



Islands Trust

Revised – April 6, 2011

GABRIOLA ISLAND  
LOCAL TRUST COMMITTEE  
AGENDA

**AGENDA**

**Special Business Meeting  
Monday, March 14, 2011 at 10:00 a.m.  
at the Islands Trust Office Boardroom  
700 North Road, Gabriola Island, BC**

	<i>Page No.</i>	<i>*Approx. Time*</i>
<b>1. CALL TO ORDER</b>		10:00 am
<b>2. APPROVAL OF AGENDA</b>		
<b>3. MINUTES</b>		10:10 am
3.1 Gabriola Island Local Trust Committee Special Meeting Minutes of February 18, 2011- <i>attached for information</i>	1-8	
<b>4. LOCAL TRUST COMMITTEE PROJECTS</b>		10:20 am
4.1 Official Community Plan and Land Use Bylaw Review		
4.1.1 Correspondence -		
4.1.1.i Letter and petition dated February 24, 2011 from Jacinthe Eastick regarding panel discussion for affordable housing issues- attached	9-11	
4.1.1.ii Email dated March 14, 2011 from Gisele Rudischer Providing Comments on Multi-Dwelling Affordable Housing and Density Bank Official Community Plan Sections		
4.1.1.iii Email dated March 14, 2011 from Gisele Rudischer Providing Comments on Official Community Plan Draft		
4.1.2 Local Trust Committee Official Community Plan Strategic Plan and Public Consultation Strategy - <i>attached</i>	12-15	
4.1.3 Terms of Reference: Project Scope and Objectives as endorsed in principle by the Local Trust Committee as of October 21, 2010 - <i>attached</i>	16-18	
4.1.4 Staff Modified Version DRAFT list of Official Community Plan Topic Areas, as discussed and amended at the Gabriola Island Local Trust Committee special meeting of February 18, 2011- <i>attached</i>	19-22	
4.1.5 OCP Review- Phase One full document dated March 7, 2011 - <i>attached</i>	23-99	
4.1.5.i Updated Multi-dwelling Affordable Housing and Density Bank OCP Sections- Memorandum dated March 8, 2011- attached	100-104	
4.1.5.ii Current OCP definitions and staff comments reformatted for clarity, dated march 8, 2011- attached for information	105-118	

- 5. **NEW BUSINESS**
- 5.1 Newsletter Funding Request
  
- 6. **NEXT BUSINESS MEETING** 3:40 pm  
Thursday, March 24, 2011 at 10:15 a.m. at the Women's Institute,  
476 South Road, Gabriola Island, BC
  
- 7. **ADJOURNMENT** 4:00 pm

\*Approximate time is provided for the convenience of the public only and is subject to change without notice

## DRAFT

**MINUTES OF THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE  
SPECIAL MEETING  
HELD AT 9:00 A.M. ON FRIDAY, FEBRUARY 18, 2011  
AT THE ISLANDS TRUST OFFICE BOARDROOM  
700 NORTH ROAD, GABRIOLA ISLAND, BC**

<b><u>PRESENT:</u></b> Deborah Ferens Sheila Malcolmson Chris Jackson Kaitlin Kazmierowski Stephen Orgill	Chair Local Trustee Regional Planning Manager Island Planner Recorder
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<b><u>REGRETS:</u></b> Louise Bell	Denman Island Trustee
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There were two (2) members of the public and two (2) local media representatives in attendance.

**1. CALL TO ORDER**

Deborah Ferens chaired the meeting and called to order at 9:06 am. She introduced the panel and explained the procedure of the special meeting to the public, noting it is a working meeting and there would not be a Town Hall session.

**2. APPROVAL OF AGENDA**

The agenda was reviewed and the following changes and additions were made:

- Correct title of item 4.1.1.iii to "...rationale of *motions* from January 17, 2011 VRC meeting minutes."
- Add item 4.1.1.iv Email dated February 17, 2011 from Gisele Rudischer regarding Submission from the Housing Task Force
- Add item 4.1.1.v Email dated February 17, 2011 from Gisele Rudischer regarding comments on Official Community Plan Section 2.4 and Section 6.3
- Add item 4.1.1.vi Email dated February 17, 2011 from Gisele Rudischer regarding food security
- Add item 4.1.1.vii Email dated February 17, 2011 from Gisele Rudischer regarding comment on amenity zoning
- Add item 4.1.5. Appendix 2, Gabriola Density Bank

- Add to item 4.1.5.ii Attachment – A Guide to Frequently Used Phrases, Terms and Acronyms

The Local Trust Committee adopted the agenda by consensus.

### 3. MINUTES

Regional Planning Manager Jackson advised the Local Trust Committee that the draft minutes of the previous Local Trust Committee meeting and previous meetings of the Volunteer Review Committee had been provided for information in consideration of the review of the Official Community Plan document. He suggested that the Local Trust Committee not spend time to make amendments at this meeting, but defer to the next Local Trust Committee meeting on February 24, 2011 for adoption. The trustees agreed and Chair Ferens moved to item 4.1.1.i of the agenda.

3.1 *Gabriola Island Local Trust Committee Draft Meeting Minutes of January 27, 2011*

3.2 *Gabriola Island Volunteer Review Committee Adopted Meeting Minutes of January 17, 2011*

3.3 *Gabriola Island Volunteer Review Committee Draft Meeting Minutes of February 7, 2011*

### 4. LOCAL TRUST COMMITTEE PROJECTS

4.1 *Official Community Plan and Land Use Bylaw Review*

4.1.1 *Correspondence*

4.1.1.i *Email dated February 4, 2011 from Ken Gurr regarding Manure Management in SRR zone*

The Local Trust Committee reviewed the email from Mr. Gurr concerning his submission to the Official Community Plan review to include a section to regulate manure management on small rural properties. It was suggested that the topic be added to item 4.1.4 for further discussion.

**GB-029-2011** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee add the topic of small lot manure management as proposed by Ken Gurr in his February 4, 2011 email, to the DRAFT list of Official Community Plan Topic Areas, Section 3 at item 4.1.4 of today's agenda.

## CARRIED

Chair Ferens offered to respond to Ken Gurr by email to explain how the Local Trust Committee had received his correspondence.

*4.1.1.ii Submission from the Gabriola Housing Task Force dated February 11, 2011 regarding affordable housing and density banking*

The Local Trust Committee reviewed the third submission from the Housing Task Force dated February 11, 2011 to the review process of the Gabriola Island Official Community Plan. Trustee Malcolmson suggested referring the discussion of the submission to item 4.1.5.ii on this agenda.

*4.1.1.iii Submission from some members of the Volunteer Review Committee (VRC) dated February 14, 2011 regarding rationale of motions from January 17, 2011 VRC meeting minutes*

The Local Trust Committee discussed the document submitted by some members of the Volunteer Review Committee for reference purposes for consideration of the motions made at the January 17, 2011 meeting. Trustee Malcolmson suggested that the issues raised in the document would need to be captured in during the course of the review at this meeting of the Official Community Plan document.

*4.1.1.iv Email dated February 17, 2011 from Gisele Rudischer regarding Submission from the Housing Task Force*

*4.1.1.v Email dated February 17, 2011 from Gisele Rudischer regarding comments on Official Community Plan Section 2.4 and Section 6.3*

*4.1.1.vi Email dated February 17, 2011 from Gisele Rudischer regarding comments on food security*

*4.1.1.vii Email dated February 17, 2011 from Gisele Rudischer regarding comment on amenity zoning*

The Local Trust Committee reviewed the email from Gisele Rudischer offering comments on the Official Community Plan and deferred for consideration at items 4.1.4 and 4.1.5 of this agenda.

4.1.2 *Local Trust Committee Official Community Plan Strategic Plan and Public Consultation Strategy Local Trust Committee Official Community Plan Strategic Plan and Public Consultation Strategy*

The document had been provided for information. There was no comment.

4.1.3 *Terms of Reference: Project Scope and Objectives as endorsed in principle by the Local Trust Committee as of October 21, 2010*

The document had been provided for information. Chair Ferens asked if rezoning new Regional District of Nanaimo parks and Islands Trust Fund nature reserve (item under No. 14.) had been included for consideration on this agenda. Regional Planning Manager Jackson confirmed that the matter would be considered.

4.1.4 *Staff Modified Version DRAFT List of Official Community Plan Topic Areas, as Discussed and Amended at the Gabriola Island Local Trust Committee Meeting of October 21, 2010*

The Local Trust Committee reviewed the document and discussed the comment contained in the email from Gisele Rudischer regarding the issue of food security.

**GB-030-2011** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee add the topic of *horticulture use in community parks* to the DRAFT list of Official Community Plan Topic Areas, Section 9 at 4.1.4 of today's agenda.

**CARRIED**

4.1.5 *OCP Review- Phase One full document*

Chair Ferens suggested that the Local Trust Committee review the process of amending the Official Community Plan. Regional Planning Manager Jackson referred to resolution GB-272-2010 regarding Phase 1 tasks and outlined what had been accomplished to date. He illustrated the tasks with a spreadsheet timeline that ideally spans between March 24, 2011 and August 22, 2011. Chris Jackson illustrated the effect on the timeline when some tasks are not accomplished on the anticipated date. He pointed out that it would take 90 days for the Minister to consider the bylaw prior to adoption.

Chair Ferens raised the question of how to proceed with the review of the document. Regional Planning Manager Jackson suggested

reviewing the document line by line and the planner would bring back the document with tracked changes to the Local Trust Committee as a working document at the next meeting. He recommended that the planners capture the changes rather than having to record separate resolutions to capture changes. Planner Kazmierowski alerted the Local Trust Committee to the additional attachments to be considered when the pertinent section arises.

Regional Planning Manager Jackson projected the document on a screen and explained where the tracked changes had been made to date. The Local Trust Committee commented that acronyms should be eliminated and that staff should ensure that the *Gabriola Planning Area* is used in the appropriate places. There was discussion about terms being used in the introduction of the document such as “resilient”, “small business”, and “recognize”. Section 1.1 title was shortened to “Community Context” and Section 1.2 becomes “Vision Statement: for the Future”.

The Local Trust Committee considered the comments provided regarding “home school use”.

**GB-031-2011** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee amend Section 2, General Land Use Policies c) on page 10 of the Official Community Plan to read: “Home school use is permitted in any designation except for Gravel Pit, Industrial and Marine designations.”

**CARRIED**

Trustee Ferens noted that several changes had not been included as directed by resolution GB-297-2010. The Local Trust Committee reviewed those changes and requested advice on changing an information note into a specific policy regarding the maximum of four borders permitted in conjunction with a principal single-family residential use.

During discussion of Section 2.4, Trustee Malcolmson suggested that staff provide direction for proposed language that would clearly describe the three client groups and also propose titles to delineate them. She said that they are not asking for policy changes but a language that clarifies the policy.

**GB-032-2011** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee direct staff to propose bylaw language for Section 2.4 that clearly delineates the three client groups for multi-unit affordable housing.

**CARRIED**

#### *4.1.5.i Affordable housing locations within ½ km of Lockinvar Triangle*

Planner Kazmierowski referred to her memorandum of February 7, 2011, reviewing the potential affordable housing locations within ½ kilometer of the Lockinvar Triangle. The Local Trust Committee discussed the three attached maps provided by Planner Kazmierowski. Discussion of the Affordable Housing Policies continued, focusing on policy f) iv., and whether to include the 2 kilometre walking distance from the Village Core. Chair Ferens invited comments from Linnet Kartar and Gisele Rudischer who were present at the meeting. Walking paths and the potential for a local bus service were discussed. Trustee Malcolmson suggested asking staff for a proposal on embedding a map into the bylaw and the specific wording on walking paths that don't imply trespassing. The discussion continued to the end of the Affordable Housing Policies section, including density donations to a Density Bank.

*Trustee Ferens called a recess at 12:08 pm and resumed the meeting at 12:35 pm.*

Discussion of the Official Community Plan document continued at page 107 of the agenda package, Section DP-8. It was suggested that items 11 and 12 of the Development Guidelines be moved to the long list so that they're not lost in future discussion. There was also discussion about moving Section 7 in its entirety to follow Section 9.

Agenda items 4.1.1.ii, 4.1.1.iv, and 4.1.5.ii were reviewed and discussed.

#### *4.1.5.ii Affordable housing definitions*

Regional Planning Manager Jackson indicated that staff is waiting for direction from the Local Trust Committee on the definition of affordability. Chair Ferens received comments from Linnet Kartar that the housing agreement acts as a covenant and that new developments should be required to provide a portion to low-income rentals. There was further discussion about multi-unit developments.

The definition of *multi-dwelling affordable housing* was discussed and the definition based on the submission from the Housing Task Force was considered for inclusion with minor changes. "Multi-dwelling affordable housing means housing cost that does

not exceed 30% of a household's gross income applied to households of low to moderate income, those with incomes at 60% or below the median household income for Gabriola Island.”

The Local Trust Committee continued to review the Affordable Housing Policies, focusing on incorporating h) into i), removing g), adding bullets to i) and rewording the introduction from h).

The Local Trust Committee reviewed the remainder of the document making changes and comments that had been tracked in the document for future reference.

The updated Appendix 1 – Definitions section was distributed by Planner Kazmierowski and was discussed. Staff received direction from the Local Trust Committee.

Regional Planning Manager Jackson referred to the timeline and reviewed in light of the work that had been completed during this meeting. There was discussion about prospective meeting dates for a Community Information Meeting and a special meeting of the Local Trust Committee.

**GB-033-2011** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee request that staff schedule a special Local Trust Committee meeting to consider the Official Community Plan bylaw.

**CARRIED**

#### *4.1.5.iii Hazardous areas and steep slopes*

Planner Kazmierowski referred to her Staff Report dated February 11, 2011 regarding the Gabriola Island Hazardous Areas and Steep Slopes project. Planner Kazmierowski provided a copy of the final report from the consultant titled Geohazard Report and Mapping Gabriola Island, British Columbia dated January 28, 2011. Planner Kazmierowski reviewed the highlights of the report. She said that the next step would include drafting a bylaw amendment that incorporates recommendations from the report and updating the current language. A draft bylaw for a development permit for steep slope hazards from North Pender Island was provided for information.

**GB-034-2011** It was **MOVED** and **SECONDED** that the Gabriola Island Local Trust Committee direct staff to report back on a public consultation strategy regarding draft bylaw

amendments and updated mapping products for steep slopes and hazardous areas on Gabriola Island.

**CARRIED**

**5. NEXT BUSINESS MEETING**

The next Gabriola Island Local Trust Committee regular business meeting will be held on Thursday, February 24, 2011 at 10:15 am at the Women's Institute, 476 South Road, Gabriola Island, British Columbia.

**6. ADJOURNMENT**

The Local Trust Committee adjourned the meeting by consensus at 2:43 pm.

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Recorder

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Chair

4.1.1.i

Submitted by  
Jacinthe Eastick  
at Feb 24, 2011  
LTC meeting.

1585 Perry Rd  
Gabriola Island, B.C.  
VOR 1X7

24 February, 2011-02-24

Dear Trustees ,

A couple of months ago, I was very concerned that the pressure exerted by the VOCPRC and others to legalize secondary suites (as a mean to creating affordable housing) would win your support. I viewed the unrelenting efforts to justify such a scheme as an indication that rural preservation and carrying capacity limitations of this Island were not in their vocabulary and/or foremost on their mind. I found that troubling.

In two (two-hours sessions) sessions, sittings at the corner of Lockinvar and North Rd, I collected the names of people who wanted the LTC, in fact demanded, that you host a panel debate on affordable housing issues. I submit these for your consideration.

I am somewhat relieved now that you chose to hold steadfastly to the promise of creating "no new densities" for affordable housing made at the beginning of the review. I am also pleased to hear that the calculations to determine the level of affordability are more reflective of the demographics of the Island.

I noted, in a report in this package, that you are seeking new tools to engage the community in planning processes. A panel discussion and civil debate type of meeting prior to any public information (one-sided) meeting would go a long way to achieve that. Both sides of an issue would be presented in a panel debate format. The participants at the ulterior public meeting would be better armed (for lack of a better word) to ask more knowledgeable questions.

When rushed in making decisions, the first victim is the public process. You promised that to each amendments made to the OCP we would be offered corresponding LUB amendments to consider. I appreciate that the time line is now upon you. You have the choice to forge ahead and "damned the torpedoes" or to acknowledge that there is not enough time in this term to see the work done and to simply continue the Plan Review as it should be done.

Yours truly,



Jacinthe B. Eastick

# PETITION TO THE ISLANDS TRUST COMMITTEE

We feel that information prior to consultation is crucial. We, the undersigned, therefore demand that you host a panel debate on affordable housing. We also request that you subsequently conduct a 'numbered' survey to gauge community support of the changes you propose to the existing affordable housing policies, once they are in a draft form.

NAME	ADDRESS	PHONE	SIGNATURE
D. JOHNSON	1670 HESS RD	2079	D. Johnson
CAROLLE WARDEN	1670 HESS ROAD	250 247 2079	C. A. Warden
JAN COOK	1649 CHERNOFF DR.	250 247-9696	Jan Cook
H. HOULE	1070 NORTH AIS	250-247-8250	H. Houle
ERUDISCHER	960 CANSO DR.	247-8795	Eugene Rudischer
B. SPROGIS	955 TRACY DR.	247-8203	B. Spriggs
W. K. Bachman	1405 South Rd.	247-8267	W. Karl Bachman
S. McRAE	501 North Rd	247 9316	S. F. McRae
MAXINE McRAE	501 NORTH ROAD G.I.	250 -247-9316	Marnie McRae
J. W. DOWNER	2825 ROWAN WAY	250-247-8587	J. W. Downer
J. BAKER	1030 BERTHA AVE	250 247 9586	J. Baker
A. YODLEY	590 PAISLEY PLANE	250 247 9521	A. Yodley
T. GIBSON	1374 HARRISON WAY	247 7991	T. Gibson
R. CRIGDON	1717 SOUTH ROAD	247-9096	R. Crigdon
J. LAWRENCE	470 GRACE RD.	247-7904	J. Lawrence
M. PELZIER	2015 FERRIS R.D.	9905	M. Pelzier

CANVASSER:.....10

DATE:.....

# PETITION TO THE ISLANDS TRUST COMMITTEE

We feel that information prior to consultation is crucial. We, the undersigned, therefore demand that you host a panel debate on affordable housing. We also request that you subsequently conduct a 'numbered' survey to gauge community support of the changes you propose to the existing affordable housing policies, once they are in a draft form.

NAME	ADDRESS	PHONE	SIGNATURE
T. Hanna	172 EL VERANO GARRIGUA	9474	T.R. Hanna
J. HALL	275 FOSTER CLOSE	8199	John Hall
C. Bernard	907 Barry Pt	8628	C. Bernard
Bill Bernard	907 Barry Pt 1x1	8628	Bill Bernard
Roger FERRAND	940 TANSY RD	9642	Roger Ferrand
Jane Ferrand	940 Tansy Rd.	9642	J. Ferrand
Veronica Hartman	955 TANSY RD	8208	V Hartman
Aron Capon	564 Berry Point Rd	8714	Aron Capon
J. VAN WEEZEL	467 Berg Rd.	2001	J. Van Weezel
John DUNSMORE	526 Buttercup Rd	5514	John Dunsmore
LEN BIELBY	965 TANSY DR.	8735	L. Bielby
J.C. CLARK	965 Tansy Dr.	8735	J.C. Clark
H. Reid	1108 Jeanette Ave	9059	H. Reid
S. Salzberg	1108 Jeanette Ave	9059	Sigra Salzberg
Jeff Warr	185 MALISPINA DR	325-0262	Jeff Warr
LIZ GIOCEA	880 CLAREDAW RD	247-8805	Liz Giocea
Tom Purser	1550 PETERSON RD	247 2057	Tom Purser
Tom Collinson	171 Rosillos Blvd	8204	Tom Collinson
Melanie Eccles	925 Carmen Cres	250 740 0839	Melanie Eccles
Jacinto Eastick	1585 Perry Rd	8107	Jacinto Eastick

CANVASSER:..... DATE:.....

Comments on LTC Agenda March 14/11 Item 4.1.5.i  
 Updated Multi-dwelling Affordable Housing and Density Bank OCP Sections  
 Gisele Rudischer

The last part of Section 2.4 Background doesn't make any sense. Who the affordable housing was meant to include "*for Special Needs, Seniors and other Multi-household developments*" has been removed and not properly replaced. The way it reads now "*For the purpose of this Plan special needs residents living with physical and/or mental disabilities*" followed by two bullets: "*Seniors 60 years of age or older*" and "*low income families*" suggests that seniors and low income families are subsets of Special Needs.

I think there is the need for a statement such as "*For the purposes of this Plan, this section applies to*" followed by three bullets: "*Special needs residents living with physical and/or mental disabilities, seniors 60 years of age or older*" and "*low income families*".

Section 2.4 e) iii) "the average size of a dwelling unit shall be not greater than 83 square metres (900 sq. ft.)."

If all the Multi-dwelling developments are intended to be affordable, as defined (30% of 60% of Gabriola's median income) or in other words at a cost of \$550 a month or less, why allow an average size of 900 sq. ft. How realistic is it that units larger than 900 sq. ft. can be built and rented for \$550 a month or less?

I think the creation of smaller units for single occupation should be encouraged. With a 900 sq. ft average size, for every unit that is 500-600 sq. ft. there could be units that are 1200-1300 sq. ft. This doesn't make a lot of sense. I would respectfully recommend that the average unit size be lowered to 700 sq. ft.

Sec. 2.4 e) iv) "the site shall be within .05 kilometres of the Village Core bounded by North Rd. and Lockinvar Rds. Or a 2 kilometre walking distance from the Village Core, and shall provide pedestrian and cycling pathways to the village and ferry services along public access routes only."

I would recommend that the words "along public access routes only" should be moved to say "Or a 2 kilometre walking distance from the Village Core, **along public access routes only** and shall provide pedestrian and cycling pathways to the village and ferry services."

The way it is written now suggests that the pedestrian and cycling pathways provided by the developer must be along public access routes only. I don't believe that is what is intended.

Sec. 2.4. g) "*in addition to 2.4.f a housing agreement for Multi-dwelling Affordable Housing for seniors **only** shall: i) specify that at least one individual who has attained 60*

*years of age shall reside in each dwelling unit” and “ ii) specify that not more than two individuals may reside in each dwelling unit”*

Does this mean that housing agreements for Multi-dwelling Affordable Housing developments that are not only for seniors, but also for special needs or low income families would not be required to comply with these requirements? Would they only apply to developments that are totally comprised of senior’s units? How will the special seniors conditions be required in developments with a mix of seniors, special needs and low income?

2.4 i) *“The Density Bank in this Plan **shall** be amended from time to time such that any unused residential densities extinguished due to rezoning for parks **should** be added to the Density Bank for use as Multi-dwelling Affordable Housing.”*

Why use the word “should? It should read *“this Plan **shall** be amended from time to time such that any unused residential densities extinguished due to rezoning for parks **shall** be added to the Density Bank for use as Multi-dwelling Affordable Housing”*.

Sec. 2.4 n) bullet two *“Local service clubs, non-profit organizations and others that may provide affordable housing are encouraged to develop projects in keeping with the policies in this Plan.”*

This suggests that the policies in this Plan are optional and that projects which are not in keeping with the Plan may be accepted. It might be better to add the word “only” in the policy to read *“Local service clubs, non-profit organizations and others that may provide affordable housing are encouraged to develop **only** projects in keeping with the policies in this Plan”*.

## 2.5 Guidelines for Residential Density Banking

4. *“All land that receives density from the density bank shall be rezoned to permit the added density as determined by the LTC and that density shall not the density of the parent parcel plus the density granted from the density bank.”*

5. *“Parcels that have had density allocated to or from the density bank shall be noted in both text and maps or regulatory bylaws.*

It’s clear that parcels that are receiving density must be rezoned, but not clear that parcels that are donating density must be rezoned. Is saying *“they shall be noted in both text and maps of regulatory bylaws”* the same as saying *“shall be rezoned”*? Would donor parcels need to be rezoned as well as receiving parcels?

Comments on Agenda March 14, 2011- OCP draft  
Gisele Rudischer

I think one of the dates on the first page of OCP with changes is wrong. Shouldn't it say that the blue denotes changes made at the special meeting on February 18, not January?

#### Section 2.6 "*Single-dwelling Affordable Housing*"

The term "single-family" is being changed to "single-dwelling" The term "single-family" is used throughout the LUB.

The definitions in the LUB that relate to dwellings are:

- dwelling unit "*one or more rooms in a building designed occupied or intended for human habitation, containing one set of cooking facilities and/or the infrastructure designed, used or intended to be used for the preparation and cooking food and used as a residence by a single family*"
- dwelling-single family "*means a detached building consisting of one dwelling unit*"
- dwelling-multi family "*means a building consisting of two or more dwelling units with common or individual cooking facilities*".

Proposed definitions in the OCP are:

- single dwelling unit "*means one residential dwelling unit on a parcel*

This definition doesn't define what a single dwelling unit is; it just tells us that only one is allowed per parcel. Without a definition for dwelling unit like we have in the LUB that limits a unit to one set of cooking facilities or something similar, this is meaningless.

I respectfully request that you consider adding such a definition, otherwise a single-dwelling unit could have any number of cooking facilities and still comply with the proposed definition. If you don't want to use the word family the wording at the end of the LUB definition could be changed to "*household*" as in "*and used as a residence by a single household*".

If the OCP use of the term single dwelling unit includes the word residential, shouldn't the definition mirror that? The alternative would be to remove the word residential where it appears in the OCP in relation to single dwelling units; one or the other.

If multi-dwelling is defined as two or more dwelling units as is proposed, does that mean that secondary suites could be considered if they complied with the affordability requirements and could find someone to hold a housing agreement? If so, I would strongly recommend that the OCP definition vary from the current LUB definition and define multi-dwelling as three or more units and that the LUB definition be changed to three or more units.

I would speak against removing the definition of senior "*means a person 60 years of age or older*" if changes are not made to proposed Section 2.4 Multi-dwelling Affordable

Housing Policy j) the conditions of which would only apply to development that are entirely for seniors and not to those that are mixed, seniors, special needs and/or low income families. This definition would support the age restriction that would be lost in mixed developments should this proposed policy not be changed.

### 5.3 Agriculture

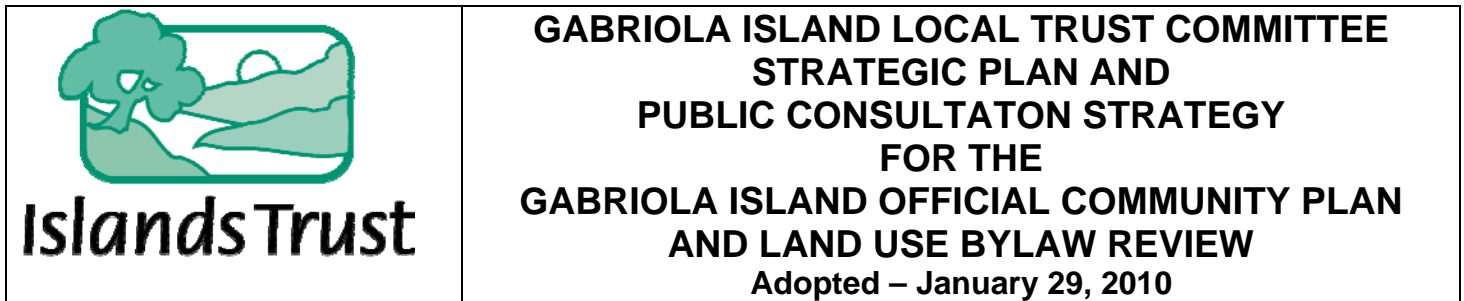
Agricultural Objectives 3. *“To recognize the importance of locally grown food and to encourage involvement in community agriculture this Plan supports a range of agriculturally related and institutional uses on Lot 1, Section 19, Gabriola Island Nanaimo District and Plan 27281 (locally known as the Gabriola Commons).”*

I’m not sure I understand why these additions are necessary. If they are necessary, why weren’t they made when the rezoning occurred? It seems like the wrong order of things to put them in after-the-fact.

Why are institutional uses mentioned in as an agricultural objective? The institutional uses allowed are not all related to agriculture.

Section 0.3 DP 8 Objective *“To ensure that the scale and character of any new development and alteration of the existing development is undertaken in a manner which is in keeping with the rural character of the island.”* I don’t agree with the comment that the words *“and from the perspective of climate change adaptation and greenhouse gas emissions reductions”* be removed. If Multi-family already has a requirement that the development demonstrate the lowest possible net water, waste and energy use, why not mention climate change here?

Development Guideline 12 *“Where possible water conservation measures and energy efficient building siting and design shall be provided”*. The language here is not very strong and doesn’t seem to support Multi-dwelling Affordable Housing policy k) which states *“Affordable Multi-dwelling affordable housing applications must demonstrate the lowest possible net water, waste and energy use”*.



## GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW REVIEW

### A: STRATEGIC PLAN

#### 1) STATEMENT OF NEED

Given that:

- Official Community Plans are generally intended to have a 5 to 10 year lifespan and the existing Official Community Plan (1997) and Land Use Bylaw (1999) are both over 10 years old;
- economic, social, and demographic changes have occurred on Gabriola Island in the last ten years;
- new approaches have emerged that focus on sustainability, green infrastructure, climate change and increased awareness of our ecological footprint;

It is time to review this foundational planning document and revisit the objectives and policies of the plan in the best interests of the Gabriola Local Trust Committee and of the community.

#### 2) MISSION

To produce the highest quality Official Community Plan and Land Use Bylaw for Gabriola Island and the two smaller islands, Breakwater and Entrance as well as the Flat Top Islands, and to ensure the meaningful and relevant participation of the community, to support the focused energy of the Volunteer Review Committee (VRC) in a cost effective and timely manner.

#### 3) GOAL

To meet legislated requirements of the Local Government Act regarding an Official Community Plan; and to ensure that the Official Community Plan and Land Use Bylaw are fully aligned and work well together with no inconsistencies; and to provide clarity for the community and for the Gabriola Local Trust Committee in making well-informed land use decisions.

#### **4) OBJECTIVES**

This is a targeted and focused review that affirms the community values of the existing Official Community Plan, acknowledges what is working well, identifies gaps and inconsistencies, incorporates thoughtful and relevant community input and newly emerging issues. To this end we will review and put forward an Official Community Plan and Land Use Bylaw that meets the following objectives:

- 4.1 Upholds and strengthens the “preserve and protect” mandate;
- 4.2 Reflects the community’s values within a framework of environmental, social economic and cultural sustainability;
- 4.3 Provides an effective communication tool that promotes stewardship of island resources;
- 4.4 Incorporates new legislation and regulations as required (Greenhouse Gas Emissions (GHG) and Riparian Area Regulations (RAR), etc);
- 4.5 Remains aligned with the Trust Policy Statement and “high level” parts of the Trust Council Strategic Plan;
- 4.6 Has been successfully formatted for consistency and revised for punctuation, grammar and spelling;
- 4.7 Has fully aligned the Official Community Plan policy and objectives with the Land Use Bylaw regulations;
- 4.8 Has been completed in a cost effective and timely manner;
- 4.9 Measures and evaluates the process to determine that the community felt that it was heard and had the opportunity to participate in a meaningful and relevant way.

