



Gabriola Island Local Trust Committee Regular Meeting Agenda

Date: June 25, 2020
Time: 10:30 am
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **REPORTS** 10:35 AM - 10:55 AM
 - 3.1 Trustee Reports
 - 3.2 Chair's Report
 - 3.3 Electoral Area Director's Report
 - 3.4 First Nation Reports
4. **MINUTES** 10:55 AM - 11:00 AM
 - 4.1 Local Trust Committee Minutes dated May 14, 2020 – for adoption 4 - 12
 - 4.2 Section 26 Resolutions-Without-Meeting Report dated June 17, 2020 13 - 13
 - 4.3 Advisory Planning Commission Minutes - none
5. **TOWN HALL** 11:00 AM - 11:10 AM
6. **DELEGATIONS**
7. **COMMUNITY INFORMATION MEETINGS**
 - 7.1 Cannabis Regulation Project - Bylaw No. 303 11:10 AM - 11:40 AM
Staff Presentation and Question & Answer

7.2 GB-RZ-2019.1 (BC Ferry Services Inc.) Bylaw Nos. 304 and 305 11:40 AM - 12:40 PM

Staff Presentation, Applicant Presentation and Question & Answer

----- **BREAK 12:40 PM TO 1:00 PM** -----

8. APPLICATIONS AND REFERRALS 1:00 PM - 2:00 PM

8.1 GB-RZ-2019.1 (BC Ferry Services Inc. - Bylaw Nos. 304 & 305) - Staff Report 14 - 41

8.2 GB-RZ-2020.1 (Gabriola Housing Society - GHS) - Staff Report 42 - 73

8.3 GB-DVP-2020.3 (McCaw) - Staff Report 74 - 98

8.4 GB-DVP-2020.1 (Maloney & Doherty) - Staff Report 99 - 114

9. LOCAL TRUST COMMITTEE PROJECTS 2:00 PM - 2:20 PM

9.1 Housing Options and Impacts Review Project - Staff Report 115 - 139

10. BUSINESS ARISING FROM MINUTES 2:20 PM - 2:35 PM

10.1 Follow-up Action List dated June 17, 2020 140 - 143

11. CORRESPONDENCE

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

11.1 June 8, 2020 Email from S. Earle for Gabriola Cyclepaths regarding Spruce-Church Connection 144 - 144

11.2 June 10, 2020 Email from K. Clifford regarding Safe Public Access on Roadways 145 - 145

12. NEW BUSINESS

12.1 Safe Public Access on Roadways - for discussion

12.2 Clarification regarding Transportation Connections through Development Projects - for discussion

12.3 Relief from Bylaw Enforcement Action amid COVID 19 Restrictions - discussion

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

12.5 Standing Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report 146 - 146

13. REPORTS

2:35 PM - 2:55 PM

- 13.1 Climate Change Action Update
- 13.2 First Nations Relationship Building
- 13.3 Trust Conservancy Report - none
- 13.4 Applications Report dated June 17, 2020 147 - 156
- 13.5 Trustee and Local Expense Report dated May, 2020 157 - 157
- 13.6 Adopted Policies and Standing Resolutions 158 - 160
- 13.7 Local Trust Committee Webpage

14. WORK PROGRAM

2:55 PM - 3:25 PM

- 14.1 Top Priorities Report dated June 17, 2020 161 - 161
- 14.2 Projects List Report dated June 17, 2020 162 - 165

15. CLOSED MEETING - none

16. UPCOMING MEETINGS

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

17. ADJOURNMENT



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: May 14, 2020

Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
David Marlor, Local Planning Services Director
Mark van Bakel, Senior Technical Analyst
Jaime Dubyna, Planner 2
Ian Cox, Planner 1
Wil Cottingham, Administrative Assistant
Sarah Shugar, Recorder

Media and Others Present: Vanessa Craig, Regional District of Nanaimo Electoral Area Director for Area B - Gabriola Island, Mudge Island and DeCourcy Island
There were approximately nine (9) members of the public and one (1) member of the media in attendance

1. CALL TO ORDER

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

Chair Rogers called the meeting to order at 10:32 am. He welcomed everyone to the first electronic meeting of the Gabriola Island Local Trust Committee. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations. Chair Rogers welcomed the public and introduced Trustees, Staff and Recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Langereis presented the following report:

- Attended Sierra Club webinars on the following topics: Protection of Old Growth Forest Ecosystems and Resiliency in the Time of Climate Change;
- Attended meetings with the Gabriola Emergency Response and Recovery Committee;
- Attended meeting with Sustainable Gabriola;
- Attended Trust Council on March 10-12, 2020 on Salt Spring Island;

- Attended Trust Council electronic meeting on April 20, 2020;
- He encouraged members of the public to participate in the BC Centre for Disease Control COVID-19 survey.

Trustee Colbourne presented the following report:

- Working on removal of invasive species Daphne in the Gabriola Sands area;
- Acknowledged Electoral Area Director Vanessa Craig for her work on the Gabriola Emergency Response and Recovery Committee. He spoke to the coordination between local governments and Gabriola Island residents during the COVID pandemic;
- Gabriola Land and Trails Trust (GaLTT) is conducting broom removal and has requested broom to be removed from around the Gabriola Islands Trust office;
- The People for a Healthy Community on Gabriola Society (PHC) is requesting members of the public to consider donating to the society to support the community during the response and recovery phase of the COVID pandemic.

3.2 Chair's Report

Chair Rogers presented the following report:

- Attended Trust Council on March 10-12, 2020 on Salt Spring Island;
- Attended Trust Council electronic meeting on April 20, 2020;
- Acknowledged staff for work done to respond to the COVID pandemic and transition to electronic meetings;
- Executive Committee has been meeting weekly during the COVID pandemic and will continue to meet every two to three weeks;
- Executive Committee approved a subsidy to waive the application fees for the Gabriola Housing Society affordable housing project;
- Attended weekly meetings with Member of Legislative Assembly, Adam Olsen, Member of Parliament, Elizabeth May, Southern Gulf Islands Trust Trustees and Southern Gulf Islands Electoral Area Directors regarding the COVID pandemic;
- He spoke to initiatives regarding what a “new reality” will look like including eco-justice, justice and a more complete and inclusive society;
- He acknowledged the Gabriola Response and Recovery Committee work as a model of cooperation;
- The next Trust Council is scheduled on June 16-17, 2020 and will be an electronic meeting.

3.3 Electoral Area Director's Report

Electoral Area Director Craig presented a report dated May 14, 2020 and highlighted the following items:

- The Regional District of Nanaimo (RDN) has implemented a new parks bylaw that regulates smoking/vaping, homeless camping and other activities in RDN regional and community parks and established updated fees. The RDN Board has supported a temporary prohibition on homeless camping in the 707 Community Park until the park has been assessed for condition and fire risk;
- A seasonal metal access ramp has been installed at Spring Beach;
- Plans are underway to replace the RDN wooden walkway in the Joyce Lockwood Park;

- The Village Way pathway project is still planned to begin in 2020;
- RDN tennis courts, pickle ball courts and skate parks will be re-opened on May 14, 2020;
- The RDN Board has expressed support for evacuation route planning for Area B;
- Acknowledged the work of the Emergency Response and Recovery Committee for Gabriola, Mudge and DeCourcy Islands during the COVID pandemic. She expressed support for the Committee work to continue;
- The Association of Vancouver Island and Coastal Communities (AVICC) has expressed support to develop a Terms of Reference for a Committee for development of a Vancouver Island Transportation Master Plan;
- The next Parks and Open Spaces Advisory Committee meeting is scheduled on June 22, 2020.

3.4 First Nation Reports

Trustee Colbourne reported a meeting that was scheduled with Senior Intergovernmental Policy Advisor, Lisa Wilcox, and the Snuneymuxw Nation was postponed due to the COVID pandemic.

Chair Rogers reported Trust Council passed a resolution to support a Statement of Solidarity at the March 10, 2020 Trust Council meeting.

4. TOWN HALL

A member of the public reported the Gabriola Island Chamber of Commerce has issued a “please stay at home” message and is assisting local businesses to navigate the various COVID pandemic funding assistance programs.

Trustee Colbourne acknowledged Chamber of Commerce Executive Director, Julie Sperber, and noted the Rural Islands Economic Partnership program to support local businesses.

A member of the public expressed concerns regarding application GB-RZ-2020.1 (Gabriola Housing Society) including tree removal, unintended consequences related to future use of the property and expressed support for affordable home ownership models.

A member of the public expressed concerns regarding the Model Strategy for Antenna Systems protocol including the lack of public participation, potential health and ecological impacts, 5G technologies and the lack of restrictions regarding the siting of non-telecom antenna. The member of the public requested the LTC to rescind adoption of the Model Strategy for Antenna Systems protocol, readopt Standing Resolution GB-025-2010 and consider this a high priority item.

The meeting recessed at 11:30 a.m. to address technical difficulties. The meeting reconvened at 11:36 a.m.

A member of the public asked how public participation will be conducted regarding application GB-RZ-2020.1 (Gabriola Housing Society) to address questions and concerns.

Chair Rogers reported there will be a public participation process and the public notification protocol will be followed. Regional Planning Manager Kauer reported that public hearings and community information meetings can be held electronically.

Chair Rogers thanked attendees for the comments and welcomed members of the public to submit correspondence.

5. MINUTES

5.1 Local Trust Committee Minutes – none

5.2 Section 26 Resolutions-Without-Meeting Report dated May 6, 2020

The report was received.

5.3 Advisory Planning Commission Minutes dated February 20, 2020 - for receipt

The minutes were received.

In discussion the following comments were noted:

- Advisory Committees do not have authority to hold electronic meetings at this time.
- There was a question regarding clarification of availability of free potable water concerning application GB-RZ-2019. (BC Ferries Corporation).

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated May 6, 2020

The report was received.

7. APPLICATIONS AND REFERRALS

7.1 GB-TUP-2019.2 (Kraus & Cripps - 1410 Fisher Road) - Staff Report

Planner Cox presented a staff report dated April 27, 2020 regarding a Temporary Use Permit (TUP) for the operation of a commercial vacation rental within an existing single family dwelling.

Applicants Edith Kraus and Ken Cripps spoke to the application.

Discussion ensued and the following comments were noted:

- There was a question regarding whether the vacation rental is currently in operation. The applicant reported the vacation rental is not in operation at this time, while the TUP application is in progress.
- There was a question regarding whether any correspondence was received from property owners in the area of the subject property. Planner Cox reported one letter of support was received from a tenant of the property owner and no correspondence was received from property owners in the area of the subject property.
- There was a question regarding whether the short-term vacation rental service provider notified the applicant regarding permit requirements. The applicants reported Airbnb did not provide information regarding local government permit requirements although Airbnb sent notification regarding travel restrictions due to the COVID pandemic.

GB-2020-027**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Temporary Use Permit GB-TUP-2019.2 for a period of three (3) years, subject to the conditions imposed by the permit.

CARRIED**7.2 GB-RZ-2019.1 (BC Ferries) - verbal update**

Planner Dubyna presented a verbal report as follows:

- BC Ferries and the Snuneymuxw First Nation have agreed to establish a joint technical working group. BC Ferries has committed to ongoing communication and consultation with the Snuneymuxw First Nation and will update Islands Trust staff.
- The Community Information Meeting (CIM) was cancelled due to the COVID pandemic and will be rescheduled. The proposed date for an electronic CIM is June 25, 2020.

In discussion, the following comments were noted:

- There was a question regarding whether the joint technical working group is specific to the Gabriola Island ferry terminal. Planner Dubyna advised the technical working group is involved in all current and future BC Ferries work within Snuneymuxw territory.
- There was a question regarding whether the joint technical working group input would be sufficient to meet consultation requirements. Regional Planning Manager Kauer reported that Senior Intergovernmental Policy Advisor, Lisa Wilcox, provides advice regarding First Nations consultation.
- There was a question regarding the timeline for the project. Planner Dubyna reported the next steps include a summary of referral responses and a CIM.
- There was a question regarding whether the CIM could be scheduled earlier than June 25, 2020. Regional Planning Manager Kauer advised the CIM could be held as a separate meeting although a special meeting notice would be needed.

7.3 GB-RZ-2020.1 (Gabriola Housing Society - GHS) - verbal update

Planner Dubyna presented a verbal report as follows:

- Staff sent a letter to notify both the RDN and the Snuneymuxw First Nation regarding the application. The RDN has responded with no comment or concerns. Snuneymuxw First Nation has not responded to the letter at this time.
- The applicant is working on the groundwater licence application.
- Executive Committee approved sponsorship of the application fee.
- Staff are working on draft bylaws and it is expected draft bylaws will be presented at the June 25, 2020 LTC meeting.

8. LOCAL TRUST COMMITTEE PROJECTS**8.1 Cannabis Regulation Project (Bylaw No. 303) - Staff Report**

Regional Planning Manager Kauer presented a staff report dated April 7, 2020 regarding

the Ministry of Agriculture review of the Salt Spring draft cannabis production bylaw and recommended minor amendments to Proposed Bylaw No. 303.

Discussion ensued and the following was noted:

- There was a question regarding whether Section B.1.2.1 Prohibited Uses - Item j. "cannabis production except as permitted on land within the Agricultural Land Reserve" could be amended to "cannabis production except as permitted on land within the Agricultural Land Reserve and Agriculture zone." as cannabis production is a permitted use within the agriculture zones.
- There was a question regarding the proposed 60-metre setback when the Ministry of Agriculture recommendation is for a 30-metre setback. Regional Planning Manager Kauer reported the 60-metre setback was the original recommendation and noted the setbacks are intended to reduce noise, smell and light impacts.
- There was a question regarding whether the Local Trust Committee (LTC) should restrict the base material of buildings such as concrete-based buildings.
- There was a suggestion to remove the reference to fencing.
- There was a question regarding next steps. Regional Planning Manager Kauer reported the LTC has referred the draft bylaw to the Advisory Planning Commission (APC).

GB-2020-028

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", be amended as follows: Item 7. is deleted in its entirety and replaced with: 7. 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 iii last bullet is deleted in its entirety and replaced with: "the minimum setback for buildings and structures except fencing used for cannabis production is 30 metres (98.4 feet) from any lot line and 150 metres (492.13 feet) from any school property line or P3 zone.

CARRIED

GB-2020-029

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", be amended as follows: Section B.1.2.1 Prohibited Uses - Item j. be amended to read "cannabis production except as permitted on land within the Agricultural Land Reserve and Agricultural zone".

CARRIED

GB-2020-030

It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 303, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019 as amended be read a second time.

CARRIED

The meeting recessed at 12:58 p.m. and reconvened at 1:20 p.m.

8.2 Housing Options and Impacts Review Project - Staff Report

Regional Planning Manager Kauer presented a staff report dated May 5, 2020 regarding an analysis of the scope of the Gabriola Housing Options and Impacts Review Project.

Discussion ensued and the following comments were noted:

- Concern was expressed regarding reducing the scope of work without input from the Housing Advisory Planning Commission (HAPC). Regional Planning Manager Kauer reported the HAPC has provided a list of recommended methodologies for community engagement and suggested project deliverables. The project deliverables are more expansive than the project charter.
- Support was expressed to add environmental impacts to the project.
- There was a question regarding whether a planner has been assigned to the project. Concern was expressed regarding staff capacity to address the scope of work for the project. Regional Planning Manager Kauer reported she is the planner for the project at this time. Director Marlor reported work is underway to resolve staff issues.
- Safe and secure housing has emerged as a priority in the COVID pandemic.
- There was a suggestion that some of the data such as the Coastal Douglas Fir toolkit, and the build out mapping is not ready to be presented to the community at this time. Consideration regarding how to present the data will require staffing capacity.
- There is potential for the project to be a template for housing work within other Local Trust Areas.
- There was a question regarding administrative fairness. Director Marlor reported the LTC should consider how applications would be processed while the policy is being reviewed.
- Support was expressed for staff to suggest staging for the project in terms of how to do public engagement and prioritize pieces of work within the project.

GB-2020-031

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to amend the Housing Options and Impacts Review project charter timelines and budget to reflect the Trust Council approval of a Northern Trust Area Water Project and prepare a report to suggest staging for the project.

CARRIED

GB-2020-032

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to send correspondence on behalf of the Local Trust Committee Chair to the Housing Advisory Planning Commission to thank them for their work and advise them of the status of the project.

CARRIED

9. DELEGATIONS - None

10. CORRESPONDENCE

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

There was a question regarding whether all correspondence is posted on the website. Regional Planning Manager Kauer will look into the correspondence protocol and report back.

11. NEW BUSINESS - None

12. REPORTS

12.1 Climate Change Action Update - none

12.2 First Nations Relationship Building - none

12.3 Trust Conservancy Report dated February 2020

Received.

12.4 Applications Report dated May 6, 2020

Received.

12.5 Trustee and Local Expense Report dated February 2020

Received.

12.6 Adopted Policies and Standing Resolutions

Received.

12.7 Local Trust Committee Webpage - none

13. WORK PROGRAM

13.1 Top Priorities Report dated May 6, 2020

Received.

13.2 Projects List Report dated May 6, 2020

Received.

14. UPCOMING MEETINGS

14.1 The Next Regular Business Meeting is scheduled for Thursday, June 25, 2020 at 10:30 a.m. The location is to be determined.

15. CLOSED MEETING

15.1 Motion to Close the Meeting

GB-2020-033

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, section 90(1) (d) and (i) for the purpose of considering adoption of In-Camera Meeting Minutes dated February 3, 2020 and receipt of Legal Advice and that the recorder and staff attend the meeting.

CARRIED

Chair Rogers closed the meeting to the public at 2:48 p.m.

15.2 Recall to Order

By general consent the meeting was recalled to order at 3:27 p.m.

15.3 Rise and Report

The Gabriola Island Local Trust Committee received legal advice concerning the Regional District of Nanaimo Park Use Regulations Bylaw No. 1801, 2019 and the Local Trust Committee is satisfied that the Regional District of Nanaimo is within their rights to enact the bylaw.

16. ADJOURNMENT

The meeting adjourned at 3:27 p.m.

Dan Rogers, Chair

Certified Correct:

Sarah Shugar, Recorder

Resolutions Without Meetings Log

Gabriola Island

Resolution Number	Action	Date
2020-013	Carried	29-May-2020
"That the Gabriola Island Local Trust Committee endorse the following text for inclusion in the 2019-2020 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing. "The Gabriola Island Local Trust Committee (GB LTC) held eight regular business meetings in the 2019/20 fiscal year. The LTC conducted one community information session related to a cannabis retail referral from the liquor and cannabis review branch. Work for this period focused on advancing the GB LTC priorities to address Official Community Plan and Land Use Bylaw amendments related to housing as well as Land Use Bylaw amendments to address cannabis production regulations. The GB LTC also adopted the Islands Trust Model Strategy for Antenna Systems. The GB LTC also adopted a standing resolution stating its intent engage in reconciliation by honouring the Truth and Reconciliation Commission Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples as well as its intent to work with First Nations governments on implementing actions that support reconciliation and maintain relationships based on respect and recognition. The GB LTC received and considered applications for three development variance permits, two development permits, two liquor and cannabis board referrals, two bylaw amendment applications, and two temporary use permits. Staff also reviewed twenty-one building permit referrals, five crown lease referrals, and two subdivision referrals for development proposed within the Gabriola Local Trust Area. The rezoning applications received and under review by the GB LTC were related to Official Community Plan and Land Use Bylaw amendments as well as a zoning map amendment to the Gabriola Island ferry terminal and a 24 unit affordable housing development.""		

File No.: GB-RZ-2019.1
(BC Ferries)

DATE OF MEETING: June 25, 2020

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2 and Sonja Zupanec, Island Planner
Local Planning Services

SUBJECT: Application to amend the OCP and LUB for redevelopment of the Descanso Bay BC Ferries Terminal

Applicant: John Steil (Stantec) on behalf of BC Transportation Financing Authority and BC Ferry Services Inc.

Location: DISTRICT LOT 2058 NANAIMO DISTRICT AS SHOWN ON PLAN VIP75537 (PID 025-798-090); and
LOT A SECTION 20 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP75538 (PID 025-798-103)

RECOMMENDATION

1. That first reading of Bylaw No. 305, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", be rescinded.
2. That Bylaw No. 305, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019" be amended as follows:
 - a. 1. Citation, This bylaw may be cited for all purposes as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2019", is deleted in its entirety and replaced with:

"1. Citation
This bylaw may be cited for all purposes as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2019"."
3. That the Gabriola Island Local Trust Committee Bylaw No. 305, cited as "Gabriola Island Use Bylaw, 1999, Amendment No. 2, 2019", be read a first time.
4. That the Gabriola Island Local Trust Committee acknowledges receipt of professional reports for GB-RZ-2019.1 (BC Ferries) as requested by Resolution GB-2019-068, to the satisfaction of the Local Trust Committee.
5. That the Gabriola Island Local Trust Committee request staff to advise the applicant of GB-RZ-2019.1 (BC Ferries) to obtain the necessary permit(s) from the Ministry of Transportation and Infrastructure for the siting of the waterline within the road-right-of-way, prior to adoption of the proposed bylaws.
6. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 305 cited as "Gabriola Island Land Use Bylaw, No. 177, 1999" is not contrary to or at variance with the Islands Trust Policy Statement.

7. That the Gabriola Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 304, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 2, 2019” and Bylaw No. 305, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2019”.

REPORT SUMMARY

The purpose of the report is to recommend that the Local Trust Committee (LTC) reconsider first reading of Proposed Bylaw No. 30 (LUB) in order to correct an error in the bylaw citation, and to summarize professional reports and referral responses received to date on Proposed Bylaw Nos. 304 (OCP) and 305 (LUB) for the redevelopment of the Descanso Bay ferry terminal under application GB-RZ-2019.1 (BC Ferries).

This staff report follows the Community Information Meeting (CIM) scheduled on the same day at the Gabriola Island Local Trust Committee regular business meeting on June 25, 2020. Staff are not recommending any amendments to the proposed Bylaw Nos. 304 (OCP) and 305 (LUB) until public input received at the CIM can be considered by the LTC.

BACKGROUND

The LTC passed the following resolution at the July 11, 2019 LTC regular business meeting:

GB-2019-068 It was MOVED and SECONDED,

that the Gabriola Island Local Trust Committee requests the applicant for GB-RZ-2019.1 (BC Ferries) to provide planning Staff with:

- a) a copy of the approved water licence to service the propose terminal redevelopment site;
- b) details on the rights-of-way required to secure easements for any necessary water lines to provide water to the proposed terminal redevelopment site;
- c) an environmental impact assessment identifying potential environmental impacts and mitigating efforts to minimize environmental impacts in the upland and marine areas of the proposed terminal development site;
- d) a copy of an assessment report and recommendations prepared by a qualified professional engineer, with expertise in wastewater treatment for non-domestic systems;
- e) a copy of an assessment report and recommendations prepared by a qualified professional coastal engineer, that details flood construction levels consistent with Provincial guidelines for redevelopment of the ferry terminal. **CARRIED**

The applicant has submitted the requested reports and a summary of each is included in this report.

The LTC passed the following resolution at the January 16, 2020 LTC regular business meeting:

GB-2020-010 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to schedule a special meeting for a Community Information Meeting on application GB-RZ-2019.1 (BC Ferries) and Proposed Bylaw Nos. 304 and 305 following the close of the bylaw referral period. **CARRIED**

The bylaw referral period ended on March 30, 2020.

On March 18, 2020, Islands Trust Local Trust Committee meetings were cancelled, due to the coronavirus (Covid-19) pandemic. Under the *Emergency Program Act*, the Province repealed and replaced Ministerial Order M083 with M139, which allows the Islands Trust to hold public meetings electronically, without in-person public participation.

Given that the CIM will be conducted on the same day as LTC consideration of this staff report, staff will not have had the opportunity to analyse public input received at the CIM. For this reason, staff are not recommending any amendments to proposed Bylaw Nos. 304 (OCP) and 305 (LUB), and recommend that the LTC defer consideration of second reading following a public hearing.

Staff will provide an analysis and recommendations on all input received following the public hearing.

ANALYSIS

Staff have identified the following for LTC consideration:

- Summary of professional reports in support of proposed bylaws,
- Summary of bylaw referral responses,
- Bylaw 305 (LUB) consistent with Islands Trust Policy Statement.

Summary of Professional Reports

All relevant professional reports, with the exception of the Archaeological Impact Assessment, have been posted to the [applications webpage](#). A staff summary of each are provided below.

Waste and Water Servicing

A [technical memo](#) by McElhanney, dated January 9, 2020, addresses the LTC's request for:

- a copy of the approved water licence to service the proposed terminal redevelopment site;
- details on the rights-of-way required to secure easements for any necessary water lines to provide water to the proposed terminal redevelopment site; and
- a copy of an assessment report and recommendations prepared by a qualified professional engineer, with expertise in wastewater treatment for non-domestic systems.

A copy of the water system operating permit and water licence were submitted with the technical memo and appear to be current and in compliance with Island Health regulations and the *Drinking Water Protection Act* requirements. The water is currently piped from a surface water source off of Taylor Bay Road, and distributed to the ferry terminal by way of a PVC pipe along the Ministry of Transportation and Infrastructure (MOTI) road right of way. An easement is not required, however, MOTI staff have confirmed that a permit from MOTI is required for a water line in the road right of way.

Staff recommend the applicant obtain the necessary permit for the water distribution line prior to adoption of the proposed bylaws.

The technical memo recommends the continued operation of a storage, pump-and-haul wastewater system for this location as described in the wastewater management feasibility assessment.

Environmental Impact Assessment (EIA) Report

A [preliminary EIA report](#) by Hemmera, dated January 14, 2020, addresses the LTC's request for an environmental impact assessment that identifies potential environmental impacts and mitigating efforts to minimize environmental impacts in the upland and marine areas of the proposed terminal development site.

The EIA report provides mitigation measures to reduce any identified potential impacts resulting from the proposed expansion of the ferry terminal site. Recommended mitigation measures include:

- undergoing project activities during identified least risk timing windows (June 1 to Sept. 1, and Dec. 1 to Feb. 15);
- daily on-site monitoring of activities by a qualified environmental professional (QEP);
- preferential use of the “vibratory methods” to reduce underwater sound levels; and
- recommendations for protecting water quality from machinery and equipment use in or near to the water.

The report provides a species inventory of the upland and marine areas of the ferry terminal site, and identifies at-risk marine and terrestrial species with potential to occur at or near the site. The report notes the ferry terminal site does not overlap with Critical Habitat defined under the *Species at Risk Act* (SARA) for at-risk marine and terrestrial species, nor does it overlap with an Important Bird Area or Wildlife Habitat Area. Regarding impact on fish habitat, the report notes that while impacts to fish habitat are anticipated, impacts will be “offset through onsite habitat creation in the form of berth infrastructure and rip rap reef.”

Mitigation measures identified in the EIA report could be included within the DPA guidelines; however, staff note that proposed DPA Guideline F.10.3.6 in Proposed Bylaw No. 305 (LUB) states, “Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.” This guideline lends itself to including additional conditions in a development permit to incorporate professional recommendations.

Archaeological Impact Assessment

A report by Golder and Associates, dated October 17, 2019, states that the Descanso Bay project area has been subject to a high degree of past disturbance due to infrastructure construction for the ferry terminal. An in-field evaluation describes the area as having low archaeological potential for both surface and subsurface cultural materials or features. The report recommends no further archaeological work within the Descanso Bay terminal component of the project area based on the current proposed redevelopment designs.

Coastal Engineering

A [report](#) by Northwest Hydraulic Consultants (NHC), dated March 5, 2020, addresses the LTC’s request for a copy of an assessment and recommendations by a qualified professional coastal engineer detailing flood construction levels (FCL) consistent with Provincial guidelines for redevelopment of the ferry terminal.

In respect of the LTC’s request, NHC notes, “...Provincial Guidelines for FCL’s are specific to habitable buildings and ferry terminal infrastructure does not fall within the description of these guidelines per se.” The report states that an avoidance strategy is generally recommended for property development; however, given that ferry terminals must operate at the shoreline, an avoidance strategy is not a viable option. Therefore, requests for modifications of bylaws and/or exemptions are appropriate.

Bylaw Referral Responses

Referral responses have been posted to the [application webpage](#). At the time of report writing, the following referral responses have been received from agencies and First Nations:

Snuneymuxw (Nanaimo) First Nation

Nation staff requested a face-to-face meeting with planning staff. On March 3, 2020, staff were invited to attend a meeting between representatives of Snuneymuxw and BC Ferries. During that meeting, Snuneymuxw indicated concerns regarding the proposed bylaws and terminal redevelopment.

The applicant has informed staff that BC Ferries and Snuneymuxw First Nation have agreed to establish a Joint Technical Working Group to further communication and consultation on BC Ferries projects and initiatives. The applicant has indicated that updates will be provided as the Joint Technical Working Group progresses.

A meeting scheduled between Islands Trust staff and Snuneymuxw First Nation was cancelled due to the Covid-19 pandemic in March 2020. Staff will continue to work with the Islands Trust Senior Intergovernmental Policy Advisor regarding First Nations consultation.

Cowichan Tribes, Halalt and Sechelt First Nations

These Nations have indicated that they either have no comments or their interests are unaffected by the proposed bylaws.

Ferry Advisory Commission (FAC)

The FAC indicated support for approval of both proposed bylaws subject to a number of conditions including:

- Support for the Development Permit Area (DPA) as drafted;
- Increasing the number of required accessible parking spaces;
- Relocating ferry crew parking spaces to an adjacent privately operating parking lot;
- Increasing the number of bicycle parking spaces to 24 (12 covered);
- Conditions for limited commercial retail space use;
- Referral of the matter of commercial retail space use to the Gabriola Economic Development Officer; and
- Provision of potable water in the ferry terminal waiting room.

Advisory Planning Commission (APC)

The APC noted the following key points regarding the proposed bylaws:

- General support was given for the proposed DPA as drafted, including support for the provision of potable water in the DPA guidelines;
- Concerns raised for the proposed removal of OCP Advocacy policies 7.2 g), h) and i);
- Signage adhere to the existing sign regulations found in the LUB;
- Support was not given for retail sales as an permitted accessory use in the proposed Ferry Terminal (FT) zone;
- Parking was deemed to be inadequate, specifically related to the number of public spaces and accessible parking spaces available.

