

File No.: GB-TUP-2024.2  
(Dewarle)

DATE OF MEETING: June 27, 2024

TO: Gabriola Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2  
Northern Team

SUBJECT: Temporary Use Permit Application  
Applicant: Aaron Dewarle  
Location: 565 South Rd, Gabriola

## RECOMMENDATION

1. That the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.2, for a period of three years.

The purpose of this report is for the LTC to consider an application to permit the use of a Commercial Vacation Rental (CVR) on the subject property within an accessory dwelling. The applicant has previously applied for and received approval for a TUP in 2016 (**GB-TUP-2016.2**) and a TUP renewal in 2019 (**GB-TUP-2019.1**) for the use of an accessory dwelling as a CVR (see **Attachment 9** for historic permits).

Bylaw enforcement action began for the property in late 2023 (file GB-BE-2023.34) as the previous TUP renewal expired in July 2022. The applicant is now applying for another TUP to be able to continue the same use for three years. Staff is recommending issuance considering that no formal concerns have been raised during the operation of the CVR to date, and the applicant has provided updated information regarding the safety and suitability of the dwelling for the proposed use. See a site context of the subject property in **Attachment 1**. See the applicants' stated purpose for the TUP request in **Attachment 2**.

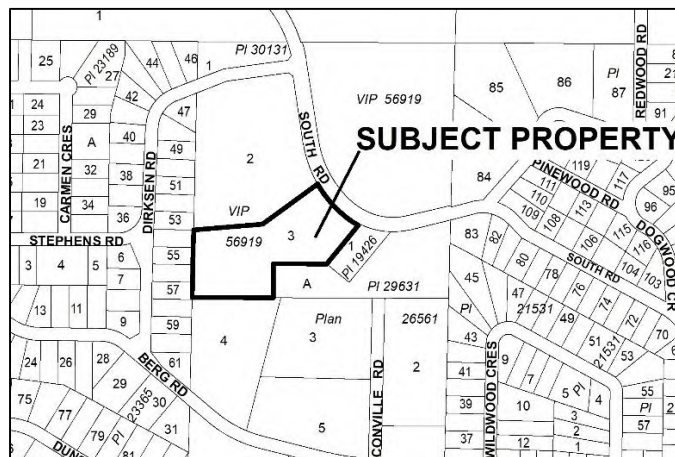


Figure 1 - Subject Property Location

## ANALYSIS

### *Islands Trust Policy Statement*

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

### *Official Community Plan:*

#### **Temporary Use Permit Designations and Guidelines**

##### Designations

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

An analysis of the OCP Guidelines for commercial vacation rentals is included in **Attachment 3**.

### *Land Use Bylaw:*

#### **B.6.3 Commercial Vacation Rentals**

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

### **Issues and Opportunities**

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

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

### ***Water quantity and quality***

In 2015, the applicant engaged Dahlfen Water Systems on Gabriola to perform a well test to meet the TUP Guidelines for the original application in 2016. At that time, the well flow rate exceeded the requirement of the Guidelines for the proposed CVR use. The applicant also engaged Arbutus Building Supplies Ltd. to do a water quality test (Test #1163) in December 2023, which came back negative for both *E. coli* and total coliforms. The applicant’s water plan and water quality test are included in **Attachment 4**. Staff deem that the Guidelines are satisfied, particularly as there has been no reported issue with the supply of groundwater to date as part of the operation of the CVR, and as the property has 5000 gallons of rainwater storage capacity for food production uses elsewhere on the lot. The applicant includes water conservation information in the Guest Information Package and does not book single-night stays, to reduce water consumption (**Attachment 7**).

### ***Principal residence requirement***

On November 1, 2024, all CVR operations on Gabriola must be conducted at the principal residence of the owner, per LTC Resolution 2024–013 opting in to the provincial principal residence requirement under section 15 of the

*Short-Term Rental Accommodation Act*. The applicant has indicated that the subject property is their primary residence, as they live full-time on the property and operate a farm. Any non-principal residence operation of CVRs after November 1 will become unlawful and any issued TUPs will be considered terminated regardless of the validity period.

### **Notification**

In accordance with Section 494 of the *Local Government Act* and the Gabriola Island Development Procedure Bylaw No. 114, notice of the proposed TUP was sent out to all property owners and occupants of properties within 100 metres of the subject property and a notice of the proposed permit was published in *the Gabriola Sounder (Attachment 8)*.

No public correspondence was received at the time of writing this report. Any comments received from the public following completion of this report will be shared with the LTC and reported at the LTC regular business meeting.

### **First Nations**

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage and archaeological sites. Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological or cultural heritage site on or within 100 metres of the subject property. No ground disturbance or development is proposed as part of this application.

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

### **Rationale for Recommendation**

Staff considers the information provided in the application to meet the TUP Guidelines outlined in Section 3.8 of the OCP. No public concerns were raised at the time of writing this report.

### **ALTERNATIVES**

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

#### **1. Request additional information**

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

*That the Gabriola Island Local Trust Committee request [insert information] regarding GB-TUP-2024.2 prior to making a decision on issuance.*

#### **2. Impose additional conditions**

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

*That the Gabriola Island Local Trust Committee approve issuance of GB-TUP-2024.2 for a period of three years subject to the following additional conditions: [insert condition(s)].*

#### **3. Deny issuance of the permit**

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

*That the Gabriola Island Local Trust Committee deny GB-TUP-2024.2 for the following reasons... [Insert reasons here].*

**NEXT STEPS**

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

Submitted By:	Margot Thomaidis, Planner 2	June 14, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 18, 2024

**ATTACHMENTS**

1. Site Context
2. Applicant Letter
3. TUP Guidelines
4. Water Plan and Report
5. Fire Inspection
6. Septic Report
7. Guest Information Package
8. Public Notice and Proposed Permit
9. Historic TUP (2016) and TUP renewal (2019)

## ATTACHMENT #1 – SITE CONTEXT – GB-TUP-2024.2 (DEWARLE)

### LOCATION

Legal Description	Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP569191
PID	018-331-840
Civic Address	565 South Road
Lot Size	2.56 ha / 6.32 acres

### LAND USE

Current Land Use	Residential and agriculture
Surrounding Land Use	Residential to south, north and west ALR/Agriculture across South Road

### HISTORICAL ACTIVITY

File No.	Purpose
GB-DVP-2015.2	Variance to increase the permitted cottage floor area. Approved.
GB-TUP-2014.1	TUP for commercial vacation rental. Applicant withdrew, file closed.
GB-TUP-2016.2	TUP for commercial vacation rental. Approved. Expired May 26, 2019.
GB-TUP-2019.1	TUP renewal for commercial vacation rental. Approved. Expired July 11, 2022.

