DEVELOPMENT PERMIT

No. **DP- 2021-09**

TO: **Laurel and Shawn Philips**

ADDRESS: [redacted]
(Permittee)

1) This Development Permit is issued subject to compliance with all of the Bylaws of the Town of Gibsons applicable thereto, except those specifically varied or supplemented by this Permit.

2) The Development Permit applies to land within the Town of Gibsons described below:

Parcel Identifier:	**010-918-604**
	010-918-612
Legal Description:	**LOT 21 BLOCK 2 OF BLOCKS B AND C DISTRICT LOT 685 PLAN 6318**
	LOT 22 BLOCK 2 OF BLOCKS B AND C DISTRICT LOT 685 PLAN 6318
Civic Address:	**575 Gower Point Road**

(the "Lands")

3) The Lands are within Development Permit Area('s) of the Town of Gibsons Official Community Plan (Bylaw 985, 2005). This permit applies to:

- Development Permit Area No. 2 (Environmentally Sensitive Areas) for the purpose of protection of the natural environment.

4) The Lands shall be developed only in strict accordance with the terms and conditions and provisions of this Permit, including without limitation to the specifications in the following reports, which are attached to and form part of this Permit:

1. Condition and Impact Assessment Report -575 Gower Point Road, signed by Cam Forrester, dated May 10, 2021

5) All recommendations of the report(s) are to be followed including without limitation:

(a) Erosion and Sediment Control, as outlined in page 5 and 6 of the report;

(b) Pollution Prevention, including the following:

i. • Equipment shall be free of obvious surface hydrocarbon pollutants.
ii. • A large format spill kit will be located on-site.
iii. • No equipment will be parked within 10m of the watercourse; and,
iv. • Crews to be briefed on spill response and pollution prevention.

6) On site monitoring by the Qualified Environmental Professional during the works is required.

7) As a condition of the issuance of the Development Permit, Council requires that the Permittee provide security for the value of $3000 to ensure that the on-site landscaping component of the development is carried out in accordance with the terms and conditions set out in this permit.

   (a) The condition of the posting of the security is that, should the Permittee fail to carry out the development hereby authorized according to the terms and conditions of this Development Permit within the time provided, the Town may carry out the development or any part of it by its servants, agents or contractors and deduct from the security all costs of so doing, it being understood that the surplus, if any, shall be paid over to the Permittee.

   (b) If on the other hand, the Permittee carries out the landscaping component of the development permitted by this Development Permit within the time set out herein, the security shall be returned to the Permittee.

   (c) Prior to issuance of a Development Permit, the Permittee is to file with the Town an irrevocable Letter of Credit or Certified Cheque as security for the installation of hard and soft landscaping in accordance with approved plans, such Letter of Credit to be submitted to the Town at the time of the Building Permit application.

   (d) The Permittee shall complete the landscaping works required by this permit within six (6) months of issuance of the Development Permit.

   (e) If the landscaping is not completed within this six (6) month period, the Town has the option of continuing to renew the security until the required landscaping is completed or has the option of drawing the security and using the funds to complete the required landscaping. In such a case, the Town or its agents have the irrevocable right to enter into the property to undertake the required landscaping for which the security was submitted.

   (f) Upon completion of the landscaping, a holdback of 10% of the original security, plus any deficiencies, will be retained for a 1-year period, to be returned upon written final approval from the Qualified Environmental Professional.

   (g) The following standards for landscaping are set:

      i. All landscaping works and planters and planting materials shall be provided in accordance with the landscaping as specified on the Site Plan and Landscaping Plan which forms part of this Permit.

      ii. All planting materials that have not survived within one year of planting shall be replaced at the expense of the Permittee.

8) Minor changes to the aforesaid drawings that do not affect the intent of this Development Permit are permitted only with the approval of the Director of Planning.

9) Upon completion of the works, a letter from a qualified professional is required to confirm all conditions of this permit were met.

10) If the Permittee does not commence the development permitted by this Permit within twenty-four months of the date of this Permit, this Permit shall lapse.

11) This Permit is NOT a Building Permit.

ISSUED THIS 4th DAY OF JUNE, 2021.

