Gabriola Island Local Trust Committee
Regular Meeting Agenda

Date:	May 21, 2026
Time:	10:30 am
Location:	Gabriola Arts & Heritage Centre
	476 South Road, Gabriola Island, BC

Pages

1. CALL TO ORDER 10:30 AM - 10:35 AM

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

2. TERRITORIAL ACKNOWLEDGEMENT

3. APPROVAL OF AGENDA

4. REPORTS 10:35 AM - 10:50 AM

4.1 Trustee Reports

4.2 Chair's Report

4.3 Electoral Area Director's Report

4.4 First Nations Reports

5. PUBLIC PARTICIPATION PERIOD 10:50 AM - 11:05 AM

6. MINUTES 11:05 AM - 11:10 AM

6.1 Local Trust Committee Minutes dated April 23, 2026 – for adoption 4 - 16

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES 11:10 AM - 11:25 AM

7.1 Follow-up Action List dated May 14, 2026 17 - 21

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS 11:25 AM - 12:00 PM

9.1	GB-RZ-2022.1 (Moen) - Staff Report	22 - 49
9.2	PL-RZ-2025-0138 (Seward) - Staff Report	50 - 215
9.3	Referral for Response: Proposed Thetis Bylaw No. 117 - Memorandum	216 - 223
9.4	Regional District of Nanaimo Referral - Building Bylaw No. 1967, 2026	224 - 304

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

10. LOCAL TRUST COMMITTEE PROJECTS 12:30 PM - 1:30 PM

10.1	Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review: Draft Official Community Plan Bylaw - Staff Report	305 - 432

11. CORRESPONDENCE 1:30 PM - 1:35 PM

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

11.1	Email dated May 4, 2026 from Regional District of Nanaimo regarding Gabriola Island Ferry Terminal Active Transportation Link Feasibility Study - Project Introduction and Invitation	433 - 433

12. NEW BUSINESS 1:35 PM - 1:50 PM

12.1	Referral Agency Status for Major Development Proposals Adjacent to Gabriola Island Local Trust Area - Trustee Yates - Verbal Discussion	

13. STAFF REPORTS 1:50 PM - 2:10 PM

13.1	Highlights of Islands Trust Conservancy March 17, 2026 Board Meeting	434 - 434
13.2	Islands Trust Conservancy Report to Trust Council 2025-2026 - 4th Quarter Update	435 - 440
13.3	Applications Report dated May 14, 2026	441 - 447
13.4	Trustee and Local Expense Report dated March, 2026	448 - 448
13.5	Adopted Policies and Standing Resolutions	449 - 457
13.6	First Nations Relationship Building Update	
13.7	Climate Change Action Update	
13.8	Local Trust Committee Webpage	

14. WORK PROGRAM 2:10 PM - 2:25 PM

14.1	Active Projects Report dated May 14, 2026	458 - 458

14.2 Future Projects Report dated May 14, 2026 459 - 459

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, July 16, 2026 at 10:30 am at the Gabriola Arts and Heritage Centre

16. ADJOURNMENT 2:25 PM - 2:25 PM

Gabriola Island Local Trust Committee

Minutes of Regular Meeting

Date: April 23, 2026
Location: Gabriola Arts & Heritage Centre
476 South Road, Gabriola Island, BC

Members Present: David Maude, Acting Chair
Tobi Elliott, Trustee
Susan Yates, Trustee

Staff Present: **Renée Jamurat, Regional Planning Manager** (electronic)
Joe Elliott, Senior Indigenous Relations Advisor
Stephen Baugh, Island Planner
Narissa Chadwick, Senior Planner (electronic)
Ian Cox, Planner 2
Margot Thomaidis, Planner 2
Lisa Millard, Meeting Administrator/Recorder

Others Present: **There were approximately 21 members of the public in attendance.**

1. CALL TO ORDER

Acting Chair Maude called the meeting to order at 10:30 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Acting Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

The following additions to the agenda were presented for consideration:

12.1 Revised MapIT Tool Educational Webinar
12.2 Freshwater Footprint Study Follow up
12.3 Clarifying Information Sharing Protocols with First Nations regarding Development Application process - Discussion

By general consent, the agenda was approved as amended.

4. REPORTS

4.1 Trustee Reports

Trustee Yates reported the following:

- BC Ferries updates include a letter sent from the Gabriola Transportation Society regarding the minimum top up amount required for the Experience Card made an impact, BC Ferries Chief Executive Officer has indicated an update on the transport of inoperable electric vehicles is forthcoming, and the Gabriola Transportation Society attended a discussion with BC Ferry and Marine Workers Union representatives about reclaiming BC Ferries and the importance of public input;
- Attended webinars including Islands Trust Educational Stewardship "Working Towards a Fallow Deer Strategy for the Southern Gulf Islands" and Collective for Parks, Conservation Innovation and Leadership, and Canadian Parks & Wilderness Society "Economic, Environmental, and Health Benefits of Canada's Protected and Conserved Areas";
- Attended a meeting with Dr. Tara Martin to discuss collaboration with her team of scientists and students, and will be bringing a motion forward to Trust Council regarding co-op students support of Islands Trust Conservancy and planning team projects;
- Attended a meeting with representatives from the Ministry of Transportation and Transit, Regional District of Nanaimo, and Gabriola Transportation Society regarding a crosswalk at the Gabriola ferry terminal;
- Attended March Trust Council and highlighted the Species at Risk program presentation;
- Attended a joint meeting of Islands Trust Conservancy and Executive Committee and discussed the Conservancy's five-year plan.

Trustee Elliott reported the following:

- Celebrated Earth Day and acknowledged community volunteers for their work on removing invasive species, maintaining trails, and advocating for habitat restoration and active transportation;
- Attended Executive Committee meetings, Islands Trust Conservancy Board meeting, and Trust Council in March;
- Highlights of the Trust Council meeting included the Species at Risk presentation, endorsement of the Indigenous Relations Action Plan, approval of the 2026/27 budget, and the call to the Provincial Government and Premier Eby to recommit to the *Declaration on the Rights of Indigenous Peoples Act*;
- A realtors education program workshop is being planned and will feature archaeological experts, an update on the MapIT tool, and an update on information about living in the Trust Area;
- The Policy Statement Amendment project will likely not complete this term and public input will be coming to Committee of the Whole for discussion in May;
- Attended the following presentations/webinars: Bowen Island "Biodiversity Plan", Breaking Bannock, Gabriola "Voices of Courage: Women Standing Against Hate", "Cycling Tourism on Gabriola", Association of Vancouver Island and Coastal Communities "Treaty 101- Understanding Modern Treaties in BC", and joint stakeholders' workshop on "Ganges Harbour Management";
- Participated in a panel about events following 9/11 and the civic democratic process undertaken;
- Attended Islands Trust workshop on responding to Indigenous specific racism;

- BC Marine Trails provided a presentation about working with First Nations and stakeholders to build and promote a public network of marine trails at the Lasqueti Island Local Trust Committee meeting;
- Upcoming attendance at the Association of Vancouver Island Coastal Communities convention.

4.2 Chair's Report

Acting Chair Maude reported the following:

- Attended March Trust Council and spoke to the adoption of the budget and associated tax impact;
- The draft Trust Policy Statement project will likely not complete this term.

4.3 Electoral Area Director's Report

Director Craig provided a written report in advance of the meeting and Trustee Elliott shared highlights.

4.4 First Nations Reports - none

5. PUBLIC PARTICIPATION PERIOD

Three members of the public spoke in support of the Seward re-zoning application to create three separate lots on a property in which three individual owners constructed homes on one lot prior to the establishment of Islands Trust and noted the positive benefits of a covenant to donate land to Drumbeg Park.

A member of the public spoke to gaps in regulations, monitoring, and enforcement identified in the Freshwater Footprint report and suggested that the Official Community Plan include provisions for the Local Trust Committee to advocate for other agencies to fill said gaps in circumstances in which Islands Trust does not have jurisdictional authority to do so. They requested several items to be added to the Official Community Plan related to protection of areas with high groundwater recharge, prohibition of density increases in area identified as high hazards and under extreme aquifer stress, enforcement of regulations on pumping of wells with saltwater intrusion, identification of wells with high levels of total and fecal coliform, requirements for commercial water users to have wells registered with the Province prior to consideration of rezoning or variance applications, and advocation to provincial and regional governmental bodies to conduct more monitoring and testing of groundwater quality.

A member of the public spoke to concerns about the rezoning of the Harmac Pacific land and the need for a protocol agreement between Islands Trust and the City of Nanaimo to enable a referral process.

A member of the public suggested consideration of a Coast Salish welcome feature be installed at the ferry terminal site and spoke to concerns about the protection of archeological sites on Gabriola Island.

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes dated February 2, 2026 – for adoption.

By general consent, the Local Trust Committee meeting minutes of February 2, 2026 were adopted.

6.2 Local Trust Committee Minutes dated February 19, 2026 - for adoption

The following amendments to the minutes were presented for consideration:

- In the Rise and Report on page 9 of the minutes correct spelling to Breghnan

By general consent, the Local Trust Committee meeting minutes of February 19, 2026 were adopted as amended.

6.3 Local Trust Committee Public Hearing Record for Bylaw Nos. 321 and 322 dated February 19, 2026 - for receipt

Received for information.

6.4 Local Trust Committee Special Meeting Minutes dated March 23, 2026 - for adoption

The following amendments to the minutes were presented for consideration:

- In the first paragraph of page 3 of the minutes change words "the think to the study is" to "the link to the study is"

By general consent, the Local Trust Committee meeting minutes of March 23, 2026 were adopted as amended.

6.5 Section 26 Resolutions-Without-Meeting Report - none

6.6 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated April 16, 2026

The Planner provided an update to the follow up action list.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 PL-DVP-2024-0299 (Apps) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks to reduce setbacks to the natural boundary of the sea from 15 metres to 0 metres and the side lot line from 1.5 metres to 0 metres to facilitate the construction of a rock revetment;
- Snuneymuxw First Nation referral response indicated an Archaeological Impact Assessment should be conducted prior to ground disturbance;
- One letter of support of the application has been received;
- The dwelling unit is setback more than 15 metres from the shoreline;
- A risk assessment related to environmental impacts, mitigation of impacts, and suitability of alternatives has not been provided.

The applicant was in attendance and spoke to their expertise in science and climate change, increasing occurrences of storms causing ongoing shoreline damage resulting in the loss of 3 metres of shoreline in the past four years, buried logs providing natural protection being washed away, neighbours building rock revetments, potential for uprooting of trees causing damage, loss of shoreline access and escape route, advice received from a Green Shores specialist indicating a soft approach will not work, and ongoing and increasing frustration regarding the Development Permit requirements and process.

During the applicant's discourse, the Regional Planning Manager called a point of order on two occasions and requested the applicant speak specifically to the application and not individuals.

The meeting was recessed for a break at 12:25 p.m. and reconvened at 12:55 p.m.

It was noted the applicant was no longer in attendance.

Discussion ensued and the following comments were noted:

- Neighbouring hard shoring revetments have caused environmental damage, were installed without permits, and were identified as a concern to the Department of Fisheries and Oceans and staff biologist;
- The extent of hard armouring in an enclosed area has potential for damage and changes the coastal processes;
- A letter from Snuneymuxw First Nation identifies the area as having high cultural sensitivity;
- Islands Trust is obligated to refer work to other agencies and seek information from qualified professionals in different fields and Trustees can not waive the requirements for professional reports based on an applicant's professional background;
- Policy requires consultation with First Nations and feedback has been provided stating concerns and a request for archaeological monitoring if work is done;
- A letter from the Department of Fisheries and Oceans recommends that an environmental professional be obtained for site monitoring;
- There are alternatives and the applicant could work with a registered professional biologist to determine options.

GB-2026-027
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request the applicant for application PLDVP20240299 to submit the following to the Islands Trust:

1. How the proposed approach would meet the guidelines of the Green Shores for Homes guide;
2. Submit additional information, prepared by a registered professional biologist about how their proposed plan would meet the six environmental factors listed on page 3 of the staff report dated April 23, 2026; and
3. Provide a proposal of approach to provide either an archeological impact assessment or archeological monitoring during construction.

CARRIED

9.2 PL-RZ-2025-0138 (Seward) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks a site-specific zoning amendment to permit a three-lot bare-land strata subdivision to correspond to the location of three existing dwellings that have been located on the subject property since 1971;
- The application proposes a covenant on title to protect trees and vegetation and a donation of 0.12 hectares of the property to the adjacent Drumbeg Park;
- The applicant has submitted biophysical, geohazard, hydrogeological, and archaeological impact assessments;
- Redesignation and rezoning of the property to facilitate subdivision is not supported by the objectives and policies of the current Resource land use designation of the subject property;
- It is recommended to draft bylaws to permit three dwellings on the property but not allow subdivision.

The applicant's representative spoke to the application and noted the primary reason for the subdivision request is to enable each of the families to own individual property with separate titles to allow for estate planning and inheritance. They indicated no new construction is planned and the owners agree to register a covenant on title that would state no further dwellings could be built.

Several members of the families that own the property spoke to their history of use, intentions of protecting the land, and importance of the subdivision component to the family members.

Discussion ensued and the following comments and clarifications were recorded:

- Two homes have wells and a third home is using water delivery and storage but would like the option to drill a third well in the future;
- The staff recommendation regarding not approving subdivision is based on current guidelines in the Official Community Plan;
- The park dedication does not include the natural stone shelving beach access;
- There remains opportunity for BC Parks to work on a fence plan;
- Subdivision of the parcel does not create additional impacts on the land or further development.

Discussion on the application was deferred to the May 21, 2026 Local Trust Committee meeting to provide the applicant time to consider boundary changes to the park dedication.

9.3 PL-DP-2025-0481 (Falcone) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The application seeks a development permit to demolish an existing guest house structure and construct a new principal dwelling unit on the subject property;
- The new structure is proposed to be built in the same cleared and previously disturbed location as the guest house;

- The existing septic system is proposed to be upgraded and maintained beyond 30 metres of the natural boundary of the sea;
- The applicant has submitted an environmental report detailing the proposed mobilization of equipment and construction materials, demolition and constructions, and restoration of temporarily disturbed areas.

The applicant's representative was in attendance.

Discussion ensued and the following comments were noted:

- A Trustee commented that although the building a dwelling within the natural boundary of the sea is permitted within the Development Permit guidelines, it goes against provincial recommendations;
- The applicant noted during the previous development of the other parcel on Sear Island they reached out to Snuneymuxw First Nation but received no response and, on that basis, did not seek feedback for this application but are open to doing so;
- A Trustee noted sharing the information with Snuneymuxw First Nation to provide awareness of the proposed development is important and the Local Trust Committee could request staff to do so following approval of the Development Permit.

GB-2026-028
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee approve PLDP20250481 with the following conditions:

<u>Habitat Impact Mitigation and On-Site Monitoring</u>

3.1 A Qualified Environmental Professional (QEP) with knowledge of terrestrial habitat and native vegetation shall be retained prior to all site preparation, demolition, and construction activities and for the duration of the project to ensure that the mitigation measures as outlined in section 7 of the ROE Environmental Report in Schedule "A" are carried out in accordance with the professional's opinion, prescription, and frequency and duration of scheduled site monitoring. The QEP will provide information as requested by Islands Trust on the status of the development activities regarding any impacts observed and recommendations for mitigation.

3.2 All construction activities shall be undertaken in such a manner and under the supervision of a QEP as to avoid and minimize potential surface erosion and off-site sediment transport into the sea. At a minimum, the measures as outlined in the ROE Environmental Report should be carried out to minimize soil erosion and control sediment runoff from active work areas for the duration of the development activities.

<u>Tree Retention and Invasive Species Control</u>

3.3 Invasive species such as Scotch broom shall be removed prior to construction of the new residence to avoid spreading, carried out under the method and to the satisfaction of a QEP.

3.4 All land clearing, site preparation, and development activity on the subject property shall be in accordance with the tree retention program contained in the Arborist Report by Burley Boys Tree Service in Schedule "B";

3.5 A QEP shall oversee the installation of tree protection zones prior to development activities per the recommendations in the Arborist Report to prevent undue damage to critical root systems. If any encroachment within the critical root zones is required, a Certified Arborist shall be consulted.

3.6 No native trees shall be removed within 30 metres of the natural boundary of the sea, except for three trees as identified in the Arborist Report retention outline, including one arbutus tree and two Douglas fir. Each tree will be replaced by three trees of similar species, or a total of 9 planted trees.

3.7 Limbing or trimming shall be permitted under the supervision of a QEP in order to ensure safe working conditions.

Replanting and Post-Development Reporting

3.8 A QEP shall develop and oversee a native vegetation replanting plan as necessary according to their professional opinion and per the ROE Environmental Report in Schedule "A" and Burley Boys Arborist Report dated October 16, 2025 in Schedule "B". The QEP shall provide a post development report to Islands Trust 6 months from the conclusion of construction activities addressing the efficacy and health of the replanted vegetation. The QEP may specify additional replanting measures at this time.

CARRIED

GB-2062-029
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee requests staff advise Snuneymuxw First Nation about the decision on the issuance of PLDP20250481 and PLDP20250308.

CARRIED

9.4 PL-DVP-2026-0049 (Matte) - Staff Report

Trustee Elliott recused herself due to a familial relationship with the applicant.
Trustee Elliott left the meeting at 3:00 p.m.

The Planner summarized the staff report and highlighted the following:

- The application seeks a Development Variance Permit to reduce the front lot line setback from a minimum of 6 metres to 4.5 metres and interior lot line setback from a minimum of 1.5 metres to 0.5 metres for the construction of a substantially constructed garage building on the subject property;
- An approved building permit was issued by the Regional District of Nanaimo showing the structure located outside of the setback areas and a subsequent building inspection and site survey showed the almost completed structure to be within the setback areas;

- Statutory notification was distributed to neighbouring property owners and tenants and no public correspondence as been received at the date of the report.

The applicant was in attendance

The Local Trust Committee had no questions for the Planner.

GB-2026-030
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee approve Development Variance Permit PLDVP-2026-0049 with the following variance to the Gabriola Island Land Use Bylaw No. 177, 1999:

a) To reduce the front lot line setback from 6.0 metres to 4.5 metres; and
b) To reduce the interior lot line setback from 1.5 metres to 0.5 metre, to permit the final construction of an existing garage building.

CARRIED

Trustee Elliott returned to the meeting at 3:07 p.m.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Major Project: Gabriola Island Comprehensive Official Community Plan and Land Use Bylaw Review Update - Verbal Update

The Planner provided a verbal updated and noted the following:

- Staff are working on the draft bylaws, integrating the Freshwater Footprint study information, and developing a companion document which will detail changes to the current Official Community Plan;
- Draft bylaw language will be brought forward for discussion at the May 21, 2026 regular meeting to be followed by a Community Information Meeting question and answer session to be held Thursday May 21, 2026 starting at 6:30 p.m. with location to be determined;
- A Trustee suggested the Planner consider inclusion of the *2021 Gabriola Enterprise Project Final Report* in the Official Community Plan materials and they will provide a copy to the Local Trust Committee and Planners;
- Planner Chadwick will look at ability to add a link to the draft Official Community Plan on the website.

10.2 Minor Project: Mudge Island Targeted Land Use Bylaw Amendment Project - Verbal Update

The Regional Planning Manager provided an update and noted the following:

- Staff had previously recommended that the minor project start after the major project was given first reading;
- The major project work has been expanded and staff resources continue to be tied to that project;
- Consideration of timing, in regard to initiating a minor project close to the end of the term, should be taken.

Discussion ensued and the following comments were noted:

- Trustees are not in favour of deferring the project;
- It is currently on the future projects list and the understanding is it is the next project to get started.

11. CORRESPONDENCE

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

11.1 Email dated February 20, 2026 from J. Graham regarding Trustee Reports

Received for information.

11.2 Email dated March 3, 2026 from D. Wallinger regarding Deer Overabundance and Ecological Integrity in the Gulf Islands

Received for information.

11.3 Email dated March 23, 2026 from the Agricultural Land Commission regarding Staffing and Budget Pressures

Received for information.

12. NEW BUSINESS

12.1 Revised MapIT Tool Educational Webinar

A Trustee asked if there was ability to provide a general demonstration or webinar about how the MapIT tool works and it was determined to bring it forward for discussion at the Executive Committee meeting.

12.2 Freshwater Footprint Study Follow Up

A Trustee stated the following motion was related to the Freshwater Footprint Study.

GB-2026-031
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request staff to seek information from the province regarding the groundwater license status associated with groundwater extraction at 3153 Whalley Road, P.I.D. 018-277-678, operated by Summer Rain Water Delivery (owner Dan Foley) and report back to this Committee.

CARRIED

12.3 Clarifying Information Sharing Protocols with First Nations Regarding Development Application Process - Discussion

A Trustee raised the topic as a result of Development Permit and other application processes that do not require a referral to First Nations and indicated clarification of government-to-government processes and information sharing would be beneficial.

GB-2026-032
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request staff to request a meeting with Snuneymuxw First Nation staff about mechanisms to protect

registered or potential First Nation archaeological and heritage sites in development application processes as per Islands Trust Snuneymuxw protocol agreement, s.14 (h).

CARRIED

13. STAFF REPORTS

13.1 2025/26 Annual Report - Approval of the Gabriola Island's Local Trust Committee Section - Request for Decision

The Gabriola Island Local Trust Committee requested the following amendments:

- In the first bullet point add the word "the" before Snuneymuxw First Nation;
- In the first bullet point add the words "cultural heritage" between words environmental protection and climate change.

GB-2026-033
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee approves the attached text as amended for inclusion in the 2025/26 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

13.2 Highlights of Trust Conservancy January 20, 2026 Board Meeting

Received for information.

13.3 Applications Report dated April 16, 2026

Received for information.

13.4 Trustee and Local Expense Report dated February, 2026

Received for information.

13.5 Adopted Policies and Standing Resolutions

Received for information.

13.6 First Nations Relationship Building Update

GB-2026-034
It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request staff to follow up with the Snuneymuxw First Nation regarding appropriate territorial acknowledgment for opening meetings and recording of minutes for Gabriola Island Local Trust Committee meetings.

CARRIED

13.7 Climate Change Action Update - none

13.8 Local Trust Committee Webpage - none

14. WORK PROGRAM

14.1 Active Projects Report dated April 16, 2026

Received for information.

14.2 Future Projects Report dated April 16, 2026

Received for information.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, May 21, 2026 at 10:30 am at the Gabriola Arts and Heritage Centre

16. CLOSED MEETING

16.1 Motion to Close the Meeting

GB-2026-035
It was MOVED and SECONDED
that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) for the purpose of considering:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

and that the recorder and staff attend the meeting.

CARRIED

The meeting was recessed at 3:55 p.m.

16.2 Recall to Order

The meeting was recalled to order at 3:57 p.m.

16.3 Rise and Report

Acting Chair Maude reported adoption of the February 19, 2026 in-camera meeting minutes and that Jack Woodward, George Buvyer, and Kathryn Berge were appointed to the Gabriola Board of Variance for a three-year term commencing April 23, 2026 and ending April 23, 2029.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 3:58 p.m.

_____

David Maude, Acting Chair

Certified Correct:

_____

Lisa Millard, Meeting Administrator/Recorder

DRAFT

Print Date: May 14, 2026

Follow Up Action Report

Gabriola Island

09-Oct-2025

Progress		Activity	Responsibility	Dates	Status
48%	1	Staff to support discussions with LTC Chair & RDN Director and staff regarding enforcement matters on Gabriola Island.	Renee Jamurat Warren Dingman		In Progress
0%	2	Staff to explore for development into the OCP and Land Use Bylaw: options for non-conforming dwellings including Temporary Use Permits, cob, natural build, and non-manufactured tiny homes, which would ensure health, safety, and environmental considerations are met.	Narissa Chadwick Renee Jamurat		In Progress
0%	3	Staff to update OCP project webpage with all approved/endorsed documents from October 9 LTC business meeting and Phase 2 engagement, including 'What we Heard' document.	Narissa Chadwick Shalini Nakai		In Progress
50%	4	Staff to proceed with drafting Official Community Plan policies in accordance with the approved draft table of contents presented at the October 9, 2025 Local Trust Committee Meeting.	Narissa Chadwick		In Progress

Follow Up Action Report

Gabriola Island

20-Nov-2025

Progress		Activity	Responsibility	Dates	Status
50%	1	OCP Review Project - Include policies in draft OCP related to subdivision, and options to rezone for multiple units as recommended in the staff report.	Narissa Chadwick Stephen Baugh		In Progress
0%	2	OCP Review Project - Request staff explore with the RDN the use of TUPs for non-conforming dwellings that have applied for a BP.	Narissa Chadwick Stephen Baugh		In Progress
0%	3	OCP Review Project - Forward the model DPA guidelines and DPA prioritization list to the Gabriola DPA working group, Environment focus group members, and APC, for their input on DPA prioritization.	Narissa Chadwick Shalini Nakai		In Progress

22-Jan-2026

Progress		Activity	Responsibility	Dates	Status
100%	1	Meeting Procedures Repeal Bylaw - Gabriola Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 323, 2025 adopted.	Nadine Mourao		Completed
50%	2	Protocol Meeting - Schedule RDN and LTC Protocol meeting and include the topic of policy options and approach on housing specific to Gabriola Island to the proposed agenda. **Feb. 6: Topic captured, protocol meeting will be scheduled subject to time prior to local elections and resourcing.*	Renee Jamurat		In Progress

Follow Up Action Report

Gabriola Island

23-Mar-2026

Progress		Activity	Responsibility	Dates	Status
0%	1	OCP/LUB Review - Update website with LTC endorsed project charter.	Narissa Chadwick		In Progress
0%	2	OCP/LUB Review - consider the Freshwater Footprint Hazard map, associated analysis, and recommendations in the development of Official Community Plan review policies.	Narissa Chadwick		In Progress
0%	3	OCP/LUB Review - Communications and engagement plan endorsed, incorporate into project work plan.	Narissa Chadwick		In Progress

Follow Up Action Report

Gabriola Island

23-Apr-2026

Progress		Activity	Responsibility	Dates	Status
0%	1	PL-DVP-2024-0299 - Inform applicant of LTC decision.	Stephen Baugh		In Progress
0%	2	PL-RZ-2025-0138 - Deferred, include in May meeting agenda.	Stephen Baugh		In Progress
0%	3	PL-DP-2025-0481 - Approved with conditions per recommendation, staff to inform SFN of LTC decision on this permit and permit PL-DP-2025-0308 and issue permit.	Ian Cox Nadine Mourao Shalini Nakai		In Progress
0%	4	PL-DVP-2026-0049 - Approved, issue permit.	Margot Thomaidis Nadine Mourao Shalini Nakai		In Progress
0%	5	Request a staff to staff meeting with Snuneymuxw First Nation staff, to discuss/advance Island Trust Snuneymuxw protocol agreement, s.14 (h): mechanisms to protect registered or potential First Nation archaeological and heritage sites in development application processes.	Joe Elliott Renee Jamurat Stefan Cermak		In Progress
0%	6	Information Request - Staff report back with information about the groundwater license status associated with 3153 Whalley Rd., Gabriola Island.	William Shulba		In Progress
0%	7	Follow up with the SFN regarding appropriate territorial acknowledgment for opening meetings and recording of minutes for Gabriola LTC meetings.	Joe Elliott		In Progress

Follow Up Action Report

Gabriola Island

23-Apr-2026

Progress		Activity	Responsibility	Dates	Status
0%	8	BOV - Inform those who submitted expressions of interest of LTC decision.	Shalini Nakai		In Progress

STAFF REPORT

File No.: GB-RZ-2022.1 (Moen)

DATE OF MEETING:	May 21, 2026
TO:	Gabriola Island Local Trust Committee
FROM:	Stephen Baugh, Island Planner Northern Office
SUBJECT:	GB-RZ-2022.1 (Moen)
	Applicant: Kent Moen
	Location: 750 Tin Can Alley, Gabriola Island LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373 (PID 023-005-629)

RECOMMENDATION

1. **That the Gabriola Island Local Trust Committee authorize discharge of covenant EG124744 and covenant EX009068 registered on Title of LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373, PID 023-005-629 (750 Tin Can Alley, Gabriola Island).**

2. **That the Gabriola Island Local Trust Committee Bylaw No. 318 cited as "Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2024", be adopted.**

3. **That the Gabriola Island Local Trust Committee Bylaw No. 319 cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2024", be adopted.**

REPORT SUMMARY

The purpose of this staff report is to present Bylaw No. 318 (OCP Amendment) and No. 319 (LUB Amendment) to the Gabriola Island Local Trust Committee (LTC) for consideration of adoption. If adopted, these bylaws will redesignate and rezone 750 Tin Can Alley to allow a range of commercial uses in addition to the existing commercial uses on the property, as well as two dwelling units. The bylaws will also result in the subject property being included in the Village Centre Development Permit Area to establish guidelines for the form and character of commercial development, to promote water conservation, and to promote the reduction of greenhouse gas emissions.

Staff are recommending the LTC discharge covenants EG124744 and EX009068 from title of the subject property and adopt Bylaw Nos. 318 and 319.

BACKGROUND

The LTC held a Public Hearing for Bylaw No. 318 and No. 319 on November 20, 2025, gave the proposed Bylaws Third Reading and forwarded them to Islands Trust Executive Committee, and Bylaw No. 318 to the Minister for approval. The Bylaws have been approved by Executive Committee on December 17, 2025 and Bylaw No. 318 was approved by the Minister of Housing and Municipal Affairs on April 15, 2026.

Summary of Proposed Bylaws

Bylaw No. 318 will amend the Gabriola Island Official Community Plan (OCP) to include the subject property in the Village Commercial Land Use Designation and in the Village Centre Development Permit Area (DPA). The DPA establishes objectives for form and character, water conservation and reduction of greenhouse gas emissions. The OCP amendment will also facilitate the ability for the subject property to have two dwelling units and does not require a housing agreement for either of these dwellings.

Bylaw No. 319 will amend the Gabriola Island Land Use Bylaw (LUB) to include the subject property in a new site-specific zone, Village Commercial 3. The new zone will allow a broader range of commercial uses including retail sales, garden centre, personal services, restaurant and offices. The floor area for additional commercial additions to the property is limited to 100 square metres unless there is one dwelling, 200 square metres unless there are two dwellings and there is no floor area restriction for commercial uses once there are two dwellings constructed. The zone allows a maximum of two dwelling units which are each limited in floor area to 90 square metres, the dwelling units must be located within the building envelope of a commercial building. The zone also requires a freshwater collection system to be connected to buildings that support a principal use.

Covenants

The subject property is encumbered by two restrictive covenants.

Covenant EG124744 requires:

> "*prior to the construction of buildings or structures on the Land that result in the total combined floor area exceeding 1393.5 m2 (15,000 sq. ft.), the Transferor must provide written confirmation to the Gabriola Island Local Trust Committee from the relevant public approval authority that all of the sewage generated on the Land can be disposed of on the Land.*"

Covenant EX009068 requires:

> "*The Lands shall be limited in use to the operation of one retail garden, farm supply and nursery store business*".

Regarding sewage, any redevelopment of the lot at this time would be subject to the provincial Sewerage Systems Regulations and all works undertaken overseen by a registered onsite wastewater professional. The rezoning application process has also included the provision of documentation and evidence by a qualified professional, that the subject property can accommodate a sewerage system to support all of the proposed uses. The proposed uses for the property have also been reviewed through this bylaw amendment application and are proposed to be expanded beyond retail garden, farm supply, and nursery store business. Discharging this covenant at the time of bylaw adoption will ensure the restrictions on title are not inconsistent with the approved zoning.

As a result, staff recommend both of these covenants be discharged from title.

RATIONALE FOR RECOMMENDATIONS

The recommendation to discharge Covenant EG124744 and EX009068 are supported because:

- The covenant requirements of EG124744 have been met through the provision of professional reporting provided to support this application;
- The purpose of the application was to enable additional uses on the subject property which will only be possible if covenant EX009068 is discharged.

The recommendations to adopt the bylaws are supported because:

- The proposed bylaws have been determined to be consistent with the Islands Trust Policy Statement by the LTC;
- A Public Hearing was held in accordance with legislative requirements; and
- Executive Committee and the Minister have approved the bylaw.

ALTERNATIVES:

1. **Request more information.**

   The LTC can defer consideration of bylaw adoption until such a time that the applicant has submitted additional information. If this option is considered it may significantly delay final adoption as new information may be subject to legislative requirements for an additional public hearing.

2. **Proceed no further.**

   The LTC could choose to proceed no further with the proposed bylaws, this option would conclude the application without amending the OCP or LUB.

Next Steps

If the LTC concurs with the staff recommendations, staff will consolidate and update the OCP and LUB to reflect the policy and regulatory changes. The applicant can conclude the covenant discharge process.

Submitted By:	Stephen Baugh, Island Planner	April 29, 2026
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 11, 2026

ATTACHMENTS

1. Proposed Bylaw No. 318 (OCP)
2. Proposed Bylaw No. 319 (LUB)
3. Covenant EG124744
4. Covenant EX009068

PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 318

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 Official Community Plan (Gabriola) Bylaw No. 166, 1997, Amendment No. 1, 2024".

2. Gabriola Island Local Trust Committee Bylaw No. 166, cited as "Gabriola Island Official Community Plan (Gabriola) Bylaw No. 166, 1997", is amended as per Schedule "1", Schedule "2", and Schedule "3" attached to and forming part of this bylaw

READ A FIRST TIME THIS	4TH	DAY OF	SEPTEMBER	, 2025
READ A SECOND TIME THIS	4TH	DAY OF	SEPTEMBER	, 2025
PUBLIC HEARING HELD THIS	20TH	DAY OF	NOVEMBER	, 2025
READ A THIRD TIME THIS	20TH	DAY OF	NOVEMBER	, 2025

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

17TH	DAY OF	DECEMBER	, 2025

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

15TH	DAY OF	APRIL	, 2026

ADOPTED THIS	_____	DAY OF	_____	, 202x

_____ _____

Chair **Secretary**

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 318
Schedule "1"

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

   1.1. **Section 2 – General Land Use and Residential Development**, Subsection **2.0 General Land Use**, Clause 2.0.k) is deleted and replaced with the following text:

   > "k) This Plan only supports the realization of additional residential density without subdivision when used for Affordable Housing for Special Needs residents, Seniors, multiple-dwelling affordable housing, and two dwellings (with no restrictions on their tenancy or affordability) on the following parcel: LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373."

   1.2. **Section 3 – Economic Activities**, Subsection **3.1 Commercial Activity**, **General Commercial Objectives** number 1 is amended by deleting the words "(Lockinvar Triangle area)".

   1.3. **Section 3 – Economic Activities**, Subsection **3.1 Commercial Activity**, **General Commercial Policies** is amended by adding a new clause after clause d) as follows: "e) Despite clause a) and d) a minimum and average parcel size of 1.0 hectare (2.47 acres) and up to 2 dwelling units per parcel may be permitted on the following parcel: LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373."

   1.4. **Section 3 – Economic Activities**, Subsection **3.2 Village Commercial**, Clause 3.2.a) is amended by deleting the words "(the Lockinvar Triangle area)".

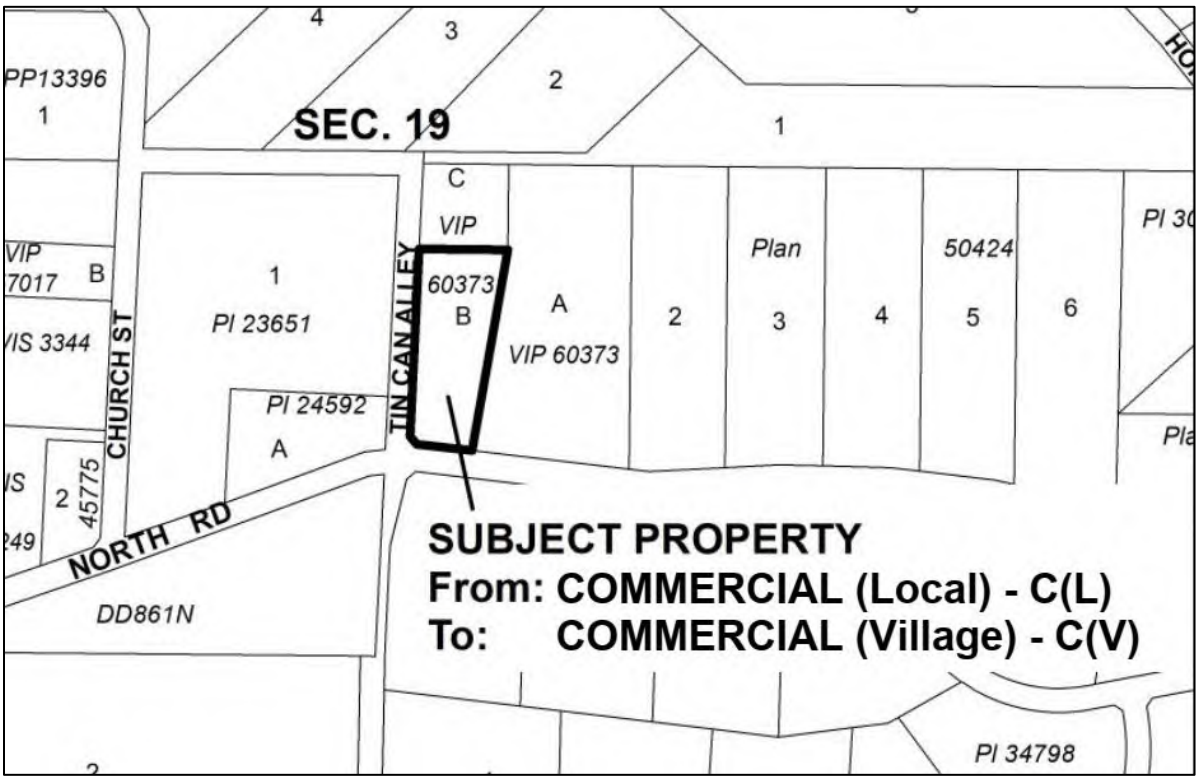
   1.5. **Section 3 – Economic Activities**, Subsection **3.4 Local Commercial**, Clause 3.4.a), is amended by deleting Item 3.4.a)ii in its entirety and by making such consequential numbering alterations to effect this change.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 318
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 by changing the land use designation on the lands described as LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373 (750 Tin Can Alley, Gabriola Island PID 023-005-629) from "Commercial (Local)" to "Village Commercial" as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" as are required to effect this change.

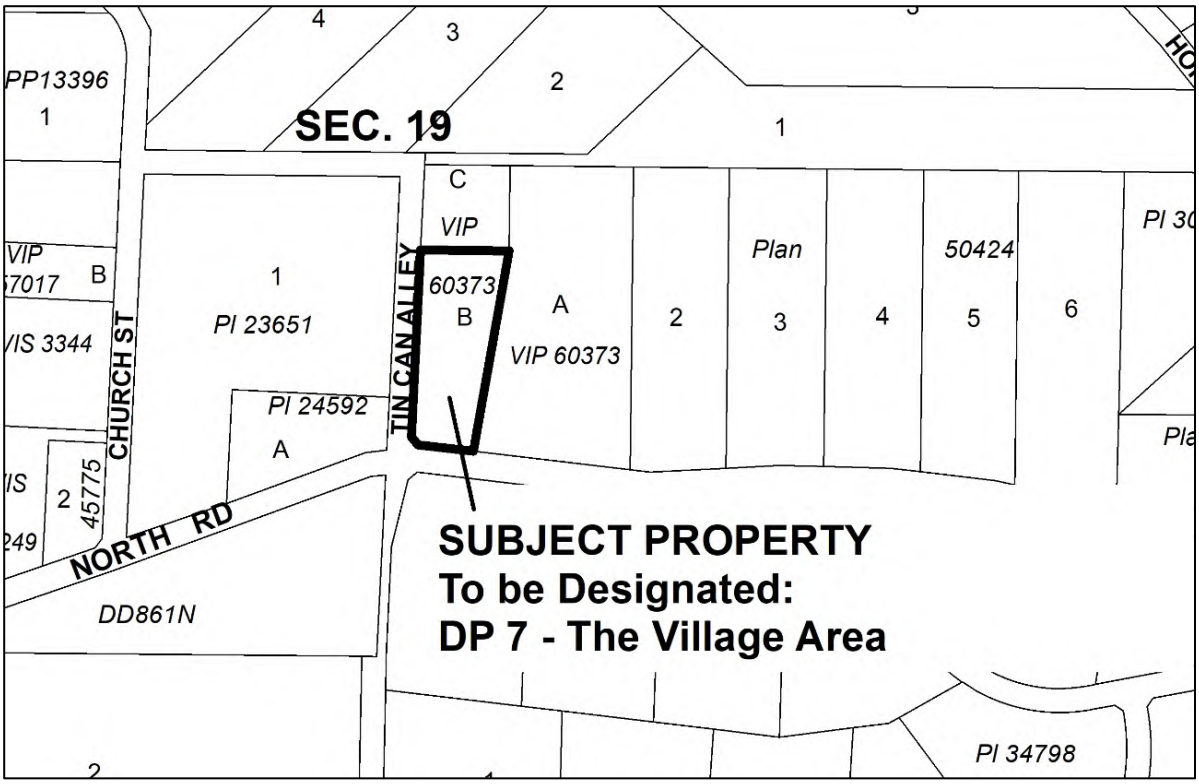
Plan No. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 318
Schedule "3"

1. **Schedule "D" – Development Permit Areas - OCP B North Sheet**, is amended by including the lands described as LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373 (750 Tin Can Alley, Gabriola Island PID 023-005-629) in the Schedule D map for DP 7 - The Village Centre 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.

Plan No. 2



PROPOSED

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 319

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, 2024".

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	4TH	DAY OF	SEPTEMBER	, 2025
READ A SECOND TIME THIS	4TH	DAY OF	SEPTEMBER	, 2025
PUBLIC HEARING HELD THIS	20TH	DAY OF	NOVEMBER	, 2025
READ A THIRD TIME THIS	20TH	DAY OF	NOVEMBER	, 2025

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

	17TH	DAY OF	DECEMBER	, 2025
ADOPTED THIS	_____	DAY OF	_____	, 202x

_____ _____

Chair **Secretary**

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 319

Schedule "1"

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

1.1 **Part B GENERAL REGULATIONS**, Section B.1 **USES, *BUILDINGS* AND *STRUCTURES***, Subsection **B.1.1 Permitted in Any *Zone***, Article **B.1.1.1** Uses, Clause B.1.1.1.c. is amended by replacing "D.3.7. Ferry Parking, D.3.10" with "D.3.8. Ferry Parking, D.3.11".

1.2 **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,** Column I is amended by adding "VC3," after "VC2,".

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**, is amended by adding a new row under the "Residential" heading as follows:

dwelling unit in the Village Commercial 3 zone	1 per *dwelling unit*	None required	None required

1.4 **Part C ESTABLISHMENT OF *ZONES***, Section C.1 **DIVISION INTO *ZONES***, Subsection **C.1.1 Land Based Zones**, insert new zone "VC3 Village Commercial 3" after "Village Commercial 2 – Professional Centre" and before "DC1 District Commercial 1".

1.5 **Part D *ZONES***, Section D.3 **COMMERCIAL AND INDUSTRIAL *ZONES***, insert new Subsection **D.3.3 Village Commercial 3 (VC3)** after Subsection **D.3.2 Village Commercial 2 – Professional Centre(VC2)** as shown in **Appendix 1** attached to and forming part of this bylaw; and renumber all subsequent subsections chronologically.

1.6 **Part D *ZONES***, Section D.3 **COMMERCIAL AND INDUSTRIAL *ZONES***, Subsection **D.3.3 District Commercial 1(DC1)**, Article D.3.3.3 **Regulations**, Clause D.3.3.3.b. ***Buildings* and *Structures* Siting Requirements**, Item D.3.3.3.b.iii. is amended by replacing "D.3.3.3.ii" with "D.3.4.3.ii".

1.7 **Part D *ZONES***, Section D.3 **COMMERCIAL AND INDUSTRIAL *ZONES***, Subsection **D.3.6 Local Commercial 3 – *Garden Centres*(LC3),** Article **D.3.6.1 Permitted Uses**, Clause **D.3.6.1.b. Permitted *Accessory* Uses**, Item **D.3.6.1.b.iii** is amended by deleting the words "except on lands shown on Schedule C, Map 12".

1.8 **Part D *ZONES***, Section D.3 **COMMERCIAL AND INDUSTRIAL *ZONES***, Subsection **D.3.6 Local Commercial 3 – *Garden Centres*(LC3),** Article **D.3.6.1 Permitted Uses**, Clause **D.3.6.1.b. Permitted *Accessory* Uses**, Item **D.3.6.1.b.iv** is deleted in its entirety.

1.9 **Part D *ZONES***, Section D.3 **COMMERCIAL AND INDUSTRIAL *ZONES***, Subsection **D.3.6 Local Commercial 3 – *Garden Centres*(LC3),** Article **D.3.6.2 *Buildings* and *Structures***, Clause **D.3.6.2.a. Permitted *Buildings* and *Structures***, Item **D.3.6.2.a.iv** is deleted in its entirety.

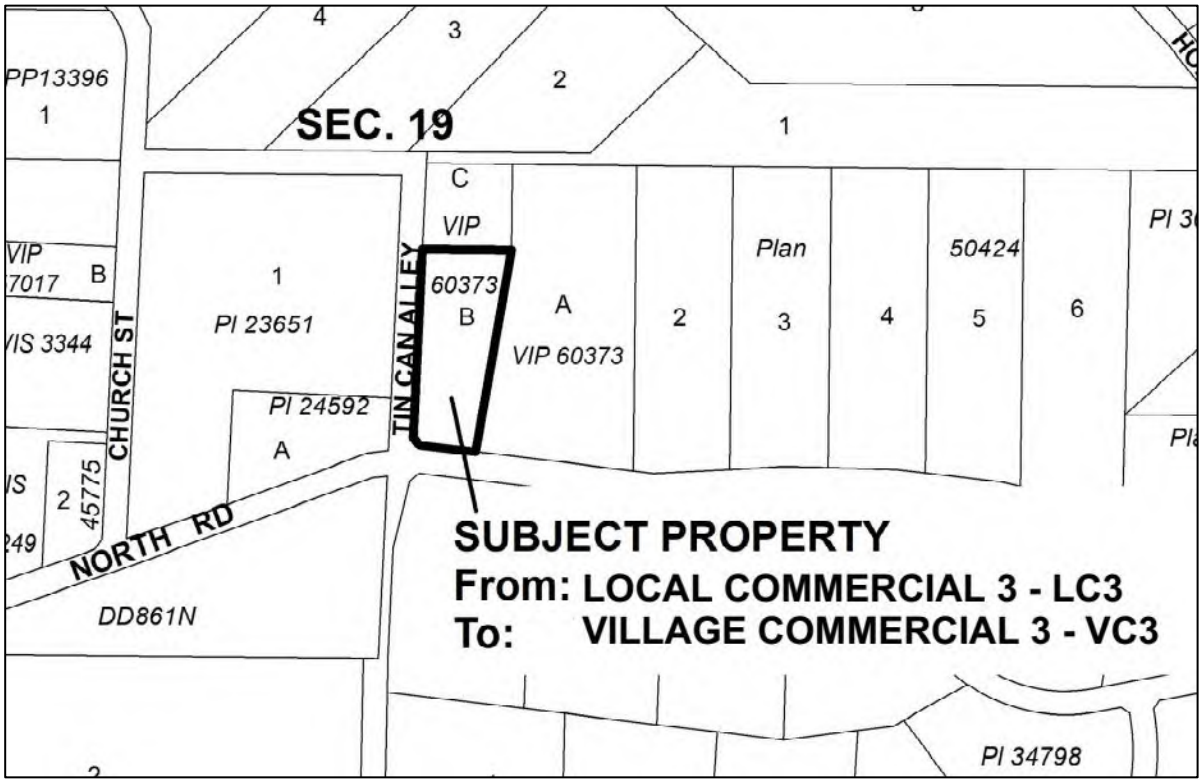
1.10 **Part G,** Section G.1 **DEFINITIONS**, is amended by deleting the following definition:

"farm supply centre a business for the retail sale of farm supplies, but excluding the sale of farm equipment;"

2. **Schedule "B"** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

2.1. Schedule "B" – North Sheet, is amended by changing the zoning classification of LOT B SECTION 19 GABRIOLA ISLAND NANAIMO DISTRICT PLAN VIP60373 (750 Tin Can Alley, Gabriola Island PID 023-005-629) from "Local Commercial 3" to "Village Commercial 3" 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.

Plan No. 1



3. **Schedule "C"** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

3.1. Schedule "C" – Map 10, is amended by replacing "Item d.3.8.1.a.vii" with "Item d.3.9.1.a.vii".

3.2. Schedule "C" – Map 12, is deleted in its entirety.

3.3. Schedule "C" – Map 17, is amended by replacing "Items D.3.8.1.a.v and D.3.8.1.a.viii" with "Items D.3.9.1.a.v and D.3.9.1.a.viii".

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 319

Appendix 1

D.3.3 Village Commercial 3 (VC3)

D.3.3.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Village Commercial 3 (VC3) *zone*:

a. Permitted *Principal* Uses

i *garden centre*
ii retail sales and rentals
iii *personal services*
iv *restaurant*
v bakeries
vi offices
vii *limited public market,* subject to Subsection B.6.2

b. Permitted *Accessory* Uses

i *single family* residential
ii *two family dwelling* residential
iii mini-storage

D.3.3.2 *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 Village Commercial 3 (VC3) *zone*:

a. Permitted *Buildings* and *Structures*

i *Buildings* and *structures* to accommodate *principal* uses set out in this zone which must be connected to a freshwater collection system with a minimum storage capacity of 22,500 litres (5,944 US gallons).
ii Maximum of:
- two *dwelling units* per *lot*; and
- two *buildings* per *lot* that exclude a *pump/utility house* and woodshed, and that are *accessory* to a *dwelling unit*.

iii The maximum permitted floor area of a *dwelling unit* is 90 square metres (968 square feet)
iv Other *buildings* and *structures* to accommodate the permitted accessory uses set out in this *zone*.

D.3.3.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Village Commercial 3 (VC3) *zone*:

a. *Buildings* and *Structures* Height Limitations

i The maximum *height* of *buildings* and *structures* is 9.0 metres (29.5 feet).

b. *Buildings* and *Structures* Siting Requirements

i The minimum *setback* for *buildings* or *structures* except for a sign, *fence*, or *pump/utility house* is:

- 6.0 metres (19.7 feet) from the *front lot line*;
- 6.0 metres (9.8 feet) from any *interior lot line*, except where the *interior lot line* abuts a commercial or industrial *zone* in which case there is no *setback* requirement from the *interior lot line*; and
- 3.0 metres (9.8 feet) from another *building* sited on the same *lot*.

ii There is no *setback* requirement from any *exterior side lot line*, except for mini-storage units in which case the minimum *setback* is 4.5 metres.

iii *Dwelling units* must be located within the building envelope of a commercial building.

c. *Lot Coverage* Limitations

i The maximum combined *lot coverage* by *buildings* and *structures* is 40 percent of the *lot* area.

d. *Lot* Area Requirements for Subdivision

i The minimum average *lot* area and the minimum *lot* area is 1.0 hectare (2.47 acres).

e. Mini-Storage Limitations

i The maximum *floor area* is 9.3 square metres (100 square feet) per mini-storage unit.

ii Mini-storage units must be separated from a highway or from land with zoning permitting a *principal* residential use by a landscape screen, subject to subsection B.2.7, not less than 2.0 metres (6.6 feet) in *height*.

f. Conditions of Use

i The floor area of any commercial use on the lot shall not be expanded, and no building or structure greater than 100 square metres shall be constructed, or increased in floor area, unless:

- one dwelling unit for residential use has been constructed on the lot; or
- a dwelling unit is constructed as part of the construction or expansion of commercial use on the lot.

ii The floor area of any commercial use on the lot shall not be expanded, and no building or structure greater than 200 square metres shall be constructed, or increased in floor area, unless:

- two dwelling units for residential use have been constructed on the lot; or
- two dwelling units are constructed as part of the construction or expansion of commercial use on the lot.

EB-46

EW111711 19 AUG 2004 11 09 EW111710

EG 124744

LAND TITLE ACT
FORM C
(Section 233)

Province of British Columbia GB.25

GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* PAGE 1 of 7 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

DAVID BROWN (247-8234)
Barrister and Solicitor
#5 - 580 North Road,
P.O. Box 220
Gabriola, B.C. V0R 1X0
File No. G5201-R

Submitted by Karen Hughes Corp.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *

(PID)	(LEGAL DESCRIPTION)
000-640-913	LOT 4, SECTION 20, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26041

3. NATURE OF INTEREST:

DESCRIPTION	DOCUMENT REFERENCE	PERSON ENTITLED TO INTEREST
STATUTORY COVENANT Section 219	pages 3 to 7	Transferee
PRIORITY AGREEMENT granting Covenant priority over Mortgage EV864676 and Assignment of Rents EV86467	page 7, paragraph 16	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms [ ] D.F. No.
(b) Express Charge Terms [X] Annexed as Part 2
(c) Release [ ] There is no Part 2 of this instrument

5. TRANSFEROR(S):*
FOLKLIFE VILLAGE INVESTMENTS INC. (INC #408991) (as to Covenant)
ROYAL BANK OF CANADA (as to Priority)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*
GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a Corporation pursuant to the Islands Trust Act, R.S.B.C., 1996, c. 239 and having an office at Suite 200, 1627 Fort Street, Victoria, B.C. V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:*
N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	year	mo	day	Folklife Village Investments Inc. By its Authorized Signatories
David Brown Barrister + Solicitor P.O. Box 220 Gabriola, B.C. V0R 1X0	2004	08	17	Director: Steven Wohlleben

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.
**If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
**If space sufficient, continue executions on additional page(s) in Form D.

08/19/2004 11:26 2503891412 KARENHUGHESCORP PAGE 02

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

year	month	day
2004	07	15

Party(ies) Signature(s)

Royal Bank of Canada by its authorized signatories

WILLIAM A. SCOTT
Barrister & Solicitor
301 Franklyn Street
Nanaimo, B.C. V9R 2X5

as to both the signatures

Officer Signature(s)

Execution Date

year	month	day
2004	07	29

Folklife Village Investments Inc.
By its Authorized Signatories

David Brown
Barrister & Solicitor
P.O. Box 220
#5 - 580 North Road
Gabriola, B.C.
V0R 1X0

as to both the signatures

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.
*If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
**If space sufficient, continue executions on additional page(s) in Form D.

PART 2

TERMS OF INSTRUMENT

RESTRICTIVE COVENANT

Subdivision Restriction Covenant

This Agreement dated for reference this 30th day of June, 2004

DEFINITIONS:

A. The "Transferors" mean the Transferors as set out in Item 5 on Page 1 (Form C) of the attached General Instrument - Part 1.

B. The "Transferees" mean the Transferees as set out in Item 6 on Page 1 (Form C) of the attached General Instrument - Part 1.

C. The "Lands" mean the Land(s) as set out in Item 2 on Page 1 (Form C) of the attached General Instrument - Part 1.

D. "floor area" means the same as floor area in the Gabriola Island Land Use Bylaw, 1999.

E. "public approval authority" means the Provincial agency responsible for assessing and issuing sewage disposal permits for the amount of sewage expected to be generated on the Land.

WHEREAS:

1. The Transferor is the registered owner in fee simple of the lands defined herein (the "Land") and the Island Local Trust Committee is the Transferee.

2. As a condition of the adoption of a rezoning bylaw the Transferor is required to grant this Restrictive Covenant to restrict the development of the land as more particularly set out below.

PART 2

NOW THEREFORE in consideration of the sum of One Dollar ($1.00) and other valuable consideration now paid by the Transferee to the Transferor (the receipt and sufficiency whereof is hereby ecknowledged), the Transferor hereby agree to grant a covenant over the Lands, pursuant to Section 219 of the *Lend Title Act,* to the Transferee on the following terms:

Restrictions

1. Prior to the construction of buildings or structures on the Land that result in the total combined floor area exceeding 1393.5 squere meters (15,000 square feet), the Transferor must provide written confirmation to the Gabriola Island Local Trust Committee from the relevant public epproval authority that all of the sewage generated on the Land cen be disposed of on the Land.

No Waiver

2. No waiver of default shall be effective unless expressed in writing and by the authorized signatory of the Transferee, and no condoning, overlooking or exercising by the Transferee of a previous default shall be taken to operate as a waiver of any subsequent default or continuing default, or to in any wey defeat or affect the rights end remedies of the Transferee.

No Exemption for Jurisdiction

3. Nothing in this Restrictive Covenant shell exempt the Transferor or the Land from any statutory requirement or imposition or from the ordinary jurisdiction of the Islend Local Trust Committee or other statutory authority having jurisdiction, their bylaws, permits, regulations and orders.

No Derogation

4. Nothing contained or implied herein shall impair, limited or affect the Transferee's rights and powers in the exercise of its functions pursuant to the *Islends Trust Act* or any other enactment, and all such powers end rights may be fully exercised in relation to the Land as if this Restrictive Covenant had not been granted by the Transferor.

PART 2

Priority

5. The Transfaror shall after execution thereof by it do or causa to be done all acts raasonably necessary to grant priority to this Restrictive Covanant over all charges and encumbrances which may have been registared against title to tha Land in the Land Title Office save and except those as have been approved by tha Transferee or which have been granted to the Transferee.

Further Acts

6. The Transferor shall do and cause to be dona all things and shall execute and cause to be executed all plans and documents and other instruments which may be nacessary to give proper effect to the intention of this Restrictiva Covenant.

Indemnity

7. Tha Transferor covenants to and does heraby indemnify and save harmless the Transferee, its officers, employeas, contractors and agants at all times from all loss, damages, actions, suits, claims, damands, costs, expenses, finas and liabilities of any nature whatsoever by whomsoever brought, made or sufferad for which the Transfaree shall or may becoma liabla, incur or suffer by reason of any injury to any person (including daath) or loss or damage to property or economic loss:

   a. arising directly or indiractly from any braach or nonperformance of this Restrictive Covenant by the Transferor, its officers, employees, agants, contractors, licensees, invitees and othars of tha Transferor;

   b. arising diractly or indirectly from the proper axercising by the Transferor of any rights to use and build on the Land pursuant to this Rastrictive Covenant or in tha fulfilling of its obligations pursuant to this Restrictiva Covanant;

   c. arising directly or indiractly from any intantional act, or any omission, dafault or negligence of the Transfaror, its officers, employees, agents, contractors, or invitees in tha use of the Land and buildings on the Land;

   d. arising out of exercise of any remady by tha Transferee providad at law, by statute or in this Rastrictive Covenant.

PART 2

Performance at Cost of Transferor

8. Unless otherwise expressly provided in this Restrictive Covenant, whenever the Transferor requests for something be done or is obliged or required to do or cause to be done any act, matter or thing, such act, matter or thing shall be done by the Transferor at its sole expense.

Entire Agreement

9. This Restrictive Covenant is the entire agreement between the parties and the Transferee has made no representations, warranties, guarantees, promises, covenants or agreements to or with the Transferor other than those expressed in writing in this Restrictive Covenant.

Amendment

10. No amendment to this Restrictive Covenant is valid unless in writing and executed by the parties.

Interpretation

11. In this Restrictive Covenant:

    a. whenever the singular or masculine is used the same shall be construed as meaning the plural or the feminine or the body corporate or politic where the context or the parties hereto so require;

    b. every reference to party is deemed to include heirs, executors, administrators, successors, assigns, officers and employees of such parties whenever the context so requires or allows; and

    c. the headings are inserted for reference and convenience only and must not be used to construe or interpret the provisions hereof.

Severance

12. All provisions of this Restrictive Covenant are to be construed as covenants and should any section, or lesser portion of this Restrictive Covenant be held invalid or unenforceable by a

PART 2

court of competent jurisdiction, the said portion shall be severed and invalidity or unenforceability of such section or portion shall not affect the validity of the remainder which shall remain binding on the Transferor and shall charge the Land and be enforceable to the fullest extent of the law.

Time

13. Time is of the essence of this Restrictive Covenant.

Interest in Land

14. This Restrictive Covenant shall charge the Land pursuant to section 219 of the *Land Title Act* and the burden of all the covenants herein shall run with the Land and charge the Land and every part into which the Land may be divided and subdivided.

Enurement

15. This Restrictive Covenant shall enure to the benefit of and be binding upon the parties hereto.

Priority

16. Pursuant to Section 207 of the Land Title Act, and in consideration of the sum of One Dollar ($1.00) of lawful money of Canada (the receipt and sufficiency of which is hereby acknowledged), the Royal Bank of Canada hereby grants this covenant priority to Mortgage EV86466 and Assignment of Rents EV86467 registered in its favour in the Victoria Land Title Office.

Execution

17. As evidence of their agreement to be bound by the above terms the parties each have executed and delivered this Restrictive Covenants under seal by executing Part 1 of the Land Title Act Form C to which this Restrictive Covenant is attached and which forms part of this Restrictive Covenant.

R EX9068 V34863

EX009069 27 JAN 2005 10 21 EX009068

EG 124744

LAND TITLE ACT
FORM C
(Section 233)

Province of
British Columbia

GENERAL INSTRUMENT - PART 1 *(This area for Land Title Office use)* PAGE 1 of 8 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

DAVID BROWN (247-8234)
Barrister and Solicitor
#5 - 580 North Road,
P.O. Box 220
Gabriola, B.C. V0R 1X0
File No. G5201-R

Submitted by Karen Hughes Corp.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *

(PID)	(LEGAL DESCRIPTION)
023-005-629	LOT B, SECTION 19, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP60373

3. NATURE OF INTEREST:

2C

DESCRIPTION	DOCUMENT REFERENCE	PERSON ENTITLED TO INTEREST
STATUTORY COVENANT Section 219	pages 3 to 8	Transferee
PRIORITY AGREEMENT granting Covenant priority over Mortgage EK143935	page 8, paragraph 17	Transferee

01 05/01/27 10:21:07 01 VI 614668
CHARGE $129.50

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) Filed Standard Charge Terms [ ] D.F. No.
(b) Express Charge Terms [X] Annexed as Part 2
(c) Release [ ] There is no Part 2 of this instrument

5. TRANSFEROR(S):*

MERVYN EDWARD O'DONNELL-SWEENEY and **ANNETTE MARIE O'DONNELL-SWEENEY** (as to the Covenant)

COASTAL COMMUNITY CREDIT UNION, formerly Nanaimo Credit Union (as to Priority)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))*
GABRIOLA ISLAND LOCAL TRUST COMMITTEE, a Corporation pursuant to the Islands Trust Act, R.S.B.C., 1996, c. 239 and having an office at Suite 200, 1627 Fort Street, Victoria, B.C. V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:*
N/A

8. EXECUTION(S):** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			
	yr.	mo.	day	
David Brown Barrister & Solicitor P.O. Box 220 #5 - 580 North Rd. Gabriola, B.C. V0R 1X0	2004	12	17	Mervyn Edward O'Donnell-Sweeney Annette Marie O'Donnell-Sweeney

OFFICER CERTIFICATION:
Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

Land Title Act
Form D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date	Transferor/Borrower/Party Signature(s)
NICOLAI FABRIS Barrister & Solicitor P.O. BOX 778 NANAIMO, B.C. V9R 5M2	year: ~~2004~~ 05 mo.: ~~12~~ 01 day: 14	Coastal Community Credit Union (formerly Nanaimo Credit Union) by its authorized signatories: Eileen Brailsford Manager, Consumer Lending Bruno Dragani Vice President, Retail Services

Officer Signature(s)	Execution Date	Transferor/Borrower/Party Signature(s)
LINDA PROWSE A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA ISLANDS TRUST 2nd FLOOR, 1627 FORT STREET VICTORIA, BC V8R 1H8	year: 2004 mo.: 12 day: 20	GABRIOLA ISLAND LOCAL TRUST COMMITTEE by its authorized signatories: Gisele Rudischer GISELE RUDISCHER

PART 2

TERMS OF INSTRUMENT

RESTRICTIVE COVENANT

Subdivision Restriction Covenant

This Agreement dated for reference this 10th day of September, 2004

DEFINITIONS:

A. The "Transferors" mean the Transferors es set out in Item 5 on Pege 1 (Form C) of the ettached General Instrument - Part 1.

B. The "Transferees" mean the Transferees es set out in Item 6 on Pege 1 (Form C) of the ettached Generel Instrument - Part 1.

C. The "Lands" mean the Land(s) as set out in Item 2 on Page 1 (Form C) of the attached General Instrument - Part 1.

D. "floor area" meens the seme ae floor aree in the Gabriole Island Lend Use Bylaw, 1999.

E. "public epprovel authority" meens the Provincial egency responsible for essessing end issuing sewage disposal permits for the emount of sewege expected to be generated on the Lend.

WHEREAS:

1. The Transferor is the registered owner in fee simple of the lands defined herein (the "Land") end the Island Local Trust Committee is the Transferee.

2. As a condition of the adoption of e rezoning bylaw the Transferor is required to grant this Restrictive Covenant to restrict the development of the land as more particulerly set out below.

PART 2

NOW THEREFORE in consideration of the sum of One Dollar ($1.00) and other valuable consideration now paid by the Transferee to the Transferor (the receipt and sufficiency whereof is hereby acknowledged), the Transferor hereby agree to grant a covenant over the Lands, pursuant to Section 219 of the *Land Title Act,* to the Transferee on the following terms:

Restrictions

1. The Lands shall be limited in use to the operation of one retail garden, farm supply and nursery store business.

No Waiver

2. No waiver of default shall be effective unless expressed in writing and by the authorized signatory of the Transferee, and no condoning, overlooking or exercising by the Transferee of a previous default shall be taken to operate as a waiver of any subsequent default or continuing default, or to in any way defeat or effect the rights and remedies of the Transferee.

PART 2

No Exemption for Jurisdiction

3. Nothing in this Restrictive Covenant shall exampt the Trensferor or the Lend from any statutory requirement or imposition or from the ordinery jurisdiction of the Island Local Trust Committea or other statutory authority having jurisdiction, their bylews, permits, regulations end orders.

No Darogation

4. Nothing conteined or impliad herein shall impair, limited or effect the Transferea's rights and powers in tha exercisa of its functions purauant to the *Islands Trust Act* or any other anectment, end all such powers end rights may be fully exercised in relation to the Lend as if this Reatrictive Covenent hed not bean grantad by tha Transferor.

Priority

5. The Transferor sheil efter execution thareof by it do or cause to be done all ects reesonably nacessery to grent priority to this Rastrictive Covenent over all charges and ancumbrances which may have been registered egainst title to tha Lend in the Land Title Office aeva and axcept those as have been approved by tha Transferea or which have bean granted to the Transfarea.

Furthar Acts

6. The Trensferor sheil do and cauae to be done eil things and aheil exacute and ceusa to ba executed all piens end documants end other instruments which mey be necesaary to give proper effect to the intention of this Restrictiva Covenant.

Indemnity

7. The Transferor covenants to end does hereby indemnify end save harmiess the Transferee, its officers, employees, contractors end agents at eli timas from all loss, damages, actions, sults, cieims, damands, costs, expenses, fines end liabilitiae of any nature whatsoever by whomsoever brought, made or auffered for which the Transferee shall or may bacome liable, incur or suffer by reason of any injury to eny person (including death) or loss or damage to proparty or economic loss:

PART 2

a. arising directly or indirectly from any breach or nonperformence of this Restrictive Covenant by the Trensferor, its officers, employaes, agents, contrectors, licensees, invitees and others of the Transferor;

b. arising directly or indirectly from tha proper exercising by the Transferor of any rights to use and build on the Lend pursuant to this Restrictive Covenant or in the fulfilling of its obligations pursuant to this Restrictive Covenant;

c. arising directly or indirectly from any intentional act, or eny omission, default or negligance of the Transferor, its officers, amployeas, agents, contractors, or invitees in the use of the Lend end buildings on the Land;

d. arising out of exercise of any remedy by tha Transferee provided at law, by statute or in this Restrictive Covenant.

Performsnce at Cost of Transferor

8. Unless otherwise expressly providad in this Restrictive Covenant, whenever the Transferor requests for something be done or is obliged or required to do or cause to be done any act, matter or thing, such act, matter or thing shsll be done by the Transferor at its sole expense.

Entire Agreement

9. This Restrictive Covenant is tha entire agreement between the parties and tha Transferee has made no representations, warranties, guarantees, promises, covenants or agreements to or with tha Transferor other than those expressed in writing in this Restrictive Covanant.

Amendment

10. No amendment to this Restrictive Covenant is valid unless in writing and executed by the parties.

Interpretation

11. In this Restrictive Covenant:

PART 2

a. whanever the singular or masculine is used the same shall be construed as meaning the plural or the feminine or tha body corporate or politic where the context or tha parties hereto so requira;

b. every reference to party is deemed to include hairs, executors, administrators, successors, assigns, officers and employees of such psrties whenevar the context so requires or allows; and

c. the headings are inserted for reference and convenience only and must not be used to construe or interpret the provisions hereof.

Seversnca

12. All provisions of this Restrictive Covenent are to be construed as covenants and should any section, or lesser portion of this Restrictiva Covenant be held invalid or unenforceable by a court of competent jurisdiction, the said portion shall be savered and invalidity or unenforceebility of such saction or portion shall not affect the validity of the remainder which shall remsin binding on the Transferor and shell chsrge the Land and be enforceable to the fullest extent of the law.

Tima

13. Time is of the assence of this Restrictive Covenant.

Interest in Land

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Enurement

15. This Restrictive Covenant shall enure to the benefit of and be binding upon the perties hereto.

PART 2

Execution

16. As evidence of their egreement to be bound by the sbove terms the psrties esch have executed and delivered this Restrictive Covenants under seal by executing Part 1 of the Lend Title Act Form C to which this Restrictive Covenant is sttsched and which forms pert of this Restrictive Covenent.

Priority

17. Pursuant to Section 207 of the Land Title Act, snd in consideretion of the sum of One Dollar ($1.00) of lawful money of Caneda (the receipt and sufficiency of which is hereby acknowledged), the Coastsl Community Credit Union hereby grsnts this covenant priority to Mortgege EK143935 registered in its fevour in the Victorie Lend Title Office.

END OF DOCUMENT

CONTINUES ON PAGE 002

Date: 06/09/27 TITLE SEARCH PRINT - VICTORIA Time: 09:07:12
Requestor: (PA21278) ISLANDS TRUST Page: 002
TITLE - EX18332

EG124744
REMARKS: INTER ALIA
LAND TITLE ACT SECTION 215
PART IN PLAN VIP57324

COVENANT
EX9068 2005-01-27 10:21
REGISTERED OWNER OF CHARGE:
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
EX9068

MORTGAGE
EX18333 2005-02-18 13:44
REGISTERED OWNER OF CHARGE:
COASTAL COMMUNITY CREDIT UNION
EX18333

ASSIGNMENT OF RENTS
EX18334 2005-02-18 13:44
REGISTERED OWNER OF CHARGE:
COASTAL COMMUNITY CREDIT UNION
EX18334

"CAUTION - CHARGES MAY NOT APPEAR IN ORDER OF PRIORITY. SEE SECTION 28, L.T.A."

DUPLICATE INDEFEASIBLE TITLE: NONE OUTSTANDING

TRANSFERS: NONE

PENDING APPLICATIONS: NONE

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***

STAFF REPORT

File No.: PL-RZ-2025-0138 (Seward)

DATE OF MEETING:	May 21, 2026
TO:	Gabriola Island Local Trust Committee
FROM:	Stephen Baugh, Island Planner Northern Team
SUBJECT:	OCP & LUB Amendment Application – PL-RZ-2025-0138 (Seward) Applicant: Toby Seward Location: 1900 Stalker Road, Gabriola Island

RECOMMENDATION

1. **That the Gabriola Island Local Trust Committee request staff to draft Official Community Plan and Land Use Bylaw amendments for 1900 Stalker Road, Gabriola Island to create a site-specific zone that would permit three dwellings with limited floor area, limit the floor area of accessory buildings, and maintain the 8 hectare minimum average lot size for subdivision.**

2. **That the Gabriola Island Local Trust Committee request staff to send an early referral to Snuneymuxw First Nation and the Regional District of Nanaimo.**

3. **That the Gabriola Island Local Trust Committee request the following information from the applicant in advance of consideration of First Reading:**

   a) **A survey by a Wetland Specialist that takes place within the "wet season" to confirm the presence and boundaries of or absence of a wetland, seep or seasonally wet habitat; and an assessment by a qualified professional of the potential impact of any new well to any confirmed adjacent wetlands on the subject property.**
   b) **An inspection report from a Registered Onsite Wastewater Specialist to certify that the sewage disposal systems are functioning properly and can in their current condition support the existing dwellings.**
   c) **A survey by an appropriately qualified expert to be completed during the active period for the Moss' elfin (red-listed butterfly) (spring/early summer) to confirm likely presence/absence.**

4. **That the Gabriola Island Local Trust Committee request the following information from the applicant to be submitted to staff in advance of the Gabriola Island Local Trust Committee considering bylaw adoption:**

   a) **Confirmation that installation of any new well is greater than 100 metres from the shoreline.**
   b) **Written certification under seal of a professional engineer or geoscientist with competency in hydrogeology that:**
      i. **Each well has been constructed in accordance or have been retrofitted to be in accordance with the Groundwater Protection Regulation; and**
      ii. **Each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on the lot in accordance with the Water Sustainability Act, 2000 L/day for each additional permitted dwelling.**

iii. **The water from each well meets potable water standards, or confirmation that a water treatment system has been installed to make the water potable.**

c) **The results of a water quality test for bacteriological, routine chemical parameters, and chloride including recommendations from a qualified pump installer for groundwater filtration and treatment.**

d) **Confirmation that the proposed transfer of property to BC Parks is completed.**

5. **That the Gabriola Island Local Trust Committee request the applicant for PL-RZ-2025-0138 (Seward) enter into a cost recovery agreement with Islands Trust for legal services to prepare a draft Section 219 covenant with requirements:**

   a) **that forested areas and archaeological features are protected from ground disturbance, vegetation clearing or new development; and**

   b) **that invasive plant species on the subject property as identified in "6.0 Environmental Protection Recommendations" of the report from Aquaparian Environmental Consulting Ltd. dated November 4, 2024 are removed and the area replanted following recommendations from a registered professional biologist, with the work to be completed within a reasonable timeframe;**

REPORT SUMMARY

This report provides an overview of bylaw amendment application PL-RZ-2025-0138 (Seward) including rationale for the application, overview of supporting documentation received, site context, policy review, and staff recommendations.

This application proposes to amend the Gabriola Island Official Community Plan (OCP) and Gabriola Island Land Use Bylaw (LUB) to permit a three lot strata lot subdivision at 1900 Stalker Rd.

Staff recommends the Gabriola Island Local Trust Committee (LTC):

- request staff to draft bylaw amendments to permit the existing dwellings by zoning without allowing subdivision;
- send an early referral of the application to Snuneymuxw First Nation and the Regional District of Nanaimo;
- request the applicant provide additional supporting information; and
- that the applicant enter a cost recovery agreement with the Islands Trust for preparation of a draft covenant.

BACKGROUND

This application proposes to amend both the OCP and LUB to facilitate a bare-land strata subdivision of the subject property into three lots to correspond to the location of three existing dwellings that have been on the property since 1971. The owners are also proposing a covenant on title to limit the future development on the lot, protect specific areas of the property, commit to the removal and ongoing eradication of invasive Scottish Broom vegetation, and ensure the follow through of the donation of a portion of the property to the adjacent Drumbeg Provincial Park.

As part of the application package the applicant has submitted the following reports pertaining to the subject property:

- Biophysical Assessment by Aquaparian Environmental Consulting Ltd dated November 4, 2024 (Attachment 5);

- Geohazard Assessment prepared by Ryzuk Geotechnical dated January 2025 (Attachment 6);
- Hydrogeological Assessment prepared by Waterline Resources Inc. dated February 5, 2025 (Attachment 7); and
- Archaeological Impact Assessment prepared by Baseline Archaeological Services Ltd. Dated January 2023 (Attachment 8).

The application narrative and rationale submitted by the applicant is included as Attachment 4.

Two site visits have occurred in the review of this application, the first on June 11, 2025 and subsequently on January 19, 2026. Some photos of the site along with the site survey are included as Attachment 3.

The following table summarizes the current state of the property, what is proposed by the applicant, and the staff recommendation.

Topic	Current	Applicant Proposed	Staff Recommendation
Land Use Designation	Resource.	Small Rural Residential or Site-specific.	Site-specific.
Zoning	Resource.	Small Rural Residential or Site-specific.	Site-specific.
Density	1 Dwelling and 1 Secondary Suite permitted 3 dwellings existing as protected non-conforming uses.	3 dwellings permitted, no secondary suites.	3 dwellings permitted, no secondary suites.
Subdivision	Minimum average lot area of 8 hectares. (No subdivision potential)	Minimum average lot area equivalent to 1.2 hectares. (Allow 3 lot subdivision)	Minimum average lot area of 8 hectares. (No subdivision potential)
Floor Area	No floor area maximum for dwellings. Existing dwellings are approximately 173 square metres (1866 square feet) each.	Restrict floor area of each dwelling to existing floor area plus an additional 20% (2239 square feet).	Restrict floor area of each dwelling to a maximum of 210 square metres (2260 square feet) each.
Accessory Buildings	3 buildings accessory to a dwelling per lot, not including a woodshed, pump/utility house, or a secondary suite.	Allow existing accessory buildings and one additional building. Total of: - 5 accessory buildings, - 2 woodsheds, and - 2 pump/utility houses.	Limit total floor area of all accessory buildings to 100 m^2.

Covenant	No covenant.	Covenant to protect trees and vegetation of 1.4 hectares of the property with exceptions for fire smart vegetation management, dangerous trees, servicing requirements, utilities, wells, and sewer disposal systems.	Covenant to protect forested areas, archaeological features, and require invasive plant species removal.
Land Donation		Donate 0.12 hectares to adjacent Drumbeg Park as a condition of approval of subdivision of the property. Owners work with Gabriola Land and Trails Trust and BC Parks to remove the broom in the proposed park dedication area and 3.0 metres north of the proposed park dedication area.	Donate 0.12 hectares (12 917 square feet) to adjacent Drumbeg Park concurrent with final adoption of bylaws (creation of additional lots not recommended). Owners responsible to ensure invasive plant species (Scotch Broom and Himalayan Blackberry) removed from area to be donated as per recommendations from Registered Professional Biologist prior to donation to BC Parks.

Pre-application Community Meeting

The applicant held an information meeting at Page's Inn on Silva Bay on October 21, 2023 and indicated there were two attendees who were both supportive of the rezoning. Two pieces of correspondence were sent to the applicant after the community information meeting which did not raise concerns about the proposal.

ANALYSIS

Policy/Regulatory

A site context analysis is provided for the subject property (Attachment 1). The following Islands Trust Policies, OCP Policies and LUB regulations are pertinent to the consideration of this application.

Islands Trust Policy Statement:

An Islands Trust Policy Statement (Directives Only) Checklist will be completed at the time draft bylaw amendments are presented to the LTC. The following directive policies from the Island Trust Policy Statement are relevant to the application for early consideration by the LTC:

NO.	DIRECTIVE POLICY
3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

3.2.2	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.
3.4.5	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.
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.
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
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.
5.6.3	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.

Official Community Plan:

A comprehensive overview of relevant OCP policies related to this application is provided in Attachment 2. The subject property is designated Resource, and the application requests a land use designation change to Small Rural Residential or a site-specific designation. The following OCP policies are relevant to the staff recommendations on the first page of this report:

2.0 f) *Applications for amendment to this OCP shall be required to include:*

i. details concerning the potential environmental impacts of the proposed development;

ii. a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and

iii. such other requirements as may reasonably be deemed necessary in adequately reviewing the application.

2.1 a) *Increasing residential density through redesignation/rezoning shall not be permitted with the exception of Special Needs residents, Seniors and multiple-dwelling affordable housing.*

5.1 a) *The average parcel size in the Resource zone shall be 8.0 hectares (19.76 acres) and the minimum parcel size shall be 2.0 hectare (4.94 acres). In the case of a parcel serviced by community water and a community sewer the minimum parcel size shall be 1.0 hectares (2.47 acres).*

5.1 c) *The retention of lands in the Resource zone in large land holdings so as to protect significant environmental features (including marshlands), archeological sites and forested areas and maintain the area's rural character is supported. Provision is made for 8.0 hectare (19.76 acre) residential density being transferred from one parcel in the Resource zone to another parcel in the Resource zone.*

Land Use Bylaw:

The subject property is currently zoned Resource which permits one single family dwelling and one secondary suite. The subject property does not currently have the ability to be subdivided as the minimum average lot area for subdivision is 8.0 hectares and the subject property is 3.6 hectares in area.

Should the LTC request staff to prepare draft amending bylaws, staff recommend the bylaws facilitate a site-specific designation and a site-specific residential zone to:

- permit the existing dwellings with limited floor area;
- limit the floor area of accessory buildings; and
- continue to restrict subdivision of the subject property.

Staff analysis below provides the basis for this recommendation.

Islands Trust Conservancy:

The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor directly affects a property adjacent to an ITC owned property or conservation covenant. Referral to ITC for comment is not required.

Issues and Opportunities

Staff have identified the following issues and opportunities for LTC consideration:

- OCP Compliance
- Subdivision
- Invasive Species Management
- Professional Reports
- Cultural Heritage

OCP Compliance

As presented, the application is not consistent with policies in the Gabriola Island Official Community Plan (OCP). The application proposes to amend the land use designation from Resource to Small Rural Residential (SRR) or site-specific designation. A site-specific designation would be required as the proposal is not consistent with SRR policies which require a minimum average lot area of 2.0 hectares.

However, redesignation and rezoning of the property to facilitate subdivision is not supported by the objectives and policies of the current Resource land use designation of the subject property. An objective of the Resource designation is to preserve large parcels of land in a largely unsubdivided state and policy 5.1(a) states the average parcel size in the Resource zone shall be 8.0 hectares and the minimum parcel size shall be 2.0 hectares. Similarly, policy 5.1(c) supports the retention of lands in the Resource zone in large land holdings so as to protect significant environmental features, archaeological sites and forested areas and maintain the area's rural character. The subject property is located on the shoreline, contains a registered archaeological site, forested areas, and a wetland is identified on the property by Islands Trust mapping. The application proposes bylaw amendments to facilitate a three-lot subdivision which is not consistent with these policies.

The application is also inconsistent with other OCP policies related to additional density. Current policy states that redesignation or rezoning for additional density should not be permitted except for special needs, seniors, or affordable housing. While the application does propose to increase the permitted density on the lot, the applicant

has provided documentation to show that the three existing dwellings were constructed prior to 1971 bylaw regulations which limited the density on the lot.

Protected non-conforming residential uses are not intended to continue indefinitely. Nonetheless, in consideration of this property's history, the proposed covenant, 0.12 ha (12 917 square feet) park land donation, and proposed limits to the size of the dwellings and accessory buildings on site, staff recommend the zoning be amended to permit the three existing dwellings on the parcel with a maximum floor area for each dwelling of 210 square metres (2239 square feet) which is approximately the average size of the existing dwellings plus 20%.

Subdivision

The application requests the bylaw amendments facilitate a three-lot subdivision to enable each existing dwelling to be situated on an individual lot. As noted above, this approach is not supported by the current OCP. Staff note the LTC is currently undertaking a review of the current OCP and contemplating approaches to permitting additional density without subdivision. In part, this is in recognition that many lots on the island are already under 1ha; small lots can make managing and conserving sensitive ecosystems less effective and fragmented. Fragmented land ownership can similarly increase the complexity of effectively protecting archaeological sites, shoreline habitat and biodiversity through proliferation of lot specific infrastructure such as trails, fences and gathering areas.

Invasive Species Management

The application proposes to donate 0.12 ha (12 917 square feet) of land to the neighbouring Drumbeg Provincial Park. The Biophysical Assessment submitted with the application recommends the removal of Scotch broom and Himalayan blackberry and restoration with native Garry oak ecosystem species in and adjacent to the area to be donated. At this time staff understand that the removal and restoration has not commenced and the application proposes that the owners will work with the Gabriola Land and Trails Trust and BC Parks to remove the broom in the proposed park dedication area and the adjoining 3 metres north of that area.

If the LTC proceeds with the bylaw amendment application, Staff are recommending that the LTC request that the owners remove the invasive species within the boundaries of, and adjacent to, the 0.12 ha (12 917 square feet) area being donated to BC Parks prior to bylaws being adopted. Staff also recommend the preparation of a Section 219 restrictive covenant between the owners and the LTC to ensure the invasive species on the remainder of the property adjacent to the new park boundary, are removed, the area replanted, and maintained until plantings are established following advice from a registered professional biologist. This follows recommendations by the professional biologist in the Biophysical Assessment (Attachment 5) for the property which states: "Removal of Scotch broom and Himalayan blackberry and restoration with native Garry oak ecosystem species is recommended to strengthen the ecology of the site."

Staff have received a letter from the President of the Gabriola Lands and Trails Trust which supports the transfer of property to Drumbeg Park, the removal of invasive species, and restoration of land to a Garry Oak meadow.

The applicant has also initiated discussions with BC Parks in regards to the property donation, they have indicated they are interested in a site meeting and conducting a detailed property evaluation.

Professional Reports

Planning staff have conducted internal referrals of the hydrogeological report to the Senior Freshwater Specialist and the Biophysical Assessment to the Professional Biologist. Comments from the Freshwater Specialist and Islands Trust Biologist are incorporated here and have informed the staff recommendations.

Biophysical Assessment

With regards to the Biophysical Assessment, the report states that "no watercourses or wetlands were observed" however, the Sensitive Ecosystem Inventory mapping indicates the presence of wetland/swamp habitat on that site. The site survey took place in October 2024, during a time when there had been very low levels of precipitation in the preceding months, potentially making it more difficult to identify a wetland. Some of the plants listed as being present on the site such as salal, sword fern, Nootka rose, common snowberry, western red cedar, salmonberry, have been identified as wetland plants in the BC Wildlife Federation "Wetland Plants of British Columbia" (2025).

Since the time the report was written, November 2024, an element occurrence record for the Moss' elfin (red-listed butterfly) has been identified on this site, meaning that this site is an area of land that could contain habitat for this species. Element occurrences have conservation significance and are relevant in land management decisions. A survey by an appropriately qualified expert should be completed during the active period for this insect (spring/early summer) to confirm likely presence/absence.

An additional survey by a Wetland Specialist that takes place within the "wet season" should be conducted to confirm the presence or absence of a wetland, seep or seasonally wet habitat. If such habitat is present, confirmation that the proposed additional well will not disrupt the hydrology of the site should be provided as the hydrology report provided as part of this application did not provide any information on the impact to wetlands by the construction of an additional well.

Staff recommend the LTC request the applicant provide a survey to determine presence or absence of a wetland and the Moss' elfin butterfly prior to consideration of First Reading.

Hydrogeological Report

Two of the dwellings currently have a designated water supply from wells that were drilled in the 1972, the third dwelling does not have connection to a water supply and currently stores trucked water in a large cistern. The Hydrogeological report submitted with the application concludes that a new well for the third dwelling is not expected to adversely impact groundwater users and also notes that, "local impacts from additional groundwater diversion should be verified through aquifer pumping tests and groundwater monitoring." The recommendations in the report include:

- that the location of a new well should be greater than 100 metres from the shoreline;
- that a pumping test should be completed in the new well to confirm a sustainable yield of 2.5m3/day and monitor indicator parameters for salt water intrusion during testing;
- that the water from the new well should be tested for bacteriological, routine chemical parameters, and chloride, and that a qualified pump installer should be consulted to review water quality results and ensure proper filtration and treatment are provided.

Staff recommend that prior to the LTC considering adoption of the bylaws, the applicant provide information to demonstrate that these recommendations have been followed. Additionally, the pumping test is recommended to be at a constant rate, for a minimum period of 12 hours and withdrawing the total daily required volume specified over a maximum period of 24 hours and monitoring groundwater levels continuously during the pumping test and during the recovery period.

The applicant has submitted documentation that the septic tank and absorption field installed in 1972 was constructed in accordance with the regulations at the time. Staff recommend the applicant provide an inspection report from a Registered Onsite Wastewater Specialist to certify that the sewage disposal systems are functioning properly and suitable to support the three existing dwellings.

Geohazard Assessment

A Geohazard Assessment was also submitted with the application which states the existing residences all appear to be setback behind the flood construction level (FCL) elevation of 5.26m and recommends that any future construction be located above the FCL and setback 15m from the future estimated natural boundary.

Cultural Heritage

The applicant has submitted an Archaeological Impact Assessment Report that was conducted as part of Heritage Inspection Permit 2022-0138. The report notes that the delineation of sites was not completed and are not well defined in some areas, as a result it is recommended that ground altering activity be reviewed by a qualified archaeologist and/or the BC Archaeology Branch to determine the appropriate level of work required. Staff recommend that this be included as a requirement through a covenant as the *Heritage Conservation Act* would only require permitting for land altering activities within the boundary of a registered archaeological site.

In addition, staff recommend the LTC send an early referral of the application to Snuneymuxw First Nation.

Consultation

Statutory Requirements

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

Protocols

The Islands Trust Council has a protocol agreement with the Snuneymuxw First Nation (on behalf of the Gabriola Island LTC) which specifies that the Islands Trust will notify Snuneymuxw in writing of, and work in cooperation with, Snuneymuxw on applications for amendments to official community plans and land use bylaws.

A 2013 letter of understanding between Gabriola Island Local Trust Committee staff and staff at the Regional District of Nanaimo (RDN) requires that the Islands Trust provide the RDN with a draft copy of the OCP prior to first reading.

Consistent with these agreements, staff recommend notification to the Snuneymuxw First Nation and eventual early referral of draft bylaws to the RDN prior to consideration of first reading.

Rationale for Recommendation

Staff have identified the necessary information required from the applicant to address groundwater, sewerage disposal capacity, and ecosystem protection. Staff recommend that draft OCP and LUB amending bylaws be drafted to enable the application for residential development with no subdivision potential, to advance to the next stage in the application process. The staff recommendations are found on page 1 of this report.

ALTERNATIVES

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

1. **Deny the application**

The LTC may deny the application. Staff advise that the implications of this alternative are that no further work on this application will advance and the file will be closed. The applicant will be advised that a substantially similar application may not be submitted for one year unless the LTC has agreed to such reconsideration. 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 PL-RZ-2025-0138 for the following reasons [insert reasons].

2. Proceed with application as requested by the applicant

If the LTC selects this alternative, the following resolutions are recommended:

1. *That the Gabriola Island Local Trust Committee request staff to draft bylaws consistent with the application received by the applicant for application PL-RZ-2025-0138.*

2. *That the Gabriola Island Local Trust Committee request staff to send an early referral to Snuneymuxw First Nation and the Regional District of Nanaimo.*

3. *That the Gabriola Island Local Trust Committee request the following information from the applicant in advance of consideration of First Reading:*

    a) *A survey by a Wetland Specialist that takes place within the "wet season" to confirm the presence and boundaries of or absence of a wetland, seep or seasonally wet habitat; and an assessment by a qualified professional of the potential impact of any new well to any confirmed adjacent wetlands on the subject property.*
    b) *An inspection report from a Registered Onsite Wastewater Specialist to certify that the sewage disposal systems are functioning properly and can in their current condition support the existing dwellings.*
    c) *A survey by an appropriately qualified expert to be completed during the active period for the Moss' elfin (red-listed butterfly) (spring/early summer) to confirm likely presence/absence.*

4. *That the Gabriola Island Local Trust Committee request the applicant for PL-RZ-2025-0138 (Seward) enter into a cost recovery agreement with Islands Trust for legal services to prepare a draft Section 219 covenant with requirements:*

    a) *that forested areas and archaeological features are protected from ground disturbance, vegetation clearing or new development;*
    b) *that invasive plant species on the subject property as identified in "6.0 Environmental Protection Recommendations" of the report from Aquaparian Environmental Consulting Ltd. dated November 4, 2024 are removed and the area replanted following recommendations from a registered professional biologist, with the work to be completed within a reasonable timeframe; and*
    c) *that subdivision is not permitted until:*
        i. *All drilled wells to satisfy subdivision must provide written certification under seal of a professional engineer or geoscientist with competency in hydrogeology that:*
            1. *Each well has been constructed in accordance or have been retrofitted to be in accordance with the Groundwater Protection Regulation;*
            2. *Each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on each lot in accordance with the Water Sustainability Act, 2000 litres per day with each additional permitted dwelling and cottage an additional 2000 litres per day per lot*

3. *Includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.*
4. *Any newly drilled well is located a minimum of 100 metres from the natural boundary of the sea,*

ii. *All wells used for the purposes of subdivision provide a water quality test for bacteriological, routine chemical parameters, and chloride including recommendations from the professional engineer or geoscientist with competency in hydrogeology for treatment to the Gabriola Island Local Trust Committee.*

iii. *The portion of property identified on the plan attached to the staff report dated May 21, 2026 is transferred to BC Parks.*

NEXT STEPS

Should the LTC concur with staff recommendations, staff will send early referral to Snuneymuxw First Nation, communicate with the applicant to provide additional information, draft a cost recovery agreement, and draft bylaws for LTC consideration.

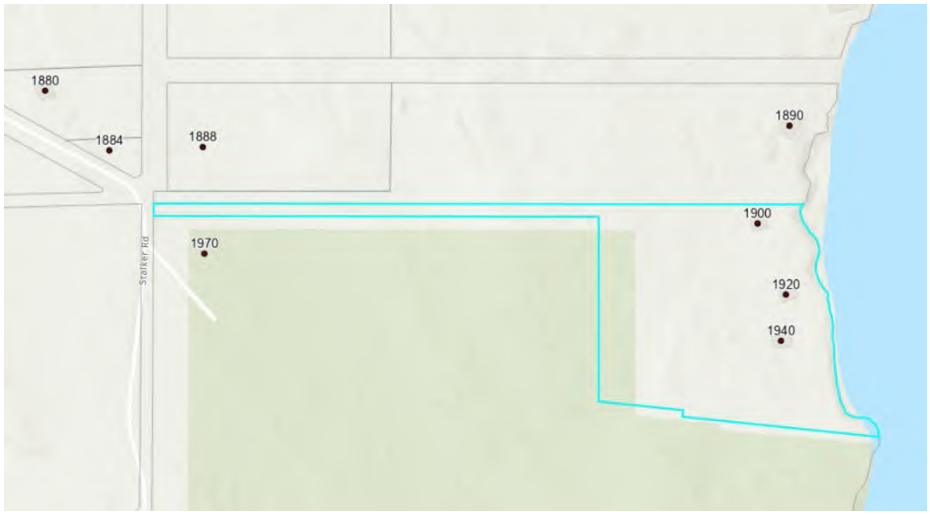
Submitted By:	Stephen Baugh, Island Planner	May 11, 2026
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	May 11, 2026

ATTACHMENTS

1. Site Context
2. OCP Policies
3. **Plans and Photographs (Updated)**
4. Application Narrative
5. Biophysical Assessment
6. Geohazard Assessment
7. Hydrogeological Assessment
8. Archaeological Impact Assessment (Confidential)

ATTACHMENT 1 – SITE CONTEXT – PL-RZ-2025-0138 (SEWARD)

LOCATION

Legal Description	LOT 1, SECTION 4, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 16560
PID	004-008-910
Civic Address	1900 Stalker Rd
Lot Size	3.62 ha (8.96 acres)
Location	

LAND USE

Current Land Use	Residential
Surrounding Land Use	North – Agricultural Land Reserve South – Provincial Park – Drumbeg Provincial Park East – Water West – Park and Residential

HISTORICAL ACTIVITY

File No.	**Purpose**
N/A	N/A

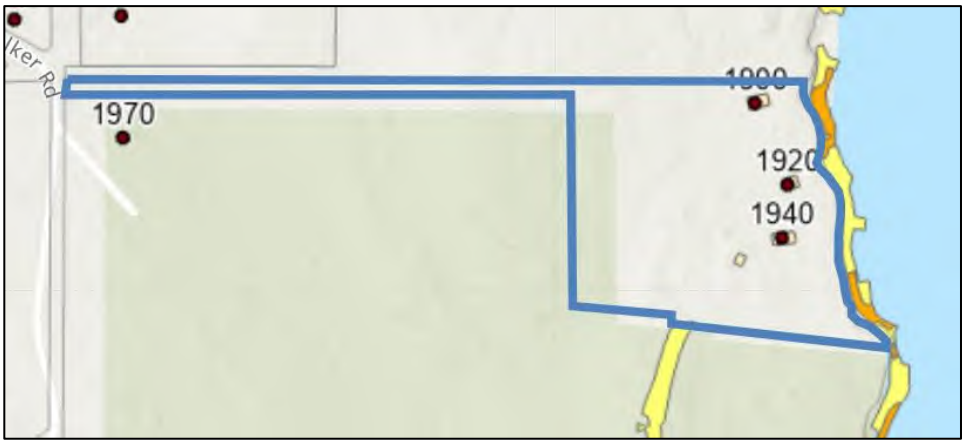
POLICY/REGULATORY

Official Community Plan Designations	***Resource* (R)** Applicant is requesting a change in OCP designation to *Small Rural Residential.* **Development Permit Area: None on subject property.** The subject property's eastern lot line coincides with the natural boundary of the sea and is adjacent to DP-4: Flat Top Islands Area and DP-5: Gabriola Pass

	Marine Protected Area; however, the subject property does not overlap with either.
Land Use Bylaw	***Resource* (R)** The applicant proposes to rezone to *Small Rural Residential* (SRR) to facilitate a future 3-lot subdivision.
Other Regulations	*Heritage Conservation Act*
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor directly affects a property adjacent to an ITC owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Strategy	Appendix II of the Regional Conservation Plan 2018-2027 indicates the relative value for conservation is **High** on the subject property.
Species at Risk	Mapping indicates a raptor nest is located on the southwest portion of the subject property.
Sensitive Ecosystems	SEM Primary Class: Woodland (Dark Green), Herbaceous (Purple), Wetland (Yellow) SEM Secondary Class: Wetland (Diagonal Yellow) SEM Tertiary Class: Herbaceous (Diagonal Purple) Sensitive Ecosystem Inventory mapping indicates a cliff sensitive ecosystem (red).