#### **5) ACTIVITIES**

The activities required for the Official Community Plan review will generally follow the Time Line prepared by Islands Trust Staff that outlines the steps for research, consultation, analysis and approval necessary to complete a successful Official Community Plan and Land Use Bylaw Review. The Time Line will be reviewed by the Gabriola Local Trust Committee on a regular basis and feedback will be provided as required.

#### **6) MEASUREMENT TOOLS**

The success of the Official Community Plan and Land Use Bylaw Review will be measured through follow up consultation with the Volunteer Review Committee and the community in order for the Gabriola Local Trust Committee to answer the following questions:

- 6.1 Does the plan uphold the legislated “preserve and protect” mandate?
- 6.2 Does the plan reflect the community’s values?
- 6.3 Does the plan promote the stewardship of the islands resources?
- 6.4 Does the plan incorporate the required legislation and regulation?
- 6.5 Does the plan align with the Islands Trust Policy Statement and Islands Trust Council Strategic Plan?
- 6.6 Is the document formatted so that is easy to read and consistent throughout?
- 6.7 Was the plan completed in a cost effective and timely manner?
- 6.8 Was the community engaged appropriately and meaningfully in the process?

## **7) TIMING**

It is the goal to have the document ready for public hearing in the spring of 2011 and to submit to the Minister and adopted prior to fall 2011.

## **B: PUBLIC CONSULTATION STRATEGY**

### **1) PURPOSE OF CONSULTATION**

The purpose of a public consultation strategy is to undertake the best methods for gaining public involvement, engaging the community and gathering the maximum amount of information for the preparation of policy for the Official Community Plan.

A variety of public consultation methods will be used to ensure that a means of participating in the review will be available to all interests. Community consultation will be initiated early in the process and on-going consultation will be practiced throughout the process.

As per Section 879 Local Government Act, the Local Trust Committee has wide latitude to determine consultation methods that will be used, but it must provide one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities it considers will be affected in the development of an official community plan. Consultation under this section of the Act is in addition to the public hearing required under section 883 (3) (d).

### **2) CONSULTATION METHODS**


- 2.1 Volunteer Review Committee: appointed to assist with the review of the Official Community Plan and Land Use Bylaw. The purpose of the committee is to provide community input, to review the Official Community Plan and Land Use Bylaw and to make recommendations to the Local Trust Committee;
- 2.2 Community newspapers: press releases, articles, interviews, ad placements, inserts;
- 2.3 Community Survey: widely distributed, including to non-resident owners;
- 2.4 Request for verbal and written submissions from individuals and group;
- 2.5 Community events: opportunities at other community venues & events to display Official Community Plan materials and provide information, comment sheets;
- 2.6 Public Meetings: community workshops, design charettes, open houses;
- 2.7 Co-hort Meetings: youth, seniors, teenagers;
- 2.8 Community Information Sessions: displays, comment sheets, information, opportunities for communication between community members and trustees;
- 2.9 Website: regular updates, maps, background reports, meeting notices;
- 2.10 Agency consultation and referrals: a) as required by the Local Government Act – First Nations, Regional District; Municipal Councils, School District; Provincial and Federal governments; b) community agencies such as the local Fire Department, BC Ferries, RCMP;

2.11 The Protocol Agreement between the Islands Trust and the Snuneymuxw First Nation includes provisions for consultation and information exchange on the development of community plans, zoning and land use by-laws

### **3) PRINCIPLES OF CONSULTATION**

- Inclusivity
- Transparency
- Fairness
- Timeliness
- Accessibility

The principles of consultation will be applied to all manner of meetings, information, communication, resources, materials, and community participation during the Official Community Plan and Land Use Bylaw Review.

 <p><b>Islands Trust</b></p>	<p style="text-align: center;"><b>TERMS OF REFERENCE: PROJECT SCOPE AND OBJECTIVES FOR THE GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN AND LAND USE BYLAW REVIEW October 21, 2010</b></p>
---	---

**Preamble:**

- In light of the Gabriola Island Local Trust Committee (LTC) Strategic Plan and Public Consultation Strategy;
- With the intention that this is a targeted review and that many aspects of the Official Community Plan (OCP) remain true & relevant;
- Considered achievable given the limits of resources, budgets and time; and,
- In recognition that several of the following items are in progress (iterative & sequential)

**Project Scope:**

The following guidelines shall determine the scope of the Review:

1. The review will be completed in two Phases, over two terms;
2. Completion of mapping and incorporation into the OCP;
3. Compliance with Riparian Area Regulations;
4. Recognize the roles and interests of First Nations;
5. Separate OCP drafting from Land Use Bylaw (LUB) drafting in timeline (as per GB-009-2010) with the understanding that the draftings will occur in two phases (as per GB-212-2010), some of which will extend into the next term;
6. Proceed with work on the LUB to align with OCP amendments with the understanding that OCP amendments will occur in two parts (as per GB-212-2010), some of which will extend into the next term;
7. Review comprehensive list of proposed OCP policy revisions prepared by staff based on LTC endorsed principles and provide direction to staff to draft amending bylaws;
8. Caution that OCP amendment applications may not be processed during the course of the Review ;
9. Any proposed amendments will be compatible with the objectives and policies to address Greenhouse Gas emission reductions; and,
10. Existing density provisions and build-out for the planning area shall not be increased.

**Specific Objectives:**

The following actions shall guide the process of the targeted review. The LTC may:

11. Confirm elements of the Community Context, Plan Principles and Major Goals (OCP 1.1 and 1.2) which have been identified and supported by the community;
12. Determine inclusion of a vision statement within the OCP;

13. Commission further research and topic papers as required (as per GB-009-2010);

14. Consider amendments, revisions, and/or additions to objectives, policies and regulations to the following areas of focus:

#### Phase One Tasks Resulting from Scoping

- Cycle path and bus policies
- Affordable housing update- existing OCP section 2.4 to consider multi-family affordable housing only, outlining considerations for rezoning
- Density transfer/ banking for affordable housing
- Rezoning new RDN parks and ITF nature reserve
- SFN Cultural references
- Hazardous areas and steep slopes
- Technical review- housekeeping and implementation
- Riparian Area Regulations

#### Phase Two Issues

- Affordable Housing, including density transfer/clustering development
- Watershed and groundwater protection
- Protection and enhancement of agriculture and food security
- Renewable energy
- Protection of sensitive lands and ecosystems
- Economic activities (Tourist Commercial, Village core, Silva Bay plan and Twin Beaches plan)
- Land Transportation (Zero Emissions Vehicles)

15. Determine new or revised Development Permit Areas to reflect findings from the Review Hazard Land and Steep Slope Assessment (as per LTC Resolution & funding); and,

16. Consider organizational & structural changes to the Plan;

#### **General Principles:**

17. Recommendations are not binding on the LTC. By law, the LTC maintains unfettered discretion to amend bylaws and considers advisory recommendations, community viewpoints, along with technical advice from staff and other agencies;

18. Any changes during the course of the project review would necessarily entail a change to the scope of the project resulting in changes to timelines, costs or both;

19. An OCP is a broad policy document intended to guide future LTC decision-making and which is implemented by other tools, principally zoning;

20. In relation to advocacy policies, an OCP may only state the broad objectives of the community with respect to any matters beyond the jurisdiction of the local trust committee to implement;
21. The OCP adopted within the Trust Area must not be contrary to or at variance with the Islands Trust Policy Statement or the Islands Trust Act; and,
22. Although the policies in an OCP are legally binding on the LTC in the sense that a bylaw that is contrary to an OCP policy cannot be subsequently adopted, there is no compulsion on an LTC to implement particular policies in an OCP.

**DRAFT list of OCP Topic Areas, as discussed and amended at the Gabriola Island Local Trust Committee special meeting of February 18, 2011**

1. HOUSING

(An official community plan must consider housing policies respecting affordable housing, rental housing and special needs housing).

a. **Affordable Housing**

1. Secondary Suites (January 29, 2010 LTC direction – staff research)
2. Homelessness
3. Accessory buildings (including “toilets in”, Staff Report January 29, 2010, and floor area measurements, staff report Feb 29/08)
4. Multi-family

Resources: Needs Assessment Study, Housing Task Force Report, Trust Council Toolkit

b. **Assisted Housing**

1. Seniors & Special Needs

Tasks: Review DP8 policies –Form and Character of Multi Family Residential Development, Special Needs and Seniors Multi Family Housing

c. **Foot print**

1. Footprint analysis (January 29, 2010 LTC direction – staff research)
2. Size of houses
3. Dark sky/lighting levels (June 19/09 & Feb 29/08 staff reports)
4. Developable Areas on lots, shadowing on adjacent lots, setbacks (June 19/09 & Feb 29/08 staff reports)

Task: Consider new DPA for GHG, Energy and Water Conservation

2. DENSITY

(an OCP must include statement & map designations respecting the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years)

a. **Density Transfer**

1. Consider density transfer for affordable housing, and clustering to reduce GHGs (January 29, 2010 LTC direction for research – currently under review by staff)
2. review existing density transfer provisions

b. **Concentrating/Clustering Development**, to reduce GHG emissions, and/or to facilitate affordable housing (January 29, 2010 LTC direction for staff report on VIHA view of, and, January 29, 2010 LTC direction for staff report on mapping to reveal areas to concentrate development, areas to downzone)

1. Tasks: Update the Build Out report (January 29, 2010 LTC direction – staff report)
2. Definitions (January 29, LTC 2010 direction – staff preparing report)

- c. **Hazardous Areas and Steep Slopes (Development Permit Area DP6;** GILTC Top Priority List and hiring consultant authorized at April 15, 2010 LTC Meeting)
  
- 3. WATER and SEPTIC
  - a. **Community water and sewer systems** (January 29, 2010 LTC direction – staff report)
  - b. **Rainwater collection** – Mandatory, incentives
  - c. **Septic fields and alternatives**
  - d. **Water conservation** - Green infrastructure
  - e. **Watershed and groundwater protection** - Increased sustainability and quality of freshwater supply (resource: RDN DWWP Program). Overlap with RAR.
  - f. **Small lot manure management** (Added February 18, 2011 LTC direction)  
Tasks: Consider DPA for water conservation, for watershed & groundwater protection. Ground water study
  
- 4. AGRICULTURE  
(an OCP may include policies respecting the maintenance & enhancement of farming)
  - a. **Protection and enhancement of agricultural lands**
  - b. **Food security**– (reducing greenhouse gas emissions by growing and buying local food)
  
- 5. ALTERNATIVE ENERGY
  - a. **Renewable energy policies** (Siting and height for wind turbines, biofuels)
  - b. **Community energy plan** (define)  
Resource: housekeeping staff report Feb 29/08 page 10, wording from draft Commons bylaws
  
- 6. LAND TRANSPORTATION
  - a. **Zero Emissions Vehicles** (GILTC Top Priority List), including speed limits
  - b. **Cycle route** (GILTC Top Priority List) (Sharing Our Roads Report)
  - c. **Public Transit** (bus route prepared by Ad Hoc Transportation Committee)
  
- 7. ENVIRONMENTAL  
(An OCP may include policies relating to the preservation, protection, restoration, and enhancement of the natural environments, its ecosystems and biological diversity)
  - a. **Protection of sensitive and significant lands and ecosystems;** Sensitive eco system mapping – incorporate the new mapping and information
  - b. **Stewardship of coastal areas and marine shoreline & eco systems**  
Tasks: Review DPA policies – The Tunnel, Locke Bay Area, Hoggan Lake Area, Flat Top Islands Area, Gabriola Pass Area; Protect Eagle Trees (GILTC Top Priority List) - consider DPA
  - c. **Protection of archaeological sites;** (GILTC Top Priority List)

## 8. ECONOMIC ACTIVITIES

- a. **Tourist Commercial** (e.g. Haven) – TC Build-out, and unit size
  1. floor area ratio and lot coverage values (staff report Feb 29/08)
- b. **Village core plan**
  1. employee/affordable housing in VC zone
  2. review DP7: Form and Character of Commercial Development
- c. **Silva Bay plan** – consider new DP form and character guidelines
- d. **Twin Beaches mall** – consider new DP form and character guidelines (GILTC Top Priority List)
- e. **Light Industrial** - Review DP9 policies – Form and Character of Industrial Development, Light Industrial Use

## 9. PARKS AND OUTDOOR RECREATION

- a. **Trail linkages** and beach access – update OCP Figure 2, proposed Trail Connections (resource: GaLTT is working to increase linkages for walking and cycling – coordinate with the Cycle Plan)
- b. **Youth recreation** (e.g. skateboard park)
- c. **Density Transfer** for parkland (link to 2a)
- d. **Protected Area Network** (link to Environmental)
- e. **Regional Conservation Plan** – Trust Fund Board
  1. Optimum amount of park land
- f. **Horticulture use in Community Parks** (added February 18, 2011 LTC direction)  
Task: RDN Park rezoning

### ***Items for OCP Review process but not necessarily “issues” for the OCP Topic List:***

#### 10. Communication Towers

- a. Policies and restrictions – advocacy – build in the new checklist and policies into the OCP (GILTC Top Priority List)

#### 11. Green Wharf

- a. Advocacy and retention of the wharf (GILTC Top Priority List)

#### 12. Culture/Institutional

- a. Camp Miriam – definition of recreation camp (GILTC Top Priority List)
- b. Health Clinic

#### 13. bylaw amendments identified in Feb 29/08 staff report, page 6-11

#### 14. Community Composting site and yard waste

#### 15. Garbage Collection in Parks

#### 16. Emergency Access

- Church Street
- Community Wildfire Plan

***Already Included in the Project Scope (if adopted)***

17. First Nations
  - a. Cultural references
  - b. Snuneymuxw First Nation Protocol Agreement Implementation (GILTC Top Priority List)
  - c. Policies about inclusion and harmonization (GILTC initiative)
18. Riparian Area Regulations
  - a. Mapping and policies to protect and meet Provincial Guidelines (staff research)
19. Climate Change
  - a. Targets and policies – ensure that the other policies in the OCP conform to the May 2010 OCP amendment for Greenhouse Gas Emissions.
20. Development Permit Areas (these are already embedded within each topic area – e.g. housing, environment)
  - a. Hazardous Areas and Steep Slopes (GILTC Top Priority List and hiring consultant authorized at April 15, 2010 LTC Meeting)
  - b. Village Core
  - c. Twin Beaches (new)
  - d. Eagle Trees (GILTC Top Priority List)
  - e. Review DPA policies – The Tunnel, Locke Bay Area, Hoggan Lake Area, Flat Top Islands Area, Gabriola Pass Area, Form and Character of Commercial, Industrial and Multi Family Residential Development, Special Needs and Seniors Multi Family Housing, Light Industrial Use
  - f. DPA for GHG, Energy and Water Conservation
21. Implementation
  - a. Legislative review –staff work in progress
  - b. Formatting –modifications to tie the goals to the policies and to make the document more user-friendly
  - c. Mapping (January 29, LTC 2010 direction – staff are currently updating and aligning all mapping for Gabriola)
  - d. Soil removal bylaw (GILTC Top Priority List)
  - e. Islands Trust Policy Statement Review (by staff) – identify directive statements missing from Gabriola OCP.
22. Covenants restricting further subdivision (GILTC Top Priority List)
23. ALR Policy re subdivision for a relative - Section 946 (GILTC Top Priority List)

***Other advocacy/partnership projects outside OCP:***

- Heritage/scenic roads (currently in the OCP, MOTI has no definition or distinction for these roads – determine how OCP should deal with them)
- Section 42 roads – how to get them designated properly (Wharf Road and sections of North Road in particular)
- Policies of, and Memorandum of Understanding, with Ministry of Transportation regarding maintenance of roads, emergency access, rights of way, and traffic safety at Ferry Terminal and in Village Core.

For reference, this version is dated March 7, 2011 for the Gabriola LTC special meeting of March 14, 2011 [Please Note: Comments in green denote proposed changes to the 1997 OCP (presented and made during the special LTC meeting of January 18, 2011), while those in blue denote proposed changes made as a result of discussion at the January 18, 2011 special meeting]

**Comment:** Feb 18: resolution to move forward; resolution for March special meeting (ask DF and SM when available in two weeks- we will have the bylaw ready for them from today's meeting; this means no ocp stuff on feb 24 agenda; the special meeting will be held and in turn the finalized bylaw will go to March 24 for first reading; the cim would be set for April (have the resolution for this at the SM or the LTC mtg but the SM gives us more time), at the March 24 also have the bylaw referred to the public hearing (in May). Do up the time line based on this.



# Review of the Gabriola Island Official Community Plan

**Comment:** Jacquie, do we need to note the following in an amendment bylaw or can we just do it without it being noted in an amending bylaw: Updating the names of acts...like LGA from Municipal Act...can we just do it, or can we just say all references of MA are now LGA;

Jacquie, can you please update the bylaw so that all of the legislation referenced is correct and the ministry names too.

Thanks!

## Bylaw No. 166, 1997

### CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy of the Bylaw is consolidated for convenience only and is not to be construed as a legal document, and includes the following amendments that have occurred since original adoption in 1997:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
<u>Bylaw No. 166</u>	<u>Existing Official Community Plan</u> <u>(replaced OCP from 1978)</u>	<u>April 23, 1998</u>
Bylaw No. 170	Amendment No. 1, 1998	November 26, 1998
Bylaw No. 172	Amendment No. 2, 1998	April 8, 1999
Bylaw No. 179	Amendment No. 1, 1999	November 22, 1999
Bylaw No. 198	Amendment No. 2, 2001	September 26, 2002

Bylaw No. 204	Amendment No. 1, 2002	January 16, 2003
Bylaw No. 214	Amendment No. 1, 2003	December 11, 2003
Bylaw No. 223	Amendment No. 1, 2003	June 21, 2004
Bylaw No. 235	Amendment No. 1, 2005	August 19, 2005
Bylaw No. 232	Amendment No. 2, 2004	December 14, 2005
Bylaw No. 231	Amendment No. 1, 2004	March 16, 2005
Bylaw No. 237	Amendment No. 2, 2005	March 16, 2005
Bylaw No. 240	Amendment No. 4, 2005	March 16, 2006
Bylaw No. 249	Amendment No. 1, 2008	January 15, 2009
Bylaw No. 253	Amendment No. 1, 2010	August 19, 2010

**Note: This document contains proposed changes to the existing OCP.**

**Changes proposed that are not specifically identified include:**

- **Updating legislation to current names (e.g. *Municipal Act* to *Local Government Act*);**
- **Punctuation, grammar and spelling that do not change the meaning of phrases.**

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 166**

-----  
**A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR PART OF THE  
GABRIOLA ISLAND LOCAL TRUST COMMITTEE AREA**  
-----

1. The Community Plan attached to and forming part of this Bylaw as Schedules "A", "B", and "C" is adopted as the Official Community Plan for Gabriola Island, Lily Island, Carlos Island, Vance Island, Gaviola Island, Acorn Island, Tugboat Island, Sear Island, Bath Island, Saturnina Island, Breakwater Island and all other named and unnamed islands and islets within that part of the Gabriola Island Local Trust Area as shown on Figure 1 of Schedule "A".
2. The Schedules comprising this Bylaw are as follows:  
  
SCHEDULE A - POLICY DOCUMENT  
SCHEDULE B - LAND USE DESIGNATIONS  
SCHEDULE C - DEVELOPMENT PERMIT AREAS

SEVERABILITY

If any section, subsection, sentence, clause, phrase, plan, map, diagram, table, schedule, or other graphic material or any part thereof of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

READINGS

READ A FIRST TIME THIS DAY OF ,  
READ A FIRST TIME AS AMENDED THIS DAY OF  
PUBLIC HEARING HELD THIS DAY OF  
READ A SECOND TIME THIS DAY OF  
READ A SECOND TIME AS AMENDED THIS DAY OF  
READ A THIRD TIME THIS DAY OF  
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF  
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT DAY OF  
ADOPTED THIS DAY OF

Robyn Addison  
**SECRETARY**

David Essig  
**CHAIRPERSON**



# Gabriola Island Official Community Plan

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**Comment:** Table of Contents updates and corrects.

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## Schedule A – Preface

This document referred to as the Gabriola Island Official Community Plan (Plan or OCP) has application with respect to Gabriola Island; two lesser islands – Breakwater and Entrance Island, and the group of nine smaller islets known as the Flat Top Islands. Throughout this document this area shall be referred to as the Gabriola Planning Area, the planning area, or simply as Gabriola. Figure 1 shows the Gabriola Planning area boundary.

**Comment:** Ensure Plan area is correctly referenced, and that it is capitalized.

**Deleted:** or simply

The Official Community Plan offers a vision of the future community on Gabriola Island. The Plan sets out the community's goals, objectives and policies regarding land-use, future development as well as social and environmental considerations applicable in the planning area. The purpose of the Plan is to provide direction to government agencies, businesses, land owners and residents concerning future land use and the provision of services.

**Comment:** Ensure MOTH is MOTI, and referenced, named correctly.

## Legislative Authority

Once adopted by bylaw, this Plan becomes an Official Community Plan which thereafter restricts the Gabriola Island Local Trust Committee (“the Trust Committee”) to enact only those bylaws and undertake only that work which is consistent with the Official Community Plan.

*Note: Persons wishing more specific details as to the requirements of a community plan and the items it is permitted to cover should refer to the appropriate sections of the Local Government Act itself.*

## Map Schedules

The Plan contains the following map schedules which form an integral part of the bylaw:

- I. Schedule B – the Plan Map contains the land use designations
- II. Schedule C – the Development Permit Areas shows the location of development permit areas.
- III. Schedule D - the Public Transit Route is a placeholder for a future Gabriola Island transit route.

## Amendment Procedure

This Bylaw may be amended by the Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Trust Committee that addresses fees and procedures. All amendments to this Plan shall be in keeping with the goals and objectives of this Plan.

## Interpretation

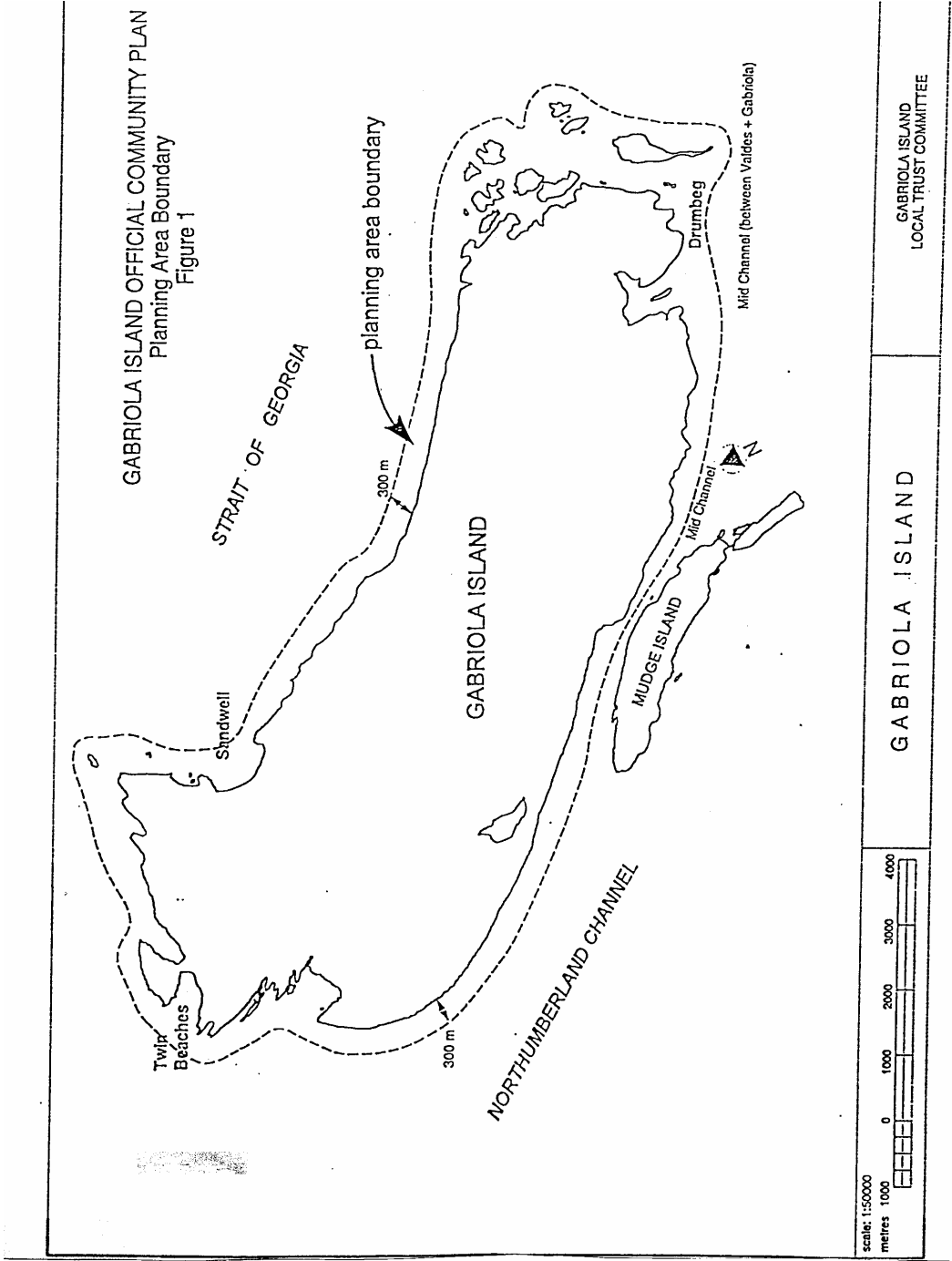
The final interpretation as to the precise location of boundaries of any designation or symbol contained in the map schedules, shall be legally defined by the appropriate land use bylaws enacted over time by the Trust Committee or by site survey, as required.

The exact location and extent of environmental symbols and boundaries in this Plan will be determined through more detailed studies, policy decisions or land use bylaw amendments. The precise boundaries of the land use designations are shown on Schedule B and the precise boundaries of development permit area designations are shown on Schedule C.

In interpreting the objectives and policies of the Plan, the term “shall” is used to denote that the indicated measure “must” be taken or applied. The term “should” or “may” indicates that the suggestion is intended as a guideline to apply or implement by the authority having jurisdiction.

Appendix 1 to this Plan provides a set of definitions which apply to the interpretation of this Plan.

**Figure 1 Gabriola Island Planning Area Boundaries**



**Comment:** Map to be updated, time permitting.

**Comment:** March 7: Staff have put in a request with IT mapping. Will bring copies to March 14 meeting if available

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

GABRIOLA ISLAND

Scale: 1:50000  
metres 1000 0 1000 2000 3000 4000

## Section 1 – Introduction and Community Goals

### 1.1 Community Context

Gabriola is part of the traditional territory of the Snuneymuxw First Nation. These Coast Salish people have lived on Gabriola for over 3,000 years and have left more than 100 archeological sites including shell middens, petroglyphs and burial sites. Today the Snuneymuxw First Nation has two reserves on Degnen Bay. Through a signed Protocol Agreement, Snuneymuxw and the Islands Trust have established a government-to-government relationship of mutual respect and cooperation with respect to planning, land use management and heritage conservation in the areas within the authority of the Committee. This relationship fosters a common vision of environmental integrity, community stability and well-being for all residents of the area.

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**Deleted:** seasonal camps

**Deleted:** Nanaimo Indian Band

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**Deleted:** – a one acre parcel at Indian Point and a small island in Degnen Bay, which was used as a burial site.

Spanish explorers were the first Europeans to visit Gabriola. In 1791, Captain Narvaez visited the east end of the island and named it “Punta de Gaviola” or Seagull Point. Captains Galiano and Valdes anchored in Descanso Bay in 1792. The first European settlers arrived in the mid-1800s and were primarily homesteaders, loggers and fishers. Two island industries developed – the sandstone quarry at the north end which cut millstones for the pulp mills on the coast and the brickyard which made and exported bricks to Vancouver Island and the mainland. In the early to mid-1900s, Gabriola served as an important exporter of produce to Vancouver Island and the lower mainland.

During the 1920’s, small lot subdivision activity for cottage sites began on Gabriola. Uncontrolled land subdivision continued until 1969 when the Provincial Government imposed a “10 acre minimum parcel size” on any island in the Strait of Georgia. In 1974, the *Islands Trust Act* was enacted and in 1977 gave control over land use decisions to locally-elected Island Trustees with the mandate to “preserve and protect” the Trust area.

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**Deleted:** as people from Vancouver wanted land for cottage sites

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Since the inception of the Islands Trust, the following individuals have served as Local Trustees for Gabriola:

1974 to 1976	Bruce Adkins and Kathleen Hiley
1976 to 1978	Terry Hanna and James Tyhurst
1978 to 1980	Nelder Boulton and James Tyhurst
1980 to 1982	Nelder Boulton and James Tyhurst
1982 to 1984	Russell Bates and Graham Sheehan
1984 to 1986	Russell Bates and Graham Sheehan
1986 to 1988	Russell Bates and Susan Yates
1988 to 1990	Jack Sickavish and Susan Yates
1990 to 1993	Joan Best and Jack Sickavish
1993 to 1996	Julian Guntensperger and Susan Yates
1996 to 1999	Gail Lund and Gisele Rudischer
1999 to 2002	Gail Lund and Gisele Rudischer
2002 to 2005	Gisele Rudischer and Sheila Malcolmson
2005 to 2008	Gisele Rudischer and Sheila Malcolmson
<u>2008 to 2011</u>	<u>Sheila Malcolmson and Deborah Ferens</u>

The Gabriola community is made up of people of diverse ages, incomes, educational background and national origin. Many creative people have made their home here, and arts and artists are an important part of life on Gabriola Island. The natural resources of the area support a rural lifestyle and livelihood.

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A landscape of forests and fields, sheltered bays and remarkable shorelines shapes the beauty and appeal of the Gabriola Planning Area. The area provides habitat for an exceptional variety of species – migratory and resident birds, diverse marine and intertidal life, terrestrial wildlife and vegetation.

The distinctive natural setting of the area has drawn generations of people to its shores, providing shelter and sustenance, and its unique appeal will endure long into the future.

Deleted: Since less than one percent of the land-base is in public park use, Gabriola will work with the Regional District of Nanaimo and the Provincial and Federal Governments to provide more land for public recreation and to protect our natural environment. The Provincial Government will be requested to provide protection for our forests and wildlife and the waters surrounding Gabriola.

This Plan has been prepared within the following context:

- Almost ten percent of the Gabriola Planning Area is in Public Park and protected area.
- Gabriola has a fragile island ecosystem which needs to be protected; as such, it is necessary to limit further development.
- The Village Centre is the social and business core of the Gabriola community.
- Art and artists are an important part of life on Gabriola.
- Coastal areas are particularly vulnerable to the effects of climate change.

