

Islands Trust

MUDGE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 227, 2007

AS AMENDED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAWS: 254, 267

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Consolidated: September 2014

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 254	Amendment No. 1, 2010	August 19, 2010
Bylaw No. 267	Amendment No. 1, 2012	September 4, 2014

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 227**

A Bylaw to establish an official community plan respecting objectives and policies to guide decisions on planning and land use management and zoning and other development regulations respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land for Mudge Island and surrounding area as an Official Community Plan bylaw within the Gabriola Island Local Trust Area.

WHEREAS the Gabriola Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Gabriola Island Local Trust Area, pursuant to the *Islands Trust Act*,

AND WHEREAS the Gabriola Island Local Trust Committee wishes to adopt an Official Community Plan;

AND WHEREAS the Gabriola Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Gabriola Island Local Trust Committee enacts as follows:

1. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Official Community Plan for that part of the Gabriola Island Local Trust Area known as Mudge, Link, Round Islands and surrounding area as shown on Schedule B:
 Schedule A - Official Community Plan Document
 Schedule B - Official Community Plan Map
2. Bylaw No. 4 cited as "Official Community Plan (Gabriola Island) Bylaw, 1978" and all of its amendments are repealed.
3. This Bylaw may be cited for all purposes as the "Mudge Island Official Community Plan, 2007".

READ A FIRST TIME this	7 th	day of	May	, 2007
PUBLIC HEARING HELD this	9 th	day of	June	, 2007
READ A SECOND TIME this	21 st	day of	February	, 2008
READ A THIRD TIME this	21 st	day of	February	, 2008
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this	25 th	day of	March	, 2008
APPROVED BY THE MINISTER OF COMMUNITY DEVELOPMENT this	13 th	day of	August	, 2008
ADOPTED this	18 th	day of	September	, 2008

SECRETARY

CHAIRPERSON

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SCHEDULE A OFFICIAL COMMUNITY PLAN DOCUMENT

PART 1 - COMMUNITY CONTEXT

Official Community Plans & Local Trust Committee Governance

An Official Community Plan is an enabling document with broad community goals, objectives and planning policies. The Mudge Island Official Community Plan is intended to be used as an active reference document to guide the decisions of government agencies, current residents, special interest groups, organizations, new or prospective landowners, the Gabriola Island Local Trust Committee and its staff.

Historical Perspective

Being so close to Gabriola and Vancouver Islands, Mudge, Link and Round Islands share much of their general prehistory and history. Mudge Island and its surrounding area was part of the traditional territory of the Coast Salish People who speak the Hul'qumi'num language.

Permanent winter villages were located on Departure Bay, Nanaimo Harbour and False Narrows. Of special interest and relevance to Mudge Island is the village site at False Narrows on Gabriola Island called Tletxw - meaning "rich or special place". There were seasonal fishing sites on Mudge Island used by the First Nations for fishing and clamming. Local elder Bill Seward remembers that there were small First Nations cabins located on Dodd's Narrows that were used when the Coast Salish fished or clammed on Mudge Island. According to First Nations elders, over 130 species of plants were used in a cultural way. Many of these plants exist on Mudge Island today, including ocean spray, ironwood, red alder, and the pacific yew. Mudge Island was an important place for shellfish harvesting and the extensive clam bed at False Narrows was claimed to be the richest in the region.

Modern history unique to Mudge began with a canoe trip by Governor Douglas in 1852 from Victoria to Nanaimo along the east coast of Vancouver Island. It was then that he realized there was a group of islands to the east of Vancouver Island. These were to be later known as the Gulf Islands.

Captain Richards, commanding the Royal Engineers' survey ship HMS Plumper, began surveying the waters around Vancouver Island in 1859. It was during this time that he named the many islands, inlets, harbors and passages, including Mudge Island. Mudge Island was named after his Lieutenant, William Tetrius Fitzwilliam Mudge. Dodd Narrows was named after Captain Charles Dodd, second officer on the steamboat "Beaver".

The first white settlers on Mudge are thought to be Richard Pickering Norris and Robert Stubbins. An early land map, from 1862 shows the properties of these two families. Robert Stubbins apparently arrived on Vancouver Island in 1853 from Essex, England as an indentured agricultural laborer. He worked at Constance Cove, a farm near Victoria until 1865-67 when he moved to "Nanaimo". Since the property map of 1862 shows his name and property, it appears

that the move took place earlier than the genealogy document indicated. Richard Norris applied for 160 acres on Mudge on April 20, 1872 (BC Lands & Works file GR-0766/ 10 80 1303).

Following the Stubbins and Norris settlements, an 1881 settlement map shows that David Roberts had bought land on Mudge (Section 27). His was to the west of the Norris's residence, Lot 26 (Section 26 in today's map). According to the article in the Gabriola Museum archives by Lynda Poulton, the land to the west of Robert's property was "unoccupied", so one might assume that Mr. Roberts perhaps bought the land belonging to Mr. Stubbins. Stubbins moved away, apparently in 1881-82. This would fit with the new land pre-emption made to Mr. Stubbins in approximately 1882 on Lasqueti Island where he lived until approximately 1896-99.

In the early 1900's John Cox moved to Mudge Island and had an area logged for the establishment of a lumber mill. John Cox married Elizabeth (Hazel) Hoggan from Gabriola Island and together they raised a family, maintained the lumber mill and raised sheep.

The Cox family home, built in 1910, is the oldest residence remaining on Mudge Island from this early era. It is located on what is now known as Davidson Bay, named after Jim Davidson who purchased the home in the early 1950's from the last of the Cox dynasty (Auntie Katie) to live on Mudge. Davidson subdivided the original Cox land holdings to allow the eventual development of the south end of Mudge Island into smaller lots. The three orchard areas planted on Mudge Island in the 1920's, some on Cox land including apple, pear, and plum trees, still stand today.