Applicant's Requested Amendments

The applicant has provided comments to staff in response to issues that have arisen and been discussed since first reading on January 16, 2020. Their comments are summarized below along with staff's comments:

Table 1: Applicants comments on proposed bylaws no. 304 and 305

BC Ferries comments on proposed Bylaw No. 304	Current proposed amendment	Staff's comments
Scope of proposed advocacy policy is appropriate and addresses BC Ferries' commitment to work with the community	1.7 Section 7 – Transportation and Servicing, Subsection 7.2 Water Transportation, Water Transportation Policies, clauses “g), h) and i)” be deleted and replaced with the following, and all subsequent clauses re-numbered chronologically: “f) British Columbia Ferry Services Inc. should continue to engage key stakeholders including the Islands Trust, Ministry of Transportation and Infrastructure, customers and the Ferry Advisory Committee on implementing the Terminal Development Plan for the ferry terminal at Descanso Bay.	Staff consider the proposed Advocacy Policy f) to speak to BC Ferries commitment to continue engagement with key stakeholders, however staff would recommend that “the Gabriola community” be inserted before “customers”.
BC Ferries comments on Proposed Bylaw No. 305	Current proposed amendment	Staff's comments
Include “external lot line” in Section D.5.12.3.b.i	i. The minimum setback for buildings and structures is 1.5 metres (4.9 feet) from any lot line or lease or extension of an upland side lot line, with the exception of a lot line or lease line that defines the boundary between the sea and adjacent upland in which case there is no minimum setback.	Staff recommend a change. However, there is currently no definition for “external lot line” in the LUB, and staff consider as an alternative, that the regulation indicate a lot line or lease line that coincides with a lot in the same zone have no minimum setback.
Include a limitation on the retail space to an area no greater than 30 m²	b. Permitted Accessory Uses i. retail sales, excluding the sale of liquor	Staff recommend a change, but would recommend the area be reduced to allow for additional bicycle or vehicle parking, if possible, or additional green space.

• Increase number of accessible and seniors parking within the terminal parking area	Accessible Parking Requirements 1 per 7 <i>parking spaces</i> for public use.	Staff recommend a change to 2 accessible parking spaces per 7 parking spaces for public use.
• Remove “if potable water is available” from Section F.10.3.11	F.10.3.11 The ferry terminal waiting room should include a potable water bottle filling station, if potable water is available.	Staff to confirm whether this guideline can be included in the DPA guidelines.
• Propose outdoor, ground-oriented signage	Maximum Number of Signs Permitted No maximum number. Despite subsection B.4.8.1, one electronic ground oriented reader board sign to provide ferry schedule information and advertising shall be permitted at the terminal.	Staff recommend no change because the proposed regulation allows for one electronic ground oriented reader board for ferry scheduling and advertising. Staff note that concerns have been raised regarding the existing sign and advertising at the Descanso Bay ferry terminal.

Bylaw 305 Consistent with ITPS:

Proposed Bylaw No. 304 (OCP) was deemed consistent with the Islands Trust Policy Statement (ITPS) by the LTC in January 2020. Staff were unable to complete the checklist for Proposed Bylaw No. 305 (LUB) until such a time that supplemental information pertaining to water, the marine environment and archaeological resources was reviewed. Staff have now completed a checklist for Proposed Bylaw 305 (LUB) (Attachment 1) and deem it to be consistent with the ITPS.

Rationale for Recommendation

Staff are recommending that an incorrect citation of proposed Bylaw No. 305 (LUB) be amended, and the LTC acknowledge receipt of the requested professional reports.

Through discussion with MOTI staff, it has been confirmed that a permit is required for the water line that runs along the road right of way. Staff are recommending that the LTC request the applicant obtain the necessary permit(s) from MOTI for the siting of the water line.

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

ALTERNATIVES

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

1. Consider second reading of proposed Bylaw Nos. 304 and 305

The LTC may consider any amendments to the bylaws based on public input from the CIM or staff comments and make those amendments at second reading of proposed Bylaws 304 and 305. Recommending wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee Bylaw No. 30X cited as “X” be amended as follows (specify changes to the bylaw).

And/or:

That the Gabriola Island Local Trust Committee Bylaw No. 304 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 2, 2019” be a read a second time.

That the Gabriola Island Local Trust Committee Bylaw No. 305 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2019” be read a second time.

2. Request further information

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

That the Gabriola Island Local Trust Committee request that the applicant submit to the Local Trust Committee (insert requested information) prior to a Public Hearing being held.

NEXT STEPS

Should the LTC concur with staff’s recommendations, an electronic public hearing will be scheduled, and the LTC will consider amendments to the bylaws and second reading following public hearing.

Submitted By:	Jaime Dubyna, Planner 2 and Sonja Zupanec, RPP, MCIP, Island Planner	June 4, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 9, 2020

ATTACHMENTS

1. Draft Bylaw 304 (OCP)
2. Draft Bylaw 305 (LUB)
3. Islands Trust Policy Statement Directives Only Checklist – Bylaw 305 (LUB)

DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 304

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997,” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 2, 2019”.

READ A FIRST TIME THIS _____ DAY OF _____ 202x

READ A SECOND TIME THIS _____ DAY OF _____ 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ 202x

READ A THIRD TIME THIS _____ DAY OF _____ 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ 202x

ADOPTED THIS

_____ DAY OF _____ 202x

Chair

Secretary

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304
Schedule "1"

1. **Schedule "A"** of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:

- 1.1 **A Preface, Map Schedules**, III. Schedule D is amended by replacing the words "and 9" with ", 9 and 10".
- 1.2 **Section 6 – Environmental, Marine and Heritage Resources**, Subsection 6.2 **Marine Resources, Marine Resource Policies**, clause "b)" is amended by inserting the words "ferry terminal;" before "and, marine transportation."
- 1.3 **Section 6 – Environmental, Marine and Heritage Resources**, Subsection 6.2 **Marine Resources, Marine Resource Policies**, clause "g)" is amended by inserting the words "or ferry terminal:" after "marine transportation".
- 1.4 **Section 6 – Environmental, Marine and Heritage Resources**, Subsection 6.2 **Marine Resources, Marine Resource Policies**, clause "g) i." is amended by replacing the words "BC Ferry Corporations" with "British Columbia Ferry Services Inc." and by making this replacement in every instance where it appears throughout the Bylaw.
- 1.5 **Section 7 – Transportation and Servicing**, Subsection 7.2 **Water Transportation, Water Transportation Policies**, clause "c)" is amended by removing the words: "Vancouver Island and/or".
- 1.6 **Section 7 – Transportation and Servicing**, Subsection 7.2 **Water Transportation, Water Transportation Policies**, clause "e)" is deleted in its entirety and replaced with "The ferry terminal at Descanso Bay operated by British Columbia Ferry Services Inc. provides an essential transportation service for the Gabriola Island community and visitors to and from Vancouver Island. Upgrading of the ferry terminal is strongly supported to improve the overall customer experience. The ferry terminal and adjacent marine area in Descanso Bay shall be subject to a Development Permit Area established for the protection of the natural environment, protection of development from hazardous conditions, regulation of the form and character of commercial development and promotion of energy and water conservation and greenhouse gas emission reduction. Ferry Terminal zoning shall regulate permitted uses, building and structures, signage and parking."
- 1.7 **Section 7 – Transportation and Servicing**, Subsection 7.2 **Water Transportation, Water Transportation Policies**, clauses "g), h) and i)" be deleted and replaced with the following, and all subsequent clauses re-numbered chronologically:

"f) British Columbia Ferry Services Inc. should continue to engage key stakeholders including the Islands Trust, Ministry of Transportation and Infrastructure, customers and the Ferry Advisory Committee on implementing the Terminal Development Plan for the ferry terminal at Descanso Bay."

- 1.8 **Section 9 – Development Permit Areas**, Subsection 9.4 **DP-9 Light Industrial Use Development Permit Area**, is corrected by replacing the reference to “Area 8” with “Area 9”.
- 1.9 **Section 9 – Development Permit Areas**, is amended by adding a new subsection 9.5:

“9.5 Development Permits to Establish Objectives for the Protection of the Natural Environment, Protection of Development from Hazardous Conditions, Form and Character of Commercial Development and Promotion of Energy, Water Conservation and Reduction of Greenhouse Gas Emissions.

DP-10 Ferry Terminal

Development Permit Area 10 (Schedule D) is designated according to Section 488(1)(a),(b),(f),(h),(i) and (j) of the *Local Government Act* and includes the only site designated ‘Ferry Terminal’ in the planning area. The area is also designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below. The Development Permit Area should not be interpreted as a prohibition on development activity but as identification of areas where professional assessment and specific development adaptation measures are required.

Justification

Descanso Bay represents an ecologically important marine environment and significant coastal setting with rich social and economic history. The bay maintains a strong sense of place and identity as the gateway to Gabriola Island. The ferry terminal represents the busiest traffic corridor on the island with critical infrastructure which may be damaged by future coastal flooding related to sea level rise. The designation of this area as a DPA will help ensure that environmental, social and cultural values are protected and future terminal redevelopment or expansion reflects the needs of the community and can adapt to a changing climate.

Objective

The objectives of this development permit area are as follows:

1. To enhance the natural shoreline and marine environment.
2. To manage development in areas exposed to future flooding from the combined effects of sea level rise and coastal storms.
3. To improve the maritime commercial character, safety and efficiency of the ferry terminal for local residents, visitors and service providers.
4. To encourage innovative building design and ecological and cultural interpretive signage for Descanso Bay in Hul’qumi’num and English languages.
5. To reduce energy and water consumption in buildings and encourage occupant comfort, health and safety.
6. To encourage pedestrian, bicycle and transit use.

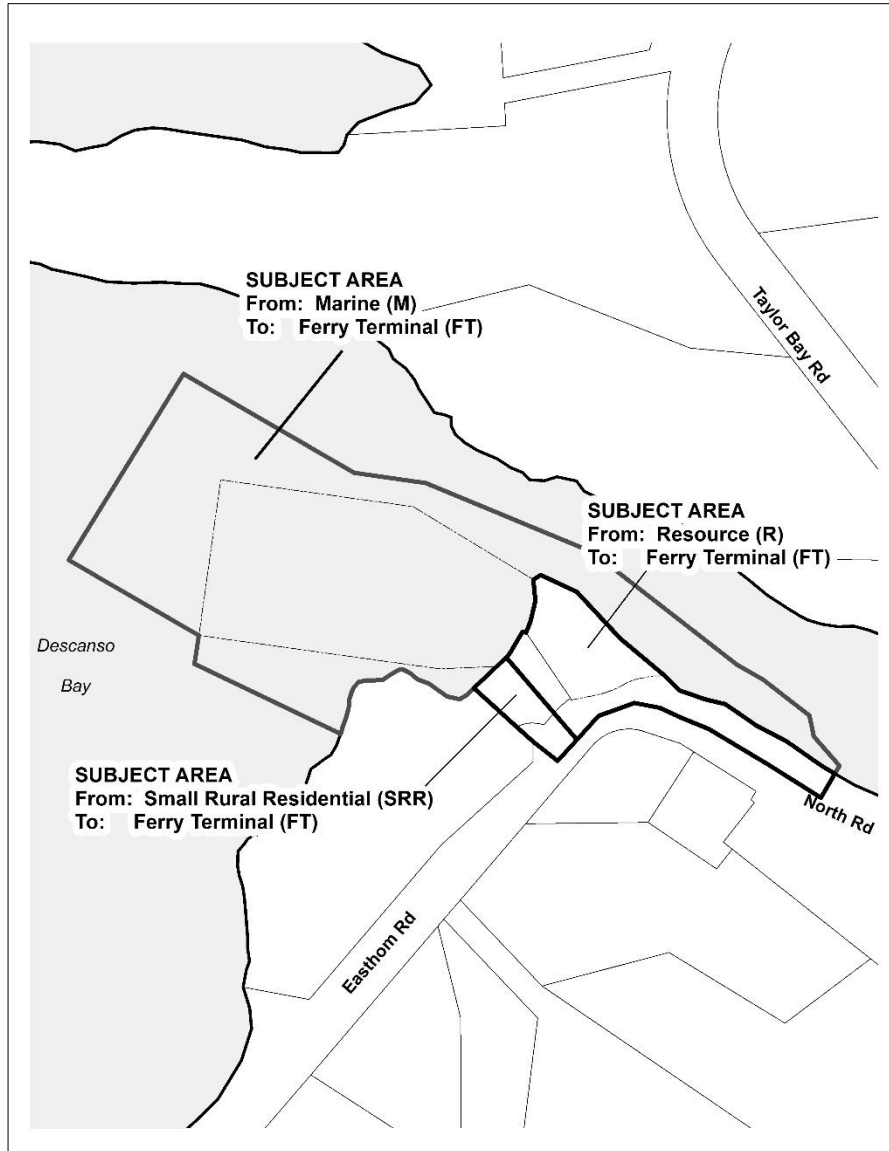
Information Note: Development Permit Area Guidelines for DP-10 Ferry Terminal are in the Gabriola Island Land Use Bylaw.”

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304
Schedule "2"

1. Schedule "B" of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:
 - 1.1 **Schedule "B" – Land Use Designations – North Sheet**, is amended as follows:
 - a. On those lands described as DISTRICT LOT 2058, NANAIMO DISTRICT, AS SHOWN ON PLAN VIP75537 (PID 025-798-090) the land use designation is changed from "Resource" and "Marine" to "Ferry Terminal" as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "B" of Bylaw No. 166 as are required to effect this change.
 - b. On those lands described as LOT A, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP75538 (PID 025-798-103) the land use designation is changed from "Resource" and "Small Rural Residential" to "Ferry Terminal" as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "B" of Bylaw No. 166 as are required to effect this change.
 - c. On those marine areas on Plan No. 1 the land use designation is changed from "Marine" to "Ferry Terminal" as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "B" of Bylaw No. 166 as are required to effect this change.
2. **Schedule "D" – Development Permit Areas - OCP D North Sheet**, is amended by designating a new Development Permit Area "DP 10 – Ferry Terminal" on those marine areas and lands described as DISTRICT LOT 2058, NANAIMO DISTRICT, AS SHOWN ON PLAN VIP75537 (PID 025-798-090); LOT A, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP75538 (PID 025-798-103) and in those areas as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule "D" of Bylaw No. 166 as are required to effect this change.

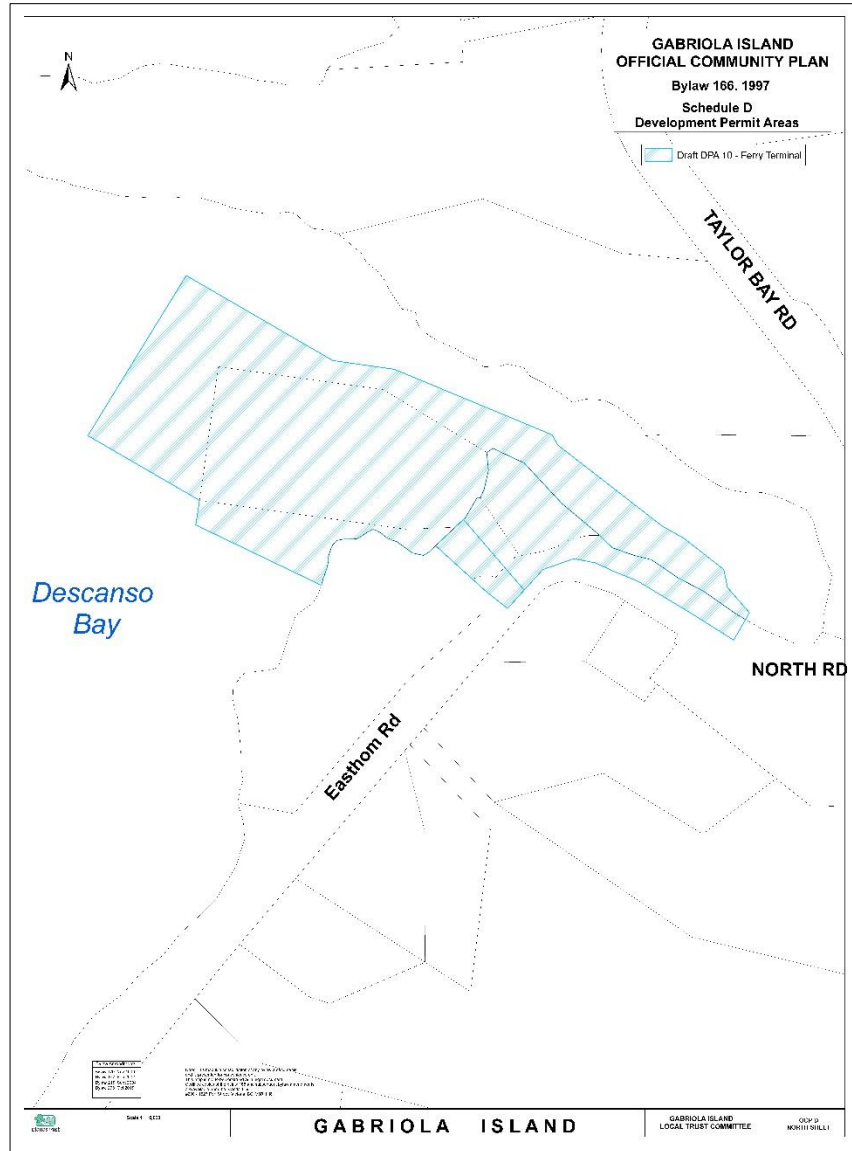
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304**

Plan No. 1



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 304**

Plan No. 2



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 305

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 2, 2019”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 202x

READ A SECOND TIME THIS _____ DAY OF _____ 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ 202x

READ A THIRD TIME THIS _____ DAY OF _____ 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 202x

ADOPTED THIS _____ DAY OF _____ 202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Schedule “1”

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

- 1.1 **Part B GENERAL REGULATIONS**, Section B.4 **SIGNS**, Subsection **B.4.1 Number and Total Sign Area**, Article **B.4.1.1 Table 1: Sign Regulations**, is amended by adding the following under “**Water Zones**”:

Column 1	Column 2	Column 3
Zone	Maximum Number of Signs Permitted	Maximum Total Sign Area Permitted
FT	No maximum number. Despite subsection B.4.8.1, one electronic ground oriented reader board sign to provide ferry schedule information and advertising shall be permitted at the terminal.	4.0 sq.m. (43 sq.ft.) per water <i>lot</i> or lease and 4.0 sq.m (43 sq.ft.) in the upland portion of the zone.

- 1.2 **Part B GENERAL REGULATIONS**, Section B.4 **SIGNS**, Subsection **B.4.2 Exempted Signs**, Article **B.4.2.1 b.**, is amended by adding “FT,” immediately after the words “interpretive signs in the”.

- 1.3 **Part B GENERAL REGULATIONS**, Section B.5 **PARKING**, Subsection **B.5.1 Minimum Number of Parking Spaces for Automobiles and Bicycles**, Article B.5.1.1 **Table 2: Parking Requirements, COMMERCIAL** is amended by adding the following:

Column 1	Column 2	Column 3	Column 4
Use	Standard Parking Requirements	Accessible Parking Requirements	Bicycle parking requirements
<i>Ferry terminal</i>	A minimum of 7 <i>parking spaces</i> for public use, plus 6 motorcycle and/or scooter <i>parking spaces for public use</i>	1 per 7 <i>parking spaces</i> for public use.	A minimum of 12 covered bicycle <i>parking spaces</i> .

- 1.4 **Part GENERAL REGULATIONS**, Section B.5 **PARKING**, Subsection **B.5.4 Location of Parking Spaces**, is amended by adding the following:

“B.5.4.4 Despite Article B.5.4.1, parking spaces for Ferry Terminal use may be permitted on a lot within the Ferry Parking (FP) zone.”

- 1.5 **Part C ESTABLISHMENT OF ZONES**, Section C.1 **DIVISION INTO ZONES**, Subsection **C.1.2 Water Based Zones**, insert new zone “FT Ferry Terminal” after “WG Water General” and before “WC1 Water Commercial 1 – Marina”.

- 1.6 **Part D ZONES**, Section D.5 **WATER ZONES**, insert new Subsection D.5.2 Ferry Terminal (FT) after Subsection **D.5.1 Water General (WG)** as shown on **Appendix 1** attached to and forming part of this bylaw; and renumber all subsequent subsections chronologically.

- 1.7 **Part F DEVELOPMENT PERMIT AREA GUIDELINES** is amended by adding a new Subsection **F.10 DP 10-Ferry Terminal** as shown on **Appendix 2** attached to and forming part of this bylaw.

- 1.8 **Part G DEFINITIONS**, Section G.1 **DEFINITIONS**, is amended by adding the following definition in alphabetical order:

“*ferry terminal* a marine and land-based facility that includes buildings or structures for the transportation of passengers, vehicles and goods; including passenger waiting room and amenities, storage areas, loading and unloading areas, and small scale commercial retail uses oriented to ferry users.”

2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:

- 2.1 Schedule “B” – North Sheet, is amended by changing the zoning classification of DISTRICT LOT 2058, NANAIMO DISTRICT, AS SHOWN ON PLAN VIP75537 (PID 025-798-090) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
- 2.2 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT A, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP75538 (PID 025-798-103) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
- 2.3 Schedule “B” – North Sheet, is amended by changing the zoning classification on those land areas as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
- 2.4 Schedule “B” – North Sheet, is amended by changing the zoning classification on those marine areas as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Appendix 1

D.5.12 Ferry Terminal (FT)

D.5.12.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Ferry Terminal (FT) zone:

a. Permitted *Principal* Uses

- i *ferry terminal*
- ii *ferry terminal* parking
- iii emergency dock
- iv marine navigation aids

b. Permitted *Accessory* Uses

- i retail sales, excluding the sale of liquor
- ii *limited public market*

D.5.12.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Ferry Terminal (FT) zone:

a. Permitted Land-Based *Buildings* and *Structures*

- i Buildings and structures for *ferry terminal* use.

b. Permitted Marine-Based *Buildings* and *Structures*

- i Marine-based structures for *ferry terminal* use.
- li No *buildings* are permitted in the marine-based area of this zone, except for mechanical, electrical, and other similar uses that are required for the operation of the ferry terminal.

D.5.12.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Ferry Terminal (FT) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of land-based *buildings* or *structures* is 5.0 metres (16.4 feet).
- ii The maximum *height* of marine-based *structures* is:
 - 10.0 metres (32.8 feet) above the water surface for floating *structures*; and
 - 10.0 metres (32.8 feet) above the high water mark for *structures* fixed to the bed of the sea.

b. *Building* and *Structure* Siting Requirements

Draft Bylaw No. 305 (LUB)

- i The minimum *setback* for *buildings* and *structures* is 1.5 metres (4.9 feet) from any *lot line* or lease or extension of an upland side *lot line*, with the exception of a *lot line* or lease line that defines the boundary between the sea and adjacent upland in which case there is no minimum *setback*.
- ii Despite B.1.1.2.b, retaining walls are permitted in the Ferry Terminal zone, subject to Subsection B.2.6.
- iii Despite B.2.1.1.a, *buildings* and *structures* for the purpose of *ferry terminal use*, may be sited a minimum of 0.0 metres from and at a height above the *natural boundary* of the sea at a level certified appropriate by a professional engineer.

c. Lot Coverage Limitations

- i The maximum combined *lot coverage* by marine- and land-based *buildings* and *structures* is 60%.

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Appendix 2

F.10 DP-10 Ferry Terminal

F.10.1 Applicability

- F.10.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.10.2.1:
- subdivision of land;
 - construction of, addition to, or alteration of a building or other structure; and
 - alteration of land.

F.10.2 Exemptions

- F.10.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, property owners must meet any other local, provincial or federal requirements.
- temporary emergency repairs or emergency structural alterations;
 - building or structure painting, repairs, maintenance or structural alterations of a minor nature that do not require a building permit;
 - building interior renovations with no change to the external appearance of the premises;
 - installation of directional or interpretative signage; bicycle racks, bicycle or bus shelters, public art, or electric vehicle charging stations;
 - an application resulting in a lot consolidation; and
 - marine infrastructure necessary for the docking of ferry vessels.

F.10.3 Guidelines

Prior to undertaking any development activities within DP-10 that are not exempted by F.10.2.1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

Protection of the Natural Environment:

- F.10.3.1** Docks, piers, ramps and marine based structures should be designed and constructed to avoid or minimize and mitigate impacts to environmentally sensitive marine areas such as critical habitat of Species at Risk, eelgrass beds and fish habitat. Enhancement or restoration measures, such as creation of new habitat, are encouraged as a compensation tool.
- F.10.3.2** Minimize shading of the water by incorporating perforations, using large spacing between deck planks or by using an alternative deck surface such as metal mesh or grating.
- F.10.3.3** Following 'dark sky principles' all exterior lights should be directed and/or shielded to illuminate the ground only and to prevent unnecessary light pollution in the vicinity.

Draft Bylaw No. 305 (LUB)

- F.10.3.4 Native or indigenous vegetation should be retained wherever possible. If not possible, then ecological restoration should be incorporated into the development.
- F.10.3.5 All landscaping plans for new development must be prepared by a member of the B.C. Society of Landscape Architects or other qualified professional. All plant materials and contractor's work must meet or exceed the standards of the B.C. Nursery Trades Association or the B.C. Society of Landscape Architects.
- F.10.3.6 Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.

Protection of Development from Hazardous Conditions:

- F.10.3.7 Development is supported by a specific flood construction level study prepared and stamped by a qualified professional engineer with demonstrated experience in coastal engineering.

Promotion of Energy and Water Conservation and Greenhouse Gas Emission Reduction:

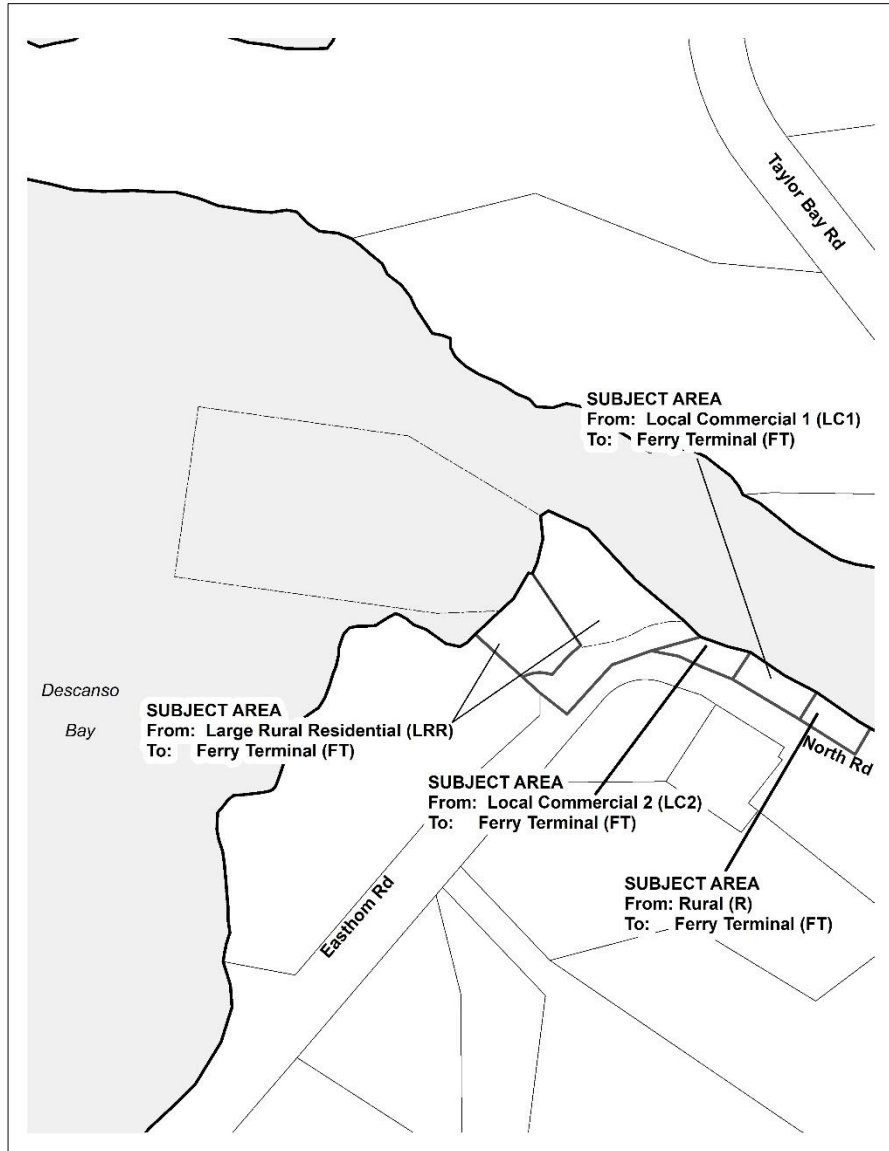
- F.10.3.8 A qualified professional retained by the applicant is required to provide a written report summarizing the proposed measures incorporated in the proposed development that address energy and water conservation.
- F.10.3.9 An integrated design process should be utilized to identify opportunities to reduce a building's energy and water consumption.
- F.10.3.10 Overall building energy performance and interior thermal comfort should be maximized through a combination of passive design strategies.
- F.10.3.11 The ferry terminal waiting room should include a potable water bottle filling station, if potable water is available
- F.10.3.12 An on-site integrated stormwater management plan prepared by a qualified professional should be required and implemented to reduce impervious surfaces, promote infiltration and capture and treat stormwater runoff from 90% of the average annual rainfall using acceptable best management practices. The plan should incorporate strategies for rainwater and storm water capture and reuse.
- F.10.3.13 Site design should minimize vehicle and pedestrian conflicts and clearly delineate pedestrian walkways throughout the site.
- F.10.3.14 Bicycle parking should be provided in a sheltered location and include a bike repair stand.
- F.10.3.15 Site design should prioritize safe and efficient public bus and school bus loading and off-loading at the terminal.

Form and Character

- F.10.3.16 Public access to the waterfront should be provided only in a location where it is safe and appropriate to do so. New waiting room and areas should be oriented to the waterfront providing good sightlines to arriving ferries and a sense of arrival to ferries arriving at Descanso Bay.
- F.10.3.17 Interpretive signage in the English and Hul'qumi'num languages pertaining to the ecological and cultural significance of Descanso Bay should be incorporated where possible into the site design.
- F.10.3.18 The ferry terminal waiting room should be universally accessible with a minimum indoor seating capacity for 16 occupants.
- F.10.3.19 Chain link fencing will generally be discouraged.
- F.10.3.20 Public art including interpretation panels, welcoming poles, and other opportunities should be incorporated into terminal design where possible.
- F.10.3.21 Large expanses of blank or unimproved walls lacking building details are discouraged. Building facades should be articulated and broken into smaller distinct visual units. A variety of materials, textures and scales including art, vegetation or other screening should be utilized to provide visual interest.