Hazard Areas	Portion of the subject property mapped as Moderate to Low-Risk Steep Slope.  RDN Floodplain Mapping showing extent of a 0.5% annual exceedance probability flood in yellow with 1m Relative Sea Level Rise plus 0.6m freeboard.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping indicates the presence of an archaeological site and areas of high archaeological potential on the subject property. Applicant has submitted an archaeological impact assessment (AIA)conducted by Baseline Archaeological Services Ltd. with their application.
Climate Change Adaptation and Mitigation	Greenhouse Gas Emissions can be expected to be commensurate with the levels associated with single family residential development patterns and use. RDN Coastal Floodplain mapping indicates the possibility for coastal flooding on the property as sea levels rise.
Shoreline Classification	Low Rock/Boulder
Shoreline Data in TAPIS	Flat continuous eelgrass meadows mapped in the marine area adjacent to the subject property.

ATTACHMENT 2 – POLICIES (PLRZ20250138 (SEWARD))

GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 166, 1997

OCP Objective/Policy	Complies?	Planner Comments
General Land Use Policies		
2.0 f) Applications for amendment to this OCP shall be required to include: i. details concerning the potential environmental impacts of the proposed development; ii. a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and iii. such other requirements as may reasonably be deemed necessary in adequately reviewing the application.	TBD	The applicant has submitted a Biophysical Assessment (Attachment 5) from a registered professional biologist, a Hydrological Assessment (Attachment 7) from a Hydrologist, Geohazard Assessment (Attachment 6) from a professional geoscientist, and an Archaeological Impact Assessment (Attachment 8) Staff are recommending the LTC request the applicant, prior to first reading, to provide: • A survey by a Wetland Specialist to confirm the presence and boundaries of or absence of a wetland, seep or seasonally wet habitat; and an assessment by a qualified professional of the potential impact of any new well to any confirmed adjacent wetlands. • A survey for the Moss' elfin (red-listed butterfly) to confirm likely presence/absence. • An inspection report from a Registered Onsite Wastewater Specialist to certify that the sewage disposal systems are functioning properly and can in their current condition support the existing dwellings. And prior to bylaw adoption: • Confirmation that installation of any new well is greater than 100 metres from the shoreline. • A report from a registered hydrogeologist showing the results of a constant rate pumping test in the new well. • The results of a water quality test for bacteriological, routine chemical parameters, and chloride including recommendations from a qualified

		pump installer for groundwater filtration and treatment.
2.0 i) To avoid negative impacts on small streams and downstream properties, at the time of the development of new parcels of 2.0 hectares (4.94 acres) or smaller in areas designated as residential, an integrated storm water management plan should be designed, constructed and maintained by an appropriate authority.	**YES**	An integrated storm water management plan has not been provided. The applicant is proposing a three bare lot strata subdivision should the zoning be approved. Gabriola Island Land Use Bylaw subdivision regulations include drainage requirements (E.1.9) that must be satisfied at time of subdivision. Staff are not recommending the LTC proceed with bylaw amendments to permit subdivision and do not recommend any further action to address this policy.
Residential Land Use		
2.1 a) Increasing residential density through redesignation/rezoning shall not be permitted with the exception of Special Needs residents, Seniors and multiple-dwelling affordable housing.	**NO**	This application does not propose affordable housing, special needs housing, or seniors housing. The applicant provides rationale in their application letter (Attachment 4) that the OCP Review project that is currently underway includes discussion about suitable lands and options for increasing density while remaining consistent with the Islands Trust mandate. Staff recommend amendment of this policy should the LTC choose to proceed with this application.
2.1 d) Future residential subdivisions should be designed to consider the natural contours of the land, existing natural landscapes, trail access and the design of adjacent subdivisions in order to promote development in harmony with the land and/or seascape.	**For LTC Consideration**	Staff recommend that further fragmentation of the subject property through subdivision to create additional lots be avoided should the LTC choose to proceed with this application.
Resource		
5.1 a) The average parcel size in the Resource zone shall be 8.0 hectares (19.76 acres) and the minimum parcel size shall be 2.0 hectare (4.94 acres). In the case of a parcel serviced by community water and a community sewer the minimum parcel size shall be 1.0 hectares (2.47 acres).	**NO**	This application does not meet Resource policies and the applicant is requesting OCP amendments to redesignate the subject property to Small Rural Residential. Staff support redesignation of the subject property should the LTC choose to proceed with this application. However, the subject property does not have sufficient area to permit 3 lots in the Small Rural Residential designation. A site-

		specific land use designation would be required to permit the requested density at this location.
5.1 c) The retention of lands in the Resource zone in large land holdings so as to protect significant environmental features (including marshlands), archeological sites and forested areas and maintain the area's rural character is supported. Provision is made for 8.0 hectare (19.76 acre) residential density being transferred from one parcel in the Resource zone to another parcel in the Resource zone.	**NO**	One of the objectives of the Resource designation is, "To preserve large parcels of land in a largely unsubdivided state." The parcel contains archaeological sites, significant environmental features, and forested areas. This application does not meet Resource policies and therefore proposes OCP amendments to redesignate the subject property to Small Rural Residential. The protection of a portion of the lot is proposed to be achieved through a covenant. The applicants also propose that the zoning limit the house size and number of accessory buildings to minimize the permission for future development to impact the lots.
Environmentally Sensitive Areas		
6.1 a) Development within environmentally sensitive areas may be regulated through the use of development permits.	**For LTC Consideration**	There is no existing Development Permit Area for environmental protection on the property, the applicants are proposing that a covenant be registered on title to protect the environment. Islands Trust Sensitive Ecosystem Mapping indicates areas of the subject property are primary class Woodland Sensitive Ecosystem. A Biophysical Assessment prepared by Aquaparian Environmental Consulting on November 4, 2024 indicates that the parcel is predominantly second-growth forest canopy with scattered mature (80+ years) Douglas fir, arbutus and Garry oak. No new construction is proposed as part of the rezoning application; however, the Biophysical Assessment report recommends general environmental protection measures for any future development of the property. These recommendations would be considered while drafting an environmental covenant as part of the application.
6.1 b) With respect to an area identified as being environmentally sensitive, the registration of a natural state or environmental covenant and/or the use of a development permit shall be required as a condition of rezoning so as to ensure the long term protection of environmental features.	**For LTC Consideration**	

6.1 c) Voluntary covenants or easements to protect natural features and donation or sale of sensitive areas to a conservation agency shall be encouraged.	**YES**	This application does propose a covenant to protect natural features and a property donation of 1200 square meters along the southern boundary to the adjacent Drumbeg provincial park.
6.1 e) To protect against hazardous conditions and to protect environmentally sensitive areas a setback shall apply from the high water mark of the sea. In the case where a bluff or large land ridge is the prominent upland feature adjacent the sea, a setback from the upper edge of the bluff or ridge shall be applicable.	**YES**	LUB regulations include a 15m setback from the natural boundary of the sea which apply to the subject property. The existing dwellings are compliant with the minimum setback. Staff do not recommend any further action to address this policy.
6.1 f) The sandstone and conglomerate banks along Gabriola's shoreline shall be protected against the accelerated effects of erosion resulting from human activity by requiring the setback of buildings or structures and control of storm water runoff.	**YES**	Existing buildings are setback from the natural boundary of the sea. LUB subdivision regulations will require proposed development to include control of storm water runoff. A Geohazard Assessment report was prepared by Ryzuk Geotechnical Ltd. on January 30, 2025 for the proposed rezoning and subdivision. Staff do not recommend any further action to address this policy.
6.1 g) Trees bearing the nests of great blue heron, bald eagle, osprey and other raptors shall not be cut in accordance with provincial legislation. The zoning bylaw shall set standards and regulate the provision of screening for preserving and protecting trees bearing such nests. Such condition shall be applicable with respect to the rezoning of any site containing such a feature.	**YES**	Islands Trust mapping indicates a raptor nest on the southwest portion of the subject property. The Biophysical Assessment Report states this nest was registered as "Nest Down" in 2014 and that visual inspection of the tree confirmed there is no eagle nest. However, a nest of a smaller raptor species or corvid was present and the property does have suitable conditions for raptor habitat, and nesting opportunities for owls. Staff do not recommend any further action to address this policy.
6.1 i) So as to ensure the Island's environmental resource sites are protected, owners (and potential developers) of property located within an environmental sensitive area shall be encouraged to work with recognized conservancy organizations early on in the development process to ensure steps are taken to protect the environmentally sensitive site.	**YES**	No ground altering development is proposed as part of the rezoning application; however, the Biophysical Assessment report recommends general environmental protection measures for any future development of the property.
Heritage and Archaeological Resources		
6.3 a) The Snuneymuxw First Nation and the Archaeology Branch should be consulted prior to the initiation of any	**YES**	Applicant has submitted a referral to Snuneymuxw First Nation. An Archaeological Impact Assessment has also been conducted

future development which may impact on a known archaeological site on Gabriola, or an area exhibiting potential for the presence of unrecorded archaeological sites.		associated with a provincial Heritage Inspection Permit. Staff support early referral to Snuneymuxw First Nation should the LTC choose to proceed with the application.
6.3 c) The identification and preservation of heritage property shall be encouraged, through the use of voluntary covenants, heritage revitalization agreements and other means intended to encourage the owners of a heritage property to support its heritage designation and preservation.	**For LTC Consideration**	The applicant has been advised of this policy. Staff support early referral to Snuneymuxw First Nation should the LTC choose to proceed with the application.
6.3 e) Petroglyphs and other fragile archaeological sites shall be protected from inappropriate human use which may alter or destroy the significance of the site.	**For LTC Consideration**	Staff support early referral to Snuneymuxw First Nation should the LTC choose to proceed with the application.
6.3 f) Development proponents are encouraged to consider archaeological resources during all phases of project planning, design and implementation.	**YES**	Applicant has submitted a referral to Snuneymuxw First Nation and conducted an Archaeological Impact Assessment. Staff support early referral to Snuneymuxw First Nation should the LTC choose to proceed with the application.
6.3 g) The Local Trust Committee should consider the following in the Gabriola Island Land Use Bylaw: i. the creation of subdivision regulations to protect registered or potential First Nation archaeological and heritage sites; ii. establishing regulations regarding use, density and the siting and location of buildings and uses on land to protect registered or potential First Nation archaeological and heritage sites; iii. implementation of other options to protect registered or potential First Nation archaeological and heritage sites, including but not limited to designation of heritage conservation areas, dedication of	**For LTC Consideration**	Staff support early referral to Snuneymuxw First Nation should the LTC choose to proceed with the application.

parkland during subdivision, and designation of protected heritage sites; and iv. establishment of bylaws and other mechanisms to protect registered or potential First Nation archaeological and heritage sites in development application processes, including applications for amendments to this Plan and the land use bylaw, applications for permits such as heritage alteration permits, temporary commercial or industrial use permits, or development variance permits, and decisions about parkland dedication that are made in response to applications referred to the Local Trust Committee as part of the subdivision approval process.		
7.4 a) Methods of water conservation such as low water use fixtures, retention of rainwater and runoff in cisterns and ponds and other means shall be encouraged.	**For LTC Consideration**	

ATTACHMENT 3 –PLANS AND PHOTOGRAPHS

3.1 SITE SURVEY (NEW PROPOSED PARK DEDICATION SHOWN IN RED)

2.2 DWELLINGS

2.5 Area Adjacent to Drumbeg Provincial Park and Forested Area

March 28, 2025

Islands Trust
Northern Office
700 North Road
Gabriola Island, BC
V0R 1X3

Email: sbaugh@islandstrust.bc.ca

Dear Steven Baugh, Planner

Re: Application to Amend the OCP and Rezone the Property at 1900 Stalker Road, Gabriola Island

Further to our discussions with Islands Trust staff regarding the OCP and rezoning application for the above noted property, attached is the following information:

-Land use application form and checklist
-Summary letter
-Proposed Bare Land Strata Subdivision plan by Turner and Associates
-Environmental report by Aquaparian Environmental
-Archaeological report by Baseline Archeology
-Geotechnical report by Ryzuk Geotechnical Engineering
-Hydrogeological report by Waterline Resources
-Rationale for rezoning and OCP amendment (Attachment A)
- Islands Trust Policy Statement review (Attachment B)
-Contact with Snuneymuxw First Nations (Attachment C)
-Contact with Parks BC staff regarding proposed park dedication (Attachment D)
-Pre-application Community Information Meeting summary (Attachment E)
-Title search and Charges on Title
-Site disclosure statement

Seward Developments Inc.
toby.seward@shaw.ca
250-713-6595
1820 Argyle Avenue, Nanaimo, B.C., V9S 3K7

Proposed OCP and Rezoning Amendment

We propose to amend the OCP from the current Resource (R) to Small Rural Residential (SRR) and the zoning from the current Resource (R) zoning to Small Rural Residential (SRR) or a site specific zoning. Providing these OCP and rezoning amendments are successful, an application will be submitted to MOTT for a three lot bare land strata subdivision, with common property located to the west and south of the proposed lots.

This 3.6 ha (8.9 acre) property was purchased by three families in 1970 and three cottages were built on the property in 1971. For the past 54 years, the property has been used by the three families and is now owned by the next generation of family members. The owners now wish to amend the OCP, rezone the property and apply for a three lot bare land strata subdivision. The owners wish to pursue the amendments noted that will allow each family to have ownership of one of the three bare land strata lots, while sharing the common property that would be adjacent to their three lots. One of the primary reasons the owners wish to pursue the amendments is that the current zoning only allows one single-family dwelling on the property and if a cabin was destroyed by fire, seismic event, etc. it could not be rebuilt without a rezoning.

Initially, the property owners had a discussion with Sonja Zupanec in 2017 regarding a future OCP and rezoning application. I was retained in 2020 to assist the owners in hiring consultants and preparing an OCP and rezoning application for submission to the Islands Trust. We have spoken with Sonja Zupanec a number of times regarding the application and on her suggestion we contacted the Snuneymuxw First Nations (SFN), BC Parks and held a community information meeting prior to making this application. Summaries of these meetings are included in attachments C, D and E of this application. Our first step in preparing the application was to retain an archaeological consultant to carry out the required archaeological reviews on the property. This archaeological review took an extended amount of time and has delayed our preparation of the OCP and rezoning application.

Property Description

The 3.6 ha (8.9 acre) waterfront property is located directly north of Drumbeg Park. Three cottages of approximately 1100 ft.^{2} each were built in 1971 and are owned by the next generation of the original owners of the property. The proposed use of the land will not change with the OCP and rezoning amendment and future subdivision, as the owners wish to continue to use the three cottages as they have done for the past 54 years. No new construction is planned on the property.

The legal description of the property is Lot 1, Section 4, Gabriola Island, Nanaimo District Plan 16560. The PID is 004-008-910.

The sewer drainfields are sketched in red on the attached survey plan prepared by Turner Surveying.

On the site plan prepared by Turner Surveying, the proposed common property on the south and west side of the property were chosen to address the locations of the three driveways and separation from Drumbeg Park. Common property along the waterfront was not pursued as there is limited distance between the waterfront and the three cabins.

In the Waterline Resources hydrogeological report, they provided an assessment of the nearby wells as proof of water for the OCP/rezoning application.

We understand that once the Islands Trust receives our application, they will advise us on the application fee requirements. Please advise if you require additional information to support this OCP and rezoning application.

Yours truly

Toby Seward
Seward Developments Inc

ec: Property Owners

Seward Developments Inc.
toby.seward@shaw.ca
250-713-6595
1820 Argyle Avenue, Nanaimo, B.C., V9S 3K7

Attachment A

1900 Stalker Road, Gabriola Island, OCP/Rezoning Application

Rationale for OCP and Rezoning Amendments

OCP - The current OCP designation is Resource (R) and the proposed new OCP designation is Small Rural Residential (SRR).

The surrounding properties are generally used as residential, other than Drumbeg Park to the south, which is designated Parks (P). Five properties to the north are designated as Agricultural (AG) and properties to the west are designated as Large Rural Residential (RR) and Small Rural Residential (SRR).

The fundamental principle of the OCP is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of residents of the Trust Area and of the province generally. The OCP has a number of environmental goals, including to preserve the unique natural environment and the natural beauty of the Gabriola Planning area, to recognize the provincial and national significance of the unique social and physical diversity, to encourage a good stewardship and prepare for the impacts of climate change.

The Residential Land Use section of the OCP includes objectives to ensure that subdivision design is consistent with the rural character of Gabriola and require new development to be supported by adequate sewer disposal systems.

It is recognized that development of a new OCP for Gabriola is underway, with a target completion date in late 2025 or early 2026. It is understood that the fundamental principles of the current OCP will be included in the new OCP, with discussion about how to maintain those principles, while possibly increasing the allowable density.

The rationale for the proposed OCP amendment for this property is that if the OCP and rezoning are successful, followed by subdivision approval for a three lot bare land strata, the use of the three cottages that have existed on the property since 1971 will not change, other than each cottage will be located on a separate strata lot.
The principles and objectives of the OCP noted above and outlined in the Attachment B, Islands Trust Policy Statement included in this application will continue to be met, as the three families who own the property wish to keep each of the proposed three lots for use by current and future generations of the families. The families have no development plans for the property and the OCP amendment would be consistent with the surrounding residential use.

Zoning - The current zoning is Resource (R) and the proposed new zoning is Small Rural Residential (SRR) or a site specific zoning that would allow for a future subdivision into three bare land strata lots.

The surrounding properties are generally used as residential, other than Drumbeg Park to the south, which is zoned Parks 1 (P1), Provincial and Regional Park. Five properties to the north are zoned agricultural (AG) and the properties to the west are zoned Small Rural Residential (SRR) and Large Rural Residential (LRR).

The three cabins were constructed in 1971 and pre-date the creation of the Islands Trust in 1974 and the subsequent Islands Trust zoning bylaws. The proposed rezoning to Small Rural Residential (SRR) would not entirely meet the zoning bylaw requirements for subdivision, which require a minimum average lot area of 2.0 ha (4.94 acres) and a minimum lot area of 0.5 ha (1.24 acres). As the property is 3.6 ha (8.9 acres), the average lot size would be 1.2 ha (2.96 acres), less than the required 2.0 ha (4.94 acres). The smallest of the proposed three lots would be 0.54 ha (1.33 acres) which would comply with the SRR zoning bylaw requirements for lot size.

Seward Developments Inc.
toby.seward@shaw.ca
250-713-6595
1820 Argyle Avenue, Nanaimo, B.C., V9S 3K7

Attachment B

1900 Stalker Road, Gabriola Island, OCP/rezoning Application

Islands Trust Policy Statement

The Islands Trust objective is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of BC

The guiding principles of the Islands Trust include;

- The primary responsibility of the Islands Trust Council to provide leadership for preservation, protection, and stewardship of amenities, environment, and resources of the Trust Area
- The Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area
- The Trust Council will seek information from a broad range of sources in its decision-making process, recognizing the importance of local knowledge in this regard
- The Trust Council believes that to achieve the Islands Trust objective, the rate and scale of growth and development in the Trust Area may be carefully managed and may require limitation
- Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area
- Trust Council will implement a plan for advancement of the Policy Statement as part of its annual budget process, and the Executive Committee of the Trust Council will report to Council on progress in achieving the goals of the Policy Statement

The proposed OCP and rezoning amendments, plus the proposed future bare land strata subdivision are consistent with the Trust Area guiding principles as follows;

- The owners are making application for the proposed amendments to allow for the three cabins that have been in place on the property since 1971 to be each situated on a separate bare land strata lot. The owners have no development plans for the property, as they wish to maintain the cabins for their current and future generations use.
- The owners are fully committed to preserving and protecting the environment. As part of the proposed amendments, an environmental consultant has provided a report on identification and preservation of the environmental features of the property.
- A hydrogeological report has been undertaken to assess protection of the aquifer and ground water on the property, plus a geotechnical report has been completed to assess ground conditions, slope stability, erosion and sea level rise.
- An archaeology report has been completed to ensure protection of archaeological matter on the property. Contact has been made with the Snuneymuxw First Nations (SFN) regarding the proposed application and the archaeological consultant hired for the project has been in contact with SFN representatives and staff at the provincial archeology branch regarding their assessment of the property.
- A community information meeting was held to inform neighbouring property owners of the proposed amendments. A response from one of the neighbours was that they hoped to see the area remain for single-family dwelling use, which is consistent with the owner's plans.
- Representatives of BC parks have been contacted, as the Stalker Road property shares a property line with Drumbeg Park to the south. BC Parks have confirmed they will work with the Islands Trust and owners regarding a possible dedication of a strip of land to be added to Drumbeg Park.
- Correspondence has been received from the Gabriola Land and Trails Trust (GaLTT) regarding scotch broom infestation. The Stalker Road property owners have removed a considerable amount of scotch broom from their property and plan to follow up with GaLTT and BC Parks on the removal.

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toby.seward@shaw.ca
250-713-6595
1820 Argyle Avenue, Nanaimo, B.C., V9S 3K7

Attachment C

1900 Stalker Road, Gabriola Island, OCP/Rezoning Application

Contact with Snuneymuxw First Nations (SFN)

Owen Grant of Baseline Archaeology (Baseline) was hired in September, 2021 to carry out a Preliminary Field Reconnaissance (PFR) and thereafter an Archeological Impact Assessment (AIA) on the property. Baseline made application to the Archeology Branch for a permit in October, 2021. The provincial Archeology Branch forwarded a letter to SFN Chief and Council on January 31, 2022 advising that Baseline had applied for a Heritage Inspection Permit.

Desiree Thomas, Lands Clerk at the SFN provided a response to the Archeology Branch February 23, 2022 regarding their referral and advised on their Snuneymuxw Referral Management Policy, which requires an application and fee borne by the applicant.

We initially made contact with the Desiree Thomas in February 2022 regarding the application and followed up with a letter to her on February 28, 2022. In addition to the letter, we included the SFN referral checklist, map of the area, proposed subdivision and a $750 application fee as they requested.

Derrick Manson from the SFN participated as part of the field personnel, along with Baseline Archaeology staff, who completed the field review of the property. In Baseline's AIA report dated January 2023, they acknowledged Derrick Manson and Desiree Thomas from the SFN for their assistance with this project.

Copies of correspondence with the SFN and Archeology Branch are attached.

2022- February-28

Snuneymuxw First Nation
668 Centre Street
Nanaimo, BC, V9R 4Z4

Attention: Desiree Thomas, Lands Clerk

Dear Desiree Thomas

Re: Snuneymuxw First Nation Referral Management Checklist – 1900 Stalker Road, Gabriola

Attached is a copy of the referral checklist, map of the area and the proposed subdivision and an application fee.

I am representing the three families who own this property, in their application to the Islands Trust for an OCP/rezoning amendment, that if successful, will allow for a future three lot bare land strata subdivision.

The owners wish to confirm that there is no proposed work or development as part of this application, as the three families who are the applicants, each already have their own cottage on the property and are wishing to maintain the existing natural habitat.

Owen Grant, Baseline Archeological Services, Courtenay, has applied for an Archeological Impact Assessment permit from the Archeology Branch, after his company completed a Preliminary Field Reconnaissance on the property last summer.

Please advise if there is any additional information you require regarding the checklist we have completed for this property.

Yours truly

Toby Seward
Seward Developments Inc
toby.seward@shaw.ca
250-713-6595

Snuneymuxw First Nation Referral Management Checklist

Part 1 – Details of Referral (to be completed by referring ministry/agency)

Date Received: 2022-MARCH-03 External file no.(s):

Referring ministry/agency: RDN

Name of contact and contact details: Toby Seward Seward Developments Inc. toby.seward@shaw.ca 250-713-6595

Type of permit, authorization or tenure: OCP/REZONING-AMENDMENT

Name of applicant/proponent: Toby Seward

Contact details: AS ABOVE

New application Yes ☑ No ☐ Renewal or extension Yes ☐ No ☐

General location: 1900 STALKER ROAD, GABRIOLA ISLAND

Overview map received Yes ☑ No ☐ Site specific map received Yes ☑ No ☐

Ministry Deadline for initial response:

Part 2 – Administration

Is the referral package complete with all documents, maps, studies, and other supporting information necessary to effectively review the application?

Yes ☐ No ☐

Part 3 – Background

A. Does the application recognize an understanding of the existing Treaty Rights of 1854?

B. Does the applicant show a willingness to adapt their standard approach to respect the interests held by Snuneymuxw First Nation?

Part 4 – Engagement with Snuneymuxw First Nation

a. Has the applicant or proponent made an attempt to meet with SFN government prior to applying for a permit within SFN traditional territory? Yes ☐ No ☑

Part 5 – Consultation by Crown

a Does the potential for adverse impacts exist if the permit, authorization or tenure is granted?

Yes ☐ No ☑ To Aboriginal title. If yes, attach details.

Yes ☐ No ☑ To the right to hunt as formerly. If yes, attach details.

Yes ☐ No ☑ To the right to carry on fisheries as formerly. If yes, attach details.

Yes ☐ No ☑ To other Aboriginal rights. If yes, attach details.

Yes ☐ No ☑ To heritage/archaeological resources. If yes, attach details.

Contact

Please submit this information in full to Snuneymuxw First Nation's Lands Clerk at landsclerk@snuneymuxw.ca

***Referrals will only be reviewed once all attached information has been received.**

BRITISH COLUMBIA

January 31, 2022

File: **21A0639**

To Chief and Council:

Re: Application 21A0639 for Inspection Permit

Mr. Owen Grant has applied for a Heritage Inspection Permit (application enclosed), pursuant to section 12.2 of the *Heritage Conservation Act,* to conduct an Archaeological impact assessment of 1900 Stalker Road, Gabriola Island for the proposed rezoning of the property from private land to bare land strata within the boundary of DgRw-23. Through this letter, the Province is initiating consultation with your Nation regarding this application.

If approved, this application will authorize Archaeological Impact Assessments (AIAs) within the permit application area. AIAs are information-gathering studies to identify and assess potential impacts to archaeological sites and make management recommendations to support land-use decisions. This permit does not authorize any development activities (e.g., timber-harvesting).

The Province is aware of your Nation's established or claimed Aboriginal rights and/or title or treaty rights ("Aboriginal Interests") in the proposed permit area and that this application has the potential to impact these Interests. The Province recognizes that the information available to us is not conclusive or exhaustive; therefore, any additional information about your Aboriginal Interests and how they may be impacted by this application is welcome.

The enclosed application describes the proposed area to be assessed, potential impacts associated with the assessment activities, information about the study area, and the proposed archaeological methods. In addition to pedestrian survey, subsurface testing, and artifact collection, this application allows for archaeological methods which may include, but are not limited to, systematic data recovery, or machine-assisted inspections, which may result in more invasive impacts to protected sites. The applicant may have provided goals and objectives, and approaches in the application which are outside the scope of HCA permitting.

Please note, the applicant may distribute NoIs during the review period, before a decision has been made whether to issue this permit.

If you have any comments on this proposed application, please advise in writing by **March 17, 2022,** clicking the linked email address and copying in the subject line provided below:

ArchPermitApp@gov.bc.ca

Subject Line: **Attn: Kira Kristensen – Comments on Application 21A0639**

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Archaeology Branch

Phone: (250) 953-3334
Fax: (250) 953-3340

Mailing Address:

PO Box 9816 Stn Prov Govt
Victoria BC, V8W 9W3

Website: http://www.for.gov.bc.ca/archaeology/ **Email:** ArchPermitApp@gov.bc.ca

Your review and response is requested within this time period to ensure the Province is able to consider any information you provide in the decision making process for this application. If you require additional time to respond, due to COVID-19 or other considerations, please let us know as soon as possible.

The following will support your review of this proposed application:

- Permit application with maps attached
- Spatial data
- Other relevant documents (e.g., Shared Engagement Records, as appropriate)

Please advise if you require additional information to support your review of the proposed application.

The decision regarding the proposed application will consider all concerns and comments provided to the Archaeology Branch:

- Should you identify concerns regarding potential adverse impacts to Aboriginal Interests that could result from the activities proposed under this permit, please identify the specific interest, nature of the impact(s), and possible accommodations.
- Note that any comments regarding proposed archaeological methods and other proposed accommodations may be forwarded to the permit applicant(s) for input as well.

We recognize that the COVID-19 pandemic is shifting organizational priorities and is affecting the capacity of First Nations to engage in consultation activities. Consequently, except in emergency situations, we have extended all referral periods by a minimum of **15 days**.

Where possible, we will further extend timelines on consultations that involve non-urgent files or decisions. The applicant has indicated that the proposed application, however, relates to Covid-19 Essential Services.

The Branch feels it is critical and in the public interest to move forward with the consultation on this application. In these circumstances, we ask that if you can, please provide your response to the Branch by **March 17, 2022** to support the decision-making process for this application. Please let us know as soon as possible if the Branch can support your review of this application, or if you need additional time to respond, due to COVID, flooding or other circumstances. The Province proposes to proceed to decision shortly after this date.

If you have any questions about the Archaeology Branch permitting process in general, please don't hesitate to contact me.

Sincerely

Nathan Friesen
Permitting & Assessment Supervisor
NF/jgf/Encl.

pc: Mr. Owen Grant

Material contained in this referral may be confidential and should be delivered only to the addressee. If all pages are not received, please call 250-953-3334

From: **Desiree Thomas** Desireet@snuneymuxw.ca
Subject: HIP 21A0639
Date: February 23, 2022 at 10:33 AM
To: Archaeology Permit Applications FLNR:EX ArchPermitApp@gov.bc.ca
Cc: toby.seward@shaw.ca, dforbes@baselinearchaeological.ca

DT

Good afternoon,
Thank you for the Referral information regarding *Heritage Inspection Permit application 21A0639* for 1900 Stalker Road, Gabriola Island. Please see the receipt letter attached as confirmation of Snuneymuxw intention to participate in this referral. Snuneymuxw has developed and implemented the Snuneymuxw Referral Management Policy, a right-recognition approach to administering requests for Snuneymuxw consent and/or comments for various activities within Snuneymuxw Territory. This approach is consistent with the solemn constitutional obligations under the Snuneymuxw Treaty of 1854. This approach includes a fee structure as part of the referral policy. Due to the high volume of referrals submitted to Snuneymuxw First Nation, the fee structure assists Snuneymuxw to move through the treaty process in an efficient manner. This referral is subject to $750 admin referral fee. SFN expects that these costs to be borne by the applicant(s). Fees are due as soon as possible, and a formal SFN invoice can be provided upon request. Cheques can be made out to Snuneymuxw First Nation, Attn: HIP 21A0639 and sent to 668 Centre Street, Nanaimo BC, V9R 4Z4.

Desiree Thomas
Lands Clerk
668 Centre Street, Nanaimo BC, V9R 4Z4
EMAIL: desireet@snuneymuxw.ca
PHONE: 250-824-1351

Snuneymuxw First Nation
668 Centre Street, Nanaimo BC, V9R 4Z4
TEL: 250-740-2300/1-888-636-8789
Fax: 250-753-3492
Web: http://www.snuneymuxw.ca
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Snuneymuxw
First Nation
www.snuneymuxw.ca

February 22, 2022

To whom it may concern,

RE: Heritage Inspection Permit # 21A0639- 1900 Stalker Road, Gabriola Island

This letter is to notify your organization that Snuneymuxw First Nation (SFN) has received the above captioned referral. In order to properly review referrals including determining completeness of the referral package, we require a minimum of 60 days ("Review Period") from February 22, 2022. Our Nation receives a high volume of referrals on a daily basis, and we appreciate your patience.

On December 23, 1854, SFN entered into a Treaty with the Governor of the Colony, Sir James Douglas, representing the Crown at Nanaimo Harbour. The Snuneymuxw people have a Nation-to-Nation relationship with Canada and a Government-to-Government relationship with British Columbia. The Treaty of 1854 is a Treaty within section 35 of the *Constitution Act, 1982* and protects the land, marine, aquatic and harvesting rights of the members of the Nation individually and as a whole. The position of Snuneymuxw, based on the Treaty of 1854, is that consent of the Nation is required before any exploration, development, permit or approval granted in relation to the traditional territory of the Snuneymuxw people.

If you require further information about the 1854 Treaty, the inherent and Aboriginal rights of the Snuneymuxw First Nation, or the traditional use and occupation of our territories and waters, please provide us with specific requests in writing.

During the Review Period, SFN will review the referral package and if the package is incomplete, we will require further information from yourself, government, the proponent and/or a related party. However, if you have not heard from SFN within the Review Period does not equate to SFN support for this referral. Depending on the referral package and the impacts to SFN treaty rights, we may require more time to review and respond appropriately.

The Snuneymuxw First Nation, as a Treaty First Nation, takes the position that the consent of the Nation is required prior to any development impacting our lands and/or resources. In some cases, there may be mitigating or accommodation measures that the Snuneymuxw First Nation can consider or accept, but such arrangements must be the product of direct discussion and consent. The honour of the Crown in relation to our

Snuneymuxw First Nation, 668 Centre St., Nanaimo, B.C. V9R 4Z4
Tel: 250-740-2300 / 1-888-636-8789 Fax: 250-753-3492 info@snuneymuxw.ca

lands, waters and peoples is a lawful obligation and is not waived by Snuneymuxw in any circumstance.

Once the application has been reviewed by your organization based on our requirements, please set up a phone call, virtual meeting, or in-person meeting to discuss next steps.

Please contact our Lands Clerk at landsclerk@snuneymuxw.ca Monday – Friday between 8:00AM-4:00PM if you have any further questions.

Sincerely,

Lands Clerk
Snuneymuxw First Nation
668 Centre Street
Nanaimo, BC V9R 4Z4

Snuneymuxw First Nation, 668 Centre St., Nanaimo, B.C. V9R 4Z4
Tel: 250-740-2300 / 1-888-636-8789 Fax: 250-753-3492 info@snuneymuxw.ca

Attachment D

1900 Stalker Road, Gabriola Island, OCP/Rezoning Application

Contact with BC Parks Regarding Proposed Park Dedication

Following exchange of emails, we set up a teams meeting call October 20, 2023 with Catherine Jacobson, Planning Section Head, West Coast, BC Parks and Bradley Lapham, Area Supervisor, BC Parks to discuss the proposed park dedication as part of the rezoning or future subdivision of the Stalker Road property.

In the call, we explained the history of the property and the plan for a future bare land strata subdivision. The subdivision would include a proposed dedication of a strip of land from the Stalker Road property to BC Parks, to be added to the adjacent Drumbeg Park property, as outlined on the survey plan from Turner Surveying.

Both Catherine Jacobson and Bradley Lapham said they were pleased to hear about the proposed dedication well in advance of the referral from the Island Trust or MOTT, as they usually don't hear of any proposed park dedication until much later in the rezoning or subdivision process. They advised the park dedication looked promising and would look forward to discussing the dedication in more detail at rezoning or subdivision stages. Bradley Lapham advised that he had recently been to Drumbeg Park and was aware that some park users may have been trespassing onto the Stalker Road property and wish to determine how best to address the trespass. He advised that the land acquisition coordinator for BC Parks would be involved in the process, if a dedication and associated boundary adjustment was formalized.

We advised them that we would look forward to working with BC Parks staff when the park dedication was further considered. They agreed that they would be happy to discuss the dedication with us when more information is available.

Previous to discussing the proposed dedication with BC Parks staff, we talked to the RDN Parks planner and she advised that Drumbeg Park was a provincial park, therefore any discussions on a dedication should be dealt with through BC Parks.

Attachment E

1900 Stalker Road, Gabriola Island, OCP/Rezoning Application

Community Information Meeting Summary

In advance of submitting a OCP and rezoning application, a pre-application community information meeting was held on October 21, 2023 to receive input from neighbourhood residents. The meeting was held at the boardroom at Page's Inn on Silva Bay, 3415 South Rd., Gabriola from 2.00 PM–4.00 PM

A month in advance of the meeting, we mailed out an information bulletins to 18 property owners who live nearby the Stalker Road property. At the meeting drawings of the proposed subdivision and feedback forms were made available.

At the meeting five of the property owners attended, as well as the owner's representative. Two neighbours attended the meeting and later provided a letter of support for the rezoning amendment. One feedback form was received from a neighbouring property owner, who saw no reason to oppose the application as long as there were no more than three dwellings and each dwelling was for a single family only. An email was received from another property owner, requesting a copy of the subdivision plan, which was forwarded to them. No further comments were received.

Throughout the 54 years that the families have owned the property, they have been part of the community and have established many friendships, which has resulted in a strong unreserved support for their proposal. During the families discussions with their neighbours, there has been no concerns raised regarding the proposed amendments.

A copy of the information bulletin and correspondence received from neighbours is attached.

Seward Developments Inc.
toby.seward@shaw.ca
250-713-6595
1820 Argyle Avenue, Nanaimo, B.C., V9S 3K7

1900 Stalker Road, Gabriola – Proposed Rezoning & Future Subdivision

Pre-Application Community Information Meeting – October 21, 2023

Background – The property owners plan to make an application to the Islands Trust to rezone their property at 1900 Stalker Road to allow for a future 3 lot subdivision. This 8.9 acre property was purchased by three families in 1970 and three cottages were built on the property in 1971. For the past 53 years, the property has been used by the 3 families and is now owned by the next generation of family members. The owners now wish to rezone the property, to allow each family to have their cottages on a separate lot, while sharing their common driveway. There is no development plan associated with this proposed application.

Information Meeting – In advance of submitting a rezoning application, the property owners are holding a Pre-Application Community Information Meeting, to receive input from neighbourhood residents. The meeting will be held:

Saturday, October 21, 2023, 2.00 – 4.00 PM
Page's Inn on Silva Bay, Boardroom, 3415 South Road, Gabriola

At the meeting, drawings of the proposed subdivision and feedback forms will be available. The owner's representatives will be in attendance at the meeting and will be available to provide information and answer questions.

At a later date, the Islands Trust will schedule a Public Hearing, which will allow area residents to provide feedback to the Islands Trust regarding the rezoning

If you were unable to attend the meeting and wish to provide feedback regarding the proposed rezoning, please email the attached feedback form as noted below.

Contact/Questions – If do you have any questions or require further information regarding the Pre-Application Community Information Meeting, please contact the owner's representative; Toby Seward, by email toby.seward@shaw.ca, or by telephone at 250-713-6595. Feedback forms can be emailed to the owner's representative. Please send feedback forms by October 30.

September 17, 2025

Islands Trust
Northern Office
700 North Road
Gabriola Island, BC
V0R 1X3

Email: sbaugh@islandstrust.bc.ca

Dear Steven Baugh, Planner

Re: 1900 Stalker Road, Gabriola Island - Application to Amend the OCP and Rezone the Property – Additional Information to Support the Application

Further to our OCP and rezoning application March 28, 2025, our site meeting June 7, 2025 and the meeting I had with Sonja Zupanec and you on July 16, 2025, we have prepared additional information that we discussed in our meetings. We wish to amend the OCP and rezone the property, with the goal of making a future application for three lot bare land strata subdivision. Attached is the following information for your review:

Property History from 1970 – 2025

The property owners have provided the attached history of the property from the time it was purchased by the families in 1970, until today. The owners wish to keep the property for future generations of the families, continue to be involved in the Gabriola community and as part of the proposed amendments, they propose to register a covenant that keeps the property substantially in its current form, for the enjoyment of future generations of the families.

Proposed Covenant Conditions

Further to our discussions with staff, the owners are proposing to register a covenant on the property as a condition of the OCP and zoning amendments. A copy of the proposed covenant conditions is attached.

Seward Developments Inc.
toby.seward@shaw.ca
250-713-6595
1820 Argyle Avenue, Nanaimo, B.C., V9S 3K7

Copies of Electrical and Sewer Disposal Permits from 1971-1972

As requested, attached is correspondence regarding approval of electrical and sewer disposal permits for construction of the three cottages, starting in 1971. In discussions with RDN staff, they advised that no building permits were required in 1971 for construction of the three cottages, as only electrical and sewage disposal permits were required at the time of construction.

Proposed Site Visit with Gabriola Local Trust Committee Members and Islands Trust Chair

As discussed, we request that a site meeting be scheduled with the two Gabriola Local Trust Committee (LTC) members, the Islands Trust Chair (if available), Islands Trust staff and one or two representatives of the property owners. This meeting would be scheduled to allow Islands Trust members to view the property and receive information from Islands Trust staff regarding the proposed amendments, if required. Property owner representatives would attend the site meeting to observe, but not participate in discussions about the application, unless requested.

Amended Survey Plan

As requested, Turner Surveyors have prepared an amended survey plan that includes all buildings on site (attached).

Please advise if the additional information provided in this letter addresses the points that were discussed in our June 7 and July 16, 2025 meetings or if any additional information is required.

Yours truly

Toby Seward
Seward Developments Inc

ec Property Owners

Seward Developments Inc.
toby.seward@shaw.ca
250-713-6595
1820 Argyle Avenue, Nanaimo, B.C., V9S 3K7

September 17, 2025

1900 Stalker Road, Gabriola

Proposed Covenant Conditions

Proposed conditions to be included in a restricted covenant that will be registered on the property title as a condition of final approval of the OCP/rezoning. The six attached conditions would be submitted to the Islands Trust staff, with actual wording of the covenant conditions determined by your lawyer and the Islands Trust lawyer during the OCP/rezoning process.

1.) The sizes of the three existing cabins is limited to the size of the existing building footprints, plus up to an additional 20% area of the existing building footprints.
2.) The proposed park dedication on the south side of the property, adjacent to Drumbeg Park, as shown on the Turner and Associates land survey dated October 12, 2023, will be transferred to BC Parks as a condition of final approval of a future three lot bare land strata subdivision that will be submitted to the Ministry of Transportation and Transit (MoTT), after successful completion of the OCP and rezoning.
3.) The property owners will work with the Gabriola Land and Trails Trust (GalTT) and BC Parks to remove the broom in the proposed park dedication area and the adjoining 3.0m north of the proposed park dedication area.
4.) When the broom is removed, the property owners will work with BC Parks to identify a method to delineate the new park boundary from the property owner's private property.
5.) A tree and vegetation protection area will be identified in the proposed common areas adjacent to the west and south property lines as shown on the Turner and Associates survey, which the exception that trees and vegetation can be removed to address fire smarting the property, dangerous trees, servicing requirements for driveway access for emergency vehicles/delivery vehicles, hydro lines, utilities, wells, sewer disposal systems, etc.
6.) Limit outbuilding construction to what currently exists on site, with the exception of proposed Lot B as shown on the Turner and Associates survey, which will be permitted to construct one additional outbuilding up to the size of existing outbuildings on proposed lots A and C.

AQUAPARIAN
Environmental Consulting Ltd.

BIOPHYSICAL ASSESSMENT
1900 STALKER ROAD, GABRIOLA ISLAND, BC

Completed for:
C/O Seward Developments Inc

Via Email:
toby.seward@shaw.ca

November 4, 2024

203 – 321 Wallace Street Road Nanaimo, BC V9R 5B6, 250-591-2258
Cell SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

Contents

1.0 INTRODUCTION 4
2.0 REGULATORY FRAMEWORK 5
3.0 SITE DESCRIPTION 6
4.0 ENVIRONMENTAL SETTING 7

4.1 PHYSICAL RESOURCES 7

4.1.1 TOPOGRAPHY 7
4.1.2 CLIMATE 7
4.1.3 LAND/SOIL 7
4.1.4 SURFACE WATER 8
4.1.5 GROUNDWATER 8

4.2 BIOLOGICAL RESOURCES 8

4.2.1 FLORA 8
4.2.2 FAUNA 10
4.2.5 FISHERIES 11
4.2.6 SENSITIVE ECOSYSTEMS INVENTORY MAPPING 12

4.3 LAND USE 17

4.3.1 CURRENT LAND USE 17
4.3.2 ARCHAEOLOGICAL CHANCE FINDS 17

5.0 SUMMARY 18
6.0 ENVIRONMENTAL PROTECTION RECOMMENDATIONS 19
7.0 CLOSURE 21
8.0 REFERENCES 22

Attachments:

Figure 1: Site Location Map
Figure 2: Site Plan – Turner & Associates
Figure 3: Ecosystem Polygon Map
Figure 4: Gabriola Island Sensitive Ecosystem Mapping– 2007
Figure 5: Islands Trust Sensitive Ecosystem Mapping (MapIT)

Appendix A: Site Photographs
Appendix B: Wildlife Tree Stewardship & BC Great Blue Heron Atlas

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete a Biophysical Assessment (BA) of 1900 Stalker Road, Gabriola Island BC. The parcel is located within Electoral Area B of the Regional District of Nanaimo (RDN) and is within the Islands Trust (IT) Gabriola Island Planning Area. A review of the Islands Trust MapIT interactive mapping system and the RDN's Official Community Plan (OCP) did not identify any Development Permit Areas (DPAs) that apply to the subject parcel. The parcel is 8.9 acres (3.6 ha) in area and is legally identified as follows:

- LOT 1, SECTION 4, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 16560 (PID 004-008-910).

A site location map of the study area in relation to Gabriola Island has been included in this report as Figure 1a with a close-up of the parcel as Figure 1b. A selection of site photographs taken during the site survey has been included as Appendix A.

In preparation for this report, Aquaparian has reviewed the RDN's OCP, RDN and IT bylaws, and relevant provincial government databases to collect background information for the site. Aquaparian completed a site assessment of the property on October 9, 2024. As understood, the waterfront property is developed with three cottages that are owned by three separate families, and the owners intend to subdivide the parcel to create three separate strata lots that each contain one of the cottages. A 0.3 acre (0.12 ha) strip of the parcel along the south side will be donated as park land. The remaining 3.73 acres (1.76 ha) will be common property containing the access driveways and a privacy buffer for the adjacent public park to the south. A site plan has been provided by Turner & Associates Land Surveying and is included with this report as Figure 2.

This BA has been prepared to provide a characterization of the study area including identification of environmentally sensitive features and attributes found within and adjacent to the parcel. This report has been prepared to reflect the Islands Trust Conservancy Baseline Inventory Standard. This assessment is required to support a rezoning application to the Islands Trust and a future subdivision. The BA will also identify any environmental regulatory approvals or permits required for any potential future development. As understood, no development is planned at this time, so this assessment has been prepared assuming no changes are proposed outside of lot creation.

2.0 REGULATORY FRAMEWORK

The following is a list of federal, provincial and municipal environmental regulations, current at the date of preparing this report, that *may* apply to development of the subject parcel:

Federal *Migratory Birds Convention Act, 1994*. Most species of birds in Canada are protected under this act. "Migratory birds" are defined by Article I of the Convention which names the families and sub-families of birds protected and provides some clarification of the species included. In general, birds not falling under federal jurisdiction within Canada include grouse, quail, pheasants, ptarmigan, hawks, owls, eagles, falcons, cormorants, pelicans, crows, jays, kingfishers, and some species of blackbirds.

Federal Migratory Birds Regulations, 2022 (MBR), provides protection to migratory bird nests when they are considered to have a high conservation value for migratory birds. The MBR prohibits the damage, destruction, removal or disturbance of nests of all migratory birds when there is a live bird or viable egg, or if the nest was built by a species that is listed in Schedule 1 of the regulation. Schedule 1 lists 18 species which are protected year-round unless their nests are shown to have been abandoned for a designated period of time depending on the species. In BC there are only two Schedule 1 species; great blue herons are protected for 24 months after reporting the nest is unoccupied, and pileated woodpecker are protected for 36 months after reporting unoccupied.

***Species-at-Risk Act*.** The *Act* is a key federal government commitment to prevent wildlife species from becoming extinct and secure the necessary actions for their recovery. It provides for the legal protection of wildlife species and the conservation of their biological diversity. This Act applies to Federal lands. It also applies to critical habitat on private lands and:

- all endangered, threatened and extirpated migratory birds listed in Schedule 1 of SARA and protected by the *Migratory Birds Convention Act*, 1994, anywhere they occur, including private lands, provincial lands and lands within a territory; and
- all endangered, threatened and extirpated aquatic species listed in Schedule 1 of SARA, anywhere they occur, including private lands, provincial lands and lands within a territory.

Section 34 of the Provincial *Wildlife Act*, states that a person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys:

- a bird or its egg,
  (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
  (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

During the nesting season, clearing vegetation in proximity of an active nest may 'molest' the nesting birds, and could result in an offense. Provincial guidelines indicate the songbird nesting season in this area for forest habitat is from March 15th to August 15th of a given year. Some raptors (bald eagle, hawks, owls etc.) and great blue herons start earlier in the year; nesting for these species can start as early as January or February and extend until August 15th of a given year.

Heritage Conservation Act. All archaeological sites, recorded or not, are protected under the *Heritage Conservation Act* and must not be altered or damaged without a site alteration permit from the Archaeology Branch. As understood, municipalities have access to provincial records that show recorded sites and sites with high potential for archaeological resources. If a known site is located on the parcel, an archaeological consultant will need to be retained to provide advice. If the site has a high potential, it is recommended to retain and archaeological consultant to provide recommendations. Archaeological assessments are outside the scope of this report.

3.0 SITE DESCRIPTION

The subject parcel is irregularly shaped and located on the east side of Gabriola Island, waterfront to the Strait of Georgia. The parcel is mostly forested and developed with three family cottages and some small ancillary buildings. Each cottage has a back yard/lawn area that has been cleared when the cottages were constructed in the 1970s. The property is a panhandle lot, accessed from the end of Stalker Road to the west via a long gravel driveway that splits within the larger property to provide access to each cottage. Drumbeg Provincial Park (66 acres (26.7 ha)) is situated to the south and west, and private property is located to the north.

The site was traversed by Aquaparian (Oct. 9, 2024) by foot and observations of ecological characteristics including topography and species composition were documented throughout the parcel. Five sample plots were assessed to collect detailed observations of the forest composition. The site is approximately 75% forested with a second growth dry Douglas fir (*Pseudotsuga menziesii*) forest that has been selectively logged in the past. Large, veteran trees are scattered throughout the forest. Overall, the parcel slopes gently to the east towards the ocean with a low sandstone bedrock shoreline at the north end, and small pocket beaches moving south. The forest terrain is relatively flat to slightly hummocky. The west side of the parcel where the panhandle driveway is located is undulating. No watercourses or wetlands were identified. A map of ecosystem polygons identified within the parcel is included as Figure 3.

4.0 ENVIRONMENTAL SETTING

4.1 Physical Resources

The following section provides a general overview of biophysical attributes and land use of the site documented by government databases, crown publications and from Aquaparian's reconnaissance of the property.

4.1.1 Topography

The site ranges in elevation from 22m above sea level at the west side near the entrance down to 0m at the shoreline to the east. There is a low rocky slope (~1m high) at the northeast side and more gradually sloped beaches to the southeast. There is a small hill along the panhandle driveway, but no other steep slopes exist. The forested portion of the parcel is gradually sloping and only hummocky at the west side.

4.1.2 Climate

The property is located within the Moist Maritime Coastal Douglas-fir Subzone (CDFmm). The CDFmm is restricted to low elevations along southeast Vancouver Island from Bowser to Victoria, the Gulf Islands south of Cortes Island, and a narrow strip along the Sunshine Coast near Halfmoon Bay. Elevational limits typically range from sea level to approximately 150m.

The CDFmm lies in the rain shadow of the Vancouver Island and Olympic Mountains resulting in warm, dry summers and mild, wet winters. Growing seasons are very long and feature pronounced water deficits on zonal and drier sites. The CDFmm represents the mildest climate in Canada. *(Green and Klinka).*

4.1.3 Land/Soil

A review of the technical report No. 43 "Soils of the Gulf Islands of British Columbia – Volume 4 Soils of Gabriola and Lesser Islands" (1990) and map indicates soils found within the study area are comprised of Bellhouse (BH) soils along the east side of the property and Saturna (ST) soils over the rest of the property. Both soils are derived from sandstone origins.

Bellhouse soils are rapidly to well-drained soils that have developed on shallow colluvial and glacial drift materials of channery, sandy loam texture over fractured or smooth, unweathered sandstone bedrock within 100cm. Coarse fragment content varies between 20 and 50%. The soil has dark-coloured Ah horizon of at least 10cm thick that is high in organic matter content. The Bellhouse landscape consists of shallow soils over bedrock on gently to moderately sloping (2-15%) topography in subdued (undulating) terrain, and in some places on steeply sloping (16-

30%) sideslopes of rock ridges. (Kenney *et al.* 1990).

Saturna soils are well-drained soils that have developed on shallow deposits of channery sandy loam textured colluvial and glacial drift over sandstone bedrock within 100cm of the surface. Coarse fragment content varies between 20 and 50%. These soils are associated with gently to strongly sloping (6-30%) topography in subdued to hummocky terrain or on very strongly to steeply sloping (31-100%) side slopes of rock ridges. (Kenney *et al.* 1990).

4.1.4 Surface Water

A review of the Provincial Habitat Wizard database, the Gabriola Island MapIT, and the RDN map did not identify any watercourses within the subject parcel. No watercourses or wetlands were observed. There is a small (3-4m) long section of ditch along a low part of the driveway that appears to direct water into the forest, no channel was observed. Soils and vegetation are indicative of dry conditions and no evidence of saturated soils was observed. Drumbeg Provincial Park has a small watercourse that originates southwest of the subject parcel and flows south to the ocean; this appears to the closest freshwater feature.

4.1.5 Groundwater

The site is overall well-drained and dry. No seepage areas or vernal pools were observed in areas near the shoreline where thinner soils were noted. Thin, dry soils overlying bedrock make up most of the parcel. No saturated soils or patches of wetland plant species were observed within the parcel that would indicate areas with deep soils and a high water table.

The provincial map Groundwater Wells and Aquifers identifies that the parcel is dependent on Aquifer 709, a fractured sedimentary rock (bedrock) aquifer that is 46.8 km^2 and is rated as high vulnerability.

4.2 Biological Resources

4.2.1 Flora

The parcel has a relatively uniform dry Douglas fir ecosystem dominated by a selectively logged second growth canopy of Douglas fir with many large veteran trees spaced throughout. Fire scars on the base of mature trees indicate a past fire or controlled slash burning during logging practices. Towards the shoreline along the east side of the parcel there is an increase in arbutus (*Arbutus menziesii*) and Garry oak (*Quercus garryana*). The forest understory is predominantly comprised of grasses, dull Oregon-grape (*Mahonia nervosa*), salal (*Gaultheria shallon*), bracken fern (*Pteridium aquilinum*), sword fern (*Polystichum munitum*), oceanspray (*Holodiscus discolor*), baldhip rose (*Rosa gymnocarpa*), trailing blackberry (*Rubus ursinus*),

hairy honeysuckle (*Lonicera hispidula*), yerba buena (*Clinopodium douglasii*), herb-Robert (*Geranium robertianum*), sweet-scented bedstraw (*Galium trifolium*), and lesser amounts of woodland strawberry (*Fragaria vesca*), grand fir saplings (*Abies grandis*), invasive holly (*Ilex aquifolium*) and invasive Scotch broom (*Cytisus scoparius*). The Biogeoclimatic site series classification is 02 FdPl – Arbutus which is categorized by Very Dry soils with a Very Poor to Medium soil nutrient regime (Green & Klinka, 1994).

Towards the shoreline where the parcel has been cleared for recreational use and soils are thinner and drier, there are more grasses in the understory as well as weedy herbs including English plantain (*Plantago lanceolota*) and dandelion (*Taraxacum* sp.). The canopy is open, less than 20% overall cover and comprised of scattered clusters of trees. Bigleaf maple (*Acer macrophyllum*), arbutus, Garry oak and Douglas fir are scattered along the shoreline with some Nootka rose (*Rosa nutkana*), common snowberry (*Symphoricarpos albus*), and Saskatoon berry (*Amelanchier alnifolia*) comprising the limited shoreline understory. The site lacks rocky outcrops or moss and lichen communities; the backyard appears to be characteristic of lawn rather than terrestrial herbaceous meadow habitat. It may have supported patches of terrestrial herbaceous meadow habitat prior to development, or else forest cover extended up to the shoreline. Aquaparian completed the site visit during the fall (October) so spring flowering species were not identifiable; no seed pods or evidence of meadow wildflower species were observed. No seeps or vernal pools that typically support rare wildflower species were noted. A spring and summer wildflower study would be required to confirm the absence of sensitive wildflower species within the parcel.

There is distinct terrestrial herbaceous meadow habitat within south-facing open canopy habitat in Drumbeg Provincial Park. Along the south property line between the park and the subject parcel there have been restoration plots created through a joint effort between Gabriola Land & Trails Trust (GaLTT) and BC Parks to remove invasive Scotch broom and orchard grass (*Dactylis glomerata*) and plant native Garry oak meadow species such as common camas (*Camassia quamash*) and yarrow (*Achillea millefolium*). Along the southeast side of the parcel adjacent to the restoration area is a large patch of Scotch broom and Himalayan blackberry (*Rubus armeniacus*), invasive species that readily spread in open, disturbed areas.

In the northwest corner of the larger portion of the parcel there are some clusters of snags with woodpecker cavities observed. Towards the west end of the panhandle (driveway), there are some lower areas alongside the driveway supporting western redcedar (*Thuja plicata*), bigleaf maple, bitter cherry (*Prunus emarginata*), salmonberry (*Rubus spectabilis*) and moss indicating moister soils.

4.2.2 Fauna

The subject parcel offers good quality forest habitat for racoon (*Procyon lotor*), red-squirrel (*Tamiasciurius hudsonicus*), western deer mouse (*Peromyscus sonoriensis*), black rat (*Rattus rattus*), Vancouver Island vagrant shrew (*Sorex vagrans* ssp. *isolatus*), American mink (*Neogale vison*), northern river otter (*Lontra canadensis*), and black-tailed deer (*Odocoileus hemionus)* for cover, forage and as a wildlife corridor to other forested areas on the island. A variety of local bat species are expected to utilize wildlife trees for roosting and may find insect forage in the clearing. The property owners have installed some bat boxes around the property. River otter, Steller sea lion (*Eumetopias jubatus*), and harbour seal (*Phoca vitulina*) were documented swimming near the shoreline during the site visit and a sea lion haul-out area was heard to the east. Other marine mammals that may be seen in the Strait from the subject parcel include California sea lion (*Zalophus californianus*), orca (*Orcinus orca*), and humpback whale (*Megaptera novaeangliae*); and less commonly grey whale (*Eschrichtius robustus*) and minke whale (*Balaenoptera acutorostrata*).

The open grassy area may be ideal for reptiles such as the western terrestrial garter snake, subspecies wandering garter snake (*Thamnophis elegans vagrans*), northwestern garter snake (*Thamnophis ordinoides*), common garter snake (*Thamnophis sirtalis*), and the northern alligator lizard (*Elgaria coerulea*). These species are often associated with the edges of meadows and typically associated with conifer forests (*St. John, 2002*). All three garter snake species have been documented near the subject parcel in Drumbeg Provincial Park by users of *iNaturalist.* Sharp-tailed snakes (*Contia tenuis*) have been found on some of the Southern Gulf Islands, but no documented evidence of populations on Gabriola Island was available.

The site is very dry and lacks resources for amphibians. Limited large woody debris on the forest floor may offer breeding habitat for terrestrial salamanders, but the site lacks seasonal standing water to provide breeding habitat for aquatic salamanders or frog species.

A detailed survey to confirm wildlife species presence was not completed as part of this assessment.

4.2.4 Birds

A variety of resident and migratory bird species are likely to inhabit and utilize the forested site for cover, forage, and a wildlife corridor to surrounding forested sites. Many bird species are expected to utilize the property on a seasonal basis for nesting. The migratory bird nesting period recognized for the area is March 15th to August 15th. Bird species identified during the site visit include common raven (*Corvus corax*), belted kingfisher (*Megaceryle alcyon*), spotted

towhee (*Pipilo maculatus*), red-breasted nuthatch (*Sitta canadensis*), chestnut-backed chickadee (*Poecile rufescens*), golden-crowned kinglet (*Regulus satrapa*), song sparrow (*Melospiza melodia*), dark-eyed junco (*Junco hyemalis*), common loon (*Gavia immer*), and rufous hummingbird (*Amazilia tzacatl*).

Some clusters of standing dead trees (snags) were identified in the northwest portion of the property that would be expected to provide feeding, nesting and/or roosting habitat to some bird species such as woodpeckers and secondary cavity nesting species that are dependent on woodpecker cavities. No tree removal is planned so Aquaparian did not complete a comprehensive pileated woodpecker (*Dryocopus pileatus*) nest tree survey. No pileated woodpecker nest trees were confirmed during the site visit.

Reviews of the provincial Wildlife Tree Stewardship (WITS) identified one mapped bald eagle (*Haliaeetus leucocephalus*) nest within the property identified as BAEA-101-012 “Drumbeg Park A”. The status was registered as “Nest Down” in 2014. Aquaparian located the tree and noted the Wildlife Tree sign on its base but did not see an eagle nest. A messy stick nest was observed that was not large enough to be an eagle nest or deep enough for a heron. It is expected to be a nest of a smaller raptor species (e.g. hawk) or a corvid (e.g. raven). The property owners reported to have seen many eagles perching throughout the parcel along the shoreline over the years but have never seen them nesting within the property or within this wildlife tree. There is another mapped tree BAEA-101-037 located approximately 130m north of the parcel that was registered as “Tree Cut” in 2004. A review of the BC Great Blue Heron nest inventory database did not show any mapped great blue heron (*Ardea Herodias fannini*) nests within or adjacent to the parcel. Aquaparian did not identify any eagle or heron nests or evidence of eagle or heron nests (i.e. whitewash, prey remains, feathers, etc.) within the parcel. The site has suitable conditions for raptor habitat due to the abundance of mature trees including some old growth trees that would be capable of supporting a larger stick nest, and the proximity to the ocean. The site also has several larger snags and mature trees that could offer nesting opportunities for owls.

A detailed bird survey was not conducted during the assessment. Species presence will change seasonally throughout the year.

4.2.5 Fisheries

No freshwater fish habitat was identified on site. The shoreline is expected to be frequented by a variety of marine species. Boulder and bedrock shoreline to the south (Drumbeg Provincial Park) was observed to have perch swimming along rock, and some small sandy pocket beaches along the shoreline of the subject parcel may have limited forage fish spawning potential. The BC Eelgrass Inventory website shows eelgrass mapped north and south of the

subject parcel.

4.2.6 Sensitive Ecosystems Inventory Mapping

The Sensitive Ecosystems Inventory of southeast Vancouver Island and the Gulf Islands (SEI) systematically identified and mapped specific rare and fragile ecosystems in this region. The purpose of the SEI project was to identify remnants of rare and fragile terrestrial ecosystems and to encourage land-use decisions that will ensure the continued integrity of these ecosystems.

Seven sensitive ecosystem types were mapped in the east coast of Vancouver Island study area as follows: Wetland, Woodland, Riparian, Older Forest (>100yrs), Terrestrial Herbaceous, Sparsely Vegetated and Coastal Bluff. Two other important ecosystems were mapped for their general biodiversity and wildlife habitat values: Older Second Growth Forest (60-100yrs) and Seasonally Flooded Agricultural Fields.

Several maps regarding sensitive ecosystem polygons are available on the Islands Trust website, but the maps are not consistent with one another. A review of the 2007 Gabriola Island SEI map (*Islands Trust*) identifies that the west side of the parcel has a primary Wetland ecosystem polygon that transitions into a secondary Wetland ecosystem mixed with a primary non-sensitive ecosystem in the central portion of the parcel. No Wetland habitat is found within the subject property. The SEI (2007) map also indicates that the east side of the parcel has a primary Woodland ecosystem mixed with a tertiary Terrestrial Herbaceous ecosystem polygon along the east side; some elements of these ecosystems are found in the site but the habitat is not entirely consistent with the definitions of Woodland and Terrestrial Herbaceous habitat. Woodland habitat is typically restricted to south-facing slopes and ridges with dry, shallow soils with bedrock outcroppings, and can exist in areas with dry conditions that prevent the development of dense forests (*Islands Trust*). The site has deeper soils and if left to regenerate the forest would likely extend south with a canopy cover of greater than 30% as determined by clusters of trees observed along the east side of the parcel. Typical Woodland habitat has between 10% and 30% canopy cover while Terrestrial Herbaceous habitat has <10% canopy cover (*Islands Trust*). The SEI (2007) map has been included with this report as Figure 4.

The MapIT interactive map has a Sensitive Ecosystems Inventory (SEI) layer (Fig. 5a) that incorrectly maps the southeast 1/4 of the parcel as Cliff habitat, while the Islands Trust Ecosystem Mapping (ITEM) layer (Fig. 5b) identifies Terrestrial Herbaceous meadow habitat along a small southeast portion of the parcel which is currently dominated by invasive Himalayan blackberry and Scotch broom. While natural Terrestrial Herbaceous meadow habitat was confirmed in Drumbeg Provincial Park, the subject parcel *may* have historically supported this habitat particularly at the south east side, until it was developed for recreational use in the

1970s, though soils appear deeper and forest would likely regenerate over most of the cleared portion if left alone. A mapped polygon identified as "Modified" correlates with the cleared recreational portion of the parcel. There is also a Mature Forest polygon mapped over most of the parcel, but site reconnaissance determined that the forest ecosystem is better represented by selectively logged second growth forest. Mature Forest is defined as 80-250 years old which was only represented by scattered mature (80+ years) trees, while regenerated Young Forest (40-80 years) dominates the canopy.

4.2.7 Species-At-Risk

The federal *Species-at-Risk Act* (SARA) is designed to prevent or reduce the likelihood of wildlife species becoming extinct or extirpated and to provide for the recovery and management of endangered, threatened and species of special concern as a result from harm by human activity. Provisions of SARA include prohibiting the taking or possession of listed species and the damaging or destruction of their residence and critical habitat. On private lands, this *Act* applies to aquatic or migratory bird species listed on Schedule 1 or critical habitat of Schedule 1 listed species that have a recovery plan.

The provincial BC Conservation Data Centre (BC CDC) assists in conservation of biodiversity in the province by collecting and sharing information about wildlife and ecosystems in the province. Species and ecosystems are placed on a Red, Blue or Yellow list to rank them according to their conservation status. Provincially Red-Listed species includes any ecological community, and indigenous species and subspecies that is extirpated, endangered, or threatened in British Columbia. Red-listed species and sub-species may be legally designated as or may be considered candidates for legal designation as Extirpated, Endangered or Threatened under the *Wildlife Act*. Blue-Listed species includes any ecological community, and indigenous species and subspecies considered to be of special concern (formerly vulnerable) in British Columbia.

The BC Conservation Data Centre identifies ecosystems at risk based on species composition and habitat condition. A search of occurrence records for designated rare or endangered plant and animal species or ecosystems for the study area with the British Columbia Conservation Data Centre (BC CDC) resulted in no records within the subject site. One small species occurrence polygon of Macoun's meadowfoam (*Limnanthes macounii*) (Polygon 6724) is located in Drumbeg Provincial Park and depends on the presence of seeps or seasonally wet depressions in meadow habitat. These microhabitats are not found within the subject property.

There are a number of at-risk species listed by the BC CDC Ecosystems Explorer search tool which are considered to have some potential to occur at the study site. The search parameters

used were: animals or plants; BC conservation status red or blue; Gabriola Island Local Trust Area; CDFmm biogeoclimatic zone(subzone); habitat types/subtypes conifer forest – dry. A copy of the BC CDC Ecosystem Explorer search results for the region has been included as Appendix B. Species generated by the search results that have a *reasonable potential* to be found within the site are discussed briefly below:

Common Nighthawk (*Chordeiles minor*): Provincially Blue-listed; SARA 1-SC (2023)

A member of the nightjar family. Feeds on flying insects (e.g., mosquitoes, moths, beetles, flies, caddisflies). Forages at night or during the day catching insects high in the air or close to the ground and may forage on insects around artificial lights. Habitats include open and semi-open areas: open coniferous forests, savanna, grasslands, beaches, fields, vicinity of cities and towns including disturbed sites. Nesting occurs on the ground (no nest-building) on a bare site in an open area. In some areas, this species also nests on flat gravel roofs of buildings, perhaps related to prey availability at artificial lights. It prefers areas with sandy soil. In BC, this species typically lays eggs in mid-May and incubation is 18 days on Vancouver Island. (*BC CDC*). The coniferous forest with its open understory and the clear, grassy open area to the east may offer nesting and forage habitat for this species. Be mindful of potential nesting on bare ground when landscaping (i.e. mowing) in the late spring and early summer. Eggs are highly camouflaged and hard to spot but adults may display nest behaviours such as feigning wing injury, leading away from nest, or beating wings and hissing when defending eggs (*Poulin et al. 1996*). If eggs or nesting behaviour are observed within the site, avoid disturbance and keep dogs away from the nesting location between May and June or until young have fledged.

Band-tailed Pigeon (*Patagioenas fasciata*): Provincially Blue-listed

The Canadian breeding range of this large pigeon is restricted to southern British Columbia, mainly on southern Vancouver Island and along the mainland coast. The Band-tailed Pigeon uses a variety of habitats in coastal B.C., including forest edges and openings, urban backyards, urban parks, bushland, golf courses, and orchards. Winter habitat includes open woodland and edges with berries and acorns. Fall migrants use open coniferous habitat near farmland, shorelines with mineral sites, riparian habitat, railways, farmyards, and regenerating clear-cuts. The Band-tailed Pigeon eats mainly grain, fruit, acorns, pine nuts, and the flowers and new buds of shrubs and trees. Primary threats to the Band-tailed Pigeon include forestry practices, urban and industrial development and climate change (*BC CDC August 2024*). The subject parcel provides some suitable habitat for band-tailed pigeons due to the intact forest canopy for nesting, acorns as a food source, and berry-producing shrubs (holly, salal, dull Oregon grape, blackberry) for forage. A mineral source is critical to offset the high potassium level associated with their fruit diet; typical mineral sources include underground springs,

deposits on soils, and marine beaches (*COSEWIC, 2008*). Primary threats to the Band-tailed Pigeon include forestry practices, urban and industrial development and climate change (*BC CDC*). Sightings of this species observed on Gabriola Island have been recorded on *iNaturalist*, including a sighting documented in Drumbeg Provincial Park.

Howell's Triteleia (*Triteleia howellii*): Provincially Red-listed

Grows in Garry oak woodlands. Deep, dark soils and an extremely rich understory of low shrubs characterise the Garry oak woodlands in the Cowichan Garry oak Preserve. This species also occurs in Garry oak – arbutus stands at the base of rock outcrops, where the well-developed shrub layer has a high cover of oceanspray and tall Oregon-grape. Disturbed sites include private yards and roadsides. Flowers in late May and June. Outcompeted by Scotch broom and invasive grasses. (*BC CDC*). According to the Salt Spring Island Conservancy website, this species favours high pH soil found on sites on old shell middens. As the subject parcel has a shell midden visible along the shoreline and Garry oak habitat it may support this species. A spring wildflower study was not completed as part of this project.

Hoary Bat (*Lasiurus cinereus*): Provincially Blue-listed

Vancouver Island's largest bat with adult body length of 120-146mm. This bat is typically solitary, except for mother-young association; however, may form groups of hundreds during migration. Habitat includes primarily deciduous and coniferous forests and woodlands, including areas altered by humans. Forages for insects, especially moths, over various open areas and along riparian corridors. Usually roosts in foliage of large coniferous or deciduous trees near the end of branches 9-13m above the ground. May roost in rock crevices but rarely in caves. Roost site fidelity is low. Likely overwinters in southeastern USA, Western California and Mexico. May hibernate in tree cavities, squirrel's nests or in a clump of Spanish moss. (*BC CDC*). The intact forest with mature trees, wildlife trees, and an open clearing may provide suitable habitat for this species. They are not typically associated with bat boxes (*Community Bat Programs of BC*).

Little Brown Myotis (*Myotis lucifugus*): Provincially Blue-listed; SARA Endangered (1-E (2014))

The core range of this species appears to be from the Alaska-Canada Boreal Forest south through the northeastern United States, with smaller populations in the southern and western United States. In the northeast, individuals may migrate hundreds of kilometers between winter and summer habitats; in the west, these bats are believed to hibernate near their summer range. These bats use a wide range of habitats including human-made structures for resting and maternity sites as well as caves and hollow trees. Winter hibernation sites have a stable

temperature of 2-12ºC and include caves, mines, tunnels, etc. Maternity colonies are commonly found in warm buildings (eg. attics) and less commonly in hollow trees. Foraging requirements are also generalized, typically over water, along stream and lake edges or in woodlands near water. (*BC CDC*). This species was changed from Yellow- to Blue-listed in 2022. The forest stand containing some large diameter trees, bat boxes, and wildlife trees may provide suitable roosting habitat for this species, and the open clearing area provides forage.

Northern pygmy owl, *swarthi* species (*Glaucidium gnoma swarthi*): Provincially Blue-listed

There are three species of the seven owl species recognized in North America that breed in BC. The *swarthi* subspecies is endemic to Vancouver Island and adjacent islands. These owls are crepuscular, feeding on small mammals, reptiles, amphibians, a variety of bird species and invertebrates using a perch and pounce hunting method. They forage along roads through forested areas, openings within continuous forest, open stands, riparian corridors and open habitats along lakeshores and higher elevations. Forage sites include shrub, pole sapling, young, mature or old forest seral stages. This obligate secondary cavity nester is dependent on woodpecker or natural cavities in coniferous trees. Nesting sites include young forest with suitable wildlife trees, mature forest or old forest sites. (*Cooper and Beauchesne, 2004*). The intact young forest with scattered mature trees and stands of wildlife trees may provide nesting habitat for this species. Forage is expected to be available within the site.

Townsend's Big-eared Bat (*Corynorhinus townsendii):* Provincially Blue-listed

In Canada, it is restricted to British Columbia. On the coast, it inhabits Vancouver Island, the Gulf Islands and the Vancouver area. In British Columbia this species is associated with a variety of habitats from coastal forests to arid grasslands of the interior. Its elevational range in the province is from sea level to 1070 metres, although most occurrences are from low elevations. Although it is widespread across most of southern British Columbia, this bat is particularly vulnerable to human activity. Disturbing females with young will affect breeding success, and repeated disturbance at winter hibernacula will increase winter mortality. Females form colonies of a dozen to several hundred in dimly lit areas in buildings, caves or mines. This is one of the few bats that have been consistently found hibernating in British Columbia. The only nursery colony found in British Columbia was in the attic of a house on Vancouver Island; it consisted of about 60 females and their young. A late flyer, Townsend's Big-eared Bat emerges an hour or so after dark. It is an agile bat that is capable of flying at slow speeds *(BC CDC).* The parcel has an intact forest stand with a number of large diameter trees, standing dead trees, a forest edge next to an open grassy area, and bat boxes. It is expected that the property may provide foraging and roosting habitat for these bats.

Western Screech Owl, *kennicotti* subspecies (*Megascops kennicottii kennicottii*): Provincially Blue-listed

This owl species occurs at lower elevations within moist, coniferous and mixed forests and riparian woodlands. Often, they are associated with bigleaf maple or black cottonwood in riparian areas. They nest in natural tree cavities or abandoned woodpecker holes. This species is a generalist predator, feeding on small mammals (mice and shrews), insects and small birds but also fish, frogs and slugs (*BC CDC*). The intact forest with standing dead trees within the study area may provide suitable habitat for this secondary cavity nester.

White-lip Rein Orchid: Provincially Blue-listed

A perennial herb from tubers. Grows 20-55cm tall with terminal flower spike of small white flowers, sometimes faintly green, and an unpleasant scent. Found in dry forests and forest margins in the lowland to montane zones, north to Alaska and south to California; rare in coastal BC. (*E-flora*). Little information is available about this species. The dry forest ecosystem found within the site may provide suitable habitat for this orchid.

4.3 Land Use

4.3.1 Current Land Use

The parcel is developed for recreational use with three cottages and some ancillary buildings but is mainly forested. A long driveway off Stalker Road extends into the parcel to a clearing at the eastern end of the property, splitting into three driveways to access the cottages. The parcel is serviced by septic and well water. Ancillary buildings include a well pumphouse, shed, and two small cabins (bunkies). An overhead utility line extends diagonally (southwest to northeast) across the parcel with a connection extending from the centre of the parcel north into the neighboring parcel.

As understood, three families bought the property in 1970. The parcel has remained owned by the original three families and is used recreationally by multiple generations. No development has been proposed.

4.3.2 Archaeological Chance Finds

A detailed archaeological assessment and report have been completed by Baseline Archaeology. Aquaparian observed that there is a shell midden along the sand and gravel shoreline. Gabriola Island is part of the traditional territory of the Snuneymuxw First Nation and the lands remain unceded (*GaLTT*). Other First Nations also made seasonal use of Gabriola

and its resources and have overlapping claims (*GaLTT*). Archaeological sites, both recorded and unrecorded are protected under the *Heritage Conservation Act*. As understood, no development is proposed. If an archaeological find is encountered during any future development the BC Archaeological Branch contacted at 250-953-3334 for directions.

5.0 SUMMARY

The subject parcel is currently used recreationally by three families that purchased the property in the 1970s. The proposed rezoning is intended to allow for subdivision of the property to create three strata lot parcels for each family to own including Common Property and Park Dedication. No Development Permit Areas apply to the parcel. The parcel is predominantly forested and has been partially cleared at the east side for recreational development, but no further development is proposed. The site has a uniform, selectively logged, second growth forest canopy over most of it, with scattered mature (80+ years) Douglas fir, arbutus and Garry oak. The open area near the shoreline to the east was likely once Terrestrial Herbaceous meadow but is now lawn/yard with scattered clusters of Garry oak, arbutus and Douglas fir. Sensitive meadow habitat is preserved in Drumbeg Park to the south. There is a large patch of Himalayan blackberry and Scotch broom to the southeast

Several species of migratory birds were identified during the site visit and it is expected that a wide diversity of songbirds would make use of the layered canopy within the site as nesting habitat and forage on cones and berries throughout the property. No eagle or heron nests were identified within the property though there appears to be suitable nesting habitat for small and large raptor species. Standing dead trees and snags are expected to provide cavity nesting habitat for woodpeckers and secondary cavity nesting species as well as bat roosting habitat. A variety of small mammal species are expected to utilize the intact forest habitat and river otter and marine mammals are seen in the nearshore marine waters fronting the parcel. Reptile species are likely to be found in the open cleared area, but amphibian habitat is limited due to dry, thin soils and no freshwater habitat. The parcel also has features that may potentially support a number of species-at-risk.

No watercourses or wetlands were identified within the parcel. Ground conditions include dry, thin soils over sandstone bedrock with no springs, seeps or vernal pools observed. Marine shoreline habitat dominates the east side of the parcel. Shell middens were observed along the eroding shoreline soils.

This Biophysical Assessment has been completed using the Islands Trust Baseline Inventory Report Standard as a guideline. The assessment includes an inventory of physical and

biological features of the parcel to provide a baseline environmental overview and to identify any sensitive attributes associated with the property. This report is intended to support a rezoning application to the Islands Trust.

6.0 ENVIRONMENTAL PROTECTION RECOMMENDATIONS

At the time of writing this assessment report no development is proposed. The following general environmental protection measures are provided for planning purposes for any future development of this property. Additional measures may be warranted depending on finalized development plans and construction timing:

- Vegetation clearing is to be completed outside the migratory songbird nesting season for the area (March 15th – August 15th). Clearing proposed within this time frame requires one or more pre-clearing nest surveys by a suitably qualified Biologist to avoid damage or disturbance to breeding birds. Clearing during the peak season is not recommended (April 15 – July 15) because spotting small songbird nests or discrete nesting behaviour would be difficult in the site's high, multi-layered canopy.

- Trees with pileated woodpecker nest cavities are protected under the Migratory Bird Regulation (2022) for 36 months after being confirmed inactive. If clearing of trees with potential pileated woodpecker nest cavities is proposed, retain a qualified Biologist to confirm before removal.

- Archaeological consultation may be warranted for ground disturbance based on evidence of shell middens exposed along the shoreline. Baseline Archaeological has completed an archaeological assessment and should be consulted at the development planning stage. Archaeological sites, both recorded and unrecorded are protected under the *Heritage Conservation Act*. If an archaeological find is encountered during construction, activities must be halted, and the BC Archaeological Branch contacted at 250-953-3334 for directions.

- No sediment-laden water is to be discharged into the marine environment. Sediment and erosion measures are to be implemented as necessary to protect the marine environment depending on weather conditions and construction method.

- No deleterious substances (oils, grease, gasoline, diesel, etc.) are to be allowed to enter the marine environment.

- On-site machinery should be power washed and free of leaks before entering the site. All heavy equipment used on-site should be inspected daily and have a proper spill kit on board in case of any leakage or spills of hydrocarbons.

- All fill brought to the site is to be clean i.e. free of hazardous contaminants and free of invasive weeds or seeds. And,

- Removal of Scotch broom and Himalayan blackberry and restoration with native Garry oak ecosystem species is recommended to strengthen the ecology of the site. This work could take multiple seasons to complete and would be considered an ongoing project. The patch of invasive plants is located adjacent to restoration efforts in Drumbeg Provincial Park to the south. Additional clusters of Scotch broom are found along the edge of cleared forest (e.g. around the edge of the clearing for the middle cottage) The following recommendations for eradication of these invasives is based on the *Invasive Species Council of BC: Himalayan Blackberry Factsheet & Scotch Broom Tips*:

1. Himalayan blackberry

- Plan for blackberry removal in late August/September when the plants are stressed and when the migratory bird nesting season (March 15-August 15) is over;
- Removal is only successful if all parts of the plant are removed. This includes canes, roots and root crowns;
- Cut canes down to ~30cm before digging/grubbing to remove thickets while easily locating root crowns;
- Hand pulling is recommended for small seedlings or young plants or shade-supressed canes. Pull when plants are large enough to grasp but have not produced seeds.
- Dig/grub more established plants, avoid leaving root fragments behind as they may resprout. Claw mattocks or Pulaskis have been proven to be effective tools;
- If machines will be used, dig deep and carefully to get all of the root crown; and,
- Bag or tarp all plant parts and seeds before transporting to a designated disposal facility such as a landfill or destroy by incineration.

2. Scotch broom

- Minimize soil disturbance adjacent to infestations to contain seed spread;
- Cut plants below soil before flowering and seeds set (late winter, early spring),
- Smaller plants (<1.5cm) can be hand pulled in late spring when plant is using energy for flower production, but hand pulling may encourage growth due to soil disturbance;

- Due to enormous seed banking and regenerating, mechanical control needs to be repeated over a 3-5 yr period;
- Burning is ineffective as seeds germinate following a burn;
- After mechanical treatment, promptly re-vegetate with an appropriate seed mix (e.g. Garry Oak Ecosystem seed blend from Satinflower Nurseries), followed by an application of phosphorus-rich fertilizer and wood mulch;
- Promptly establish competitive shrubbery, including snowberry, thimbleberry, and dull Oregon-grape to reduce broom growth, or, restore with Garry oak meadow species. Contact GaLTT for advice on what species and restoration methods they are using in Drumbeg Provincial Park.

7.0 CLOSURE

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete a Biophysical Assessment (BA) of 1900 Stalker Road on Gabriola Island BC to support a rezoning application to the Islands Trust and future subdivision. This report was completed to identify general habitat conditions and features within the study area. No detailed species presence assessments were completed for this study.

This report has been completed in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied. Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Respectfully submitted,
AQUAPARIAN ENVIRONMENTAL CONSULTING LTD.

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HTTPS://NETORG5387218.SHAREPOINT.COM/SITES/SHARED/SHARED DOCUMENTS/DOCUMENTS/PROJECTS/PROJECTS/N1122 1900 STALKER ROAD GABRIOLA BA/1900 STALKER Road, Gabriola Island Biophysical Assessment.docx

8.0 REFERENCES

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FIGURE 1A & 1B

SITE LOCATION MAP

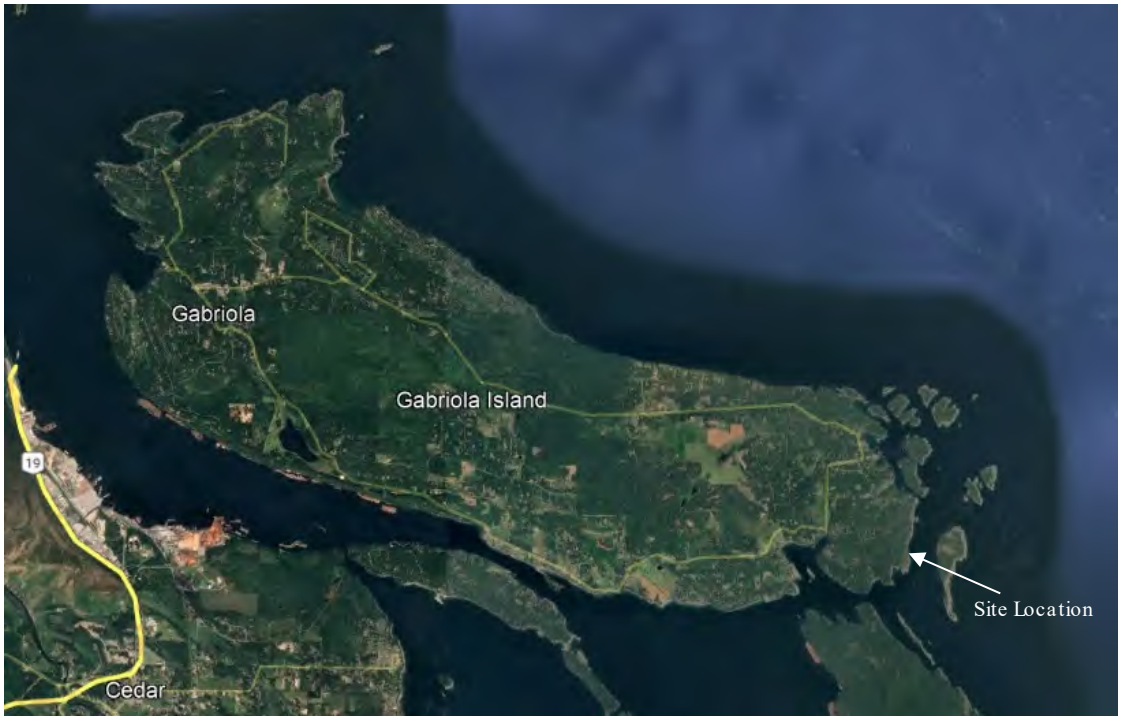
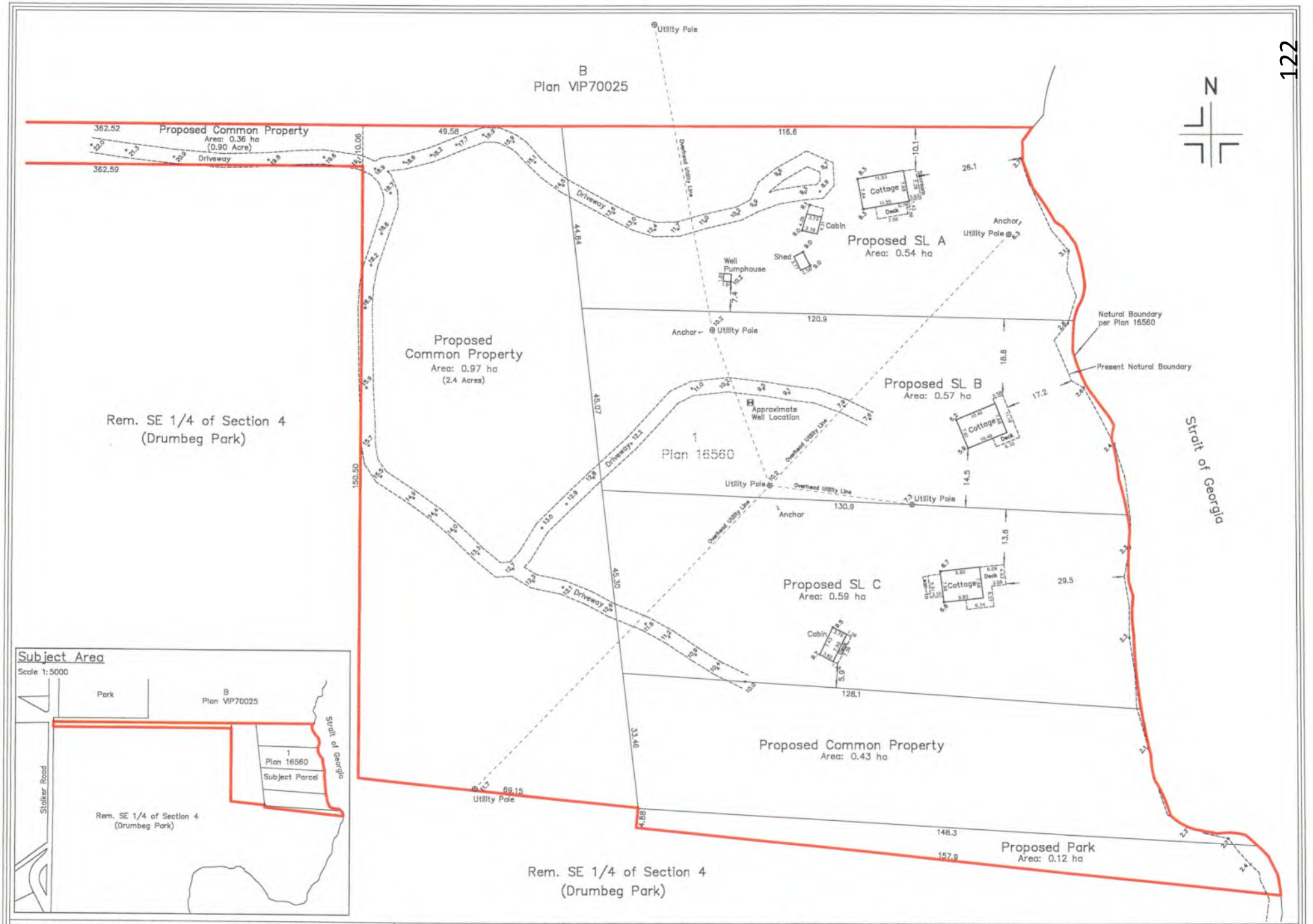


Figure 1a – Site Location Map

Figure 1b – Parcel Map

FIGURE 2

SITE PLAN
(TURNER & ASSOCIATES)



SITE PLAN SHOWING PROPOSED BARE LAND STRATA SUBDIVISION OF:
LOT 1, SECTION 4, GABRIOLA ISLAND,
NANAIMO DISTRICT, PLAN 16560.

Client: GEOFFREY LITHERLAND		Civic Address: 1900 STALKER ROAD	
File: 18-045	Scale: 1:600	Drawn by: DRW	Date: October 12, 2023	Existing Zoning: Resource (R)

NOTE:
THIS PROPERTY IS AFFECTED BY THE FOLLOWING REGISTERED DOCUMENTS: UNDERSURFACE RIGHTS M76301, SRW ES25205 & ES25206.

0 25 50
SCALE 1:600
DISTANCES AND ELEVATIONS SHOWN ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM GNSS OBSERVATIONS (CVD28BC DATUM).

DATE	REVISION #	DESCRIPTION
March 12, 2020	First Issue	
October 12, 2023	1	REVISE LOT LAYOUT

Turner & Associates
land surveying™
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca

FIGURE 3

ECOSYSTEM POLYGON MAP

FIGURE 3 – ECOSYSTEM POLYGON MAP

FIGURE 4

GABRIOLA ISLAND SENSITIVE ECOSYSTEM MAPPING AIRPHOTO – 2007 (ISLANDS TRUST & PROVINCE OF BRITISH COLUMBIA)

Sensitive and Terrestrial Ecosystems Label

S0001 CDFmm 5YF DE 5 1500sp SP 4	S0002 CDFmm 7M4 RM 0 2000sp SP 4	S0006 CDFmm 6SWB xc RO 1	S0007 CDFmm 5YF DE 5 2000sp SP 4	S0010 CDFmm 8FS CF 2 2000sp SP 4	S0011 CDFxx 6SAF xc DE 6	S0013 CDFmm 4Ma RM 0 2400 xc RO 3
S0014 CDFmm 6Ma RM 0 1500sp SP 4 1400 xc DE 3	S0015 CDFmm 6SAF xc DE 6	S0018 CDFmm 6SWB xc RO 1	S0019 CDFmm 6SWB xc RO 1	S0021 CDFmm 5YF DE 5 2000sp SP 4	S0022* CDFmm 1SWbg SP 5	S0024 CDFmm 6Ma RM 0 2000sp SP 4
S0025 CDFmm 5YF DE 5 1500sp SP 4 1700 xc DE 3	S0027* CDFmm 6SF xc DE 6 6SF xc RF 6	S0028* CDFmm 6SF xc RF 6 2Ma RM 0	S0029* CDFmm 5YF DE 5 1500sp RM 0	S0031 CDFmm 6Ma RM 0 2000sp RM 0	S0033 CDFmm 6SAF xc DE 6	S0034* CDFmm 6Ma RM 0 1500sp SP 4
S0040 CDFmm 5YF DE 5 1500sp SP 4	S0041 CDFmm 5YF DE 5 2000sp SP 4	S0042 CDFmm 1SWbg SP 5	S0044 CDFmm 5YF DE 5	S0046 CDFmm 6Ma RM 0 2000sp SP 4	S0047 CDFmm 6Ma RM 0 2400 xc DE 3	S0050 CDFmm 6Ma RM 0 1500sp SP 4
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S0072* CDFmm 5YF DE 5 2400 xc DE 3	S0074 CDFmm 6SAF xc DE 6 2Ma DE 3	S0075 CDFmm 1SWbg SP 5	S0076 CDFmm 1SWbg SP 5	S0077 CDFmm 5YF DE 5 2400 xc DE 3	S0081 CDFmm 5MF xc RF 6	S0082 CDFmm 5MF xc RF 6 1400 xc DE 3
S0089 CDFmm 1SWbg SP 5	S0090 CDFmm 5YF DE 5	S0091* CDFmm 5YF DE 5 2400 xc DE 3	S0094 CDFmm 5MF xc DE 6	S0095* CDFmm 5MF xc DE 6	S0096 CDFmm 1SWbg SP 5	S0101 CDFmm 5MF xc DE 6
S0108 CDFmm 6Ma RM 0	S0116 CDFmm 5YF DE 5 2400 xc DE 3	S0117 CDFmm 6Ma RM 0	S0118 CDFmm 5YF DE 5 2400 xc DE 3	S0119 CDFmm 6Ma RM 0	S0122 CDFmm 1SWbg SP 5	S0126 CDFmm 1SWbg SP 5
S0129 CDFmm 1SWbg SP 5	S0130 CDFmm 6Ma RM 0 2000 xc DE 3	S0131 CDFmm 6Ma RM 0	S0133 CDFmm 5YF DE 5 2400 xc DE 3	S0134 CDFmm 6Ma RM 0	S0135 CDFmm 1SWbg SP 5	S0138* CDFmm 6Ma RM 0 2400 xc DE 3
S0139 CDFmm 1SWbg SP 5	S0144 CDFmm 6Ma RM 0	S0145 CDFmm 5MF xc DE 6	S0146 CDFmm 4Ma RM 0	S0147 CDFmm 5YF DE 5	S0148* CDFmm 1SWbg SP 5	S0152 CDFmm 5YF DE 5
S0155 CDFmm 1SWbg SP 5	S0156* CDFmm 1SWbg SP 5	S0158 CDFmm 1SWbg SP 5	S0159 CDFmm 1SWbg SP 5	S0162 CDFmm 1SWbg SP 5	S0163 CDFmm 6Ma RM 0	S0164 CDFmm 6Ma RM 0
S0167 CDFmm 1SWbg SP 5	S0168 CDFmm 5YF DE 5	S0169 CDFmm 6Ma RM 0	S0170 CDFmm 4Ma RM 0	S0171* CDFmm 5YF DE 5 1500sp SP 4	S0175 CDFmm 1SWbg SP 5	S0177 CDFmm 5YF DE 5
S0178 CDFmm 1SWbg SP 5	S0179 CDFmm 1SWbg SP 5	S0179* CDFmm 1SWbg SP 5	S0180 CDFmm 1SWbg SP 5	S0181* CDFmm 5YF DE 5 1500sp SP 4	S0182 CDFmm 1SWbg SP 5	S0183 CDFmm 5YF DE 5
S0184 CDFmm 6Ma RM 0 1500sp SP 4	S0185 CDFmm 1SWbg SP 5	S0186 CDFmm 1SWbg SP 5	S0187 CDFmm 1SWbg SP 5	S0188 CDFmm 1SWbg SP 5	S0189 CDFmm 1SWbg SP 5	S0190 CDFmm 1SWbg SP 5
S0191 CDFmm 1SWbg SP 5 2400 xc DE 3	S0192 CDFmm 1SWbg SP 5	S0193 CDFmm 1SWbg SP 5	S0194 CDFmm 1SWbg SP 5	S0195 CDFmm 1SWbg SP 5	S0196 CDFmm 1SWbg SP 5	S0197 CDFmm 1SWbg SP 5
S0198 CDFmm 1SWbg SP 5	S0199 CDFmm 1SWbg SP 5	S0200 CDFmm 1SWbg SP 5	S0201 CDFmm 1SWbg SP 5	S0202 CDFmm 1SWbg SP 5	S0203 CDFmm 1SWbg SP 5	S0204 CDFmm 1SWbg SP 5
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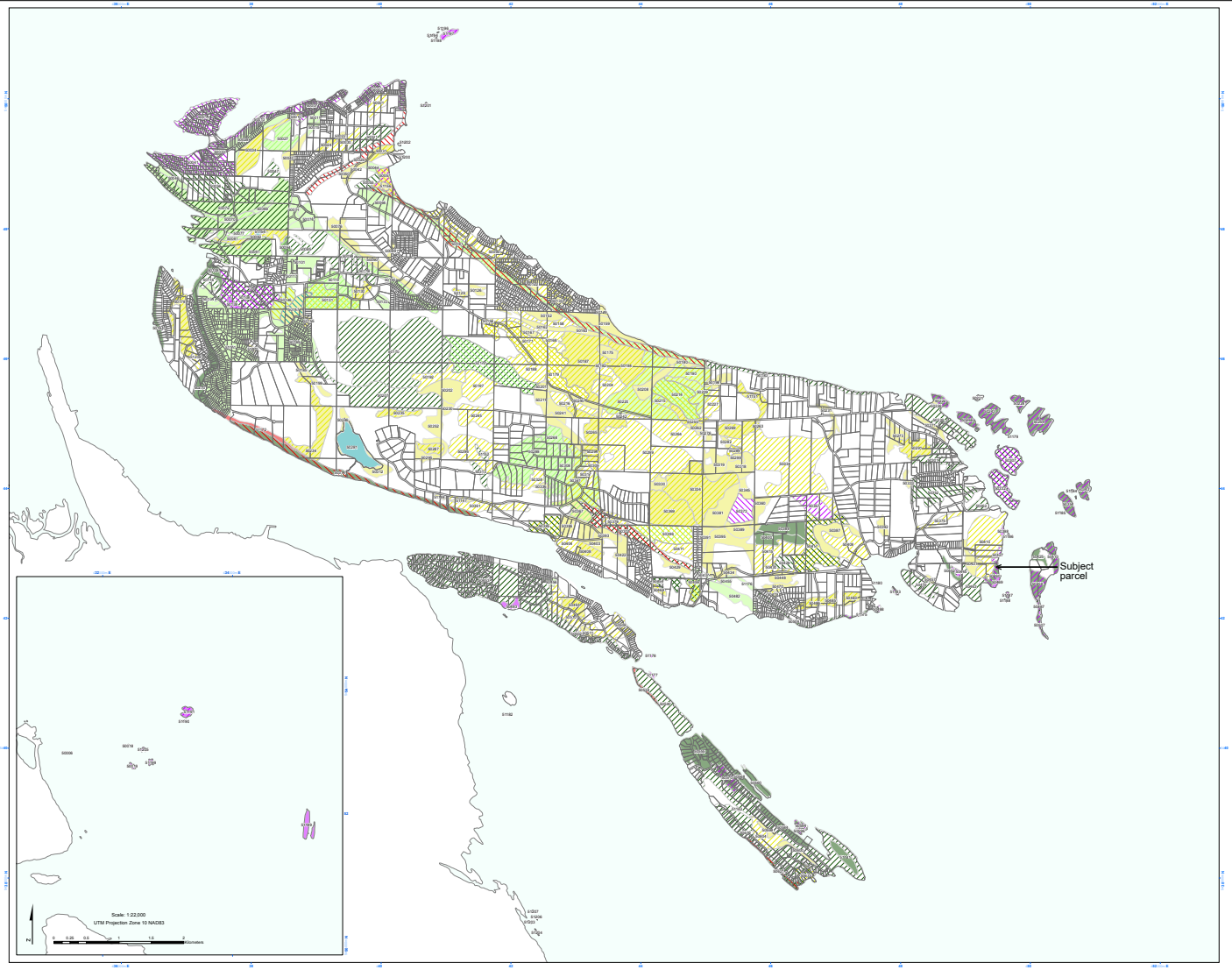


What is a Sensitive Ecosystem?

