024, all CVR operations on Gabriola must be conducted at the principal residence of the owner, per LTC Resolution 2024–013 opting in to the provincial principal residence requirement under section 15 of the *Short-Term Rental Accommodation Act*. The applicants have indicated that they recently registered 1510 Barrett Road as their primary residence, which would be confirmed after Islands Trust receives updated property information from BC Assessment. Any non-principal residence operation of CVRs after November 1 will become unlawful and any TUPs issued considered to expire, regardless of the validity period.

Notification

In accordance with Section 494 of the *Local Government Act* and the Gabriola Island Development Procedure Bylaw No. 114, Notice of the proposed TUP was sent out to all property owners and occupants of properties within 100 metres of the subject property and a notice of the proposed permit was published in *the Gabriola Sounder* (**Attachment 6**).

No public correspondence was received at the time of this report as a result of the notification. Five (5) letters of support letter were provided by the applicants as part of the application materials (**Attachment 7**).

Any additional comments received from the public following completion of this report will be shared with the LTC and reported at the LTC business meeting.

First Nations

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

The applicant has provided clear and prominent information in their guest package about Snuneymuxw First Nation (SFN) (**Attachment 5**).

At this time, SFN does not request property owners to complete a referral process with their Lands Department for applications that do not involve ground disturbance or physical impact to known cultural heritage sites and values as part of CVR TUP applications.

Rationale for Recommendation

Staff considers the information provided in the original and current renewal applications to meet the TUP Guidelines outlined in Section 3.8 of the OCP and further, the applicant has provided additional letters of support specific to the renewal request with no public concerns raised at the time of writing this report.

ALTERNATIVES

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

1. Request additional information

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

That the Gabriola Island Local Trust Committee request [insert information] regarding GB-TUP-2024.3 prior to making a decision on issuance.

2. Impose additional conditions

The LTC may choose to impose additional permit conditions in accordance with OCP guideline 3.8 (h) (xvii). Suggested wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.3 for a period of three years subject to the following additional conditions: [insert condition(s)].

3. Deny issuance of the permit

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

That the Gabriola Island Local Trust Committee deny GB-TUP-2024.3 for the following reasons... [Insert reasons here].

NEXT STEPS

If the LTC resolves to issue the permit based on the staff recommendation found on page 1 of this report, the TUP will be issued for the period specified.

Submitted By:	Ian Cox, Planner 2 – Northern Team	April 8, 2024
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	April 8, 2024

ATTACHMENTS

1. GB-TUP-2020.3
2. GB-TUP-2024.3
3. Applicants' Statement
4. TUP Guidelines
5. Water Signage & Guest Information Package
6. Public Notice
7. Letters of Support
8. Site Context



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2020.3**

To: Erika Nassichuk & Robert Griesdale

1. This Permit applies to the land described below:

PID 004-320-841

LOT 14, SECTION 31, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 14914

2. This Permit is valid for a period of three years from the date of issuance.
3. This Permit is issued for the purpose of permitting a commercial vacation rental within the single family dwelling.
4. The use may be carried out subject to the following conditions:
- 4.1 the single family dwelling and subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 6 guests at any given time;
 - 4.8 the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is 3;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;

- 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
- 4.14 The holder of this permit must comply with all current orders of the BC Provincial Health Officer regarding the COVID-19 pandemic. Failure to do so may result in Islands Trust Bylaw Enforcement action.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedule "A" – Site Plan and Schedule "B" Record of Sewerage System, attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS 15TH DAY OF APRIL, 2021.

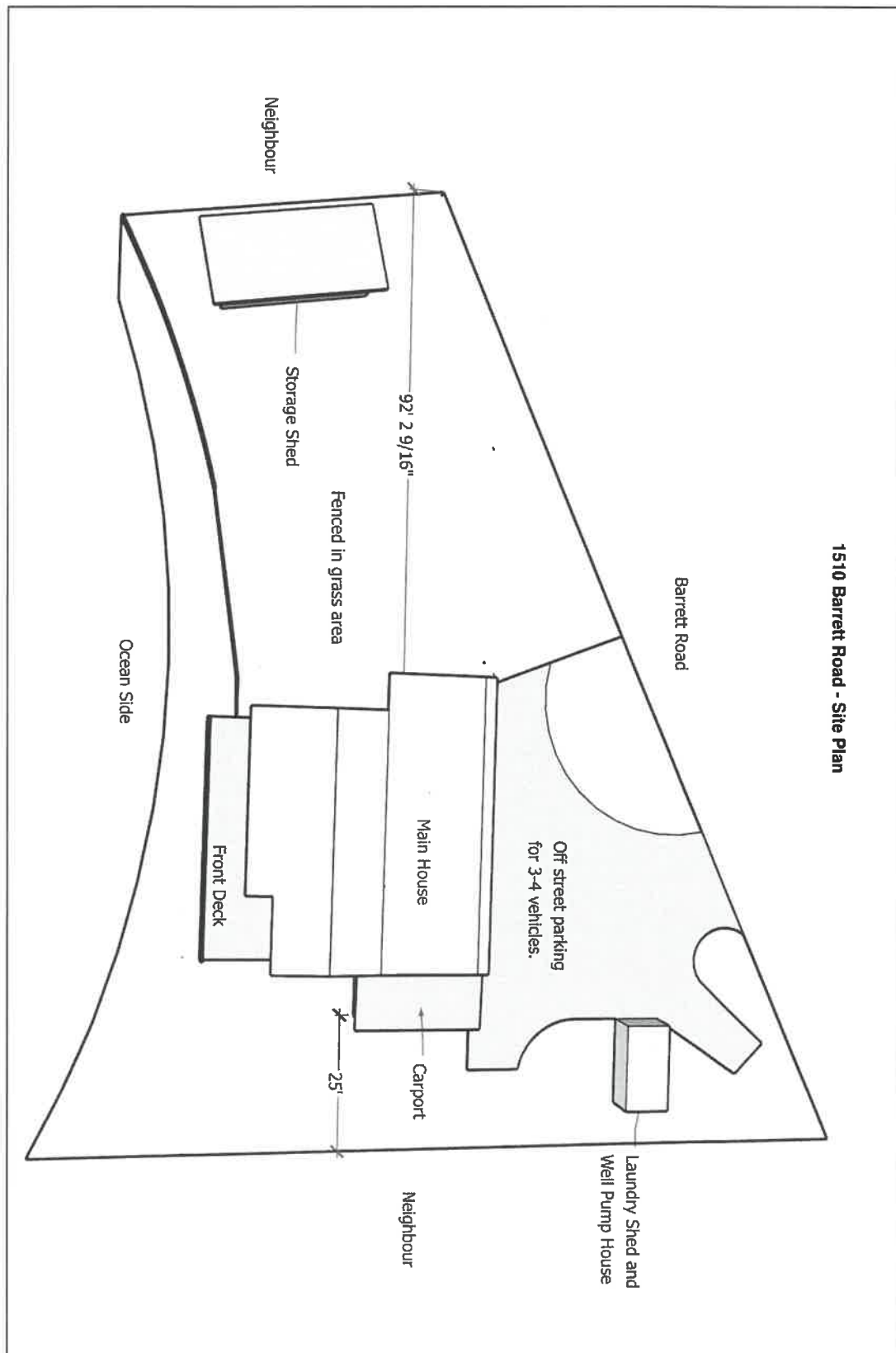

Deputy Secretary, Islands Trust

April 20, 2021
Date Issued

I hereby certify this to be Schedule "A" which is attached to and forms part of Temporary Use Permit No. GB-TUP-2020.3.

[Signature] April 20, 2021
Signature of Islands Trust Official Date of Issuance

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2020.3
SCHEDULE "A" Site Plan



I hereby certify this to be Schedule "B" which is attached to and forms part of Temporary Use Permit No. GB-TUP-2020.3.

Am Clean April 20, 2021
Signature of Islands Trust Official Date of Issuance

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2020.3
SCHEDULE "B" Record of Sewerage System

RECORD OF SEWERAGE SYSTEM	
 Property Information Tax Assessment Roll # Filing # (OFFICE USE ONLY) ☒ Repair ☐ Amendment - Original Filing # PID #	
Legal Description (Plan, Lot, District Lot, Block Numbers) LT 14 Plan U/P 14/14 Sect 31 Street (Civic) Address or General Location 1510 BARRETT RD Sd 31 City GABRIOLA	
2. Owner Information	Name of Legal Owner Rob GRIBBLE Mailing Address SAME AS ABOVE Phone City Prov Postal Code
3. Authorized Person Information	Name of Authorized Person Doreen SAMM Mailing Address 2557 QUEENMILL RD Phone City Prov Postal Code Registration # 0863 Email draimdoctus@stern.ca
4. Structure Information	Sewerage System Will Serve: 3 Bedrooms 1300 PDP ☒ 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) 123 cm Information respecting the type, depth and porosity of the soil is attached ☒ Yes ☐ No GPS Location of System (decimal degrees) Latitude 49°4'40" N Longitude 123°41'30" W Horizontal Accuracy (m) 1.5 ☒ 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 (m) Distance of proposed sewerage system to the closest body of surface water 83' (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 Date July 19 2019 OFFICE USE ONLY Filing Accepted Date Receipt Number

Revised August 2015



**DRAIN
DOCTOR**
Septic Services
63 - 5144 Metrol Drive
Nanaimo, B.C.
250-583-8483
www.draindoctor.ca

Design Date: July 19 2019

Proposed Installation Date: July 23 2019

Designed/Installed by: Darryl Saam, PL IN, ROWP 0863

1

PROPERTY INFORMATION

Property address: 1510 Barrett Rd Gabriola Island

Legal Description: LT 14 Plan V1014914 Sect 31

PID# 004-320-041

Roll# 04-768-14232-280

2

CLIENT & HOUSEHOLD INFORMATION

Client Names: Rob GRIBOME

Telephone: _____

Email: _____

No. Bedrooms: 3

No. Residents: 4

Garbage Disposal: NO

Dishwasher: YES

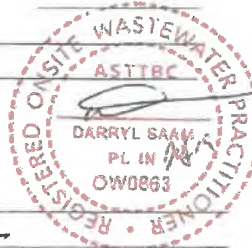
Other Buildings Connected: NO

Jacuzzi/Hot Tub: NO

High Efficiency Furnace: NO

Water Softener: NO

*Furnace and water softeners should not be plumbed into the septic system



3

SETBACKS/ELEVATIONS

GPS COORDINATES: 49°10'40"N 123°47'35"W

SETBACKS

9 m - Tank setback to property line

10 m - Drainfield setback to property line

1 m - Tank setback to nearest building

5 m - Drainfield setback to building

38 m - Tank setback to nearest well

32 m - Drainfield setback to nearest well

N/A m - Drainfield setback to public water

N/A m - Tank setback to public water

4

SOIL DATA

Design texture: Sandy / Loam

Soil Linear Loading Rate: 40 pd/m²

Depth of restricting layer: 123 cm

Elevation at surface: N/A m

Elevation of restricting layer: N/A m

Elevation of bottom of dispersal media: N/A

Soil verification performed: YES

Soil Structure: Single Grain

Coarse Fragment: 5-10 %

Soil Type: Friable - med Brown

Glazing Depth: 120 cm

Perk Test Results: 1.2 - 1.8

5

SYSTEM TYPE

System Condition: OLD DRAIN FIELD De-commissioned System Type: Type 1 - Leach Gravity
 Type of Distribution Media: 3" Perf PVC Type of Distribution: Gravity
 Type of Soil Treatment and Dispersal Area: Small 9/4 Drain Rock
 Existing System Abandoned: yes (Field) Method of Abandonment: De-commission

6

DESIGN FLOW AND TANKS

Number of Septic Tanks: 2 Total volume of septic tanks: 3785 Litres
 Number of Lift Tanks: — Total volume of lift tanks: — Litres
 Effluent Screen and Alarm: Filter #of compartments in septic tank: 3
 Pump size: N/A hp Cover over tank: 1 meters
 Pump manufacture: — Insulation on: —
 Pump alarm: — Schedule 40: —
 Water or Elapsed Time Meter: — Number: — hours
 Event Counter: — Number: — events
 Air test required: —

7

SYSTEM DESIGN TYPE

TRENCH DESIGN SUMMARY (LEAVE BLANK IF NOT TRENCH DESIGN)

Number of trenches: 4 Linear meters of trench: N/A m
 Trench width: 12" cm Trench length: 11.8 m
 Trench depth: 24" cm Depth of topsoil: 15" cm
INFILTRATOR OPTION: Standard Chamber
 Square feet required: — cm
 No. chambers needed: — cm
SAND/GRAVEL OPTION
 Depth of media under pipe: 16 cm
 Depth over pipe: 36 cm
 Total cubic yards sand/gravel: 20 y³

MOUND DESIGN SUMMARY (LEAVE BLANK IF NOT MOUND DESIGN)

Mound width: — m Depth of clean sand (upslope on bed): — cm
 Mound length: — m Depth of clean sand (downslope on bed): — cm
 Depth of rock: — cm Clean sand: — yds
 Down slope width: — m Clean rock: — yds
 Upslope width: — m Depth of topsoil: — cm

PRESSURE BED DESIGN SUMMARY (LEAVE BLANK IF NOT BED DESIGN)

Pressure bed width: — m Absorption area: — m²
 Pressure bed length: — m Clean rock: — yds
 Pressure bed depth: — cm Loamy topsoil cover: — yds
 Media depth under pipe: — cm Depth of topsoil: — cm

➤ **PRESSURE DISTRIBUTION/PUMP SPECIFICATION (LEAVE BLANK IF NOT PRESSURE)**

Number of perforated laterals: _____ Perforation spacing: _____ m
 Lateral length: _____ m Perforation size: _____ cm
 Perforations per lateral: _____ Total number of perforations: _____ perfs
 Squirt height: _____ cm

DOSING CHAMBER

Perforation spacing: _____ m Doses per day: _____ doses
 Lateral length: _____ m Litres per dose: _____ litres
 Perforation size: _____ cm Alarm depth: _____ cm
 Perforations per lateral: _____

DEMAND

Pump on: _____ cm / Pump off: _____ cm
 Set properly: _____

TIMER

Time on: _____ min / Time off: _____ min
 Calibrated: _____

➤ **FLAT BED BIOFILTER SYSTEM (LEAVE BLANK IF NOT FLAT BED)**

Pressure: _____ Syphon: _____
 Media Filter Type: Absorbent Foam Filter Medium Size of flat beds used: _____
 Number of flat beds used: _____ Daily Designed Flow per flat bed: _____
 cBOD5 Percentage Removal: 98% BOD5 Median Concentration: 4 mg/L
 TSS Percentage Removal: +98% TSS Median Concentration: 4 mg/L
 Fecal Coliforms Percent Removal: +99% Fecal Coliform Concentration: 17,900 cfu/100 ml

DOSING CHAMBER

Doses per day: _____ doses Litres per dose: _____ litres
 Alarm depth: _____ cm

DEMAND

Pump on: _____ cm / Pump off: _____ cm
 Set properly: _____

TIMER

Time on: _____ min / Time off: _____ min
 Calibrated: _____

8

MANAGEMENT PLAN REQUIREMENTS

Has the Designer completed a System check? **YES**
 Has Septic System Owner's Guide been handed out? **YES**

9

AUTHORIZATION

DARRYL GEORGE SAAM - Planner/Installer ROWP 0863

I hereby certify that I have completed this work in full accordance with all of the applicable ordinances, rules and laws contained within the Standards of Practice.