Lesley-Anne Staats, MCIP, RPP
Director of Planning

Copy of permit to the Qualified Environmental Professional

May 10, 2021

Condition and Impact Assessment Report – 575 Gower Point Rd

Background

The purpose of this report is to provide an assessment of conditions and impacts from recent and historical disturbance along with restoration prescriptions for disturbance within the Charman Creek riparian area at 575 Gower Point Rd, Gibsons. The owners have commenced a landscaping project that includes a non-structure coarse rock retaining wall along with levelling the bench above that rock wall to provide useable space. In the absence of a Development Permit for DPA #2 (Environmentally Sensitive Areas – Riparian), the Town of Gibsons has requested that works be suspended until those municipal authorizations are acquired.

This Condition and Impact Assessment is intended:

1. To support a pathway to compliance through a DPA #2 development permit and for the owners of the residence at 575 Gower Pt Rd or their agents to be supported in carrying out further landscaping;
2. To provide a rational with an assessment of the habitat implications for erecting a small 12' x 8' shed at the top of the property – see Attachment -2.
3. To summarize the impacts within the riparian in terms of a simple accounting of impacts to pre-existing vegetation and permeable surfaces; and,
4. To provide recommendations to restore riparian functionality to the site which are intended to mitigate and compensate for recent disturbance.

Location information

Street Address	575 Gower Point Rd						
Local Government	Town of Gibsons			City Gibsons			
Stream Name	Charman Creek						
Legal Description (PID)	Lots 21/22 Block 2 Sub BlockB & C Plan VAP6318 District Lot 685 Land District 1 Land District 36 PIDs: 010-918-604/010-918-612			Region Lower Mainland			
Stream/River Type	Stream			DFO Area 2			
Watershed Code	900-151500						
Latitude	49	23'	46.11"	Longitude	123	30'	41.79"

May 10, 2021

Riparian & Aquatic Habitat and Baseline Conditions

Charman Creek. The stream channel in question is the main branch of Charman Creek, several hundred metres above the ocean outfall in Gibsons Harbour. Charman Creek originates near Shaw Road in upper Gibsons, through a catchment area of approximately 160 hectares, is characterized by extensive roadside ditches, culverts and piping, with a mix of residential development and second growth forest. Charman Creek has historically supported fish populations and there are documented fish observations above and below Lots 21/22. The channel flows into 575 Gower through a culvert along the western boundary near the northwest corner (Figure 1), then north-northeastward to the eastern lot boundary. A minor triangle of Lots 21/22 overlaps the onto the northern stream banks but the majority of the riparian affected spatially and with current construction is the south bank.

Figure 1. Overview of Lots 21/22 and Charman Creek channel.

Previous owners have concreted the channel throughout the lot, which has the effect of accelerating flow, covering natural channel substrates, and confining the channel (Photo 1).

There are no signs of scour or bank erosion through the area of interest, and the owners have not observed flooding from heavy rainfall events over the past 18 years.


Photo 1. Charman Creek. Concrete stream channel downstream viewing east from the southwest area of Lot 21.

The riparian zone on the southern bank has been landscaped into several tiered benches defined by several low rock walls (Photos 2 & 3). Most of this work pre-dates the current owners. The south riparian area has recently been disturbed during construction activities as part of works to install a rock retaining wall and level bench areas. In the disturbed area, streamside vegetation is mainly an open mix of landscape cover species

along with ornamental and some native herbs and shrubs. There are no pole/sapling trees in the area of interest and the overall cover condition is that the south side is more open than the north. The tree cover in its natural state would have been a mix of pole/sapling mixed western red-cedar, Douglas-fir, red alder, big-leaf maple and western hemlock. The understory shrubbery would have been characterized by salmonberry and elderberry in canopy gaps directly adjacent to the watercourse. Elsewhere, in shaded areas, sword fern or salal would be the dominant species.

Photo 2. Viewing east at south bank. Pre-existing lower tier landscaping wall is visible.

Photo 3. Viewing west at south bank. Pre-existing lower tier landscaping and current disturbance is visible.

The northern riparian area has not been affected by this recent disturbance but has previously been subject to some manipulation of native vegetation to an open mix of native and non-native species (Photos 4 & 5).

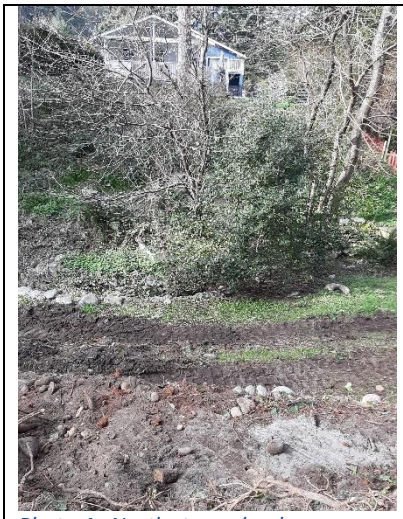

Photo 4. North streambank.