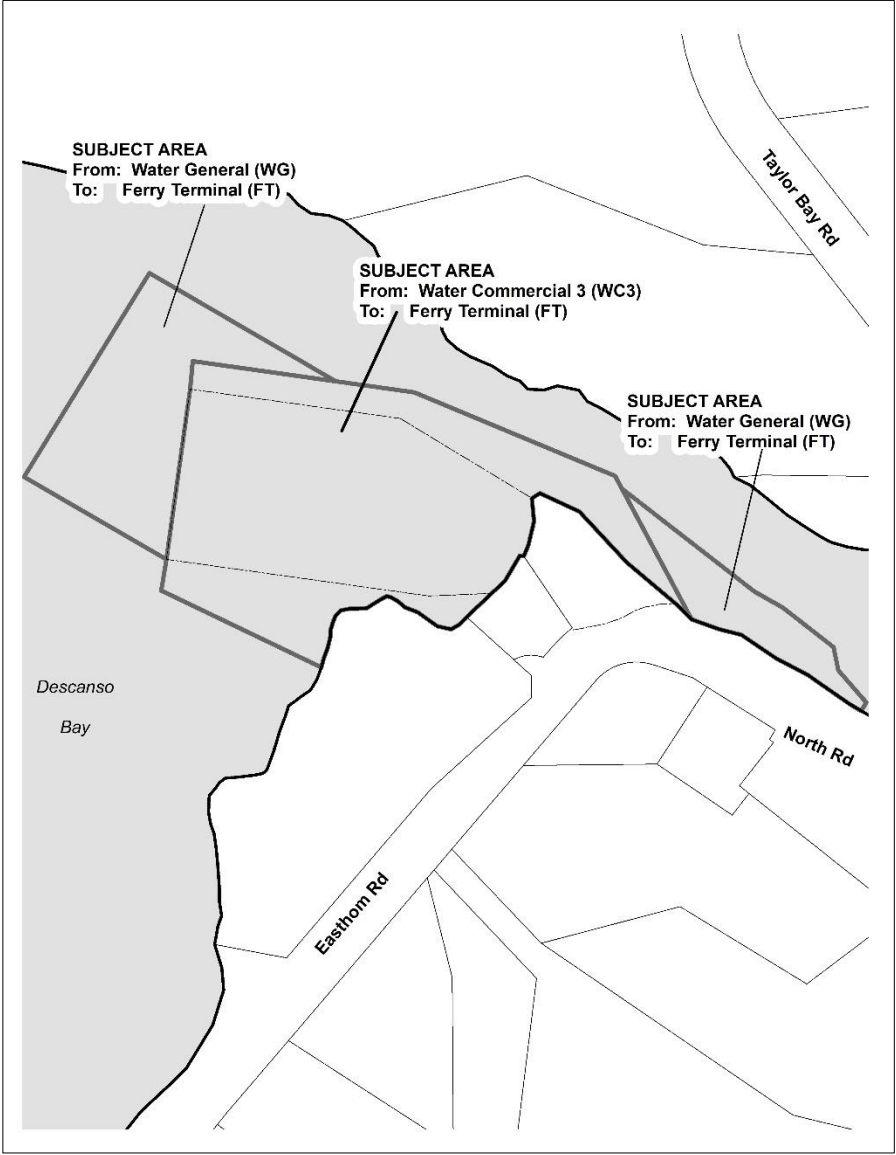
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305**

Plan No. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 305

Plan No. 2





ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GB-RZ-2019.1 (BC Ferries)

File Name: Bylaw No. 305 (LUB)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
CONSISTENT	No.	DIRECTIVE POLICY
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.
	4.5	Coastal Areas and Marine Shorelands
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

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

DATE OF MEETING: June 25, 2020

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Application to amend the OCP and LUB to allow for 24 units of Multi-dwelling Affordable Housing
Applicant: Gabriola Housing Society
Location: LOT 1 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP 11544 (PID 028-580-095); and
LOT 2 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544 (PID 028-580-109)

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee Bylaw No. 306 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020” be read a first time.
2. That the Gabriola Island Local Trust Committee Bylaw No. 307 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020” be read a first time.
3. That Proposed Bylaws No. 306 and 307 be referred to the following First Nations, Local Governments and agencies for comment:
 - a. First Nations:

Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Stz’uminus First Nation.
 - b. Local Governments and Agencies:

Regional District of Nanaimo, Vancouver Island Health Authority (Island Health), Ministry of Transportation and Infrastructure, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, School District 68, Gabriola Volunteer Fire Department.
4. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 306 cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020” is not contrary to or at variance with the Islands Trust Policy Statement.
5. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 307 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020” is not contrary to or at variance with the Islands Trust Policy Statement.

6. That the Gabriola Island Local Trust Committee request staff to schedule a community information meeting for application GB-RZ-2020.1 (Gabriola Housing Society) and Proposed Bylaw Nos. 306 (OCP) and 307 (LUB) following the close of the bylaw referral period.

REPORT SUMMARY

This report introduces two draft bylaws, one to amend the Gabriola Island Official Community Plan (OCP) Bylaw No. 166, and one to amend the Gabriola Island Land Use Bylaw No. 177 (LUB). Staff are recommending that the draft bylaws in Attachment 1 and 2 of this report be given first reading, and that referrals be sent to First Nations, local governments and other agencies.

BACKGROUND

The Gabriola Island Local Trust Committee (LTC) passed the following resolutions by Resolution Without Meeting (RWM) on the following dates:

On April 16, 2020:

GB-2020-005

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

That the Gabriola Island Local Trust Committee requests the applicant for GB-RZ-2020.1 (Gabriola Housing Society) provide planning staff with:

- a) A copy of the approved provincial water license to service the proposed 24-unit multi-dwelling affordable housing project.

CARRIED

On April 17, 2020:

GB-2020-006

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

That the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Official Community Plan that will:

- a) Designate the subject parcels 'Multi-dwelling Affordable Housing';
- b) Designate the subject parcels within DP-8 - Multi-dwelling Affordable Housing Development Permit Area;
- c) Establish a new development permit area for the purpose of the protection of the natural environment, its ecosystems and biological diversity on LOT 1 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544 (PID 028-580-095) and LOT 2 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544 (PID 028-580-109).'

CARRIED

On April 18, 2020:

GB-2020-007

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

That the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Land Use Bylaw that will:

- a) Rezone LOT 1 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544 (PID 028-580-095) to a site specific zone which regulates permitted uses, buildings and structures; height; siting requirements including setbacks and lot coverage; parking; and subdivision.

b) Rezone LOT 2 SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN EPP11544 (PID 028-580-109) to a site specific zone which regulates permitted uses, buildings and structures; height; siting requirements including setbacks and lot coverage; parking; and subdivision.

c) Establish new development permit area guidelines to guide potential development on the subject properties.

CARRIED

GB-2020-008

It was MOVED and SECONDED,

That the Gabriola Island Local Trust Committee request staff to notify Snuneymuxw First Nation and the Regional District of Nanaimo that an application has been received to amend the Official Community Plan and Land Use Bylaw for a 24-unit multi-dwelling affordable housing development, and request feedback on the application and their involvement in the bylaw amendment process.'

CARRIED

Early referrals were sent to Snuneymuxw First Nation and to the Regional District of Nanaimo (RDN) as directed by the LTC. In their response, the RDN has indicated they have no comments or concerns specific to this proposal, and note that Goal 3.0 of the [RDN Strategic Plan 2019-2022](#) is to “promote affordable housing for residents”. A response has not been received from Snuneymuxw First Nation at the time of this report.

ANALYSIS

Staff have identified the following issues for LTC consideration:

- Summary of Draft Bylaw No. 306 (OCP)
- Summary of Draft Bylaw No. 307 (LUB)
- Density Bank
- Definition of “affordable housing”
- Residential Rental Tenure
- Home Occupations
- Bylaws consistent with the Islands Trust Policy Statement (ITPS)
- Referrals to First Nations, local governments and other agencies

Issues and Opportunities

Proposed Bylaw No. 306 (OCP)

If adopted, Draft Bylaw No. 306 (Attachment 1) would amend policy language in the OCP to include “multiple-dwelling affordable housing” in policies that support affordable housing and that recognize the new “Multi-dwelling Affordable Housing” land use designation proposed to be applied to the subject properties. A new environmental protection development permit area (DPA) is proposed, with justification and objectives in the OCP and guidelines in the LUB. The draft bylaw would also amend the land use designation map in Schedule B of the OCP and delineate the area for the new DPA map in Schedule D.

Proposed Bylaw No. 307 (LUB)

If adopted, Draft Bylaw No. 307 (Attachment 2) would introduce new zoning regulations to be applied to a new “Multi-dwelling Affordable Housing” zone. DPA guidelines have been drafted and would be applicable for new construction.

Staff note that the original application did not include two family dwellings (i.e. duplex), but at the request of the applicant, staff have included under Permitted Buildings and Structures in the Multi-dwelling Affordable Housing zone, along with an accompanying definition for “two family dwelling” in the Definitions section of the LUB.

Density Bank

Existing OCP policies 2.4(d) and 2.4(k) support a density increase for multi-dwelling affordable housing for low-income families through the Density Bank in Appendix 2 of the OCP. As noted in the [staff report](#) dated April 16, 2020, there are currently zero (0) units in the Density Bank, which is insufficient to cover the proposed 24 additional units. The application proposes to increase the density of the subject properties without utilizing the Density Bank.

The lack of available units in the Density Bank is flagged as an issue for this proposal. Draft Bylaw 306 (OCP) includes amendments to OCP Policy 2.4(d) that would address applications for multi-dwelling affordable housing if no units exist in the density bank; however, further analysis may be necessary to identify any unanticipated impacts or to explore alternative options for this application.

A review of the Density Bank policies are included in the scope of the LTC top-priority project, Housing Options and Impacts Review Project.

Definition of Affordable Housing

The LUB currently does not provide a definition for “affordable housing”, however the OCP currently provides the following definition:

“affordable housing” is housing that costs no more than 30% of a household’s gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Canada Census information);

Staff consider this definition to be outdated, as it does not consider a combination of factors or situations, and may not be achievable for the proposed development or for future affordable housing proposals. Therefore Draft Bylaw 306 (OCP) has been drafted to remove the definition, as well as associated amendments in the OCP as a result. Staff have reviewed the OCP in the context of the use of the term “affordable housing”, and consider there to be no adverse affect as a result of removal of the definition in the OCP.

Draft Bylaw 307 (LUB) has been drafted to include a definition of “affordable housing”:

is a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement registered on title.

Residential Rental Tenure

Staff have included a zone-specific regulation that regulates tenure in the Multi-dwelling Affordable Housing (MAH) zone to “residential rental tenure”. A definition for this term is also included in Draft Bylaw 307 (LUB).

In May 2018, the Province amended the *Local Government Act* (LGA) to provide local governments with the authority to zone land for rental tenure (residential rental tenure). The intent of this legislation is to give local governments greater ability to preserve existing rental housing and/or increase the supply of new rental housing

in their communities. This authority applies to any location where multi-family residential use is permitted and can apply to an entire parcel of land, require a certain number or percentage of units, or require a portion of a building to be rental tenure. The use of housing agreements with residential rental tenure zoning further assists in securing affordable housing over time through conditions.

Home Occupations

At the request of the applicant, staff have included “home occupation” as a permitted accessory use in the Multi-dwelling Affordable Housing (MAH) zone, with only the following home occupation uses permitted:

- Business and professional offices that receive no clients or visitors to the lot;
- Catering and food preparation for sale or delivery elsewhere, with delivery occurring between the hours of 8am and 6pm;
- Production of art and craft goods for sale elsewhere, provided no open flame is required in making the art of craft goods and no toxic fumes are produced during their creation.

Staff note including “home occupation” use in the MAH zone would necessitate an amendment to OCP Policy 2.7.a, which provides:

a) A home occupational use is permitted in all land use designations where a single-dwelling residential use is permitted.

Draft Bylaw 306 (OCP) includes an amendment to OCP Policy 2.7.a to include home occupations within the Multi-dwelling Affordable Housing land use designation.

Some concerns related to home occupations are the potential increase in water use, traffic, noise and other disturbances. To reduce traffic and noise, home occupations in the MAH zone would prohibit purchases and services on site, as well as prohibit employees.

Staff do not recommend prohibiting or restricting water use as it is likely beyond the LTC’s authority. Staff note that water usage would be restricted where there is a provincial water license which restricts water usage to a certain amount. The water operator would be bound by the license and amount of water allowed to be withdrawn, and could control the water usage on the lot.

Bylaws Consistent with Islands Trust Policy Statement

Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement (ITPS) Directives Only Checklist (Attachment 3 and 4) and have concluded that the Draft Bylaw Nos. 306 (OCP) and 307 (LUB) as written are not contrary to or at variance with the ITPS.

Consultation

As this application proposes an amendment to the OCP, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws, staff recommend referrals to First Nations, provincial agencies, local governments and select referral agencies as detailed below and in the recommendations on page 1 of this report. Staff also recommend a community information meeting as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. Significant changes to the bylaws (either as a requirement of the LTC, or by the applicant) that necessitate further referrals or community meetings or application complexities may require more involved consultation.

Statutory Requirements

As the proposal would involve an OCP amendment, the LTC is required by the *Local Government Act* (LGA) to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than identified below and direct staff accordingly. It is noted that while this application is for affordable housing and aligns with the Housing Options project, staff do not recommend referral to the Gabriola Island Housing Advisory Planning Commission (HAPC), as the HAPC's terms of reference are specific to the deliverables connected to the Gabriola Housing Options project.

Agencies

Should the LTC concur with the staff recommendations to give first reading to both bylaws, referrals will be sent to the following agencies and adjacent local governments for comment:

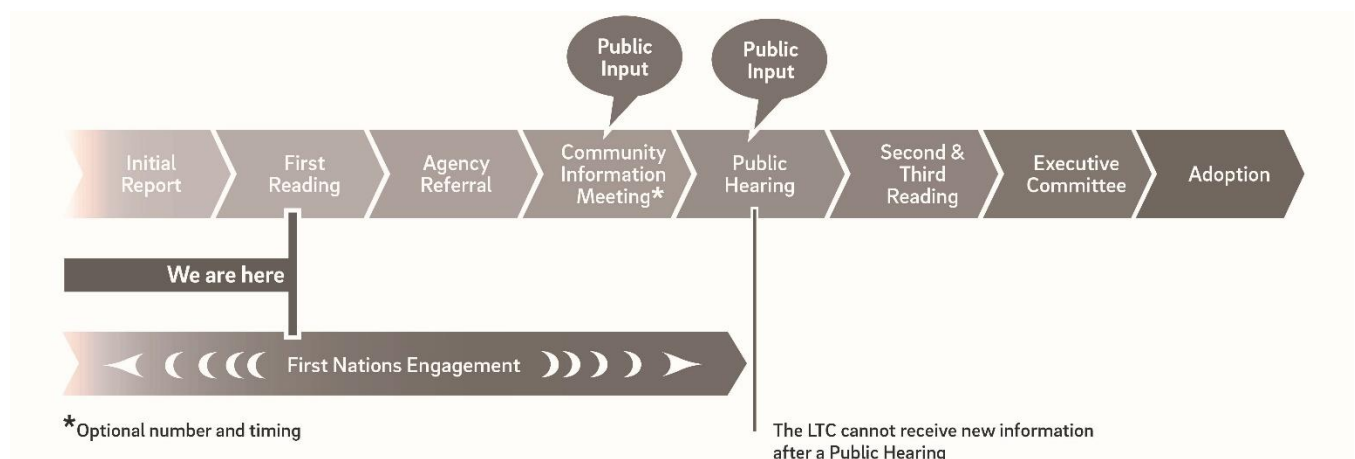
- Regional District of Nanaimo
- Vancouver Island Health Authority (Island Health)
- Ministry of Transportation and Infrastructure
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development
- School District 68
- Gabriola Volunteer Fire Department

First Nations

The following First Nations include Gabriola Island as part of their territory or Treaty area and bylaw referrals should be sent for comment:

- Snuneymuxw First Nation
- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Stz'uminus First Nation

Timeline



Protocols

There is a protocol agreement with Snuneymuxw First Nation, and a Letter of Understanding with the Regional District of Nanaimo (RDN), referenced in the [staff report](#) dated April 16, 2020.

Rationale for Recommendation

Draft bylaws have been prepared to amend the OCP and LUB and contemplate multi-dwelling affordable housing as presented in the application GB-RZ-2020.1 (Gabriola Housing Society). Staff recommend that both bylaws be given first reading as presented in order to advance referral responses from First Nations, provincial agencies, local governments and select referral agencies.

The staff recommendations are found on page 1 and 2 of this report.

ALTERNATIVES

1. Amend the draft bylaws

The LTC may amend the draft bylaws prior to consideration of first reading. If this alternative is selected then the following resolution is recommended:

That the Gabriola Island Local Trust Committee amend Draft Bylaw No. 30X, cited as “...” with the following: [list amendments].

2. Request additional information/defer consideration of first reading

The LTC can request specific additional information from staff and/or the applicant prior to consideration of first reading. If this alternative is selected then the following resolution is recommended:

That the Gabriola Island Local Trust Committee request staff/the applicant to provide the following [specify information request] prior to further consideration of Draft Bylaw Nos. 306 (OCP) and 307 (LUB).

NEXT STEPS

Should the LTC concur with the staff recommendations, referrals will be sent out requesting a response within 60 days of the date on the referral, and a community information meeting will be scheduled following completion of the referral period.

Submitted By:	Jaime Dubyna Planner 2	June 10, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 16, 2020

ATTACHMENTS

1. Draft Bylaw 306 (OCP)
2. Draft Bylaw 307 (LUB)
3. Islands Trust Policy Statement Directives Only Checklist – Bylaw 306 (OCP)
4. Islands Trust Policy Statement Directives Only Checklist – Bylaw 307 (LUB)

DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 306

A BYLAW TO AMEND GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, 1997

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997, Amendment No. 1, 2020”.

2. Gabriola Island Local Trust Committee Bylaw No. 166, cited as “Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997,” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202x

READ A SECOND TIME THIS _____ DAY OF _____, 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____, 202x

READ A THIRD TIME THIS _____ DAY OF _____, 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202x

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____, 202x

ADOPTED THIS

_____ DAY OF _____, 202x

Chair

Secretary

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306
Schedule "1"

1. **Schedule "A"** of Gabriola Island Official Community Plan (Gabriola) Bylaw, 1997 is amended as follows:
 - 1.1 **Schedule A - Preface, Map Schedules**, III. Schedule D is amended by replacing the words "and 9" with ", and 11".
 - 1.2 **Section 2 - General Land Use and Residential Development**, Subsection **2.0 General Land Use, General Land Use Policies**, clause "k)" is amended by replacing the words "Special Needs residents and Seniors" with "Special Needs residents, Seniors and multiple-dwelling affordable housing."
 - 1.3 **Section 2 - General Land Use and Residential Development**, Subsection **2.1 Residential Land Use, General Residential Policies**, clause "a)" is amended by replacing the words "Special Needs and Seniors' affordable housing" with "Special Needs, Seniors and multiple-dwelling affordable housing."
 - 1.4 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by adding the following after "Low-income families":

"; and

 - Other households needing affordable housing."
 - 1.5 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing the following:

"Affordable housing means housing that costs no more than 30% of a household's gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Canada Census information)."
 - 1.6 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Background**, is amended by removing "Currently there are two Seniors' housing developments on Gabriola (designated as Seniors and Special Needs (SSN) in Schedule B of this Plan), and no other types of Multi-dwelling Affordable Housing development", and replacing it with, "Currently there are two Seniors' housing developments on Gabriola (designated as Seniors and Special Needs (SSN) in Schedule B of this Plan), and one Multi-dwelling Affordable Housing development (designated as Multi-dwelling Affordable Housing (MAH) in Schedule B of this Plan)."
 - 1.7 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause "c)" is amended by removing "Section 904" and replacing it with "Section 482".

- 1.8 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “c)” is amended by deleting the words “for seniors and Special Needs residents”.
- 1.9 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “d)” is amended by adding the following after “...of this Plan.”:
- “If no banked densities exist, consideration will be made based on the merits of the proposal using the following criteria:
- i. lot size;
 - ii. proximity to the Village Core, public transportation and community amenities;
 - iii. availability of sufficient water supply for the proposed number of dwelling units;
 - iv. availability of an area of sufficient size and appropriate characteristics to meet provincial health authority requirements for an on-site sewage treatment system capable of servicing the proposed number of dwelling units;
 - v. demonstrated community need.
- 1.10 **Section 2 – General Land Use and Residential Development**, Subsection **2.4 Multi-dwelling Affordable Housing, Multi-dwelling Affordable Housing Policies**, clause “h)” is amended by removing “Section 905” and replacing it with “Section 483”.
- 1.11 **Section 2 – General Land Use and Residential Development**, Subsection **2.7 Home Occupational Use, Home Occupational Policies**, clause “a)” is amended by adding “or Multi-dwelling Affordable Housing as identified in Schedule B of this Plan” after “a single-dwelling residential use”.
- 1.12 **Section 9 – Development Permit Areas**, Subsection **9.1 Development Permits for Protection of the Natural Environment**, is amended by adding a new development permit area “**DP-11 Environmental Protection**” after “**DP-5 Gabriola Pass Area**”:

“DP-11 Environmental Protection

Development Permit Area 11 (Schedule D) is designated according to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity. The area is also designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below. The Development Permit Area should not be interpreted as a prohibition on development activity but as identification of areas where professional assessment and specific development adaptation measures are required.

Justification

Gabriola Island has significant natural areas that support important plants and animal habitats. This development permit area is intended for the protection of sensitive ecosystems that are generally classified as mature forest, woodland, herbaceous, cliff, wetland and freshwater. These ecosystems are sensitive to development due to their rarity and potential vulnerability to disturbance.

Objective

The objectives of this development permit area are as follows:

- a. To preserve, protect, restore or enhance environmental features and sensitive ecosystems on Gabriola Island.
- b. To manage development in environmentally sensitive areas.
- c. To minimize the loss of sensitive ecosystems.
- d. To increase protection for species at risk.
- e. To encourage retention of Coastal Douglas-fir and associated ecosystems.

Information Note: Development Permit Area Guidelines for DP-11 Environmental Protection are in the Gabriola Island Land Use Bylaw."

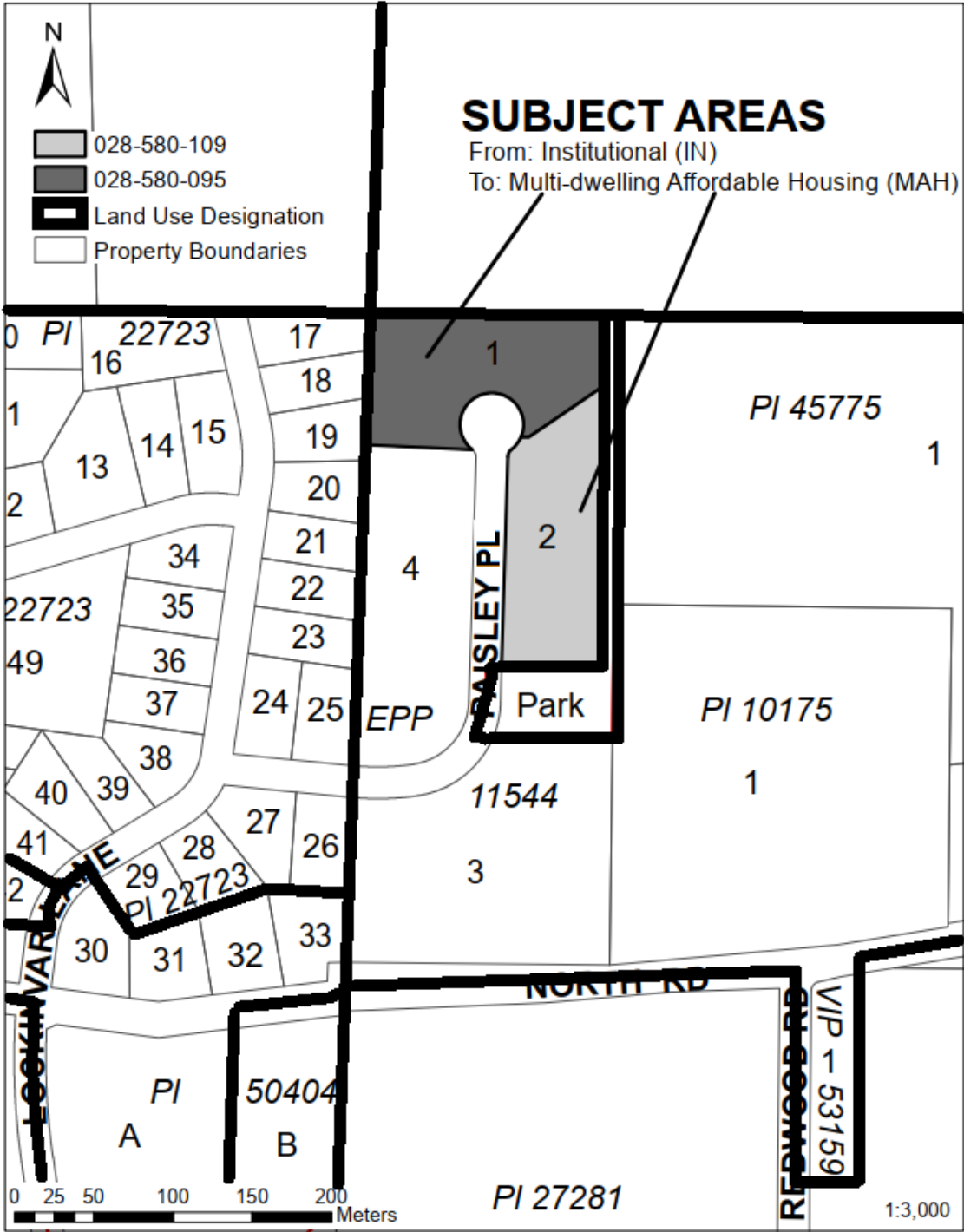
- 1.13 **Appendix, Appendix 1 Definitions**, is amended by removing the definition for "affordable housing" in its entirety.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306
Schedule “2”

1. **Schedule “B” – Land Use Designations – North Sheet** of the Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997 is amended as follows:
 - 1.1. On those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) the land use designation is changed from “Institutional” to “Multi-dwelling Affordable Housing” as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 166 as are required to effect this change.
 - 1.2. On those lands described as LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) the land use designation is changed from “Institutional” to “Multi-dwelling Affordable Housing” as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule “B” of Bylaw No. 166 as are required to effect this change.
2. **Schedule “D” – Development Permit Areas – OCP D North Sheet** of the Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997 is amended as follows:
 - 2.1. **Schedule “D” – Development Permit Areas – OCP D North Sheet**, is amended by designating within Development Permit Area “DP-8 – Multi-dwelling Affordable Housing” on those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) and LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) and in those areas as shown on Plan No. 2 attached to and forming part of this bylaw and by making such alterations to Schedule “D” of Bylaw No. 166 as are required to effect this change.
 - 2.2. **Schedule “D” – Development Permit Areas - OCP D North Sheet**, is amended by designating a new Development Permit Area “DP 11 – Environmental Protection” on those lands described as LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) and LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) and in those areas as shown on Plan No. 3 attached to and forming part of this bylaw and by making such alterations to Schedule “D” of Bylaw No. 166 as are required to effect this change.