Darryl Saam, PL, IN, ROWP 0863

Date

July 19, 2019



PROPOSED



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2024.3**

To: Erika Nassichuk & Robert Griesdale

1. This Permit applies to the land described below:

PID 004-320-841

LOT 14, SECTION 31, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 14914

2. This Permit is valid for a period of three years from the date of issuance.
3. This Permit is issued for the purpose of permitting a commercial vacation rental within the single family dwelling.
4. The use may be carried out subject to the following conditions:
- 4.1 the single family dwelling and subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 6 guests at any given time;
 - 4.8 the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is 3;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;

PROPOSED

- 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
- 4.14 The holder of this permit must comply with all current orders of the BC Provincial Health Officer regarding the COVID-19 pandemic. Failure to do so may result in Islands Trust Bylaw Enforcement action.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedule “A” – Site Plan and Schedule “B” Record of Sewerage System, attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

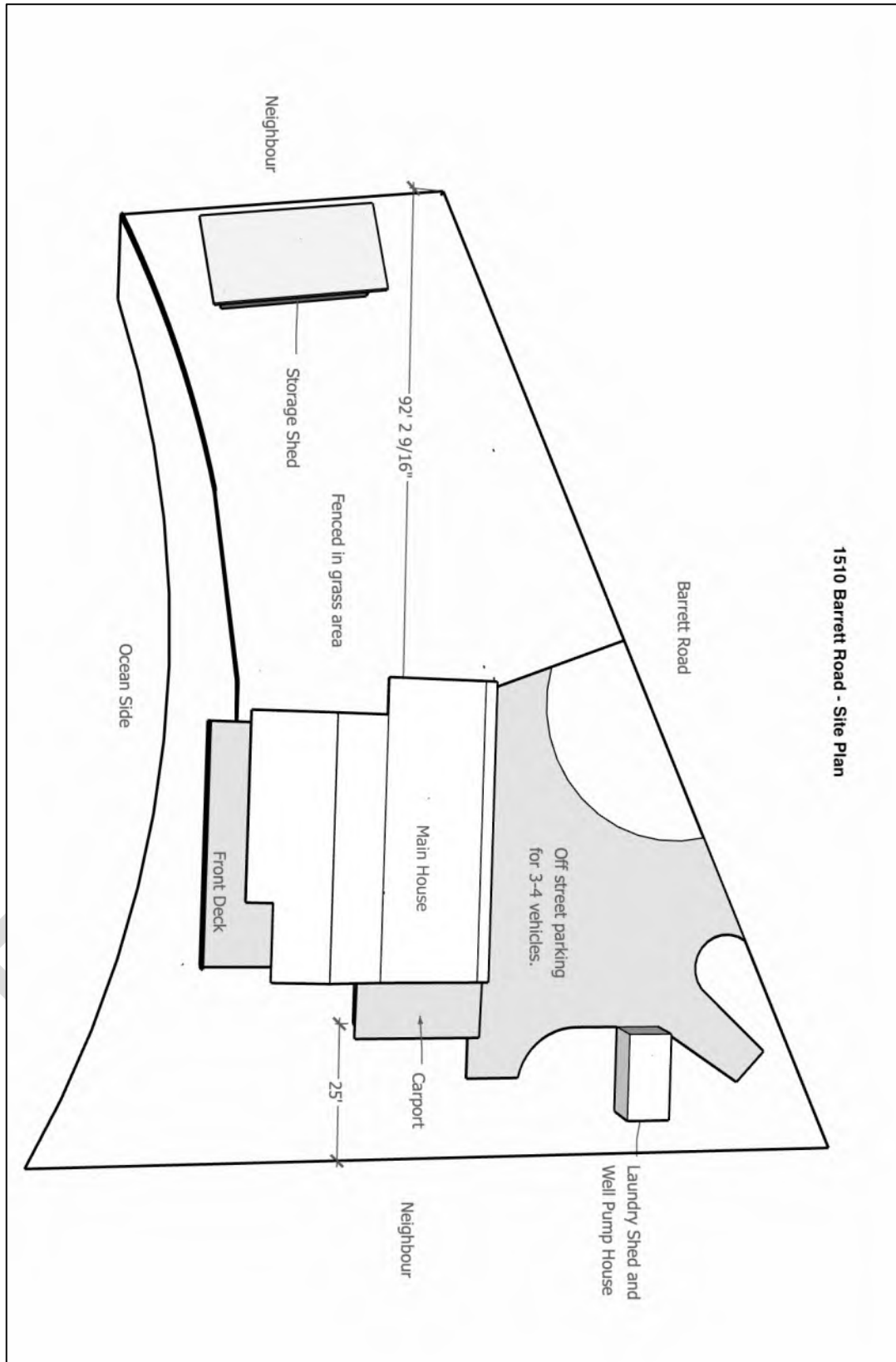
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 2024.

Deputy Secretary, Islands Trust

Date Issued

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2024.3
SCHEDULE "A" Site Plan



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2024.3 SCHEDULE "B" Record of Sewerage System

		RECORD OF SEWERAGE SYSTEM	
		Filing # (OFFICE USE ONLY)	
		☒ New Construction ☐ Alteration ☒ Repair	☐ Amendment - Original Filing #
1. Property Information L. SAAM OW0863		Tax Assessment Roll # 04-768-14232-280	
Legal Description (Plan, Lot, District Lot, Block Numbers) LT 14 Plan U/P 14/14 Sect 31		PID # 001-320-841	
2. Owner Information Name of Legal Owner Rob GRIZZARDI		Mailing Address Same as above	
3. Authorized Person Information Name of Authorized Person Doreen SAAM		Mailing Address 2551 QUEENMILL RD	
Phone 250-713-0481		City NANAIMO	
Registration # 0863		Email draindoctors@shaw.ca	
4. Structure Information Sewerage System Will Serve: 3 Bedroom 1300 DDF ☒ 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) 123 cm GPS Location of System (decimal degrees) Latitude 49°40'N Longitude 123°41'33" W Horizontal Accuracy (m) 1.5 Information respecting the type, depth and porosity of the soil is attached ☒ Yes ☐ No ☒ 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 (m) Distance of proposed sewerage system to the closest body of surface water 33+ (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 Date July 19 2019		OFFICE USE ONLY Filing Accepted Date Receipt Number	

Revised August 2015

PROPOSED



DRAIN DOCTOR
Septic Services
83 - 5144 Metral Drive
Nanaimo, B.C.
250-585-4443
www.draindoctors.ca

Design Date: July 19 2019
Proposed Installation Date: July 23 2019
Designed/Installed by: Darryl Saam, PL, IN, ROWP 0863

1

PROPERTY INFORMATION

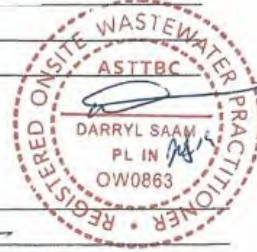
Property address: 1500 Barrett Rd Gabriola Island
Legal Description: LT 14 Plan V1014914 Sect 31
PID# 004-320-041
Roll# 04-768-14232-280

2

CLIENT & HOUSEHOLD INFORMATION

Client Names: Rob GRIGORIE
Telephone: _____ Email: _____
No. Bedrooms: 3 No. Residents: 4
Garbage Disposal: NO Dishwasher: YES
Other Buildings Connected: NO Jacuzzi/Hot Tub: NO
High Efficiency Furnace: NO Water Softener: NO

*Furnace and water softeners should not be plumbed into the septic system



3

SETBACKS/ELEVATIONS

GPS COORDINATES: 49°10'40"N 123°47'35"W

SETBACKS

<u>9</u> m - Tank setback to property line	<u>10</u> m - Drainfield setback to property line
<u>1</u> m - Tank setback to nearest building	<u>5</u> m - Drainfield setback to building
<u>38</u> m - Tank setback to nearest well	<u>32</u> m - Drainfield setback to nearest well
<u>N/A</u> m - Drainfield setback to public water	<u>N/A</u> m - Tank setback to public water

4

SOIL DATA

Design texture: <u>Sandy / Loam</u>	Soil Linear Loading Rate: <u>40</u> pd/m ²
Depth of restricting layer: <u>123</u> cm	Elevation at surface: <u>N/A</u> m
Elevation of restricting layer: <u>N/A</u> m	Elevation of bottom of dispersal media: <u>N/A</u>
Soil verification performed: <u>YES</u>	Soil Structure: <u>Single Grain</u>
Coarse Fragment: <u>5-10</u> %	Soil Type: <u>Friable - med Brown</u>
Glazing Depth: <u>120</u> cm	Perk Test Results: <u>1.2 - 1.8</u>

PROPOSED

5 SYSTEM TYPE

System Condition: OLD DRAIN FIELD De-commissioned System Type: Type 1 - Leach Gravity
 Type of Distribution Media: 3" Perf PVC Type of Distribution: Gravity
 Type of Soil Treatment and Dispersal Area: Sandy 3/4 Drain Rock
 Existing System Abandoned: Yes (Flow) Method of Abandonment: De-commission

6 DESIGN FLOW AND TANKS

Number of Septic Tanks: 2 Total volume of septic tanks: 3785 Litres
 Number of Lift Tanks: — Total volume of lift tanks: — Litres
 Effluent Screen and Alarm: Filter #of compartments in septic tank: 3
 Pump size: N/A hp Cover over tank: 1 meters
 Pump manufacture: — Insulation on: —
 Pump alarm: — Schedule 40: —
 Water or Elapsed Time Meter: — Number: — hours
 Event Counter: — Number: — events
 Air test required: —

7 SYSTEM DESIGN TYPE

➤ TRENCH DESIGN SUMMARY (LEAVE BLANK IF NOT TRENCH DESIGN)

Number of trenches: 4 Linear meters of trench: N/A m
 Trench width: 12" cm Trench length: 11.8 m
 Trench depth: 24" cm Depth of topsoil: 12" cm
INFILTRATOR OPTION: Standard Chamber **SAND/GRAVEL OPTION**
 Square feet required: — cm Depth of media under pipe: 16 cm
 No. chambers needed: — cm Depth over pipe: 36 cm
 Total cubic yards sand/gravel: 20 y³

➤ MOUND DESIGN SUMMARY (LEAVE BLANK IF NOT MOUND DESIGN)

Mound width: — m Depth of clean sand (upslope on bed): — cm
 Mound length: — m Depth of clean sand (downslope on bed): — cm
 Depth of rock: — cm Clean sand: — yds
 Down slope width: — m Clean rock: — yds
 Upslope width: — m Depth of topsoil: — cm

➤ PRESSURE BED DESIGN SUMMARY (LEAVE BLANK IF NOT BED DESIGN)

Pressure bed width: — m Absorption area: — m³
 Pressure bed length: — m Clean rock: — yds
 Pressure bed depth: — cm Loamy topsoil cover: — yds
 Media depth under pipe: — cm Depth of topsoil: — cm

PROPOSED

➤ PRESSURE DISTRIBUTION/PUMP SPECIFICATION (LEAVE BLANK IF NOT PRESSURE)

Number of perforated laterals: _____ Perforation spacing: _____ m
 Lateral length: _____ m Perforation size: _____ cm
 Perforations per lateral: _____ Total number of perforations: _____ perfs
 Squirt height: _____ cm

DOSING CHAMBER

Perforation spacing: _____ m Doses per day: _____ doses
 Lateral length: _____ m Litres per dose: _____ litres
 Perforation size: _____ cm Alarm depth: _____ cm
 Perforations per lateral: _____

DEMAND

Pump on: _____ cm / Pump off: _____ cm
 Set properly: _____

TIMER

Time on: _____ min / Time off: _____ min
 Calibrated: _____

➤ FLAT BED BIOFILTER SYSTEM (LEAVE BLANK IF NOT FLAT BED)

Pressure: _____ Syphon: _____
 Media Filter Type: Absorbent Foam Filter Medium Size of flat beds used: _____
 Number of flat beds used: _____ Daily Designed Flow per flat bed: _____
 cBOD5 Percentage Removal: 98% BOD5 Median Concentration: 4 mg/L
 TSS Percentage Removal: +98% TSS Median Concentration: 4 mg/L
 Fecal Coliforms Percent Removal: +99% Fecal Coliform Concentration: 17,900 cfu/100 ml

DOSING CHAMBER

Doses per day: _____ doses Litres per dose: _____ Litres
 Alarm depth: _____ cm

DEMAND

Pump on: _____ cm / Pump off: _____ cm
 Set properly: _____

TIMER

Time on: _____ min / Time off: _____ min
 Calibrated: _____

8

MANAGEMENT PLAN REQUIREMENTS

Has the Designer completed a System check? YES
 Has Septic System Owner's Guide been handed out? YES

9

AUTHORIZATION

DARRYL GEORGE SAAM - Planner/Installer ROWP 0863

I hereby certify that I have completed this work in full accordance with all of the applicable ordinances, rules and laws contained within the Standards of Practice.

Darryl Saam, PL, IN, ROWP 0863

Date

July 19 2019



Feb 8, 2024

Written description and proposed uses for GB-TUP-2020.3: TUP renewal application

To whom it may concern:

The purpose of this TUP renewal application is to allow us to continue to offer our recreational property as a short-term rental while we are not using the property ourselves.

Throughout our time renting out our cabin as a short-term rental, we are proud to report a clean record with no bylaw violations or complaints. Our commitment to maintaining the property to high standards and fostering positive relationships within the community remains unwavering.

On average, we rent out our property for 25 weeks annually, contributing to the local economy through guest expenditures. Utilizing an anonymous polling system over the course of one year, we found that our guests spend an average of \$500 per week at local restaurants and shops, bolstering the economic vitality of the area and bringing in an average of \$12,500 a year to the local economy. We have an ongoing donation bin set up and we donate food items regularly to the food bank on Gabriola. Our family visits Gabriola for all holidays and as many long weekends as we can fit in; we value our time on the island and also spend our resources on Gabriola at shops and businesses we now love.

Furthermore, we prioritize the engagement of local residents in the upkeep of the property. A dedicated team of Gabriola Island residents is employed to ensure the cleanliness and maintenance of the cabin between guests, reinforcing our support for the local workforce. In addition to this, we collaborate with a reputable island-based company for expert advice on tree management, including the removal of dead and diseased trees. Our adherence to Fire Smart principles underscores our commitment to property safety and environmental stewardship.

Our guests have included local whale researchers dedicated to the conservation of the southern resident orca population, local Gabriola Island residents hosting wedding guests, diligent contractors engaged in on-island projects, and numerous other commendable individuals. We take pride in our ability to facilitate such varied and meaningful interactions within our community. Our commitment to maintaining our property as a short-term rental not only benefits our guests but also allows us to provide employment opportunities to local residents. Additionally, it affords us the privilege to enjoy our time on Gabriola whenever our schedules permit.

Our rental listing adheres meticulously to all requirements stipulated for the granting of a Temporary Use Permit renewal. We have taken great care to ensure compliance with all relevant regulations and standards.

Thank you for your attention to this matter.

Sincerely,
Erika Nassichuk and Rob Griesdale

Attachment 4

TUP GUIDELINES

OCP Subsection 3.8(h)

The following is a breakdown of the application's level of compliance with each TUP guideline, and a summary of how the draft permit addresses those guidelines.