Until the Islands Trust was established in 1974, land use and subdivision of land on Mudge Island and surrounding islets was relatively unregulated. Between 1926 and 1968, more than 350 small residential lots were created on Mudge Island's total land base of 224 hectares (553 acres). There are now 360 properties on the island in private ownership.

Natural Features

Mudge Island is situated between Gabriola Island and Vancouver Island. It is separated from Joan Point on Vancouver Island on the northwest side by Dodd Narrows, a deep narrow channel. Dodd Narrows is a churning, turbulent body of water where many an unwary boater has met with disaster. Currents through this 25 to 40 meter deep channel can reach up to nine knots. Despite the hazardous nature of the Narrows during tide changes, it is a popular route for marine traffic. On the northeast side of Mudge Island a shallow strip of water, False Narrows which separates Davidson Bay from El Verano Beach on Gabriola Island. Located southeast of the City of Nanaimo, Mudge Island is approximately 4 kilometers (2.5 miles) in length and 0.8 kilometers (0.5 miles) in width, with an overall area of 224 ha (hectares) (553 acres).

Link Island is a southward continuation of Mudge, linked by a narrow isthmus that is temporarily flooded during higher tides. Link is 24 hectares (59 acres) in size, with a shoreline length of 2.99 kilometers (1.8 miles).

Round Island is located between Mudge Island and Vancouver Island, Cedar district. Literature indicates that its name is taken from the shape of the island itself. Its size is 2.9 hectares (7.2 acres), with a shoreline length of 0.77 kilometers (0.47 miles).

Mudge and Link Islands are the top surface of a nearly four-kilometre-thick formation of late Cretaceous conglomerate, sandstone and mudstone known as the Nanaimo Group. It is this rock that holds the islands water supply and is the source of most erosional sediments on the

island. Like the other nearby islands (Gabriola, Valdez, DeCourcy Islands), this mass of bedrock was fractured, shifted and tilted so that today much of the southwest-facing side is a cliff-faced ridge that rises to 83 m (225 ft.) above sea level on Mudge.

Soils of varying depth are formed from the parent sandstone bedrock and glacial till, along with accumulated decomposed vegetation. In many areas, the sandstone bedrock predominates. Typically, the rocky areas are most common in the uplands of Mudge with the deep soil areas in the lowlands to the east and northeast. Gravity and abundant winter rainfall have helped to move loose sediments in such a direction.

Water Supply

Mudge Islands' water is supplied mainly by rainwater. There are a few ponds and tiny, seasonal unnamed creeks that supply surface water to humans and wildlife. Otherwise, residents depend on wells and rainwater catchment systems.

Rainwater (and snowmelt) percolates down through cracks and fissures in the bedrock to form the freshwater reservoir. There is no other source of water. As such, water supply is limited to what is stored and how much accumulates each year, mainly during the winter. Once summer arrives, Mudge Island, like most of the Gulf Islands, experiences drought.

Because the availability of groundwater depends on the storage capacity of the fractured bedrock, the amount of water varies with location. So too does water quality, stinking of sulfur in one well, brackish in another, fresh and wonderful in another.

Plants & Wildlife

Mudge, Link, and Round Island are very near the border line between the drier (Garry Oak - Douglas-Fir) and wetter (Arbutus - Douglas-Fir) subzones of the Coastal Douglas-fir Biogeoclimatic Zone. Tree cover is extensive, consisting mainly of Douglas-fir and arbutus in the drier or fire-affected sites. Red cedar, red alder, and big-leaf maple are more abundant in the areas of thicker soil, higher humidity, and where fire hasn't been as common. Other noteworthy tree species are the western flowering dogwood and Garry oak. A wide array of shrubs and herbaceous plants form the understory in the forest, most commonly including salal, Oregon grape, and various ferns and mosses.

The most abundant and commonly seen wildlife includes coast blacktail deer, european hare, and raccoons. Along the shoreline, river otter, mink, bald eagle, great blue heron, harbor seal and sea lions are often seen as well as foraging raccoons and deer. Bird life is typical of that seen on any Gulf Island and is especially rich in species during the summer. Robins, towhee, juncos, red-breasted nuthatches, chestnut-backed chickadees, siskins and brown creepers – to name a few – are common forest dwellers. Various gulls, oystercatchers, bald eagles, turkey vultures, sea ducks, mergansers, guillemots and shorebirds frequent the coastline. Rare sightings include orcas and grey whales.

Oyster and clam beds in the shallow bay between Mudge and Link Island provide a welcome seafood supply to resident wildlife and humans. However, the beds are not prolific, and so they are at risk from over harvesting. Crab, shrimp, prawn, salmon, lingcod and other offshore species make Mudge bountiful in seafood resources.

Another noteworthy marine feature at the northwest end of the island is the “Mudge Wall”, an underwater portion of the cliff face along Dodd Narrows. Exceptionally rich in sea anemones, starfish, and a wide variety of marine organisms, it is considered to be the #2 diving attraction in British Columbia.

Existing Access & Services

Year-round moorage is limited to private docks except for natural anchorages in shallow bays. Many residents pull their small boats up on shore or anchor them at public access points. A private marina in the north/northwest of Mudge is owned and operated by a not for profit society, Moonshine Cove Yacht Club. It is open to members only.

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove’s beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats.

Mudge is supplied with electricity via the B.C. Hydro line between Vancouver Island and Gabriola. Telephone, television cable and high speed internet services are available.

Mudge’s zoning is entirely residential. There are no commercial facilities, and business is limited to “home occupations”. Mudge Island has no public dock or school; students are either home schooled or attend off-island schools. The Mudge Island planning area has no amenities such as streetlights, sidewalks, paved roads, garbage removal, recycling pickups, communal sewer, water, or firefighting services. The 10 kilometre network of gravel roads are maintained by the provincial government. Residents follow a “maintain your own property” philosophy.