### POLICY/REGULATORY

Islands Trust Policy Statement	<p><i>Directive Policy</i></p> <p>4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.</p> <p>4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.</p> <p>5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.</p>
Official Community Plan No. 166, 1997	<p>The subject property is within the <b>Large Rural Residential (RR)</b> land use designation.</p> <p>Part of the subject property is within <b>Development Permit Area 3 - Riparian Areas</b>: Stream with 30 metre DPA. See mapping below.</p>



Figure 1. TAPIS aerial photo imagery (2020) with DP-3 Riparian Areas (orange)

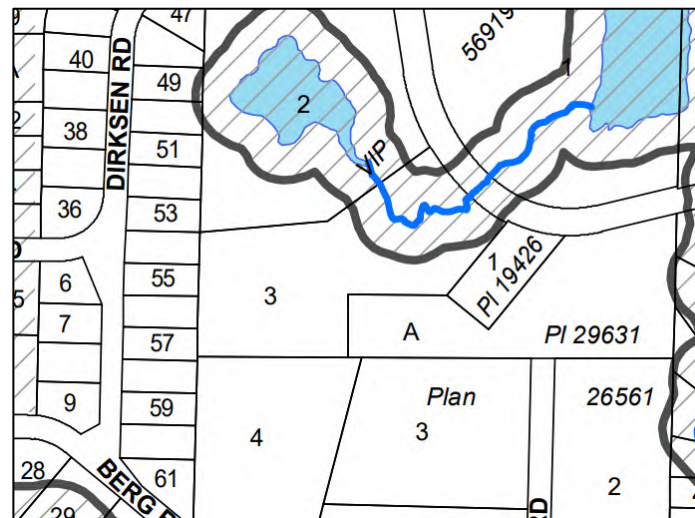


Figure 2. Gabriola Island OCP Schedule D – DP-3 Riparian Areas excerpt

**OCP Section 3.8 Temporary Use Permits**

*“Background: Section 921 of the Local Government Act permits the designation of sites in an Official Community Plan or a Land Use Bylaw where temporary commercial and industrial uses may be approved on a temporary basis by permit, without requiring the land affected to be zoned for the intended temporary use.*

*Where a permit area under this section is designated, the Trust Committee may issue a permit by resolution that allows commercial or industrial activities to take place under the conditions specified in the permit, including the posting of a security to ensure compliance with the terms of the permit. Notice of the intent to consider the issuance of a permit must be given. Under a temporary use permit the specified uses may be carried out for a period of up to three years and the permit may be renewed for up to a further three years. Issuance of a Temporary Use Permit should not be interpreted as eventually leading to permanent zoning.*

	<p><b>Temporary Use Permit Objective</b></p> <p>1. To give consideration to allowing certain types of commercial and/or industrial uses to be located in the planning area which may by the nature of the proposed activity, be deemed to be a temporary and not a permanent use; and</p> <p>2. to ensure that the integrity of an existing neighbourhood would not be adversely disrupted should an application for a temporary commercial or industrial uses permit be approved.”</p> <p><b>Temporary Use Permit Designations and Guidelines</b> for commercial rental of single-dwelling residential units (<b>OCP Subsection 3.8(h)</b>) are found in <b>Attachment 3</b> of this report.</p>
Land Use Bylaw No. 177, 1999	<p>The subject property is within the Large Rural Residential (LRR) zone. Permitted principal uses in the LRR zone include <i>single family</i> residential and <i>agriculture</i> uses.</p> <p>Permitted accessory uses in the LRR zone include:</p> <ul style="list-style-type: none"> <li>• <i>home occupations</i>, subject to Section B.3;</li> <li>• <i>secondary suite</i> residential, on lots 2.0 hectares or larger, subject to Subsection B.6.3;</li> <li>• boarding and breeding kennels, accessory to a residential use, on lots 2.0 hectares (4.94 acres) or larger;</li> <li>• boarding and riding stables, on lots 2.0 hectares (4.94 acres) or larger, accommodating no more than 1 horse per 0.2 hectares ( 0.5 acres) to a maximum of 30 horses per lot;</li> <li>• keeping of animals for the personal use of the resident or landowner; and</li> <li>• agri-tourism.</li> </ul>
Other Regulations	<p>Not within the Agricultural Land Reserve.</p> <p>No mapped Crown Leases, Parks/Protected Areas, or Steep Slopes.</p>
Covenants	<p>Covenant EG92506 – Regional District of Nanaimo – Subdivision</p> <p>Covenant EG92507 – Gabriola Island Local Trust Committee – ‘No further subdivision’ restrictive covenant.</p>
Bylaw Enforcement	<p>GB-BE-2013.14 – Non-permitted Short-Term Vacation Rental (STVR)</p> <p>GB-BE-2023.34 – Non-permitted STVR</p>

## SITE INFLUENCES

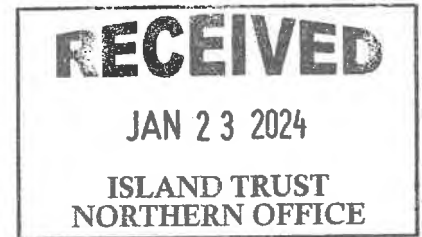
Islands Trust Conservancy	<p>Application does not directly affect an Islands Trust Conservancy Board-owned property or conservation covenant. The nearest Islands Trust Conservancy-owned property is <a href="#">Burren’s Acres Nature Reserve</a>.</p>
Regional Conservation Strategy	<p>Map 6 of the Islands Trust Conservancy Regional Conservation Plan 2018-2027 estimated importance of habitat composition is low to medium.</p>
Species at Risk	<p>None mapped.</p>
Sensitive Ecosystems	<p>Not SEI. Adjacent to mapped SEI Wetland.</p> <p>SEM Mature Forest, Coastal Douglas-fir Dry Maritime, Salal.</p>
Archaeological Sites	<p>Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on or within 100 metres of the subject property. However, the applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as</p>

	a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	This TUP application seeks to lawfully permit the use of a LRR zoned lot for Commercial Vacation Rental use. GHG emissions can be expected to be commensurate with the levels associated with single family residential development patterns and use, and a potential increase due to the use of personal vehicles by CVR guests for transport on and off island during the tourist season. The CVR is located within walking distance of the Gabriola Island ferry and guests are encouraged to bike, walk, or bus when visiting.
Groundwater Vulnerability	Islands Trust mapping indicates the subject property is within a moderately low to moderate area of 'aquifer intrinsic vulnerability' and 'vulnerability to saltwater intrusion'.



## ATTACHMENT 2

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



Re: The Garden Bed Temporary Use Permit to continue to operate Short Term Vacation Rental (STVR)

January 12, 2024

Dear Planners and elected Trustees,

Please find the enclosed application and supporting documentation for a Temporary Use Permit for a Short Term Vacation Rental. The site plan and occupancy permits are already on file.

We would like to request the issuance of another TUP Permit (see GB-TUP-2016.2 and renewal) in order to continue operating our guesthouse as part of our farming operation. We have been providing our community with produce, eggs, chickens, and honey since 2012. The only way this has been feasible is through the extra income that operating a guesthouse offers. Short-term renting is also the only way we are still able to have the guesthouse available for farm volunteers and visiting family who also participate in the farm work.

To our knowledge, there has never been an issue with any of our past guests. We have had the privilege to support Gabriola by providing a sleeping space for visiting locum doctors, utility repair workers, students, teaching artists, and of course the many locals that rely on our guesthouse as 'spillover space' for their visiting family.