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Comment: Feb 18: remove all formatting comment boxes.

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## 1.2 Vision Statement: For the Future

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.

## 1.3 Plan Principle and Major Goals

The fundamental principle of this Plan is to fulfill the aspirations of the Gabriola Island community within the purpose of the Islands Trust referred to in the *Islands Trust Act* as its "Object": "To preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in co-operation with municipalities, regional districts, improvement districts, other persons and organizations, and the government of the Province".

The goals of the 1978 Official Community Plan remain relevant and true for the Gabriola community.

### Environmental Goals

1. *To preserve the unique natural environment of land, water and air and the life it supports.*
2. *To preserve the natural beauty of the Gabriola Planning Area and recognize that areas of sensitivity or unique value require special protective measures.*
3. *To encourage the removal of existing sources of pollution and discourage activities or projects inside or outside the Gabriola Planning Area, which would reduce the health, quiet, natural and aesthetic values of the Area.*
4. *To encourage only the selective and careful use of renewable natural resources in ways consistent with the goals and policies of the Plan.*
5. *To recognize the provincial and national significance of the Plan Area.*

Comment: Note: changed 2010 to 2011.

One further environmental goal was added in 1997:

6. *To encourage good stewardship practices and the voluntary placement of land under protective covenants.*

And another in 2011:

7. To reduce greenhouse gas emissions, and prepare for the impacts of climate change.

**Social Goals**

1. ~~To preserve the rural character and atmosphere of the Gabriola Planning Area and ensure that community remain a viable, healthful place in which to live, providing for a variety of lifestyles in harmony with the natural environment.~~
2. ~~To ensure that access and opportunity, now and in the future, are provided for the public to enjoy and appreciate the Gabriola Planning Area in harmony with the natural environment and existing communities.~~
3. ~~To ensure that options for future generations to make land use decisions are not jeopardized.~~
4. ~~To encourage gradual and appropriate, rather than rapid, change and growth.~~
5. ~~To co-operate and communicate with other government agencies, other agencies and First Nations, and to involve the public in the decision-making process to fulfil these goals.~~

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- Deleted: Local Trust
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- Deleted: Local Trust

Two further social goals were added in 2011:

6. ~~To encourage local food systems, and community food security.~~
7. ~~To recognize that small, locally owned and home-based businesses contribute significantly to the character and sustainability of island life.~~

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**Section 2 – General Land Use and Residential Development**

**2.0 General Land Use**

The following policies and objectives are of general application within the Gabriola Island Planning Area.

**General Land Use Objectives**

1. ~~To support land uses that provide for a variety of lifestyles which are in keeping with Gabriola’s rural character;~~
2. ~~To promote the preservation of land that has social, environmental and cultural significance;~~
3. ~~To ensure development is undertaken in a manner which minimizes negative community and environmental impact; and~~
4. ~~To limit development to a level that is compatible with the Community Plan and the object of the Islands Trust.~~

**General Land Use Policies**

- a) The Plan supports the adoption of bylaws which provide for parcel area averaging provisions pursuant to the policies of this Plan, provided the following criteria are observed:
  - i) average parcel area shall be calculated by dividing the sum of the areas of the parcels proposed to be created by the number of such parcels, and parcels created for school sites shall be excluded from such calculations; and,
  - ii) In the case of a subdivision or strata plan approved on the basis of parcel area averaging, a covenant prohibiting further subdivision shall be registered against title to the property to prevent the use of parcel area averaging to achieve a greater density than would be possible under the applicable zoning regulations.
- b) A public park, a public utility use and a community care facility licensed group home (as regulated through the Community Care Facility Act) are permitted in any land use designation without requiring an amendment to this plan, subject to environmentally sensitive areas being protected.

- c) Home school use is permitted in any designation except for Gravel Pit, Industrial, and Marine designations.
- d) Where development incurs additional costs to local infrastructure, such costs shall be paid for by the developer.
- e) A parcel shall not be subdivided under Section 946 of the *Local Government Act* unless:
  - i. in the case of a parcel in the Primary Forestry zone, the remainder of the parent parcel equals or exceeds the minimum parcel size permitted in the zoning bylaw;
  - ii. In the case of all other parcels in the planning area, the parcel being subdivided is 80 ha. (197.6 ac) or larger; and
  - iii. the Section 946 parcel created is able to comply with the applicable parcel size requirements for approval of on-site sewage disposal.
- f) Applications for amendment to this OCP shall be required to include:
  - i. details concerning the potential environmental impacts of the proposed development;
  - ii. a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and
  - iii. such other requirements as may reasonably be deemed necessary in adequately reviewing the application.
- g) Development next to a watercourse shall be required to be undertaken in accordance with the guidelines as specified in the report *Land Development Guidelines for the Protection of Aquatic Habitat*, prepared by the Ministry of Environment, Lands and Parks (MELP) and Department of Fisheries and Oceans (1992), subject to the provisions of the Agricultural Land Commission Act and, when enacted for Gabriola Island, the B.C. *Farm Practices Protection (Right to Farm) Act* for land within the Agricultural Land Reserve.
- h) 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. Since the Village Centre is surrounded by land in the Agricultural Land Reserve, considerations respecting any expansion of the Village Centre into the Agricultural Land Reserve should only be given to community-minded non-commercial uses, subject to the intended use not degrading the future agricultural capability of the land.
- i) To avoid negative impacts on small streams and downstream properties, at the time of the development of new parcels of 2.0 hectares (4.94 acres) or smaller in areas designated as residential, an integrated storm water management plan should be designed, constructed and maintained by an appropriate authority.
- j) The Plan does not permit the strata conversion of existing buildings.
- k) This Plan only supports the realization of additional residential density without subdivision for Affordable Housing for Special Needs and Seniors.

Deleted: Seniors and Special Needs

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Deleted: In any land use designation except for Seniors and Special Needs (SNN), the Plan does not support the concept of comprehensive development whereby additional residential density is realised without subdivision.

Comment: Feb 18: staff to ensure that this change does not alter the meaning of the original intent.

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Inserted: , Seniors

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Deleted: and Multi-household residences

Inserted: and Multi-household residences.

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Comment: Italicize all legislation reference.

**General Land Use Advocacy Policies**

- l) All property owners shall, subject to the need to provide for emergency access to their property, be encouraged to leave trees and vegetation along the periphery of their property for reasons of habitat for wildlife, neighbourhood privacy and maintenance of the island's rural character.
- m) The Ministry of Environment shall be requested to eliminate the antlerless hunting season for deer on Gabriola so as to prevent the influx of off-island hunters.
- n) The Province shall be requested to provide the Trust Committee with the authority to regulate the cutting of trees on private land, subject to the regulations of the *Forest Land Reserve Act*, so that significant and heritage trees may be protected.
- o) The Subdivision Approving Officer shall be strongly encouraged to enforce the requirements under Section 946 of the *Local Government Act*, including with respect to covenant registration.

**2.1 Residential Land Use**

**Background:** Based on the 2011 records of the B.C. Assessment Authority there were a total of XXXX parcels on Gabriola of which XX% (or XXXX parcels) were undeveloped. In excess of half of existing vacant parcels are in the residential land use designations of this plan. In other words, notwithstanding the further subdivision of potentially subdividable residentially zoned land, there are in excess of XXX existing parcels available for residential purposes on Gabriola.

- Deleted: 1996
- Deleted: 3,195
- Comment: Staff getting these numbers confirmed by BC assessment. Will bring any updates to March 14<sup>th</sup> meeting.
- Deleted: 39
- Deleted: 1,246
- Comment: Feb 18: build out map info must be added here.
- Deleted: 600
- Deleted: 1996
- Deleted: 3,467
- Comment: Staff have contacted census regarding these numbers. A "special regions estimate" could be conducted in the summer, but is very costly. Will bring any updates to March 14<sup>th</sup> meeting.
- Deleted: 4,320
- Comment: This information must be updated. Community profile figures included here.
- Deleted: 01
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- Deleted: 570
- Deleted: 220

The 2006 Census estimates the population of Gabriola to be 4,050. It has been projected that the planning area's population (based on historic growth trends) will increase to about XXXX by the year 20XX. Based on an average household size of 2.4 persons, the anticipated population increase of XXX persons over the next five years can be accommodated on XXX parcels. Therefore there is no requirement to designate additional lands as residential, as the current availability of vacant residential parcels combined with the future potential to create new parcels through the subdivision of existing residentially zoned land should be more than adequate to satisfy the Island's housing requirements for fifteen to twenty years.

In addition, while issues related to the carrying capacity of Gabriola's land base to accommodate more development have not been substantiated, there are known problems with inadequate soil percolation for septic disposal and groundwater supply.

The General Residential Objective and Policies which follow are applicable to all residential designations.

**General Residential Objectives**

1. To ensure that subdivision design is consistent with the rural character of Gabriola;
2. To require new development to be supported by adequate sewage disposal systems; and
3. To ensure that new residential development does not negatively impact normal farm operations as outlined in the Farm Practices Protection (Right to Farm) Act and by supporting the use of appropriate buffering measures in conformity with Section 86 (1)(c) of the Land Titles Act.
4. To ensure new residential development does not negatively impact provision of emergency services on the island.
5. To support a mix of housing types which includes affordable and market housing in appropriate locations.

**General Residential Policies**

- a) Increasing residential density through redesignation/rezoning shall not be permitted with the exception of Special Needs and Seniors' affordable housing.
- b) With the exception of Affordable Housing, no provision shall be made for multi-dwelling residential use in the Planning Area.
- c) No provision shall be made for mobile home parks in the planning area.
- d) Future residential subdivisions should be designed to consider the natural contours of the land, existing natural landscapes, trail access and the design of adjacent subdivisions in order to promote development in harmony with the land and/or seascape.
- e) The conditions of use as outlined in section 2.7 shall apply with respect to a home occupational use on a parcel designated residential.
- f) Achievement of the residential minimum parcel sizes specified in this section is conditional on Ministry of Health approval of on-site sewage disposal system for each parcel to be created.
- g) On parcels greater than 2.0 hectares (4.94 acres) or larger one cottage not exceeding 65 sq. metres (700 sq. ft.) shall be permitted accessory to a single family residential dwelling unit.
- h) In the case of a subdivision to create ten (10) or more parcels it shall be necessary for the developer to provide an adequate fire suppression water supply.
- i) In addition to existing Land Use Bylaw policy provisions, and in order to make provision for a range of affordable special needs and seniors housing on Gabriola Island, the Local Trust Committee may consider applications to rezone property, in any land use designation in which residential is a permitted principle use, to permit boarding homes for special needs and seniors subject to the following conditions:

- Deleted: for residents who are physically or mentally challenged
- Deleted: Special Needs and Seniors' multi-family affordable housing
- Deleted: family
- Deleted: household
- Inserted: household
- Comment: Feb 18: staff to ensure that accessory cottages will not become multi-household units for affordable housing.
- Deleted: 5
- Deleted: order to make provision for a range of affordable special needs and seniors housing on Gabriola Island

- i. the parcel on which the proposed development is to be located shall be designated as part of the DP-8 Area on Schedule C; and
- ii. the number of sleeping units shall not exceed 10.

Information Note: i)

i) In respect of each application for rezoning for Multi-dwelling Affordable Housing, all available community services for the development, including fire suppression and other emergency services shall be considered.

- Deleted: Special Needs and Seniors Multi-family Housing Development Permit
- Comment: March 7: rather than re-iterate an LUB policy regarding boarders, it is referenced in policy i)
- Comment: Feb 18: Add this info note as a specific enabling policy here. Note: this is meant that 10 units for seniors and only 4 for all other boarders.
- Comment: Suggest this be made into a policy or have it removed.
- Deleted: Article B.6.1.1 of the Gabriola Island Land Use Bylaw No. 177, 1999,
- Deleted: states that up to a maximum of four boarders are permitted in conjunction with a principal single family residential use.¶
- Deleted: for Special Needs, S
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- Deleted: special needs housing
- Deleted: Multi-household residences,
- Inserted: Multi-household residences
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- Deleted: dwelling

**Residential Advocacy Policies**

- k) The Regional District of Nanaimo (RDN), which is responsible for the provision of building inspection services on Gabriola, shall be encouraged to investigate and make provision for the use of an alternative building code more in keeping with Gabriola’s rural lifestyle.

**2.2 Small Rural Residential**

Background: Prior to the Islands Trust Act of 1974, many residential subdivisions were approved which created parcels less than 0.2 hectares (approximately 0.5 acres) in size. Since all residential properties on Gabriola rely on individual wells for their water supply and septic systems for sewage disposal within the parcel, the Official Community Plan does not support the further creation of small lot residential areas except as permitted through the density averaging provisions of this plan.

**Small Rural Residential Objectives**

- 1. To encourage the consolidation of parcels designated Small Rural Residential.

**Small Rural Residential Policies**

- a) The principal use shall be residential.
- b) One single-dwelling residential unit shall be permitted per parcel.
- c) The minimum parcel size in the Small Rural Residential designation shall be 0.5 hectares (1.235 acres) and the average parcel size shall be 2.0 hectares (4.94 acres).
- d) In order to satisfy the Ministry of Health’s land area requirements regarding sewage disposal, the consolidation of small parcels shall be encouraged.

**Small Rural Residential Advocacy Policy**

The British Columbia Assessment Authority is encouraged to provide incentives, such as reduced assessment, as a means of encouraging the consolidation of existing small rural residential lots.

**2.3 Large Rural Residential**

Background: The intent of this land use designation is to retain an area of large residential parcels in the planning area.

**Large Rural Residential Objective**

- 1. To permit a range of uses that will support the retention of unsubdivided land.

**Large Rural Residential Policies**

- a) The principal use shall be residential.
- b) One single-dwelling residential unit shall be permitted per parcel.

- Deleted:
- Deleted: family
- Deleted: dwelling

- c) The minimum parcel size shall be 2 hectares (4.94 acres) and the average parcel size shall be 4 hectares (9.88 acres).

**2.4 Multi Dwelling Affordable Housing [See Memo dated March 8, 2011 for most recent version of section 2.4 and 2.5]**

**Background:** In recognition of the desirability of allowing Gabriola residents to continue living in the planning area, provision is made for Multi Dwelling Affordable Housing opportunities for Special Needs, Seniors and other Multi-household developments to meet the needs of a diverse, full-time population. For the purpose of this Plan, Special Needs housing refers to the housing of persons who live with physical and/or mental disabilities.

Currently there are two Seniors' housing developments on Gabriola, and no Special Needs or Multi-household developments. Future applications to designate a site for Affordable Housing for Special Needs, Seniors or Multi-household residences, shall be evaluated in terms of their compliance with the following objectives and policies:

**Affordable Housing Objectives**

1. To ensure that provision is made for Affordable Housing for Special Needs, Seniors and Multi-household residences, in a manner which responds adequately to the needs of these groups; and
2. To provide for such housing in a location which is accessible to appropriate services and acceptable to the overall community without compromising protection of the natural environment.

**Affordable Housing Policies**

- a) Any lands designated for Affordable Housing for Special Needs, Seniors and Multi-household residences, in this Plan shall also be designated as part of DP-8 on Schedule C and the development permit guidelines as outlined in Section 7.3 shall apply.
- b) The amenity zoning provisions of Section 904 of the Act shall only be permitted to be used on Gabriola Island to facilitate the provision of affordable seniors and special needs housing.
- c) The use of banked densities for the creation of a variety of Affordable Multi-household residences is supported.
- d) Densities for the creation of Affordable Multi-household residences shall come only from banked densities as noted in Appendix 2 (Density Bank) of this Plan.
- e) Developments with mixes of Special Needs, Seniors and Multi-household Affordable Housing types is encouraged.
- f) An application to re-zone a parcel for Affordable Housing for Special Needs, Seniors and Multi-household residences, or any combination thereof, shall be permitted only if the application complies with the following:
  - i. the maximum density shall not exceed 12 units per hectare;
  - ii. the maximum number of dwelling units per development shall not exceed 24;
  - iii. the average size of a dwelling unit shall be not greater than 83 square metres (900 sq.ft);
  - iv. the site shall be within 0.5 kilometres of the Village Core, bounded by North, South, and Lockinvar Roads, or a 2 kilometre walking distance from the Village Core, and shall provide pedestrian and cycling pathways to the village and ferry services;
  - v. where practical, in the opinion of the Gabriola Island Local Trust Committee, the site's main access shall be off a main road and not through an existing residential neighbourhood;

**Comment:** March 7: See separate document in this agenda package for most recent amendments to sections 2.4 and 2.5.

- Deleted: Special Need ... [1]
- Comment: The wording ... [2]
- Deleted: The OCP mak ... [3]
- Deleted: who become elderly
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- Deleted: seniors or sp ... [14]
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- Deleted: (the comm ... [16]

- vi common area amenities, such as kitchen and recreation facilities, shall be provided for prior to occupancy;
- vii where practical, in the opinion of the Gabriola Island Local Trust Committee, no parcel re-designated for Affordable Housing for Special Needs, Seniors and Multi-households, shall be contiguous to another parcel so designated;
- viii. the provisions of the Gabriola Island zoning bylaw may contain other general regulations pertaining to siting, height, lot coverage, servicing and other requirements which would also be applicable to a parcel in this land use designation;
- ix. the proposal shall include an adequate fire suppression water supply which shall be maintained and be available for use on site; and
- x. the minimum lot size shall be 1 ha (2.4 acres).
- h) Based on the results of the marketing profile referred to in 2.4 g), the Local Trust Committee shall, in the housing agreement required as a condition of rezoning, specify affordability and special needs housing requirements.
- i) As a means of ensuring that provision for Affordable Housing is consistent with the policies of this Plan, a housing agreement pursuant to the Local Government Act is required and shall include provisions that:
  - identifies the anticipated costs of the proposed land and housing to purchasers or occupants; and
  - establishes the basis of the housing need of existing residents and which are not meant to be marketed off-island.
  - j. specify how the housing project will be managed and administered including, if deemed applicable, that it be operated on a not-for-profit basis;
  - ji. specify the manner in which the housing units will be made available to the identified class of persons at the time the housing units are first occupied and with respect to subsequent occupancy; and
  - jjii. specify the mix of rental and ownership housing units permitted.
- j) In addition to 2.4 g), a housing agreement for Affordable Seniors Housing shall also:
  - i. specify that at least one individual who has attained 60 years of age shall reside in each dwelling unit;
  - ii. specify that not more than two individuals may reside in each dwelling unit;
- k) Affordable Multi-dwelling affordable housing applications must demonstrate the lowest possible net water, waste and energy use.
- l) The Density Bank in this Plan shall be amended from time to time such that any unused residential densities extinguished due to rezoning for parks should be added to the Density Bank for use as Affordable Housing for Multi-household residences.

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Deleted: Housing

Deleted: <#>identifies the anticipated costs of the proposed land and housing to purchasers or occupants; and¶ <#>establishes the basis of the housing need of existing residents and which are not meant to be marketed off-island.¶

Comment: Feb 18: staff to combine h) and i) together.....g) was removed with the two bullets moved to i)...the intro from h) will need to be reworded as well as there is no g) and not needed....

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i. specify that at least one individual who has attained 60 years of age shall reside in each dwelling unit;¶  
ii. specify that not more than two individuals may reside in each dwelling unit;¶  
iii

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Deleted: In considering applications for the rezoning of lands to permit seniors multi-family housing, the applicant may be required to submit a marketing profile that identifies the anticipated costs of the proposed land and housing to purchasers or occupants.¶  
f

### Affordable Housing Advocacy Policies

m) The Local Trust Committee encourages other levels of government and non-profit groups to work towards the establishment of a Housing Agency on Gabriola Island; supports collaborative community efforts to develop an Affordable Housing Strategy; and supports the inclusion of Gabriola in Regional Housing Trust Funds.

n) Local service clubs, non-profit organizations and others that may provide affordable housing are encouraged to develop projects in keeping with the policies in this Plan.

o) The Local Trust Committee encourages the establishment and work of non-profit community land trusts for the acquisition of land for, and construction and management of, affordable housing units.

**Comment:** Re-title to a section or subsection so that it flows from 2.4d) above.

## 2.5 Gabriola Density Bank

**Deleted:** Appendix 2 Gabriola Density Bank

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In this Plan, density banking refers to a process wherein unused residential densities are held by the Local Trust Committee for an unlimited time and for the purpose of enabling affordable multi-dwelling housing and without any net increase to the allowed density on Gabriola Island. The deposit of one or more densities to the density bank takes place through bylaw amendments that are recorded in this Appendix. Withdrawal of one or more densities requires a similar amending bylaw.

### Eligible Donors and Recipients

1. The Local Trust Committee may deposit unused residential densities to the Density Bank:

- from the lands that are rezoned as parks; and
- from the donation of residential densities, when these policies are developed by the LTC.

**Comment:** Add a new bullet to the effect that... the LTC welcomes voluntary donations to the density bank.

2. The Local Trust Committee may consider applications for the withdrawal of banked densities in accordance with the rezoning requirements in Section 2.4 and providing that a Housing Agreement is in place ensuring that affordability is maintained over time.

**Comment:** Feb 18, make sure this is properly reference to the title in 2.4 and referenced properly multi dwelling AH above.

### Guidelines for Residential Density Banking

1. Residential densities resulting from a rezoning pursuant to Policy 1 of this Appendix will be deposited to the Density Bank (below) as an amendment to the Official Community Plan.
2. Residential densities from the Residential Density Bank (below) that are withdrawn pursuant to Policy 2 of this Appendix will be deleted from the Residential Density Bank below by an amendment to the Official Community Plan.
3. Residential densities listed in the Residential Density Bank (below) are residential dwelling units as defined by the Land Use Bylaw.
4. All land that receives density from the density bank shall be rezoned to permit the added density as determined by the LTC and that density shall not exceed the density of the parent parcel plus the density granted from the density bank.
5. Parcels that have had density allocated to or from the density bank shall be noted in both text and maps of regulatory bylaws.

**Deleted:** Density Bank Authorizing Bylaw ... [17]

**Deleted:** Based on the results of the marketing profile referred to in 2.4 e), the Local Trust Committee may, in the housing agreement required as a condition of rezoning, specify affordability and special needs housing requirements

## 2.6 Single-dwelling Affordable Housing

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**Background:** A community plan is intended to contain a statement concerning the provision of affordable housing in the community. On Gabriola, allowance for an accessory cottage, on parcels 2.0 hectares or

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larger, is looked upon as an appropriate means of addressing the island's need for single-dwelling affordable housing.

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### Single-dwelling Affordable Housing Objectives

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1. *To ensure a supply of affordable housing is provided for on Gabriola in a manner which does not detract from Gabriola's rural island character.*

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### Single-dwelling Affordable Housing Policies

- a) Provision for an accessory cottage on a parcel of 2.0 hectares or larger (as per policy 2.1g), shall be recognized as the Gabriola Island means of providing for single-dwelling affordable housing in a rural low-density context.

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## 2.7 Home Occupational Use

**Background:** Home occupational uses provide a source of employment and services for Gabriola Island residents. The intent of this Plan is to permit a home occupational use on any parcel where residential use is permitted provided it is of a scale that is in keeping with the residential setting in which the home occupational use is located.

### Home Occupational Use Objectives

1. *To support home occupational uses so as to encourage greater community self-reliance and provide a source of employment for local residents;*
2. *To ensure home occupational uses do not adversely affect the residential character of the neighbourhood or cause environmental harm.*

### Home Occupational Policies

- a) A home occupational use is permitted in all land use designations where a single-dwelling residential use is permitted.
- b) The zoning bylaw shall specify general conditions of use including defining in broader detail the range of uses permitted as home occupational uses, the maximum area of a building which may be used for a home occupational use, signs, noise, etc. The following specific conditions of use criteria shall also be established:
  - i. the use is an accessory use to a principal single-dwelling residential use on a parcel;
  - ii. the use is conducted by a resident on the parcel and the zoning bylaw may specify a limit on the number of non-resident persons who may be employed on the parcel, based on the size of the parcel;
  - iii. the use shall not involve the exterior storage of any material or equipment used directly or indirectly in the processing of any product unless screened; adequate off street parking shall be provided.
- c) Bed and breakfast accommodation shall be permitted as a home occupation use. The zoning bylaw shall specify other conditions, including a limit on the number of guest accommodation rooms provided based on the size of the parcel.

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## Section 3 – Economic Activities

### 3.1 Commercial Activity

**Background:** The 1996 BC assessment data indicates that there are 30 properties classified as commercial for tax purposes in the Gabriola Island Planning Area. ||

The greatest concentration of commercial use is located in the vicinity of the Lockinvar Triangle (also referred to as the Village Centre). This area provides for a mix of commercial, residential, public recreational and institutional uses.

Secondary nodes where commercial activity is located include:

- the Twin Beaches Shopping Centre, located on Berry Point Road;
- adjacent the B.C. Ferries terminal on Descanso Bay; and
- in the Silva Bay area, where the greatest concentration of marine service and tourist-recreational uses is located.

In addition, three small local commercial sites and four additional tourist recreational commercial sites are located in a more dispersed pattern throughout the island.

**Comment:** Staff getting this number confirmed by BC assessment. Will bring any updates to March 14<sup>th</sup> meeting.

**Comment:** Get update from community profile, time permitting

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#### General Commercial Objectives

1. To recognize the Village Centre (Lockinvar Triangle area) as the Island's primary location for commercial activity;
2. To support the other existing commercial locations on the Island as secondary centres for commercial activity;
3. To encourage a mix of commercial and other uses in the Village Centre;
4. To provide for commercial development only where it may be demonstrated that it is at a scale compatible with the needs and size of the Gabriola community;
5. To regulate the appearance of commercial development, including signs, through the use of development permits and other regulations such as sign bylaws.

#### General Commercial Policies

These policies are applicable to any parcel designated commercial in this plan:

- a) The minimum and average parcel size in any commercial designation shall be 0.5 hectares (1.235 acres), excepting the Tourist Recreation designation in which there shall be no additional lots created.
- b) A commercially 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.
- c) The community plan makes provision for four separate commercial land use designations: Village Commercial, Local Commercial, Tourist Commercial and Tourist Recreational. Policies pertaining separately to each of these commercial designations follow. The locations of commercially designated property are shown on Schedule B (the Plan Map) which is attached to and forms part of this plan.
- d) One single-dwelling residential unit per parcel may be permitted in any Commercial designation.

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### 3.2 Village Commercial

#### Village Commercial Policies

- a) Existing commercially zoned properties in the "Village Centre" (the Lockinvar Triangle area) are designated Village Commercial.

- b) The Village Centre shall be recognized as the main location for commercial activity in the planning area.
- c) The Village Commercial designation shall provide for a range of commercial uses including: retail, restaurant, personal service use, office use, institutional use, building supply sales and the servicing and fuelling of motor vehicles. The Zoning Bylaw will specify in detail the range of uses permitted.
- d) The expansion of the Village Commercial designation shall be considered based on compliance with the following criteria:
  - i. Adequate off-street parking, landscaping and pedestrian access is provided;
  - ii. The design and site layout of the proposed development can be well integrated into the existing land use pattern in the Village Centre;
  - iii. The parcel fronts onto a main road and access and egress to the parcel can be provided safely;
  - iv. The additional area proposed for Village Commercial is small in size.
- e) Land in the Village Commercial designation and any future additions to the Village Commercial designation shall be placed in the Village Centre development permit area so as to ensure that the form and character of development which occurs is consistent with the existing character of the Folklife Village.

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### 3.3 District Commercial Policies

- a) The following site is designated District Commercial
  - i) Twin Beaches Shopping Centre, located on Berry Point Road
- b) The District Commercial designation shall provide for a range of commercial uses including: retail, restaurants, personal service use, office use, building supply sales and the servicing and fuelling of motor vehicles
- c) Further expansion of commercial activity in the vicinity of Twin Beaches Shopping Centre shall be contained to the existing parcel.

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### 3.4 Local Commercial

#### Local Commercial Policies

- a) The following sites are designated Local Commercial:
  - i) Wheelbarrel Nursery;
  - ii) Wild Rose Garden Centre;
  - iii) the restaurant site on North Road (formerly known as North Road Inn);
  - iv) The small commercial area (which includes the Skol Pub) adjacent to the B.C. Ferries terminal on Descanso Bay.
- b) So as to allow for some expansion of commercial activity in parts of the community well removed from the existing commercial sites, an application to designate a site for local commercial use elsewhere in the planning area shall be considered based on individual merit and satisfactory compliance with the following criteria:
  - i) The proposed use is small-scale in nature and primarily provides a local convenience service for a neighbourhood;
  - ii) The parcel has adequate off-street parking, and sewage disposal and water supply can be provided on the parcel;
  - iii) The proposed local commercial use will not detract from the residential character of the surrounding area or cause excessive traffic to be routed along a local road.

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### 3.5 Tourist Commercial

#### Tourist Commercial Policies

- a) Permitted uses in the tourist commercial designation shall be marina, restaurant, licensed lounge, tourist accommodation, tackle shop and marine outfitters shop, laundromat, retail use and office use accessory to or complementary to one of the above listed uses.
- b) The Plan Map (Schedule B) identifies the location of tourist commercial sites: two are at the north end of Gabriola - Haven By the Sea and Surf Lodge. The Grande Hotel property, Silva Bay Boatel, Silva Bay Resort and Marina and Page's Resort and Marina - are at the south end.
- c) Applications for approval to develop additional tourist commercial uses shall be evaluated based on individual merit where all of the following criteria can be met:
  - i. Public access to the foreshore or an adjacent public recreation site is not reduced;
  - ii. The proposed development is small in scale and is to be developed in a manner which reflects and is sensitive to the character of surrounding properties;
  - iii. Existing trails and important natural features on the parcels are retained and public use of the trails is maintained;
  - iv. Adequate off-street parking can be provided to accommodate the development.
- d) In no case shall the maximum density for a tourist accommodation use exceed 13 tourist accommodation units per hectare or a maximum 30 tourist accommodation units in the development.
- e) The Plan does not support timeshare developments.

### 3.6 Tourist Recreational

#### Tourist Recreational Policies:

- a) The zoning bylaw shall make provision for a Campground zone subject to the provision of adequate water and sewage treatment.
- b) The Credit Union campground is designated as Tourist Recreational.
- c) Permitted uses and conditions of use within the Campground zone shall be specified in the Zoning Bylaw.

**Comment:** Tier 2 priority if the RD and ITF parks amendments go forward.

### 3.7 Industrial Land Use

Background: Due to Gabriola's rural character and the transportation cost associated with servicing off-island markets, Gabriola is not recognized as an appropriate place for extensive industrial activity to locate. With the exception of the existing industrial operation fronting onto Northumberland Channel, below Hoggan Lake, the Plan does not designate any other site(s) as light industrial. The Plan policies below outline criteria for use in evaluating future proposals for light industrial purposes, intended to service local (island) generated demand.