What is an Official Community Plan?

Official Community Plans

An Official Community Plan is a statement of objectives and policies to guide decisions on planning and land use management. The Gabriola Island Local Trust Committee is authorized to adopt an Official Community Plan by the *Islands Trust Act* and the *Local Government Act*. In the Islands Trust Area, an Official Community Plan must be consistent with the Islands Trust Policy Statement, which furthers the Object of the Islands Trust, as stated in Section 3 of the *Islands Trust Act*, and noted as Community Goal 7.

As a truly representative document, a community plan states the values of the community that participates in its creation. As a community changes, so too can a community plan. As unforeseen issues arise, a community plan can be amended to keep pace with these issues. Amendments can occur from time to time, based upon community process and input, with final decisions made by the Gabriola Island Local Trustees.

Mudge Island Planning Area Official Community Plan

The Gabriola Island Local Trust Committee has authority through its plans and regulations to address use of land and surface waters within the Mudge Island Planning Area. The purpose of this Plan is to outline the goals of the community, the objectives relating to matters of Local Trust Committee authority, and policies that provide guidance as how to implement those objectives. Advocacy policies are included to encourage and guide decision makers with matters outside the authority of the Local Trust Committee. All provisions in the Land Use Bylaw must be consistent with the direction provided in the Official Community Plan.

Land and water uses existing at the writing of this plan, 2007, came about as a result of historical land subdivision, ad hoc development, and addressing needs as they arose. The island has been subdivided into properties which, if the island were completely developed, would be problematic socially and environmentally. As in many other island communities, these subdivisions occurred prior to the implementation of elected local representation with a 'preserve and protect' mandate.

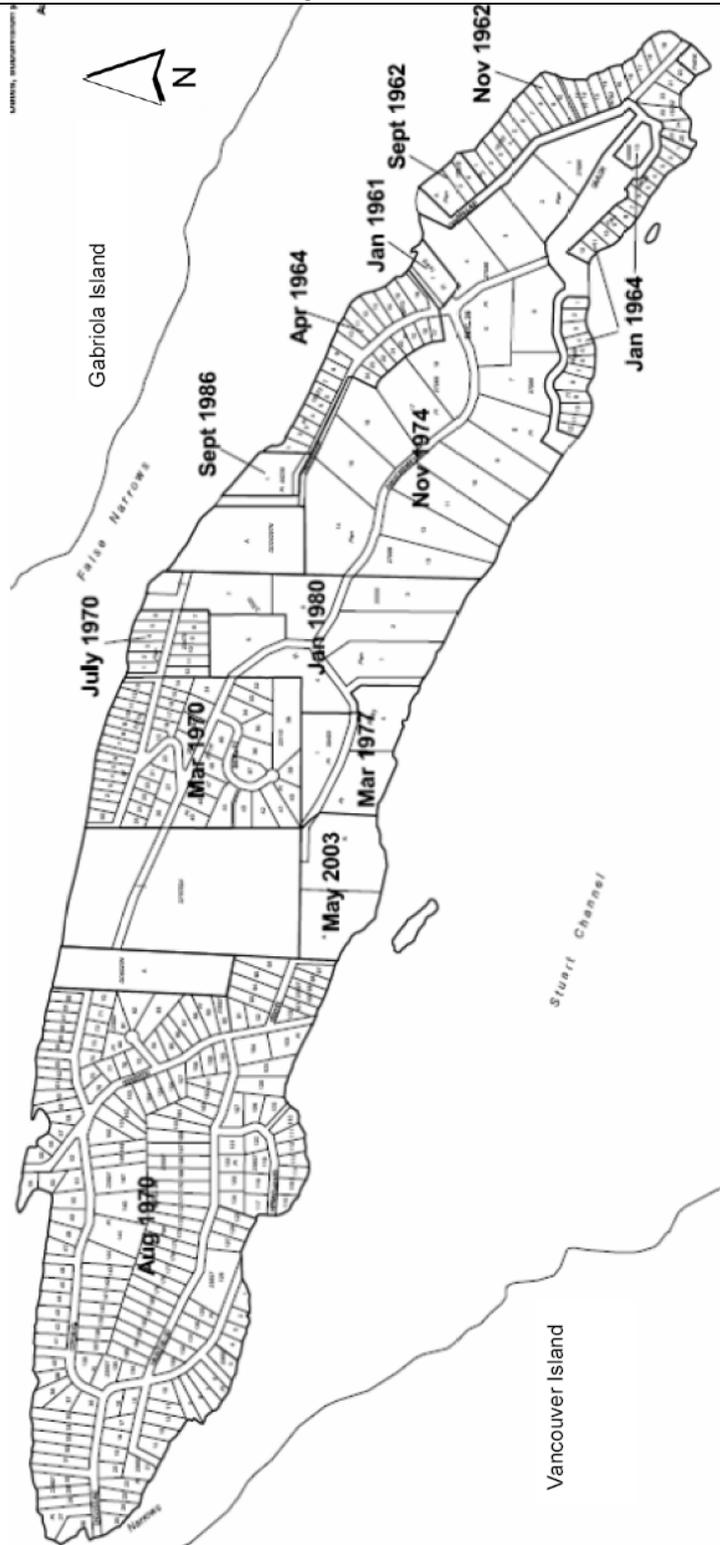
Population and Settlement Patterns

Population data for Mudge Island is primarily based on anecdotal information. The population can vary considerably at any given time, depending on the season. Currently, there are approximately 65 full-time residents on Mudge Island. Part-time residents are a significant year-round presence, often arriving on weekends, particularly during the summer months. A demographic survey, attached as Appendix A, was conducted in 2004 by the Mudge Advisory Planning Commission.