Guideline	Planner Comments
i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals	<i>TBD by LTC</i> There are currently no other active TUPs for commercial vacation rentals in this neighbourhood.
ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood.	<i>Included as a condition of the permit</i> Condition 4.1 of Draft TUP
iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues	<i>Included as a condition of the permit</i> Subject property and subject Single Family Dwelling well screened from road and neighbouring properties.
iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued	<i>N/A - Not in the ALR.</i>
v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest.	<i>Included as a condition of the permit</i> See staff report and attached well test information.

vi. the landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles.	<i>Included as a condition of the permit.</i> The site plan included as Schedule "A" on the draft permit indicates adequate parking areas on the subject property. Condition 4.2 of Draft TUP.
vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load	<i>Related conditions included in permit and recommended add</i> Drain Doctors performed repair and maintenance on the system in July, 2019. Recommended add as Schedule "B" - Septic Filing to the draft TUP (see Staff Report).
viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code.	<i>No Occupancy Permit on RDN file/LTC could request building inspection</i> RDN has no records of occupancy permits prior to 1972. The applicant has submitted an inspection report by the Gabriola Volunteer Fire Department Chief, indicating that the residence meets the requirements of the B.C. Fire Code. See Staff Report and attachment. Condition 4.9 of the Draft TUP requires proof of insurance.
ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week.	<i>Included as a condition of the permit.</i> See condition 4.3 of Draft TUP. Owner has provided 24 hour on-island contact.
x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit.	<i>Included as a condition of the permit.</i> See Condition 4.4 of Draft TUP.
xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted)	<i>Included as a condition of the permit.</i> See Guest Information attachment to staff report which provides required information to guests.

xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom.	<i>Included as a condition of the permit.</i> Conditions 4.7 and 4.8 of Draft TUP.
xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated.	<i>Included as a condition of the permit.</i> Condition 4.10 of Draft TUP.
xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients.	<i>Included as a condition of the permit.</i> Condition 4.11 of Draft TUP.
xv. a condition of the permit should limit the number of bedrooms to: • a maximum of 3 on lots smaller than 2.0 hectares; and • a maximum of 4 on lots of 2.0 hectares or larger	<i>Included as a condition of the permit.</i> Subject property is less than 2 hectares. Applicant requests 3 bedrooms and Condition 4.8 of Draft TUP restricts to 3.
xvi. a condition of the permit should prohibit recreational vehicles or camping.	<i>Included as a condition of the permit.</i> Draft TUP Condition 4.12
xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application.	<i>TBD by LTC</i> Additional condition recommended to be added to draft permit as septicSchedule "B" and related conditions.
xviii. the Local Trust Committee may require water metering	<i>TBD by LTC</i>
xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities.	<i>TBD by LTC</i> Staff consider the fire department inspection to satisfy. Condition 4.9 of the Draft TUP requires property insurance proof. LTC could require building inspection.
xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts	Currently not included in guest info package. Included in permit condition 4.5

RELM Cottage – Gabriola Island

GUEST INFORMATION BOOK



Address: 1510 Barrett Road

Parking: There is room in the driveway for 3-4 vehicles. There is a front gate that will be closed when you arrive. Feel free to leave it open for the duration of your stay.

Door Code: You will be given a door code prior to your arrival. Please do not give this door code out to anyone other than guests in your party.

WIFI: Network ID: GRIESDALE
Password: 6046494667

NO SMOKING AT ANY TIME. DOGS ARE PERMITTED IF PRE-APPROVED IN THE RENTAL AGREEMENT.

Noise: Quiet time is between 10pm to 8am. This is a quiet neighborhood. Please respect the neighbors. At no time will loud parties, yelling, dogs barking or loud amplified music be tolerated. Noise like this is in contravention of the RDN Noise By-law. The bylaw is the last page of this document for your reference.

Fire Safety: The cabin is equipped with a fire extinguisher in the kitchen and smoke detectors in the main common areas. Please keep the areas in front of all the bedroom windows clear for egress in case of emergency. No beach fires permitted at any time.

Check-in Time: 4 PM (to ensure the cabin is clean for your arrival, no early check in.)

Check-out Time: 11 AM (please see 'Check-Out' page for more details)

CONTACT INFORMATION

Owners (Rob and Erika).....604.649.4667 or 604.764.0199
(For questions about the Unit)

24 hour Emergency – On Island Contact – Julia Sangsara 250.618.6241

Medical Services
Gabriola Medical clinic 250.247.9922
Open Monday to Friday 9am – 4pm

Police Services (non-emergency)
RCMP (Police) 250.247.8333

Transport
Gabriola Taxi..... 250.247.0049

Restaurants
Woodfire..... 250.247.0095

WATER CONSERVATION

Water conservation is very important worldwide, but particularly important on Gabriola Island. Water at the cabin is supplied by a private well on the property. Water is a finite resource and we must be careful to always conserve this important resource. We have made many changes to the cabin in order to conserve water including: installing low flow toilets and a low flow shower head, removing ornamental plants and allowing native vegetation to grow. We planted native seed mixes in the open areas and we do not water any of the vegetation on the property. The open spaces are left to go dormant in the hot summer months. The entire island is supplied by wells that are connected to an underground aquifer. While the aquifer recharges over the rainy months, we need to be careful to conserve water at all times to ensure it recharges and to reduce the risk of neighboring wells running dry. This shared resource must be protected. Conserving water helps the environment and everyone who lives and recreates on Gabriola Island.

We are asking that you do your part to conserve water.

Please do not take long showers and only run the dishwasher and washing machines when the loads are full. We have provided a large drying rack to dry any wet beach towels so that they can be reused. Please only clean towels and sheets when it is absolutely necessary to do so. Please do not water any of the vegetation on the property.

The water for the cottage is safe for drinking and is tested annually. All filters are changed on an annual basis.

Thank you in advance for doing your part to conserve water on the island. If we all do our part, this resource will be available to all who live on and visit this lovely island.



This sign is up at each faucet in the cabin and in the laundry room:

Please conserve water at all times.
Do not run the taps unnecessarily.
Do not do laundry or run the dishwasher if the loads are not full.
Do not take long showers.
Do not water any vegetation.
Do not clean sheets or towels unless necessary.
Please use the drying rack for wet towels that do not need washing.
Water on Gabriola Island is fed from wells. This resource is finite and must be conserved. Please be aware of water usage at all times to protect this important resource for people and the environment.
Thank you for doing your part!

FIRST NATIONS

Welcome to our home which is located in the unceded territory of the Coast Salish people. Gabriola Island is part of the Snuneymuxw First Nation and their main places of residence are on Vancouver Island near the city of Nanaimo. However, their traditional territory included Gabriola Island as well as other sites on the east coast of Vancouver Island, the Gulf Islands and into the Fraser River near Vancouver, BC. Their language is the Hul'qumi'num language and their presence on these lands has been more than 5000 years. There is one unoccupied reserve on Gabriola and many sites of cultural importance.

The Snuneymuxw First Nation is one of the largest Nations in B.C. with a population of over 1,700 people. They are one of the few Nations that have a pre-Confederation treaty with the Crown, the Treaty of 1854. Unfortunately, it has been systematically undermined and as a result they currently live on the smallest reserve land base per capita of any First Nation in British Columbia.

In this context, the Snuneymuxw First Nation is striving to create opportunities to fulfill their potential as a Nation. Please be respectful of the historical presence of the Snuneymuxw people as you enjoy your visit to our home and Gabriola Island.

For additional information, please follow this QR code to a link to the Snuneymuxw First Nation website:



PROPERTY INFORMATION

BBQ and Firetables

Propane for the bbq and square fire table is included in the rental. The BBQ and the square fire table are run off the large tanks and the long fire table is run off of the small white bottle in the yard. The small white bottle may be empty, but can be filled at the co-op gas station. There is a shut off for the large tanks mounted to the deck below the bbq from the yard side. If the propane is not flowing, check that the shut offs are turned on.

For the long fire table, remove the plywood cover for the duration of your stay. It is there to keep debris out of burner. The firepit has an on/off key at the end of it to control the flow of propane. Once the propane tank is turned on, turn the on/off key to the left and hold the bbq lighter above the middle of the glass trench until it lights. Use the key to adjust the flame height. The propane tank is located at the bottom of the deck stairs to the yard. Please keep the flame to about 6"-8" max for safety.

The fire table under the covered area has a built in igniter. See photo below for lighting instructions:



Washer and Dryer

The washer and dryer are located in the shed by the driveway. The code to the laundry room is 0101. Laundry soap is located on the shelf above the units. Please do not do laundry until you have a full load to wash to help us conserve water.

Coffee Maker

Feel free to use any coffee pods that have been left. Please remove the pods after each use to keep the coffee maker clean for the next use. There is also a drip coffee maker, filters and coffee on the top shelf in the cabinet to the right of the fridge.

TV's

Use the black remote that is marked 'Shaw' at the bottom. Power button is at the top right to turn the cable box on.

If no picture comes up, use the input button on the LG (main) Sharp (bedroom) remote to select the source:

- HDMI 1 is for the Cable box
- HDMI 2 is for the Apple TV (main TV only)

For TV channels hit the 'Guide' button to see what channels are available. Use the arrows to scroll up and down in the channels and the "OK" button to select the channel.

Apple TV (on main tv only) and Netflix

You will need you own ID accounts to access the features of the Apple TV and Netflix. If you use the Apple TV or Netflix during your stay ****MAKE SURE TO LOG OFF OF YOUR ACCOUNT BEFORE YOU LEAVE**** otherwise the next guests may get access to your account to use while at the house.

For Netflix, on the TV input setting (HDMI 1), hit the "Netflix" button on the LG remote. To get back to TV, hit the guide button on the Shaw remote.

Front Door Keypad

A code will be emailed to you prior to your arrival. Please do not give out the code to people outside of your group. To unlock the door, push the "Yale" button to illuminate the keys and punch in the 4 digit code and the check mark and the door will unlock. To lock the door, hit the "Yale" symbol to lock the door.

Security Cameras

We have 3 security cameras set up around the cabin. One on the front porch and two on the back deck. For your own privacy, unplug the cameras to turn them off but please plug them back on at checkout. They are plugged into outlets by the front door and at the top of the three stairs to the yard.

Sound System (Sonos)

The music is controlled by the iPad in the living room. Use the Sonos app to pick your music and select the location to listen to it. Feel free to create your own playlists if you want, but please do not delete any existing ones.

Fireplace

The easiest way to heat the cabin is with the propane fireplace. There is a remote control. The top button will turn it on, and use the round arrow button to adjust the flame. There are also instructions on the back of the remote.

*****Please turn off the fireplace when you check out*****

Deck Heater

There is an infrared heater on the deck. The switch on the pole behind the couch, top right switch. Press the button once to turn it on and once again to turn it on. It takes a few minutes to heat up, but if you turn it off once hot, let the element cool down fully before turning it back on. Please remember to turn it off after use, but it will automatically turn off at midnight.

Outdoor sofa

The larger outdoor sofa has a cover to protect it from the rain. You do not need to use the cover, but we recommend putting it back on in case of rain to keep it dry for the next time you want to use it. The green cushions and cushions for the Adirondack chairs are stored inside when not in use.

Heating and Cooling

The easiest way to heat the cabin is with the propane fireplace. There is a remote control. The top button will turn it on, and use the round arrow button to adjust the flame. There are also instructions on the back of the remote.

The cottage also has a heatpump for heating and cooling. Use the mode button to scroll between “heat” and “cool” then use the up and down arrows to select the temperature up or down. There are also baseboard heaters in the bathrooms and bedrooms with thermostat knobs on the baseboards. The living room also has a wall-controlled heater in the floor by the front window. It can be turned up and down with the thermostat by the main bathroom. Please turn down all the heaters at checkout.

The queen bedroom has a thermostat for the baseboard heater and the king and kid rooms have free standing oil heaters available in each room.

Beach Chairs and toys

The laundry shed has beach chairs and a bin of beach toys for you to use. Please return them after use. There are also 2 kids Kayaks in the large shed in the side yard along with kids’ life jackets. Do not use them without life jackets. If you take them down to the beach, please bring them back up.

Towels and Bedding

There is spare bedding located in the bins and or bottom dresser drawers in each room should you need more. There are towels in the cupboard in the bathroom. There are separate towels for the bathroom, the beach and dogs and are labelled accordingly in the cupboard.

Pets

We do allow dogs as long as you have been preapproved to bring them along. Please make sure you clean up after your dog in the yard. There are dog towels in the bathroom to dry them off before you bring them inside. Please do not allow your pets on the furniture or leave your dog unattended inside cottage or in the yard if you are not on the property.

Septic System

The septic system was recently installed in the side yard of the cabin and there shouldn’t be any issues. Please do not flush anything other than toilet paper down the toilets. Throw any other items into the garbage.

Garbage and Recycling

The two grey garbage bins are located in the carport which is connected to the cabin. The large blue recycling bin and the green food waste bin are located outside of the front door. Please put recycling that cannot be returned for refunds into the blue bin. No glass is permitted in this bin but there is a box in the carport for glass containers that cannot be returned for refunds. If you are here for a longer stay, please put these bins (garbage, recycling and food waste) out on garbage pick-up days – there is a schedule posted on the fridge.

In the carport you will find bins marked for: cans, wine bottles and plastic beverage containers. We refund these items and donate the proceeds to PetFriends Gabriola. There is signage about where to put what in the carport. For shorter stays, feel free to put all of the recycling into the three small bins right on the front porch and we will sort them for you after your stay.

CHECK OUT INFORMATION



Before 11 am on the day of departure please take care of the following items:

- Please leave the cottage neat and tidy and turn all lights off upon departure
 - Make sure you have not left any personal possessions behind & check that all clothes have been removed from washer/ dryer, lock laundry room and put the key back.
- the
- Please ensure the thermostats throughout the unit are turned down to 10c (can be lower or off in the summer months)
 - Load and start the dishwasher with any kitchen items that have been used and put it on.
 - Remove all garbage and recycling and put in designated garbage area. Do not under any circumstances leave garbage outside as it will attract wildlife.
 - Place used towels in the bathtub / shower and don't make the beds on the last day.
 - Please check that the patio doors are locked, all windows are closed & the front door is locked behind you.
 - If you used Netflix on the Apple TV, please log off of your account.
 - Please make sure the outdoor cushions in the yard have been removed. In the Fall/Winter, replace the outdoor sofa covers.

RESTAURANTS

There are many restaurants available for your dining pleasure.

Here is a list of the Top 6 restaurants as rated on Trip Advisor – Jan 2020

1. Woodfire Restaurant and Catering
2. Mad Ronas Coffee Cafe
3. The Sunset Lounge Dining Bar
4. Silva Bay Restaurant and Pub - **Closed – Reopening in 2023**
5. Wishbone
6. Skol Pub

RDN NOISE BYLAW

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

Water Conservation Signage:

Please conserve water at all times.

Do not run the taps unnecessarily.

Do not do laundry or run the dishwasher if the loads are not full.

Do not take long showers.

Do not water any vegetation.

Do not clean sheets or towels unless necessary.

Please use the drying rack for wet towels that do not need washing.

