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June 3, 2022

Sonja Zupanec, Planner
Islands Trust Northern Office
700 N Rd,
Gabriola, BC V0R 1X3

Dear Ms. Zupanec,

Re: Application to Amend the Land Use Bylaw to Accommodate More Commercial Use on Lot B, Plan VIP60373, Section 19, District 32, Wild Rose Garden Centre at 750 Tin Can Alley, Gabriola Island.

Following several meetings and telephone conversations between yourself, Mr. Kent Moen and myself, we have prepared this Land Use Bylaw Amendment application. The application form is attached (Attachment 1) along with the fees. The title is provided as Attachment 2 and the Surveyed Site Plan is provided as Attachment 3. The purpose of this application is twofold:

1. Mr. Moen, owner operator of the Wild Rose Garden Centre, is applying to amend the Land Use Bylaw and add uses specifically for his site in the LC3 zone including: **retail sales and rentals, personal services, restaurants, bakeries, food truck and accessory offices.** These uses will allow for limited commercial expansion on the property.
2. In addition, because the site is 2.55 acres (1.028 ha) in size, Mr. Moen would like to apply for **two (2) residential units.** Mr. Moen has decided not to subdivide the property but would be willing to have a restrictive covenant registered on the title/property indicating that, in future, no additional residential units would be allowed. Mr. Moen is supportive of these residential units being for staff/employees and be affordable, controlled by a Housing Agreement with the Islands Trust. It does not appear that there is a specific application form for this request.

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great this time,

Mr. Moen has completed substantial work to support this application. This work is summarized here with the documents attached, along with a summary of engagement and review of the OCP.

1. BACKGROUND REPORTS

Mr. Moen has completed several background studies to support his application. The following summarize the findings of these reports. Full reports are attached to this letter. It is understood that water and septic will have to be re-visited when an actual application for development is submitted and it is determined what the needs of those uses are. This information provides the baseline data.

1.1 Phase 1 Environmental Site Assessment

Completed by Lewkowich Engineering Associates Limited in May 2021 (Attachment 5), the summary of the report indicated that there were no areas of potential environmental concern identified and no further environmental investigation is recommended. The site overlies a registered aquifer (Aquifer No. 709) which has high vulnerability. There are 42 registered wells within 500m, including 2 on the property. Goodhue Creek is 200 m south of the property. There is no evidence of spills or contamination on the property or in the buildings. The report concluded:

Results of Phase 1 Environmental Site Investigation indicate that the Site was historically forested. It was cleared and developed as a rural residence in the 1960's. Demolition and redevelopment of the site into current configuration occurred circa 1996. The Property is currently developed as a commercial garden centre.

A review of historical information indicated that the surrounding area was historically forested. Development of the surrounding area into rural residential properties began in the 1970's. Development of the surrounding area into a mix of rural and community service properties continues to present day.

No apparent housekeeping issues or Areas of Potential Environmental Concern (APEC's) were identified on the site or on surrounding properties. The Phase 1 ESA revealed no evidence of actual or potential contamination in connection with the Property. Therefore, no further investigation is recommended at this time.

Prior to any demolition or renovation of any buildings, WorkSafeBC requires that a Hazardous Materials Survey of affected structures is carried out prior to, and available during on-site work affecting the buildings.

1.2 Geotechnical Assessment

Completed by Lewkowich Engineering Associates Ltd. In August 2021 (Attachment 6), this assessment completed a site specific assessment to identify potential geotechnical hazards for the proposed commercial development on the subject property. The assessment determined that there were no geotechnical hazards that may impact the proposed development.

The assessment completed five test pits on the property. Consistent soil strata were encountered, loose to compact, brown gravel and sand were observed. Sandstone bedrock was encountered at a depth of 0.7m to 1.2m. Ground water was not encountered during the course of the investigation, noting that the investigation was completed during an extended period of dry weather. The report proceeds to include recommendations for design and construction of future development.

During the course of the investigation, stormwater management was reviewed. Based on the subgrade conditions encountered during the Test pit investigation, it is the opinion of LEA that the site conditions are not conducive to the installation of on-site stormwater infiltration measures. However, storm water detention measures may be appropriate with final locations to be determined by a geotechnical engineer (to ensure no hazard to the property or any adjacent or adjoining properties).

The report provides a Local Government Conformance Statement indicating that if the recommendations of the report are followed there site is considered safe for the proposed commercial uses.