Mudge Island underwent major land subdivision in the early 1960's up to the early 1970's. The timing of subdivisions on Mudge Island is indicated in Figure 1. There does not appear to be a clear pattern of settlement. However, shoreline and ocean view properties are more likely to be developed than inland lots.

In 2006, Mudge Island had a total of 360 separate properties. Of these, BC Assessment indicates that 173 have single family dwelling units and 187 are vacant lands. There is only one property on the island with subdivision potential which is 15.9 hectares (39.2 acres) in size, allowing for a total potential of 7 lots. A second property has subdivision potential, divided by Coho Blvd. Link and Round Island have never been subdivided, and each island exists as its own legal parcel. Link Island has a subdivision potential of two lots.

Figure 1 Mudge Island Subdivision Map



PART 2 - COMMUNITY GOALS

Community Values and Principles

The people of the Mudge Island Planning Area are mindful of both the pressures from a growing population and the demonstrated desire of many to find relief from urban congestion and associated tension.

It is important that the unique rural qualities found on Mudge, Link and Round Islands be not only preserved, but protected, because it is these qualities that form the foundation of the culture that embraces the lifestyle these islands offer. The waterfront, beaches and surrounding waters need to be kept free of pollutants so that humans and non-humans continue to co-exist in a clean healthy environment. Water is our most precious and limited resource and groundwater supplies require protection from contamination and over-use. Similarly, groundcover and trees must be protected in order to maintain the natural beauty of the island. Practicing stewardship in this manner also ensures that the soils and soft rocks properly retain moisture, helping to prevent erosion and drought conditions. Respecting the natural qualities of the Plan Area ensures a harmonious balance between humans and the natural environment.

As part of the community process to develop this Official Community Plan, a Values Questionnaire was sent out to all residents and landowners in the Mudge Island Planning Area in 2004. The replies to this questionnaire provided significant insight into the wishes and desires of the community. The Community Values Report, attached as Appendix A, provides a summary of responses.

Overall responses strongly support the desire to keep Mudge as it is: a rustic, rural community where a sense of solitude and tranquillity exist despite close proximity to urban centres. Mudge Island residents and landowners favour low population density and “water access only”. Respect for individual privacy was stressed yet balanced with a strong sense of community and neighbourhood.

Community Goals

This Plan attempts to preserve the Mudge Island Planning Areas unique environment for future generations with the following goals:

1. To preserve the rural character, peace, quiet, privacy, tranquillity, serenity and the slow island pace of Mudge, Link and Round Islands.
2. To protect ecosystems through the use of sustainable practices which take into account a balance between human, plant, aquatic and terrestrial wildlife needs.
3. To keep the islands as a refuge from the pressures of urban life, as partially facilitated by the absence of ferry service and bridges between these and other islands.
4. To encourage quality natural residential and recreational experiences for residents and visitors in a manner that leaves the land in a relatively undisturbed or wilderness condition consistent with maintaining the area’s rural tranquillity and ecological balance.
5. To preserve and protect structures, buildings and natural areas with historic or archaeological value.
6. To ensure that services essential to the health and safety of the community are provided.

7. To fulfil the object of the Islands Trust, which is to preserve and protect the Trust area and its unique amenities and environment for the benefit of the residents of the Trust area and of British Columbia generally, in co-operation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.

Interpretation

General

The Plan is an interrelationship of policies in different sections. Policies contained in any one section of the Plan are often related to other policies provided elsewhere. 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 that is deemed advantageous to apply or implement.

For instances where an objective or policy lies within the authority of another agency or person, such agencies or persons are requested to regard and consider such objectives as stated desires of the Gabriola Island Local Trust Committee, on behalf of the land owners and residents of the Mudge Island Planning Area.

The Bylaw's approach to land use and development growth is one of consideration and caution. It is hoped that by laying out a pattern of low impact land use, adopting a cautious approach to development, and fostering a cooperative relationship among the local community and other governmental agencies, reasonable land use and development will take place without requiring complex and expensive facilities and services, thereby maintaining the Islands' unique character as a place where the human community lives in and with nature.

Advocacy Policies

This Plan contains community objectives in the form of Advocacy Policies where matters are outside the jurisdiction of the Gabriola Island Local Trust Committee. These policies advise and encourage others to take certain actions to further the objectives of the Plan and the community. This Plan cannot and does not represent a commitment from other agencies to act accordingly.

Information Notes

Where a paragraph or sentence in this Bylaw is written in *italics* and/or is preceded by the words "Information Note", the contents of the paragraph or sentence are provided as reference information only to assist in understanding the Bylaw, and do not form part of the Bylaw. The Appendices do not form part of this Bylaw and are attached as information only.

Map Delineations

Symbols or designations used in map schedules, except for development permit, temporary use permit or development approval information areas indicate approximate locations of existing or proposed activities, uses or features. The exact extent or overall size is to be determined through more detailed studies, policy decisions, or legally defined by the appropriate land use bylaws enacted over time by the Gabriola Island Local Trust Committee.

PART 3 - COMMUNITY OBJECTIVES AND POLICIES

The objectives and policies in this part of the bylaw are general in nature and may apply to any designation or to locations within any designation.

3.1 Ecosystem Preservation and Protection

The Mudge Island Planning Area enjoys a unique climate with more hours of sunshine, less rain, and a higher mean temperature than surrounding areas. This results in a more fragile environment as well as a unique ecosystem. It is essential that every effort be made to preserve these areas as much as possible, as a legacy to future generations as well as for the enjoyment of today's residents.

Despite its diversity, the social and natural environmental systems of the Mudge Island Planning Area are not limitless and cannot accommodate endless growth and change. When land is developed, whether for housing, transportation, landscaping or recreation, there is an inevitable change to the balance found in social and natural systems. When these changes are small, systems can often absorb the impacts, and normal ecological and social functions can continue.