#### Industry Objectives

1. To give consideration to small scale, non-polluting light industrial activities;
2. To encourage small scale value-added industrial activities; and
3. To foster any light industry that would permit the Gabriola Island Trust Area to become more self-sufficient.

#### Industry Policies

- a) No provision shall be made for any heavy industrial use in the planning area.
- b) The existing industrial site fronting on Northumberland Channel south of Hoggan Lake is designated for light industrial use on the Plan Map (Schedule B).

- c) Future applications to establish light industrial use shall be evaluated based on individual merit.
- d) Future applications to designate a site for light industrial use shall be evaluated based on compliance with the following criteria:
  - i. The minimum and average parcel size shall be 1.0 hectares (2.47 acres);
  - ii. The proposed light industrial use is non-polluting to land, water and air;
  - iii. It is demonstrated that adequate fire protection, site servicing (sewer and water) and and environmental waste handling can be provided;
  - iv. The site is not located in a Small Rural Residential area and will not cause industrial traffic to be routed along a local road through a residential neighbourhood; and
  - v. Adequate provision has been made for screening, fencing, buffering and/or landscaping the proposed use from adjoining properties off-street parking.
- e) The Light Industrial Zone shall make provision for one single-dwelling residential unit or a caretaker's accommodation per parcel as a permitted use.
- f) The existing industrial site and any future site designated light industrial shall be required to be designated as a development permit area.

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### 3.8 Temporary Use Permits

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### 3.8 Temporary Use Permits

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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.

Comment: Make sure it allows for 3 years everywhere else in the ocp....direction is to move from 2 to 3

#### Temporary Use Objectives

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
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.

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#### Temporary Use Permit Designations and Guidelines

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##### Designations

- a) Subject to the guidelines, Temporary Use Permits may be issued for:
  - i. aggregate processing, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';
  - ii. barge load out site, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';

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- iii. log handling site, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';
- iv. campground use, within areas designated on Schedule B as 'Resource', 'Agriculture' or 'Forestry';
- v. limited public markets, within all land use designations shown on Schedule B,
- vi. water sales within areas designated on schedule B as 'Small Rural Residential except on lots less than 2 hectares in area', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'; and
- vii. commercial vacation rentals within areas designated on Schedule B as 'Small Rural Residential', 'Large Rural Residential', 'Forestry', 'Agriculture' or 'Resource'.

Guidelines

- b) Guidelines c) through f) inclusive recognise conditions that may be taken into account when evaluating an application for a temporary use permit. The Gabriola Island Local Trust Committee may identify specific performance details to be attached as conditions to an approved permit.
- c) For aggregate processing, barge load out site, log handling site and campground use the following guidelines apply:
  - i) The time period, days of the week and scale of activity permitted on the site may be specified in the permit.
  - ii) The applicant has demonstrated that it is advantageous to the local island community to permit the intended use on a temporary basis.
  - iii) No permanent buildings or structures shall be erected related to the intended use.
  - iv) Adequate access and sewer and domestic and fire fighting water servicing are provided (applicable where required depending on the nature of the use).
  - v) The applicant has provided evidence that the intended use will not adversely affect the local groundwater supply or the quality of the natural environment (including the marine environment).
  - vi) The applicant has provided a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
  - vii) Such other considerations as are deemed applicable with respect to a specific application;
  - viii) The Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of guaranteeing that the
  - ix) temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.
  - x) 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.
- d) For limited public markets, the following guidelines apply:
  - i) The time period, days of the week and scale of activity permitted on the site may be specified in the permit.

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- ii) The applicant has demonstrated that it is advantageous to the local island community to permit the intended use on a temporary basis.
  - iii) No permanent buildings or structures shall be erected related to the intended use.
  - iv) Permit conditions should be consistent with applicable Development Permit Area Guidelines.
  - v) Adequate access and sewer and domestic and fire fighting water servicing are provided (applicable where required depending on the nature of the use).
  - vi) The applicant providing evidence that the intended use will not adversely affect the local groundwater supply or the quality of the natural environment (including the marine environment).
  - vii) The applicant providing a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
  - viii) Public market permit conditions shall ensure that off-street parking is provided in a way that is consistent with local bylaws.
  - ix) Such other considerations as are deemed applicable with respect to a specific application.
  - x) The Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of guaranteeing that the temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.
  - xi) 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.
- e) For extracting, processing and sale of water, the following guidelines apply:
- i) The applicant must specify the hours of operation and the permit may impose those or different hours of operation depending on site specific concerns.
  - ii) The applicant must provide a report prepared by an independent qualified professional with experience in groundwater hydrology to the satisfaction of the Gabriola Island Local Trust Committee identifying the zone of influence, stating that the property is capable of producing the stated amount of water with no detrimental effects on wells within the zone of influence, the aquifer and the natural environment.
  - iii) The quantity of water to be extracted and processed may be limited and the amount approved will be based on information provided by a qualified professional with experience in groundwater hydrology.
  - iv) Metering, including a reporting system may be required.
  - v) The number of parking spaces should meet the relevant commercial parking requirements in the Land Use Bylaw.
  - vi) Outdoor water storage should be screened from public right-of-ways and adjacent properties by a solid fence or
  - vii) landscape screen and a screening plan should be included in the application.
  - viii) The applicant should provide a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
  - ix) The Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of

guaranteeing that the temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.

- x) Such other considerations as are deemed applicable with respect to the specific application, including, but not limited to:
  - larger lot sizes and aquifer viability;
  - location;
  - access;
  - noise, dust and traffic; and
  - monitoring of supply wells and wells on adjacent property with lowest pumping levels specified
- xi) 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.
- xii) The applicant must demonstrate that he/she be a certified small water system operator and that he/she meets the requirements set out in the *Drinking Water Protection Act*.

f) 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:

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- 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;
- 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;
- 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;
- 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;
- 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;
- vi) The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles;
- 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;
- 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;
- ix) the owner or an operations manager should be required to reside on Gabriola Island and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week;

- 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;
- 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);
- xii) a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;
- 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;
- xiv) a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;
- xv) a condition of the permit should limit the number of bedrooms to:
  - a maximum of 3 on lots smaller than 2.0 hectares; and
  - a maximum of 4 on lots of 2.0 hectares or larger;
- xvi) a condition of the permit should prohibit recreational vehicles or camping;
- xvii) such other considerations as are deemed applicable with respect to a specific commercial vacation rental application;
- xviii) the Local Trust Committee may require water metering;
- xix) the Local Trust Committee may consider a professionally registered house inspector report if an occupancy permit is not available, indicating that the house is safe and appropriate for the proposed commercial vacation rental use and activities; and
- xx) the Local Trust Committee may require the landowner to post information for guests about awareness and sensitivity to First Nation sites and artifacts.

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## Section 4 - Institutional, Parks and Outdoor Recreational Uses

### 4.1 Institutional Land Use

**Background:** Institutional uses play an important role in the community and in many cases serve as a focal point for community life. For purposes of this plan, Institutional Uses includes facilities, services and uses which are operated by government or a non-profit society and include medical clinics open for community use.

The following facilities are recognized as institutional uses on Gabriola: Agricultural Hall, Women's Institute Hall, Gabriola Island Community Hall, Seniors' Rollo Centre, Gabriola Recycling Depot, Highways Works Yard, the museum, churches and the cemetery. The following are public institutions on Gabriola which are operated by government: the post office, RCMP station, the Gabriola Elementary School, the north and south fire halls, and the ambulance station. The Gabriola Medical and Urgent Care Clinic and the helicopter landing pad are also recognized as institutional uses in the planning area.

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#### Institutional Uses Objectives

1. To provide for institutional uses which meet the needs of the local community; and
2. To encourage the creation of recreational facilities for young people.

## Institutional Uses Policies

- a) Existing institutional uses identified above shall be designated on the Plan Map (Schedule B).
- b) A health care use shall be permitted as an institutional use.
- c) The minimum parcel size shall be 0.5 hectares (1.235 acres) and the average parcel size shall be no less than 1.0 hectare (2.47 acres).
- d) The Trust Committee shall consult on an annual basis with the School District #68.

## Institutional Uses Advocacy Policies

- e) *The Vancouver Island Regional Library Board shall be encouraged to maintain a permanent library facility on Gabriola.* Deleted: investigate the feasibility of establishing
- f) *School District # 68 is requested to consider the feasibility of providing a middle school on Gabriola so that, as the Island's population continues to increase, a greater percentage of island students will not have to travel off-Island to receive their schooling.*
- g) *The Gabriola community supports the use of Gabriola Elementary School as a "community school".*
- h) *As a condition of subdivision approval, the MOTI's Subdivision Approving Officer shall be encouraged to ensure the dedication of lands or payment of cash in lieu for school sites purposes is provided in accordance with the Trust Committee/School District #68 agreement, once in place.* Deleted: H

## 4.2 Parks and Outdoor Recreation

Background: Gabriola's almost ten percent of total land area in parks and protected areas is considered to be inadequate to meet the community's current and future needs. Parks form an important component of any community. Gabriola's island setting places a high demand on opportunities for public recreational access to the waterfront and land for outdoor recreational activities, which can be as varied as team sports and nature hiking.

- Comment: Feb 18: Check this value....
- Comment: This number is correct, see Community Context
- Deleted: one

In the planning area the Provincial Government and Regional District of Nanaimo are the two main government authorities responsible for the provision and care of park sites. BC Parks operates three Class "A" Provincial Parks on Gabriola Island: Drumbeg, Gabriola Sands and Sandwell Parks. Drumbeg Provincial Park occupies 20 hectares of land in the Southeast corner of Gabriola Island. Gabriola Sands Provincial Park is located on the small isthmus which separates Taylor Bay from Pilot Bay. Sandwell Provincial Park, located on Lock Bay on the east side of Gabriola, includes 3 hectares of land and 9 hectares of foreshore. It is the least developed of the three parks and is accessible by pedestrian or water access only.

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The community parks function on Gabriola is provided by the Regional District of Nanaimo (RDN). At present there are fifteen community parks on the island - six are at waterfront locations and nine are inland sites. They range in size from 0.1 hectares to 7.0 hectares, and are, in total, about 14 hectares (35 acres) in size. Additional community park sites are being added to this inventory on an on-going basis, when received as a condition of subdivision approval.

- Comment: Feb 18: Director Rudischer to provide wording to update this paragraph...it will include comment on 707 community park
- Deleted: the
- Deleted: ability to establish
- Deleted: , but to date no regional parks have been designated on Gabriola.

The RDN also has two regional parks. The difference between a regional and community park is that a community park is intended to satisfy principally local requirements and is funded locally (meaning only by property owners from Gabriola), whereas a regional park is intended to include sites deemed to be of regional significance and is funded from tax requisition obtained from all property owners in the entire RDN.

In terms of outdoor recreational facilities, the Gabriola Parks and Recreation Association, with a long term lease, operates a tennis court and basketball court at Huxley Park, near the Village Centre. The island's main ball diamond is located in a community park site near Sandwell Park, and playing field space at Gabriola Elementary School site is used for recreational purposes. Gabriola golf course is the most land expansive outdoor recreation use in the planning area. It is located on private land, leased by a non-profit society. Public road endings providing access to the waterfront, the Crown foreshore and the

island's network of trails are further important components of Gabriola's overall outdoor recreation and open space system.

[In 2006, the Islands Trust Fund acquired the 65 hectare \(162 acres\) property know as the Elder Cedar \(S'ul-hween X'pey\) Nature Reserve under the Province of British Columbia's Free Crown Grant Program. This property is home to red and blue listed plant communities, blue-listed wildlife species, and significant wetland areas, as well as Gabriola Island's last remaining stand of old-growth trees. Island residents worked for more than 15 years to have this property protected.](#)

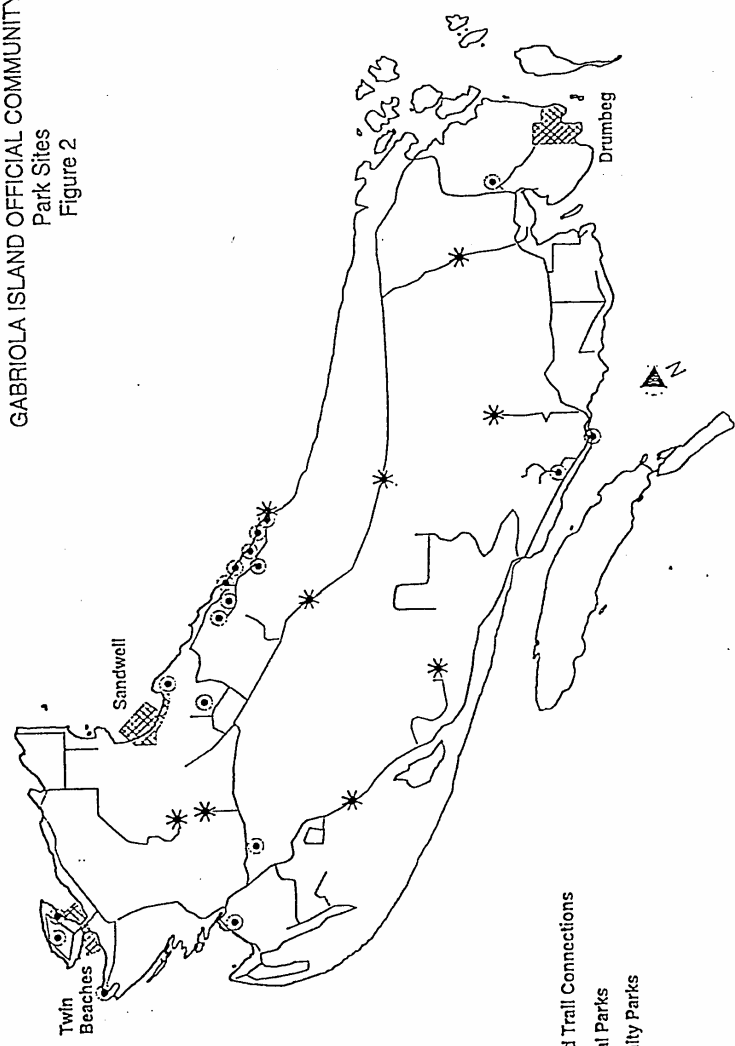
**Comment:** Staff will get wording description of the Elder Cedar....pulling a line from the website should suffice.

**Comment:** March 7: From ITF website

The Islands Trust has no direct jurisdiction over the operation of park sites on Gabriola. Yet, in recognition of the importance of parks and outdoor open space to the overall fabric of the Gabriola community (for residents and visitors alike), the community plan contains a set of objectives and policies intended to outline preferences pertaining to the island's outdoor recreational assets in the future.

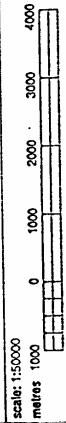
Figure 2 shows the location of park sites in the planning area.

GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN  
Park Sites  
Figure 2



- LEGEND**
- \* Proposed Trail Connections
  - ▨ Provincial Parks
  - ⊙ Community Parks

- SOURCES**
- BC Parks
  - Regional District of Nanaimo – Community Parks



GABRIOLA ISLAND LOCAL TRUST COMMITTEE

Figure 2 Park Sites

**Comment:** Adding ITF nature reserve and RD parks, time permitting.

**Comment:** March 7: Mapping request with IT mapping. Will bring any updates to March 14<sup>th</sup> meeting.

## Parks and Outdoor Recreation Objectives

The objectives of this section are:

1. To work co-operatively with provincial ministries and agencies in acquiring and managing provincial parkland on Gabriola;
2. To acquire parkland that is representative of the bioregion (i.e. wetlands, first growth forest);
3. To involve the community in parks planning; and
4. To limit development within Provincial parks.
5. To work in cooperation with the Regional District of Nanaimo and the Gabriola Island Parks and Recreation Commission in acquiring and managing community parks.

## Parks and Outdoor Recreation Policies

- a) The creation of RDN community park sites in existing residential neighbourhoods should be utilized as local tot-lots, children's playgrounds, greenbelts and pocket parks.
- b) Where land is proposed to be subdivided, in compliance with or required by Section 941 of the Local Government Act, the owner of the land shall dedicate parkland in the following circumstances:
- i) where the subdivision is of such a size and at such a location that the Trust Committee considers that a park for community recreation is or will be required in the area being subdivided, in which case the location of the community park land shall be determined by the Trust Committee in consultation with the Regional District of Nanaimo (RDN), which has responsibility for the Community Parks function on Gabriola Island; and
  - ii) where the land proposed to be subdivided contains a site that the Trust Committee or the RDN (based on a referral), considers is of local scenic or ecological importance, waterfront, land adjacent to Crown land or parkland or land containing heritage or old growth trees; and/or
  - iii) where the land proposed to be subdivided contains a site that the Trust Committee considers would contribute to a trail network, whether or not the trail network is identified in the Official Community Plan, then the location of the park land to be dedicated shall be the area required for the trail network.

**Comment:** Note to renumber correctly all references.

**Deleted:** a) The former UREP (Use, Recreation and Enjoyment of the Public) (SE1/4 of Section 16) is designated as Park.¶

**Deleted:** b

**Deleted:** c

Where none of the circumstances in the above exist, the owner of the land shall provide cash in lieu of dedicating park land, which shall be in reserve to acquire community park land only on Gabriola Island.

- c) To the extent practical, at the time of park dedication or the acquisition of new park sites, effort shall be made to secure sites which exhibit good recreational capability and/or can be easily connected to existing parks or park sites on neighbouring properties as they undergo subdivision.
- d) There shall be no minimum or average parcel size for parks.
- e) A community trails network shall be encouraged to be established incorporating existing public trails. Effort should be made to maintain the contiguous nature of existing, established traditional trails. Such initiative is subject to the consent of the private property owners affected and the provision of appropriate signage being provided to indicate where a trail crosses private property.
- f) Where practical, the community's network of trails should endeavour to connect to public parks and to existing trails within parks.
- g) Trails may be acquired at the time of subdivision or as a condition of rezoning or through voluntary measures. Dedicated trails shall be registered by means of a right of way plan, easement or other means and registered on title of the lands affected in the Land Titles Office.
- h) Public boat launch facilities may be permitted within community parks and at public road endings providing waterfront access subject to adequate parking being provided.
- i) Existing road endings providing access to the waterfront shall be retained open for public and emergency vehicle access to the foreshore. Subject to securing a permit from the Ministry of Transportation and Infrastructure, (MOT) the development of stairs or trails to improve the means of access, the provision of limited parking and identification signage shall be encouraged.
- j) At the time of subdivision of waterfront properties, public road access to the foreshore shall be required in compliance with Section 75(1)(c) of the Land Titles Act. Priority shall be placed on

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sites which provide good waterfront access and consolidation of road dedications may be considered where it would create a more useable means of public access or is contiguous to an existing or proposed public park dedication.

- k) The development of additional community field space in close proximity to the Village Centre or existing playing fields shall be encouraged. Deleted: l
- l) The Trust Committee shall work with the Gabriola Parks and Recreation Commission in ensuring a smooth co-ordination of efforts between the two groups respecting the securing, use, development and planning for park and outdoor recreational space on Gabriola. Deleted: m

**Parks and Outdoor Recreation Advocacy Policies**

- m) It is recommended that the Provincial Government place top priority on the acquisition of waterfront sites for Provincial Park purposes, including enlarging the size of existing Provincial Park sites, where feasible. Deleted: n
- n) The Regional District of Nanaimo shall be encouraged to establish additional regional park sites on Gabriola Island. Such sites should be: Deleted: o
  - i) either a regionally significant waterfront site or an upland woodland site of substantial size; Deleted: strongly
  - ii) retained predominantly in a natural state, except for a small parking area, a public trail network, and interpretative signs.
- o) The Ministry of Environment shall be requested to preserve natural features and provide maximum protection of the environment in Provincial Parks on Gabriola. Deleted: p
- p) MOT shall be requested to mark public road ending providing waterfront access; ensure that they are maintained for public access to the waterfront and not obstructed by adjacent land owners and prevent them from being used for camping or overnight parking. Deleted: BC Parks
- q) The Ministry of Community Sport and Cultural Development shall be requested to give consideration to permitting the Islands Trust to implement a development cost charge bylaw for park purposes as an alternative means of generating funds for parkland acquisition purposes on Gabriola. Deleted: q
- r) For each new regional park created, the Regional District of Nanaimo shall be requested to prepare a park plan. Deleted: H
- s) Prior to considering the sale of Crown lands in residential areas, which have reverted to the Crown through property tax default. B.C. Lands shall be requested to consider the parcel's suitability for park purpose. Comment: Update ministry
- t) The Regional District of Nanaimo shall be requested to apply to have the status of the 40 acre Crown parcel located in the NE 1/4 of the SE 1/4 of Section 18, changed from gavel pit (Under MOT) to community park. Deleted: r
- Deleted: f Municipal Affairs and Housing
- Deleted: s) In preparing a regional park plan, the Regional District of Nanaimo shall be asked to give consideration to the merit of acquiring one or more regionally significant sites for regional parks purposes on Gabriola.¶
- Deleted: t
- Deleted: u
- Deleted: v
- Deleted: H
- Deleted: w) In keeping with Policy 4.2(a), the RDN is requested to make application to have the Crown parcel in the SE 1/4 of Section 16 made available for community park purposes, due to its historical significance and old growth forest characteristics.¶

## Section 5 - Resource Lands

This part of the Community Plan provides details pertaining to three types of resource lands: Resource, Agriculture and Forestry. The intent in all three land use designations is to identify lands which due to their location, site characteristics and resource capability are considered to be best suited to resource uses.

### 5.1 Resource

**Comment:** Staff changed font size from 11 to 10pt to fit with rest of document. Heading size changed from 14 to 12pt.

**Background:** The Resource land use designation identifies lands which are not within the Provincial Agricultural Land Reserve (ALR) or the former Forest Land Reserve (FLR). The Resource designation and zone is characterized by predominantly large undeveloped parcels generally characterized as being 8.0 hectares (19.76 acres) or larger and may also contain features of environmental, social, or cultural significance.

In keeping with the objective of maintaining a rural landscape in the planning area the intent is to retain much of the land in this designation in large parcels. Yet, as provided for in the policies below, residential density allowed on a parcel in the Resource zone may be transferred to another parcel in the Resource zone.

#### Resource Objectives

1. To preserve large parcels of land in a largely unsubdivided state;
2. To maintain representative areas of rural landscape on Gabriola;
3. To provide transitional areas between the residential and forestry and agricultural parts of the community.

#### Resource Policies

- a) The average parcel size in the Resource zone shall be 8.0 hectares (19.76 acres) and the minimum parcel size shall be 2.0 hectare (4.94 acres). In the case of a parcel serviced by community water and a community sewer the minimum parcel size shall be 1.0 hectares (2.47 acres).
- b) In the Resource zone the following uses shall be permitted: one single-dwelling residential unit, horticulture, agriculture, silviculture, forestry and home occupations and the existing AM/FM tower and shooting range.
- c) The retention of lands in the Resource zone in large land holdings so as to protect significant environmental features (including marshlands), archeological sites and forested areas and maintain the area's rural character is supported. Provision is made for 8.0 hectare (19.76 acre) residential density being transferred from one parcel in the Resource zone to another parcel in the Resource zone.
- d) The zoning bylaw shall make provision for three zones in the Resource designation: Resource (R), Resource Conservation (RC) and Resource Residential (RR).
- e) With respect to density transfer referred to in 5.1.c) above, the following criteria shall apply in considering whether or not a transfer shall be permitted:
  - i) The "Donor Parcel" shall be limited to land within the Resource zone which will be rezoned Resource Conservation;
  - ii) The "Receiver Parcel" shall be limited to land in the Resource zone which will be rezoned to Resource Residential.
  - iii) In cases where land in the Resource zone is rezoned to Resource Conservation and the density of the Donor Parcel is concurrently transferred to a Receiver Parcel, adoption of the rezoning bylaw shall be conditional on compliance with the policies of this Plan (i.e. registration of required covenant(s), etc.).
  - iv) In a case where a Donor Parcel in the Resource zone is dedicated for park or wilderness recreation or land in the Forestry zone is dedicated for wilderness recreation, the dedication, by means of a transfer of title for such purposes (to the Crown or other body, as specified by

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the Local Trust Committee at the time of rezoning), shall be made prior to or concurrent with the rezoning of a Receiver Parcel to Resource Residential.

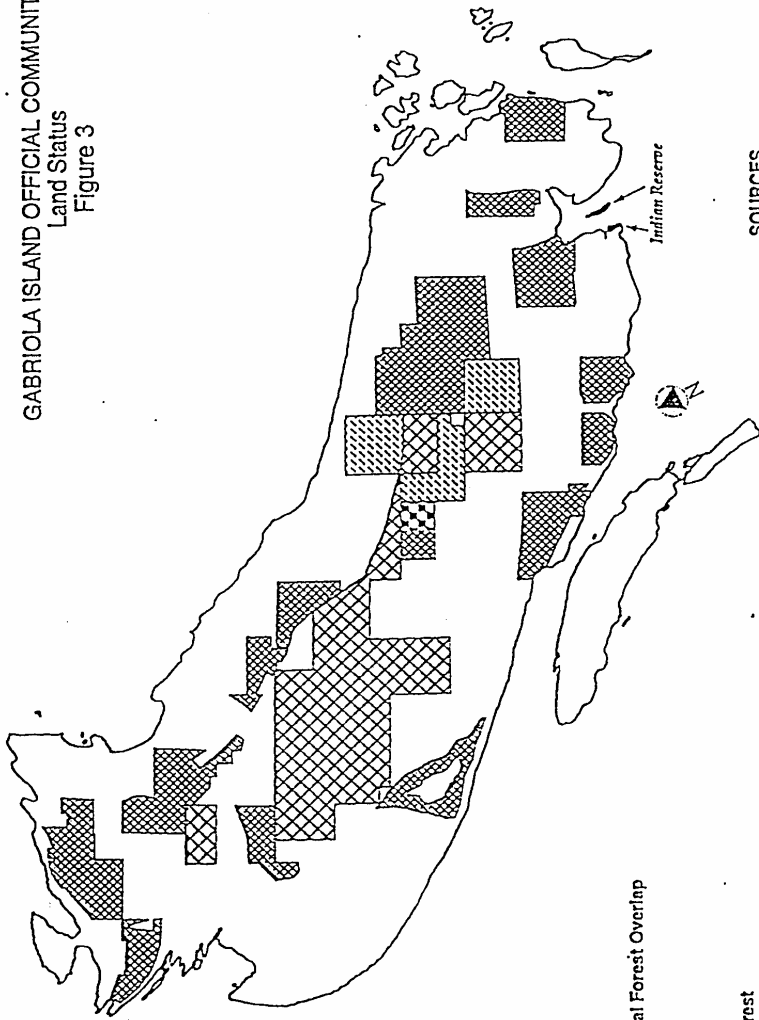
- f) Approval of a rezoning to Resource Residential shall be subject to the following conditions:
  - i) Land shall only be rezoned to Resource Residential concurrent with the transfer of density from land being zoned Resource Conservation or Forestry/Wilderness Recreation (as the case may be) subject to:
    - registration of a covenant on the Resource Conservation parcel for the purpose of restricting the subdivision of the parcel, or
    - the transfer of title in respect to Policy 5.1.f
  - ii) For every 8 hectares (19.76 acres) of land rezoned to Resource Conservation, one residential density shall be transferred to land in the Resource zone which will be rezoned to Resource Residential.
- g) The following provisions shall apply to land in the Resource Residential zone:
  - i) Permitted uses shall be one single ~~le-dwelling~~ residential unit, horticulture, agriculture and home occupational uses. Deleted: e family  
Deleted: dwelling
  - ii) The minimum parcel size shall be 2.0 hectares (4.94 acres) and may be reduced to a minimum of 1.0 hectare (2.47 acres) on a site specific basis in which community sewer and community water systems may be required.
  - iii) The average parcel size shall be 8 hectares (19.76 acres), except that the average parcel size may be reduced to not less than 2.0 hectares to the extent necessary to accommodate the transfer of residential density from a parcel in the Resource or Forestry zone. Deleted: .
  - iv) The minimum average parcel size for each Resource Residential zone, created by density transfer, shall be calculated at the time of re-zoning by the following formula: the number of parcels allowed by current zoning plus the number of parcels transferred from elsewhere in the planning area divided into the total parcel area.
- h) Permitted uses in the Resource Conservation zone shall be, park, wilderness recreation, forestry, ecological reserve, and environmental protection.
- i) Publicly owned sand and gravel deposits are designated on Schedule "B".

**Figure 3 Land Tenure**

**Comment:** Feb 18: Remove flr, time permitting

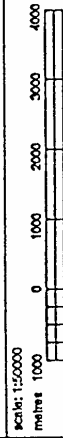
**Comment:** March 7: Mapping request with IT mapping. Will bring any updates to March 14<sup>th</sup> meeting.

GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN  
Land Status  
Figure 3



- LEGEND**
- ALR/Provincial Forest Overlap
  - FLR
  - ALR
  - Provincial Forest
  - Indian Reserve

- SOURCES**
- Agricultural Land Commission - ALR lands
  - Forest Land Commission - FLR lands
  - Ministry of Forests - Provincial Forests land
  - Regional District of Nanaimo - Indian Reserve mapping



GABRIOLA ISLAND

GABRIOLA ISLAND  
LOCAL TRUST COMMITTEE

## 5.2 Forestry

**Comment:** Staff changed header font to 12pt and body font to 10pt for consistency

**Background:** The Forestry designation on Gabriola is used primarily to identify lands which due to their suitability for the growing of trees were previously in the Forest Land Reserve. Small-scale forestry operations and wilderness recreation are considered to be the most appropriate means through which these forest lands may be retained for economic timber production on a sustained yield basis while at the same time providing the Island with the environmental, recreational and social benefits which can be derived from these properties.

In keeping with the objective of maintaining a rural landscape in the planning area the intent is to retain much of the land in this designation in large parcels. Yet, as provided for in the policies below, the residential density previously permitted (Gabriola Island Subdivision Bylaw No 8) with a parcel in the Forestry zone may be transferred to another parcel in the Resource zone.

**Comment:** Feb 18: Add date of adoption from this bylaw....don't change this afterall, just flag for future change.

### Forestry Objectives

- 1) To preserve large contiguous areas of forested land;
- 2) To support forestry practices which are compatible with and complementary to the values of conservation and sustainability;
- 3) To support timber production while retaining the environmental and recreational values of forested land;
- 4) To protect the groundwater resource and recharge areas;
- 5) To encourage the use of forested land for purposes of recreation, wildlife habitat and maintaining the island's biological diversity.