Our guesthouse is in a unique position in that it is within walking distance of the ferry and downtown core. Many of our guests choose to not bring a vehicle because of its convenient location.

We believe there is broad community and global environmental benefit to local food production. We do not sell our produce off Island. Through continuing to operate a short-term rental alongside the farming operation, we will be able to continue to provide Gabriola with the produce, eggs, and chickens they have counted.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Dewarle". The signature is written in a cursive, flowing style.

Aaron Dewarle

The Garden Bed

**GABRIOLA ISLAND OCP SUBSECTION 3.8 (F)**

**Temporary Use Permit Designations and Guidelines**

*h) For commercial rental of single-dwelling residential units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply:*

<b>Guideline</b>	<b>Planner Comments</b>
<i>i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;</i>	TBD by LTC There are currently 6 active TUPs for CVR use on Gabriola.
<i>ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood;</i>	Included as a condition of the draft permit (Condition 4.1).
<i>iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues;</i>	Included as a condition of the draft permit (Condition 4.1).
<i>iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued;</i>	N/A. Subject property is not in the ALR.
<i>v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;</i>	Applicant has provided a written plan for the supply of water that staff deem adequate to meet the Guideline. (See Attachment 4).  Included as a condition of the draft permit (Condition 4.6).
<i>vi. The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles;</i>	Included as a condition of the draft permit (Condition 4.2).
<i>vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load;</i>	Applicant has provided documentation from a qualified professional that the septic tank has been inspected and is working properly and is capable of supporting the proposed occupancy load. The applicant engaged Van Isle Septic Services to inspect the onsite sewage disposal system. (See Attachment 6).  Two of the conditions of this inspection were replacement of the distribution box with a watertight lid

	to the surface, as well a high pressure flush of the dispersal lines to remove sludge buildup. In April 2024, the applicant provided proof that the distribution box has been replaced, and that the field lines have been flushed.
<i>viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;</i>	Applicant has provided an approved building permit with bond released from 1995 when the dwelling was first built, which staff deem adequate to meet this Guideline.  Applicant has also provided a letter from the Fire Chief confirming that the building meets the requirements of the B.C. Fire Code. (See Attachment 5).
<i>ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week;</i>	Included as a condition of the draft permit (Condition 4.3).
<i>x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit;</i>	Included as a condition of the draft permit (Condition 4.4).
<i>xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);</i>	Included as a condition of the draft permit (Condition 4.5). (See Attachment 7 – Guest Information Package).
<i>xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;</i>	Included as a condition of the draft permit (Condition 4.8).
<i>xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;</i>	Included as a condition of the draft permit (Condition 4.10).
<i>xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;</i>	Included as a condition of the draft permit (Condition 4.11).
<i>xv. a condition of the permit should limit the number of bedrooms to:</i> <ul style="list-style-type: none"> <li>• a maximum of 3 on lots smaller than 2.0 hectares; and</li> <li>• a maximum of 4 on lots of 2.0 hectares or larger;</li> </ul>	The accessory dwelling has two bedrooms, but the subject property is larger than 2.0 hectares, therefore the CVR may technically contain up to 4 bedrooms. Included as a condition of the draft permit (Condition 4.7).
<i>xvi. a condition of the permit should prohibit recreational vehicles or camping;</i>	Included as a condition of the draft permit (Condition 4.12).
<i>xvii. such other considerations as are deemed applicable with respect to a specific commercial vacation rental application;</i>	TDB by LTC.
<i>xviii. the Local Trust Committee may require water metering;</i>	TBD by LTC.
<i>xix. the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the</i>	TBD by LTC.

<i>house is safe and appropriate for the proposed commercial vacation rental use and activities; and</i>	Staff deem the approved building permit with bond released to be adequate to meet Guideline 3.8(f) viii.
<i>xx. the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts.</i>	<p><i>TBD by LTC.</i></p> <p>There are no registered cultural heritage sites on the subject property.</p>

## ATTACHMENT 4

### Water Supply Plan- The Garden Bed 565 South Road

We are fortunate to have an abundance of good quality water on our property. We have never had to purchase water through bulk water sales for either domestic or farming purposes.

Our deep water well pumps directly to the guesthouse. In order to conserve water we do not allow single night stays as they would require excessive use of water to do laundry. We also do not offer cleaning services during guest stays. We have a high efficiency washing machine as well as one that can be set according to the size of the load. The toilets have low flow buttons that require minimal water for flushing liquid waste. We also attempt to educate our guests about the importance of water conservation through a write up in our 'Welcome' book.

The guesthouse uses a pittance of water compared to growing food. To conserve water on the farm we use low emitter drip tape with timers that come on during the night to reduce the evaporation which occurs during day time heat. We have over 5000 gallons of rain water storage capacity which collects water during the rainy months to be used for food production in the summer. When needed, we trickle charge a 2000 gallon cistern (with a float valve shut off system) which then distributes water to the fields and greenhouses.

Another method of water conservation we utilize is the use of black woven tarps that keep moisture in the soil rather than dissipating to the air. Although not always practical, the use of tarps cuts down on moisture requirements by almost half. We also use the power of planning smart crop rotations to avoid "heavy drinkers" from being grown in sunny, dry beds. We have decided to completely abandon the growing of corn and blueberries which in our experience, with our location, were the heaviest users of water.

**From:** Tim Lissimore Tim@ArbutusBuildingSupplies.com  
**Subject:** Water test results (# 1163). No coliforms detected.  
**Date:** December 21, 2023 at 7:38 AM  
**To:** Jessica and Aaron Dewarle ajdewarle@gmail.com

Hello, Aaron.

This message is to inform you that **your recent water test results (# 1163) were NEGATIVE for both *E. coli* and total coliforms.** In other words, neither *E. coli* nor any other coliform bacteria were detected in the sample.

Testing should be done on an ongoing basis to provide clear information about the condition of a well or cistern.

This test is intended as a preliminary examination only. This test is carried out using simple, standard laboratory techniques and reagents developed by Idexx Labs. The posted limit of test resolution is a single live bacterium per 100ml sample.

It is understood that this water test, while a very good indicator of the condition of the water, is in no way a guarantee that the water in your well or cistern is completely free of contamination even if the test results are negative for contamination. Neither Arbutus Home Building Centre (Arbutus Building Supplies Ltd.), nor its employees can be held responsible for the results of this test. Arbutus Home Building Centre is not responsible for any loss or damages (including lost profits, lost income, lost savings, or any incidental or consequential damage) resulting directly or indirectly from any occurrence that may be considered to have arisen from this test or the test results or any subsequent or previous test carried out.

If you have any questions, please do not hesitate to call, email, or drop by.

Thank you!

Tim.