Photo 5. North streambank.

Habitat Impacts

Impact A: Temporary disturbance from landscaping activities and rock retaining walls.

The riparian area adjacent to Charman Creek on the south side was levelled and contoured adjacent to the concreted stream channel sometime in the 1990's. A lower tier 2-3' mortared river rock retaining wall has also been in place dating back to that timeframe and a previous owner (Photo 2).

Current conditions are that riparian soils below the pre-existing retaining wall and adjacent to the south bank have been partially disturbed by heavy equipment (Photos 2, 3 & 6), resulting in moderate rutting and tracking. A pre-existing margin or buffer of ornamental vegetation has been retained at the high-water mark (edge of concrete channel, which is helpful for filtering any sediment that might migrate though the disturbed area.

Further back from the high watermark on the south side, the riparian area has been cleared, grubbed, and stripped. A few preliminary coarse angular rocks have been placed as part of the current landscaping prior to works being halted (Photo 7).

Photo 6. Overview of disturbed area, viewing northwest.

Photo 7. Current landscaping rock walls, partially installed.

- The effected area is estimated to be 160m3 (estimated). The affected area is focused in the northeastern portion of Lot 22 within 10-12m of the high water mark on the south bank. Contemporary tree cover has not been affected from the current works;
- The original ground (rooting zone, duff, soil parent material) has been grubbed and mixed but retains the original productivity in terms of nutrient availability and organic matter;
- Impacts to riparian functions from disturbance to the vegetation are fleeting and limited to minute changes to litter fall and insect/nutrient rain. Adjacent trees, including from several deciduous on the north side will continue to function.
- Shade inputs are materially unchanged from the baseline considering tree canopy retention and the minor size of the cleared gap. There is the opportunity to restore streamside vegetation in order to increase the shade function directly along the south streambank;
- Coarse woody debris (CWD) contribution changes are difficult to quantify. Notwithstanding the impracticality of commenting on the function of CWD while the channel remains concreted from bank to bank, with no anchoring potential, there remains the capability to provide CWD in an ideal sense. The overall canopy closure, species, tree density within the riparian has been converted to a second growth character including early seral species with lower value as contributors to long term CWD, such as cherry (P. virginiana),red alder (A. Rubra) and big leaf maple (A. macrophyllum). There are however, adequate nearby long-lived conifer with a lean towards the stream and/or roots and stumps that could function as CWD. Potentially, environmental provisions to leave windthrow and any felled danger trees could provide adequate long-term CWD inputs.

Recommendations

Erosion & Sediment Control (ESC):

- The main potential hazard would be sediment delivery into the Charman Creek channel. The disturbed ground has a high silt/sand content, some areas of sloped ground and which potentially could erode and travel towards the

- watercourse in a heavy rainfall event. The catchment area in exceedingly small however, and there are no run-off sources directed at the disturbed slope. A simple, and the main ESC treatment, is to protect the ground surface from rainfall drop and rilling erosion.

    - Maintain vegetated margins at the edge of the stream bank to serve as sediment filters in the event sediment does move down slope and settles on the lower bench;
    - Cover disturbed ground with straw or comparable mulch or blanket;
    - Layer the mulch heaviest on the lower bench nearest to the watercourse; and,
    - For the long term, establish native species with a functioning root mat adjacent to the watercourse.
    - See Figure 2 – ESC Recommendations.