As the size and rate of development accelerates and accumulates, the ability of these systems to accommodate change diminishes and the evidence of damage becomes more widespread. We must continue to look for new ways to minimize our impact on the underlying natural and social systems that support us, and take advantage of opportunities to repair past damage. A cautious approach to development recognizes that when an activity raises threats of harm to the environment or human health, be it physical or social, precautionary measures should be taken even if some cause and effect relationships are not fully established.

Conservation, preservation and protection of natural and inhabited areas include avoidance of pollution. This includes, but is not limited to, irresponsible and inadequate garbage disposal, abandoned vehicles and appliances, oversized and unnecessary signs, and excessive noise.

Objectives

Objective 1 To recognize and enhance all components of the Plan Area natural ecosystems and to continue to identify and respect the role of such ecosystems in community planning through ongoing research.

Objective 2 To encourage the preservation and protection of rare and sensitive ecosystems and maintain the natural environment and enhance biodiversity.

Objective 3 To limit development in hazardous areas.

Policies

Policy 1 To the greatest extent, areas should be undisturbed and remain in their natural state.

Policy 2 Islands and waters of the Plan Area have special significance due to their natural features and should be protected, specifically:

- intertidal and marine areas as habitat for diving ducks, shore and migratory birds, small mammals, fish and invertebrates such as oysters and clams;
- areas for animals and plants such as bogs, marshes, and old growth trees;
- spectacular and scientifically interesting geological features such as rock formations; and,

- aesthetic viewsapes for hiking and boating;
- Policy 3 Areas that are environmentally sensitive contain natural hazards, and have nesting and habitat trees for marbled murrelets, great blue heron, bald eagle, osprey and other raptors may designated within a development permit area.
- Policy 4 Activities that produce disruptive noises and degrade the peace and tranquility of the Plan Area should not be permitted.
- Policy 5 Permits, bylaw amendments or other approvals should include protection of environmentally sensitive and hazardous areas including: wetlands, watercourses, riparian areas, groundwater, intertidal areas, forests and bluffs; a precautionary principle approach should be taken whereby decisions are not made until adequate information is obtained.
- Policy 6 Conservation areas may be located in any designation and be exempt from minimum parcel areas without requiring a plan amendment.
- Policy 7 Zoning provisions should establish a minimum building setback from wetlands, watercourses and the sea.
- Advocacy Policy 1 Conservation efforts to rehabilitate habitat are supported.
- Advocacy Policy 2 Property owners, residents and visitors are encouraged to:
- use organic agricultural practices and minimize the use of chemical fertilizers, pesticides and herbicides; agricultural applications should be carried out in a responsible and safe manner without overspray to neighbouring properties;
 - examine voluntary stewardship measures such as conservation covenants that contribute to ongoing natural area protection;
 - replant areas cleared for development and minimize land clearing.
 - protect marbled murrelet, great blue heron, bald eagle, osprey and other raptors trees and their habitat; and,
 - report all spills of hazardous materials to the Ministry of Environment.
- Advocacy Policy 3 Senior levels of Government are requested to support the:
- preservation of nesting trees for marbled murrelet, great blue heron, bald eagle, osprey and other raptors, in accordance with the *Wildlife Act*;
 - appropriate regulation and enforcement of environmental and noise pollution control devices on motorized vehicles, boats, aircraft and other equipment;
 - prohibition of effluent discharge into bays or any other body of water, including ocean dumping of untreated sewage; and,
 - require holding tanks in boats and designate the Plan Area as a non-discharge area for sewage disposal from vessels.

3.2 Coastline and Foreshore

Objectives

Objective 1 To minimize disturbance and pollution of the foreshore and the surrounding waters.

Objective 2 To minimize conflicts between marine and foreshore users and uses.

Policies

Policy 1 In addition to setbacks for all buildings and structures, land immediately upland of the foreshore and extending out over the water may be designated as a development permit area.

- Policy 2 Zoning should allow for low impact recreational opportunities in coastal and foreshore areas.
- Policy 3 Coastal and foreshore zoning shall be designed to protect against disruption of natural beach systems and limit development.
- Policy 4 Public beach access areas should have minimal clearing, retain vegetation and not be unduly obstructed by development.
-

3.3 Heritage

The Plan Area contains heritage resources from First Nations through to periods of early European occupancy.

The Gabriola Island Local Trust Committee and the community of the Plan Area establish the following Principles as a foundation of communication with First Nations:

The Gabriola Island Local Trust Committee and community of the Mudge Island Planning Area:

- *recognize the cultural and historical significance the Snuneymuxw First Nation and member nations of the Hul'qumi'num Treaty Group have made in the Mudge Island Planning Area and support efforts to identify and protect First Nations cultural heritage sites;*
- *respect all people who have and will contribute to the social fabric of the past, present and future;*
- *support proactive and mutually respectful interests by consulting with the Snuneymuxw First Nation and member nations of the Hul'qumi'num Treaty Group; and,*
- *recognizes that past, present and future generations have shared and will share experiences within the Mudge Island Planning Area.*

Objectives

Objective 1 To recognize the historical presence of First Nations people in the Plan Area.

Objective 2 To identify, protect, preserve and enhance important cultural and historical resources in the Plan Area.

Policies

Policy 1 The Snuneymuxw First Nation and member nations of the Hul'qumi'num Treaty Group shall be consulted on bylaw amendments and other development applications.

Advocacy Policy 1 Both Federal and Provincial Governments are encouraged to assist the local community, Snuneymuxw First Nation and member nations of the Hul'qumi'num Treaty Group with accurate and comprehensive First Nation assessments and studies of archaeological sites.

Advocacy Policy 2 The Ministry of Aboriginal Relations and Reconciliations, Ministry of Tourism, Sport and the Arts and the Ministry of Community Services are requested to ensure archaeological and heritage sites are protected.