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**Tim Lissimore** - Doors, Windows, & Water Testing  
**Arbutus Home Building Centre** (Arbutus Building Supplies Ltd.)  
785 Ross Way  
PO Box 49  
Gabriola Island, BC V0R 1X0  
Tel (250) 247-8157 Fax (250) 247-8158



**Well Report**

**Customer:** Aaron Drwarle  
South Rd Property, Gabriola Island

**Date:** November 30, 2015

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**Well Depth:** 135 feet

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**Static Water Level:** 90 feet  
(depth from top of well)

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**Submersible Pump depth:** 130 feet

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**Pump Type:** 1/2 HP 230 Volt - Duro Dynoflow

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**GPM:** 15  
**Recovery Rate of well (Gallons Per Minute)**

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**Daily:** 900 gallons  
**Recovery Rate**

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Water is clear and sulphur free.

Prepared by: Cliff Krienke (250-668-2234)  
B.C. Plumbing Ticket #: 3947-PL-85



## ATTACHMENT 5

*Proudly serving Gabriola since 1968*

January 18, 2024

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

To Whom It May Concern

**Re: Fire code compliance inspection – 565 South Rd, Gabriola, B.C.**

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

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

Yours truly,

Will Sprogis,

Fire Chief

GVFD



# Van Isle Septic

1712 Vowels Road, Box 111 Cassidy, BC, V0R 1H0

Office (250) 741-1222

*Your Friend In The Business!*

## Assurance of Compliance

**Date:** January 08, 2024

**Property:** 565 South Road, Gabriola Island, BC

**Legal Description:** LT 3, PL VIP56919, SEC 12, NANAIMO LAND DIST, GABRIOLA ISLAND

Dear Mr. Dewarle,

An inspection of sufficient thoroughness was conducted to determine that the onsite sewage disposal system at the above noted property complies with the appropriate regulations in place at the time that the system was built.

In the matter of the applicable requirements for compliance, the system should not be negatively affected by the sewage demands of the primary residence (~2230sqft), and the 2-bedroom secondary vacation rental/ guest house (~1000sqft) with the following conditions:

I have set out the following requirements:

- 1) Replace distribution box with watertight lid to the surface
- 2) High-pressure flush the dispersal lines to remove sludge buildup
- 3) Pump out the septic tank every 2 years
- 4) Service the effluent filter annually
- 5) The dwellings are not to increase in the number of bedrooms or to expand in total square footage.
- 6) The type of usage is not to be altered. This system is intended to handle residential sewage, not process or high-strength wastewater.

It should be noted that no warranties on this system are expressed or implied.

Sincerely



Brad Butler  
ROWP - PL, IN, MP, PIR, PIC  
**Van Isle Septic Services**

# The Garden ~~Bed Farm~~ ATTACHMENT 7 Guesthouse

565 South Road Box 57 Gabriola BC V0R 1X0 250-668-7616  
gabriolaguesthouse@gmail.com www.thegardenbed.ca

## Welcome!

- As per the reservation/rental agreement, we do not allow pets or smoking in the guesthouse. Check-out is at 11am, unless otherwise arranged. Please leave the key on the counter and the door unlocked.
- Our farm stand hours are posted outside the farmstand where we sell seasonal vegetables, fruit, and eggs on the "honour system". We also sell wool and socks made from our Alpaca fleece.
- You are welcome to use the zip-line, ball swing, and soccer field 'at your own risk'. Young children should be supervised to ensure their safety, especially around the creek.

### **Please read the following to make your stay safe and enjoyable.**

**Water:** Our water is supplied by a well on our property. We have it checked regularly to ensure it is safe for human consumption. Drink as much as you want however we ask that you practice water conservation such as avoiding long showers or letting the faucets run unnecessarily.

**Laundry:** Feel free to use the laundry facilities however we ask that you use the minimum amount of detergent provided as we try to limit the amount of soaps and detergents entering our septic field. Please clean the lint tray after every load to prevent a fire hazard.

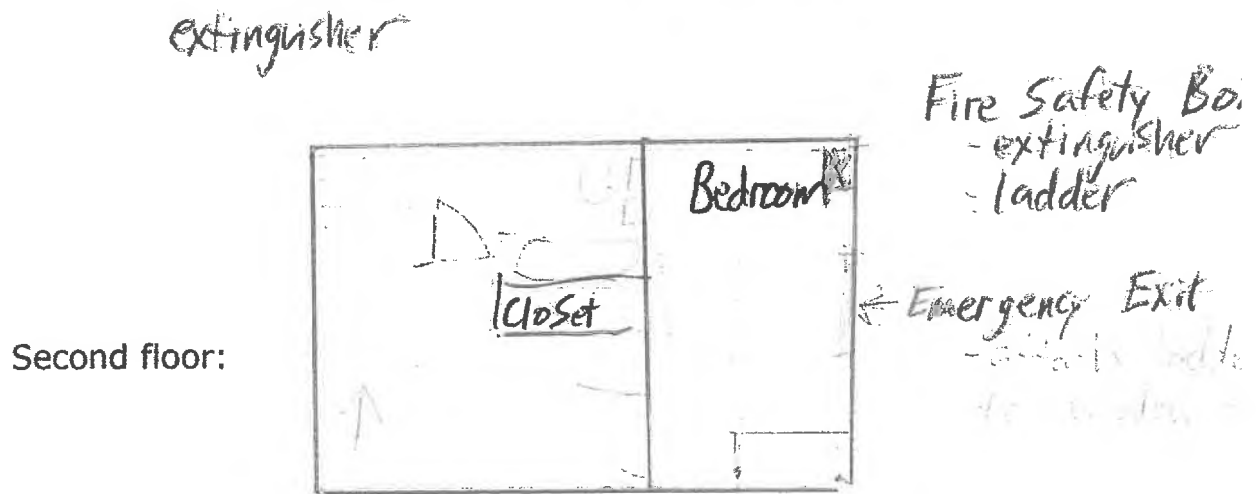
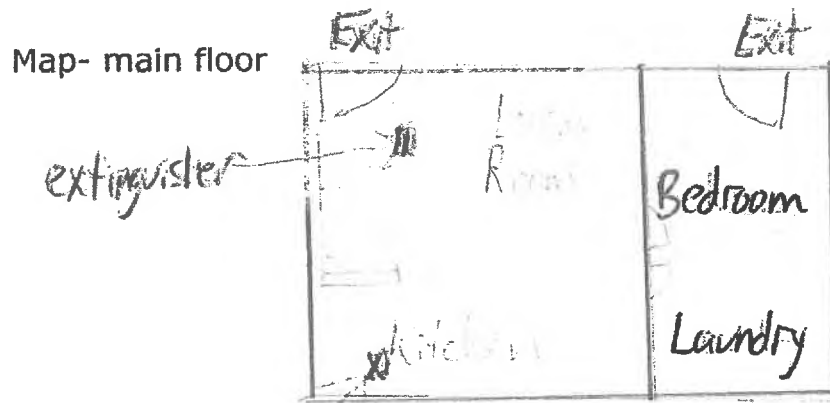
**Septic System:** It is important that the only non-organic material flushed down the toilet is toilet paper. Our septic system cannot handle any foreign objects such as Kleenex, paper towels, sanitary napkins, plastic...etc. as these do not break down and may cause a blockage. Please ensure that no grease products from kitchen waste be introduced into the system such as bacon fat. Any grease or fat may be drained into the tin can under the sink. When it cools it can be added to the compost bin.