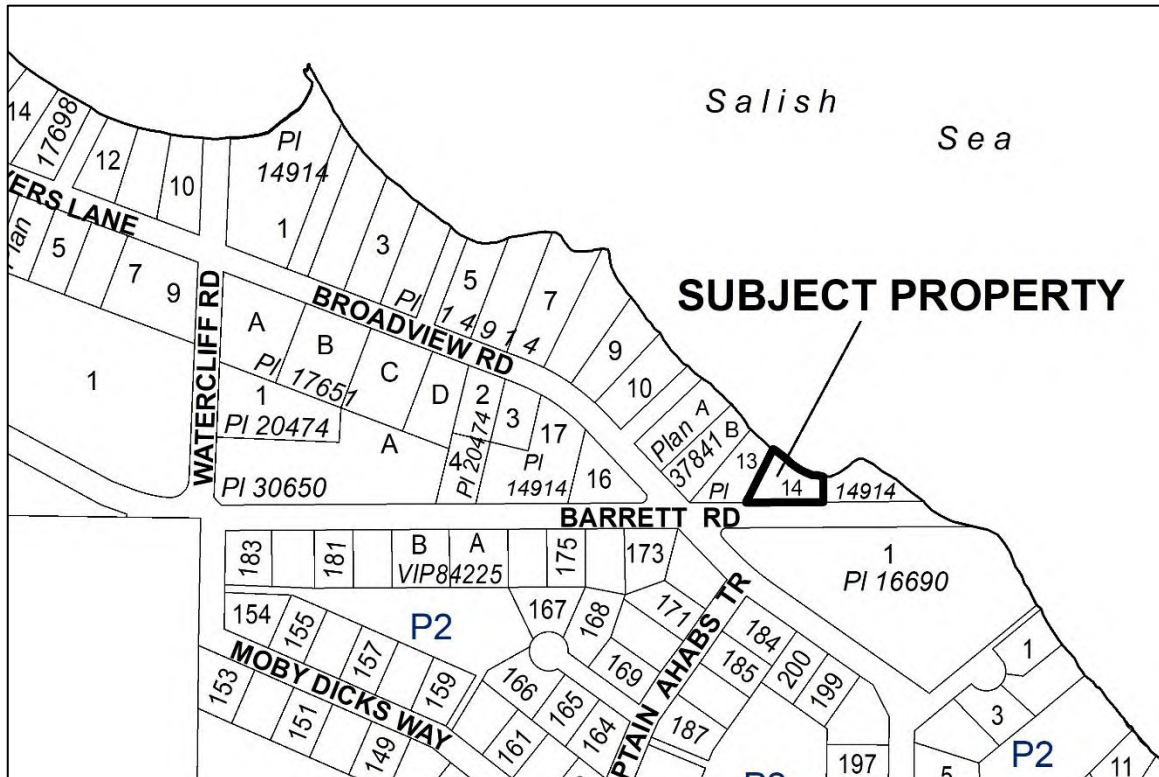
Water on Gabriola Island is fed from wells. This resource is finite and must be conserved. Please be aware of water usage at all times to protect this important resource for people and the environment.

Thank you for doing your part!

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Gabriola Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 004-320-841, LOT 14, SECTION 31, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 14914. This property is located at **1510 Barrett Rd, Gabriola Island, BC.**

The purpose of the proposed permit is to permit the operation of a **commercial vacation rental** within the principal single family dwelling on the subject property. The establishment of this use would be subject to the conditions specified in the attached proposed permit.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 p.m. Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **April 4, 2024** and continuing up to and including **April 17, 2024**.

Enquiries or comments should be directed to Ian Cox, Planner 2 at (250) 247-2207, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: northinfo@islandstrust.bc.ca before **4:00 p.m., April 17, 2024**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting to be held at **10:30 am, April 18, 2024, at the Gabriola Arts and Heritage Centre. 476 South Rd, Gabriola, BC.**

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

Nadine Mourao, Deputy Secretary

PROPOSED



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2024.3**

To: Erika Nassichuk & Robert Griesdale

1. This Permit applies to the land described below:

PID 004-320-841

LOT 14, SECTION 31, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 14914

2. This Permit is valid for a period of three years from the date of issuance.
3. This Permit is issued for the purpose of permitting a commercial vacation rental within the single family dwelling.
4. The use may be carried out subject to the following conditions:
 - 4.1 the single family dwelling and subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
 - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
 - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
 - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
 - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
 - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
 - 4.7 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 6 guests at any given time;
 - 4.8 the maximum number of bedrooms in the single family dwelling for the commercial vacation rental is 3;
 - 4.9 the owner submit a copy of the property insurance for the subject property;
 - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres and not illuminated;
 - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
 - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited;

PROPOSED

- 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
- 4.14 The holder of this permit must comply with all current orders of the BC Provincial Health Officer regarding the COVID-19 pandemic. Failure to do so may result in Islands Trust Bylaw Enforcement action.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedule “A” – Site Plan and Schedule “B” Record of Sewerage System, attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

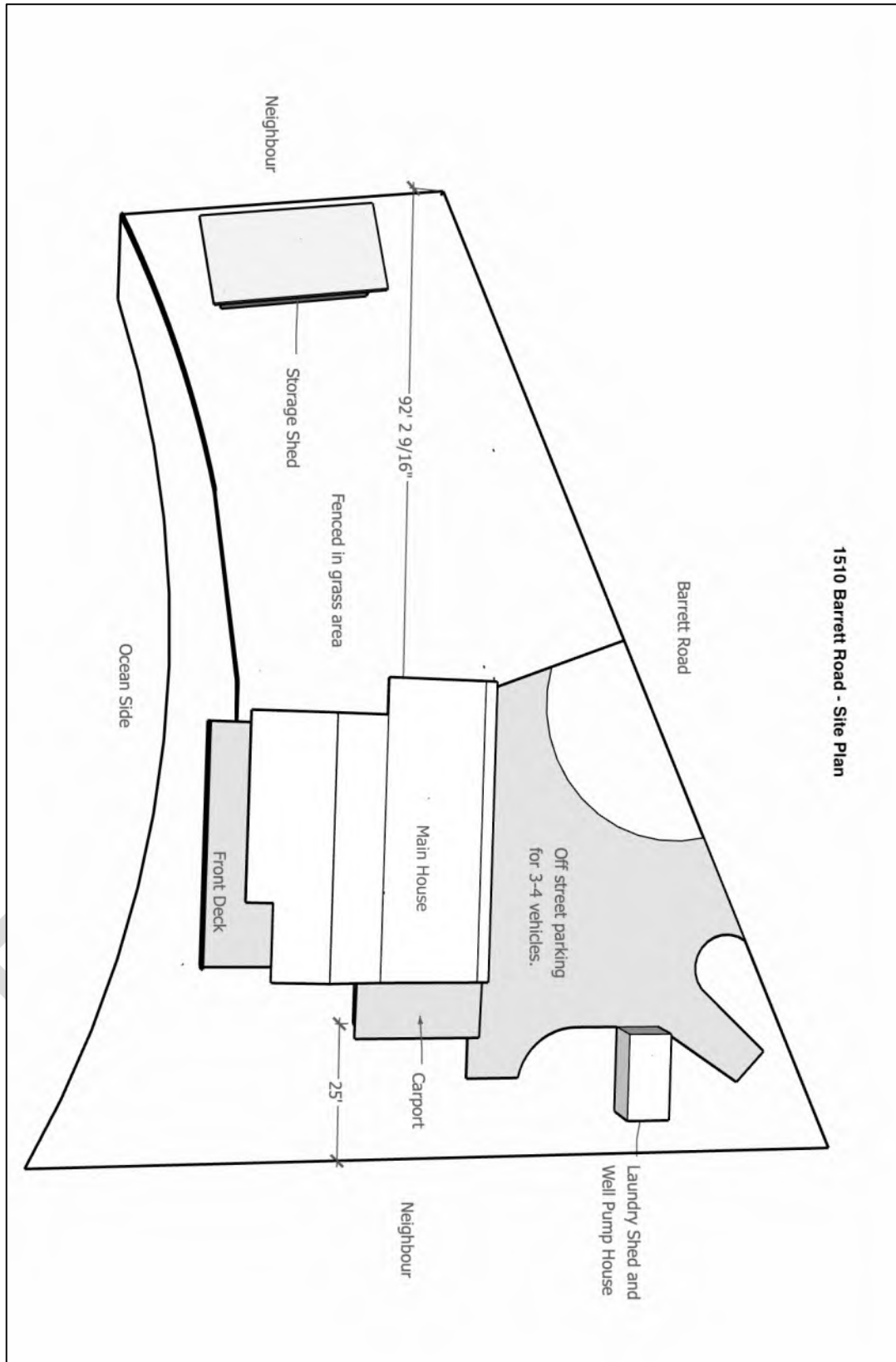
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 2024.

Deputy Secretary, Islands Trust

Date Issued

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
GB-TUP-2024.3
SCHEDULE "A" Site Plan



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT GB-TUP-2024.3 SCHEDULE "B" Record of Sewerage System

		RECORD OF SEWERAGE SYSTEM	
		Filing # (OFFICE USE ONLY)	
		☒ New Construction ☐ Alteration ☒ Repair ☐ Amendment - Original Filing #	
1. Property Information		Tax Assessment Roll #	PID #
		04-768-14232-280	001-320-841
		Legal Description (Plan, Lot, District Lot, Block Numbers)	
		LT 14 Plan U/P 14/14 Sect 31	
		Street (Civic) Address or General Location	City
		1510 BARRETT RD Sd 31	GABRIOLA
2. Owner Information	Name of Legal Owner	Mailing Address	
	Rob GRIZZARD	Same as Above	
	Phone	City	Prov Postal Code
3. Authorized Person Information	Name of Authorized Person	Mailing Address	
	Doreen SAAM	2551 QUEENMILL RD	
	Phone	City	Prov Postal Code
	250-713-0481	NAAMATO	BC V5T 1K4
	Registration #	Email	
	0863	draindoctors@shaw.ca	
4. Structure Information	Sewerage System Will Serve: 3 Bedroom 1300 DDF		
	☒ 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)	Information respecting the type, depth and porosity of the soil is attached	
	123 cm	☒ Yes ☐ No	
	GPS Location of System (decimal degrees) Latitude	Longitude	
	49°40'N	123°41'33" W	
	Horizontal Accuracy (m)	☒ Recreational GPS ☐ Differential GPS	
	1.5		
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 _____ (m)		
	Distance of proposed sewerage system to the closest body of surface water 33' (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	OFFICE USE ONLY	
		Filing Accepted Date	
	Date	Receipt Number	
	July 19 2019		

Revised August 2015

PROPOSED



DRAIN DOCTOR
Septic Services
83 - 5144 Metral Drive
Nanaimo, B.C.
250-585-4443
www.draindoctors.ca

Design Date: July 19 2019
Proposed Installation Date: July 23 2019
Designed/Installed by: Darryl Saam, PL, IN, ROWP 0863

1

PROPERTY INFORMATION

Property address: 1500 Barrett Rd Gabriola Island
Legal Description: LT 14 Plan V1014914 Sect 31
PID# 004-320-041
Roll# 04-768-14232-280

2

CLIENT & HOUSEHOLD INFORMATION

Client Names: Rob GRIZZARD
Telephone: _____ Email: _____
No. Bedrooms: 3 No. Residents: 4
Garbage Disposal: NO Dishwasher: YES
Other Buildings Connected: NO Jacuzzi/Hot Tub: NO
High Efficiency Furnace: NO Water Softener: NO

*Furnace and water softeners should not be plumbed into the septic system



3

SETBACKS/ELEVATIONS

GPS COORDINATES: 49°10'40"N 123°47'35"W

SETBACKS

<u>9</u> m - Tank setback to property line	<u>10</u> m - Drainfield setback to property line
<u>1</u> m - Tank setback to nearest building	<u>5</u> m - Drainfield setback to building
<u>38</u> m - Tank setback to nearest well	<u>32</u> m - Drainfield setback to nearest well
<u>N/A</u> m - Drainfield setback to public water	<u>N/A</u> m - Tank setback to public water

4

SOIL DATA

Design texture: <u>Sandy / Loam</u>	Soil Linear Loading Rate: <u>40</u> pd/m ²
Depth of restricting layer: <u>123</u> cm	Elevation at surface: <u>N/A</u> m
Elevation of restricting layer: <u>N/A</u> m	Elevation of bottom of dispersal media: <u>N/A</u>
Soil verification performed: <u>YES</u>	Soil Structure: <u>Single Grain</u>
Coarse Fragment: <u>5-10</u> %	Soil Type: <u>Friable - med Brown</u>
Glazing Depth: <u>120</u> cm	Perk Test Results: <u>1.2 - 1.8</u>

PROPOSED

5 SYSTEM TYPE

System Condition: OLD DRAIN FIELD De-commissioned System Type: Type 1 - Leach Gravity
 Type of Distribution Media: 3" Perf PVC Type of Distribution: Gravity
 Type of Soil Treatment and Dispersal Area: Sandy 3/4 Drain Rock
 Existing System Abandoned: Yes (Flow) Method of Abandonment: De-commission

6 DESIGN FLOW AND TANKS

Number of Septic Tanks: 2 Total volume of septic tanks: 3785 Litres
 Number of Lift Tanks: — Total volume of lift tanks: — Litres
 Effluent Screen and Alarm: Filter #of compartments in septic tank: 3
 Pump size: N/A hp Cover over tank: 1 meters
 Pump manufacture: — Insulation on: —
 Pump alarm: — Schedule 40: —
 Water or Elapsed Time Meter: — Number: — hours
 Event Counter: — Number: — events
 Air test required: —

7 SYSTEM DESIGN TYPE

➤ TRENCH DESIGN SUMMARY (LEAVE BLANK IF NOT TRENCH DESIGN)

Number of trenches: 4 Linear meters of trench: N/A m
 Trench width: 12" cm Trench length: 118 cm
 Trench depth: 24" cm Depth of topsoil: 12" cm
INFILTRATOR OPTION: Standard Chamber **SAND/GRAVEL OPTION**
 Square feet required: — cm Depth of media under pipe: 16 cm
 No. chambers needed: — cm Depth over pipe: 36 cm
 Total cubic yards sand/gravel: 20 y³

➤ MOUND DESIGN SUMMARY (LEAVE BLANK IF NOT MOUND DESIGN)

Mound width: — m Depth of clean sand (upslope on bed): — cm
 Mound length: — m Depth of clean sand (downslope on bed): — cm
 Depth of rock: — cm Clean sand: — yds
 Down slope width: — m Clean rock: — yds
 Upslope width: — m Depth of topsoil: — cm

➤ PRESSURE BED DESIGN SUMMARY (LEAVE BLANK IF NOT BED DESIGN)

Pressure bed width: — m Absorption area: — m³
 Pressure bed length: — m Clean rock: — yds
 Pressure bed depth: — cm Loamy topsoil cover: — yds
 Media depth under pipe: — cm Depth of topsoil: — cm

PROPOSED

➤ PRESSURE DISTRIBUTION/PUMP SPECIFICATION (LEAVE BLANK IF NOT PRESSURE)

Number of perforated laterals: _____ m
 Lateral length: _____ m
 Perforations per lateral: _____
 Perforation spacing: _____ m
 Perforation size: _____ cm
 Total number of perforations: _____ perfs
 Squirt height: _____ cm

DOSING CHAMBER

Perforation spacing: _____ m
 Lateral length: _____ m
 Perforation size: _____ cm
 Doses per day: _____ doses
 Litres per dose: _____ litres
 Alarm depth: _____ cm
 Perforations per lateral: _____

DEMAND

Pump on: _____ cm / Pump off: _____ cm
 Set properly: _____

TIMER

Time on: _____ min / Time off: _____ min
 Calibrated: _____

➤ FLAT BED BIOFILTER SYSTEM (LEAVE BLANK IF NOT FLAT BED)

Pressure: _____
 Media Filter Type: Absorbent Foam Filter Medium
 Number of flat beds used: _____
 cBOD5 Percentage Removal: 98%
 TSS Percentage Removal: +98%
 Fecal Coliforms Percent Removal: +99%
 Syphon: _____
 Size of flat beds used: _____
 Daily Designed Flow per flat bed: _____
 BOD5 Median Concentration: 4 mg/L
 TSS Median Concentration: 4 mg/L
 Fecal Coliform Concentration: 17,900 cfu/100 ml

DOSING CHAMBER

Doses per day: _____ doses
 Alarm depth: _____ cm
 Litres per dose: _____ Litres

DEMAND

Pump on: _____ cm / Pump off: _____ cm
 Set properly: _____

TIMER

Time on: _____ min / Time off: _____ min
 Calibrated: _____

8

MANAGEMENT PLAN REQUIREMENTS

Has the Designer completed a System check? YES
 Has Septic System Owner's Guide been handed out? YES

9

AUTHORIZATION

DARRYL GEORGE SAAM - Planner/Installer ROWP 0863

I hereby certify that I have completed this work in full accordance with all of the applicable ordinances, rules and laws contained within the Standards of Practice.