3.4 Transportation, Services and Utilities

Transportation

Transportation to and from the islands of the Plan Area is mostly by private boat. On-island transportation is by walking, cycling and private vehicles. Servicing in the Plan Area is limited. Round and Link Islands do not have electricity. Mudge Island has electricity, cable, telephone and internet service. No island in the Plan Area has community water or sewage disposal.

Individual property owners are responsible for the provision of potable water, and for the appropriate disposal of solid and liquid domestic waste, including construction materials. Recycling and planned trips to take waste off of the island are a fact of island life and part of the unique rural character.

Residents, land owners and visitors should be aware that there is no ambulance service on the island. Ambulatory services are available on Gabriola Island as well as helicopter service from Nanaimo. It must be appreciated that full time island residents can not be responsible to provide all emergency response services and that individual precautions should be considered and 'knowing one's neighbour' is an element of island living.

There are no current operations for the extraction or processing of aggregate (sand, gravel, and stone) resources in the Mudge Island Planning Area. There is insufficient information available to include the locations of sand and gravel deposits suitable for future sand and gravel extraction in this Plan. The regulatory authority for the exploration and extraction of aggregate resources rests with Provincial Government. Local community bylaws apply only when processing (screening, sorting, crushing) of extracted materials is undertaken.

Objectives

Objective 1 To allow appropriate transportation conveyances for residents and visitors.

Objective 2 To ensure that transportation facilities and methods do not have an unduly negative impact upon ecosystem integrity or rural island character of the Plan Area.

Objective 3 To support responsible solid waste disposal.

Objective 4 To promote the development of effective community safety plans.

Objective 5 To ensure new development is capable of meeting appropriate and adequate servicing.

Objective 6 To minimize any disturbance associated with aggregate resource extraction.

Transportation Policies

Policy 1 Shared wharves, docks and moorage, boat and barge ramps, commercial water taxi facilities and associated on island parking requirements should be permitted to meet the needs of the local residential community.

Policy 2 Wharves, docks, floats and ramps should be sited to minimize their impact on the natural environment and not prevent public access to the foreshore.

Policy 3 Buildings, structures, equipment and vessels should not prevent or obstruct public access along the foreshore.

Policy 4 No island in the Plan Area shall be connected to any other island by a bridge.

Policy 5 This plan does not support the establishment of private or commercial air strips or helipads.

Policy 6 The landing and take off of emergency aircraft for emergency purposes is permitted.

Advocacy Policy 1 The Ministry of Transportation is requested to:

- retain natural vegetation along road right of ways and avoid harming wildflowers, rare plants, Dogwood, Arbutus and Garry Oak trees;
- use non-toxic chemicals to control vegetation in right of ways;

- prevent siltation and sediment run-off from ditches, culverts and road construction;
- carry out road ditching and maintenance that reduces impact to groundwater and surface water flow patterns;
- provide adequate dust control on gravel roads,
- minimize signage;
- set speed limits that do not exceed 50 km/hr;
- allow the use of right of ways for access to the water;
- design and build roads in a manner that provides safe, efficient movement and follows natural land contours keeping in harmony with the landscape; the cleared width of roads should be kept to a minimum and include space for horse, foot and bicycle paths;
- consult with community organizations on setting priorities for annual road work and ditching programs; and,
- provide written referrals to the Gabriola Island Local Trust Committee with respect to all proposals related to road upgrades, right-of-ways, water accesses, undeveloped road allowances, disposition or changes to road allowances.

Advocacy Policy 2 The Ministry of Transportation and the Regional District of Nanaimo are encouraged to provide adequate parking areas to meet the boating and barging needs for those living and traveling within the Plan Area, including the El Verano and Green Wharf areas on Gabriola Island.

Advocacy Policy 3 Operators and regulators of water transportation facilities should maintain structures, equipment and vessels in proper order to prevent harm to the natural environment or limit public access to the foreshore.

Advocacy Policy 4 Transport Canada is encouraged to bring awareness to pilots regarding the Plan Area sensitive ecosystems, with low flying aircraft routed elsewhere.

Advocacy Policy 5 Individuals are encouraged to share the use of private docks or wharves and boat/barge ramps with one or more islanders.

Advocacy Policy 6 Water taxi services are encouraged to provide access for residents and visitors travelling to and from islands in the Plan Area.

Advocacy Policy 7 The Provincial Government, Ministry of Transportation and the Insurance Corporation of BC are encouraged to modify standards such that alternative low impact vehicles can be driven on public island roads;

Advocacy Policy 8 Appropriate methods of transportation is encouraged that:

- has minimal or no fossil fuel requirements;
- takes up minimal parking space;
- is not excessively loud; and
- is suitable for use on gravel and other unpaved roadbeds.

Water Supply Policies

Policy 7 No island should be connected to another by pipeline and should be self-sufficient in regard to freshwater in accordance with the Islands Trust Policy Statement.

Policy 8 New lots created by subdivision should provide proof of an adequate potable water supply.

Policy 9 Potable water from ground and surface water sources should be supplemented by collection and storage of rainwater through cisterns and ponds.

Policy 10 Water conservation equipment and practices shall be utilized.

Advocacy Policy 9 Effective technologies for water collection are encouraged.

Sewage Disposal Policies

Policy 11 New lots created by subdivision should provide proof of an adequate sewage disposal capability that will not lead to cross contamination of wells and surface watercourses.

Policy 12 If lots cannot meet sewage disposal requirements established by the *Health Act*, then consolidation of the lot with adjacent properties to increase opportunity for soil percolation is permitted.

Policy 13 The use of alternative technology to the traditional septic field and the safe recycling of grey water are supported if methods provide effective non-polluting and energy efficient means to treat and dispose of effluent.

Policy 14 Septic fields shall be set back from any well, watercourses, wetland and the sea.