## Fire Safety:

No open fires are permitted. Gabriola Island is a 911 community for fire, police, and ambulance assistance. There are fire extinguishers located beside the T.V., in the kitchen (above the coffee machine), and in the "Emergency Use" box in the upstairs bedroom (to the left of the large window). The Emergency Use box also contains a foldable ladder with instructions on how to exit the upstairs if you are not able to exit through the front door.

There are smoke detectors in the bedrooms, upstairs hallway, and in the living room. Please do not tamper with the batteries. Beach fires are not permitted without permits, please check with the Gabriola Fire Department between 9 am and noon at their non-emergency number (250-247-9677).

The Muster Location is located in the parking spot across from the guesthouse marked by the orange pylon. Please proceed there in the event of an emergency.



**Wi-Fi/TV Player:** Wi-fi account name is **Telus2974** and the password is **98sp98wdh5**. The Smart TV has various programs available as well as our subscription to Netflix. If you have Prime or another subscription service feel free to use your account but for your own security, remember to delete your account when you leave.

**Bedding:** We wash the duvet covers after every guest. Extra flat sheets are located in the bedroom closets. We practise water conservation and therefore do not offer laundry services. If you have an exceptional circumstance please talk to us!

**Garbage, compost, recycling:** The garbage can under the sink can be emptied into the large black garbage can beside the guesthouse. Please ensure the lid is secure to prevent raccoons and ravens from making a mess of it. No garbage should be left on the deck. Please put all food waste in the brown compost bin under the sink. If it fills during your stay feel free to empty it in the large green compost bin beside the guesthouse. All recycling (glass, paper, tin, and plastic) can be put in the large blue recycling bin under the coffee machine. We will sort it and make sure it gets to the right place.

**The Islands Trust has asked us to include the following regarding the noise Bylaw:**

**Noise Bylaw:** Gabriola Island falls under the Regional District of Nanaimo bylaw No. 1082 to regulate noise which states:

"No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on or is emitted from that real property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity."

This bylaw applies to all persons (owners and renters) and is subject to a fine of \$100 to \$2000. The bylaw clarifies that persistent yelling and shouting, and electronic devices that can be heard beyond the property line are prohibited. Please help us continue to be respectful of our neighbour's peace and quiet.

**Power outages:** In the unlikely event of a power outage, please do not run the water until we have hooked up the generator. We keep a 5 gallon jug of drinking water in the laundry room for emergency use.

**Beach Towels:** We have large blue/grey beach towels on the shelf in the laundry room. Please use these for outdoor use.

**Temperature/Humidity:** Each room is controlled by its own thermostat and can be adjusted to your comfort level. If you are not using one of the rooms, please turn the thermostat down in order to help conserve energy. The heat pump has its own remote control for the kitchen which can also be used in a 'cool mode'.

There is a de-humidistat that controls the bathroom fan that some guests may find disruptive at night. If you wish to turn it off, the switch is at the top of the stairs on the right.

**If you need assistance with the guesthouse or have any issues:** Please call or text Aaron at 250-668-7616.

**Other Phone Numbers:**

Police (non emergency)	250-247-8333
Fire (non-emergency)	250-247-9677
Medical Clinic	250-247-9922
Island Taxi	250-247-0049

Please see the local telephone book on the counter for a complete list of Gabriola businesses and services.

**In an emergency call 911. You are at 565 South Road.**

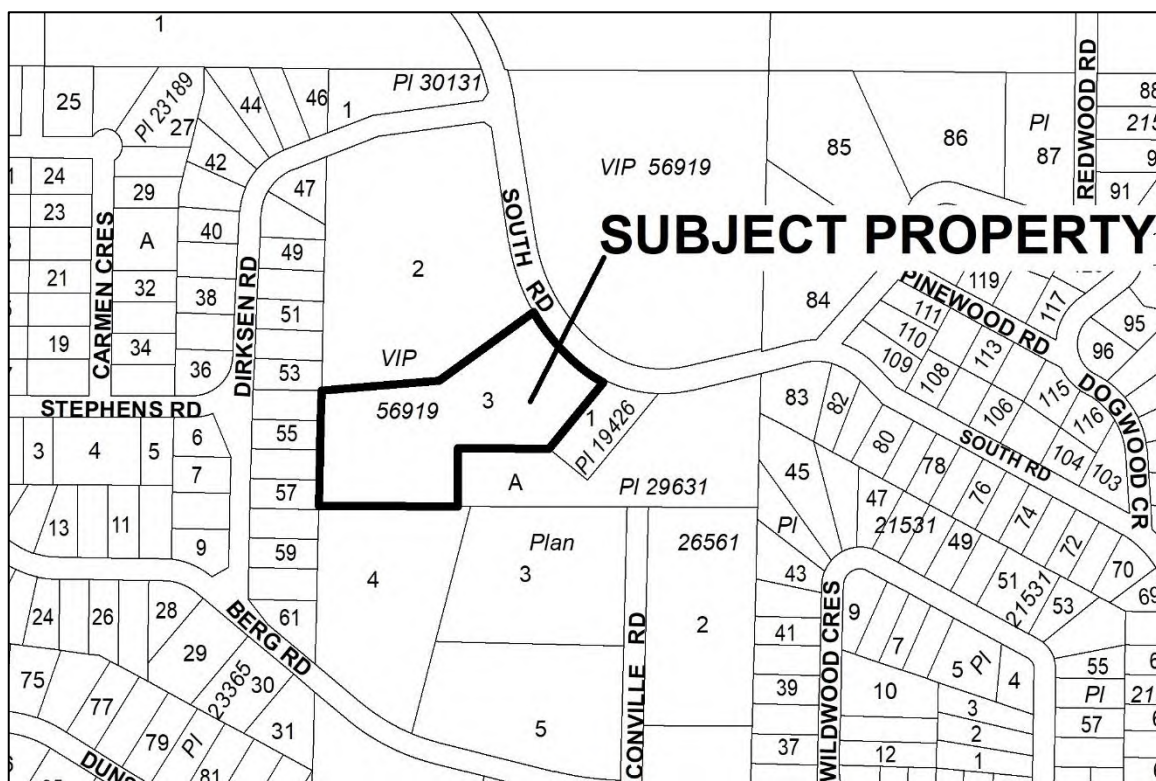
**Thank-you! We hope you enjoy your stay!**  
**Jessica and Aaron Dewarle**

**NOTICE** is hereby given pursuant to Section 494 of the *Local Government Act* that the Gabriola Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to PID: 018-331-840, LOT 3, SECTION 12, Gabriola Island, Nanaimo District, Plan VIP56919. This property is located at **565 South Road, Gabriola Island, BC.**

The purpose of the proposed permit is to permit the operation of a **commercial vacation rental** within an accessory building on the subject property.