1.3 Water Supply

Brian Strachan of Gabriola Waterworks completed a 4 hour pump test in April 2021 (Attachment 7). The test was completed on the well on site that demonstrated a stabilized constant flow of 2.4 imperial gallons per minute.

1.4 Septic System Survey

Van Isle Septic Services Inc. completed a Septic System Survey on the property in January 2022 (Attachment 8). This assessment was of the current septic system only. The intent of the survey is to evaluate the operational performance of this system in relation to the current usage, potential usage and general operations.

In general the current system seems to be operational but there are issues that should be addressed including:

- The pipe leaving the septic tank has settled, and
- There are roots and sludge build up in all runs

The report does go on to say that

Based on observed site conditions and documentation provided in the geotechnical report dated August 25, 2021, the property should have the potential to be able to sustain additional areas for onsite sewage disposal.

The report provided recommendations for repairs, upgrades and maintenance of the existing system.

1.5 Legal Plan of Survey

JE Anderson & Associates completed the site survey (Attachment 3), locating all structures on the property and identifying setbacks.

2.0 COMMUNITY INFORMATION MEETING

Mr. Moen was advised to host a Community Information Meeting to present the proposed rezoning application, gather input from the community and potentially modify his application accordingly.

The Agi Hall was booked for the evening of May 9th, 2022. The event was advertised for two weeks in the Sounder newspaper. Nine Gabriola residents attended the meeting.

A short presentation was made outlining that Mr. Moen originally wanted to apply for Village Commercial zoning. It was explained that along with the current uses on the site, mini storage, one residential unit and limited public market are currently allowed as permitted uses. It was also explained that the zoning and the OCP are extremely specific as to the current use on the site, even to the point of naming the business and placing a restrictive covenant on the title to limit the uses. This covenant would have to be released and it is suggested that the specific business name be removed from the OCP.

A short survey was given to each attendee. The Sign in Sheet and copies of the complete questionnaires are provided as Attachment 9. The outcome of the meeting was that no one was opposed to allowing more commercial uses on the Wild Rose site. However, most people thought Village Commercial would not be appropriate on the site. Attendees did provide input as to what uses would be appropriate to be added to this site. These uses included: retail sales and rentals, personal services, restaurants, bakery, food truck, and indoor recreation. There was discussion that a laundromat is required on the island, and some people felt that this would be a good use in this location.

3.0 INDIVIDUAL MEETINGS WITH THE LOCAL TRUSTEES

Because meeting with both Trustees at the same time is considered a Local Trust Meeting quorum, Patricia Maloney met with each of the Trustees individually to discuss this proposed application. The meetings were prior to any formal application being submitted. It was understood that the trustees would not be able to provide any indication of approval or refusal. The purpose of the meeting was to present the potential rezoning, look at options, gather input from the Trustees on what they might have heard from their constituents and take any suggestions they might have to the client for modification of the application.

The meetings with the Trustees were held on May 24th, 2022 with Trustees Kees Landereis and Scott Colbourne at 10:30 am and 1:00pm respectively. Trustee Kees Langereis indicated that while he did not think we needed a lot more commercial development, he would be very interested to hear what the community says during the formal circulation period and public hearing. Trustee Scott Colbourne indicated that zoning that supported local residents for innovative creative small business enterprises would be a positive addition (if done properly) and could even be considered a business incubator, and two affordable staff housing units controlled by a Housing Agreement would be a good addition to the housing stock.

4.0 ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 166, 1977; POLICY CONFORMITY

The following is a review of the Gabriola OCP and the related policies:

- 1.2 Vision Statement - Gabriola is a peaceful, diverse, safe, rural community in harmony with a protected, natural environment. **The local economy is resilient, we walk and cycle the island, and the land and sea provide bountiful harvests for all inhabitants. Island and marine wildlife, here long before human populations, continue to flourish.**
- 1.3 Plan Principle and Major Goals –
 - Environmental Goals – This does not impact the preservation of natural areas and with the location at the end of the Village Way Path, it encourages goal 7. **To reduce greenhouse gas emissions by encouraging pedestrian access.**
 - Social Goals – **6. To encourage local food systems and community food security and 7. To recognize that small, locally owned and home based businesses contribute significantly to the character and sustainability of Island life.** Wild Rose Nursery has been operational in the community for years and supports food security and will encourage farmers market and local food sales.
- 2.0 General Land Use – The Wild Rose proposal supports a variety of lifestyles, proposed development that **minimizes environmental impact, and proposes a small level of**

development that does not conflict with the object of the Islands Trust. It is an expansion of existing commercial uses on the existing site with no environmentally significant areas.