Policy 15 Ocean sewage and septic outfalls are not permitted.

Advocacy Policy 10 Effective technologies for sewage disposal and drainage that protects groundwater, surface water and marine environments from contamination, sedimentation and degradation is encouraged.

Advocacy Policy 11 Sewage disposal systems require routine maintenance in order to prevent contamination of potable water supplies; residents and land owners are responsible for the maintenance of their systems;

Advocacy Policy 12 The Vancouver Island Health Authority and the Regional District of Nanaimo are encouraged to:

- permit newly developed waste water treatment systems of demonstrated efficacy, composting toilets, constructed wetlands and reuse of grey water as alternatives to conventional septic disposal systems;
- implement pilot studies on alternate systems for waste water treatment;
- develop a regular septic system maintenance program requirement; and,
- develop a program to detect and correct failing septic systems.

Solid Waste Management Policies

Policy 16 Zoning regulations shall not allow solid waste landfills.

Policy 17 This Plan does not support disposal of hazardous and industrial wastes within the Mudge Island Planning Area.

Advocacy Policy 13 Residents and visitors are encouraged to support efforts to reduce, reuse and recycle.

Advocacy Policy 14 Residents and visitors must take individual responsibility for appropriate waste disposal and recycling; the burning of toxic plastics is a health hazard and not an acceptable or responsible method of disposal.

Fire Protection and Safety Policies

Policy 18 Zoning regulations should allow for suitable emergency and fire protection facilities.

Policy 19 New residential development should include provisions for fire fighting equipment and emergency water storage.

Advocacy Policy 15 The Provincial Fire Commissioner, Ministry of Forests and Regional District of Nanaimo should support local community efforts for fire protection and prevention and work towards an effective emergency response strategy.

Advocacy Policy 16 Public beach access points should be identified that provide appropriate routes in times of accident, emergency or medical evacuation.

Advocacy Policy 17 This Plan supports individual and community responsibility and participation for fire protection and prevention and emergency evacuation.

Utility Policies

Advocacy Policy 18 Public utilities, such as hydro, cable and telephone, should be provided at a scale appropriate for the Plan Area.

Advocacy Policy 19 The community is opposed to any fossil fuel power plant and any other venture that increases acute and chronic air pollution within the Plan Area.

Advocacy Policy 20 B.C. Hydro is requested to:

- retain natural vegetation along power line corridors and avoid harming wildflowers, rare plants, Dogwood, Arbutus and Garry Oak trees;
- use non-toxic chemicals to control vegetation along power line corridors and other right of ways; and,
- consult with community organizations on setting priorities for annual work programs and prior to clearing or installing poles and lines.

Sand and Gravel Policies

Policy 20 This plan does not support sand and gravel extraction or processing.

Policy 21 Aggregate processing is considered an industrial use of land; in circumstances where sand and gravel extraction or processing arises, consideration may be given to an application for a temporary industrial use permit.

Advocacy Policy 21 Where extraction of aggregate resources is complete, the land owner is encouraged to restore the land to its former condition by re-grading to approximate natural contours and by re-establishing the natural vegetation.

3.5 Commercial and Industrial

There are currently no commercial or industrial designations within the Plan Area, which is valued as a place to “get away from it all” and largely known for its scenery, ambience and rural peace and quiet. Island ecosystems are fragile and susceptible to degradation when human impact exceeds carrying capacity. The greatest demand for water is generated in the summer, at the time groundwater availability declines. Excessive volumes of sewage, grey water and other byproducts of commercial and industrial uses can also strain natural ecosystems and result in health and environmental concerns. The residents and visitors of the Plan Area utilize the commercial and industrial services available on Gabriola and Vancouver Island.

Objectives

Objective 1 To maintain rural residential qualities over commercial and industrial activities.

Objective 2 To provide visitor accommodation in a manner and at a scale appropriate to and respectful of immediate neighbours and the entire community.

Policies

- Policy 1 This plan does not support large tourist accommodation facilities, strata-title developments and time sharing arrangements.
- Policy 2 Campgrounds are not permitted.
- Policy 3 Applications may be considered for temporary use permits in any designation. Applicants for a temporary use permit in all designations of this Plan may be required to provide development approval information. Temporary use permits may be considered where such uses are short term, of a fixed duration, comply with this Plan, and have minimal impact on the environment. Development approval information may be required in order to ensure that the proposed use may occur in a manner that sustains natural resources, environmentally sensitive areas and the rural character of the Plan Area. Development approval information may be required by the Local Trust Committee to determine appropriate uses, density and siting of temporary uses as well as appropriate permit conditions.
- Policy 4 Applications to redesignate and rezone an area to commercial or industrial uses shall not be permitted without amendment to this Plan; commercial and industrial activities shall take into account protecting the island's environment, sustaining its resources and amenities, and preserving its ambience and character.
- Policy 5 This Plan does not support commercial logging and processing of trees.
- Advocacy Policy 1 When considering tourism planning for the Plan Area, a position of "welcome without promotion" should be used.
- Advocacy Policy 2 Government, public and private organizations should provide information to all visitors emphasizing the fragility of the environment, limited resources, lack of services, danger of fire and to practice low impact recreation activities.

3.6 Climate Change Adaptation and Greenhouse Gas Emission Reductions

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. .

The following target is set as 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 Mudge Island, and also to illustrate the light footprint of residents of Mudge Island. The objectives outlined below are set to help ensure that this target is achieved. Future amendments will add policies and actions.

Target

- *To achieve by 2020 and 2050 resident per capita emission levels of 50% or less than the Canadian per capita average for 2020 and 2050, respectively, measured from a baseline when an inventory is completed.*

Objectives

Objective 1 To establish climate change as a fundamental factor in land use decision-making, while adhering to the Islands Trust Policy Statement.