The establishment of this use would be subject to the conditions specified in the attached proposed permit.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 700 North Road, Gabriola Island, BC V0R 1X3 between the hours of 8:30 am to 4:00 pm Monday to Friday inclusive, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/gabriola/current-applications/> commencing **June 13, 2024** and continuing up to and including **June 26, 2024**.

Enquiries or comments should be directed to Margot Thomaidis, Planner 2 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca) before **4:00 pm, June 26, 2024**.

The Gabriola Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting to be held at **10:30 am, June 27, 2024, at the Gabriola Arts and Heritage Centre. 476 South Rd, Gabriola, BC.**

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



# PROPOSED



**GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
GB-TUP-2024.2 (Dewarle)  
565 South Road, Gabriola Island**

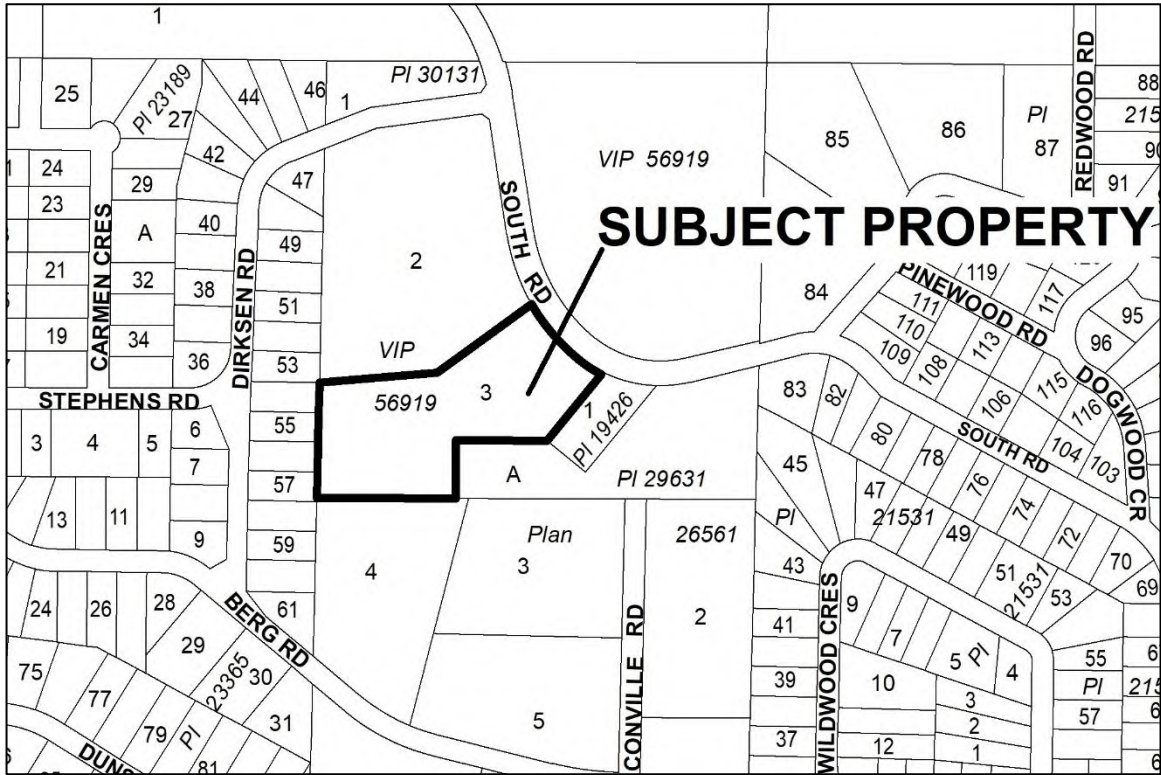
To: Aaron and Jessica Dewarle

1. This Permit applies to the land described below:  
PID 018-331-840  
LOT 3, SECTION 12, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN VIP56919
2. **This Permit expires on XXXX XX, 2027.**
3. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the use of a commercial vacation rental within an accessory dwelling on the subject property.
4. The use may be carried out subject to the following conditions:
  - 4.1 the accessory dwelling containing the commercial vacation rental and the subject property must maintain a residential appearance, and any existing vegetative screening or fencing must not be removed;
  - 4.2 parking for a minimum of two vehicles for the commercial vacation rental use must be provided on the property;
  - 4.3 the owner or an operations manager must reside on Gabriola Island and be available by telephone 24 hours per day, seven days per week. Any changes to contact information must be provided to the Islands Trust within seven (7) working days;
  - 4.4 neighbours within a 100 metre radius of the commercial vacation rental must be provided with at least one resident contact phone number, and a copy of the temporary use permit;
  - 4.5 information must be posted for guests pertaining to: noise bylaws, water conservation, fire safety, storage of garbage, septic care, First Nations historical use of the area, control of pets (if pets are permitted) and information to remind guests that they are in a residential area;
  - 4.6 a supply of water in the amount of 227 litres (50 imperial gallons) per paying guest must be provided for the duration of the permit;
  - 4.7 the maximum number of bedrooms in the accessory dwelling for the commercial vacation rental is 4;
  - 4.8 the maximum number of guests that may stay in the commercial vacation rental is 2 per bedroom, for a maximum of 8 guests at any given time;
  - 4.9 the owner submit a copy of the property insurance for the subject property;
  - 4.10 the maximum number of signs advertising the commercial vacation rental is restricted to one, with a maximum area of 0.3 square metres, and is to be made of wood and not illuminated;
  - 4.11 the rental or provision of motorized personal watercraft to guests is prohibited;
  - 4.12 the use of recreational vehicles and camping for the overnight accommodation of guests is prohibited; and
  - 4.13 the holder of the Permit will be responsible for any violation of the conditions of this Permit. For the purpose of investigating a complaint, the Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation.
5. It is the responsibility of the landowner to obtain any required authorization under the *Water Sustainability Act* or any other relevant legislation pertaining to groundwater.
6. All in accordance with Schedules "A" and "B" attached to and forming part of this permit, as signed and dated by the Deputy Secretary of Islands Trust.
7. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS XX<sup>th</sup> DAY OF XXXX, 2024.**