For the purpose of this study, an ecosystem is considered to be a portion of the landscape with relatively uniform dominant vegetation.

Sensitive ecosystems are those which are fragile and/or rare, or those ecosystems which are ecologically important because of the diversity of species they support.

Rationale

Intense development pressure fuelled by population and economic growth has fragmented and degraded many terrestrial ecosystems. A high proportion of these ecosystems are now designated as 'at risk' in BC. Sensitive ecosystems typically have high biological diversity and are a vital part of the landscape. They provide ecosystem services for a healthy economy and for social well being. They regulate climate, clean water, control floods, and pollinate the plants that grow in our crops. To protect these areas, sensitive ecosystems must be located, identified and mapped. From 1993 to 1998 the Provincial and Federal Governments completed a Sensitive Ecosystems Inventory of East Vancouver Island and the Gulf Islands. This mapping product is an updated version of that product.

Purpose

The purpose of this Sensitive Ecosystems map is to identify the location of sensitive ecosystems. The goal of this mapping exercise is to encourage informed land use decisions that will conserve sensitive ecosystems. This map and the accompanying data provide site-specific ecological information that can be used to flag sites of conservation concern, to promote land stewardship and to prompt detailed field surveys and consideration of ecological values before changes to the land are initiated.

Methodology

Mapping methods are based on the Resource Information Standards Committee (RISC) Standard for Terrestrial Ecosystem Mapping (TEM) in BC. This Sensitive Ecosystems map was themed from TEM data using the RISC Standard for Mapping Ecosystems at Risk in BC. For more information on Ecosystem Searching: Terrestrial Ecosystems in the Field (RISC 1998).

Data Limitations

The Sensitive Ecosystems map is a tool to alert decision makers to the existence of sensitive ecosystems. However, **when land-use changes are proposed, detailed on-the-ground site assessments are necessary**. For sites that were not field checked, the accuracy of the data depends heavily on the expertise, local knowledge and professional judgment of the mapper and the quality and quantity of available source data. Since the data is based on aerial photo interpretation, the data which used as the information source is arbitrary.

Due to the mapping scale of the aerial photographs, the minimum polygon size is generally ½ hectare. Enlargement of the data beyond the source scale may result in unacceptable distortion and faulty registration with other data sets.

What can be done to protect the sensitive ecosystems?

Direct and indirect impacts to these ecosystems can be avoided by:

- Retaining or creating vegetated buffers around sensitive ecosystems to isolate them from outside disturbances;
- Controlling land and water access to fragile ecosystems;
- Controlling invasive species;
- Allowing natural disturbances to occur;
- Maintaining water quality

If development must occur, develop carefully!

Conduct an ecological inventory to identify the existing flora and fauna and to locate any threatened or endangered plant and animal species, plant communities, and habitat features needing protection.

Plan and implement all development activities in a manner that will minimize impacts to the flora and fauna and ecosystem. Consult a qualified professional to interpret the ecological inventory data and work to incorporate designs that maintain the functions and values of the natural ecosystem.

Acknowledgements:

Project Co-ordination:
Kate Emmings - Islands Trust Fund
Brodie Porter - Islands Trust, Local Planning Services

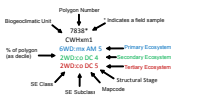
Terrestrial Ecosystem Mapping:
Madrone Environmental Services Ltd.

Sensitive Ecosystem Mapping Conversion Tables:
Carmen Cadrin - BC Ministry of Environment
Jo-Anne Stacey - BC Ministry of Environment
Ted Lea - BC Ministry of Forests, Lands and Range
Todd Golumbia - Gulf Islands National Park Reserve

Sensitive Ecosystem Mapping Review
Kate Emmings – Islands Trust Fund
Carmen Cadrin – BC Ministry of Environment
Sid Tsang - BC Ministry of Environment

GIS Mapping Support:
Mark van Bakel - Islands Trust

Sensitive and Terrestrial Ecosystems Label



The example label above indicates the SEM and TEM attributes mapped for polygon 7838. The polygon occurs in the Coastal Western Hemlock Eastern Very Dry Maritime variant. 60% of the polygon is WD:mix - Woodland: mixed conifer and broadleaf (Primary Ecosystem), map code AM - Arbutus - Hairy manzanita, structural stage 5. The remaining 40% of the polygon is WD:co - Woodland: conifer dominated, map code DC - Douglas-fir 5 - Western hemlock – Cladina (Secondary and Tertiary Ecosystems). Of this 40%, 20% is structural stage 4 and 20% is structural stage 5.

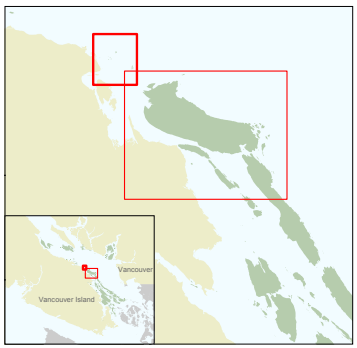
Structural Stage & Biogeoclimatic Units

Structural Stage	Description
0	No Structural Stage (usually rock or open water)
1	Sparse/bryoid
2	Herb
3	Shrub/Herb
4	Pole/Sapling
5	Young Forest
6	Mature Forest
7	Old Forest

Biogeoclimatic Units	Description
CDFmm	Coastal Douglas-fir Moist Maritime Subzone

Terrestrial Ecosystem Map Codes and Site Unit Names

Map Code	Site Unit Name	Map Code	Site Unit Name	Map Code	Site Unit Name	Map Code	Site Unit Name
CDFmm - Forested		CDFmm - non-Forested		CDFmm - non-Forested		Anthropogenic	
AS	Aspen - Slough sedge	E-E1	Tufted hairgrass - Meadow barley estuarine meadow	WB1	Sitka sedge - Peat moss fen	AE	Reservoir
CS	Western redcedar - Slough sedge	E-H32	Glasswort - Sea milkwort estuarine marsh	WB2	Sweet gale - Sitka sedge fen	RW	Rural residential
CW	Black cottonwood - willow	E-H33	Seashore saltgrass	WB3	Slender sedge - White beak-rush fen	RZ	Rural surface
DA	Douglas-fir - Grand Fir - Arbutus	E-H35	Lyngbye's sedge estuarine marsh	WH30	Cattail marsh	UR	Urban
DG	Douglas-fir - Grand Fir - Oregon Grape	FC	Fescue - Camas	WH50	Sitka sedge - Hemlock parsely marsh	Map Code	Site Unit Name
DO	Douglas-fir - Oniongrass	HL	Hardrock - Labrador tea	WH52	Pink spirea - Sitka sedge swamp	Sparsely Vegetated	
DS	Douglas-fir - Salal	LM	Dunegrass - Beach pea	WH51	Sitka willow - Pacific willow - Skunk cabbage swamp	BE	Beach
GO	Garry oak - Oceanspray	OM	Garry oak - moss			CL	Cliff
LS	Shore pine - Sphagnum	OR	Oceanspray - rose			LA	Lake
RC	Western redcedar - Skunk cabbage	OS	Garry oak - Brome (or mixed grasses)			MU	Mudflat
SF	Western redcedar - Grand fir - Foamflower	RA	Nootka rose - Pacific crab apple	CO	Cultivated orchard	OW	Open water (< 2m deep)
RK	Western redcedar - Douglas-fir - Oregon beaked moss	SC	Cladina - Wolfbane's sedge/mila	SS	Cultivated soil	PO	Pond (> 2m deep)
RP	Western redcedar - Indian plum	SL	Sedge - Western Bleeding	GC	Golf course	RI	River
RS	Western redcedar - Snowberry	SS	Spirea - Sedge wetland	GP	Gravel pit	RO	Rock outcrop
RV	Western redcedar - Vanilla-leaf	W160	Labrador tea - Bog laurel - Peat-moss bog	IN	Industrial		



Islands Trust

British Columbia

Gabriola Island Sensitive Ecosystem Mapping Airphoto - 2007

Scale: 1:22,000
UTM Projection Zone 10 NAD83
0 0.25 0.5 1 1.5 2 Kilometers

Sensitive Ecosystems

Sensitive ecosystems are fragile and/or rare, or are ecologically important because of the diversity of species they support.

Old Forest (OF): Primary Ecosystem | Secondary | Tertiary

Definition: Conifer-dominated dry to moist forest types, structural stage 7, generally >250yrs.

Importance: Due to the lack of disturbance, old forest ecosystems are often associated with rich communities of plants and animals that may be dependent upon the unique environmental conditions created by these forests.

Subclasses:
- co (conifer-dominated) - greater than 75% coniferous species
- mx (mixed conifer and deciduous) - forests dominated with a mixture of coniferous and broadleaf trees (>75% coniferous and >25% broadleaf)

Woodland (WD): Primary Ecosystem | Secondary | Tertiary

Definition: Dry open forests, generally between 10 and 30% tree cover, can be conifer-dominated or mixed conifer and arbutus stands, because of open canopy, will include non-forested openings, often with shallow soils and bedrock outcroppings.

Importance: Woodlands are nationally, provincially and regionally rare and highly fragmented. A rich assemblage of plants, insects, reptiles and birds are drawn to these ecosystems due to the food sources, habitat and proximity to the ocean. Garry oak woodlands, for example support the highest plant species diversity of any terrestrial ecosystem in British Columbia and are especially vulnerable to rural development.

Subclasses:
- bd (broadleaf) - dominant broadleaf with <15% coniferous species
- mx (mixed conifer and deciduous) - mixed conifer and broadleaf with a minimum of 25% cover of either group is included in the total tree cover

Herbaceous (HB): Primary Ecosystem | Secondary | Tertiary

Definition: Non-forested ecosystems (less than 10% tree cover), generally with shallow soils. They include bedrock outcroppings, large openings within forested areas, spits, dunes and shorelines vegetated with grasses and herbs.

Importance: Terrestrial Herbaceous ecosystems are characterized by thin soils which are easily disturbed. Herbaceous plants can be quite rare and are often restricted to specialized habitats. Herbaceous ecosystems are also very vulnerable to a range of human disturbance factors including residential development and various recreational uses.

Subclasses:
- hb (herbaceous) - non-forested, less than 10% tree cover, generally shallow soils, often with exposed bedrock, predominantly a mix of grasses and forbs, also lichens and mosses.
- cs (coastal herbaceous) - rocky shoreline or islet, influenced by the marine environment and characterized by less than 20% vegetation cover of grasses herbs, mosses and lichens.
- sp (spit) - finger-like extension of beach, comprised of sand or gravel deposited by longshore drifting; low to moderate cover of salt-tolerant grasses and herbs
- du (dune) - ridge or hill, or beach area created by windblown sand; may be more or less vegetated depending on depositional activity, beach dunes will have low cover of salt-tolerant grasses and herbs
- sh (shrub) - >20% of total vegetation cover is shrub cover, with grasses and herbs
- ro (rock) - rock outcrops not dominated by shrubs

Wetland (WN): Primary Ecosystem | Secondary | Tertiary

Definition: Areas that are saturated or inundated with water for long enough periods of time to develop vegetation and biological activity adapted to wet environments. This may result from flooding, fluctuating water tables, tidal influences or poor drainage conditions.

Importance: Wetland ecosystems are sensitive and important because they exhibit rarity, high biodiversity, fragility, specialized habitat, specialized functions and connectivity.

Subclasses:
- bg (bog) - nutrient poor wetland, on organic soils (sphagnum peat), water source predominantly from precipitation; may be treed or shrub dominated
- fn (fen) - nutrient medium wetland (sedge peat) where ground water influence is the dominant water source, open water channels common; dominated by sedges, grasses and mosses
- ms (marsh) - wetland with fluctuating water table, often with shallow surface water, usually organically enriched mineral soils; dominated by rushes, reeds, grasses and sedges
- sp (swamp) - poor to very rich wetland on mineral soils or with an organic layer over mineral soil, with gently flowing or seasonally flooding water table; woody vegetation
- sw (shallow water) - standing or flowing water less than 2m deep, transition between deep water bodies and other wetland ecosystems (i.e. bogs, swamps, fens, etc.); often with vegetation rooted below the water surface
- wm (wet meadow) - periodically saturated but not inundated with water, organically enriched mineral soils; grasses, sedges, rushes and forbs dominate

Cliff (CL): Primary Ecosystem | Secondary | Tertiary

Definition: Very steep slope, often exposed bedrock, may include steep-sided sand bluffs.

Importance: Open ledges and horizontal fissures on cliffs are known to provide nesting sites. Cliff crevices are used for roosting bats while deep crevices are used for shelter and overwintering of snakes and lizards.

Subclasses:
- co (coastal cliffs) - cliffs with a marine influence, generally near vertical bedrock with accumulation of soil limited to fissures and ledges.
- ic (inland cliffs) - inland cliffs: typically formed as a result of erosion, catastrophic failures or mass wastage. Generally characterized by rapid drainage and the accumulation of soil that is limited to bedrock fissures and ledges

Freshwater (FW): Primary Ecosystem | Secondary | Tertiary

Definition: Freshwater ecosystem includes bodies of water such as lakes and ponds that usually lack floating vegetation.

Importance: Freshwater ecosystems are home to numerous organisms such as, fish, amphibians, aquatic plants, and invertebrates.

Subclasses: Lakes and ponds play a vital role in the lifecycle of many species
- la (lake) - a naturally occurring static body of water, greater than 2m deep in some portion.
- pd (pond) - a small body of water greater than 2m deep, but not large enough to be classified as a lake

Rare Ecosystems

Other important ecosystems have high biodiversity values.

Mature Forest (MF): Primary Ecosystem | Secondary | Tertiary

Definition: Usually conifer-dominated, occasionally deciduous, dry to moist forest types, structural stage 6, generally >80yrs.

Importance: ***Future older forests*** Within 20 years, many Mature Forests that were logged early this century will become Older Forests. Old Forests are rare, fragmented and threatened because they are higher with age. This means it will be able to sustain more and larger species of plants and animals.

Landscape connectivity Mature Forest stands provide connections between other natural areas that promote the movement and dispersal of many forest-dwelling species across the landscape.

Buffers Mature Forest can minimize disturbance to sensitive ecosystems that occur within or adjacent to the forest patch. Where they border or surround isolated patches of older forest or other sensitive ecosystems, the Mature Forest area serves an important role in buffering the adjacent sensitive areas.

Subclasses:
- co (conifer dominated) - greater than 75% coniferous species
- mx (mixed conifer and deciduous) - a minimum of 25% cover of either group is included in the total tree cover
- bd (broadleaf) - greater than 75% broadleaf species

Other Mapped Ecosystems

Young Forest (YF):

Definition: Limited to areas of young forest dispersed amongst sensitive and important ecosystems. Forest is 40 - 80 yrs old depending on species and ecological conditions; canopy has begun to differentiate.

Seasonally Flooded Agricultural Fields (FS):

Definition: Limited to areas of annually flooded cultivated fields or hay fields dispersed amongst sensitive and important ecosystems.

Non-Sensitive (NA):

Definition: Limited to areas of disturbance or human impact dispersed amongst sensitive and important ecosystems.

Ecosystem Map Symbols

Ecosystem composition is complex and often contains a dominant ecosystem with secondary and tertiary ecosystems. In this map the dominant ecosystem has a solid shading and the secondary and tertiary ecosystems are identified by cross-hatched lines.

Example of a primary sensitive Woodland ecosystem with a secondary sensitive Herbaceous ecosystem

Occasionally sensitive ecosystems will mix with non-sensitive ecosystems. In this map a sensitive ecosystems mixed with non-sensitive is identified by cross-hatched lines with solid white shading.

Example of a secondary sensitive Herbaceous and tertiary sensitive Woodland ecosystems mixed with a non-sensitive primary ecosystem

Sensitive ecosystems can also mix with important ecosystems. In this map a sensitive ecosystem mixed with an important ecosystem is identified by cross-hatched lines with solid green shading.

Example of a tertiary sensitive Herbaceous ecosystem mixed with a primary important Mature Forest ecosystem

FIGURE 5

MAPIT SENSITIVE ECOSYSTEM MAPS (ISLANDS TRUST)

FIGURE 5 – ISLANDS TRUST SENSITIVE ECOSYSTEM MAPS

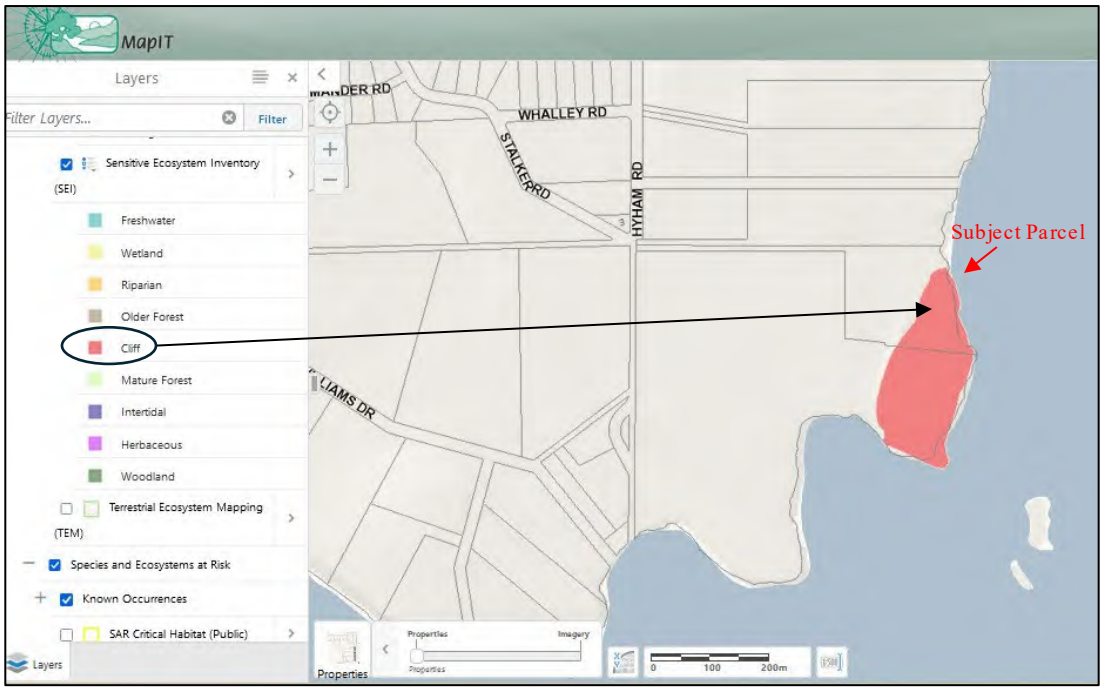


Figure 5a – Islands Trust "MapIT" SEI Mapping Layer

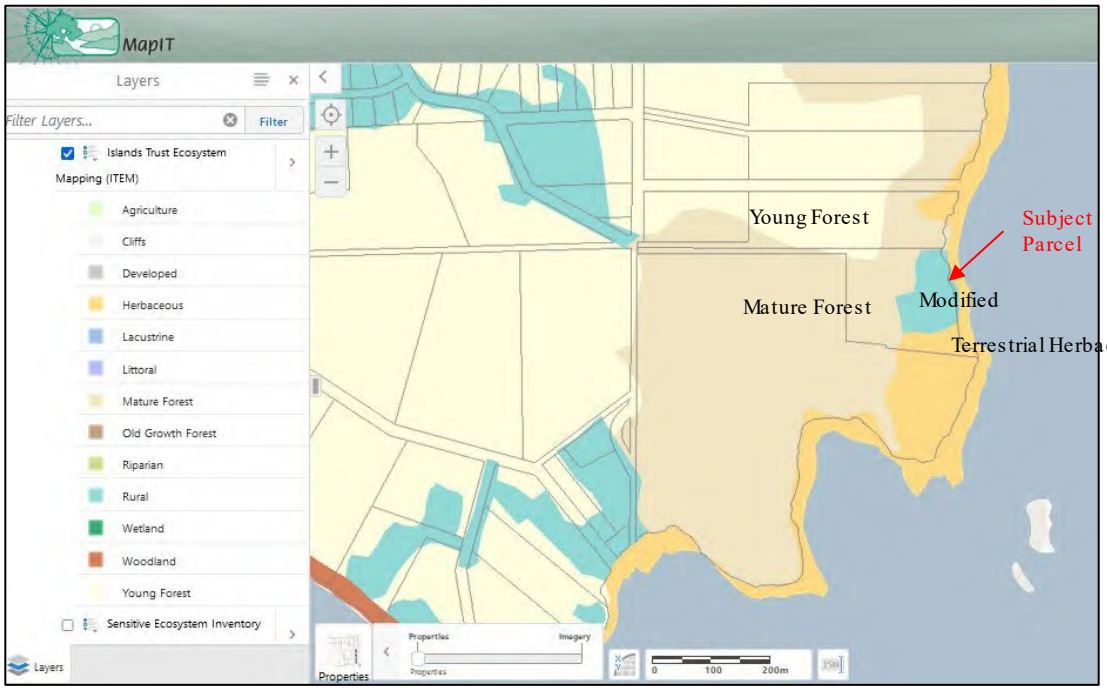


Figure 5b – Islands Trust "MapIT" ITEM Mapping Layer

APPENDIX A

SITE PHOTOGRAPHS

APPENDIX A – SITE PHOTOGRAPHS

Photo 1: Some low spots have a moist soil regime at west side of panhandle supporting bigleaf maple and western redcedar. No wetland habitat.

Photo 2: Looking east up driveway along panhandle section.

Photo 3: Looking southeast into the larger part of the parcel from base of panhandle where driveway splits to access cottages.

Photos 4-6: Typical forest composition, dry 2nd growth Douglas fir forest with scattered mature trees. Flat, open understory. Minimal downed wood.

Photo 7: Stand of snags with woodpecker cavities.

Photo 8: One large fir with fire scars and a “Wildlife Tree” sign. May have once been an eagle nest tree; corresponds with old WiTS mapping.

Photo 9: Fir had one smaller stick nest not characteristic of an eagle. Likely a smaller hawk spp. or corvid spp.

Photo 10: Firth (north) cottage looking southeast towards ocean.

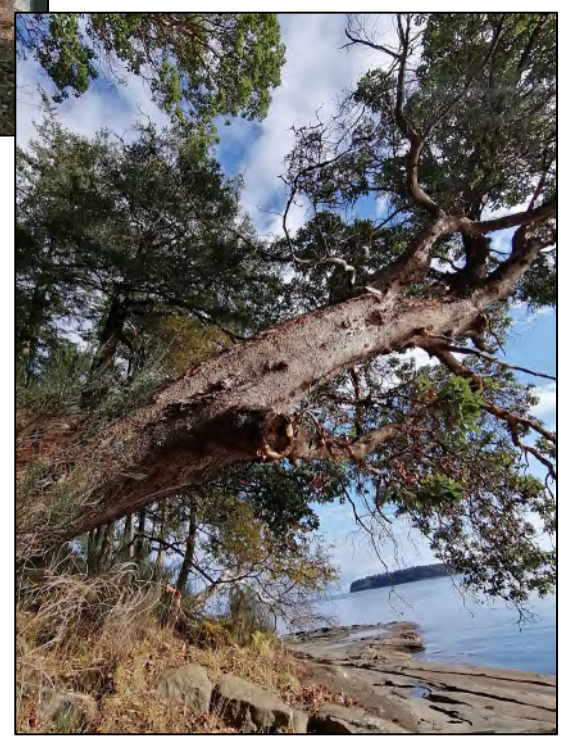


Photo 11: North end of shoreline looking northeast. Low bedrock slope with large arbutus and sandstone intertidal.

Photo 12: Second (middle) cottage, cabin & lawn; facing southwest.

Photo 13: Third (south) cottage, patio & lawn; facing southwest.

Photo 14: Looking northwest along shoreline from south side of parcel. Note sandstone bedrock with small gravel and/or sand pocket beaches.

Photo 15: Shoreline has eroding shell midden.

Photo 16: Thickets of Scotch broom and Himalayan blackberry in southeast corner of the parcel.

Photo 17 & 18: Restoration project in the adjacent Drumbeg Provincial Park to replace invasive species with Garry oak ecosystem. Shows a restoration plot adjacent to subject parcel boundary looking north.

Photo 19: Example of terrestrial herbaceous ecosystem located in Drumbeg Provincial Park.

APPENDIX B

BC CONSERVATION DATA CENTRE (BC CDC) ECOSYSTEMS EXPLORER SEARCH RESULTS

(//www2.gov.bc.ca/)

BC Species & Ecosystems Explorer

Modify Search (/pub/eswp/search.do?method=change) | New Search (/pub/eswp/search.do?method=reset) | Print (/pub/eswp/results_print.do)

Export Results | Help

Search Results 30 records

Show 50 rows | Column Visibility | Sort Order

Scientific Name

Ascending

Scientific Name	English Name	BC List	COSEWIC	SARA
Accipiter atricapillus laingi (/pub/eswp/reports.do?elcode=ABNKC12062)	American Goshawk, *laingi* subspecies	Red	T	1-T (2003)
Aplodontia rufa (/pub/eswp/reports.do?elcode=AMAFA01010)	Mountain Beaver	Blue	SC	1-SC (2003)
Buteo swainsoni (/pub/eswp/reports.do?elcode=ABNKC19070)	Swainson's Hawk	Red		
Cardellina canadensis (/pub/eswp/reports.do?elcode=ABPBX16030)	Canada Warbler	Blue	SC	1-T (2010)
Cercyonis pegala incana (/pub/eswp/reports.do?elcode=IILEPN701G)	Common Wood-nymph, *incana* subspecies	Red		
Chordeiles minor (/pub/eswp/reports.do?elcode=ABNTA02020)	Common Nighthawk	Blue	SC	1-SC (2023)
Claytonia washingtoniana (/pub/eswp/reports.do?elcode=PDPOR030U0)	Washington springbeauty	Blue		
Coenonympha california insulana (/pub/eswp/reports.do?elcode=IILEPN6038)	Common Ringlet, *insulana* subspecies	Red		
Contia tenuis (/pub/eswp/reports.do?elcode=ARADB09010)	Common Sharp-tailed Snake	Red	E/T	1-E (2003)
Corynorhinus townsendii (/pub/eswp/reports.do?elcode=AMACC08010)	Townsend's Big-eared Bat	Blue		
Dryopteris arguta (/pub/eswp/reports.do?elcode=PPDRY0A020)	coastal wood fern	Blue	SC	1-SC (2003)
Epilobium torreyi (/pub/eswp/reports.do?elcode=PDONA01050)	brook spike-primrose	Red	E	1-E (2007)
Eurybia radulina (/pub/eswp/reports.do?elcode=PDASTEB0K0)	rough-leaved aster	Red	T	
Glaucidium gnoma swarthi (/pub/eswp/reports.do?elcode=ABNSB08015)	Northern Pygmy-Owl, *swarthi* subspecies	Blue		
Lepus americanus washingtonii (/pub/eswp/reports.do?elcode=AMAEB03014)	Snowshoe Hare, *washingtonii* subspecies	Red		
Lomatium papilioniferum (/pub/eswp/reports.do?elcode=PDAPI1B2V0)	butterfly bearing lomatium	Red	T	1-T (2011)
Megascops kennicottii kennicottii (/pub/eswp/reports.do?elcode=ABNSB01042)	Western Screech-Owl, *kennicottii* subspecies	Blue	T	1-T (2005)
Melanerpes lewis (/pub/eswp/reports.do?elcode=ABNYF04010)	Lewis's Woodpecker	Blue	T	1-T (2012)
Mustela richardsonii anguinae (/pub/eswp/reports.do?elcode=AMAJF02014)	Ermine, *anguinae* subspecies	Blue		
Myotis lucifugus (/pub/eswp/reports.do?elcode=AMACC01010)	Little Brown Myotis	Blue	E	1-E (2014)

Scientific Name	English Name	BC List	COSEWIC	SARA
Neogale frenata altifrontalis (/pub/eswp/reports.do?elcode=AMAJF02034)	Long-tailed weasel, *altifrontalis* subspecies	Red		
Oreamnos americanus (/pub/eswp/reports.do?elcode=AMALE02010)	Mountain Goat	Blue		
Plagiobothrys tenellus (/pub/eswp/reports.do?elcode=PDBOR0V130)	slender popcornflower	Red	T	1-T (2011)
Platanthera ephemerantha (/pub/eswp/reports.do?elcode=PMORC1X050)	white-lip rein orchid	Blue		
Pristiloma johnsoni (/pub/eswp/reports.do?elcode=IMGAS80050)	Broadwhorl Tightcoil	Blue		
Progne subis (/pub/eswp/reports.do?elcode=ABPAU01010)	Purple Martin	Blue		
Sabulina pusilla (/pub/eswp/reports.do?elcode=PDCAR0G0Q2)	dwarf sandwort	Red	E	1-E (2005)
Tonella tenella (/pub/eswp/reports.do?elcode=PDSCR1Y020)	small-flowered tonella	Blue	E	1-E (2005)
Triteleia howellii (/pub/eswp/reports.do?elcode=PMLIL21061)	Howell's triteleia	Red	E	1-E (2005)
Uropappus lindleyi (/pub/eswp/reports.do?elcode=PDAST6E0B0)	Lindley's microseris	Red	E	1-E (2010)

Showing 1 to 30 of 30 entries

First Previous 1 Next Last

Search Criteria

Plants OR Animals
AND BC Conservation Status:Red (Extirpated, Endangered, or Threatened) OR Blue (Special Concern)
AND 'Local Trust Areas':Gabriola Island Local Trust Area
AND Habitat Subtypes: Conifer Forest - Dry
AND BGC Zone, Subzone: CDFmm
Sort Order:Scientific Name Ascending

Notes

1. Citation: B.C. Conservation Data Centre. 2024. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: https://a100.gov.bc.ca/pub/eswp/ (https://a100.gov.bc.ca/pub/eswp/) (accessed Oct 21, 2024).

2. The data contained in the Results Export in BCSEE are provided under the Open Government License - BC (http://www.data.gov.bc.ca/local/dbc/docs/license/OGL-vbc2.0.pdf).

3. We welcome your comments at cdcdata@gov.bc.ca.

Geohazard Assessment for Proposed Rezoning and Subdivision

1900 Stalker Road – Gabriola Island, BC

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CONTENTS

1. INTRODUCTION 1
2. SCOPE OF ASSESSMENT 1
3. SITE DESCRIPTION 1
   3.1 SURFACE AND SUBSURFACE CONDITIONS 2
4. LANDSLIDE SAFETY AND HAZARD ASSESSMENT CLASS 2
5. GEOTECHNICAL ASSESSMENT 3
   5.1 STATIC/SEISMIC SLOPE STABILITY ASSESSMENT 3
   5.2 FLOOD HAZARD ASSESSMENT 4
6. CLOSURE 5

1. INTRODUCTION

As requested, we have completed a geohazard assessment of the referenced property as required by the Islands Trust as part of the proposed rezoning and subdivision application. Further, we note that the Approving Authority for subdivision on Gabriola Island lies with the Approving Officer of the Ministry of Transportation and Transit (MOTT). The Islands Trust and MOTT are both considered authorized users of this report and may rely on its contents.

We understand the current proposal consists of a 3-lot subdivision and rezoning application, as shown on the attached survey plan by Turner and Associates Land Surveying, (project number 18-045) dated October 12, 2023. We further understand that no construction is currently proposed. Our work in this regard has been carried out in accordance with our proposal dated July 14, 2023, and the accepted Terms of Engagement.

2. SCOPE OF ASSESSMENT

Our assessment has consisted of a review of available background information, as well as our site visit to assess the subsurface soils and visual geotechnical conditions. Our background work has included review of the subdivision layout, online satellite imagery of the terrain (Google Earth), and Quaternary geology mapping. Our site visit was completed on October 21, 2024, and consisted of a walking reconnaissance of the property to review surficial geotechnical conditions. Additionally, a subsurface investigation to assess the depth to native soils was carried out by hand digging test pits. Our assessment and this report have been prepared in accordance with Engineers and Geoscientists of BC's (EGBC) Professional Practice Guidelines for *Landslide Assessments in British Columbia (Version 4.1, published March 1, 2023*), and *Legislated Flood Assessments in a Changing Climate in BC (Version 2.1 published August 28, 2018)*. Our completed Landslide Assessment Assurance Statement along with the Flood Assurance Statement is attached.

3. SITE DESCRIPTION

The property is located along the east side of Stalker Rd. along the southeastern shoreline of Gabriola Island. It is a panhandle lot approximately 3.6 hectares in size and bounded by a residential lot to the north, the Strait of Georgia to the east, Drumbeg Provincial Park to the south, and Stalker Rd. to the west. According to the Regional District of Nanaimo GIS mapping and survey plan provided, the land slopes gently down along the access drive from about 23 m (geodetic) elevation at the road to 19 m. The parcel then widens and slopes down to the present natural boundary (PNB) of the Strait of Georgia between 2 and 3 m elevation. The average slope is between 2 to 5 degrees within the main area of the lot, with the slope above the foreshore descending at approximately 20 degrees or less. Based on Gabriola Island Official Community

Plan (Bylaw No 166) mapping, the lot is not within a Development Permit Area (DPA) and is classified as a "resource" land area. Resource designations are characterized as land parcels being 8.0 hectares or larger and may (or may not) contain environmental, social, or culturally significant features. Resource land designations are also not within Provincial Agricultural Land Reserve's (ALR) or former Forest Land Reserve's (FLR).

Currently, there are three cottage type structures and two cabins within the eastern half of the lot. The cottages were observed to be setback 26.1 m (northern cottage), 17.2 m (middle cottage), and 29.5 m (southern cottage) from the Present Natural Boundary (PNB). The cabins are setback upwards of 30 m. The structures are located within a grassy area that is nearly flat/level with sporadic mature trees spread throughout. The western half of the lot (behind the cottages) is more densely forested with bushes and mature trees. Pictures of our site reconnaissance are shown in the attached Photo Log.

3.1 SURFACE AND SUBSURFACE CONDITIONS

Based on available Quaternary Geology mapping (British Columbia Soil Survey Report No 43, Volume 4), the lot is characterized by colluvial deposits consisting of glacial drift overtop very shallow bedrock. Bedrock is expected to belong to the late-cretaceous Nanaimo Group Formations, consisting of Gabriola Sandstone. During our site visit, it was evident that the property is bedrock controlled as several outcrops were noted throughout the property as well as along and above the beach, as shown in the Photo Log.

Our subsurface investigation comprised two hand dug test pits to roughly 0.3 m below surface grade where they were ended due to the density of the native soils. Two representative test pits were excavated along the north and south of the property within the flat/level area noted above and as shown in the attached Site Plan. Stratigraphy comprised topsoil approximately 0.25 m thick which then transitioned to native dense brown sand and gravel with some silt (inferred glacial till) atop shallow sandstone bedrock. The soils and bedrock noted were consistent with geological mapping. No groundwater or seepage was observed in either of the test pits and there was no evidence of water pooling within the lot.

4. LANDSLIDE SAFETY AND HAZARD ASSESSMENT CLASS

For the purposes of the landslide and flood hazard assessment and the corresponding Appendix D and Appendix I statements, Islands Trust and the Province of British Columbia do not have an adopted level of landslide safety or an adopted level of flood hazard or flood risk tolerance. However, MOTT has indicated on previous projects that when considering risk from an event based on its probability of occurrence, the qualified professional must distinguish between damaging events and life-threatening events. For damaging events, a probability of occurrence of 1 in 475 years (10% probability in 50 years) should be considered for landslide hazards, and a probability of occurrence of 1 in 200 years should be considered for flooding hazards. For life threatening catastrophic events, a probability of occurrence of 1 in 10,000 years should be considered. In addition, the BC Building Code requires new construction to be designed to remain

safe for egress due to a seismic event with a probability of occurrence of 1 in 2,475 years (2% probability of exceedance in 50 years). We understand that this is also consistent with current BC Building Code Bulletin B10-01 as such relates to seismic slope stability.

Given the proposed rezoning/subdivision and anticipated geotechnical conditions, we consider the project to fall under Class 1 from *Table B-6: Types of Static and Seismic Slope Stability Analysis* from the EGBC *Guidelines for Landslide Assessments in British Columbia*, which provides guidance on level of effort for hazard assessments. Typical assessment methods for Class 1 include conducting a geotechnical hazard assessment, performing site exploration and in-situ testing of soil/rock/groundwater conditions and associated testing, and slope stability analysis, and consideration of climate change impacts.

5. GEOTECHNICAL ASSESSMENT

Our assessment has considered the following geohazards and return periods for their potential to impact the subject property and proposed development:

- A design seismic event with a 1:2,475-year return period (2% probability of exceedance in 50 years)
- A 500-year indicative return period (0.5% Annual Exceedance Probability) flood and 1.0 Relative Sea Level Rise (RSLR) to the year 2100.

5.1 STATIC/SEISMIC SLOPE STABILITY ASSESSMENT

As described previously, the slope within the lot is bedrock controlled with minimal soil cover and is well vegetated. We note that the slope is classified as gentle with an overall inclination between approximately 2 to 5 degrees, with the foreshore steeper at an inclination of roughly 20 degrees or less. We did not observe any evidence of active slopes or potential for slope instability. We note that no rockfall hazard is present within the site, including from upslope areas. Based on available mapping data, the gentle topography of the lot, and bedrock-controlled terrain, we do not consider there to be a concern of creep/movement.

Based on the available GIS mapping from the Nanaimo Regional District, Section A (shown in the attached Site Plan) was generated based on the contours. We consider this section to generally be the most representative of the overall site conditions and to be the marginally steepest. A slope stability analysis was carried out for both static and seismic scenarios using Slide2 software. The seismic scenario considers an event with a 2% probability of exceedance in 50 years with a Peak Ground Acceleration (PGA) of 0.576g (local value from NBCC 2020 for Site Class ‘C’). Stratigraphy was estimated based on our subsurface investigation and visual observations. Our results yielded a minimum static factor of safety of 5.6 while the seismic scenario yielded a factor of safety of 1.6.

Given the low elevation and gentle terrain we conclude that the site is not subject to global instability nor life threatening catastrophic events. Furthermore, given the gentle slope and

minimal soil cover atop the bedrock, we conclude there is insufficient thickness of soil to develop liquefaction. No further modelling has been completed at this time.

5.2 FLOOD HAZARD ASSESSMENT

We have considered the potential flooding hazard to the site from overland watercourses and from coastal flooding. No overland watercourses or drainages were noted near the property nor mapped nearby on the reference drawing Gabriola, Valdes, Thetis and Kuper Islands Water Allocation Plan developed by the British Columbia Ministry of Environment, Lands, and Parks Vancouver Island Region and therefore no associated hazard is considered to be present. Regarding coastal flooding, given the proximity to the natural boundary of the sea, a review of coastal flooding hazard potential was completed.

Assessment of coastal flooding hazard involves considering high tide in combination with estimated sea level rise to the year 2100, and storm surge and wave runup associated with a design storm with a 1 in 500 annual exceedance probability. These values, in addition to a factor for local subsidence or rebound, are combined to determine a Flood Construction Level (FCL) used to establish the elevation of the underside of a wooden floor system or the top of a concrete slab for habitable spaces (Reference: Province of British Columbia – Flood Hazard Area Land Use Management ("FHALUM") Guidelines, May 2004, Amended January 2018 (Sections 3.5 and 3.6)).

We note that all existing habitable structures are located at least 17 m or more (horizontally) from the PNB. Based on the site survey plan, the structures are located where spot elevations range between approximately 5.9 and 8.3 m (geodetic elevation CVD28BC). The structures do not appear to have any portion below grade, with the floor levels located roughly 0.3 m to 0.6 m above surrounding grade. Based on the Regional District of Nanaimo Coastal Flood Hazard Map Atlas (Electoral Area B 2 of 3) completed by Ebbwater Consulting and Cascadia Coast Research Ltd. in 2019, a FCL of 5.1 m (CGVD 2013) was determined for this area. Further work by Ebbwater and Cascadia in 2022 generated Regulatory Coastal Floodplain Map (Electoral Area B, 3 of 6) which identifies the shoreline area of the property as within the flood extent but does not provide a FCL elevation. Accordingly, we have calculated a FCL for the site using the Combined Method cited in Section 3.5.5.1 of the FHALUM Guidelines. The resulting FCL is provided in Table 1 below.

Table 1: Summary of FCL calculations (Combined Method)

Item:	**(m CGVD28)**	**Notes:**
Higher High Water Large Tide (HHWLT)	2.04	As per CHS[1] – based on Point Atkinson (primary port) and Silva Bay #7550 (secondary port)
Total Storm Surge during "designated storm"	1.3	0.2% AEP storm event (Kerr Wood Leidal, 2011[2])
Estimated wave effect	0.65	As per Guidelines[3]

Uplift	-0.08	-1.06 mm/year for region - As per Guidelines[3]
Sea Level Rise (SLR)	0.75	SLR for 2100 is 1.0 m, 75 years left from 2025
Free Board Factor	0.6	As per Guidelines[4]
FLOOD CONSTRUCTION LEVEL	**5.26**	

[1] Canadian Hydrographic Service

[2] Kerr Wood Leidal – Provincial Guidelines for Coastal Floodplain Mapping, June 2011

[3] Ausenco Sandwell – Climate Change Adaption Guidelines for Sea Dikes and Coastal Flood Hazard Land Use; Guidelines for Management of Coastal Flood Hazard Land Use, 27 January 2011

[4] Province of British Columbia – Flood Hazard Area Land Use Management (FHALUM) Guidelines, May 2004, Amended January 2018 (Sections 3.5 and 3.6)

Based on the available information, the existing residences appear to be above this elevation. We have also considered setback, in accordance with the Provincial Guidelines Section 3.5.5.1, which notes the setback should be at least the greater of 15 m from the year 2100 estimated natural boundary, or the location where the ground surface elevation equals the FCL. Given the non-erodible sandstone bedrock shoreline, we consider the former would be a 15 m setback from the 2.71 m elevation contour (HHWLT + SLR – Uplift), which is likely satisfied although sufficient information is not available on the survey plan to confirm this. The residences all appear to be setback behind the FCL elevation of 5.26 m.

While no construction is anticipated at this time, we recommend any future construction be located above the noted FCL and setback 15 m from the future estimated NB, the location of which should be confirmed by a surveyor. However, a reduced setback may be acceptable and should be assessed by a geotechnical professional at the time of any planning/design.

6. CLOSURE

In summary, we consider the proposed rezoning and subdivision can be completed without undue risk of geohazard with respect to both slope stability and flooding, including anticipated future climate change. It is our professional opinion that that the land may be used safely for the use intended, pursuant to and in accordance with Section 56 of the Community Charter. Our assessment is provided in consideration with Section 86(d) of the Land Title Act, pursuant to the

Guidelines for Landslide Assessments in British Columbia V4.1 and the Legislated Flood Assessments in a Changing Climate in British Columbia V2.1.

This report has been prepared for the exclusive use of our client and the authorized representatives. The Islands Trust and Ministry of Transportation and Transit (MOTT) may also rely on this report for the sole purpose of the current rezoning and subdivision application.

Any use of this report by a third party, or any reliance on or decisions to be made based on it, are the responsibility of such third parties.

We trust the preceding is suitable for your purposes at present. If you require anything further at this time or have any questions with respect to the above, please contact us.

Sincerely,

Ryzuk Geotechnical

PROFESSIONAL
PROVINCE OF
L. B. LESSINGHAM
51769
BRITISH COLUMBIA
GEOSCIENTIST
P2P 1002996 2025-01-30

Sean Gugay, EIT
Advanced Junior Engineer

Laura Lessingham, P. Geo.
Lead Geoscientist

Permit to Practice Number: 1002996

Attachments:
- Photo Log
- Subdivision Layout Survey
- Site Plan with 2 m contours
- Seismic and Static Slope Model
- Appendix D: Landslide Assessment Assurance Statement
- Appendix I: Flood Assurance Statement
- Checklist and Signoff for an Independent Review

	Photo Log
Photo 1: Flat grassy area of North cottage looking towards the foreshore	
Photo 2: North cottage standing near the foreshore. Shallow bedrock observed with sporadic outcrops (bottom left)	

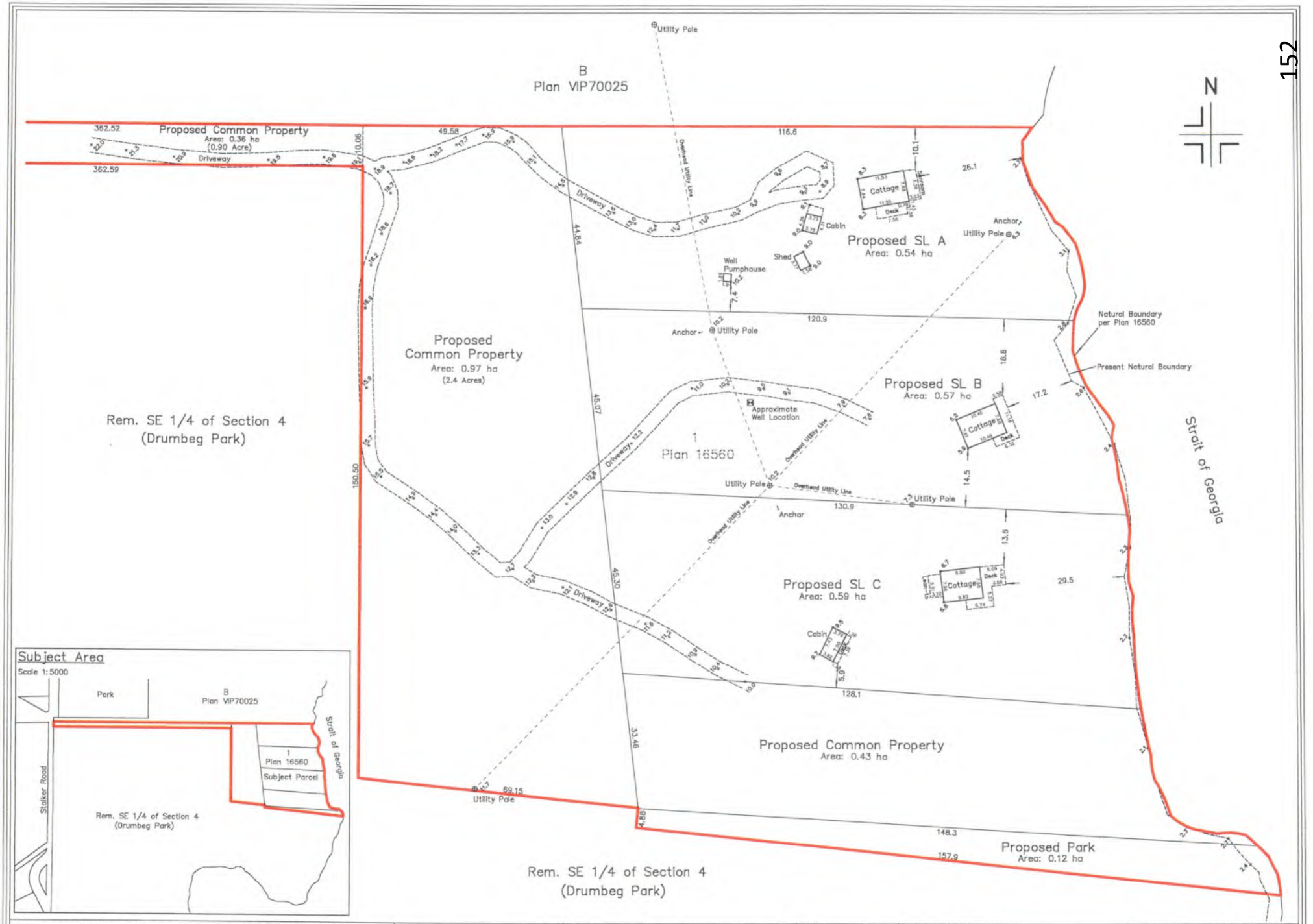
Photo 3: Foreshore of southern cottage. Average slope of foreshore measured to be 20 degrees or less	
Photo 4: Setback of middle cottage looking south	

Photo 5: Setback of southern most cottage looking south	
Photo 6: Sporadic bedrock outcrops throughout the lot indicating thin soil cover	

Photo 7: Observed native mineral soils (glacial till) intermixed with topsoil from hand dug test pit investigation.	
Photo 8: Forested area behind the cottages (within proposed common property) near property line	

RYZUK

GEOTECHNICAL



SITE PLAN SHOWING PROPOSED BARE LAND STRATA SUBDIVISION OF:
LOT 1, SECTION 4, GABRIOLA ISLAND,
NANAIMO DISTRICT, PLAN 16560.

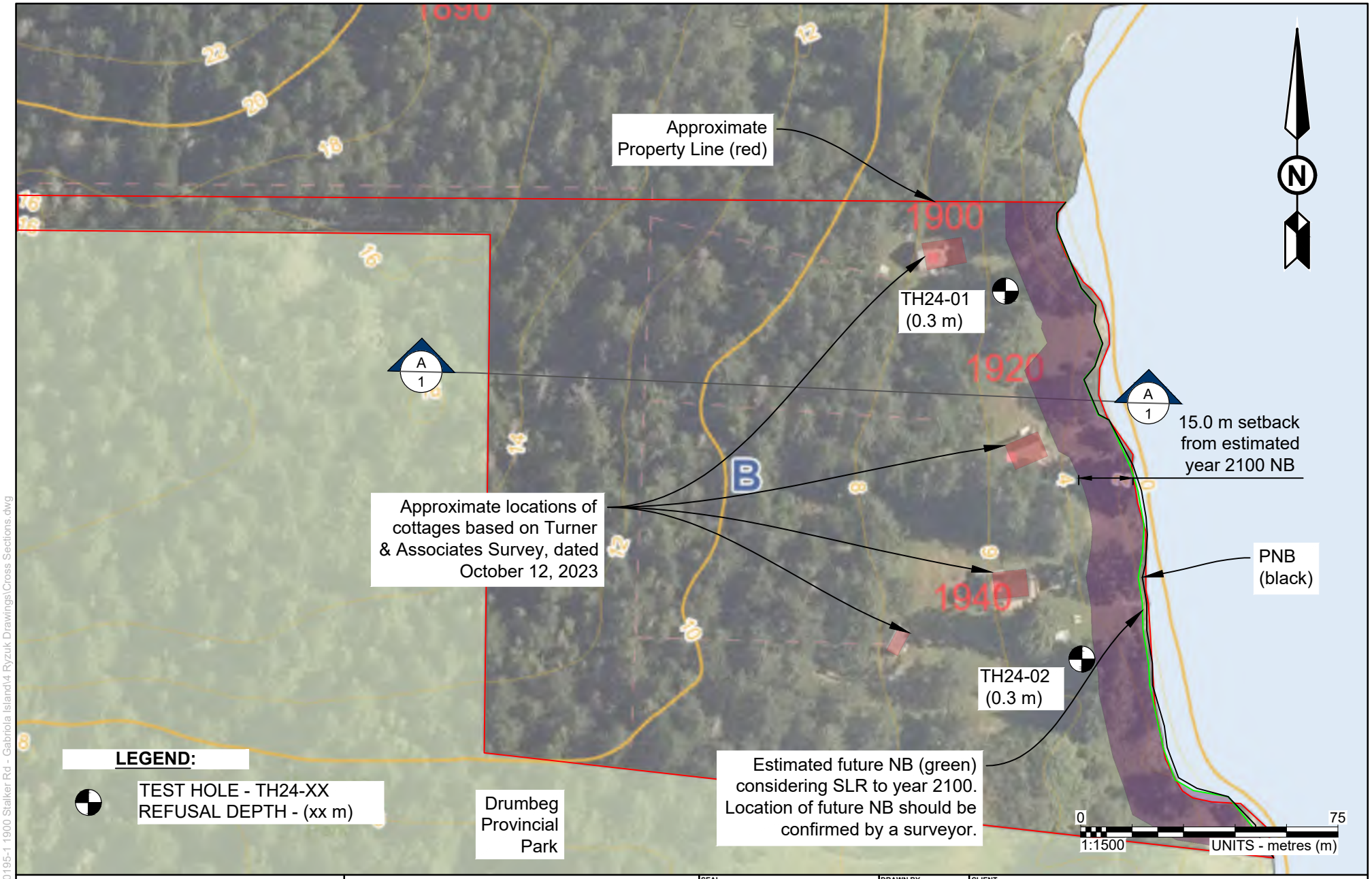
Client: GEOFFREY LITHERLAND		Civic Address: 1900 STALKER ROAD	
File: 18-045	Scale: 1:600	Drawn by: DRW	Date: October 12, 2023	Existing Zoning: Resource (R)

NOTE:
THIS PROPERTY IS AFFECTED BY THE FOLLOWING REGISTERED DOCUMENTS: UNDERSURFACE RIGHTS M76301, SRW ES25205 & ES25206.

0 25 50
SCALE 1:600
DISTANCES AND ELEVATIONS SHOWN ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM GNSS OBSERVATIONS (CVD28BC DATUM).

DATE	REVISION #	DESCRIPTION
March 12, 2020	First Issue	
October 12, 2023	1	REVISE LOT LAYOUT

Turner & Associates
land surveying™
250.753.9778
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca



NOTES

1. This drawing is scaled for 8.5x11 sheet and does not require further scaling to fit. Scales will differ if printed on different sheet size.
2. Background imagery taken from RDN GIS mapping services.
3. All setbacks and boundaries should be confirmed by a surveyor.
4. Estimated future NB based on calculated SLR and spot elevations from survey.

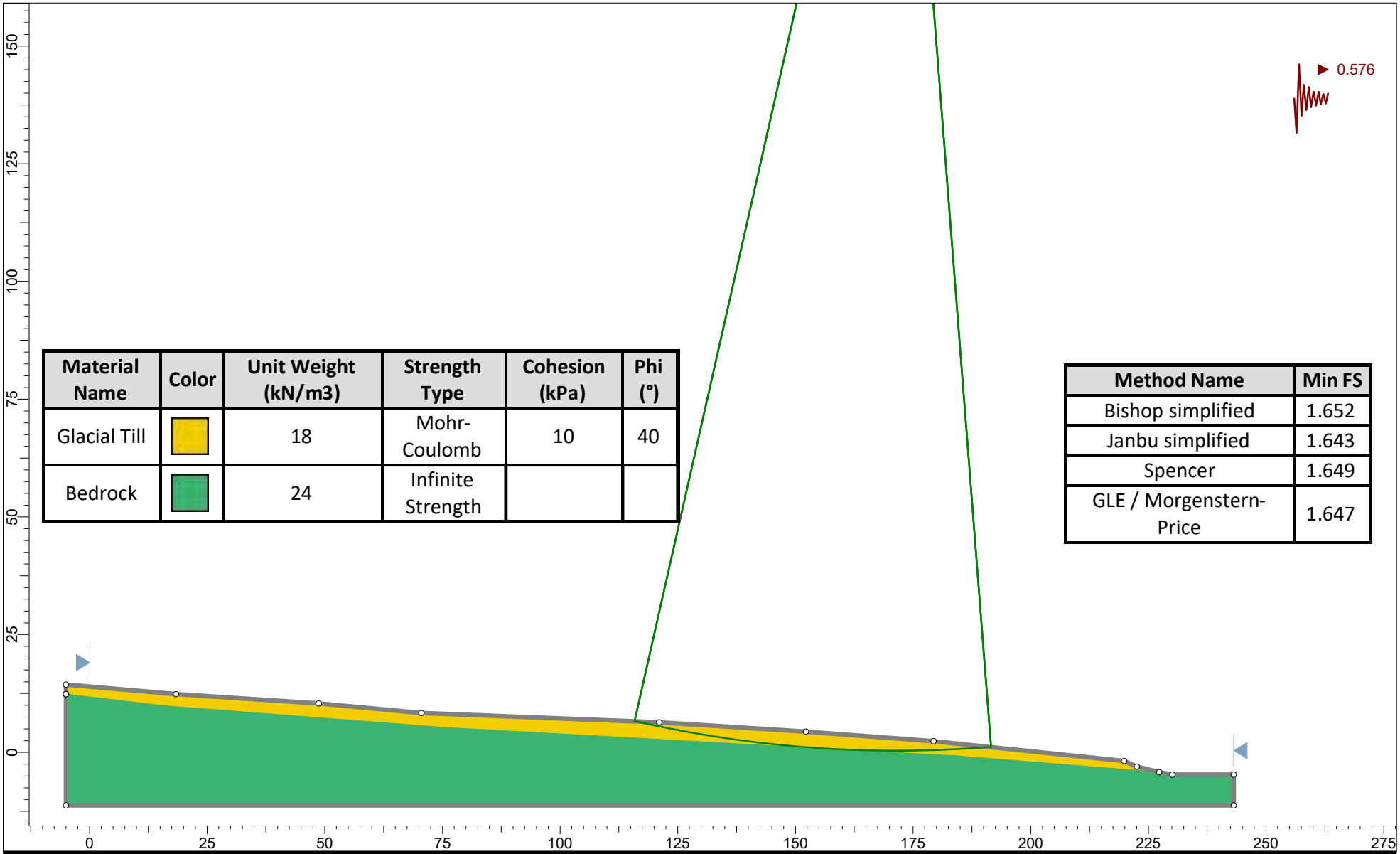
RYZUK GEOTECHNICAL
100 - 771 Vernon Avenue - Victoria, BC V8X 5A7
250-475-3131 mail@ryzuk.com

SEAL

PTPN: 1002996

DRAWN BY	SG
EOR/LEAD	LBL
REVIEW	
SCALE	1:1500
DATE	2024/12/12
CLIENT	SEWARD DEVELOPMENTS
PROJECT TITLE	GEOHAZARD ASSESSMENT
PROJECT ADDRESS	1900 STALKER ROAD - GABRIOLA ISLAND, BC
DRAWING NAME	SITE PLAN
PROJECT No.	10195-1
SHEET No.	01 of 01
REVISION	00

R:\Ryzuk Data\8-10000 to 8-10999\10195-1 1900 Stalker Rd - Gabriola Island\4 Ryzuk Drawings\Cross Sections.dwg



Material Name	Color	Unit Weight (kN/m3)	Strength Type	Cohesion (kPa)	Phi (°)
Glacial Till		18	Mohr-Coulomb	10	40
Bedrock		24	Infinite Strength		

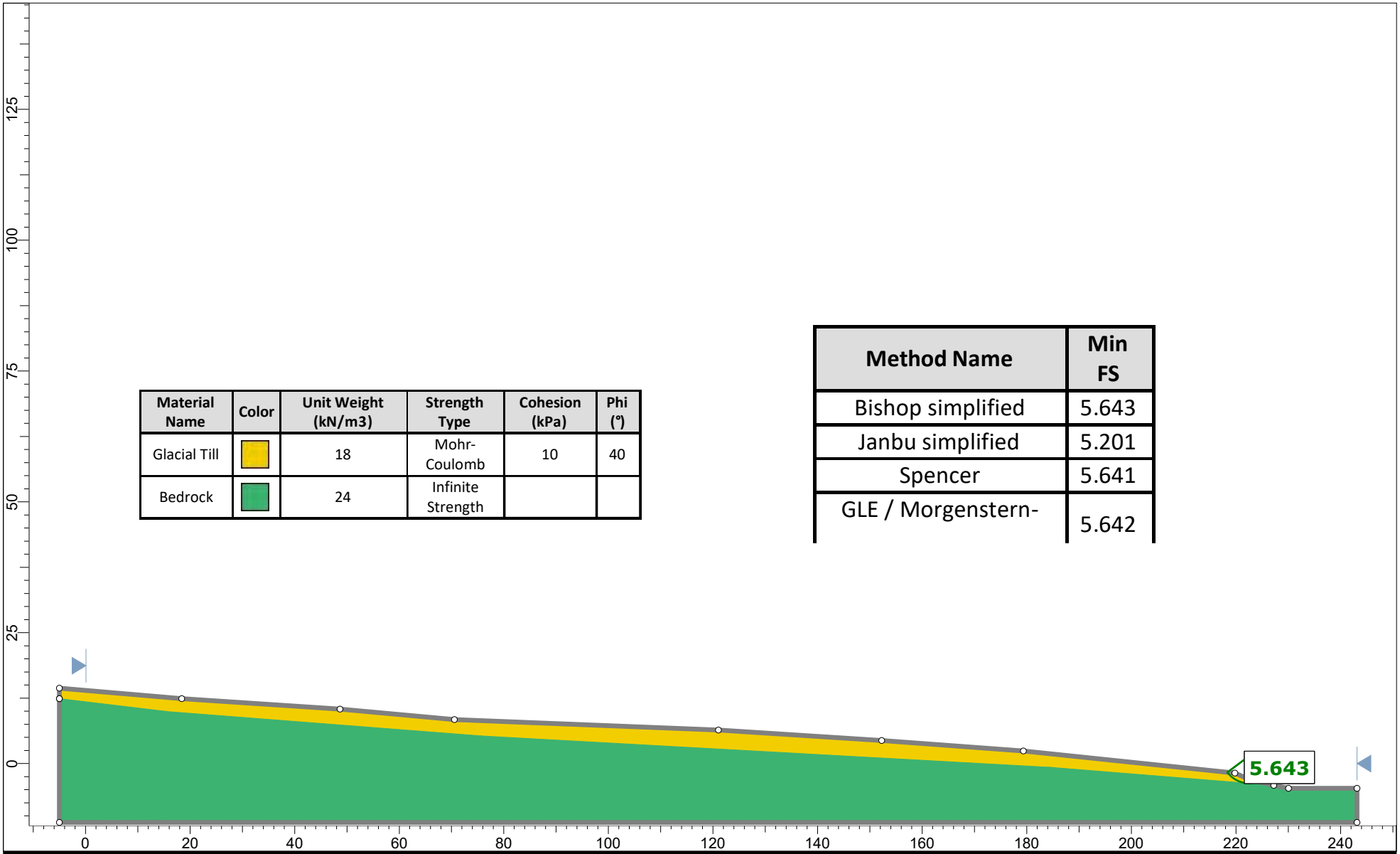
Method Name	Min FS
Bishop simplified	1.652
Janbu simplified	1.643
Spencer	1.649
GLE / Morgenstern-Price	1.647

RYZUK GEOTECHNICAL

Project	1900 Stalker Road - Gabriola Island, BC		
Group		*Scenario*	Seismic Stability
Drawn By	SG	*Company*	Ryzuk Geotechnical
	2024-12-04	*File Name*	Full2%.slmd

Material Name	Color	Unit Weight (kN/m3)	Strength Type	Cohesion (kPa)	Phi (°)
Glacial Till		18	Mohr-Coulomb	10	40
Bedrock		24	Infinite Strength		

Method Name	Min FS
Bishop simplified	5.643
Janbu simplified	5.201
Spencer	5.641
GLE / Morgenstern-	5.642



RYZUK GEOTECHNICAL

Project	1900 Stalker Road - Gabriola Island, BC		
Group		Scenario	Static Stability
Drawn By	SG	Company	Ryzuk Geotechnical
	2024-12-04	File Name	Full2%.slmd

LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Notes: This statement is to be read and completed in conjunction with the Engineers and Geoscientists BC *Professional Practice Guidelines – Landslide Assessments in British Columbia* ("the guidelines") and the current *BC Building Code* (*BCBC*), and is to be provided for Landslide Assessments (not floods or flood controls), particularly those produced for the purposes of the *Land Title Act*, *Community Charter*, or *Local Government Act*. Some jurisdictions (e.g., the Fraser Valley Regional District or the Cowichan Valley Regional District) have developed more comprehensive assurance statements in collaboration with Engineers and Geoscientists BC. Where those exist, the Qualified Professional is to fill out the local version only. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority (or Client) Date: January 30, 2025

Islands Trust

700 North Road, Gabriola Island - BC, V0R1X3

Jurisdiction/name and address

With reference to (CHECK ONE):

- ☑ A. *Land Title Act* (Section 86) – Subdivision Approval
- ☐ B. *Local Government Act* (Sections 919.1 and 920) – Development Permit
- ☐ C. Community Charter (Section 56) – Building Permit
- ☐ D. Non-legislated assessment

For the following property (the "Property"):

1900 Stalker Road, Gabriola Island - BC

Civic address of the Property

The undersigned hereby gives assurance that they are a Qualified Professional and a professional engineer or professional geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, authenticated, and dated, and thereby certified, the attached Landslide Assessment Report on the Property in accordance with the guidelines. That report must be read in conjunction this statement.

In preparing that report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

- ☑ 1. Collected and reviewed appropriate background information
- ☐ 2. Reviewed the proposed Residential Development or other development on the Property
- ☑ 3. Conducted field work on and, if required, beyond the Property
- ☑ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☑ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a Landslide Hazard analysis or Landslide Risk analysis, I have:
  - ☑ 6.1 reviewed and characterized, if appropriate, any Landslide that may affect the Property
  - ☑ 6.2 estimated the Landslide Hazard
  - ☑ 6.3 identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
  - ☑ 6.4 estimated the potential Consequences to those Elements at Risk
- 7. Where the Approving Authority has adopted a Level of Landslide Safety, I have:
  - ☐ 7.1 compared the Level of Landslide Safety adopted by the Approving Authority with the findings of my investigation
  - ☐ 7.2 made a finding on the Level of Landslide Safety on the Property based on the comparison
  - ☐ 7.3 made recommendations to reduce Landslide Hazards and/or Landslide Risks

8. Where the Approving Authority has **not** adopted a Level of Landslide Safety, or where the Landslide Assessment is not produced in response to a legislated requirement, I have:
   - ☑ 8.1 described the method of Landslide Hazard analysis or Landslide Risk analysis used
   - ☑ 8.2 referred to an appropriate and identified provincial, national, or international guideline for Level of Landslide Safety
   - ☑ 8.3 compared those guidelines (per item 8.2) with the findings of my investigation
   - ☑ 8.4 made a finding on the Level of Landslide Safety on the Property based on the comparison
   - ☐ 8.5 made recommendations to reduce Landslide Hazards and/or Landslide Risks
9. ☐ Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections

Based on my comparison between:

[CHECK ONE]

- ☐ the findings from the investigation and the adopted Level of Landslide Safety (item 7.2 above)
- ☑ the appropriate and identified provincial, national, or international guideline for Level of Landslide Safety (item 8.4 above)

Where the Landslide Assessment is not produced in response to a legislated requirement, I hereby give my assurance that, based on the conditions[1] contained in the attached Landslide Assessment Report:

A. SUBDIVISION APPROVAL

☑ For subdivision approval, as required by the *Land Title Act* (Section 86), "the land may be used safely for the use intended"

[CHECK ONE]

- ☐ with one or more recommended additional registered Covenants
- ☑ without an additional registered Covenant(s)

B. DEVELOPMENT PERMIT

☐ For a development permit, as required by the *Local Government Act* (Sections 488 and 491), my report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of [Section 491]"

[CHECK ONE]

- ☐ with one or more recommended additional registered Covenants
- ☐ without an additional registered Covenant(s)

C. BUILDING PERMIT

☐ For a building permit, as required by the *Community Charter* (Section 56), "the land may be used safely for the use intended"

[CHECK ONE]

- ☐ with one or more recommended additional registered Covenants
- ☐ without any additional registered Covenant(s)

---

[1] When seismic slope stability assessments are involved, Level of Landslide Safety is considered to be a "life safety" criteria, as described in Commentary JJJ of the *National Building Code of Canada* (*NBC) 2015*, Structural Commentaries (User's Guide – NBC 2015: part 4 of division B). This states:

> "The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse, nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse."

Laura Lessingham, P. Geo.

Name (print)

January 30, 2025

Date

#100-771 Vernon Avenue

Address

Victoria, BC V8X 5A7

250-475-3131

Telephone

laura@ryzuk.com

Email

PROFESSIONAL
PROVINCE OF
L. B. LESSINGHAM
51769
BRITISH COLUMBIA
GEOSCIENTIST
P2P 1002996 2025-01-30

(Affix PROFESSIONAL SEAL and signature here)

The Qualified Professional, as a registrant on the roster of a registrant firm, must complete the following:

I am a member of the firm Ryzuk Geotechnical Ltd.
(Print name of firm)

with Permit to Practice Number 1002996
(Print permit to practice number)

and I sign this letter on behalf of the firm.

FLOOD ASSURANCE STATEMENT

Note: This statement is to be read and completed in conjunction with the current Engineers and Geoscientists BC *Professional Practice Guidelines – Legislated Flood Assessments in a Changing Climate in BC* ("the guidelines") and is to be provided for flood assessments for the purposes of the *Land Title Act*, Community Charter, or the *Local Government Act*. Defined terms are capitalized; see the Defined Terms section of the guidelines for definitions.

To: The Approving Authority

Date: January 30, 2025

Islands Trust

700 North Road, Gabriola Island - BC, V0R1X3

Jurisdiction and address

With reference to (CHECK ONE):

- ☑ *Land Title Act* (Section 86) – Subdivision Approval
- ☐ *Local Government Act* (Part 14, Division 7) – Development Permit
- ☐ Community Charter (Section 56) – Building Permit
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Variance
- ☐ *Local Government Act* (Section 524) – Flood Plain Bylaw Exemption

For the following property ("the Property"):

1900 Stalker Road, Gabriola Island - BC

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a Qualified Professional and is a Professional Engineer or Professional Geoscientist who fulfils the education, training, and experience requirements as outlined in the guidelines.

I have signed, sealed, and dated, and thereby certified, the attached Flood Assessment Report on the Property in accordance with the guidelines. That report and this statement must be read in conjunction with each other. In preparing that Flood Assessment Report I have:

[CHECK TO THE LEFT OF APPLICABLE ITEMS]

☐ 1. Consulted with representatives of the following government organizations:

☑ 2. Collected and reviewed appropriate background information

☐ 3. Reviewed the Proposed Development on the Property

☐ 4. Investigated the presence of Covenants on the Property, and reported any relevant information

☑ 5. Conducted field work on and, if required, beyond the Property

☑ 6. Reported on the results of the field work on and, if required, beyond the Property

☑ 7. Considered any changed conditions on and, if required, beyond the Property

8. For a Flood Hazard analysis I have:

- ☑ 8.1 Reviewed and characterized, if appropriate, Flood Hazard that may affect the Property
- ☑ 8.2 Estimated the Flood Hazard on the Property
- ☑ 8.3 Considered (if appropriate) the effects of climate change and land use change
- ☑ 8.4 Relied on a previous Flood Hazard Assessment (FHA) by others
- ☐ 8.5 Identified any potential hazards that are not addressed by the Flood Assessment Report

9. For a Flood Risk analysis I have:

- ☑ 9.1 Estimated the Flood Risk on the Property
- ☑ 9.2 Identified existing and anticipated future Elements at Risk on and, if required, beyond the Property
- ☑ 9.3 Estimated the Consequences to those Elements at Risk

10. In order to mitigate the estimated Flood Hazard for the Property, the following approach is taken:
- ☐ 10.1 A standard-based approach
- ☐ 10.2 A Risk-based approach
- ☑ 10.3 The approach outlined in the guidelines, Appendix F: Flood Assessment Considerations for Development Approvals
- ☐ 10.4 No mitigation is required because the completed flood assessment determined that the site is not subject to a Flood Hazard

11. Where the Approving Authority has adopted a specific level of Flood Hazard or Flood Risk tolerance, I have:
- ☐ 11.1 Made a finding on the level of Flood Hazard or Flood Risk on the Property
- ☐ 11.2 Compared the level of Flood Hazard or Flood Risk tolerance adopted by the Approving Authority with my findings
- ☐ 11.3 Made recommendations to reduce the Flood Hazard or Flood Risk on the Property

12. Where the Approving Authority has not adopted a level of Flood Hazard or Flood Risk tolerance, I have:
- ☑ 12.1 Described the method of Flood Hazard analysis or Flood Risk analysis used
- ☑ 12.2 Referred to an appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk
- ☐ 12.3 Made a finding on the level of Flood Hazard of Flood Risk tolerance on the Property
- ☑ 12.4 Compared the guidelines with the findings of my flood assessment
- ☐ 12.5 Made recommendations to reduce the Flood Hazard or Flood Risk

☐ 13. Considered the potential for transfer of Flood Risk and the potential impacts to adjacent properties

☐ 14. Reported on the requirements for implementation of the mitigation recommendations, including the need for subsequent professional certifications and future inspections.

Based on my comparison between:

[CHECK ONE]

- ☐ The findings from the flood assessment and the adopted level of Flood Hazard or Flood Risk tolerance (item 11.2 above)
- ☑ The findings from the flood assessment and the appropriate and identified provincial or national guideline for level of Flood Hazard or Flood Risk tolerance (item 12.4 above)

I hereby give my assurance that, based on the conditions contained in the attached Flood Assessment Report:

[CHECK ONE]

- ☑ For subdivision approval, as required by the *Land Title Act* (Section 86), "that the land may be used safely for the use intended":

  [CHECK ONE]

  - ☑ With one or more recommended registered Covenants.
  - ☐ Without any registered Covenant.
- ☐ For a development permit, as required by the *Local Government Act* (Part 14, Division 7), my Flood Assessment Report will "assist the local government in determining what conditions or requirements it will impose under subsection (2) of this section [Section 491 (4)]".
- ☐ For a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended":

  [CHECK ONE]

  - ☐ With one or more recommended registered Covenants.
  - ☐ Without any registered Covenant.
- ☐ For flood plain bylaw variance, as required by the *Flood Hazard Area Land Use Management Guidelines* and the *Amendment Section 3.5 and 3.6* associated with the *Local Government Act* (Section 524), "the development may occur safely".
- ☐ For flood plain bylaw exemption, as required by the *Local Government Act* (Section 524), "the land may be used safely for the use intended".

I certify that I am a Qualified Professional as defined below.

January 30, 2025

Date

Laura Lessingham, P.Geo

Prepared by

Jordan Gybels, P.Eng.

Reviewed by

Laura Lessingham, P.Geo

Name (print)

Jordan Gybels, P.Eng.

Name (print)

Signature

Signature

#100 - 771 Vernon Ave

Address

Victoria, BC, V8Z 1T2

2504753131

Telephone

laura@ryzuk.com

Email

(Affix PROFESSIONAL SEAL here)

If the Qualified Professional is a member of a firm, complete the following:

I am a member of the firm Ryzuk Geotechnical Ltd.
and I sign this letter on behalf of the firm. (Name of firm)

CHECKLIST AND SIGNOFF FOR AN INDEPENDENT REVIEW OF HIGH-RISK PROFESSIONAL ACTIVITIES OR WORK

[Print clearly and legibly]

RE:

Rezoning and Subdivision

Name of project, activity, or work

1900 Stalker Rd. - Gabriola Island, BC

Address of project, activity, or work

PROFESSIONAL OF RECORD

Laura Lessingham, P.Geo.

Name of professional and designation (P.Eng., P.Geo., P.L.Eng., or P.L.Geo.)

Ryzuk Geotechnical Ltd.

Firm name

1002996

Permit to Practice number

#100 - 771 Vernon Ave. - Victoria BC

Address of firm

ITEM	REVIEWED	REMARKS
	INITIALS	Independent review of
Criteria for carrying out Professional Activities or Work		moderate to high risk work and
N Applicable codes, standards, and other requirements (laws, regulations, design requirements, etc.)		Report is compliant with current BCBC, local codes,
Geographical and/or environmental conditions and requirements		Gently to moderately sloping
Assumptions for Professional Activities or Work		Bedrock controlled site with
Concept for Professional Activities or Work		Hand dug test pits to refusal.
Test and analysis procedures and results		Slide modeling to confirm
Quality control and quality analysis procedures		Report and modeling/
Calculations or analysis of representative elements		Modeling with slide 2 software
Review of representative details		Review of conservative slope
Integration of third-party components and artifacts		CHS data used and third party
Representation of output (e.g., drawings, reports, spreadsheets, models)		Site plan and cross sections
Hazards (current and future) identified in the Risk Assessment		Geological hazards were
Adequacy and implementation of mitigation measures		none required
Concerns discussed with the Professional of Record		none
For global, repetitive, or iterative design, recommendation for intervals of Independent Review		n/a

[continued…]

CHECKLIST AND SIGNOFF FOR AN INDEPENDENT REVIEW OF HIGH-RISK PROFESSIONAL ACTIVITIES OR WORK

[…continued]

INDEPENDENT REVIEWER

Jordan Gybels, P.Eng.

Name of professional and designation
(P.Eng., P.Geo., P.L.Eng., or P.L.Geo.)

Ryzuk Geotechnical Ltd.

Firm name

1002996

Permit to Practice number

#100 - 771 Vernon Ave. - Victoria BC

Address of firm

25/01/30

Date: (yy/mm/dd)

Signature

CHECKLIST AND SIGNOFF FOR AN INDEPENDENT REVIEW OF HIGH-RISK PROFESSIONAL ACTIVITIES OR WORK

[Print clearly and legibly]

TO: **PROFESSIONAL OF RECORD** **DATE** (yy/mm/dd): 25/01/30

Laura Lessingham, P.Geo.

Name of professional and designation
(P.Eng., P.Geo., P.L.Eng., or P.L.Geo.)

Ryzuk Geotechnical Ltd. 1002996

Firm name Permit to Practice number

#100 - 771 Vernon Ave. - Victoria BC

Address of firm

Rezoning and Subdivision

RE: Name of project, activity, or work

1900 Stalker Rd. - Gabriola Island, BC

Address of project, activity, or work

The undersigned hereby records that an Independent Review of the professional activity or work, based on the documentation prepared by the Professional of Record for the professional activity or work, has been completed by this Independent Reviewer.

I am a member of the firm Ryzuk Geotechnical Ltd.
(Name of firm)

With the Permit to Practice number: 1002996
(Permit to Practice number)

and I sign this letter on behalf of the firm.

I certify that I am a Professional Registrant as defined below.

DATE (yy/mm/dd): 25/01/30

Jordan Gybels, P.Eng.

Name of professional and designation
(P.Eng., P.Geo., P.L.Eng., or P.L.Geo.)

Signed

#100 - 771 Vernon Ave. - Victoria BC

Address

250-475-3131

Telephone

PROFESSIONAL
PROVINCE OF
J. J. A. GYBELS
57900
BRITISH COLUMBIA
ENGINEER

2025-01-30

(Affix PROFESSIONAL SEAL here)

NOTE:1. The above letter must be signed by a Professional Registrant (professional engineer, professional geoscientist, professional licensee engineering, or professional licensee geoscience, licensed to practice by Engineers and Geoscientists BC) qualified to conduct an Independent Review on the Professional Activity or Work being reviewed.

2. This letter is endorsed by Engineers and Geoscientists BC

HYDROGEOLOGICAL ASSESSMENT IN SUPPORT OF A RE-ZONING APPLICATION FOR 1900 STALKER ROAD GABRIOLA ISLAND, BC

Submitted To:

Seward Development Inc.
1820 Argyle Avenue, Nanaimo,
British Columbia V9S 3K7

Submitted By:

Waterline Resources Inc.
Nanaimo, British Columbia
February 5, 2025
3330-24-001

TABLE OF CONTENTS

PAGE

1.0 INTRODUCTION 4
1.1 Background and Objective 4
1.2 Scope of Work 4
1.3 Regulatory Considerations for Groundwater Development 4
1.3.1 Groundwater Development 4
1.3.2 Saltwater Intrusion 5
2.0 METHODS 5
2.1 Desktop Review 5
2.2 Site Visit 6
3.0 SETTING 6
3.1 Current and Planned Land Use 6
3.2 Physiography 7
3.3 Surficial and Bedrock Geology 8
3.4 Hydrogeology 8
3.4.1 Mapped Bedrock Aquifer 709 8
3.4.2 Aquifer 709 Groundwater Level Trends 9
3.4.3 Groundwater Well Records Within a 1 Km Radius of the Site 9
3.5 Existing Site Water Supply Wells 10
3.6 Groundwater Quality 12
4.0 ASSESSMENT RESULTS 13
4.1 Adequacy of Groundwater Supply for New Use Water Supply Well on Lot C 13
4.2 Impacts of Additional Groundwater Diversion on Existing Groundwater Users 13
4.3 Impacts of Additional Groundwater Diversion on the Receiving Environment 14
5.0 CONCLUSION 14
6.0 RECOMMENDATIONS 15
7.0 CERTIFICATION 16
8.0 REFERENCES 17

LIST OF TABLES (IN-TEXT)

Table 1: Climate Normals and Recent Climate Data from Airport Climate Station 7
Table 2: Description of Aquifer 709 8
Table 3: Summary of Registered Groundwater Wells within a 1 km Radius of the Site 10
Table 4: Well Construction Details 11
Table 5: Overview of WTN 26180 and WTN 26181 Conformance with Regulatory Standards 12

TABLE OF CONTENTS (cont'd)

LIST OF FIGURES (FIGURES SECTION)

Figure 1: Location Map
Figure 2: Site Map
Figure 3: Piper Plot

LIST OF APPENDICES

Appendix A Proposed Site Plan
Appendix B Site Photographs
Appendix C Summary of Groundwater Well Records Within 1 Km of the Site
Appendix D Driller's Logs for WTN 26180 and WTN 26181
Appendix E Groundwater Quality Results and Laboratory Report

1.0 INTRODUCTION

1.1 Background and Objective

Seward Developments Inc. (Seward) is seeking re-zoning approval to subdivide a land parcel, Lot 1, Section 4 Gabriola Island, Nanaimo Region, Plan 16590, located at 1900 Stalker Road Gabriola Island, BC (the Site; Figure 1). The proposed subdivision will comprise three lots, each being serviced by its own dedicated water supply well. Two lots (Lot A and Lot B) at the Site both have a water supply well in place and, therefore, only one additional water supply well is required to service the third lot (Lot C). A survey plan of the Site is provided in Appendix A (Turner and Associates Land Surveying, 2023).

Seward retained Waterline Resources Inc. (Waterline) to conduct a hydrogeological assessment to evaluate the potential of using groundwater to service Lot C. The goal of this assessment is to also characterize potential impacts from groundwater diversion on mapped aquifers, hydraulically-connected streams and/or local registered groundwater users, as stipulated under the servicing policy (Section 7.0) listed in the Islands Trust, Gabriola Island Official Community Plan (OCP) Bylaw No. 166, 1997 (Islands Trust, 2022).

1.2 Scope of Work

To meet the objective of the hydrogeological assessment, Waterline conducted the following scope of work:

- Reviewed publicly available hydrogeological information for the area of the proposed re-zoning, including nearby registered groundwater users (water wells), well construction details, aquifer conditions, surface water features and terrain mapping;
- Reviewed available groundwater chemistry data collected from the existing water supply well located on Lot A, to provide context of the source water quality; and,
- Completed this technical report summarizing the results of the preliminary hydrogeological assessment, including potential hydrogeological impacts from the groundwater development activities for a rezoning application to facilitate subdivision approval.

1.3 Regulatory Considerations for Groundwater Development

1.3.1 Groundwater Development

There are no groundwater supply requirements listed in the OCP (Island Trust, 2022) for proposed subdivisions on Gabriola Island. However, the Ministry of Transportation and Infrastructure (MOTI) requires proof of 2.5 cubic metres per day (m^3/d) of water supply per dwelling unit (single lot) as a condition of subdivision (MOTI, 2018), which is the current standard stipulated by the Islands Trust local planning services team (personal communication, Margot T. [Islands Trust], December 12, 2024).

Groundwater development must be carried out in a way that protects the water source. Regulatory standards listed in the Water Sustainability Act (WSA) *Groundwater Protection Regulation* (GWPR; BC Government, 2022) set out several offset distances and conformance requirements for development of new groundwater wells.

1.3.2 Saltwater Intrusion

According to the *Best Practice for Prevention of Saltwater Intrusion* published by the former BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD, 2016), wells completed in aquifers adjacent to the coast containing groundwater with chloride concentration greater than 150 milligram per liter (mg/L), specific conductivity (EC) greater then 1,000 microsiemens per centimeter (µS/cm), or a total dissolved solids (TDS) concentration greater than 700 mg/L, are considered to be affected by saltwater intrusion.

For coastal BC, these thresholds have been established as operational objectives, and a groundwater well should only be pumped if it can produce a water quality that does not exceed these threshold values (FLNRORD, 2016). Under Section 58 or the WSA (BC Government, 2024), it is prohibited to operate a well in a manner that causes intrusion of saline water into an aquifer. Mitigative measures include completing a new groundwater well in a location that is greater than 50 metres (m) from the coastline and minimizing drawdown below sea level during operation of the water source well (FLNRORD, 2016).

2.0 METHODS

2.1 Desktop Review

Waterline used its proprietary Environmental Web Services (EWS) geodatabase system to obtain local data to support the preliminary hydrogeological assessment. EWS integrates publicly available data including geological, hydrogeological, and hydrological information, among additional datasets, using a Geographic Information Systems (GIS) platform. EWS provides a visual presentation of the searched data relative to the Site and surrounding areas. This allowed for the rapid characterization of the hydrogeological setting and determination of the potential risk of the proposed subdivision on adjacent environmental receptors.

Datasets accessed using EWS included:

- Government of BC - Freshwater Atlas Lakes/Manmade Waterbodies/Rivers (FLNRORD, 2022a);
- Government of BC - Freshwater Atlas Named Watersheds (FLNRORD, 2022b);
- Government of BC - Freshwater Atlas Stream Network (FLNRORD, 2019);
- Ministry of Environment (ENV) - Ground Water Wells and Aquifer Databases (GWELLS, ENV, 2024a);
- Government of BC - Terrain Inventory Mapping (ENV, 2013a); and
- British Columbia Geological Survey – Bedrock Geology Mapping (Cui et al, 2017).

Seward provided Waterline a copy of the Archaeological Impact Assessment of 1900 Stalker Road Gabriola Island, BC, completed by Baseline Archaeological Services Inc. (Baseline, 2023) to help provide context of the site setting and current land use designation.

2.2 Site Visit

Waterline completed a site visit on November 9, 2023, to assess the Lot A and Lot B water supply wells, with Well Tag Numbers (WTN) 26181 and 26180, respectively. The work performed onsite included:

- Photographing and documenting the Site and the wells (Photograph B1 to B4; Appendix B), including verifying the lack of surface water features and riparian areas;
- Measuring the stickup and manual water level for WTN 26181. Waterline was unable to open the wellhead for WTN 26180 without risk of damaging the installed pump (Photograph B5; Appendix B);
- Purging the water from WTN 26181 for 20 minutes using the dedicated pump, while continuously measuring water chemistry parameters. The water was passed through the pressure tank and filter;
- Collecting a water quality sample from WTN 26181 for routine chemistry parameters, total metals and some dissolved metal parameters, in accordance with the *BC Field Sampling Manual* (ENV, 2013b). Waterline was unable to collect a water sample from WTN 26180 as the well was unpowered and the lines were winterized; and
- Submitting the groundwater chemistry samples from WTN 26181 to CARO Analytical Services (CARO) on November 10, 2023, located in Burnaby, BC.

3.0 SETTING

3.1 Current and Planned Land Use

The Site is zoned as Resource land (R) as per Schedule B of Bylaw No. 166, 1997 (Island Trust, 2022), with a total land area of 3.6 hectares (ha). Access to the Site is from Stalker Road (Figure 2). The land parcel to the south of the Site is designated as Park land (P; Drumbeg Provincial Park), with Agricultural land (AG) to the north.

The Client is proposing to subdivide the property into three lots (Lot A, B and C) having an average parcel size greater than 0.5 ha, consisting of 47% of the total land use area (1.7 ha). The remaining space is proposed to be communal land (49%), with some area designated as Park land (4%).

Each lot has an existing dwelling (Photograph B6 to B8, Appendix B). Only Lot C does not have a designated water supply well and currently stores trucked water in a large cistern, located next to the dwelling. If rezoning is approved, the current Resource land designation would be re-designated as Small Rural Residential (SSR).

3.2 Physiography

The Site is situated on the southeast coast of Gabriola Island, approximately 18 km east of downtown Nanaimo, BC (Figure 1). Topography across the Site slopes west to east, ranging from 39 above sea level (masl) to seal level, respectively. Surface water runoff follows topography (Figure 2).

There are no mapped watersheds on Gabriola Island, and very few surface water features (Figure 2). Surface water features are intermittent and tend to dry up during the summer months, making groundwater one of the few sources of reliable freshwater (Agriculture Canada, 1990). The closest freshwater water surface feature to the Site is Belevedere Farm Creek (located 1.3 km to the west), a seasonal stream flowing into Degnen Bay (Figure 2).

Historical climate data, representative of climate conditions near the Site, was obtained from the Nanaimo Airport climate station, having Climate Station ID 1025370 from 1981 to 2016 and replaced with Climate Station ID 1025369 after 2016 (Environment Canada, 2024), located approximately 15.5 km southwest of the Site (Figure 1) at an elevation of 28 masl. Average monthly temperature and total precipitation data is available from 1981 to 2010 (climate normals), and yearly total precipitation data is available from 2011 to 2022; this data is summarized in Table 1.

Table 1: Climate Normals and Recent Climate Data from Airport Climate Station

Climate Normal Data (1981-2010)													
Parameter	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sept**	**Oct**	**Nov**	**Dec**	**Avg Yr.**
Avg Temp (°C)	3.5	4.3	6.3	9.0	12.5	15.6	18.1	18.2	14.9	9.9	5.6	3.1	10.1
Total Precip (mm)	188	126	113	67	54	43	25	28	36	102	197	184	1165
Precipitation Data (2011-2021)													
Parameter	**2011**	**2012**	**2013**	**2014**	**2015**	**2016[a]**	**2017**	**2018**	**2019**	**2020**	**2021**	**Avg Yr.**	
Total Precip (mm)	1025	1279	756	1156	984	1356	1178	1213	775	1155	1232	1101	

Notes: Avg Temp means average temperature; **Precip** means precipitation; **°C** means degrees Celsius; **mm** means millimetres; **Avg Yr.** means average yearly. **a)** In June 2016, Climate Station No 1025370 was changed to 1025369. **b)** Precipitation data is only to April 19, 2022.

There are two distinct seasonal patterns, including a warmer dried period from April to September (spring to early fall) and a cooler wetter period from October through March (late fall through winter). Recent climate data from 2011 to 2021 (11-years) suggest the average annual precipitation (1101 millimetres) has slightly decreased in comparison to the climate normals, with the lowest recorded precipitation measured in 2013.

3.3 Surficial and Bedrock Geology

Regional mapping indicates the Site is underlain by a veneer or blanket of glaciomarine material, consisting of gravels, sands, silt and clay (ENV, 2013a), which extends across the entire island. Glaciomarine materials are deposited by a combination of glacier and marine-related processes during previous deglaciation events.

The surficial sediments are underlain by Upper Cretaceous sedimentary bedrock of the Nanaimo Group, which consists of interbedded conglomerate, sandstone, siltstone, shale, and occasionally coal (Cui et. al., 2017; Muller and Jeletzky, 1970), extending throughout the Nanaimo area. Sandstone outcrops on the Site are seen along the shoreline and in occasional outcrops through the area where surficial sediments have been eroded. There are no mapped bedrock faults intersecting the Site, but regional scale faulting does exist northwest and southeast of the Site, where faults cut through the islands orthogonally in northeast-southwest trends (Cui et. al., 2017; Figure 1). In these areas of faulting, the frequency of bedrock fractures generally increases, however, fracture patterns are known to be heterogeneous.

While the mapped soil and bedrock boundaries are approximate, in general they agree with the lithology data provided by the available well logs near the Site and observations made by Waterline during the site visit.

3.4 Hydrogeology

3.4.1 Mapped Bedrock Aquifer 709

A provincially mapped fractured bedrock aquifer (Aquifer 709; Figure 1) reportedly underlies the Site. The aquifer extent and description are based on data collected from the driller's logs for registered groundwater wells in the area, referenced from the ENV GWELLS database (ENV, 2024a). Details of Aquifer 709 are summarized in Table 2.

Table 2: Description of Aquifer 709

Aquifer Name	Aquifer 709
Aquifer Type/Material	Fractured Bedrock – Sandstone with minor shale and conglomerate
Aquifer Area (km^2)	46.8
Aquifer Productivity	Low
Aquifer Demand	Moderate
Aquifer Vulnerability	High
Median Depth to Groundwater (mbgl)	6.1
Median Well Completion Depth (mbgl)	33.4
Median Well Yield Estimate (m^3/d)	24
Aquifer Use	Domestic, commercial, industrial, agricultural
Comments	1042 wells are associated with the aquifer, including 6 artesian wells

Notes: mbgl is metres below ground level; m^3/d is cubic metres per day

General observations include:

- The groundwater flow direction within the aquifer is anticipated to be from higher to lower elevations, generally towards the ocean in all areas of the aquifer, however directional permeability of the fractured bedrock is generally unknown.
- Recharge to the aquifer is expected to come from infiltration of precipitation and direct connection with surface water features where bedrock fractures are near surface.
- The vulnerability of Aquifer 709 to surface contamination is classified as 'high' as the permeability of the overburden is moderate to high and discontinuous with bedrock outcropping near surface. Aquifer 709 is also noted to be at risk of sea water intrusion.

3.4.2 Aquifer 709 Groundwater Level Trends

Groundwater levels in Aquifer 709 are monitored at four Provincial Groundwater Observation Wells (OW). OW 316, located 5.4 km west of the Site is most representative of groundwater conditions in the southeastern portion of Gabriola Island (Figure 1). The Groundwater level data from OW 316, compiled by ENV (ENV, 2024b) suggests:

- Groundwater levels fluctuate seasonally, correlating to seasonal precipitation patterns. There is a 3.1 m median annual fluctuation between January and September; and
- Historical groundwater levels for the period of 1992 to 2022 indicate the groundwater has a stable trend, suggesting that water input to the system for recharge matches groundwater output from the system from water use and other environmental factors (evaporation, discharge to the ocean, etc.).

3.4.3 Groundwater Well Records Within a 1 Km Radius of the Site

Waterline searched the provincial Groundwater Wells and Aquifer database (ENV, 2024a) to determine the number of registered water wells within a 1 km radius of the Site. The search results indicated records for 42 water wells including the Lot A (WTN 26181) and Lot B (WTN 26180) wells, as shown on Figure 2 and summarized in Table C1; Appendix C.

Table 3 presents a statistical summary of the groundwater well construction details and well yields for both the unconsolidated and bedrock aquifers within the searched area. It should be noted that the reported well yields are from driller's logs, taken from short duration airlift tests at the time of well drilling. Although they are not considered year-round sustainable well yields, they do provide good insight into the expected water supply potential.