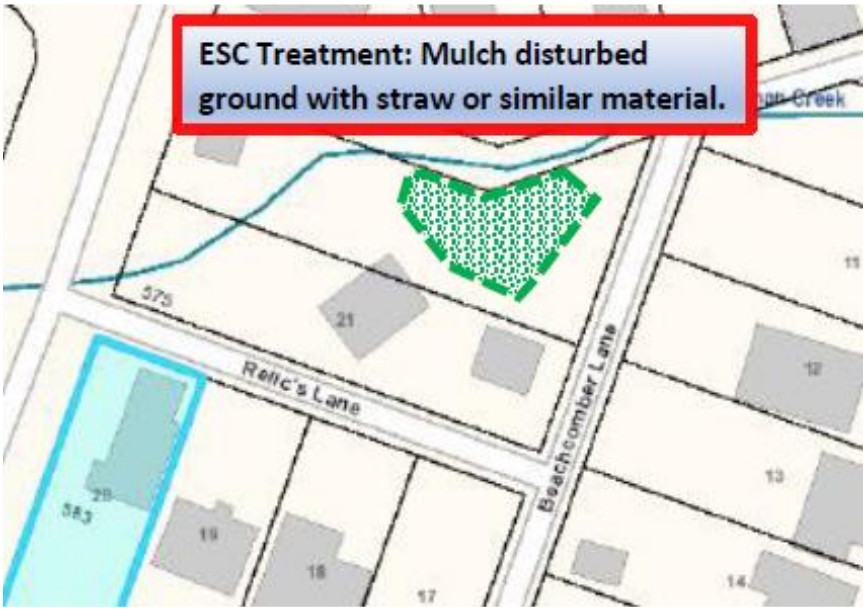

Figure 2. Erosion & Sediment Control Treatment Area

Pollution Prevention

The proximity of Charman Creek represents a high risk of polluting a fish bearing stream in the case of a hydrocarbon spill. Measures to protect area as follows:

- Equipment shall be free of obvious surface hydrocarbon pollutants, such as grease blobs, hanging drips, leaks or stain;
- A large format spill kit will be located on-site;
- No equipment will be parked within 10m of the watercourse; and,
- Crews will be briefed on spill response and pollution prevention measures.

Environmental Monitoring Program

An environmental monitoring program is required during any future construction phase to ensure that the objectives for RIPARIAN management are understood and protected. This will consist of:

- Work crew education and standard operating procedures for construction and fuel management when working in and around water;
- pre-work meeting, pre-work plan and crew signoffs;
- on-site monitoring as required to ensure RIPARIAN integrity through following the pre-work plan;
- the ability for the qualified monitor to direct and advise works related to protection of the RIPARIAN, especially on the implementation of erosion and sediment controls;
- the ability to issue stop work orders in the case of practices that are illegal or damaging to the RIPARIAN;
- the ability to report environmental infractions related to stream protection regulations;
- photographs and notes should be taken to document the various phases of construction, any observed environmental events and their resolution.

A Post Development Report is to be completed by a QEP. The report must document that recommendations and special measures were adhered to during construction.

Native riparian species restoration:

- Mitigation/restoration will focus on the lower bench and the northern sliver nearest to the watercourse and will entail a combination of removing landscaping plants and then re-establishing native species (See Attachment 1 – Recommended Native Plant Species List).

- This restoration will follow guidelines provided by the MFLNRO (Ministry of Water, Land and Air Protection, 2006);
- The objective is to return the disturbed area to a vegetated state with full site occupancy and crown cover of native shrubs, herbs, and small to medium sized trees. See attached Figure 3 – Restoration Plan;
- Achievement of this objective will be documented through environmental monitoring;
- If any of the restored area is assessed during the monitoring period as not regenerated adequately, additional area or corrective measures will be prescribed at the discretion of the QEP.
- The current disturbance is a temporary condition and will be restored post-construction to the satisfaction of the QEP who will verify the environmental restoration.