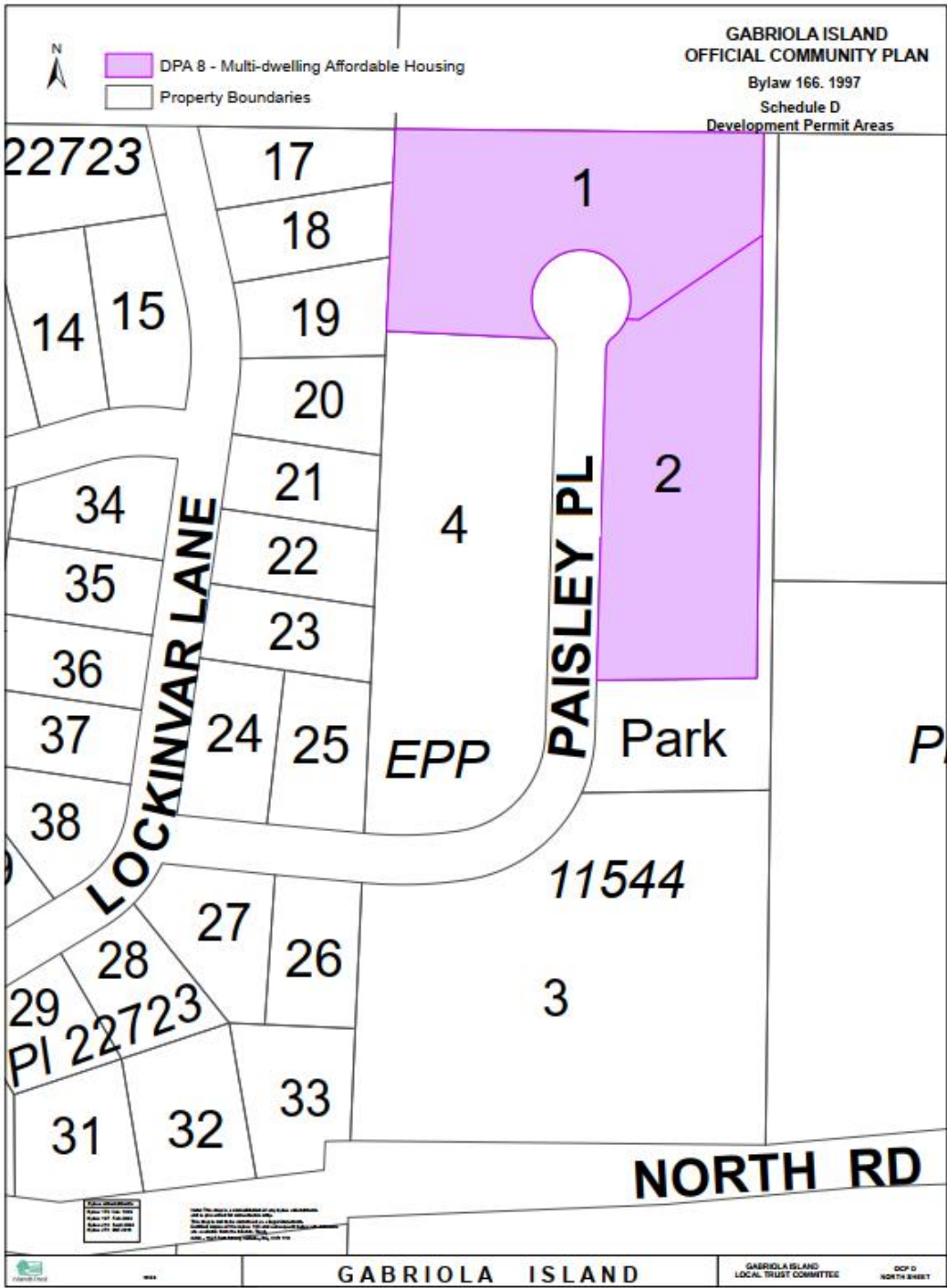
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306

Plan No. 1



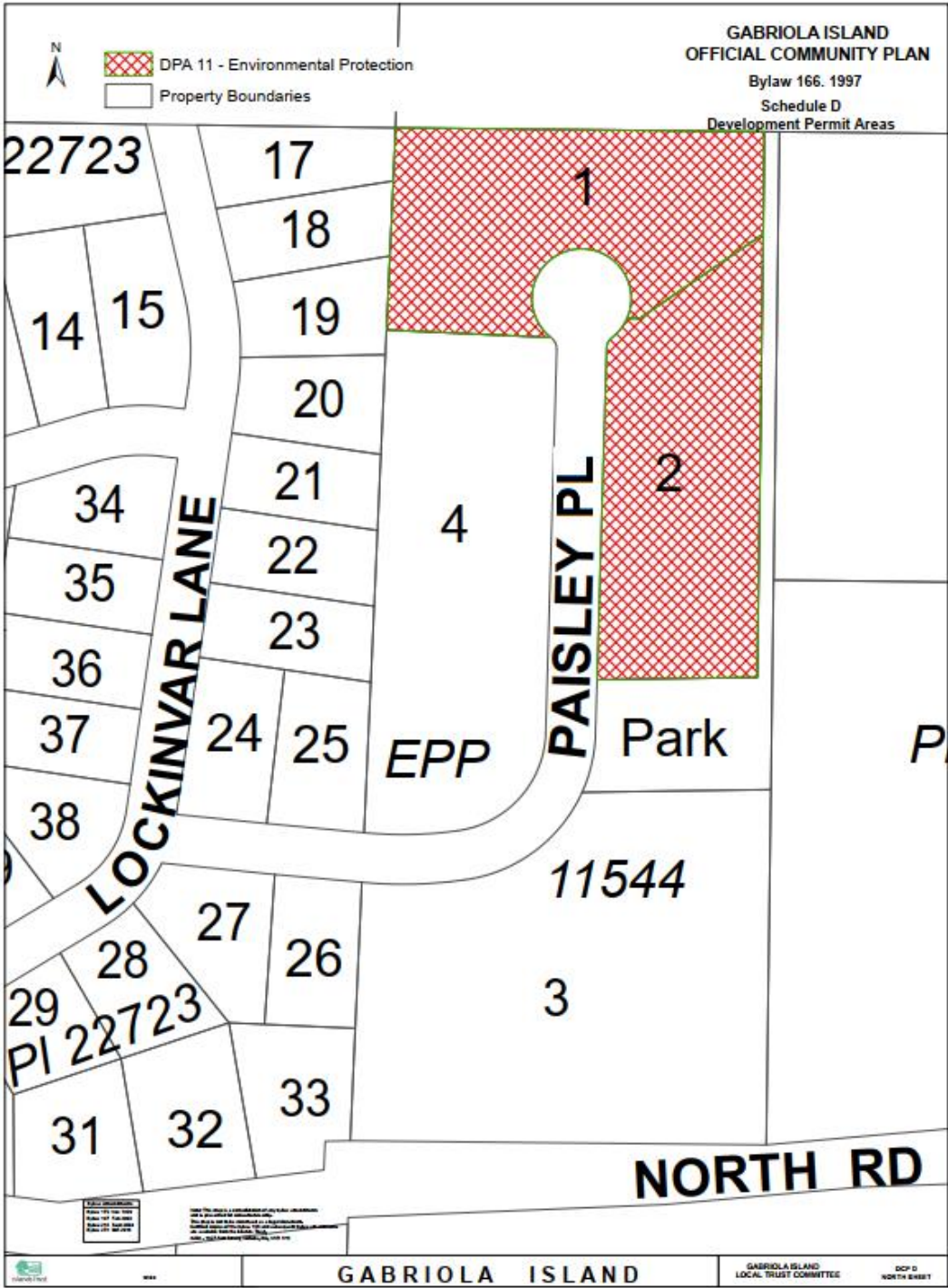
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306

Plan No. 2



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 306

Plan No. 3



DRAFT

GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 307

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2020”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 202x

READ A SECOND TIME THIS _____ DAY OF _____ 202x

PUBLIC HEARING HELD THIS _____ DAY OF _____ 202x

READ A THIRD TIME THIS _____ DAY OF _____ 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 202x

ADOPTED THIS _____ DAY OF _____ 202x

Chair

Secretary

DRAFT BYLAW NO. 307 (LUB)

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307

Schedule “1”

1. **Schedule “A”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.2 Permitted Home Occupations Uses**, is amended by adding the following Article:

“B.3.2.2 Despite Article B.3.2.1, the following *home occupation* uses and no other are permitted in the Multi-dwelling Affordable Housing (MAH) zone:

- a. Business and professional offices that receive no clients or visitors to the *lot*;
- b. Catering and food preparation for sale or delivery elsewhere, with delivery occurring between the hours of 8 a.m. and 6 p.m.;
- c. Production of art and craft goods for sale elsewhere, provided no open flame is required in making the art or craft goods and no toxic fumes are produced during their creation.”

1.2 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.3 General Provisions, Article B.3.3.1, Clause “i)”** is amended by adding the following after “Signage is permitted for all home occupations in accordance with Section B.4 of this Bylaw”:

“, except for those home occupation uses that occur on a lot within the Multi-dwelling Affordable Housing (MAH) zone, and then no signage is permitted.”

1.3 **Part B - GENERAL REGULATIONS, Section B.3 HOME OCCUPATIONS, Subsection B.3.5 Employees**, is amended by adding the following:

“B.3.5.2 Despite Article B.3.5.1, in the Multi-dwelling Affordable Housing (MAH) zone, home occupations must be operated solely by residents of the dwelling unit in which the home occupation occurs.”

1.4 **Part B - GENERAL REGULATIONS, Section B.4 SIGNS, Subsection B.4.1 Number and Total Sign Area, Article B.4.1.1** is amended by adding the following:

Column 1	Column 2	Column 3
<i>Zone</i>	Maximum Number of Signs Permitted	Maximum Total <i>Sign Area</i> Permitted
Residential Zones		
MAH	2 per <i>lot</i>	4.0 sq.m. (43.0 sq.ft.) per <i>lot</i>

- 1.5 **Part C - ESTABLISHMENT OF ZONES**, Section **C.1 DIVISION INTO ZONES**, Subsection **C.1.1 Land Based Zones**, Article **C.1.1.1 Residential Zones**, insert new zone “MAH Multi-dwelling Affordable Housing” after “SSN Seniors and Special Needs”.
- 1.6 **Part D - ZONES**, Section **D.1 RESIDENTIAL ZONES**, insert new Subsection D.1.4 Multi-dwelling Affordable Housing (MAH) after Subsection **D.1.3 Seniors and Special Needs (SSN)** as shown on **Appendix 1** attached to and forming part of this bylaw.
- 1.7 **Part F - DEVELOPMENT PERMIT AREA GUIDELINES** is amended by adding a new Subsection **F.11 DP 11-Environmental Protection** as shown on **Appendix 2** attached to and forming part of this bylaw.
- 1.8 **Part G - DEFINITIONS**, Section **G.1 DEFINITIONS**, is amended by adding the following definitions in alphabetical order:

<i>“affordable housing</i>	is a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement registered on title;
<i>dwelling, two family</i>	a building consisting of two <i>dwelling units</i> ;
<i>residential rental tenure</i>	means the granting of a right to occupant a <i>dwelling unit</i> as living accommodation where the minimum occupancy period is thirty consecutive days, and where the <i>dwelling unit</i> is not owned by a <i>dwelling unit</i> occupant, but where regular payments are made to the owner for the use of the <i>dwelling unit</i> ;

2. **Schedule “B”** of Gabriola Island Land Use Bylaw, 177 is amended as follows:
 - 2.1 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT 1, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-095) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
 - 2.2 Schedule “B” – North Sheet, is amended by changing the zoning classification of LOT 2, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN EPP11544 (PID 028-580-109) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.
 - 2.3 Schedule “B” – North Sheet, is amended by changing the zoning classification on those land areas as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 177 as are required to effect this change.

Appendix 1

D.1.4 Multi-dwelling Affordable Housing (MAH)

D.1.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Multi-dwelling Affordable Housing (MAH) zone:

a. Permitted *Principal* Uses

- i *multiple family dwelling affordable housing*
- ii *two family dwelling affordable housing*

b. Permitted *Accessory* Uses

- i *home occupations*, subject to Section B.3

D.1.4.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Multi-dwelling Affordable Housing (MAH) zone:

a. Permitted Land-Based *Buildings* and *Structures*

- i *Multiple family dwellings* and *two family dwellings*, to a maximum of 12 *dwelling units* per hectare (4.85 units per acre) and a maximum of 24 *dwelling units* per lot.
- ii Three *buildings* per lot that exclude a *pump/utility house*, woodshed and garden shed, and that are *accessory* to all *dwelling units*.

D.1.4.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Multi-dwelling Affordable Housing (MAH) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of land-based *buildings* or *structures* is 12.0 metres (39.4 feet).

b. *Building* and *Structure* Siting Requirements

- i Except for a sign, fence, or *pump/utility house*, the minimum *setback* for *buildings* and *structure* is:
 - 3.0 metres (9.8 feet) from the *front lot line*;
 - 10.0 metres (32.8 feet) from any *lot line* that is not a *front lot line*.
- ii Despite item D.1.4.3.b.i, the minimum *setback* of *buildings* and *structures* from a *lot line* that coincides with a *lot* in the same zone is 0.0 metres.

c. Lot Coverage Limitations

- i The maximum combined *lot coverage* by *buildings* and *structures* is 20 percent of the *lot* area.

d. Subdivision Requirements

- i With the exception of consolidation of two or more *lots* into a single *lot*, subdivision of lands within the Multi-dwelling Affordable Housing (MAH) zone is prohibited.

e. Form of Tenure

- i One hundred percent (100%) of the *dwelling units* in the Multi-dwelling Affordable Housing (MAH) zone shall be limited to *residential rental tenure*.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 307

Appendix 2

F.11 DP-11 Environmental Protection

F.11.1 Applicability

- F.11.1.1** The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted under Policy F.11.2.1:
- a. subdivision of land;
 - b. construction of, addition to, or alteration of a building or other structure;
 - c. alteration of land.
- F.11.1.2** In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and only one development permit, containing conditions based on guidelines in all applicable development permit areas, is required.

F.11.2 Exemptions

- F.11.2.1** The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, property owners must meet any other local, provincial or federal requirements:
- a. Activities on land in respect of which the Islands Trust has received a written statement from a registered professional biologist with relevant experience certifying the absence of a sensitive ecosystem within the area that would be affected by the proposed work;
 - b. Activities on land in respect of which there has been a determination by Islands Trust staff upon site inspection that the land subject to the proposed work does not contain a sensitive ecosystem;
 - c. Gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
 - d. Manual removal of invasive species;
 - e. Manual planting of native vegetation conducted in accordance with best management practices;
 - f. The construction of a trail if all of the following apply:
 - i. The trail is 1 metre wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips);
 - iv. The trail is designed to prevent soil erosion where slopes occur; and

- v. Where the trail parallels a stream, the trail is more than 5 metres away from the high water mark of the stream.
- g. The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- h. Ecological restoration and enhancement projects undertaken or authorized by a public body;
- i. The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation, including general repair or replacement of a septic field on the same spot;
- j. Tree limbing or tree topping, unless the work can reasonably be expected to result in the death and removal of the tree and root system;
- k. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- l. The repair and maintenance of existing roads, driveways, paths and trails provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfaces;
- m. Works undertaken by a local government or a body established by a local government;
- n. An application resulting in a lot consolidation.

F.11.3 Guidelines

Prior to undertaking any development activities within DP-11 that are not exempted by F.11.2.1, an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- F.11.3.1 Minimize the area cleared and disturbed for development within the context of the permitted use and density.
- F.11.3.2 Site buildings and associated infrastructure to minimize removal of vegetation and to allow sufficient undisturbed space around retained significant mature or established trees to protect root systems.
- F.11.3.3 Native vegetation and trees should be retained wherever possible.
- F.11.3.4 Vegetation clearing should occur during the least risk timing window for bird species as recommended by a qualified professional. If works cannot be completed during this window, a qualified professional should be retained to survey the area prior to clearing to rule out the presence of nesting birds or other species.
- F.11.3.5 Where this area includes trees that bear the nest 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 provincial ministry responsible for the environment and wildlife or the Canadian Wildlife Service.

DRAFT BYLAW NO. 307 (LUB)

- F.11.3.6 Avoid removal of mature and old Douglas-fir and western red cedar trees to the extent possible. Trees with unique identified wildlife habitat or unique habitat potential should be retained and incorporated into the design.
- F.11.3.7 Where species at risk or critical habitat for species at risk have been observed, requirements to protect species at risk and mitigation measures shall be in accordance with the federal *Species At Risk Act* (SARA) and with the provincial *Wildlife Act*.
- F.11.3.8 An assessment of the environmental impact, including mitigation measures required, prepared by a qualified professional, shall be required prior to any new developments or the expansion of existing development.
- F.11.3.9 Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.



Islands Trust

ATTACHMENT 3

ISLANDS TRUST POLICY

STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GB-RZ-2020.1

File Name: Gabriola Housing Society

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
n/a	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
n/a	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
n/a	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



Islands Trust

ISLANDS TRUST POLICY

STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: GB-RZ-2020.1

File Name: Gabriola Housing Society

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
n/a	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
n/a	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
n/a	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
n/a	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
n/a	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
n/a	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
n/a	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
n/a	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
n/a	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
n/a	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
n/a	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
n/a	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
n/a	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
n/a	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
n/a	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
n/a	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
n/a	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
n/a	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
n/a	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
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	5.6	Cultural and Natural Heritage
n/a	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
n/a	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

File No.: GB-DVP-2020.3
(McCaw)

DATE OF MEETING: June 25, 2020

TO: Gabriola Island Local Trust Committee

FROM: Ian Cox, Planner 1
Local Planning Services

SUBJECT: Development Variance Permit application GM-DVP-2020.3

Owners: James and Elaine McCaw

Applicant: Owner is applicant

Location: PID: 003-969-380

Lot 21, Plan VIP176698, Section 18, Nanaimo Land District,
Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2020.3 as presented in Attachment 1.

REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application GB-DVP-2020.3 (McCaw) as presented in **Attachment 1**. The applicant seeks to vary to the Gabriola Island Land Use Bylaw (LUB) regulations to reduce the required setback from the natural boundary of the sea from 30 metres to 21.4 metres, in order to permit the siting of a Type 2 septic system. The variance would facilitate compliance with the *BC Sewerage System Regulation*, which requires a 30 metre separation between sewerage systems and drinking water sources. Considering the system design and specifications as developed by the Registered Onsite Wastewater Professional (ROWP) (see **Attachment 2** – Septic Filing and System Design), the existing drinking water well on the subject property and the wells on neighbouring properties would be within 30.0 metres of the septic system if strict compliance with the LUB was required. Staff is recommending issuance of the proposed DVP (**Attachment 1**).

BACKGROUND

The applicant has constructed and installed a Waterloo Biofilter Septic Treatment (WBST) system, designed by a Registered Onsite Wastewater Professional (ROWP), within 21.4 metres of the natural boundary of the sea on Lot 21, The Strand. Per the "Variance Purpose Letter" supplied by the applicant (**Attachment 3**), it appears that relocation of the installed WBST system would not be possible given the location of nearby water wells. The fact that the system was installed in the location prior to obtaining a DVP for its siting is a question for the applicant. It is the understanding of staff that the applicant may have been legitimately unaware of the 30 metre bylaw setback given that the WBST was approved by Island Health in its current, constructed location under certification by the ROWP and in accordance with the *BC Public Health Act* and *Sewerage System Regulation*. See **Attachment 2**.

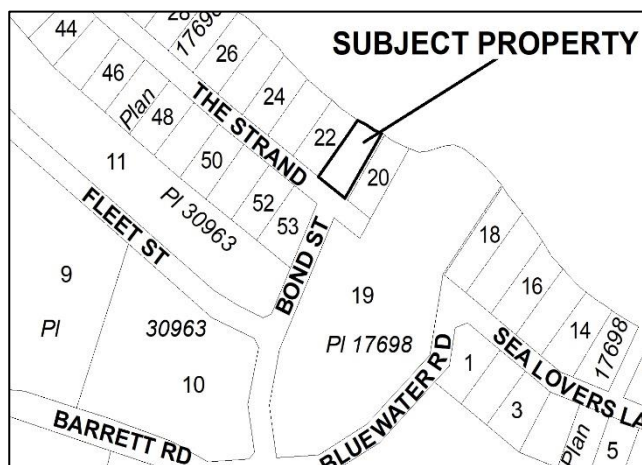


Figure 1 - Subject Property



Figure 2 - Registered Area Water Wells (iMap BC)

ANALYSIS

Policy/Regulatory

Attachment 4 addresses the subject property site context and Islands Trust policies in greater detail. The following is a summary.

Official Community Plan

The proposed residential development on the subject property is consistent with the land use designation in the [Gabriola Island Official Community Plan Bylaw No. 166](#) (OCP) (**Attachment 1 – Site Context and Policies**). Further, the subject property is not within any currently enacted Development Permit Areas for Gabriola Island.

Land Use Bylaw (LUB)

The property is currently zoned Small Rural Residential (SRR) under the Gabriola Island Land use Bylaw No.177 (LUB). The LUB requires that a sewage disposal system field must be sited a minimum of 30 metres from the natural boundary of the sea, lake, stream, or wetland.

BC Sewerage System Regulation

Provincial regulation requires sewerage systems to be located a minimum of 30 metres from domestic wells. For mapping of adjacent property wells, see Figure 2 – Area Water Wells, on page 2 of this report.

Setback from wells

3.1 (1) In this section:

"professional" means a professional competent in the area of hydrogeology;

"well" means a well used to supply a domestic water system.

(2) Subject to subsections (3) and (4) (b), a person must not construct

(a) a holding tank less than 15 metres from a well, or

(b) a sewerage system less than 30 metres from a well."

First Nations / Archaeology

The variance requested is within an area of archeological potential, as is the case for much of the Gabriola Island foreshore, but is not in proximity to any currently mapped sites as indicated by the provincial RAAD system. Notwithstanding the forgoing, the owners and applicant should be aware that there is still probability that the lot may contain previously unrecorded archaeological material protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and the provincial Archaeology Branch should be contacted immediately, as a *Heritage Conservation Act* permit may be needed before further development is undertaken. Provincial Chance Find Procedures ¹ are in place and must be followed.

Issues and Opportunities

The requested variance is intended to address the need for required separation from the subject property and neighbouring drinking water wells. Due to site constraints, the footprint of the proposed dwelling, and the location of existing wells (see Figure 2 on page 2 of this report), it appears that the optimal location of the system is in the constructed location.

As mentioned, the proposed sewerage system was designed by a ROWP and the record has been filed and approved with Island Health. Islands Trust is in possession of both the filing and design documents. Since professional responsibility lies with the ROWP for design, performance, and safety of the system rather than with the health authority - as was previously the case - staff defer to the ROWP to ensure that it is adequate for the intended use and sited in an appropriate location.

Despite OCP policies designed for the protection of the marine environment (see **Attachment 1** – Site Context and Policies), the ROWP has ascertained that the proposed location is acceptable and would pose the least risk to drinking water sources and the marine environment due to the more advanced technology of the WBST system. Provided that the system is constructed and maintained in accordance with the ROWP design, there should not be an issue with contamination if the neighbouring unused well was to be reinstated and used at normal pumping volumes as stated in the report by SLR Consulting dated November 12, 2019.

The SLR report was commissioned in response to an Island Health Order that compelled the property owner to obtain the hydrogeological engineering report to ascertain how the septic system might affect the aquifer and a nearby water well within the recommended 30 metre limit. The report has since been accepted by the health authority and the order is now rescinded (See **Attachment 5** – Rescinded Island Health Order).

Consultation

No consultation is required or recommended for this application beyond statutory Public Notice as required by the *Local Government Act*. Notice has been distributed to neighbouring property owners (see **Attachment 6** - Statutory Notice) on June 8, 2020 in accordance with *Local Government Act* requirements in order for neighbouring property owners to have the opportunity to comment before consideration of the permit by the LTC.

No formal correspondence had been received at the time of preparing this report, but may be received before or during the LTC meeting on June 25, 2020. All correspondence received on or before the LTC meeting will form part of the public record and will be considered by the LTC. Correspondence may be sent to GabriolaIslandLocalTrustCommittee@islandstrust.bc.ca.

¹ <http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

Rationale for Recommendation

The proposed development is in accordance with Residential policies in the Gabriola OCP, while the design of the septic system addresses OCP policies related to Marine Resources and Liquid Waste Management protection objectives. As noted on page 1 of this report, staff is recommending that the requested variance be issued as presented in **Attachment 1**.

ALTERNATIVES

1. Request for further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Resolution: *“That the Gabriola Island Local Trust Committee request further information prior to making a decision on application GB-DVP-2020.3 including [specify information required].”*

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Resolution: *“That the Gabriola Island Local Trust Committee deny application GB-DVP-2020.3 for the following reasons [note specific reasons].”*

Submitted By:	Ian Cox Planner 1, Northern Team	June 5, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 8, 2020

ATTACHMENTS:

1. Draft Development Variance Permit
2. Septic Filing and System Design
3. Variance Purpose Letter
4. Site Context and Policies
5. Rescinded Island Heath Order
6. Statutory Notice

DRAFT



GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2020.3

TO: James and Elaine McCaw

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

PID: 003-969-380

Lot 21, Section 18, Gabriola Island, Nanaimo District, Plan 17698

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

- a) **Part B – GENERAL REGULATIONS, Section B.2 – GENERAL SITING AND HEIGHT PROVISIONS, Subsection B.2.1 – Special Setbacks and Elevations, Article B.2.1.1 – Setbacks and Elevations from Watercourses and the Sea, Clause b. – A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland, is varied:**

- **To permit the siting of an approved Type 2 sewerage system at a minimum of 21.4 meters from the natural boundary of the sea.**

Subject to the following conditions:

- The applicant shall operate and maintain the septic system in accordance with the requirements set out in the Septic System Owner's Guide provided by the Registered Onsite Wastewater Practitioner who designed and installed the septic system and the subsequent Record of Sewerage System filing with Island Health.
3. The proposed development shall be consistent with **Schedule "A" – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gabriola Island Land Use Bylaw No. 177, 1999 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

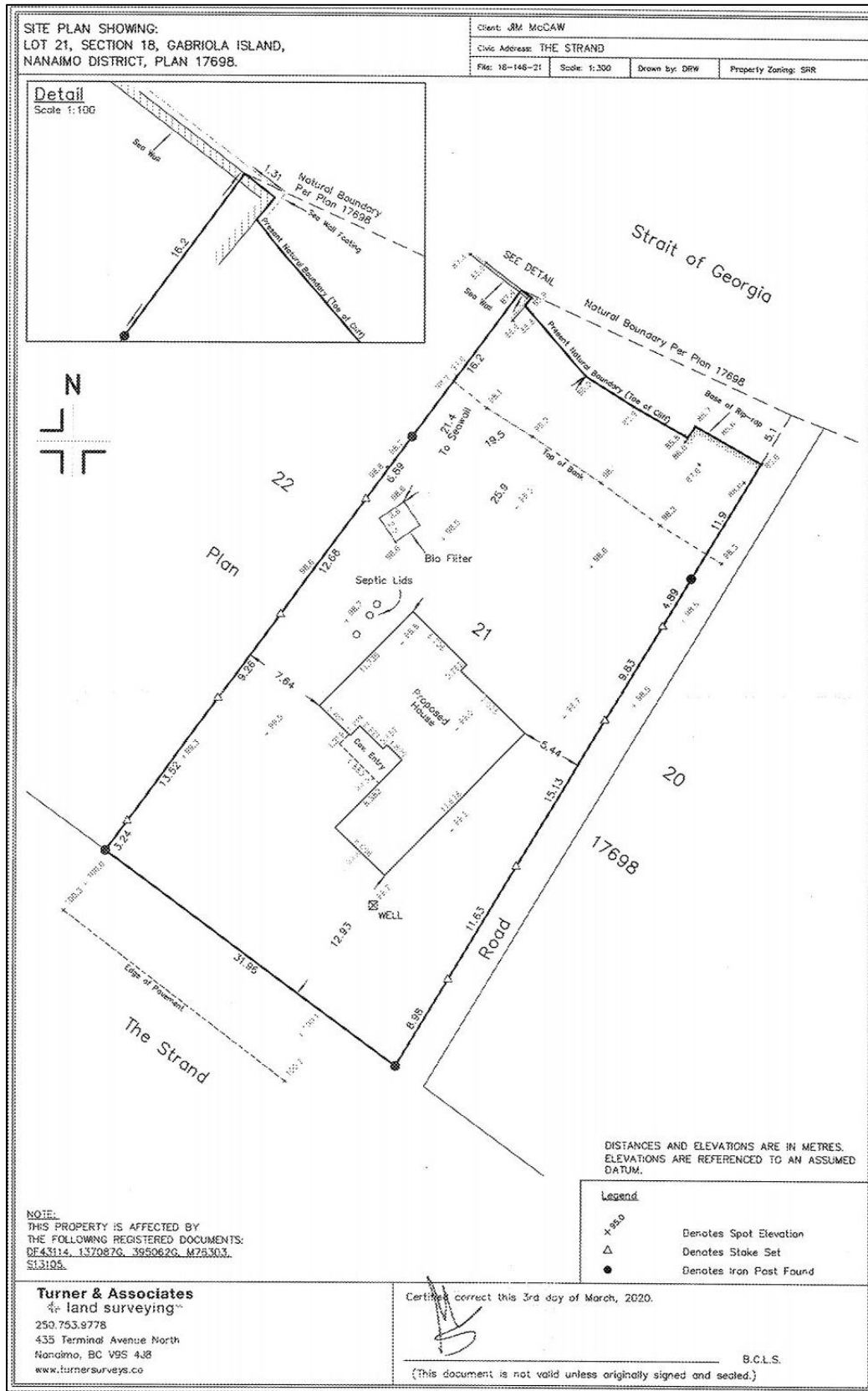
AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2020.