Darryl Saam, PL, IN, ROWP 0863

Date

July 19 2019



Feb 12, 2024

To whom it may concern,

We own the property at 1500 Barrett Road, Gabriola Island. We have enjoyed our neighbourhood for numerous years.

We enjoyed the folks who rented our direct neighbors' home at 1510 Barrett Road, Gabriola Island. We have no concerns regarding this property being used for short-term stays as it is very well managed. I feel that it is also safer to have people come and stay as opposed to leaving it empty when the property owners are not able to be there themselves.

Regards,

Carol-Ann Staples

250.216.9030



February 12, 2024

To our Islands Trust Representatives,

We wholeheartedly support the presence and operation of short-term rentals such as Relm Cottage on our island. As a resident deeply invested in the prosperity and development of our community, I firmly believe that embracing varied rental options contributes significantly to our economic growth, cultural enrichment, and overall well-being.

Short-term rentals offer unique opportunities for hosts and guests, fostering a sense of connection and belonging that traditional accommodations often lack. Our residents can supplement their incomes and support themselves and their families by opening their homes to travellers. They are also opening a market of homes that would never enter the long-term rental market as their owners regularly use them.

Moreover, short-term rentals promote sustainable and responsible tourism. Unlike larger hotels, accommodations are often located in residential neighbourhoods, dispersing the economic benefits more evenly throughout our community. This decentralized approach helps alleviate the strain on popular tourist areas while encouraging exploration of lesser-known locales, thus reducing overtourism and its associated negative impacts on our environment and infrastructure.

We understand there may be concerns regarding regulating and managing short-term rentals. Still, we firmly believe that with proper oversight and collaboration between local authorities and the community, we can address any issues effectively while harnessing these rentals' immense benefits to our island.

In conclusion, we urge you to support Rob and Erika's application and the continued presence of short-term rentals on our island. Embracing innovation and entrepreneurship is essential for our community's growth and prosperity; these rentals embody those values. Let us seize this opportunity to harness the positive impact while safeguarding our residents' interests and preserving our island's unique character.

Thank you for considering my perspective on this matter.

Sincerely,

David and Dawn Adair

Feb 9, 2024

To: Islands Trustees

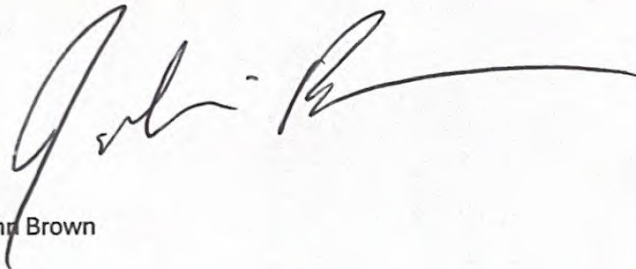
I have worked for Erika and Rob for over four years. In that time, I have coordinated over 8 people working for them. They pay us a good wage and are very pleasant and great communicators. They have made sure that I am available to help guests 24/7 and anytime I've been away I have made sure someone else fulfills that role on the Island.

I am aware of many changes they have made to make RELM safer as a short-term rental, such as removing the wood stove and replacing it with a more user friendly gas stove. Signs are visible at all times regarding water conservation and information is present regarding whose unceded territory their property is on.

Erika continues to do her best to be a supportive, active member of the community; during Covid I know that she was quite conscientious – RELM is a second home to her family, yet they were careful to protect the community during travels back and forth from Vancouver.

I am pleased to support their application to renew their TUP.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julia - Brown', with a long horizontal flourish extending to the right.

Julia Sangsara Autumn Brown

February 11, 2024

To Whom it May Concern,

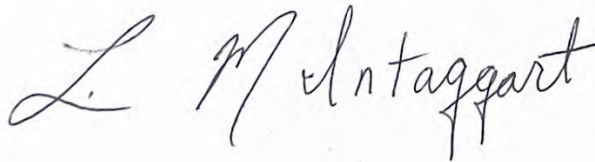
My daughter has her own cooperative cleaning business. Two years ago, she gave me one of her clients to clean for Erika Nassichuk. Right from the beginning Erika was very clear of her expectations and always stayed on top of how things were proceeding to make the best experience for those who share her home.

It was very clear to me that this, indeed is Erika's home and not just a B&B as she often came and spent a lot of time there as well as her relatives. Erika has very great communication with her neighbors. I have known next door neighbors for over 40 years and there has never been any complaints only positive feedback from her and her guests. She has very clear expectations on how her guests look after her home and how they behave.

My experience is that she's always had guests that respect the protocols of water usage, recycling and respect for the neighbours. Whenever there was a concern, Erika was really on top of the issue and immediately taken care of the situation. An example would be having a fly out break, and we all took care of it right away before guest arrived. Erika and her husband also continually upgrade their home. Since I have been there, new bathrooms were put in, appliances and deck reno's. It is good to see someone that takes such good care of refurbishing and old cottage. Erika pays me a good wage and gets me any help I need if and when I need it. She's a very good employer. I also like the fact that any kind of sealed packaged food that is left behind goes to the food bank. I believe that Erika is a positive addition to our community.

Thank you,

Leita McIntaggart

A handwritten signature in cursive script that reads "L. McIntaggart". The signature is written in dark ink and is positioned below the typed name.

Feb 13, 2024

To whom it may concern:

I am a long-term Gabriola resident. I am fine with a short-term rental on Gabriola; it brings money into the community. The owners are a very caring and community minded family who use and enjoy the home regularly.

Sincerely,

Jose Bennett

Attachment 2

SITE CONTEXT

LOCATION

Legal Description	LOT 14, SECTION 31, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 14914
PID	004-320-841
Civic Address	1510 Barrett Road, Gabriola
Lot Area	0.16 ha (0.39 acres)

LAND USE

Current Land Use	Residential Proposed: Residential and Commercial Vacation Rental of single family dwelling
Surrounding Land Use	Residential (SRR)

HISTORICAL ACTIVITY

File No.	Purpose
GB-BE-2020.38	Unlawful CVR use

POLICY/REGULATORY

Official Community Plan No. 166, 1997	The subject property is within the Small Rural Residential (SRR) land usedesignation. Not within any currently enacted Development Permit Areas.
Land Use Bylaw No. 177, 1999	The subject property is within the Small Rural Residential (SRR) zone. Permitted Principal uses in the SRR zone include Single family residential and Horticulture. Permitted Accessory uses in the SRR zone include Home occupations (including Bed and Breakfasts), subject to regulations in B.3 . B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee.

Other Regulations	Not within the Agricultural Land Reserve. No mapped Crown Leases, LTC Covenants, Parks/Protected Areas, Steep Slopes, or Watercourses.
Covenants	Covenant EP63285 Regional District Of Nanaimo
Bylaw Enforcement	GB-BE-2020.38 Commercial Vacation Rental without TUP

SITE INFLUENCES

Islands Trust Conservancy	Application does not directly affect an Islands Trust Conservancy Board-owned property or conservation covenant.
Regional Conservation Strategy	Map 6 of the Islands Trust Conservancy Regional Conservation Plan 2018-2027 estimated importance of habitat composition is low to medium.
Species at Risk	Masked/Secured occurrence (not public)
Sensitive Ecosystems	Not SEI. Adjacent to Coastal Douglas-fir Dry Maritime, Salal
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100 metres of the subject property. However, the applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during any subsequent site development, all work should cease and the 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 TUP application seeks to lawfully permit the use of an SRR zoned lot for Commercial Vacation Rental use. GHG emissions can be expected to be commensurate with levels associated with Single Family Residential development patterns and use, and a potential increase due to the use of personal vehicles by CVR guests for transport on and off island.
Groundwater Vulnerability	Islands Trust mapping indicates the property within a moderate to high intrinsic aquifer vulnerability/salt water intrusion area.

File No.: GB-DVP-2023.3 (Miller)
(GB-BE-2023.15)

DATE OF MEETING: April 18, 2024

TO: Gabriola Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY: Warren Dingman, Bylaw Compliance and Enforcement Officer

SUBJECT: Development Variance Permit Application
Applicant: Sandra Miller
Location: 880 Horseshoe Road, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee hold the application GB-DVP-2023.3 in abeyance until the LTC receives comment from Snuneymuxw First Nation, and request that the applicant submit a referral application to the Snuneymuxw First Nation.

REPORT SUMMARY

The purpose of this application is for the Gabriola Island Local Trust Committee (LTC) to consider development variance permit application GB-DVP-2023.3 which seeks to vary the 10 metre setback minimum to permit works completed (a 30m² wood shed) within 0.0 metres of the interior lot line. The existing shed was originally built in the early 1990s and has since been maintained for the storage of tools and wood.

The application is supported as the variance sought is minor; there is no land/ground disturbance proposed; and it does not obstruct or impact neighbouring views and property.

However, the Snuneymuxw First Nation (SFN) has identified the application for review and comment, and requested submission of a referral application to their Lands Clerk. Therefore, staff are recommending that the LTC request that the applicant submit a referral application before proceeding, to allow the SFN the opportunity to comment on the application before the LTC considers issuance.

BACKGROUND

The subject property is zoned Agriculture (AG) and is 2.05 ha (5.07 ac) in area. The wood shed under consideration, originally built in the early 1990s, is within 0.84 metre (2.75 feet) of the northern property line shared with 860 Horseshoe Rd. (Figures 1 and 2). Additional property information can be found as Attachments 2 and 3. The application is proceeding following bylaw compliance and enforcement file GB-BE-2023.15 for works completed within a 10 metre setback area. Following staff recommendations to either remove the shed or seek a variance, the applicant submitted a development variance permit application.

Figure 1. Subject Property Map - 880 Horseshoe Rd.

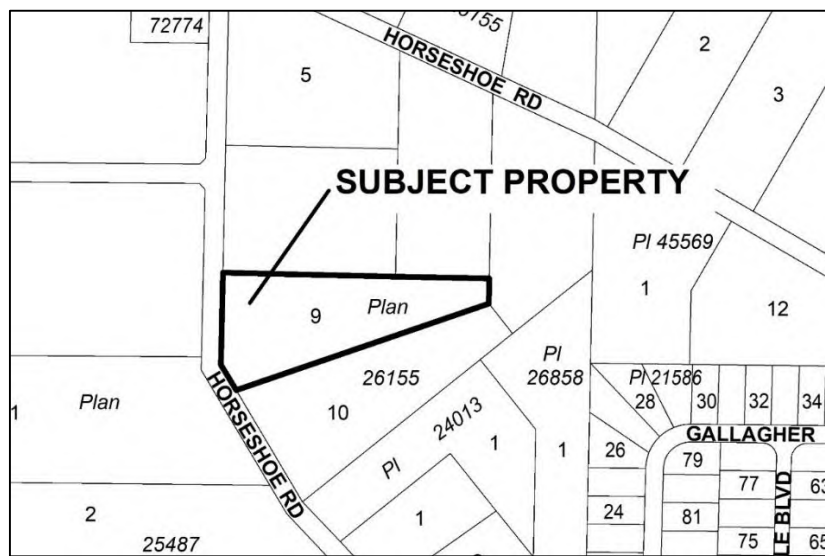
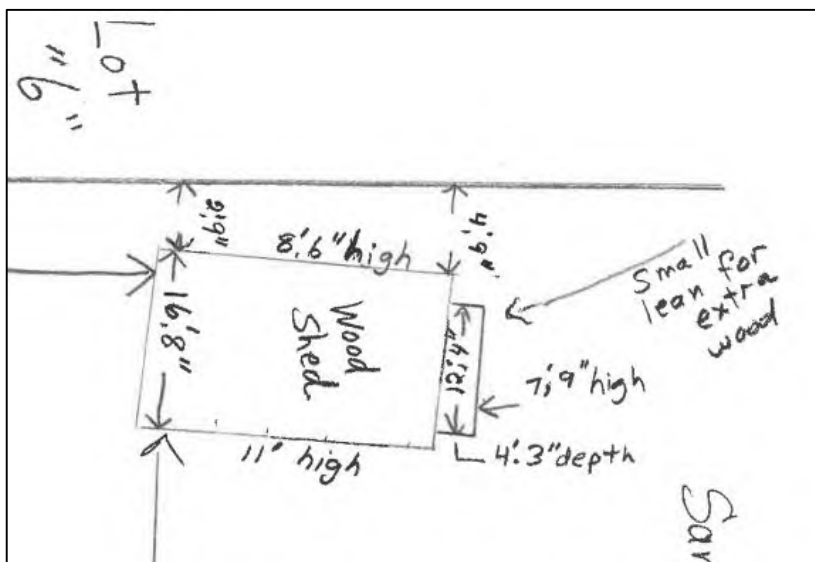


Figure 2. Site Plan Excerpt of Wood Shed – Prepared by Applicant



According to Article A.3.5.1 of the Gabriola Island Land Use Bylaw No. 177, 2014 (LUB), every applicant for a development variance permit must provide a plan signed by a B.C. Land Surveyor, unless the LTC determines that the provision of such a plan is not reasonably necessary to establish whether the proposed works comply with the siting requirements of the bylaws. Upon the applicant's request, the LTC granted a waiver of the requirement for a plan signed by a B.C. Land Surveyor at the LTC meeting on November 30, 2023, as follows:

GB-2023-088

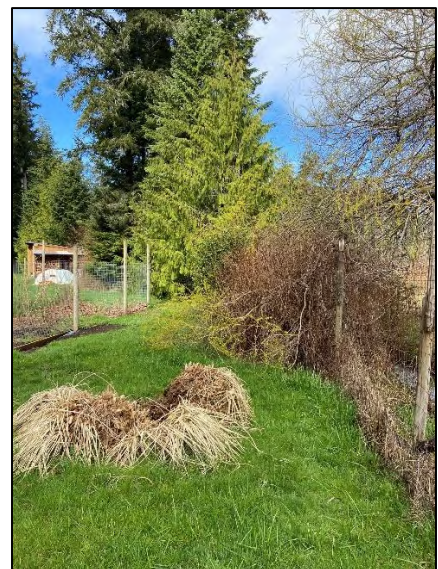
Moved and Seconded

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).

CARRIED

The applicant has provided rationale letters in support of their application and their survey waiver request from July and November 2023 (Attachment 1). Copies of two hand-drawn site plans prepared by the applicant are provided in Attachment 2. Attachment 3 contains a Site Context, Attachment 4 contains the Notice that was sent to property owners in advance of this report, and Attachment 5 contains the proposed Permit.