### Forestry Policies

- a) The principal uses in the Forestry zone shall be forestry uses.
- b) The minimum and average parcel size in the Forestry zone shall be 60 hectares (148.2 acres).
- c) The subdivision of land, in the Forestry zone, shall not be supported, except for purposes of creating an ecological reserve.
- d) The zoning bylaw shall make provision for two forestry zones: Forestry and Forestry/Wilderness Recreation;
- e) All lands in the Forestry designation shall, at the time a zoning bylaw is adopted to reflect this plan, be placed in the Forestry zone.
- (f) The following provisions shall apply to the Forestry zone:
  - i) The principal use shall be forestry;
  - ii) One single ~~dwelling~~ residential unit per parcel shall be permitted; and
  - iii) The minimum and average parcel size shall be 60 hectares (148.2 acres).
- g) The Plan supports the retention of lands in the Forestry zone in large land holdings for sustainable forest management and/or to encourage their dedication for wilderness recreation or public recreational trail purposes. The concept of residential density being transferred from a parcel in the Forestry zone to a parcel in the Resource zone is supported subject to compliance with the policies in this plan.
- h) For every 8 hectares (19.76 acres) of land in the Forestry zone which an owner dedicates for wilderness recreation, the owner shall be entitled to transfer one residential density to land in the Resource zone which would be rezoned to Resource Residential.
- i) With respect to density transfer referred to in 5.2.g) above, the following criteria shall apply in considering whether or not a transfer shall be permitted:
  - i) The "Donor Parcel" shall be limited to land within the Forestry zone which will be rezoned Forestry/Wilderness Recreation;

**Deleted:** family

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- ii) The "Receiver Parcel" shall be limited to land in the Resource zone which will be rezoned to Resource Residential;
- iii) A Donor Parcel in the Forestry zone shall be dedicated for park or wilderness recreation, by means of a transfer of title for such purposes (to the Crown or other body, as specified by the Local Trust Committee at the time of rezoning) which shall be made prior to or concurrent with the rezoning of a Receiver Parcel to Resource Residential.
- j) Permitted uses in the Forestry/Wilderness Recreation zone shall be wilderness recreation, forestry, ecological reserve, and environmental protection.

## **Forestry Principles**

### **Principles of Sustainable Forestry Practices**

Forestry practices will:

1. Protect, maintain, and/or restore fully functioning ecosystems.
2. Maintain and/or restore surface and groundwater quality, quantity and timing of flow, including aquatic and riparian habitat.
3. Maintain and/or restore natural processes of soil fertility, productivity and stability.
4. Maintain and/or restore a natural balance and diversity of native species of the area, including flora, fauna, fungi and microbes, for purposes of the long term health of ecosystems.
5. Encourage a natural regeneration of native species to protect valuable native gene pools.
6. Not include the use of chemical fertilizers or pesticides.
7. Protect to archaeological, cultural and historically significant sites.

### **Critical Elements of Forest Sustainability**

1. All forest ecosystem activities shall be based on addressing forest needs first.
2. Only trees selected for removal through natural selection process are candidates to take from the forest.
3. The removal of forest goods and products or other activities must retain the ecological or structural functions of all forest elements.
4. Product removal and other activities shall not substantially alter the structural integrity or connectivity of the forest.
5. Product removal and other activities shall not cause any known ecological functions to be placed at risk.
6. Soil and water conditions shall not be altered by human activities to the extent that existing naturally associated species will be unable to survive.
7. Canopy dominants (the tallest trees in the canopy of a natural forest) shall be maintained, as they add an important structural element to the forest.
8. Suitable diversity shall be left on each site to retain the ecological functions.
9. Ecotones (transitional areas, where different kinds of native ecosystems join) shall be maintained with suitable habitat for all naturally associated species.
10. Artificial edges shall not be created which destroy the structural integrity of interior forest habitat.
11. The integrity of all species' relationships shall be retained throughout the stands.

## 5.3 Agriculture

Comment: Feb 18: Gab commons updates need to be included...

Comment: March 7: Commons updates now included.

**Background:** The Agriculture designation identifies lands which due to their agricultural capability or proximity to agricultural lands have been placed in the Provincial Agricultural Land Reserve (ALR). In addition to the policies of this Plan and the other bylaws of the Islands Trust, the carrying out of a non-farm use, the subdivision of land and the exclusion of land from the ALR is subject to the approval of the Provincial Agricultural Land Commission. Agricultural activities are considered to be important to the Gabriola community as they contribute to the local economy, the Island's rural character, and provide a visual open space benefit.

In addition to the *Agricultural Land Commission Act*, the *BC Farm Practices Protection (Right to Farm) Act* provides protection for the continuance of farming activities in proximity to residential areas.

The Gabriola Commons is a unique and distinct property on Gabriola Island. Managed as a community commons by a community-based, volunteer association, it is a place where sustainability, community and agriculture meet. The Commons is intended to exist in perpetuity for the benefit of the community, a community legacy serving community needs.

### Agriculture Objectives

1. To preserve land with agricultural potential in large parcels; and
2. To protect and encourage agriculture conducted in conformity with recognized standards and codes of practice.
3. To recognize the importance of locally grown food and to encourage involvement in community agriculture, this plan supports a range of agriculturally-related and institutional uses on Lot 1, Section 19, Gabriola Island, Nanaimo District, and Plan 27281 (locally known as the Gabriola Commons).

### Agriculture Policies

- a) The retention of farmland within the ALR and the inclusion of other lands into the ALR which are suitable for farm use subject to policy 2.0(g) is supported.
- b) The approval of subdivisions of land in the ALR, where such subdivision would reduce the long term viability of the parcel for farm use is not supported.
- c) All lands in the ALR shall be designated Agriculture in this Plan and agricultural use and one single-dwelling residential unit per parcel shall be permitted.
- d) The minimum and average parcel size in the Agriculture zone shall be 8 hectares (19.76 acres).
- e) The keeping of livestock and large scale horticulture operations shall be permitted subject to compliance with the requirements of the *Provincial Agricultural Waste Control Regulations Act* and the *Health Act*. The large scale commercial growing of mushrooms or the raising of fur-bearing animals shall be discouraged in circumstances where there is a potential for conflict with existing non-farm uses on an adjoining parcel.
- f) Proposals to permit low impact recreational uses or ecological reserves may be considered on land in the Agriculture designation.
- g) The removal of soil from or the deposition of soil on agricultural land shall be strongly discouraged where it would reduce the agricultural viability of the farm parcel. Soil removal and/or deposition is also subject to approval of an application to the Agricultural Land Commission for a Soil Conservation Permit.
- h) The Plan supports the use of land in ALR for small-scale, low-impact uses (i.e. certain tourism uses), related to farming, subject to the approval of the Agricultural Land Commission.
- i) Specific only to Lot 1, Section 19, Gabriola Island, Nanaimo District, Plan 27281 (the property locally known as the Gabriola Commons) community agriculture and institutional uses are supported for this property, and zoning that specifies agriculture and institutional uses as principal permitted uses is supported by this Plan. The institutional uses permitted will include

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non-profit and not for profit enterprises that provide services of benefit to the residents of Gabriola Island. Educational uses also fall under the definition of “institutional” and it is intended that the Commons will be a place for learning about agriculture, food production, and sustainability practices. All other objectives and policies of this Official Community Plan apply to this property.

### **Agriculture Advocacy Policies**

- j) Operators of farms shall be encouraged to avoid the use of pesticides and herbicides, to select production methods that maintain soil quality and to ensure surface watercourse and ground water recharge areas are not contaminated by agricultural operations.* Deleted: i
- k) So as to maintain farmland in parcel sizes large enough to support viable agricultural production, the Agricultural Land Commission is strongly encouraged to limit the subdivision of land to create a parcel for a family relative in the ALR.* Deleted: j
- l) The Ministry of Transportation and Infrastructure is strongly encouraged to ensure that the creation or redesign of road rights of way are aligned in a manner which does not detract from the viability of existing farm parcels.* Deleted:  
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## 5.4 Aggregate Resources

Provincial authority with respect to aggregate resources is divided between two agencies. The tenuring of aggregate resources on Crown land is the responsibility of B.C. Lands, under the *Land Act*. The technical management of aggregate exploration and development of all lands in the province is the responsibility of the Ministry of [Forests, Mines and Lands](#), under the *Mines Act*.

**Comment:** Provincial Ministry names change often enough that the LTC may just wish to reference "the Province" or "the appropriate Provincial ministry". This would be covered under the Interpretation Act.

**Deleted:** Employment and Investment

The extraction of an aggregate source is not regulatable through local government (including Islands Trust), land use regulations (i.e. OCP or zoning), however processing activities related to aggregate resources are (i.e. crushing, sorting, mixing with asphalt mix, etc.).

### Aggregate Resource Policies:

- a) In keeping with the rural character of the Plan area and the intent of the Trust Object, no provision shall be made for the processing of aggregate resources as a permitted use in any land use designation.
- b) In cases where the Provincial Government issues a license for the extraction of aggregate resources in the Plan area, rezoning to permit aggregate processing shall not be permitted. However, due to the importance of this resource as a building material, consideration may be given to authorizing the use pursuant to the temporary use permit provisions of the Plan and subject to any other considerations deemed important in protecting the current quality of life on Gabriola.

### Aggregate Resources Advocacy Policies:

- c) The Ministry of [Forests, Mines and Lands](#) shall be requested to prepare an inventory of aggregate resource sites on Gabriola Island.
- d) The Ministry of [Forests, Mines and Lands](#) is requested to refer all applications for a permit under the *Mines Act*, affecting Gabriola Island, to the Trust Committee for comment prior to considering whether to issue a licence.

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## Section 6 - Environmental, Marine and Heritage Resources

The natural environment of Gabriola is a major contributing factor to the quality of life and visual attractiveness of the island to residents and visitors alike. The island's land and marine environment also represents an important economic resource; provides habitat for plants, animals and marine life; and is the basis for many of the island's recreational activities.

As the degree of human activity intensifies so does the threat to permanently alter or destroy valuable environmental features and resource areas. In accommodating future development on Gabriola, care must be taken so as not to irreversibly alter the island's healthy, liveable and aesthetically pleasing upland and marine-based natural areas.

Equally important is the need to identify and preserve those precious features which recall the past. As a result, heritage sites which provide a valuable record of past human activity and settlement significant to the preservation of the area's local history need to be protected.

### 6.1 Environmentally Sensitive Areas

Environmentally sensitive areas include marine foreshores, lakes, watercourses, wetlands and a variety of woodland ecosystems. These areas are noted for their high biotic capability for flora and fauna and are particularly vulnerable to indiscriminate forms of development.

In 1975, a Natural Areas Inventory of the Gulf Islands Trust Area was prepared by D.R. Benn. This inventory identified and evaluated areas of natural and environmental significance, land and/or water with significant biological, physical or cultural features that are worthy of preservation or protection. In 1995, the Inventory of Special Areas and Features was prepared for the Islands Trust Fund by J. Booth and Associates. This document identifies special shorelines, rare species, special biological conservation and geomorphological features in the Trust Area. The Provincial Government has also prepared a sensitive ecosystem inventory. The objectives and policies which follow are directed at protecting environmentally sensitive areas.

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### Environmentally Sensitive Area Objectives

1. To ensure the protection of environmentally sensitive areas on Gabriola;
2. To protect important habitat and water resources areas through vegetation retention and building setbacks;
3. To encourage retention of the natural tree cover along the shoreline and to discourage tree removal to minimal selective cutting;
4. To encourage owners of property which is environmentally sensitive to work co-operatively with conservation-based groups in defining means of providing for the protection of important sites.

### Environmentally Sensitive Area Policies

- a) Development within environmentally sensitive areas may be regulated through the use of development permits.
- b) With respect to an area identified as being environmentally sensitive, the registration of a natural state or environmental covenant and/or the use of a development permit shall be required as a condition of rezoning so as to ensure the long term protection of environmental features.
- c) Voluntary covenants or easements to protect natural features and donation or sale of sensitive areas to a conservation agency shall be encouraged.
- d) In order to protect area watercourses, rezoning adjacent to a watercourse shall be conditional upon the establishment of a protective setback area. The Ministry of Environment - Federal Fisheries report titled: *Stream Stewardship - A Guide for Planners & Developers and Land Development Guidelines for the Aquatic Habitat* shall be used as a guideline in determining how land is to be developed adjacent a watercourse (including a lake and wetland).
- e) To protect against hazardous conditions and to protect environmentally sensitive areas a setback shall apply from the high water mark of the sea. In the case where a bluff or large land ridge is the prominent upland feature adjacent the sea, a setback from the upper edge of the bluff or ridge shall be applicable.
- f) The sandstone and conglomerate banks along Gabriola Island's shoreline shall be protected against the accelerated effects of erosion resulting from human activity by requiring the setback of buildings or structures and control of storm water runoff.
- g) Trees bearing the nests of great blue heron, bald eagle, osprey and other raptors shall not be cut in accordance with provincial legislation. The zoning bylaw shall set standards and regulate the provision of screening for preserving and protecting trees bearing such nests. Such condition shall be applicable with respect to the rezoning of any site containing such a feature.
- h) Fresh water features which have special biological significance to the local environment, such as Hoggan Lake, shall be protected through zoning and shall be designated as a development permit area.
- i) So as to ensure the Island's environmental resource sites are protected, owners (and potential developers) of property located within an environmental sensitive area shall be encouraged to work with recognized conservancy organizations early on in the development process to ensure steps are taken to protect the environmentally sensitive site.

### Environmentally Sensitive Area Advocacy Policies

- j) Where environmentally sensitive areas are located on Crown land, Ministry of Environment, (MOE) is strongly encouraged to ensure these areas are placed in protective reserve, ecological reserve or natural state park or dedicated to the Islands Trust Fund for protection. Furthermore,

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public access should be limited to an appropriate level consistent with protecting the environmental sensitivity of the site.

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k) Once MOE's inventory of eagle trees and other raptor sites on Gabriola is completed, its implications should be considered in relation to future development.

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l) To protect the island's watercourses, the Regional District of Nanaimo shall be requested to require applicants for building permit to indicate the location of streams and watercourses on the application.

m) MOE shall be requested to assist the Islands Trust by confirming the location of streams and watercourses on Gabriola Island.

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n) Where nest sites for great blue heron, bald eagle, osprey and other raptors are located on private property, the property owners shall be encouraged to ensure that the site is protected, including through the use of a voluntary conservation covenant.

## 6.2 Marine Resources

**Background:** Marine shorelands and foreshore are highly vulnerable to the effects of development. Gabriola Passage, located off the southern tip of Gabriola, is one marine location in the planning area which is deemed to be of exceptional importance and sensitivity. Consequently, it has been proposed for designation as a federal or provincial protection area.

The Islands Trust Fund Inventory of Special Features and Areas, prepared in March 1995, identified other marine resources in the waters off the Gabriola planning area, such as: seal haul-out areas; herring spawning and rearing grounds; and, special shorelines, such as Malaspina Galleries.

The waters off Gabriola are also used for commercial and aquaculture purposes. Commercial activities in the foreshore area include: log booming and storage areas primarily off the west central shore of Gabriola Island; BC ferry terminal facility at Descanso Bay; and three commercial marinas and a yacht club out-station located in the Silva Bay area. In terms of aquaculture operations, there are two shellfish tenures in Degnen Bay. In addition, there are two recreational shellfish reserve areas: one located on the foreshore of Drumbeg Park; the other situated between the Maples and the Sandbar at the south end of the island.

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Jurisdiction in the marine waters of the Gabriola Island planning area is a shared responsibility. Department of Fisheries and Oceans is responsible for all Canadian marine fish habitat and therefore has approval authority over any works or undertakings in the marine or foreshore waters. [Ministry of Natural Resource Operations, Integrated Land Management Bureau \(ILMB\)](#), oversees the issues of Crown foreshore leases and the Ministry of Agriculture has a mandate to issue licences for aquaculture and harvest permits for wild oysters and marine plants. The Islands Trust in turn has the ability to adopt community plan objectives and policies and zone the surface of the water affecting the marine foreshore and water areas in the planning area from the high water mark on Gabriola Island to 300 metres out, with the exception of adjacent to Mudge Island where the mid-point between the two islands is used as the jurisdictional dividing line.

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### Marine Resource Objectives

1. To manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate;
2. To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats;
3. To protect the natural and scenic values of the coastline which provide the Island with its rural marine character;
4. To provide opportunities for the commercial uses of the foreshore and coastal waters provided that such uses do not detract from the marine waters' environmental integrity;
5. To recognize the importance of the existing log storage areas in the foreshore of the planning area as important to the forest industry, but to discourage a further expansion of major log storage or booming areas;

6. *To promote the recreational and commercial use of the area's aquaculture resources, provided such use does not detract from the use or enjoyment of the shoreline by the public or upland property owners.*
7. *To encourage the sharing of docks and wharves.*

**Marine Foreshore Policies**

- a) Except as specifically provided for, the surface of the water in the Gabriola Island planning area shall be zoned Water General wherein the permitted uses shall include boat moorage and boat launching facilities (where suitable), associated with single-dwelling, residential uses located on the adjacent upland, public parks, ecological reserves, marine navigational aids and publicly funded and operated boat launching facilities.
- b) The zoning bylaw shall include provision for zones for each of the following foreshore use categories: log storage; log dumping; aquaculture rearing and harvesting; commercial marina operations; and, marine transportation.
- c) A marine protection zone shall also be established in the zoning bylaw for the protection of significant marine and foreshore areas. The Gabriola Pass Marine Protection Area and foreshore waters in the vicinity of the Flat Top Islands shall be zoned marine protection.
- d) Existing log storage and log dumping grounds shall be zoned for those purposes.
- e) Existing aquaculture foreshore lease lots shall be zoned for aquaculture purposes.
- f) Existing marina operations in the Silva Bay area shall be zoned for marina commercial purposes.
- g) The following foreshore sites shall be zoned marine transportation:
  - i) BC Ferry Corporations water lease lot and ferry slip in Descanso Bay; and
  - ii) Green Wharf, situation in Percy Anchorage, at the end of Wharf Road. The former provides ferry access to Nanaimo, the latter provides water connection to Mudge Island.
- h) In foreshore locations where commercial and industrial uses are permitted adequate provision shall be made for public access to the foreshore.
  - i) No building shall be permitted beyond the high water mark of the sea.
  - j) So as to regulate form and character, development permit designations may be considered for commercial and industrial sites adjacent to the natural boundary of the sea.
- k) Natural coastal processes shall be left undisturbed to the maximum extent possible and there shall be no deposition of material below the natural boundary of the sea unless a permit is issued by Ministry of Natural Resource Operations, and DFO authorizing a breakwater or a seawall to be constructed.
- l) Any future applications to establish a new marina or expand an existing marina shall be conditional on it being demonstrated that the use can be carried out while minimizing conflict with other recreational uses and no damage will occur to nearby areas of ecological significance.
- m) Existing aquaculture operations are protected by the B.C. Farm Practices Protection (Right to Farm) Act. Any rezoning proposal to establish additional aquaculture sites in the planning area shall not be allowed in areas:
  - i) traditionally used for recreation, moorage of local vessels or landing seaplanes
  - ii) which are environmentally sensitive to such development.
- n) In a marine protection area, an application for rezoning to any use other than marine protection shall be conditional on a qualitative biological survey, prepared by a professional qualified in the field, being undertaken in order to determine the nature of the microhabitat which could be affected.
- o) Finfish farming is not supported in the marine waters of the Gabriola Island Planning Area.
- p) Harvest refugia areas shall be encouraged in the Gabriola Island Planning Area.

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**Marine Foreshore Advocacy Policies**

- q) *All public wharves are encouraged to install and maintain a public toilet.*
- r) *The Federal and/or Provincial government shall be requested to designate environmentally sensitive marine areas as marine protected areas.*
- s) *The Ministry of Environment shall be requested to add Marine Protected Areas to the Gabriola Islands Parks Inventory.*
- t) *Marinas shall be requested to install and maintain a public toilet.*

- u) *The designation of Gabriola Pass as a federal or provincial marine protected area is strongly encouraged.*

### 6.3 Heritage and Archaeological Resources

**Background:** Coast Salish First Nations people lived on Gabriola prior to European settlement. Sites of First Nations' cultural activity have been documented by the B.C. Archaeology Branch and include shell middens, burial caves, petroglyphs and other site types. Areas where archaeological features have been found include the north end of Gabriola, the Southwest area of the Island (across the channel from Mudge Island) and at the south end of the Island. The government-to-government relationship between the Snuneymuxw and the Islands Trust provides guidance for the establishment of specific measures for protecting Snuneymuxw heritage sites.

European settlement of Gabriola occurred in the mid-1800s. Some remaining heritage features from earlier times include houses, churches, schools, the millstone and brick factory sites, and the Pioneer cemetery.

#### Heritage Resources Objectives

1. *To identify, preserve, protect and enhance local heritage;*
2. *To maintain a record of the heritage resources of Gabriola;*
3. *To recognize the importance of involving First Nations in heritage conservation.*
4. *To encourage and facilitate the identification, protection and conservation of archaeological sites within the Plan Area.*

#### Heritage Features Policies

- a) The **Snuneymuxw** First Nation, and the Archaeology Branch, should be consulted prior to the initiation of any future development which may impact on a known archaeological site on Gabriola, or an area exhibiting potential for the presence of unrecorded archaeological sites.
- b) A community heritage register should be established to identify and inventory real property that is considered to be of heritage significance.
- c) The identification and preservation of heritage property shall be encouraged, through the use of voluntary covenants, heritage revitalization agreements and other means intended to encourage the owners of a heritage property to support its heritage designation and preservation.
- d) Heritage roads shall be protected as part of the Islands Trust agreement with the Ministry of Transportation and **Infrastructure**.
- e) Petroglyphs and other fragile archaeological sites shall be protected from inappropriate human use which may alter or destroy the significance of the site.
- f) Development proponents are encouraged to consider archaeological resources during all phases of project planning, design and implementation.
- g) The Local Trust Committee should consider the following in the Gabriola Island Land Use Bylaw:
  - i) The creation of subdivision regulations to protect registered or potential First Nation archaeological and heritage sites;
  - ii) Establishing regulations regarding use, density and the siting and location of buildings and uses on land to protect registered or potential First Nation archaeological and heritage sites;
  - iii) Implementation of other options to protect registered or potential First Nation archaeological and heritage sites, including but not limited to designation of heritage conservation areas, dedication of parkland during subdivision, and designation of protected heritage sites;
  - iv) Establishment of bylaws and other mechanisms to protect registered or potential First Nation archaeological and heritage sites in development application processes, including applications for amendments to **this Plan**, and **the land use bylaw**, applications for permits such as heritage alteration permits, temporary commercial or industrial use permits, or development variance permits, and decisions about parkland dedication that are made in

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response to applications referred to the Local Trust Committee as part of the subdivision approval process.

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### Heritage Features Advocacy Policies

h) The Ministry of Tourism, Culture and the Arts, Archaeology Branch, shall be requested to assist in further identifying archaeological sites and ensure they are protected from disturbance under Sections 12 and 14 of the *Heritage Conservation Act*.

Comment: Feb 18 Make h) later

i) The Regional District of Nanaimo, through its building inspection function shall be requested to ensure archaeological sites identified on Gabriola are protected during construction activities.

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k) The Regional District of Nanaimo and the Local Trust Committee are encouraged to develop complementary mechanisms to support the education of the public and the protection of registered and potential First Nations archaeological and heritage sites as part of their role in development and parkland management, including in the review of building permit applications and management of parkland, and in any other matters of common interest to the parties.

Deleted: The Coast Guard shall be requested to preserve the buildings on Entrance Island.

l) Public education and awareness, including the creation of brochures, web content and signage shall be encouraged.

l) The Coast Guard shall be requested to preserve the buildings on Entrance Island.

Comment: March 7: These have now been renumbered accordingly

## Section 9 - Development Permit Areas

Comment: March 7: For the purposes of track changes and maintaining clarity and readability in this document, staff suggest confirming the language in this section before moving the DP section to follow section 9. Staff have renumbered sections accordingly in anticipation of this.

Pursuant to Section 879 of the *Local Government Act*, a community plan may designate areas as development permit area for the:

- protection of the natural environment;
- protection of development from hazardous conditions;
- revitalization of commercial areas in which commercial use is permitted; or
- establishment of objectives and the provision of guidelines for the form and character of commercial, industrial and multi-family residential development

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For a property in a development permit area, no construction, structural alteration, or addition to a building or structure may take place prior to a development permit being obtained. In addition, a property in a development permit area may not be subdivided nor the land altered prior to a development permit being obtained.

As a condition of designating a development permit area in a community plan it is necessary to briefly describe the feature or site to be designated, state the objective to be achieved through designation and outline the guidelines to be complied with in the development permit area. This format is used below to describe the development permit areas in the Gabriola Island Planning Area. These locations are also shown in map form in Schedule C.

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### 9.1 Development Permits for Protection of the Natural Environment

#### DP-1 The Tunnel

Development Permit Area 1 (Schedule C) is designated according to Section 919(1) (a) of the *Local Government Act*. The shrub and tree canopy along North Road is an important scenic, heritage and environmental amenity that enhances the rural character of Gabriola Island. A 183 metre (600 foot) wide tree canopy and shrub buffer shall be retained along North Road, measured 90.8 metres (300 feet) on either side of the centre line of the existing right-of-way, except in the case of land in the ALR, in which case the canopy buffer shall not be less than 30 metres.

## Objective

*To maintain these natural values by minimizing the encroachment of subdivision roads, works and services, buildings and structures.*

## Development Guidelines

1. Construction within the buffer area shall be limited to:
  - i) roads
  - ii) trails
  - iii) public utility works (within a road right-of-way)
2. Where a utility corridor crosses the buffer area, the alignment shall be perpendicular to North Road so as to minimize the removal or disturbance of natural vegetation.
3. Roads shall alter the natural vegetation as little as possible and the number of accesses to North Road shall be limited to two on each side of North Road.
4. Water supply storage, utility buildings and wells shall be located outside of the tree canopy area.
5. Trees greater than 30.4 cm. (12") calliper, measured 5 feet from the ground, shall not be cut or damaged.
6. Where this Area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment, Lands and Parks or the Canadian Wildlife Service.

## DP-2 Lock Bay Area

Development Permit Area 2 (Schedule C) is designated according to Section 919(1) (a) of the [Local Government Act](#). Lock Bay has been identified as a unique beach of sand and gravel isolating a marsh of about 40 acres (Special Areas and Features Inventory, 1995).

## Objective

*To protect these natural areas from the impact of land development.*

## Development Guidelines

1. There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.
2. Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
3. There shall be no alteration or disturbance causing a negative impact to the foreshore habitat.
4. Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
5. An assessment of the environmental impact, including mitigation measures required shall be required prior to any new developments or the expansion of an existing development.
6. Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
7. Septic systems shall not be constructed within 30 metres of the natural boundary of a watercourse (including a body of water or the sea).
8. Areas subject to flooding shall be subject to a 30 metre setback from the natural boundary of the sea, unless waived by the Ministry of Environment, Lands and Parks.
9. Where this Area includes trees that bear the nests of eagles, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment, Lands and Parks or the Canadian Wildlife Service.

### DP-3 Hoggan Lake Area

Development Permit Area 3 (Schedule C) is designated according to Section 919 (1) (a) of the Local Government Act. The Hoggan Lake area has been identified as having moderate to high wildlife, freshwater and vegetation natural features and as an area with good bird populations.

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A setback of 15 metres measured from the natural boundary of the lake shall be left in a natural condition to be effective as cover, protection and food source. Riparian habitat is essential in maintaining the quality of aquatic habitat for the following reasons:

- a large supply of food material originates from outside the lake;
- mature trees adjacent to the lake provide a large organic debris that helps with bank stability, cover and habitat for young fish;
- shade from adjacent vegetation regulates water temperature and hence dissolved oxygen saturation;
- filtering of sediment and pollution from run-off.

#### Objective

*The objective of this area is to protect this natural feature from the impacts of land development.*

#### Development Guidelines

1. Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
2. Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
3. Septic systems should not be constructed within 30m of the natural boundary of any water body or watercourse in this Development Permit Area.
4. Natural watercourses shall be dedicated in the name of the Crown.
5. Vegetation and trees shall be retained and replanted in order to control erosion, protect banks or protect fisheries.
6. Areas subject to flooding shall be subject to a 15m setback unless waived by the Ministry of Environment.
7. Where this Area includes trees that bear the nests of eagles, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment, Lands and Parks or the Canadian Wildlife Service.

### DP-4 Flat Top Islands Area

Development Permit Area 4 (Schedule C) is designated according to Section 919 (1) (a) of the Local Government Act. The Flat Top Islands and Breakwater Island have been identified as having high and moderate-high marine, vegetation and wildlife natural features (Benn, 1975).

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#### Objective

*To protect areas known as having special natural features.*

#### Development Guidelines

1. There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.
2. Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
3. There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.
4. Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.

5. Other than within existing marine lease areas, applicants shall provide an assessment of environmental impacts and mitigation measures prior to any expansions or new developments.
6. Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
7. Septic systems shall not be constructed within 30 metres of the natural boundary of any water body or watercourse in this Development Permit Area.
8. Areas subject to flooding shall be subject to a 15 metres setback unless waived by the Ministry of Environment, Lands and Parks.
9. Where this Area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment, Lands and Parks or the Canadian Wildlife Service.

**DP-5 Gabriola Pass Area**

Development Permit Area 5 (Schedule C) is designated according to Section 919 (1) (a) of the Local Government Act. The intertidal area is boulder-tiered ledges, sandstone and shale formations and sand and gravel banks. Tide pools exist along the Gabriola Island length. The sub-tidal area is largely devoid of human impact and is exceptionally rich in an abundance of marine life (Marine Life Sanctuaries Society of BC, 1996).

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**Objective**

*To provide a refuge for the naturally existing species; to provide opportunities for a wide-range of multi-use non-consumptive recreational activities; and to provide an educational opportunity for people to learn about the marine environment.*

**Development Guidelines**

1. Other than within existing marine lease areas, applicants shall provide an assessment of environmental impacts and mitigation measures prior to any alteration to marine uses.
2. There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.

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**9.2 Development Permits for the Protection of Development from Hazardous Conditions**

**DP-6 Escarpment Areas**

**Location and Justification**

Development Permit Area 6 (Schedule C) is designated according to Section 919 (1) (b) of the Local Government Act. Escarpment areas are areas where a land slope of greater than 80 per cent exists. The British Columbia Soil Survey (1990) identified numerous areas of escarpment on Gabriola Island where the slope is greater than 80 per cent. These escarpment areas may not be suitable for development as they may be subject to erosion, land slip, rock falls or subsidence, or other hazards.

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**Objective**

*To protect development from natural hazards, including terrain instability, erosion, land slippage, rock falls, subsidence, debris flows and flooding or changes to stormwater runoff due to development on or in proximity to lands with excessive slope conditions.*

## Development Guidelines

1. There shall be no construction of buildings, septic tanks, drainage and deposit fields, irrigation or water systems unless a geotechnical engineer recommends that such construction may occur without subjecting land in the escarpment area to increased slope instability.
2. There shall be no removal of trees or vegetation unless a geotechnical engineer recommends that such removal may occur without subjecting land in the escarpment area to increased slope instability.
3. In cases when the Nanaimo Regional District building inspector requires a report from a geotechnical engineer, which outlines precautionary measures to be taken in avoiding a hazardous situation, a development permit under this section shall not be required.