Deputy Secretary, Islands Trust

Date of Issuance

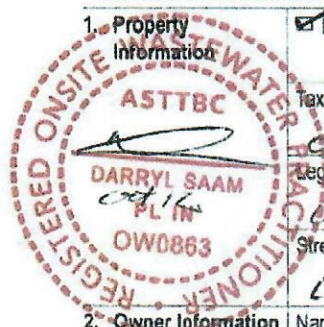
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2022, THIS PERMIT AUTOMATICALLY LAPSES.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NO. GB-DVP-2020.3
Schedule "A" - Site Plan





RECORD OF SEWERAGE SYSTEM



		Filing # (OFFICE USE ONLY)		NA18/159	
1. Property Information	☒ New Construction	☐ Alteration	☐ Repair	☐ Amendment – Original Filing #	
	Tax Assessment Roll #			PID #	
	04-768 13900 255			003-969-380	
	Legal Description (Plan, Lot, District Lot, Block Numbers)				
	LOT 21 SECTION 18 GARIBOLDI ISL NANAIMO DP 17678				
	Street (Civic) Address or General Location			City	
	LOT 21 THE STRAND			GARIBOLDI	
2. Owner Information	Name of Legal Owner			Mailing Address	
	ELAINE + JAMES McE				
	Phone	City	Prov	Postal Code	
		VANCOUVER	BC	V5Z-3P1	
3. Authorized Person Information	Name of Authorized Person			Mailing Address	
	DARRYL SAAM			2551 QUEENSDALE RD	
	Phone	City	Prov	Postal Code	
	250 713-0481	NANAIMO	BC	V9T-1K4	
	Registration #	Email			
	OW 0863	darryl.discovery@shcd.ca			
4. Structure Information	Sewerage System Will Serve:				
	☒ Single Family Dwelling ☒ Other Structure (specify) GARAGE/SHED ☐ 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		
	192 cm		☒ Yes ☐ No		
	GPS Location of System (decimal degrees)		Latitude 49° 10' 56.21" N Longitude 123° 48' 14.85" W		
	Horizontal Accuracy (m)		☒ Recreational GPS ☐ Differential GPS		
	3				
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 38 (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 Oct 22/18	
	Date			Receipt Number	
	OCT 12 2018			230906	



DRAIN DOCTOR
Septic Services
#3 - 5144 Metral Drive
Nanaimo, B.C.
250-585-4443
www.draindoctors.ca

Design Date: OCT 12 2018

Proposed Installation Date: N/A

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

1

PROPERTY INFORMATION

Property address: LOT 21 THE STRAND
Legal Description: LOT 21 SECTION 18 GARIOLA ISL NAN DP17628
PID#: 003969-380
Roll#: 04-768-13800-255

2

CLIENT & HOUSEHOLD INFORMATION

Client Names: ELAINE & JAMES MCCAW
Telephone: [REDACTED] Email: N/A
No. Bedrooms: 4 No. Residents: 5
Garbage Disposal: NO Dishwasher: YES
Other Buildings Connected: SWIMMING POOL Jacuzzi/Hot Tub: N/A
High Efficiency Furnace: N/A Water Softener: N/A

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

3

SETBACKS/ELEVATIONS

GPS COORDINATES: 49°10'56.21" N - 123°48'14.85" W

SETBACKS

<u>6</u> m - Tank setback to property line	<u>4</u> m - Drainfield setback to property line
<u>N/A</u> m - Tank setback to nearest building	<u>N/A</u> m - Drainfield setback to building
<u>32</u> m - Tank setback to nearest well	<u>37</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>Silt/clay/loam</u>	Soil Linear Loading Rate: <u>60</u> pd/m ²
Depth of restricting layer: <u>149</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>WEAK - SINGLE GRAIN</u>
Coarse Fragment: <u>0-5%</u> %	Soil Type: <u>LIGHT-MED BROWN</u>
Glazing Depth: <u>192 cm</u> cm	Perk Test Results: <u>6 min AVERAGE</u>

5

SYSTEM TYPE

System Condition: N/ASystem Type: TYPE 2 FLAT BEDSType of Distribution Media: OPONCEL FOAMType of Distribution: SAND/GRAVEL BELOW FLATBEDSType of Soil Treatment and Dispersal Area: CTOS - 35m³ BASIC AREA SAND GRAVELExisting System Abandoned: —Method of Abandonment: —

6

DESIGN FLOW AND TANKS

Number of Septic Tanks: 1Total volume of septic tanks: 4687 LitresNumber of Lift Tanks): 1Total volume of lift tanks: 300 LitresEffluent Screen and Alarm: yes#of compartments in septic tank: 2Pump size: 1/2 hpCover over tank: N/A metersPump manufacture: GiantInsulation on: N/APump alarm: exterior w/lightSchedule 40: 22'Water or Elapsed Time Meter: N/ANumber: N/A hoursEvent Counter: N/ANumber: N/A eventsAir test required: N/A

7

SYSTEM DESIGN TYPE

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

Number of perforated laterals: 4Perforation spacing: 30 cmLateral length: 9.7 mPerforation size: 1/2" cmPerforations per lateral: 8Total number of perforations: 32 perfsSquirt height: N/A cm**DOSING CHAMBER**Perforation spacing: 1 mDoses per day: — dosesLateral length: — mLitres per dose: — litresPerforation size: — cmAlarm depth: — cmPerforations per lateral: —Perforations per lateral: —**DEMAND**Pump on: — cm / Pump off: — cm**TIMER**Time on: — min / Time off: — minSet properly: —Calibrated: —

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

Pressure: 1/2 hp. Giant PumpSyphon: —Media Filter Type: Absorbent Foam Filter MediumSize of flat beds used: 4x8'Number of flat beds used: 2Daily Designed Flow per flat bed: 840 LPDcBOD5 Percentage Removal: 98%BOD5 Median Concentration: 4 mg/LTSS Percentage Removal: +98%TSS Median Concentration: 4 mg/LFecal Coliforms Percent Removal: +99%Fecal Coliform Concentration: 17,900 cfu/100 ml

DOSING CHAMBERDoses per day: 26 doses

Alarm depth: _____ cm

Litres per dose: 626ml Litres**DEMAND**Pump on: 52 cm / Pump off: 60 cmSet properly: yes**TIMER**

Time on: _____ min / Time off: _____ min

Calibrated: _____

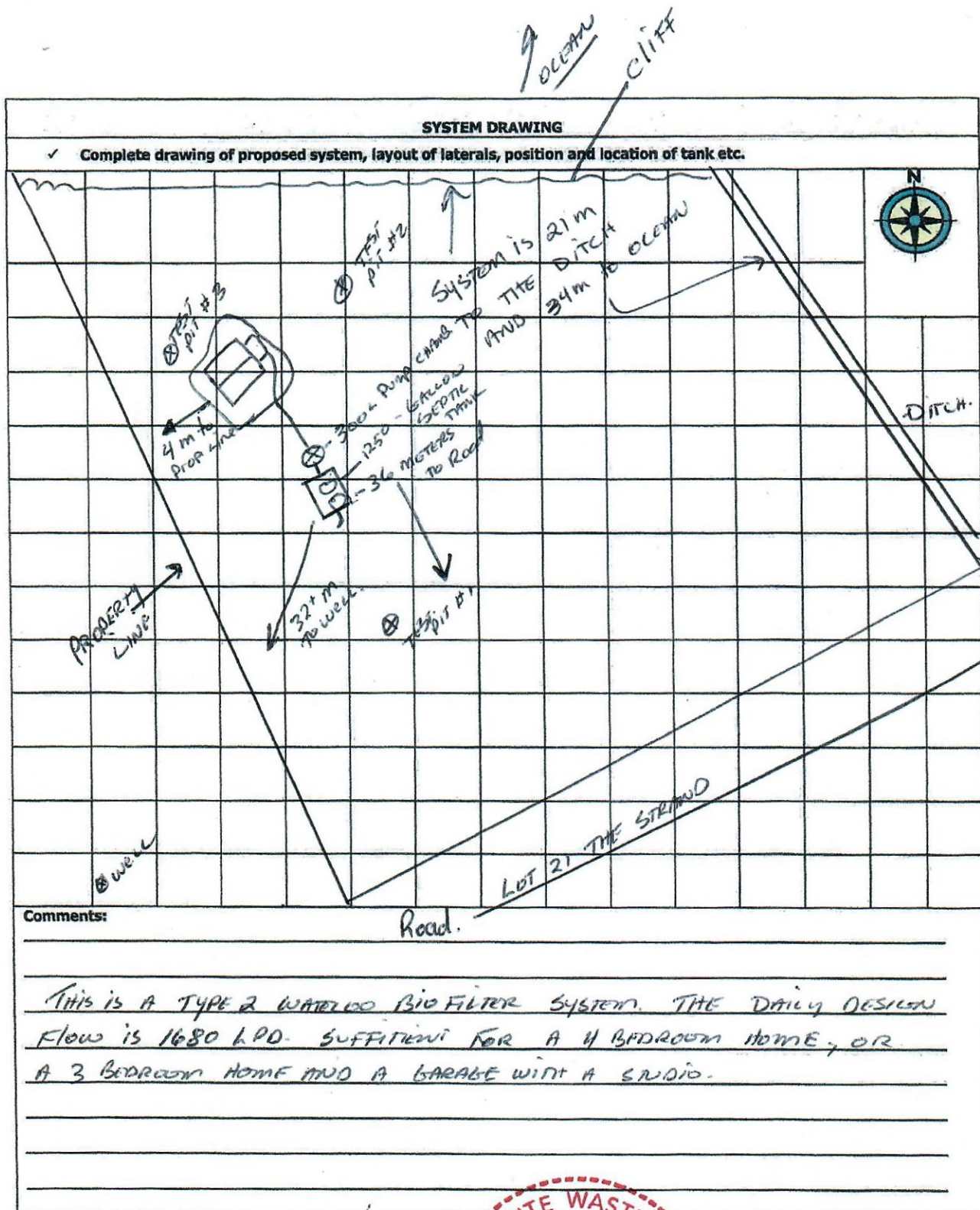
8**MANAGEMENT PLAN REQUIREMENTS**Has the Designer completed a System check? YESHas Septic System Owner's Guide been handed out? YES**9****AUTHORIZATION****DARRYL GEORGE SAAM - Planner/Installer ROWP 0863**

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.

[Signature]
Darryl Saam, PL, IN, ROWP 0863

OCT 12 2012
Date





The purpose of this Development Variance Permit (DVP) is to vary the distance requirement of our septic system from the natural boundary of the sea as our oceanfront lot (Lot 21, The Strand) cannot accommodate the relocation of the already-installed Waterloo Biofilter Septic Treatment (WBST) system given the existing location of nearby wells.

Islands Trust Bylaw 177 (B.2.1.1b) requires a distance of 30 meters from the natural boundary of the sea for a septic field whereas the provincial standards only require a distance of 15 meters from the natural boundary of the sea. The WBST system was installed 19.5 meters from the closest natural boundary of the sea and 21.5 meters from the natural boundary (according to Plan 17698). The WBST system does not, however, require a septic field, as explained below.

After a great deal of research, we chose the WBST system. Prior to the installation of the WBST system, it was certified by Darryl Saam, a Registered Onsite Wastewater Practitioner (ROWP), in compliance with the Sewerage System Standard Practice Manual for B.C. (version 3, volume 2, table II-19), which is the main reference source for B.C. wastewater practitioners responsible for planning, installing, and maintaining onsite sewage systems pursuant to the Sewerage System Regulation and *Public Health Act* of B.C. As noted on the Province of B.C.'s website, "The Ministry of Health has worked with independent contractors, the Applied Science Technologists and Technicians of B.C. (ASTTBC) and industry stakeholders – including registered wastewater practitioners, professional engineers and regional health authority staff – to develop Version 3 of the Sewerage System Standard Practice Manual." These WBST systems are used widely on Vancouver Island and throughout the Gulf Islands.

Prior to the installation of the WBST system, VIHA approved its current location. Subsequent to the installation of the WBST system, we retained Steven Usher, M.Sc., P.Geo. of SLR Consulting (Canada) Ltd., as our neighbor and the owner of Lot 22, The Strand, had filed a complaint with the VIHA regarding the location of the WBST system in relation to a decommissioned well, which was located under a driveway on his property. Mr. Usher conducted an independent and thorough Engineering Hydrogeologic Assessment of Lot 21, The Strand. As a result of Mr. Usher's assessment, VIHA was satisfied that the location of the WBST system posed no problem to nearby water sources with the result that the complaint was found to have no merit.

The WBST system is a "Type 2" septic treatment system, which means that it does not have a traditional septic "field". Effluent is treated and decontaminated prior to reaching the soil. Islands Trust Bylaw 177 expressly references a septic "field", which at the time of enactment was likely the predominant wastewater practice within the local trust area. Since the enactment of Bylaw 177, there has been substantial advancement in wastewater environmental technologies. It appears that the spirit and intention of Bylaw 177 is to ensure high environmental standards within the local trust area; the Type 2 septic system meets or exceeds those environmental standards.

Type 1 vs. Type 2 Septic Systems

- The Type 2 WBST system has a septic tank and a filtration flatbed, not a septic field. Type 1 septic systems have a tank and a septic field of sand and gravel, to decompose the contaminants in the earth.
- The size of the flatbed filtration area of the Type 2 WBST system is 8 feet X 8 feet (64 square feet) whereas a Type 1 septic field would require considerably more ground area (450-900 square feet).
- Effluent from the tank goes into the WBST system's septic filtration flatbed whereby 95-99% of contaminants are removed prior to reaching the soil. Health Canada considers the wastewater from the WBST system to be of a "recreational level", which means that the wastewater is safe to swim in. In contrast, a Type 1 septic tank removes roughly 45% of effluent, leaving the remaining 55% to be dispersed into the ground to be processed in the septic field via layers of sand and gravel.
- The WBST system - a Canadian company, began at Waterloo University, and was forged in 1991 to form what is now considered an internationally acclaimed industry leader in environmental technologies. Benefits, beyond the aforementioned small size requirements and methodology of processing the effluent, include rigorous third-party testing to exceed national (as well as B.C. provincial) standards of decontamination (e.g., removal of nitrogen, which mitigates the propagation of blue green algae and which naturally has an enormous benefit on all nearby water sources).

We have endeavored to set out above some of the key benefits of the Type 2 WBST system; the need for this specific type of septic system in its existing location on our half-acre oceanfront lot; and our rationale supporting the DVP. For decades, Gabriola Island has been a deeply-held dream for our retirement home. From the outset of our building planning process, we have maintained an environmental-first focus, which is in keeping with our core values.

At the start of the planning process, we spoke with Islands Trust by attending the Gabriola office to discuss best practices; attended Green Shores level 1; researched the most environmentally efficient septic system options, which resulted in the choice of a WBST system; and designed a green home, with engineer approval for our single family bungalow with attached garage (e.g., smart wall system, solar panels, milled lumber for building from trees on lot, organic garden/landscape design).

The location of the WBST system on our lot meets approval by provincial standards. An approval to apply for a building permit was issued by the Planning Department of Islands Trust prior to the submission of a second complaint by our neighbor, which has resulted in the DVP process. According to the Official Community Plan, the desire to develop available lots from older subdivisions such as ours, rather than increase subdivision plans, is preferred by the community. We believe the WBST system is a proper and appropriate solution to the limitations of our half-acre lot.

As noted above, there is no alternate location for the WBST system on our oceanfront lot given the existing location of nearby wells. In addition, our oceanfront lot is not large enough to accommodate a traditional septic system with a field. If we are not permitted to proceed with the WBST system, we may not be able to build on this property, which would result in both significant financial and emotional hardship.

If we can provide any additional information in support of the DVP, please feel free to contact us.

We have attached hereto an appendix with supporting information of key points for your information.

ATTACHMENT 4 – SITE CONTEXT AND POLICIES

LOCATION

Legal Description	Lot 21, Plan VIP176698, Section 18, Nanaimo Land District, Gabriola Island
PID	003-969-380
Civic Address	Not yet assigned
Lot Size	0.46 acres 0.19 hectares

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	
GB-BE-2020.3	Complaint: septic disposal field within the setback of the natural boundary of the sea
GB-BP-2020.3	RDN BP referral for SFD

POLICY/REGULATORY

Islands Trust Policy Statement	The proposal is not contrary to or at variance with the ITPS provided that the proposed sewerage system is installed and maintained according to the ROWP design and specifications, including maintenance plan.
Gabriola Island Official Community Plan No. 166, 1997	Land Use Designation: Small Rural Residential (SRR) The subject property is neither within a Development Permit Area, Environmentally Sensitive Area, nor within DPA 6 – Escarpment Areas, but a portion of the parcel where the property boundary abuts the sea is mapped as a moderate to high risk steep slope area. Subject property not within any Development Permit Areas, however, the following objectives and policies from the OCP highlight the need for consideration of the marine environment: Section 6 - 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. 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; 6.2 Marine Resources Background: Marine shorelands and foreshore are highly vulnerable to the effects of development... 7.5 Liquid Waste Management

	Since groundwater from wells is the principle source of drinking water the safe disposal of all effluent is essential. Equally important is the need to prevent sewage seepage into the Island's marine or surface waters. Liquid Waste Management Objectives 1. To ensure that the disposal of sewage does not lead to health hazards through pollution of the groundwater or the marine waters within the Gabriola Planning Area. Liquid Waste Management Policies b) Sewage outfalls into the marine waters of the planning area shall not be permitted unless it may be demonstrated that the resulting effluent has received a tertiary level of treatment to ensure it will not harm the marine environment and the system is adequately maintained in proper working order. For information: Types of Sewage Systems The Sewerage System Regulation lists three types of sewage systems approved for the disposal of wastewater (domestic waste): Type 1: Treatment by a septic tank and dispersal field only. Type 2: Treatment that produces an effluent consistently containing less than 45 mg/L of total suspended solids and having a five-day biochemical oxygen demand of less than 45 mg/L. Type 3: Treatment that produces an effluent consistently containing less than 10 mg/L of total suspended solids and having a five-day biochemical oxygen demand of less than 10 mg/L. A median fecal coliform density of less than 400 Colony Forming Units per 100 mL. Source: Province of BC - https://www2.gov.bc.ca/gov/content/environment/waste-management/sewage/onsite-sewage-systems/onsite-sewage-system-management Liquid Waste Management Advocacy Policies c) The Ministry of Health and Ministry of the Environment shall be encouraged to consider alternative methods of sewage disposal and the beneficial reuse of treated domestic waste water e) All existing septic disposal systems in the planning area should be maintained in proper working order so as to prevent pollution of the fresh, marine and ground waters.
Gabriola Island Land Use Bylaw No. 177, 1999	Current zoning is Small Rural Residential (SRR). Relevant regulations: B.2.1 Special Setbacks and Elevations b. A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland. D.1.1.1.a. Permitted Principal Uses i. single family residential D.1.1.2 Buildings and Structures a. Permitted Buildings and Structures i. Maximum of: • one single family dwelling per lot; D.1.1.3 Regulations a. Buildings and Structures Siting Requirements

	i On <i>lots</i> less than 1.0 hectares (2.47 acres), except for a sign, <i>fence</i>, or <i>pump/utility house</i>, the minimum <i>setback</i> of <i>buildings</i> or <i>structures</i> is: • 6.0 metres (19.7 feet) from the <i>front lot line</i>; • 4.5 metres (14.8) from any <i>exterior side lot line</i>; and • 1.5 metres (4.9 feet) from any <i>interior lot line</i>.
BC Sewerage System Regulation, 2010	Setback from wells [This section of the Regulation deals with separation of drinking water wells and septic systems.] 3.1 (1) In this section: "professional" means a professional competent in the area of hydrogeology; "well" means a well used to supply a domestic water system. (2) Subject to subsections (3) and (4) (b), a person must not construct (a) a holding tank less than 15 metres from a well, or (b) a sewerage system less than 30 metres from a well. Offences [This section of the Regulation deals with offences and recourse should a person not comply with operation and maintenance in accordance with the ROWP system design.] 12 A person commits an offence if the person does any of the following: (a) knowingly makes a false or misleading statement (i) in the information submitted or filed under section 4 [permit for holding tank] or 8 [filing], (ii) in providing the information required under section 9 [letter of certification], or (iii) during an inspection for the purposes of this regulation; (b) constructs or maintains a sewerage system without proper qualifications, as set out in section 6 [restriction on construction and maintenance], (c) constructs a holding tank or sewerage system, or fails to repair or maintain a holding tank or sewerage system, in a manner that causes a health hazard; (d) fails to comply with (i) a requirement to file any of the matters described in section 8, (ii) a requirement to provide information or a letter of certification under section 9, or (iii) an order under section 11 of this regulation or section 31 (1) (b) of the Act, made in relation to a holding tank or sewerage system; (e) operates (i) a holding tank for which no permit has been issued under section 4, or (ii) a sewerage system for which no letter of certification has been filed under section 9; (f) contravenes either of sections 3 (1) [discharge of domestic sewage] or 10 (1) [maintenance of sewerage system].

Covenants	Currently none Registered BUILDING SCHEME 312650G and Undersurface Rights
Bylaw Enforcement	See above historical files - GB-BE-2020.3 open until issuance of DVP

SITE INFLUENCES

Islands Trust Conservancy	No referral to the Islands Trust Conservancy is required.
Islands Trust Regional Conservation Plan (2018-2027)	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	None currently mapped
Sensitive Ecosystems	None currently mapped
Hazard Areas	Moderate/High risk steep slope along high bank foreshore boundary. Development not proposed within area.
Archaeological Sites	Potential – see staff report First Nations Archaeology section
Climate Change Adaptation and Mitigation	No potential impacts anticipated beyond what is commensurate with rural residential settlement and land use patterns, particularly personal vehicle use.
Shoreline Classification	Boulder/Cobble Beach
Shoreline Data in TAPIS	Low Rock/Boulder/ Littoral

Excellent care, for everyone,
everywhere, every time



VANCOUVER ISLAND HEALTH AUTHORITY

ORDER RESCINDED

**Section 31, Public Health Act, S.B.C. 2008, Chapter 28 and
Section 11 of the Sewerage System Regulation, BC Reg 326/04**

To: Darryl Saam
3-5144 Metral Drive,
Nanaimo BC V9T 2K8

**RE: Section 31, Order to Bring into compliance Lot 21, Section 18, Gabriola Island,
Nanaimo District, Plan 17698 (the "Property") with BC Sewerage System Regulation**

Thank you for your co-operation with the Order pertaining to the above property originally issued on July 22, 2019 which was later varied and re-issued on October 10, 2019.

The following required corrective actions have taken place:

- A professional competent in the area of hydrogeology has assessed and written a report for the proposed sewage system for the Property.
- The profession has determined that the sewerage system installed on the Property will not likely cause a health hazard to existing wells located within 30 meters of it.

The Order is now **rescinded**.

Please ensure any outstanding requirements are met in accordance with any imposed timeframes discussed and/or outlined below:

- Ensure Letter of Certification is submitted as per section 9 in the BC Sewerage System Regulation.
- Ensure system drawing reflects correct as-built distance to property lines, wells, etc.

Please feel free to contact me if you have any further questions.

Dated at 3rd Floor, 6475 Metral Drive, Nanaimo BC this 17 day of December 2019.

Yours truly,

A handwritten signature in blue ink, appearing to read "Jill Lucko".

Jill Lucko, CPHI(C)
Environmental Health Officer

Health Protection & Environmental Services
3rd Floor – 6475 Metral Drive
Nanaimo BC V9T 2L9

Tel: 250.755.6215 Fax: 250.755.3372
islandhealth.ca



NOTICE

GB-DVP-2020.3
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
(McCAW)

NOTICE is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections of the Gabriola Island Land Use Bylaw No. 177, 1999, as follows:

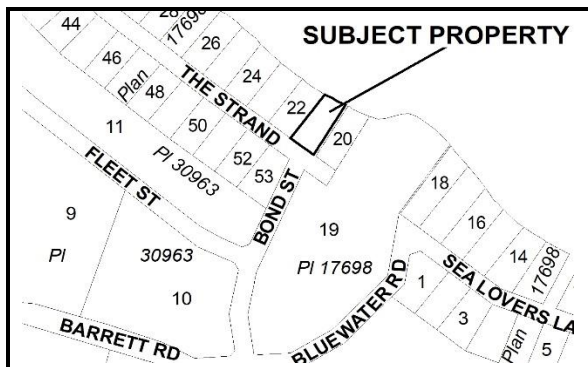
- a) **Part B – GENERAL REGULATIONS, Section B.2 – GENERAL SITING AND HEIGHT PROVISIONS, Subsection B.2.1 – Special Setbacks and Elevations, Article B.2.1.1 – Setbacks and Elevations from Watercourses and the Sea, Clause b. – A septic sewage disposal field must be sited a minimum of 30 metres (98.4 feet) from the natural boundary of the sea, lake, stream or wetland, is varied:**
- **To permit the siting of an approved Type 2 sewerage system at a minimum of 21.4 meters from the natural boundary of the sea.**

The subject property is legally described as:

PID 003-969-380

Lot 21, Section 18, Gabriola Island, Nanaimo District, Plan 17698

The general location of the subject area is shown in the following sketch:



If you have any questions or comments regarding the proposed Permit, please contact Ian Cox, Planner 1, at 250-247-2204; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust, 700 North Road,
Gabriola, BC V0R 1X3;

Fax: 250-247-7514 or

Email: northinfo@islandstrust.bc.ca

A copy of the proposed Permit may be inspected at the Islands Trust Northern Office Bulletin Board, 700 North Road, Gabriola Island, BC, V0R 1X3, and is available on the Islands Trust website <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/current-applications/current-application-documents/> commencing **June 12, 2020** and continuing up to and including **June 24, 2020**. Also, attached for your convenience, is a copy of the proposed Permit.

Following the end of the notice period, the Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its **Electronic Business Meeting** to be held at **10:30 am, Thursday, June 25, 2020**.

To listen and/ or view the meeting or participate in the Town Hall portion of the Gabriola Island Trust Committee meeting, on June 25, 2020, the public may join the meeting by:

- **Calling:** 855.703.8985 (Toll Free)
- **Logging into:** <https://islandstrust.zoom.us/j/62278378779>

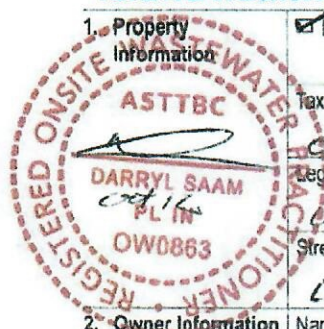
The **Webinar ID number** is: **622 7837 8779**

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

Becky McErlean,
Deputy Secretary



RECORD OF SEWERAGE SYSTEM



		Filing # (OFFICE USE ONLY)		NA18/159	
1. Property Information	☒ New Construction	☐ Alteration	☐ Repair	☐ Amendment – Original Filing #	
	Tax Assessment Roll #			PID #	
	04-768 13900 255			003-969-380	
	Legal Description (Plan, Lot, District Lot, Block Numbers)				
	LOT 21 SECTION 18 GARIBOLDI ISL NANAIMO DP 17678				
	Street (Civic) Address or General Location			City	
	LOT 21 THE STRAND			GARIBOLDI	
2. Owner Information	Name of Legal Owner			Mailing Address	
	ELAINE + JAMES McE			#402-3075 WILLOW ST	
	Phone	City	Prov	Postal Code	
	250 888-7088	VANCOUVER	BC	V5Z-3P1	
3. Authorized Person Information	Name of Authorized Person			Mailing Address	
	DARRYL SAAM			2551 QUEENSDALE RD	
	Phone	City	Prov	Postal Code	
	250 713-0481	NANAIMO	BC	V9T-1K4	
	Registration #		Email		
	OW 0863		darryl.discovery@shcd.ca		
4. Structure Information	Sewerage System Will Serve:				
	☒ Single Family Dwelling ☒ Other Structure (specify) GARAGE/SHED ☐ 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		
	192 cm		☒ Yes ☐ No		
	GPS Location of System (decimal degrees)		Latitude 49°10'56.21"N Longitude 123°48'14.85"W		
	Horizontal Accuracy (m)		☒ Recreational GPS ☐ Differential GPS		
	3				
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 38 (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 Oct 22/18	
	Date			Receipt Number	
	OCT 12 2018			230906	



**DRAIN
DOCTOR**
Septic Services
#3 - 5144 Metral Drive
Nanaimo, B.C.
250-585-4443
www.draindoctors.ca

Design Date: OCT 12 2018

Proposed Installation Date: N/A

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

1

PROPERTY INFORMATION

Property address: LOT 21 THE STRAND
Legal Description: LOT 21 SECTION 18 GARDIOLA ISL NAN DP17628
PID#: 003969-380
Roll#: 04-768-13800-255

2

CLIENT & HOUSEHOLD INFORMATION

Client Names: ELAINE & JAMES MCCAW
Telephone: 250-888-7088 Email: N/A
No. Bedrooms: 4 No. Residents: 5
Garbage Disposal: NO Dishwasher: yes
Other Buildings Connected: SWIMMING POOL GARAGE Jacuzzi/Hot Tub: N/A
High Efficiency Furnace: N/A Water Softener: N/A

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

3

SETBACKS/ELEVATIONS

GPS COORDINATES: 49°10'56.21" N - 123°48'14.85" W

SETBACKS

<u>6</u> m - Tank setback to property line	<u>4</u> m - Drainfield setback to property line
<u>N/A</u> m - Tank setback to nearest building	<u>N/A</u> m - Drainfield setback to building
<u>32</u> m - Tank setback to nearest well	<u>37</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>Silt/clay/loam</u>	Soil Linear Loading Rate: <u>60</u> pd/m ²
Depth of restricting layer: <u>149</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>WEAK - Single Grain</u>
Coarse Fragment: <u>0-5%</u> %	Soil Type: <u>Light-Med Brown</u>
Glazing Depth: <u>192 cm</u> cm	Perk Test Results: <u>6 in AVERAGE</u>

5

SYSTEM TYPE

System Condition: N/ASystem Type: TYPE 2 FLAT BEDSType of Distribution Media: OPONCEL FOAMType of Distribution: SAND/GRAVEL BELOW FLATBEDSType of Soil Treatment and Dispersal Area: CTOS - 35m³ BASIC AREA SAND GRAVELExisting System Abandoned: —Method of Abandonment: —

6

DESIGN FLOW AND TANKS

Number of Septic Tanks: 1Total volume of septic tanks: 4687 LitresNumber of Lift Tanks): 1Total volume of lift tanks: 300 LitresEffluent Screen and Alarm: yes#of compartments in septic tank: 2Pump size: 1/2 hpCover over tank: N/A metersPump manufacture: GiantInsulation on: N/APump alarm: exterior w/lightSchedule 40: 22'Water or Elapsed Time Meter: N/ANumber: N/A hoursEvent Counter: N/ANumber: N/A eventsAir test required: N/A

7

SYSTEM DESIGN TYPE

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

Number of perforated laterals: 4Perforation spacing: 30 cmLateral length: 9.7 mPerforation size: 1/2" cmPerforations per lateral: 8Total number of perforations: 32 perfsSquirt height: N/A cm**DOSING CHAMBER**Perforation spacing: 1 mDoses per day: — dosesLateral length: — mLitres per dose: — litresPerforation size: — cmAlarm depth: — cm

OW0863

DEMANDPump on: — cm / Pump off: — cmPerforations per lateral: —Set properly: —**TIMER**Time on: — min / Time off: — minCalibrated: —

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

Pressure: 1/2 hp. Giant PumpSyphon: —Media Filter Type: Absorbent Foam Filter MediumSize of flat beds used: 4x8'Number of flat beds used: 2Daily Designed Flow per flat bed: 840 LPDcBOD5 Percentage Removal: 98%BOD5 Median Concentration: 4 mg/LTSS Percentage Removal: +98%TSS Median Concentration: 4 mg/LFecal Coliforms Percent Removal: +99%Fecal Coliform Concentration: 17,900 cfu/100 ml

DOSING CHAMBERDoses per day: 26 doses

Alarm depth: _____ cm

Litres per dose: 626ml Litres**DEMAND**Pump on: 52 cm / Pump off: 60 cmSet properly: yes**TIMER**

Time on: _____ min / Time off: _____ min

Calibrated: _____

8**MANAGEMENT PLAN REQUIREMENTS**Has the Designer completed a System check? YESHas 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.

[Signature]
Darryl Saam, PL, IN, ROWP 0863

OCT 12 2012
Date



✓ **Complete drawing of proposed system, layout of laterals, position and location of tank etc.**



98

DATE OF MEETING: June 25, 2020

TO: Gabriola Island Local Trust Committee

FROM: Bronwyn Sawyer, Planner 2
Northern Team

COPY: Warren Dingman, Bylaw Compliance and Enforcement Manager

SUBJECT: Development variance permit for accessory buildings
Applicant: Patricia Maloney and Christopher Doherty
Location: 1636 Queequeg Turnabout, Gabriola Island

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee waive the requirement to provide a plan signed by BC Land Surveyor as per Gabriola Island Land Use Bylaw No. 177, A.3.5.1 *Enforcement of Siting Regulations* for application GB-DVP-2020.2.
2. That the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB-DVP-2020.1 (Maloney and Doherty).

REPORT SUMMARY

The purpose of this report is to consider a development variance permit to legalize the siting of two sheds and a greenhouse that were installed within the front and exterior side lot line setbacks.

The above recommendation is made based on: there are limited locations on the property to place accessory buildings and structures; the accessory buildings are mostly screened from the road by vegetation; the applicants have obtained a setback permit from the Ministry of Transportation and Infrastructure to address the buildings located with the 4.5 metre setback of the highway right of way; and, in consideration of the previous points, the proposal does not appear to impact the intent of the bylaw regulations.