Table 3: Summary of Registered Groundwater Wells within a 1 km Radius of the Site

Water Well Records Statistics	Finished Well Depth (mbgl)	Bedrock Depth (mbgl)	Well Yield (m^3/d)
Minimum	18.3	0.0	0
Maximum	109.7	6.4	109
Average	53.0	1.7	30

Notes: mbgl means metres below ground level; m^3/d means cubic metres per day.

Of the 42 registered water wells:

- None of the wells within the search area are licensed (Table C1);
- All 42 wells are completed in Aquifer 709 and are registered for domestic or unknown use (Table C1);
- The closest bedrock wells to the Site are registered with WTN 13744 and WTN 123454, located 510 m southwest and 440 m west of the Site boundaries, respectively (Figure 2). As there are very few registered groundwater wells near the Site, the aquifer development (balance of water supply vs. water demand) is considered low, thus reducing aquifer vulnerability. It should be noted that:
    - WTN 13744 is completed in sandstone and shale to a depth of 18.3 mbgl and has an estimated yield of 13.6 m^3/d; while,
    - WTN 123454 is also completed in sandstone, to a depth of 51.8 mbgl and has an estimated yield of 27.3 m^3/d.
- Three wells (WTNs 13746, 13913, and 35556) are registered as completed in the surficial unconsolidated sediments above Aquifer 709, but in reviewing the driller's reports, it was confirmed that they are in fact completed in the fractured bedrock of Aquifer 709. As such, there are no known wells in the search area that are completed in an unconsolidated aquifer, and none are expected due to the thin veneer of surficial sediment.

3.5 Existing Site Water Supply Wells

The two existing groundwater wells on the Site, WTN 26181 and WTN 26180, are proposed as the main water supply for Lot A and Lot B, respectively (Appendix A). These wells are both registered and were drilled and completed in Aquifer 709. A summary of the wells' construction details is included in Table 4, borehole logs are included in Appendix D. Three water-bearing fractures were identified in each well. The fractures are near, or below, sea level; however, the wells are over 100 m from the shoreline.

Table 4: Well Construction Details

Well Name	Lot A Water Supply Well	Lot B Water Supply Well
Well Tag Number (WTN)	WTN 26181	WTN 26180
Well Identification Number (WIN)	-	-
Well Construction Date (YYYY-MM-DD)	1972-05-01	
Well Driller	Windecker Water Wells	
Easting (UTM Zone 10)[a]	449396	449400
Northing (UTM Zone 10)[a]	5442806	5442776
Ground Surface Elevation (masl)	18.1	16.1
Casing Inside Diameter (mm)	154	
Casing Stick-up (m)	0.36	0.30
Surface Casing Depth (m)	2.1	1.5
Depth to Water (mbgl)	0.39 (Nov 9, 2024)	-
Screen Interval	Open hole	
Depth to Water Bearing Fracture Zones (mbgl)	• 3.0 • 24.1 • 27.4	• 15.2 • 25.9 • 29.0
Elevation of Water Bearing Fractures (masl)	• 15.1 • -6.0 • -9.3	• 0.9 • -9.8 • -12.9
Well Depth (mbgl)	27.4	29.0
Well Depth Elevation (masl)	-9.3	-12.9
Well Capacity (m^3/d)*	98	11
Aquifer Formation	Nanaimo Group (Fractured Sandstone and Shale)	
Distance to Ocean (m)	103	101

Notes: **a)** UTM Coordinates are based on Waterline's site visit; **masl** means metres above sea level; **mbgl** means metres below ground level; **m^3/d** means cubic metres per day; * The reported well capacity is from short-term airlift testing at the time of drilling

The well completion details for WTN 26180 and WTN 26181 were compared with regulatory standards listed in the GWPR (BC Government, 2022). Using the site plan, Waterline confirmed relevant offset distances to potential sources of contamination as listed in the GWPR and detailed in the BC Ministry of Health (BC MoH), Health Hazards Regulation (2020) and Island Health Subdivision Standards (IH, 2020). The results of the assessment are summarized below in Table 5.

Table 5: Overview of WTN 26180 and WTN 26181 Conformance with Regulatory Standards

Requirement	Meets Requirement?	
	WTN 26180	WTN 26181
Groundwater Protection Regulation		
The well casing extends greater than 0.3 m above ground level	Yes	Yes
The ground around is properly sloped to avoid pooling around the well casing	Yes	Yes
The well has a well identification number	No	No
The well is capped and locked	Yes	Yes
There is a well seal installed around the well casing.	No	No
Health Hazard Regulation		
Setback distance to private dwellings (>6 m)	Yes	Yes
Setback distance to known cemeteries, dumping grounds or contaminated sites (>120 m)	Yes	Yes
Island Health Subdivision Standards		
Setback distance from planned septic fields (>30 m)	Yes	Yes

WTN 26180 and WTN 26181 do not have Well Identification Numbers (WINs) as they were drilled prior to first enforcement of the GWPR in 2005. Furthermore, the minimum requirements for well surface seal as per Section 22 of the GWPR (BC Government, 2022) have not been met for both wells, again, as guidelines had not been defined at the time of well construction.

However, both WTN 26180 and 26181 are constructed with surface casing extending through the surficial material, driven into bedrock, limiting movement of surface water along the casing which could cause cross-contamination of the groundwater source. Also, both wells are located inside pumphouses and have concrete floors (Photograph B2 and B4, Appendix B) that help reduce pooling of water around the well casing, preventing the infiltration of water downward into the underlying surficial material near the well.

3.6 Groundwater Quality

A water quality sample was collected from WTN 26181 during the Site visit. In combination with water chemistry from OW 316, Waterline characterized the water quality for the southeastern portion of Aquifer 709. The data associated with OW 316 was retrieved from the ENV Environmental Monitoring System (ENV, 2024c) database, using the most recent sample entry, from October 8, 2014.

A summary table (Table E1) comparing the general chemistry, major ions and total/dissolved metals concentrations from WTN 26181 and OW 316 is included in Appendix E. The laboratory report for WTN 26181 is included in Appendix E.

The water quality results were compared with the groundwater quality guidelines listed in the *Best Practices for Prevention of Saltwater Intrusion* (FLNRORD; 2016) and with the *Guidelines for Canadian Drinking Water Quality* (GCDWQ; Health Canada, 2024). The GCDWQ set standards based on aesthetic objectives (AO) and on maximum acceptable concentrations (MAC). Some notable observations for the groundwater source include:

- The groundwater hardness for WTN 26181 was 57.8 milligram per liter (mg/L), indicating the groundwater is soft (Hanna et al., 2016);
- WTN 26181 has a TDS of 96.4 mg/L and an EC of 184 µS/cm, both of which are below the respective limits outlined in the Best Practices for Prevention of Saltwater Intrusion (TDS: 700 mg/L; EC: 1,000 µS/cm; FLNRORD; 2016). TDS is below the Canadian Drinking Water Quality AO guideline concentration of 500 mg/L (Health Canada, 2024);
- Despite being only 103 m from the ocean, dissolved chloride values at WTN 26181 are 22.5 mg/L, below the Best Practices for Prevention of Saltwater Intrusion value of 150 mg/L (FLNRORD; 2016);
- Based on the major ion chemistry, the water type for Aquifer 709 varies. The dominant anion for the groundwater sources is bicarbonate, indicating groundwater is recharged primarily from recent precipitation and not likely to be affected by saltwater intrusion. The dominant cation at OW 316 is calcium, whereas WTN 26181 has a mixed (no dominant) cation composition (Figure 3);
- OW 316 has dissolved iron that exceeds the AO and dissolved manganese that exceeds the MAC, while WTN 26181 concentrations are below the guidelines for both metals;
- Turbidity in OW 316 exceeds the AO for untreated water, while turbidity was not measured at WTN 26181;
- No microbiological samples have been collected from OW 316 or WTN 26181; and
- The only measured parameter exceeding the AO for WTN 26181 is aluminum, while pH was below the AO.

4.0 ASSESSMENT RESULTS

4.1 Adequacy of Groundwater Supply for New Use Water Supply Well on Lot C

Aquifer 709 is the only known groundwater source on Gabriola Island for development of a new well on Lot C. The Lot A and Lot B wells, both completed in Aquifer 709, have very different reported capacities, ranging from 11 to 98 m^3/d, despite being drilled only 30 m apart and having similar completion depths (Table 4).

Wells completed in Aquifer 709, within 1-km of the Site, have a reported average well yield of 30 m^3/d (Table 3), which is higher than the onsite well capacity. This is comparable to the median well yield (24 m^3/d; Table 2) reported for all wells across Aquifer 709. Considering the minimum reported well yield within 1 km of the Site (2.7 m^3/d; Table 3), it is reasonable to infer that new groundwater development onsite could meet the MOTI requirement of 2.5 m^3/d, to provide adequate supply for a single residential lot.

4.2 Impacts of Additional Groundwater Diversion on Existing Groundwater Users

If groundwater development on Lot C is successful, there could be impacts to groundwater users on the Site (Lot B and Lot A), given the proximity of WTN 26180 and WTN 26181 and potential connectivity of the groundwater fracture system. The next closest registered groundwater user

(WTN 123454) is 440 m northwest of the Site boundary, and negative impacts from groundwater development are not expected.

Groundwater availability during the summer, the period of lowest groundwater recharge, has not been a concern for the current owner (personal communication, David G. [Owner] December 20, 2024). Groundwater level trends for Aquifer 709, measured from OW 316, are stable, suggesting additional groundwater extraction for the southeastern portion of Gabriola Island is sustainable. Nevertheless, local impacts from additional groundwater diversion should be verified through aquifer pumping tests and groundwater monitoring.

4.3 Impacts of Additional Groundwater Diversion on the Receiving Environment

The proposed groundwater extraction for Lot C should not impact surface water features, including Belevedere Farm Creek, the nearest surface water feature. Given the distance (1.3 km) between the surface water source and the groundwater source on the Site, a direct hydraulic connection is unlikely. Furthermore, Belevedere Farm Creek flows intermittently, suggesting creek flow is predominantly from precipitation and surface water runoff (quick flow component), with lesser influence from groundwater discharge (baseflow component).

The groundwater quality reported from WTN 26181 suggests groundwater at the Site is fresh, despite the groundwater fractures encountered during well drilling being documented near or below sea level. Therefore, minimizing groundwater development on Lot C to 2.5 m^3/d and ensuring any new groundwater diversion (e.g., well drilling) is located more than 100 m from the shoreline should mitigate the risk of saltwater intrusion impacts on Aquifer 709.

5.0 CONCLUSION

In conclusion, based on the desktop review completed as part of the preliminary hydrogeological assessment, it is Waterline's opinion that the water requirements (2.5 m^3/d) for Lot C can be met by a new water well completed in Aquifer 709. The proposed water demand is not expected to adversely impact adjacent groundwater users or hydraulically connected streams and freshwater bodies.

Currently, the groundwater quality is fresh; however, Aquifer 709 is vulnerable to surface contamination. To mitigate the potential risk of saltwater intrusion, groundwater development on Lot C should be limited to household use, ensuring any new groundwater diversion (e.g., well drilling) is located more than 100 m from the shoreline.

6.0 RECOMMENDATIONS

The following recommendations are provided for consideration by the Client after re-zoning is complete and as part of potable water supply development:

- Contract a registered well driller to install a new well on Lot C. The well construction and sitting (including setbacks) should meet the regulatory guidelines listed in the GWPR and be greater than 100 m from the shoreline;
- Complete a constant rate pumping test in the new well after drilling. As Islands Trust and MOTI do not provide any guidelines or requirements for well testing, it is Waterline's professional opinion that RDN Policy B1.21 (RDN, 2019) be followed at a minimum to confirming a sustainable well yield of 2.5 m^3/d. Indicator parameters for saltwater intrusion should be monitored during testing to ensure groundwater extraction does not induce saline intrusion or compromise water quality; and
- The water from the new well should be tested for bacteriological and routine chemical parameters as stipulated by IH. A qualified pump installer in the province of British Columbia should be consulted at the time of well commissioning to review the raw water quality results to ensure proper filtration and treatment are provided.

7.0 CERTIFICATION

This document was prepared under the direction of a professional geoscientist registered in the Province of British Columbia.

Waterline Resources Inc. trusts that the information provided in this document is sufficient for your requirements. Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

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FIGURES

Figure 1: Location Map
Figure 2: Site Map
Figure 3: Piper Plot

Climate Station
MOE Observation Well
River/Stream - Definite
River/Stream - Indefinite
River/Stream - Intermittent
Canal/Ditch
Fault
Aquifer 709
Site Boundary

N

Coordinate System: NAD83 / UTM zone 10N

References:

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Hydrogeological Assessment in Support of a Re-zoning Application for 1900 Stalker Road Gabriola Island, BC

LOCATION MAP

Waterline

Prepared By:	Waterline Resources Inc.
Project Number:	3330-24-001
Compiled By:	mwine
Date Issued:	2025-Jan-15
Date Revised:	--

FIGURE 1

G:\Projects\Seward Developments\2024_figs.qgz

Site Well

Registered Well within 1km
Yield (cubic meters per day)
- 0 - 10
- 10.0 - 15.0
- 15.0 - 25.0
- 25.0 - 40.0
- 40 - 109

Runnoff Direction
River/Stream - Intermittent
Search Area
Site Boundary
Provincial Park

N

0 250 500 750 1,000 m

Coordinate System: NAD83 / UTM zone 10N

References:

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Hydrogeological Assessment in Support of a Re-zoning Application for 1900 Stalker Road Gabriola Island, BC

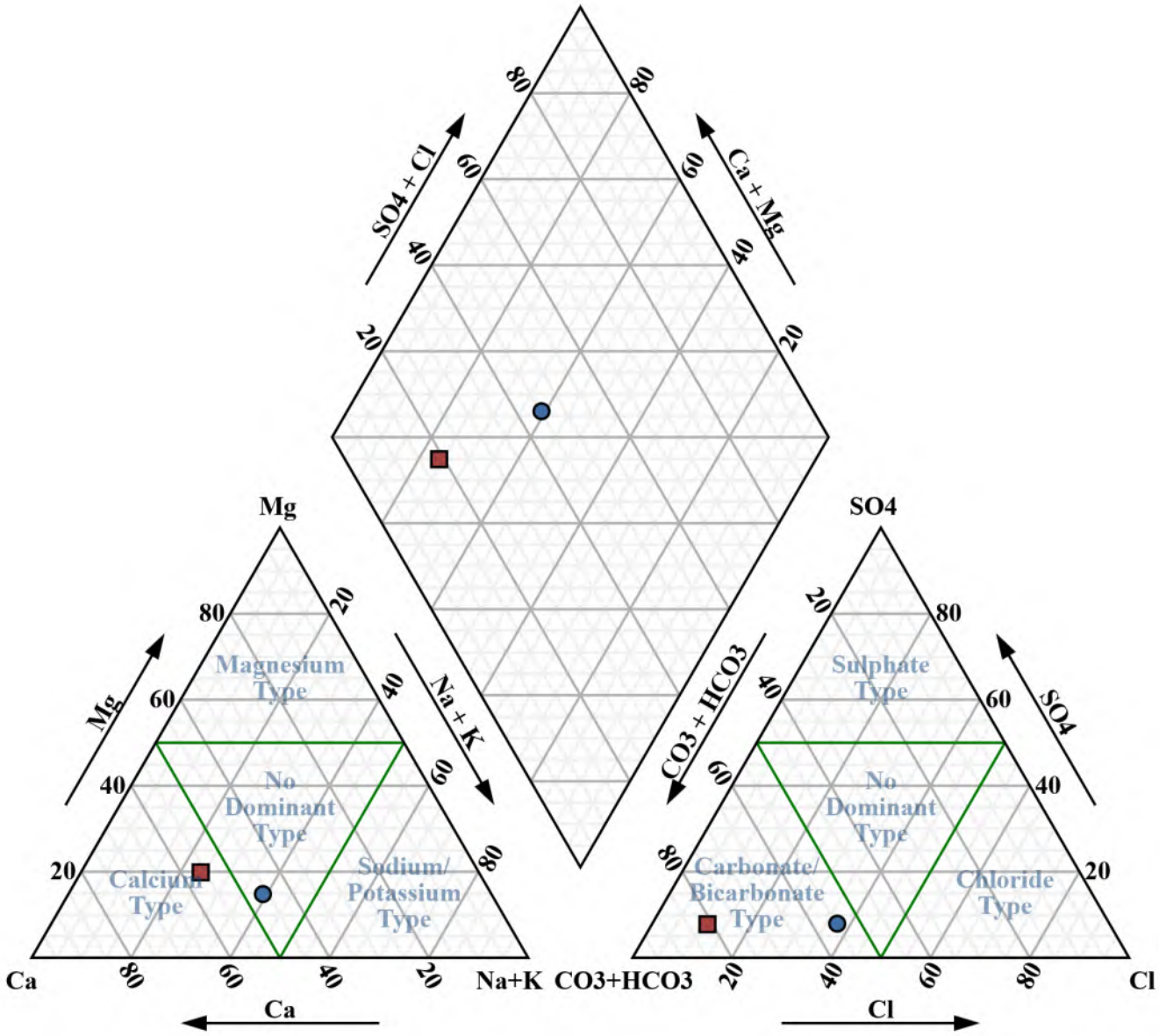
SITE MAP

Waterline

Prepared By: Waterline Resources Inc.	
Project Number: 3330-24-001	
Compiled By: mwine	
Date Issued: 2025-Jan-15	
Date Revised: --	

FIGURE 2

G:\Projects\Seward Developments\2024_figs.qgz



Lot A (WTN 26181)
OW 316

Hydrogeological Assessment in Support of Re-Zoning for Subdivision Approval
1900 Stalker Road, Gabriola Island, British Columbia
Submitted to Toby Seward

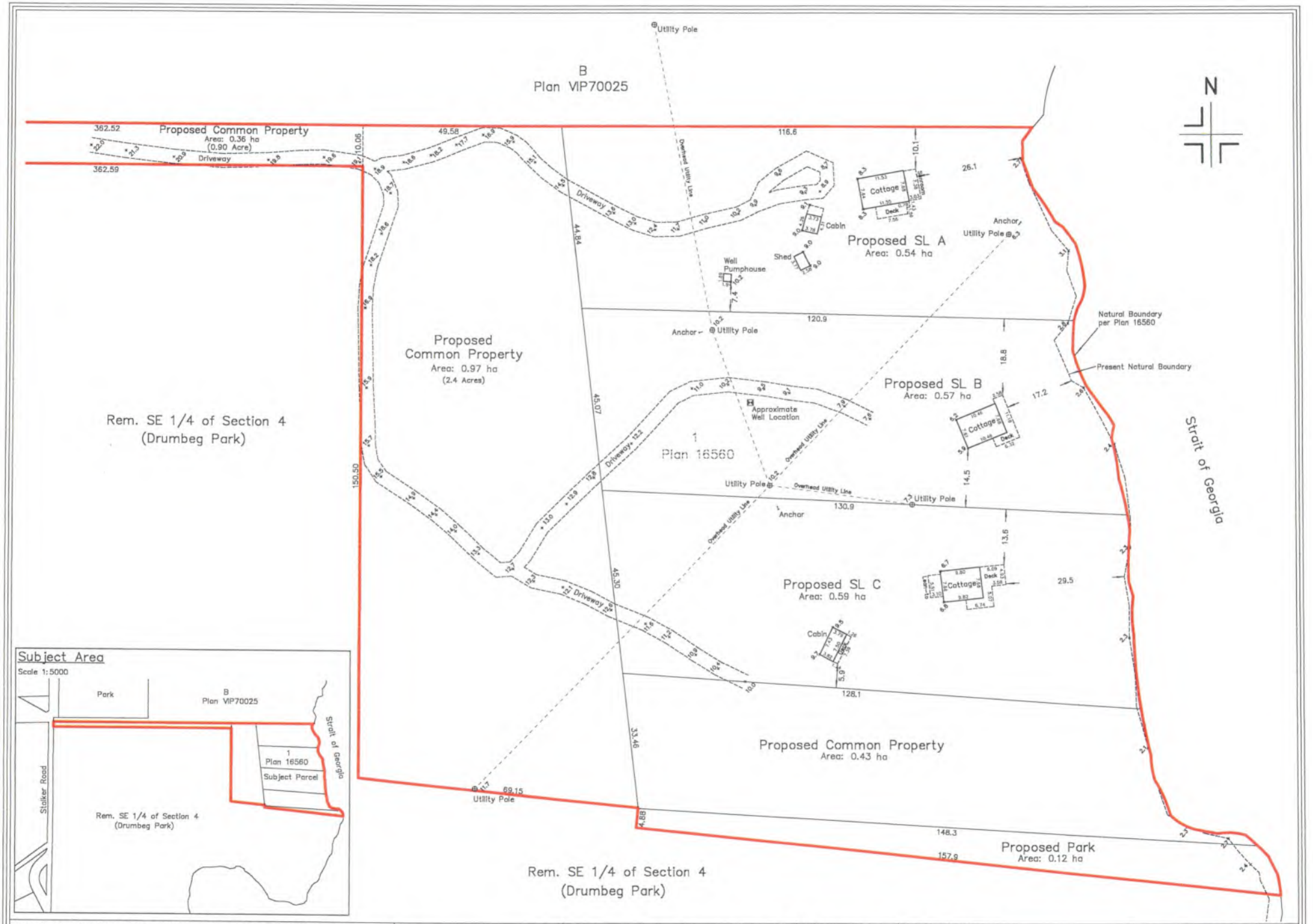
PIPER PLOT

Waterline	PREPARED BY: Waterline Resources Inc.
	PROJECT: 3330-24-001
	COMPILED BY: Hydrachem
	DATE ISSUED: 2025-Jan-16
	REVISED: -

FIGURE 3

Appendix A

Proposed Site Plan



SITE PLAN SHOWING PROPOSED BARE LAND STRATA SUBDIVISION OF:
LOT 1, SECTION 4, GABRIOLA ISLAND,
NANAIMO DISTRICT, PLAN 16560.

Client: GEOFFREY LITHERLAND		Civic Address: 1900 STALKER ROAD	
File: 18-045	Scale: 1:600	Drawn by: DRW	Date: October 12, 2023	Existing Zoning: Resource (R)

NOTE:
THIS PROPERTY IS AFFECTED BY THE FOLLOWING REGISTERED DOCUMENTS: UNDERSURFACE RIGHTS M76301, SRW ES25205 & ES25206.

0 25 50
SCALE 1:600
DISTANCES AND ELEVATIONS SHOWN ARE IN METRES.
GEODETIC ELEVATIONS ARE DERIVED FROM GNSS OBSERVATIONS (CVD28BC DATUM).

DATE	REVISION #	DESCRIPTION
March 12, 2020	First Issue	
October 12, 2023	1	REVISE LOT LAYOUT

Turner & Associates
land surveying
435 Terminal Avenue North
Nanaimo, BC V9S 4J8
www.turnersurveys.ca

Appendix B

Site Photographs

Photograph B1 (LEFT): Looking north towards the pumphouse on Lot A. **Photograph B2 (RIGHT):** Looking down and inside the pumphouse on Lot A at WTN 26181. The pressure tank, in-line filter and wellhead are shown.

Photograph B3 (LEFT): Looking north towards the pumphouse on Lot B. **Photograph B4 (RIGHT):** Looking down and inside the pumphouse on Lot B at WTN 26180. The pressure tank and wellhead are shown

Photograph B5: Close up of the WTN 26180 wellhead. The wellhead cap could not be lifted without removing the pump, which would require assistance from a pump installer.

Photograph B6: Looking east at Lot A cabin and the coastline. Topography is sloping from west to east towards the ocean.

Photograph B7: Looking east towards the Lot B cabin and the coastline. Topography is sloping from west to east towards the ocean.

Photograph B8: Looking east towards the Lot C cabin and the coastline. Topography is sloping from west to east towards the ocean. There is no groundwater supply well located on Lot C and currently water is trucked to site and stored in a large cistern next to the dwelling.

Appendix C

Summary of Groundwater Well Records Within 1 Km of the Site

Table C1: Water Well Records Within a 1 km Radius of the Site

Well Tag #	Well Owner	UTM Zone	Northing	Easting	Status	Construction Date	Finished Well Depth (m)	Well Yield (m^3/d)	Depth to Bedrock (m)	Intended Water Use	Aquifer ID#
13744	N MCLEARAN	10	5442344	449090	UNLICENSED	1952-01-01	18.3	13.6	2.4	Unknown Well Use	709
13746	DR J S THYHURST	10	5443611	449524	UNLICENSED	1952-01-01	30.5	13.6	0.0	Private Domestic	709
13913	N P MCLEARN	10	5442389	448919	UNLICENSED	1953-01-01	18.3	16.4	-	Private Domestic	709
16090	DR F M BRUNTON	10	5442353	448894	UNLICENSED	1959-08-01	18.3	10.9	1.2	Unknown Well Use	709
19843	LABELL	10	5442524	448890	UNLICENSED	1966-02-09	27.4	54.5	0.9	Unknown Well Use	709
26180[a]	DR B A COOKSON	10	5442720	449379	UNLICENSED	1972-05-01	29.0	10.9	0.9	Unknown Well Use	709
26181[a]	DR G C WINCH	10	5442771	449378	UNLICENSED	1972-05-01	27.4	98.1	1.8	Unknown Well Use	709
28542	G F HICKS	10	5442359	448995	UNLICENSED	1973-08-01	27.4	24.5	1.8	Unknown Well Use	709
30403	HUGH SCHAEFERE	10	5443141	448697	UNLICENSED	1974-05-29	48.8	109.0	0.9	Unknown Well Use	709
33905	ERIC KENNY	10	5442141	448851	UNLICENSED	1975-12-01	45.7	16.4	1.8	Unknown Well Use	709
34949	ERIC KENNY	10	5442280	448673	UNLICENSED	1976-06-01	63.1	5.5	2.1	Not Applicable	709
35556	R J PARKINSON	10	5442392	448864	UNLICENSED	1976-09-01	18.3	81.8	1.5	Unknown Well Use	709
35557	DR BRUNTON	10	5442344	448925	UNLICENSED	1976-09-01	41.1	16.4	2.4	Unknown Well Use	709
47898	R DICKINSON	10	5442379	448623	UNLICENSED	1981-05-08	67.7	2.7	0.3	Private Domestic	709
50634	R DICKINSON	10	5442456	448645	UNLICENSED	1982-07-11	54.9	32.7	1.8	Unknown Well Use	709
56005	P SCHMITT	10	5443091	448442	UNLICENSED	1986-05-16	50.3	43.6	1.2	Unknown Well Use	709
64376	DAVE BAXTER	10	5443148	448478	UNLICENSED	1995-05-26	45.7	10.9	3.7	Unknown Well Use	709
64377	RAY MORFORD	10	5443084	448481	UNLICENSED	1990-05-30	50.3	16.4	2.4	Unknown Well Use	709
65132	PALMER DAVE	10	5442953	448439	UNLICENSED	1987-06-26	97.5	10.9	1.2	Private Domestic	709
65134	PALMER DAVE	10	5442951	448437	UNLICENSED	1987-07-08	30.5	109.0	1.5	Private Domestic	709
65138	PALMER DAVE	10	5442957	448443	UNLICENSED	1987-08-19	80.8	76.3	0.5	Private Domestic	709
68810	WEEKS BRIAN	10	5443354	448697	UNLICENSED	1991-04-23	45.7	32.7	3.7	Unknown Well Use	709
68934	MALCOLM BOS	10	5442251	448577	UNLICENSED	1991-10-23	39.6	27.3	5.5	Not Applicable	709
73042	LEES YETTA	10	5442929	448888	UNLICENSED	1994-11-01	57.9	21.8	0.3	Not Applicable	709
73113	KELIN MRS	10	5443041	448897	UNLICENSED	1994-04-21	48.8	21.8	1.2	Unknown Well Use	709
73219	RICK ANTAL	10	5442299	448498	UNLICENSED	1996-08-01	73.2	5.5	2.1	Unknown Well Use	709
85047	DEREK LYNCH	10	5442505	448436	UNLICENSED	2004-07-01	45.7	54.5	6.4	Private Domestic	709
89853	DAVID BOUVIER	10	5443134	448801	UNLICENSED	1992-12-15	80.5	8.2	2.4	Private Domestic	709
96337	JAMES STEWART TYHURST	10	5443661	449365	UNLICENSED	2008-02-29	109.7	2.7	2.4	Private Domestic	709
106450	DAN & DEBBIE FOLEY	10	5443000	448849	UNLICENSED	2001-10-13	76.2	32.7	2.1	Private Domestic	709
106454	DAN & DEBBIE FOLEY	10	5443006	448829	UNLICENSED	2001-10-06	76.2	21.8	1.5	Private Domestic	709
106464	DAVID MORGAN	10	5443193	448897	UNLICENSED	2001-12-06	54.9	38.2	1.8	Private Domestic	709
106466	DAN & DEB FOLEY	10	5443008	448852	UNLICENSED	2001-10-31	70.1	27.3	0.9	Private Domestic	709
106497	ALICE RICH	10	5442963	448681	UNLICENSED	2003-11-25	76.2	27.3	0.6	Private Domestic	709
106512	THOR SIMROSE	10	5443473	448824	UNLICENSED	2004-06-15	42.7	43.6	1.2	Private Domestic	709
106556	JOHN BISHOP	10	5443240	448712	UNLICENSED	1999-07-20	45.7	16.4	0.9	Private Domestic	709
106606	KEN & JEAN MITCHELL	10	5442277	448780	UNLICENSED	2000-04-01	61.0	5.5	0.0	Private Domestic	709
119418	Potlatch Properties Ltd	10	5442839	448414	UNLICENSED	2019-05-02	80.8	8.2	0.9	Private Domestic	709
123454	LIZ & DILLON WALLINGER	10	5442969	448995	UNLICENSED	2021-04-15	51.8	27.3	0.9	Private Domestic	709
125230	Michael Riedijk	10	5443162	449022	UNLICENSED	2022-03-04	91.4	8.2	0.9	Private Domestic	709

Notes: mbgl means metres below ground level; **m^3/d** means cubic meters per day; **"-"** indicates that no data was available. **a)** Blue highlighted wells are located on Site.

Appendix D

Driller's Logs for WTN 26180 and WTN 26181

092G.012.2.3.1

WTN 26180

RANGE		SECTION		QUARTER	LAND DISTRICT	
TENS	UNITS	TENS	UNITS		TENS	UNITS
	7		7	NE SE SW NW	4	7

6

GROUND — WATER DIVISION, WATER INVESTIGATIONS BRANCH, DEPT. OF LANDS, FORESTS, and WATER RESOURCES, VICTORIA, B.C.

LOCATION (COMPLETE LEGAL DESCRIPTION) LOT 1 PL 16560 SEC 4 NANAIMO

OWNER'S NAME DR. B.A. COOKSON ADDRESS 607 BARNHAM ROAD, W. VAN. #20

DRILLER'S NAME WINDECKER (146) ADDRESS GABRIOLA IS. DATE OF COMPLETION MAY/72

DEPTH 95' ELEVATION OF COLLAR ____ CASING DIAM. 6" LENGTH 5' TYPE 1' stick-up

METHOD OF DIGGING CABLETOOL SCREEN ☐ SIZE ____ LENGTH ____ TYPE ____

LOCATION OF SCREEN ____ DEVELOPED ☐ DESCRIBE ____

PERFORATED CASING ☐ LENGTH ____ LOCATION OF PERFORATIONS ____

GRAVEL PACK ☐ LENGTH ____ DIAM. ____ SIZE GRAVEL, ETC. ____

PUMP ☐ TYPE ____ POWER ____

CAPACITY ____ OTHER DATA PUMPING LEVEL : 85'

COSTS WELL ____ PUMP ____ PUMP HOUSE, ETC. ____

MAINTENANCE ____

DISTANCE TO WATER FROM TOP OF CASING 20' ☐ ESTIMATED ☒ MEASURED ELEVATION ____ FLUCTUATION ____

HIGH WATER ____ MONTH ____ LOW WATER ____ MONTH ____ OBSERVATION DATA ☐ FILE No. ____

WATER USE ____

MAX. RATE WITHDRAWAL ☐ ESTIMATED ☐ MEASURED ____

TEMPERATURE ____ PUMPS SAND ☐ ____

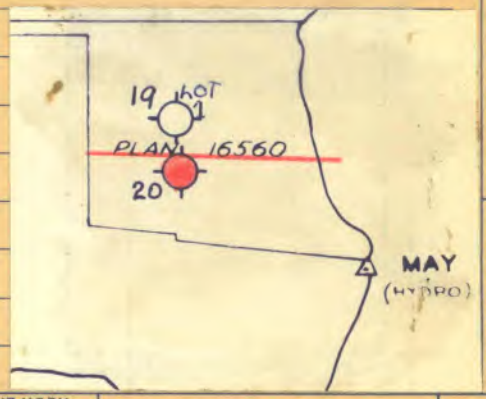
CLOGS SCREEN ☐ TYPE DEPOSIT ____ AQUIFER DATA ____

LICENSE No. ____ DATE LICENSE ____ AMOUNT ____

DATE APPLICATION ____ USE ____

LOCATION: STALKER PT., GABRIOLA IS.

13778



UNITS / TENS / MUNICIPALITY

WATER QUALITY: ANALYSIS, SOFT, HARD, HIGH IRON, HIGH SULPHUR, SALTY, ALKALINE, SALINE, POLLUTED, INADEQUATE QUALITY

DRY HOLE, INADEQUATE QUANTITY, PUMPING TEST

CAPACITY GPD: 0 — 10^3, 10^3 — 10^4, 10^4 — 10^5, 10^5 — 10^6, 10^6

METHOD: DUG, DRIVEN, DRILLED, JETTED, BORED

DEPTH: 0 — 25, 25 — 30, 50 — 100, 100 — 200, 200 — 400, >400

OBSERVATION, ABANDONED, DEVELOPED, SCREEN, PERF. CASING, GRAVEL ENV., PUMP

TYPE WELL: FLOWING, NON-FLOW ARTESIAN, WATER TABLE, PART CONFINED, ROCK, SPRING

CHARACTER OF SUPPLY AQUIFER: SAND, GRAVEL, TILL

WATER USE: DOMESTIC, GARDEN, STOCK, COOLING, IRRIGATION, INDUSTRIAL, WATERWORKS

RELIABILITY OF DATA: GOOD, FAIR, POOR

11

OTHER AQUIFER PRESENT		OTHER AQUIFER PRESENT		SUPPLY AQUIFER	
TENS	UNITS	TENS	UNITS	TENS	UNITS
7 4 2 1	7 4 2 1	7 4 2 1	7 4 2 1	7 4 2 1	7 4 2 1

VISIrecord® 12708

200

LOG

FROM	TO	DESCRIPTION	NAME
0	3	OVERBURDEN	
3	45	SANDSTONE	
45	60	BLUE SHALE	
60	75	BLUE CLAY	
75	90	BLUE SHALE	
90	95	SANDSTONE	

(B)

0.5 gpm @ 50'
0.5 gpm @ 85
1 gpm @ 95'

SAMPLE No. _____ DATE _____

LAB. _____

COLIFORM ORGANISMS _____

TOTAL BACTERIA _____

COLOUR _____ ODOUR _____

TASTE _____

PUMPING TEST SUMMARY

TEST BY _____

DATE _____ FILE No. _____

SPECIFIC CAPACITY _____ PERMIABILITY _____

STORAGE COEFF _____ TRANSMISSIBILITY _____

REMARKS _____

ANALYSIS

	PPM
Total Hardness	
Carbonate Hard	
Magnesium Hard	
Fe	
SO_2	
Ca	
Mg	
Na	
K	
HCO_3	
CO_3	
Cl	
SO_4	
NO_3	
B	
E	
Total Dis-solids	
Total Alkalinity	
Suspended Solids	
Ph	

OTHER DATA

SIZE ANALYSIS. ETC. _____

EST. YIELD: 2 gpm

CARD BY [illegible] DATE AUG/72

SOURCES INFORMATION DRILL LOG

VISIrec® 12717

092G.012.2.3.1

WTN 26181

RANGE		SECTION		QUARTER	LAND DISTRICT	
TENS	UNITS	TENS	UNITS		TENS	UNITS

5

GROUND — WATER DIVISION, WATER INVESTIGATIONS BRANCH, DEPT. OF LANDS, FORESTS, and WATER RESOURCES, VICTORIA, B.C.

LOCATION (COMPLETE LEGAL DESCRIPTION) LOT 1 PL 16560 SEC 4 (9 acres) N/NAIMO

OWNER'S NAME DR. G.C. WINCH ADDRESS 504 EASTOOT, W. VAN #19

DRILLER'S NAME WINDECKER (146) ADDRESS GABRIOLA IS. DATE OF COMPLETION MAY/72

DEPTH 90' ELEVATION OF COLLAR ____ CASING DIAM. 6" LENGTH 8' TYPE 1' stick-up

METHOD OF DIGGING CABLE-TOOL SCREEN ☐ SIZE ____ LENGTH ____ TYPE ____

LOCATION OF SCREEN ____ DEVELOPED ☐ DESCRIBE ____

PERFORATED CASING ☐ LENGTH ____ LOCATION OF PERFORATIONS ____

GRAVEL PACK ☐ LENGTH ____ DIAM. ____ SIZE GRAVEL, ETC. ____

PUMP ☐ TYPE ____ POWER ____

CAPACITY ____ OTHER DATA PUMPING LEVEL: 80'

COSTS WELL ____ PUMP ____ PUMP HOUSE, ETC. ____

MAINTENANCE ____

DISTANCE TO WATER FROM TOP OF CASING 7' ☐ ESTIMATED ☒ MEASURED ELEVATION ____ FLUCTUATION ____

HIGH WATER ____ MONTH ____ LOW WATER ____ MONTH ____ OBSERVATION DATA ☐ FILE No. ____

WATER USE ____

MAX. RATE WITHDRAWAL ☐ ESTIMATED ☐ MEASURED ____

TEMPERATURE ____ PUMPS SAND ☐ ____

CLOGS SCREEN ☐ TYPE DEPOSIT ____ AQUIFER DATA ____

LICENSE No. ____ DATE LICENSE ____ AMOUNT ____

DATE APPLICATION ____ USE ____

LOCATION: STALKER PT., GABRIOLA IS.

12788 LITHERLAND

LOCATION SKETCH—INDICATE NORTH

METHOD: DUG, DRIVEN, DRILLED, JETTED, BORED

DEPTH: 0 — 25, 25 — 30, 50 — 100, 100 — 200, 200 — 400, >400

OBSERVATION, ABANDONED, DEVELOPED, SCREEN, PERF. CASING, GRAVEL ENV., PUMP

TYPE WELL: FLOWING, NON-FLOW ARTESIAN, WATER TABLE, PART CONFINED

MUNICIPALITY (UNITS, TENS)

WATER QUALITY: ANALYSIS, SOFT, HARD, HIGH IRON, HIGH SULPHUR, SALTY, ALKALINE, SALINE, POLLUTED, INADEQUATE QUALITY

CAPACITY GPD.: DRY HOLE, INADEQUATE QUANTITY, PUMPING TEST; $0 - 10^3$, $10^3 - 10^4$, $10^4 - 10^5$, $10^5 - 10^6$, 10^6

SUPPLY AQUIFER		OTHER AQUIFER PRESENT		OTHER AQUIFER PRESENT		CHARACTER OF SUPPLY AQUIFER			WATER USE							RELIABILITY OF DATA			ROCK / SPRING
TENS	UNITS	TENS	UNITS	TENS	UNITS	SAND	GRAVEL	TILL	DOMESTIC	GARDEN	STOCK	COOLING	IRRIGATION	INDUSTRIAL	WATERWORKS	GOOD	FAIR	POOR	
																	D		

VISIrecord® 12708

LOG

FROM	TO	DESCRIPTION	NAME
0	6'	OVERBURDEN	
6'	30	SANDSTONE	
30	60	BLUE CLAY	
60	85	BLUE SHALE	
85	90	SANDSTONE	
		5 gpm @ 10'	
		8 gpm @ 79'	
		5 gpm @ 90'	

SAMPLE No. _____ DATE _____

LAB _____

COLIFORM ORGANISMS _____

TOTAL BACTERIA _____

COLOUR _____ ODOUR _____

TASTE _____

PUMPING TEST SUMMARY

TEST BY _____

DATE _____ FILE No _____

SPECIFIC CAPACITY _____ PERMIABILITY _____

STORAGE COEFF _____ TRANSMISSIBILITY _____

REMARKS _____

ANALYSIS

	PPM
Total Hardness	
Carbonate Hard	
Magnesium Hard	
Fe	
SO_2	
Ca	
Mg	
Na	
K	
HCO_3	
CO_3	
Cl	
SO_4	
NO_3	
B	
E	
Total Dis-solids	
Total Alkalinity	
Suspended Solids	
Ph	

OTHER DATA

SIZE ANALYSIS. ETC. _____

EST. YIELD: 18 gpm

CARD BY Bruce A. Bred DATE AUG/72

SOURCES INFORMATION DRILL LOG

visirec 12717

Appendix E

Groundwater Quality Results and Laboratory Report

Table E1: Summary of Water Quality Results from WTN 26181 (Lot A) and OW 316

Sample Location	Units	Guidelines			WTN 26181 (Lot A)	OW 316
Sample Date		Best Practices for Prevention of Saltwater Intrusion	AO	MAC	2023-Nov-09	2014-Oct-08
Lab ID					23K1368-01	-
General Chemistry						
Alkalinity, Total (as $CaCO_3$)	mg/L	-	-	-	46.7	92.8
Alkalinity, pp (as $CaCO_3$)	mg/L	-	-	-	-	0.5
Conductivity (EC)	µS/cm	**1000**	-	-	184	-
Hardness (as $CaCO_3$)	mg/L	-	-	-	57.8	89
Total Dissolved Solids-Calculated	mg/L	**700**	500	-	96.4	-
Turbidity	NTU	-	0.1	-	-	74.1
pH	-	-	7-10.5	-	6.47	7.46
Major Ions						
Alkalinity, Bicarbonate (as $CaCO_3$)	mg/L	-	-	-	46.7	112
Alkalinity, Carbonate (as $CaCO_3$)	mg/L	-	-	-	<1.0	0.5
Alkalinity, Hydroxide (as $CaCO_3$)	mg/L	-	-	-	<1.0	0.5
Ammonia (N)-Dissolved	mg/L	-	-	-	-	0.005
Ammonia-Total (as N)	mg/L	-	-	-	-	-
Bicarbonate (HCO_3)	mg/L	-	-	-	57	136.6
Calcium (Ca)-Dissolved	mg/L	-	-	-	17.5	26.3
Carbonate (CO_3)	mg/L	-	-	-	<0.600	0.3
Chloride (Cl)	mg/L	**150**	250	-	22.5	11
Dissolved Kjeldahl Nitrogen	mg/L	-	-	-	-	0.034
Fluoride (F)	mg/L	-	-	1.5	<0.10	0.065
Hydroxide (OH)	mg/L	-	-	-	<0.340	-
Ion Balance	%	-	-	-	110	-
Iron (Fe)-Dissolved	mg/L	-	0.3	-	0.069	0.566
Magnesium (Mg)-Dissolved	mg/L	-	-	-	3.42	5.66
Manganese (Mn)-Dissolved	mg/L	-	0.02	0.12	0.0037	0.249
Nitrate (NO_3)	mg/L	-	-	45	-	0.0696
Nitrate+Nitrite-N	mg/L	-	-	-	0.213	-
Nitrate-N	mg/L	-	-	10	0.213	-
Nitrite (NO_2)	mg/L	-	-	3	-	0.0072
Nitrite-N	mg/L	-	-	1	<0.010	-
Nitrogen-Total (as N)	mg/L	-	-	-	-	-
Organic Nitrogen-Total (as N)	mg/L	-	-	-	-	0.034
Phenolphthalein	mg/L	-	-	-	<1.0	-
Potassium (K)-Dissolved	mg/L	-	-	-	0.14	0.642
Sodium (Na)-Dissolved	mg/L	-	200	-	17	12.6
Sulphate (SO_4)	mg/L	-	500	-	6.5	10.4
Total Kjeldahl Nitrogen	mg/L	-	-	-	-	-
Dissolved Metals						
Aluminum (Al)-Dissolved	mg/L	-	0.1	2.9	-	0.00054
Antimony (Sb)-Dissolved	mg/L	-	-	0.006	-	0.000072
Arsenic (As)-Dissolved	mg/L	-	-	0.01	-	0.000126
Barium (Ba)-Dissolved	mg/L	-	-	2	-	0.0684
Beryllium (Be)-Dissolved	mg/L	-	-	-	-	0.00001
Bismuth (Bi)-Dissolved	mg/L	-	-	-	-	0.000005
Boron (B)-Dissolved	mg/L	-	-	5	-	0.031
Cadmium (Cd)-Dissolved	mg/L	-	-	0.007	-	0.000005
Chromium (Cr)-Dissolved	mg/L	-	-	0.05	-	0.0001
Cobalt (Co)-Dissolved	mg/L	-	-	-	-	0.000176
Copper (Cu)-Dissolved	mg/L	-	1	2	-	0.000373
Lead (Pb)-Dissolved	mg/L	-	-	0.005	-	0.000006
Lithium (Li)-Dissolved	mg/L	-	-	-	-	0.00503
Molybdenum (Mo)-Dissolved	mg/L	-	-	-	-	0.000367
Nickel (Ni)-Dissolved	mg/L	-	-	-	-	0.00129
Selenium (Se)-Dissolved	mg/L	-	-	0.05	-	0.000147
Silicon (Si)-Dissolved	mg/L	-	-	-	-	9.6
Silver (Ag)-Dissolved	mg/L	-	-	-	-	0.000005
Strontium (Sr)-Dissolved	mg/L	-	-	7	-	0.193
Sulphur (S)-Dissolved	mg/L	-	-	-	-	3.7
Thallium (Tl)-Dissolved	mg/L	-	-	-	-	0.0
Tin (Sn)-Dissolved	mg/L	-	-	-	-	0.0
Titanium (Ti)-Dissolved	mg/L	-	-	-	-	0.0005
Uranium (U)-Dissolved	mg/L	-	-	0.02	-	0.000008
Vanadium (V)-Dissolved	mg/L	-	-	-	-	0.0002
Zinc (Zn)-Dissolved	mg/L	-	5	-	-	0.00274
Zirconium (Zr)-Dissolved	mg/L	-	-	-	-	0.0001

Table E1: Summary of Water Quality Results from WTN 26181 (Lot A) and OW 316

Sample Location	Units	Guidelines			WTN 26181 (Lot A)	OW 316
Sample Date		Best Practices for Prevention of Saltwater Intrusion	AO	MAC	2023-Nov-09	2014-Oct-08
Lab ID					23K1368-01	-
Total Metals						
Aluminum (Al)-Total	mg/L	-	0.1	2.9	0.353	-
Antimony (Sb)-Total	mg/L	-	-	0.006	<0.00020	-
Arsenic (As)-Total	mg/L	-	-	0.01	<0.00050	-
Barium (Ba)-Total	mg/L	-	-	2	<0.0050	-
Beryllium (Be)-Total	mg/L	-	-	-	<0.00010	-
Bismuth (Bi)-Total	mg/L	-	-	-	<0.00010	-
Boron (B)-Total	mg/L	-	-	5	<0.0500	-
Cadmium (Cd)-Total	mg/L	-	-	0.007	<0.000010	-
Calcium (Ca)-Total	mg/L	-	-	-	16.7	-
Chromium (Cr)-Total	mg/L	-	-	0.05	<0.00050	-
Cobalt (Co)-Total	mg/L	-	-	-	<0.00010	-
Copper (Cu)-Total	mg/L	-	1	2	0.00692	-
Iron (Fe)-Total	mg/L	-	0.3	-	0.11	-
Lead (Pb)-Total	mg/L	-	-	0.005	0.00139	-
Lithium (Li)-Total	mg/L	-	-	-	0.00044	-
Magnesium (Mg)-Total	mg/L	-	-	-	3.12	-
Manganese (Mn)-Total	mg/L	-	0.02	0.12	0.00569	-
Molybdenum (Mo)-Total	mg/L	-	-	-	<0.00010	-
Nickel (Ni)-Total	mg/L	-	-	-	<0.00040	-
Phosphorus (P)-Total	mg/L	-	-	-	<0.050	-
Potassium (K)-Total	mg/L	-	-	-	0.12	-
Selenium (Se)-Total	mg/L	-	-	0.05	<0.00050	-
Silicon (Si)-Total	mg/L	-	-	-	8.6	-
Silver (Ag)-Total	mg/L	-	-	-	<0.000050	-
Sodium (Na)-Total	mg/L	-	200	-	16.5	-
Strontium (Sr)-Total	mg/L	-	-	7	0.0442	-
Sulphur (S)-Total	mg/L	-	-	-	<3.0	-
Tellurium (Te)-Total	mg/L	-	-	-	<0.00050	-
Thallium (Tl)-Total	mg/L	-	-	-	<0.000020	-
Thorium (Th)-Total	mg/L	-	-	-	<0.00010	-
Tin (Sn)-Total	mg/L	-	-	-	<0.00020	-
Titanium (Ti)-Total	mg/L	-	-	-	<0.0050	-
Tungsten (W)-Total	mg/L	-	-	-	<0.0010	-
Uranium (U)-Total	mg/L	-	-	0.02	0.000183	-
Vanadium (V)-Total	mg/L	-	-	-	<0.0050	-
Zinc (Zn)-Total	mg/L	-	5	-	0.0146	-
Zirconium (Zr)-Total	mg/L	-	-	-	0.00062	-
Phosphorus (P) - Total Dissolved	mg/L	-	-	-	-	0.0028

Notes:

mg/L means milligrams per litre; **µS/cm** means micro Siemens per centimetre; **NTU** means Nephelometric Turbidity Units

MAC and AO guidelines represents the Guidelines for Canadian Drinking Water Quality, Summary Table (Health Canada, October 2024). Guidelines are health based and listed as maximum acceptable concentrations (MAC), or based on aesthetic considerations and listed as aesthetic objectives (AO).

Bold - Value exceeds the Best Practices for Prevention of Saltwater Intrusion

Underline - Value exceeds the Aesthetic Objectives (AO).

Orange highlight - Value exceeds the Maximum Acceptable Concentration (MAC).

CERTIFICATE OF ANALYSIS

REPORTED TO	Waterline Resources Inc. - Nanaimo 2430 Jingle Pot Road Nanaimo, BC V9R 6W2		
ATTENTION	Colin McKenzie	**WORK ORDER**	23K1368
PO NUMBER		**RECEIVED / TEMP**	2023-11-10 08:50 / 8.1°C
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38
PROJECT INFO			

Introduction:

CARO Analytical Services is a testing laboratory full of smart, engaged scientists driven to make the world a safer and healthier place. Through our clients' projects we become an essential element for a better world. We employ methods conducted in accordance with recognized professional standards using accepted testing methodologies and quality control efforts. CARO is accredited by the Canadian Association for Laboratories Accreditation (CALA) to ISO/IEC 17025:2017 for specific tests listed in the scope of accreditation approved by CALA.

Big Picture Sidekicks

You know that the sample you collected after snowshoeing to site, digging 5 meters, and racing to get it on a plane so you can submit it to the lab for time sensitive results needed to make important and expensive decisions (whew) is VERY important. We know that too.

We've Got Chemistry

It's simple. We figure the more you enjoy working with our fun and engaged team members; the more likely you are to give us continued opportunities to support you.

Ahead of the Curve

Through research, regulation knowledge, and instrumentation, we are your analytical centre for the technical knowledge you need, BEFORE you need it, so you can stay up to date and in the know.

By engaging our services, you are agreeing to CARO Analytical Service's Standard Terms and Conditions outlined here: https://www.caro.ca/terms-conditions

If you have any questions or concerns, please contact me at bwhitehead@caro.ca

Authorized By:

Brent Whitehead
Account Manager

CARO ANALYTICAL SERVICES

TEST RESULTS

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

Analyte	Result	RL	Units	Analyzed	Qualifier
Lot A (23K1368-01) | Matrix: Water | Sampled: 2023-11-09 13:00					
Anions					
Chloride	**22.5**	0.10	mg/L	2023-11-13	
Fluoride	< 0.10	0.10	mg/L	2023-11-13	
Nitrate (as N)	**0.213**	0.010	mg/L	2023-11-13	HT1
Nitrite (as N)	< 0.010	0.010	mg/L	2023-11-13	HT1
Sulfate	**6.5**	1.0	mg/L	2023-11-13	
Calculated Parameters					
Hardness, Total (as CaCO3)	**57.8**	0.500	mg/L	N/A	
Ion Balance	**110**		%	N/A	
Nitrate+Nitrite (as N)	**0.213**	0.0100	mg/L	N/A	
Solids, Total Dissolved	**96.4**	1.00	mg/L	N/A	
Dissolved Metals					
Calcium, dissolved	**17.5**	0.20	mg/L	2023-11-12	
Iron, dissolved	**0.069**	0.010	mg/L	2023-11-12	
Magnesium, dissolved	**3.42**	0.010	mg/L	2023-11-12	
Manganese, dissolved	**0.00370**	0.00020	mg/L	2023-11-12	
Potassium, dissolved	**0.14**	0.10	mg/L	2023-11-12	
Sodium, dissolved	**17.0**	0.10	mg/L	2023-11-12	
General Parameters					
Alkalinity, Total (as CaCO3)	**46.7**	1.0	mg/L	2023-11-16	
Alkalinity, Phenolphthalein (as CaCO3)	< 1.0	1.0	mg/L	2023-11-16	
Alkalinity, Bicarbonate (as CaCO3)	**46.7**	1.0	mg/L	2023-11-16	
Alkalinity, Carbonate (as CaCO3)	< 1.0	1.0	mg/L	2023-11-16	
Alkalinity, Hydroxide (as CaCO3)	< 1.0	1.0	mg/L	2023-11-16	
Bicarbonate (HCO3)	**57.0**	1.22	mg/L	N/A	
Carbonate (CO3)	< 0.600	0.600	mg/L	N/A	
Hydroxide (OH)	< 0.340	0.340	mg/L	N/A	
Conductivity (EC)	**184**	2.0	µS/cm	2023-11-16	
pH	**6.47**	0.10	pH units	2023-11-16	HT2
Total Metals					
Aluminum, total	**0.353**	0.0050	mg/L	2023-11-11	
Antimony, total	< 0.00020	0.00020	mg/L	2023-11-11	
Arsenic, total	< 0.00050	0.00050	mg/L	2023-11-11	
Barium, total	< 0.0050	0.0050	mg/L	2023-11-11	
Beryllium, total	< 0.00010	0.00010	mg/L	2023-11-11	
Bismuth, total	< 0.00010	0.00010	mg/L	2023-11-11	
Boron, total	< 0.0500	0.0500	mg/L	2023-11-11	
Cadmium, total	< 0.000010	0.000010	mg/L	2023-11-11	
Calcium, total	**16.7**	0.20	mg/L	2023-11-11	
Chromium, total	< 0.00050	0.00050	mg/L	2023-11-11	
Cobalt, total	< 0.00010	0.00010	mg/L	2023-11-11	

TEST RESULTS

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

Analyte	Result	RL	Units	Analyzed	Qualifier
Lot A (23K1368-01) | Matrix: Water | Sampled: 2023-11-09 13:00, Continued					
Total Metals, Continued					
Copper, total	**0.00692**	0.00040	mg/L	2023-11-11	
Iron, total	**0.110**	0.010	mg/L	2023-11-11	
Lead, total	**0.00139**	0.00020	mg/L	2023-11-11	
Lithium, total	**0.00044**	0.00010	mg/L	2023-11-11	
Magnesium, total	**3.12**	0.010	mg/L	2023-11-11	
Manganese, total	**0.00569**	0.00020	mg/L	2023-11-11	
Molybdenum, total	< 0.00010	0.00010	mg/L	2023-11-11	
Nickel, total	< 0.00040	0.00040	mg/L	2023-11-11	
Phosphorus, total	< 0.050	0.050	mg/L	2023-11-11	
Potassium, total	**0.12**	0.10	mg/L	2023-11-11	
Selenium, total	< 0.00050	0.00050	mg/L	2023-11-11	
Silicon, total	**8.6**	1.0	mg/L	2023-11-11	
Silver, total	< 0.000050	0.000050	mg/L	2023-11-11	
Sodium, total	**16.5**	0.10	mg/L	2023-11-11	
Strontium, total	**0.0442**	0.0010	mg/L	2023-11-11	
Sulfur, total	< 3.0	3.0	mg/L	2023-11-11	
Tellurium, total	< 0.00050	0.00050	mg/L	2023-11-11	
Thallium, total	< 0.000020	0.000020	mg/L	2023-11-11	
Thorium, total	< 0.00010	0.00010	mg/L	2023-11-11	
Tin, total	< 0.00020	0.00020	mg/L	2023-11-11	
Titanium, total	< 0.0050	0.0050	mg/L	2023-11-11	
Tungsten, total	< 0.0010	0.0010	mg/L	2023-11-11	
Uranium, total	**0.000183**	0.000020	mg/L	2023-11-11	
Vanadium, total	< 0.0050	0.0050	mg/L	2023-11-11	
Zinc, total	**0.0146**	0.0040	mg/L	2023-11-11	
Zirconium, total	**0.00062**	0.00010	mg/L	2023-11-11	

Sample Qualifiers:

HT1 The sample was prepared and/or analyzed past the recommended holding time.

HT2 The 15 minute recommended holding time (from sampling to analysis) has been exceeded - field analysis is recommended.

APPENDIX 1: SUPPORTING INFORMATION

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

Analysis Description	Method Ref.	Technique	Accredited	Location
Alkalinity in Water	SM 2320 B* (2021)	Titration with H2SO4	✓	Kelowna
Anions in Water	SM 4110 B (2020)	Ion Chromatography	✓	Kelowna
Bicarbonate in Water	SM 2340 B (2021)	Calculation: 2.497 [diss Ca] + 4.118 [diss Mg]		N/A
Carbonate in Water	SM 2340 B (2021)	Calculation: 2.497 [diss Ca] + 4.118 [diss Mg]		N/A
Conductivity in Water	SM 2510 B (2021)	Conductivity Meter	✓	Kelowna
Dissolved Metals in Water	EPA 200.8 / EPA 6020B	0.45 µm Filtration / Inductively Coupled Plasma-Mass Spectroscopy (ICP-MS)	✓	Richmond
Hardness in Water	SM 2340 B (2021)	Calculation: 2.497 [diss Ca] + 4.118 [diss Mg]	✓	N/A
Hydroxide in Water	SM 2340 B (2021)	Calculation: 2.497 [diss Ca] + 4.118 [diss Mg]		N/A
Ion Balance in Water	SM 1030 E (2021)	SM 1030 E		N/A
pH in Water	SM 4500-H+ B (2021)	Electrometry	✓	Kelowna
Solids, Total Dissolved in Water	SM 1030 E (2021)	SM 1030 E		N/A
Total Metals in Water	EPA 200.2 / EPA 6020B	HNO3+HCl Hot Block Digestion / Inductively Coupled Plasma-Mass Spectroscopy (ICP-MS)	✓	Richmond

Note: An asterisk in the Method Reference indicates that the CARO method has been modified from the reference method

Glossary of Terms:

RL	Reporting Limit (default)
%	Percent
<	Less than the specified Reporting Limit (RL) - the actual RL may be higher than the default RL due to various factors
mg/L	Milligrams per litre
pH units	pH < 7 = acidic, ph > 7 = basic
µS/cm	Microsiemens per centimetre
EPA	United States Environmental Protection Agency Test Methods
SM	Standard Methods for the Examination of Water and Wastewater, American Public Health Association

General Comments:

The results in this report apply to the received samples analyzed in accordance with the Chain of Custody document. This analytical report must be reproduced in its entirety. CARO is not responsible for any loss or damage resulting directly or indirectly from error or omission in the conduct of testing. Liability is limited to the cost of analysis. Caro will dispose of all samples within 30 days of sample receipt, unless otherwise agreed.

Results in **Bold** indicate values that are above CARO's method reporting limits. Any results that are above regulatory limits are highlighted **red**. Please note that results will only be highlighted red if the regulatory limits are included on the CARO report. Any Bold and/or highlighted results do not take into account method uncertainty. If you would like method uncertainty or regulatory limits to be included on your report, please contact your Account Manager:bwhitehead@caro.ca

Please note any regulatory guidelines applied to this report are added as a convenience to the client, at their request, to help provide some initial context to analytical results obtained. Although CARO makes every effort to ensure accuracy of the associated regulatory guideline(s) applied, the guidelines applied cannot be assumed to be correct due to a variety of factors and as such CARO Analytical Services assumes no liability or responsibility for the use of those guidelines to make any decisions. The original source of the regulation should be verified and a review of the guideline(s) should be validated as correct in order to make any decisions arising from the comparison of the analytical data obtained to the relevant regulatory guideline for one's particular circumstances. Further, CARO Analytical Services assumes no liability or responsibility for any loss attributed from the use of these guidelines in any way.

APPENDIX 2: QUALITY CONTROL RESULTS

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

The following section displays the quality control (QC) data that is associated with your sample data. Groups of samples are prepared in "batches" and analyzed in conjunction with QC samples that ensure your data is of the highest quality. Common QC types include:

- **Method Blank (Blk)**: A blank sample that undergoes sample processing identical to that carried out for the test samples. Method blank results are used to assess contamination from the laboratory environment and reagents.
- **Duplicate (Dup)**: An additional or second portion of a randomly selected sample in the analytical run carried through the entire analytical process. Duplicates provide a measure of the analytical method's precision (reproducibility).
- **Blank Spike (BS)**: A sample of known concentration which undergoes processing identical to that carried out for test samples, also referred to as a laboratory control sample (LCS). Blank spikes provide a measure of the analytical method's accuracy.
- **Matrix Spike (MS)**: A second aliquot of sample is fortified with a known concentration of target analytes and carried through the entire analytical process. Matrix spikes evaluate potential matrix effects that may affect the analyte recovery.
- **Reference Material (SRM)**: A homogenous material of similar matrix to the samples, certified for the parameter(s) listed. Reference Materials ensure that the analytical process is adequate to achieve acceptable recoveries of the parameter(s) tested.

Each QC type is analyzed at a 5-10% frequency, i.e. one blank/duplicate/spike for every 10-20 samples. For all types of QC, the specified recovery (% Rec) and relative percent difference (RPD) limits are derived from long-term method performance averages and/or prescribed by the reference method.

Analyte	Result	RL	Units	Spike Level	Source Result	% REC	REC Limit	% RPD	RPD Limit	Qualifier
Anions, Batch B3K1285										
Blank (B3K1285-BLK1)				Prepared: 2023-11-13, Analyzed: 2023-11-13						
Chloride	< 0.10	0.10	mg/L							
Fluoride	< 0.10	0.10	mg/L							
Nitrate (as N)	< 0.010	0.010	mg/L							
Nitrite (as N)	< 0.010	0.010	mg/L							
Sulfate	< 1.0	1.0	mg/L							
Blank (B3K1285-BLK2)				Prepared: 2023-11-13, Analyzed: 2023-11-13						
Chloride	< 0.10	0.10	mg/L							
Fluoride	< 0.10	0.10	mg/L							
Nitrate (as N)	< 0.010	0.010	mg/L							
Nitrite (as N)	< 0.010	0.010	mg/L							
Sulfate	< 1.0	1.0	mg/L							
Blank (B3K1285-BLK3)				Prepared: 2023-11-13, Analyzed: 2023-11-13						
Chloride	< 0.10	0.10	mg/L							
Fluoride	< 0.10	0.10	mg/L							
Nitrate (as N)	< 0.010	0.010	mg/L							
Nitrite (as N)	< 0.010	0.010	mg/L							
Sulfate	< 1.0	1.0	mg/L							
LCS (B3K1285-BS1)				Prepared: 2023-11-13, Analyzed: 2023-11-13						
Chloride	16.1	0.10	mg/L	16.0		100	90-110			
Fluoride	4.18	0.10	mg/L	4.00		104	88-108			
Nitrate (as N)	4.01	0.010	mg/L	4.00		100	90-110			
Nitrite (as N)	2.00	0.010	mg/L	2.00		100	85-115			
Sulfate	16.0	1.0	mg/L	16.0		100	90-110			
LCS (B3K1285-BS2)				Prepared: 2023-11-13, Analyzed: 2023-11-13						
Chloride	16.0	0.10	mg/L	16.0		100	90-110			
Fluoride	4.07	0.10	mg/L	4.00		102	88-108			
Nitrate (as N)	4.01	0.010	mg/L	4.00		100	90-110			
Nitrite (as N)	2.03	0.010	mg/L	2.00		101	85-115			
Sulfate	16.0	1.0	mg/L	16.0		100	90-110			
LCS (B3K1285-BS3)				Prepared: 2023-11-13, Analyzed: 2023-11-13						
Chloride	16.0	0.10	mg/L	16.0		100	90-110			
Fluoride	4.11	0.10	mg/L	4.00		103	88-108			

APPENDIX 2: QUALITY CONTROL RESULTS

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

Analyte	Result	RL	Units	Spike Level	Source Result	% REC	REC Limit	% RPD	RPD Limit	Qualifier
Anions, Batch B3K1285, Continued										
LCS (B3K1285-BS3), Continued				Prepared: 2023-11-13, Analyzed: 2023-11-13						
Nitrate (as N)	4.01	0.010	mg/L	4.00		100	90-110			
Nitrite (as N)	2.01	0.010	mg/L	2.00		100	85-115			
Sulfate	16.0	1.0	mg/L	16.0		100	90-110			
Dissolved Metals, Batch B3K1267										
Blank (B3K1267-BLK1)				Prepared: 2023-11-12, Analyzed: 2023-11-12						
Calcium, dissolved	< 0.20	0.20	mg/L							
Iron, dissolved	< 0.010	0.010	mg/L							
Magnesium, dissolved	< 0.010	0.010	mg/L							
Manganese, dissolved	< 0.00020	0.00020	mg/L							
Potassium, dissolved	< 0.10	0.10	mg/L							
Sodium, dissolved	< 0.10	0.10	mg/L							
LCS (B3K1267-BS1)				Prepared: 2023-11-12, Analyzed: 2023-11-12						
Calcium, dissolved	4.11	0.20	mg/L	4.00		103	80-120			
Iron, dissolved	4.17	0.010	mg/L	4.00		104	80-120			
Magnesium, dissolved	4.26	0.010	mg/L	4.00		107	80-120			
Manganese, dissolved	0.0420	0.00020	mg/L	0.0400		105	80-120			
Potassium, dissolved	4.14	0.10	mg/L	4.00		103	80-120			
Sodium, dissolved	4.09	0.10	mg/L	4.00		102	80-120			
General Parameters, Batch B3K1664										
Blank (B3K1664-BLK1)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Alkalinity, Total (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Phenolphthalein (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Bicarbonate (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Carbonate (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Hydroxide (as CaCO3)	< 1.0	1.0	mg/L							
Conductivity (EC)	< 2.0	2.0	µS/cm							
Blank (B3K1664-BLK2)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Alkalinity, Total (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Phenolphthalein (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Bicarbonate (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Carbonate (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Hydroxide (as CaCO3)	< 1.0	1.0	mg/L							
Conductivity (EC)	< 2.0	2.0	µS/cm							
Blank (B3K1664-BLK3)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Alkalinity, Total (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Phenolphthalein (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Bicarbonate (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Carbonate (as CaCO3)	< 1.0	1.0	mg/L							
Alkalinity, Hydroxide (as CaCO3)	< 1.0	1.0	mg/L							
Conductivity (EC)	< 2.0	2.0	µS/cm							
LCS (B3K1664-BS1)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Alkalinity, Total (as CaCO3)	108	1.0	mg/L	100		108	80-120			
Alkalinity, Phenolphthalein (as CaCO3)	31.4	1.0	mg/L	50.0		63	0-200			
LCS (B3K1664-BS2)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Alkalinity, Total (as CaCO3)	108	1.0	mg/L	100		108	80-120			
Alkalinity, Phenolphthalein (as CaCO3)	32.8	1.0	mg/L	50.0		66	0-200			

APPENDIX 2: QUALITY CONTROL RESULTS

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

Analyte	Result	RL	Units	Spike Level	Source Result	% REC	REC Limit	% RPD	RPD Limit	Qualifier
General Parameters, Batch B3K1664, Continued										
LCS (B3K1664-BS3)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Alkalinity, Total (as CaCO3)	90.8	1.0	mg/L	100		91	80-120			
Alkalinity, Phenolphthalein (as CaCO3)	4.7	1.0	mg/L	50.0		9	0-200			
LCS (B3K1664-BS4)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Conductivity (EC)	1360	2.0	µS/cm	1410		96	95-105			
LCS (B3K1664-BS5)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Conductivity (EC)	1410	2.0	µS/cm	1410		100	95-105			
LCS (B3K1664-BS6)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
Conductivity (EC)	1410	2.0	µS/cm	1410		100	95-105			
Reference (B3K1664-SRM1)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
pH	7.03	0.10	pH units	7.01		100	98-102			
Reference (B3K1664-SRM2)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
pH	7.03	0.10	pH units	7.01		100	98-102			
Reference (B3K1664-SRM3)				Prepared: 2023-11-16, Analyzed: 2023-11-16						
pH	7.02	0.10	pH units	7.01		100	98-102			
Total Metals, Batch B3K1230										
Blank (B3K1230-BLK1)				Prepared: 2023-11-10, Analyzed: 2023-11-11						
Aluminum, total	< 0.0050	0.0050	mg/L							
Antimony, total	< 0.00020	0.00020	mg/L							
Arsenic, total	< 0.00050	0.00050	mg/L							
Barium, total	< 0.0050	0.0050	mg/L							
Beryllium, total	< 0.00010	0.00010	mg/L							
Bismuth, total	< 0.00010	0.00010	mg/L							
Boron, total	< 0.0500	0.0500	mg/L							
Cadmium, total	< 0.000010	0.000010	mg/L							
Calcium, total	< 0.20	0.20	mg/L							
Chromium, total	< 0.00050	0.00050	mg/L							
Cobalt, total	< 0.00010	0.00010	mg/L							
Copper, total	< 0.00040	0.00040	mg/L							
Iron, total	< 0.010	0.010	mg/L							
Lead, total	< 0.00020	0.00020	mg/L							
Lithium, total	< 0.00010	0.00010	mg/L							
Magnesium, total	< 0.010	0.010	mg/L							
Manganese, total	< 0.00020	0.00020	mg/L							
Molybdenum, total	< 0.00010	0.00010	mg/L							
Nickel, total	< 0.00040	0.00040	mg/L							
Phosphorus, total	< 0.050	0.050	mg/L							
Potassium, total	< 0.10	0.10	mg/L							
Selenium, total	< 0.00050	0.00050	mg/L							
Silicon, total	< 1.0	1.0	mg/L							
Silver, total	< 0.000050	0.000050	mg/L							
Sodium, total	< 0.10	0.10	mg/L							
Strontium, total	< 0.0010	0.0010	mg/L							
Sulfur, total	< 3.0	3.0	mg/L							
Tellurium, total	< 0.00050	0.00050	mg/L							
Thallium, total	< 0.000020	0.000020	mg/L							
Thorium, total	< 0.00010	0.00010	mg/L							
Tin, total	< 0.00020	0.00020	mg/L							
Titanium, total	< 0.0050	0.0050	mg/L							
Tungsten, total	< 0.0010	0.0010	mg/L							

APPENDIX 2: QUALITY CONTROL RESULTS

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

Analyte	Result	RL	Units	Spike Level	Source Result	% REC	REC Limit	% RPD	RPD Limit	Qualifier
Total Metals, Batch B3K1230, Continued										
Blank (B3K1230-BLK1), Continued				Prepared: 2023-11-10, Analyzed: 2023-11-11						
Uranium, total	< 0.000020	0.000020	mg/L							
Vanadium, total	< 0.0050	0.0050	mg/L							
Zinc, total	< 0.0040	0.0040	mg/L							
Zirconium, total	< 0.00010	0.00010	mg/L							
LCS (B3K1230-BS1)				Prepared: 2023-11-10, Analyzed: 2023-11-11						
Aluminum, total	3.88	0.0050	mg/L	4.00		97	80-120			
Antimony, total	0.0386	0.00020	mg/L	0.0400		96	80-120			
Arsenic, total	0.388	0.00050	mg/L	0.400		97	80-120			
Barium, total	0.0389	0.0050	mg/L	0.0400		97	80-120			
Beryllium, total	0.0404	0.00010	mg/L	0.0400		101	80-120			
Bismuth, total	0.0390	0.00010	mg/L	0.0400		97	80-120			
Boron, total	0.416	0.0500	mg/L	0.400		104	80-120			
Cadmium, total	0.0399	0.000010	mg/L	0.0400		100	80-120			
Calcium, total	4.04	0.20	mg/L	4.00		101	80-120			
Chromium, total	0.0388	0.00050	mg/L	0.0400		97	80-120			
Cobalt, total	0.0392	0.00010	mg/L	0.0400		98	80-120			
Copper, total	0.0390	0.00040	mg/L	0.0400		98	80-120			
Iron, total	4.03	0.010	mg/L	4.00		101	80-120			
Lead, total	0.0393	0.00020	mg/L	0.0400		98	80-120			
Lithium, total	0.0400	0.00010	mg/L	0.0400		100	80-120			
Magnesium, total	3.75	0.010	mg/L	4.00		94	80-120			
Manganese, total	0.0392	0.00020	mg/L	0.0400		98	80-120			
Molybdenum, total	0.0399	0.00010	mg/L	0.0400		100	80-120			
Nickel, total	0.0390	0.00040	mg/L	0.0400		98	80-120			
Phosphorus, total	3.87	0.050	mg/L	4.00		97	80-120			
Potassium, total	3.88	0.10	mg/L	4.00		97	80-120			
Selenium, total	0.390	0.00050	mg/L	0.400		97	80-120			
Silicon, total	4.0	1.0	mg/L	4.00		99	80-120			
Silver, total	0.0400	0.000050	mg/L	0.0400		100	80-120			
Sodium, total	4.05	0.10	mg/L	4.00		101	80-120			
Strontium, total	0.0385	0.0010	mg/L	0.0400		96	80-120			
Sulfur, total	39.5	3.0	mg/L	40.0		99	80-120			
Tellurium, total	0.0383	0.00050	mg/L	0.0400		96	80-120			
Thallium, total	0.0391	0.000020	mg/L	0.0400		98	80-120			
Thorium, total	0.0403	0.00010	mg/L	0.0400		101	80-120			
Tin, total	0.0391	0.00020	mg/L	0.0400		98	80-120			
Titanium, total	0.0389	0.0050	mg/L	0.0400		97	80-120			
Tungsten, total	0.0398	0.0010	mg/L	0.0400		99	80-120			
Uranium, total	0.0404	0.000020	mg/L	0.0400		101	80-120			
Vanadium, total	0.0393	0.0050	mg/L	0.0400		98	80-120			
Zinc, total	0.384	0.0040	mg/L	0.400		96	80-120			
Zirconium, total	0.0398	0.00010	mg/L	0.0400		100	80-120			
Matrix Spike (B3K1230-MS1)		**Source: 23K1368-01**		Prepared: 2023-11-10, Analyzed: 2023-11-11						
Aluminum, total	4.83	0.0050	mg/L	4.00	0.353	112	70-130			
Antimony, total	0.0438	0.00020	mg/L	0.0400	< 0.00020	109	70-130			
Arsenic, total	0.455	0.00050	mg/L	0.400	< 0.00050	114	70-130			
Barium, total	0.0475	0.0050	mg/L	0.0400	< 0.0050	114	70-130			
Beryllium, total	0.0477	0.00010	mg/L	0.0400	< 0.00010	119	70-130			
Bismuth, total	0.0447	0.00010	mg/L	0.0400	< 0.00010	112	70-130			
Boron, total	0.495	0.0500	mg/L	0.400	< 0.0500	117	70-130			
Cadmium, total	0.0463	0.000010	mg/L	0.0400	< 0.000010	116	70-130			
Calcium, total	21.4	0.20	mg/L	4.00	16.7	117	70-130			
Chromium, total	0.0445	0.00050	mg/L	0.0400	< 0.00050	110	70-130			
Cobalt, total	0.0452	0.00010	mg/L	0.0400	< 0.00010	113	70-130			
Copper, total	0.0524	0.00040	mg/L	0.0400	0.00692	114	70-130			

APPENDIX 2: QUALITY CONTROL RESULTS

REPORTED TO	Waterline Resources Inc. - Nanaimo	**WORK ORDER**	23K1368
PROJECT	3330-23-001	**REPORTED**	2023-11-17 13:38

Analyte	Result	RL	Units	Spike Level	Source Result	% REC	REC Limit	% RPD	RPD Limit	Qualifier
Total Metals, Batch B3K1230, Continued										
Matrix Spike (B3K1230-MS1), Continued		**Source: 23K1368-01**		Prepared: 2023-11-10, Analyzed: 2023-11-11						
Iron, total	4.67	0.010	mg/L	4.00	0.110	114	70-130			
Lead, total	0.0466	0.00020	mg/L	0.0400	0.00139	113	70-130			
Lithium, total	0.0473	0.00010	mg/L	0.0400	0.00044	117	70-130			
Magnesium, total	7.28	0.010	mg/L	4.00	3.12	104	70-130			
Manganese, total	0.0510	0.00020	mg/L	0.0400	0.00569	113	70-130			
Molybdenum, total	0.0460	0.00010	mg/L	0.0400	< 0.00010	115	70-130			
Nickel, total	0.0455	0.00040	mg/L	0.0400	< 0.00040	113	70-130			
Phosphorus, total	4.51	0.050	mg/L	4.00	< 0.050	113	70-130			
Potassium, total	4.58	0.10	mg/L	4.00	0.12	111	70-130			
Selenium, total	0.447	0.00050	mg/L	0.400	< 0.00050	112	70-130			
Silicon, total	12.7	1.0	mg/L	4.00	8.6	104	70-130			
Silver, total	0.0455	0.000050	mg/L	0.0400	< 0.000050	114	70-130			
Sodium, total	20.2	0.10	mg/L	4.00	16.5	94	70-130			
Strontium, total	0.0882	0.0010	mg/L	0.0400	0.0442	110	70-130			
Sulfur, total	47.7	3.0	mg/L	40.0	< 3.0	114	70-130			
Tellurium, total	0.0452	0.00050	mg/L	0.0400	< 0.00050	113	70-130			
Thallium, total	0.0453	0.000020	mg/L	0.0400	< 0.000020	113	70-130			
Thorium, total	0.0476	0.00010	mg/L	0.0400	< 0.00010	119	70-130			
Tin, total	0.0466	0.00020	mg/L	0.0400	< 0.00020	116	70-130			
Titanium, total	0.0484	0.0050	mg/L	0.0400	< 0.0050	115	70-130			
Tungsten, total	0.0472	0.0010	mg/L	0.0400	< 0.0010	118	70-130			
Uranium, total	0.0467	0.000020	mg/L	0.0400	0.000183	116	70-130			
Vanadium, total	0.0458	0.0050	mg/L	0.0400	< 0.0050	112	70-130			
Zinc, total	0.457	0.0040	mg/L	0.400	0.0146	111	70-130			
Zirconium, total	0.0486	0.00010	mg/L	0.0400	0.00062	120	70-130			

MEMORANDUM

DATE OF MEETING:	May 21, 2026	File No.: TH BL 117
TO:	Gabriola Island Local Trust Committee	
FROM:	Nadine Mourao, Legislative Clerk / Deputy Secretary	
SUBJECT:	Referral for Response: Proposed Thetis Bylaw No. 117	

PURPOSE

The Thetis Island Local Trust Committee has referred proposed Bylaw No. 117 (cited as "Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2025") to the Gabriola Island Local Trust Committee.

BACKGROUND

Islands Trust Policy 4.1.9 Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this application including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Thetis Island Current Applications webpage: https://islandstrust.bc.ca/island-planning/thetis/current-applications/

NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**
   That the Gabriola Island Local Trust Committee respond to the Thetis Island Local Trust Committee that interests are unaffected by Bylaw No. 117.

2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**
   That the Gabriola Island Local Trust Committee recommend to the Thetis Island Local Trust Committee that proposed Bylaw No. 117 proceed for the following reasons:
   - *[list reasons] ...*

3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**
   That the Gabriola Island Local Trust Committee recommend to the Thetis Island Local Trust Committee that proposed Bylaw No. 117 proceed, subject to the following recommendations:
   - *[list recommendations] ...*

4. **If the LTC wishes to recommend not proceeding with the bylaw:**
   That the Gabriola Island Local Trust Committee recommend to the Thetis Island Local Trust Committee that proposed Bylaw No. 117 not proceed for the

following reasons:

- *[list reasons] ...*

Submitted By:	Nadine Mourao, Legislative Clerk	May 1, 2026

ATTACHMENTS

1. BYLAW REFERRAL FORM

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Thetis Island Local Trust Area **Bylaw No.:** 117 **Date:** April 10, 2026

You are requested to comment on the attached Bylaw for potential effect on your Nation's/agency's/organization's interests. We would appreciate your response by June 30, 2026. If no response is received within that time, it will be assumed that your Nation's/agency's/organization's interests are unaffected.

APPLICANTS NAME / ADDRESS:

THETIS ISLAND LOCAL TRUST COMMITTEE

PURPOSE OF BYLAW:

Amendments to the Thetis Island Land Use Bylaw (LUB) are the result of a bylaw amendment application for a proposed shoreline protection and restoration project.

The intent of **Bylaw No. 117**, if adopted, would be to amend the Thetis Island Land Use Bylaw No. 89, 2014 Rural Residential (R-1) and marine Water 4 (W-4) zones to allow a nature-based shoreline protection and restoration structure along the shoreline at 83 and 84 Blue Heron Rd, in order to protect the land and existing buildings and structures from further erosion and enhance the ecological functions of the shoreline. The project is proposed along parts of the shoreline area of both properties up to 10 metres seaward of the natural boundary of the sea, and up to 5 metres upland.

Nature-based protection and restoration structure means a structure along the shoreline designed by a qualified professional that includes vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel, and cobble placement that does not interrupt natural coastal processes and enhances the ecological functions of the shoreline.

GENERAL LOCATION:

83 and 84 Blue Heron Rd, and Unsurveyed Crown Foreshore or land covered by water being part of the bed on Clam Bay, Cowichan District, containing .09 hectares, more or less.

SIZE OF PROPERTY AFFECTED:	ALR STATUS:	OFFICIAL COMMUNITY PLAN DESIGNATION:
0.165 hectares of upland and foreshore area	n/a	Upland: Rural Residential (R-1), Foreshore: N/A

OTHER INFORMATION:

The Thetis Island Local Trust Committee gave First Reading to proposed Bylaw Nos. 117 on February 3, 2026. All relevant background information, including staff reports and public correspondence received is posted to the Thetis Current Applications webpage: https://islandstrust.bc.ca/island-planning/thetis/current-applications/

Please direct any communications regarding this referral to Nadine Mourao at 250-247-2206, or by email to nmourao@islandstrust.bc.ca.

Please fill out the Response Summary on the back of this form. If your Nation or Agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Margot Thomaidis

Title: Planner 2

This referral has been sent to the following agencies and organizations:

Federal Agencies
Fisheries & Oceans, Canada - Pacific Region

First Nations
Penelakut Tribe
Lyackson First Nation
Cowichan Tribes
Halalt First Nation
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Ts'uubaa-asatx First Nation
Tsawout First Nation

Organizations
Penelakut Seafoods Inc.
Thetis Island Community Association
Thetis Island Residents and Ratepayers Association
Thetis Island Nature Conservancy
Thetis Island Marine Association
Thetis Island Marina and Resort

Regional Agencies
Island Health Authority
Cowichan Valley Regional District, Planning and Development
Cowichan Valley Regional District, Thetis Island Port Commission

Adjacent Local Trust Committees and Municipalities
Salt Spring Island Local Trust Committee
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee

Provincial Agencies
Ministry of Water, Land, and Resource Stewardship
Ministry of Agriculture and Food
Ministry of Environment and Parks

BYLAW REFERRAL FORM
RESPONSE SUMMARY

☐ **Approval Recommended for Reasons Outlined Below**

☐ **Approval Recommended Subject to Conditions Outlined Below**

☐ **Interests Unaffected by Bylaw**

☐ **Approval Not Recommended Due to Reason Outlined Below**

Thetis Island Local Trust Area	117 (LUB)
(Island)	(Bylaw Number)
(Signature)	(Name and Title)
(Date)	(First Nation / Agency)

DRAFT

THETIS ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 117

A BYLAW TO AMEND THETIS ISLAND LAND USE BYLAW NO. 89, 2011

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

1. Citation

   This bylaw may be cited for all purposes as "Thetis Island Land Use Bylaw, 2011, Amendment No. 1, 2025".

2. Thetis Island Local Trust Committee Bylaw No. 89, cited as "Thetis Island Land Use Bylaw, 2011" is amended as follows:

   2.1 Schedule "A", PART 1. Administration, Section 1.1 – Definitions is amended by adding a new definition after the definition of '*natural boundary'*, as follows:

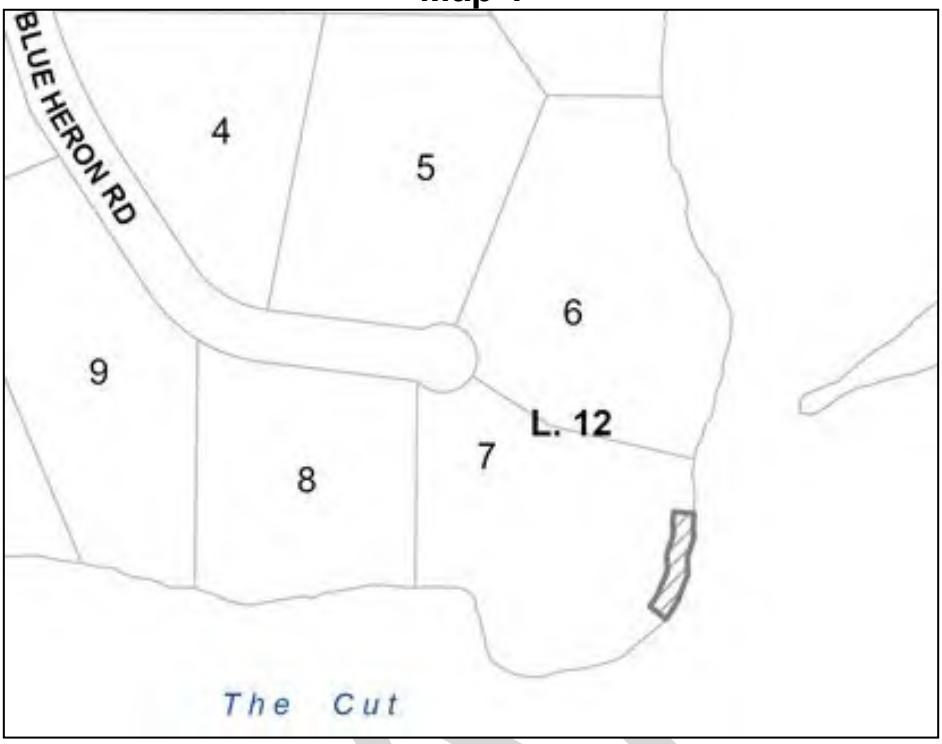
   nature-based protection and restoration structure means a structure along the shoreline designed by a qualified professional that includes vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel, and cobble placement that does not interrupt natural coastal processes and enhances the ecological functions of the shoreline.

   2.2 Schedule "A", PART 5. Residential Zones, Section 5.4 – Height, Setbacks, and Siting of Buildings, Structures and Uses is amended by adding a new Subsection after Subsection 5.4.c) as follows:

   d) Nature-based protection and restoration structures are permitted within 0.0 metres of the rear lot line only on that portion of the R-1 zone of Lot 7, District Lot 12, Thetis Island, Cowichan District, Plan 15927, as shown in the shaded area of Map 1 below.

   2.3 Schedule "A", PART 5. Residential Zones, is amended by adding a Map after Section 5.4, as follows, and by making such consequential numbering alterations to all subsequent Maps in order to effect this change.

Map 1



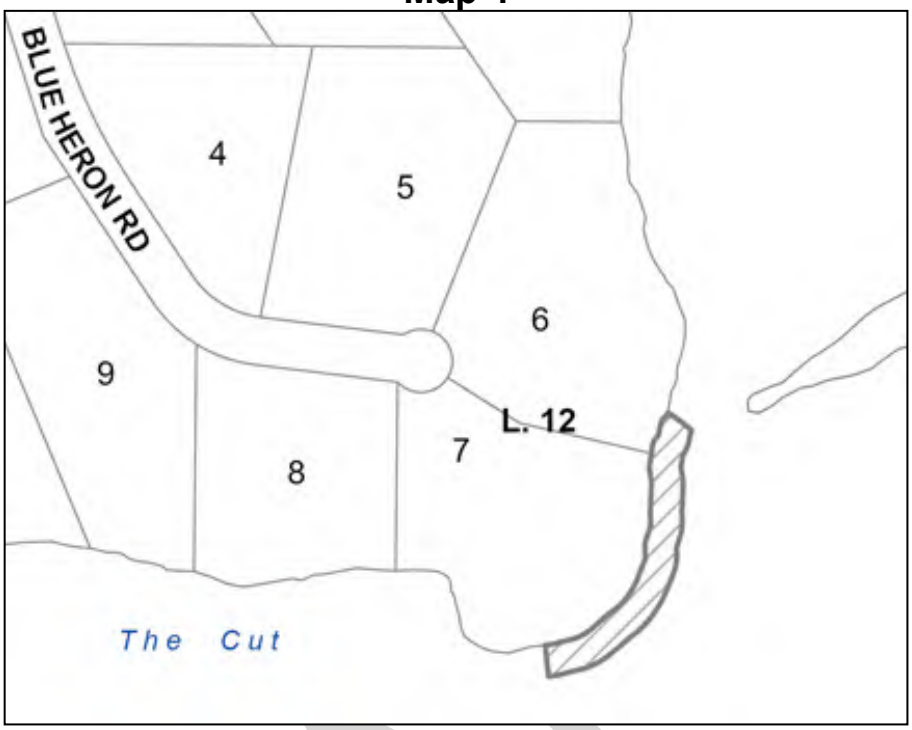
2.4 Schedule "A", PART 10. Water Zones, is amended by adding a new Subsection after Subsection 10.1.l) and by adding a checkmark only under the W-4 zone column, as follows:

10.1. Permitted Uses	W-4
m) Nature-based protection and restoration structures only on that portion of the W-4 zone adjacent to the upland Lot 6 and Lot 7, District Lot 12, Thetis Island, Cowichan District, Plan 15927 within 10 metres of the natural boundary of the sea, as shown in the shaded area of Map 4 below, known locally as The Cut.	✓

2.5 Schedule "A", PART 10. Water Zones is amended by adding a Map after Map 3, as follows:

DRAFT

Map 4



3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	3RD	DAY OF	FEBRUARY	, 2026
READ A SECOND TIME THIS	_____	DAY OF	_____	, 20__
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 20__
READ A THIRD TIME THIS	_____	DAY OF	_____	, 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

	_____	DAY OF	_____	, 20__
ADOPTED THIS	_____	DAY OF	_____	, 20__

_____ Chair

_____ Secretary

DRAFT

REGIONAL DISTRICT OF NANAIMO

Proposed Building Bylaw No. 1967, 2026

Please note: The recommendation was varied by the Committee as follows:

That "Proposed Building Bylaw No. 1967, 2026" be referred to the Gabriola Island Local Trust Committee for comment.

RECOMMENDATIONS

1. That "Regional District of Nanaimo Building Bylaw No. 1967, 2026" be introduced and read three times.
2. That "Regional District of Nanaimo Building Bylaw No. 1967, 2026" be adopted.

BACKGROUND

The Regional District of Nanaimo (RDN) provides building inspection services within the Building Inspection Service Area and administers the British Columbia Building Code through a building bylaw. The existing building bylaw (Bylaw No. 1250) was consolidated in 2010 and applies to Electoral Areas A, B, C, E, F, G and H. The bylaw includes permit, inspection, and enforcement provisions including conditional occupancy and temporary buildings.

Staff have drafted a new Building Bylaw that is premised on the Municipal Insurance Association of BC (MIABC) model building bylaw for regional districts. The MIABC model is widely used in British Columbia and is intended to improve consistency, reduce interpretive risk, and reflect established risk-management practices. The draft bylaw has been informed by internal operational review and legal review.

PURPOSE AND APPROACH

The proposed "Regional District of Nanaimo Building Bylaw No. 1967, 2026" (Bylaw 1967) is a comprehensive modernization of the RDN's existing Building Regulations Bylaw No. 1250, adopted in 2010. The current bylaw was developed prior to significant legislative, industry, and operational changes in building regulation, including the introduction of the *Building Act*, the *Professional Governance Act*, and the Energy Step Code.

The proposed bylaw does not represent a change in the RDN's role as a regulator or inspector. It maintains the same core purpose, administration of the BC Building Code, while modernizing structure, clarifying responsibilities, and addressing gaps that have emerged through 15 years of practical experience. The purpose of the new Building Bylaw is to provide a clear, modern administrative framework for regulating construction and administering the BC Building Code within the RDN service area.

Many provisions of the Building Bylaw are governed by provincial legislation (including the Building Act) and the BC Building Code, leaving limited discretion to deviate from the legal framework. The Board retains discretion on select policy choices and service-level decisions, which are identified below for Board direction.

The attached draft bylaw has been reviewed from a legal risk perspective. Where discretionary policy choices exist, these are explicitly identified for Board direction. The proposed structure and approach are consistent with accepted practices used in other BC jurisdictions and in line with the MIABC model Bylaw.

SUMMARY OF KEY CHANGES

Building Bylaw No. 1250 (2010) to Proposed Building Bylaw No. 1967 (2026)

The proposed Building Bylaw No. 1967 retains the same fundamental role and authority as the current Building Regulations Bylaw No. 1250, while significantly updating how that role is administered. The changes focus on clarity, consistency, defensibility, and alignment with current practice rather than expanding the scope of regulation. At a high level, the key changes fall into the following areas:

1. Structural and Legislative Modernization

- Reorganizes the bylaw into a modern, logical structure consistent with provincial model building bylaws.
- Updates legislative references to reflect current statutes, including the *Building Act*, *Community Charter*, *Local Government Act*, and *Professional Governance Act*.
- Aligns definitions dynamically with the BC Building Code, reducing the need for future bylaw amendments when codes are updated.

2. Clarification of Roles, Responsibilities, and Limits of Liability

- Clearly distinguishes the responsibilities of owners, constructors, registered professionals, and Building Officials.
- Expands and modernizes purpose and disclaimer sections to clearly state the limited and intermittent nature of inspections.
- Clarifies that permits, plan reviews, and inspections do not constitute warranties or guarantees of construction quality or compliance.
- Strengthens alignment with established case law and risk-management practices used across British Columbia.
- Clarifies inspection scope by confirming that inspections of private water and storm drainage lines are no longer required to be undertaken where they fall outside the BC Building Code framework, while continuing water service line inspections in water-serviced areas and maintaining required septic system approvals through the appropriate authority.

3. Professional Reliance and Risk-Based Regulation

- Introduces clearer differentiation between simple and complex buildings, aligning regulatory oversight with construction risk.
- Expands and clarifies requirements for Letters of Assurance and registered professional involvement where warranted by complexity or site conditions.
- Shifts responsibility for specialized technical assessments from staff judgment to professional accountability.
- Provides the Building Official clearer authority to require professional review where public safety or property protection warrants it.

4. Modernized Permitting, Inspections, and Enforcement Tools

- Updates permit application requirements to reflect current building practices, including clearer site, fire access, and hazard considerations.
- Modernizes inspection stages for clarity and consistency.
- Introduces clearer enforcement tools, including clarity on Stop Work Orders and Do Not Occupy notices, to address unsafe or non-compliant construction more effectively.
- Improves mechanisms for dealing with incomplete projects, unpermitted work, and long-standing enforcement files.

5. Addressing Operational Gaps and Persistent Issues

- Introduces structured approaches to long-standing issues such as provisional occupancy, moved-on buildings, manufactured homes, and unpermitted construction.
- Clarifies treatment of remote and access-limited properties where inspection access is impractical.
- Replaces informal or ad hoc practices with clearer, defensible regulatory frameworks.

6. What Has Not Changed

- The RDN continues to administer and enforce the BC Building Code; the bylaw does not create a local building code rather it brings the bylaw into alignment with the Building Act.
- Zoning, floodplain, development permit, and other land-use controls remain unchanged.
- Inspections remain limited and intermittent, not comprehensive or continuous.

7. Separation of Administrative Updates and Policy Choices

The proposed bylaw includes both administrative modernization and discretionary policy elements. Administrative updates will be finalized by staff following adoption. Policy decisions requiring Board direction are clearly identified in the following section, "Items for Board Direction," and are brought forward separately to allow focused discussion and clear resolution.

BOARD DISCRETION AND ITEMS REQUIRING DIRECTION

The proposed new Building Bylaw represents a comprehensive modernization of the Regional District of Nanaimo's building regulation framework. In developing the draft bylaw, staff have aligned closely with current MIABC model bylaws, statutory authority under the *Building Act*, *Local Government Act*, and *Community Charter*, and contemporary best practices across British Columbia. The draft reflects both legislative requirements and the RDN's operational experience administering building inspection services over the past 15 years.

While much of the proposed bylaw implements established legal requirements, clarifies administrative processes, and modernizes enforcement tools, several components of the draft involve policy choices that fall within the Board's discretion, rather than matters of statutory compliance. These items reflect areas where local governments across British Columbia have adopted different approaches based on community context, risk tolerance, service delivery considerations, and Board direction.

The draft bylaw presented to the Board includes staff's recommended approach for each of these discretionary items. These recommendations are informed by legal advice, industry practice, operational experience, and risk management considerations. However, recognizing the policy nature of these matters, staff are seeking direction from the Board on whether to retain the proposed provisions as drafted, modify them, or remove them, before finalizing the bylaw for adoption.