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## 9.3 Development Permits to Establish Objectives and Guidelines for the Form and Character of Commercial, Industrial and Multiple Family Residential Development

### DP-7 The Village Centre

Development Permit Area 7 (Schedule C) is designated according to Section 919 (1) (e) of the *Local Government Act*. The character of Folklife Village should set the tone for development in the Village Centre.

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### Development Guidelines

1. The character of each development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings;
2. The development shall incorporate small scale building designs with such amenities as public walkways and outdoor open spaces for use by the public;
3. Natural vegetation and trees shall be retained or planted and maintained for screening of parking and storage areas and to enhance the atmosphere of public open spaces. Safety and visibility shall be considered in landscape design;
4. Lighting should be kept to the minimum necessary for pedestrian safety and visibility, in order to maintain a low level of light in the night-time atmosphere;
5. Signs made from natural materials or incorporating materials produced by local artisans and crafts people are encouraged;
6. Pedestrian requirements (i.e. walkways), shall be incorporated into the development.
7. Off-street parking shall be designed to be as unobtrusive as possible and where possible, located to the rear of the parcel away from public open spaces and eating areas;
8. Landscaping shall facilitate water retention;
9. Exterior surfaces of local and/or natural materials such as wood, stone or brick shall be encouraged;
10. Facilities for recycling shall be provided in garbage collection areas.

For the following types of development a Development Permit shall not be required:

- i) Building painting, structural alterations and repairs of a minor nature that do not require a building permit;
- ii) Building repairs and maintenance where the materials to be used are of the same type and form as the existing materials;
- iii) The installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in local bylaws.

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### DP-8 Multi Dwelling Affordable Housing Development Permit Areas

Development Permit Area 8 (Schedule C) is designated according to Section 919.1 (1) (f) of the *Local Government Act*.

## Objective

To ensure that the scale and character of any new development and alteration of the existing development is undertaken in a manner which is in keeping with the rural character of the Island.

## Development Guidelines

1. The character of the development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings;
2. Natural vegetation and trees shall be retained or native vegetation planted and maintained for screening of parking and storage areas. Safety and visibility shall be considered in landscape design;
3. Landscaping shall facilitate water retention;
4. Facilities for recycling shall be provided in garbage collection areas;
5. Lighting is to be kept to a minimum necessary for pedestrian safety and visibility. Lighting in off-street parking areas shall be adequate for security purposes;
6. Signs made from natural materials or incorporating materials produced by local artisans and craft people are encouraged;
7. Off-street parking shall be designed to be as unobtrusive as possible and, where possible, located to the rear of the parcel;
8. Exterior surfaces of building and structures shall reflect a locally crafted character and be comprised of natural local materials such as wood or stone;
9. Common area amenities shall be provided prior to alteration and/or occupancy.
10. A vegetation screen shall be provided within the required setback area which provides an adequate visual screen of the intended use from an adjoining residential parcel.
11. Bicycle storage areas and structures, bicycle and pedestrian paths and areas for community garden space shall be provided as a means for decreasing greenhouse gas emissions.
12. Where possible, water conservation measures and energy efficient building siting and design shall be provided.

For the following types of development, a Development Permit shall not be required:

- i) Building painting, structural alterations and repairs of a minor nature that do not require a building permit;
- ii) Building repairs or maintenance where the materials to be used are of the same type and form as the existing materials;
- iii) The installation of carved wood signs on parcels where there are existing buildings, provided the signs do not exceed the maximum sizes permitted in local bylaws.

## DP-9 Light Industrial Use Development Permit Area

Development Permit Area 8 (Schedule C) is designated according to Section 919 (1) (e) of the Local Government Act and includes the only currently existing site designated Industrial in the planning area.

## Objective

To ensure that the scale and character of the new and existing development is undertaken in a manner which is in keeping with the rural character of the Island.

## Development Guidelines

1. The character of the development shall be in keeping with the island environment and, with the exception of points of access to the property, adequate natural vegetation screening shall be maintained along the perimeter of the property; and
2. No buildings shall be located closer than 30 metres from a watercourse or the high water mark of the sea.

**Comment:** Suggest not adding to the end of this sentence "and from the perspective of climate change adaptation and greenhouse gas emissions reductions.

**Comment:** Move all the DPA sections to the end of the document...follow section 9 GHG.

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**Comment:** Based upon DP guidelines and policies from SSI, NP and DN

**Comment:** Feb 18: staff to look at other guidelines for reference.

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- A site plan shall be provided to illustrate where on the site off-street parking and equipment storage is to be accommodated and in no case shall any equipment, materials or vehicles used in association with the industrial use be located on an adjoining parcel or a public road right of way.

## Section 7 - Transportation and Servicing

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### 7.0 Transportation

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There are three main forms of transportation services of importance in the Gabriola Island planning area: land transportation, water transportation and air transportation. Each is discussed separately below:

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### 7.1 Land Transportation

**Background:** For purposes of this plan, land transportation includes public roads, facilities for cyclists and pedestrians, public transit and on and off-street parking. The Ministry of Transportation and Infrastructure (MOTI) is responsible for the provision and maintenance of roads on Gabriola. In addition, through its subdivision approval function it has authority over the standard at which roads in new subdivision are constructed.

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In 1992, in light of the unique character of the Gulf Islands, the Islands Trust and the then Ministry of Transportation and Highways (MOTH), reached an agreement to work together in establishing road standards and road classifications which are appropriate for the Islands Trust area. The MOTH-Islands Trust agreement also includes provision for the designation of scenic/heritage roads and bicycle routes in the Trust Area. A bicycle route plan allows for the adjustment of shoulder width standards when roads are upgraded by MOTI.

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### Land Transportation Objectives

- To establish a classification system for roads which is in keeping with the rural character of Gabriola;
- To designate scenic/heritage roads which reflect the unique visual and historical qualities of Gabriola;
- To support alternative transportation initiatives, including, but not limited to, public transit, car stops, neighbourhood zero emission vehicles, car shares, bicycle routes and walking trails that link population to services, reduce dependency on private automobile use and reduce greenhouse gas emissions;
- To provide a network of bicycle routes and ensure island roads are able to accommodate cycling safely;
- To encourage the provision of a network of public pathways island-wide and safe pedestrian access along the Island's main roadways;
- To support the initiation of a practical and efficient public transportation system;
- To oppose any fixed link or bridge to Vancouver Island or ferry connection to the BC Lower Mainland;
- To require that adequate off-street parking and encourage that bicycle racks be provided, particularly in the vicinity of the BC Ferry terminal at Descanso Bay and in the Village Centre commercial area; and
- To require island roads to be maintained in good repair, but to ensure they are constructed in a manner which respects the natural contours of the landscape and allow for the retention of the natural vegetation cover within the public road right of way.

Comment: This is a new objective

### Land Transportation Policies

- The major road pattern shall be as shown in Figure 4.

- b) Scenic/heritage roads on Gabriola, defined as unique and valued roadways due to the tree cover and vistas, were agreed to by MOTI and the Islands Trust, as shown in Figure 4 and include the following:
- i) Wharf Road;
  - ii) Berry Point Road, east from Norwich Road to the end at Leboeuf Bay past Clarendon;
  - iii) Easthom Road, from the ferry parking lot to Harrison Way;
  - iv) Coats Drive from South Road to the end at 707 Park; and
  - v) Gray Road.
- In addition, Martin Road, Coast Road and the North Road tunnel area should be requested for inclusion as a scenic/heritage road.
- c) Roads designated as being of scenic or heritage value shall not be widened except where required as a safety measure.
- d) So as to maintain the Island's rural character and reduce the amount of cut and filling required related to road construction, Island roads should (to the extent practical) conform to the natural contours of the land.
- e) Where possible, the natural vegetation along side the travelled portion of a public road shall be retained.
- f) New roads, and modifications to existing roads, should not fragment agricultural land or environmentally sensitive areas, such as wetlands.
- g) Provisions shall be made for bicycle and pedestrian paths in new developments.
- h) Roads designated as being part of the bicycle route plan developed in accordance with the agreement with MOTH and the Islands Trust attached to this bylaw as Figure 5 shall include provision for a paved bicycle shoulder lane, and a painted line should be provided on the road surface to delineate a separation between the vehicle and bicycle shoulder lane portions of the road surface. Bicycle shoulder lanes should be provided on both sides of the roads designated as bicycle routes.
- Information Note: The Share Roadways – Gabriola Island Bicycle Route Plan, dated March 29, 2010, developed by the Gabriola Cycle Paths, was used as a resource for the bicycle related policies and bicycle path mapping in this Plan.
- i) All on-road bicycle shoulder lanes shall be a minimum of 1.2 metres (4 feet) in width and be a minimum of 0.6 metres (1.97 feet) in width in the following situations only:
- Changes to natural geographic features, such as escarpments, would be required in order to implement the 1.2 metre (4 foot) paved bicycle shoulder lane.
  - Mature trees would need to be removed in order to implement the 1.2 metre (4 foot) paved bicycle shoulder lane.
- j) Commercial, multi-dwelling developments and public facilities should provide structures for the convenient and secure parking and locking of bicycles.
- k) The creation of an off-road bicycle and pedestrian trail along Gabriola's busiest traffic corridor from the ferry hill to Tin Can Alley should be considered when land use decisions, rezonings, subdivisions, road resurfacing or other development occurs along this route.
- l) Identification signs should be provided along scenic/heritage roads and bicycle routes in the Planning Area.
- m) Shared private driveways shall be encouraged and subdivision layouts should be encouraged to allow for the consolidation of points of access to individual parcels from a public road.
- n) The development of a bridge or other form of fixed transportation link of any kind connecting Gabriola to Vancouver Island or any other island or the B.C. Lower Mainland is not supported and is contrary to the provisions of this Plan.
- o) A suitable location for off-street parking for persons travelling by boat to Mudge Island and leaving their vehicle on Gabriola Island needs to be identified which does not cause unnecessary parked vehicle congestion in the El Verano Drive and Green Wharf areas. In order to resolve this situation, it is recommended that a committee comprised of representatives from Mudge Island, the El Verano residential area, the Trust Committee and MOTI, be established.

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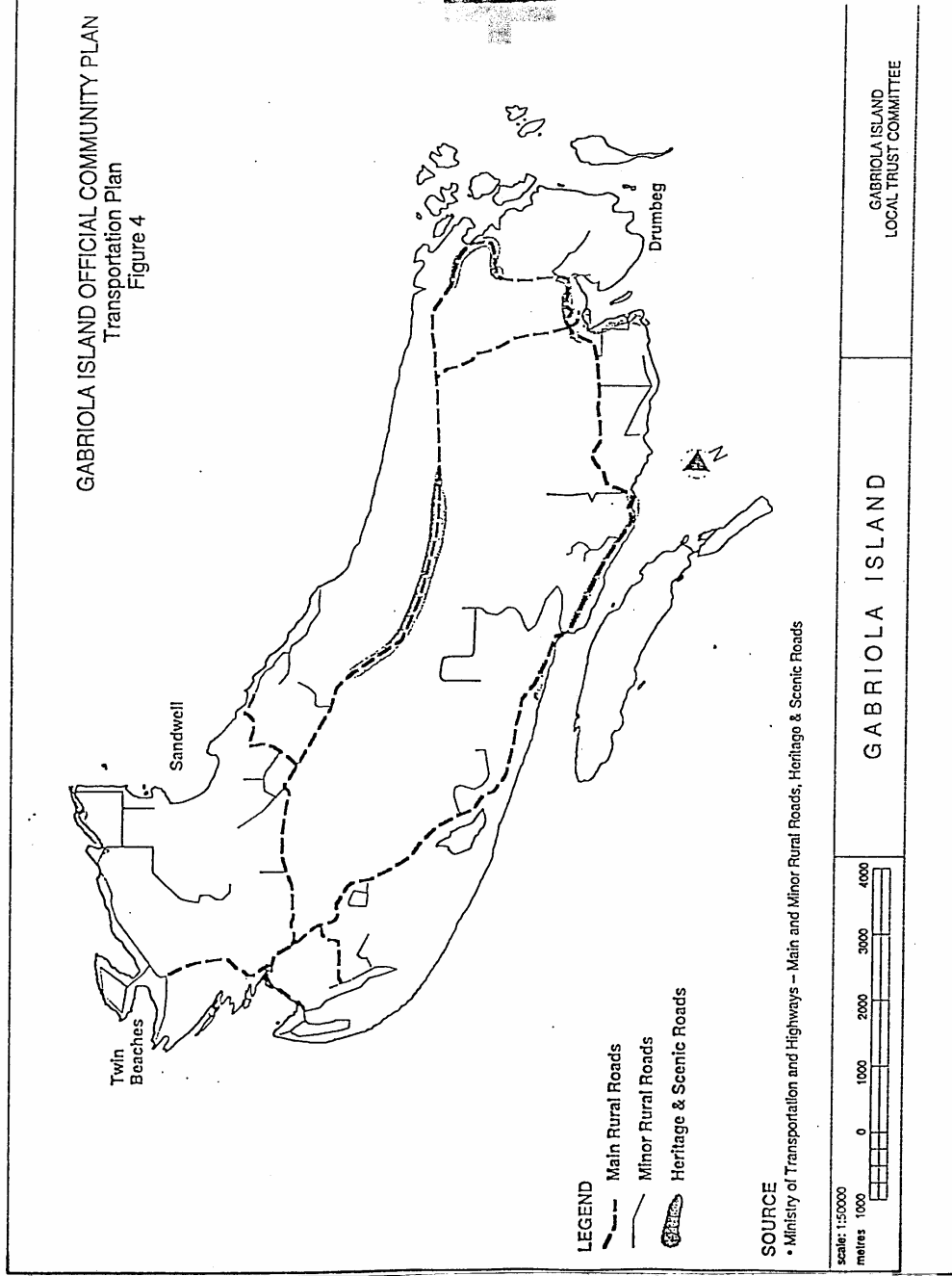
- p) BC Transit and the Regional District of Nanaimo are encouraged to consider providing a limited mini-bus transit service, including for handicapped persons.
- q) The potential public transit bus route for Gabriola Island (Schedule D) should be referred to when considering land use and planning decisions.

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- Deleted: In conjunction with
- Deleted: , the feasibility of
- Deleted: public
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- Deleted: on Gabriola should be explored, including undertaking a needs assessment and feasibility study related to operating a privately or publicly operated mini-bus transit service, including for handicapped persons
- Deleted: n
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- Comment: Feb 18: add a proper figure or schedule for the bus route.
- Comment: March 7: Done. See below.

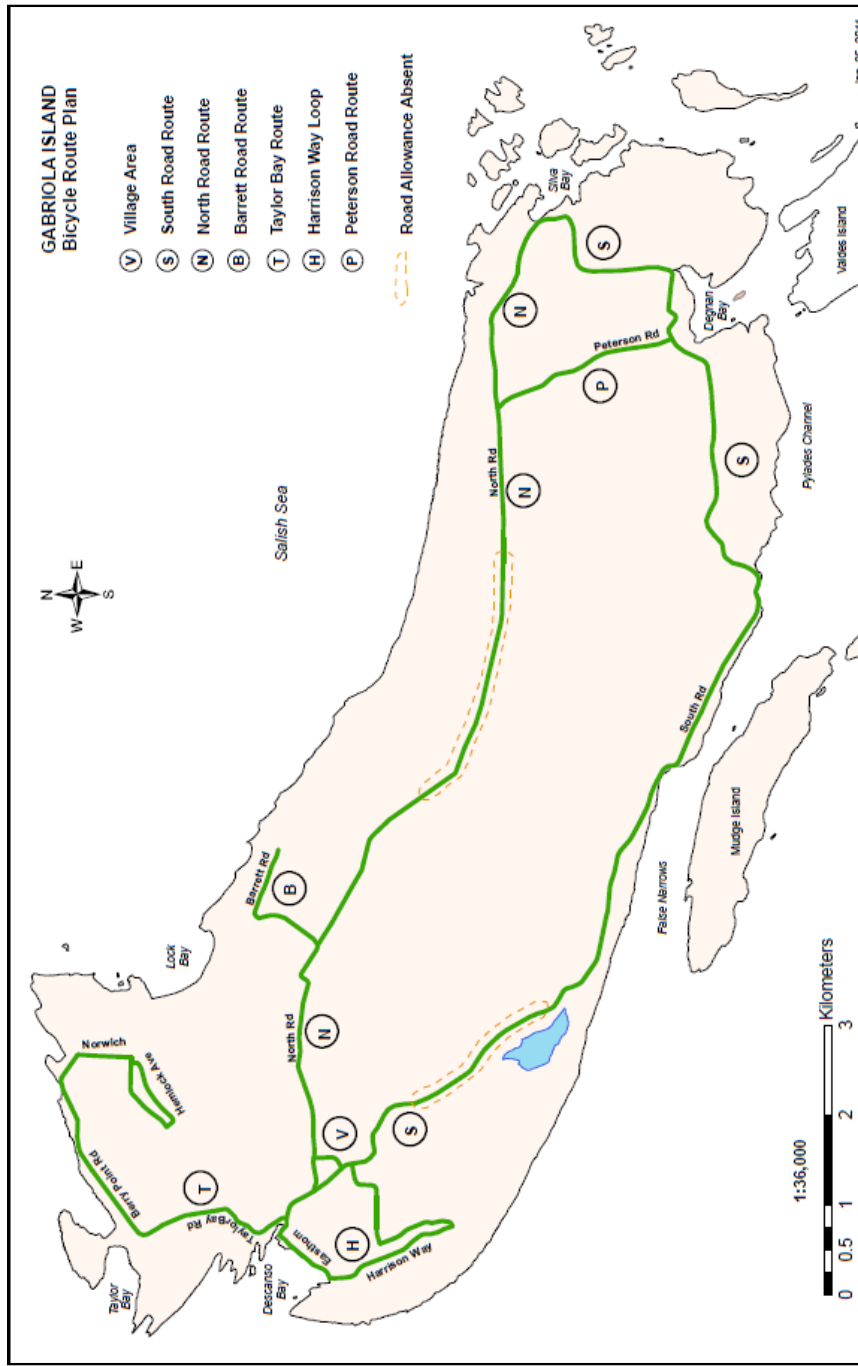
**Land Transportation and Fire Protection Advocacy Policies**

- r) The Ministry of Transportation and Infrastructure (MOTI) shall be requested to:
  - i) consult with the Trust Committee on setting priorities for annual road work programs;
  - ii) establish speed limits that are consistent with the island's rural road systems;
  - iii) enforce its sign regulations so as to ensure a minimal number of commercial signs are placed along the island's road rights-of-way, in keeping with Gabriola's rural atmosphere; and,
  - iv) work with the Trust Committee to provide parking and no-parking and bicycle route signage, where appropriate.
- s) The Trust Committee recommends that MOTI consider designating additional sections of roads on Gabriola as scenic/heritage roads.
- t) MOTI, Gabriola Transportation Advisory Committee and the Fire Protection Improvement District should work together to identify:
  - i) roads requiring upgrading for fire protection purposes;
  - ii) locations where the existing road network should be extended or improved road interconnection provided within existing residential subdivisions (or at the time of new subdivision) so as to increase the ability to provide fire protection services in the Planning Area.
- u) On local roads serving less than 6 parcels the MOTI Approving Officer is encouraged to consider relaxing the width of the public road right of way and the width of the travelled surface of the road.
- v) Programs to educate cyclists, motorists and pedestrians on road safety issues shall be supported.
- w) Property owners are encouraged to work with the community to realize safe and sustainable bicycle and pedestrian routes.

**Figure 4 Transportation Map**



**Figure 5 Bicycle Route Plan**



**Comment:** Feb 18: change the title to Bicycle Route Plan or Proposed...the title of the Figure, the map title and the text referring to this map above must all agree, with the intent that these are proposed.

**Comment:** March 7: New Map title inserted.

**Deleted:** Proposed

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## Schedule D

Schedule D is currently a placeholder for the Regional District of Nanaimo's public transit route for Gabriola Island. It is scheduled to be available in 2011.

**Comment:** March 7: Re-inserted as per direction at Jan 18, 2011 special LTC meeting.

## 7.2 Water Transportation

**Background:** The Gabriola Island Planning Area offers numerous anchorages and sheltered bays for private boating access and use. Taylor Bay, Pilot Bay, Percy Anchorage, Silva Bay and Degnen Bay all provide sheltered anchorages, wharfages and water access, dependent on weather. Water access is also available via the Federal government wharf at Degnen Bay.

### Water Transport Objectives

1. To ensure the provision of a ferry service to Vancouver Island that meets the needs of the local community;
2. To protect sheltered bays as suitable locations for temporary anchorage;
3. To provide for water transportation facilities which satisfy local requirements.

### Water Transport Policies

- a) Passenger commuter-type service (e.g. water taxi) shall be permitted based on appropriate upland and water zoning and provided the operator provides adequate parking and pedestrian facilities and minimizes noise disturbance. Depending on location and the nature of the use a development permit may be required.
- b) A dock or wharf that provides a water connection from Gabriola Island to Mudge Island shall be supported, outside of environmentally sensitive areas and subject to satisfactorily resolving the parking situation referred to in Policy 8.1.1.
- ~~c) A major ferry terminal on Gabriola to provide service to Vancouver Island and/or a Lower Mainland destination shall be strongly opposed as it is inconsistent with the objectives and policies of this plan.~~
- ~~d) Provision for public trailer boat launch ramps and canoe/kayak hand launch beach sites and dinghy docks is supported, subject to adequate parking.~~
- ~~e) Maintenance of the present ferry terminal sites on the Gabriola and the Nanaimo sides is strongly supported.~~

**Comment:** March 7: these have now been renumbered

**Comment:** Renumber these below.

**Deleted:** c) The establishment of the public wharf at Descanso Bay for emergency purposes shall be supported.†

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### Water Transport Advocacy Policies

- ~~f) The BC Ferry Corporation shall be requested to ensure that changes to the ferry service involves consultation with the local community.~~
- ~~g) The following issues shall be discussed with the BC Ferry Corporation:
  - i) the scheduling of a late evening weekend ferry;
  - ii) the provision of parking at the Gabriola ferry terminal;
  - iii) safe pedestrian routes to the Gabriola ferry terminal;
  - iv) the scheduling of the ferry with the Nanaimo public transit service;
  - v) the establishment of incentives for foot-passengers.~~
- ~~h) The BC Ferry Corporation shall be requested to:
  - i) consult with the Trust Committee and public, prior to giving consideration to any major alteration to the ferry service to Gabriola.
  - ii) continue to provide an adequate level of service for the needs of residents.
  - iii) ensure all vessels and associated upland facilities meet the standards of the Ministries of Health and Environment, Lands and Parks.~~
- ~~i) The Federal Department of Fisheries and Oceans shall be requested to continue maintenance and improvements to the wharf and parking area at Degnen Bay and to provide for a public toilet.~~

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## 7.3 Air Transportation

**Background:** Air travel to Gabriola is limited to float plane service. However, for emergency purposes a heliport station is located at Fire Hall No. 1, at 760 North Road, near the Village Centre.

### Air Transportation Objectives

1. *To limit air transportation service on Gabriola to emergency helicopter service and float planes;*
2. *To minimize the noise disturbance of air transport to local residents.*

### Air Transportation Policies

- a) Terminals and Land-based airports, other than the emergency helicopter landing area, shall not be permitted.

### Air Transportation Advocacy Policy

- b) *Commercial float plane operators shall be requested to limit hours of operation to conform to the RDN's Noise Bylaw.*
- c) *The Federal Ministry of Transportation and the Department of National Defense shall be requested to ensure flight paths and practice areas for military and civilian air traffic are directed away from Gabriola Island.*

## 7.4 Water Supply

**Background:** Groundwater is drawn from fresh water aquifers which underlay the island. The aquifers vary in water quality and quantity. A number of factors, including geologic conditions, soils, vegetation cover, sewage disposal methods, agricultural runoff and proximity to the sea can influence the quality and quantity of the island's water supply.

### Water Supply Objectives

1. *To manage the island's groundwater resources on a sustainable basis;*
2. *To protect the groundwater resource from contamination;*
3. *To promote water resource conservation strategies and to reduce water demand as much as possible;*
4. *To undertake a program to monitor the quality and quantity of the groundwater aquifers on Gabriola;*
5. *To discourage non-essential large scale use of domestic water (such as lawn sprinkling and swimming pool filling) during periods of low water supply.*

### Water Supply Policies

- a) Methods of water conservation such as low water use fixtures, retention of rainwater and runoff in cisterns and ponds and other means shall be encouraged.
- b) The use of chemical fertilizers, pesticides, and herbicides shall be discouraged in order to protect water sources.
- c) No piping of water from a source outside the Plan area shall be permitted.
- d) In considering the approval of a community water system, consideration shall be given to the results of a water management review, prepared by a Professional Engineer which examines:
  - i) the potential impact on existing water users in the immediate area;
  - ii) the recharge capability of the water source relative to anticipated maximum water demand of the proposed system;
  - iii) ownership and management of the system; and,
  - iv) remedies available in the event of a water system failure.

- e) Abandoned wells should be properly capped so as to avoid contamination of the aquifer.
- f) Industrial or recreational uses which are consumptive of large quantities of water shall be discouraged.

**Water Supply Advocacy Policies**

- g) *The Ministry of Health and the Ministry of the Environment, Lands and Parks shall be requested to:*
  - i) *assess the quality and quantity of groundwater on Gabriola;*
  - ii) *identify, map and monitor the quality of water catchment areas and watersheds on Gabriola;*
  - iii) *ensure that drilled wells with high salt content be capped or grouted to protect against the intrusion of salt into the fresh water table.*
- h) *Ministry of Environment, Lands and Parks shall be requested to implement groundwater licensing regulations.*
- i) *The Regional District of Nanaimo shall be requested to study the feasibility of creating water storage reservoirs on Crown land for improving the overall retention of rainwater.*

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**7.5 Liquid Waste Management**

Background: Liquid waste management (or sewage disposal) on Gabriola is provided for by means of in ground septic and field disposal systems, approved through a permit system by the Ministry of Health or the Ministry of Environment. The Ministry of Health and the Ministry of Environment require a minimum parcel size of 1 hectare for septic approval dependent upon overall parcel slope and soil depth.

Since groundwater from wells is the principle source of drinking water the safe disposal of all effluent is essential. Equally important is the need to prevent sewage seepage into the Island's marine or surface waters.

**Liquid Waste Management Objectives**

- 1. *To ensure that the disposal of sewage does not lead to health hazards through pollution of the groundwater or the marine waters within the Gabriola Island Planning Area.*

**Liquid Waste Management Policies**

- a) In areas where it is anticipated that septic disposal systems may not function properly, development shall be prohibited unless the Ministry of Health is prepared to approve an alternate systems of effluent disposal.
- b) Sewage outfalls into the marine waters of the planning area shall not be permitted unless it may be demonstrated that the resulting effluent has received a tertiary level of treatment to ensure it will not harm the marine environment and the system is adequately maintained in proper working order.

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**Liquid Waste Management Advocacy Policies**

- c) *The Ministry of Health and Ministry of the Environment, Lands and Parks shall be encouraged to consider alternative methods of sewage disposal and the beneficial reuse of treated domestic waste water.*
- d) *The pumping and haulage of sewage, as approved by the Ministry of Health, shall be encouraged.*
- e) *All existing septic disposal systems in the planning area should be maintained in proper working order so as to prevent pollution of the fresh, marine and ground\_waters.*

## 7.6 Solid Waste Management

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**Background:** The Regional District of Nanaimo provides garbage, blue box recycling and green bin organic waste collection services on Gabriola. The Gabriola Island Recycling Organization (GIRO) operates a recycling depot and a re-use centre.

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### Solid Waste Management Objectives

1. To ensure that there is no degradation of air, water, or soil quality on Gabriola as a result of waste recycling and disposal;
2. To promote co-operation among citizens and all levels of government to improve the ecology on Gabriola and the wise use of the earth's finite resources;
3. To encourage recycling.

### Solid Waste Management Policies

- a) The recycling of all solid wastes in the Local Trust Area, including waste generated by the commercial sector shall be supported.
- b) Locally-operated recycling services shall be preferred to off-island recycling services.
- c) Sites for storage or dumping of solid waste shall be managed in compliance with the Regional District of Nanaimo Waste Management Plan through consultation with the Ministry of Environment.
- d) The burning of waste from lot clearing shall be discouraged and the burning waste shall comply with the standards of the Ministry of Environment, Lands and Parks.

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### Solid Waste Management Advocacy Policies

- e) The Regional District of Nanaimo shall be requested to fund Gabriola Recycling Organization (GIRO) operations on Gabriola.
- f) If hazardous wastes cannot be handled by the GIRO depot, the Regional District of Nanaimo or the Ministry of Environment, Lands and Parks shall be requested to inform the public of safe disposal sites.
- g) All applications for commercial or industrial development shall include plans for the recycling and appropriate disposal of solid waste.

## Section 8 – Climate Change Adaptation and Greenhouse Gas Emission Reduction

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**Background:** Climate change refers to the increasing concentration of heat-trapping greenhouse gases (GHGs) in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change reveals that between 1970 and 2004, GHG emissions have increased by 70%. This dramatic rise in atmospheric GHG concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to climate change issues, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amends the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include GHG emission reduction targets—and policies and actions to achieve those targets— in their Official Community Plans.

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The following targets, objectives, policies and actions are the first step to ensuring that the reduction of GHG emissions specifically, and the impact of climate change in general, become part of the planning process for the Gabriola Planning Area.

### **Climate Change Adaptation and Greenhouse Gas Emission Reduction Objectives**

1. *To establish climate change as a fundamental factor in land use decision-making, while adhering to the Islands Trust Policy Statement.*
2. *To support efforts and policies that help the community adapt to climate change impacts.*
3. *To work with others to support actions that limit emissions.*
4. *To reduce greenhouse gas emissions by 33% by 2020 and 85% by 2050 from 2007 levels. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.*

*Note: 2008 data is provided in the Island Futures Society Report titled GHG Emissions Gabriola Island.*

### **Climate Change Adaptation and Greenhouse Gas Emission Reduction Policies**

- a) The Local Trust Committee should continue to work with the Trust Fund Board and other conservation organizations to promote land conservation as a cost effective and important climate change mitigation strategy.
- b) The Local Trust Committee should consider the development of new criteria for assessing official community plan or land use bylaw amendment applications from the perspective of climate change adaptation and greenhouse gas emission reduction.
- c) The Local Trust Committee should consider new development permit area guidelines that promote low impact land uses, alternative transportation, energy conservation, water conservation, and the reduction of greenhouse gas emissions.
- d) The Local Trust Committee should encourage small scale local food production as a significant step to reducing food transportation costs and reducing greenhouse gas emissions created by food transport.
- e) The Local Trust Committee should identify significant unfragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping both for their environmental values as well as carbon sequestration areas.
- f) The Local Trust Committee should consider amendments to Village Commercial zoning and the Village Development Permit Area guidelines to increase walkability.
- g) The Local Trust Committee should consider amendments to commercial parking regulations to encourage public transit, smaller vehicles, non-polluting vehicles, and permeable parking surfaces.
- h) The Local Trust Committee should consider amending the Land Use Bylaw to measure the footprint of buildings and structures from the interior walls instead of the outer perimeter of the foundation of the building, so increased insulation is encouraged.
- i) The Local Trust Committee should consider amending the Land Use Bylaw to consider setbacks from the ocean in relation to sea level rise.
- j) The Local Trust Committee should develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change and greenhouse gas emission reduction and adaptation criteria, such as energy efficiency, renewable energy, and carbon sequestration impacts.