- **2.0h) the Village Centre shall be recognized as the hub of the community and shall provide for a mix of uses at a scale in keeping with Gabriola’s character. We recognize that Wild Rose is, oddly, outside of the Village Centre. However, it provides commercial uses, along with adjacent properties (GIRO and the Hope Centre Day Care) that serve the community.**
- **2.5 2. The applicant is requesting permission for two residential units based on the size of the property and is in agreement that these units be geared to affordable staff housing and is willing to sign a Housing Agreement with the Islands Trust to ensure the affordability continues.**
- **3.1 Commercial Activity – the village core is identified along with Twin Beaches, the Skol and Silva Bay, but there is no mention of Wild Rose as a commercial area – and yet it is zoned Local Commercial. The Village core goes beyond the Lockinvar Triangle with the expansion of Madrona Mall. With the Village Way pathway culminating at Wild Rose Garden Centre, we believe it is logical to expand the commercial uses, particularly for local, community enterprises.**
- **3.1 a) The minimum and average parcel size in any commercial designation is 0.5 ha – Wild Rose Garden Centre has double this space, which is why two residential units would be appropriate with controls.**
- **3.1 c) If the Islands Trust prefers to control the future development as it happens, the OCP could always include this site in the DPA. The OCP allows “a commercial designated site shall be designated as a development permit area where it is believed important to regulate the form and character of development which occurs there”.**
- **3.1 d) One single dwelling residential unit per parcel may be permitted in any commercial designation. As noted above, due to the size of the parcel, we are requesting two residential units with a covenant or caveat to ensure that additional residential units are not pursued in future.**
- **3.4 Local Commercial Policies – Wild Rose Garden Centre is currently identified. b) does allow for expansion of the commercial activity if it is small in nature, provides parking, does not impact the adjacent residential uses and access is provided off a side road. Wild Rose meets all of these conditions. The vision for the site is to allow small structures for local artisans, farmers and food producers to have a permanent location. Will allow for the limited public market but allows people to still attend other markets such as the Saturday market, Agi Hail and Silva Bay.**
- **7.4 Water Supply – the study indicates that the one well on site provides 2.4 imperial gallons per minute. Should development expand, it is likely that a second that a well will be required depending on the future uses. In addition, rain water harvest can be considered for the non potable uses for the garden centre and landscape irrigation.**
- **7.4 Liquid Waste Management – it is likely that a second septic field or septic field expansion will be required to accommodate the future uses and the 2 residential units. The field would be sized according to the development, designed by an engineer and constructed and inspected to the satisfaction of VIHA. Given the size of the property, it is considered viable that this can occur on the property.**
- **8e) this development is located at the termination of the Village Way Path at Tin Can Alley, at the junction of a major trail and North Road and connectivity to GIRO – encouraging pedestrian and bicycle access and is located on the prime transit route for GERTIE. We believe that a gentle**

increase in commercial enterprises on this site will provide an “anchor” to the pathway and define the edge of commercial development.

- **8.0 Climate change adaptation** – The Province is strongly encouraging jurisdictions to **support water conservation, rainwater catchment, and alternative forms of septic treatment, as stated in the Water Supply section of this Plan.**
- **9.3 Development Permits** – DPA7 is the Village Centre development permit area for the purpose of establishing objectives for form and character, water conservation and reduction of greenhouse gas emissions. The Applicant would have no objection to this DPA being applied to the subject lands. This designation will help ensure that commercial development be pedestrian oriented, landscaped to conserve water resources and encourage fuel efficient vehicles and alternative modes of transportation.

5.0 VILLAGE VISION FINAL REPORT, AUGUST 2017

In August 2017 the final Village Vision was released by the Village Vision Planning Committee. This document was the culmination of community meetings and input. The contextual principles included: attracting and retaining families and demographic diversity, strong local economy and sense of community. The expansion of Wild Rose will achieve all of these principles. The Village Way Path was part of the vision and always connected to Tin Can Alley and Wild Rose. We believe that expansion of Wild Rose will provide a termination point of the North Road “Main Street”, will connect to the pedestrian pathway system, forms part of the integrated infrastructure and will contribute to a gentle intensification of uses – all components of the Priority #1 Big Idea Summary Ranking.