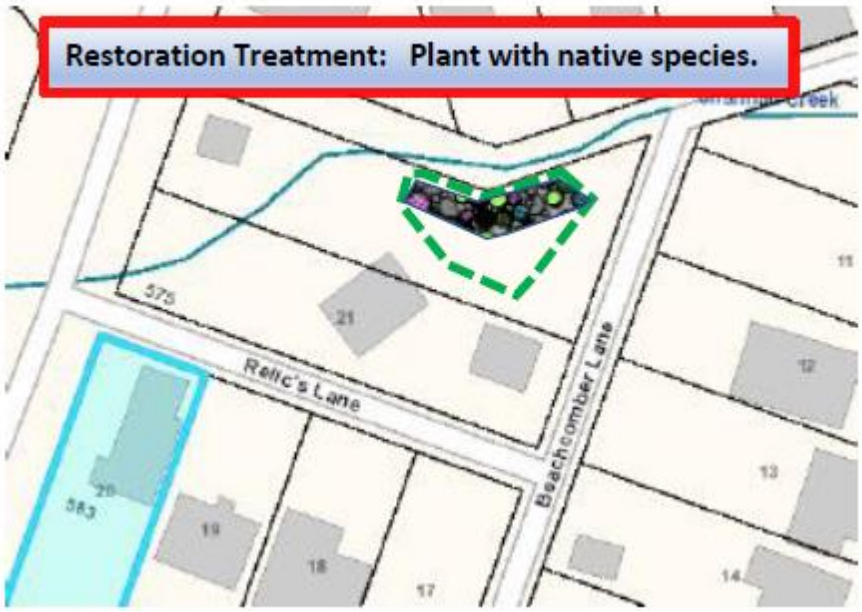

Figure 3. Restoration Treatment area.

Slope Stability

The watercourse is in a geotechnical development permit area for Geotechnical Hazards (DPA #1 – High Geotechnical Hazard). The landscaping retaining wall proposed by the owners does not meet the definition of a structure for the purposes of

the building code or the DP (<4m and does not required a professional engineer to design and verify construction).

Charman Creek is marginally incised and now encased in concrete at the high water mark but is not a gullied landform within lot 76. There are no signs of instability (sloughing, j-rooted trees, steep ground) in and adjacent to the streambanks. Further assessment of slope processes is not required. Erosion and slope failure risks are low. The writer is taking accountability for the following: There will be no impact to slope stability from the proposed development (wall) or by following the recommendations in this report. Erosion events are not likely to occur and would only be very minor in extent and impact.

Timing of Works

At the time of writing, the owner is waiting for a development permit in order to recommence construction of the retaining wall

Restoration will be monitored and overseen by a QEP once development proceeds.

Closure

This report was prepared by the undersigned.

QEP SIGNATURE and SEAL	QEP PRINTED NAME
	Cam Forrester, R.P.F. **# 2118**
	Date signed: April 22, 2021

Cam Forrester & Associates Ltd.

May 10, 2021

Attachment -1

Recommended Native Plant Species List

Deciduous Trees

Botanical Name	Common Name	Mature Height (m)	Best Growth Conditions	# Plants
Acer circinatum	vine maple	to 7	m-w	2
Acer glabrum var. douglasii	Douglas maple	to 10	d-m	TBD
Malus fusca	Pacific crabapple	to 12	m-w	TBD

Shrubs

	Botanical Name	Common Name	Mature Height (m)	Best Growth Conditions	# Plants
	Holodiscus discolor	oceanspray	to 4	d-m	5
♦	*Rubus parviflorus*	thimbleberry	0.5-3	m	5
♦	*Rubus spectabilis*	salmonberry	to 4	m-w	20
♦	*Sambucus racemosa var. arborescens*	red elderberry	to 6	m	10
♦	*Vaccinium parvifolium*	red huckleberry	to 4	M	10
♦	*Gaultheria shallon*	salal	1-3	d-m-w	20

Herbs

Botanical Name	Common Name	Mature Height (m)	Best Growth Conditions	# Plants
Polystichum munitum	swordfern	to .5	d-m	40

May 10, 2021

Attachment -2

In response to the owners' plans to erect a 12' x 8' garden shed near the upper southern lot boundary, 21-24m from the stream natural boundary (Figure 2.), the Town of Gibsons has stated that the shed falls within the riparian area of Charman Creek and has requested further information on the implications for riparian habitat from the shed placement. This brief summary is intended to compliment the conditions and impacts assessment, and recommendations (above) for the landscaping works, and to verify there will be no further harmful habitat impacts to Charman Creek from the shed installation.

The approach in this case for assessing potential impacts from the shed is to informally apply the methodology of the Riparian Areas Practices Regulation (RAPR)[1] to validate that the shed is outside of the stream riparian habitat. The ToG DPA#3 requires riparian assessments in accordance with the RAPR, in an 'assessment zone' that is generally 30m from the shedstream natural boundary. In an ideal situation, the RAPR assessment in turn leads to a Streamside Protection and Enhancement Area (SPEA), focusing on vegetation retention or restoration and a buffer zone to the SPEA with measures prescribed to protect the SPEA.