BACKGROUND

The Gabriola Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application GB-DVP-2020.1 for front and exterior side setbacks of two existing accessory buildings, labelled shed #1 and #2 on the attached plans, as well as a greenhouse, which is defined by the Gabriola Land Use Bylaw as a structure but not a building due to its size. The variance application has been initiated as the result of bylaw enforcement action. The applicants seek to vary the Gabriola Island Land Use Bylaw (LUB) as follows:

Shed #1

- to reduce the setback from a front lot line from 6.0 metres to 1.87 metres

Shed #2

- to reduce the setback from a front lot line from 6.0 metres to 2.21 metres
- to reduce the setback from an exterior side lot line from 4.5 metres to 1.17 metres.

Greenhouse

- to reduce the setback from an exterior side lot line from 4.5 metres to 3.27 metres.

It has been stated by the applicants that the two sheds are approximately 30 years old and the greenhouse was constructed in 2013. The applicants have applied for the development variance permit as they explain in their application “there are very few options for relocating the structures on the property due to the location of the orchard, the vegetable garden and the septic field”. In their application, the applicants have stated that they only recently learned they had located the greenhouse in the exterior side yard and that they had not taken into consideration the arc of the cul-de-sac right of way.

Figure 1: Subject Property

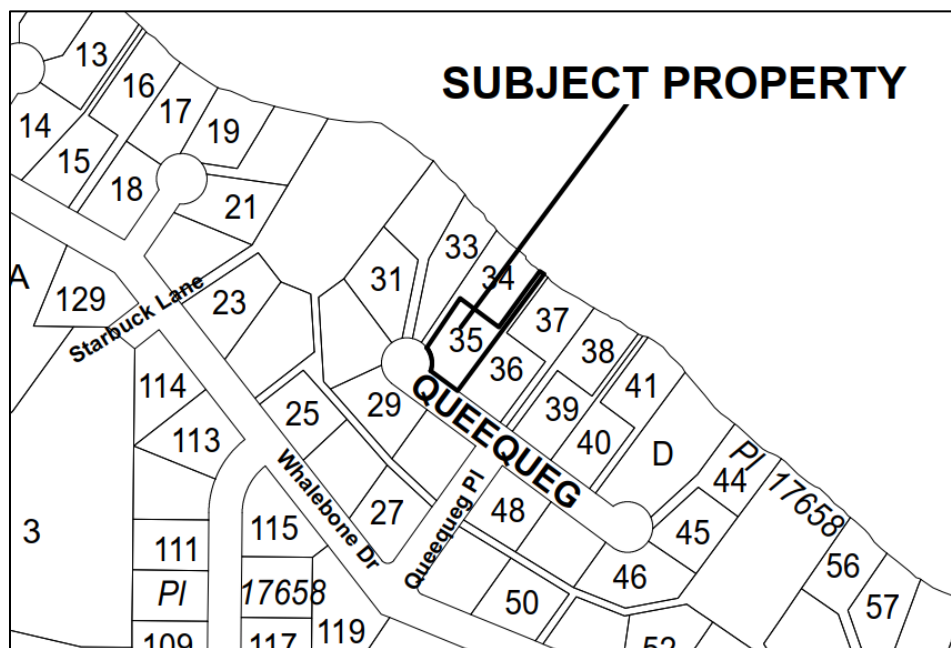


Figure 2: Air Photo (2018 RDN website)

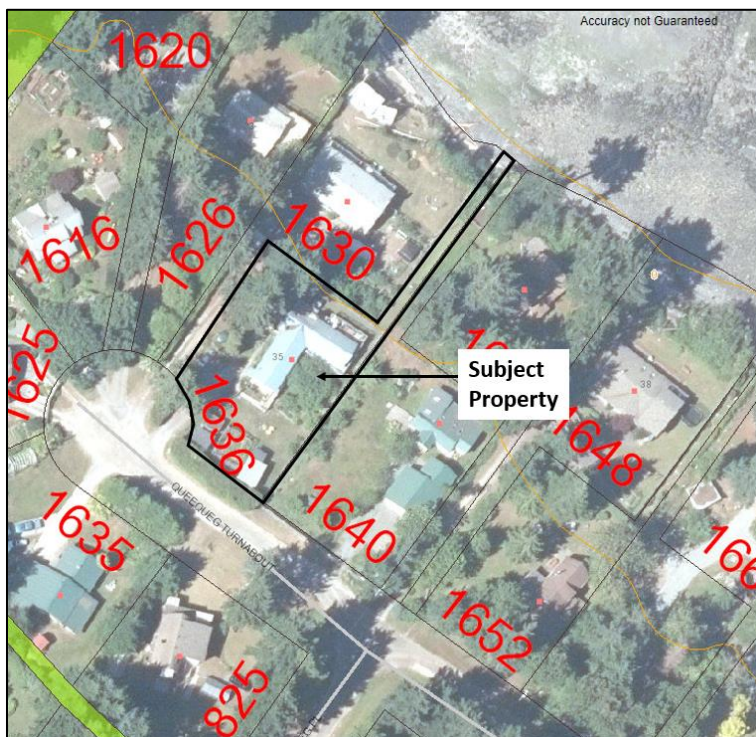
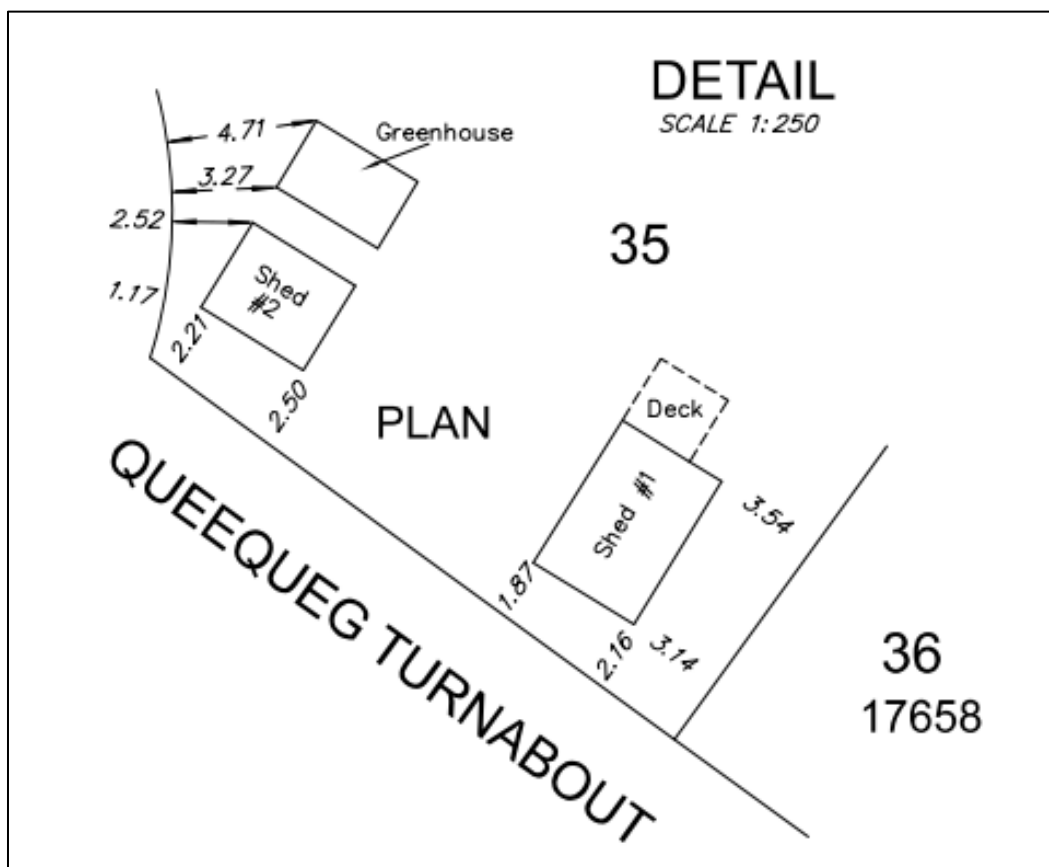


Figure 3: Site Plan (Detail from application)



In addition to the sheds and greenhouse, there is a principal dwelling and a water tank located on the property. Staff visited the property on February 28, 2020.

ANALYSIS

Policy/Regulatory

Attachment 1 addresses the subject site context.

Islands Trust Policy Statement:

No relevant policies for this application were found.

Official Community Plan:

The property is designated as SRR – Small Rural Residential in the Gabriola Island Official Community Plan Bylaw No. 166, 1997. There are no development permit areas designated in the OCP for the subject property.

Land Use Bylaw:

The property is in the Small Rural Residential Zone of the LUB. The existing residential use and density complies with provision of the LUB. The proposed variance to the front lot line, exterior side lot line and lot coverage will bring the existing buildings and structure into conformity with the LUB.

Islands Trust Conservancy:

Islands Trust Conservancy is not affected by this application.

Issues and Opportunities

Rationale for the Variances

A number of points have been raised by the applicants in support of the variances. As is mentioned above, there is limited space on the property for accessory buildings. At 0.15 hectares, the size of the property will make it challenging to locate the septic field, wells and accessory buildings that might be needed to support the residential use of the property. In addition, there is a vegetative buffer established (on highway right of way), which helps mitigate the effect of the buildings being sited close to Queequeg Turnabout.

The buildings are not substantial in size and the applicant explains that it may be that one of the buildings lacks a foundation. The applicant communicated that it may be possible to move shed #2 further from the road. However, the applicant indicates that there is a garden established between the two sheds, an orchard area on the east side of the house and a septic field between the greenhouse and stairs. Therefore, finding a new location for the shed might be challenging without removing vegetation or impacting other yard features.

Front Lot Line

The setback from the front lot line in the SRR zone is 6.0 metres and the applicants have asked that this be reduced to 1.87 metres for shed #1 and 2.21 metres for shed #2. This would allow both buildings to be brought into compliance with the LUB.

Queequeg Turnabout is a cul-de-sac and the applicants have obtained a setback permit from MOTI to address the location of the sheds and greenhouse in the MOTI 4.5 metre right-of-way setback (Attachment 3).

Exterior Side Lot Line

The subject property is affected by the cul-de-sac as one property line is defined by the arc of the cul-de-sac. This line is considered an exterior side lot line in the LUB. The setback from the exterior side lot line in the SRR is 4.5 metres and the applicants have asked that this be reduced to 1.17 metres for shed #2 and 3.27 metres for the greenhouse.

Survey

Section A.3.5.1 of the Gabriola LUB states the following:

A.3.5.1 Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

Staff are recommending that the requirement for a survey be waived by the LTC.

Statutory Requirements

Notification of this DVP application (Attachment 4) was distributed to neighbouring property owners and tenants within 100 metres in accordance with statutory requirements. Any submissions received following report preparation will be presented at the LTC meeting on June 22, 2020. No correspondence had been received prior to the notification being distributed.

Agencies

The applicants have obtained a setback permit from the Ministry of Transportation and Infrastructure (MOTI).

It does not appear that the applicants applied to the Regional District of Nanaimo for building permits, but may be required to do so.

First Nations

At this time, there are no concerns with Development Variance Permit applications related to existing development (no new construction or ground disturbance is proposed).

Rationale for Recommendation

A decision to grant a variance is based on the particular circumstances and the impact on the neighbouring lots and the island generally. There may be visual impacts if the vegetative screen were to be removed; however, staff consider this request unlikely to have a negative impact on the neighbourhood and finds that the variances would not be contrary to the intent of the LUB.

Staff is recommending issuance of GB-DVP-2020.1 as mentioned in the Recommendations section of this report and presented in Attachment 5.

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 further information prior to making a decision on application GB-DVP-2020.1. [specify information required].

2. Deny the application

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 application GB-DVP-2020.1 for the follows reasons [note specific reasons].

NEXT STEPS

If the LTC agrees with the staff recommendation, the Development Variance Permit in Attachment 5 will be issued.

Submitted By:	Bronwyn Sawyer, RPP, MCIP Planner 2	June 3, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 4, 2020

ATTACHMENTS

1. Site Context
2. Photographs
3. MOTI permit
4. Notice
5. Proposed Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 35, Section 31, Gabriola Island, Nanaimo District, Plan 17658
PID	000-557-013
Civic Address	1636 Queequeg Turnabout

LAND USE

Current Land Use	Small Rural Residential
Surrounding Land Use	Small Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
No planning applications found	

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as SRR - Small Rural Residential in the Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997 (OCP). There are no development permit areas designated in the OCP for the subject property.
Land Use Bylaw	The property is in the Small Rural Residential (SRR) zone in the Gabriola Island Land Use Bylaw No. 177, 1999. The existing residential use of the property complies with the use, lot coverage and height provisions for the zone. Total lot coverage: 18.13% Permitted lot coverage: 20% Height of buildings and structures Shed 1: 2.89m Shed 2: 2.48m Greenhouse structure: 2.48m B.2.3.2. Height Unless specified in this Bylaw elsewhere, the maximum <i>height of buildings and structures</i> are: b. 7.0 metres (23.0) on lot 0.4 hectares (1 acre) or less for <i>buildings and structures accessory to dwelling units</i>

	D.1.1.3 Regulations The general regulations in Part B, plus the following regulations apply in the Small Rural Residential (SRR) zone: a. Buildings and Structures Siting Requirements i On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is • 6.0 metres (19.7 feet) from the front lot line; • 4.5 metres (14.8) from any exterior side lot line; and • 1.5 metres (4.9 feet) from any interior lot line.
Other Regulations	MOTI – applicant obtained permit RDN building inspection – unknown if building permits have been applied for
Covenants	Restrictive Covenant 323152G Easement ET134944
Bylaw Enforcement	Closed file: GB-BE-2018.4 Open file: GB-BE-2019.31. See subject DVP application.

SITE INFLUENCES

Islands Trust Fund	Not applicable
Regional Conservation Strategy	Not applicable
Species at Risk	Not applicable
Sensitive Ecosystems	Not applicable
Hazard Areas	Steep slope - Moderate risk near shoreline
Archaeological Sites	Archaeology potential identified within 100m.
Climate Change Adaptation and Mitigation	No impacts anticipated.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Not applicable.

ATTACHMENT 2
Photos Provided by Applicants



Structure #1
Office

This small structure was constructed pre 2002. It does not have any piped water or sewer facilities. It does have electricity.

It has been used by an office by the previous owner and by the current owner.



Structure #2
Storage Shed

The storage shed was also constructed pre 2002.

It has no services or power.

Structure #3
Greenhouse

This structure was constructed in 2013 prior to getting the legal survey completed with the incorrect understanding that the property line followed straight across the driveway.



PERMIT TO AUTHORIZE EXISTING STRUCTURES CONSTRUCTED WITHIN THE RIGHT-OF-WAY OF A PROVINCIAL PUBLIC HIGHWAY

**PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE
NISGA'A FINAL AGREEMENT ACT.**

BETWEEN:

The Minister of Transportation and Infrastructure

Vancouver Island District
Third Flr
2100 Labieux Road
Nanaimo, BC V9T 6E9
Canada

("The Minister")

AND:

Patricia A Maloney

("The Permittee")

WHEREAS:

A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;

B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

To use and maintain the structures (three outbuildings constructed 22+ years ago by a previous owner), and mature cedar hedge that are located within the 4.5 metre setback of the public highway which is a dead end cul-de-sac, described as and located as shown on the plan.

C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. Except to the extent permitted herein, the Permittee will ensure that the Structure at all times conforms with all legislation applicable to the Structure with respect to the construction and maintenance of the Structure and all specifications by regulatory bodies having jurisdiction over the Structure.
2. The Regional Director, as appointed from time to time by the Minister, having jurisdiction with respect to the Encroachment Area, or such person as the Minister may from time to time designate must have full and free access at any and all times to inspect the Structure or for such other purposes as the Regional Director may consider necessary.
3. Where the Structure comes in contact with any bridge, culvert, ditch or other existing work (the "Existing Works") the Permittee will ensure that the Structure is properly maintained and supported in such manner as not to interfere with the proper functions of the Existing Works during the existence of the Structure.
4. The Permittee will at all times take every possible precaution to ensure the safety of the public, and if requested by the Regional Director ensure that the Structure and all excavations, materials, or other obstructions in connection with the Structure are fenced, illuminated, and guarded.
5. The Permittee acknowledges that this Permit is granted only for such times as the Encroachment Area is within the jurisdiction of the Minister. This permit must not be construed as being granted for all time, and does not vest in the Permittee any right, title, or



interest in or to the Encroachment Area. If the Encroachment Area becomes included within an incorporated municipality or city, this Permit is terminated unless the Highway on which the Structure is located is classified as an Arterial Highway pursuant to Section 45 of the Transportation Act.

6. This Permit may be cancelled at any time without recourse at the discretion of the Regional Director by 30 days notice in writing in the manner herein provided. Not later than 90 days after the date on which this notice has been given by or on behalf of the Minister, the Permittee must ensure that all work has been completed in connection the removal, moving or alteration of the structure in the manner required by any notice. All costs of removing, moving of altering the Structure must be borne by the Permittee.
7. Where any public works are contemplated the Permittee will cooperate with any person designated by the Regional Director in connection with any construction, extension, alteration or improvement of the public works involving the Encroachment Area.
8. The Permittee acknowledges that the Minister and any employees, agents or contractors of the Minister will not be responsible for any damage to the Structure or any property of the Permittee and the Permittee hereby expressly waives any claim for damages and forever releases and discharges all such persons with respect thereto.
9. The permission herein granted to the Permittee will be in force only during such time as the Structure is used, maintained and owned by the Permittee in strict compliance with this Permit. The Permittee will notify the Minister if the Property is offered for sale and inform any purchasers of the Property of this Permit prior to sale. The Permittee will remain liable to the Minister hereunder until such time as a subsequent permittee has agreed to assume the same liabilities and obligations with respect to the Structure.
10. This Permit is valid only for the Structure as described herein. The Permittee acknowledges that routine maintenance of the Structure is permitted but the Structure must not be expanded, increased, or its use changed in any way except as provided for in section 4 of this permit.
11. The Permittee will provide:
 - (a) the location of the Structure in relation to the Encroachment Area and the Property on Schedule A; and
 - (b) a written description of the Structure both in form and content satisfactory to the Regional Director, Ministry of Transportation and Infrastructure for the Region in which the Structure is located.
12. The attached plan, indicated as Schedule A, showing location or position of the Structure constitutes a part of this Permit and any change without prior consent of the Regional Director will forthwith render this Permit terminated subject to section 18 of this Permit.
13. The Permittee will notify the Regional Director of any damage done to the Structure. If in the opinion of the Regional Director the Structure is destroyed or damaged such that reconstruction within the encroachment area is unwarranted this permit is terminated. The Structure must not be replaced or reconstructed on the Highway or in the Encroachment Area.
14. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
15. The Permittee will not interfere with any Highway or public works without separate written permission issued by the Regional Director.
16. All notices required to be given hereunder by the Minister will be effectively given if sent by mail to the address of the Permittee shown below and must be deemed to have been given at 12:00 noon on the third day after mailing. Notices to be given to the Minister by the Permittee will be effectively given if delivered to the Regional Director and must be effectively given upon delivery.
17. No termination or cancellation of this Permit will relieve or abate the obligations of the Permittee contained herein arising prior to such termination or cancellation all of which must survive the termination or cancellation of the Permit and must constitute continuing obligations of the Permittee.
18. No variation or alteration of the Permit will be effective unless in writing signed by or with the authority of the Minister.
19. The Permittee shall obtain and maintain during the term of this Permit and at the Permittee's own expense, liability insurance against third party claims arising as a result of the Permittee's possession, use, control and/or custody of the Encroachment Area shown in Schedule A.

Such liability insurance shall have coverage limits of not less than ONE MILLION DOLLARS (\$1,000,000) for bodily injury,



including death, and property damage and shall be endorsed as follows:

It is understood and agreed that Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, together with the employees, agents and servants of the Minister, hereinafter referred to as the Additional Named Insured, is added as an Additional Named Insured.

The policy shall contain a cross liability clause and a clause giving notice of cancellation or material alteration to the Minister.

The Permittee shall submit evidence satisfactory to the Minister that the above insurance has been obtained and remains in force and effect.

20. This permit is subject to any other terms or conditions as specified on the attached Schedule B.
21. Any reference to a party includes heirs, executors, administrators and assigns.
22. Should the said structure be destroyed, removed or dismantled, this permit is automatically cancelled and another permit will not necessarily be granted for a new similar structure.
23. This permit is valid only for the specific works stated herein. Any alterations or additions must be covered by a separate permit.
24. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
25. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit
26. If any BCLS survey posts are removed, moved or damaged during the construction of the said Works they must be replaced by a registered BC Land Surveyor at the expense of the Permittee.
27. Permittee shall supply surveyed "As BUILT" drawings upon completion of the said works. Drawings must include offset from right-of-way boundary.
28. Any damage to the Ministry of Transportation and Infrastructure's right-of-way as a direct result of the permitted works, shall be repaired and maintained by the Permittee in perpetuity.
29. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
30. The Ministry of Transportation and Infrastructure and/or the Maintenance Contractor shall not be held accountable for any damage(s) to the said structure, however caused.
31. The Permittee may not assign any part of this Agreement without the consent, in writing, of the Minister.
32. It is the responsibility of the Permittee to ensure that all equipment and vehicles crossing Provincial highways or side roads have the proper approval and insurance as required and issued by the Commercial Vehicle Safety and Enforcement Division. For permits or inquiries please contact the Provincial Permit Centre at 1-800-559-9688.
33. A copy of this permit must be on site at all times during the said works.
34. The Permittee shall determine the location of highway right-of-way to ensure their permitted work is within Ministry jurisdiction. The Permittee is responsible for all trespass issues.
35. This permit in no way grants exclusive use to the Permittee for any portion of the access on right-of-way.
36. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
37. No further additions or improvements shall be made to the said structure without prior consent of the Ministry of Transportation and Infrastructure.



38. The Permittee is responsible for ensuring that all works are contained to the highway right of way. Any works located within private property must have the owner's permission.
39. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with; I. public passage on the Highways; II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or III. the operation of the Highways.
40. Permittee to be responsible for all future drainage problems as they pertain to said works.
41. The Ministry, or its contractors, will not be responsible for installation or maintenance of the landscaping.
42. The Permittee to be responsible for any settlement, erosion or other damage caused as a result of this construction for a period of two years from completion of construction.
43. All costs entailed in the construction and maintenance of the works are to be borne by the Permittee.
44. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
45. The rights granted under this permit and certificate are for an indefinite period.
46. If the Permittee proceeds on this permit, it is deemed they have accepted all terms and conditions.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Nanaimo, British Columbia, this 29 day of April, 2020

Jamie Leigh Hopkins
Development Services Officer
On Behalf of the Minister



NOTICE

GB-DVP-2020.1

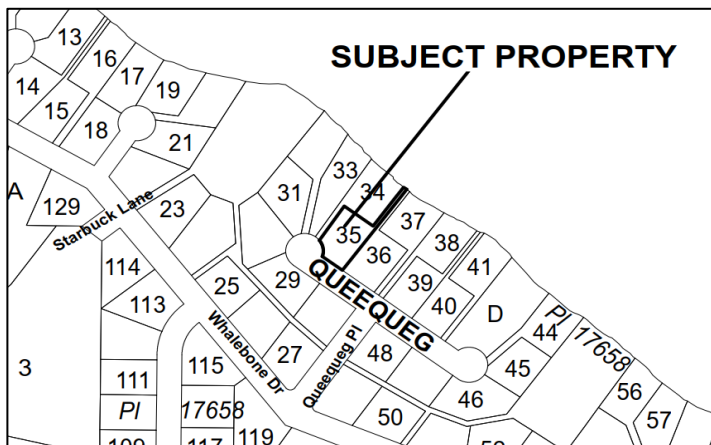
GABRIOLA ISLAND LOCAL TRUST COMMITTEE (MALONEY and DOHERTY)

NOTICE is hereby given that the Gabriola Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections of the Gabriola Island Land Use Bylaw No. 177, 1999, as follows:

1. PART D ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1. **SMALL RURAL RESIDENTIAL (SRR)**, Article D.1.1.3 Regulations, Clause D.1.1.3.a Buildings and structures siting requirements, Item D.1.1.3.a.i "On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is 6.0 metres (19.7 feet) from the front lot line"; **is varied:**
 - To reduce the setback for accessory buildings from 6.0 metres to 1.87 metres.
2. PART D ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1. **SMALL RURAL RESIDENTIAL (SRR)**, Article D.1.1.3 Regulations, Clause D.1.1.3.a Buildings and structures siting requirements, Item D.1.1.3.a.i "On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is 4.5 metres (14.8 feet) from any exterior side lot line"; **is varied:**
 - To reduce the setback for an accessory building and a structure from 4.5 metres to 1.17 metres.

The subject property is legally described as: PID 000-557-013 Lot 35, Section 31, Gabriola Island, Nanaimo District, Plan 17658

The general location of the subject area is shown in the following sketch:



If you have any questions or comments regarding the proposed Permit, please contact Bronwyn Sawyer, Planner 2, at 250-247-2207; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to:

Mail: Islands Trust, 700 North Road,
Gabriola, BC V0R 1X3;
Fax: 250-247-7514 or
Email: northinfo@islandstrust.bc.ca

A copy of the proposed Permit may be inspected at the Islands Trust Northern Office Bulletin Board, 700 North Road, Gabriola Island, BC, V0R 1X3, and is available on the Islands Trust website <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/current-applications/current-application-documents/> commencing **June 12, 2020** and continuing up to and including **June 24, 2020**. Also, attached for your convenience, is a copy of the proposed Permit.

Following the end of the notice period, the Gabriola Island Local Trust Committee may consider issuance of the proposed Permit at its **Electronic Business Meeting** to be held at **10:30 am, Thursday, June 25, 2020**.

To listen and/ or view the meeting or participate in the Town Hall portion of the Gabriola Island Trust Committee meeting, on June 25, 2020 starting at 10:30 a.m., the public may join the meeting by:

- **Calling:** 855.703.8985 (Toll Free)
- **Logging into:** <https://islandstrust.zoom.us/j/62278378779>

The Webinar ID number is: 622 7837 8779

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

DRAFT



GABRIOLA ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NO. GB-DVP-2020.1

TO: Christopher Doherty and Patricia Maloney

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

PID: 000-557-013

Lot 35, Section 31, Gabriola Island, Nanaimo District, Plan 17658

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

1. PART D ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1. SMALL RURAL RESIDENTIAL (SRR), Article D.1.1.3 Regulations, Clause D.1.1.3.a Buildings and structures siting requirements, Item D.1.1.3.a.i "On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is 6.0 metres (19.7 feet) from the front lot line"; is varied:

- To reduce the setback for accessory buildings from 6.0 metres to 1.87 metres.

2. PART D ZONES, Section D.1 RESIDENTIAL ZONES, Subsection D.1.1. SMALL RURAL RESIDENTIAL (SRR), Article D.1.1.3 Regulations, Clause D.1.1.3.a Buildings and structures siting requirements, Item D.1.1.3.a.i "On lots less than 1.0 hectares (2.47 acres), except for a sign, fence, or pump/utility house, the minimum setback of buildings or structures is 4.5 metres (14.8 feet) from any exterior side lot line"; is varied:

- To reduce the setback for an accessory building and a structure from 4.5 metres to 1.17 metres.

3. The proposed development shall be consistent with **Schedule "A" – Site Plan** attached to and forming part of this permit. This permit is not a Building Permit or a Siting and Use Permit, and does not remove any obligation on the part of the permittee to comply with all other requirements of the Gabriola Island Land Use Bylaw No. 177, 1999 including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF _____, 2020.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2022, THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A"
Site Plan

**SITE PLAN OF LOT 35, SECTION 31, GABRIOLA ISLAND,
NANAIMO DISTRICT, PLAN 17658.**

THE INTENDED PLOT SIZE OF THIS PLAN IS 280mm IN WIDTH BY
432mm IN HEIGHT (B SIZE) WHEN PLOTTED AT A SCALE OF 1:500

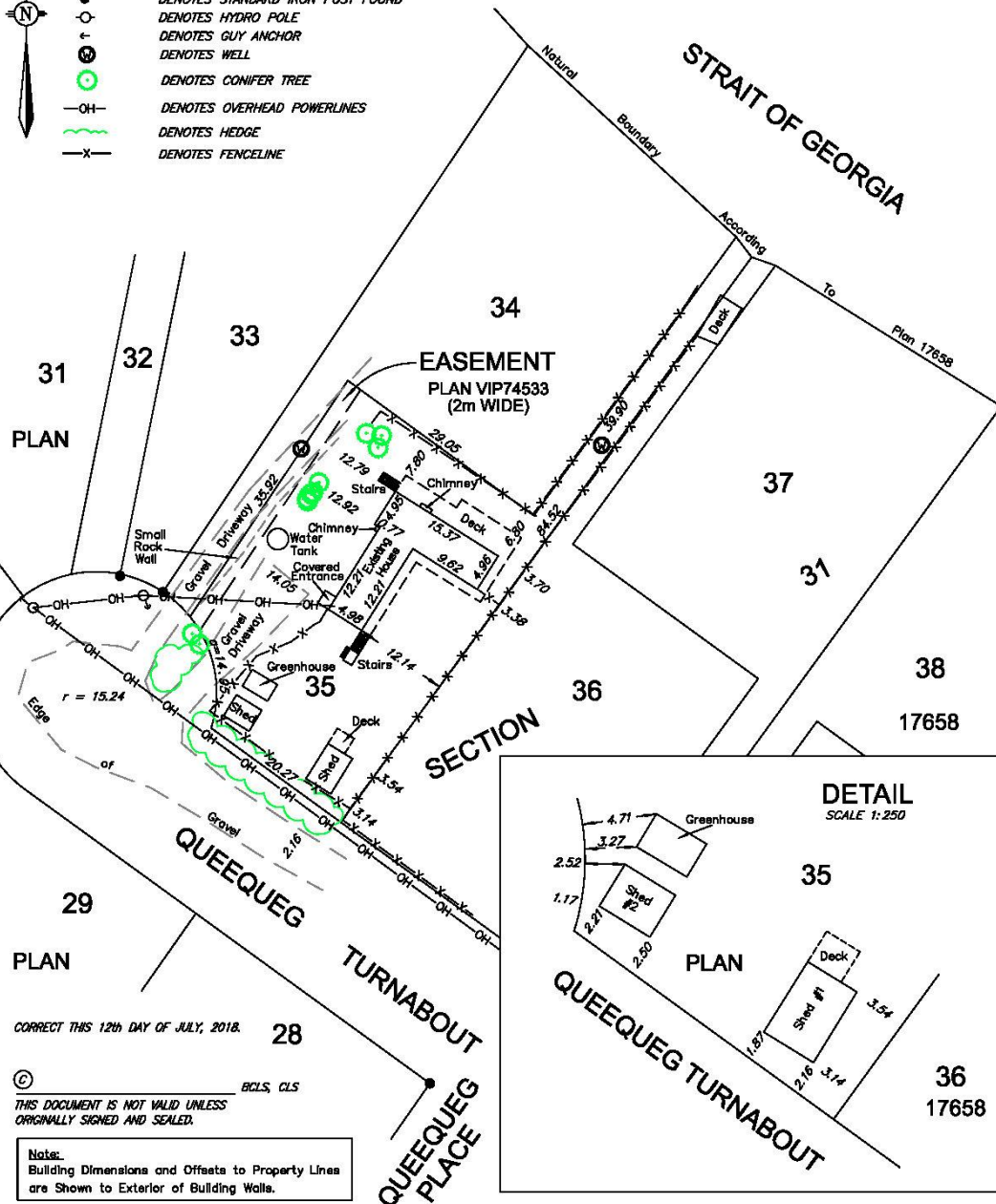
10m 0 10 20 30 40m

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

CIVIC ADDRESS :
1636 QUEEQUEG TURNABOUT
GABRIOLA ISLAND, B.C.