# PROPOSED

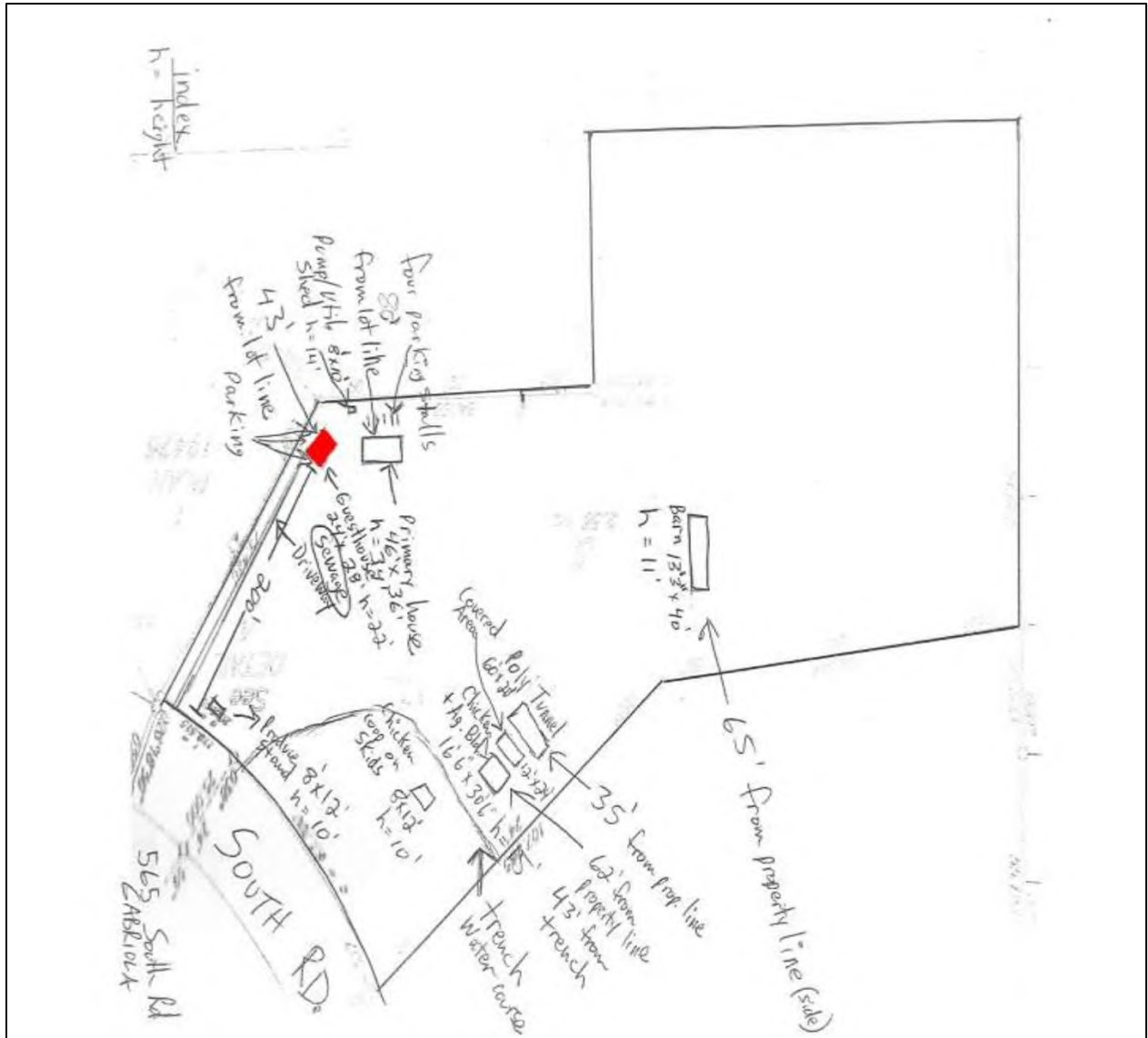
GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
GB-TUP-2024.2 (Dewarle)  
SCHEDULE "A" – Subject Property



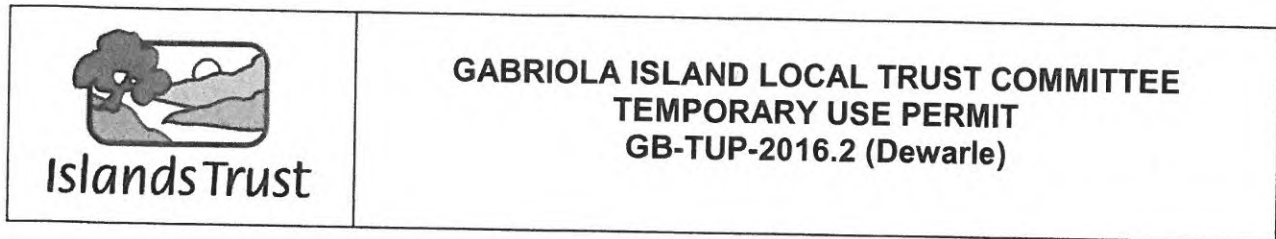


# PROPOSED

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE GB-TUP-2024.2 (Dewarle) SCHEDULE "B" – Site Plan



## ATTACHMENT 9



To: Jessica and Aaron Dewarle

1. This Permit applies to the land described below:

PID 018-331-840

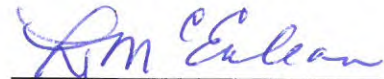
Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP56919, shown on Schedule "A", which is attached to and forms part of this Permit.

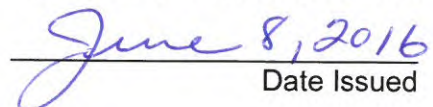
2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the owner to operate a commercial vacation rental on their property and is subject to the following conditions:
  - a) the owner, or their delegate, should be available by telephone 24 hours/day, seven days per week at (250) 247-7457 Any changes to this phone number must be provided to the Islands Trust within seven (7) working days;
  - b) the owners must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
  - c) the landowner posts for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets [if pets permitted]. The guest information also reminds guests that they are in a residential area, not a commercial area;
  - d) the owner must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
  - e) the owner must provide accommodation for a minimum of two vehicles on the property;
  - f) the owners are restricted to 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;
  - g) the owners are prohibited from renting or providing motorized personal watercraft to rental clients;
  - h) the maximum number of guests is limited to 2 persons per bedroom;
  - i) the number of bedrooms is limited to a maximum of 3;
  - j) recreational vehicles and camping are prohibited; and
  - l) the holder of the Permit, landowner, manager, or management company will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner,

manager, management company or commercial vacation renter for the purpose of investigating a complaint.