*Note: These policies are not intended to discourage the clearing of land within the Agricultural Land Reserve for agricultural purposes.*

### **Climate Change Adaptation and Greenhouse Gas Emission Reduction Advocacy Policies**

A number of climate change adaptation and greenhouse gas emission reduction actions are identified that can only be achieved through cooperation and initiatives resulting from individuals and the community, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

- k) The following activities are encouraged as possible actions that can be taken to reduce greenhouse gas emissions:
  - i) Islands Trust Natural Area Protection Tax Exemption Program should be widely advertised, including the Islands Trust website, to ensure all residents are aware of the benefits (both financial and from an environmental perspective) of protecting natural areas.
  - ii) Provincial agencies, when considering changes to infrastructure on the Islands, are strongly encouraged to take a “small ecological footprint” approach to any proposals for park, road, ferry, dock, or infrastructure development. The investigation of opportunities to share resources or develop common facilities is strongly encouraged.
  - iii) The Province is strongly encouraged to support water conservation, rainwater catchment, and alternative forms of septic treatment, as stated in the Water Supply section of this Plan.
  - iv) The use of electric vehicles is strongly encouraged on Gabriola Island. Provincial agencies are encouraged to consider amendments to traffic regulations that facilitate the use of electric vehicles.
  - v) The Province is encouraged to implement sustainable, ecologically safe forestry practices as requirements on public and private lands.
  - vi) BC Ferries is encouraged to retain signage in the ferry line up indicating that Gabriola Island is an idle-free zone.
  - vii) The Local Trust Committee encourages the Islands Trust to add a “carbon neutral calculator” to the Islands Trust website to assist residents in calculating their personal and household greenhouse gas emissions. Ideally, residents should be provided with a printout that compiles a list of suggested personal actions that could be taken to reduce emissions, tailored to the individual conditions entered into the calculator.
  - viii) The Local Trust Committee encourages the development of public transit, cycling and walking trails to permit non-automobile based forms of travel, as stated in the Transportation section of this Plan.
  - ix) Residents are encouraged to work beyond the requirements of Provincial and National Building Codes and find new ways to incorporate high energy efficiency into building design and construction. In addition, residents are encouraged to seek out new ways of reducing their own greenhouse gas emissions through alternative transportation methods, reduced use of fossil-fuel burning engines or generators, and increased use of alternative energy sources.
  - x) Residents are encouraged to avoid backyard burning, and the Regional District of Nanaimo is encouraged to support recycling of organic debris to reduce fire hazard.
  - xi) Residents and businesses are encouraged to minimize soil disturbance, since Gulf Island soils are especially high in carbon and their disturbance is a significant contributor to greenhouse gas emissions.
  - xii) Community groups are encouraged to develop and manage a website to encourage ride sharing both on the Island and for traveling to and from the Island.

- xiii) When landscaping or replanting, community groups, individuals, businesses and government agencies should consult experts regarding native tree species that most effectively sequester carbon or that should be planted to adapt to future conditions from climate change.
- xiv) The production of renewable energy for local consumption on Gabriola Island is encouraged, and residents with successful and appropriate alternative energy production methods are encouraged to share their methods with other residents.

# Appendix

## Appendix 1 Definitions

The following definitions are applicable in interpreting the provisions of this community plan:

"accessory"	<u>in relation to a use, building or structure means ancillary, secondary and exclusively devoted building or structure, expressly permitted by this Bylaw on the same lot or, where the accessory common property in a bare land strata plan, on a strata lot in the same strata plan.</u>
"Accessory cottage"	means a residential dwelling unit not exceeding 65 sq. metres (700 sq. ft.) accessory to the dwelling unit.
"Advocacy Policy"	means a policy in this Plan directed at another level of government, agency or person(s) at which is outside of the direct jurisdiction of the Local Trust Committee to affect itself through
"Affordable Housing"	<u>means housing cost that does not exceed 30% of a household's gross income applicable to moderate income, those with incomes at 60% or below the median household income (using Census Canada information).</u>
"agriculture"	means growing, rearing, producing or harvesting agricultural crops or livestock and including on that parcel the primary agricultural products harvested, reared or produced on that parcel and machinery, implements and agricultural supplies.
"average parcel size"	means the average area of parcels proposed to be created through a plan of subdivision or subdivision and is calculated by dividing the sum of the areas of the proposed parcels by the number of parcels.
"bed and breakfast accommodation"	means the accessory use of a residential dwelling unit for the overnight accommodation of guests in which breakfast is the only meal served.

**Comment:** Only focus on definitions that are related to other work above, and that are a problem with existing LUB reg's.

**Comment:** Generally, definitions are a good way to address the meaning of words so that everywhere that word appears in the bylaw has the exact same meaning, specific to the context of community planning. [23]

**Deleted:** means ancillary, subordinate and exclusively devoted to a principal use; building or structure on [24]

**Comment:** These changes would have the OCP and the LUB definitions as exactly the same.

**Comment:** Recommend removing this definition. The policies in the OCP enable accessory cottages, and [25]

**Comment:** Feb 18: This item is moved from being a second bullet under 2.4

**Comment:** Staff recommends that this definition be removed. The LUB can regulate agriculture use.

**Comment:** This definition appears in the regulations within the and are not needed here. The OCP describes [26]

**Comment:** This is a definition useful in the LUB, but not necessary here. There is only one reference in the OCP [27]

<b>"building"</b>	means any structure with a gross floor area exceeding 8 square metres (100 sq. ft.) used supporting or sheltering any use or occupancy;	<p><b>Comment:</b> Recommend that the definition of 'building' be removed. The LUB has a longer and more specific definitions with criteria. This definition does not include the requirement of a roofed structure being called a building, which seems ... [28]</p> <p><b>Comment:</b> The only appearance of the word 'commerce' is in the de... [29]</p> <p><b>Comment:</b> The definition of 'commercial vacation rental' could remain here. This... [30]</p> <p><b>Comment:</b> This definition is used twice in the OCP, both in the Resource policy se... [31]</p> <p><b>Comment:</b> Similar to community sewer above, the community water syste... [32]</p> <p><b>Comment:</b> The word 'contiguous' appears throughout the OCP. T... [33]</p> <p><b>Comment:</b> The LUB implements the intent of the OCP and contains regu... [34]</p> <p><b>Comment:</b> Feb 18: Make the LUB definition the same as this one from OCP.</p> <p><b>Comment:</b> Recommend removing the term 'family'. If the LTC wishes to iden... [35]</p> <p><b>Comment:</b> This term appears once in the OCP, as a Marine Resource policy. That f... [36]</p> <p><b>Comment:</b> This terms appears once in the OCP, under Forestry policy ir... [37]</p>
<b>"commerce"</b>	means the selling, servicing and repair of goods, the provision of services and commercia	
<b>"commercial vacation rental"</b>	means the use of a residential dwelling unit to provide overnight accommodation to transi excludes bed and breakfast;	
<b>"community sewer"</b>	means a system of laterals, collectors, mains, trunks, and appurtenant works, including tre facilities approved by the Ministry of Environment and/or the Ministry of Health of the Prov provides a connection for each site or parcel of land within the boundaries of the system;	
<b>"community water system"</b>	means a system of waterworks which serves five connections or more and which is owne maintained by an improvement district under the <i>Water Act</i> or the <i>Local Government Act</i> , which is regulated under the <i>Public Utilities Act</i> or <i>Health Act</i> ;	
<b>"contiguous"</b>	means lots that are adjacent to one another and includes lots that are separated by: a dec dedicated public park; statutory right-of-way; or common property of a strata development	
<b>"dwelling unit"</b>	means a self-contained set of habitable rooms, with one set of cooking facilities, capabl round with living facilities for one or more persons including provision for living, sleeping, s and preparation;	
<b>"family"</b>	means: (a) two or more persons related by blood, marriage, adoption or foster parenthood sharin (b) not more than five unrelated persons sharing one dwelling unit;	
<b>"finfish farm"</b>	means the growing, rearing but not processing of fish;	
<b>"forestry uses"</b>	means all activities related to the development and care of forests, including seedling and specifically excludes the processing of wood or wood products;	

"high water mark"	means the high water mark identified on the plan of subdivision or the plan accompanying conveying Crown land in fee simple, which plan was most recently filed in a Land Title Office of this bylaw, or natural boundary as determined by a B.C. Land Surveyor.	Comment: This term appears in several places. In the LUB the term 'natural boundary' is used. Staff find that this definition is not required to convey the meaning of high water mark in the bylaw, and further staff suggest that ... [38]
"home occupation"	means an occupation or craft, including teaching of crafts, or the production of goods and such activities are carried on as an accessory use in a dwelling unit or accessory building	Comment: There is a section in the OCP that provides ... [39]
"horticulture"	means the practice of growing fruits, vegetables, flowers or ornamental plants.	Comment: This definition is the same as the ordinance ... [40]
"industry"	means processing, fabricating, assembling, storing, transporting, distributing, wholesaling repairing or salvaging goods, materials or things.	Comment: The term 'industry' appears to include 'ind' ... [41]
"institution"	includes an arena, armoury, cemetery, college, community centre, community hall, court library, municipal office, park, playground, police station, public art gallery, public museum public swimming pool.	Comment: Other than as a permitted use in the VII ... [42]
"minimum parcel size"	means the smallest size of parcel that may be created through plan of subdivision.	Comment: This definition is self explanatory and ca ... [43]
"mobile home park"	means land used or occupied by a person for the purpose of providing space for the accommodation of mobile homes either on a rental or ownership basis.	Comment: This term only appears once, in the G ... [44]
"multi-dwelling housing"	means <del>two (staff deleted "three" to make this consistent with LUB definition)</del> or more residential units on a parcel.	Deleted: iple Deleted: family Deleted: three
Multi-dwelling Affordable Housing	means two or more residential dwelling units on a parcel in which housing cost does not exceed 30% of a household's gross income applied to households of low to middle income with incomes at 60% or below the median household income for Gabriola Island information. [See "affordable housing" above]	Comment: This definition should be revised when ... [45] Deleted: that
"parcel"	means any lot, block or other area in which land is held or into which it is subdivided including but does not include a highway.	Inserted: that does not exceed 30% of a household Comment: Feb 18: This item is moved from being a ... [46]
"principal"	with respect to the use of a building means primary and chief.	Comment: The Land Title Act defines 'parcel' as: a lot ... [47]
"public park"	means public land used or intended for outdoor recreation, and may include lands set aside for historical or ecological purposes.	Comment: The term 'principal' is used through ... [48] Comment: This definition includes uses that are ... [49]

<b>"public utility"</b>	means broadcast transmission, electrical, telephone, sewer or water services and facilities licensed by a government (excluding private radio or television broadcast towers) and inlets and seawalls;
<b>"residence"</b>	means <ol style="list-style-type: none"> <li>1. the occupancy or use of a dwelling unit for the permanent domicile or home life of a person</li> <li>2. the occasional or seasonal occupancy of a dwelling unit by an owner who has a permit elsewhere or by non-paying guests of such an owner, and for these purposes, owner has a residential tenancy agreement,</li> </ol> <p>and for certainty, residence does not include tourist accommodation use, commercial occupancy of a dwelling unit by persons entitled to such occupancy under a time share or the Real Estate Act or successor legislation."</p>
<b>"Senior"</b>	means a person 60 years of age or older.
<b>Single-dwelling unit</b>	<b>means one residential dwelling unit on a parcel.</b>
<b>"Single Dwelling Affordable Housing"</b>	means housing that does not exceed an average of 65 square metres (700 square feet) in area, and rental and/or maintenance fees, no more than 30% of <a href="#">a household's gross income applicable to moderate income, those with incomes at 60% or below the median household income for the area (using Census Canada information)</a> .
<b>"structure"</b>	means any construction fixed to, supported by or sunk into land or water but not concrete or similar surfacing of a parcel;
<b>"structural alteration"</b>	means a structural change to a building and also includes: <ol style="list-style-type: none"> <li>(a) an addition to gross floor area or height;</li> <li>(b) the removal of a portion of the building;</li> <li>(c) construction of, cutting into, or removal of any wall, partition, column, beam, joist, floor or ceiling;</li> <li>(d) any change to or closing of any required means of access;</li> </ol>
<b>"subdivision"</b>	means the division of land into two or more parcels, whether by plan, apt descriptive word or includes parcels created under the <i>Land Titles Act</i> and the <i>Condominium Act</i> ;

**Comment:** Recent work has occurred regarding the interaction between vacation rentals, residential uses and temporary use permits, and this definition supports that work in a meaningful way. Depending on how other parts of the OCP review move forward, this definition may need to be revised. ... [50]

**Comment:** The policy on affordable housing for seniors notes that the age is 60 or older. This definition does not add value to the policy. ... [51]

**Deleted: Family**

**Comment:** This term appears only in the Single Family Affordable Housing section of the OCP. The definition could be written into the act. ... [52]

**Deleted:** the gross income of families or individuals in the lower two income quartiles on Gabriola Island

**Comment:** This definition could be removed as the regulations in the LUB would provide the implementation of the OCP policies. Recd ... [53]

**Comment:** This term appears two times in the Development Permit Area guidelines. Staff suggests that this definition be relocated to the appropriate section. ... [54]

**Comment:** The Land Title Act defines 'subdivision' as: *the division of land into 2 or more parcels, whether by plan, apt descriptive words or otherwise*. ... [55]

**"tourist accommodation"** means a building or set of buildings used for transient accommodation which contain sleeping quarters, and which contain auxiliary assembly, commerce, entertainment, or restaurant uses, premises licenses for the sale of alcoholic beverages and staff accommodation and includes hotel, motel, resort, lodge and guest house.

**"tourist accommodation unit"** means a room or suite of rooms rented as non-residential lodging;

**"watercourse"** means a depression with a bed 0.6 metres or more below the natural elevation of surrounding land, and which (a) serves to give direction to a current of water for an average of at least six months of the year as shown on the records kept by the government of British Columbia; or (b) having a drainage area of two square kilometres or more.

**"Wilderness Recreation"** means low impact outdoor recreation such as hiking and horseback riding but excluding a stay at an on-site guest accommodation.

**Comment:** This definition is linked with other areas of the bylaw, but could be relocated into a policy. Recommend relocation.

**Comment:** This definition could be part of the 'tourist accommodation' policy as well. Recommend relocation.

**Comment:** The Water Act defines 'stream' as: *a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch.* This current definition could be problematic when trying to implement DPAs and the LUB. Recommend removal.

**Comment:** This term is specific to a use category and could be relocated to the related policies. Recommend removal.

## Appendix 2 Density Bank

### Density Bank

<u>Authorizing Bylaw</u>	<u>Date added to or transferred from the density bank</u>	<u>Legal description</u>	<u>Number of residential densities added or deleted</u>	<u>Cumulative total of residential dwelling units in the density bank</u>

|

**Other Schedules (attached to Schedule A)**

**Schedule B      Plan Map (Land Use Designations)**

**Schedule C      Development Permits**

Page 14: [1] Deleted	Chris Jackson	14/02/2011 11:54 AM
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## Special Needs and Seniors' Multi-family

Page 14: [2] Comment	Chris Jackson	07/03/2011 12:09 PM
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The wording and format for this into is altered. Request LTC direction.

Page 14: [3] Deleted	Chris Jackson	14/02/2011 11:54 AM
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The OCP makes no provision for multi-family housing (i.e. apartments, townhouses).  
Yet, i

Page 14: [4] Deleted	Chris Jackson	14/02/2011 11:58 AM
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which provide for the special needs of this group.

Page 14: [5] Comment	Chris Jackson	07/03/2011 12:09 PM
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Feb 18: challenged working out the proper wording here. So, staff can create bullets here that set out criteria for what is a 'seniors', 'special needs', and 'mult-household' ... and what is 'affordable'. Staff invited to modify this layout of this section.

MS direct staff to propose bylaw language to s 2.4 that clearly delineates the 3 client groups for multi unit af housing ...carried

Page 14: [6] Comment	Chris Jackson	07/03/2011 12:09 PM
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Move this to a separate definition rather than as a bulleted item here.

Page 14: [7] Deleted	Chris Jackson	18/02/2011 10:56 AM
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Affordable Housing is defined as a rental or owned housing which does not exceed 30% of a household's gross income in the lower two income quartiles on Gabriola Island.

Page 14: [8] Deleted	Chris Jackson	14/02/2011 12:10 PM
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Affordable Multi-family Housing

Page 14: [9] Deleted	Chris Jackson	14/02/2011 12:10 PM
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## Special Needs and Seniors' Multi-family

Page 14: [10] Comment	Chris Jackson	07/03/2011 12:09 PM
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All references to affordabel housing, should now be 'multi-dwelling affordable housing" . note: reference this so it works wsith accessory cottages, which are meant for affordable housing but NOT for multi dwelling affordable housing.

Page 14: [11] Deleted	Chris Jackson	14/02/2011 12:12 PM
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*affordable multi-family housing*

Page 14: [12] Deleted	Chris Jackson	14/02/2011 12:11 PM
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## Special Needs and Seniors' Multi-family

Page 14: [13] Comment	Chris Jackson	07/03/2011 12:09 PM
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Feb 18: either collapse these two or use d only.

Page 14: [14] Deleted	Chris Jackson	14/02/2011 12:30 PM
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seniors or special needs housing

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**Page 14: [15] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
Feb 18: staf asked to provide a map, and if not workable, then only text is fine. The idea is to have the walking distances not include trespassing, ie public access routes only

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**Page 14: [16] Deleted** **Chris Jackson** **14/02/2011 12:43 PM**  
(the commercial village centre)

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**Page 16: [17] Deleted** **kkazmierowski** **08/03/2011 10:32 AM**

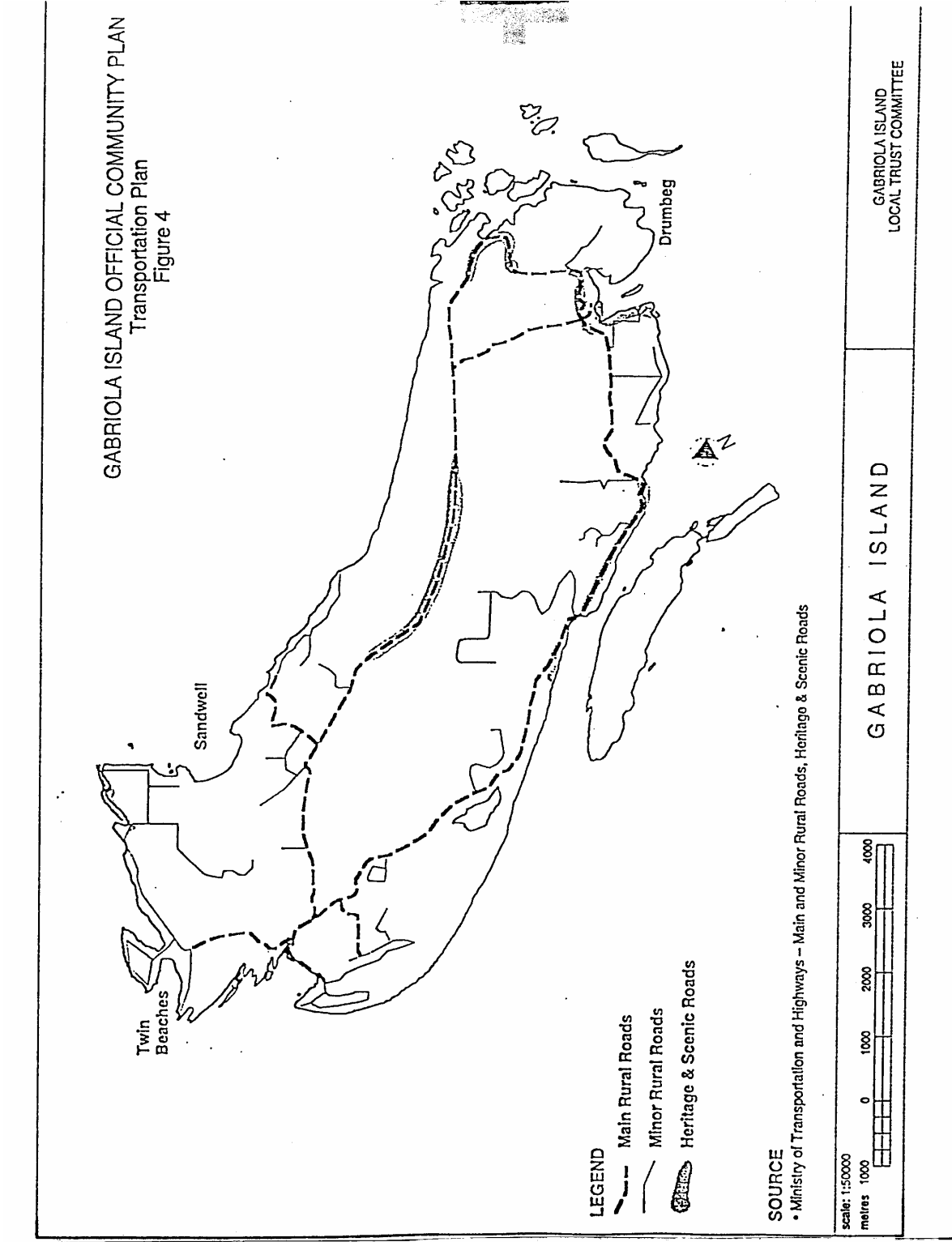
Density Bank

Authorizing Bylaw	Date added to or transferred from the density bank	Legal description	Number of residential densities added or deleted	Cumulative total of residential dwelling units in the density bank
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**Page 51: [18] Deleted** **Chris Jackson** **13/02/2011 11:39 PM**

**Figure 4 Transportation Map**



Page 51: [19] Deleted Chris Jackson 13/02/2011 11:18 PM

f) Roads designated as being of scenic or heritage value [see policy 8.1.b above] shall not be widened except where required as a safety measure and speed limits should be reduced on these roads as a means of increasing safety.

Page 51: [20] Deleted Chris Jackson 13/02/2011 11:25 PM

In conjunction with MOTH efforts will be made to designate a network of bicycle routes on Gabriola and provision shall be made for bicycle paths in new developments.

h

Page 51: [21] Deleted Chris Jackson 13/02/2011 11:26 PM

of not less than 1.2 metres (4 feet)

Page 51: [22] Inserted Chris Jackson 13/02/2011 11:28 PM

family developments and public facilities should provide structures for the convenient and secure parking and locking of bicycles.

k) The creation of an off-road bicycle and pedestrian trail along Gabriola's busiest traffic corridor from the ferry hill to Tin Can Alley should be considered when land use decisions, rezonings, subdivisions, road resurfacing or other development occurs along this route.

l)

Page 62: [23] Comment Chris Jackson 07/03/2011 12:09 PM

Generally, definitions are a good way to address the meaning of words so that everywhere that word appears in the bylaw has the exact same meaning, specific to the context of community planning.

Definitions can appear in any bylaw, however they are often more prescriptive and be used minimally in a policy document, such as the OCP. The LUB is the regulatory document that should include specific definitions.

Page 62: [24] Deleted Chris Jackson 03/02/2011 12:02 PM

means ancillary, subordinate and exclusively devoted to a principal use; building or structure on the same parcel

Page 62: [25] Comment Chris Jackson 07/03/2011 12:09 PM

Recommend removing this definition. The policies in the OCP enable accessory cottages, and the LUB regulates their use. However, if the LTC wish to retain this definition, then consideration should be made to remove the accessory cottage floor area value. Noting the floor area limit in the definition prevents any relaxation of the floor area through a variance permit application.

Page 62: [26] Comment Chris Jackson 07/03/2011 12:09 PM

This definition appears in the regulations within the and are not needed here. The OCP describes parcel averaging in the policy sections, and in more detail. This definition is not necessary. Recommend removal.

Page 62: [27] Comment Chris Jackson 07/03/2011 12:09 PM

This is a definition useful in the LUB, but not necessary here. There is only one reference in the OCP for B&B's, and that is in the policy enabling them as a home occupation use. There is an additional word "principal" before the words 'residential dwelling unit' in the LUB. As a minimum the OCP and LUB definitions should be identical. Recommend removal.

Page 63: [28] Comment	Chris Jackson	07/03/2011 12:09 PM
<p>Recommend that the definition of ‘building’ be removed. The LUB has a longer and more specific definitions with criteria. This definition does not include the requirement of a roofed structure being called a building, which seems to be the intent. There are several references in the OCP to buildings, some of which appear to not relate well with the definition provided. Recommend Removal.</p>		
Page 63: [29] Comment	Chris Jackson	07/03/2011 12:09 PM
<p>The only appearance of the word ‘commerce’ is in the definition of ‘tourist accommodation’. It appears that this definition of commerce was not intend to support the tourist accommodation, and as there is no other reference to the work, staff suggest removing the definition. However, there has been a great deal of community discussion regarding commercial versus non-commercial endeavors. As such, it may be useful to provide policy discussions to enable the LUB to regulate to the extent possible. This may result in the need to write related definitions. At this time, this should be a phase two discussion. Recommend removal of commerce.</p>		
Page 63: [30] Comment	Chris Jackson	07/03/2011 12:09 PM
<p>The definition of ‘commercial vacation rental’ could remain here. This term occurs in the definition of ‘residence’, but is not fundamental to its meaning. The main use of this term is in the temporary use permit section “For commercial rental of single family residential dwelling units”. This definition does not appear to add value to the TUP section. However, adding a couple words to that section, could relieve the need for this in. Staff recommends modifying the TUP section and removing this definition.</p>		
Page 63: [31] Comment	Chris Jackson	07/03/2011 12:09 PM
<p>This definition is used twice in the OCP, both in the Resource policy section: one policy states that community sewer is required if a lot is to be subdivided smaller than permitted, the other reference is for the same purpose but in the Resource Residential zone) which is created only through density transfer. It is likely that community sewer was meant to apply when any lot in subdivided in any zone below a minimum lot size. The LUB should include a regulation that includes situations where community sewer is required. Recommend removal.</p>		
Page 63: [32] Comment	Chris Jackson	07/03/2011 12:09 PM
<p>Similar to community sewer above, the community water system definition relates to subdivision regulations. Both OCP policy and LUB regulations adequately address matters, and this definition could be removed. Recommend removal.</p>		
Page 63: [33] Comment	Chris Jackson	07/03/2011 12:09 PM
<p>The word ‘contiguous’ appears throughout the OCP. The common use of the word at first seems acceptable, and thereby the need for a definition here is not needed. However, the definition includes situations in which contiguous takes on a meaning that is not apparent without this definition. There is no definition for contiguous in the LUB, which should be remedied if this definition remains. Recommend removal, unless the LUB implements the intent this definition.</p>		
Page 63: [34] Comment	Chris Jackson	07/03/2011 12:09 PM
<p>The LUB implements the intent of the OCP and contains regulations. The OCP is meant as a policy document where the enabling policies are found. The terms ‘dwelling unit’ is used throughout the OCP in relation to residential uses and density. This definition could</p>		

be removed with the intent that policies provide the substance of meaning, in which the LUB would implement through regulation. If the definition is kept, it is important to ensure that any subsequent LUB regulation and definition match this definition.

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**Page 63: [35] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
Recommend removing the term 'family'. If the LTC wishes to identify the maximum number of people in a dwelling, then such a definition or regulation should be written into the LUB. An enabling policy would also need to be developed, but without the term family defined. The term 'household' is likely a preferred term to use in the place of family. Recommend removal.

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**Page 63: [36] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
This term appears once in the OCP, as a Marine Resource policy. That policy prohibits finfish farming as a use in the Plan Area. If that policy included 'the growing rearing, but not the processing of fish', then the definition could be removed. Also, there this term is not used in the LUB, instead the term used is 'bottom culture mariculture'. Recommend removal.

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**Page 63: [37] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
This terms appears once in the OCP, under Forestry policy in which it states that forestry uses are the principal use. Instead of a separate definition, the wording could occur right within the actual policy. Recommend adding the wording to the policy and remove the definition.

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**Page 64: [38] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
This term appears in several places. In the LUB the term 'natural boundary' is used. Staff find that this definition is not required to convey the meaning of high water mark in the bylaw, and further staff suggest that the term 'natural boundary' replace 'high water mark'. Recommend removal.

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**Page 64: [39] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
There is a section in the OCP that provides detail regarding home occupations. This definition could be removed without impact to home occupation policies. Recommend removal.

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**Page 64: [40] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
This definition is the same as the ordinary definition of the word horticulture and is not necessary. The LUB provides the same definition with the addition of the words 'for resale' to the end. Recommend removal.

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**Page 64: [41] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
The term 'industry' appears to include 'industrial' as the words are interchanged in the Industrial section of the OCP. The terms are found in the OCP in the Industrial section as well as the TUP and DP sections. Moving the wording of the definition to the Industrial section would not change the meaning within the context of the OCP. There is a 'light industry' definition in the LUB which includes the words 'or materials' at the end of the OCP definition wording. Recommend the wording be relocated into a policy and then removed from here.

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**Page 64: [42] Comment** **Chris Jackson** **07/03/2011 12:09 PM**  
Other than as a permitted use in the Village Commercial zone, 'institution' references appear only in the Institutional section. As with the industry uses above, the wording

from this definition could be placed in the policy section for institution, and a separate definition would not be necessary. Recommend relocating this definition.

Page 64: [43] Comment Chris Jackson 07/03/2011 12:09 PM

This definition is self explanatory and can be removed. The LUB does not contain this definition either. Recommend removal.

Page 64: [44] Comment Chris Jackson 07/03/2011 12:09 PM

This term only appears once, in the General Residential section. This definition could be written into the policy that uses the same term. Recommend definition be relocated.

Page 64: [45] Comment Chris Jackson 07/03/2011 12:09 PM

This definition should be revised when the LTC resolves affordable housing matters during Phase One of the OCP review.

Page 64: [46] Comment Chris Jackson 07/03/2011 12:09 PM

Feb 18: This item is moved from being a second bullet under 2.4

Page 64: [47] Comment Chris Jackson 07/03/2011 12:09 PM

The Land Title Act defines 'parcel' as: *a lot, block or other area in which land is held or into which land is subdivided;*

The definition in the OCP is fine as written, but is redundant from a legal viewpoint as the definition definition in this 'senior' legislation is in effect and overrides a local government bylaw. Often the terms lot and parcel are used interchangeably. Legally, the term is parcel, but the LUB defines 'lot' as a parcel. If the LTC wish to retain a definition in the OCP, it should be the same term used in the OCP and LUB. Recommend removal.