Figure 3. Site Visit Photographs – March 26, 2024



ANALYSIS

Policy/Regulatory

Section 498 of the Local Government Act enables the LTC to issue (approve) a development variance permit (DVP) in order to vary siting, size, and dimensions of buildings and structures. A DVP may not be used to vary density or land use. In this case, a variance to a siting regulation is being sought.

Official Community Plan:

The property is designated Agriculture (AG) in the Gabriola Island Official Community Plan No 166, 2014 (OCP). The property is also part of the Agricultural Land Reserve and is subject to the *Agricultural Land Commission Act* and Agricultural Land Reserve regulations.

Development Permit Area 3 – Riparian Areas (DP-3) is on part of the property including the location of the shed. A 30-metre buffer area on either side of McClay Creek is identified as DP-3 – Riparian Areas in the OCP and subject to Section F.3 of the LUB. A development permit application is not required at this time, since no disturbance of soils is proposed and the owners originally built the shed prior to the adoption of RAPR.

There are no specific OCP policies in conflict with this variance request.

Land Use Bylaw:

The property is zoned Agriculture (AG) on the Gabriola Island Land Use Bylaw No. 177, 2014 (LUB). The existing shed structure does not conform to the LUB siting regulations, hence a variance application is being sought. **Item D.2.1.3.a.ii** of the LUB states that 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.

Intent of regulations being varied

Property line setbacks are established for various reasons such as ensuring access for emergency and utilities services and to contribute towards consistent neighbourhood form and character.

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 pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits. In this case, the variance as requested is considered minor and to have minimal impact on surrounding properties.

Issues and Opportunities

The complaint to bylaw compliance and enforcement staff regarding the non-compliant shed appears to be vexatious or retaliatory in nature. A vexatious complaint is a complaint that is made for retaliatory or bad faith purposes, or otherwise forms part of a pattern of conduct by a complainant that amounts to an abuse of the process. The Gabriola Island Trust Committee Bylaw Infractions Investigations Bylaw No. 77, 1990 does not address these types of complaints, therefore bylaw staff proceeded to open a file, which triggered the application for a variance.

Consultation

DVP notices were circulated to surrounding property owners and residents on April 3, 2024. The notification period ends on April 17, 2024. At the time of writing the report, no submissions have been received from neighbours

regarding the application. Any submissions received after the agenda is published will be sent to the LTC prior to the April 18th meeting and will be raised by the planner at that meeting. The notice and draft permit can be found as Attachments 4 and 5, respectively.

First Nations

Remote Access to Archaeological Data (RAAD) mapping shows no registered archaeological sites on or within 100 metres of the shed. As this application is for an as-built structure (works completed), staff provided the applicant with the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the *Heritage Act* for future reference.

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation.

However, the Snuneymuxw First Nation (SFN) identified this application for further review and comment in December 2023, and requested submission of a referral application form and fee to allow the SFN the opportunity to comment on the application before the LTC considers issuance. Consideration of issuance can include comments from other appropriate ministries, agencies, and First Nations, in addition to public comment.

Since the decision of whether to issue or deny a variance permit is at the LTC's discretion, the LTC may consider holding the application in abeyance until comments are received from SFN.

Staff note that the variance application is otherwise considered complete and issuance of the permit is recommended since the variance sought is minor; there is no land/ground disturbance proposed; and it does not obstruct or impact neighbouring views and property.

Rationale for Recommendation

The recommendation on page one (1) is supported as:

- The Snuneymuxw First Nation has identified that they would like to receive a referral application for review and comment about the DVP application prior to the LTC's consideration of issuance.
- A DVP may be issued by the LTC through the *Local Government Act* and consideration of issuance can include comments from other appropriate ministries, agencies, and First Nations, in addition to public comment.

ALTERNATIVES

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

1. Approve the application

The LTC may approve issuance of the application at this time, since the variance sought is minor; there is no land/ground disturbance proposed; and it does not obstruct or impact neighbouring views and property. Staff advise that the implications of this alternative are that the Snuneymuxw First Nation would not be given the opportunity to comment prior to issuance. Approval would resolve the bylaw enforcement action. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2023.3.

2. Request further information

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

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

3. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that bylaw compliance and enforcement action for the shed will continue and the applicant will be asked to move the structure outside of the lot line setback area, causing ground disturbance in a riparian area on the property. The applicant will not receive a refund of the DVP application fee, since a staff report has already been brought forward. A Development Permit application will be required before relocating the shed, including hiring a Qualified Environmental Professional to prepare a Riparian Area Protection Regulation report. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee deny application GB-DVP-2023.3 for the following reasons [insert reasons]...

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

If the LTC follows the staff recommendation, the applicant will be requested to submit an application to SFN. Issuance of the variance permit will then be considered at a future LTC meeting once comments have been received from the Nation.

Submitted By:	Margot Thomaidis, Planner 2	April 5, 2024
Concurrence:	Renee Jamurat, RPP MCIP, Regional Planning Manager	April 10, 2024

ATTACHMENTS

1. Applicant Letters, dated July 4th and November 29th, 2023
2. Site Plans
3. Site Context
4. Notice
5. Draft Permit

July 4th, 2023

ATTACHMENT 1

To the Local Trust Committee
Gabriola Island, BC\

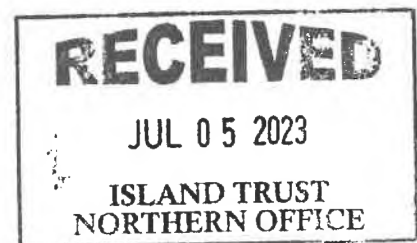
Regarding file # GB-DVP-2023.3

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 [REDACTED] 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



REC. Gab. LTC
Nov. 30, 2023.

November 29th, 2023

To the Island Trust Review Panel

I am requesting a waiver of a survey for my property line.

This matter is in regards to my request for a development variance permit accepted by Island Trust June 22nd, 2023 for a woodshed which was built 31 years ago. I have paid the variance development permit request of \$1938 five months ago. File number GB-DVP-2023.3

The reason for the request for a variance is due to my neighbours retaliation of a complaint that I had made of their illegal industrial activity on zoned agricultural land.

My neighbours bought the [REDACTED] property, [REDACTED] [REDACTED] Then in [REDACTED] they had the property line in question surveyed. That survey does not indicate my shed as being problematic. Furthermore, the [REDACTED] had never mentioned nor indicated that the shed was a problem or that it affected them in any way. My shed is barely visible to the neighbours as it is well away from their home and set behind heavy brush and trees. Included for your reference, is the survey that was distributed to neighbours by the Island Trust when the [REDACTED] had applied for a variance permit for a shed that they had built too close to their property line.

For many years my surrounding neighbours and I endured the noise and pollution of the [REDACTED] industrial activity carried out on the [REDACTED] property. The activity included running dump trucks and excavators, dumping sewage waste from the septic truck to a holding tank and stockpiling defunct septic fields. By 2021 I felt no longer able to enjoy the peace of my property and put in a formal complaint to the Island Trust Bylaw department and ALC. The excavating activity was stopped. At that point I got a call from the owner [REDACTED] who aggressively said if I complain again [REDACTED] will retaliate with a complaint that my shed is too close to the property line. Not until the activity resumed and accelerated again did I make another complaint to the By Law office about their industrial activity. Then my neighbour did in fact complain about my shed which had never been a problem up until this point. Other neighbours did not join in with the second complaint. One person said they feared what the land owner might do to them in retaliation.

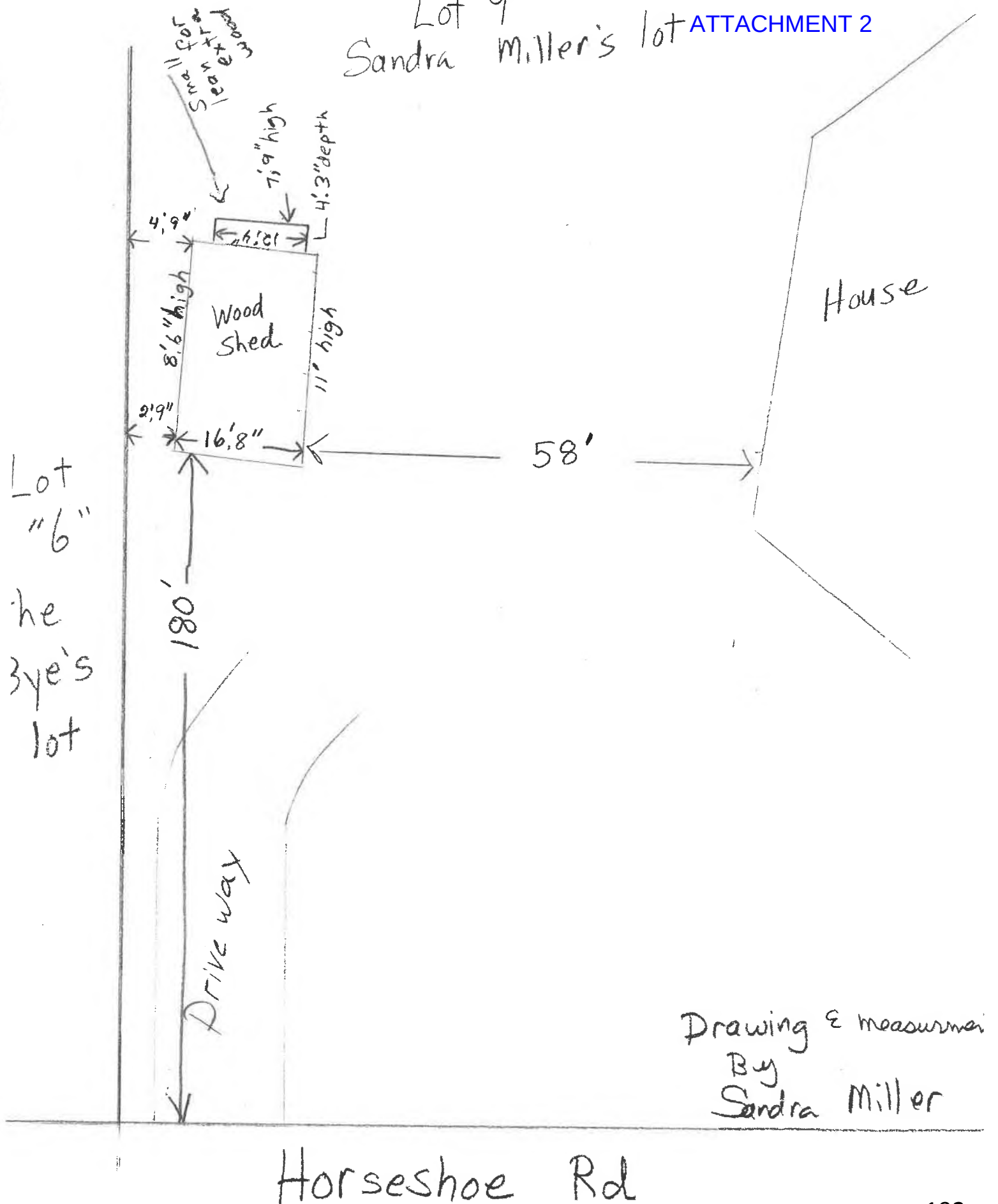
I have paid the required permit fees and any more expenditures would be a financial hardship including resurveying the property line and/or tearing down and rebuilding my woodshed. My income is limited to a partial work pension. I am a single woman homeowner. As you are aware the cost of living has gone up exponentially and I find I have no money to spare.

Sincerely,

[REDACTED]

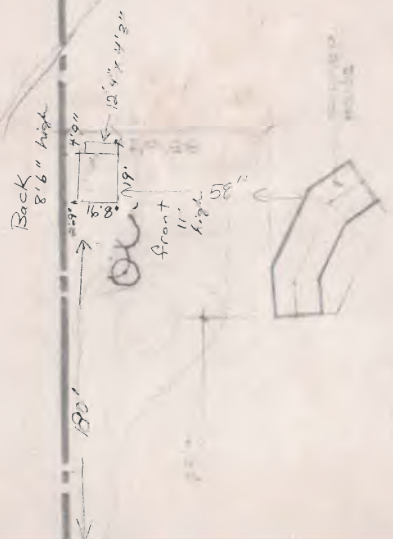
Sandra Miller

Lot "9"
Sandra Miller's lot ATTACHMENT 2



Drawing & measurements
By
Sandra Miller

9



400.54

SITE PLAN

1" = 50' - 0"

ATTACHMENT 3 – SITE CONTEXT

ATTACHMENT 3 GB-DVP-2023.3 (MILLER)

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 immediate surrounding properties in ALR

HISTORICAL ACTIVITY

File No.	Purpose
None	N/a

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Agriculture (AG) ALR? Yes, property is located in the Agricultural Land Reserve DPA? Yes, 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	Zoning: Agriculture (AG)

	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.
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

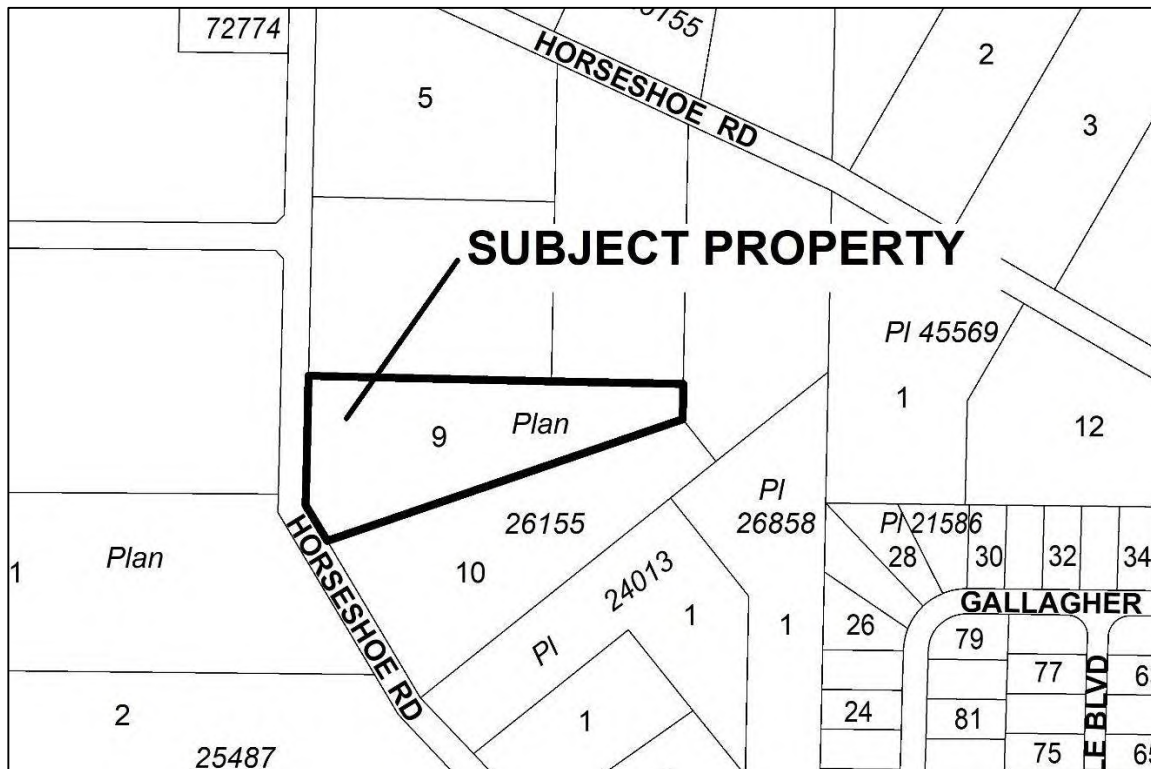
Islands Trust Conservancy	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 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.