The 'back of the envelope' RAPR result is that considering the Coarse Woody Debris/Literfall/Shade habitat elements leads to an interpretation and opinion that the SPEA would be set at 10m, which is 11-14m downhill towards Charman Creek relative to the shed. The shed's proposed location is along the access lane at the top of the property and will be behind pre-existing structures. The conclusion is that the shed will be located in an on-side position with respect to the RAPR methodology. When combined with the restoration measures that are committed to above, the ongoing use and enjoyment of the property with the addition of this shed will not cause any further harmful alteration or damage to conditions that support fish and fish habitat.

[1] Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Fish and Aquatic Habitat Branch, Riparian Areas Protection Regulation, Technical Assessment MANUAL - 2019

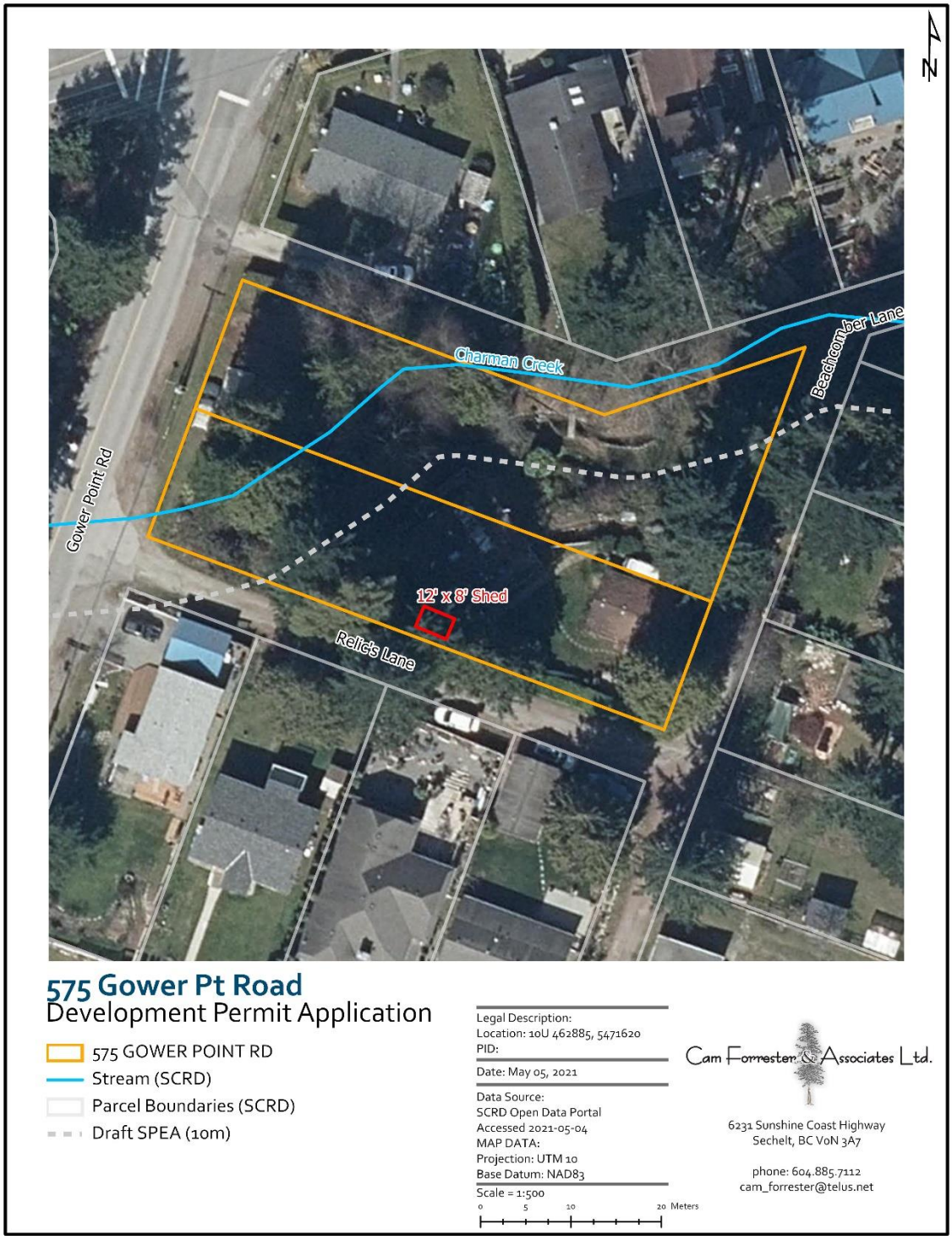

Figure 2. Shed location relative to draft SPEA boundary.