LEGEND

- DENOTES STANDARD IRON POST FOUND
- DENOTES HYDRO POLE
- DENOTES GUY ANCHOR
- ⊙ DENOTES WELL
- ⊙ DENOTES CONIFER TREE
- OH— DENOTES OVERHEAD POWERLINES
- x— DENOTES HEDGE
- x— DENOTES FENCELINE



CORRECT THIS 12th DAY OF JULY, 2018.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

Note:
Building Dimensions and Offsets to Property Lines
are Shown to Exterior of Building Walls.

This sketch does not constitute a redefinition of the legal boundaries
hereon described and is not to be used in any manner which would assume same.

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SURVEYED: JUNE 28th, 2018
UPDATED: MARCH 6th, 2020
FILE 18080 Site Plan



File No.: 6500-20
Housing Options Impacts
Review

DATE OF MEETING: June 25, 2020
TO: Gabriola Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Report subject: Housing Options and Impacts Review Next Steps

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the amended "Housing Options and Impacts Review Project Charter - Version 5" dated June 2020.
2. That the Gabriola Local Trust Committee direct staff to commence advertising for and publishing a survey related to prioritizing the topic areas identified by the Housing Options and Impacts Review Project Charter – Version 5" dated June 2020.

REPORT SUMMARY

The purpose of this report is to provide an analysis of the draft engagement strategy submitted by the Gabriola Housing Advisory Planning Commission (APC) and make a recommendation for a staged plan for next steps on the project.

BACKGROUND

At their February 27, 2020 meeting, the Gabriola Local Trust Committee passed the following resolution:

GB-2020-022 it was MOVED and SECONDED

that the Gabriola Island Local Trust Committee:

- a) Endorse the 'February 2020 Engagement Strategy' text as amended; and
- b) Request Staff to post the Engagement Strategy to the project website once amended.

CARRIED

Trustee Langereis Abstained

At their May 14, 2020 meeting, the Gabriola Local Trust Committee passed the following resolutions:

GB-2020-031 it was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to amend the Housing Options and Impacts Review project charter timelines and budget to reflect the Trust Council approval of a Northern Trust Area Water Project and prepare a report to suggest staging for the project.

CARRIED

GB -2020-032 it was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request staff to send correspondence on behalf of the Local Trust Committee Chair to the Housing Advisory Planning Commission to thank them for their work and advise them of the status of the project.

CARRIED

Staff have amended the Project Charter removing references to freshwater work as reflected in Resolution 2020-031. Staff have also amended the Project Charter to reflect the timing of the project reflected in the endorsed "February 2020 Engagement Strategy." The Engagement Strategy does not include budget estimates for fiscal years 2021-2022 or 2022-2023 so staff have included an estimate of LTC project budget dollars available during these years. The draft, amended Project Charter v. 4.1 is attachment 1 of this report.

On Friday, June 5, 2020, staff convened an electronic meeting with Trustee Colbourne and the Chairs of the Gabriola Housing Advisory Planning Commission (HAPC) and the Gabriola Advisory Planning Commission (APC). The purpose of the meeting was to advise them of the staff reports and LTC discussion regarding the project between February and May and to ask about the processes and discussion that had taken place thus far regarding the project in their respective groups to inform the development of staff's recommended new staging plan. Staff has developed this staff report with information from that meeting in mind.

Process

The following table outlines the steps in the OCP and LUB bylaw amendment process and distinguishes each step in regards to whether that procedural step is required by statute or is at the LTCs discretion:

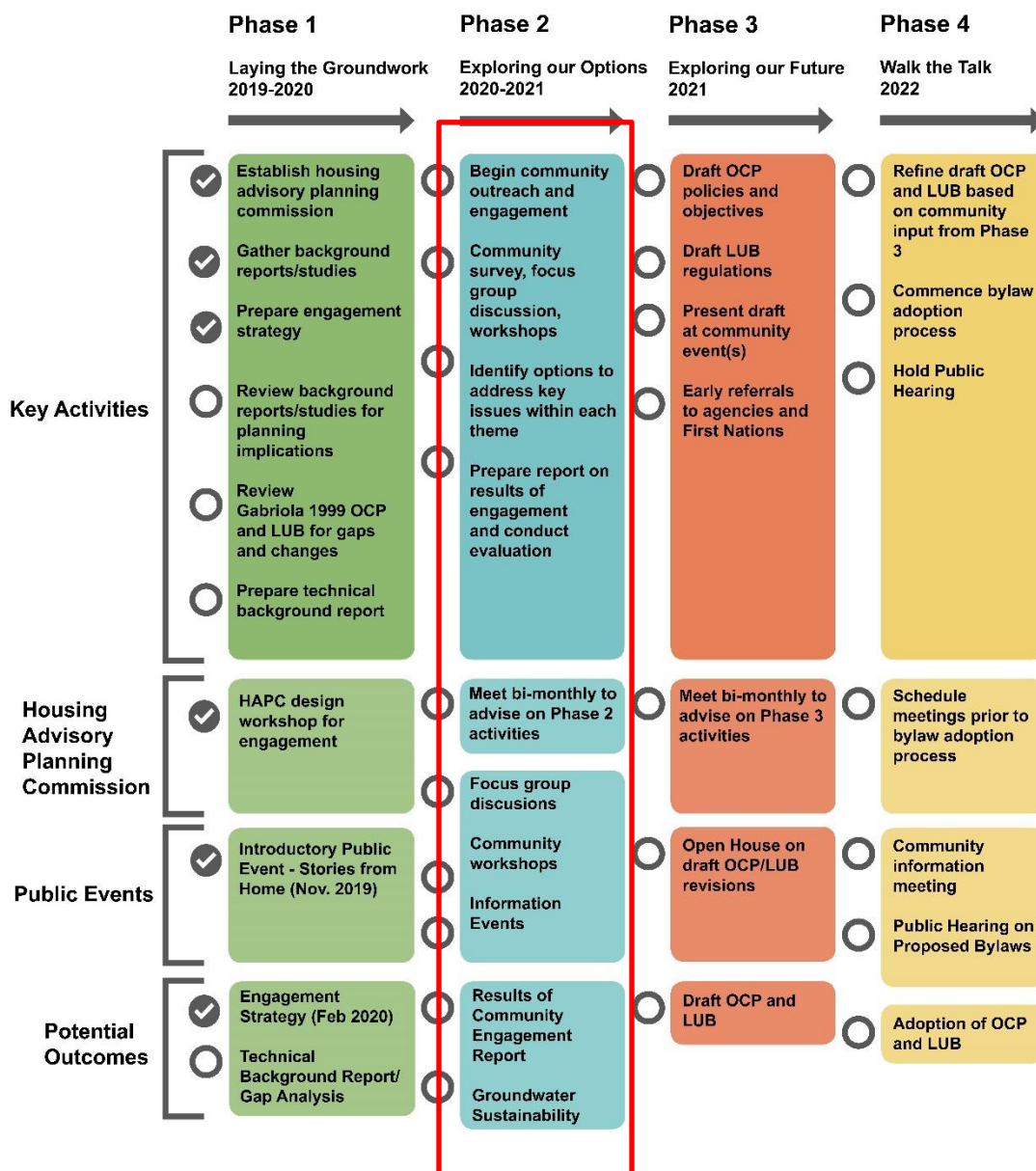
OCP/LUB Amendment Process:				
	Required Steps	Discretionary Steps	Budget Impact	Note
0		Preliminary consultation	\$-\$\$\$	Limited Islands Trust project budgets, staffing, and training
1	Preliminary Referral to specific agencies per protocol agreements		If paper mailing	Islands Trust project budgets, policies, staffing levels and training assume and accommodate these steps
2	1 st Reading			
3		Legal Review	\$\$	
4	Referral to specific agencies and First Nations		If Paper mailing	
5	2 nd Reading			
6		Community Information Meeting (CIM)	\$-\$\$\$	
7	Public Hearing		\$\$	
8	3 rd Reading			
9	EC Approval			
9.5	Ministry approval for OCP amendments			
10	Adoption			

Thus far the Gabriola Housing Options and Impacts Review Project (HOIRP) has been in step 0 of the above table, Preliminary Consultation. Thus far preliminary consultation for this project has taken one year and cost \$5,000. The majority of this budget went toward paying a consultant to facilitate the HAPCs development of a public engagement plan. The resulting plan as proposed by the HAPC would extend preliminary consultation an additional year and cost, at a minimum, an additional \$9,500.

ANALYSIS

The project staging plan recommended by the HAPC is as follows:

Gabriola Housing Options and Impacts Review Project Timeline: 2019-2022



The HAPC has proposed that the question that should be posed to the public during Phase 2 of the project should be:

“How might we amend Gabriola’s OCP policies and/or LUB regulations to fulfil our obligations to our community and the unique natural ecology in which we all live, by allowing a range of affordable, accessible housing options in accordance with water and climate change imperatives set by Islands Trust?”

Some concerns staff have with this proposed question are:

- This question could elicit answers that go beyond the identified scope of the project;
- This question may not lead to answers that will inform the specific topics identified in the project scope;
- As the question is posed, respondents would need to have a level of understanding of OCPs and LUB’s that the average person doesn’t typically have.

The LTC endorsed project charter identifies 18 “in-scope” topics that can be loosely categorized into four topic areas:

- Secondary suites on lots under 2 ha in size
- Multi-family housing
- Policies related to social needs
- The Gabriola Build-Out map

The HAPCs proposed question would be more applicable if the LTC is considering changing the scope of the project, but if not, the question may be too broad.

If the topic areas are to remain in their current state, then presumably when the project has reached proposed Phase 3, some of the questions that the LTC will need answers to in order to amend the OCP and LUB within the scope of the project are:

- Should we allow secondary suites on lots smaller than 2 ha? If so, under what conditions?
- Should we allow more multi-family housing like duplexes, triplexes, townhouses, and / or apartment buildings? If so, under what conditions?
- Which potential OCP social needs policies does Islands’ Trust have the ability to implement and how should they do that?

It isn’t clear from HAPC’s proposed engagement strategy if public input will be sought to address these types of questions or what type of public input that would be.

The LTC should clarify whether they would consider changing the scope of the project to include other topic areas or if public engagement should focus on the topic areas already endorsed by the LTC and the questions posed to the public should reflect that focus.

Also problematic is the phrase “How might we amend... the OCP / LUB?” While this is ultimately the goal of the LTC, the public aren’t typically familiar enough with these documents to feel comfortable providing meaningful, specific input on the wording of the documents themselves.

When soliciting public input on large, technical documents, best practices suggest that public input should be framed in a way that doesn’t require a lot of technical knowledge. As an example, attachment 2 is the latest survey posted by the BC Legislature for their annual budget consultation. The document to be amended is the

B.C. Provincial Budget, but the survey posted doesn't ask the public how they think the Provincial Budget document should be amended. Instead, a limited number of priority budget focus topics have been identified and the public are asked to help the legislature prioritize them.

Also of note in the B.C. survey is that it only has five questions and the list of limited choices are things that the legislature has already identified they are willing and able to do. Limiting the survey to five questions takes into account the amount of time and effort the public are typically willing to put into answering surveys.

When an organization asks for public input in the form of "If we could wave a magic wand..." the organization runs the risk of setting up the public for disappointment since organizations are limited in their authority and budget. Not all ideas about the budget can be implemented by the B.C. legislature and not all ideas about housing can be implemented by the Gabriola LTC.

Nor are elected bodies necessarily willing to implement all the ideas that can be generated during public input sessions. If the LTC knows, for instance, that they wouldn't want to allow 10 storey apartment buildings on Gabriola, then the questions posed to the public should be framed in such a way that makes clear that this option would not be considered.

As the B.C. legislature has done with their survey, the best way for the Gabriola LTC to focus public input is to provide a limited amount of topics to choose from that fit within the scope of the project and don't include topics that the LTC is unwilling or unable to implement. Surveys and input sessions should be short in length and time to maximize the amount of time the public is willing to participate.

Who, What, and How

As indicated in the HAPC's proposed Engagement Plan, the HAPC proposes multiple methodologies be utilized to garner public input during Phase 2 of the project. The plan also assumes that the various methods will be facilitated by multiple people, including a paid consultant, Islands Trust Planning staff, the Islands Trust Communication Specialist, and the HAPC. The HAPC estimates that the total cost involved in Phase 2 will be \$9,500.

Staffing

As staff notes on attachment 3 show, some of the assumptions are problematic:

Consultant: Consultant costs are estimated to be approximately \$150 per hour. If a consultant is used for all labour related to designing publication materials, development of those materials, leading in-person public engagement discussion, and facilitation of group decision-making, the proposed total budget appears to be an underestimate of the costs involved in this work. Also to consider is that consultant contracts must be developed, monitored, and paid by Islands Trust staff. So the use of consultants reduces but does not eliminate staff workloads.

Communication Specialist: Islands Trust has a staff person with this title, however, this person is unavailable to do work for the Northern Office until the new Islands Trust website is complete. Staff estimate that this means this staff person will not be available until fiscal year 2021-2022.

Planning Staff: as indicated in attachment 3, due to workloads related to LTC meeting management and multiple LTC projects assigned to each Planner, Planner time available for this project is limited to approximately 6 hours

a week. Planners are not necessarily trained public engagement facilitators, however, they are trained to perform specific types of public engagement that are required by legislation and standard for Islands Trust, including those related to OCPs and LUBs.

Other Islands Trust Staff: one of the things that is not reflected in the HAPC public engagement strategy is that for each HAPC meeting, there are actually five Islands Trust staff people who perform duties related to that meeting. An *Administrative Assistant* researches, books, and facilitates payment for meeting venues as well as developing and publishing public notification of the meeting. *Planners* at a minimum gather documents to be forwarded to APCs. They might also be asked to attend HAPC meetings and / or present or lead discussion at HAPC meetings. HAPC meetings are also required by bylaw to involve a contracted *minute-taker* whose time is charged by the hour. The minutes that are taken are reviewed and edited by the *Planning Team Assistant* and the minutes are included in LTC agenda packages by the *Legislative Clerk*.

Regular LTC meetings are planned annually which means that notification and venue booking can be done on an annual basis. For each special LTC meeting, HAPC or APC meeting, venue booking and notification have to be accommodated on an ad-hoc basis, to be accommodated in addition to on-going work related to facilitating the 38 regular, annual LTC meetings facilitated by the northern office of the Islands Trust.

Decision-Making

One of the factors that affects the timing and budget of a project is whether decision-making is conducted by individuals or groups. When individual staff members are authorized to make autonomous decisions, a project can progress more quickly and minimize costs. If decisions are designed to be made by groups, the process will be slower and more expensive. The value of the survey questions in the end depends on a few factors, including the familiarity that the decision-maker has with the documents to be amended.

In the case of the HOIRP project, the following represents some possible scenarios for deciding on what survey questions should be utilized:

Decision-maker	Group or Individual	Time Cost	Budget cost
Consultant led HAPC + Planner brainstorming and decision-making during one or multiple meetings	Group	Highest	Highest
Consultant makes autonomous decisions	Individual	Low	High
HAPC makes group decisions during one or multiple meetings	Group	Medium	Medium
Planner makes autonomous decisions	Individual	Low	Low

Requirements of the HAPC

The HAPC is an advisory body that is governed by the Local Government Act as well as the Gabriola Advisory Planning Commission bylaw. By statute, APCs only meet when referred items to work on by the LTC. Staff don't have the authority to send referral items to APCs without a resolution of the LTC. APC meetings must be public, minutes must be taken and published, and the minutes must be reported back to the LTC. APCs are subject to the Open Meetings provision of the Community Charter which means that they aren't authorized to meet outside of a public meeting to discuss LTC assigned business if a quorum is present. There is a cost associated with every APC or HAPC meeting and as mentioned, there are at least five staff members performing tasks related to each meeting.

Community groups that are not official APCs are not bound by any of these rules. For instance, on Lasqueti Island, the Lasqueti Community Association decided to conduct their own review of Lasqueti's OCP. They had several meetings over the course of two years, none of which involved Islands Trust staff or utilized any Islands Trust funds. At the end of this process, the LCA submitted a report to the Lasqueti LTC that had a summary of their recommended changes to the OCP. Staff are currently reviewing that report to determine if the proposed changes are able to be implemented given the restraints of the Local Government Act on OCPs. Thus far staff have found that the vast majority of the recommendations are able to be implemented without concern.

Of course, the risk of a process that does not involve Islands Trust staff is that a great deal of work can be done by a community group only to find in the end that their recommendations cannot be implemented due to limitations of legislation, budget, and staffing.

COVID

Several of the public engagement methods recommended are also problematic at the current time due to social distancing limitations imposed by the COVID emergency response. Ministerial orders currently prohibit electronic meetings for Advisory Planning Commissions of Islands Trust and meeting in person is problematic due to limited venue availability, social distancing requirements, and limits on the number of people that can gather at one time. Islands Trust is also responsible for ensuring staff are employing safety measures in the course of their work. Facilitation of small discussion groups in private homes, for instance, would not be allowed for Islands Trust staff.

APCs could theoretically meet outdoors in a public venue if they socially distance and can keep public attendance below 50 people. However, staff are not recommending this option due to concerns about management of these meetings and the potential for the unintended spread of COVID. Staff note the recent infection cluster reported by the Province caused by a family gathering.

RESOURCES

Budget

As noted in the [May 14, 2020 staff report to the LTC](#), the total amount of budget allocated to all Islands Trust LTC projects for fiscal year 2020-21 is \$75,000. This is based on an assumption of \$4,000 per LTC. Project budgets over \$4,000 can be accommodated by other revenue line items in the Islands Trust budget, to be

approved by the Director of Local Planning Services. Staff believe that meaningful preliminary consultation can occur in fiscal year 2020-21 with a budget under \$4,000. (See the specific budget breakdown in attachment 4.)

Staff

Islands Trust labour costs for staff do not come out of LTC project budgets. The ability of staff in the northern office of Islands Trust to support projects is affected by the following factors:

- 7 LTCs served in Northern Region
- Number of Staff (5 Planners, 1 RPM, 3 Admin staff x 35 hour work week)
- Available work hours reduced by staff medical leave and COVID emergency measures
- Staff workloads:
 - o 38 annual LTC Meetings + unknown # of special meetings + unknown # of APC meetings
 - o LTC Top Priority Projects X 7 LTCs (Attachment 5)
 - o 60 + ongoing development applications at any one time
- Staff experience with public consultation specifically focused on amendments to OCPs and LUBs
- Many years / decades of experience staff have of working with and amending OCPs and LUBs.

With these things in mind, a summary of supportable staff activities related to the HOIRP with the current scope is attachment 6 of this report.

Technology

Islands Trust has a website that is currently being updated. Costs associated with posting project materials to the website are not taken out of LTC project budgets, although there is a cost to the overall organization for updating and maintaining the website.

Islands Trust also has a Survey Monkey license. Licensing and use of this software does not come out of LTC project budgets. The software is very easy to learn and use and actually helps the user design surveys and determine appropriate questions.

Digital mapping services are also available through Islands Trust with no project cost to the LTC.

RECOMMENDATION

Given the above, staff are recommending the following next step for this project:

Staff develop and publish a survey on the Islands Trust website with associated advertising designed to help the LTC prioritize the topics identified in the HOIRP project scope.

Given staff's extensive experience with public consultation related to OCPs and LUBs, limitations on staff time and project budgets, and limitations on public meetings, specifically APCs, staff are recommending the following for fiscal year 2020-21, which is illustrated in the proposed Project Charter / Workplan v. 5 (attachment 4) of this report:

The public engagement in Phase 2 of the HOIRP project is focused on having the public help the LTC prioritize the topic areas to be addressed with the following methods:

1. Materials and presentations developed and posted by staff to the Islands Trust Website;
2. Extensive advertising of a survey;
3. A Survey Monkey survey

Phases 3 – 6 of the project, to occur after the survey results are collected and analyzed, would become individual, topical phases of the project that staff work on sequentially, starting with the topic that the public have identified as the top priority in Phase 2 (e.g. Phase 3: Secondary suites, Phase 4: Multi-family, Phase 5: Social Needs, Phase 6: Build-out map)

Staff would develop a survey, website project page, and Community Information Meeting(s) within each work phase that is specific to each topic area.

Rationale for recommendation

As topics to be explored have already been identified in the scope of the Project Charter and staff have identified that topics would need to be addressed one by one due to staffing considerations, prioritization of the timing of topic areas should be the focus of preliminary consultation.

After an order of priority is determined, public consultation during each topical phase would be focused on that particular topic area. Breaking up the public consultation by topic area would allow for the consultation to be more granular and maximize respondents' time.

This approach would take budget, and staff time, workload, and expertise into account, allow for effective change to happen relatively quickly, and still allow for meaningful public engagement.

ALTERNATIVES

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

1. Staff develop draft survey and advertising plan / HAPC comments

The LTC may wish for staff to develop potential survey questions and an advertising plan for the survey and have the HAPC comment before publication. The motions would be:

That the Gabriola Island Local Trust Committee request staff draft survey questions and an advertising plan for a survey designed to inform the sequence of the review of in-scope topics identified in the Gabriola Housing Options and Impacts Review Project Charter v. 4; and

That the Gabriola Local Trust Committee request staff forward the draft advertisement plan and survey questions to the Gabriola Housing Advisory Commission to provide recommended amendments and that all meetings resulting from the referral must meet the respective health and legislative requirements set forth by the Provincial Health Officer and Provincial Government.

2. Refer the HAPC engagement strategy back to the HAPC for amendment

The LTC may refer the HAPC Engagement Strategy back to the HAPC to amend the document based on staff comments and staff reports regarding workload, budget, available tools, and public engagement limitations during COVID emergency measures. The motion could be:

"That the Gabriola Local Trust Committee refer the project charter and public engagement strategy of the Housing Options and Impacts Review Project to the Housing Advisory Planning Commission to provide

recommended amendments based on staff comments regarding budget and staffing and that all meetings resulting from the referral must meet the respective health and legislative requirements set forth by the Provincial Health Officer and Provincial Government.”

3. Ask staff for more information

Alternatively the LTC could ask staff to report back with more detailed information on one or more of the above options. The motion would be:

That the Gabriola Island Local Trust Committee ask staff to provide more information about....

NEXT STEPS

If the LTC accepts the recommendation, staff will develop an advertising plan, survey advertisements, and survey questions and begin the publication process. Staff would then report back to the LTC on the results of the survey.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 16, 2020
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ATTACHMENTS

1. Draft Project Charter v.4.1
2. Sample Survey – B.C. Legislature
3. HAPC Engagement Table analysis
4. Proposed Project Charter / Workplan / Staging plan v.5
5. Northern Team Staff Projects June 2020
6. Staff HOIRP task scope

Housing Options and Impacts Review Project - Charter v 4.1 DRAFT

Gabriola Island Local Trust Committee

Date: June, 2020

Purpose: To increase housing options on Gabriola Island through Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations, in a manner which supports the Object of the Islands Trust, strengthens relations with Snuneymuxw First Nation and builds on the findings of the 2018 Northern Region Housing Needs Assessment

Background: This project builds on the Housing Options Review Project PHASE 1 completed in June 2018, which focused on secondary suites on lots 2 hectares or larger. The second phase of the project will consider a broader range of housing issues, and the potential for increased density on the island to accommodate increased housing options. Support for the Islands Trust's "preserve and protect" mandate, including a focus on indigenous housing needs and protecting the island's groundwater supply/water conservation, is an overarching consideration.

Objectives

- Develop an Engagement Strategy to prioritize consultation methodology and topics.
- Strengthen relations with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options.
- Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services on Gabriola Island in collaboration with Snuneymuxw First Nation, the RDN, health and housing service providers and community groups.
- Develop a strategy to address all housing continuum gaps identified in the 2018 Northern Region Housing Needs Assessment Report.
- Ensure proposed policy/regulatory changes are consistent with the Object of the Islands Trust and Islands Trust Policy Statement; Coastal Douglas fir and associated ecosystems protection toolkit and with focus on water protection/conservation and ecological footprint analysis.

In Scope

First Nations Relations and Perspectives

- Establish opportunities to incorporate First Nations perspectives on indigenous housing needs and inter-governmental collaboration for effective decision making.

Affordable/Attainable/Seniors/Special Needs Housing:

- 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.

Secondary Suites:

- Consider secondary suites on lots smaller than 2 hectares.

Multi-dwelling and Mixed Use:

- Consider OCP designations, density provisions, LUB regulations, and Development Permit guidelines for multi-dwelling housing and mixed use buildings.

Build Out Map:

- Review and update the Gabriola Island Build-Out Map.

Out of Scope

- Review of minimum lot sizes for subdivisions.
- Secondary suite provisions for lots 2 hectares or larger (*completed during Phase 1 Project*).
- Review of home occupation regulations.
- Review of marina/live-aboard regulations.
- Review of DP Areas 1 (Tunnel), 2 (Lock Bay Area), 3 (Riparian Areas), 5 (Gabriola Pass Area), 6 (Escarpment Areas), 9 (Light Industrial Use).

Workplan Overview

Deliverable/Milestone	Date
LTC endorses project charter and Terms of Reference for a Housing APC.	Spring 2019 (<i>COMPLETED</i>)
HAPC and Planning staff finalize engagement strategy and HAPC workplan for LTC endorsement.	Winter 2019-20 (<i>COMPLETED</i>)
Initiate broad community consultation and engagement on review topics.	2020-2021
Draft bylaw(s) developed; early referrals and consultation.	2021-2022
Legislative process for proposed bylaw(s); adoption.	2022-2023

Project Team		Budget:		
		Gabriola Housing Options and Impacts Review Project		
		Budget Sources:		
Island Planner	Project Manager/Planner	Fiscal	Item	Cost
Regional Planning Manager	Project Sponsor	2019-2020	Engagement Strategy development; HAPC facilitation/engagement activity	\$5,000 (Completed)
Legislative Clerk	Legislative Process/Bylaw Review	2020-2021	Phase 2 of HAPC Public Engagement Strategy	\$9,500
Communications /Planner 2	Communications / Planning Support	2021-2022	Draft bylaws and present for public consultation	\$4,000
Housing APC	Community/First Nations Reps	2022-2023	Legislative process; legal review; adoption	\$4,000
RPM Approval: Date: July 12, 2018; Nov 22, 2018; Jan 31, 2019; Jul 11,2019; Feb 27, 2020	LTC Endorsement: Resolution # GB-2018-115; GB-2019-013; GB-2019-74; GB-2020-023			
			Total	\$22,500

Select Standing Committee on Finance and Government Services: Annual Budget Consultation

How would you like to participate?
(select all that apply)

	
Make a written, audio or video submission	Complete a survey
  	

Select Standing Committee on Finance and Government Services: Annual Budget Consultation

1. The B.C. government is committed to making life more affordable, delivering the services people count on and building a resilient, sustainable economy. What are your top three priorities to help make life better for you and your community as we come through COVID-19?

1. _____
2. _____
3. _____

This gives respondents a limited amount of space to articulate their three top, general priorities.

2. Aside from the immediate need to keep people healthy and safe through the COVID-19 pandemic, what actions should government prioritize to help strengthen B.C.'s economy? Please rank your top three choices by entering 1, 2 or 3 in the answer column.

Improve access to affordable child care

Answer text

Improve physical and mental health supports and programs for all workers

Answer text

Improve regulations in B.C.'s financial and securities markets

Answer text

Invest in the transition to a clean economy and reduce pollution

Answer text

Support paid sick leave for working British Columbians

Answer text

Etc.

This provides a limited list of choices that the legislature would be willing and able to do. They are asking the public to help them narrow down and prioritize because they know they can't do all these at once. Notice they aren't saying "If we could wave a magic wand and give you whatever you want..." because they can't and they won't implement all ideas and they don't want to set up an expectation that they would.

Select Standing Committee on Finance and Government Services: Annual Budget Consultation

3. If you had one dollar to put toward programs and services across government, how would you choose to divide it? Enter whole numeric values only (no decimals). Total of all entries must equal 100.

Affordable child care	Answer text
Affordable housing	Answer text
Arts and culture	Answer text
Building the clean economy	Answer text

Etc.

These kinds of questions are useful even in non-budgetary surveys because it reminds people that projects are being funded by their tax dollars and those dollars are limited, so prioritization is necessary.

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4. Given the ongoing demand for government programs, supports and services, how would you like to see your government continue to pay for them? Please choose up to three.

- ☐ Increase the provincial debt
- ☐ Increase personal income tax
- ☐ Increase corporate income tax
- ☐ Increase property-based taxes
- ☐ Increase consumption taxes, including PST and Carbon Tax
- ☐ Reducing or eliminating existing programs
- ☐ Other:

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5. Please identify your region:

- ☒ Vancouver Island/Coast
- ☐ Lower Mainland/Southwest
- ☐ Thompson/Okanagan
- ☐ Kootenay
- ☐ Cariboo
- ☐ North Coast
- ☐ Nechako
- ☐ Northeast

This survey – which is seeking comment on a huge, detailed document - has a total of 5 questions and is administered once a year. This considers the frequency and amount of time people are willing to spend responding to surveys. Public engagement burnout is possible.