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

- Decreasing the minimum permitted lot line setback from 10.0 metres to 0.0 metres, to permit an existing shed.

The property is located at **880 Horseshoe Rd, Gabriola Island** and is legally described as LOT 9, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26155 (PID: 002-347-733).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 a.m. to 4:00 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 **April 4, 2024** and continuing up to and including **April 17, 2024**.

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 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, **April 17, 2024**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:30 AM, April 18, 2024 at the Gabriola Arts & 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.

PROPOSED

ATTACHMENT 5



GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2023.3

TO: Sandra Miller,

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

PID: 002-347-733

LOT 9, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26155

2. Pursuant to Section 498 of the *Local Government Act*, the *Gabriola Island Land Use Bylaw, 1999* is varied as follows:

- a) **Part D – Zones, Section D.2 Resource Zones, Subsection D.2.1 Agriculture (AG), Article D.2.1.3 Regulations, Clause a. Buildings and Structures Siting Requirements, Item ii. 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, is varied:**

- **To allow a minimum interior lot line setback of 0.0 metres.**

3. The development shall be consistent with Schedule 'A', which is attached to and form part of this permit. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Gabriola Island Land Use Bylaw, 1999 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____TH DAY OF ____, 2024.

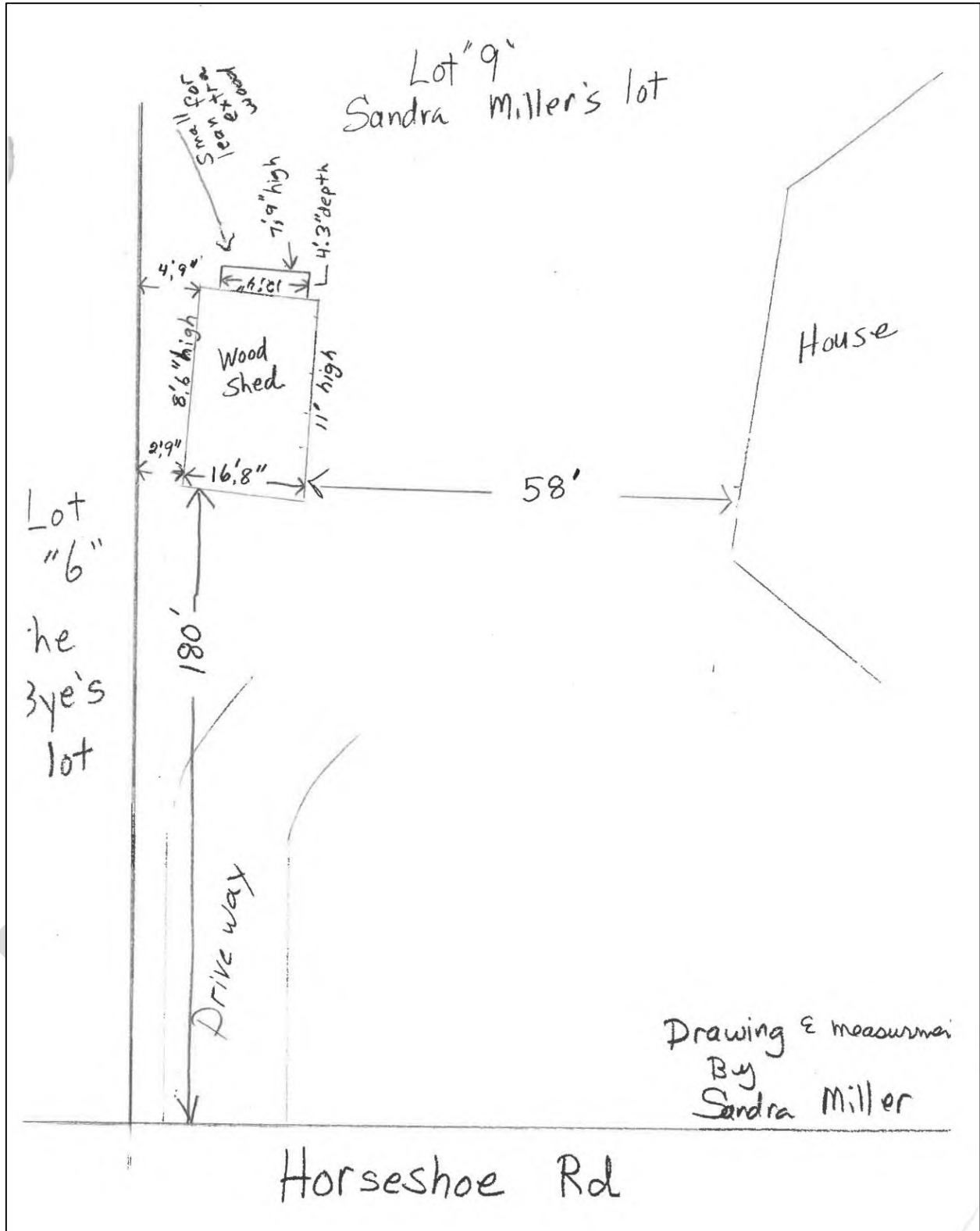
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE XXTH DAY OF ____, 2026, THIS PERMIT AUTOMATICALLY LAPSES.

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
GB-DVP-2023.3
Schedule "A" - Site Plan



File No.: 2023 OCP Review

DATE OF MEETING: April 18, 2024

TO: Gabriola Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Local Planning Services

COPY: Renee Jamurat, Regional Planning Manager
Stephen Baugh, Island Planner

SUBJECT: Gabriola Island Official Community Plan Review: Phase 1 Review and Next Steps

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee request staff to develop a Project Charter, Workplan and revised Engagement Plan for Phase 2 of the Gabriola Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project
2. That the Gabriola Island Local Trust Committee request the Advisory Planning Commission revise the Official Community Plan Vision Statement based on feedback gathered from the Gabriola Visioning 2050 process, by June 15, 2024.

REPORT SUMMARY

The purpose of this report is to provide an overview of what has been achieved in Phase 1 of the Gabriola Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project and identify next steps which involve:

- Completing Phase One
- Initiating Phase Two

BACKGROUND

In July of 2023, Phase 1 of the Gabriola Island Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project was launched. As identified in the Project Charter (see Appendix 1), the Purpose of Phase 1 was:

To identify and prioritize the community values and vision that will inform the review of Gabriola Island's Official Community Plan and Land Use Bylaw through engaging First Nations, the Gabriola community, community organizations and other relevant groups.

The identification of community values and vision was achieved through the Gabriola Visioning 2050 Process. Through this process, the Gabriola community was provided the opportunity, through a survey, community led engagement process and community meeting, to identify what they valued about Gabriola Island, their hopes and dreams, and what they see needs to be changed.

Engagement with the Snuneymuxw First Nation has been addressed independent of the Gabriola Visioning 2050 process. Staff and Trustees are engaging with SFN on a regular basis, as capacity allows, around critical issues, and working toward establishing a framework to discuss some common goals. At their February 22, 2024 regular LTC meeting the Gabriola LTC supported the staff recommendation to prepare a capacity work agreement with the

Snuneymuxw and provide capacity funding of up to \$5,000 for the purposes of engaging the Nation on the Gabriola Island OCP Review Project. The agreement has been drafted by staff and sent to the Nation for feedback. The capacity funding amount will need to be re-evaluated now that a new fiscal year has begun.

As priority areas of focus for the OCP are more clearly defined, staff will be reaching out to the Nanaimo Regional District and other relevant agencies to identify interests and opportunities for synergy between related land use planning activities.

The Gabriola Visioning 2050 Process

The Gabriola Visioning 2050 process began in October 2023 and included the following:

Information sharing

- A [webpage](#) was created to share information about the project
- Staff launched the process and collected initial feedback at the Fall Fair
- Social media posts were sent updating the community on the process
- Newspaper advertising, newspaper inserts, posters and postcards distributed around the island

Community Lead Engagement

- Funding of up to \$500 was made available to support individuals and groups to facilitate their own engagement sessions
- Funding was proved to, and feedback was received from, 12 community groups
- Through this process it is estimated that about 200+ community members were engaged
- Feedback from the Housing Advisory Planning Commission (HAPC) was also included

Online Survey

- An online survey was available to the community from October 2023 - March 2024
- Close to 400 community members participated in the survey. Over half of the respondents were 25-64 with the majority of the remainder over 65 (58% of Gabriola’s population is 60+)

Community Meeting

- A community meeting was held at the end of March 2024. About 40 community members attended.
- At the meeting staff provided a synthesis of the values and related goals emerging form the community led engagement and the survey.
- Attendees were asked to identify gaps related to the values and goals presented.
- The majority of attendees were 55+
- A graphic facilitator was in attendance to capture the conversation. This illustration will be shared with the community once it has been completed and reviewed.

ANALYSIS

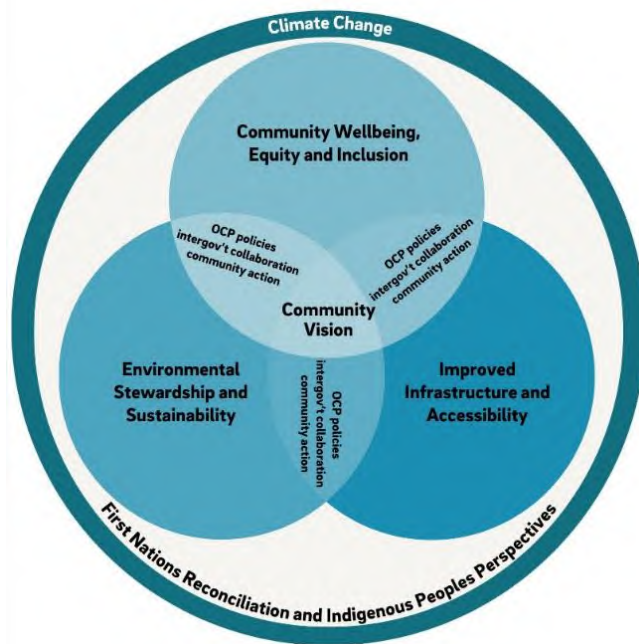
Analysis of the input provided through the survey and the community led engagement identified a number of key values. These values were organized by staff into three categories (see table below).

Natural Environment	Built Environment	Community
Environmental Stewardship	Inclusive Public Space	Community Engagement and Inclusivity
Environmental Sustainability	Diversity of Housing Options	Social Equity and Well-being
	Improved Infrastructure	Education and Awareness
		Collaboration, Collective Action and Advocacy

Much of the feedback received identified interests in considering Indigenous perspectives and engaging and building closer relationships with the Snuneymuxw First Nation. Climate change was also a key consideration. As identified by staff at the community meeting, as First Nations Reconciliation and addressing climate change are key priorities of the Islands Trust these are lenses through which all OCP policies need to be considered.

The diagram to the right summarizes the values and related goals into three potential priorities areas, identifying the influence of the lenses of climate change and First Nations Reconciliation and Indigenous peoples perspectives.

While finalizing how priority areas will ultimately be defined and how the climate and First Nation's lens relate, are a work in progress, this diagram is presented to illustrate where the community vision fits in. The priority areas which influence and are influenced by the vision will inform OCP Policies (that address land use), Intergovernmental collaboration (including identifying the support needed from senior government and related advocacy) and community action (needed to advance community needs and interest that may not be the focus of government activities).



Defining the Vision for the Future of Gabriola

The Gabriola Visioning 2050 process was successful in identifying community values. However, articulating the vision emerging from these values in words is yet to be done.

Survey respondents and participants in community led engagement sessions were invited to comment on the vision statement that is in Gabriola's current OCP which is as follows:

Gabriola is a peaceful, diverse, safe, rural community in harmony with a protected, natural environment. The local economy is resilient, we walk and cycle the island, and the land and sea provide bountiful harvests for all inhabitants. Island and marine wildlife, here long before human populations, continue to flourish.

Aspects of the vision statement that were appreciated included: its hopeful tone, emphasis on nature, appreciation of the rural character of the island and focus on harmony between the community and the environment. Suggestions for improvement included: addressing affordable housing, promoting sustainable and equitable service provision, fostering a sense of community care, promoting arts and culture and collaborating with government agencies, residents and Indigenous communities to work towards a sustainable future.

Staff recommends that the Gabriola LTC task the Advisory Planning Commission with crafting a new vision statement that considers the input gathered through the Gabriola Vision 2050 process by June 15, 2024.

What's Next?

The next steps include: Completing the Gabriola Visioning 2050 work, beginning to define goals and objectives within the priority areas and gathering and reviewing data to inform OCP objectives and policies. The activities that are anticipated to be worked on through the coming months are identified below. The timing of these and who will be involved in the delivery will be more clearly articulated in the Phase 2 workplan yet to be developed.

Defining Gabriola Islands Vision Statement – Staff have recommended that this be done by the Advisory Planning Commission. Staff will provide the APC with all content that is needed to support this process.

Creation of the Gabriola Visioning 2050 Document – This document will provide a summary of the engagement process and the values that emerged.

Initiation of Phase 2 of the Gabriola Island Official Community Plan (OCP) Review Project – \$77,000 has been allocated to this phase. This phase will be initiated following the approval of a project charter to be accompanied by a workplan and revised engagement plan.

Creation of a baseline report – The gathering of baseline and technical information to inform the OCP review is in process. Staff anticipate a draft report to be available by September 2024.

Suitable Land and Build Out Analysis – Due to staff changes this work could not be completed during Phase 1. Resources are being allocated to this work and outputs are anticipated by Fall of 2024.

Water Balance Assessment - \$50,000 of the total project budget has been allocated to the initiation and completion of a water balance assessment. The process to hire a consultant has been initiated.

Review of OCP Priorities – This will involve community engagement to help validate and identify gaps in proposed options for OCP goals and objectives. It will also help to determine where additional research may be needed to inform policy tools such as development permit area boundaries.

ALTERNATIVES

1. The LTC could choose not to request that the APC create the updated vision statement for the OCP. If the LTC chooses this option they will need to provide direction to staff on the vision statement drafting process they would like to support.

2. The LTC could request that staff provide information in addition to the project charter, workplan and engagement plan. If the LTC chooses this option they will need to specify to staff the information they require.

NEXT STEPS

If the staff recommendations are supported, staff will:

- Continue work related to completing Phase 1 (Visioning document)
- Continue work as indicated above under “What’s Next”
- Draft a project charter, work plan and engagement plan
- Provide the APC with data received through the community engagement process in order for them to work on articulating the community vision statement to be included in the OCP.

Submitted By:	Narissa Chadwick RPP MCIP, Island Planner	April 8, 2024
Concurrence:	Renee Jamurat RPP MCIP, Regional Planning Manager	April 8, 2024

ATTACHMENTS

1. Gabriola Island Official Community Plan(OCP) and Land Use Bylaw (LUB) Review Project (Phase 1) Project Charter

Gabriola Island Official Community Plan(OCP) and Land Use Bylaw (LUB) Review Project (Phase 1)- Charter

Gabriola Island Local Trust Committee (LTC)

Date: July 20, 2023

Purpose: To identify and prioritize the community values and vision that will inform the review of Gabriola Island's Official Community Plan and Land Use Bylaw through engaging First Nations, the Gabriola community, community organizations and other relevant groups. .