6.0 GABRIOLA LAND USE BYLAW, BYLAW NO. 177, 1999

Current Zoning: the current zoning on the property is Local Commercial 3 – Garden Centres (LC3). The only permitted use is garden centre, which is defined as a business for the cultivation and retail sale of plants and garden supplies. Garden supplies has included soil, mulch and gravel. Permitted Accessory uses include: single family residential, mini-storage, limited public markets and farm supply centre.

Proposed Zoning - Village Commercial 3 Amended – amend the current LC3 zone to add the following uses: retail sales and rentals, personal services, restaurants, bakeries, food truck, and indoor recreation.

7.0 VILLAGE PATHWAY (2021)

In 2021, the completion of the Village Pathway marked a safe and accessible pedestrian link between South Road and Tin Can Alley. With Tin Can Alley being the culmination of the pathway, connecting GIRO, other path connections and Wild Rose Garden Centre with the Village. Wild Rose Garden Centre could be the “anchor” to the pathway (Attachment 10).

8.0 PLANNING RATIONALE

This development does not create new commercial land, it does not take pristine environmental land out of its natural state and it does not expand the commercial component of the village beyond existing commercial uses.

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Mr. Moen has owned and operated Wild Rose since 2008 and it was operated as a Garden Centre for many years prior. Mr. Moen has been an active member of the community supporting community initiatives, including GIRO. He believes there are opportunities for small, locally owned commercial enterprises on the property that would strengthen the local economy, support the local population, and provide sustainable and resilient economic development. In addition, Mr. Moen understands the housing issues for staff. By allowing 2 residential units on this property for staff with a Housing Agreement, he will be contributing to the viability of many businesses on the island.

With the construction of the Village Way Path on North Road, Tin Can Alley and the Wild Rose Garden Centre site present the eastern anchor of the village core. The construction of the Village Way Path provides the opportunity to see some small commercial growth on the subject site, accessed by a new and improved inclusive multi use pathway. This will encourage more pedestrian traffic, less personal vehicle travel, thereby strengthening the walkability of the community and reducing Greenhouse Gas Emissions.

The Wild Rose Garden site is currently zoned Local Commercial 3 Garden Centre (LC3). This is effectively a spot zone which recognized the existing use only. One Garden Centre is allowed as a permitted principle use. Mini- storage, one residential unit and limited public market are allowed as accessory uses to the permitted use of Garden Centre. Spot zoning of this nature is generally not considered good planning, restricts the owner/operator from expanding the use to keep is sustainable and becomes dated over time. With the construction of the Village Way Path, this site could be used for new small commercial retail opportunities, making the best use of the expensive pathway.

Currently, one residential unit under Gabriola regulations. However, due to the size of the property, Mr. Moen sees this as an opportunity to provide an additional affordable housing unit for staff. The 2018 Housing Needs Assessment and recent evidence of closing businesses demonstrates the need for housing geared to the people on Gabriola who work in the service industry and keep the economy running.

It is recognized that the subject site is not considered "Village". The property is bounded by two roads: North Road and Tin Can Alley, the property line to the north borders GIRO, across Tin Can Alley is the Hope Centre, to the south is a residential property and across North Road is agricultural land and a trail head. This site would be walking distance from the majority of the employment opportunities on the island as well as the community services.

The subject site is not located in the Village Centre Development Permit Area and is not located in any other Development Permit Area as identified by the Official Community Plan. While the proposed application would be consistent with the direction for core services, pedestrian, affordable housing and economic development.

The majority of this site has been used for the garden centre, is not pristine and would not be causing any additional environmental impact.

9. PROPOSED APPLICATION

The applicant wants to ensure that the current operations will continue under any future zoning while allowing for expansion of small community enterprises. While there are no immediate development

plans, having the zoning in place will allow Mr. Moen to work with the community, entrepreneurs and artisans to determine what their needs are and what the development could look like. Applications for each development would be made individually. It is the vision of Mr. Moen that the bulk sales (gravel and soil) be moved further to the back of the lot (closer to GIRO) and the front portion of the parcel, where the current garden centre is, would be the focus for the new development.

Mr. Moen has demonstrated strong community support as evidenced by the recent storm water agreement with GIRO to allow their expansion.

The vision and ideas of incorporating another opportunity for market, with small buildings to provide storage and retail space for the local enterprises, will provide opportunities year round farmers market type development with a permanent building with retail on the main floor and with residential uses on the second floor. The long term ideas for overnight tourist accommodation and restaurant are also proposed for the zoning.