Page 64: [48] Comment Chris Jackson 07/03/2011 12:09 PM

The term 'principal' is used throughout the OCP, however, the definition is not different than the common dictionary definition of the word and is not necessary to add clarity when reading the bylaw. Recommend removal.

Page 64: [49] Comment Chris Jackson 07/03/2011 12:09 PM

This definition includes uses that are not necessarily understood to be public park such as protection of archaeological purposes. The term appears in General Residential, Park and Marine sections of the bylaw. Public discussion regarding the use of parks as places to recreate, are inherently opposed to the goal of protecting areas where ecologic and archaeological values are present. Staff suggests that at this time the definition be removed, and the discussion of this matter occur in Phase Two of the Bylaw Review. Recommend removal.

Page 65: [50] Comment Chris Jackson 07/03/2011 12:09 PM

Recent work has occurred regarding the interaction between vacation rentals, residential uses and temporary use permits, and this definition supports that work in a meaningful way. Depending on how other parts of the OCP review move forward, this definition may need to be revised. Recommend this definition remain as written, at this time.

Page 65: [51] Comment Chris Jackson 07/03/2011 12:09 PM

The policy on affordable housing for senior notes that the age is 60 or older. This definition does not add value to the policy, and could be removed. Recommend removal.

Page 65: [52] Comment Chris Jackson 07/03/2011 12:09 PM

This term appears only in the Single Family Affordable Housing section of the OCP. The definition could be written into the actual policy section rather than as a definition here.

The affordable housing section of the OCP is under review, and this definition may be revised or removed as part of that review. Recommend removal at this time.

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Page 65: [53] Comment Chris Jackson 07/03/2011 12:09 PM

This definition could be removed as the regulations in the LUB would provide the implementation of the OCP policies. Recommend removal.

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Page 65: [54] Comment Chris Jackson 07/03/2011 12:09 PM

This term appears two times in the Development Permit Area guidelines. Staff suggests that this definition be relocated to the appropriate guidelines. Recommend relocating this definition into the DP area.

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Page 65: [55] Comment Chris Jackson 07/03/2011 12:09 PM

The Land Title Act defines ‘subdivision’ as: *the division of land into 2 or more parcels, whether by plan, apt descriptive words or otherwise*. As with the term ‘parcel’, this definition could be removed. Of note, the definition clarifies that a boundary adjustment is a subdivision, but lot consolidations where only one lot is created is not a subdivision. Recommend removal.



# Memorandum

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Date March 8, 2011 File Number GB/04-1-I (OCP/ LUB Review)

To Gabriola Island Local Trust Committee  
For the Special Meeting of March 14, 2011

From Kaitlin Kazmierowski  
Island Planner

Re Updated Multi-dwelling Affordable Housing and Density Bank OCP Sections

At the February 18, 2011 Special Meeting of the Gabriola Island Local Trust Committee (LTC) several proposed amendments to the current and future policy sections regarding multi-dwelling affordable housing and density banking were discussed and made. The LTC indicated that the changes to the 1997 Official Community Plan (OCP) presented and made at the January 18<sup>th</sup> meeting, as well as those made subsequent to that meeting, be captured in order to provide a clear record of how the document may change.

For the majority of the 1997 OCP document, capturing these two sets of proposed changes in a singular document is straightforward; however, for Section 2.4 (proposed “Multi-dwelling Affordable Housing” section) and the new Section 2.5 (proposed “Density Banking” section) clearly capturing these changes becomes complex and difficult to read in a singular document due to the large number of proposed changes made.

In recognition of the need for clarity in reviewing these documents, staff have created two different documents to capture the proposed changes to OCP sections 2.4 and 2.5. The version included in the full OCP document dated March 7, 2011 (item 4.1.5 of this agenda package) captures the proposed changes (in red) made to the 1997 OCP document at the February 18, 2011 special meeting. The version of sections 2.4 and 2.5 attached to this memorandum include the changes made at the special meeting (in red) as well as those made after the meeting based on discussion and request for additional staff advice (underlined in purple or blue). The attached sections 2.4 and 2.5 represent the most recent and updated versions of these policy sections.

Respectfully prepared and submitted by,

Kaitlin Kazmierowski  
Island Planner

pc Chris Jackson, Regional Planning Manager

## March 8, 2011- Updated OCP Sections 2.4 and 2.5

Please note: Changes in red denote proposed changes to the 1997 OCP (either made at or discussed during the special LTC meeting of February 18, 2011), while those underlined in purple or in blue denote proposed changes made after February 18, 2011 based on comment and request for clarification from LTC at the special meeting.

### 2.4 Multi-dwelling Affordable Housing

**Background:** In recognition of the desirability of allowing Gabriola residents to continue living in the planning area, provision is made for Multi-dwelling Affordable Housing opportunities to meet the needs of a diverse, full-time population. For the purpose of this Plan, Special needs residents living with physical and/ or mental disabilities

- Seniors 60 years of age or older
- Low income families

Affordable housing means housing cost that does not exceed 30% of a household's gross income applied to households of low to moderate income, those with incomes at 60% or below the median household income for Gabriola Island (using Canada Census information).

Currently there are two Seniors' housing developments on Gabriola, and no other types of Multi-dwelling Affordable Housing developments. Future applications to designate a site for Multi-dwelling Affordable Housing shall be evaluated in terms of their compliance with the following objectives and policies:

#### Multi-dwelling Affordable Housing Objectives

1. To ensure that provision is made for Multi-dwelling Affordable Housing in a manner which responds adequately to the needs of these groups; and
2. To provide for such housing in a location which is accessible to appropriate services and acceptable to the overall community *without compromising protection of the natural environment.*

#### Multi-dwelling Affordable Housing Policies

- a) Any lands designated for Multi-dwelling Affordable Housing in this Plan shall also be designated as part of DP-8 on Schedule C and the development permit guidelines as outlined in Section 7.3 shall apply.
- b) The amenity zoning provisions of Section 904 of the Act shall only be permitted to be used on Gabriola Island to facilitate the provision of Multi-dwelling affordable housing for seniors and special needs.
- c) Densities for the creation of Multi-dwelling Affordable Housing for low-income families shall come only from banked densities as noted in Appendix 2 (Density Bank) of this Plan.
- d) Multi-dwelling Affordable Housing developments with mixes of special needs, seniors and low-income families are encouraged.
- e) An application to re-zone a parcel for Multi-dwelling Affordable Housing shall be permitted only if the application complies with the following:
  - i. the maximum density shall not exceed 12 units per hectare;

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Deleted: Special Needs housing refers to the housing of persons who live with physical and/or mental disabilities.

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Deleted: c) . The use of banked densities for the creation of a variety of Affordable Multi-household residences is supported.¶

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- ii. the maximum number of dwelling units per development shall not exceed 24;
- iii. the average size of a dwelling unit shall be not greater than 83 square metres (900 sq.ft);
- iv. the site shall be within 0.5 kilometres of the Village Core bounded by North, South, and Lockinvar Roads, or a 2 kilometre walking distance from the Village Core, and shall provide pedestrian and cycling pathways to the village and ferry services along public access routes only;
- v. where practical, in the opinion of the Gabriola Island Local Trust Committee, the site's main access shall be off a main road and not through an existing residential neighbourhood;
- vi. common area amenities, such as kitchen and recreation facilities, shall be provided for prior to occupancy;
- vii. where practical, in the opinion of the Gabriola Island Local Trust Committee, no parcel re-designated for Multi-dwelling Affordable Housing shall be contiguous to another parcel so designated;
- viii. the provisions of the Gabriola Island zoning bylaw may contain other general regulations pertaining to siting, height, lot coverage, servicing and other requirements which would also be applicable to a parcel in this land use designation;
- ix. the proposal shall include an adequate fire suppression water supply which shall be maintained and be available for use on site; and
- x. the minimum lot size shall be 1 ha (2.4 acres).

**Comment:** At Feb 18 meeting LTC requested that language here does not encourage trespassing.

**Deleted:** for Special Needs, Seniors and Multi-households

**Comment:** Feb 18: staff to combine h) and i) together.....g) was removed with the two bullets moved to i)...the intro from h) will need to be reworded as well as there is no g) and not needed....

**Deleted:** h) . Based on the results of the marketing profile referred to in 2.4 g), the Local Trust Committee shall, in the housing agreement required as a condition of rezoning, specify affordability and special needs housing requirements.

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f) In considering rezoning applications for the provision for Multi-dwelling Affordable Housing, the LTC shall require that the applicant enter into a Housing Agreement pursuant to the Local Government Act that:

- identifies the anticipated costs of the proposed land and housing to purchasers or occupants;
- establishes the basis of the housing need of existing residents and which are not meant to be marketed off-island.
- specifies how the housing project will be managed and administered including, if deemed applicable, that it be operated on a not-for-profit basis;
- specifies the manner in which the housing units will be made available to the identified class of persons at the time the housing units are first occupied and with respect to subsequent occupancy; and
- specifies the mix of rental and ownership housing units permitted.

g) In addition to 2.4 f), a housing agreement for Multi-dwelling Affordable Housing for seniors only shall also:

- i. specify that at least one individual who has attained 60 years of age shall reside in each dwelling unit;
- ii. specify that not more than two individuals may reside in each dwelling unit;

h) Multi-dwelling Affordable Housing applications must demonstrate the lowest possible net water, waste and energy use.

d) The Density Bank in this Plan shall be amended from time to time such that any unused residential densities extinguished due to rezoning for parks should be added to the Density Bank for use as Multi-dwelling Affordable Housing.

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### Multi-dwelling Affordable Housing Advocacy Policies

m) The Local Trust Committee encourages other levels of government and non-profit groups to work towards the establishment of a Housing Agency on Gabriola Island; support collaborative community efforts to develop an Affordable Housing Strategy; and support the inclusion of Gabriola in Regional Housing Trust Funds,

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n) Local service clubs, non-profit organizations and others that may provide affordable housing are encouraged to develop projects in keeping with the policies in this Plan.

o) The Local Trust Committee encourages the establishment and work of non-profit community land trusts for the acquisition of land for, and construction and management of Affordable Housing units.

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Comment: Re-title to a section or subsection so that it flows from 2.4d) above.

## 2.5 Gabriola Island Density Bank

In this Plan, density banking refers to a process wherein unused residential densities are held by the Local Trust Committee for an unlimited time and for the purpose of enabling affordable multi-dwelling housing and without any net increase to the allowed density on Gabriola Island. The deposit of one or more densities to the density bank takes place through bylaw amendments that are recorded in this Appendix. Withdrawal of one or more densities requires a similar amending bylaw.

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### Eligible Donors and Recipients

1. The Local Trust Committee may deposit unused residential densities to the Density Bank:

- from the lands that are rezoned as parks; and
- from the voluntary donation of residential densities, when these policies are developed by the LTC.

Comment: Feb 18 comment: Add a new bullet to the effect that...the LTC welcomes voluntary donations to the density bank.

2. The Local Trust Committee may consider applications for the withdrawal of banked densities in accordance with the rezoning requirements in Section 2.4 and providing that a Housing Agreement is in place ensuring that affordability is maintained over time.

Comment: Feb 18, make sure this is properly reference to the title in 2.4 and referenced properly multi dwelling AH above.

### Guidelines for Residential Density Banking

1. Residential densities resulting from a rezoning pursuant to Policy 1 of this Appendix will be deposited to the Density Bank (below) as an amendment to the Official Community Plan.
2. Residential densities from the Residential Density Bank (below) that are withdrawn pursuant to Policy 2 of this Appendix will be deleted from the Residential Density Bank below by an amendment to the Official Community Plan.

3. Residential densities listed in the Residential Density Bank (below) are residential dwelling units as defined by the Land Use Bylaw.
4. All land that receives density from the density bank shall be rezoned to permit the added density as determined by the LTC and that density shall not exceed the density of the parent parcel plus the density granted from the density bank.
5. Parcels that have had density allocated to or from the density bank shall be noted in both text and maps of regulatory bylaws.

**Current OCP Definitions and Staff Comments from February 18, 2011 Special LTC Meeting-  
Reformatted and presented to the LTC for information and reference  
March 8, 2011**

<b>Term</b>	<b>OCP Definition</b>	<b>LUB Definition</b>	<b>Comment (for OCP)</b>
<b>accessory</b>	means ancillary, subordinate and exclusively devoted to a principal use; building or structure on the same parcel;	in relation to a use, <i>building</i> or <i>structure</i> means ancillary, secondary and exclusively devoted to a <i>principal</i> use, <i>building</i> or <i>structure</i> , expressly permitted by this Bylaw on the same <i>lot</i> or, where the <i>accessory</i> use is located on common property in a bare land strata plan, on a strata <i>lot</i> in the same strata plan;	These changes would have the OCP and the LUB definitions as exactly the same. Recommend replacing OCP definition with LUB definition.
<b>accessory cottage</b>	means a residential dwelling unit not exceeding 65 sq. metres (700 sq. ft.) accessory to the main residential dwelling unit	means a <i>single family dwelling accessory</i> to a <i>principal single family dwelling</i> ; ("Cottage" in LUB)	Recommend removing this definition. The policies in the OCP enable accessory cottages, and the LUB regulates their use. However, if the LTC wish to retain this definition, then consideration should be made to remove the accessory cottage floor area value. Noting the floor area limit in the definition prevents any relaxation of the floor area through a variance permit application.
<b>advocacy policy</b>	means a policy in this Plan directed at another level of government, agency or person(s) and related to a matter which is outside of the direct jurisdiction of the Local Trust Committee to affect itself through this plan;		
<b>agriculture</b>	means growing, rearing, producing or harvesting agricultural crops or livestock and includes processing on a parcel the primary agricultural products harvested, reared or produced on that parcel and the storage of farm	means growing, rearing producing or harvesting agricultural crops, livestock and other animals for economic gain and includes the processing on a <i>lot</i> of primary agricultural products harvested, reared or produced on that <i>lot</i> , plus the storage of	Staff recommends that this definition be removed. The LUB can regulate agriculture use.

	machinery, implements and agricultural supplies	machinery, implements and agricultural supplies for the farm;	This definition appears in the regulations within the OCP and is not needed here. The OCP describes parcel averaging in the policy sections, and in more detail. This definition is not necessary. Recommend removal.
<b>average parcel size</b>	means the average area of parcels proposed to be created through a plan of subdivision or bare land strata subdivision and is calculated by dividing the sum of the areas of the proposed parcels by the number of proposed parcels;		
<b>bed and breakfast accommodation</b>	means the accessory use of a residential dwelling unit for the overnight accommodation of transient paying guests in which breakfast is the only meal served	means the accessory use of a <i>principal residential dwelling unit</i> for the overnight accommodation of transient paying guests in which breakfast is the only meal served;	This is a definition useful in the LUB, but not necessary here. There is only one reference in the OCP for B&B's, and that is in the policy enabling them as a home occupation use. There is an additional word "principal" before the words "residential dwelling unit" in the LUB. As a minimum the OCP and LUB definitions should be identical. Recommend removal.
<b>building</b>	means any structure with a gross floor area exceeding 8 square metres (100 sq. ft.) used or intended for supporting or sheltering any use or occupancy;	means a <i>roofed structure</i> , including a <i>mobile home</i> , used or intended to be used for accommodating or sheltering any use or occupancy and: 1. within this Bylaw's land-based zones, having a <i>floor area</i> not less than 10.0 square metres (107.64 square feet); 2. within water-based zones, there is no minimum <i>floor area</i> qualification; and 3. for purposes of this Bylaw, <i>buildings</i> connected by a <i>covered walkway</i> and	Recommend that the definition of 'building' be removed. The LUB has a longer and more specific definitions with criteria. This definition does not include the requirement of a roofed structure being called a building, which seems to be the intent. There are several references in the OCP to

<p><b>commerce</b></p>	<p>means the selling, servicing and repair of goods, the provision of services and commercial office functions;</p>	<p>located no more than 3.0 metres (9.8 feet) apart are deemed to be one <i>building</i>;</p>	<p>buildings, some of which appear to not relate well with the definition provided. Recommend Removal.</p>
			<p>The only appearance of the word 'commerce' is in the definition of 'tourist accommodation'. It appears that this definition of commerce was not intend to support the tourist accommodation, and as there is no other reference to the work, staff suggest removing the definition. However, there has been a great deal of community discussion regarding commercial versus non-commercial endeavors. As such, it may be useful to provide policy discussions to enable the LUB to regulate to the extent possible. This may result in the need to write related definitions. At this time, this should be a phase two discussion. Recommend removal of commerce.</p>

Term	OCP Definition	LUB Definition	Comment (for OCP)
<b>commercial vacation rental</b>	means the use of a residential dwelling unit to provide overnight accommodation to transient paying guests but excludes bed and breakfast;		The definition of 'commercial vacation rental' could remain here. This term occurs in the definition of 'residence', but is not fundamental to its meaning. The main use of this term is in the temporary use permit section "For commercial rental of single family residential dwelling units". This definition does not appear to add value to the TUP section. However, adding a couple words to that section, could relieve the need for this in. Staff recommends modifying the TUP section and removing this definition.
<b>community sewer</b>	means a system of laterals, collectors, mains, trunks, and appurtenant works, including treatment and disposal facilities approved by the Ministry of Environment and/or the Ministry of Health of the Province of B.C. and provides a connection for each site or parcel of land within the boundaries of the system;	means a sewage disposal system serving two or more lots and that is operated by a Public Authority; ("Community Sewer System" in LUB)	This definition is used twice in the OCP, both in the Resource policy section: one policy states that community sewer is required if a lot is to be subdivided smaller than permitted, the other reference is for the same purpose but in the Resource Residential zone) which is created only through density transfer. It is likely that community sewer was meant to apply when any lot in subdivided in any zone below a minimum lot size.

			<p>The LUB should include a regulation that includes situations where community sewer is required. Recommend removal.</p>
<b>community water system</b>	<p>means a system of waterworks which serves five connections or more and which is owned, operated and maintained by an improvement district under the <i>Water Act</i> or the <i>Local Government Act</i>, or a Regional District, or which is regulated under the <i>Public Utilities Act</i> or <i>Health Act</i>;</p>	<p>means a water supply provided to five or more <i>lots</i> and that is operated by a Public Authority;</p>	<p>Similar to community sewer above, the community water system definition relates to subdivision regulations. Both OCP policy and LUB regulations adequately address matters, and this definition could be removed. Recommend removal.</p>
<b>contiguous</b>	<p>means lots that are adjacent to one another and includes lots that are separated by: a dedicated highway; dedicated public park; statutory right-of-way; or common property of a strata development;</p>		<p>The word 'contiguous' appears throughout the OCP. The common use of the word at first seems acceptable, and thereby the need for a definition here is not needed. However, the definition includes situations in which contiguous takes on a meaning that is not apparent without this definition. There is no definition for contiguous in the LUB, which should be remedied if this definition remains. Recommend removal, unless the LUB implements the intent this definition.</p>
<b>dwelling unit</b>	<p>means a self-contained set of habitable</p>	<p>means one or more rooms in a <i>building</i>,</p>	<p>The LUB implements the</p>

	rooms, with one set of cooking facilities, capable of being occupied year round with living facilities for one or more persons including provision for living, sleeping, sanitation, food storage and preparation;	designed, occupied or intended for human habitation containing one set of cooking facilities and/or the infrastructure designed, used or intended to be used for the preparation and cooking food, and used as a residence by a <i>single family</i> ;	intent of the OCP and contains regulations. The OCP is meant as a policy document where the enabling policies are found. The terms 'dwelling unit' is used throughout the OCP in relation to residential uses and density. This definition could be removed with the intent that policies provide the substance of meaning, in which the LUB would implement through regulation. If the definition is kept, it is important to ensure that any subsequent LUB regulation and definition match this definition.
<b>family</b>	means; (a) two or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling unit; or (b) not more than five unrelated persons sharing one dwelling unit;	means one or more persons living as a single household; ("single family" in LUB)	Recommend removing the term 'family'. If the LTC wishes to identify the maximum number of people in a dwelling, then such a definition or regulation should be written into the LUB. An enabling policy would also need to be developed, but without the term family defined. The term 'household' is likely a preferred term to use in the place of family. Recommend removal.
<b>finfish farm</b>	means the growing, rearing but not		This term appears once in

	processing of fish;		the OCP, as a Marine Resource policy. That policy prohibits finfish farming as a use in the Plan Area. If that policy included 'the growing rearing, but not the processing of fish', then the definition could be removed. Also, there this term is not used in the LUB, instead the term used is 'bottom culture mariculture'. Recommend removal.
<b>forestry uses</b>	means all activities related to the development and care of forests, including seedling and tree nursery but specifically excludes the processing of wood or wood products;	means all activities related to the establishment and management of forested areas, and includes harvesting of timber and related forest cover resources, forest seed orchards and nurseries, but excludes the processing of wood products; ("Forestry" in LUB)	This terms appears once in the OCP, under Forestry policy in which it states that forestry uses are the principal use. Instead of a separate definition, the wording could occur right within the actual policy. Recommend adding the wording to the policy and remove the definition.
<b>high water mark</b>	means the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple, which plan was most recently filed in a Land Title Office before the adoption of this bylaw, or natural boundary as determined by a B.C. Land Surveyor.	means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; and in the case of a legal surveyed boundary, that boundary must be deemed to be the <i>natural boundary</i>	This term appears in several places. In the LUB the term 'natural boundary' is used. Staff find that this definition is not required to convey the meaning of high water mark in the bylaw, and further staff suggest that the term 'natural boundary' replace 'high water mark'. Recommend removal.

		provided the legal surveyed boundary is land-ward of the <i>natural boundary</i> , (“Natural Boundary” in LUB)	
<b>home occupation</b>	means an occupation or craft, including teaching of crafts, or the production of goods and/or sale of goods where such activities are carried on as an accessory use in a dwelling unit or accessory building to the dwelling unit;	means a business, trade, profession, or the production and or sale of goods, where such activities are <i>accessory to a principal</i> residential use, and where a resident of the lot carries out, operates and is the principal worker;	There is a section in the OCP that provides detail regarding home occupations. This definition could be removed without impact to home occupation policies. Recommend removal

<b>Term</b>		<b>LUB Definition</b>	<b>Comment (for OCP)</b>
<b>horticulture</b>	means the practice of growing fruits, vegetables, flowers or ornamental plants;	means growing of fruits, vegetable, flowers or ornamental plants for resale;	This definition is the same as the ordinary definition of the word horticulture and is not necessary. The LUB provides the same definition with the addition of the words ‘for resale’ to the end. Recommend removal
<b>industry</b>	means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods, materials or things;	means a home occupation where the permitted uses are construction and repair of heavy equipment, boats, trailers or the body of a vehicle, contractor yards, and water distribution; (“home Industry” in LUB)  means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods or materials; (“light Industry” in LUB)	The term ‘industry’ appears to include ‘industrial’ as the words are interchanged in the Industrial section of the OCP. The terms are found in the OCP in the Industrial section as well as the TUP and DP sections. Moving the wording of the definition to the Industrial section would not change the meaning within the context of the OCP. There is a ‘light industry’ definition in the LUB which includes the words ‘or

			materials' at the end of the OCP definition wording. Recommend the wording be relocated into a policy and then removed from here.
<b>institution</b>	includes an arena, armoury, cemetery, college, community centre, community hall, court of law, fire hall, hospital, library, municipal office, park, playground, police station, public art gallery, public museum, school, stadium or public swimming pool;		Other than as a permitted use in the Village Commercial zone, "institution" references appear only in the Institutional section. As with the industry uses above, the wording from this definition could be placed in the policy section for institution, and a separate definition would not be necessary. Recommend relocating this definition
<b>minimum parcel size</b>	means the smallest size of parcel that may created through plan of subdivision;		This definition is self explanatory and can be removed. The LUB does not contain this definition either. Recommend removal.
<b>mobile home park</b>	means land used or occupied by a person for the purpose of providing space for the accommodation of mobile homes either on a rental or ownership basis;	means a single-family <i>dwelling unit</i> ; suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard;	This term only appears once, in the General Residential section. This definition could be written into the policy that uses the same term. Recommend definition be relocated.
<b>multiple family housing</b>	means three or more residential dwelling units on a parcel.	means a <i>building</i> consisting of two or more <i>dwelling units</i> with common or individual cooking facilities; ("dwelling- multiple family" in LUB)	This definition should be revised when the LTC resolves affordable housing matters during Phase One of the OCP review.

<p><b>parcel</b></p>	<p>means any lot, block or other area in which land is held or into which it is subdivided including water lease lots, but does not include a highway;</p>		<p>The Land Title Act defines 'parcel' as: a lot, block or other area in which land is held or into which land is subdivided;</p> <p>The definition in the OCP is fine as written, but is redundant from a legal viewpoint as the definition definition in this 'senior' legislation is in effect and overrides a local government bylaw. Often the terms lot and parcel are used interchangeably. Legally, the term is parcel, but the LUB defines 'lot' as a parcel. If the LTC wish to retain a definition in the OCP, it should be the same term used in the OCP and LUB. Recommend removal.</p>
<p><b>principal</b></p>	<p>respect to the use of a building means primary and chief;</p>	<p>in relation to use, <i>building</i>, or <i>structure</i> means the main or primary use, <i>building</i> or <i>structure</i>;</p>	<p>The term 'principal' is used throughout the OCP, however, the definition is not different than the common dictionary definition of the word and is not necessary to add clarity when reading the bylaw. Recommend removal.</p>
<p><b>public park</b></p>	<p>means public land used or intended for outdoor recreation, and may include lands set aside for archaeological, historical or ecological purposes;</p>	<p>means an area of land (water) established as <i>provincial park</i> under the "Park Act"; ("park-provincial" in LUB)</p>	<p>This definition includes uses that are not necessarily understood to be public park such as protection of</p>

			means an area of land (water) established as a <i>regional park</i> under the “Park (Regional) Act”; (“park- regional” in LUB)	archaeological purposes. The term appears in General Residential, Park and Marine sections of the bylaw. Public discussion regarding the use of parks as places to recreate, are inherently opposed to the goal of protecting areas where ecologic and archaeological values are present. Staff suggests that at this time the definition be removed, and the discussion of this matter occur in Phase Two of the Bylaw Review. Recommend removal.
<b>public utility</b>	means broadcast transmission, electrical, telephone, sewer or water services and facilities established or licensed by a government (excluding private radio or television broadcast towers) and includes navigation aids and seawalls;	means a use providing for facilities for water, sewer, electricity, telephone, and broadcast transmission provided such a use or facility does not have or require on site staff to operate the utility, and is established by one of the levels of government, a corporation or company regulated by a government commission, but excludes radio or television broadcast towers and energy generation or production for sale off the lot on which it is produced; (“public utilities” in LUB)		
<b>residence</b>	1. the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or 2. the occasional or seasonal occupancy of a dwelling unit by an owner who has a permanent domicile elsewhere or by non-paying guests of	means: the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who		Recent work has occurred regarding the interaction between vacation rentals, residential uses and temporary use permits, and this definition supports that work in a meaningful way.

	<p>such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement, and for certainty, residence does not include tourist accommodation use, commercial vacation rental, or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation.”</p>	<p>has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement, and for certainty, residence does not include tourist accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;</p>	<p>Depending on how other parts of the OCP review move forward, this definition may need to be revised. Recommend this definition remain as written, at this time</p>
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<b>Term</b>	<b>OCP Definition</b>	<b>LUB Definition</b>	<b>Comment (for OCP)</b>
<b>senior</b>	<p>means a person 60 years of age or older.</p>		<p>The policy on affordable housing for senior notes that the age is 60 or older. This definition does not add value to the policy, and could be removed. Recommend removal.</p>
<b>single-family affordable housing</b>	<p>means housing that does not exceed an average of 65 square metres (700 square feet) in area and which cost in rental and/or maintenance fees, no more than 30% of the gross income of families or individuals in the lower two income quartiles on Gabriola Island.</p>		<p>This term appears only in the Single Family Affordable Housing section of the OCP. The definition could be written into the actual policy section rather than as a definition here. The affordable housing section of the OCP is under review, and this definition may be revised or removed as part of that review. Recommend removal at this time.</p>
<b>structure</b>	<p>means any construction fixed to, supported by or sunk into land or water</p>	<p>means anything constructed or erected that is fixed to, supported by or sunk into land or</p>	<p>This definition could be removed as the regulations</p>

	but not concrete or asphalt paving or similar surfacing of a parcel;	water, whether underwater or otherwise, excluding vehicles, floating vessels, paving for vehicle parking, sidewalks, sewage absorption fields, and detached ground level decks; for clarity, swimming pools, dugouts, cisterns and above ground septic tanks are considered structures;	in the LUB would provide the implementation of the OCP policies. Recommend removal.
<b>structural alteration</b>	means a structural change to a building and also includes: (a) an addition to gross floor area or height; (b) the removal of a portion of the building; (c) construction of, cutting into, or removal of any wall, partition, column, beam, joist, floor or chimney; and (d) any change to or closing of any required means of access;		This term appears two times in the Development Permit Area guidelines. Staff suggests that this definition be relocated to the appropriate guidelines. Recommend relocating this definition into the DP area.
<b>subdivision</b>	means the division of land into two or more parcels, whether by plan, apt descriptive words or otherwise; and includes parcels created under the <i>Land Titles Act</i> and the <i>Condominium Act</i> ;		The Land Title Act defines 'subdivision' as: <i>the division of land into 2 or more parcels, whether by plan, apt descriptive words or otherwise</i> . As with the term 'parcel', this definition could be removed. Of note, the definition clarifies that a boundary adjustment is a subdivision, but lot consolidations where only one lot is created is not a subdivision. Recommend removal.
<b>tourist accommodation</b>	means a building or set of buildings used for transient accommodation	means the use of a <i>tourist accommodation unit</i> on an overnight basis by members of	This definition is linked with other areas of the bylaw, but

	which contain sleeping units and may contain auxiliary assembly, commerce, entertainment, or restaurant uses, premises licensed to serve alcoholic beverages and staff accommodation and includes hotel, motel, resort, lodge and guest cabins;	the travelling public who reside elsewhere;	could be relocated into a policy. Recommend relocation.
<b>tourist accommodation unit</b>	means a room or suite of rooms rented as non-residential lodging;	means a room or suite of rooms used by a registered party composed of one or more members of the travelling public who reside elsewhere;	This definition could be part of the 'tourist accommodation' policy as well. Recommend relocation
<b>watercourse</b>	means a depression with a bed 0.6 metres or more below the natural elevation of surrounding land: (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or (b) having a drainage area of two square kilometres or more.	means any natural or man-made depression with well defined banks and a bed 0.6 metres (2.0 feet) or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of two square kilometres or more as required by a designated official of the Ministry of Environment of British Columbia;	The Water Act defines 'stream' as: <i>a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch.</i> This current definition could be problematic when trying to implement DPAs and the LUB. Recommend removal.
<b>wilderness recreation</b>	means low impact outdoor recreation such as hiking and horseback riding but excluding any use which requires on-site guest accommodation		This term is specific to a use category and could be relocated to the related policies. Recommend removal.