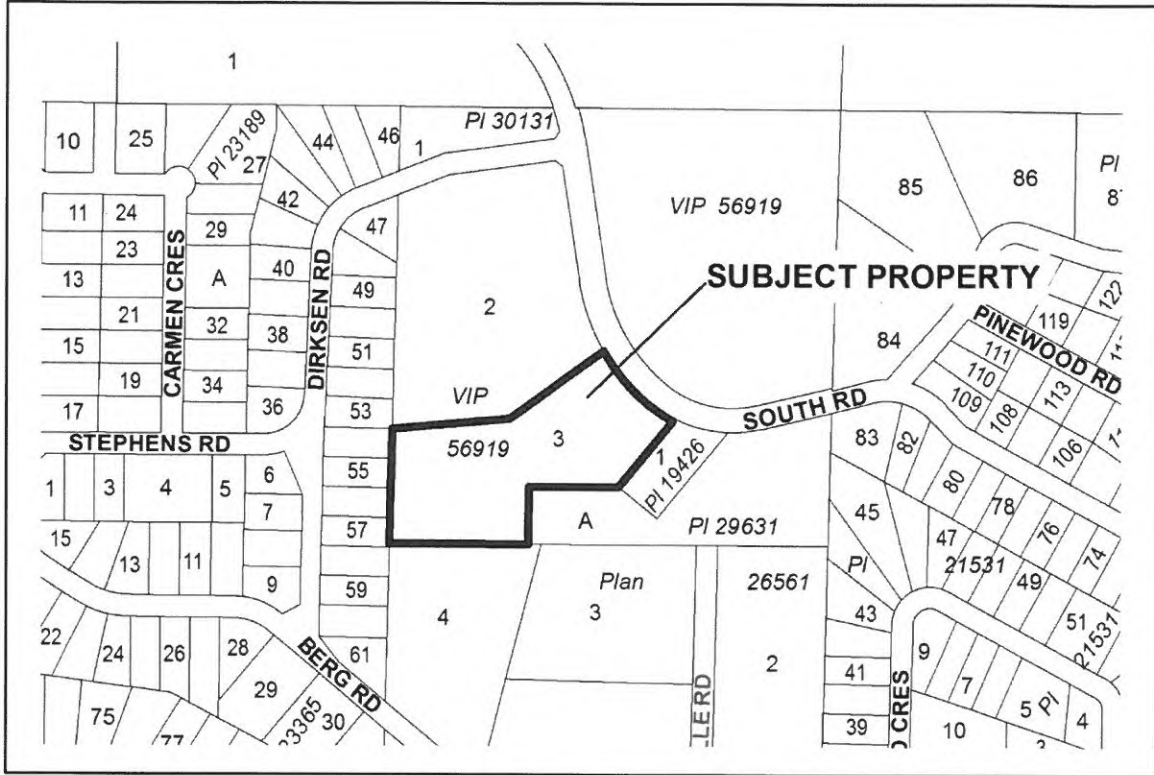
3. This Permit expires three years from date of issuance.
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS 26th DAY OF May, 2016.**

  
Deputy Secretary, Islands Trust

  
Date Issued

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
GB-TUP-2016.2  
SCHEDULE A**



I hereby certify this to be Schedule "A" which is attached to and forms part of Temporary Use Permit No. GB-TUP-2016.2

*[Signature]*  
Signature of Islands Trust Official

*June 8, 2016*  
Date of Issuance



Islands Trust

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
GB-TUP-2019.1 (Dewarle)**

**(RENEWAL OF PERMIT - GB-TUP-2016.2)**

To: Jessica and Aaron Dewarle

1. This Permit applies to the land described below:

PID 018-331-840

Lot 3, Section 12, Gabriola Island, Nanaimo District, Plan VIP56919, shown on Schedule "A", which is attached to and forms part of this Permit.

2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting the owner to operate a commercial vacation rental on their property and is subject to the following conditions:

- a) the owner, or their delegate, will be available by telephone 24 hours/day, seven days per week at (250) 247-7457 Any changes to this phone number must be providing to the Islands Trust within seven (7) working days;
- b) the owners must provide neighbours within a 100 metre radius of the vacation rental with a contact phone number, and a copy of the temporary use permit;
- c) the landowner posts for guests information on noise bylaws, water conservation, fire safety, fire escape plan, storage of garbage, septic field location, and control of pets [if pets permitted]. The guest information also reminds guests that they are in a residential area, not a commercial area;
- d) the owner must not alter the exterior appearance of the residence, nor remove any existing vegetative screening;
- e) the owner must provide accommodation for a minimum of two vehicles on the property;
- f) the owners are restricted to 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;
- g) the owners are prohibited from renting or providing motorized personal watercraft to rental clients;
- h) the maximum number of guests is limited to 2 persons per bedroom;
- i) the number of bedrooms is limited to a maximum of 3;
- j) recreational vehicles and camping are prohibited; and
- l) the holder of the Permit, landowner, manager, or management company will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw

Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, landowner, manager, management company or commercial vacation renter for the purpose of investigating a complaint.

3. This Permit expires three years from date of renewal.
4. This is not a Building Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE THIS 11th DAY OF JULY, 2019.**



Deputy Secretary, Islands Trust



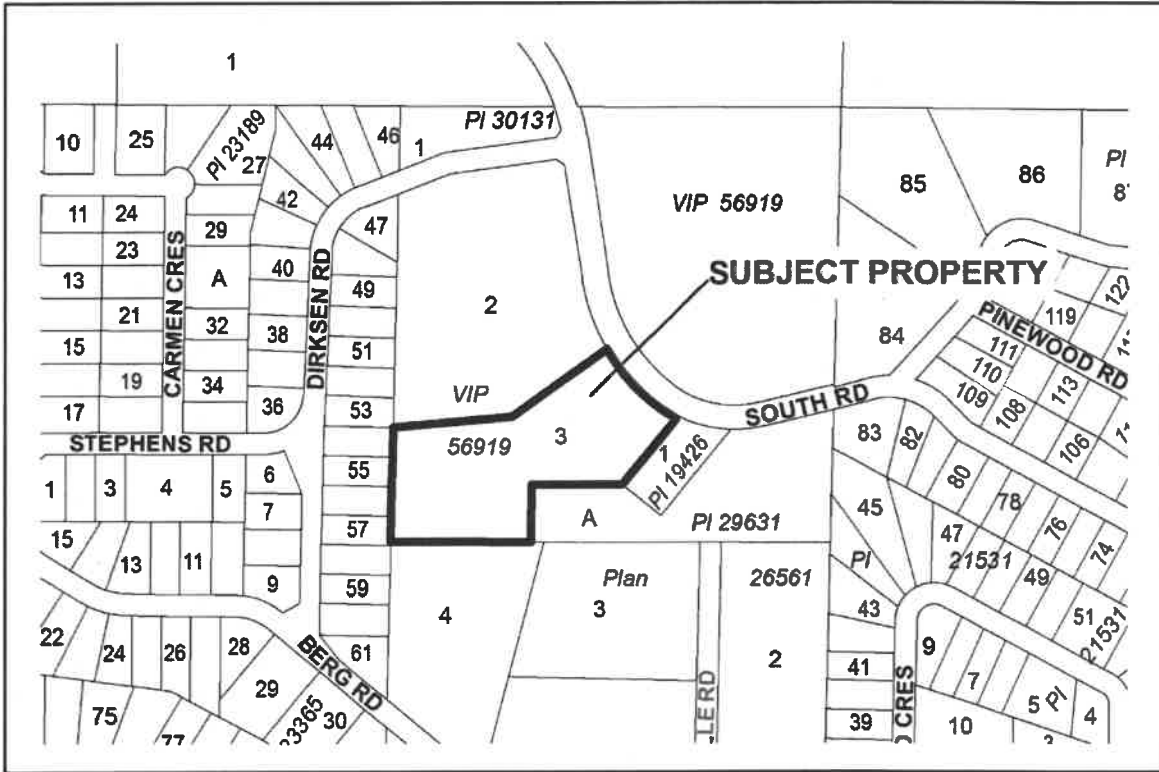
Date Issued



GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
GB-TUP-2019.1

(RENEWAL OF PERMIT - GB-TUP-2016.2)

SCHEDULE A



I hereby certify this to be Schedule "A" which is  
attached to and forms part of Temporary Use Permit  
No. GB-TUP-2019.1

*Kim Gilman*      July 24, 2019  
Signature of Islands Trust Official      Date of Issuance