HAPC PROPOSED ENGAGEMENT PLAN 2020-2021 – STAFFING ANALYSIS

Project Phase	Purpose of Engagement	Technique	Description	Resources Required	Estimated Budget
1 Laying the Groundwork 2020	INFORM <i>Here's what is happening...</i>	Project Website	General updates, photos, videos, resources and relevant project contacts	-planner staff time to manage -communications specialist content edits	ON HOLD- LAUNCH JUNE 2020 No cost to LTC
Professional Facilitation: (\$150 / hr) Communication specialist: not available in fiscal year 2020-2021 Planner staff time: Not enough staff capacity to facilitate decision-making or attend more than 3 HAPC meetings per year; 6 hours of Planner time available per week for all HOIRP project activities HAPC participation: every time the HAPC or APC meet, it requires work to be done by 5 Islands Trust staffing positions – at least 1 Planner, Admin Assistant, Minute-Taker, Planning Assistant, and Legislative Clerk		Social Media	Time sensitive updates, event promotion, polls	-planner staff time to manage -communications specialist review	ON HOLD – may require consultant time
		Newspaper Articles/Inserts	Advertising, press releases, submissions	-planner staff time -communications specialist review	\$1000
		Open Houses/pop-up booth	Organize a booth or table in a busy public location. Provide simple and fun ways for people to learn about the project and solicit input about their concerns. Share how they can follow up, participate or provide feedback.	-planner staff time -HAPC participation	\$500
2 Exploring our Options 2020	INVOLVE <i>Here's a problem, what ideas do you have?</i>	Small Group Circle Dialogue	Meet participants where they are at and generate ideas to strengthen the OCP and LUB in the three theme areas. Conduct 4-8 sessions with a diverse range of participants.	-professional facilitation -planner staff time -HAPC participation -stakeholder participation	\$500 EACH x 4? = \$2,000
		Kitchen Table Talks/Plan in a Box	Small (5-8 people) informal meeting in someone's home or café. Participants work through a series of prepared questions to generate ideas. Voucher for ~\$50 towards food to incentivize groups' participation and submission of ideas.	-planner staff time -HAPC participation -8-10 community volunteers to host -APC participation	\$2,500
2 Exploring our Options 2020-21	CONSULT <i>Here are some options, what do you think?</i>	Online Polling	Online polling allows visitors to vote on choices and track responses.	-planner staff time -HAPC participation	\$500
		Surveys	Structured form or questionnaire distributed to residents/property owners. Gain feedback and opinions on options. Web based, paper or in-person interviews.	-professional survey development -planner staff time -communication specialist review -HAPC participation	\$1000
2 Exploring our Options 2020-21		Focus Groups	Facilitated small group (6-10 people) discussions on options and concerns.	-professional facilitation -planner staff time -HAPC/APC participation	\$500 each x 4 = \$2,000

STAFF PROPOSED ENGAGEMENT PLAN – ONLINE; HAPC DESIGNS AND DECIDES / STAFF SUPPORTS

Project Phase	Purpose of Engagement	Technique	Description	Resources Required	Estimated Budget
1 Laying the Groundwork 2020	INFORM <i>Here's what is happening...</i>	Project Website	General updates, photos, videos, resources and relevant project contacts	-planner staff time to manage -communications specialist content edits	ON HOLD- LAUNCH JUNE 2020 No cost to LTC
		Social Media	Time sensitive updates, event promotion, polls	-planner staff time to manage -communications specialist review	ON HOLD – may require consultant time
		Newspaper Articles/Inserts	Advertising, press releases, submissions	-planner staff time -communications specialist review	\$1000
		Open Houses/pop-up booth	Organize a booth or table in a busy public location. Provide simple and fun ways for people to learn about the project and solicit input about their concerns. Share how they can follow up, participate or provide feedback.	-planner staff time -HAPC participation	\$500
2 Exploring our Options 2020	INVOLVE <i>Here's a problem, what ideas do you have?</i>	Small Group Circle Dialogue	Meet participants where they are at and generate ideas to strengthen the OCP and LUB in the three theme areas. Conduct 4-8 sessions with a diverse range of participants.	-professional facilitation -planner staff time -HAPC participation -stakeholder participation	\$500 EACH x 4? = \$2,000
		Kitchen Table Talks/Plan in a Box	Small (5-8 people) informal meeting in someone's home or café. Participants work through a series of prepared questions to generate ideas. Voucher for ~\$50 towards food to incentivize groups' participation and submission of ideas.	-planner staff time -HAPC participation -8-10 community volunteers to host -APC participation	\$2,500
2 Exploring our Options 2020-21	CONSULT <i>Here are some options, what do you think?</i>	Online Polling	Online polling allows visitors to vote on choices and track responses.	-planner staff time -HAPC participation	\$500
		Surveys	Structured form or questionnaire distributed to residents/property owners. Gain feedback and opinions on options. Web based, paper or in-person interviews.	-professional survey development -planner staff time -communication specialist review -HAPC participation	\$1000
2 Exploring our Options 2020-21		Focus Groups	Facilitated small group (6-10 people) discussions on options and concerns.	-professional facilitation -planner staff time -HAPC/APC participation	\$500 each x 4 = \$2,000

These activities may be curtailed by COVID distancing protocols for some time. Staff not advised to lead or participate until further notice

Housing Options and Impacts Review Project - Charter v. 5

Gabriola Island Local Trust Committee

Date: June, 2020

Purpose: To increase housing options on Gabriola Island through Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations, in a manner which supports the Object of the Islands Trust, strengthens relations with Snuneymuxw First Nation and builds on the findings of the 2018 Northern Region Housing Needs Assessment

Background: This project builds on the Housing Options Review Project PHASE 1 completed in June 2018, which focused on secondary suites on lots 2 hectares or larger. The second phase of the project will consider a broader range of housing issues, and the potential for increased density on the island to accommodate increased housing options. Support for the Islands Trust's "preserve and protect" mandate, including a focus on indigenous housing needs and protecting the island's groundwater supply/water conservation, is an overarching consideration.

Objectives

- Develop an Engagement Strategy to prioritize consultation methodology and topics.
- Strengthen relations with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options.
- Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services on Gabriola Island in collaboration with Snuneymuxw First Nation, the RDN, health and housing service providers and community groups.
- Develop a strategy to address all housing continuum gaps identified in the 2018 Northern Region Housing Needs Assessment Report.
- Ensure proposed policy/regulatory changes are consistent with the Object of the Islands Trust and Islands Trust Policy Statement; Coastal Douglas fir and associated ecosystems protection toolkit and with focus on water protection/conservation and ecological footprint analysis.

In Scope

First Nations Relations and Perspectives

- Establish opportunities to incorporate First Nations perspectives on indigenous housing needs and inter-governmental collaboration for effective decision making.

Topics sequentially phased; order TBD by consultation:

Affordable/Attainable/Seniors/Special Needs Housing:

- 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.

Secondary Suites:

- Consider secondary suites on lots smaller than 2 hectares.

Multi-dwelling and Mixed Use:

- Consider OCP designations, density provisions, LUB regulations, and Development Permit guidelines for multi-dwelling housing and mixed use buildings.

Build Out Map:

- Review and update the Gabriola Island Build-Out Map.

Out of Scope

- Review of minimum lot sizes for subdivisions.
- Secondary suite provisions for lots 2 hectares or larger (*completed during Phase 1 Project*).
- Review of home occupation regulations.
- Review of marina/live-aboard regulations.
- Review of DP Areas 1 (Tunnel), 2 (Lock Bay Area), 3 (Riparian Areas), 5 (Gabriola Pass Area), 6 (Escarpment Areas), 9 (Light Industrial Use).

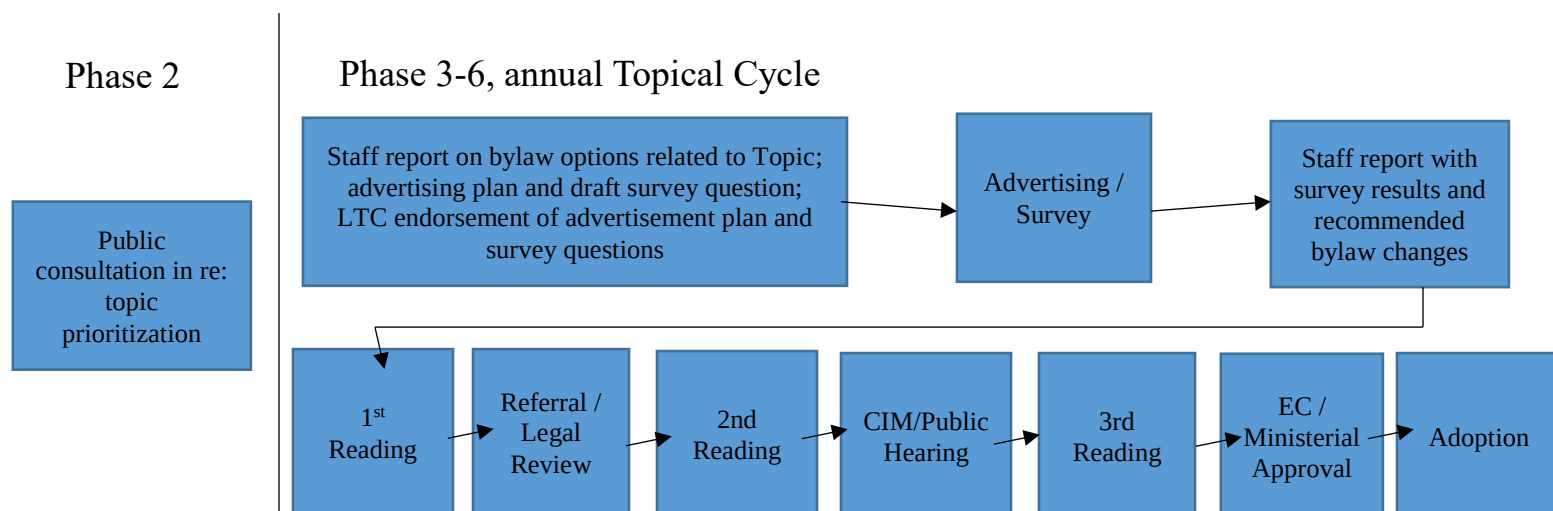
Workplan Overview

Deliverable/Milestone	Date
LTC endorses project charter and Terms of Reference for a Housing APC.	Spring 2019 (<i>COMPLETED</i>)
HAPC and Planning staff finalize engagement strategy and HAPC workplan for LTC endorsement.	Winter 2019-20 (<i>COMPLETED</i>)
Initiate community consultation to prioritize housing topics to be addressed	Fall, Winter 2020
Phase 3-6 Topic Cycle	2021 - 2025

Project Team	
Island Planner	Project Manager/Planner
Regional Planning Manager	Project Sponsor
Legislative Clerk	Legislative Process/Bylaw Review
Communications /Planner 2	Communications / Planning Support
Housing APC	Community/First Nations Reps
RPM Approval: Date: 12 July 2018; 22 Nov 2018; 11 Jan 2019; 27 Feb 2020;	LTC Endorsement: Resolution # GB-2018-115; GB-2019-013; GB-2019-74; GB-2020-023; GB-2020-031

Budget:		
Gabriola Housing Options and Impacts Review Project		
Budget Sources:		
Fiscal	Item	Cost
2019-2020	Engagement Strategy development; HAPC facilitation/engagement activity	\$5,000 (Completed)
2020-2021	Public Consultation for Topic Prioritization;	\$500
2021-2022	Phase 1	\$3,500
2022-2023	Phase 2	\$3,500
2023-2024	Phase 3	\$3,500
2024-2025	Phase 4	\$3,500
	Total	\$19,500

PROJECT CHARTER WORK PLAN OVERVIEW			
Meeting	Deliverable/Milestone	Target Date	Cost
June 26, 2020	Staff directed to develop advertisement plan and survey		\$0
July – Sept, 2020	Online prioritization survey (\$0) / Advertising (\$500)		\$500
Nov. 26, 2020	Staff Report to LTC on Survey results and recommended project charter with phasing of topics		\$0
Preliminary Research and Consultation:			\$500
	Annual Topic Phase Cycle:		
LTC Mtg 1	Staff report to LTC with list of bylaw options regarding current topic and proposed survey questions and advertising strategy		
	Online Survey (\$0) / Advertising (\$500)		\$500
LTC Mtg 2	Report to LTC on survey results / proposed bylaw elements; LTC directs staff to draft bylaws		
LTC Mtg 3	1 st Reading		
	Referral to agencies and legal review		\$2,000
LTC Mtg 4	2 nd Reading		
LTC Mtg 5	CIM/Public Hearing		\$1,000
LTC Mtg 6	3 rd Reading		
	EC / Ministerial Approval		
LTC Mtg 7	Adoption of bylaws		
TOTAL 18 month PHASE BUDGET:			\$3,500



Planner	June 2020 Projects			RZ	LUB	OCP
				OCP/ LUB	Other Projects	apps
Bronwyn	HO Wiseman RZ	GM Dock RZ	20+ apps			
Ian	GB ECO ZONE	20+ apps				
Heather	HO R3A RZ	GB Cannabis	HO OCP Phase 1	LA OCP	GB HOIRP	
Jaime	GB Paisley RZ	GB Ferries RZ	GM Keats Shoreline	20+ apps		
Marnie	DE DCLTA RZ	TH Downzone RZ	TH RAR	GM B&P RAR	DE Ferry Signage	
Sonja	DE DHA RZ	GM DL 696 RZ	GM DL 696 DVP			138

	Staff In Scope – up to 6 hours a week	Staff out-of-scope
Managing consultant contracts (procurement and monitoring)	- Procure pre-determined consultant - Monitor consultant progress - Limited support	Develop or facilitate a competitive bid process
Research and reporting	Collect, analyze, and report on data if given enough time: - Complex, In-depth: 3 months - Mid-range complexity: 2 months - Low level complexity: 1 month	Respond to any and all, frequent requests for data collection or analysis
Decision-making	Make autonomous decisions	Lead / facilitate group decision-making
HAPC attendance	Attend / Facilitate / Lead discussion up to 3 annual HAPC meetings	Attend more than 3 HAPC meetings
Developing materials for online engagement	Developing advertising and survey w/ autonomous decision-making or HAPC referral	Leading group decision-making regarding advertising or online content
Publishing on-line	- Posting limited numbers of documents and presentations to the Islands Trust website - Publishing survey questions on Survey Monkey	Facilitating publication of unlimited documents / presentations developed by others
Publishing in paper media	Facilitate the publication of ads / surveys / and /or news releases Write or draft ads / Surveys / or news releases for publication	Facilitating group decision-making in regards to documents to be published
Publishing in social media		Not able to accommodate this fiscal year
Direct mail	- Print documents, stuff envelopes, take to post office up to one direct mailing	
Collecting, organizing, and reporting on public comments	- Collect and organize comments - Simple reporting on comments - Analysis of comments - Recommendations regarding preliminary public comments	Facilitating group analysis or reporting



Follow Up Action Report

Gabriola Island

16-May-2019

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

11-Jul-2019

Activity	Responsibility	Dates	Status
1 Staff to prepare draft bylaws for the ecological protection zone with site specific provisions for Coats Marsh and B. Acres. (In progress - coordination with Trust Conservancy staff)	Ian Cox		In Progress

28-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC approved issuance of GB-DVP-2017.1 conditional upon registration of a restrictive covenant and registration of a S. 32 HCA notice on title. (Awaiting registration of covenant and HCA notice)	Becky McErlean Ian Cox		In Progress
2 LTC approved issuance of GB-DP-2017.2 following issuance of GB-DVP-2017.1 (Awaiting registration of covenant and HCA notice)	Becky McErlean Ian Cox		In Progress



Follow Up Action Report

Gabriola Island

28-Nov-2019

Activity	Responsibility	Dates	Status
3 For the Ecological Protection Zone Top Priority Project, the LTC direct staff to: ·amend the Project Charter to include rezoning of Elder Cedar Nature Reserve; (DONE) ·prepare draft amendments to the Gabriola Island OCP; (In progress - coordination with Trust Conservancy staff) ·prepare draft amendments to the Gabriola Island LUB; (In progress - coordination with Trust Conservancy staff) ·consider options for Coats Marsh Regional Park, consult with RDN and TNT, and report back. (DONE)	Ian Cox		In Progress

23-Jan-2020

Activity	Responsibility	Dates	Status
1 GB-RZ-2019.1 (BC Ferries): Proposed Bylaw Nos. 304 (OCP) and 305(LUB) given first reading as presented. Refer to APC (done), agencies (done) and First Nations (done) for comment. Schedule a community information meeting. <i>SPLTC scheduled for April 20 cancelled due to Covid-19 issues and venue availability. Rescheduled to June 25, 2020.</i>	Becky McErlean Jaime Dubyna Sonja Zupanec Wil Cottingham		Completed
2 GB-RZ-2020.1 (GHS) Manager and planner to report to the LTC when the preliminary staff report for this application may be ready and if possible schedule a special meeting prior to the Apr 2 LTC meeting.	Heather Kauer Jaime Dubyna		Completed



Follow Up Action Report

Gabriola Island

27-Feb-2020

Activity	Responsibility	Dates	Status
1 Circulate to the Trustees the Chair's letter to First Nations and post to web.	Wil Cottingham		Completed
2 Refer the Feb 27 report from Trustee Langereis to the APC for comment on the process of public consultation. Add review of the model strategy for antenna to the project list	Becky McErlean Penny Hawley Sonja Zupanec		In Progress
3 Non medical cannabis retail store application response to LCRB be prepared as per the Feb 27 minutes. Complete. LTC copied on response per Feb 27, 2020 request.	Ian Cox		Completed
4 DP-2019.4 (Ritchie) - issue the permit as amended with new Schedule A site plan.	Becky McErlean Jaime Dubyna		Completed
5 Housing Options and Impacts Review Project: Feb 2020 Engagement Strategy endorsed; post to web with minor corrections; post v4 project charter to web; develop workplan for new budget request and submit for approval.	Heather Kauer Sonja Zupanec		Completed
6 GALTT letter of support under the chairs signature to be completed.			Completed

14-May-2020

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Gabriola Island

14-May-2020

Activity	Responsibility	Dates	Status
1 staff to amend the Housing Options and Impacts Review project charter timelines and budget to reflect the Trust Council approval of a Northern Trust Area Water Project and prepare a report to suggest staging for the project.			Completed
2 staff to send correspondence on behalf of the Local Trust Committee Chair to the Housing Advisory Planning Commission to thank them for their work and advise them of the status of the project.			In Progress

From: **Steven Earle** [REDACTED]
Date: Mon, Jun 8, 2020 at 2:24 PM
Subject: Spruce-Church connection
To: Dan Rogers <drogers@islandtrust.bc.ca>, Kees Langereis <klangereis@islandtrust.bc.ca>, Scott Colbourne ///

Hello Gabriola LTC.

I was in conversation with Bob Rooks a few days ago about the anticipated completion of the Spruce-Church connection. He said he hopes that it will be sometime in the fall.

Whether or not that is realistic, I just want to make a point on behalf of the Gabriola Cyclepaths that this new section of road is within the bike route plan that is part of the OCP, and so must have a 1.5 m wide paved shoulder, with a fog line.

Can one of you please let me know if this is going to be complied with, and, if you're not certain, is there someone at MoTI with whom the Cyclepaths should be communicating?

Many thanks.

Steve

Hi Scott

> I raised a concern I, and many others have regarding safe pedestrian and other non-motorized access around Gabriola Island. While attending a POSAC committee meeting some years ago at which time the residential development proposal put forward by Dr. Bob Rooks' company was tabled for review and approval. I had some very serious concerns in that Gabriola has been developed almost exclusively as auto centric with no planned provisions for pedestrians, bicyclists, seniors walkers or scooters etc. The expectation is, presumably, that all will share the roads and cross our fingers until the inevitable happens.

> I requested that the land density transfer agreement be contingent on the developer providing a dedicated, safe pedestrian link through the development and the POSAC committee was at a stalemate until I backed down and agreed to take my concern to the Islands Trust to enable the proper requirements to be put in place. I agreed it was not fair to hold Mr. Rooks development as hostage due to a lack of planning foresight by the governing municipal bodies. I subsequently met with the Islands Trust planning manager (don't have her name with me here in Victoria) and discussed my concerns. She lead me to believe that my request would have to go to the Islands Trust elected officials but I confess I didn't leave her office with a clear plan of action nor did I follow up with rigour to ensure action was taken. I did mention my concern to you shortly after the last Islands Trust election and you agreed that this was an important concern of your as well.

> I have recently heard of further residential development plans on the South Side and want to ensure that the mistakes of the past are not repeated. Gabriola now has the benefit of professional planning staff to help avoid what appears to be a complete lack of foresight when it comes to safe public access. I cringe every time I see an elderly person with their walker or young parent with a child stroller maneuvering Gabriola roads. We can do better as thousands of other Canadian communities have.

> Kyle Clifford, Gabriola Island

File No.: 3400-01

DATE OF MEETING: June 25, 2020

TO: Gabriola Island Local Trust Committee

FROM: Heather Kauer, Regional Planning Manager
Northern Team

SUBJECT: Restaurant Expansion during COVID Emergency Response

RECOMMENDATION

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

DISCUSSION

In order to allow for the Temporary Service Area expansion of establishments that serve alcohol during the COVID related Phased reopening periods, the LTC is asked to provide a “blanket” approval in the form of a resolution for all such legally established businesses that would signal local approval to the B.C. Liquor and Cannabis Regulation Branch. This would allow such establishments to simply provide a copy of the approved resolution to the LCRB rather than appealing to the LTC for each, individual approval.

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 15, 2020
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ATTACHMENT

None



Applications

Development Permit

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

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

No change in status.

Status Date: 04-May-2020

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

Status Date: 07-Feb-2020

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

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

Planner: Jaime Dubyna

Planning Status

Status Date: 08-Jun-2020

Planner reviewing file.

Status Date: 29-May-2020

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

Status Date: 29-Apr-2020

Waiting on copy of RAPR Assessment Report.



Development Variance Permit

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

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

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

Status Date: 12-May-2020

No change in status.

Status Date: 04-May-2020

Requires site visit by Planner. Unable to conduct during Covid-19 pandemic.

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

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

No change in status.

Status Date: 04-May-2020

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

Status Date: 17-Mar-2020

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



Applications

Development Variance Permit

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 16-Oct-2019

Spoke with applicant - no change in application status

Status Date: 16-May-2019

Report to LTC

Status Date: 16-May-2019

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

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2020.1	Maloney & Doherty, Pat & Chris	17-Jan-2020	PID: 000-557-013 Siting of outbuildings. Civic address: 1636 Que Queg Turnabout, Gabriola Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 16-Jun-2020

Staff report on June 25, 2020 LTC Agenda for consideration

Status Date: 29-Apr-2020

Waiting on applicant for building measurements

Status Date: 24-Feb-2020

Under review by planner



Development Variance Permit

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

Planner: Bronwyn Sawyer

Planning Status

Status Date: 16-Jun-2020

Expected to be on July 30, 2020 LTC Agenda

Status Date: 04-May-2020

Under review by planner

Status Date: 10-Feb-2020

Under review by planner

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2020.3	McCaw, James & Elaine	04-May-2020	PID: 003-969-380 DVP required for type 2 septic system as installed. Civic address: Lot 21, The Strand, Gabriola Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 02-Jun-2020

Agenda item for June 25th LTC meeting.

Status Date: 05-May-2020

File opened May 5/20; advised applicant of EFT instructions and will wait for payment



Applications

Rezoning

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

Planner: Sonja Zupanec

Planning Status

Status Date: 14-May-2020

Verbal update to LTC. Staff to schedule CIM.

Status Date: 16-Apr-2020

Staff memo to LTC.

Status Date: 23-Jan-2020

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

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

Planner: Jaime Dubyna

Planning Status

Status Date: 13-May-2020

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

Status Date: 13-May-2020

Notification letter sent to Snuneymuxw First Nation.

Status Date: 13-May-2020

EC fee sponsorship approved.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	06-Oct-2008	To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 51803I) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT)

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

No change in status.

Status Date: 04-May-2020

Awaiting MOTI/PAO PLA extension.

Status Date: 03-Oct-2019

Awaiting MOTI/PAO PLA extension.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors	23-Dec-2010	To create 2 parcels on Daniel Way (THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644)

Planner: Marnie Eggen

Planning Status

Status Date: 03-Nov-2017

No change

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2012.2	Powell, Don	24-Oct-2012	725 Church Street - subdivision to create one new lot and a remainder lot

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

No change in status.

Status Date: 04-May-2020

Inactive MOTI file.

Status Date: 18-Feb-2020

Inactive MOTI file.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.3	Smythies & Associates	28-Oct-2013	411 Daniel Way subdivision to create 2 parcels

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

No change in status.

Status Date: 04-May-2020

Inactive MOTI file - applicant believed to be working with ALC.

Status Date: 18-Feb-2020

Inactive MOTI file - applicant believed to be working with ALC.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.2	MACKAY, IKE	23-Feb-2016	PIDs: 004-857-119 and 004-614-771 Lot Boundary Adjustment

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

No change in status.

Status Date: 04-May-2020

Awaiting fulfillment of conditions by applicant. Inactive MOTI file.

Status Date: 15-Jan-2020

Inactive MOTI file.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2016.4	C.O. Smythies & Associates	20-May-2016	PIDs: 001-271-806 and 009-735-755 Boundary adjustment. Civic address:1610 Hess Road, Gabriola Island.

Planner: Sonja Zupanec

Planning Status

Status Date: 08-Jun-2016

Referral response sent to MOTI and copied to applicant and LTC.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2017.2	Williamson & Associates	19-Jan-2017	PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC

Planner: Marnie Eggen

Planning Status

Status Date: 23-Jul-2018

PLA issued

Status Date: 01-Jun-2017

Referral response sent

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2018.1	Williamson & Associates/Potlatch Properties Ltd.	26-Jun-2018	PIDs:027-939-791, 027-939-804, 003-010-431, 006-635-121 27 lot subdivision Civic address: Taylor Bay Road/Church Street
Planner: Sonja Zupanec			
Planning Status			

Status Date: 12-Jul-2018

Referral response sent to MOTI, applicant and LTC.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2019.1	Williamson & Associates (B&K Shopping Centre)	11-Jun-2019	PID: 004-549-023 Subdivision at 369 Berry Point Road, Gabriola Island, BC
Planner: Ian Cox			
Planning Status			

Status Date: 15-Jun-2020

No change in status.

Status Date: 04-May-2020

MOTI PLA received. Applicant working to meet Ministry and Islands Trust conditions.

Status Date: 21-Jan-2020

MOTI PLA received. Applicant working to meet Ministry and Islands Trust conditions.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2020.1	By-Pass Holdings Ltd. (C.O. Smythies & Assoc)	24-Jan-2020	PIDS: 006-986-251, 006-986-455, 006-986-528. Lot line adjustment - 3 lots into 2. Civic address: Surf Lodge, Berry Point Road, Gabriola Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 01-May-2020

Planner completed review and sent referral report to MOTI and applicant. Conditions listed for PLA which must be met prior to final subdivision approval.

Status Date: 21-Apr-2020

Planner reviewing file.

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending May 2020

620 Gabriola	Invoices posted to Month ending May 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-620	LTC "Trustee Expenses"	1,031.00	0.00	1,031.00
LTC Local				
65200-620	LTC - Local Exp - LTC Meeting Expenses	3,003.00	60.00	2,943.00
65210-620	LTC - Local Exp - APC Meeting Expenses	172.00	30.00	142.00
65220-620	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-620	LTC - Local Exp - Special Projects	588.00	0.00	588.00
TOTAL LTC Local Expense		<u>4,763.00</u>	<u>90.00</u>	<u>4,673.00</u>
Projects				
73001-620-4097	Gabriola Housing Options & Impacts	4,000.00	0.00	4,000.00
73001-620-4104	Gabriola Cannabis Regulations	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>5,500.00</u>	<u>0.00</u>	<u>5,500.00</u>

Gabriola Island Local Trust Committee Policies & Standing Resolutions

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

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

			Signatories	that the Gabriola Island Local Trust Committee adopt the following standing resolution: that the Gabriola Island Local Trust Committee is authorized to enter into section 219 covenants, in the form of the 'Model Covenant for Secondary Suites' attached and in satisfaction of subsection B.6.6.8 of the Gabriola Island Land Use Bylaw No. 177, provided that such covenants must be executed on behalf of the Local Trust Committee by two members of the Local Trust Committee.
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Top Priorities Report

Gabriola Island

1. *Housing Options and Impacts Review Project*

Responsible

Dates

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

Sonja Zupanec

Rec'd: 22-Nov-2018

2. *Cannabis Production and Retail Sales*

Responsible

Dates

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

Heather Kauer

Rec'd: 22-Nov-2018

3. *Develop an Ecological Protection Zone*

Responsible

Dates

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

Ian Cox

Rec'd: 22-Nov-2018



Projects Report

Gabriola Island

1. *DeCourcy Island OCP and Bylaw Review*

Responsible

Date Received

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

21-Apr-2011

2. *Hazardous areas/Steep Slopes DPA*

Responsible

Date Received

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

21-Feb-2013

3. *Coastal areas protection*

Responsible

Date Received

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

19-Jan-2012

4. *First Nations cultural references*

Responsible

Date Received

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

27-Jan-2011

5. *Eelgrass protection*

Responsible

Date Received

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

14-May-2014



Projects Report

Gabriola Island

6. *Snuneymuxw Protocol Agreement*

Responsible

Date Received

Implementation of Snuneymuxw First Nation Protocol Agreement

22-Jan-2015

7. *Gabriola Village Plan*

Responsible

Date Received

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

02-Apr-2015

8. *Snuneymuxw Relationship Building*

Responsible

Date Received

Strengthen relationship with Snuneymuxw First Nation

02-Apr-2015

9. *Green Energy*

Responsible

Date Received

Consider policy and regulatory mechanisms to encourage green and renewable energy

02-Apr-2015

10. *Commercial Vacation Rental Review*

Responsible

Date Received

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

07-May-2015

11. *LUB Amendments*

Responsible

Date Received

Projects Report

Gabriola Island

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

08-Sep-2016

12. *Water Resource Planning*

Responsible

Date Received

Review of water requirements at the time of subdivision

14-Jun-2018

13. *Water Taxi Feasibility*

Responsible

Date Received

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

22-Nov-2018

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

Responsible

Date Received

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

24-Jan-2019

Projects Report

Gabriola Island

15. <i>GB LUB Accessory Buildings</i>	Responsible	Date Received
Review of regulations pertaining to the order of construction of accessory buildings on lots.		12-Sep-2019
16. <i>Draft an application for a UBCM grant to develop a poverty reduction strategy</i>	Responsible	Date Received
		24-Oct-2019
17. <i>Review of model antenna strategy</i>	Responsible	Date Received
		27-Feb-2020