The following items are therefore brought forward specifically for Board consideration. For each item, the report outlines:

- The context and how the issue is addressed in the draft bylaw;
- The intended benefits of the proposed approach;
- The risks or considerations, including legal and operational implications; and
- The direction being requested from the Board.

Clear Board direction on these matters will allow staff to finalize the Building Bylaw and ensure that it reflects both Board policy intent and an appropriate balance between public safety, service delivery practicality, and liability management. The proposed Bylaw currently contains the staff recommendation for each of the following items:

1) Provisional / Conditional Occupancy *(Provisional Occupancy)*

Context

The draft Building Bylaw includes a provisional occupancy framework that allows limited occupancy of a building where all fire, life-safety, and health requirements have been completed, but minor outstanding items remain. Provisional occupancy would be time-limited, subject to conditions, and secured through a financial deposit to ensure completion of outstanding work.

This replaces the more informal and limited conditional occupancy approach in the current bylaw which only allows conditional occupancy on owner built homes and now reflects modernized practices used by many local governments in British Columbia. The current excludes any other construction such as commercial industrial which can often safely be used with some minor outstanding conditions

Why This Matters

Requests for conditional or staged occupancy arise regularly, particularly for:

- Single-family homes nearing completion;
- Phased construction projects; and
- Commercial and Industrial construction with portions of the building safe for the use but having minor items reaming for competition.

Without a provisional occupancy mechanism, staff are forced to choose between:

- Strictly withholding occupancy where the remaining deficiencies are not life-safety related; or
- Informally tolerating occupancy without a clear enforcement or closure mechanism, which currently happens frequently.

A structured provisional occupancy framework provides clarity, transparency, and consistency.

Benefits of the Proposed Approach

- Supports community needs by allowing limited occupancy where it does not jeopardize health or safety.
- Provides certainty to owners, lenders, and insurers that occupancy is authorized.
- Introduces clear timelines, conditions, and security, reducing the risk that minor deficiencies remain unresolved indefinitely.
- Aligns with practices in other BC jurisdictions while modernizing and tightening controls.

Risks and Considerations

- Legal advice indicates that issuing provisional occupancy may, in some circumstances, create a positive duty to follow up and ensure deficiencies are completed.

- If not carefully administered, provisional occupancies can persist beyond their intended duration, increasing administrative burden and risk.
- Staff time is required to monitor, follow up, and formally close out provisional occupancy files.

Staff Rationale for the Draft Bylaw

Staff propose retaining provisional occupancy with safeguards:

- This is a consistent request from owners and applicants
- The absence of a formal mechanism does not eliminate requests for early occupancy—it simply shifts risk and inconsistency.
- Time limits, clear conditions, and financial security provide stronger control than the current approach.
- The draft bylaw improves enforceability and reduces long-term exposure compared to informal or ad hoc practices.

Board Direction Requested

- **Option A (Recommended):** Retain provisional occupancy with clear safeguards, time limits, securities and a defined follow-up and closure process.
- **Option B:** Remove provisional occupancy entirely and proceed with final occupancy only.

2) Owner Plumbing Plans *(Where a Ticketed Plumber Is Not Retained)*

Context

The draft bylaw requires plumbing plans for simple building permits where a qualified plumber is not retained. Where a plumber holding a Certificate of Qualification is engaged, the Building Official may waive the requirement for plumbing plans. This reflects situations where homeowners choose to undertake plumbing work themselves or use non-ticketed assistance.

Why This Matters

Plumbing errors are one of the most common sources of:

- Failed inspections,
- Rework after plumbing, walls or slabs are installed, and
- Costly and disruptive corrections for homeowners.

Early review of plumbing layouts can prevent these outcomes.

Benefits of the Proposed Approach

- Allows issues to be identified before installation, rather than after work is completed.
- Reduces repeat inspections and rework.
- Provides a clearer pathway for owner-builders who are legally permitted to perform plumbing work under the Plumbing Code.

Risks and Considerations

- Accepting and reviewing owner-prepared plumbing plans may create and potentially increase exposure if plans are later found to be deficient.
- There is a balance between helpful early review and inadvertently assuming responsibility for design compliance.
- It will require additional time for review.

Staff Rationale for the Draft Bylaw

Staff propose retaining this requirement because:

- The risk of unreviewed, owner-installed plumbing is demonstrably higher.

- The Building Official retains discretion to waive the requirement where a qualified plumber is engaged.
- The draft bylaw emphasizes that acceptance of plans does not constitute a warranty of compliance, consistent with the broader purpose and liability provisions.
- This provides a good customer service approach for owner builders and it is not anticipated there will be a large volume submitted.

Board Direction Requested

- **Option A (Recommended):** Retain the requirement as drafted.
- **Option B:** Remove the requirement for owner plumbing plans.
- **Option C:** Retain the requirement with additional acknowledgements or disclaimers from owners.

3) Construction Without Permit – Double Permit Fees *(Cost Recovery and Deterrence)*

Context

The draft bylaw includes a provision to double permit fees where construction commences before a permit is issued. This is intended to address the significantly increased staff time and enforcement effort associated with unpermitted construction. This is in line with most jurisdictions across the Province and is common practice for building bylaw enforcement. Significant staff time is required for building bylaw enforcement and under the current building bylaw and fees and charges bylaw does not have provisions for cost recovery related to building bylaw enforcement.

Why This Matters

Unpermitted construction:

- Requires investigation, site safety assessment, and corrective action.
- Often leads to incomplete or non-compliant work that must be brought into compliance.
- Creates inequity between compliant applicants and those who proceed without permits.

Benefits of the Proposed Approach

- Provides cost recovery for enforcement-intensive files.
- Encourage permit application before work begins by reflecting the additional costs incurred when construction proceeds without approval.
- Aligns with common practice in other BC local governments.

Risks and Considerations

- Fees must remain connected to the regulatory scheme and not be a punitive action.
- The absence of a cap increases exposure to challenge, particularly on large commercial projects.
- A cap that is too low may simply be absorbed as a “cost of doing business.”

Staff Rationale for the Draft Bylaw

Staff propose a strong deterrence-based approach because:

- The effort required to manage these files scales with project size.
- Even smaller residential projects often generate significant enforcement workload, while large projects are even more so.
- Leaving the decision on a cap to the Board allows alignment with policy appetite and risk tolerance.

Board Direction Requested

- **Option A:** Double fees with a cap (e.g., $50,000).
- **Option B:** Double fees with no cap.
- **Option C:** Maintain the current capped or reduced approach and recover costs through taxation.

4) Moved-On Buildings – Remove Appraisal Requirement and Implement a new Valuation and Fee Approach

Context

As part of previous Board consideration of moved-on buildings, the Board directed staff to review the appraisal-based neighbourhood value comparison requirements contained in the existing Building Bylaw. Under the current approach, moved-on buildings must meet a minimum appraised value relative to surrounding properties, a requirement that has proven to be costly, subjective, and overly restrictive, particularly for recycled and affordable housing projects.

In response to this direction, the draft Building Bylaw removes the appraisal requirement and replaces it with a simplified and standardized valuation and fee approach for moved-on buildings and eliminates the need to meet a minimum home value. A structural assessment of the existing building is already required as part of the relocation process; the draft bylaw builds on this by also requiring a structural engineer to provide professional sign-off for the new construction components, typically the foundation, to reflect changes in the BC Building Code and ensure safe integration of the relocated structure. This requirement recognizes the inherent uncertainties associated with relocating existing structures and ensures that structural integrity, load paths, and seismic performance are appropriately assessed and documented. Under the revised approach, staff propose to:

- Charge a reduced permit fee for the moved-on portion of the structure, recognizing that it is not new construction; and
- Apply regular, valuation-based permit fees to new construction only, including foundations, additions, and other new work required to bring the building into compliance.

As part of previous Board consideration of moved-on buildings, the Board directed staff to review the appraisal-based neighbourhood value comparison requirements currently contained in the Building Bylaw. The existing approach requires moved-on buildings to meet a minimum appraised value relative to surrounding properties, which has proven to be costly, subjective, and restrictive for recycled homes.

In response to this Board direction, the draft Building Bylaw removes the appraisal requirement and implements a simplified and standardized valuation and fee approach for moved-on buildings. An additional change addresses the changes to the BC Building Code and how existing moved on buildings can be done safely and without risk to the RDN is to require a structural engineer sign on for the project.

The proposed bylaw aims to:

- Use a lower valuation and maintain the 50% fee reduction to reduce permit fees for the moved-on portion of the structure; and
- Apply regular valuation-based fees to new construction only.

Why This Matters

The existing approach is:

- Subjective and difficult to meet minimum values in most areas.
- Costly and time-consuming for applicants.
- Poorly aligned with housing needs.

Benefits of the Proposed Approach

- Removes subjective neighbourhood value comparisons.
- Removes the requirement for third-party appraisals
- Lowers fees for portions of the buildings that are already complete and do not require the same level of inspection as new construction while still recovering costs on new construction
- Improves clarity, fairness, and defensibility.

Staff Rationale

The draft Building Bylaw reflects implementation of the Board's prior direction on this matter. Staff support this updated approach as it is clearer, more equitable, and better aligned with modern building regulation practice.

Board Direction Requested

- Confirm support for the updated moved-on building valuation approach and corresponding updates to the Fees and Charges Bylaw.

5) Exemption – Accessory Buildings Under 20 m² *(215 square feet)*

Context

The draft bylaw proposes increasing the permit exemption threshold for one-storey, uninhabited accessory buildings that do not contain plumbing or constitute a hazard from 10 m² (107.6 square feet) to 20m2 (215 square feet), subject to specific conditions.

Why This Matters

A number of permit applications involve very small, lower-risk structures such as sheds and small workshops.

Benefits of the Proposed Approach

- Reduces administrative burden for staff and applicants for small buildings.
- Allows resources to focus on higher-risk construction.
- Improves customer service and process efficiency.

Risks and Considerations

- This is an exemption beyond the Building Code exemption
- Larger exempt structures increase potential for non-compliant construction.
- Does not override Building Code, zoning, floodplain, or development permit requirements.
- Board may wish to align with provincial/ BC Building Code exemption thresholds or apply additional conditions.

Staff Rationale

The proposed 20 m² threshold balances efficiency with safety and includes safeguards to limit risk. Enforcement on small sheds and workshops can be as intensive as larger construction but contains less risk. We do not receive many permit applications for these smaller structures and this approach will appease property owners wishing to build a simple small shed larger than 10'x10'.

Board Direction Requested

- **Option A (Recommended):** Keep the 20 m² exemption with conditions.
- **Option B:** Remain aligned with the BC Building Code and the 10 m².

6) Optional Permit Pathway – Remote and Limited-Access Properties

Context

The draft bylaw recognizes properties where inspection access is impractical due to lack of road or ferry access, while allowing owners to opt into permitting where required for financing or insurance. Accessing remote islands has a significant cost and increased safety concerns. A water taxi to local islands costs approximately $600 per trip, with no ability to get to properties once at the island aside from walking. This adds considerable time and cost to performing inspections and we also need to consider Worksafe BC requirements and worker safety on these remote islands.

Why This Matters

The RDN includes several remote and island communities where inspection access is difficult and requires significant cost and logistical planning.

Benefits of the Proposed Approach

- Acknowledges practical service limitations.
- Allows owner choice where a permit is needed.
- Keeps all properties within the service framework.

Risks and Considerations

- Equity concerns related to cost recovery.
- Governance and consistency risk if access-limited properties are addressed through informal or ad hoc practices rather than a clearly defined bylaw framework. A lack of formal policy increases the risk of inconsistent decisions, perceived unfairness, and challenges to Board oversight.
- Administrative consistency required.
- Need to consider WorkSafeBC requirements for staff access and safety.

Staff Rationale

This flexible approach balances operational reality with property owner needs and avoids blanket exclusion. This approach has been successful in other jurisdictions with remote water access areas. While equity considerations and administrative consistency remain important, these are policy and service-delivery issues, not legal prohibitions. The proposed approach ensures that expectations are set transparently for property owners and that staff actions remain aligned with both statutory authority and occupational health and safety obligations.

Board Direction Requested

- **Option A (Recommended):** Retain optional pathway with cost recovery.
- **Option B:** Remove optional pathway.
- **Option C:** Require permits only where access and costs are prepaid and practicable.

7) CSA Z240 MH Series-92 – Manufactured (Mobile) Homes

Context

The draft Building Bylaw proposes referencing CSA Z240 MH Series-92 or newer as the minimum construction standard for manufactured (mobile) homes that are not treated as moved-on buildings. Manufactured homes built to earlier editions of the CSA Z240 MH standard (e.g., Series-86 or earlier) would remain permitted, but would be required to proceed through the moved-on building process, including professional assessment and certification.

This approach moves away from presuming compliance based solely on the presence of any CSA label and establishes a clearer distinction between modern manufactured housing and older mobile homes with greater variability in condition and safety performance.

Why This Matters

The RDN continues to receive applications to relocate older manufactured and mobile homes, many of which are 30–50 years old. These homes were designed for mobility, not repeated relocation over decades, and their condition varies widely. The Board is being asked to provide direction on how to balance housing flexibility and affordability with public safety and defensibility.

Benefits of the Proposed Approach

- Establishes a clear and objective baseline for manufactured homes.
- Reflects recognized improvements in structural, fire, electrical, and envelope performance introduced in later standards.
- Allows older units to remain viable housing options where safety can be demonstrated through professional review.
- Provides consistent and defensible administration for staff and decision-makers.

Why Series-92 Is a Recognized Safety Threshold

CSA Z240 MH Series-92 (1992) is widely recognized as a major modernization milestone. It strengthened requirements related to:

- Structural integrity and anchorage;
- Fire and life-safety (materials, flame spread, egress);
- Electrical and plumbing system safety; and
- Building envelope and moisture control.

Later editions refined these requirements, but Series-92 represents the first significant step-change aligning manufactured homes more closely with contemporary safety expectations.

Fire-Safety Evidence and Public Safety Considerations

Decades of fire and safety research demonstrate that older mobile homes experience significantly higher fire mortality and severity compared to modern manufactured homes. Studies consistently show:

- Higher civilian deaths per fire;
- Faster fire growth and earlier structural failure; and
- Significant reductions in fire deaths following the introduction of modern standards.

While individual older units may perform adequately, compliance cannot be presumed without professional assessment.

What This Approach Does *Not* Do

- Does not prohibit older manufactured or mobile homes.
- Does not remove housing options.
- Does not require upgrades or demolition solely based on age.

Older units may still be sited or relocated through the moved-on building process, supported by registered structural engineer review and certification that the home is safe for the intended use.

Risks and Considerations

- Repeated relocation of older manufactured homes increases the likelihood of hidden deficiencies.
- Without a defined threshold, staff may be required to make subjective safety determinations.
- Requiring engineered review for older units transfers responsibility from staff judgment to professional accountability and improves defensibility.

Legal review confirms this approach does not increase liability exposure for the RDN.

Staff Rationale

Staff recommend referencing CSA Z240 MH Series-92 or newer because it:

- Provides a clear, evidence-based policy line;
- Balances housing flexibility with public safety expectations; and
- Aligns with accepted regulatory practice in other jurisdictions.

This is a policy choice for the Board, not a legislative requirement.

Board Direction Requested

- **Option A (Recommended):** Reference CSA Z240 MH Series-92 or newer, with older units proceeding through the moved-on building process with engineered review.
- **Option B:** Reference CSA Z240 MH (any series) as in the current Building Bylaw.
- **Option C:** Provide alternate policy direction balancing housing availability, safety, and administrative risk.

8) Decks – Clarified Permit Requirements and Inspection Expectations

Context

The draft Building Bylaw clarifies permitting and inspection requirements for decks, with a distinction between elevated decks, which present life-safety risk, and low-height decks that function more like landscaping features. Staff are seeking Board direction on exempting decks 600 mm (2 feet) or less above grade from building permit requirements. Low-height decks fall within the definition of landscaping under the Zoning Bylaw and do not present the structural risks associated with elevated decks.

Why This Matters

Elevated decks remain a persistent source of injury and enforcement issues across BC and require clear permitting and inspection controls. In contrast, decks at or below 600 mm above grade are low risk, commonly constructed as simple walk-out platforms, and do not warrant the same level of regulatory oversight. These decks are also frequently encountered in association with recreational vehicles (RVs), which are not permitted structures under the Building Bylaw. In these situations, neither the RV nor the associated deck can be effectively regulated, leading to ongoing administrative complexity without a clear regulatory outcome. Requiring permits for very low-height decks has proven to be inefficient, as these permits typically do not recover their delivery costs and divert staff resources from higher-risk construction.

Benefits of the Proposed Approach

- Focuses permitting and inspection effort on elevated decks, where safety risk is highest.
- Aligns treatment of low-height decks with zoning classification as landscaping.
- Reduces staff workload associated with permits that do not achieve cost recovery.
- Improves clarity for homeowners and contractors regarding permit requirements.
- Limits enforcement complexity in RV-related scenarios where permitting is impractical.

Risks and Considerations

- This exemption exceeds the minimum Building Code framework and represents a policy choice for the Board.
- Clear height thresholds are required to prevent incremental construction creating unsafe conditions over time.
- The exemption does not override other applicable requirements (zoning, floodplain, development permits, etc.).

Staff Rationale for the Draft Bylaw

Staff recommend exempting decks 600 mm (2’) or less above grade as a low-risk, high-value change. These decks pose minimal safety risk, function as landscaping, and consume staff time disproportionate to their regulatory benefit. Exempting them allows staff to focus on higher-risk construction and enforcement activities while improving overall service efficiency.

Board Direction Requested

- **Option A (Recommended):** Exempt decks 600 mm (2') or less above grade from building permit requirements, while retaining permitting and inspection requirements for elevated/attached decks.
- **Option B:** Continue requiring permits for all decks regardless of height.

9) Security Deposits – Ensuring Completion and Compliance

Context

The draft Building Bylaw strengthens provisions for the use of security deposits to secure completion of construction, correction of deficiencies, and compliance with permit conditions. Securities may be applied where there is increased risk of non-completion or where incomplete work could impact public safety or enforcement outcomes.

Why This Matters

Incomplete construction files create ongoing compliance and enforcement challenges and can remain unresolved for extended periods. Security deposits provide a practical tool to ensure outstanding work is completed without requiring prolonged enforcement action.

Benefits of the Proposed Approach

- Encourages timely completion of outstanding work.
- Reduces long-term enforcement and follow-up workload.
- Provides a financial mechanism to support compliance where risk is higher.

Risks and Considerations

- Securities must be applied consistently and proportionately.
- Clear criteria and administrative processes are required to avoid inequity or confusion.

Staff Rationale for the Draft Bylaw

Security deposits are a widely used and accepted regulatory tool. The draft bylaw provides clearer authority and structure, improving consistency, fairness, and defensibility while reducing reliance on enforcement escalation. There is no increase to the security for moved on homes being proposed.

Board Direction Requested

Confirm support for the expanded and clarified use of security deposits as set out in the draft bylaw.

10) Temporary Buildings – Time-Limited Use and Securities

Context

The draft Building Bylaw clarifies requirements for temporary buildings and structures, including time limits (generally up to two years) and the use of security deposits to ensure removal or conversion at the end of the approved period. Temporary buildings are commonly used for construction offices, storage, or interim use during development projects, however the current building bylaw does not consider this.

Why This Matters

Without clear limits and enforcement tools, temporary buildings can become de facto permanent structures without undergoing full building permit review or inspection. This creates compliance, safety, and land-use risks.

Benefits of the Proposed Approach

- Allows flexibility for temporary construction needs.
- Prevents indefinite use of structures intended to be temporary.
- Provides clear expectations for owners and builders at the outset.

Risks and Considerations

- Staff oversight is required to monitor expiry and removal timelines.
- Securities must be sufficient to ensure compliance without being punitive.

Staff Rationale for the Draft Bylaw

Staff support a clear and enforceable framework for temporary buildings that balances flexibility with public safety and regulatory integrity. Time limits and securities reduce enforcement risk and align with practices in other BC jurisdictions.

Board Direction Requested

Confirm support for the temporary buildings framework, including time limits and associated securities, as drafted.

CONCLUSION

The proposed Building Bylaw No. 1967 represents a comprehensive and carefully considered modernization of the Regional District of Nanaimo's building regulation framework. It retains the RDN's established regulatory role under the BC Building Code while updating administrative structure, clarifying responsibilities, strengthening risk management, and addressing long-standing operational gaps identified through years of practical application.

The draft bylaw reflects current provincial legislation, established MIABC model practices, and legal review, while clearly identifying the limited areas where policy discretion rests with the Board. The items brought forward for Board direction focus on balancing public safety, service delivery practicality, cost recovery, and administrative defensibility. Collectively, these decisions will shape how the bylaw is applied in a manner that is fair, transparent, and sustainable over the long term.

If the Board supports the staff-recommended options outlined in this report, the attached proposed Building Bylaw No. 1967 may be advanced as drafted for adoption. Alternatively, the Board may direct amendments to the items identified in the *Board Direction* section prior to proceeding.

IMPLEMENTATION

If advanced by the Board, staff will finalize the proposed Building Bylaw No. 1967 incorporating any amendments arising from Board direction and proceed to third reading and adoption.
Staff recommend an implementation date one to two months following adoption to allow sufficient time to:

- Update public-facing information, including the RDN website, information bulletins, and application guidance;
- Finalize and publish updated forms, checklists, and internal procedures;
- Configure permitting software, inspection workflows, and reporting tools to align with the new bylaw; and
- Provide internal staff training to ensure consistent application from the effective date.

Implementation will be coordinated with the companion Building Regulation Fees and Charges Bylaw No. 1968 to ensure alignment between regulatory requirements, fees, securities, and cost-recovery mechanisms. Targeted

communications will be developed for applicants, builders, registered professionals, and other stakeholders to clearly outline key changes and effective dates.

Following implementation, staff will monitor the application of the new bylaw and may report back to the Board on operational impacts, enforcement outcomes, or recommended refinements as part of regular service reporting or future bylaw housekeeping updates.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with receiving this report or adopting Building Bylaw No. 1967. The Building Bylaw establishes the administrative and regulatory framework for building inspection services; permit fee schedules, securities, and cost-recovery mechanisms are addressed separately through the companion Building Regulation Fees and Charges Bylaw No. 1968. Several items identified for Board direction (e.g., optional permits for inaccessible properties, double permit fees, and security deposits) may influence cost recovery and administrative workload and will be implemented and managed through that bylaw and the annual budget process, as directed by the Board.

STRATEGIC PLAN ALIGNMENT

Planning and Managing for Growth - Understand and develop an inter-connected framework of strategies and plans to manage growth to support complete communities, including planning, transportation, infrastructure, and fiscal sustainability.

REVIEWED BY:

- L. Grant, General Manager, Development and Emergency Services
- D. Holmes, Chief Administrative Officer

ATTACHMENTS

1. Proposed Regional District of Nanaimo Building Bylaw No. 1967, 2026
2. Existing Regional District of Nanaimo Building Bylaw No. 1250, 2010

Attachment 1
Proposed "Regional District of Nanaimo Building Bylaw No. 1967, 2026"

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REGIONAL DISTRICT OF NANAIMO

Building Bylaw No. 1967, 2026

Table of Contents

PART 1: TITLE 3
PART 2: INTERPRETATION 4
PART 3: PURPOSE OF BYLAW 7
PART 4: SCOPE AND EXEMPTIONS 9
PART 5: PROHIBITIONS 10
PART 6: PERMIT CONDITIONS 12
PART 7: POWERS OF A BUILDING OFFICIAL 12
PART 8: OWNER'S RESPONSIBILITIES 15
PART 9: OBLIGATIONS OF OWNER'S CONSTRUCTOR 18
PART 10: REGISTERED PROFESSIONAL'S RESPONSIBILITIES 18
PART 11: BUILDING APPLICATION REQUIREMENTS 19
PART 12: RETAINING WALLS AND GRADES 35
PART 13: BUILDING MOVE 35
PART 14: DEMOLITION 36
PART 15: NUMBERING OF BUILDINGS 36
PART 16: SWIMMING POOL FENCES 37
PART 17: OFFENCES 38
PART 18: REPEAL 38
PART 19: IN FORCE 39
APPENDIX A: CONFIRMATION OF LIABILITY INSURANCE 40
APPENDIX B: OWNER'S UNDERTAKING 41

Regional District of Nanaimo Building Bylaw No. 1967, 2026

A Bylaw for the Administration of the *Building Code* and Regulation of Construction

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WHEREAS the Regional District of Nanaimo provides a service in relation to building inspection in Electoral Areas A, B, C, E, F, G and H;

AND WHEREAS the Regional District of Nanaimo Board may by bylaw regulate, prohibit and impose requirements in respect to *buildings* and *structures* for the following:

a. The health, safety or protection of persons or property;

b. The provision of access to a *building* or other *structure*, or to part of a *building* or other *structure*, for a person with disabilities;

c. The conservation of energy or water;

d. The reduction of greenhouse gas emissions;

AND WHEREAS the Regional District of Nanaimo Board is enacting this bylaw to regulate *construction* and administer the *British Columbia Building Code* in the Regional District of Nanaimo in accordance with the *Local Government Act* (RSBC, 2015, c. 1) (LGA) and the *Building Act* (SBC, 2015, c. 2)*;*

AND WHEREAS the Regional District of Nanaimo has employed trained *Building Officials* for the purposes of this bylaw;

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

PART 1: TITLE

Citation

1.1 This bylaw may be cited for all purposes as the “Regional District of Nanaimo Building Bylaw No. 1967, 2026”.

PART 2: INTERPRETATION

Definitions

2.1 In this bylaw:

2.1.1 the words *accessible, assembly, assembly occupancy, building, building area, building height, business and personal services occupancy, care occupancy, constructor, coordinating registered professional, designer, detention occupancy, excavation, farm building, field review, firewall, , grade, floor area, high hazard industrial occupancy, low hazard industrial occupancy, major occupancy, medium hazard industrial occupancy, mercantile occupancy, occupancy, occupant load, private sewage disposal system, registered professional, residential occupancy, treatment occupancy, and unsafe condition*; shall have the meanings set out in Section 1.4.1.2 of Part 1 of Division A of the *British Columbia Building Code*, as amended from time to time;

2.1.2 The words value highway, land, occupier, parcel, public authority, service and soil shall have the meanings set out in the Schedule to the *Community Charter*; and

2.1.3 the words may, must, obligation, person, property, writing, written and year shall have the meanings set out in Section 29 of the *Interpretation Act*.

2.2 Every reference to:

2.2.1. The *British Columbia Building Code* is a reference to the current edition as of the date of application for the *building permit*;

2.2.2 A section of the *British Columbia Building Code* is a reference to the applicable successor sections, as the code or section may be amended, re-enacted or replaced from time to time;

2.2.3 Where a definition within the *Building Code* conflicts with a definition in this bylaw, the *Building Code* definition shall be held as valid; and,

2.2.4 A statute is a reference to the said statute as amended or replaced from time to time, and every reference to a section of a statute is a reference to the applicable section as amended or replaced from time to time.

2.3 Definitions of words and phrases used in this bylaw that are not included in the definitions of this Part, the *Building Code* or a related enactment have the meanings commonly assigned to them in the context in which they are used in this bylaw, considering the specialized use of terms with various trades and professions to which the terminology applies.

2.4 In this Bylaw:

Accepted means received by the *Building Official* under the applicable provisions and this bylaw and for which the *Building Official* has provided written notice of acceptance to the applicant;

Addition means an *alteration* to any *building* which will increase the total aggregate *floor area* or the *building height* (in *storeys*) and includes the provision of two or more separate *buildings* with openings between each other for intercommunication;

Agent includes a firm, corporation or other person representing the *owner*, by written designation or contract, and includes a hired tradesperson or *constructor* who may be granted a *permit* for work within the limitations of his or her license;

Alternative solution means an alternative solution authorized under the *Building Code*;

Architect, has the meaning set out in the *Professional Governance Act*, RBC 2018, c. 47;

Assessment Act means the *Assessment Act* RSBC 1996, c. 20;

Building Act means the *Building Act* RSBC 2015, c. 2;

Building Code means the *British Columbia Building Code* as adopted by the Minister responsible under provincial legislation, as amended or replaced from time to time;

Building permit means an authorization by the *Building Official* for the *construction*, *alteration*, renovation, repair, or demolition of a *building* or *structure*, or other work, specified in the permit;

Building Official means the person designated in or appointed to that position by the Regional District of Nanaimo, and includes the Manager of Building Inspection Services, building inspector, plan checker or plumbing inspector designated or appointed by the Regional District of Nanaimo, and for certainty the *Building Official* is the "building inspector" referred to in the *Community Charter* and *Local Government Act*, and a "qualified building official" or "exempt building official", as applicable, under the *Building Act* and for the purposes of enforcing the administrative provisions of this bylaw, a bylaw enforcement officer;

Complex building means:

A *building* used for a *major occupancy* classified as:

i. *Assembly occupancy*

ii. *Care occupancy*

iii. *Detention occupancy*

iv. *High hazard industrial occupancy*

v. *Treatment occupancy*

vi. *Post-disaster building*

A *building* exceeding 600 square metres in *building area* or exceeding three *storeys* in *building height* used for a *major occupancy* classified as:

i. *Residential occupancy*

ii. *Business and personal services occupancy*

iii. *Mercantile occupancy*

iv. *Medium and low hazard industrial occupancy*;

Construct or ***construction*** includes build, erect, install, repair, alter, add, enlarge, move, locate, relocate, reconstruct, demolish, remove, *excavate* or shore;

CSA means a standard document or guideline issued by the Canada Standards Association;

Existing, in respect of a *building*, means that portion of a *building constructed* prior to the submission of a *permit* application required under this bylaw;

Fees and Charges Bylaw means "Regional District of Nanaimo Building Regulation Fees and Charges Bylaw No. 1968, 2026";

Health and safety aspects of the work means design and *construction* regulated by Parts 3, 4, 5, 6, 7, 8, 9 and 10, Division B, of the *Building Code*; and subject to Parts 1 and 2 in relation to Parts 3 through 10, Division B;

Low Human Occupancy (as applying to *farm buildings*) means an *occupancy* having an *occupant load* of not more than one person per 40 m^2 of *floor area* during normal use;

Manufactured Home means factory built housing and components complying with *CSA*-Z240 MH Series standard;

NFPA means a standard, document or guideline issued by the National Fire Protection Association;

Permit means permission or authorization in writing by the *Building Official* to perform work regulated by this bylaw and, in the case of an *occupancy* inspection notice, to occupy a *building* or part of a *building*;

Professional design means the plans and supporting documents bearing the date, seal or stamp, and signature of a *registered professional*;

Professional Engineer has the meaning provided in the *Professional Governance Act;*

Professional Geoscientist has the meaning provided in the *Professional Governance Act*;

Professional Governance Act means the *Professional Governance Act*, SBC 2018, c. 47**;**

Project means any *construction* operation;

Regional District means the Regional District of Nanaimo;

Retaining wall means a *structure* exceeding 1.2 metres in height that holds or retains *soil* or other material;

Simple building means a *building* of three storeys or less in *building height*, having a *building area* not exceeding 600 square metres and used for a *major occupancy* classified as:

i. *Residential occupancy;*

ii. *Business and personal services occupancy;*

iii. *Mercantile occupancy;*

iv. *Medium hazard industrial occupancy; or*

v. *Low hazard industrial occupancy*;

Solid fuel burning appliance means an appliance, such as a woodstove, fireplace, furnace, or pellet stove, in which solid fuel is burned and which discharges combustion products;

Structure means a *construction* or portion of *construction* of any kind, whether fixed to, supported by or sunk into land or water, but excludes without limiting Part 16, landscaping, fencing less than 3 metres in height, paving and retaining *structures* less than 1.2 metres in height;

Swimming Pool means a *structure* capable of being filled with water, used or intended to be used for swimming, bathing, or wading having a surface area greater than 14 square metres and a depth greater than 0.6 metres, but does not include natural water bodies, man-made ponds used for decorative or landscaping purposes and above ground swimming pools only accessed by a removeable ladder;

Temporary building means a *building* greater than $10m^2$ in *building area* without a concrete or other permanent *foundation* that is on a site for less than 2; and,

Value of Construction means the completed monetary value of all *construction* or work related to the *building* or *structure* including finishes, roofing, electrical, plumbing, heating, air conditioning, fire suppression systems, elevators and any other service equipment and materials, the current monetary worth of all plans and specifications, labour and fees for design, testing, consulting, management, contractors', profit and overhead, and current monetary worth of all contributed labour and material and site works, calculated as the greater of:

(a) the monetary value declared by the *owner* or *agent*; or

(b) if the declared monetary value is not found to be acceptable by the *building official*, the value calculated reasonably by the *building official* or a professional Quantity Surveyor registered in British Columbia retained by the *building official*.

Severability

2.3 If a section, subsection, paragraph, subparagraph or phrase of this bylaw is for any reason declared invalid by a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this bylaw.

PART 3: PURPOSE OF BYLAW

3.1 Despite any other provision in this bylaw, this bylaw must be interpreted in accordance with this Part.

3.2 Every permit issued under this bylaw is issued expressly subject to the provisions of this Part.

3.3 This bylaw is enacted to regulate, prohibit and impose requirements in regard to *construction* in the *Regional District* in the public interest.

3.4 The activities undertaken by, or on behalf of, the *Regional District* pursuant to this bylaw are for the sole purpose of providing a limited and intermittent spot checking purpose of administering this Bylaw. Such inspections are not intended to be, and must not be relied upon as, a comprehensive review or as verification that *construction* complies with this Bylaw, the British Columbia Building Code, or any other enactment.".

3.5 The purpose of this bylaw does not extend to:

3.5.1 the protection of *owners, designers* or *constructors* from economic loss;

3.5.2 the assumption by the *Regional District* or any *Building Official* of any responsibility for ensuring the compliance by any *owner*, an *owner*'s representatives or any employees, *constructors* or *designers* retained by the *owner* or the Applicant, with the *Building Code*, the requirements of this bylaw, or other applicable enactments, codes or standards;

3.5.3 providing any person a warranty of design or workmanship with respect to any *building* or *structure* for which a *building permit* or *occupancy permit* is issued under this bylaw;

3.5.4 providing any person a warranty or assurance that *construction* undertaken under *building permits* issued by the *Regional District* is free from latent, or any, defects;

3.5.5 the protection of adjacent real property from incidental damage or nuisance; or,

3.5.6 protection of persons or property from:

3.5.6.1 workplace hazards during *construction*, of *buildings* or *structures;*

3.5.6.2 hazardous substances prescribed under federal or provincial statutes.

PART 4: SCOPE AND EXEMPTIONS

Application

4.1 This bylaw applies to the geographical area, including land, the surface of water, air space, *buildings* or *structures* in Electoral Areas A, B, C, E, F, G and H of the Regional District of Nanaimo.

4.2 This bylaw applies to the design, *construction* or *occupancy* of new *buildings* or *structures*, and the *alteration*, re*construction*, demolition, removal, relocation or *occupancy* or change of use or *occupancy* of *existing buildings* and *structures*.

4.3 This bylaw does not apply to:

4.3.1 *Buildings* or *structures* exempted by Division A, Part 1 of the *Building Code* except as expressly provided herein;

4.3.2 *Except as set out in Part* 12 *[Retaining Walls and Grades],* a wall supporting soil that is less than 1.2 metres in height and spaced greater than two horizontal to one vertical from any sequential wall and is not surcharged by soil, *buildings* or other *structure*s above;

4.3.3 A one storey, uninhabited accessory *building* up to 20 square metres in *building area,* with no crawlspace, basement, or plumbing, that is accessory to a single-family dwelling and does not create a hazard or *unsafe condition*;

4.3.4 A trellis, an arbor or other similar landscape *structures* on a parcel zoned for single-family *residential occupancy* uses under the *Regional District's* zoning bylaw;

4.3.5 A *building* or *structure* commonly known as Canadian Standards Association Z240 MH Series, and portions of a *building* or *structure* that are manufactured in a facility certified in accordance with *CSA* A277, "Procedure for Certification of Prefabricated Buildings, Modules and Panels" except as regulated by the *Building Code*, which, for clarity, may include site preparation (such as anchorage and foundations), module connection and any exterior *additions* (such as decks, steps, roofs or stairs);

4.3.6 *Low human occupancy farm building*s located on land classified as Farm under the *Assessment Act,* and in compliance with all *Regional District* bylaws, as confirmed in writing by the *Regional District;*

4.3.7 Except when associated with a new *building addition* or *building*, a deck, platform or patio which is less than 600 millimetres (24 inches) from the ground or finished *grade*, which is attached to or detached from a *dwelling where no dwelling is above another* and has no enclosing walls or roof;

4.3.8 *Alterations* and or repairs to, but not installation or *construction* of, masonry chimneys and fireplaces or *solid fuel burning appliance*s, factory-built chimneys or fireplaces and equipment;

4.3.9 Replacement of windows, doors or exterior finish provided replacement is not a result of a *building* envelope failure;

4.3.10 The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures,

or the replacement of tubs, showers, toilets, lavatories or sinks if the work does not involve or require the rearrangement of valves, pipes or fixtures or hot water tanks;

4.3.11 Paving, storage racking systems of 2.6 metres or less in height, irrigation systems downstream of a backflow prevention device or plumbing systems separately serviced for the purpose of site drainage;

4.3.12 A one storey accessory uninhabited temporary tent up to 55 square metres in *building area*, constructed of a rigid frame *structure* covered with a flexible material, without a crawl space, basement or plumbing, accessory to a single family dwelling, and does not create a hazard or *unsafe condition*;

4.3.13 Notification signs less than 2 metres in height and any sign erected by the *Regional District*; or

4.3.14 Fencing less than 3 metres in height and not enclosing a *swimming pool*.

Limited Application to Existing Buildings

4.4 Except as provided in the *Building Code* or to the extent an *existing building* is under *construction* or does not have an *occupancy permit,* when an *existing building* has been *constructed* before the enactment of this bylaw, the enactment of this bylaw is not to be interpreted as requiring that the *building* must be *reconstructed* and *altered*, unless it is expressly so provided by this or another bylaw, regulation or statute.

4.5 This bylaw applies if the whole or any part of an *existing building* is moved either within or into the *Regional District*, including relocation relative to parcel lines created by subdivision or consolidation. Part 13 of this bylaw applies to *building* moves.

4.6 If an *alteration* is made to an *existing building* the *alteration* must comply with this bylaw and the *Building Code* and the entire *building* must be made to comply with this bylaw and the *Building Code*, but only to the extent necessary to address any infraction introduced in the remainder of the *building* as a result of the *alteration* or *addition* .

4.7 If an *alteration* creates an *addition* to an *existing building*, the *alteration* or *addition* must comply with this bylaw and the *Building Code* and the entire *building* must be made to comply with this bylaw, and the *Building Code*, but only to the extent necessary to address any infraction introduced in the remainder of the *building* as a result of the *alteration* or *addition*.

4.8 A *registered professional* with a structural specialty must certify the *building* is structurally sound meeting current requirements in the *Building Code* with the introduction of any new structural loads because of the *alteration* or *addition*.

PART 5: PROHIBITIONS

5.1 A person must not commence or continue any *construction,* or change the use or *occupancy* of any *building* or *structure*, including a *swimming pool* or *retaining wall* or other work related to *construction*:

5.1.1 except in conformity with the requirements of the *Building Code* and this bylaw; and

5.1.2 unless a *Building Official* has issued a valid and subsisting *permit* for the work under this bylaw.

5.2 Notwithstanding Section 5.1.2, a permit is not required in an area of the *Regional District* which:

5.2.1 is not accessible from a maintained road, highway, easement, right-of-way, or driveway; or

5.2.2 is on an island not accessible from a regularly scheduled vehicle ferry.

5.3 If the real property is located in an area described in Section 5.2, then an *owner* of real property or his or her *agent* may obtain from the *Building Official* a *building permit* to undertake any *construction* authorized under Section 4.2 provided that an application is submitted to the *Building Official* under Part 11 and the *owner* agrees to pay all applicable fees and charges.

5.4 A person must not occupy or allow the *occupancy* of any *building* or *structure* or part of any *building* or *structure*:

5.4.1 unless a subsisting *occupancy inspection notice* has been issued by a *Building Official* for the *building* or *structure* or the part of the *building* or *structure*; or

5.4.2 contrary to the terms of any *permit* issued or any notice given by a *Building Official*.

5.5 A person must not knowingly submit false or misleading information to a *Building Official* in relation to any *permit* application or *construction* undertaken pursuant to this bylaw.

5.6 Except in accordance with this bylaw, after a *permit* is issued a person must not erase, alter or modify plans and supporting documents if the same have been reviewed and *accepted* by the *Building Official,* or plans and supporting documents which have been filed for reference with the *Building Official*.

5.7 A person must not, unless authorized in writing by a *Building Official,* reverse, alter, deface, cover, remove or in any way tamper with any notice, *permit* or certificate posted or affixed to a *building* or *structure* pursuant to this bylaw.

5.8 A person must not do any work that is at variance with the *accepted* design or plans of a *building, structure* or other works for which a *permit* has been issued, unless that variance has been authorized in writing by a *Building Official.*

5.9 A person must not interfere with or obstruct the entry of a *Building Official* or other authorized official of the *Regional District* on property in the administration of this bylaw.

5.10 A person must not *construct* on a *parcel* unless the civic address is conspicuously posted on the front of the premises or is posted on a sign post so it may be easily read from the public highway from which it takes its address.

5.11 A person must not contravene an order or directive of a *Building Official* made under the authority of this bylaw.

5.12 A person must not change the *use, occupancy* or both of a *building* or *structure* or a part of a *building* or *structure* without first applying for and obtaining a *building permit* under this bylaw.

PART 6: PERMIT CONDITIONS

6.1 A *permit* is required if work regulated under this bylaw is to be undertaken.

6.2 Neither the issuance of a *permit* under this bylaw, nor the *acceptance* or review of plans, drawings, specifications or supporting documents, nor any inspections made by or on behalf of the *Regional District* will in any way:

6.2.1 relieve the *owner* (and if the *owner* is acting through an *agent*, the *agent* of the *owner*) from full and sole responsibility to perform the work in respect of which the *permit* was issued in strict compliance with this bylaw, the *Building Code*, and all other applicable codes, standards and enactments;

6.2.2 constitute a representation, warranty, assurance, or statement that the *Building Code,* this bylaw, or any other applicable enactments respecting safety, protection, land use, and zoning have been complied with; or,

6.2.3 constitute a representation or warranty that the *building or structure* meets any standard of materials or workmanship.

6.3 No person shall rely on any *permit* as establishing compliance with this bylaw or assume or conclude that this bylaw has been administered or enforced according to its terms.

6.4 Without limiting section 6.2.1, it is the full and sole responsibility of the *owner* (and if the *owner* is acting through a representative, the representative of the *owner*) to carry out the work in respect of which the *permit* was issued in compliance with the *Building Code,* this bylaw, and all other applicable codes, standards, and enactments.

6.5 The review and *acceptance* of plans and supporting documents and issuance of a *building permit* do not prevent the *Building Official* from subsequently requiring the correction of errors in the plans and supporting documents, or from prohibiting *building construction* or *occupancy* being carried on when *building construction* or *occupancy* are in violation of this or another bylaw.

PART 7: POWERS OF A BUILDING OFFICIAL

Administration

7.1 Words defining the authority of a *Building Official* are to be construed as internal

administrative powers and not as creating a duty.

7.2 A *Building Official* may:

7.2.1 administer this bylaw, but owes no public duty to enforce or administer this bylaw;

7.2.2 keep records of applications received, *permits*, notices and orders issued, inspections and tests made, and may retain copies of all papers and documents connected with the administration of this bylaw or digital records of such documents;

7.2.3 establish or require an *owner* to establish whether a method or type of *construction* or material used in the *construction* of a *building* or *structure* complies with the requirements and provisions of this bylaw and the *Building Code*;

7.2.4 direct that tests of materials, equipment, devices, *construction* methods, structural assemblies, or *foundations* be carried out, or that sufficient evidence or proof be submitted by the *owner*, at the *owner's* sole expense, where such evidence or proof is necessary to determine whether the material, equipment, device, *construction,* or *foundation* condition complies with this bylaw and the *Building Code*;

7.2.5 *accept* valid evaluations prepared by the Canadian Construction Materials Centre as an *Alternative Solution*;

7.2.6 direct, at the permit applicant's expense, that an *Alternative Solution* proposal be evaluated by a third party *registered professional* qualified in the field of the proposed *Alternative Solution* and *acceptable* to the *Building Official*;

7.2.7 order an *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way, or easement, or a setback or yard required under an enactment;

7.2.8 order an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this Bylaw or any other *Regional District* bylaw;

7.2.9 require an *owner* to have work inspected by a *Building Official* prior to covering, or have the work inspected by a *registered professional*, at the sole cost of the *owner*, prior to covering;

7.2.10 order an *owner* to uncover any work that has been covered without inspection contrary to this Bylaw or an order issued by a *Building Official*;

7.2.11 order, in writing by a notice, the correction of any work that is being done or has been done in contravention of the *Building Code* or this Bylaw in accordance with Part 5 of this Bylaw; and,

7.2.12 create, amend, and prescribe forms, notices, policies, or other documents for the administration of this bylaw.

Refusal and Revocation of Permits

7.3 A *Building Official* may refuse to issue a *permit* if the proposed work will contravene

the requirements of the *Building Code* or the provisions of this or any other bylaw of the *Regional District* and, on request from an applicant, must state the reason in writing.

7.4 A *Building Official* may revoke a *permit* if, in their opinion:

7.4.1 the results of tests on materials, devices, *construction* methods, structural assemblies, or *foundation* conditions contravene the *Building Code* or the provisions of this bylaw, or both;

7.4.2 if all *permits* required under this bylaw have not been obtained;

7.4.3 there is a violation of a condition under which the permit was issued;

7.4.4 there is a violation of a requirement of the *building code* or of this bylaw or another bylaw of the *Regional District*; or

7.4.5 if any matter is found to exist which would have been cause for the *Building Official* to deny such a permit if the matter had been known at the time of issuance of the permit; and,

such permit revocation must be made in writing and sent to the permit holder by signature mail to, or personal service on, the *owner*.

Right of Entry

7.5 Subject to applicable enactments, a *Building Official* may enter on property at any reasonable time to ascertain whether the requirements of this bylaw are being met.

Powers

7.6 Subject to applicable enactments, a *Building Official* may, by notice in writing require:

7.6.1 a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;

7.6.2 an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *Building Code*, or any other enactment of the *Regional District* or other applicable enactments, or if there is deemed to be an *unsafe condition,* and may enter on property to affix or post a Stop Work Order in the form prescribed by the *Building Official*;

7.6.3 an *owner* to remove or prevent any unauthorized encroachment on a public parcel, a statutory right of way or easement, or a setback or yard required under an enactment;

7.6.4 an *owner* to remove any *building* or *structure*, or any part of a *building* or *structure*, *constructed* in contravention of a provision of this bylaw;

7.6.5 an *owner* to have work inspected by a *Building Official* prior to covering;

7.6.6 an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *Building Official;*

7.6.7 a person to cease any *occupancy* in contravention of a provision of this bylaw;

7.6.8 a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *Building Official* has not issued a final inspection notice for the work;

7.6.9 an *owner* to correct any *unsafe condition*; or,

7.6.10 an *owner* to correct any work that contravenes this bylaw, the *Building Code,* or any other enactment.

7.7 Every reference to *owner* in Part 7 includes a reference to the *owner's agent* or *constructor*.

7.8 Every person served with a notice under this Part must comply with that notice:

7.8.1 within the time ordered, or,

7.8.2 if no time is ordered, immediately.

PART 8: OWNER'S RESPONSIBILITIES

Permit Requirements

8.1 Subject to Part 11 of this bylaw, unless the works are the subject of another valid and subsisting *building permit*, and without limiting any other provision of this bylaw, every *owner* must apply for and obtain a *permit*, prior to:

8.1.1 *constructing* repairing or *altering* a *building* or *structure*, including a r*etaining wall, sign or swimming pool* fence;

8.1.2 moving a *building* or *structure* into or within an area covered by this bylaw;

8.1.3 demolishing a *building* or *structure*;

8.1.4 occupying a new *building* or *structure*;

8.1.5 installing plumbing systems or altering plumbing systems by moving *existing* fixtures or adding additional fixtures;

8.1.6 changing the use or *occupancy* of a *building*;

8.1.7 *constructing* a masonry chimney or installing a *solid fuel burning appliance* or chimney;

8.1.8 installing or altering a fire alarm or sprinkler system;

8.1.9 installing or altering a heating, ventilation or air conditioning system not associated with a house;

8.1.10 installing or altering a spray booth or spray room equipment regulated by *NFPA* 33 and dust collection systems regulated by *NFPA* 664;

8.1.11 installing or altering a commercial cooking ventilation system used in a process regulated by *NFPA* 96;

8.1.12 *building* envelope *alteration* or repair on any *building* other than a single family dwelling or accessory to a single family dwelling;

8.1.13 installing or altering a water service line; or

8.1.14 installing or altering a sanitary sewer connected to a *Regional District* utility.

8.2 Before *construction* commences, unless the works are the subject of another valid and subsisting *building permit*, the *owner* must:

8.2.1 determine that there will be an adequate source of potable water;

8.2.2 determine that there will be an adequate facility for storm drainage discharge;

8.2.3 determine that there will be an adequate facility for sewage disposal;

8.2.4 determine that the proposed *building* will be safe and will not be affected by flooding water caused by surface run-off or other source of water, by land slip, or other hazards; and,

8.2.5 ensure that any other permits or approvals that are required under any statute, regulation, or order permitting the *construction* have been obtained.

8.3 Every *owner* must apply for and obtain a *permit* in the applicable form prescribed by the *Building Official*.

8.4 Every *owner* must ensure that plans submitted with a *permit* application bear the name, phone number, address and email address of the *designer* of the *building* or *structure*.

Owner's Obligations

8.5 Every *owner* must:

8.5.1 ensure that the *building* or *structure* complies with the *Building Code*, the conditions of a *permit*, and must not omit any work required by the *Building Code*, this bylaw, or the conditions of a *permit*;

8.5.2 ensure that all *permits*, plans, specifications and supporting documents and all *registered professional field reviews* are available at the site of the work for inspection during working hours by the *Building Official*, and that all *permits* are available on the site during the entire execution of the work;

8.5.3 prior to the issuance of a *building permit*, execute and submit to the *Regional District* an *owner's* undertaking in the form attached as Appendix B, where required by the *Building Official*; and,

8.5.4 ensure all *registered professionals* provide their necessary inspections in accordance with their professional best practices or guidelines.

8.6 Every *owner* and every *owner*'s *agent*, must carry out *construction* or have the *construction* carried out in accordance with the requirements of the *Building Code*, this bylaw and other bylaws of the *Regional District* and neither the issuance of a *permit* under this bylaw, the review of plans and supporting documents, or inspections made by a *Building Official* or a *registered professional* shall relieve the *owner*, or his or her *agent*, from full and sole responsibility to perform the work in strict accordance with

this bylaw, the *Building Code* and all other applicable codes, standards and enactments.

8.7 Every *owner* to whom a *permit* is issued must, during *construction*:

8.7.1 Post the civic address on the property so that it may be easily read from the public highway from which the property takes its address;

8.7.2 Post the permit on the property so that it may easily read from the public highway from which the property takes its address; and

8.7.3 Allow a *Building Official* to enter any *building* or premises at any reasonable time to inspect the *building* and administer the provisions of this bylaw.

Notice

8.8 Every *owner* must give written notice to a *Building Official* of any change in or termination of engagement of a *registered professional*, including a *coordinating registered professional*, during *construction*, within one working day of when the change or termination occurs.

8.9 If an *owner* or a *registered professional* terminates the engagement of a *registered professional*, including a *coordinating registered professional*, the *owner* must terminate all work under a *building permit* until the *owner* has engaged a new *registered professional*, including a *coordinating registered professional*, and has delivered to a *Building Official* new letters of assurance.

8.10 Without limiting sections 11.20 to 11.36 of this bylaw, every *owner* must give at least 2 working days notice to a *Building Official:*

8.10.1 of intent to cover work that is required under this bylaw to be, or has been ordered to be, inspected prior to covering;

8.10.2 of intent to cover work that is required under this bylaw to be, or has been ordered to be, corrected during *construction*; and

8.10.3 when work has been completed so that a final inspection can be made.

8.11 Every *owner* must give notice in writing to a *Building Official* and pay the non-refundable fee set out in *Fees and Charges Bylaw* immediately upon any change in ownership or change in the address of the *owner* which occurs prior to the issuance of an *occupancy permit*.

8.12 Every *owner* must give such other notice to a *Building Official* as may be required by the *Building Official* or by a provision of this bylaw.

Damage to *Regional District* Works

8.13 Every *owner* to whom a *permit* is issued is responsible for the cost to repair any damage to *Regional District* or other public works or land that occurs during work authorized by the *permit*. Every *owner* must pay to the *Regional District*, within 30 days of receiving an invoice for same from the *Regional District*, the cost to repair any damage to public property or works located on public property arising directly or indirectly from work for which a *permit* was issued.

PART 9: OBLIGATIONS OF OWNER'S CONSTRUCTOR

9.1 Every *constructor* must ensure that all *construction* is done in compliance with all requirements of the *Building Code*, this bylaw and all other applicable, codes, standards and enactments.

9.2 Every *constructor* must ensure that no *excavation* or other work is undertaken on public property, and that no public property is disturbed, no *building* or *structure* erected, and no materials stored thereon, in whole or in part, without first having obtained approval in writing from the appropriate authority over such public property.

9.3 For the purposes of the administration and enforcement of this bylaw, every *constructor* is responsible jointly and severally with the *owner* for all work undertaken.

PART 10: REGISTERED PROFESSIONAL'S RESPONSIBILITIES

Professional Design and Field Review

10.1 The provision by the *owner* to the *Regional District* of Letters of Assurance in accordance with the requirements of the *Building Code* or this bylaw shall occur:

10.1.1 in the forms of Schedule A or B, as appropriate, prior to the issuance of the *building permit*, or if later determined to be required, prior to commencement of *construction* activities; and,

10.1.2 in the forms of Schedule C-A or C-B, as appropriate, prior to the pre- *occupancy* site review coordinated by the *coordinating registered professional*, or other *registered professional* for a *complex building,* or prior to an *occupancy* inspection for a *simple building* in circumstances where Letters of Assurance have been required in accordance with the requirements of the *Building Code.*

10.2 If a *registered professional* provides letters of assurance in accordance with the *building code* for *construction* whose *value of construction* exceeds $1 000 000.00, they must also provide proof of professional liability insurance to the *building official* in the form and amount set by Appendix A to this bylaw.

Requirement for a Registered Professional

10.3 The *owner* must retain a *registered professional* to provide a *professional design* and plan certification and Letters of Assurance in the form of Schedules A, B, C-A and C-B as referred to in Subsection 2.2.7, Division C, of the *Building Code,* in respect of a *permit* application:

10.3.1 as required by Article 2.2.7.1 Division C of the *Building Code*;

10.3.2 for a *building* in respect of which the *Building Official* determines that site conditions, size or complexity so warrant in the interests of safety of persons or protection of property under the *Building Code*; or,

10.3.3 if the *building* envelope components of the *building* fall under Part 3 of Division B of the *Building Code* or if the *building* envelopes do not comply

with the prescriptive requirements of Part 9 of Division B of the *Building Code*;

10.4 The *Building Official* may require any *registered professional* carrying out the *professional design* and *field review* required under section 10.3 to provide evidence that they have experience and expertise in respect of the *professional design* and *field review* of the context and scope required.

Professional Plan Certification

10.5 The Letters of Assurance in the form of Schedules A and B as referred to in subsection 2.2.7, Division C of the *Building Code* referred to in sections 10.1 and 10.3 are relied upon by the *Regional District* and *its Building Officials* as certification that the design and plans to which the Letters of Assurance refer comply with the *Building Code,* this bylaw and other applicable enactments.

10.6 Letters of Assurance must be in the form of Schedules A and B referred to in subsection 2.2.7 Division C of the *Building Code.*

10.7 For a *building permit* issued for the *construction* of a *building* or *structure,* or portion of a *building* or *structure,* the *Building Official* shall provide the *owner* with a notice that the *building permit* is issued in reliance on the certification of the *registered professional* that the *professional design* and plans submitted in support of the application for the *building permit* comply with the *Building Code* and other applicable enactments. Any failure on the part of the *Building Official* to provide the *owner* with the notice will not diminish or invalidate the reliance by the *Regional District* or its *Building Officials* on the *registered professionals*.

10.8 Where an owner or *agent* has submitted a report or design prepared by a *registered professional*, the *building official* may direct, at the *owner's* expense, the report be peer reviewed by a separate *registered professional* qualified in the field of study.

10.9 If a *building permit* is issued for a *construction* of a *building* or *structure* for which a design by a *registered professional* is required, the *building permit* fee is reduced by five percent of the fees payable under the *Fees and Charges Bylaw*, up to a maximum reduction of $500.00 (five hundred dollars).

PART 11: BUILDING APPLICATION REQUIREMENTS

Requirements before applying for a Building Permit:

11.1 Prior to application for or receiving a *building permit*, the *owner* must satisfy the following requirements or conditions:

11.1.1 the *owner* must apply for and obtain a development permit if the *building* or *structure* is in an area designated by the *Regional District*'s Official Community Plan as a Development Permit Area;

11.1.2 the *owner* must ensure that the proposed *building* or *structure* complies with all land use and other bylaws of the *Regional District*, except to the extent a

variance of a bylaw is authorized by a Development Permit, Development Variance Permit or order of the Board of Variance, and that all land use bylaws and amendments, permits, and other approvals have been adopted or issued, as applicable, by the Regional Board or its lawful delegate, and that any restrictive or statutory covenant or statutory right of way required by the *Regional District* on the subject parcel has been registered on title to the parcel; and

11.1.3 if the parcel that is the subject of the *building permit* application is not intended to be connected to a *Regional District* sewage disposal system, the *owner* must install a *private sewage disposal system* pursuant to the "Sewerage System Regulation (BC Reg 326/2004)" or, as authorized by the Vancouver Island Health Authority and the *Regional District*, a holding tank.

Building Permit Applications for Complex Buildings

11.2 An application for a *building permit* with respect to a *complex building* must:

11.2.1 be made in the form prescribed by the *Regional District*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and include the non-refundable application fee prescribed in the *Fees and Charges bylaw*;

11.2.2 be accompanied by the *owner's* acknowledgement of responsibility and undertaking made in the form prescribed in Appendix B of this bylaw, signed by the *owner*, or a signing officer if the *owner* is a corporation;

11.2.3 include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;

11.2.4 include a BC *Building Code* analysis summary including the applicable edition of the *Building Code*, such as without limitation whether the *building* is designed under Part 3 or Part 9 of the *Building Code*, *major occupancy* classification(s) of the *building*, *building area* and *building height*, number of streets the *building* faces, and *accessible* entrances, work areas, washrooms, *firewall*s and facilities;

11.2.5 include a copy of a survey plan prepared by a British Columbia land surveyor except that the *Building Official* may waive the requirement for a survey plan, in whole or in part;

11.2.6 include a site plan prepared by a *registered professional* showing:

11.2.6.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

11.2.6.2 the legal description and civic address of the parcel;

11.2.6.3 the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;

11.2.6.4 the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel;

11.2.6.5 setbacks to the natural boundary and top of bank of any *watercourse*;

11.2.6.6 north arrow;

11.2.6.7 if applicable, location of an approved *existing* or proposed private or other alternative sewage disposal system, water supply system or storm water drainage system;

11.2.6.8 zoning compliance summary;

11.2.6.9 the location, dimensions and gradient of parking and parking access;

11.2.6.10 proposed and *existing* setbacks to property lines;

11.2.6.11 natural and finished *grade* at *building* corners and significant breaks in the *building* plan and proposed *grade* around the *building* faces in order to ascertain *foundation* height;

11.2.6.12 *first storey* floor elevation;

11.2.6.13 location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;

11.2.6.14 line of upper floors;

11.2.6.15 location and elevation of curbs, sidewalks, manholes, and service poles;

11.2.6.16 location of *existing* and proposed service connections;

11.2.6.17 access routes for firefighting;

11.2.6.18 *accessible* paths of travel from the street to the *building*; and,

11.2.6.19 elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *Regional District*'s land use or floodplain regulations or provincial flood hazard area guidelines or regulations establish siting requirements related to minimum floor elevation;

except that the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building* or *structure*;

11.2.7 include floor plans showing the dimensions and uses and *occupancy* classification of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; fire separations; plumbing fixtures; structural elements; and stair dimensions;

11.2.8 include a cross-section through the *building* or *structure* in sufficient detail and locations to illustrate that the *building* conforms to the *Building Code*;

11.2.9 include elevations of all sides of the *building* or *structure* showing finish details, roof slopes, windows, doors, natural and finished *grade*, spatial separations and ridge height to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the *Regional District* Zoning Bylaw and development permit;

11.2.10 include cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the *building* conforms to the *Building Code*;

11.2.11 include all other requirements of sections 2.2.1, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.9,

Division C of the *Building Code*;

11.2.12 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approvals;

11.2.13 include a letter of assurance in the form of Schedule A referred to in subsection 2.2.7 Division C, of the *Building Code*, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;

11.2.14 include Letters of Assurance in the form of Schedule B referred to in subsection 2.2.7 Division C, of the *Building Code*, each signed by such *registered professionals* as the *Building Official* or *Building Code* may require to prepare the design for and conduct *field reviews* of the *construction* of the *building*;

11.2.15 include one digital copy set of drawings at a suitable scale of the design prepared by each *registered professional* containing the information set out in 11.2.8. to 11.2.13 of this section; and

11.2.16 include illustration of any slopes on the subject parcel that exceed 30 percent.

11.3 In addition to the requirements of section 11.2 of this bylaw, a *Building Official* may require further information to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

Building Permit Applications for Simple Buildings

11.4 An application for a *building permit* with respect to a *simple building* must:

11.4.1 be made in the form prescribed by the *Building Official* and signed by the *owner*, or a signing officer if the *owner* is a corporation and include the non-refundable application fee prescribed by the *building official*;

11.4.2 be accompanied by the *owner's* acknowledgment of responsibility and undertaking made in the prescribed form in Appendix B of this bylaw, and signed by the *owner*, or a signing officer if the *owner* is a corporation;

11.4.3 include a copy of a title search for the relevant property made within 30 days of the date of the *permit* application;

11.4.4 include a copy of a survey plan prepared by a British Columbia land surveyor except that the *Building Official* may waive the requirement for a survey plan, in whole or in part, where conditions warrant;

11.4.5 include a site plan showing:

11.4.5.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

11.4.5.2 the legal description and civic address of the parcel;

11.4.5.3 the location and dimensions of *existing* and proposed statutory rights of way, easements and setback requirements, adjacent street and lane names;

11.4.5.4 the location and dimensions of *existing* and proposed *buildings* or *structures* on the parcel including but not limited to setbacks to property lines;

11.4.5.5 setbacks to the natural boundary and top of bank of any *watercourse*;

11.4.5.6 north arrow;

11.4.5.7 if applicable, location of an approved *existing* or proposed alternative private or other sewage disposal system, water supply system or storm water drainage system;

11.4.5.8 the location dimension and gradient of parking and parking access for *buildings* other than a single family dwelling;

11.4.5.9 overall height of the *structure* from average natural *grade*;

11.4.5.10 location, setbacks and elevations of all *retaining walls*, steps, stairs and decks;

11.4.5.11 line of upper floors;

11.4.5.12 location of *existing* and proposed service connections;

11.4.5.13 adequate access routes for firefighting;

11.4.5.14 *accessible* paths of travel from the street to the *building* for *buildings* other than a single family dwelling

11.4.5.15 Zoning Bylaw compliance summary; and,

11.4.5.16 The geodetic elevation of the underside of a wood floor system or the top of a finished concrete slab of a *building* or *structure* where the *Regional District*'s land use regulations or provincial flood mapping regulations establish siting requirements related to minimum floor elevation;

except that for a *simple building* the *Building Official* may waive, in whole or in part, the requirements for a site plan, if the *permit* is sought for the repair or *alteration* of an *existing building*;

11.4.6 include floor plans showing the dimensions and uses of all areas, including: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions;

11.4.7 include a cross-section and details at sufficient locations to illustrate that the *building* or *structure* substantially conforms to the *Building Code;*

11.4.8 include plumbing plans that,

11.4.8.1 for drain waste and vent systems include effluent type, hydraulic load/fixture unit calculations for all drainage, waste and vent piping, pipe material, slope in percent or inches per foot, pipe size, trap size, fixture location and the total number of fixtures being installed, *building* sewer location, clean out size and location, pipe length, expansion joint location, vent size/termination point; and

11.4.8.2 for water services and hot and cold water supply systems include hydraulic load/fixture unit calculations for all water distribution lines,

pipe material, pipe diameter, fixture locations, check valve type(if required) and location, vacuum breaker size and location, shut off location(s), hose bib locations, hot water heater type and location and main water service diameter and length in order to illustrate compliance with the *Building Code*;

except that the *building official* may waive, in whole or in part, the requirement for plumbing plans, if a plumber, with an interprovincial or British Columbia Certificate of Qualification, is retained by the *owner*, or the *owner*'s *agent*, for all plumbing work executed under the *building permit.*

11.4.9 include elevations of all sides of the *building* showing finish details, roof slopes, windows, doors, the *grade*, the maximum *building height* line, ridge height, spatial separations and natural and finished *grade* to comply with the *Building Code* and to illustrate that the *building* or *structure* conforms with the *Regional District* Zoning Bylaw and Official Community Plan;

11.4.10 include copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal *permits*, highway access *permits* and Ministry of Health approvals;

11.4.11 include geotechnical Letters of Assurance, in addition to a required geotechnical report, if the *Building Official* determines that the site conditions so warrant;

11.4.12 include one digital set of drawings at a suitable scale of design including the information set out in 11.4.7 to 11.4.10 of this section; and,

11.4.13 except for single family dwellings or *buildings* accessory to a single family dwelling, include a *Building Code* compliance summary including the applicable edition of the *Building Code*, such as, without limitation, whether the *building* or components are designed under Part 3 or Part 9 and compliance with article 2.2.2.1(2), Division C of the *Building Code*.

11.5 In addition to the requirements of Section 11.4 of this Part, if the complexity of the proposed *building* or *structure* or siting circumstances warrant, a *Building Official* may require the following be submitted with a *permit* application for the *construction* of each *simple building* in the *project:*

11.5.1 structural, electrical, plumbing, mechanical or fire suppression drawings prepared and sealed by a *registered professional;*

11.5.2 letters of assurance in the form of Schedule B referred to in Division C of the *Building Code*, signed by a *registered professional*; and,

11.5.3 any other information required by the *Building Official* or the *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

Site and Location Information

11.6 Without limiting Sections 11.2.6 or 11.4.5 of this Part, the *Building Official* may in writing require an *owner* to submit an up-to-date plan or survey prepared by a registered British Columbia Land Surveyor which contains sufficient information

respecting the site and location of any *building* to:

11.6.1 establish, before *construction* begins, that all the provisions of this bylaw in relation to this information will be complied with;

11.6.2 verify, on completion of the *construction*, that all provisions of this and other applicable bylaws have been complied with;

11.6.3 in relation to an *existing building*, substantiate its location, size, including appurtenances whether above, at or below ground level, relative to the site or its relationship to neighboring *grades*; and,

11.6.4 in relation to *construction* of a new *building*, or *addition* to an *existing building,* prior to and after the placement of concrete for *foundations* and footings, show the *elevation* at proposed top of concrete on all *building* elevations and at all significant changes of elevation to substantiate its size, location and elevation;

and without limitation every person served with a written requirement under this section must comply with the requirement.

Building Permit Fee

11.7 Before receiving a *building permit* for a *building* or *structure*, the *owner* must first pay to the *Regional District*:

11.7.1 the *building permit* fee prescribed in the *Fees and Charges Bylaw* 1968, 2026;

11.7.2 any fees, charges, levies, or taxes imposed by the *Regional District* and payable under an enactment at the time of application or issuance of the *building permit*; and,

11.7.3 the *Regional District*'s charge for conducting a title search with the Land Title and Survey Authority, such search by the *Regional District* being a mandatory requirement prior to issuance of a *building permit*.

Value of Construction

11.8 Each *building* or *structure* to be *constructed* on a site requires a separate *building permit* and shall be assessed a separate *building permit* fee based on the *value of construction*.

Permit Fee Refunds

11.9 No fee or part of a fee paid to the *Regional District* may be refunded if *construction* of the *building* has started.

11.10 A *building permit* fee or other permit fee, other than the *permit* processing fee may be refunded as set out in *Fees and Charges bylaw*, only if:

11.10.1 the *owner* has submitted a written request for a refund;

11.10.2 the *Building Official* has certified a start has not been made on the *construction* of the *building* or *structure*; and,

11.10.3 the *permit* has not expired.

11.11 A *building permit* or other *permit* fee is not refundable after the *permit* has been extended under Section 11.43 of this Part.

Design Modification

11.12 If an issued *permit* is active and the *owner* proposes modification to the *building* design, the *owner* must pay to the *Regional District* a *revision* fee as set out in the *Fees and Charges Bylaw*.

Construction Before Permit Issued

11.13 The *building permit* fee is doubled for every *permit* application if *construction* commenced before the *Building Official* issued a permit per the *Fees and Charges Bylaw*.

Expiration of Application for a Permit

11.14 A *building permit* application shall be cancelled, and the permit application fee forfeited if the *building permit* has not been issued and the permit fee paid within 180 days from the date an application is received under this Part, unless the *permit* is not issued only due to delays caused by the *Regional District*.

Issuance of a Building Permit

11.15 If:

11.15.1 a completed application in compliance with Sections 11.2 and 11.3 or Sections 11.4 and 11.5 of this Part, including all required supporting documentation, has been submitted;

11.15.2 the *owner* has paid all applicable fees and security deposits set out in Sections 11.7 to 11.14 and 11.37 of this Part and the *Fees and Charges bylaw*;

11.15.3 the *owner* or his or her representative has paid all charges and met all requirements imposed by any other statute or bylaw;

11.15.4 the *owner* has retained a *registered professional* engineer or geoscientist if required under this bylaw;

11.15.5 the *owner* has retained an *architect* if required under this bylaw; and

11.15.6 no covenant, agreement, easement, resolution, bylaw, or regulation of the *Regional District* requires or authorizes the *permit* to be withheld.

the *Building Official* must issue the *permit*, in the form prescribed by the *Building Official*, for which the application is made, and the date of issuance is deemed to be the date the *Regional District* receives payment in full.

11.16 Despite Section 11.15, the *Building Official* may refuse to issue a *permit* when the *owner* has been notified of a violation of this bylaw about the *construction* of another *building* or *structure* on the same property.

Compliance with the *Homeowner Protection Act*

11.17 If the application is in respect of a *building* that includes, or will include, a *residential occupancy* governed by the *Homeowner Protection Act* (ACT), the *building permit* must not be issued unless the *owner* provides evidence under Section 30(1) of the *Homeowner Protection Act*, that the proposed *building*:

11.17.1 is covered by home warranty insurance; and

11.17.2 the *constructor* is a licensed "residential builder" as defined in that Act.

11.18 Section 11.17 of this Part does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with Sections 20(1) or 30(1) of the *Homeowner Protection Act.*

11.19 Every *permit* is issued subject to the *owner* and *constructor* maintaining compliance with the *Homeowner Protection Act* and regulations under it during the term of the *permit*.

Inspections

11.20 If a *registered professional* provides Letters of Assurance in accordance with this Part, the *Regional District* may rely solely on *field reviews* undertaken by the *registered professional* and the Letters of Assurance submitted pursuant to this bylaw and the *Building Code* as assurance that the *construction* substantially conforms to the design, plans and specifications and that the *construction* complies with the *Building Code*, this bylaw and other applicable enactments respecting safety.

11.21 Despite Section 11.20 of this Part, a *Building Official* may attend the site from time to time during the course of *construction* to ascertain that the *field reviews* are taking place and to receive sample *field reviews* undertaken by the *registered professionals*.

11.22 A *Building Official* may attend periodically at the site of the *construction* of *buildings* or *structures* to ascertain whether the work is being carried out in substantial conformance with the *Building Code*, this bylaw and any other applicable enactments concerning safety.

11.23 For all work in respect of *simple buildings* the *owner* must give at least two working days notice to the *Regional District* when requesting an inspection and must obtain an inspection and receive a *Building Official's* written *acceptance* of the following aspects of the work:

11.23.1 *excavation* to natural bearing;

11.23.2 after the forms for footings are complete, but prior to placing any concrete therein;

11.23.3 after bedding and placement of a water service pipe, but prior to backfilling or otherwise concealing;

11.23.4 after placement and bedding a sanitary sewer service pipe connected to a *Regional District* utility, but prior to releasing the hydrostatic or air test, backfilling or otherwise concealing;

11.23.5 after placement of damp-proofing, perimeter drainage, drainrock and roof drainage pipe, but prior to backfilling or otherwise concealing;

11.23.6 after placement, grading and bedding of sanitary drainage and/or water supply pipe below slab but prior to releasing the hydrostatic or air test and backfilling or placing of concrete or otherwise concealing;

11.23.7 after installation of below slab insulation, soil gas permeable layer, soil gas vent pipe, and vapour/soil gas barrier, but prior to pouring concrete or backfilling;

11.23.8 after installation of all above slab drain, waste and vent pipe and water supply pipe but prior to releasing the hydrostatic/air tests or covering any pipe;

11.23.9 for unengineered houses or *buildings* accessory to a house, after nailing of wall sheathing & seismic blocking, exterior beams and posts but prior to covering;

11.23.10 after completion of framing, firestopping, bracing, sheathing, chimneys, roofing, duct work, plumbing, gas venting, electrical wiring, continuity of fire separations in concealed spaces, installation of exterior windows and doors or any other service rough-ins that are to be installed in the wall cavity, ceiling or joist space, but prior to insulating or otherwise concealing;

11.23.11 for a masonry fireplace, after installation of the ash pit, fire box and smoke shelf, but prior to installing the chimney or flue pipe;

11.23.12 after installation of the chimney;

11.23.13 after installation of the *solid fuel burning appliance* and chimney, but prior to concealing any required clearances;

11.23.14 after installing insulation, except blown loose fill insulation, vapour barrier and fire blocking but prior to covering or otherwise concealing the work.; and

11.23.15 the *health and safety aspects of the work* when the *building* or *structure* is substantially complete, ready for *occupancy* but prior to issuance of an *occupancy permit* prior to *occupancy*.

11.24 A *Building Official* will only carry out an inspection under Section 11.23 if the *owner,* the *owner's agent* or *constructor* has requested the inspection in accordance with this bylaw.

11.25 Despite the requirement for the *Building Official's acceptance* of the work outlined in Section 11.23, or a *building official's* attendance at a *construction* site as authorized by this bylaw, if a *registered professional* provides Letters of Assurance, the *Regional District* will rely solely on *field reviews* undertaken by the *registered professional* and the letters of assurance submitted pursuant to this bylaw as assurance that the aspects of the *construction* referenced by those Letters of Assurance substantially conform to the *design*, plans and specifications and that the *construction* complies with the *Building Code*, this bylaw and other applicable enactments respecting health and safety.

11.26 No person may conceal any aspect of the work referred to in Section 11.23 of this bylaw until a *Building Official* has *accepted* it in writing.

11.27 For work in respect of *complex buildings*, the *owner* or the *coordinating registered professional* must:

11.27.1 Provide to the *Regional District*, or have the *coordinating registered professional* provide to the *Regional District*, as required by the *Building Official*, *registered professional's field reviews* and firestop listings within two working days of completion and prior to the following aspects of the work or portions of work being concealed:

11.27.1.1 Site and foundation works;

11.27.1.2 Perimeter drainage;

11.27.1.3 Services, underslab and rough in plumbing;

11.27.1.4 *Building* frame, fire stopping, fire separations, ductwork, rough wiring, rough plumbing, rough heating, gas venting, exterior doors and windows, but prior to the installation of insulation, interior finishes, sheathing paper or exterior finishes which would conceal such work;

11.27.1.5 Insulation vapour barrier and Fire Stop Systems; and

11.27.1.6 All other systems for which a Schedule B from a *registered professional* have been submitted.

11.27.2 Give at least 2 working days notice to the *Regional District* when requesting an *occupancy* inspection coordinated by the *coordinating registered professional* or other *registered professional* to have the *owner*, the *constructor* and the *registered professionals* demonstrate to the *Building Official* compliance with *the health and safety aspects of the work*, the coordination and integration of the fire and life safety system, applicable *Regional District* requirements and other enactments respecting safety and the conservation, Greenhouse Gas emission and accessibility aspects of the work, and

11.27.3 Cause the *coordinating registered professional*, at least two working days prior to the *occupancy* coordinated site review coordinated by the *coordinating registered professional*, to deliver to the *Building Official* the Confirmation of Required Documentation.

11.27.4 A provisional *occupancy*:

11.27.4.1 may be granted at the discretion of the Manager of Building Inspection Services;

11.27.4.2 where all securities and fees are paid in accordance with this bylaw and the *Fees and Charges bylaw*;

11.27.4.3 is possible only where all fire, life, safety, and health requirements have been completed and such *occupancy* will not jeopardize life or property; and,

11.27.4.4 A provisional *occupancy* is only valid for up to 90 days from issuance unless otherwise noted.

11.27.5 After provisional *occupancy* has been permitted by the *Regional District*, it is the

duty of the *owner*, *agent* and *constructor* to ensure that all outstanding items are corrected, the final inspection is requested and completed within the specified time frame of the provisional *occupancy*.

Stop Work Order

11.28 The *Building Official* may direct the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* by attaching a Stop Work Order notice in the form prescribed by the *Building Official* on the premises whenever it is found that the work is not being performed in accordance with the requirements of the *Building Code*, any applicable bylaw of the *Regional District* or the applicable provisions of the *Homeowner Protection Act*.

11.29 The *coordinating registered professional* may request, in writing, that the *Building Official* order the immediate suspension or correction of all or a portion of the *construction* on a *building* or *structure* by attaching a Stop Work Order notice under Section 11.28 on the premises. The *Building Official* must consider such a request and, if not acted upon, must respond, in writing, to the *coordinating registered professional* and give reasons denying the request.

11.30 If a *registered professional's* services are terminated, the *owner* must immediately stop any work that is subject to his or her *design* or *field review* and the *Building Official* is deemed to have issued a Stop Work Order notice under Section 11.28.

11.31 The *owner* must immediately, after the posting of a Stop Work Order notice under Section 11.28, secure the *construction* and the lands and premises surrounding the *construction* in compliance with the safety requirements of every statute, regulation or order of the Province or of a provincial agency and of every applicable bylaw of the *Regional District*.

11.32 No work other than the required remedial measures may be carried out on the parcel affected by the Stop Work Order notice referred to in Section 11.28 until the Stop Work Order notice has been removed by the *Building Official*.

11.33 The Stop Work Order notice referred to in Section 11.28 must remain posted on the premises until that which is contrary to the enactments has been remedied and the Stop Work Order has been rescinded in writing by the *Building Official*.

Do Not Occupy Notice

11.34 If a person occupies a *building* or *structure* or part of a *building* or *structure* in contravention of this bylaw, a *Building Official* may post a Do Not Occupy notice in the form prescribed by the *Building Official* on the affected part of the *building* or *structure*.

11.35 If a Do Not Occupy notice is posted under Section 11.34, the *owner* of a parcel on which a Do Not Occupy notice has been posted, and every other person, must cease *occupancy* of the *building* or *structure* immediately and refrain from further *occupancy* until all applicable provisions of the *building code* and this bylaw have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a *Building*

Official.

Inspection and Other Fees

11.36 In addition to the fees required under other provisions of this bylaw, the *owner* must pay the non-refundable fee set out in the *Fees and Charges Bylaw* where:

11.36.1 a second and subsequent re-inspection where it has been determined by the *Building Official* that due to non-compliance with the provisions of this bylaw or due to non-complying work, more than one site visit is required for any inspection;

11.36.2 an inspection during the *Regional District*'s normal business hours by a *Building Official* voluntarily requested by the *owner*, the *owner*'s *agent* or *constructor* during the course of a permit at a stage of *construction* not specifically outlined in the scope outlined in Section 11.23 or 11.27 of this bylaw; or,

11.36.3 an inspection where the *Building Official* has determined that work outlined in Section 11.23 remains substantially incomplete and was prematurely booked.

Security Deposits

11.37 An applicant must pay to the *Regional District*, at the time of issuance, the following security deposit in a form *acceptable* to the *Regional District*:

11.37.1 for a *temporary building* or a *building* move $10 000.00;

11.37.2 for a provisional *occupancy* $5 000.00; or,

11.37.3 for a *complex building* or *simple* commercial or industrial *building* whose *value of construction* exceeds $1 500 000.00, $50 000.00

11.38 The security deposit sum set out in Section 11.37 of this Part:

11.38.1 covers the cost borne by the *Regional District* to maintain, restore, or replace any public works or public lands which are destroyed, damaged, or otherwise impaired in the carrying out of the work referred to in any permit held by the applicant;

11.38.2 covers the cost by the *Regional District* to make the site safe if the permit holder abandons or fails to complete the work as designated on the permit;

11.38.3 serves as the security deposit on provisional *occupancy* when such a Final Inspection notice makes provision for a security deposit; or,

11.38.4 serves as a security deposit to effect compliance with any condition under which the permit was issued.

11.39 The security deposit or applicable portion must be returned to the applicant:

11.39.1 when the *Building Official* is satisfied that no further damage to public lands will occur;

11.39.2 when the inspections required by this bylaw are complete and *acceptable* to the *Building Official*; and,

11.39.3 when the conditions and provisions of a provisional *occupancy* are completed to the satisfaction of the *Building Official*;

only if the applicant has requested the return of the security.

11.40 Any credit greater than the amount of the security deposit used by the *Regional District* for the purposes described in 11.37 to 11.39 will be returned to the permit holder unless otherwise so directed by the permit holder. Any amount in excess of the security deposit required by the *Regional District* to complete corrective work to public lands, public works, or the site is recoverable by the *Regional District* from the permit holder, the *constructor* or the *owner* of the property.

11.41 The *owner* must deliver to the *building official* an executed Appendix B under which the *owner* acknowledges and agrees that any damage to Regional District works or services arising from the *construction* associated with the *building permit* will be repaired at the *owner's* expense and to the satisfaction of the Regional District.

Permit Expiration

11.42 Every *permit* is issued on the condition that the *permit* expires and the rights of the *owner* under the *permit* terminate if:

11.42.1 The work authorized by the *permit* is not commenced within 180 days from the date of issuance of the *permit*; or

11.42.2 The work is not completed within two years of the date of issuance of the *permit*.

Permit Extension

11.43 A *Building Official* may extend the period set out under Section 11.42 for only one period, not to exceed twelve months, if *construction* has not been commenced or has been discontinued due to adverse weather, strikes, material or labour shortages, other similar hardship beyond the *owner's* control, or if the size and complexity of the *construction* warrants, if:

11.43.1 application for the extension is made prior to the date of *permit* expiration; and,

11.43.2 the non-refundable fee set out in the *Fees and Charges Bylaw* has been paid.

Building Permit Cancellation

11.44 A *building permit*, or a *building permit* application, may be cancelled by the *owner*, or their *agent*, on delivery of written notification of the cancellation to the *Building Official.*

11.45 On receipt of the written cancellation notice, the *Building Official* must mark on the application, and a *permit* if applicable, the date of cancellation and the word "cancelled".

11.46 If the *owner*, or their *agent*, submits changes to an application after a *permit* has been issued and the changes, in the opinion of the *Building Official*, substantially alter the scope of the work, design, or intent of the application in respect of which the *permit* was issued, the *Building Official* may cancel or amend the *permit* and mark on the *permit* the date of cancellation or amendment and the word "cancelled" or "amended".

11.47 If a *building permit* application or *permit* is cancelled, has not expired, and *construction* has not commenced under the *permit*, the *Building Official* must return to the *owner* any security deposits submitted under Section 11.37 and fees deposited under the *Fees and Charges Bylaw*, less:

11.47.1 any non-refundable portion of the fee; and,

11.47.2 50 percent of the refundable portion of the fee.

Occupancy

11.48 No person may occupy a *building* or *structure* or part of a *building* or *structure* until an inspection notice authorizing *occupancy* has been issued by a *Building Official.*

11.49 An *occupancy* inspection notice will not be issued unless:

11.49.1 all letters of assurance have been submitted when required in accordance with this bylaw;

11.49.2 all aspects of the work requiring inspection and *acceptance* pursuant to Sections 11.23 to 11.27 of this bylaw have both been inspected and *accepted* or the inspections and *acceptance* are not required in accordance with this bylaw;

11.49.3 the *owner* has delivered to the *Regional District* when required by the *Building Official* and for *complex buildings*, as-built drawings of the *building* or *building* components in digital format as required by the *Regional District*;

11.49.4 the *owner* has provided to the *Regional District* when required by a *Building Official*, a *building* survey prepared by a British Columbia Land Surveyor showing the *building* location, height, size, and elevation as required in accordance with the *Regional District's* land use regulations; and,

11.49.5 all other documentation required under applicable enactments have been delivered to the *Regional District*.

11.50 When a *registered professional* provides letters of assurance in accordance with this bylaw, the *Regional District* will rely solely on the letters of assurance when issuing an inspection notice authorizing *occupancy* as assurance that the items identified on the letters of assurance substantially comply with the *design, the Building Code*, this bylaw and other applicable enactments respecting health and safety.

11.51 A *Building Official* may issue an *occupancy* inspection notice for partial *occupancy* of a portion of a *building* or *structure* under *construction* when that portion of the *building* or *structure* is self-contained and the requirements set out in Section 11.48 have been met with respect to it and the required fees and security for a provisional *occupancy* have been paid.

11.52 A final inspection notice may not be issued unless:

11.52.1 all the requirements of Section 11.48 have been met;

11.52.2 all conditions as required by the *Building Official* for which the permit was issued have been met;

11.52.3 all aspects of the work requiring inspection and review pursuant to Part 9

and Sections 11.20 through 11.27 of this bylaw have both been inspected and *accepted*;

11.52.4 the *owner* has executed and delivered to the *Regional District* every agreement, instrument or form required by the *Regional District* in relation to the work or the site, and,

11.52.5 all required offsite works respecting safety have been completed.

Temporary Buildings

11.53 Subject to the bylaws and orders of the *Regional District*, the *Building Official* may issue a *building permit* for the erection or placement of a *temporary building* if:

11.53.1 the *permit* is for a period not exceeding two years; and,

11.53.2 the *building* is located in compliance with the *Regional District's* Zoning and Floodplain Bylaws, built safe for the intended use and duration and this bylaw, and connected, as required by enactments, to services.

11.54 An application for a *building permit* for the erection or placement of a *temporary building* must be made in the form prescribed by the *Building Official*, signed by the *owner* or *agent*, and must include:

11.54.1 plans and supporting documents showing the location and *building height* of the *building* on the parcel;

11.54.2 plans and supporting documents showing *construction* details of the *building*;

11.54.3 a statement by the *owner* indicating the intended use and duration of the use;

11.54.4 a written description of the *project* explaining why the *building* is temporary;

11.54.5 a copy of an issued development *permit*, if required;

11.54.6 a report or drawing prepared by *a registered professional* engineer or *architect* confirming that the *temporary building* is safe for its intended use until removal, and compliant with this bylaw, the Regional District Zoning Bylaw, and all other applicable bylaws.

11.54.7 In the case of a *temporary building*, information to comply with Article 1.1.1.1(2)(f), Division A of the *Building Code*.

11.55 Before receiving a *building permit* for a *temporary building*, the *owner* must pay to the *Regional District* the applicable *building permit* fee set out in *Fees and Charges Bylaw*; and

11.55.1 a security outlined in this bylaw that may be used by the *Regional District* to remove the *building* after two years of the date of the final inspection required under this bylaw; or

11.55.2 must be returned to the *owner* if the *owner* removes the *temporary building* within two years of the date of the final inspection of the *temporary building* required under this bylaw;

11.56 A *permit fee* for a *temporary building* is not refundable.

Alternative Solutions

11.57 An *owner* who wishes to provide *alternative solutions* to satisfy one or more of the requirements of the *Building Code* or this Bylaw shall:

11.57.1 submit to the *Building Official* sufficient evidence to demonstrate that the proposed alternate solutions will provide the level of performance required by the *Building Code* and this Bylaw;

11.57.2 the author of the *alternative solution* must be a *registered professional* specializing in that field of study;

11.57.3 the *Building Official* may require an independent review of the *alternative solution* proposal by a *registered professional* that the author of the report and the *Building Official* find mutually *acceptable* at the owner's expense; and,

11.57.4 pay the non-refundable fee per *alternative solution* proposal under the *Fees and Charges Bylaw* upon submission;

PART 12: RETAINING WALLS AND GRADES

12.1 No person may *construct*, or structurally repair, a *retaining wall* without a *building permit.*

12.2 A *retaining wall* requiring a *building permit* must be designed and *field reviewed* by a *registered professional* following the guideline for "Retaining Wall Design" determined and as amended by the Engineers and Geoscientists British Columbia

12.3 Except as certified by a *registered professional* engineer with expertise in geotechnical engineering registered in the Province of British Columbia, fill material placed on a parcel, unless restrained by permitted *retaining walls*, must not have a surface slope steeper than one linear unit vertically to two linear units horizontally.

12.4 Without limiting Section 12.3, no person may occupy a *building* unless the finished *grade* complies with all applicable enactments.

PART 13: BUILDING MOVE

13.1 No person may move a *building* or *structure* into or within a *Regional District* area covered by this bylaw without first obtaining a *building permit* to carry out such move and the siting of the *building* on the parcel to which it is to be moved.

13.2 Notwithstanding Section 13.1, a *manufactured home* may not be moved into the *Regional District* or from one parcel to another within the *Regional District* unless it is certified to a standard of at least *CSA* Z240 MH Series-92.

13.3 Notwithstanding Section 13.4 of this bylaw, an application for a *building permit* for a *building* move that is a *manufactured home*, must be made in the form prescribed by

the *building official*, signed by the owner or *agent* and must include:

13.3.1 detailed plans and sections of the *manufactured home*, including but not limited to the manufacturer's recommended foundation support details, floor layout, smoke/carbon monoxide alarm location, deck and guardrail design, tie down details and lay out;

13.3.2 proof of the permanently affixed *CSA* certification decal that displays the *manufactured home's* manufacturer and serial number; and,

13.3.3 any other information required by the *Building Official* or *Building Code* to establish substantial compliance with this bylaw, the *Building Code,* and other bylaws and enactments relating to the *manufactured home* or *structure*.

13.4 An application for a *building permit* for a *building* move must be made in the form prescribed by the *Building Official*, signed by the *owner* or *agent*, and must include:

13.4.1 a certified structural assessment report from a *registered professional* that the *building* is suitable for relocation and may be used safely for the use intended;

13.4.2 detailed plans and specifications of the proposed rehabilitation of the *building*, including foundation plans certified by a *registered professional* engineer, connection details inclusive, and Letters of Assurance as outlined in the *Building Code*; and,

13.4.3 any other information required by the *Building Official* or *Building Code* to establish substantial compliance with this bylaw, the *Building Code* and other bylaws and enactments relating to the *building* or *structure*.

PART 14: DEMOLITION

14.1 Prior to obtaining a *permit* to demolish a *building* or *structure*, the *owner* must:

14.1.1 pay any capping and inspection chamber installation fees and ensure that all services are capped and terminated at the property line in accordance with the service provider instructions and regulations;

14.1.2 ensure that, on completion of all demolition procedures, all debris and fill are cleared and the *site* is levelled or graded, or made safe if levelling and grading are not possible; and,

14.1.3 provide any other information required by the *Building Official* or *Building Code* to establish substantial compliance with this bylaw, the *Building Code*, and other bylaws and enactments relating to the *building* or *structure*.

PART 15: NUMBERING OF BUILDINGS

15.1 Immediately upon issuance of a *building permit* governing the *construction*, *alteration,* or repair of a *building*, or prior to and during the *occupancy* of a *building*, the *owner* or occupant must display the address number assigned to it by the *Regional District* at or near the entrance to the *building* on the *building* property within sight of the adjacent highway.

15.2 Despite Section 15.1, the *Regional District* may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.

PART 16: SWIMMING POOL FENCES

Swimming pool fence permit

16.1 Without limiting 6.1 of this bylaw, an *owner*, *owner's agent* or *constructor* must not *construct* a *swimming pool* without a valid *swimming pool* fence *permit*.

16.2 A *swimming pool* must be enclosed with a fence *constructed* to a minimum height of 1.5 metres and is so constructed that no member, attachment, or opening shall facilitate climbing or allow the passage of a spherical object having a diameter of 100 millimetres.

16.3 Where no other *dwelling unit* or *secondary suite* has access to the *swimming pool* area, the exterior wall of the residence may form part of the fence and that portion of the wall be considered exempt from meeting the fence design requirements of Section 16.2.

16.4 Where the *Building Official* considers that the pool may be located on land subject to flooding, mud flows, debris flows, debris torrents, erosion, land slip, rockfalls, subsidence, or avalanche, the *Building Official* may request that the *owner*, provide to the *Building Official* a report from a *qualified registered professional* that the land may used safely for the use intended.

16.5 Where a *swimming pool* is filled with water from a community water supply, a testable double check valve assembly must be installed on the *swimming pool* supply line.

Pool Gates

16.6 Access through a fence enclosing a *swimming pool* must:

16.6.1 meet the design requirements of Section 16.2;

16.6.2 be self-closing and self-latching; and,

16.6.3 be designed and *constructed* or installed so as to return to a closed position when not in use and secured by a latch on the *swimming pool* side of the gate with the latching mechanism a minimum of 150 millimetres from the top of the gate and minimum 1 metre from the bottom of the gate.

Maintenance

16.7 A person may not use or *occupy* a *swimming pool* unless the *owner* or *occupier* of property on which the *swimming pool* is located maintains every fence required under Sections 16.2 to 16.5 in good order, and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks, or broken and binding members.

PART 17: OFFENCES

Violations

17.1 Without limiting Part 5 of this bylaw, every person who contravenes a provision in this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out or perform any duty or obligation imposed in this bylaw, commits an offence:

17.1.1 upon summary conviction following a prosecution under the Offence Act, RSBC 1996, c 338, to a maximum fine of $50,000, together with the cost of the prosecution and any other penalty or order imposed pursuant to the Local Government Act, RSBC 2015, c 1 or the Offence Act, as amended from time to time;

17.1.2 if a ticket is issued under Division 3 of Part 8 of the Community Charter, RSBC 2003, c 26, to the fine amount specified by a Regional District of Nanaimo Municipal Ticketing Information bylaw created under that Part; or,

17.1.3 if a Bylaw Notice is issued under the Regional District of Nanaimo Bylaw Notice Bylaw No. 1786, 2019, to the fine amount specified in that bylaw.

17.2 Every person who fails to comply with any order or notice issued by a *Building Official*, or who allows a violation of this bylaw to continue, contravenes this bylaw.

17.3 Each day during which a violation, contravention or breach of this bylaw continues is deemed to be a separate offence.

Deemed Offence

17.4 An *owner* is deemed to have knowledge of and be liable under this bylaw in respect of any *construction* on the parcel the *owner* owns, and any change in the use, *occupancy*, or both, of a *building* or *structure* or part of a *building* or *structure* on that parcel.

17.5 No person is deemed liable under Section 17.4 who establishes, on a balance of probabilities, that the *construction* or change of use or *occupancy* occurred before they became the *owner* of the parcel.

17.6 Nothing in Section 17.5 of this bylaw affects:

17.6.1 the *Regional District's* right to require and the *owner's* obligation to obtain a *permit*, and,

17.6.2 the obligation of the *owner* to comply with this bylaw.

PART 18: REPEAL

18.1 Bylaw No. 1250, being the "Regional District of Nanaimo Building Regulations Bylaw No. 1250, 2010" and all amendments thereto, are hereby repealed.

PART 19: IN FORCE

19.1 This bylaw comes into force and effect 2 months from the date of final adoption hereof.

Read a first time this	day of	2026.
Read a second time this	day of	202X.
Read a third time this	day of	202X.
Adopted this	day of	202X

_____ _____

Chair Corporate Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1967, being the "Regional District of Nanaimo Building Bylaw No. 1967, 2026," as adopted by the Board of the Regional District of Nanaimo on the XX day of Month, 202X.

_____

Corporate Officer

APPENDIX A

Confirmation of Professional Liability Insurance

1 This Confirmation Letter must be submitted along with each *BC Building Code* Schedule A and Schedule B before issuance of a *building permit* whose *value of construction* exceeds $1 000 000.00. A separate Confirmation Letter must be submitted for each *registered professional*.

2 This Confirmation Letter must be submitted with each *BC Building Code* Schedule C-B and Schedule C-A after completion of the *building,* but before final inspection is made by the *building official*. A separate Confirmation Letter must be submitted for each *registered professional*.

3 Only an original Confirmation Letter, printed by the *Regional District* or an unaltered photocopy of this document is to be completed and submitted.

Attention: Manager of Building Inspection Services

Property Address: _____

a) I have fulfilled my obligation for insurance coverage as outlined in the "Regional District of Nanaimo Building Bylaw No. 1967, 2026;
b) I am insured by a policy of insurance covering liability to third parties for errors and omissions in respect to the above *project*, in the amount of at least One Million Dollars ($1 000 000.00);
c) I have enclosed a copy of my certificate of insurance coverage indicating the particulars of such coverage;
d) I am a *registered professional*; and
e) I will notify the *building official* in writing immediately if the undersigned's insurance coverage is reduced or terminated at any time during construction.