The proposed application would require a Land Use Bylaw amendment as follows (changes are bolded):

D.3.6 Local Commercial 3 – Garden Centres (LC3)

D3.6.1 Permitted Uses

The uses permitted in Article B1.1.1, plus the following uses and no others are permitted in the Local Commercial 3 – Garden Centres (LC3) zone:

- a. Permitted Principal Uses
 - i. Garden centre
 - ii. **retail sales and rentals, personal services, restaurants, bakeries and food trucks, only on Lot B, Plan VIP60373, Section 19, District 32, also known as 750 Tin Can Alley**
- b. Permitted Accessory Uses
 - i. Single family residential
 - ii. **Two affordable residential units, regulated by a Housing Agreement with Islands Trust, only on Lot B, Plan VIP60373, Section 19, District 32, also known as 750 Tin Can Alley**
 - iii. Mini-storage
 - iv. **Offices, only on Lot B, Plan VIP60373, Section 19, District 32, also known as 750 Tin Can Alley**
 - v. Limited public market, subject to Subsection B6.2 except on lands shown on Schedule C, Map 12
 - vi. Farm supply centre, on lands shown on Schedule C, Map 12

D.3.6.3 Buildings and Structures

The uses permitted in Article B.1.1.2, plus the following buildings and structures and no others are permitted in the Local Commercial 3 – Garden Centres (LC3) zone:

- a. Permitted Buildings and Structures
 - i. Maximum of:

- ii. **One accessory dwelling unit per lot:**
 - **Three buildings per lot that exclude pump/utility house and woodshed, and that are accessory to the dwelling unit;**
- iii. **Maximum of 10 (ten) mini storage units per lot;**
- iv. **Two accessory dwelling units, only on Lot B, Plan VIP60373, Section 19, District 32, also known as 750 Tin Can Alley, not built as single detached homes but attached to a commercial use with no allowed accessory buildings;**
- v. **Other non-residential buildings and structures to accommodate garden centres**
- vi. **Other non-residential buildings and structures to accommodate a farm supply centre on lands shown on Schedule C, Map 12**

D.3.6.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Local Commercial 3 – Garden centres (LC3) zone:

- a. **Buildings and Structures Height Limitations**
 - i. **The maximum height of buildings and structures is 9.0 meters (29.5 feet), except that the maximum height of mini-storage is 3.0 m (9.8 feet)**
- b. **Buildings and Structures Siting Requirements**
 - i. **The minimum setback for buildings and structures except for a sign, fence or pump/utility house is:**
 - **6.0 metres (19.7 feet) from the front lot line**
 - **3.0 metres (9.8 feet) from an interior lot line, except where an interior lot line abuts a commercial or industrial zone in which case there is no setback requirement from an interior lot line, and**
 - **3.0 metres (9.8 feet) from another building sited on the same lot**
 - ii. **There is not setback requirement from any exterior side lot line, except form mini-storage units in which case the minimum set back is 3.0 metres.**
- c. **Lot Coverage Limitations**
 - i. **The maximum combined lot coverage by buildings and structures is 50 percent of the lot area.**
- d. **Lot Area Requirements for Subdivision**
 - i. **The minimum average lot area and the minimum lot area is 0.5 ha (1.24 acres)**
- e. **Mini Storage Limitations**
 - i. **The maximum floor area is 9.3 square metres (100 square feet) pre mini-storage unit**

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- 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.

10 SUMMARY

Wild Rose Nursery has been a business on Gabriola for many years, part of the community, hiring locally and providing an essential service to the community. They want to expand their services to increase their resiliency, employ more local residents, provide an affordable housing unit, support the local farmers and crafters, and create development in character with the lifestyle of the Island.

Should you have any questions or wish to speak to either Mr. Moen or Ms. Maloney regarding this application, please contact us as follows:

Patricia Maloney, 403-819-8196 or 250-585-6831 or pattheplanner54@gmail.com

Kent Moen, 250-713-1501 or 250-247-7887, or ksmoen@telus.net

Sincerely,



Patricia A. Maloney, RPP, FCIP

Attached to this letter are:

- Attachment 1 – Application Form
- Attachment 2 - Title
- Attachment 3 - Surveyed site Plan
- Attachment 4 – Current Zoning
- Attachment 5 – Phase I Environmental Site Assessment
- Attachment 6 – Geotechnical Assessment
- Attachment 7 - Water Pump Test
- Attachment 8 - Septic System Survey
- Attachment 9 – Community Information Sign in Sheet and Questionnaires
- Attachment 10 – Village Way