Background: An OCP describes the long-term vision for a community, through policy statement that guide decisions on planning and land use. An LUB contains regulations to implement the OCP policies. The Gabriola OCP have not been updated since 1997 and the LUB since 1999. The 2024/25 Gabriola Island OCP and LUB Comprehensive Review will address a number of issues of importance to the Gabriola Community. In Phase 1 (2023/24), effective community engagement will help to identify the vision and values of the community to guide the 2024-25 OCP and LUB review process. Housing was identified by the LTC as a priority of focus. \$18,000 has been allocated to this project from the 2023/24 Trust Council Budget.

Objectives

To develop and prioritize community values and vision to inform the Phase 3 (2024/25) of Gabriola's OCP and LUB review, through engagement of engagement of First Nations, the Gabriola community, community organizations, and other relevant groups.

In Scope

- First Nations Engagement.
- Public education and engagement activities.
- Creation of a Gabriola values and vision document.
- Identification of options for housing related bylaw amendments

Out of Scope

- Bylaw drafting

Workplan Overview

Deliverable/Milestone	Date
Project initiation	July 2023
Initial First Nations consultation	July – Dec. 2023
Suitable Land And Build Out Analysis	July – Sept. 2023
Initiation of APC and HAPC work	July/August 2023
APC/HAPC/Community organization engagement	Sept – Jan. 2023
Public Education (What is the project about? How to get involved)	Sept. – Oct. 2023
Public engagement	Oct. – Jan. 2023
Suitable Land and Build Out Analysis	June – August 2023
Compiling baseline/technical information for OCP/ LUB review	August – Dec. 2023
Compiling Vision and Values Document	March - May 2024
Phase 2 of Project Initiated	May/June 2024

Project Team

Regional Planning Manager	Renée Jamurat
Regional Planning Team Member	Narissa Chadwick
Planning Team Assistant	Chloë Straw
GIS Tech	Jackie O'Neil
Housing Advisory Planning Commission	As Appointed
Advisory Planning Commission	As Appointed

Budget

Budget Sources:

2023/24	Public Engagement	\$6,000
	FN Engagement	\$4,000
	Communications	\$8,000
	TOTAL	\$18,000

From: Bill Moisuk [REDACTED]
Subject: Gabriola Lions Concert on the Green Event Permit
Date: March 29, 2024 at 2:58:39 PM PDT
To: northinfo@islandtrust.bc.ca
Cc: syates@islandtrust.bc.ca, [REDACTED] Kathy Ensor
[REDACTED]

Gabriola Lions Club
PO Box 261
Gabriola, BC V0R 1X0

March 28, 2024

Islands Trust
700 North Road
Gabriola Island, BC
V0R 1X3
Attn: Gabriola Local Trust Committee

Dear Committee Members,

The Gabriola Lions Club is again hosting our annual (26th season) Concert on the Green. This is an outdoor music event, family friendly, featuring live music, activities, food & drink. This years concert will be held once again on the driving range of the Gabriola Golf Club, Thursday, August 8th 2024.

Last year we learned we were now required to submit an application for a Special Event permit from Islands Trust. The application required the submission of several documents and a fee of \$500. The requested documents were obtained and submitted with the fee and a permit was issued. *+ land Title search \$200+*

Eight years ago we learned we were now required to submit an application for a Special Event permit from the RDN. The application required the submission of several documents and a fee of \$0. Each year we have met the requirements and successfully obtained the permit from RDN.

This is the 26th year the Gabriola Lions Club are hosting Concert on the Green. We have the full support of the land owner, the local RCMP and the local GVFD. Concert on the Green is our major fundraiser each year with all proceeds returned to help the people and community of Gabriola.

In light of the non-monetary gain from this event and it's annual nature, we are requesting Islands Trust review and consider a reduction or waiver of the fees and application requirements. Note we are only asking for this change with regards to Concert on the Green. Perhaps a waiving of the fee could be considered as a donation. \$500 is a considerable amount to reduce from the proceeds and would be well spent by the Gabriola Lions Club helping the needs of this community,

Thank you for your consideration.

Bill Moisuk

From: Dona Bradley [REDACTED]
Subject: Land use question
Date: March 26, 2024 at 3:08:04 PM PDT
To: syates@islandstrust.bc.ca

Hi Susan,

I wonder if you could give Eric and I some advice.

We live on Molly's Way, at the very end of the cul-de-sac bordering the Borsack property. Many local folks used the end of the road for walking on trails up to the top of the cliff and to view the petroglyphs until a few years ago when the forest at the end of the road was cut down and trails diverted, no-trespassing signs erected.

We have owned our 1.5 acres at [REDACTED] Molly's Way since 2004. We were given a map - perhaps from Glenna and Don, of the proposed development from Bonnie View Road to Lois lane with divisions of acreages. I took the map (plan VIS6238) into the trust office last year, with a question about the cul-de-sac and trails off Lois Lane. Apparently this map has never been adopted legally!

From there, I went to visit the property off Lois Lane and talked to [REDACTED]. He was very nice and told me they were using the property as agricultural land and had a few folks living in trailers etc. on the land. He was hoping never to adopt the plan and was hoping to keep it all agricultural, apparently.

A friend has just informed me that [REDACTED] is advertising "camping spots" on the property on a Camping Facebook page. He has built several tent platforms and wants to rent them out. Yikes! We were not prepared to live next to a campground! We have noticed unknown males walking down the road and going into "the bush", presumably to access the campground.

Is there anything we can do about this, Susan? Any advice would be welcome.

Sincerely,
Dona Bradley
Eric Veale

HOUS Housing Policy Branch HOUS:EX <Housing.Policy@gov.bc.ca>
RE: Gabriola Island Local Trust Committee Opting In to Bill 35 Principal Residence Requirement

Peter Luckham
Chair of Islands Trust Council
200 – 1627 Fort Street
Victoria, BC V8R 1H8
information@islandstrust.bc.ca

Dear Peter Luckham:

Thank you for your email of March 26, 2024, addressed to the Honourable Ravi Kahlon, Minister of Housing, regarding the decision for the Gabriola Island Local Trust Committee to opt-in to the provisions of the *Short-Term Rental Accommodations Act* (STRAA). As the Director, Housing Policy Branch, I am able to respond.

I acknowledge receipt of the request and resolution. As you are within a trust area, as defined in section 1 of the *Islands Trust Act*, you are eligible to opt-in to the principal residence requirement.

Formal acceptance of your request requires Cabinet approval and an amendment to the Regulation. You can subscribe for emailed updates to B.C.'s *Short-Term Rental Accommodations Act*, regulations, and related information by entering your email address in the Subscribe text box at:
<https://www2.gov.bc.ca/gov/content/housing-tenancy/short-term-rentals/subscribing-straa-updates>

Note that if the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

The request to opt-in to the principal residence requirement will take effect November 1, 2024, to give hosts notice to comply.

Thank you for submitting the request and for your support of the *Short-Term Rental Accommodations Act* and its objectives. I look forward to our continued partnership in tackling housing challenges in BC communities.

Sincerely,

Doug Page
Director
Housing Policy Branch
Ministry of Housing

CLIFF: 66481

REQUEST FOR DECISION

To: Gabriola Island LTCs **For the Meeting of:** April 18, 2024
From: Trust Area Services **Date Prepared:** April 8, 2024
SUBJECT: 2023/24 ANNUAL REPORT – APPROVAL OF GABRIOLA ISLANDS LTC SECTION

RECOMMENDATION: That the Gabriola Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

- 1 PURPOSE:** Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2024 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2023/24 Annual Report at its meeting on February 23, 2024. The Gabriola Island Local Trust Committee annual report section also includes an introduction on the local trust area with information gathered from the Islands Trust website and Statistics Canada. The addition of this introduction is in line with the Islands Trust 50th anniversary activities as approved by Executive Committee on November 21, 2023.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 2024 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

3 RELEVANT POLICY(S): Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

4 ATTACHMENT(S): Gabriola Island LTC input to Annual Report (draft)

RESPONSE OPTIONS

Recommendation: That the Gabriola Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

Alternative: That the Gabriola Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Renee Jamurat, Regional Planning Manager – Northern Office

Gabriola Island Local Trust Committee

The Gabriola Island Local Trust Area comprises 20 islands including DeCourcy, Mudge and Link Islands.

Gabriola Island Local Trust Area is located within the treaty and traditional territories of First Nations whose people have cared for these lands and waters since time immemorial.

Gabriola Island features critical habitat for the Marbled Murrelet seabird and is frequented by Double-crested Cormorants. Vital to salmon, 21% of the Gabriola Island Local Trust Area foreshore has eelgrass beds and many beaches are suitable spawning habitat for forage fish, the principal diet of Chinook salmon.

(Statistics from the 2021 census, graphics that show change over time: total population (1971-2021) and percentage of private dwellings occupied by usual resident (1991 and 2021):

<https://islandstrust.bc.ca/document/gabriola-island-lta-2021-census-profile/>)

The Gabriola Island Local Trust Committee (GB LTC) held nine regular business meetings in the 2023/24 fiscal year, and two special meetings.

Work for this period focused on advancing the GB LTC priorities to address housing, and ecological protection. The GB LTC also initiated Gabriola Visioning 2050, the first phase of a key project to review the Gabriola Official Community Plan. It also continued work on a project to develop a new ecological protection zone, which includes rezoning for the Elder Cedar (S'ul-hween X'pey) Nature Reserve.

During the same period, staff also reviewed 63 building permit referrals, and two Crown lease referrals.

Another initiative of the GB LTC for this period was relationship building with the Snuneymuxw First Nation. As part of this process, the GB LTC met with Snuneymuxw First Nation leadership.

From April 1, 2023 to March 31, 2024, the GB LTC received and considered applications for five development variance permits, one liquor and cannabis board referral, one bylaw amendment applications, and six temporary use permits.

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2024.1	1167433 BC Ltd. Silva Bay Resort & Marina	03-Apr-2024	DP for boat launch at Silva Bay Marina on Gabriola Island.
Planner: Ian Cox			
Planning Status			
Status Date: 09-Apr-2024			
April 18, 2024 RBM agenda.			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2022.3	Pink, Thomas	23-Jun-2022	PID: 008-828-067 Shoreline protection variance. Civic address: 1160 The Strand, Gabriola Island, BC.
Planner: Margot Thomaidis			
Planning Status			
Status Date: 10-Jan-2024			
SFN Referral initiated.			
Status Date: 23-Nov-2023			
Environmental Impact Assessment Report provided by applicants (D.R. Clough Consulting).			
Status Date: 17-Oct-2023			
Applicants for 1160 and 1170 preparing a QEP report to assess shoreline habitat impacts.			

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: 10-Jan-2024

SFN referral initiated.

Status Date: 23-Nov-2023

Environmental Impact Assessment Report provided by applicants (D.R. Clough Consulting).

Status Date: 15-May-2023

Coastal Geotechnical Report received. Planner reviewing.

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: 04-Apr-2024

Application to be considered at April 18 LTC regular business meeting.

Status Date: 03-Apr-2024

Notice sent out.

Status Date: 26-Mar-2024

Site visit.

Applications

Development Variance Permit

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: 06-Feb-2024

Applicant has sent a referral form to SFN.

Status Date: 07-Dec-2023

Staff waiting for additional information from applicant.

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2022.1	Wild Rose Garden Centre	07-Jun-2022	PID: 023-005-629 Change zoning to accommodate multiple changes in use. Civic address: 750 Tin Can Alley, Gabriola Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 15-Mar-2024

Notification sent to SFN.

Status Date: 03-Jan-2024

Application re-assigned to different planner.

Status Date: 11-May-2023

application extended to November 30, 2023 to allow time for applicant to provide reports.

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2023.1	on behalf of BC Ferry Services Inc.	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.
Planner: Stephen Baugh			
Planning Status			
<u>Status Date:</u> 22-Sep-2023			
Referrals sent to agencies, organizations and first nations.			
<u>Status Date:</u> 14-Sep-2023			
First reading.			
<u>Status Date:</u> 13-Sep-2023			
Bylaws drafted and application to be presented to LTC at September 14 LTC mtg.			

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2024.1	Gabriola Agricultural Co-op Association	10-Jan-2024	PID: 004-633-989 seeking a rezoning from industrial to commercial in order to build a year-round community food hub at 465 South Rd. on Gabriola.
Planner: Stephen Baugh			
Planning Status			
<u>Status Date:</u>			

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2024.1	JE Anderson & Associates	13-Mar-2024	PID: 027-086-500 subdivision to create 11 lots at Lot 20, Section 8 on Gabriola Island.
Planner: Sonja Zupanec			
Planning Status			
<u>Status Date:</u>			

Applications

Temporary and Industrial Use Permit

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: 14-Mar-2024 Application withdrawn by applicant. File to PTA to close.			
Status Date: 19-Jan-2024 Applicant has submitted a referral form to SFN.			
Status Date: 20-Dec-2023 Applicant informed SFN has requested a referral.			
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: 05-Feb-2024 Applicant has submitted a referral form to SFN.			
Status Date: 20-Dec-2023 Applicant informed SFN has requested a referral.			
Status Date: 06-Dec-2023 Staff requested additional information from applicant.			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2024.1	Furlong, Allan	04-Jan-2024	PID: 002-071-096 seeking Temporary Use Permit for short-term rental at 1760 Seymour Rd on Gabriola.

Planner: Ian Cox

Planning Status

Status Date: 09-Apr-2024
April 18, 2024 RBM agenda.

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2024.2	Dewarle, Aaron & Jessica	30-Jan-2024	PID: 018-331-840 short-term vacation rental at 565 South Rd on Gabriola Island.

Planner: Margot Thomaidis

Planning Status

Status Date: 20-Feb-2024
Planner reviewing file.

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2024.3	Griesdale & Nassichuk, Robert & Erika	26-Feb-2024	Seeking renewal of Temporary Use Permit for a short-term vacation rental at 1510 Barret Rd on Gabriola.

Planner: Ian Cox

Planning Status

Status Date: 09-Apr-2024
April 18, 2024 RBM agenda.

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending February 2024

620 Gabriola	Invoices posted to Month ending February 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	681.00	87.31	593.69
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	1,488.00	4,471.70	-2,983.70
65210-620	LTC - Local Exp - APC Meeting Expenses	399.00	2,161.49	-1,762.49
65220-620	LTC - Local Exp - Communications	1,000.00	449.00	551.00
65230-620	LTC - Local Exp - Special Projects	612.00	0.00	612.00
TOTAL LTC Local Expense		<u>3,499.00</u>	<u>7,082.19</u>	<u>-3,583.19</u>
Projects				
73001-620-2001	Gabriola OCP/LUB	18,000.00	4,747.49	13,252.51
73001-620-4105	Gabriola Ecological Protection Zone	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>4,747.49</u>	<u>15,252.51</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.
--	--	--	--	---

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.
-

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, review and update of short term vacation 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.

4. *Minor - Review and update Development Approval Information (DAI) bylaw*

Responsible

Date Received

*Nov. 30, 2023: As a bylaw re-write, to be initiated after OCP, LUB reviews. Update Gabriola Island Bylaw No. 150, DAI Bylaw.

30-Nov-2023

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

5. *Advisory Planning Commission bylaw*

Responsible

Date Received

Amendments to Bylaw No. 296 to require that APCs set a regular monthly meeting date and time.

30-Nov-2023

6. *Heritage Register*

Responsible

Date Received

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 from December 1, 2022 for further details on this discussion.