_____
Name (PRINT)

_____ _____
Signature Date

_____ (Affix Professional Seal Here)
Address

_____
Phone

_____
Email

APPENDIX B

Owners' Undertaking

REGIONAL DISTRICT OF NANAIMO

Property Address:_____

Legal Description:_____

Building Permit #:_____

1. This undertaking is given by the undersigned, as the *owner* of the property described above, with the intention that it be binding on the *owner* and that the *Regional District* will rely on same.

2. I confirm that I have applied for a *building permit* pursuant to "*Regional District* of Nanaimo Building Bylaw No. 1967, 2026" (the "Bylaw") and that I have carefully reviewed the provisions of the Bylaw and in particular, **I understand, acknowledge, and accept** the provisions describing the purpose of the Bylaw set out in Part 2 of the Bylaw , the conditions under which *permit*s are issued, the disclaimer of warranty or representation, and the limited extent of the scope of the Bylaw and inspections thereunder.

3. Without in any way limiting the foregoing, I acknowledge fully that it is my responsibility to ensure compliance with the *Building Code* and the Bylaw whether any work to be performed pursuant to the *permit* applied for is done by me, a contractor, or a *registered professional* and the issuance of a *building permit* does not constitute any representations, assurances, or warranties regarding any actual or potential geotechnical matters that do or could be related to the development of the *building* site and lot to which the *building permit* applies.

4. I am not in any way relying on the *Regional District* or its *building official*s, agents, or employees to protect me or any other persons as set out in Part 3 of the Bylaw and I will not make any claim alleging any such responsibility or liability on the part of the *Regional District* or its *building official*s.

5. I hereby agree to indemnify and save harmless the *Regional District* and its employees from all claims, liability, judgments, costs, and expenses of every kind which may result from negligence or from the failure to comply fully with all bylaws, statutes ,and regulations relating to any work or undertaking in respect of which this application is made.

6. I acknowledge and agree that if I damage any *Regional District* works or services, I will repair such damages to the satisfaction of the *Regional District* if requested by the *Regional District* to do so, or pay for the costs of such repairs if the costs exceed the value of any security deposit paid to the *Regional District*

I am authorized to give these representations, warranties, assurance and indemnities to the *Regional District*.

Owner's Information:

Name: _____

(PRINT)

Address: _____

_____

Tel. No.: _____ Cell No.: _____ Fax No.: _____

Email:_____

These undertaking covenants and agreements are executed under seal by the *owner* this _____ day of _____, _____.

(Day) (Month) (Year)

1. Where *owner* is an individual:

Owner's Signature

_____

Owner's Name

_____

(PRINT)

2. Where *owner* is a corporation:

Name of Corporation

_____

Per:

Authorized Signatory

_____

Name

_____

(PRINT)

Signed, sealed, and delivered in the presence of:

Witness's Signature

_____

Witness's Name

_____

(PRINT)

Witness's Address

_____

Signed, sealed, and delivered in the presence of:

Witness's Signature

_____

Witness's Name

_____

(PRINT)

Witness's Address

_____

3. Where *owner* is a partnership:

_____

Name of Partnership

_____

Per:

Authorized Signatory

_____

Name

_____

(PRINT)

Signed, sealed, and delivered in the presence of:

Witness's Signature

_____

Witness's Name

_____

(PRINT)

Witness's Address

_____

REGIONAL DISTRICT OF NANAIMO

BUILDING REGULATIONS

BYLAW NO. 1250, 2010

Consolidated for Convenience Only
June 23, 2010

Publication Date
June 23, 2010

For inquiries regarding this document
please contact

Regional District of Nanaimo
Building Inspection Services
6300 Hammond Bay Road
Nanaimo, British Columbia
V9T 6N2

250-390-6530
(Nanaimo)
250-954-3809
(Parksville/Qualicum)
1-877-607-4111
(Toll Free)

REGIONAL DISTRICT OF NANAIMO
BUILDING REGULATIONS BYLAW NO. 1250

TABLE OF CONTENTS

1. CITATION AND APPLICATION 1

2. INTERPRETATION 1

PURPOSE OF BYLAW 4

3. PROHIBITIONS 4

4. AUTHORITY OF CHIEF BUILDING INSPECTOR 5

5. ENFORCEMENT AUTHORITY 5

6. PLANS AND CERTIFICATIONS 6

7. PERMITS 7

8. REVOCATION OF PERMIT 10

9. PHASED CONSTRUCTION 11

9.1 CONDITIONAL CERTIFICATE OF OCCUPANCY 11

10. TEMPORARY BUILDINGS 12

10.1 TEMPORARY BUILDINGS (TENTS) 13

10.2 FARM BUILDINGS 13

11. RESPONSIBILITY OF THE OWNER 13

12. GENERAL DUTIES OF THE OWNER BEFORE CONSTRUCTION 13

13. RESPONSIBILITY OF OWNER DURING CONSTRUCTION 14

14. FENCES AND WALKWAYS 16

15. CLIMATIC DATA 16

16. ESSENTIAL SERVICES 17

17. FIREPLACE AND CHIMNEY REGULATIONS 17

18. MOVED ON BUILDINGS 17

19. SWIMMING POOLS 18

20. OTHER STRUCTURES 18

21. RESTRICTIONS ON LIABILITY 18

22. PENALTIES 19

23. REPEAL OF BYLAWS 20

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1250

A BYLAW TO PROVIDE FOR THE ADMINISTRATION OF THE BUILDING CODE

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

1. CITATION AND APPLICATION[1]

(1) This bylaw may be cited for all purposes as "Regional District of Nanaimo Building Regulations Bylaw No. 1250, 2010".

(2) From and after October 1, 2010 until March 31, 2011 this Bylaw applies to that part of the Regional District of Nanaimo shown on the plan attached to and forming part of this Bylaw as Schedule 'A'.

(3) From and after April 1, 2011 this Bylaw applies within the boundaries of Electoral Areas A, B, C, E, F, G and H.

2. INTERPRETATION

For the purposes of this Bylaw, the following words and expressions are defined, and where the same words and expressions are defined in the Building Code, those definitions do not extend to the use of words and expressions in this Bylaw:

Agent includes a person representing the owner by designation or contract who may be granted Permits for work.

Applicant means a person applying for or holding any permit, notice or certificate issued pursuant to this Bylaw, whether the owner of the land or the owner's authorized agent.

Authority having jurisdiction as used in the Building Code for the purposes of this Bylaw means the Regional District of Nanaimo or the Chief Building Inspector.

Board means the Board of the Regional District of Nanaimo.

Building does not include a structure exempted by regulation from the Building Code by size, use or occupancy, and includes plumbing contained in a building and any service connections to a building.

Building Code has the same meaning as the "British Columbia Building Code" in the Building Regulations of British Columbia made pursuant to the ***Local Government Act***.

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

Building Inspector means the persons employed by the Regional District for administering and enforcing the Building Bylaw and includes Plan Checkers, Building Inspectors, and the Chief Building Inspector.

Building Permit means a permit for construction required or issued pursuant to this Bylaw.

Chief Building Inspector means the person holding the office of Manager of Inspection and Enforcement.

Construct includes to reconstruct, relocate, install, repair, alter, demolish, move, excavate and shore.

Construction includes reconstruction, relocation, installation, repair, alteration, demolition and moving.

Farm Building means a building or part thereof, which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage or processing of agricultural and horticultural produce or feed. For the purposes of this exemption, the farm building must be designed for "low human occupancy" as defined in the National Farm Building Code of Canada and the land must be classed as 'farm' under the *Assessment Act*.[1]

Fee means the fee prescribed in Schedules 'B' and 'C' to this Bylaw.

Highway includes a street, road, lane, bridge, viaduct or any other way open to the use of the public, but specifically excludes private rights of way on private property.

Natural Boundary means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks thereof, in respect to vegetation as well as in respect to the nature of the soil itself, and also includes the edge of dormant side channels or any lake, river, stream or other body of water, and marshes.

Occupancy Permit means an Occupancy Permit issued pursuant to this Bylaw.

Parcel means the smallest area of land which is registered in the Land Title Office, except that a parcel divided pursuant to the ***Strata Property Act of British Columbia*** and not contained within a Bare Land Strata Plan shall not be considered subdivided for the purpose of this Bylaw.

Permit means a Permit required or issued pursuant to this Bylaw and includes a Building Permit, a Demolition Permit, a Plumbing Permit, a Building Moving Permit, a Chimney Permit, a Fireplace Permit and a Solid Fuel Burning Appliance Permit.

Premises includes land, the surface of water, buildings and structures.

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

Professional Engineer means a Professional Engineer registered in the Province of British Columbia as such under the ***Engineers and Geoscientists Act*** (British Columbia).

Regional District means the Regional District of Nanaimo.

Relocate means to move a building or structure from one location to another on the same parcel.

Signs includes the supporting structure for a sign.

Special Inspection means a request by an owner of premises for an inspection by the Chief Building Inspector of the Regional District for solid fuel burning appliances on a premise not covered by a valid Building Permit.

Structure includes anything that is constructed or erected, and includes swimming pools, mobile home space, tent camping space and major improvements accessory to the principal use of land, but does not include landscaping, paving improvements, signs under 1.0 m in height, retaining walls under 1.0 m in height that retain less than 1.0 m of earth, and fences under 2.0 m in height and temporary detached tents.

Swimming Pool means a water receptacle used for swimming or as a plunge or other bath designed to accommodate more than one bather at a time; but does not include irrigation, natural ponds, or man made ponds used for decorative or landscaping purposes or hot tubs.

Temporary Building includes a construction trailer, seasonal storage facility or a mobile home, or recreation vehicle not exceeding 75 square metres in floor area for use by the applicant while constructing a single family dwelling.

Temporary detached tent means a structure that consists of a prefabricated manufactured framework covered by a pliable membrane and is less than 35 square meters in floor area and six meters in height.

Tent includes structures consisting of prefabricated rigid manufactured framework covered by a pliable membrane that are greater than 35 square meters in area or 6 meters in height.

Use means the principal permissible purpose for which land, building or structures may be used as described in the applicable land use bylaws adopted by the Regional District or the Trust Committee of the Islands Trust.

Watercourse means any natural or man made depression with well defined banks and a bed of 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having an upstream drainage of two (2) square kilometres or more.

Zoning Bylaw means a Land Use and Subdivision Bylaw of the Regional District of Nanaimo or the Trust Committee of the Islands Trust in effect from time to time.

PURPOSE OF BYLAW

(1) This Bylaw shall be interpreted in accordance with this section despite any other provision of this bylaw.

(2) This Bylaw is enacted for the purpose of regulating construction within the Regional District and to permit the Regional District to carry out limited inspections for the purposes of reducing violations of this bylaw and the Building Code, which may affect public health or safety. The purpose of this bylaw does not extend:

(a) to the protection of owners or builders from economic loss;
(b) to the assumption by the Regional District of any responsibility for ensuring compliance by any owner, builder, contractor, architect, engineer or any other person with the Building Code, this Bylaw or any other applicable enactment;
(c) to provide to any person a warranty that any building or structure constructed within the Regional District complies with the Building Code, this Bylaw or any other applicable enactment;
(d) to provide a warranty that any building or structure constructed within the Regional District is free from latent or any defects.

3. PROHIBITIONS

(1) No person shall, unless exempted by this Bylaw or any other enactment, commence or continue to construct a building or structure prior to obtaining a Building Permit.

(2) No person shall occupy or use a building or part of it after construction of that building or part of it without first obtaining an Occupancy Permit.

(3) No person shall occupy or use a building following a change in class of occupancy of the building or part of it without first obtaining an Occupancy Permit for it.

(4) No person shall occupy, use or continue to do any work on a building or structure contrary to the terms of any Permit, Notice, Certificate or Order given by the Regional District, the Chief Building Inspector or a Building Inspector. No person shall continue to do any work upon a building or structure or any portion of the construction after expiration of a Permit.

(5) No person shall continue to do any work upon a building or structure or any portion of the construction without obtaining an inspection as required pursuant to this Bylaw.

(6) No person shall do any work that is at variance with the description, plans and specifications for the building or structure for which a Permit has been issued, unless the variance has first been authorized in writing by the Chief Building Inspector.

(7) No person shall, unless authorized by the Chief Building Inspector alter, reverse, deface, cover, remove or in any way tamper with any Notice, Permit or Certificate posted pursuant to the provisions of this Bylaw.

(8) No Permit shall be issued for an alteration, addition or repair to a building that is in an unsafe condition unless that deficiency is corrected at the time of alteration, addition or repair.

(9) No person shall do any work or carry out any construction contrary to a provision or requirement of this Bylaw or the Building Code.

4. AUTHORITY OF CHIEF BUILDING INSPECTOR

(1) The Chief Building Inspector is authorized to:

(a) administer this Bylaw;

(b) keep records of applications received, Permits and Orders issued, inspections and tests made, and retain copies of all papers and documents connected with the administration of this Bylaw;

(c) take such action that he or she considers necessary in order to establish whether any method or type of construction or material used in the construction of a building conforms with the requirements and provisions of the Building Code;

(d) assign a house number to a building, including renumbering of buildings previously numbered;

(e) act where specifically authorized to do so under this bylaw.

(2) It is understood that the purpose of the function of the Chief Building Inspector is to enforce the provisions of this Bylaw and not to hold out or warrant to any person that a building is constructed in all respects in accordance with the Building Code or in a safe and proper manner.

5. ENFORCEMENT AUTHORITY

A Building Inspector is authorized:

(1) to enter the property at all reasonable times subject to the regulations of this Bylaw and the Building Code in order to ascertain whether the regulations of or directions under them are being observed.

(2) to enter any occupied buildings with the consent of the owner or occupant or subject to providing notice twenty-four hours in advance of the entry pursuant to clause 5(1).

(3) to order the correction of any construction which is being or has been improperly done under any Permit and prohibit the covering of such construction.

(4) to order the immediate cessation or suspension of construction ('Stop Work') that is proceeding in contravention of this Bylaw or the Building Code or is being constructed without a Permit by placing a Notice on the construction and/or delivering such notice to the owner of the real property on which the building stands, at his/her address.

(5) to, at the applicant’s expense, order the work uncovered for inspection when there is reason to believe that part of a building that is covered or enclosed has not been constructed in compliance with this Bylaw or the Building Code or:

(a) the part was covered or enclosed contrary to an order not to cover under Sub-section (3) above; or

(b) the notice requesting inspection was not given in the time prescribed by Section 13(2).

(6) to direct the applicant, at their expense, to perform tests as considered necessary to establish whether any method or type of construction or materials used in the

construction of any building or structure conforms with the provisions of all relevant legislation and the Building Bylaw, and;

(a) to retain as public records copies of the results of all tests ordered and carried out under the Building Permit;

(b) to revoke or refuse to issue a Permit where the results of tests are not satisfactory;

(c) to order the correction of any work that is being or has been improperly done.

The Chief Building Inspector is authorized:

(1) to accept a sealed certificate of compliance with the approved plans and Building Code, by a Professional Engineer or Architect, in lieu of inspections if in his or her judgement the registered professional has inspected the work during construction or has completed sufficient review of the work to certify the construction.

6. PLANS AND CERTIFICATIONS

(1) Professional Certification

Where the Building Inspector considers that

(a) the site conditions, or
(b) the size or complexity of
  (i) the development, or
  (ii) an aspect of the development to which a Building Permit relates

warrants a certification by a professional Engineer or Architect that the plans submitted with the application for the Permit, or specified aspects of those plans, comply with the Building Code and other applicable enactments respecting safety, the Building Inspector may require the owner to provide the certification of the plans.

(2) Inspections by Professional

Where plans or works are being certified by a professional, during the course of construction, the owner shall provide to the Building Inspector, certification that site inspections by the Registered Professional have been conducted in the form of inspection reports left on site and that the construction complies with the Building Code and other applicable enactments regarding safety.

(3) Endorsement and Notice

The following Notice shall be given to the owner by endorsing it on a Building Permit that is issued in reliance upon a certification by a Professional Engineer or Architect that the plans submitted in support of the application for the Permit comply with the British Columbia Building Code and other applicable enactments respecting safety of the building.

> *"Take notice that the Regional District of Nanaimo, in issuing this Permit has relied upon the certification of compliance of _____ (professional engineer or architect name or company)_____, Professional Engineer or Architect, submitted with the plans of construction, that the plans comply with the current British Columbia Building Code and other applicable enactments respecting safety of the building or structure."*

7. PERMITS

(1) Issuing Permit

Where:

(a) an application has been made;

(b) the proposed work set out in the application complies with the Building Code, this Bylaw and all other applicable bylaws and enactments;

(c) the applicant for a Permit has paid to the Regional District of Nanaimo the fee or fees prescribed in Schedules 'A' and 'B' of "Regional District of Nanaimo Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto.[1]

The Building Inspector shall issue the Permit for which the application was made, unless the provisions of Section 7(2) apply or unless the Permit is being withheld pursuant to Section 929 of the ***Local Government Act***.

(2) Withholding Permit

The Chief Building Inspector is authorized to withhold issuance of any new building permits for a parcel in the event that previous construction on the parcel does not comply with provisions of the Building Code, this Bylaw and other applicable Bylaws.

(3) Permit Conditions

Every Permit is issued upon the following conditions:

(a) that on the parcel for which the Permit has been issued; the owner post the Permit, or notice issued by the Building Inspector in a place open to view from the street;

(b) that the owner keep a copy of the approved drawings and specifications on site for which the Permit has been issued;

(c) that construction shall be started (one required inspection requested and approved) within six (6) months from the date of issuing the Permit;

(d) that the work will not be discontinued or suspended (one required inspection requested and approved) for a period of more than one (1) year;

(e) that the Permit shall expire in the event that either condition 7.3(c) or 7.3(d) are not met;

(f) that all Permits shall expire two (2) years from the date of issue;

(g) that an expired Permit shall not be renewed nor the fee refunded;

(h) that if construction is not completed when a Permit expires, a new Permit shall be required for the construction remaining;

(i) that an additional re-inspection fee will be charged, as prescribed in Schedule 'A' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto, where additional inspections to those required by this Bylaw

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

are required due to violations or failure of the Permit holder to have the work accessible and ready at the time the inspection is requested.[1]

(j) that the registered owner of the land acknowledges the following in writing, which may be endorsed on the Permit:

"In consideration of the granting of this Permit, I/we agree to release and indemnify the Regional District of Nanaimo, its Board members, employees and agents from and against all liability, demands, claims, causes of action, suits, judgment, losses, damages, costs, expenses of whatever kind which I/we or any other person, partnership or corporation or my/our respective heirs, successors, administrators or assignees may have or incur in consequence of or incidental to the granting of this Permit or any inspection, failure to inspect, certification, approval, enforcement or failure to enforce the British Columbia Building Code and I/we agree that the Regional District of Nanaimo owes me/us no duty of care in respect of these matters.

I/we have read the above agreement, release and indemnity and understand it."

(k) That the registered owner of the land signs the following, which may be endorsed on the Permit:

1. *I/We acknowledge that I/we are responsible for ensuring that the proposed construction complies with the Building Code, this Bylaw and any other applicable enactment or standard relating to the work authorized by the Permit whether or not the work is carried out by me/us or by any other person on my/our behalf.*
2. *I/We acknowledge that neither the issuance of a Permit under this Bylaw, the acceptance or review of plans, specifications, drawings or supporting documents, or inspections made by the Regional District constitute a representation, warranty or other assurance that the British Columbia Building Code, the Regional District Building Bylaw or any other applicable application or standard has been complied with.*
3. *I/We understand that I/we should seek independent legal advice in respect of the responsibilities I/we are assuming upon the granting of a Permit and in respect of the above acknowledgements.*

(3.1) Permit Not Evidence of Compliance

No person shall rely upon any Permit issued under this Bylaw as evidence that any work has been carried out or completed in accordance with the Building Code, this Bylaw or any other enactment or that this Bylaw has been administered or enforced according to its terms.

(4) Permit for Corrections

Despite subsection (3) the Chief Building Inspector may issue a permit for up to one year to allow for the correction of a deficiency or specified condition.

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

(5) Contents of Application for Permit

The application for a Permit shall be made prior to the commencement of construction and shall:

(a) be made in the form prescribed by the Regional District;

(b) be signed by the owner or his/her agent;

(c) state the intended use or uses of the building;

(d) state the true value of the proposed work;

(e) include as exhibits, plans in duplicate of the specifications and scale drawings of the building with respect to which work is to be carried out showing:

  (i) the dimensions of the building including area of each floor;

  (ii) the dimensions, area and proposed use of each room or floor area;

  (iii) the dimensions of the parcel on which the building is, or is to be situated;

  (iv) the proposed siting of the new building and the siting, use, and horizontal dimensions of all existing buildings on the parcel referred to in sub clause (iii) on a scaled plan;

  (v) the location of a watercourse adjacent to or contained within the parcel;

  (vi) the technical information specified in other parts of this Bylaw and the Building Code required to be included on the drawings related to those parts;

  (vii) such other information as is necessary to illustrate all essential features of the design of the building; and

  (viii) the name, address and telephone number of the designer.

(f) contain any and all other information necessary to establish compliance with this Bylaw, the Land Use and Subdivision Bylaw, the Floodplain Bylaw and any other applicable enactment;

(g) include a Surveyors Certificate by a registered British Columbia Land Surveyor of the existing natural grade elevations for all new construction when the proposed construction will be within 0.3m of the maximum height restriction of the applicable Land Use and Subdivision regulations;

(h) be accompanied with a non-refundable permit processing fee as prescribed in Schedule "B' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto;[1]

(i) Include all information required by any form prescribed under Section 30 of the Homeowner Protection Act;

(j) method of sewage disposal and location of system as approved by the relevant authority or proof of connection to community services;

(k) highway access as approved by the relevant authority.

(6) Additional Information

When required by the Chief Building Inspector, the application shall also be accompanied by:

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

(a) details of the grades and elevations of the streets and public services, including sewer and drainage, abutting the parcel referred to in subsection 7(5)(e)(iii) and showing access to the buildings, parking, driveways, or site drainage and finished grades in relation to geodetic datum where available;

(b) a plan that shows the location and size of every building drain and or every trap or inspection piece that is on a building drain;

(c) a sectional drawing that shows the size and location of every soil or waste pipe, trap and vent pipe. The plans and specifications shall be submitted in the form and quantities required by the Chief Building Inspector and shall have on them complete design and calculation criteria so that the Building Inspector has this information available for examination, and shall bear the name, address and telephone number of the designer;

(d) a graphic drawing of proposed plumbing work showing the size and location of the plumbing system and containing complete design and calculation criteria;

(e) a survey of the building site by a registered British Columbia Land Surveyor whenever one of the following conditions exist:

(i) there is doubt as to the location of the lot lines;

(ii) there are no existing legal survey pins within sixty (60) metres of the building site.

(7) Property of Regional District

The application for a Permit and the supporting drawings and documents shall become the property of the Regional District of Nanaimo.

(8) Lapse

The Permit application lapses and the Chief Building Inspector is authorized to dispose of a Permit application after six (6) months of receipt of the application if the applicant has not picked up the Permit or completed the requirements for issuance of the Permit.

(9) Interest on Security[1]

Where security required under this bylaw is provided in the form of cash, certified cheque or money order interest shall be payable at the rate of prime less 2%, where prime is the rate available to the Regional District from its banking institute of record at the time the security is refunded, calculated as simple interest not compounding, from the beginning of the month following the deposit of the security to the beginning of the month prior to the refund date. No interest shall be payable on security provided in the way of a letter of credit.

8. REVOCATION OF PERMIT

(1) The Chief Building Inspector may revoke a Permit where there is a violation of:

(a) a condition under which the Permit was issued;

[1] Amendment Bylaw No. 1250.04, adopted February 9, 2010

(b) a provision of the Building Code, this Bylaw or other applicable Bylaws or enactments; or

(c) where the Permit was issued based on mistaken, false or incorrect information.

(2) The revocation shall be in writing and transmitted to the Permit holder by courier or registered mail, and deemed served at the expiration of three (3) days after the date of mailing.

9. PHASED CONSTRUCTION

(1) (a) The Building Inspector may issue a partial Occupancy Permit for part of a building other than a single family dwelling provided that the building complies with the Building Code, and other enactments and that all health and safety requirements have been met; and

(2) Occupancy and final inspection of a single family dwelling are considered the same inspection and an occupancy permit shall not be issued until all Bylaw and Building Code requirements are satisfied.

(3) Nothing in this section relieves the owner from complying with the requirements of the Building Code and this Bylaw.

9.1 CONDITIONAL CERTIFICATE OF OCCUPANCY[1]

(1) This section applies to owner-built single family dwellings, as prescribed by the *Homeowner Protection Act.*

(2) A Building Inspector may issue a Conditional Certificate of Occupancy for part of a building or structure when that part of the building or structure is self-contained, provided with essential services and meets the minimum level of health and safety requirements of the *British Columbia Building Code*, this Bylaw or any other applicable enactments, codes or standards.

(3) A Conditional Certificate of Occupancy may only be issued for an owner-built, single-family dwelling and shall only be valid with a non-expired or renewed Building Permit as described herein.

(4) An owner-builder may apply to renew a Building Permit and Conditional Certificate of Occupancy for an additional two year period by paying the fee prescribed in Building Regulation Fees and Charges Bylaw No. 1595, 2010 and amendments thereto.

(5) Where an Occupancy Permit has not been obtained prior to or immediately upon expiry of the Building Permit and Conditional Certificate of Occupancy renewal under Subsection 9.1(4), an owner-builder shall be permitted to further renew the Building Permit and Conditional Certificate of Occupancy for one additional two year period by paying the fee prescribed in Building Regulation Fees and Charges Bylaw No. 1595, 2010 and amendments thereto.

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

(6) Failure to obtain an Occupancy Permit prior to the expiration of the Building Permit and Conditional Certificate of Occupancy issued under Subsection 9.1(5) may result in the Chief Building Inspector recommending to the Board that a Notice be filed on the title of the property pursuant to Section 57 of the *Community Charter.*

(7) Notwithstanding Subsection 9.1(6) the Board may consider a further extension of a Conditional Certificate of Occupancy for reasons of hardship or circumstances that are beyond an owner's control.

10. TEMPORARY BUILDINGS

(1) Subject to compliance with other applicable Bylaws, the Chief Building Inspector may issue a Permit for the erection or placement of the following temporary buildings for the following uses if he/she is satisfied that the building is safe for the stated use and duration;

(a) construction site offices;

(b) seasonal storage facilities;

(c) special events facilities;

(d) living facility used while constructing a dwelling unit;

provided that such uses are permitted pursuant to other applicable Bylaws of the Regional District and the temporary building meets the health and safety standards of all relevant enactments.

(2) A Permit for a temporary building shall expire two (2) years from the date of issuance for temporary living facilities or upon issuance of an occupancy permit for the principle dwelling unit on the parcel, whichever occurs first; and one year from the date of issuance for (a), (b), and (c) in clause one above.

(3) A temporary building shall be removed or demolished upon expiration of the Permit for the temporary building.

(4) No extensions or renewals shall be permitted for a Permit for a temporary building without the consent of the Chief Building Inspector.

(5) In the case of 10(1)(d) the temporary living facility shall consist of a portable construction trailer, mobile home, or recreation vehicle not exceeding 75 m2 in area.

(6) Applications for a Permit to construct or locate a temporary building shall be made in writing to the Chief Building Inspector accompanied by:

(a) plans showing the location of the building on the site and construction details of the building;

(b) a statement of the intended use and duration of the use, in addition to the fees prescribed in Schedule 'A' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto.;[1] and

(c) a bond or certified cheque in the amount of ONE THOUSAND ($1,000.00) DOLLARS which will guarantee that the building will be removed or demolished entirely and the site left in a safe and sanitary condition in addition to the fees

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

payable as prescribed in Schedules 'A' and 'B' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto.[1]

10.1 TEMPORARY BUILDINGS (TENTS)

(1) A Building Permit is not required for a temporary detached tent.

10.2 FARM BUILDINGS[2]

A building permit is not required for farm buildings located on land classed as "farm" under the *Assessment Act* that are designed for "low human occupancy" as defined in the *National Farm Building Code of Canada*. Farm buildings must be constructed and sited in compliance with all applicable bylaws, enactments and regulations affecting the property.

11. RESPONSIBILITY OF THE OWNER

(1) Before construction commences, the owner shall:

(a) determine that the building site is safe and will not be affected by flooding water caused by surface run-off or otherwise, or by land slip or other hazards;

(b) incorporate into the design and plans submitted for a Permit the climatic data in Section 15;

(c) determine that there will be an adequate source of potable water;

(d) determine that there will be an adequate facility for storm drainage discharge;

(e) determine that there will be an adequate facility for sewage disposal.

12. GENERAL DUTIES OF THE OWNER BEFORE CONSTRUCTION

(1) An owner of real property shall:

(a) permit the Building Inspector to enter his/her building or premises at any reasonable time for the purpose of inspection;

(b) obtain from the Regional District, or other authority having jurisdiction, where applicable, permits relating to demolition, excavation, building, repair of buildings, zoning, change in classification of occupancy, swimming pools, sewers, water, plumbing, signs, canopies, awnings, marquees, blasting, street occupancy, electricity, building to be moved, and all other permits required in connection with the proposed work prior to the commencement of the work;

(c) when required by the Chief Building Inspector, give at least 48 hours notice to the Building Inspector of the intention to start work on the construction site;

(d) obtain elevation and construction requirements relative to Provincial Flood Plain restrictions from the relevant Authority;

(e) post near the street access, in clear view from the street, the number (address) as assigned on the Building Permit prior to requesting inspections and permanently affix this number prior to occupancy of a building; and

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010
[2] Amendment Bylaw No. 1250.05, adopted June 22, 2010

(f) not place or maintain, nor shall any owner or agent permit to remain on any building or premises, a building number other than that required under the provisions of this Bylaw.

(1.1) It shall be the full and sole responsibility of the owner and the owner's agent where applicable to carry out the work in respect of which the Permit was issued in compliance with the British Columbia Building Code, this Bylaw and all other applicable enactments.

(2) Neither the granting of a Permit nor the acceptance of plans and specifications, nor inspections made by or on behalf of the Regional District, shall in any way relieve the owner from full responsibility to perform the work in strict accordance with this Bylaw, the Building Code and all other applicable enactments.

13. RESPONSIBILITY OF OWNER DURING CONSTRUCTION

The Owner shall, during construction:

(1) ensure that no work is done on any part of the building or structure beyond that point indicated in each successive inspection report without first obtaining the written approval of the Chief Building Inspector;

(2) request the Building Inspector to make or cause to be made the following inspections, by giving notice to the Building Inspector a minimum of two (2) workings days (48 hours exclusive of Saturday, Sunday and Statutory Holidays) prior to the inspection being required:

(a) after the forms for footings are complete, but prior to placing of any concrete therein;

(b) after removal of formwork from a concrete foundation and installation of perimeter drain tiles and damp-proofing, but prior to backfilling against foundation;

(c) when framing and sheathing of the building are complete, including fire-stopping, bracing, chimney, duct work, plumbing, gas venting, wiring, but before any insulation, lath or other interior or exterior finish is applied which would conceal such work;

(d) when insulation and vapour barrier are complete;

(e) after installation but before any building drain, building storm drain, sanitary or storm sewer, or water service is covered;

(f) (i) before installing waterline determine that an adequate supply of potable water exists provided that the Regional District shall not be responsible for inspecting the quality of water nor the source;

(ii) before installing storm drainage pipe determine an adequate discharge location and design provided that the Regional District shall not be responsible for inspecting the design or location of the storm drainage facility;

(iii) before installing a sanitary sewer pipe ensure the discharge facility must be approved by the relevant authority.

(g) after the building or portion thereof is complete and ready for occupancy, but before occupancy takes place of the whole or a portion of the building.

(3) where it is deemed necessary by the Building Inspector, provide specialized professional information at the owner's cost, and the owner shall not proceed with any further work which would prevent a thorough inspection until the inspection has been done and approved;

(4) ensure that the building or structure is built in compliance with the Building Code and this Bylaw;

(5) supply a Surveyor's Certificate prepared by a registered British Columbia Land Surveyor, for all new construction within a residential zone of the applicable land use regulation at the foundation stage;

(6) prior to the completion of any building, or part of it, obtain from the Building Inspector written permission to occupy part of it, if partial occupancy is desired or with respect to an owner-built single family dwelling, a Conditional Certificate of Occupancy in accordance with Subsections 9.1(1) and 9.1(2);

(7) prior to the occupancy of any building, or part of it, after completion of construction of the building, or part of it, or prior to any change in class of occupancy of any building, or part of it, obtain from the Building Inspector an Occupancy Permit, which may be withheld by the Building Inspector until the building or part of it complies with the requirements of this Bylaw, the Building Code and all other health and safety requirements of any enactment;

(8) obtain from the Building Inspector written permission prior to resuming construction which has been suspended on any building;

(9) where tests of any materials are required by the Building Inspector to ensure conformity with the requirements of this Bylaw, transmit to the Building Inspector records of the test results;

(10) in all cases where it is required to conduct the waste from plumbing fixtures or trade waste to a sanitary sewer, make certain, by inquiring from the relevant authority, that the sanitary sewer is at sufficient depth and capacity to receive the discharge; and also to arrange the plumbing to suit the location of the connection provided for the parcel by the Regional District;

(11) where it is desired to connect a building or storm sewer with any building or storm sewer extension, furnish such information as the Building Inspector may require to show that the proposed sewers will be laid at such depth, and in such position as to connect the property with the building or storm sewer extensions;

(12) in cases where the existing building or buildings are demolished, destroyed or otherwise removed from the property and were connected to the sanitary sewage system, a water system or a storm water system, make arrangements for the disconnection to the satisfaction of the Chief Building Inspector. If disconnection is not carried out to the satisfaction of the Chief Building Inspector the Regional District shall cap off the connection(s) and the owner shall be liable for any fees in any other bylaws applicable within the Regional District for disconnection services;[1]

[1] Amendment Bylaw No. 1250.04, adopted February 9, 2010

(13) during construction, keep

(a) posted in a conspicuous place on the property in respect of which the Permit was issued a copy of the Permit;

(b) a copy of the Permit drawings and specifications on the property in respect of which the Permit was issued.

14. FENCES AND WALKWAYS

If, in the opinion of the Chief Building Inspector, a fence or covered walkway is necessary for the protection and safety of the public during the construction or maintenance of a building, it shall be erected in accordance with the Building Code.

15. CLIMATIC DATA

*Climatic data for the design of buildings in the Regional District is:

(a) Design Temperature for heating and air conditioning systems

January	2 1/2%	-7°c
January	1%	-9°c
July	2 1/2%	
	Dry	26°c
	Wet	18°c

(b) Maximum Rainfall

15 Minutes		8 mm
One day		85 mm
Ground Snow Load	S_S	2.1 kPa
Rain Load	S_R	0.4 kPa
Annual total precipitation		1050 mm

(c) Hourly Wind Pressure

probability	1/10	.47 kPa
probability	1/30	.58 kPa
probability	1/100	.71 kPa

(d) Seismic Data

Za	4
Zv	4
Zonal velocity ratio, v	.20

* Subject to change in accordance with the Building Code.

16. ESSENTIAL SERVICES

(1) No Permit for the construction of any residential, commercial or industrial building shall be issued unless the following essential services are provided for:

(a) Highway Access;

(b) Sewage disposal by an approved connection to a community system or proof of approval of a private disposal system by the relevant authority is supplied.

17. FIREPLACE AND CHIMNEY REGULATIONS

No person shall construct a fireplace or chimney without first obtaining a Permit from the Building Inspector.

18. MOVED ON BUILDINGS[1]

(1) No person shall move or cause to be moved any building into the Regional District or from one parcel to another in the Regional District without first obtaining a Building Permit to carry out such move and to site the building on the parcel to which it is to be moved.

(2) The following information must be provided when applying for a Building Permit for a moved-on building:

(a) Certification from a Registered Professional that the structure is safe for its intended use;

(b) Detailed plans and specifications of the proposed relocation and rehabilitation of the building;

(c) Detailed plans and specifications of the building siting, parcel landscaping, paving, and other site improvements proposed on the parcel;

(d) A report from an accredited appraiser (A.A.C.I.) showing the appraised value of the moved-on building; and,

(e) The building must appraise (as determined by an accredited appraiser (A.A.C.I.) at a value equal to or greater than 100 percent of the average assessed value of the improvements (as determined by the BC Assessment Authority) of the neighbouring developed properties within 100 metres;

(f) Security in the form of a standby irrevocable letter of credit without an expiry date or a certified cheque for an amount equal to five percent of the appraised value to a maximum of $10,000 as identified in Section 18(2) (d).

(3) If the building or part of it is not completed or an occupancy permit has not been issued within the specified time, the Building Official may send a written notice to the owner stating that the building does not comply with this bylaw or other enactment and direct the owner to remedy the non-compliance within thirty days from the date of service of the notice. If the non-compliance is not remedied within the thirty-day period, the certified cheque or other security shall be forfeited to the Regional District of Nanaimo.

[1] Amendment Bylaw No. 1250.04, adopted February 9, 2010

(4) Sections 18(2) and (3) above do not apply to a certified factory built house that meets or exceeds the CAN/CSA Z240 MH Series and the CSA A-277- M1990.

19. SWIMMING POOLS

(1) An application for a Permit for the construction of a pool shall be accompanied by a Plan showing the location of the proposed pool, and all other buildings on site;

(2) The following conditions apply to swimming pools:

(a) a swimming pool shall be enclosed within a fence of not less than 1.5 metres in height with no openings greater than 10cm in their least dimension, and access through the fence enclosing the swimming pool shall be equipped with a self-closing gate so designed as to cause the gate to return to a locked position when not in use and secured by a spring lock which can be opened on the swimming pool side only and such lock shall be located not less than 150mm from the top of the gate and not less than 1.0m above grade;

(b) the location of a swimming pool shall meet the requirements and provisions of the Land Use and Subdivision Bylaw with respect to setbacks from lot lines;

(c) a Back Flow Prevention Device, installed to the requirements of the BC Plumbing Code, shall be installed to protect contamination of the potable water supply by treated water from the swimming pool.

20. OTHER STRUCTURES

(1) A Permit is not required to construct an accessory building less than $10m^2$ in building area but such buildings must comply with Land Use and Subdivision regulations.

(2) A tent may be constructed on a parcel provided that:

(a) the construction complies with the applicable zoning bylaw; and

(b) the tent is anchored to the ground in accordance with the manufacturers recommendations.

(3) Structures not specifically mentioned in this Bylaw shall be designed and built to withstand wind and snow loads and shall be structurally sound.

21. RESTRICTIONS ON LIABILITY

(1) No Duty of Care

This Bylaw does not create any duty of care whatsoever on the Regional District, the Board Members; the Chief Building Inspector, or any employees or agents of the Regional District in respect of:

(a) the issuance of a Permit under this Bylaw;

(b) the review and approval of the drawings, plans and specifications submitted with the application for a Permit;

(c) inspections made by the Building Inspector or failure to make such inspections; or

(d) the enforcement or failure to enforce the current editions of the Building Code or the provisions of this Bylaw.

Words defining the responsibility and the authority of the Chief Building Inspector shall not be construed as creating any duty upon the Chief Building Inspector or the Regional District, but as internal Administrative directions only.

(2) No Cause of Action

Neither a failure to administer, nor enforce, nor the incomplete, nor inadequate administration or enforcement of the Building Code, or the provisions of this Bylaw, nor any error, omission or other neglect in relation to the issuance of a Permit under this Bylaw, the review and approval of the drawings, plans and specifications, or inspections made by the Building Inspector, shall give rise to a cause of action in favour of any person whomsoever, including the owner and his/her agent.

(3) No Warranty or Representation

Neither the issuance of a Permit under this Bylaw, the review and approval of the drawings, plans and specification, nor inspections made by the Building Inspector, shall in any way constitute a representation, warranty or statement that the Building Code or this Bylaw has been complied with and no person shall rely on any of those actions as establishing compliance with the Building Code or this Bylaw.

22. PENALTIES

(1) A person who:

(a) violates a provision of the Building Code or this Bylaw;

(b) causes, suffers or permits an act or thing to be done in contravention or in violation of the Building Code or this Bylaw;

(c) neglects or refrains from doing anything required to be done by the Building Code or this Bylaw;

(d) carries out or suffers, causes or permits to be carried out any construction in a manner prohibited by or contrary to the Building Code or this Bylaw; or

(e) fails to comply with an order, direction or notice given under the Building Code or this Bylaw;

commits an offence and is liable on conviction to a fine and penalties as prescribed in the Offence Act.

(2) For each day that a violation of the provisions of this Bylaw is permitted to exist, it shall constitute a separate offence without limiting any other remedy available to the Regional District.

(3) the Regional District of Nanaimo may file a Notice on property title in accordance with Section 57 of the Community Charter and recover expenses from the property owner as per Schedule 'A' of "Building Regulation Fees and Charges Bylaw No. 1595, 2010" and amendments thereto.[1]

(4) The Regional District may direct that construction in violation of the Building Code or this bylaw shall be corrected or demolished by passing a bylaw under Section 698 of the ***Local Government Act***, at the expense of the property owner. The Regional District may recover the expense for such action in accordance with the ***Local Government Act***.

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

(5) A penalty of "double" permit fees to a maximum of $750 will be charged where the applicant has continued construction without a Permit in violation of a 'Stop Work Order' or has not applied for a permit within 10 working days after issuance of a 'Stop Work Order' or 'Notice of Permits Required'.

23. REPEAL OF BYLAWS

Building Bylaw No. 1000 and amendments 1000.01, 1000.02, 1000.03, are hereby repealed.

Introduced and read three (3) times this 13th day of March 2001.

Advertised this 30th and 31st day of March 2001.

Adopted this 10th day of April 2001.

Chairperson	General Manager, Corporate Services

REGIONAL DISTRICT OF NANAIMO

BUILDING BYLAW NO. 1250

SCHEDULE 'A'[1]

DESCRIPTION AND MAPS OF ELECTORAL AREAS REGULATED

AREAS OF APPLICATION

This bylaw shall have application to and be in force in Electoral Area 'G' of the Regional District of Nanaimo, as well as those parts of Electoral Areas 'A', 'B', 'C', 'E', 'F' and 'H' of the Regional District of Nanaimo as outlined on Schedules 'A', 'B', 'C', 'D', 'E', and 'F' of "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989."

[1] Amendment Bylaw No. 1250.05, adopted June 22, 2010

STAFF REPORT

File No.: Gabriola OCP and LUB Review

DATE OF MEETING:	May 21, 2026
TO:	Gabriola Island Local Trust Committee
FROM:	Narissa Chadwick, Island Planner Local Planning Services
COPY:	Stephen Baugh, Island Planner; Renee Jamurat, Regional Planning Manager
SUBJECT:	Presentation of Gabriola Draft OCP & Next Steps

RECOMMENDATION

1. **That the Gabriola Island Local Trust Committee request staff send the draft Gabriola Official Community Plan "Gabriola Official Community Plan Bylaw No. 325" out for referral to relevant agencies and First Nations.**

2. **That the Gabriola Island Local Trust Committee endorse the revised project charter for the Gabriola OCP and LUB Review project.**

REPORT SUMMARY

The purpose of this report is to present the draft Gabriola OCP to the Gabriola Local Trust Committee and identify next steps related to the review of the draft OCP including a CIM, referrals and updates to project documents (charter, engagement plan).

Note that there is work to be done on OCP formatting before it is moved to 1st reading.

BACKGROUND

= public engagement opportunities

The Gabriola OCP project began in 2023. It has moved through two phases involving many public engagement activities. Phase 1 focussed on community visioning through in person engagement and surveys. Phase 2 focussed on public engagement around key policy areas and included a number of focus groups as well as broader public engagement. The results of these phases can be found on the Gabriola OCP project webpage. https://islandstrust.bc.ca/island-planning/gabriola/projects/.

Phase 3 has focussed on bylaw drafting. Now that the bylaw is ready for review there will be further engagement, as part of Phase 3, as identified in the communications and engagement plan presented to the LTC at the March 23rd LTC meeting.

Project Charter and Communications and Engagement Plan

Project Charter - At the March 23, 2026 Gabriola LTC meeting, staff provided the LTC with an updated project charter and a communications and engagement plan. A revised project charter has been presented with this report (see Attachment 1) which moves first reading to the July LTC meeting as opposed to June. This will provide the community with more time to review and provide comments on the draft prior to first reading and remove the need to schedule a special meeting in June.

There has been a small change in the sequencing of the Land Use Bylaw. In order to ensure that the land use bylaw is informed by the draft OCP that has been through the referral process, first and second readings of the LUB has been moved to be in line with the public hearing and third reading of the draft OCP Bylaw.

Engagement Plan – The engagement plan presented at the March 23, 2026 Gabriola LTC meeting will remain the same except for the change in timing related to first reading (shift from June to July). Staff have determined that the most effective way to receive feedback is directly through email to northinfo@islandstrust.bc.ca .

Community Information Meeting

At the March 23, 2026 Gabriola LTC meeting:

It was MOVED and SECONDED
that the Gabriola Island Local Trust Committee request staff amend the Project Charter to include a Community Information Meeting prior to First Reading to be held in person in the late afternoon or evening.

A community information meeting has been scheduled for this evening, May 21 in the Agricultural Hall from 6:30-8:00pm. The meeting will provide an opportunity to present the draft OCP to the community and answer questions in an open forum.

OCP Changes

The draft OCP is different from the existing OCP in a number of ways. To assist the LTC and the community with the review of the draft OCP, a Gabriola Draft OCP Companion Document has been created (see Attachment 2). The companion document provides background on what the purpose of an OCP is, how the draft OCP is different from the existing OCP and provides some rational related to the changes. The policies within the OCP have been informed by previous policies, community input, input from Trustees and Snuneymuxw First Nation (SFN) staff, freshwater footprint analysis and land use planning best practices.

Summary of OCP Change Highlights:

Document Structure and Community Values

- The format of the draft OCP has been changed to increase ease of use.
- A community context section has been added.
- A planning context section has been added.
- There is increased focus on consideration of First Nations data and input.
- Criteria for evaluating proposals for changes in use and density are extensive and connected directly to community values.
- An implementation and advocacy section has been included to encourage work to support the Gabriola 2050 vision which is both within and outside of the Islands Trust's jurisdiction.

Subdivision and Density Changes

- Outright subdivision permission has been removed by increasing minimum lot size for subdivisions aimed at creating private lots. Rezoning will be required for subdivision to support interests that are not identified to be of community benefit. (= reduction of 90 permitted units)
- Changes have been made to the subdivision approach to make it easier to subdivide for community benefit (e.g. affordable housing, protection of environment and cultural heritage, community service use).
- There is increased flexibility to rezone areas to support multiple units in areas outside freshwater hazard areas (All rezoning must go through public process).

Housing and Additional Units

- Permission for dwellings accessory to an institutional use has been provided. (= increase in ~17 permitted units)
- Change in total units permitted outright:
  - **-** density removed due to changes in subdivision policy
  - **-** additional secondary units in Agricultural designation and Freshwater Hazard Area
    - **+** secondary dwellings permitted in Rural Residential designation on lots 2ha or larger and outside of Freshwater Hazard Area
    - **+** secondary dwellings permitted in Institutional designation
    - **= Addition of ~83 dwelling units**
- Guidelines for temporary use permits for tiny homes and recreational vehicles has been added.

Freshwater Protection and Hazard Areas

- Freshwater hazard mapping, resulting from the freshwater footprint analysis plays a major role in limiting increases in density in freshwater hazard areas. Related mapping has been added to the OCP.

More detailed changes are identified in the Gabriola Draft OCP Companion Document in Attachment 2.

Land Use Bylaw Update Process

An important part of this project is the update to the Land Use Bylaw for consistency with the new Official Community Plan. In support of this process, staff will provide the LTC with a list of proposed changes at their July LTC meeting. Staff will use this list to guide LTC amendments.

Other Items for Review

At the March 23, 2026 LTC meeting and the April 5, 2026 meeting there were two items identified by the LTC for staff to provide clarity on and consider during the OCP drafting process. These were: review of Gabriola population projections and review of the Gabriola Enterprise Report.

Gabriola population projections - the population projections previously provided to the LTC and the community were preliminary. The revised population projections, included in the Community Context section of the OCP, are based on linear, logarithmic, and regional step-down approaches. Staff recognize that these projections, as well as those provided in the most recent Housing Needs Report, have limitations, as demographic trends and growth patterns can change over time, and the regional step-down approach is not an effective measure for the Island context.

For this reason, the OCP policy development approach has focused specifically on identifying ways to address the need for more affordable housing, as opposed to addressing projected population growth specifically, while seeking to ensure that any additional density is only supported in areas where it will have the least negative impact on the environment, groundwater systems, and cultural heritage, and have accessible and clean freshwater over time.

Gabriola Enterprise Report - The Gabriola Enterprise report provided a gap analysis related to business development on Gabriola Island and introduces the concept of an "Enterprise Zone". The consideration of an "Enterprise Zone" is something that could be incorporated into the Land Use Bylaw review. If it is outside the currently designated Commercial and Industrial area, the designation of an area to support an Enterprise Zone would need to be contemplated as part of the OCP review. If there is a proposed location, staff can provide analysis of including this in a commercial designation prior to first reading.

Other Process Updates

Archaeological Overview Assessment – The 2026/27 business case for the OCP/LUB review included $25,000 for and Archaeological Overview Assessment (AOA) for Gabriola Island. The need for an AOA was identified through engagement with Snuneymuxw First Nation (SFN). The AOA with preliminary field reconnaissance will cost much more than the $25,000 allocated. For this reason, the LTC supported staff recommendation to apply for additional funding through the Real Estate Foundation. Unfortunately, the application for funding was unsuccessful. Islands Trust staff will be working with SFN staff to identify next steps.

Update of Steep Slope Mapping – One item that has come up many times throughout the OCP engagement process is the inaccuracy of the existing steep slope mapping upon which the current steep slope DPA is based. This mapping has been updated. The new DPA boundaries are identified in the DPA map in Schedule C. A comparison between the new DPA boundaries and the previous is identified in Attachment 4.

ANALYSIS

Islands Trust Policy Statement:

The OCP draft has been create to be consistent with the existing Islands Trust Policy Statement as well as consider the current draft of the new Islands Trust Policy Statement.

Land Use Bylaw:

The land use bylaw will be updated to ensure consistency with the draft OCP. Readings of the Land Use Bylaw will be sequenced with the OCP.

Islands Trust Conservancy:

The Islands Trust Conservancy (ITC) has already provided some input into the draft OCP. There will be further engagement with the ITC prior to first reading

Agency and First Nations Consultation

Referral of amendment or repeal of an Official Community Plan by the LTC to "*persons, organizations and authorities it considers will be affected*" is required under the *Local Government Act (LGA)*. In the case of the Gabriola OCP, staff are recommending the Islands Trust standard 90-day referral period. This would begin at the end of May, providing opportunity to address input by the Gabriola LTC meeting on September 3rd , 2026 when second reading is being proposed. There will be further opportunity for engagement with relevant agencies and First Nations prior to public hearing and third reading.

Staff of the Snuneymuxw First Nation (SFN) have already had an opportunity to review the OCP draft with Islands Trust staff. The draft will be sent to a number of other Nations with interest in the Gabriola Island Planning Area.

Referral Agencies and Organizations, and First Nations are identified below:

Referral Agencies and Organizations:

Regional District of Nanaimo
Island Health Authority
Ministry of Transport and Transit
Ministry of Housing and Municipal Affairs
Ministry of Water Land and Resource Stewardship
Agricultural Land Commission
BC Ferries Corporation
School District 68

Gabriola Volunteer Fire Department
Gabriola Advisory Planning Commission
Gabriola Health and Wellbeing Collaborative
Gabriola Transportation Society
Sustainable Gabriola
Gabriola Land and Trail Trust
Gabriola Chamber of Commerce

First Nations:

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Penelakut Tribe
Chemainus First Nation

Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Ts'uubaa-asatx First Nation

Public Engagement

As per the communication plan endorsed by the LTC at the March 23rd, 2026 meeting, public engagement will take the form of: a community meeting on May 21st, and staff and Trustee presence at the Saturday market on a number of Saturdays to be determined. Community members can provide their direct feedback via northinfo@islandstrust.bc.ca . All feedback will be public. Community members are encouraged to provide group responses. Guidance on providing feedback in included in the companion document and will be available on the project webpage.

Rationale for Recommendation

While there has been extensive public engagement contributing to the development of Gabriola's draft OCP review, it is important to provide the community with time to review the draft OCP prior to first reading.

ALTERNATIVES

1. **Request Changes to the Project Charter –** The LTC may choose to change the timing of readings and other steps identified in the project charter.
2. **Request Changes to the Draft OCP –** The LTC may request changes to the draft OCP. The revised draft will be posted on the project webpage.
3. **Request Additional Organizations and Agencies receive referral** – The LTC may identify additional organizations and agencies for referral.
4. **Request Additional Public Engagement** – The LTC may request additional public engagement. This may be challenging to support given budget and limited staff availability.

NEXT STEPS

If the recommendations are endorsed staff will:

- Send out referrals to identified agencies, organizations and First Nations;
- Present Land Use Bylaw list of proposed changes at the July LTC meeting;
- Complete the draft of the Development Application Information Bylaw (DAI);
- Set up webpage for OCP review to include OCP draft and guidance for feedback;
- Make copies of the draft OCP available at the Gabriola Islands Trust office and the library;
- Prepare the bylaw for first reading in July.

Submitted By:	Narissa Chadwick, RPP MCIP, Island Planner	May 12, 2026
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 13, 2026

ATTACHMENTS:

1. Project Charter
2. Draft Gabriola OCP Companion Document
3. Draft Gabriola OCP
4. Draft Steep Slope Boundary Comparison Map

***Gabriola Island Official Community Plan(OCP) and Land Use Bylaw (LUB) Review (Phase 3)* - Project Charter**

Gabriola Island Local Trust Committee (LTC) Date: March 2026 (Version 7)

Purpose: To explore, through targeted engagement specific questions related to key topics relevant to the OCP and LUB review and begin to draft OCP policies and related LUB changes needed to for consistency with OCP policies .

Background: An OCP describes the long-term vision for a community, through policy statement that guide decisions on planning and land use. An LUB contains regulations to implement the OCP policies. The Gabriola OCP has not been updated since 1997 and the LUB since 1999. The Gabriola Island OCP and LUB Comprehensive Review will address a number of issues of importance to the Gabriola Community. In Phase 1 (2023/24) helped to identify vision and values of the community. Phase 2 (2402/25) explored, though focussed public engagement, specific questions related to different topics. A freshwater footprint was developed. Part 3 focusses on the writing, review and approval of the new OCP, a Development Approvals Information (DAI) Bylaw to support OCP policy as updates to the LUB to ensure constancy.

Objectives

Through targeted and focussed engagement on specific topic areas, begin to draft OCP policies and LUB based on the values and principles emerging from Phase 1.

In Scope

- First Nations Engagement.
- Public engagement
- LUB changes for consistency OCP policies
- DAI bylaw to support OCP policy implementation

Out of Scope

- New DPA mapping
- Substantial LUB amendments

Workplan Overview

Deliverable/Milestone	Date
First Nations consultation	ongoing
Milestone: LTC Review of draft policy language	**April 2026**
Community Meeting	April/May 2026
Public Engagement - review of OCP draft policy language	April – June 2026
LUB update and DAI creation for consistency	March – 2026
Milestone: First Reading OCP ~~and LUB~~	**~~April~~ July 2026**
Legal Review ~~as needed~~	~~April 2026 –~~ July 2026 – September 2026
Public Review of draft bylaws/referrals	~~April 2026~~ – July 2026 – September 2026
AOA Initiated	~~September~~ January 2026
Milestones: **OCP – Second Reading** **~~LUB – First and Second Reading~~** **DAI – First, Second Readings**	**September 2026**
Milestones: **OCP – PH + Third Reading;** **LUB - First, Second, Third Reading;** **DAI – Third Reading**	**Winter 2026/27**

Project Team

Regional Planning Manager	Renée Jamurat
Regional Planning Team Project Lead	Narissa Chadwick
Gabriola Island Planner	Stephen Baugh
Planning Team Assistant	Shalini Nakai

Budget

Budget Sources:

26/27	Communication and Engagement	$6,000
	Arch Overview Ass.	$25,000
	Legal + contingency	$4,000
TOTAL		$35,000

Gabriola Draft OCP Companion Document
May 2026

Background

What is the Purpose of this Document?

The purpose of this document is to help guide the Gabriola LTC and others interested in reviewing the first draft of the Gabriola Plan Area OCP. It provides guidance on how draft OCP is different from the existing OCP and provide rationale for the changes.

While staff have attempted to guidance on differences between the existing and the draft OCP, every specific change may not have been identified. This would be very challenging given the significant change in format. This document may evolve as question from the public and the LTC emerge. The most updated version of the document will be posted on the project webpage.

What is the Purpose of an OCP?

An Official Community Plan (OCP) in the Islands Trust Area is a long-term plan that guides **how land is used** and **how future development can proceed** on the islands.

Unlike most local governments in British Columbia, the Islands Trust has a special mandate to preserve and protect the unique island environment, which means protecting ecosystems, shorelines, water resources, and the rural character of the islands is a central focus of the plan.

Another important difference is that the Islands Trust does not provide infrastructure or services such as water systems, sewer systems, roads, or garbage collection- these are delivered by other levels of government or by service providers. As a result, this OCP focuses mainly on land use decisions and environmental protection rather than managing services. The OCP must align with higher level policies, including the Local Government Act, the Islands Trust Act, and the Islands Trust Policy Statement.

The OCP provides direction not only for where and how growth may occur, but also helps shape the type and scale of development that is appropriate in different areas of the islands. In this way, the OCP reflects community values while supporting the shared responsibility to care for the islands for the long term.

When is an OCP Used?

An OCP is used to guide decision-making about land use and development over the long term. It provides a framework for evaluating proposals such as rezoning applications, subdivision plans, and development permits to ensure they align with the community's vision and policies. Local Trust Committees refer to the OCP when considering changes to land use regulations, helping ensure consistency, transparency, and fairness in decision-making.

The OCP is also used by residents, landowners, developers, First Nations and other agencies to understand what types of development are supported in specific areas, as well as the environmental and community priorities that should be considered. While it does not regulate land directly (this is done through zoning bylaws), the OCP sets the direction for those regulations and helps guide future updates.

In addition, the OCP is used as a reference point for planning over time. As community needs evolve or new challenges emerge, such as climate change or housing pressures, the OCP may be reviewed and updated to ensure it continues to reflect current priorities and conditions.

Why Has the OCP Been Reviewed?

The Gabriola Official Community Plan (OCP) has not been updated since 1997. Since then, a number of important changes have taken place that affect the community and how planning decisions need to be made today:

- **Population growth:** The island has grown by about 1,000 people (from ~3,500 in 1996 to ~4,500 in 2021), increasing overall pressure on land and natural systems.
- **Rising housing costs:** Home prices have increased significantly (from roughly $200,000 in the late 1990s to $700,000+ today), reducing affordability and making it harder to maintain a diverse community. This impacts both paid and volunteer service delivery.
- **Aging population:** Gabriola's population is now significantly older, which affects housing needs, transportation, health services, and volunteer capacity.
- **Changing housing patterns:** There are fewer entry-level and rental housing options, with more reliance on secondary suites and smaller-scale housing forms.
- **Increased development pressure:** More demand for housing has led to greater complexity in balancing growth, water availability, and protection of environmentally sensitive areas.
- **Environmental change and awareness:** There is greater understanding of climate change impacts such as drought, wildfire risk, and ecosystem stress, increasing the focus on protecting water and natural systems.

- **Infrastructure and service constraints:** While the Islands Trust does not provide services, limitations in water supply, transportation, and emergency response are increasingly important planning considerations.
- **First Nations interests and reconciliation:** There is now much greater awareness of, and commitment to, working with First Nations, including respecting supporting government-to-government relationships in land use planning.

Together, these changes mean the OCP needs to be updated to better reflect current conditions, community values, and long-term sustainability goals.

To What Extent Has Public Input Been Incorporated in the Draft?

A large part of this project was focussed on gathering public input. The input received from the public in numerous ways, as identified below, has been considered in every part of the development of the OCP draft. In addition to letters and information shared with the Gabriola LTC public engagement involved the following:

Phase 1 – **Gabriola Vision 2050** Launched in 2023, focused on the identification of community values, vision and related principles through the Gabriola Visioning 2050 Process. This process included:

- Online survey (363 respondents)
- Group led engagement events (200 community members engaged)
- Community meeting (40+ community members attended)

Phase 2 - Launched in July 2024 phase 2 involved two parts:

Part 1 - Reviewing the key principles emerging from the Gabriola Visioning 2050 engagement

- Survey (163 Survey respondents)
- Summer engagement at markets and events

Part 2 - Engaging the community in topic-focussed discussion.

- Survey (590 respondents)
- Focus groups on the following themes: connectivity, economy, environment, housing, resources stewardship, water. Focus group reviewed draft policies.
- Methodology and data collection for the water balance project.

Phase 3 – Launched in Summer 2025, supported the OCP drafting and review involving:

- Reimagining Growth workshop (September 2025)
- Freshwater Footprint project work
- Survey on Reimagining Growth (156 respondents)
- Draft Plan writing (including values, vision/guiding directions)
- Draft Plan review by pubic and referral agencies

Have First Nations Been Consulted in the Process?

Staff have been working with the staff of the Snuneymuxw First Nation. The LTC allocated funding to the Nation to support this engagement. This engagement has enabled staff to understand some of the key interests of the Nation. In particular, the interest in protecting the environment and cultural heritage. Staff will continue to work directly with the staff for SFN through the review of the draft to assist with review by their Chief and Council. Other Nations with interests in the Plan Area will be engaged in the formal referral process.

Is There Still Time for Additional Feedback to be incorporated into the Draft?

As indicated in the timeline below, there are a number of public engagement opportunities. The engagement plan presented to the LTC on March 23, 2026 provides more detail on these opportunities.

= public engagement opportunities

Key things to think about when providing feedback:

- Review the OCP and the companion document to familiarize yourself with the content.
- Provide focussed feedback. Quoting the OCP policy number is helpful.
- The OCP focusses on what is within the Islands Trust jurisdiction. While comments on the advocacy and implementation section are welcome it is important to remember that collaboration will be needed and LTC resources are limited.
- What part of the OCP is your comment related to:
    - Format?
    - Content? Do you have feedback on:
        - What permitted in a specific land use designation?
        - How proposals to change use and density are to be evaluated?

- Who should be engaged (and how) to help implement the aspects of the Gabriola 2050 vision that the LTC can not directly implement?

Feedback can be sent to: northinfo@islandstrust.bc.ca

OCP Changes

Key changes to OCP:

New Format - The OCP has been designed to make it easier for community to understand and for Trustees and Staff to use. The previous format mixed context, goals, designation, criteria for evaluating changes to use and density, and advocacy policies throughout the OCP. The revised draft separates the document in to distinct parts:

Why? (Part 1) - Community Context; Planning Context; Community Vision, Values and Goals

What? Where? (Part 2) - Land Use Designations (how the land can be used currently)

How? (Part 2 & 3) - Policies Related to Future Development Decisions (what can be changed and how it can be can be changed)

Who? (Part 4) – Implementation and Advocacy (next steps and collaboration needs)

Summary of Highlights:

Document Structure and Community Values

- The format of the OCP has been changed to increase ease of use.
- A community context section has been added.
- A planning context section has been added.
- There is increased focus on consideration of First Nations data and input.
- Criteria for evaluating proposals for changes in use and density are extensive and connected directly to community values.
- An implementation and advocacy section has been included to encourage work to support the Gabriola 2050 vision which is both within and outside of the Islands Trust's jurisdiction

Subdivision and Density Changes

- Outright subdivision permission has been removed by increasing minimum lot size for subdivisions aimed at creating private lots. Rezoning will be required for subdivision to support interests that are not identified to be of community benefit. (= reduction of X permitted units)
- Changes have been made to subdivision approach to make it easier to subdivide for community benefit (eg. affordable housing, protection of environment and cultural heritage, community service use).
- There is increased flexibility to rezone areas to support multiple units in areas outside freshwater hazard areas.

Housing and Additional Units

- Permission for dwellings accessory to institutional use provided.
- Lots in the Agricultural Zone above 2 hectares are permitted to have one secondary suite and one accessory dwelling unit (in line with provincial regulations) in areas outside the freshwater hazard area.
- Increases in total units (existing buildout – density removed due to changes in subdivision policy + (additional secondary units in Agricultural Zone + accessory dwelling unit permitted in Institutional zone) permitted is ~83 units.

Freshwater Protection and Hazard Areas

- Freshwater hazard mapping, resulting from the freshwater footprint project plays a major role in limiting increases in density in freshwater hazard areas. Related mapping has been added to the OCP.

Broad Changes

Changes that are related to broad level considerations that impact the whole OCP are identified in Table 1. Changes to specific areas of the OCP will be identified in comparison tables found under each OCP theme below.

Table 1: Broad Changes

Current OCP	Proposed Change	Rationale
Objectives are related to each area of land use.	Objectives link directly to OCP Goals which link directly to values.	This ties the objectives directly to the overall goals and the vision and values identified by the community.
Uses in all zones – There are references to some uses (eg. public park and community care facility) that can be located in any zone.	Reference to things that can occur in all zones removed.	Unless it is explicitly stated that a use is should not be prohibited in a zone it is permitted.

Climate Targets – Climate targets are required by the province. Current climate targets are based on previous provincial guidance and are unrealistic.	Section 2.3. - Climate targets have been aligned with the goals and are connected to things that can be measured.	The proposed targets satisfy the provincial requirement and provide something the community and the LTC can move toward realistically.
Criteria for evaluating proposed changes are identified throughout the OCP.	Section 2.5 -Criteria for changes to use and density are clearly identified and listed under each goal.	This approach makes it easier for applicants to understand how their applications will be evaluated and easier for staff and trustees to know how to find and/or change the policies related to evaluation criteria.
Reference to other jurisdiction policy is throughout the OCP.	These references have been removed in instances where adherence to these regulations is required.	Reference to policies that must be adhered to is redundant and can create inconsistencies in the OCP if external policies change and the OCP is not updated to reflect those changes.
Policies that read like regulations exist throughout the OCP	Removed. As part of the OCP review process the land use bylaw will be updated to ensure consistency.	OCPs should not contain policies that read like narrowly focussed regulations. This limits flexibility and leads to additional process if they need to be changed.
Advocacy Policies are identified throughout the document.	Replacement of advocacy policies with section 4.4 Advocacy which aligns OCP goals with Advocacy actions recognizing the importance of collaboration.	Advocacy policies hold little weight in an OCP unless there is commitment to follow up. The new approach is an invitation to all interested and influential parties to help support Gabriola's vision and values. This section incorporates some of the public feedback that could not be incorporated in other sections.
Freshwater Footprint maps not included.	Freshwater Footprint maps that have been added to the Map Schedule are the freshwater hazard map (Schedule D) and	The freshwater footprint analysis, based on the assessment of a variety of data, was a part of the OCP review project. The maps

	the groundwater recharge map (Schedule E).	included are maps that are referred to in the OCP.
Maps are included in the body of the OCP as well as schedules.	Maps that are referred to in policy are in the schedules section of the OCP. Other maps are in the appendix.	This approach is consistent with best practices.
First Nations interest acknowledgement is limited.	More detailed acknowledgement of first nations context and settlement history as well as integration of interests. This was informed by engagement with Snuneymuxw First Nation.	"Integrating First Nations interests" was identified as one of the key community values and is a focus for the Islands Trust in general.
Total buildout (potential total units) base on policies within the existing OCP is ~4120	Total buildout base on draft OCP is ~83 unit greater than the existing. This includes removal of potential number of primary units and related secondary units based on subdivision potential and increase number of secondary dwelling units (secondary to principal dwelling) and accessory dwelling units (accessory to use other than residential).	There was strong community interest in increasing diversity of housing. The approach taken in the draft OCP provides increased opportunity to residential, institutional and commercial property owners to build rental units and/or additional units for family members and caretakers.

Why? - Community Context; Planning Context; Community Vision, Values (Part 1)

Community Context – Provides over view of key aspects of the community including population and demographics, natural features, economy and service needs. Of note is the addition of a section on Indigenous context and history which acknowledges a commitment to a relationship-centred approach to land use planning and stewardship in the Local Trust Area. As well, the section on groundwater resources which identifies the work that was done on the Freshwater Footprint which was a part of the OCP review process.

Planning Context – A section on planning context as it related to Provincial Legislation and the Islands Trust Policy statement has been included. This will be something to be adopted across the Islands Trust Area as OCPs are updated.

Vision and Values – The vision and values are the backbone of the OCP. They were developed through extensive community engagement which included an online survey, group led events and community meetings.

What? Where? - Land Use Designations (Part 2)

Land use designations can be seen as the foundation of an OCP. They identify what types of uses can occur where on the island.

How the use of land on Gabriola has been perceived has evolved over time from a focus on settlement and resource extraction to a need for the preservation and protection of the natural environment and cultural heritage as development impacts increase. Increasing population has also raised concerns about available groundwater and the impact of septic systems.

Proposed changes to land use designations and what uses can be accommodated in these designations addresses some of the change in perspective over time. In the draft OCP, policies that apply to more than one designation are identified in 2.4.2 General Land and Marine Use Policies. The remainer are identified under the designation they apply to. All changes are identified in Table 2.

Table 2: Policies Related to Land Use Designation – What Uses Can Occur Where

Current OCP	Proposed Change	Rationale
General Land and Marine Policies – Applying to multiple designations		
There are no policies related explicitly to cemeteries and green burial.	2.4.2.8 Cemeteries and Green Burial places limitation on use and considers groundwater impacts	Without an explicit policy any area could be rezoned to accommodate cemeteries and green burial (this is a consideration for the LTC).
Permits Bed and Breakfast as a home occupation.	2.4.2.2.2/3 Tourist accommodation clarification provided. B&B defined in definitions.	Without clear definition of what is permitted bylaw enforcement can be challenging.
Cisterns for new builds are not required.	2.4.2.9.3 Cistern requirements for all new builds	Policy has been added given the concerns raised regarding groundwater quality and quantity.

There is no requirements for potable rainwater catchment systems.	2.4.2.9.4 Potable rainwater catchment systems consistent with the installation and maintenance requirements of Islands Health are required for all secondary dwelling located in freshwater hazard areas.	This provides the opportunity to support existing permissions for secondary dwellings in the freshwater hazard area as well as accessory dwelling units in commercial and institutional designation while addressing the need protect vulnerability of the ground water.
Provides some policies related to protection of archeological sites.	2.4.2.10 Protection of arch sites section focusses policies	Provides clearer direction including what to do if remains area found.
Considers need to address fire hazard.	2.4.2.11 Fire Safety section focusses on fire hazard.	More specific accommodations to address fire hazard are identified. This will be reviewed with the fire chief .
Does not speak specifically to shoreline modification	2.4.2.12.2 identifies restrictions on shoreline armouring encouraging nature-based approach	Hard armouring to prevent shoreline erosion is detrimental to the environment and can cause more erosion than natural approaches in may instances.
Minimum lot sizes permit further subdivision on the island.	2.4.2.13 Subdivision permission for private lots is removed outright by increasing minimum lot size. Subdivision for private use will require rezoning. Subdivision for community benefit, excluding housing, are exempt from minimum lot size and will not require rezoning for subdivision.	This approach has been introduced as a means of focussing creation of additional lots only for community need which includes environmental protection, cultural heritage protection, community service and affordable housing.
Parks and Protected Areas Designations		
Parks and Outdoor Recreation section includes a lot of background information and map of areas. Policies predominately related to park allocation. “Park” is the related designation.	Existing Park designation split into 2 designations: 2.4.3.1 Park (P) and 2.4.3.2 Conservation (C) Map of parks and protected moved into Appendix. Background info moved to community context. Site specific changes are identified on the map in Schedule B (highlighted in green).	LTC requested a conservation designation for Elder Cedar and other locations.

Stewardship Designations		
Resource (R), established to help maintain the rural landscape. Area where transfer of density can apply. This designation also applies to the surrounding islands that are part of this planning area.	Resource (R) replaced by Rural Stewardship (RS) and Small Island Stewardship (SI)- maintains the spirit of protecting larger lots and small islands, focussing on stewardship and conservation while maintaining residential use. Density transfer details have been removed as new minimum lot sizes remove outright density.	Community input reflects seeing the land as an asset to look after to ensure long term sustainability as opposed to resources to extract. With proposed changes to subdivision policy there will no longer be density to transfer.
Sustainable Resource Designations		
Agriculture (A) single dwelling permitted (not consistent with LUB which permits secondary suite and manufactured home).	Permitted dwellings in line with ALR permissions on lots that are at least 2.0 hectares and outside the freshwater hazard area. Outside the freshwater hazard area one principle dwelling, one secondary suite and one detached secondary dwelling on lots 2.0 hectares or larger.	Consistency with ALR policy will support housing flexibly on agricultural land. Providing restrictions in the freshwater hazard area and on smaller lots is in line with permission in the rural residential designation.
Forestry (F) permits one single dwelling (not consistent with the LUB which permits secondary suite).	Flexibility to permit secondary suite or detached secondary unit. Permits “passive recreation” (eg, hiking birding etc).	The retention of land for sustainable forestry was identified through public engagement with a keen interest in wildfire resiliency.
Residential – General Polices		
Density Bank collects unused residential density from rezonings or voluntary donations and reallocates them to support affordable multi-unit housing. Multi unit housing can only be permitted using the density in the bank.	Removal of density bank resulting from the change in subdivision approach and creating more detailed and clear criteria related to rezoning.	With the changes to subdivision approach there will be no outright density that could be transferred to a density bank.
Multi-unit housing restricted to “affordable housing for special needs residents, seniors”	POLICY 2.5.2.2.2 Changes to “non market housing for special needs residents living with physical and cognitive disabilities, seniors 60 years or older or moderate and low-	Public feedback in surveys, community meetings and focus groups identified a need for more housing flexibility. It was clear that even middle income individuals are

	income persons to be secured through a housing agreement"	challenged to find secure housing on Gabriola.
Flexible Housing policies, allowing rezoning for multiple dwellings within a max combined floor area don't exist.	POLICY 2.4.2.1.2 permits rezoning to create zone to allow multiple small units with in a maximum floor area as opposed to one large unit. POLICY 2.4.2.1.3 restricts area that this can occur.	These changes enable a more flexible use of lots where there is groundwater water and there is limited impact to the environment and cultural heritage. The LTC has not identified areas for these approaches at this time. That would be a separate project.
Secondary dwelling units – secondary suite permitted on parcels 2.0 ha or larger	POLICY 2.4.2.1.4 permits rezoning to allow secondary dwelling units on lots <2 ha outside the freshwater hazard zone.	
Home Occupation – permits bed and breakfast, does not specify whether accessory dwelling can be considered for short-term vacation rental.	POLICY 2.4.2.2.3 Permitting short-term vacation rental for dwelling (includes primary dwelling and secondary dwelling) through TUP.	This provides clarity related to short term vacation rentals.
Residential – Designation Specific		
Small Rural Residential (SRR) designation for smaller lots	POLICY 2.4.3.6.1 – 2.4.3.6.3 Rural Residential (RR) Designation – one designation for both smaller and larger residential lots. Differences related to secondary unit permissions are identified.	Simplifies approach. Difference only existed because of restriction based on size of lot. These differences will be identified in the zoning.
Large Rural Residential (LRR)designation for larger lots		
Muli-Dwelling Affordable Housing (MAH) designation for special needs, seniors and low ro moderate income families.	MAH and SSN has been combined. The designation is Multi-Unit Housing (MUH).	This approach provides flexibility overtime without compromising the interests in providing housing where it is most needed.
Seniors and Special Needs (SSN) designation for seniors and special needs (2 locations)		
Commercial		
Commercial Activity (General) policy supports one dwelling unit per parcel.	POLICY 2.4.3.9.1 provides a limit on max size of residential to half commercial floor area but does not limit number of units .	Surveys, focus groups and the Housing APC encouraged residential floor area to be proportional to commercial.
Village Commercial (C(V)) designation is the		

focus of commercial activity	Requirements for potable water system in freshwater hazard area will apply.	
District Commercial (C(D)) includes two specific sites outside village **Local Commercial (C(L))** includes `four sites identified in OCP	2.4.3.11 Secondary Commercial (SC) combines both District Commercial and Local Commercial. Site specific changes related to commercial zoning are identified in Schedule B.	This approach is more consistent with best practices and does not impact what is permitted in these areas. Site specific designation changes are introduced to support existing use.
Institutional applies to a variety of institutional uses. No residential permitted.	Permits same variety of institutional use and residential units to a maximum of half the total floor area of all institutional buildings. Requirements for potable water system in freshwater hazard area will apply	This provides the opportunity for service providers to provide housing to staff. This can be one of the most effective ways to support affordable housing given that service providers are in a good position to receive community support.
Marine		
Marine designation applies to the waters within the plan area.	The area designated "Marine" has been expanded. Permissions in the Marine area have been strengthened to protect the marine and foreshore, including the consideration of setbacks that consider risks.	The marine environment is fragile as well as changing. Efforts are required to address impacts to the environment as well as infrastructure.
Ferry Terminal designation does not exist	Ferry terminal designation that addresses onshore and marine uses has been created.	A specific designation recognizes the important and unit use in the ferry terminal designation.

How?-Policies Related to Future Development Decisions (Part 2&3&4)

Policies related to future development decisions include evaluation criteria for :

- all proposed changes to use and density as they relate to community values
- subdivision
- specific to designations
- development variance permits
- crown lease referrals
- temporary use permits
- development permits for development permit areas

Policies related to future development information also includes:

- using development approval information
- implementing the freshwater footprint
- considering heritage conservation areas

Previous Designation	Proposed Changes	Rationale
Criteria for evaluating proposed changes to use and density based on community values		
Criteria is scattered throughout the OCP as it related to specific designations.	The criteria identified in this section are to be considered with all changes to use and density where applicable .	This approach provides a direct link to community values and help reduce repetition of criteria in the document. This
Subdivision		
Subdivision reflects traditional lot size requirements and average lot sizes as a result there are policies relating to lot averaging and lot size maximums. No exceptions for community benefit subdivision.	Rezoning to create additional lots that are not a community benefit are not encouraged. Any rezoning to facilitate subdivision will require a community amenity.	Subdivision is one of the most impactful mechanisms for increasing housing density and shaping settlement patterns. Subdivision potential has historically been allocated without fully accounting for environmental features and functions, groundwater constraints, cultural heritage, or long-term community values**.** The LTC's main mechanism to limit subdivision is establishing a minimum lot size that results in minimal or no subdivision potential. This provides the opportunity for a full evaluation of subdivision proposals through a rezoning process.

Lot Size exceptions for parks	2.4.2.13 Lot size exemptions for lots create for park, heritage conservation, community service. 2.4.2.13.2 Lot size for single unit affordable or non-market housing should not be less than 1ha . Lot size for multi-unit non-market housing should not be more than 2ha.	This helps to facilitate the donation of land for the protection of cultural heritage and the environment as well a for community service and non-market housing. Rezoning to subdivide would not be required.
Designation specific criteria		
Multi-Family housing criteria does not specify attached or detached units.	Multi-unit housing evaluation provides criteria for detached small units as well as other types of multi-unit housing.2.5.2.2.1 -2.5.2.2.6.	Community engagement identified support for all types of multi-unit housing including clusters of small units.
Commercial and Tourism policies address a number of criteria that is contained in the proposed draft in 2.5.	There is additional focus on cumulative impacts as well as connection to residential area and active transportation routes 2.5.2.3.1 – 2.5.2.3.4	Community engagement highlighted importance of having easy access to amenities without the need to drive. This also supports climate action target policies.
Agriculture policies address a number of criteria that is contained in the proposed draft in 2.5.	Existing policies retained and simplified 2.5.2.4.1.	Simplifies OCP policies making it easier for properties holder to understand and trustees and staff to use.
Forestry policies address a number of criteria that is contained in the proposed draft in 2.5.	Existing policies retained and simplified 2.5.2.4.2.	
Marine policies address a number of criteria that is contained in the proposed draft in 2.5.	Existing policies supported in 2.5.2.6	
Development Variance Permits		
Specific evaluation criteria does not exist	Includes general polices related to development variance permits 2.6.	Increases understanding of criteria for property owners, trustees and staff.
Crown Lease Referrals		
Specific evaluation criteria does not exist.	Includes general polices related to crown lease referrals 2.7.	Increases understanding of criteria for property owners, trustees and staff.
Temporary use Permits (TUP)		
Guidance related to TUPs exists for a number of uses.	Addition of general guidelines for all TUP applications.	Update important to ensure that extraction of water for sale is limited.

TUP can only be applied for identified uses in specific locations.	Changes to the TUP guidelines for “Extracting, Processing, and Sale of Water” introduced by the Islands Trust’s Freshwater Specialist. TUP for residential use of a tiny home on wheels or RV added. TUPs can be applied for any use in all designations except for SI and C.	
Development Permit Areas		
Contains a number of development permit areas many of which are focussed on specific areas of the island.	Priority DPAs are identified in 4.3.1. Updates have been made to DPA 4 – Flat Top Islands and DPA 3- Riparian Areas. New mapping has been introduced for DPA 7 - Escarpment Area.	The creation of new DPAs were not within the scope of this project
Heritage Conservation Areas (HCA)		
Does not consider heritage conservation areas	Identifies heritage conservation area tool as and opportunity to protect indigenous cultural heritage. No HCAs have been created to date.	Provides an option to be considered as a step in implementing the goals of the proposed OCP.

Who? Advocacy (Part 4)

This proposed OCP focuses on the land use planning tools available to the Gabriola LTC to guide land use in the Plan Area. The main body of the plan does not contain actions that fall outside the Islands Trust’s jurisdiction. However, it is recognized that

achieving the Plan's goals, and advancing the broader interests of the community, will require partnership and collaboration with community organizations, other levels of government, First Nations, and other partners.

Rather than identifying detailed advocacy policies, this proposed OCP highlights key challenges and opportunities. This approach reflects past experience, where direct action-oriented advocacy policies have often been difficult to support or have not been consistently implemented. By focusing instead on issues, opportunities, and areas for collaboration, the proposed OCP creates space for agencies, First Nations, and community groups to take the lead on matters that cannot be fully addressed through land use planning tools alone.

Islands Trust

DRAFT

Gabriola Island Official Community Plan

2026

Table of Contents

Table of Contents **1**
PART ONE **5**
1.1 Purpose, Structure and Application **5**
1.1.1 Purpose of an Official Community Plan 5
1.1.2 Plan Structure 5
1.1.3 Legislative Authority 5
1.1.4 Amendment Procedure 6
1.1.5 Interpretation 6
1.2 Community Context **7**
1.2.1 Location 7
1.2.2 Indigenous Context and Settlement History 8
1.2.3 Population and Demographics 9
1.2.4 Housing and Services Needs 9
1.2.5 Groundwater Resources 10
1.2.6 Natural Environment and Biodiversity 11
1.2.7 Local Economy and Income Levels 12
1.2.8 Transportation and Connectivity 12
1.2.9 Community Spaces 13
1.2.10 Parks, Recreation, and Open Space 13
1.3 Land Use Planning Context **13**
1.3.1 Policy Layers 14
Legislative Framework 15
1.3.2 The Islands Trust 15
1.3.3 Islands Trust Priorities 16
1.3.4 Island's Trust Policy Statement 17
1.3.5 The Development of the Plan 17
1.4 Guiding Vision, Values and Goals **19**
1.4.1 Community Vision 19
1.4.2 Community Values 19

PART TWO **21**
2.1 Using This Plan **21**

2.1.1 Policy Structure 21
2.2 Goals and Objectives 22
2.2.1 Integrating First Nations Interests 22
2.2.2 Protection of the Natural Environment and Biodiversity 22
2.2.3 Responsible Resource Stewardship.....23
2.2.4 Community Resilience and Climate Readiness 24
2.2.5 Diversity and Community Wellbeing.....25
2.2.6 Collaboration, Transparency, and Shared Responsibility 26
2.3 Climate Action 27
2.3.1 Climate Mitigation Targets (Reducing GHG Emissions): 27
2.3.2 Climate Adaptation Targets (Increasing Climate Resilience) :.....28
2.4 Land and Marine Designations 29
2.4.1 Purpose.....29
2.4.2 General Land and Marine Use Policies.....29
2.4.3 Policies Related to Specific Land Use Designations 35
2.5 Policies Related to Amendments to the Plan and Land Use Bylaw 44
2.5.1 General Bylaw Amendment Evaluation Considerations.....44
2.5.2 Official Community Plan and Land Use Bylaw Amendments.....47
POLICY 2.5.1.2.6: Multi-unit housing should be included in DPA 9 – Multi-Unit 49
Residential 49
2.6 Policies Related to Development Variance Permit Applications..... 51
2.6.1 General Policies 51
2.7 Policies related to Crown Lease Referrals 51
2.8 Policies Related to Temporary Use Permit Applications 52
2.8.1 TUP Guidelines.....53
PART THREE 58
3.1 Development Permit Areas 58
3.1.1 Development Permit Area 1 - The Tunnel.....58
3.1.2 Development Permit Area 2 – Lock Bay 59
3.1.3 Development Permit Area 3 – Riparian Areas.....61
3.1.4 Development Permit Area 4 – Flat Top Islands.....64
3.1.5 Development Permit Area 5 – Gabriola Pass.....66
3.1.6 Development Permit Area 6 – Environmental Protection.....67
3.1.7 Development Permit Area 7 – Escarpment Areas 69
3.1.8 Development Permit Area 8 – Village Commercial.....70
3.1.9 Development Permit Area 9 – Multi-Unit Residential.....73

3.1.10 Development Permit Area 10 – Industrial 74

PART FOUR 76
4.1 Using Development Approval Information 76
4.2 Implementing the Freshwater Footprint 77
4.3 Implementing New DPAs and Heritage Conservation Areas 77
4.3.1 Priority Development Permit Areas 77
4.3.2 Heritage Conservation Areas 79
4.4 Advocacy 80
4.4.1 Integrating First Nations Interests 80
4.4.2 Protection of the Natural Environment and Biodiversity 82
4.4.3 Responsible Resource Stewardship 84
4.4.4 Community Resilience and Climate Readiness 86
4.4.5 Diversity and Community Wellbeing 89
4.4.6 Collaboration, Transparency, and Shared Responsibility 93
4.5 Implementation Plan 94

ADDITIONAL SCHEDULES 95
Schedule B – Land Use Designation Map 95
Schedule C – Development Permit Areas **96**
Schedule D – Freshwater Hazard Map **98**
Schedule E – Critical Aquifer Recharge Areas **99**

APPENDICES 99
Appendix 1- Definitions 100
Appendix 2– Parks and Protected Areas 102
Appendix 3- Land Status 103

SCHEDULE A

Planning Context, Community Profile, Vision and Values

1 . PART ONE

1.1 Purpose, Structure and Application

1.1.1 Purpose of an Official Community Plan

An Official Community Plan's legal purpose is to provide a statement of objectives and policies that guide decisions related to land use planning. In the Gabriola Planning Area, this Plan fulfills that purpose for the defined area and is an expression of the community's vision. It supports land and water stewardship through place-based planning that reflects the Islands Trust mandate, the community's values, and recognizes the responsibilities of Indigenous Peoples to their territories. This Plan is the result of an Official Community Plan (OCP) review process that took place 2024-2026.

1.1.2 Plan Structure

This plan is divided into four main parts:

PART 1 – Provides the planning context, the community profile, community vision and values.

PART 2 – Includes goals and objectives, climate targets, land use designations, OCP and Land Use Bylaw (LUB) amendment evaluation policies and criteria.

PART 3- Guidelines for Development Permit Areas (DPAs).

PART 4 – Includes an identification of tools for supporting the implementation of Plan goals and objectives as well as advocacy directions.

ADDITIONAL SCHEDULES – Maps

APPENDIX – Includes definitions relevant to OCP

1.1.3 Legislative Authority

Once adopted by bylaw, this Plan becomes an OCP which thereafter restricts the Gabriola Island Local Trust Committee (Gabriola LTC) to enact only those bylaws and undertake only that work which is consistent with the OCP.

1.1.4 Amendment Procedure

This Bylaw may be amended by the Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Trust Committee that addresses fees and procedures. All amendments to this Plan shall be in keeping with the goals and objectives of this Plan.

1.1.5 Interpretation

The final interpretation as to the precise location of boundaries of any designation or symbol contained in the map schedules, shall be legally defined by the appropriate LUBs enacted over time by the Trust Committee or by site survey, as required.

The exact location and extent of environmental symbols and boundaries in this Plan will be determined through more detailed studies, policy decisions or LUB amendments. The precise boundaries of the land use designations are shown on Schedule B and the precise boundaries of DPA designations are shown on Schedule C.

In interpreting the objectives and policies of the Plan, the term “must” is used to denote that the indicated measure “must” be taken or applied. The term “should” indicates that the suggestion is intended as a guideline to apply or implement by the authority having jurisdiction. Appendix A to this Plan provides a set of definitions which apply to the interpretation of this Plan.

1.2 Community Context

Gabriola Island's planning context is defined by its rural island setting, ecological sensitivity, cultural significance, and strong community identity. These characteristics, combined with infrastructure constraints and evolving demographic and economic conditions, shape land use planning and underscore the importance of balancing growth with environmental stewardship and community well-being.

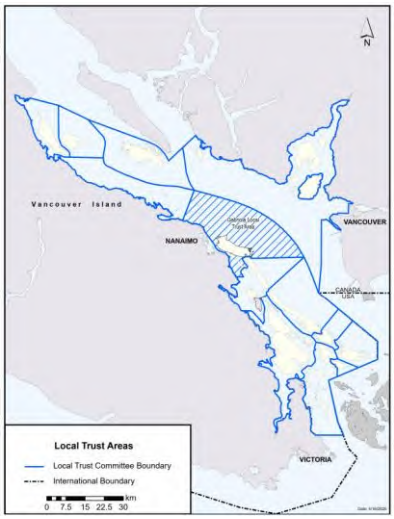
1.2.1 Location

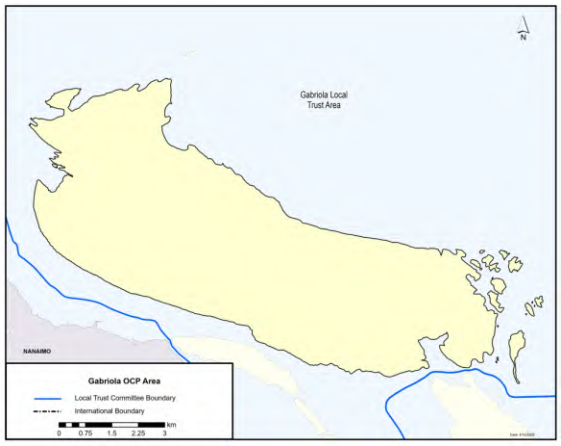
This Plan applies to the Gabriola Island Planning Area (Plan Area) (Map 1). The Plan Area, covers Gabriola, Breakwater and Entrance Island, and the group of nine smaller islets known as the Flat Top Islands (see highlighted areas on Map 2) and is a part of the Islands Trust Planning Area (see Map 1).

Gabriola Island, and related islands in the Plan Area, is a rural island community located in the Salish Sea between Vancouver Island and the British Columbia mainland. One of the northernmost Southern Gulf Islands.

Gabriola encompasses approximately 5,256 hectares and is situated within Electoral Area B of the Regional District of Nanaimo (RDN). The island is connected to the City of Nanaimo by a 20-minute ferry crossing, which shapes daily travel patterns, access to services, employment opportunities, and economic relationships. Governance and service provision on Gabriola Island involve multiple jurisdictions, including Islands Trust, the Snuneymuxw First Nation, RDN, the Province of British Columbia, Island Health, and School District 68.

Map 1: Gabriola Local Trust Area





Map 2: Gabriola Planning Area

1.2.2 Indigenous Context and Settlement History

The Gabriola Island Local Trust Area is located within the territory of the Snuneymuxw First Nation, Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Semiahmoo First Nation, Stz'uminus Nations and Ts'uubaa-asatx First Nation. The Snuneymuxw First Nation retains two reserve lots in the Gabriola area totalling about 1.4 hectares. This is the only reserve land on the Island. This limited land base is the result of historic colonial reserve allocation practices and does not reflect the scale or significance of First Nations connections to the island.

Archaeological evidence, such as village sites including shell middens, and petroglyphs as well as culturally modified trees and other cultural features, demonstrates an enduring Indigenous presence and relationship with the land and waters since time immemorial. Indigenous stewardship practices, including shellfish gardens and forest gardens, reflect sophisticated, place-based systems of sustainable resource management developed through generations of knowledge, observation, and care.

Patterns of colonial settlement, reserve allocation, subdivision, residential development, and protected area designation occurred without recognition of Indigenous title and rights. These patterns continue to shape land ownership and land use within the Local Trust Area. This Plan acknowledges this historical and ongoing context and affirms a commitment to advancing reconciliation in line with the Islands Trust's mandate.

Part of the plan area's heritage includes archaeological sites – the physical evidence of how and where people lived in the past. For 98% of the time people have lived in this area, no written records were made. Archaeological sites and oral tradition are the only vestiges of this rich history extending back many thousands of years. The Plan area contains recorded and non-recorded archaeological sites and due to their sensitive nature, the locations are not identified in this Plan.

This Plan acknowledges a historical disregard for and lack of protection of the collective heritage of the area for Indigenous Peoples. All archaeological sites are protected by the Provincial Government through the *Heritage Conservation Act.* This protection applies to all lands and means that any person wishing to undertake land-altering activities must have a provincial heritage permit to alter or develop an archaeological site.

On March 14, 2019, Islands Trust Council unanimously adopted the Reconciliation Declaration:

"Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.

Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.

Islands Trust Council will strive to create opportunities for knowledge-sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea."

Within this context, a relationship-centred approach provides a guiding framework for land use planning, stewardship, and community decision-making in the Local Trust Area. For Gabriola Island, reconciliation is understood as an ongoing, place-based process grounded in listening, learning, and shared responsibility. It includes acknowledging Indigenous presence, rights, and responsibilities to the land and waters; protecting cultural and archaeological values; and working collaboratively to integrate First Nations' interests, knowledge, and stewardship practices into land use planning and decision-making. This approach supports the long-term health of the island and surrounding marine environment while fostering mutual understanding, respect, and shared care for place.

The Gabriola LTC plays an important role by integrating cultural heritage protection and ecological conservation into land use planning through strengthened policies, improved site protection, and respectful, ongoing engagement with First Nations.

Reconciliation as expressed by implementation of policies in this Plan does not alter ownership of private lands or existing legal interests. It guides how land use decisions are approached within the Local Trust Area.

1.2.3 Population and Demographics

Gabriola Island's population has grown steadily since the mid-20th century, influenced by improved ferry service, broader societal shifts, and more recently, increased remote work opportunities. According to the 2021 Census, the year-round population was approximately 4,522, representing an increase of 11.6 percent since 2016, with additional seasonal residents not fully captured in census data. The population is significantly older than regional and provincial averages, with a median age of 63 and more than half of residents between the ages of 55 and 74. These demographic trends have important implications for housing diversity, accessibility, health and social services, transportation, and long-term community resilience.

Population projections anticipate continued growth over the coming decades. Population projections to 2030 and 2045 were prepared using multiple methods. Linear, logarithmic, and regional step-down approaches all project modest growth, estimating a population of approximately 4,800 by 2030 (about 6% growth from 2021) and 5,000 – 5,200 by 2045 (11%-15% growth from 2021), equivalent to an annual growth rate of roughly ~0.4 – 0.6%.

While projections are estimates are subject to challenge based on methodology and can change overtime, growth is trending upward. Planning for future growth must therefore balance accommodating change with the island's environmental limits, infrastructure capacity, and community values.

1.2.4 Housing and Services Needs

The BC Provincial Government requires all local governments in BC to consider its most recent Housing Needs Report and housing information when amending OCPs. Based on the Islands Trust Housing Needs Assessment prepared in 2025, the projected housing need in the next five years is 367 additional housing units and 1,196 additional housing units in the next twenty years. This calculation is based on a portion of growth projections for the Nanaimo region which does not consider the unique nature of the Islands. Given the freshwater limitations and interests in preserving and protecting the environment on the island the provision of housing should be limited, and focussed on the type of housing that is needed most – non-market housing attainable by low and middle income residents.

Gabriola Island currently has approximately 589 vacant residentially zoned lots, however this does not suggest that true housing needs will be adequately addressed. A limited rental supply, rising property costs, and a growing proportion of residents on fixed or lower incomes has contributed to housing insecurity. The portion of households that experience core housing need [1] (270 units as indicated in 2021 Census), and projected population growth, combined with demographic aging, points to increasing demand for more diverse, accessible, and affordable housing options. Market conditions and affordability challenges limit the ability of existing housing supply to meet community needs.

Essential services further shape land use planning decisions. Land within the Plan Area, including Gabriola Island, relies primarily on groundwater for water supply, which is sensitive to seasonal variation and drought conditions. Many residents supplement their water supply during dry periods. Wastewater services are provided primarily through private septic system, water and waste service limitation impose practical limits on development intensity and location.

1.2.5 Groundwater Resources

Groundwater is an essential freshwater resource in the Gabriola Island Local Trust Area and an integrated component of the island's natural ecosystems. Gabriola is underlain by fractured sedimentary bedrock aquifers within the Nanaimo Group. Aquifers store and transmit groundwater through fractures and related pathways and contribute to springs, wetlands, streams, and coastal discharge zones. Groundwater supports human use, watershed function, and groundwater-dependent freshwater ecosystems.

Groundwater is the primary source of freshwater for most properties in the Plan Area, including Gabriola Island. Provincial well records indicate a high level of groundwater development, with over 2500 registered wells on the island, most constructed in sedimentary bedrock and are privately owned and managed. Groundwater supplies most domestic demand and is relied upon by agriculture, businesses, institutions, industry, and small water systems. Groundwater is a critical community amenity that supports rural settlement, local livelihood, and use of the land, while placing practical limits on the density and intensity of development.

[1] When a private household's housing falls below at least one of the indicator thresholds for housing adequacy, affordability or suitability, and it spends 30% or more of its total before-tax income to pay the median rent of alternative local housing that is acceptable (i.e., attains all three housing indicator thresholds).

Groundwater has a central role in the freshwater assessment work completed for Gabriola Island. The Freshwater Footprint project, prepared for the Gabriola LTC, included an updated conceptual and hydrostratigraphic model, a water balance assessment, and a freshwater hazard assessment. The Freshwater Footprint considered groundwater use relative to recharge, key water quality indicators such as chloride and total dissolved solids, and freshwater hazards including saltwater intrusion. The results confirm that freshwater conditions on Gabriola must be understood in terms of both groundwater quantity and groundwater quality and that these conditions vary across the island.

Climate change is expected to increase stress on groundwater resources in the Local Trust Area. Changes in precipitation patterns, warmer temperatures, longer summer dry periods, and more frequent drought conditions are expected to affect recharge, seasonal water availability, and freshwater demand. Sea level rise and coastal processes may further increase saltwater intrusion risk in vulnerable shoreline areas. In this context, protection of aquifers, recharge areas, groundwater quality, and groundwater-dependent ecosystems is important to long-term freshwater security, ecological resilience, and land use planning for the Plan Area.

1.2.6 Natural Environment and Biodiversity

The natural environment of the Plan Area is a defining feature of community identity and land use planning. The island is underlain primarily by sedimentary rock formations of the Nanaimo Group, influencing groundwater movement, erosion patterns, and freshwater availability. The Trust Area is located within the Coastal Douglas-fir moist maritime Bio geoclimatic Zone, which is found nowhere else in Canada and is one of the an ecologically sensitive area.

Approximately 12 percent of the island's land base is protected through parks, conserved lands, and conservation covenants, reflecting only a small fraction of the ecological sensitivity of island ecosystems and the importance of long-term stewardship. Data presented in the Islands Trust Conservancy Regional Conservation Plan for 2018-2027 indicated that the amount of land conversion in the Gabriola Island Local Trust Area was approaching the threshold for increased species loss within ecosystem types. In total there are 16.3 hectares of land protected by conservation covenant. The Islands Trust Conservancy protects the 65-hectare Elder Cedar (S'ul-hween X'pey) Nature Reserve, a site of significant ecological and cultural value.

The Plan Area supports diverse terrestrial and marine species, including marine mammals, fish, invertebrates, and kelp forests, contributing to ecosystem resilience within the Salish Sea. Multiple species and ecosystems at risk and culturally significant species are found on land as well, with habitat requirements ranging from old growth forests to Garry oak ecosystems to wet meadows and seepage areas. Federally and provincially protected species include plants (bog bird's foot trefoil, Macoun's meadow-foam), birds (marbled murrelet, western screech-owl, great blue heron, peregrine falcon, double-crested cormorant) and butterflies (Moss' elfin, Propertius duskywing). Endangered ecosystems include Douglas-fir/dull Oregon grape, grand fir/dull Oregon grape, and trembling aspen/Pacific crab-apple/slough sedge.

Habitat loss and degradation through land conversion and development is a common threat for all these species, along with competition from invasive species, pollution and other contaminants, and climate change. Large scale industrial logging and gravel sandstone

extraction had huge impacts on the biodiversity, and clear cutting of forests during the early 1900s for homesteading and agriculture altered much of the landscape and natural water flows.

1.2.7 Local Economy and Income Levels

Land use on Gabriola Island reflects a mix of residential, agricultural, forestry, commercial, industrial, and protected lands. Agricultural land represents a significant portion of the island's land base and supports food production, local livelihoods, and food security, although this system is increasingly vulnerable to climate change and biodiversity loss. Forestry and mining remain economic drivers. A big driver of the economy is new residential construction and renovation.

The island's economy also includes small-scale, locally oriented businesses, including tourism, arts and culture, agriculture, retail, and service industries. Home-based businesses are common and play an important role in economic vitality. Limited industrial activity includes light manufacturing, renewable energy, and specialty production. Housing affordability has emerged as a significant constraint on economic sustainability, with local businesses reporting challenges in attracting and retaining employees due to limited housing options.

In the 2021 census, the median income on Gabriola Island was $34,400 for individuals and $78,000 for households with two or more people. Approximately 15% of the island's population was considered low income in 2020, compared to an estimated 11% average for British Columbia. Of those classified as low income, 28.7% were aged 18 to 64. In 2022, 21% of Gabriola Island residents relied on government transfers for income, compared to the RDN (16%) and British Columbia as a whole (11%).

1.2.8 Transportation and Connectivity

With over 150 kilometres of roads and minimal active transportation infrastructure, Gabriola Island is considered a highly car-dependent community, with walkability largely concentrated in key areas such as the village commercial area. The majority of the roads on the Island are built and maintained by the Province.

Public transportation options on Gabriola Island are limited. A community bus provided by the Gabriola Community Bus Foundation (GERTIE), operates with limited hours and routes and is supported by a combination of grants, donations, capital funding, and tax support. As a result, most residents rely on private vehicles to get around and on BC Ferries for connection to Vancouver Island.

The island is home to one federal government dock and two private marinas offering highly valued anchorage in the Salish Sea. Float plane service to and from Gabriola to Vancouver is regularly scheduled.

1.2.9 Community Spaces

Community spaces and recreational amenities play an important role in supporting health, social connection, and quality of life. Many parks, trails, and recreation facilities are supported by community organizations, these amenities are widely used and contribute to high levels of community engagement. Spaces such as the Gabriola Branch of the Vancouver Island Regional Library, Gabriola Arts and Heritage Centre, Gabriola Museum, Rollo Centre, and the Gabriola Commons serve as important gathering places, offering accessible venues for social, educational, and cultural activities across age groups.

1.2.10 Parks, Recreation, and Open Space

Parks and outdoor recreation areas are an essential extension of Gabriola Island's community spaces, supporting health, social connection, and quality of life. Given limited transportation options and the island's reliance on outdoor amenities, access to parks, trails, and waterfront areas is particularly important. Parks and protected areas currently comprise approximately 12% of Gabriola's land base, a level considered insufficient to meet current and future community needs.

Parkland on Gabriola Island is provided primarily by BC Parks and the RDN (RDN). Three Class "A" Provincial Parks -Drumbeg, Gabriola Sands, and Sandwell - support coastal and nature-based recreation, while community and regional parks provide locally and regionally significant open space. Community parks are funded locally, while regional parks are funded across the RDN.

Outdoor recreation opportunities extend beyond formal park boundaries and include courts, playing fields, school sites used for recreation, a privately operated golf course, public road ends, Crown foreshore access, and an extensive trail network. While the Islands Trust does not manage park operations, this Plan recognizes the importance of parks and open space and includes objectives and policies to guide their future protection and enhancement.

1.3 Land Use Planning Context

1.3.1 Policy Layers

This Plan works alongside the LUB to shape community informed decisions about how land and marine areas are protected, restored, used and/or developed.

"Land use planning" is a commonly used legal and professional term, though it originates in colonial approaches to land control and ownership that have been harmful to Indigenous Peoples and the natural environment. The term is used in this document to describe the statutory planning framework set out in the *Local Government Act* and the *Islands Trust Act*, and Gabriola Island's inclusion in the Islands Trust governance structure.

As such, this plan is aligned with Islands Trust object and the Islands Trust Policy Statement, is consistent with the requirements set out in the *Local Government Act*, as well as being grounded in a set of community values. These priorities and values support community resilience in a changing climate through the protection of biodiversity, responsible resource stewardship, and a commitment to reconciliation.

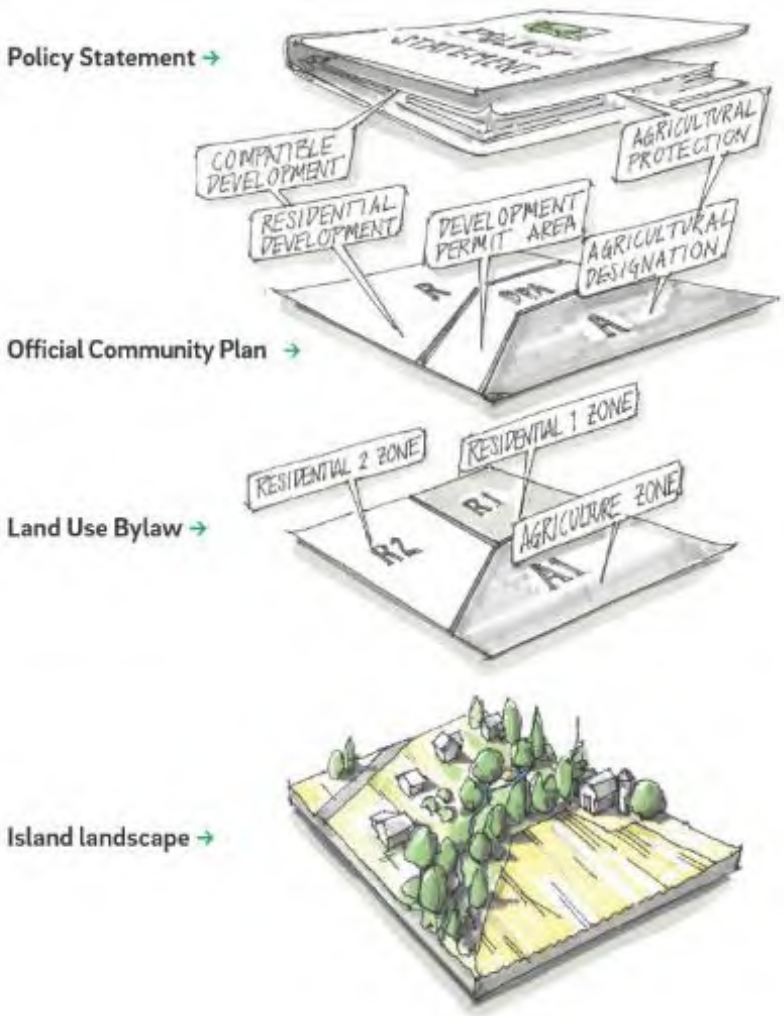


Figure1: Policy Layers

Legislative Framework

The *Local Government Act* (LGA) governs the process whereby a local government can prepare and adopt an OCP. The LGA outlines policy statements and requirements that the OCP must include, as well as policies that the Gabriola LTC may choose to include in the OCP.

Once an OCP has been adopted, all decisions related to planning, subdivision, development, and land use matters must conform to the OCP. In accordance with the LGA, the OCP should be reviewed and updated every five years, incorporating public engagement to ensure that it continues to represent community objectives and addresses important and emerging issues and trends as they evolve over time.

The LGA outlines the required OCP content applicable to the Islands Trust Area is as follows:

- **Land Use:** Statements and map designations identifying the approximate location, amount, type, and density of residential development to meet anticipated housing needs over at least a 20-year period, and the approximate location, amount, and type of present and proposed commercial, industrial, institutional, agricultural, recreational, and public utility land uses.

- **Natural Resources, Environment, and Hazard Lands:** Identification of the approximate location and area of sand and gravel deposits suitable for future extraction where such deposits exist, and policies and restrictions on the use of land that is subject to hazardous conditions or is environmentally sensitive to development.

- **Infrastructure and Public Facilities:** Identification of the approximate location of present and proposed public facilities, including schools, parks, and disposal sites.

- **Housing:** Policies respecting affordable housing, rental housing, and special needs housing, consideration of the most recent Housing Needs Report when developing or amending the OCP.

- **Climate Change:** Targets for the reduction of greenhouse gas emissions within the plan area, and policies and actions proposed to achieve those targets.

- **Provincial Policy Context:** Consideration of applicable provincial policy guidelines.

1.3.2 The Islands Trust

In 1974, the Government of British Columbia established the *Islands Trust Act* to preserve and protect the Islands Trust Area and its unique amenities and environment against unrestrained growth and development. Islands Trust is a federated body responsible for the Trust Area, comprised of 13 major islands, more than 450 smaller islands, and the surrounding waters in the Strait of Georgia and Howe Sound. Islands Trust regulates local land use, works with other levels of government, and through the Islands Trust Conservancy, protects places of natural or

cultural significance. This unique governmental mandate is defined in Section 3 of the Islands Trust Act and is commonly referred to as the "Islands Trust Object."

The object of the Islands Trust, established by British Columbia law, is to *"preserve and protect the Trust Area (islands and waters) and its unique amenities and environment for the benefit of residents of the Trust Area and British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia."*

1.3.3 Islands Trust Priorities

The "Islands Trust Object" is expressed through the Islands Trust Policy Statement. The themes of environmental protection, reconciliation with Indigenous People, addressing climate change and housing affordability are also key priorities across the Islands Trust and are described through three declarations of Islands Trust Council.

Environmental Protection This legislated mandate of the Islands Trust Council recognizes the ecological sensitivity of island environments and the importance of long-term stewardship. Land use planning plays a central role in achieving this objective by guiding growth and development in ways that protect ecosystems, freshwater resources, coastal processes, biodiversity, and the natural features that support community well-being and island character.

Reconciliation with Indigenous Peoples – In 2019, the Islands Trust Council adopted the *Islands Trust Reconciliation Declaration*, affirming a commitment to advancing reconciliation within its mandate and decision-making processes. For the purposes of this plan, reconciliation means planning and managing land in ways that respect First Nations' enduring relationships to their territories, acknowledging the past and ongoing impacts of colonial land use systems, and supporting respectful, collaborative approaches to decision-making. This includes early and meaningful engagement, recognition of Indigenous rights and interests, and the integration of Indigenous knowledge and perspectives into planning processes to help ensure that land use decisions support cultural continuity, stewardship responsibilities, and community well-being.

Climate Change – The *Local Government Act* requires all OCPs to contain GHG reduction targets, policies and actions. In 2019 the Islands Trust Council declared a climate change emergency. Gabriola residents are experiencing the impacts of climate change with increased drought periods and shifts in biodiversity such as the increasing loss of Western Red Cedar trees. Average global temperatures are now more than 1.4 °C warmer than pre-industrial levels, with the past decade being the warmest on record and recent years among the hottest ever documented; this warming is linked to rising sea levels, more intense weather events, and shifting environmental conditions

Housing Affordability – In 2023, the Islands Trust Council declared that a housing equity and workforce shortage crisis exists within the Islands Trust Area, identifying a severe lack of housing options that are accessible and affordable for residents and local workers. This declaration reflects long-standing concerns that the limited supply of diverse housing types, combined with rising property values and rental costs, has made it increasingly difficult for people of many income levels to live and remain in island communities. Multiple housing needs assessments have documented shortages in secure, appropriate, and affordable housing for

low-to-moderate income earners, impacting community well-being and economic sustainability across the Trust Area.

1.3.4 Island's Trust Policy Statement

Section 15 of the Islands Trust Act states that Trust Council must adopt, by bylaw, a Trust Policy Statement that applies to the Islands Trust Area as a whole. The Islands Trust Act specifies that the Policy Statement must be a general statement of the policies of Trust Council to carry out the Islands Trust Object, that it may establish different policies for different parts of the Islands Trust Area. The Policy Statement represents Trust Council's vision for the preservation and protection of the draft Islands Trust Area and its unique amenities and environment.

This Plan is consistent with the Islands Trust Policy Statement in effect at the time of adoption.

1.3.5 The Development of the Plan

The Plan Area's social, environmental, economic, and infrastructure conditions establish the context within which this Plan is developed and implemented. The development of this Plan reflects this information and public input, and guides land use decisions that balance environmental protection, housing needs, infrastructure capacity, economic vitality, and community well-being, consistent with the Islands Trust mandate, reconciliation commitments, and community values identified through the engagement process for this Plan.

The development of the Plan involved a number opportunities for public involvement through 3 Phases of the Plan development.

Phase 1 – **Gabriola Vision 2050** Launched in 2023, focused on the identification of community values, vision and related principles through the Gabriola Visioning 2050 Process. This process included:

- Online survey (363 respondents)
- Group led engagement events (200 community members engaged)
- Community meeting (40+ community members attended)
- Engagement with Snuneymuxw First Nation initiated

Phase 2 - Launched in July 2024 phase 2 involved two parts:

- **Part 1** - Reviewing the key principles emerging from the Gabriola Visioning 2050 engagement
    - Survey (163 Survey respondents)
    - Summer engagement at markets and events

- **Part 2** - Engaging the community in topic-focussed discussion.

- Survey (590 respondents)
- Focus groups on the following themes: connectivity, economy, environment, housing, resources stewardship, water. Focus group reviewed draft policies.
- Methodology and data collection for the water balance project.
- Engagement with Snuneymuxw First Nation continued

Phase 3 – Launched in Summer 2025, supported the OCP drafting and review involving:

- Reimagining Growth workshop (September 2025)
- Freshwater Footprint project work
- Survey on Reimagining Growth (156 respondents)
- Draft Plan writing (including values, vision/guiding directions)
- Draft Plan review by pubic and referral agencies
- Deeper engagement with Snuneymuxw First Nation

1.4 Guiding Vision, Values and Goals

The community vision, values, and resulting goals form an integrated foundation for this Plan. They guide the development, interpretation, and implementation of policies and actions that advance reconciliation, environmental protection, climate resilience, community diversity and well-being and sustainable livelihoods while fostering collaboration, inclusion, and a strong sense of belonging across Gabriola Island.

1.4.1 Community Vision

The Community Vision, shaped through extensive engagement with residents, First Nations, and other partners, expresses Gabriola Island's shared long-term aspirations for an active, resilient, and diverse rural community. It describes a unifying direction for growth, change, and stewardship.

By 2050, Gabriola Island is an active, resilient, inclusive, and sustainable rural community that respects Indigenous and local cultural heritage, protects the natural environment and biodiversity supports diverse housing and livelihoods, and works collaboratively to balance human needs within the Island's ecological limits. The community fosters a strong sense of belonging and care, supporting diverse and affordable housing, accessible services, active and low-impact transportation, vibrant arts and culture, resilient local food systems and livelihoods, and collaborative action among residents, First Nations, and all levels of government.

Achieving Gabriola's vision for 2050 depends on strong collaboration among Indigenous Governing Bodies, community organizations, regional and provincial partners, and residents. Many of the Island's defining strengths -its arts and culture, local food systems, environmental stewardship, and social connections- are sustained through community-driven initiatives that play a central role in advancing priorities such as housing, community diversity, active transportation, emergency preparedness, and environmental protection.

Regional districts and provincial agencies provide essential infrastructure, services, and regulatory oversight that support local efforts and ensure alignment with broader public interests. Meaningful and ongoing collaboration with Indigenous Governing Bodies is fundamental, bringing Indigenous knowledge, values, and stewardship practices into planning and decision-making. Together, these partnerships create the conditions for a socially equitable, culturally vibrant, environmentally sustainable, and resilient Gabriola for generations to come.

1.4.2 Community Values

The following Community Values articulate the core considerations that guide the Gabriola LTC's decision-making within its jurisdiction and provide a foundation for implementing the Gabriola 2050 vision through planning and regulatory actions. Each value is supported by a corresponding goal identified in Part 2 of this plan:

Integrating First Nations Interests - Honouring and protecting Indigenous cultural heritage, and meaningfully integrating the knowledge, perspectives, priorities, and stewardship practices of First Nations.

Protection of the Natural Environment and Biodiversity - Prioritizing the protection, enhancement, and restoration of environmentally sensitive areas, ecosystems at risk, and biodiversity to maintain healthy natural systems.

Responsible Resource Stewardship - Balancing ecological, social, cultural, and economic considerations to support long-term sustainability, freshwater integrity, local food security, and resilient livelihoods.

Community Resilience and Climate Readiness - Reducing risk and strengthen the Island's ability to anticipate, adapt to, and thrive amid climate change by safeguarding critical systems and embedding climate resilience in decision-making.

Community Diversity, Well-Being, and Sustainability - Supporting diverse housing options, access to essential services, safe and active mobility, recreation, arts and culture, and local economic opportunities, while respecting community character and long-term sustainability

Collaboration, Transparency, and Shared Responsibility - Coordinated governance that builds and maintains strong, respectful partnerships with Indigenous Governing Bodies, residents, local organizations, and other government agencies.

PART TWO

Plan Goals, Objectives, Designations and Policies

2.1 Using This Plan

2.1.1 Policy Structure

The format of this Plan is intended to be easy to understand by residents, property owners, community groups, First Nations, other levels of government and the Gabriola LTC. It supports consistent and effective policy implementation when considering land use planning proposals and assists the Gabriola LTC in making informed land use decisions.

This Part of the Plan includes:

- Goals and objectives across all themes;
- Land use designations;
- Policies that guide decision making related to change in use and density; and
- Policies that guide decision making related to development applications and referrals.

2.2 Goals and Objectives

The following goals and objectives are applicable to the designation of land use, development application review (as identified in this part of the Plan) and advocacy policies (identified in part 4 of the Plan) of the Gabriola LTC.

2.2.1 Integrating First Nations Interests

GOAL: ***Ensure land use and development decisions respect First Nations interests in protecting the environment and cultural heritage, and are guided by meaningful collaboration with Indigenous Governing Bodies, including the integration of Indigenous knowledge and stewardship practices.***

Objective 2.2.1.1: Collaborate with First Nations to identify, protect, and steward areas, species, and landscapes of cultural significance.

Objective 2.2.1.2: Integrate Indigenous knowledge, values, and perspectives into land use planning, policy development, and decision-making processes.

Objective 2.2.1.3: Ensure early, ongoing, and respectful engagement with Indigenous Governing Bodies on development applications and amendments to the Plan and LUB.

Objective 2.2.1.4: Minimize ground disturbance in areas of known or potential archaeological significance.

Objective 2.2.1.5: Protect archaeological sites and culturally significant areas through, Heritage Conservation Areas, covenants, and other regulatory tools.

Objective 2.2.1.6: Use Indigenous cultural knowledge alongside ecological, climate, freshwater data and community insights to guide planning decisions.

Objective 2.2.1.7: Promote community awareness and understanding of First Nations history, rights, and cultural values.

2.2.2 Protection of the Natural Environment and Biodiversity

GOAL: ***Protect, restore, and enhance natural ecosystems, biodiversity, and environmentally sensitive areas to maintain healthy, functioning ecological systems for present and future generations.***

Objective 2.2.2.1: Ensure that land use planning prioritizes ecosystem protection and decisions are guided by comprehensive ecological, climate change, and freshwater vulnerability data as well as Indigenous cultural knowledge.

Objective 2.2.2.2: Protect, restore, and enhance ecosystem integrity, biodiversity, and habitat connectivity by identifying, safeguarding, and connecting sensitive terrestrial ecosystems and habitats, including those important to species at risk.

Objective 2.2.2.3: Protect marine ecosystems and shoreline ecosystems from degradation and incompatible development.

Objective 2.2.2.4: Adopt land use policies and regulations to increase climate change mitigation through ecosystem-based solutions and address ecosystem threats such as wildfire and other climate change-related threats to ecosystem integrity.

Objective 2.2.2.5: Protect aquifer recharge areas, watersheds, aquifers, wetlands, and freshwater ecosystems to support long-term groundwater sustainability.

Objective 2.2.2.6: Preserve large, contiguous forested areas for biodiversity conservation, wildlife habitat, and low-impact recreation.

2.2.3 Responsible Resource Stewardship

GOAL: ***Manage land and resources in a way that sustains ecological health, supports local economies and food systems, protects freshwater resources, and promotes long-term social and cultural well-being.***

Objective 2.2.3.1: Protect the quality and quantity of Gabriola Island's freshwater resources and ensure that neither the density nor the intensity of land uses is increased where the quality and quantity of the supply of freshwater is likely to be inadequate or increase the vulnerability of freshwater supply.

Objective 2.2.3.2: Preserve agricultural land and strengthen local food systems by supporting environmentally sustainable, economically viable farming and related activities while avoiding fragmentation and conflicts with non-farm uses.

Objective 2.2.3.3: Maintain large, contiguous areas of forested land to protect biodiversity, ecosystem services, wildlife habitat, and natural landscapes, while supporting compatible low-impact recreation and education.

Objective 2.2.3.4: Minimize the environmental and community impacts of mineral and aggregate extraction and processing by limiting such uses and ensuring responsible site management and restoration.

2.2.4 Community Resilience and Climate Readiness

GOAL: ***Reduce climate-related risks and strengthen the Island's capacity to adapt to climate change by protecting critical systems, supporting resilient infrastructure, and integrating climate considerations into all land use and development decisions.***

Objective 2.2.4.1: Reduce greenhouse gas emissions by prioritizing development close to amenities and protecting/restoring natural systems and carbon sequestering opportunities.

Objective 2.2.4.2: Direct development away from areas vulnerable to natural hazards and climate-related risks, including wildfire, flooding, and saltwater intrusion.

Objective 2.2.4.3: Ensure housing and development locations consider freshwater availability, climate hazards, and land use practices that enhance community resilience.

Objective 2.2.4.4: Protect and manage forests, wetlands, and other natural features that contribute to climate mitigation, adaptation, and ecological and community resilience.

Objective 2.2.4.5: Support transportation systems that reduce reliance on private automobiles while maintaining Gabriola's rural island character.

2.2.5 Diversity and Community Wellbeing

GOAL: ***Foster inclusive, healthy, and vibrant community by supporting diverse housing options, access to services, active transportation, recreation, arts and culture, and sustainable local economic opportunities.***

Objective 2.2.5.1: Provide a range of housing options that meet the diverse needs of Gabriola residents, with attention to housing accessible to low and medium income residents and families.

Objective 2.2.5.2: Encourage housing forms and settlement patterns that compliment rural character and protect natural environments, Indigenous and archaeological heritage, biodiversity, and agricultural lands.

Objective 2.2.5.3: Support housing near commercial areas and community services where environmental impacts can be minimized and freshwater resources are sufficient.

Objective 2.2.5.4: Enable multi-unit non-market housing forms where compatible with community character, infrastructure capacity, and environmental protection.

Objective 2.2.5.5: Support a mix of land uses that allows residents to meet daily needs locally and strengthens community self-reliance.

Objective 2.2.5.6: Maintain and expand parkland and public access to natural areas through planning processes and collaboration with government and community partners.

Objective 2.2.5.7: Support home occupations that contribute to local employment and economic resilience while remaining compatible with residential areas and environmental protection.

Objective 2.2.5.8: Provide for commercial and light industrial development appropriately scaled to serve local needs and compatible with the natural environment.

Objective 2.2.5.9: Recognize the Village Commercial area as the primary commercial centre, while supporting small-scale secondary commercial uses serving local neighbourhoods.

Objective 2.2.5.10: Support and encourage opportunities for residents and visitors to engage with local arts, culture, and creative expression, fostering community identity, cultural heritage, and economic resilience.

Objectives 2.2.5.11 Support and encourage opportunities for residents of all ages to participate in physical activity, sports, recreation, and active transportation, supporting health, well-being, and community connection.

2.2.6 Collaboration, Transparency, and Shared Responsibility

GOAL: ***Promote and engage in coordinated and transparent decision-making through strong partnerships with First Nations, Indigenous Governing Bodies, residents, community organizations, and other levels of government, facilitating shared responsibility for land stewardship.***

Objective 2.2.6.1: Support coordinated and respectful governance relationships among First Nations, Indigenous Governing Bodies the Islands Trust, residents, local organizations, and other government agencies involved in land use planning and stewardship within the Plan Area.

Objective 2.2.6.2: Ensure early and ongoing coordination with Indigenous Governing Bodies and relevant agencies in the development and amendment of land use plans, policies, and regulations.

Objective 2.2.6.3: Promote shared understanding of roles and responsibilities in land use planning and decision-making across jurisdictions and among planning partners.

Objective 2.2.6.4: Align land use planning with related plans and initiatives of Indigenous Governing Bodies, regional partners, and other levels of government to advance shared environmental, cultural heritage protection, housing, and community objectives.

Objective 2.2.6.5: Foster transparent, inclusive, and accessible planning processes that build trust, support informed participation, and strengthen accountability in land use decision-making.

2.3 Climate Action

British Columbia has established legislated greenhouse gas (GHG) reduction targets under the *Climate Change Accountability Act*, including a 40% reduction below 2007 levels by 2030, 60% by 2040, and net-zero emissions by 2050. Through the *Local Government Act*, local governments are required to include GHG reduction targets, policies, and actions in OCPs. While many sources of emission, such as energy supply standards, building codes, and vehicle regulations, are set by senior levels of government, land use planning plays an important role in shaping long-term emissions outcomes.

Climate change is influencing local conditions, with rising temperatures, increasing rainfall variability, and more frequent extreme weather events expected to affect freshwater recharge, coastal processes, ecosystems, and community infrastructure over time. In the Plan Area, the most effective tools available to the Gabriola LTC for reducing GHG emissions are those related to how land is used and protected. This includes guiding where and how development occurs, supporting compact and complete settlement patterns, protecting forests, wetlands, and other natural areas that store carbon, and encouraging walking, cycling, and shared transportation where feasible.

Through land use policies, this Plan establishes a local framework for climate action that reflects Gabriola's rural character, environmental values, and the Islands Trust mandate to preserve and protect the Island for present and future generations.

Land use planning plays a key role in reducing GHG emissions and building resilience. The following are a set of climate action target policies to guide policy development and land use planning decisions. Detailed policies to address these targets are included in the related sections of this Plan and specific regulations to address these targets are included in the Gabriola Island LUB.

2.3.1 Climate Mitigation Targets (Reducing GHG Emissions):

From 2026 levels:

POLICY 2.3.1.1: Increase the concentration of new development in the village commercial area and create secondary commercial nodes close to existing residential, service and amenity areas and on public transit routes.

POLICY 2.3.1.2: Increase protection of forests, wetlands, soils, and other ecosystems that store carbon.

POLICY 2.3.1.3: Increase trail development.

POLICY 2.3.1.4: Increase the percentage of new development close to the public transit to encourage walking, cycling and transit use.

POLICY 2.3.1.5: Increase amount of protected farmland to support access to local food.

2.3.2 Climate Adaptation Targets (Increasing Climate Resilience) :

POLICY 2.3.2.1: Increase protection of natural areas that reduce climate-related risks such as wildfire, flooding, and erosion.

POLICY 2.3.2.2: All new buildings and infrastructure consider local hazards and long-term resilience.

POLICY 2.3.2.3: Increase the number of rainwater catchment systems on the Island.

POLICY2.3.2.4: Increase protection of watersheds, aquifers, and riparian zones to ensure long-term water supply and quality.

POLICY 2.3.2.5: Increase the integration of Indigenous knowledge and perspectives related to ecosystem health.

POLICY 2.3.2.6: Increase community understanding of climate change by including climate change considerations in land use decision making.

2.4 Land and Marine Designations

2.4.1 Purpose

Land and marine designations provide a framework for how land within the Plan Area is intended to be used and managed over the long term. Designations translate the community's vision, values, and goals into a spatial plan that guides future development, conservation, and infrastructure decisions.

Land use designations inform zoning, policy decisions, and regulatory tools to ensure land use changes occur in a coordinated, transparent, and sustainable way. The Gabriola LTC has chosen to designate all land and marine areas in this Plan to provide clear land use direction.

All land and marine designations are identified on the Map in Schedule B.

2.4.2 General Land and Marine Use Policies

The following policies apply to all applicable use designations. Designation specific policies are outlined in Section 2.4.3.

2.4.2.1 Residential Density Policies

POLICY 2.4.2.1.1: A secondary dwelling unit may not be subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.

POLICY 2.4.2.1.2: This Plan supports flexible housing options by permitting two or more small dwellings within a maximum combined floor area on a lot as an alternative to one single large dwelling.

- The land use regulations may regulate areas of the island within which flexible housing may be permitted on a lot based on analysis of available data; and
- Land use regulations may establish overall floor area limits and the number of additional dwellings based on lot area.

POLICY 2.4.2.1.3: Areas designated and zoned for Flexible Housing should exclude lots:

- Abutting any portion of the natural boundary of the sea, a lake or wetland;
- Containing any portion of recorded archaeological and cultural heritage sites; containing sensitive ecosystems;
- Containing conditions considered hazardous to development;
- Within areas of freshwater hazard as identified in Schedule D;

POLICY 2.4.2.1.4: Flexible housing and other approaches to increasing the number of dwelling units close to the village commercial area and outside freshwater hazard areas, including

permitting secondary suites on lots equal to or smaller than 2 hectares and permitting a secondary suite and a detached secondary units on lots larger than 2 hectares, are encouraged where consistent with the exclusions in POLICY 2.4.2.1.3.

POLICY 2.4.2.1.5: Land use regulations should identify where detached secondary dwelling units must be located in relationship to the principal dwelling. Locating detached secondary dwelling units in close proximity to the principal dwelling is encouraged to reduce impact to the lot and facilitate sharing of well and septic system where feasible.

2.4.2.2 Home Occupation Use Policies

POLICY 2.4.2.2.1: A home occupation use should be permitted as an accessory use in all land use designations where a residential use is permitted. Land use regulations should establish conditions of use for home occupations, such as:

- Specifying the range of uses permitted as a home occupation;
- Restricting the floor area used by a home occupation;
- Requiring the use to be conducted by a resident of the lot;
- Specifying a limit on the number of non-resident persons who may be employed, based on the size of the lot;
- Prohibiting or limiting the exterior storage of material or equipment;
- Requiring screening form adjacent properties and the roadway;
- Requiring adequate off-street parking;
- Considering different home occupation regulations for different zones;
- Compatibility with the surrounding neighbourhood and environment; and
- Considering impacts to archeological sites.

POLICY 2.4.2.2.2: Bed and Breakfast tourist accommodation use may be permitted as a home occupation on a lot where the home occupation operator resides in the legal dwelling where the bed and breakfast occurs.

POLICY 2.4.2.2.3: Short term vacation rental of a dwelling in its entirety should not be permitted as a home occupation and may be permitted through a temporary use permit (TUP).

2.4.2.3 Trails and Parks

POLICY 2.4.2.3.1: Public parks, trails, ecological reserves, and public utilities should be permitted in all land use designations.

POLICY 2.4.2.3.2: Where feasible, new trail proposals should connect public parks, waterfront access points, and existing trail systems.

POLICY 2.4.2.3.3: Trails may be secured through subdivision and rezoning applications, or voluntary measures, and should be legally registered on title by a right-of-way, easement, or other appropriate means.

POLICY 2.4.2.3.4: Parks and trail development and acquisition should be consistent with the Regional District of Nanaimo (RDN) Parks and Trails Master Plan for Area B, where feasible.

POLICY 2.4.2.3.5: Trails and parks should incorporate wildfire risk reduction measures, including defensible space along trail corridors and fire-resistant landscaping in parklands adjacent to residential areas.

2.4.2.4 Marine Access

POLICY 2.4.2.4.1: Public boat launch facilities may be permitted in any land use designation providing waterfront access, subject to adequate parking and consideration of First Nations' interests.

2.4.2.5 Commercial and Light Industrial

POLICY 2.4.2.5.1: Industrial production that generates significant noise, vibration, odour, emissions, or heavy truck traffic and/or uses a significant amount of water are not permitted.

POLICY 2.4.2.5.2: The use of lands, buildings, or structures for the manufacturing or research of genetically engineered seeds, plants, or animals should not be permitted.

POLICY 2.4.2.5.3: Timeshare developments should not be permitted.

POLICY 2.4.2.5.4: Land-based airports, other than an emergency helicopter landing area, are not permitted.

2.4.2.6 Agricultural Use

POLICY 2.4.2.6.1: Agricultural uses should be permitted in all designations except for areas designated Parks and Protected Areas.

POLICY 2.4.2.6.2: Establish regulations to prohibit the removal of soil from or the deposition of soil where it would reduce the agricultural viability of the lot.

2.4.2.7 Aggregate Extraction

POLICY 2.4.2.8.1 Processing of mineral and aggregate resources is not permitted unless the product will be exclusively for local use.

POLICY 2.4.2.8.2: Bylaw amendment applications for new aggregate extraction facilities should not be supported.

2.4.2.8 Cemeteries and Green Burial

POLICY 2.4.2.8.1: Cemetery use, including green burial, should only be permitted in Institutional, Forestry and Park designations subject to an analysis of groundwater impacts.

2.4.2.9 Freshwater Sustainability

POLICY 2.4.2.9.1: Bylaw amendments for increases in density or intensity of use should demonstrate no adverse impacts to groundwater quality or quantity.

POLICY 2.4.2.9.2: The commercial sale of groundwater for use outside of the Plan Area should not be permitted.

POLICY 2.4.2.9.3: Land use regulations should require all new residential, commercial, and institutional development to incorporate cisterns for freshwater storage, sized to support water needs during prolonged drought conditions.

POLICY 2.4.2.9.4: Land use regulations should require potable rainwater catchment systems consistent with installation and maintenance requirements of Island Health for all secondary and accessory dwelling units located in freshwater hazard areas (see Schedule D);

2.4.2.10 Protection of Archaeological Sites

POLICY 2.4.2.10.1 Ground disturbance activities in areas of known or potential archaeological significance are subject to the requirements of the provincial *Heritage Conservation Act* and may require a provincial heritage alteration permit prior to site alteration or disturbance.

POLICY 2.4.2.10.2: Property owners undertaking ground disturbance must implement a chance find protocol, including the immediate cessation of work and notification of the Province and affected First Nations if archaeological materials are encountered.

POLICY 2.4.2.10.3: Early notification and engagement with the Snuneymuxw First Nation is encouraged when development or land alteration is proposed in areas of known or potential archaeological significance.

POLICY 2.4.2.10.4: Notification and engagement with the Snuneymuxw First Nation and the Province is required as a first step when archaeological remains are found on a property.

2.4.2.11 Fire Safety

POLICY 2.4.2.11.1: Fire safety measures must be considered with all new development, including:

- Defensible space around structures
- Safe and accessible evacuation routes
- Integration with emergency response planning

2.4.2.12 General Siting and Use

POLICY 2.4.2.12.1: Land use regulations, including use, density, lot size, setbacks, and site coverage, should consider addressing the following:

- Ecosystem functions within sensitive ecosystems and in transitional areas between ecosystems to avoid adverse impacts to ecological functions;
- Rural character, the environment, and areas of archaeological and cultural heritage significance;
- Culturally significant sites and landscapes;
- Appropriate buffer areas to protect wetlands, watercourses, and areas with high wildfire hazard, ensuring adequate defensible space between structures and flammable vegetation; and
- Setbacks to the natural boundary of the sea to prevent erosion, avoid disturbance to sensitive shoreline ecology and archaeological sites, protect development from hazardous conditions such as erosion, storm surge and sea level rise, and avoid the need for shoreline protection measures.

POLICY 2.4.2.12.2: Shoreline modifications such as shoreline armouring should only be permitted when there is a threat to human health and wellbeing, and when managed retreat or nature-based approaches (e.g. green shores) are not possible.

POLICY 2.4.2.12.3: Establish setbacks for septic drainfields from the natural boundary of the sea and watercourses to prevent negative impacts to the environment, and slope instability along the shoreline.

POLICY 2.4.3.12.4: Freshwater cisterns should not be included in the calculation of lot coverage.

2.4.2.13 Subdivision

POLICY 2.4.2.13.1 The minimum lot size for subdivision resulting in additional lots should be 35 hectares, with the exception of subdivision solely for one, or a combination of, the following uses which may have a smaller minimum lot size:

- Park;
- Conservation;
- Community Use;

- Heritage conservation, including Indigenous cultural or historical heritage protection;
- Utilities;
- Public infrastructure; and
- Non-market housing

POLICY 2.4.2.13.2 Despite 2.4.2.13.1 minimum lot size established for single unit non-market housing must be a minimum of 1 hectare.

POLICY 2.4.13.2 Despite 2.4.13.1 minimum lot size established for multi-unit non-market housing must be a minimum of 2 hectares.

POLICY 2.5.2.1.3: Subdivision regulations may support lot consolidation, or boundary adjustments which do not increase the number of lots or subdivision potential.

POLICY 2.4.2.13.4: Subdivision regulations should require provision of transportation infrastructure to be designed to connect to and improve existing networks and contribute to island-wide active transportation objectives.

POLICY 2.4.2.13.5: Subdivision regulations should not permit new roads or modifications to existing roads to fragment agricultural land or environmentally sensitive areas.

POLICY 2.4.2.13.6: In areas where individual septic systems are adversely affecting the environment or the quality of water, subdivision regulations should require a sewer system for new development.

2.4.3 Policies Related to Specific Land Use Designations

The following designation categories include specific sub-designations and specific policies:

Parks and Protected Areas
Park (P)
Conservation (C)

Small Island Stewardship (SI)

Sustainable Resource
Agriculture (A)
Forest Protection (FP)

Residential
Rural Residential (RR)
Multi-Unit Residential (MUR)

Commercial
Village Commercial (VC)
Secondary Commercial (SC)
Tourist Commercial (TC)

Institutional (IN)

Industrial (I)

Aggregate Deposit (AD)

Marine
Marine (M)
Ferry Terminal (FT)

Parks and Protected Area Designations

2.4.3.1 Park (P)

The Park (P) designation applies to parkland that supports outdoor recreation, conserves ecologically significant areas. Given the mix of jurisdiction overseeing parkland, cooperative stewardship with provincial agencies, RDN, and the community to ensure parks are responsibly managed, minimally developed, and responsive to local needs is critical.

POLICY 2.4.3.1.1 In the Park designation, land use regulations:

- Should establish different zones for active recreation parks (which provide a range of recreation opportunities) and passive recreation parks (which focus on passive recreation, preservation and restoration of the environment);
- Should not permit residential use;
- May permit campground use; and
- Regulate accessory uses, buildings and structures to ensure they are in suitable locations.

2.4.3.2 Conservation (C)

The Conservation (C) designation applies to areas that focus on the preservation of ecological function.

POLICY 2.4.3.2.1: In the Conservation designation, land use regulations should only permit wilderness recreation, ecological reserves, cultural heritage protection, environmental protection, and environmental restoration.

Small Island Stewardship

2.4.3.3 Small Island Stewardship (SI)

The Small Island (SI) designation applies to the small islands and islets in the Plan area. This designation recognizes the sensitivity of small islands and islets where cultural sites and fragile ecosystems are vulnerable to destruction, erosion, sea level rise, and saltwater intrusion.

POLICY 2.4.3.3.1: In the Small Island Stewardship designation, land use regulations should:

- Permit conservation as a principal use;
- Permit residential use as an accessory use; and
- Regulate accessory uses to ensure they have minimal impact to the natural environment.

POLICY 2.4.3.3.2: All lands designated Small Island/Islet should be designated part of a DPA for the purposes of protection of the natural environment and biodiversity.

Sustainable Resource Designations

Purpose: to permit uses connected to the direct use of the land that contribute to the local economy and food security. This includes agricultural and forestry uses.

2.4.3.4 Agriculture (A)

All lands within the provincial Agricultural Land Reserve should be designated 'Agriculture' (A). The (A) designation is established to preserve agricultural and food-producing lands by designating areas intended primarily for farming and related activities, minimizing land fragmentation, and supporting activities that compliment sustainable agricultural use.

POLICY 2.4.3.4.1: In the Agriculture designation, land use regulations should permit:

- Agriculture and residential use as principal uses;
- One principal dwelling and one secondary suite on lots 2 hectare or larger;
- In addition to one principal dwelling and one secondary suite, one detached secondary dwelling unit may be permitted on lots 2 hectare or larger outside the freshwater hazard area; and
- Passive recreation park use.

POLICY 2.4.3.4.2: Small scale, low impact, uses related to agriculture (such as selling of farm goods and agri-tourism) should be permitted where it is demonstrated that such uses:

- Are directly related to and supportive of on-site agricultural activity;
- Remain secondary to farm use in scale and intensity; and
- Do not generate traffic, servicing, or environmental impacts that would compromise agricultural operations, surrounding farm uses and residential neighbourhood.

POLICY 2.4.3.4.3: Additional dwellings on farms for seasonal workers actively employed in the farm operation, where permitted by the Agricultural Land Commission and consistent with this Plan, may be permitted.

POLICY 2.4.3.4.4: Generally, land in the Agricultural Land Reserve is designated Agriculture (A).

Forestry Protection Designation

2.4.3.5 Forest Protection (FP)

Purpose: The Forest Protection (FP) Designation applies to large lots to preserve large contiguous areas of forested land and encourage the use of forested land for recreation, wildlife habitat and maintaining biological diversity**.**

POLICY 2.4.3.5.1: In the Forest Protection designation, land use regulations should permit:

- Small scale sustainable forestry and residential use as principal uses;
- One principal dwelling and one secondary dwelling unit per lot; and
- Passive recreation park.

POLICY 2.4.3.5.2: All land within the Private Managed Forest Land should be included in this designation.

Residential Designations

Purpose: Support housing diversity and community well-being by designating residential areas that can accommodate a range of housing forms at densities appropriate to local conditions, while protecting environmental values, cultural heritage, and natural landscapes.

2.4.3.6 Rural Residential (RR)

The rural residential designation applies to residential lots on Gabriola Island including smaller lots, approved prior to the inception of the Islands Trust in 1975, and larger lots which provide low density rural settlement options and may be suitable for agricultural, and conservation uses.

POLICY 2.4.3.6.1 Consolidation of small lots is encouraged.

POLICY 2.4.3.6.2: In the Rural Residential designation, land use regulations should:

- Permit one principal dwelling per lot;
- One principal dwelling and one secondary suite on lots 2 hectare or larger;
- In addition to one principal dwelling and one secondary suite, one detached secondary dwelling unit may be permitted on lots 2 hectare or larger outside the freshwater hazard area;
- Permit horticulture;
- Permit agriculture on lots 2 hectare or larger; and
- Permit accessory uses consistent with rural residential character.

POLICY 2.4.3.6.3 Land use bylaws can establish flexible housing areas, outside freshwater hazard areas, to allow up to two or more dwellings per lot within a maximum combined floor area provided total combined floor area does not exceed a maximum prescribed in the land use regulations.

2.4.3.7 Multi-Unit Residential (MUR)

Purpose: The Multi-Unit Residential (MUR) Designation applies to lots supporting housing for low to moderate income earners, seniors and those with special needs.

POLICY 2.4.3.7.1: In the Multi-Unit Residential designation, land use regulations should permit:

- Residential use as a principal use;
- Multiple dwelling units per parcel; and
- Accessory uses consistent with residential character.

POLICY 2.4.3.7.2: All new multi-unit housing requires a housing agreement which restricts use to one or more of the following:

  - Special needs residents living with physical of mental disabilities; and/or
  - Seniors 60 years of age or older; and/or
  - Low to moderate income individuals and families.

POLICY 2.4.3.7.3: Any lands designated for multi-unit housing should be included in DPA 9 (Multi-Unit Affordable Housing) for the purposes of addressing form and character.

POLICY 2.4.3.7.4: Establish Multi-Unit Residential DPA guidelines that protect dark skies.

Commercial Designations

2.4.3.8 General Commercial Policies

The following policies apply to all commercial designations in order to strengthen local economic resilience by identifying appropriate areas for commercial uses that serve local needs, support employment, and are compatible with surrounding land uses and the natural environment.

POLICY 2.4.3.8.1: In commercial designations, land use regulations:

- Should specify an appropriate range of commercial uses to be permitted in each commercial zone;
- May permit accessory dwelling units to a maximum of half the total floor area of all commercial buildings; and
- May permit campgrounds, subject to the provision of adequate water, appropriate sewage treatment, and consideration of environmental impacts and effects to the surrounding area.

POLICY 2.4.3.8.2: All commercial designated lots should be designated within a DPA to regulate the form and character of development.

POLICY 2.4.3.8.3: Bright lights at night are discouraged and DPA guidelines for commercial areas should be established to protect dark skies.

2.4.3.9 Village Commercial (VC)

The Village Commercial (VC) designation applies to locations for commercial activity on Gabriola Island that are concentrated in the Village Centre close to residential, public recreation and institutional uses.

POLICY 2.4.3.9.1: The Village Commercial area should be recognized as the main location for commercial activity in the Plan Area providing for a range of uses including commercial, institutional and residential.

POLICY 2.4.3.9.2: Land in the Village Commercial designation and any future additions to the Village Commercial designation should be placed in the DPA 8 Village Commercial so as to ensure that the form and character of development:

- Contains small scale building design;
- Includes pedestrian oriented development with amenities such as public open spaces and walkways; and
- Prioritizes water conservation.

POLICY 2.4.3.9.3: Land should only be added to the Village Commercial designation if it is contiguous with other land in the designation.

2.4.3.10 Secondary Commercial (SC)

The Secondary Commercial (SC) designation applies to areas outside of the Village Commercial area that support the needs of the immediate neighbourhood and the island as a whole.

POLICY 2.4.3.10.1: In the Secondary Commercial designation, zoning regulations should:

- Only permit a limited range of commercial uses that are compatible with the surrounding area; and
- Consider screening regulations where appropriate.

POLICY 2.4.3.10.2: Expansion of the SC designation in the Twin Beaches aera is not supported by this Plan.

2.4.3.11 Tourist Commercial (TC)

The Tourist Commercial (TC) designation applies to areas that support tourist activities that include but are not limited to marina, restaurant, licensed lounge, tourist accommodation, tackle shop and marine outfitters shop, laundromat, campground, and retail and office use accessory to tourist commercial use.

POLICY 2.4.3.11.1: In the Tourist Commercial designation, land use regulations should not permit more than 13 tourist accommodation units per hectare and 30 tourist accommodation units per lot.

POLICY 2.4.3.11.2: Land use regulations should support a campsite zone subject to analysis of freshwater impact.

Institutional Designation

2.4.2.12 Institutional (IN)

The Institutional (IN) designation applies to a broad range of institutional uses, such as health and wellness facilities, providing services to the Gabriola Island community and a focal point for community life. Institutional uses include facilities, services and uses which are operated by government or non-profit organizations and include medical clinics open for community use.

POLICY 2.4.3.12.1: In the Institutional designation, land use regulations should:

- Permit institutional as a principal use;
- Permit commercial uses, provided they are small in scale and support the principal use; and
- Permit secondary dwelling units to a maximum of half the total floor area of all institutional buildings where appropriate.

Industrial Designation

2.4.2.13 Industrial (I)

The Industrial (I) designation applies to areas that support small scale non-polluting light industrial activities, encourage small scale value-added industrial activities and any light industry that would permit the Gabriola community to become more self-sufficient.

POLICY 2.4.3.13.1: In the Industrial designation, land use regulations:

- Should allow industrial uses as principal uses;
- May permit one dwelling unit that is limited in floor area.
- Should not permit any industrial use that are:
    - Likely to generate significant off-site impacts;
    - Incompatible with Gabriola Island's rural character, environmental sensitivity, and limited servicing capacity;
    - Located within an area where residential lots under 2ha are clustered;
    - Likely to result in significant industrial traffic through small lot residential areas; or
    - Likely to threaten the sustainability of groundwater.
- Should address the need for screening, fencing, buffering and landscaping to separate the proposed use from adjoining properties.

POLICY 2.4.3.13.2: All Industrial designated sites should be designated as a DPA to establish objectives for the form and character of development and, energy and water conservation.

POLICY 2.4.3.13.3: The Land Use Bylaw may include, where appropriate, zoning for Sustainable Enterprise Zone to support local small scale manufacturing.

Aggregate Deposit Designation

2.4.1.14 Aggregate Deposit (AD)

The Aggregate Deposits (AD) designation applies to approximate location and area of sand and gravel deposits as required by the *Local Government Act*.

POLICY 2.4.3.14.1: Publicly owned sand and gravel deposits are designated AD on Schedule B.

POLICY 2.4.3.14.2: In the Aggregate Deposit designation, land use regulations should not permit residential use.

Marine Designations

2.4.3.15 Marine

The Marine (M) Designation applies to marine and foreshore areas to restrict uses and structures that could compromise ecological integrity, cultural heritage values, anchorage and navigation. The designation supports essential ferry infrastructure and low-impact public marine access, and the regulation of shoreline development to address environmental protection, climate resilience, and public safety considerations.

POLICY 2.4.3.15.1: Marshes, bluffs and beaches along the coast shall be protected from the impacts of development by ensuring foreshore zoning protects against disruption of the natural systems and pollution.

POLICY 2.4.3.15.2: Ensure that setbacks from the natural boundary of the sea consider:

- Protecting development from sea level rise;
- Preventing the need for shoreline armouring;
- Saltwater intrusion;
- Impact to cultural heritage areas; and
- Impact to shoreline and marine environment and processes.

POLICY 2.4.3.15.3: In the Marine designation, zoning regulations should:

- Only permit private floats, docks or wharves for owners of land adjacent to the shoreline of the water area subject to the zone;
- Ensure adequate separation between potentially conflicting uses;
- Not permit buildings;
- Not permit residential use;
- Establish a marine protection zone should be for the protection of significant marine and foreshore areas;
- Permit public access trailer boat launch ramps, canoe/kayak hand launch beach sites, and dinghy docks are permitted, subject to adequate parking;
- Permit one public dock or wharf that provides a water connection from Gabriola Island to Mudge Island; and
- Not permit structures or uses which would impede the ability for boats to anchor temporarily in bays suitable for temporary anchorage.

POLICY 2.4.3.15.4: Land use regulations for commercial use of the foreshore and coastal areas should:

- Require public access to the foreshore;
- Protect coastal areas by balancing waterfront development with natural areas;
- Not result in disruption of traditional swimming beaches or areas used for marine navigation; and
- Not result in pollution into the marine area.

POLICY 2.4.3.15.5: No offshore reef or islet shall be developed or used for commercial activities.

POLICY 2.4.3.15.8: A structural link to Vancouver Island or any other island is not supported.

POLICY 2.4.3.15.9: Ferry service from Gabriola Island to the mainland is not supported.

POLICY 2.4.3.15.10: When necessary, shoreline erosion control should be achieved using an approach that protects and restores natural shoreline processes, and hard shoreline armouring (including seawalls, bulkheads, and riprap) should be prohibited, except where a qualified professional confirms that no feasible nature-based alternative exists and the works are necessary to address an immediate threat to public safety or critical infrastructure.

2.4.3.16 Ferry Terminal (FT)

POLICY 2.4.3.16.1: Land use regulations should permit the existing Descanso Bay ferry terminal site on Gabriola Island.

POLICY 2.4.3.16.2: The following uses are permitted:

- Ferry terminal; and
- Uses accessory to ferry terminal use.

POLICY 2.4.3.16.3: Residential use is not permitted.

POLICY2.4.3.16.4: Land Use Bylaw should include parking for vehicle and other modes of transportation.

2.5 Policies Related to Amendments to the Plan and Land Use Bylaw

2.5.1 General Bylaw Amendment Evaluation Considerations

When reviewing applications or Gabriola LTC directed initiatives intended to amend the Plan (OCP) or the Land Use Bylaw (LUB), the Gabriola LTC will consider the following policies which are organized according to the community values they support.

2.5.1.1. Integrating First Nations Interests

POLICY 2.5.1.1.1: When considering amendments to the Plan or LUB, the Gabriola LTC should consider:

- Indigenous Knowledge, when available and shared, alongside ecological, climate, and technical information in land use and development decision making;
- Impacts of land use and development on interests of Indigenous Governing Bodies, including cultural practices, cultural heritage, impact to groundwater and ecosystem relationships;
- Cultural heritage and archaeological information, including non-tangible cultural heritage identified by First Nations, to inform the review and consideration of development applications;
- Long-term cumulative impacts on Indigenous access to resources including, traditional harvesting areas and freshwater for future use.

POLICY 2.5.1.1.2: Bylaw amendments should not increase density or intensity of development within 200m of known or potential archaeological or cultural heritage sites, unless it can be demonstrated that such development will not adversely affect Indigenous heritage values.

POLICY 2.5.1.1.3: The Snuneymuxw First Nation and other relevant First Nations should be informed at early stages for bylaw amendments within 200m from the natural boundary of the sea and within 200 m of known archaeological sites or areas of high archaeological potential.

POLICY 2.5.1.1.4: Where a petroglyph or other fragile archeological sites are located on a property subject of a bylaw amendment application, these features should be protected through a covenant or other appropriate means from i use which may alter or destroy the significance of the site .

2.5.1.2 Protection of the Natural Environment and Biodiversity

POLICY 2.5.1.2.1: When considering amendments to the LUB, the Gabriola LTC should consider the following information related to ecosystem protection and integrity:

- Potential land use and development impacts, at appropriate ecological scales, on terrestrial, freshwater, and marine ecosystems, with particular attention to cumulative effects on ecosystem integrity, ecosystem connectivity, and projected climate change impacts; and

- The interests and expertise of the Islands Trust Conservancy and local land conservancies in land use decision-making, including opportunities for collaboration on land protection, stewardship, and the use of conservation covenants.

POLICY 2.5.1.2.2: Bylaw amendments should not result in development that is anticipated to significantly harm terrestrial, freshwater, or marine ecosystems, disrupt habitat connectivity, or undermine ecosystem resilience.

POLICY 2.5.1.2.3: When a bylaw amendment increases the density or intensity of use; protections and, where feasible, restoration of ecologically significant ecosystems (including wetlands, forests, riparian areas, shorelines, and nearshore marine environments) should take place through the use of regulations, DPAs, covenants, or other regulatory mechanisms.

POLICY 2.5.1.2.4: When considering bylaw amendment applications, the Gabriola LTC should require the retention or establishment of native vegetation buffers around sensitive ecosystems, watercourses, and shorelines, including the retention of natural tree cover along shorelines, through the use of DPAs or a covenant.

2.5.1.3 Responsible Resource Stewardship

POLICY 2.5.1.3.1: When considering amendments to the Plan and LUB, the Gabriola LTC should consider the following related to responsible resource stewardship:

- Critical aquifer recharge mapping (Schedule E) and freshwater hazard mapping (Schedule D) to assess the impacts of increased density and intensity on the sustainability of groundwater regions;

- A Freshwater Management Plan for applications that significantly increase water use;

- The potential impacts on adjacent agricultural uses on ALR land;

- When adjacent to land in the Agriculture designation:
    - Potential impacts on adjacent agricultural uses;
    - Demonstration that sufficient water supply will be available to support agricultural activities; and

- Buffering, siting and design measures to reduce conflicts between farm and non-farm uses.

POLICY 2.5.1.3.2: Proposed bylaw amendments should demonstrate approaches that protect watersheds and freshwater resources, such as clustering, covenants, parkland dedication, and other suitable approaches.

POLICY 2.5.1.3.3: Bylaw amendments should not result in increases in density or intensity of development where it would result in adverse effects on watersheds and aquifers.

POLICY 2.5.1.3.4: Bylaw amendments for land in the Agriculture designation should not result in increased subdivision potential or risk for agricultural land to be fragmented.

2.5.1.4 Community Resilience and Climate Readiness

POLICY 2.5.1.4.1: When considering amendments to the Plan and LUB, the Gabriola LTC should consider the following related to community resilience and climate readiness:

- Climate change projections, including freshwater availability, wildfire risk, flooding, risk of salt water intrusion to aquifers, and sea-level rise;
- Whether proposed increases in residential density can be supported by community services, emergency response, and transportation networks without degrading service levels;
- Whether proposed increases in residential density enable access to parks, trails, or public open space without creating increased pressure that is likely to result in damage to sensitive ecosystems; and
- The establishment and protection of climate-resilient water conservation areas.

POLICY 2.5.1.4.2: Bylaw amendments should not result in higher density residential and mixed-use development in locations where emergency response, evacuation capacity, and firefighting services cannot be efficiently and safely provided.

POLICY 2.5.1.4.3: Bylaw amendments should not result in higher density or intensity of use along shorelines that are subject to erosion, flooding, or sea-level rise.

POLICY 2.5.1.4.4: When considering bylaw amendment applications, the Gabriola LTC should require sewage disposal systems to be designed and sited to avoid adverse effects on groundwater, surface water, and marine ecosystems.

POLICY 2.5.1.4.5: When considering bylaw amendment applications, the Gabriola LTC should require evidence of sufficient quantity and quality of freshwater to support the proposed use without adverse effects to existing water users, neighbouring properties and future use by First Nations.

POLICY 2.5.1.4.6: When considering bylaw amendment applications, the Gabriola LTC should require the integration of wildfire resilience by:

- Avoiding increases in density in high wildfire-risk areas;
- Requiring adequate setbacks from forested or vegetated areas;
- Supporting defensible space, fire-resistant landscaping, and fire-smart building design;
- Ensuring emergency vehicle access and evacuation routes are feasible; and
- Maintaining forested and natural areas as buffers to reduce wildfire risk while maintaining ecosystem integrity.

2.5.1.5 Community Diversity and Wellbeing

POLICY 2.5.1.5.1: When considering amendments to the Plan and LUB, the Gabriola LTC should consider the following related to community diversity and wellbeing:

- Whether the application supports additional housing types that address housing needs;
- The cumulative impacts of increases in housing density on community service; and
- Whether the location and site design support access to public transit and active transportation networks.

POLICY 2.5.1.5.2: When considering bylaw amendment applications for commercial or multi-unit residential uses, the Gabriola LTC should require provisions for bicycle parking and connections to existing or planned trail networks in commercial, institutional, and multi-unit residential developments.

POLICY 2.5.1.5.3: When considering bylaw amendment applications for commercial or multi-unit residential uses, the Gabriola LTC should identify opportunities to secure trail connections or public access through covenants, easements, statutory rights-of-way, or other legal mechanisms.

POLICY 2.5.1.5.4: Bylaw amendments should, where possible, enhance public access to waterfronts and parks, provided that environmental protection, cultural heritage, and fire safety considerations are not compromised.

POLICY 2.5.1.5.6: Support low-impact recreational uses

POLICY 2.5.1.5.7: Support the establishment of ecological reserves to expand parkland and public access while protecting environmental values.

POLICY 2.5.1.5.8: Encourage community parks within residential neighbourhoods to support local recreation needs, including, playgrounds, greenbelts, and pocket parks and the development of additional field space in close proximity to the Village Centre or existing playing fields.

2.5.2 Official Community Plan and Land Use Bylaw Amendments

2.5.2.1 Bylaw Amendment for Subdivision

POLICY 2.5.2.1.1: Bylaw amendments to facilitate the creation of additional lots that are not for uses identified in POLICY 2.4.2.13.1 is not encouraged. When received, applications for this purpose should provide community amenities such as park dedication, conservation, affordable housing, and heritage conservation.

POLICY 2.5.2.1.4: Land transferred to support the uses in 2.5.2.1.13.1 must be secured through a covenant, restrictive covenant, housing agreement, or other legal instrument registered against the parent lot prior to final subdivision approval, ensuring that upon creation the lot will be used only for the intended purposes.

POLICY 2.5.2.1.8: Where the subdivided lot is intended for residential use or community use involving development and/or the use of groundwater the applicant should demonstrate land suitability, including but not limited to:

- Potable water availability;
- Wastewater disposal capability;
  Impacts to sensitive ecosystems;
- Impacts to species at risk;
- Impacts to critical habitat;
- Impacts to groundwater recharge;
- Hazard lands and geotechnical suitability; and
- Buildings and structures setback a minimum of 200m from the natural boundary of the sea except where it has been identified that the development will not impact archeological sites, or be impacted by sea level rise, coastal erosion and saltwater intrusion.

POLICY 2.5.2.1.12: All subdivisions for the purposes of supporting non-market housing should ensure that water supply is provided for through designs that are supported by a freshwater footprint informed water management plan demonstrating long-term aquifer sustainability under expected changes to climate conditions.

2.5.1.2 Changes in Use and Density - Residential

In keeping with goal and objectives for housing, the policies in this section primarily address criteria related to bylaw amendments to permit additional density or new uses to support non-market housing intended for moderate and low-income persons. The policies in this section are applicable to lands in any Land Use designation except Small Island Stewardship, Park, and Conservation except where otherwise stated.

POLICY 2.5.1.2.1: Additional dwellings on lots larger than 8 hectares may only be considered through a bylaw amendment application where a portion of the land is proposed to be permanently protected under a conservation covenant.

Multi-Unit Housing

POLICY 2.5.1.2.2: Consideration of multi-unit housing may only be given to applications intending to provide non-market housing for special needs residents living with physical and cognitive disabilities, seniors 60 years of age or older or moderate and low-income persons to be secured through a housing agreement.

POLICY 2.5.1.2.3: Multi-unit housing developments are limited to 12 units per hectare and 24 units per development.

POLICY 2.5.1.2.4: Multi-unit housing should be located within proximity to roadways and include screening to minimize environmental impacts and visual impacts on surrounding properties.

POLICY 2.5.1.2.5: The siting and height of the proposal should be sensitive to the surrounding land uses and should not negatively impact adjacent properties.

POLICY 2.5.1.2.6: Multi-unit housing should be included in DPA 9 – Multi-Unit Residential

POLICY 2.5.1.2.7: For bylaw amendment applications to permit detached multi-unit housing, the following considerations should be addressed:

- Units can consist of tiny homes, including tiny homes on wheels or manufactured homes;
- Units will be constructed to the BC Building Code, or CSA standards for manufactured homes, or equivalent and receive a Building Permit from the RDN;
- Units must be connected to a source of potable water, and connected to an approved wastewater system;
- Communal facilities can be provided, such as laundry or common rooms.

2.5.2.3 Changes in Use and Density - Commercial and Tourism

POLICY 2.5.2.3.1: Bylaw amendment applications for commercial or tourist accommodation uses should assess cumulative impacts on housing availability, freshwater demand, parking, and transportation infrastructure.

POLICY 2.5.2.3.2: Where an application for commercial or tourist accommodation development requiring a bylaw amendment are proposed to generate significant employment, on-site or nearby employee housing may be required, with priority given to locations accessible by active transportation or transit.

POLICY 2.5.2.3.3: Bylaw amendment applications for commercial uses should take into account access to other commercial uses as well as residential areas through active transportation routes.

POLICY 2.5.2.3.4: Applications to allow for commercial or industrial uses should provide a conditional provincial water license for the proposed use.

2.5.2.4 Changes in Use and Density - Agriculture

POLICY 2.5.2.4.1: Bylaw amendment proposals affecting lands within the Agricultural Land Reserve, or lands designated Agriculture, should not be supported where they would:

- Fragment agricultural landholdings,
- Introduce non-farm uses that are not clearly subordinate to agricultural activity, or
- Undermine current or future farm use**.**

2.5.2.5 Changes in Use and Density - Forest Land

POLICY 2.5.2.5.1: Rezoning within or adjacent to Forestry designated lands should not be supported where it would incrementally introduce residential, institutional, or infrastructure uses that undermine long-term forest management, ecological integrity, contiguous forest cover, or watershed resilience.

2.5.2.6 Changes in Use and Density - Marine

2.5.2.6.1 When assessing a rezoning for a marina the provision of toilet facilities should be considered.

2.6 Policies Related to Development Variance Permit Applications

2.6.1 General Policies

POLICY 2.6.1.1: Development Variance Permits should only be issued where variances are consistent with the objectives of this Plan.

POLICY 2.6.1.2: In considering a development variance permit application, the Gabriola LTC will evaluate whether the proposed variance:

- Is minor in nature;
- Does not undermine the intent of the bylaw being varied;
- Is consistent with the form and character of the surrounding area; and
- Will not result in significant adverse impacts on adjacent properties.

POLICY 2.6.1.3: Development Variance Permit applications should demonstrate that environmental values, ecosystem functions, and archaeological sites are adequately protected.

POLICY 2.6.1.4: Development Variance Permit applications near the shoreline should demonstrate that natural shoreline processes, coastal vegetation, and public access to the foreshore are maintained.

POLICY 2.6.1.5: Where a Development Variance Permit affects setbacks, siting, or lot coverage near environmentally sensitive areas, a Section 219 covenant may be required to protect ecological values, including vegetation retention, wildlife habitat, or shoreline integrity.

POLICY 2.6.1.6: Where a retroactive Development Variance Permit is considered, the Gabriola LTC may require conditions to mitigate impacts of the existing development, including but not limited to environmental remediation, landscaping, or registration of protective covenants.

2.7 Policies related to Crown Lease Referrals

POLICY 2.7.1: Crown Lease referrals will be reviewed using the following criteria:

- Consistency with land use regulations;
- Whether the proposed referral advances the objectives of this plan;
- Avoidance or mitigation of impacts to sensitive ecosystems, known First Nations interests, and archaeological sites;
- Appropriate management of hazards, including climate related hazards; and
- Whether there is appropriate servicing that will not impact sustainability of freshwater resources or generate waste that cannot be managed without detrimental impacts to the environment.

POLICY 2.7.2: When insufficient information is available for a review of a crown lease referral, additional information may be requested prior to a response in support of an application.

POLICY 2.7.3: When a crown lease referral significantly affects community interests, recreational areas, or neighbourhood amenities; referral responses will request that additional consultation occurs to understand and address community concerns prior to an application advancing.

2.8 Policies Related to Temporary Use Permit Applications

An OCP may designate areas where temporary uses may be allowed. A TUP may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.

Guidelines recognize conditions that may be taken into account when evaluating a TUP application. The Gabriola LTC may identify site-specific performance measures to be attached as conditions of an approved permit.

Subject to the guidelines, TUPs may be issued in all land use designations, with the following exceptions:

- Areas designated on Schedule B as ‘Conservation’ and ‘Small Islands Stewardship’;
- For commercial vacation rentals, only within areas designated on Schedule B as ‘Rural Residential’, ‘Forest Protection’, or ‘Agriculture’;
- For aggregate processing, only within areas designated on Schedule B as ‘Industrial’, ‘Agriculture’ or ‘Forest Protection’;
- For a barge load out site, only on lots 8 hectares or larger within areas designated on Schedule B as ‘Forest Protection’;
- For a log handling site, only on lots 8 hectares or larger within areas designated on Schedule B as or ‘Forest Protection’;
- For campground use, only on lots 8 hectares or larger within areas designated on Schedule B as ‘Rural Residential, ‘Agriculture’ or ‘Forestry’;
- For water sales, only on lots 2 hectares or larger within areas designated on Schedule B as ‘Rural Residential’, or ‘Forest Protection’.

2.8.1 TUP Guidelines

2.8.1.1. General Guidelines

GUIDELINE 2.8.1.1.1: TUPs should only be issued for activities that are of short and fixed duration. Re-application for the same use on the same property is discouraged.

GUIDELINE 2.8.1.1.2: The Gabriola LTC should consider First Nations interests when considering issuance of a TUP. The Gabriola LTC may request additional information, apply conditions, or refuse a TUP to avoid or mitigate potential impacts on First Nations interests.

GUIDELINE 2.8.1.1.3: When a TUP application is for a use that is listed with guidelines, the guidelines apply to that application.

GUIDELINE 2.8.1.1.4: All TUP applications should demonstrate there is a suitable sewage system, and sufficient quantity and quality of water available for the proposed use.

GUIDELINE 2.8.1.1.5: All TUP applications should indicate how the proposed use will benefit the local Gabriola Island community.

GUIDELINE 2.8.1.1.6: The time period, days of the week and scale of activity permitted on the site may be specified in the permit.

GUIDELINE 2.8.1.1.7: The impact of the proposed use on the local neighbourhood, including traffic, should be considered where significant increases in traffic or an increased number of commercial and industrial vehicles are anticipated.

GUIDELINE 2.8.1.1.8: No permanent buildings or structures should be erected related to the proposed use.

GUIDELINE 2.8.1.1.9: The proposed use should not preclude or compromise future permitted uses of the lot.

GUIDELINE 2.8.1.1.10: Permit conditions should ensure that sufficient off-street parking is provided for proposed and existing uses.

GUIDELINE 2.8.1.1.11: Where a lot is within the Agricultural Land Reserve, a TUP should not be issued prior to the proposed use being approved by the Agriculture Land Commission.

GUIDELINE 2.8.1.1.12: The Gabriola LTC may require that a security be provided so as to ensure compliance with the terms of the permit

2.8.1.2 Aggregate Processing, Barge Load-Out, Log Handling, and Campgrounds

GUIDELINE 2.8.1.2.1: The applicant should demonstrate that it is advantageous to the local island community to permit the proposed use on a temporary basis.

GUIDELINE 2.8.1.2.2: The application should provide evidence that the intended use will not adversely affect the local groundwater quantity or quality for the natural environment, including the marine environment.

GUIDELINE 2.8.1.2.3: The application should provide a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Gabriola LTC.

2.8.1.3 Limited Public Markets

GUIDELINE 2.8.1.3.1: Permit conditions should be consistent with applicable DPA Guidelines.

GUIDELINE 2.8.1.3.2: The application should provide a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Gabriola LTC.

2.8.1.4 Extracting, Processing, and Sale of Water

GUIDELINE 2.8.1.4.1: The applicant should provide a report prepared by an independent qualified professional engineer or professional geoscientist, registered in British Columbia and competency in hydrogeology, identifying the source aquifer, recharge area, zone of influence, proposed rate and volume of withdrawal, and any hydraulically connected surface water features, and providing an assessment that the proposed extraction is not likely to cause detrimental effects on existing wells, the aquifer, hydraulically connected streams or wetlands, or the natural environment. The report should confirm that the source well, and any proposed alteration to the source well, is consistent with the Water Sustainability Act, the Groundwater Protection Regulation, and applicable provincial well construction, wellhead completion, and pumping test requirements.

GUIDELINE 2.8.1.4.2: A TUP does not authorize the diversion or use of groundwater. The applicant should provide evidence that the required provincial authorization to withdraw groundwater has been obtained, or written confirmation from the Province respecting the status of the groundwater licence application, including a conditional water licence where applicable, before extraction, processing, or sale of water occurs

GUIDELINE 2.8.1.4.3: The quantity of water to be extracted and processed may be limited, and the amount approved should be based on the information provided by the qualified professional report, any applicable provincial authorization, site-specific aquifer conditions, seasonal water availability, and the need to avoid adverse effects on other water users and the natural environment.

GUIDELINE 2.8.1.4.4: The proposed operation must not cause, or be likely to cause, the intrusion of saline groundwater, sea water, or contaminated water into the source aquifer, another aquifer, or a hydraulically connected stream, and must not cause a significant adverse impact on groundwater quality or existing uses of water.

GUIDELINE 2.8.1.4.5: Metering and reporting of water withdrawals may be required, together with monitoring of groundwater levels and water quality in the supply well and, where appropriate, in adjacent wells, including trigger levels for pumping reduction or shut down.

GUIDELINE 2.8.1.4.6: Outdoor water storage should be screened from public rights-of-way and adjacent properties by fencing, landscaping, or a combination of both, and a screening plan should be included in the application.

GUIDELINE 2.8.1.4.7: The application should provide a plan of remedial work to be undertaken at the end of the permit period to return the site to a condition resembling its condition before the use commenced, or to an alternate condition acceptable to the Gabriola LTC.

GUIDELINE 2.8.1.4.8: The Gabriola LTC may require additional information respecting aquifer viability, access, traffic, noise, dust, hours of operation, source well monitoring, adjacent well monitoring, lowest pumping levels, mitigation measures, and contingency measures in the event of well interference or water quality degradation.

GUIDELINE 2.8.1.4.9: The applicant must demonstrate compliance with applicable drinking water requirements, including operator certification and other requirements under the Drinking Water Protection Act and the Drinking Water Protection Regulation, where the proposal involves a regulated water supply system.

2.8.1.5 Commercial Vacation Rental of Single-Dwelling Residential Units

GUIDELINE 2.8.1.5.1: The Gabriola LTC should consider the cumulative effects on the neighborhood and Island of all the TUPs issued for commercial vacation rentals;

GUIDELINE 2.8.1.5.2: The Gabriola LTC should consider the impact on the residential appearance of neighbourhood;

GUIDELINE 2.8.1.5.3: The Gabriola LTC may require mitigating measures to address neighbour concerns, such as screening and fencing; TUPs should not be issued for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is not practical, not able to mitigate potential impacts or address neighbour privacy issues;

GUIDELINE 2.8.1.5.4: The applicant should provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres per guest per day;

GUIDELINE 2.8.1.5.5: The applicant should be required to provide documentation from a qualified professional that the septic system has been inspected, is working properly, and is capable of supporting the proposed occupancy load;

GUIDELINE 2.8.1.5.6: The applicant should provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;

GUIDELINE 2.8.1.5.7: If an occupancy permit is not available, the Gabriola LTC may consider a report from a certified house inspector indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities

GUIDELINE 2.8.1.5.8: The owner or an operations manager should be required to reside on Gabriola Island and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week

GUIDELINE 2.8.1.5.9: A condition of the permit should require that the owner or operations manager must provide neighbours within 100 metres of the lot subject to the TUP with the owner and operations manager's phone numbers, and a copy of the TUP;

GUIDELINE 2.8.1.5.10: A condition of the permit should require that the landowner posts guest information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);

GUIDELINE 2.8.1.5.11: The Gabriola LTC may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts.

GUIDELINE 2.8.1.5.12: A condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;

GUIDELINE 2.8.1.5.13: A condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;

GUIDELINE 2.8.1.5.14: A condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;

GUIDELINE 2.8.1.5.15: A condition of the permit should limit the number of bedrooms to:

- A maximum of 3 on lots smaller than 2.0 hectares; and
- A maximum of 4 on lots of 2.0 hectares or larger;

GUIDELINE 2.8.1.5.16: A condition of the permit should prohibit recreational vehicles or camping on the same lot as a commercial vacation rental;

GUIDELINE 2.8.1.5.17: The Gabriola LTC may require water metering;

GUIDELINE 2.8.1.5.18: Commercial vacation rental uses must comply with all applicable provincial legislation. A TUP will not be issued where the use is prohibited under provincial law, including where the dwelling is not a principal residence as defined by the Province.

2.8.1.6 Residential Use of a Tiny Home on Wheels or Recreational Vehicle

GUIDELINE 2.8.1.6.1: The tiny home on wheels or recreational vehicle should be safe for full time occupancy;

GUIDELINE 2.8.1.6.4: That the tiny home on wheels or recreational vehicle should be appropriately screened from roads and neighbours;

GUIDELINE 2.8.1.6.5: The permit should include a plan showing the location of the tiny home on wheels or recreational vehicle with a requirement that it be sited in the specified location which is outside of setback areas, not within a hazardous area, and not within a sensitive ecosystem.

PART THREE

Development Permit Areas

3.1 Development Permit Areas

Pursuant to the *Local Government Act*, DPAs are designated in this OCP to establish objectives and guidelines for the protection of the natural environment, the protection of development from hazardous conditions, and the establishment of the form and character of development.

Within areas designated as DPAs, a development permit may be required prior to subdivision, construction of, addition to, or alteration of a building or structure, or prior to certain alterations of land.

This section designates DPAs, describes the special conditions or objectives that justify the designation and specifies guidelines for each DPA intended to guide applicants, staff, and decision-makers in the review of development proposals.

Unless otherwise noted, the geographic areas that apply to each DPA are defined in Schedule C. Where land is subject to more than one DPA, guidelines from all relevant DPAs will apply, and only one development permit application is required.

3.1.1 Development Permit Area 1 - The Tunnel

Designation

DPA1 – The Tunnel is designated as a DPA for the protection of the natural environment, its ecosystems and biological diversity.

Justification

This DPA relates to the shrub and tree canopy along North Road, this is an important scenic, heritage and environmental amenity that enhances the rural character of Gabriola.

The designation of this area as a DPA will help ensure that the tree canopy and shrub buffer area will be maintained along North Road.

Objective

The objective of this DPA is to maintain these natural values by minimizing the encroachment of subdivision roads, works and services, buildings and structures into the designated area.

Applicability

POLICY 3.1.1.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- Alteration of land

POLICY 3.1.1.2: The following activities are exempt from any requirement for a development permit:

- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.1.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.1.3.1: A 183 metre (600 foot) wide tree canopy and shrub buffer should be retained along North Road, measured 90.8 metres (300 feet) on either side of the centre line of the existing right-of-way, except in the case of land in the ALR, in which case the canopy buffer should not be less than 30 metres.

GUIDELINE 3.1.1.3.2: Construction within the buffer area should be limited to roads, trails, and public utility works (within a road right-of-way).

GUIDELINE 3.1.1.3.3: Where a utility corridor crosses the buffer area, the alignment should be perpendicular to North Road so as to minimize the removal or disturbance of natural vegetation.

GUIDELINE 3.1.1.3.4: Roads should alter the natural vegetation as little as possible and the number of accesses to North Road within the DPA should be limited to two on each side of North Road.

GUIDELINE 3.1.1.3.5: Water supply storage, utility buildings and wells should be located outside of the tree canopy area.

GUIDELINE 3.1.1.3.6: Trees greater than 30.4cm (12”) calliper, measured 5 feet from the ground, should not be cut or damaged.

GUIDELINE 3.1.1.3.7: Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

3.1.2 Development Permit Area 2 – Lock Bay

Designation

DPA2 – Lock Bay is designated as a DPA for the protection of the natural environment, its ecosystems and biological diversity.

Justification and Objective

Lock Bay has been identified as a sensitive, unique beach of sand and gravel isolating a marsh of about 40 acres. The designation of this area as a DPA will help ensure that the environmental values of this area are protected from the potential impacts of land development.

Applicability

POLICY 3.1.2.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- Alteration of land

POLICY 3.1.2.2: The following activities are exempt from any requirement for a development permit:

- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.2.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.2.3.1: There should be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.

GUIDELINE 3.1.2.3.2: Garry oak meadows and similar native species should be identified and their habitats protected from disturbance.

GUIDELINE 3.1.2.3.3: There should be no alteration or disturbance causing a negative impact to the foreshore habitat.

GUIDELINE 3.1.2.3.4: Buildings should be integrated with the surrounding landscape and sited to minimize removal of vegetation.

GUIDELINE 3.1.2.3.5: An assessment of the environmental impact, including mitigation measures required, should be required prior to any new developments or the expansion of an existing development.

GUIDELINE 3.1.2.3.6: Existing trees and vegetation should be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.

GUIDELINE 3.1.2.3.7: Septic systems should not be constructed within 30 metres of the natural boundary of a watercourse.

GUIDELINE 3.1.2.3.8: Construction of a habitable building should not occur within 15 metres of areas subject to flooding, and other buildings should not be sited within an area subject to flooding.

GUIDELINE 3.1.2.3.9: Where a tree on the lot and within the DPA includes trees that contain eagle nests or nests of other bird species, 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 relevant expertise and experience.

3.1.3 Development Permit Area 3 – Riparian Areas

Designation

DPA3 - Riparian Areas is established for the protection of the natural environment, its ecosystems and biological diversity.

Location

POLICY 3.1.3.1: DPA 3 – Riparian Areas, includes all land designated on Schedule C of this Plan. This mapping is intended to include any of the following that provides fish habitat:

- A watercourse, whether it usually contains water or not;
- A pond, lake, river, creek or brook; or
- A ditch, spring or wetland that is connected by surface flow to something referred to in the above bullet points.

The DPA also includes a buffer around these features as determined by the following:

- For a stream that is not located in a ravine, the DPA is a 30 metre strip on both sides of the stream measured from the high water mark, except for areas where a lesser distance is indicated on Schedule C;
- For a stream located within a ravine, the DPA is a 30 metre strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
- For a lake, wetland or other water body, the DPA is 30 metres around the water body measured from the high water mark of the water body;
- For a ditch or lotic system, a 10 metre strip on both sides of the ditch measured from the high water mark.

However, due to the ephemeral nature of some streams and other factors, the actual location of the streams and water bodies and the actual extent of the DPA may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Justification and Objectives

Local governments in British Columbia are required to designate DPAs for the protection of riparian areas under the Local Government Act and the Riparian Areas Protection Regulation. These requirements ensure that development near streams, wetlands, and other watercourses is assessed to prevent harmful alteration of riparian ecosystems and fish habitat. Designating a Riparian DPA in the OCP helps ensure that development on Gabriola Island maintains appropriate setbacks, protects riparian vegetation, and supports the long-term health of watercourses and freshwater resources.

This DPA includes streams, lakes, wetlands, and their associated riparian areas that may provide fish habitat. Riparian ecosystems play a critical role in watershed health by supporting biodiversity, stabilizing stream banks, filtering sediments and pollutants, moderating water flows, and regulating water temperatures. Riparian vegetation also provides food, shade, and habitat for fish and wildlife, while fallen woody debris helps shape stream channels and creates aquatic habitat.

Land-altering activities such as clearing vegetation, building roads or structures, and installing septic systems near watercourses can damage these functions. Protecting riparian areas is therefore necessary to maintain ecosystem health and biological diversity on Gabriola Island.

Objectives of this DPA are to:

- Protect the biological diversity and habitat values of riparian and aquatic ecosystems;
- Conserve streams, wetlands, and associated riparian vegetation that support fish habitat; and
- Minimize the impacts of development and land use practices on riparian ecosystems and water quality.

Applicability

POLICY 3.1.3.2: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:Subdivision of land

- Removal, construction, addition, or alteration of a building or other structure
- Removal, alteration, addition, or destruction of vegetation
- Addition, removal, or alteration of soils
- Creation of non-structural, impervious, or semi-impervious surfaces
- application of artificial fertilizer, pesticides, or herbicides

POLICY 3.1.3.3: The following activities are exempt from any requirement for a development permit:

- For certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- Interior or exterior alterations, renovations, maintenance, reconstruction or repair to a preexisting building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- Repair or replacement of a septic field within the existing footprint of the septic field
- The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;

- With the exception of nesting trees protected under the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- 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;
- Manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- Pruning of not more than two trees in one growing season and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- Ecological restoration or enhancement projects undertaken or authorized by a public body;
- Work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- Emergency procedures to prevent, control or reduce immediate threats to life or property including:
    - Emergency actions for flood-protection and erosion protection,
    - Clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
    - Repairs to bridges and safety fences carried out in accordance with the *Water Act* ;
- Farm operations as defined in the *Farm Practices Protection (Right to Farm) Act*, farm uses as defined in Part 2, Division 2 of the *Agricultural Land Reserve Use Regulation*, and horticulture;
- The construction of a fence if no trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
- The construction of a private trail if all of the following apply;
    - The trail is 1 meter wide or less;
    - No native trees are removed;
    - The surface of the trail is pervious (for example, soil, gravel or wood chips);
    - The trail is designed to prevent soil erosion where slopes occur; and
    - Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream;
- Disturbance of soils more than 15 meters from the stream's high water mark, or the top of the ravine bank, if the total area of soil disturbance is less than 5 meters squared;
- The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark, or the top of the ravine bank, if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared; or
- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.3.4: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.3.4.1: In general, all development in this DPA should be undertaken in a manner that restores or maintains the proper function and condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Gabriola LTC may impose permit conditions, including a requirement for security, to ensure the restoration and/or protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

GUIDELINE 3.1.3.4.2: The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP and the owner should be required to follow any measures identified by the QEP for protecting the SPEA over the long term. These measures should be included as conditions of the development permit.

GUIDELINE 3.1.3.4.3: Where a QEP or other professional's report describes an area within the DPA as suitable for development, that is, where the SPEA is less than the width of the DPA, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in the development permit.

GUIDELINE 3.1.3.4.4: The Gabriola LTC may consider variances to the subdivision, siting or size regulations of this Bylaw where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.

3.1.4 Development Permit Area 4 – Flat Top Islands

Designation

DPA4 - Flat Top Islands is designated as a DPA for the protection of the natural environment, its ecosystems and biological diversity.

Justification and Objectives

The Flat Top Islands and Breakwater Island have been identified as having high and moderate-high marine, vegetation and wildlife natural areas.

The objective of this DPA is to help ensure that the environmental values of this area are protected from the potential impacts of land development.

Applicability

POLICY 3.1.4.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- subdivision of land
- construction of, addition to, or alteration of a building or other structure
- alteration of land

POLICY 3.1.4.2: The following activities are exempt from any requirement for a development permit:

- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.4.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.4.3.1: There should be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.

GUIDELINE 3.1.4.3.2: Garry oak meadows and similar indigenous species should be identified and their habitats protected from disturbance.

GUIDELINE 3.1.4.3.3: There should be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

GUIDELINE 3.1.4.3.4: Buildings should be integrated with the surrounding landscape and sited to minimize removal of vegetation.

GUIDELINE 3.1.4.3.5: Development Permit should include conditions to require mitigation measures recommended by a qualified professional.

GUIDELINE 3.1.4.3.6: Existing trees and vegetation should be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.

GUIDELINE 3.1.4.3.7: Septic systems should not be constructed within 30 metres of the natural boundary of any watercourse (including a body of water or the sea).

GUIDELINE 3.1.4.3.8: Areas subject to flooding should be subject to a 15 metre setback.

GUIDELINE 3.1.4.3.9: Where this area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional.

3.1.5 Development Permit Area 5 – Gabriola Pass

Designation

DPA5 – Gabriola Pass is designated as a DPA for the protection of the natural environment, its ecosystems and biological diversity.

Justification and Objectives

Within the Gabriola Pass Area, the intertidal area is boulder-tiered ledges, sandstone and shale formations and sand and gravel banks. Tide pools exist along the length of Gabriola Island. The sub-tidal area is largely devoid of human impact and is exceptionally rich in an abundance of marine life. The designation of this area as a DPA will help ensure that the environmental values of this area are protected from the potential impacts of development.

The objectives of this DPA are:

- To provide a refuge for the naturally existing species;
- To provide opportunities for a wide-range of multiuse non-consumptive recreational activities; and
- To provide an educational opportunity for people to learn about the marine environment.

Applicability

POLICY 3.1.5.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- Alteration of land

POLCY 3.1.5.2: The following activities are exempt from any requirement for a development permit:

- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.5.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.5.3.1: Development Permit should include conditions to require mitigation measures recommended by a qualified professional.

GUIDELINE 3.1.5.3.2: There should be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

3.1.6 Development Permit Area 6 – Environmental Protection

Designation

DPA6 – Environmental Protection is designated as a DPA for the protection of the natural environment, its ecosystems and biological diversity.

Justification and Objectives

Gabriola Island has significant natural areas that support important plants and animal habitats. This DPA 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.

The objectives of this DPA are as follows:
To preserve, protect, restore or enhance environmental features and sensitive ecosystems on Gabriola Island;

- To manage development in environmentally sensitive areas;
- To minimize the loss of sensitive ecosystems;
- To increase protection for species at risk;
- To encourage retention of Coastal Douglas-fir and associated ecosystems; and
- To manage development in an environmentally sensitive manner.

Applicability and Exemptions

POLICY 3.1.6.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- Alteration of land

POLICY 3.1.6.2: The following activities are exempt from any requirement for a development permit:

- 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;
- 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;
- Manual removal of invasive species in accordance with best management practices;
- Manual planting of native vegetation conducted in accordance with best management practices;
- The construction of a trail if all of the following apply:
    - The trail is 1 metre wide or less;
    - No native trees are removed;
    - The surface of the trail is previous (for example, soil, gravel or wood chips);
    - The trail is designed to prevent soil erosion where slopes occur; and
    - Where the trail parallels a stream, the trail is more than 5 metres away from the high water mark of the stream;
- 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;
- Ecological restoration and enhancement projects undertaken or authorized by a public body;
- The reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation, including general repair or replacement of a septic field within the existing footprint;
- Pruning of not more than 2 trees in one growing season and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone;
- The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- 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, asphalting or similar surfaces;
- Works undertaken by a local government or a body established by a local government; or
- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.6.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.6.3.1: Minimize the area cleared and disturbed for development within the context of the permitted use and density.

GUIDELINE 3.1.6.3.2: 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.

GUIDELINE 3.1.6.3.3: Native vegetation and trees should be retained wherever possible.

GUIDELINE 3.1.6.3.4: 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.

GUIDELINE 3.1.6.3.5: 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 relevant experience.

GUIDELINE 3.1.6.3.6: 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.

GUIDELINE 3.1.6.3.7: Where species at risk or critical habitat for species at risk have been observed, requirements to protect species at risk and mitigation measures should be in accordance with the federal *Species At Risk Act* and with the provincial *Wildlife Act*.

GUIDELINE 3.1.6.3.8: Additional conditions will be included in a development permit to incorporate any qualified professional recommendations within an environmental assessment.

GUIDELINE 3.1.6.3.9: Efforts should be made in construction and maintenance activities to source goods, supplies and services on-island to reduce greenhouse-gas emissions related to transportation.

3.1.7 Development Permit Area 7 – Escarpment Areas

Designation

DPA7 – Escarpment Areas is designated as a DPA for the protection of development from hazardous conditions.

Justification

Escarpment areas are areas where there is significant land slope, often greater than 80 per cent. These escarpment areas may not be suitable for development as they may be subject to erosion, land slip, rock falls or subsidence, or other hazards.

Objective

The objective of this DPA is to protect development from natural hazards, including terrain instability, erosion, land slippage, rock falls, subsidence, debris flows and flooding or changes to storm water runoff due to development on or in proximity to lands with excessive slope conditions.

Applicability

POLICY 3.1.7.1: Unless specifically exempted, a development permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- alteration of land

POLCY 3.1.7.2: The following activities are exempt from any requirement for a development permit:

- Development on, or subdivision of, a property that is in accordance with a Geotechnical report submitted to the Islands Trust prior to development or subdivision commencing. The report should be prepared by a geotechnical engineer or an engineer with expertise relevant to the applicable matter, and should contain recommendations for the development to address slope instability and soil erosion hazards; or
- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.7.3: In considering issuance of a development permit, the following guidelines apply:

GUIDELINE 3.1.7.3.1: There should be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.

GUIDELINE 3.1.7.3.2: There should be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.

3.1.8 Development Permit Area 8 – Village Commercial

Designation

DPA8 – Village Commercial is designated as a DPA for the establishment of objectives:

- For the form and character of commercial development;
- To promote water conservation; and
- To promote the reduction of greenhouse gas emissions.

Justification

The Gabriola village commercial area is designated as a DPA to help ensure that commercial development will be pedestrian oriented, landscaped to conserve water resources, and encourage fuel efficient vehicles and alternative modes of transportation.

Objectives:

The objectives of this DPA are as follows:

- To promote small scale building design;
- To promote development that is pedestrian oriented with amenities such as public open spaces and walkways;
- To promote water conservation; and
- To promote the reduction of greenhouse gas emissions.

Applicability

POLICY 3.1.8.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- Alteration of land

POLICY 3.1.8.2: The following activities are exempt from any requirement for a development permit:

- Building painting, structural alterations and repairs of a minor nature that do not require a building permit;
- Building repairs and maintenance where the materials to be used are of the same type and form as the existing materials;
- The installation of carved wood signs on lots where there are existing buildings
- The installation of bicycle racks, bicycle or bus shelters, or electric vehicle charging stations;
- Additions resulting in less than a 5% increase in floor area of a principal building or an accessory building where no changes to landscaping or access to the site are proposed;
- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.8.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.8.3.1: The character of each development should be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.

GUIDELINE 3.1.8.3.2: The development should incorporate small scale building designs with such amenities as public walkways and outdoor open spaces for use by the public.

GUIDELINE 3.1.8.3.3: Natural vegetation and trees should be retained, or planted and maintained, for screening of parking and storage areas and to enhance the atmosphere of public open spaces. Safety and visibility should be considered in landscape design.

GUIDELINE 3.1.8.3.4: Lighting should be kept to the minimum necessary for pedestrian safety and visibility, in order to maintain a low level of light in the night-time atmosphere.

GUIDELINE 3.1.8.3.5: Signs made from natural materials or incorporating material produced by local artisans and crafts people are encouraged.

GUIDELINE 3.1.8.3.6: Pedestrian requirements include accessible, safe and landscaped walkways connecting the street to the businesses.

GUIDELINE 3.1.8.3.7: Off-street parking should be designed to be as unobtrusive as possible and where possible, located to the rear of the lot away from public open spaces and eating areas and businesses should open to the street to create a greater sense of intimacy and walkability in the village commercial area.

GUIDELINE 3.1.8.3.8: On-site integrated storm water management plans prepared by a qualified professional should be required and implemented to reduce impervious cover, promote infiltration and capture and treat storm water runoff from 90% of the average annual rainfall using acceptable best management practices.

GUIDELINE 3.1.8.3.9: Where a building or use provides more than 25 parking spaces, one electric vehicle charging station capable of at least 110V and 220/240V charging must be provided and marked with a sign or symbol identifying the space is reserved for charging/parking an electric vehicle, electric scooter or electric bicycle.

GUIDELINE 3.1.8.3.10: Landscaping design and maintenance should facilitate water retention, minimize the need for irrigation, and discourage the use of lawns unless for a gathering or play area.

GUIDELINE 3.1.8.3.11: Landscaped islands of trees and shrubs no smaller in area than 4 square metres each should be used in parking areas located at a minimum of every 15 stalls to break up expanses of paving and parking and capture and infiltrate runoff.

GUIDELINE 3.1.8.3.12: Fifteen percent of the property should be devoted to public open space with fifty percent of that amount along the road frontage. Storm water retention areas or rain gardens may be used to meet this requirement.

GUIDELINE 3.1.8.3.13: Seventy-five percent of the designated public open space should be contiguous with no portion less than two metres in width and designated spaces should be connected, where possible, to public pedestrian paths or access points on adjacent properties or roads.

GUIDELINE 3.1.8.3.14: Exterior surfaces of local and/or natural materials such as wood, stone or brick should be encouraged.

GUIDELINE 3.1.8.3.15: Facilities for recycling should be provided in garbage collection areas.

3.1.9 Development Permit Area 9 – Multi-Unit Residential

Designation

DPA9 – Multi-Unit Residential is designated as a DPA for the establishment of objectives for the form and character of multi-unit residential development.

Justification

This DPA is established to ensure that the scale and character of new multi-unit residential development and alteration of existing multi-unit residential development is undertaken in a manner which is in keeping with the rural character of the Island.

Objectives

The establishment of form and character of multi-unit residential development

Applicability

POLICY 3.1.9.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- Alteration of land

POLICY 3.1.9.2: The following activities are exempt from any requirement for a development permit:

- Building painting, structural alterations and repairs of a minor nature that do not require a building permit;
- Building repairs and maintenance where the materials to be used are of the same type and form as the existing materials;
- The installation of carved wood signs on lots where there are existing buildings; or
- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.9.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.9.3.1: The character of the development should be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.

GUIDELINE 3.1.9.3.2: Natural vegetation and trees should be retained or native vegetation planted and maintained for screening of parking and storage areas. Safety and visibility should be considered in landscape design.

GUIDELINE 3.1.9.3.3: Landscaping should facilitate water retention.

GUIDELINE 3.1.9.3.4: Facilities for recycling should be provided in garbage collection areas.

GUIDELINE 3.1.9.3.5: Lighting is to be kept to a minimum necessary for pedestrian safety and visibility. Lighting in off-street parking areas should be adequate for security purposes.

GUIDELINE 3.1.9.3.6: Signs made from natural materials or incorporating materials produced by local artisans and craft people are encouraged.

GUIDELINE 3.1.9.3.7: Off-street parking should be designed to be as unobtrusive as possible and, where possible, located to the rear of the lot.

GUIDELINE 3.1.9.3.8: Exterior surfaces of buildings and structure should reflect a locally crafted character and, to the extent possible, be comprised of natural local materials such as wood or stone.

GUIDELINE 3.1.9.3.9: Common area amenities should be provided prior to alteration and/or occupancy.

GUIDELINE 3.1.9.3.10: A vegetation screen should be provided within the required setback area which provides and adequate visual screen of the intended use from an adjoining residential lot.

GUIDELINE 3.1.9.3.11: Bicycle storage areas and structures, bicycle and pedestrian paths and areas for community garden space should be provided as a means of decreasing greenhouse gas emissions.

GUIDELINE 3.1.9.3.12: Where possible, water conservation measures, and energy efficient building siting and design should be provided.

3.1.10 Development Permit Area 10 – Industrial

Designation

DPA10 – Industrial is designated as a DPA for the establishment of objectives for the form and character of industrial development.

Justification

While it is important to have some industrial use on the island, it should not impact the rural character of the island.

Objective

This DPA is established to ensure that the scale and character of the new and existing industrial development is undertaken in a manner which is in keeping with the rural character of the Island.

Applicability

POLICY 3.1.10.1: Unless specifically exempted, a Development Permit must be issued prior to the following development activities occurring within this DPA:

- Subdivision of land
- Construction of, addition to, or alteration of a building or other structure
- Alteration of land

POLICY 3.1.10.2: The following activities are exempt from any requirement for a development permit:

- Subdivision for the purpose of a lot consolidation.

Guidelines

POLICY 3.1.10.3: In considering issuance of a Development Permit, the following guidelines apply:

GUIDELINE 3.1.10.3.1: The character of the development should be in keeping with the island environment and, with the exception of points of access to the property, adequate natural vegetation screening should be maintained along the perimeter of the property.

GUIDELINE 3.1.10.3.2: No buildings should be located closer than 30m from a watercourse of the high water mark of the sea.

PART FOUR

Implementation and Advocacy

Implementation of the goals and objectives of the Plan in support of the communities' vision for 2050 will involve making use of planning tools available as well as working with other agencies and government bodies.

This part of the Plan identifies steps, beyond what is currently in Part 2 and Part 3 of the Plan, that could be taken by the Gabriola LTC to support the goals and objectives of the Plan. These steps include the use of development approval information, the creation of additional DPAs and the creation of heritage conservation areas.

In addition, this part of the Plan identifies steps to be taken in collaboration with First Nations, other agencies and government bodies as well as community groups, in support of the Gabriola 2050 vision and related community values, to address interests and implement actions beyond the scope of the Gabriola LTC's jurisdiction and area of focus.

4.1 Using Development Approval Information

The Plan Area is designated as an area for which development approval information can be required. In accordance with the *Local Government Act* and a development approval information bylaw adopted by the Gabriola LTC, applicants for rezoning, TUPs, and Development Permits may be required to provide development approval information.

Requiring development approval information is justified given the island's unique environmental conditions, including sensitive shoreline ecosystems, aquifer-dependent water supply, areas subject to slope instability, coastal erosion, and sea level rise, as well as the presence of significant biodiversity and cultural heritage resources.

In addition, the island's limited transportation infrastructure, rural land use pattern, and finite servicing capacity create conditions where development proposals may have notable impacts on ecological integrity, public safety, freshwater availability, and community character. Collectively, these special conditions and community objectives support the need for technical information that enables the Gabriola LTC to evaluate the potential impacts of proposed development and ensure that land use decisions are consistent with OCP goals.

4.2 Implementing the Freshwater Footprint

A Freshwater Footprint was developed for Gabriola Island, as part of the 2020-2026 OCP review, to provide a planning-scale framework for assessing freshwater conditions, constraints, and vulnerabilities in relation to land use planning. The Freshwater Footprint included aquifer conceptualization, groundwater region mapping, groundwater recharge mapping, water balance, aquifer stress analysis, freshwater hazard mapping, saltwater intrusion assessment, groundwater quality interpretation, watercourse mapping, wet-area interpretation, and watershed resilience mapping.

Freshwater information forms an integrated planning framework for land use planning and decision making. The mapped and interpretive layers contained in the Freshwater Footprint address interrelated aspects of groundwater recharge, water balance, aquifer stress, freshwater hazard, groundwater quality, groundwater-dependent ecosystem function, and watershed condition. Used in combination, they support assessment of freshwater constraints, site sensitivity, and the implications of land use change, including where additional technical information, protection, restoration, or land use limitations may be warranted.

4.3 Implementing New Development Permit Areas and Heritage Conservation Areas

DPAs and a Heritage Conservation Area can both be used to achieve some of the goals and objectives of this Plan. DPAs are designated in this OCP to establish objectives and guidelines for the protection of the natural environment, the protection of development from hazardous conditions, and the establishment of the form and character of development. Heritage Conservation Areas, which have not yet been implemented through this plan, can be created to protect both settler and indigenous cultural heritage.

4.3.1 Priority Development Permit Areas

In the development of this Plan it was identified that the existing DPAs, which focus primarily on location specific interests, were inadequate to implement the communities vision on their own. Through the development of the Plan a number of topics for future DPAs were identified as priorities. These topics are listed below in order of priority. Those with existing data and where model guidelines exist are identified as top priority followed by those where there was no data or guidelines at the time of the drafting of this Plan. Form and Character DPAs are not included in the list of priority DPAs as they can be created at anytime when there are specific changes to bylaws in particular locations. They do not require data.

Priority DPA topics which could be supported with existing mapping, data, and model guidelines:

1. Critical Aquifer Recharge Areas: This DPA would address the critical need to protect limited freshwater resources. The Freshwater Footprint project provided sufficient information to inform the creation of a DPA. In addition, guidelines exist for Galiano Island which could inform the development of guidelines of DPA guidelines for Gabriola.

2. Steep Slopes Hazard: Steep Slope Hazard DPAs help to protect property owners from potential geotechnical issues due to erosion, earthquake and other natural hazards. While there was a steep slope hazard DPA for Gabriola Island at the time of the Plan development, the data upon which the DPA was develop was identified to need review. New mapping would be required.

3. Shorelines and Marine Areas: Shoreline and marine areas are vulnerable to erosion, sea-level rise and destruction of vulnerable ecosystems requiring protection. A DPA for shoreline and marine areas is of particular interest to First Nations as there is much cultural heritage and archaeological sites along the shoreline. A number of islands in the Islands Trust Area have DPA's for shoreline and marine areas, their guidelines can help inform guidelines for Gabriola.

4. Endangered Species Habitat: Changing climates and development impacts threaten endangered species. As the provincial government updates endangered species data annually, the boundaries of a DPA could be easily informed by updated data.

5. Riparian Areas: Provincial legislation requires all local governments have DPAs to protect riparian areas. Gabriola's riparian area DPA boundaries are out of data. The province updated riparian area data in 2019.

Priority DPAs without existing data or guidelines:

6. Fire Resilience: With the increase in dryer periods during the year, the importance of addressing fire resilience increases. The development of a fire resilience DPA would require working closely with the Gabriola fire department.

7. Sensitive Ecosystems**:** There are a number of sensitive ecosystems in the Plan Area. Current sensitive ecosystem data is out of date. Identifying DPA boundaries would require detailed studies to update data involving collaboration with professionals, local environmental protection groups as well as First Nations. Some of Gabriola's existing DPAs can also help inform DPA boundaries and guidelines.

8. Forested Areas: There is very strong interest in protecting forested areas in the Plan Area. The development of a DPA would need to begin with an assessment of land which could involve community members and groups.

9. Wetlands: The freshwater footprint work can help inform the identification of wetlands. Additional work by professionals and the community would be needed to establish the boundaries for a wetland DPA.

10. Habitat Corridors: During the development of the Plan, interest in a DPA to support habitat corridors was identified. Identifying DPA boundaries would require detailed studies to update data involving collaboration with professionals, local environmental protection groups as well as First Nations. This was a lower priority than the topics above.

4.3.2 Heritage Conservation Areas

Consistent with an objective of this plan to protect Indigenous heritage and advance reconciliation the Gabriola LTC may establish Heritage Conservation Areas for the purposes of:

- Protecting settler and/or Indigenous cultural heritage
- Protecting historic buildings, view corridors and settler heritage sites.
- Protecting values, including Indigenous values, stories, cultural uses of landscapes and ecosystems that are integral to the cultural safety of Indigenous peoples

A Heritage Protection Area should:

- Reflect multiple voices representing broad cultural uses of the island and protect them for all future generations, Indigenous and Non-Indigenous.
- Be uniquely tailored to the heritage it protects, and can include other structures, lands or features of the land, significant trees or First Nations cultural heritage sites.

The establishment of a Heritage Conservation Area to protect Indigenous heritage should be undertaken through a future project to amend this Plan. The protections, restrictions and geographic boundaries that apply to an HCA should be described in the Plan or an addendum to the Plan. A future HCA would include the following:

- Location;
- Justification;
- Objectives;
- Essential Features and Characteristics of the area;
- Guidelines that development must adhere to;
- Exemptions from Permit Requirements to help balance development with conservation objectives.

HCAs are a means of increasing public awareness, recognition, and protection of Indigenous cultural heritage, and provide a framework to explore and accommodate First Nations interests in the context of development and land disturbance.

4.4 Advocacy

This Plan focuses on the land use planning tools available to the Gabriola LTC to guide land use in the Plan Area. Previous Parts of the Plan do not include actions that fall outside the Islands Trust's jurisdiction. At the same time, it is recognized that achieving the Plan's goals, and advancing the broader interests of the community, will require partnership and collaboration with community organizations, other levels of government, First Nations, and other partners.

Rather than identifying detailed advocacy policies, this Plan highlights key challenges and opportunities. This approach reflects past experience, where direct action-oriented advocacy policies have often been difficult to support or have not been consistently implemented. By focusing instead on issues, opportunities, and areas for collaboration, the Plan creates space for agencies, First Nations, and community groups to take the lead on matters that cannot be fully addressed through land use planning tools alone.

Plan Goals and Advocacy Action

Advocacy actions in this section are organized according to the primary goal they support, recognizing that many contribute to multiple goals. While some potential actions and partners have been identified, they reflect only the ideas identified through the engagement process during the development of the Plan and are not intended to be comprehensive. Other actions or partners not specifically identified may also help advance these issues in meaningful ways.

The actions identified in this section:

- Relate directly to land use;
- Support the goals of the Plan; and
- Address matters outside the sole authority of the Gabriola LTC or require collaboration with other governments, organizations, and community partners.

4.4.1 Integrating First Nations Interests

4.4.1.1 Protecting Cultural Heritage Sites

Background:
The Plan Area contains numerous Indigenous cultural heritage sites, both recorded and unrecorded, that reflect long-standing relationships between First Nations and the land. These sites are vulnerable to disturbance from development, erosion, recreational use, and climate change. Protecting cultural heritage is a key priority for First Nations and is essential to reconciliation, stewardship, and respectful land use planning.

Why Advocacy is Needed:
While the Gabriola LTC can influence land use and development, the identification, management, and legal protection of cultural heritage sites involve provincial legislation, Crown processes, and First Nations governance. Effective protection requires coordinated advocacy and collaboration.

Supports and Advocacy:

- Support completion of an Archaeological Overview Assessment in collaboration with Snuneymuxw First Nation;
- Advocate for monitoring, enforcement, and protection measures to prevent damage or disturbance;
- Ensure land use decisions, provincial approvals, and Crown referrals meaningfully involve First Nations and respect Indigenous rights;
- Support joint advocacy with First Nations to advance shared stewardship goals.
- Promote public education to increase awareness of cultural heritage values and appropriate protocols;
- Encourage agreements, partnerships, or conditions that support shared stewardship, land protection, or management outcomes with First Nations, where consistent with this Plan.

Key Collaborators:
Snuneymuxw First Nation and other First Nations, Province of BC, private landowners, and community organizations.

4.4.1.2 Integrating Indigenous Knowledge into Land Use Planning

Background:
Indigenous knowledge systems reflect generations of place-based understanding of ecosystems, cultural landscapes, and stewardship practices. Integrating this knowledge into land use planning supports more resilient, informed, and culturally respectful decision-making.

Why Advocacy is Needed:
The Gabriola LTC can incorporate Indigenous perspectives into planning policies; however, meaningful integration depends on collaboration with Indigenous Governing Bodies and alignment with provincial and federal decision-making processes.

Supports and Advocacy:

- Strengthen referral processes to ensure timely and meaningful First Nations involvement;
- Advocate for alignment of provincial and federal decisions with First Nations' cultural and ecological priorities;
- Support respectful handling of Indigenous knowledge, including confidentiality and cultural protocols.

Key Collaborators:
First Nations, Province of BC, Government of Canada, Islands Trust Conservancy, RDN, and local stewardship organizations.

4.4.1.3 Educating on First Nations History, Rights, and Cultural Values

Background:
The history, cultural values, governance systems, and ongoing rights of First Nations shape Gabriola Island's identity and contribute to a fuller understanding of its past and future. Increasing community awareness supports reconciliation by fostering respect, cultural understanding, and informed decision‑making. Public awareness also helps protect cultural sites, reduces inadvertent harm, and strengthens relationships between residents and First Nations.

Why Advocacy is Needed:
The Gabriola LTC has a central role in guiding community conversations about land use. However, many opportunities to share First Nations history and cultural values, such as public signage, school curricula, park programming, and public lands interpretation, fall outside LTC jurisdiction.

Supports and Advocacy:
- Public education initiatives such as cultural programming, interpretive signage, storytelling events, and land‑based learning;
- Collaboration with First Nations to develop accurate and respectful educational materials related to local history, cultural values, and Indigenous governance;
- Integration of First Nations perspectives into parks planning, public art, interpretive trails, community facilities, and public signage;
- Expansion of opportunities for youth and adults to learn about First Nations rights, title, and responsibilities through schools, workshops, and community programs; and
- Promotion of awareness of legal obligations related to cultural heritage protection, including respectful land stewardship practices.

Key Collaborators:
First Nations, School District No. 68, RDN, Province, Federal agencies, Gabriola Museum, Islands Trust Area Services, local stewardship organizations.

4.4.2 Protection of the Natural Environment and Biodiversity

4.4.2.1 Ecosystem Protection and Restoration of Terrestrial Ecosystems

Background:
The Islands Trust mandate includes environmental protection, but coordinated action across jurisdictions provides additional opportunities.

Why Advocacy is Needed:
The LTC has limited authority over private land management and relies on cooperation with others to protect sensitive ecosystems.
Supports and Advocacy:
- Ensuring up to date data is available to support decision making;
- Educating the public to develop land responsibly and with ecological care;
- Placing covenants on areas of high ecological value;

- Protecting ecologically sensitive lands through stewardship, and conservation tools;
- Preventing habitat destruction and undertaking ecological restoration in areas where damage or destruction has occurred;
- Restoring damaged habitat and ecosystems.

Key Collaborators:
Private landowners, the Gabriola community, local conservancies, the Islands Trust Conservancy, Islands Trust Area Services, RDN, the Province.

4.4.2.2 Protection of Marine and Shoreline Ecosystems

Background:
Shorelines are high-value areas with significant ecological, cultural, and heritage importance. They are also subject to substantial natural change, intensified by climate change.

Why Advocacy is Needed:
The Gabriola LTC does not regulate fisheries, issue Crown land tenures, or have knowledge of all culturally significant shoreline sites.

Supports and Advocacy:
- Educating the public about the implications of developing near the shoreline;
- Educating the public on green shores approaches to shoreline impacts;
- Simplifying Crown tenure processes that support nature-based shoreline protection;
- Support coordinated shoreline planning and protection efforts;
- Finfish farming should not be supported within the Plan Area.

Key Collaborators:
Private Landowners, RDN, the Province, the Federal Government, and First Nations all share responsibilities for shoreline management.

4.4.2.3 Species at Risk

Background:
Species at risk are highly valued for their contribution to ecosystem health but remain vulnerable to impacts from existing and new development.

Why Advocacy is Needed:
The Gabriola LTC can use DPAs and regulatory tools to support protection, but primary authority to protect species at risk rests with senior governments.

Supports and Advocacy:
- Educating the public about local species at risk;
- Protecting species at risk and their habitats;
- Supporting data collection, mapping, and monitoring programs;
- Conserving land that provides suitable habitat for local species at risk.

Key Collaborators:
Private land owners, the Gabriola community, the Province, local conservancies, the Islands Trust Conservancy, Islands Trust Area Service, RDN, and the Federal Government.

4.4.3 Responsible Resource Stewardship

4.4.3.1 Protection of Quality and Quantity of Freshwater Resources

Background:
Gabriola has limited freshwater resources, which are critical to ecological health, watershed function, agriculture, and the well-being of residents. Protection of freshwater resources depends not only on lang use planning, but on monitoring, stewardship, public education, and coordination between multiple agencies and community groups.

Why Advocacy is Needed:
The Gabriola LTC does not regulate groundwater licencing, well construction standards, water allocation, drinking water regulation, or regional water programs. Those responsibilities are shared across multiple provincial agencies. Advocacy is needed to improve coordination, strengthen freshwater literacy, support stewardship initiatives, and advance programs that protect freshwater quality and quantity.

Supports and Advocacy:
- Support continued development of tools for public access to freshwater mapping, data, and planning information such as the Islands Trust Freshwater Atlas;
- Support coordination with the RDN Drinking Water and Watershed Protection Program;
- Support collaboration with First Nations, the Province, the Regional District of Nanaimo, Island Health, and community organizations on freshwater protection priorities and watershed stewardship;
- Support monitoring programs that improve the evidence base for freshwater planning and protection;
- Advocate for provincial groundwater authorization, water allocation, and regulatory processes that reflect freshwater sustainability, local hydrogeologic conditions, and cumulative effects;
- Advocate for programs and partnerships that support rainwater harvesting, freshwater storage, drought preparedness, source protection, and reduction of contamination risks.

- Support public education initiatives that improve freshwater literacy, good well practices, among residents, trustees, landowners, and applicants.

Key Collaborators:
First Nations, Province, RDN, Island Health, Islands Trust Conservancy, private land owners, local stewardship organizations, and water users.

4.4.3.2 Preservation of Agriculture

Background:
Agriculture contributes to local food security, rural character, and community identity on Gabriola Island. However, productive agricultural land is limited and vulnerable to fragmentation, land use conflicts, and changing economic conditions. Agricultural lands fall under multiple jurisdictions, including the Agricultural Land Commission (ALC) and local regulatory bodies.

Why Advocacy is Needed:
Although the Gabriola LTC regulates land use and density, it does not oversee agricultural practices, farm classification, or enforcement within the Agricultural Land Reserve. Many policies that influence agricultural viability (such as water licensing, taxation, farm standards, and provincial agricultural programs) are outside Gabriola LTC control.

Supports and Advocacy:
- Protecting agricultural land through ALC decision-making, land stewardship tools, and prevention of non-farm uses that fragment or degrade farmland;
- Supporting farmers by improving access to water, infrastructure, and programs that strengthen agricultural viability;
- Promoting regenerative and climate-resilient farming practices that maintain soil health, protect groundwater, and enhance biodiversity;
- Advancing food security initiatives, including local food distribution networks, farm-to-community programs, and agricultural education.

Key Collaborators:
First Nations, Agricultural Land Commission, Province of British Columbia, RDN, local farmers and agricultural organizations.

4.4.3.3 Preservation of Forests

Background:
Forests in the Plan Area provide essential ecological functions, including carbon storage, groundwater recharge, habitat connectivity, and climate regulation. They also support cultural values, recreation, and the rural character of the island. Many forested areas are privately owned or fall under provincial jurisdiction for land and resource management, making long-term forest preservation a shared responsibility across agencies and landowners.
The Gabriola LTC can regulate land use, subdivision, and certain development activities, but it does not manage forestry practices, issue cutting permits, or regulate resource extraction on private managed forest land or Crown land. Because many decisions affecting forest health (such as logging approvals, provincial land authorizations, wildfire management, and conservation funding) lie outside Gabriola LTC authority, advocacy is necessary.

Supports and Advocacy:

- Prioritizing conservation of ecologically important and mature forest areas through land acquisition, covenants, and stewardship agreements.
- Supporting sustainable forest management practices that preserve biodiversity, soil health, and long-term forest function.
- Reducing wildfire risk through fuel management and forest health initiatives led by provincial agencies and First Nations.
- Protecting habitat connectivity in decisions related to forestry, subdivision, and Crown land.
- Providing incentives and support for private landowners to maintain forest cover and adopt stewardship practices.
- Educating on sustainable forestry practices.

Key Collaborators:
First Nations, Province, Islands Trust Conservancy, RDN, Private landowners and forestry operators, Local conservancy and stewardship organizations

4.4.3.4 Mining and Aggregate Extraction

Background:
Mining and aggregate extraction can create noise, dust, pollution, and significant environmental and cultural impacts.
Why Advocacy is Needed:
The Gabriola LTC does not have jurisdiction to regulate mining activities.

Supports and Advocacy:

- Referral of Crown applications for mining to the Islands Trust;
- Ensuring mining permits protect cultural heritage, groundwater, and the environment; and
- Monitoring operations to ensure compliance with permit conditions.

Key Collaborators:
The Province

4.4.4 Community Resilience and Climate Readiness

Addressing climate change on Gabriola requires both reducing greenhouse gas emissions (mitigation) and preparing for the impacts of a changing climate (adaptation). While emissions in the community are primarily generated by transportation, buildings, and waste, the Plan Area is also increasingly affected by climate-related risks such as drought, wildfire, flooding, and coastal erosion.

The Gabriola LTC plays an important role by shaping land use policies that support low-carbon and resilient community systems, while advocating to other levels of government and organizations that hold responsibility for infrastructure, services, and regulatory frameworks. Through a coordinated approach to mitigation and adaptation, Gabriola can reduce its climate impact while strengthening long-term community resilience and well-being.

4.4.4.1 Transportation and Mobility

Background:
Transportation represents 40-60% of emissions in BC communities. As many rural communities, Gabriola's transportation system relies heavily on personal vehicles. The community seeks safer and more accessible walking, biking, and transit options as well as increased ability to access community amenities without the use of a personal vehicle.

Why Advocacy is Needed:
The Gabriola LTC can influence land use to support active transportation but does not build paths, construct roads, or operate public transit.

Key Collaborators:
Gabriola Transportation Society, GERTIE, the Province, and RDN.

Supports and Advocacy:

- Build walking and biking paths within rights-of-way and in new development areas. A high priority area is creating a link between the Village and Descanso Bay Ferry Terminal;
- Reduce speed limits where appropriate;
- Expand public transportation infrastructure and service; and
- Use Gabriola Safe Roadways document for reference when considering road improvements to support increased walkability and safety.

4.4.4.2 Buildings

Background:
Buildings represent about 30-50% of total energy use in communities in British Columbia. primarily from space and water heating using fossil fuels such as natural gas, oil, and propane. On Gabriola, many homes rely on these fuels, and the island's older housing stock can be less energy efficient. Improving building performance and transitioning to low-carbon energy sources are key opportunities to reduce emissions while enhancing comfort, affordability, and resilience.
Why Advocacy is Needed:
The Gabriola LTC can influence land use patterns and housing form but does not regulate or enforce building codes, energy systems, or fuel sources, which are governed by the Province and the RDN.

Supports and Advocacy:
Encourage higher energy efficiency standards for new construction (e.g., Step Code implementation).

- Advocate for programs and incentives to retrofit existing homes (insulation, windows, heat pumps);
- Encourage the transition from fossil fuel heating to electric systems;
- Support local renewable energy initiatives (e.g., rooftop solar where appropriate); and
- Promote education and capacity-building for builders, trades, and homeowners.

Key Collaborators:
BC Energy Step Code / Province, RDN, BC Hydro, FortisBC, and local builders and contractors.

4.4.4.3 Waste

Background:
Waste typically represents 5–15% of emissions in BC communities, primarily due to methane released from organic materials decomposing in landfills. On Gabriola, reducing waste and supporting reuse and recycling can significantly lower emissions while conserving resources. Community interest in waste reduction and stewardship is already strong and provides a foundation for further action.

Why Advocacy is Needed:
The Gabriola LTC can influence land use and support local initiatives but does not manage waste collection, disposal systems, or regional waste policy, which are the responsibility of the Regional District.

Supports and Advocacy:

- Expand organics diversion (e.g., composting) to reduce landfill methane emissions;
- Support local reuse, repair, and sharing initiatives to reduce overall waste generation;
- Encourage waste reduction in new development (e.g., space for sorting, composting);
- Advocate for enhanced recycling and waste diversion programs at the regional level; and
  Promote education and behaviour change to reduce single-use materials and food waste.

Key Collaborators:
RDN, local reuse and recycling organizations, community groups, and residents.

4.4.4.4 Food Security

Background:
Food systems contribute to community emissions through transportation, production, and waste, while also playing a critical role in resilience and well-being. On Gabriola, strengthening local food systems can reduce reliance on imported goods, lower transportation-related emissions, and improve food security. Supporting local agriculture, food distribution networks, and community-based food initiatives also enhances the island's ability to respond to disruptions and climate impacts.

Why Advocacy is Needed:
The Gabriola LTC can influence land use to support agriculture and local food production but does not regulate farming practices, food distribution systems, or broader food policy, which involve multiple levels of government and organizations.

Supports and Advocacy:

- Encourage local food production, including small-scale farms, community gardens, and urban agriculture.
- Promote programs that improve access to affordable, healthy, and locally produced food.
- Encourage reduction of food waste through education and community initiatives.
- Encourage that water be identified for current and future food production.

Key Collaborators:
Local farmers and food producers, community organizations, RDN, Island Health, and provincial agencies.

4.4.4.5.Natural Areas and Hazard Protection

Background:
Natural areas play a critical role in reducing climate-related risks such as wildfire, flooding, and erosion, while also supporting biodiversity and ecosystem health. On Gabriola, forests, wetlands, coastal areas, and riparian zones help absorb and store water, stabilize soils, and reduce the impacts of extreme weather events. Protecting and restoring these natural systems is a cost-effective and sustainable approach to climate adaptation, particularly in an island context where infrastructure is limited and ecosystems are closely tied to community well-being.

Why Advocacy is Needed:
The Gabriola LTC can influence land use to protect environmentally sensitive areas and reduce exposure to hazards but does not manage forests, regulate natural resource use, or oversee emergency response. Many tools and decisions related to wildfire management, watershed protection, and coastal processes fall under provincial, regional, or other jurisdictions, requiring advocacy and collaboration.

Supports and Advocacy:
- Advocate for improved wildfire risk reduction strategies, including forest management and FireSmart initiatives;
- Encourage the use of nature-based solutions to address flooding, erosion (eg. green shores), and heat; and
- Support mapping and monitoring of hazard areas, including floodplains, erosion zones, and wildfire interface areas.

Key Collaborators:
Snuneymuxw First Nation and other Indigenous knowledge holders, RDN, Province of BC, local stewardship organizations, and emergency services.

4.4.5 Diversity and Community Wellbeing

4.4.5.1 Housing Diversity & Affordability

Background:
Housing on Gabriola faces pressures from limited supply, high costs, and the need to accommodate residents at different life stages and income levels. Ensuring a range of housing type with a focus on non-market options, is critical for sustaining a diverse and vibrant community. Strategic planning can enable housing solutions that meet local needs without compromising infrastructure or environmental values.

Why Advocacy is Needed:
The Gabriola LTC cannot directly provide housing or manage housing policy, but it can guide land use, zoning, and community planning to support diverse, attainable housing options. Advocacy is essential to ensure regional and provincial policies align with local housing goals.

Supports and Advocacy:

- Encourage development of multi-unit and mixed-income housing that aligns with community character;
- Promote affordable and attainable housing near services and commercial areas to reduce transportation emissions and support community accessibility.;
- Support housing designs that integrate energy efficiency, water conservation, and minimal environmental impact;
- Advocate for funding from senior government to supply non-market housing.; and
- Support partnerships with non-profit and housing organizations to increase housing options.

Key Collaborators:
RDN, BC Housing, non-profit housing providers, developers, community groups, and residents.

4.4.5.2 Local Economy

Background:
A resilient local economy depends on accessible commercial spaces, home occupations, and light industrial uses that serve local needs and reduce reliance on off-island services.

Why Advocacy is Needed:
The Gabriola LTC can influence zoning and land use but does not control economic development programs, business funding, or regional infrastructure. Advocacy is needed to support local economic resilience through external programs.

Supports and Advocacy:

- Advocate for regional or provincial programs that provide support, grants, or incentives for local businesses and home occupations.
- Encourage infrastructure investments (e.g., broadband, transportation) to support small-scale commercial and light industrial activities.
- Promote initiatives that strengthen local supply chains, self-reliance, and sustainable economic development.
- Support training and mentorship programs for local entrepreneurs.

Key Collaborators:
RDN, Chamber of Commerce, local business associations, economic development agencies, and community groups.

4.4.5.3 Parks & Public Access

Background:
Public access to parks, trails, and natural areas supports recreation, ecological health, and overall community well-being.

Why Advocacy is Needed:
The Gabriola LTC can guide planning and designate areas for protection but does not manage parkland acquisition, funding, or stewardship programs. Advocacy is required to secure resources and partnerships for maintaining and expanding public access.

Supports and Advocacy:

- Advocate for province, RDN to acquire and maintain parkland and trails including shoreline access.
- Work with the Islands Trust Conservancy when considering land use covenants.
- Encourage and support programs that enhance stewardship, conservation, and public education about natural areas.
- Encourage partnerships with non-profits and community groups to manage and expand public access responsibly.
- Promote initiatives that balance public access with protection of sensitive ecological areas.

Key Collaborators:
Islands Trust Conservancy, RDN, provincial agencies, environmental and community groups, and residents.

4.4.5.4 Arts and Culture

Background:
Arts and cultural activities contribute to Gabriola's unique identity, support community connection, attract visitors, and provide local economic opportunities. These activities can include visual and performing arts, music, literary events, heritage programs, and public art installations. While the Gabriola LTC can influence land use and zoning for cultural facilities, many funding, programming, and operational decisions are controlled by regional, provincial, and community and private organizations.

Why Advocacy is Needed:
The Gabriola LTC cannot directly fund, operate, or manage arts and cultural programs. Advocacy is essential to secure resources, partnerships, and supportive policies that allow local artists, organizations, and cultural initiatives to thrive.

Supports and Advocacy:

- Advocate for provincial and regional funding programs that support local arts organizations, festivals, and cultural events.
- Encourage partnerships with arts councils, heritage societies, and community groups to expand access to creative spaces.
- Advocate for infrastructure investments, such as performance venues, studios, and galleries, that are accessible to residents and visitors.
- Promote initiatives that integrate arts and culture into public spaces, education, and tourism strategies.
- Encourage programs that preserve and celebrate Indigenous cultural heritage and practices.

Key Collaborators:
Gabriola Arts Council, local artists and cultural organizations, RDN, provincial arts agencies, Indigenous communities, schools, and community groups.

4.4.5.5 Sports, Recreation, and Active Living

Background:
Access to recreational facilities, trails, parks, and programs supports physical health, mental well-being, and community cohesion. Activities can include organized sports, informal recreation, walking and cycling, water-based activities, and outdoor fitness. While the Gabriola LTC can guide land use to accommodate recreational spaces, many programming, funding, and operational responsibilities lie with regional, provincial, or non-profit organizations.

Why Advocacy is Needed:
The Gabriola LTC cannot directly fund, operate, or manage recreation programs, facilities, or sports leagues. Advocacy is essential to secure partnerships, funding, and supportive policies that enhance recreational opportunities for residents.

Supports and Advocacy:

- Advocate for regional and provincial funding to build, maintain, and upgrade recreational facilities, trails, and active transportation networks.
- Encourage partnerships with local sports clubs, recreation societies, schools, and community groups to expand program availability.
- Promote initiatives that make recreation accessible to all ages, abilities, and income levels.
- Support programs that integrate active living into community design, including safe walking and cycling routes.
- Advocate for environmental stewardship in recreational planning to ensure natural areas are preserved while supporting public use.

Key Collaborators:
RDN, local recreation societies, schools, sports clubs, provincial recreation agencies, Indigenous communities, and community groups.

4.4.6 Collaboration, Transparency, and Shared Responsibility

Advocacy policies in this OCP reinforce the goal of Collaboration, Transparency, and Shared Responsibility by guiding the Gabriola LTC in championing coordinated, respectful, and accountable land use planning across jurisdictions. These policies help ensure early and ongoing coordination with First Nations and relevant agencies, support shared understanding of roles and responsibilities, and encourage alignment between Gabriola LTC planning initiatives and the related plans, priorities, and stewardship work of Indigenous, regional, and provincial partners.

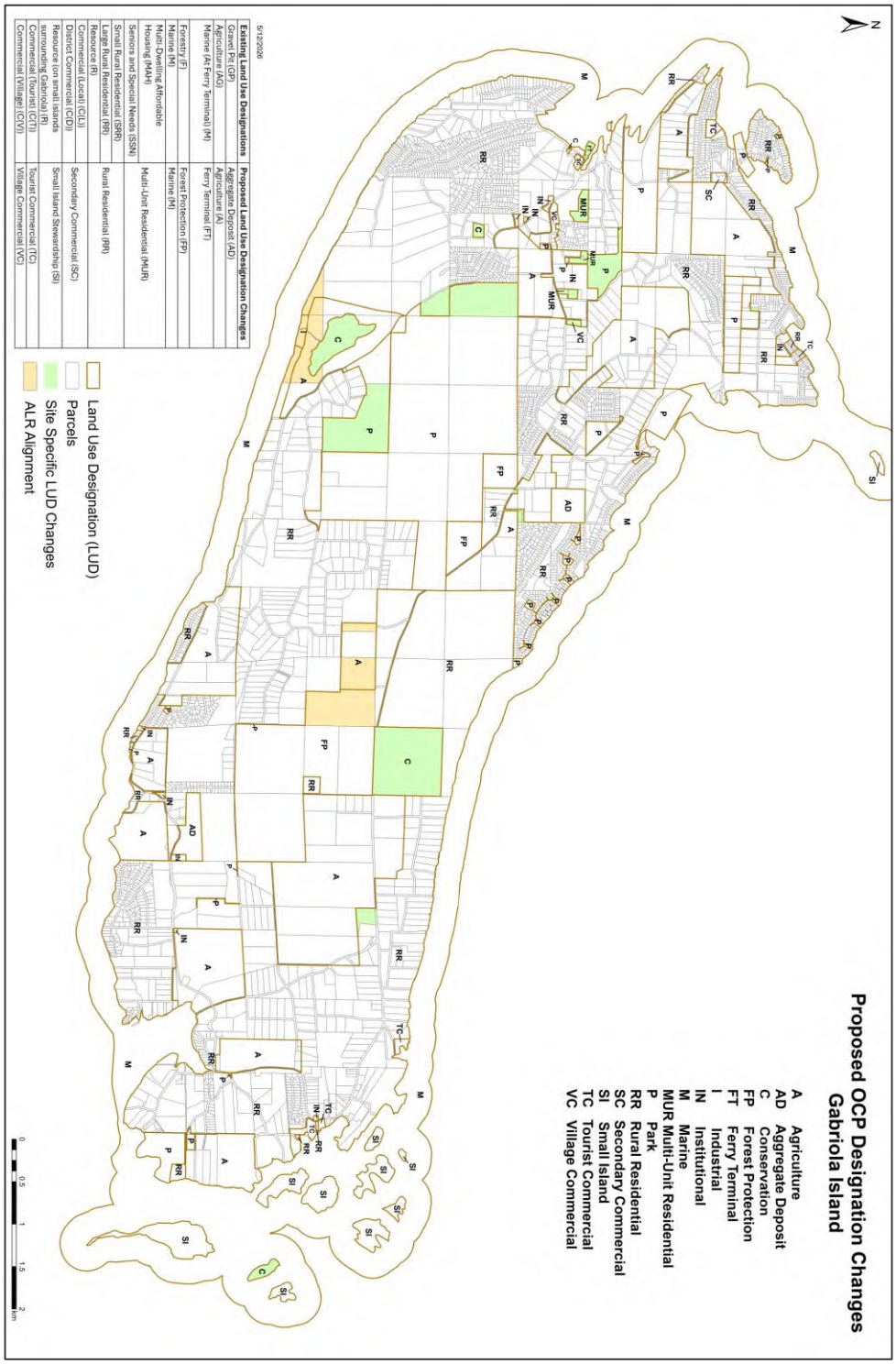
By promoting interagency cooperation, recognition of Indigenous rights and knowledge, and transparent, inclusive engagement practices, the advocacy policies strengthen trust, improve information-sharing, and help the community participate meaningfully in decision-making. Together, they create a foundation for land use planning that is collaborative, and grounded in mutual responsibility for the shared environmental, cultural heritage, housing, and community wellbeing goals.

4.5 Implementation Plan

This Plan also supports the development of a separate Gabriola Vision 2050 implementation plan to identify specific actions, including advocacy-related initiatives, needed to advance shared community goals. Because effective partnerships often require further dialogue before clear actions can be defined, a separate implementation plan outside this bylaw, led by the community, is the appropriate place to outline concrete advocacy measures and targets.

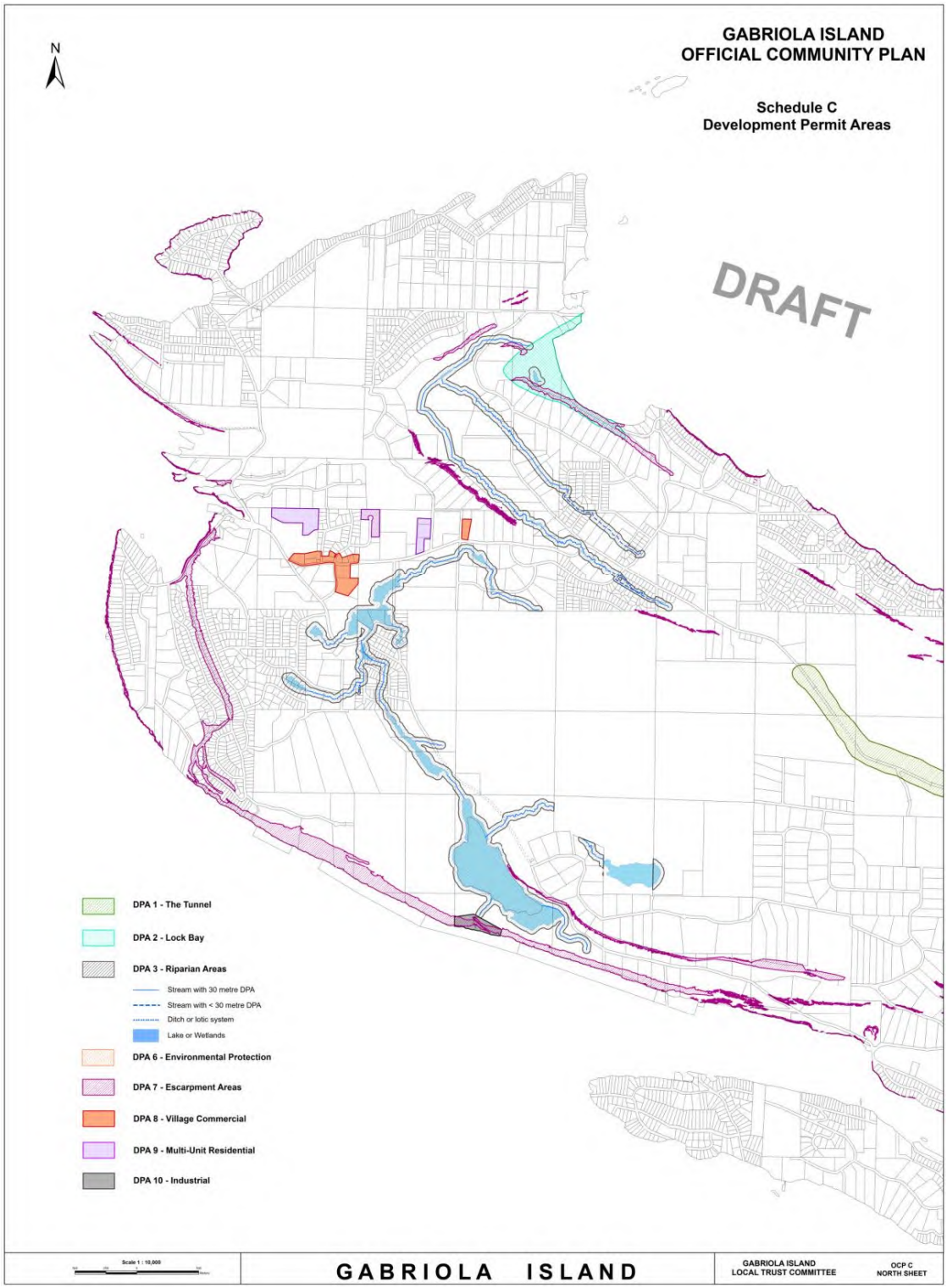
ADDITIONAL SCHEDULES

Schedule B – Land Use Designation Map

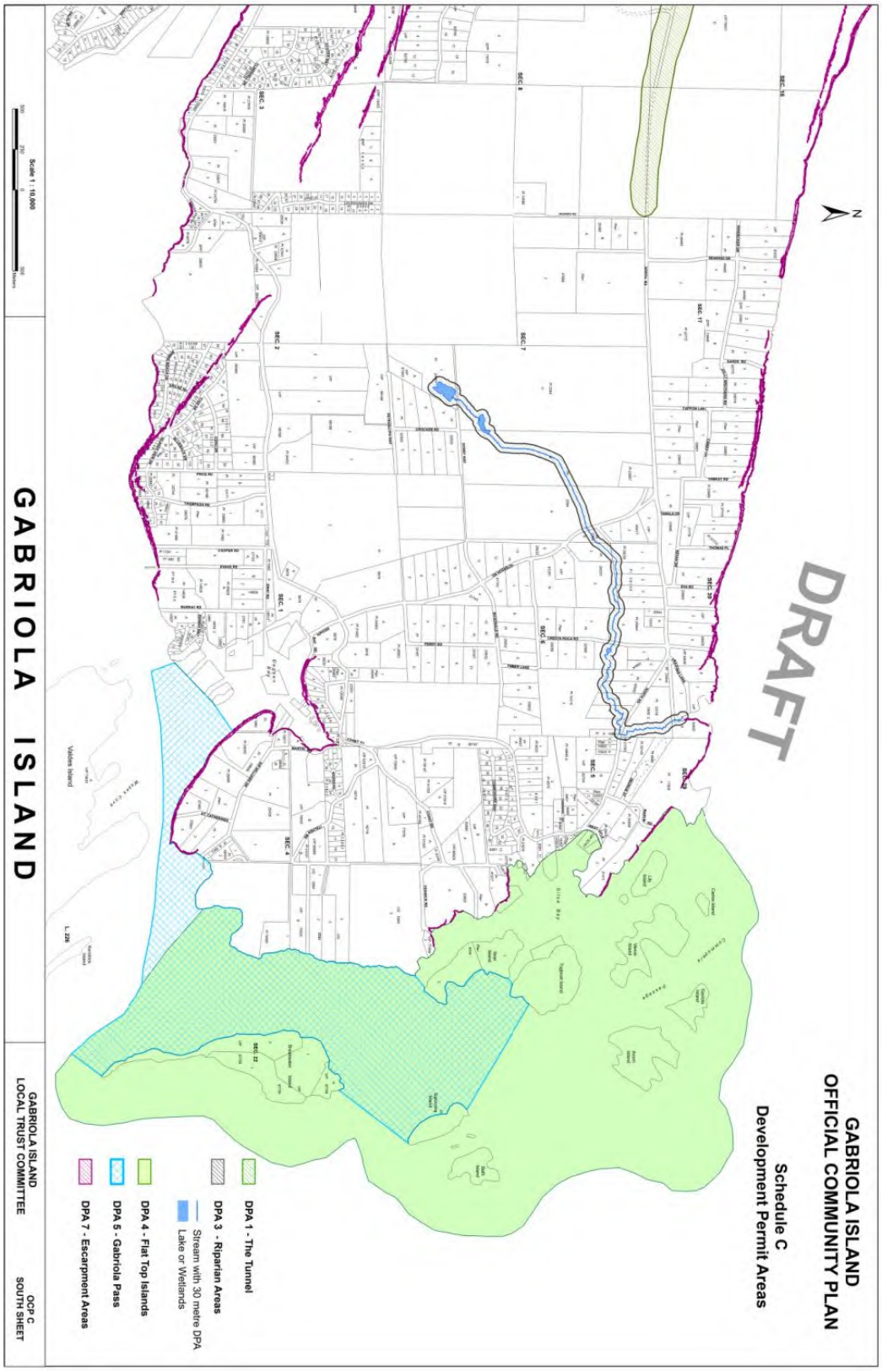


Schedule C – Development Permit Areas

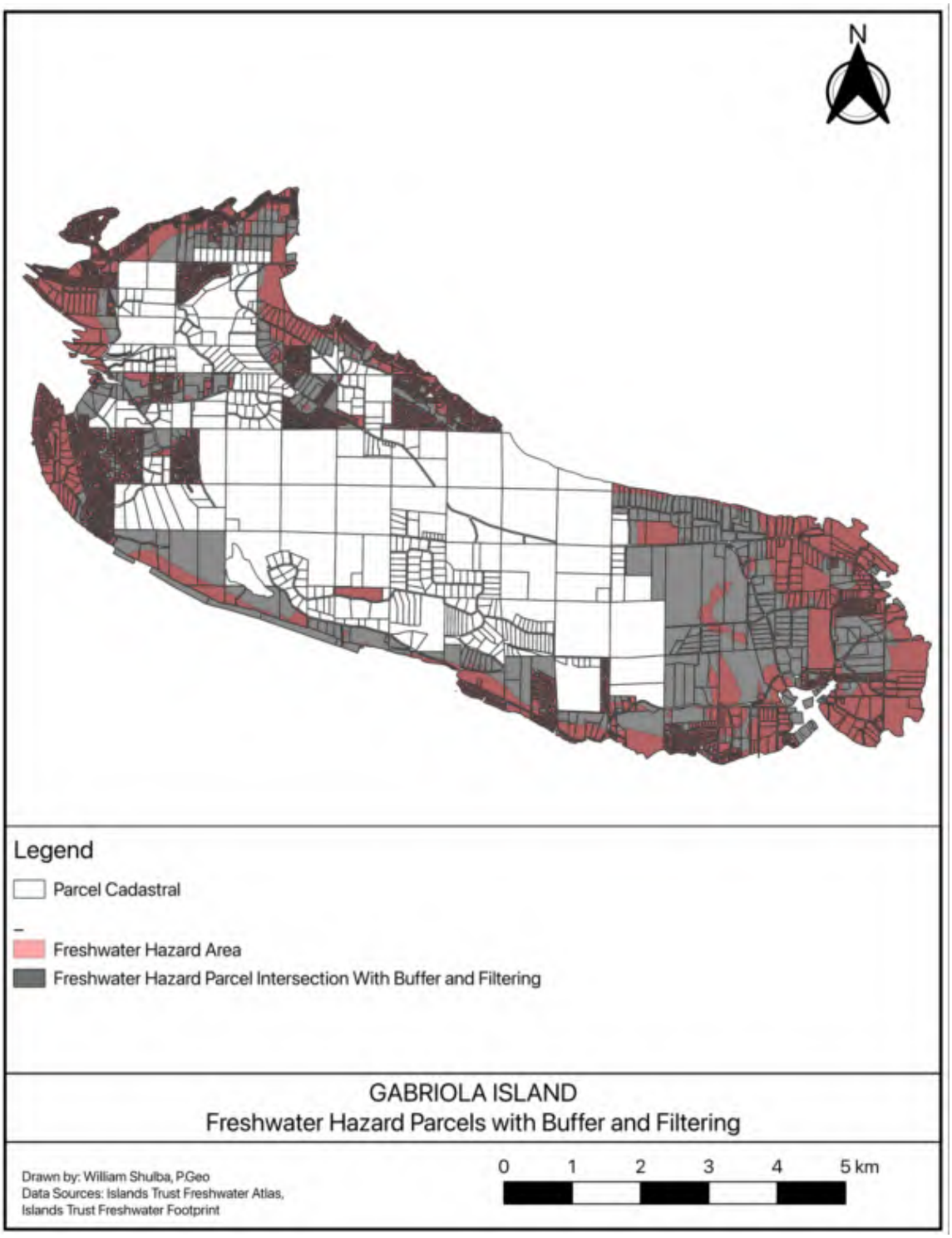
North Map



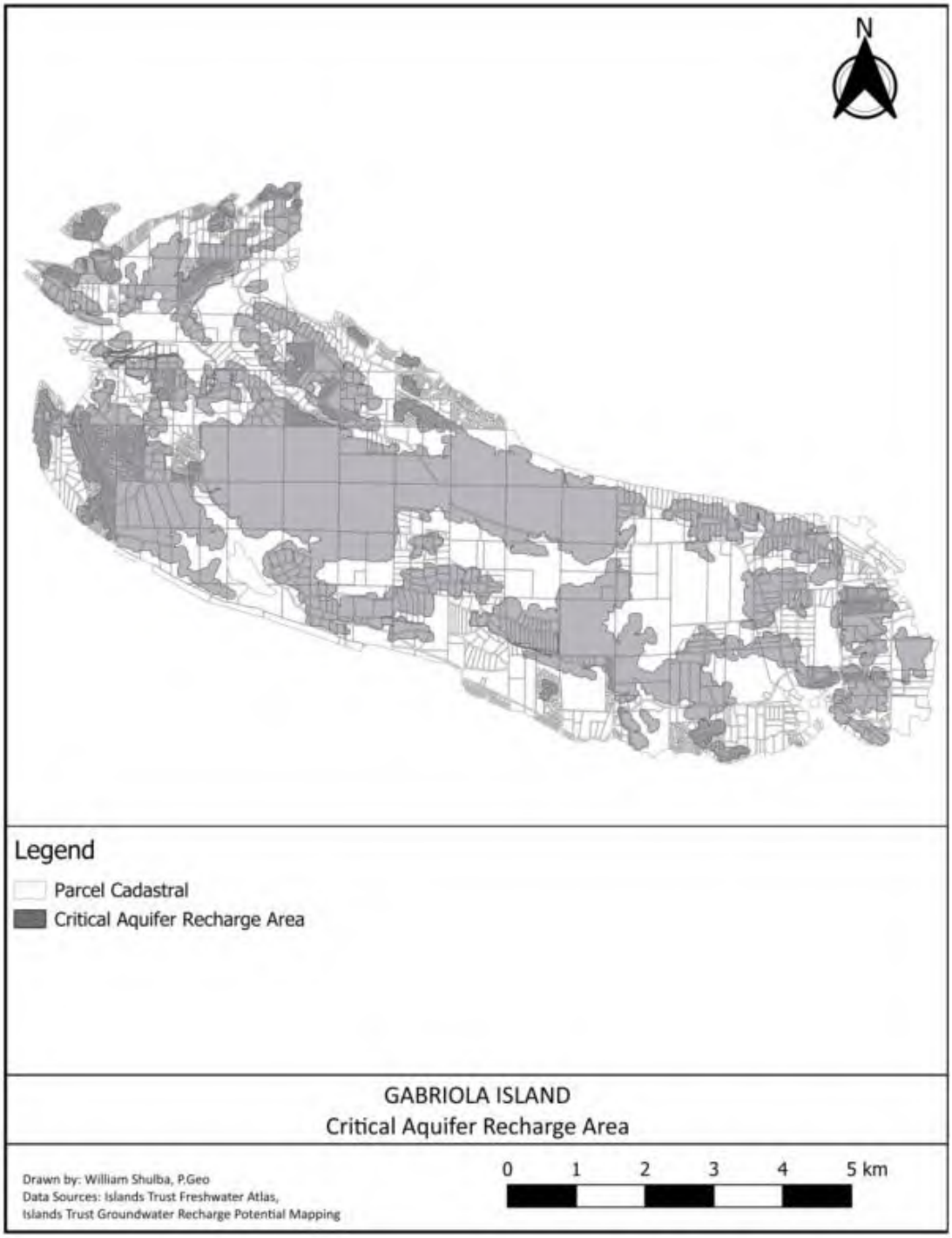
South Map


GABRIOLA ISLAND
OFFICIAL COMMUNITY PLAN
Schedule C
Development Permit Areas
DRAFT
N
DPA 1 - The Tunnel
DPA 3 - Riparian Areas
Stream with 30 metre DPA
Lake or Wetlands
DPA 4 - Flat Top Islands
DPA 5 - Gabriola Pass
DPA 7 - Escarpment Areas
GABRIOLA ISLAND
Scale 1 : 10,000
GABRIOLA ISLAND
LOCAL TRUST COMMITTEE
OCP C
SOUTH SHEET

Schedule D – Freshwater Hazard Map



Schedule E – Critical Aquifer Recharge Areas



APPENDICES

Appendix 1- Definitions

Accessory dwelling unit means a dwelling unit accessory to a use that is not residential.

Affordable Housing dwelling unit means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is accessible to persons with medium to low income as defined by the housing agreement for the dwelling unit.

Horticulture means the cultivation of plants, including fruits, vegetables, nuts, seeds, herbs, sprouts, mushrooms, and ornamental/landscape plants.

Attainable Housing means housing that is priced below prevailing market levels and designed to be inhabited by moderate‑income households, including local workforce and first‑time buyer households, without reliance on deep ongoing subsidies.

Community Services uses means uses that support community services to be managed by an established government or registered not for profit organization. Examples include schools, health care facilities, community centre, recycling depot.

Bed and Breakfast means short term rental of a bedroom in a dwelling which is occupied by the operator.

Critical Aquifer Recharge Area means a designated land surface area that plays a vital role in replenishing (recharging) aquifers used for potable water.

Dwelling Unit means a structure or set of rooms in a building , intended for year round human habitation containing cooking, sleeping, and living facilities.

Sustainable Forestry means the management, stewardship, and sustainable use of forested lands and forest resources, including the growing, maintaining, harvesting, and protection of trees, for ecological, economic, and community benefit over the long term. This includes measures to conserve forest ecosystems, soil, water, biodiversity, and climate values, while supporting forest‑based livelihoods and rural land uses.

Freshwater Footprint means a spatial planning framework that identifies areas where freshwater quantity, freshwater quality, recharge conditions, saltwater intrusion risk, land use density, and water demand indicate known or potential pressure on freshwater supply.

Income, Low means a level of income at which an individual or household has fewer economic resources than typical members of society, commonly measured as having an adjusted household income below 50% of the median population income, accounting for household size.

Income, Moderate means a level of income that falls between the low-income threshold (commonly defined as 50% of median income) and the median income of the population, indicating modest but not severely constrained economic resources.

Multi-unit dwelling means a building containing two or more dwelling units (excluding a principal dwelling with a secondary suite), each having their own entrance, which may include an entrance form a common interior corridor or and exterior entrance.

Non-market Housing means housing provided by governments, non-profit organizations, housing cooperatives, Indigenous housing providers, or other community-based entities, where affordability is secured over the long term and rents or housing charges are set based on income or established affordability benchmarks rather than market demand.

Park, Passive Recreation means a park which is retained in its natural state other than for walking and hiking trails and signage and no other uses including driveways and parking lots.

Public Utilities means a use of land, or unoccupied works and structures including pipes, wires, poles or towers, for the provision of electricity, gas, water, sewage collection, telephone, cablevision or telecommunication services for the benefit of the general population; or the use of land or unoccupied structures for navigational aids.

Secondary Dwelling Unit means and attached (secondary suite) or detached secondary dwelling unit that is accessory to a principal dwelling on the same lot that is limited in floor area.

Secondary Suite means an accessory, self-contained dwelling unit that is within the principal dwelling having equal or lesser floor area than the principal dwelling unit.

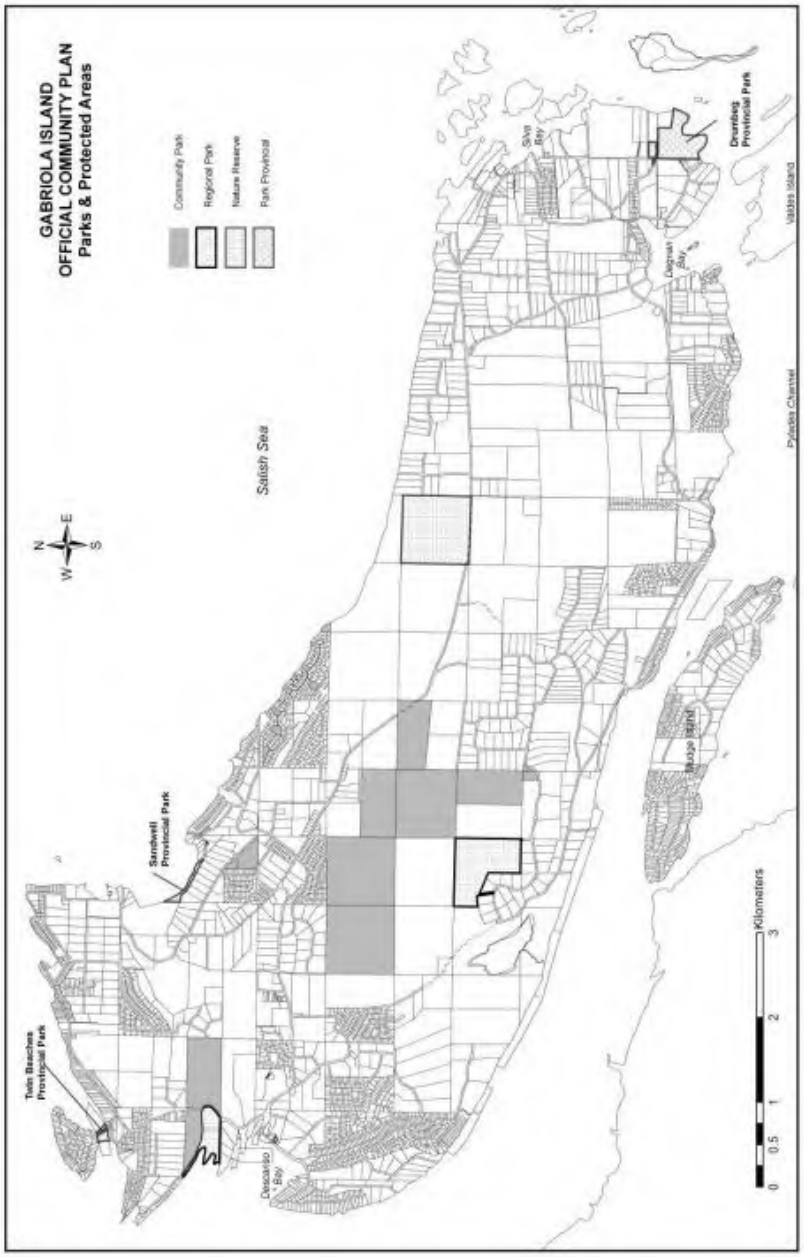
Sensitive Ecosystems means ecosystems which are fragile and/or rare, or those ecosystems which are ecologically important because of the diversity of species they support.

Short Term Vacation Rental means short term rental (less than 30 days) of a dwelling or part of dwelling.

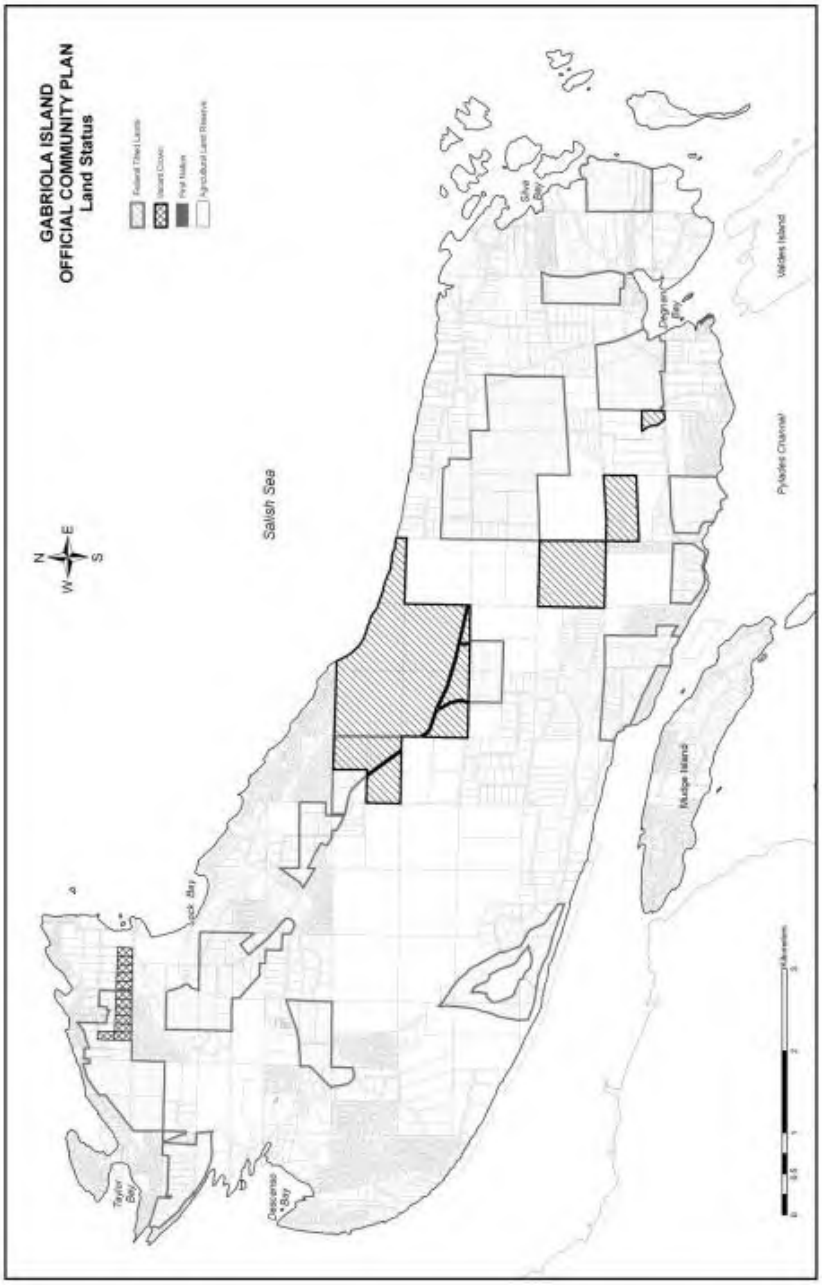
Special Needs Housing means housing that is purpose-designed or operated to accommodate individuals or households who require additional supports, services, or physical adaptations in order to live safely and independently, including housing for persons with disabilities, seniors requiring assistance, and others with identifiable support needs.

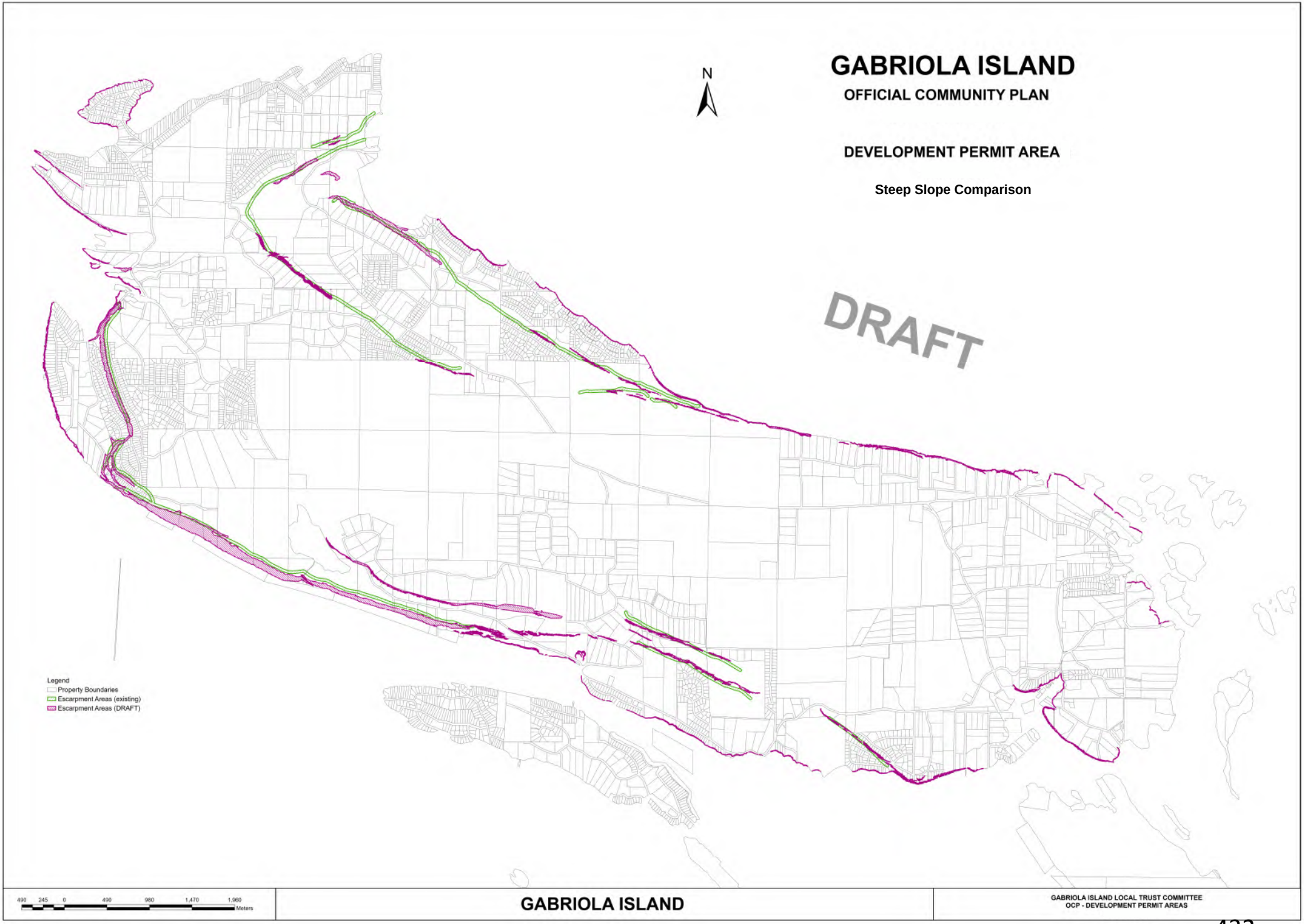
Wilderness Recreation means outdoor activities, including hiking and wildlife observation, conducted in natural, undeveloped areas that emphasize connection with nature and involve minimal human interference.

Appendix 2– Parks and Protected Areas



Appendix 3- Land Status




GABRIOLA ISLAND
OFFICIAL COMMUNITY PLAN
DEVELOPMENT PERMIT AREA
Steep Slope Comparison
N
DRAFT
Legend
Property Boundaries
Escarpment Areas (existing)
Escarpment Areas (DRAFT)
490 245 0 490 980 1,470 1,960
Meters
GABRIOLA ISLAND
GABRIOLA ISLAND LOCAL TRUST COMMITTEE
OCP - DEVELOPMENT PERMIT AREAS

From: Riccardo Tavella <RTavella@rdn.bc.ca>

Subject: Gabriola Island Ferry Terminal Active Transportation Link Feasibility Study – Project Introduction and Invitation

Date: May 4, 2026 at 3:57:55 PM PDT

To: "lpatrick@islandstrust.bc.ca" <lpatrick@islandstrust.bc.ca>, telliott <telliott@islandstrust.bc.ca>, Susan Yates <syates@islandstrust.bc.ca>

Cc: Amy Gore <AGore@rdn.bc.ca>, Steve Carney <scarney@aplinmartin.com>, "Saavin Khurana" <skhurana@aplinmartin.com>

Dear Gabriola Island Trustees,

I am pleased to introduce myself and formally launch the Gabriola Island Ferry Terminal Active Transportation Link Feasibility Study, an important project recently initiated by the Regional District of Nanaimo (RDN). The purpose of this study is to explore feasible, safe, and practical options to improve pedestrian and cycling connectivity between the Gabriola Island ferry terminal at Descanso Bay and the Village Centre. The work will consider a range of operational, environmental, technical, and community factors, and will ultimately help inform future decision-making, capital planning, and potential funding applications.

The RDN has retained Aplin Martin Consultants Ltd. to complete the feasibility study. The project will be led by Steve Carney, P.Eng., PTOE, Manager of Capital Works – Transportation, supported by a multidisciplinary team with strong experience in active transportation planning, ferry-adjacent infrastructure, and stakeholder engagement. Aplin Martin brings both regional and local experience, including prior work with the RDN, and will provide technical expertise, option development, evaluation, and engagement support throughout the study process.

You and your organization have been identified as a key stakeholder in this project. As such, we would like to include you in a series of working group meetings to better understand local concerns, road network operational needs, and potential opportunities for improving connectivity. The Aplin Martin project team will be reaching out in the near future to coordinate these meetings and other key engagement activities, in close collaboration with the RDN.

Further information regarding the study process, schedule, and next steps will be shared in the coming weeks. In the meantime, please do not hesitate to contact me if you have any questions.

Thank you, and I look forward to working together on this important initiative.

Riccardo Tavella
Park Planner, Recreation & ParksRegional District of Nanaimo
1490 Springhill Road, Parksville, BC V9P 2T2
T: 250-248-4744 ext. 3669 | C: 250-228-2461 | Email: rtavella@rdn.bc.ca
RDN | Get Involved RDN | Facebook | Instagram

We acknowledge with respect that for thousands of years the Coast Salish First Nations have been deeply connected to the territories where we now have the honour to work.

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HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 17, 2026 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including recordings and meeting minutes, please visit https://islandstrust.bc.ca/whats-happening/meetings-and-events/

- The ITC Board Chair rose and reported that it has approved spending of up to $5,000 from the Land Securement budget to support a potential nature reserve securement in the Lasqueti Island Local Trust Area.
- The ITC Board requested staff to allocate undesignated donations received in the 2025-26 fiscal year to the Property Management Fund to support management of Islands Trust Conservancy protected areas.
- The ITC Board requested staff to notify the Lasqueti Island Local Trust Committee that ITC's interests are unaffected by proposed Bylaw No. 107, Lasqueti Island.
- The ITC Board requested staff to notify the Island Planner for Denman Island that approval of Bylaws 256 and 257 is endorsed by the ITC Board on the basis that the proposed bylaws brings the Official Community Plan and zoning into alignment with the conservation purpose of the subject properties and adds another layer of protection from development.
- The ITC Board accepted the conservation proposal submitted by Marilyn Walker to place a Natural Area Protection Tax Exemption (NAPTEP) covenant on approximately 2.5 ha of a Salt Spring Island property.
- The ITC Board requested staff to forward the ITC quarterly update to Trust Council local trust committees, and Bowen Island Municipality for the Conservancy Report agenda item, following its receipt at Trust Council.
- There is a joint Executive Committee/ITC Board meeting on April 15, 2026.
- The next Islands Trust Conservancy Board meeting is May 12, 2026.

Learn more about Islands Trust Conservancy: https://islandstrust.bc.ca/conservancy/

Visit the Islands Trust Conservancy Journal: https://islandstrust.bc.ca/conservancy/the-journal/

Subscribe for Islands Trust Conservancy updates: https://islandstrust.bc.ca/subscribe/

ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO TRUST COUNCIL 2025-2026 - 4th Quarter Update

COMPLETED SINCE LAST REPORT (January - March 2026)	PLANNED FOR FIRST QUARTER 2026-27 (April - June 2026)
1. STRATEGIC PLANNING/ADMINISTRATION/OPERATIONS	
Personnel/Staffing: Continued recruitment for • Covenant Management Specialist • Communications Specialist • Administrative Assistant	***Personnel/Staffing:*** Onboard new • Covenant Management Specialist • Communications Specialist • Administrative Assistant
ITC Five-Year Plan development: Developed a logic model and work plan Updated project charter Prepared and delivered engagement letters to First Nations and conservation partners Hosted an Information Session with interested First Nations (Feb. 19th)	***ITC Five-year Plan development:*** Establish cooperative engagement framework and commence engagement with First Nations interested in involvement with development of Five-year Plan
ITC Board support: Hosted January 20th and March 17th ITC Board meetings Hosted January 30th ITC Board special meeting Began re-appointment process for provincially appointed board members Submitted referral response to Trust Council on the draft Policy Statement	***ITC Board support:*** Host May ITC Board meeting Host special ITC Board meeting for ITC audit report findings Continue to support board member re-appointment process
Financial Management Continued to support the Board in reviewing and refining its budget request and business cases through review cycle Submitted revised budget to Committee of the Whole and Trust Council Prep for financial statement process	***Financial Management*** Complete financial statement process and support the annual audit process. Implement budget Begin budget planning for 2027/28
ITC Policies: Continued policy review/update project	***ITC Policies:*** Continue policy review/update project Engage with First Nations on identifying policy gaps and improvements

SAR Program: Continued negotiation of a conservation agreement between Environment and Climate Change Canada (ECCC) Received a $26,000 grant from Tree Canada to support the recovery of species and ecosystems at risk at Mt Tuam Protected Area Continued facilitating Species at Risk Program evaluation Completed collation and mapping of ITC SAR data (Co-op student project) Developed and presented a Stewardship Education Webinar on Species at Risk Presented on ITC Species at Risk Program to the Regional Planning Committee in February Co-organized and hosted an in-person meeting for 40 Priority Places Program grant recipients Completed Q3 reporting to funder for ECCC Priority Places Species at Risk Program Investigated SAR monitoring research proposals for 26/27 fiscal year Presentation to ITC Board 'SAR Program Highlights' at March meeting Continued collaboration with Planning Services to develop products, training, and support materials about species and ecosystems at risk	***SAR Program:*** Complete final report to ECCC for Species at Risk (SAR) Program Investigate and implement SAR monitoring research proposals for 26/27 fiscal year SAR Program administrative wrap-up Plan with Protected Areas Management Team to prioritize species at risk work post ECCC funding.
Software Updates: ***Data Management System/GIS:*** Investigated procurement options for GIS specialist/firm to design a data management system to integrate into existing GIS systems. ***Field Technology Tools and Applications:*** Assessed new tools and features and provided feedback to GIS team ***Securement Applications Portal:*** Ongoing revisions, staff training, and procedure development for Islands Trust Applications Portal	**Software Updates:** ***Data Management System/GIS:*** Contract GIS specialist/firm to design a data management system to integrate into existing GIS's systems. ***Field Technology Tools and Applications:*** Provide feedback to mapping team about application re-launch Work with mapping team to prepare software and database for 2026 field work season ***Securement Applications Portal:*** Ongoing revisions, staff training, and procedure development for the Islands Trust Applications Portal

Other: Attended meeting with Tsawout First Nation (January)	***Other:*** TBD
2. COVENANT AND PROPERTY SECUREMENT PROJECTS	
Conservation Planning Began developing a project plan for Regional Conservation Plan evaluation Collaborated with Planning Services to identify gaps in ecological data and analyses Updated conservation proposal forms with revised waiver of confidentiality, and information about First Nations referrals Continued securement negotiations on ~27 ha of land for ITC nature reserve (1 Galiano, 1 Salt Spring) Continued negotiations on ~2 ha of land for NAPTEP covenants (1 North Pender, 1 Salt Spring) Continued discussions related to enquiries about conservation options for three properties (1 Salt Spring, 1 Hornby, 1 Saturna). Ongoing review of applications for three land donations (Salt Spring, Lasqueti, Denman) and 1 NAPTEP (Salt Spring)	***Conservation Planning*** Prepare project charter for multi-year Regional Conservation Plan evaluation and revision Board review and decision on three conservation proposals. Continue negotiations on existing conservation proposal projects
3. COVENANT AND PROPERTY MANAGEMENT	
Protected Area Monitoring: Presented nature reserve and covenant monitoring results and recommendations from 2025 monitoring season to ITC Board Issued reports with notice of compliance/non-compliance and stewardship recommendations to covenant landholders Collaborated with management groups to address concerns observed on nature reserves Collaborated with covenant co-holders and landholders to address compliance concerns and priority management needs in conservation covenants. Reviewed annual monitoring program and implemented improvements for 2026 season.	***Protected Area Monitoring:*** Continue addressing concerns observed on nature reserves. Continue to collaborate with covenant co-holders and landholders to address compliance concerns and priority management needs in conservation covenants. Commence 2026 monitoring season

Protected Area Management Projects: Reviewed annual reports from management groups and contractors implementing management projects in ITC protected areas Finalized list of priority projects for 2026-27 Worked with Comox Valley Regional District on Denman Island Cross Island Trail along Lindsay Dickson Nature Reserve.	***Protected Area Management Projects:*** Implement third year of three-year service contracts for management activities in ITC nature reserves. Commence procurement processes for priority projects for environmental monitoring, species-at-risk conservation, ecosystem stewardship, infrastructure maintenance, and other management needs Continue work with Comox Valley Regional District on Denman Island Cross Island Trail along Lindsay Dickson Nature Reserve.
Protected Area Management Planning Archeology assessment contracts in progress for two nature reserves. Continued policy development for management planning, risk management, and signage.	***Protected Area Management Planning*** Archeology assessment contracts in progress for two nature reserves until March 2027. New policies in review for management planning, risk management, and signage.
Technology Improvements: Worked with GIS staff on updates and improvements to FieldMaps app based on user feedback during 2025 field season. Continued to work with GIS staff to ensure all spatial data collected for ITC protected areas can be incorporated and viewed in available mapping applications. Trial Survey123 as a replacement for paper monitoring forms.	***Technology Improvements:*** Complete work with GIS staff to ensure updates to FieldMaps have been made and trialed. Roll out Survey123 for official use in Monitoring Program if trial is successful. Continue to work with GIS staff to ensure all spatial data collected for ITC protected areas can be incorporated and viewed in available mapping applications. Continue to explore remote monitoring solutions and related policy development.
Other: Continued policy review, drafting of new policies, and revision of outdated policies.	***Other:*** Continue policy review/drafting/update.
4. COMMUNICATIONS AND OUTREACH	
NOTE: Support on priority communications projects this quarter was provided by a contractor while the Communications Specialist position is vacant. Many communication-related activities are pending until a new Communications Specialist is onboarded.	
Social Media: Weekly social media posts & engagement across all ITC platforms Launch of strategic giving WillPower campaign for 2026	***Social Media:*** Weekly social media posts & engagement across all ITC platforms - Launch Reflections from the Field in spring 2026 to highlight field work, Winter Heron features on social media

	Ongoing strategic giving WillPower campaign posts
News Releases: None	***News Releases:*** TBD
Publications: Designed and delivered digital & physical ITC Holiday Cards to donors and other key stakeholders Published end-of-year ITC eNews Published Giving Tuesday ITC eNews Issued *Caring for Your Conservation Covenant* newsletter to covenant landholders ITC FOLKLIFE Ad circulation in next issue of the magazine	***Publications:*** Publish Winter Heron Newsletter Publish Winter ITC eNews
Outreach: None	***Outreach:*** None
Events: None	***Events:*** Host celebration for one new nature reserve and one new NAPTEP covenant on Salt Spring Island
Reports: None	***Reports:*** Prepare for ITC 2025/26 Annual Report
5. FUNDRAISING AND CONSERVANCY SUPPORT	
Donor Relations: Stewardship of donors and advisors (ongoing) Reviewed and updated donor members in contract relationship database Received and processed donations – sent thank you letters and issued charity tax receipts Met with several potential donors interested in legacy giving Tour of S'ul-hween X'pey (Elder Cedar) Nature Reserve with legacy donor	***Donor Relations:*** Stewardship of donors and advisors (ongoing) Receive and process donations – send thank you letters and issue charity tax receipts Follow up with potential donors interested in legacy giving
Strategic Giving: Continued WillPower Campaign seeking bequests of conservation lands or conservation funds Calls with two professional advisors Updated pledged bequests	***Strategic Giving:*** Continue WillPower Campaign seeking bequests of conservation lands or conservation funds Review effectiveness of WillPower Campaign

Fund Management: Continued review of Opportunity Fund Guidelines	***Fund Management:*** Review donation Policy and other fund guidelines Develop Fund Management Policy
Other: Developed draft Opportunity Fund application form Developed grant-needs spreadsheet Researched external grant opportunities (ongoing) Reviewed donation policies and fund guidelines Developed legacy and conservation print ad for Folklife Magazine	***Other:*** Research external grant opportunities (ongoing)

Gabriola Local Trust Committee
Open Applications
Report

Print Date: May 14, 2026

Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20260023	Dylan Mcintosh	1/19/2026	1380 CRESTA ROCA RD, GABRIOL	The property is located within the Riparian Assessment Area. A Development permit is required prior to undertaking any clearing works for the future construction of a utility shed.

Planner	Status	Most Recent Completed Activity
Ian Cox	Under Review	Add Optional Referrals

Application Number	Applicant Name	Date Received	Address	Purpose
GB-DP-2021.1		5/20/2021	0 STOKES RD	DP application for protection of development from hazardous conditions DPA6, relating to subdivision application.

Planner	Status	Most Recent Completed Activity
Sonja Zupanec	Local Trust Committee	Record LTC Decision/Update FUAL

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20250481	Nada Awadi	12/4/2025	0 SEAR ISLAND	New 1 storey single family home- existing home to be demolished

Planner	Status	Most Recent Completed Activity
Ian Cox	Approved w/Conditions	Record LTC Decision/Update FUAL

Gabriola

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20250308	Nada Awadi	7/29/2025	0 SEAR ISLAND	New construction of Single Family Home (2 storey with main floor and basement)- Existing house to be demolished

Planner	Status	Most Recent Completed Activity
Ian Cox	Approved	Issue Permit & Send to Applicant

Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240299	Michael Apps	11/7/2024	1140 THE STRAND, GABRIOLA, BC	Application to allow a rock revetment to repair and prevent ongoing damage to the property shoreline.

Planner	Status	Most Recent Completed Activity
Stephen Baugh	Waiting for Submittals	Record LTC Decision/Update FUAL

Application Number	Applicant Name	Date Received	Address	Purpose
GB-DVP-2022.3	Thomas Pink	6/23/2022	1160 THE STRAND, GABRIOLA, BC	PID: 008-828-067 Shoreline protection variance. Civic address: 1160 The Strand, Gabriola Island, BC.

Planner	Status	Most Recent Completed Activity
Margot Thomaidis	Under Review	Planning Review

Application Number	Applicant Name	Date Received	Address	Purpose
GB-DVP-2022.4	Mark & Gail W	6/30/2022	1170 THE STRAND, GABRIOLA, BC	PID: 008-828-059 Foreshore protection variance. Civic address: 1170 The Strand, Gabriola Island, BC.

Planner	Status	Most Recent Completed Activity
Margot Thomaidis	Local Trust Committee	Verify Final Review Status

Rezoning

Application Number	Applicant Name	Date Received	Address	Purpose
GB-RZ-2024.1	Talyn Martin	1/10/2024	0 SOUTH RD	PID: 004-633-989 seeking a rezoning from industrial to commercial in order to build a year-round community food hub at 465 South Rd. on Gabriola.

Planner	Status	Most Recent Completed Activity
Stephen Baugh	Waiting for Submittals	Waiting for Revisions

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20250138	Toby Seward	3/29/2025	1900 STALKER RD, GABRIOLA, BC	Application to amend the OCP and complete a rezoning at 1900 Stalker Road, Gabriola.

Planner	Status	Most Recent Completed Activity
Stephen Baugh	Waiting for Revisions	Verify Final Review Status

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20240091	Nigel Gray	6/18/2024	793 LOCKINVAR LANE	Proposed rezoning to allow propane storage and delivery as a site specific permitted use. Requires change to OCP to be included in Village Centre DPA and designation change from Institutional to Village Commercial.

Planner	Status	Most Recent Completed Activity
Ian Cox	In Progress Rezoning	Record LTC Decision/Update FUAL

Gabriola

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20240091	Nigel Gray	6/18/2024	793 LOCKINVAR LANE	Proposed rezoning to allow propane storage and delivery as a site specific permitted use. Requires change to OCP to be included in Village Centre DPA and designation change from Institutional to Village Commercial.

Planner	Status	Most Recent Completed Activity
Ian Cox	In Progress Rezoning	Record LTC Decision/Update FUAL

Application Number	Applicant Name	Date Received	Address	Purpose
GB-RZ-2022.1	Kent Moen	6/7/2022	750 TIN CAN ALLEY, GABRIOLA, B	PID: 023-005-629 Change zoning to accommodate multiple changes in use. Civic address: 750 Tin Can Alley, Gabriola Island, BC.

Planner	Status	Most Recent Completed Activity
Stephen Baugh	In Progress Rezoning	Generate & Send Notice of LTC Decision

Application Number	Applicant Name	Date Received	Address	Purpose
GB-RZ-2023.1	John Steil	6/13/2023	0 DESCANSO BAY	PID: 025-798-090 and 025-798-103 renovation and expansion of ferry terminal at Descanso Bay Ferry Terminal on Gabriola Island.

Planner	Status	Most Recent Completed Activity
Stephen Baugh	In Progress Rezoning	Waiting for APC Response

Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
GB-SUB-2024.2	Scott Stevenson	4/30/2024	0 STOKES RD	subdivision to create 2 lots at NORTH EAST 1/4 OF SECTION 3 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARCEL A (DD 77326I) AND EXCEPT PLANS EPP19453 AND EPP66666 on Gabriola Island.

Planner	Status	Most Recent Completed Activity
Sonja Zupanec	Administrative Review	Record and File PLR

Application Number	Applicant Name	Date Received	Address	Purpose
GB-SUB-2024.1	Scott Stevenson	3/13/2024		PID: 027-086-500 subdivision to create 11 lots at Lot 20, Section 8 on Gabriola Island.

Planner	Status	Most Recent Completed Activity
Sonja Zupanec	Administrative Review	Record and File PLR

Temporary Use Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLTUP20260002	Ike Mackay	1/4/2026	1016 BERRY POINT RD, GABRIOLA	Temporary Use Permit application for a commercial vacation rental of a 1 bedroom cottage at 1016 Berry Point Rd.

Planner	Status	Most Recent Completed Activity
Ian Cox	Under Review	Planning Review

Application Number	Applicant Name	Date Received	Address	Purpose
PLTUP20250126	Chris Campbell	3/20/2025	2235 SHAW RD, GABRIOLA, BC V0	Application for a short-term vacation rental.

Planner	Status	Most Recent Completed Activity
Margot Thomaidis	Under Review	Generate Complete Application Letter

Islands Trust

LTC EXP SUMMARY REPORT F2026

Invoices posted to Month ending March 2026

620 Gabriola	Invoices posted to Month ending March 2026	Budget	Spent	Balance
65000-620	LTC "Trustee Expenses"	0.00	48.60	-48.60
LTC Local				
65050-620	LTC "Executive Expense on LTC's"	819.00	1,834.16	-1,015.16
65200-620	LTC - Local Exp - LTC Meeting Expenses	3,090.00	2,453.93	636.07
65210-620	LTC - Local Exp - APC Meeting Expenses	0.00	1,501.30	-1,501.30
65220-620	LTC - Local Exp - Communications	490.00	369.00	121.00
TOTAL LTC Local Expense		4,399.00	6,158.39	-1,759.39
Projects				
73001-620-2001	Gabriola OCP/LUB	48,000.00	39,119.23	8,880.77
TOTAL Project Expenses		48,000.00	39,119.23	8,880.77

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-2019-040	S219 Covenant Signatories	**It was MOVED and SECONDED** 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.
5.	January 23, 2020	GB-2020-002	Consultation for Communication Towers	**It was MOVED and SECONDED** that the Gabriola Island Local Trust Committee adopt the "Model Strategy for Antenna Systems" prepared by the Local Planning Committee of the Islands Trust, as the Gabriola Local Trust Committee strategy to assess any future potential tower proposals in the Gabriola Local Trust Area.

6.	August 8, 2024	GB-2024-066	Defer enforcement of Mudge Island Land Use Bylaw No. 228 except…	**It was MOVED and SECONDED** that the Gabriola Island Local Trust Committee replace standing resolution GB-2024-023 with the following: defer enforcement of the Mudge Island Land Use Bylaw No. 228 until a full review of policies and procedures for compliance and enforcement is complete and adopted, and a targeted review of Land Use Bylaw No. 228 is undertaken by the Gabriola Local Trust Committee; with the exception of enforcement of derelict trailers and vehicles, health and safety concerns, interference with archeological heritage sites, or possible environmental damage that are a significant concern, and these would be brought to the Local Trust Committee for review.
7.	November 7, 2024	GB-2024-075	Gabriola Island Local Trust Committee Bylaw Compliance & Enforcement Policy	Bylaw Compliance & Enforcement Policy No. 1, effective November 7, 2024. Version No. 1 Purpose To establish policies and procedures for bylaw compliance and enforcement in the Gabriola Island Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., and that are within the authority of the Local Trust Committee to enforce, and that will ensure polices and procedures are efficient, transparent, reasonable, and consistent with local community standards. PART A 1.0 Application This policy will apply to the Gabriola Island Local Trust Area and the enforcement of all applicable regulatory bylaws. 2.0 Definitions & Abbreviations BEN – bylaw enforcement notice LUB – Land Use Bylaw LTC – Local Trust Committee Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area Respondent – a property owner whose property is subject to a bylaw enforcement complaint Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs, dumping of sewage Vexatious - complaints that are made in bad faith or for retaliatory purposes or that are considered frivolous, may be considered vexatious; or repeated

				complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process 3.0 References Gabriola Island Land Use Bylaw No. 177 Mudge Island Land Use Bylaw No. 228 Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263 4.0 Priorities 4.1 Enforcement on short-term vacation rentals is a priority and proactive enforcement is authorized. 4.2 Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas; or other environmentally sensitive areas; or there are concerns about health and safety; or the lack of an approved septic system; or if it is determined that there is contamination of wells or other drinking sources. 4.3 Enforcement on limited public markets will be deferred when they are operated indoors contrary to section B.6.2 of the LUB. Operators will be provided with information regarding the applicable land use regulations. 5.0 Inspection 5.1 At the start of any investigation, Bylaw Enforcement Officers will determine if entry to the property is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands. 5.2 Bylaw Enforcement Officers will give 30 days notice for inspection of any property unless there is consent for a site inspection at less than 30 days. 5.3 Investigations into health and safety issues and matters that may cause adverse environmental impact and result in irreversible damage are a priority and may be investigated without notice pursuant to section A.3.2.1 of the LUB. 5.4 If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance. 5.5 Site inspections will be limited to the use or structure subject to complaint unless there is work observed in development permit areas, or other environmentally sensitive areas, or there are concerns regarding health and safety.

				5.6 If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, or other reliable evidence, a site inspection is not mandatory. 6.0 Enforcement Procedures 6.1 If a bylaw contravention is confirmed, and there is no agreement on a deadline for compliance, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply. Notice may also be given that enforcement action will be escalated if there is no compliance at the deadline, and this may include the use of the BEN system or a request for legal action. 6.2 Bylaw Enforcement Officers can use their discretion to consider any reasonable request for time to comply from Respondents, but the term cannot be for more than one year. 6.3 If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately. 6.4 Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety concerns, or contraventions in environmentally sensitive areas. 6.5 Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Bylaw Compliance and Enforcement. 7.0 Closing Files 7.1 If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant uses a false name, the file will be closed. 7.2 If the contravention is for a minor structure that has only received one written complaint, the file can be closed. 7.3 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of Bylaw Compliance and Enforcement, can use their discretion to close the file. 7.4 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety. 7.5 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work on a

				development permit area, or work in an environmentally sensitive area, or there are health and safety concerns. 7.6 The LTC will be notified when any file is closed. 8.0 Vexatious Complaints 8.1 If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered. 9.0 Communications 9.1 When a file is opened and an investigation commenced, Respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced. 9.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant. 9.3 The Manager of Bylaw Compliance and Enforcement will communicate with Trustees or the LTC if there are questions or concerns regarding individual files. 9.4 The Manager of Bylaw Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting. 9.5 Bylaw staff will be available during regular LTC meeting public comment sessions to answer questions regarding bylaw enforcement. 10.0 Reporting 10.1 The LTC will receive regular reporting on bylaw compliance and enforcement files. 10.2 The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of. 10.3 The Manager of Compliance and Enforcement will maintain the Gabriola Island Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required. PART B MUDGE ISLAND

				All policies in Part A will apply to compliance and enforcement of the Mudge Island Land Use Bylaw with the following exceptions: 1.1 Priorities 1.1.1 Enforcement of the Mudge Island Land Use Bylaw No. 228 will be deferred until a full review of policies and procedures for compliance and enforcement is complete and adopted, and a targeted review of Land Use Bylaw No. 228 is undertaken by the Gabriola Local Trust Committee; with the exception of enforcement of derelict trailers and vehicles, health and safety concerns, interference with archeological heritage sites, or possible environmental damage that are a significant concern, and these would be brought to the Local Trust Committee for review. 1.1.2 Enforcement will not proceed for siting contraventions involving structures that predate 2008. Property owners will be able to repair and maintain these structures as long as they did not expand the contravention. 1.1.3 Enforcement will not proceed regarding otherwise lawful accessory uses, buildings and structures on a parcel where no principal use exists if the adjacent parcel has a permitted principal use and both parcels are held under common ownership. 1.2 Inspection and Enforcement Procedures: 1.2.1 Subject to section 1.1.1, enforcement will proceed only if there are written complaints received from two property owners residing on separate parcels located in the immediate neighbourhood; and where the contraventions are causing a nuisance or an adverse effective in the neighbourhood. 1.2.2 Enforcement on contraventions that are in environmentally sensitive areas, concern issues of health and safety, or interfere with archeological heritage sites, will proceed if there is a written complaint from any person. 1.2.3 There will be 30 days notice for site inspections unless there is consent for an earlier date, or there are concerns about contraventions in environmentally sensitive areas, and issues of health and safety. 1.2.4 For confirmed contraventions, a minimum of 180 days will be given to comply unless there are immediate concerns regarding health and safety or possible environmental damage. PART C Bylaw Enforcement Notice Bylaw Screening Officer’s Powers and Duties Policy Appointment of Screening Officers

				Pursuant to section 7.2 of the Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263, 2011, (the Bylaw) the persons holding the following positions are appointed as screening officers: 1) Regional Planning Manager; 2) Manager of Compliance and Enforcement; and 3) Bylaw Compliance and Enforcement Assistant. Screening Officer Powers and Duties The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Gabriola Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows: 1) Regional Planning Manager. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw; 2) Manager of Compliance and Enforcement. In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Manager of Compliance and Enforcement, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw; 3) Bylaw Compliance and Enforcement Assistant. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw. Authorized Reasons to Cancel Bylaw Violation Notices The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist: 1. The contravention did not occur as alleged. 2. The contravention no longer exists. 3. The Bylaw Violation Notice was issued to the wrong person. 4. The Bylaw Violation Notice was not completed properly. 5. The issuance of the Bylaw Violation Notice did not adhere to established Trust Council or LTC policies. 6. It is unreasonable for the person to pay the penalty. 7. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists. 8. A permit exists or has been obtained that authorizes the alleged

				contravention. 9. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons: a. The evidence is inadequate to show a contravention; b. Incorrect information was relied upon in issuing the Bylaw Violation Notice; c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator. 10. It is not in the public interest to proceed to adjudication for one of the following reasons: a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention; b. An LTC resolution has deferred enforcement on the specific contravention; c. The LTC has closed the file; d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.

Active Projects Report

Gabriola Island

1. *Major Project - Gabriola Island Comprehensive OCP and LUB Review - Phase 2*	Responsible	Dates
Activity: To identify and prioritize the community values and vision that will inform the review of Gabriola Island's Official Community Plan and Land Use Bylaw through engaging Frist Nations, the Gabriola community, community organizations and other relevant groups. The 2024/25 Gabriola Island OCP and LUB Comprehensive Review will address a number of issues of importance to the Gabriola Community. In Phase 1 (2023/24), community engagement helped to identify the vision and values of the community. The next phases of the project will build upon this work with focused engagement on specific topic areas, undertake a water balance assessment and drafting of OCP policies related LUB changes. The project will result in a new Official Community Plan and Land Use Bylaw for Gabriola Island.	Narissa Chadwick	

Print Date: May 14, 2026

Follow Up Action List

Future Projects Report

Gabriola Island

1. *1. LTC Initiated Rezoning of Property with PID: 003-134-806*	Responsible	Date Received

Bylaw amendments to rezone property with PID: 003-134-806. Legal Description:
NORTH EAST 1/4 OF SECTION 3 GABRIOLA ISLAND NANAIMO DISTRICT EXCEPT PARCEL A (DD 77326I) AND EXCEPT PLANS EPP19453 AND EPP66666

2. *2. Mudge Island Official Community Plan and Land Use Bylaw Review*	Responsible	Date Received

Comprehensive review or targeted amendments to Mudge Island OCP and LUB.