Objective 2 To develop a community-initiated inventory of greenhouse gas emissions on Mudge Island to verify the level of per capita emissions.

Objective 3 To encourage community discussion on the issues of climate change and greenhouse gas emission reductions at all appropriate community meetings and gatherings.

Objective 4 To support efforts and policies that help the community adapt to climate change impacts.

Objective 5 To work with other agencies and levels of government to support actions that limit greenhouse gas emissions.

Policies

Policy 1 The Local Trust Committee encourages information sharing and education on reducing greenhouse gas emissions and on producing energy from alternative sources.

Policy 2 The Local Trust Committee encourages on-Island agriculture and the sharing of local food production.

Policy 3 The Local Trust Committee encourages that all new construction be built at the highest possible energy-efficiency standards.

Policy 4 Further Policies and Actions with respect to climate change mitigation will be considered as part of a future review of this Bylaw and incorporated into this Bylaw when it is amended.

PART 4 - AREA USE DESIGNATION OBJECTIVES AND POLICIES

The objectives and policies in this part of the bylaw are related to specific designations established on Schedule B or are designations that may be included on that map in the future by amendment to this Plan.

4.1 Rural Residential

There are three major islands in the Mudge Island Planning Area: Mudge, Link and Round. Link and Round Islands are one single lot where as Mudge is almost completely subdivided with so many parcels of land that individual and group creativity must be exercised to keep the Island in the state that attracted those people originally. Policies and regulations have been developed to take into account individual and collective impacts and ecological footprints.

Approximately one-half of the properties on these islands have not yet been cleared for development and are within the Land Based designation. Enjoyment of rural island character and residential privacy are fundamental elements of island life. Keeping these in mind, island based, flexible, moderate and uncomplicated regulatory understanding is sought.

Objectives

- Objective 1 To support a diverse population and community of lifestyles through residential uses that are compatible with the environmental carrying capacity and rural character.
- Objective 2 To support residential development and activities, stewardship practices and initiatives that minimizes impact on rural character and resources.
- Objective 3 To support creative proposals that provide community benefit, enhance rural island character and preserve and protect the environment.

Policies

- Policy 1 The principal use in this designation shall be residential, with one single family dwelling permitted per lot.
- Policy 2 Uses and structures typically associated with residential uses shall be permitted.
- Policy 3 Lot coverage should be limited, unless measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts.
- Policy 4 Areas covered by impervious surfaces, buildings and structures should be minimized, unless ecological footprints are compensated for elsewhere.
- Policy 5 Sewage generated on a lot shall be dealt with on the same lot or through a community sewer system; either method may include the use of effective and appropriate alternative technologies.
- Policy 6 Residential development should not be located near areas of potential hazards, such as steep slopes, or where environmentally sensitive areas may be harmed.
- Policy 7 Lands in hazardous areas or with environmentally sensitive features may be protected by the establishment of Development Permit Areas.
- Policy 8 Accessory cottages may be permitted on parcels 1.9 hectares (4.69 acres) or greater, subject to:
- uses limited to:
 - accommodation of non-paying guests;
 - affordable and special needs housing for residents or caretakers; or,
 - home occupations;

- adequate and appropriate on-site water supply and sewage disposal for both the single family dwelling and the accessory cottage; and,
- maximum floor area such that the accessory cottage is secondary and smaller in floor area than the single family dwelling and proportionate in size to the lot area.

- Policy 9 Home Occupations shall be permitted according to the nature of the enterprise and the potential impacts to the environment, surrounding properties and community character generally; to this end home occupation uses may be permitted with consideration of the following:
- the home occupation use is accessory to residential occupancy;
 - the resident of the lot carries out the home occupation use;
 - there is minimal detection of the home occupation use and the property remains residential in appearance;
 - water use requirements are minimal;
 - waste disposal requirements are minimal;
 - expected noise levels are minimal;
 - no outdoor uses are permitted, except for produce stands, parking and one sign;
 - no harmful or bothersome odours are associated with the home occupation; and,
 - the scale and level of activities are in keeping with rural island character.
- Policy 10 The subdivision potential within the Mudge Island Planning Area shall be limited.
- Policy 11 A property being proposed for subdivision through Section 946 (Subdivision to provide residence for a relative) of the *Local Government Act* must be a minimum of 8 hectares in size.
- Policy 12 Applications for density transfer, amenity zoning and to increase the number dwellings or lots may be considered in exchange for amenities and in cases where there is community benefit and must be in accordance with this Plan.
- Advocacy Policy 1 Removal of trees and natural vegetation should be limited to clearing for residential areas and removal of trees deemed dangerous.
- Advocacy Policy 2 Residents and land owners should locate building sites and minimize clearing areas in order to preserve the rural atmosphere.
- Advocacy Policy 3 Site development should include maximum retention of trees and indigenous vegetation, particularly around the periphery of the property in order to:
- preserve and protect local ecology, habitat and wildlife corridors;
 - minimize land erosion, retain moisture and slow down run off which in turn increases water infiltration into groundwater resources; and,
 - enhance residential privacy, peace and quiet.
- Advocacy Policy 4 The amount of land area developed with impervious materials should be kept to a minimum and natural drainage systems should be maintained to allow for maximum absorption into groundwater and to minimize sedimentation and contamination of surface water.
- Advocacy Policy 5 Residents and land owners should not depend solely on groundwater resources and take steps to conserve water by such means as:
- using less water in human waste disposal;
 - avoiding bulk extraction of water from underground sources; and

- using rainwater catchment systems and cisterns.

Advocacy Policy 6 All buildings and structures should be designed and constructed in a socially and environmentally friendly manner by taking into account:

- green building design;
- small building footprints;
- energy efficiency;
- rainwater harvesting;
- alternative technologies for sewage treatment and disposal; and,
- any other methods that support efficient, sustainable and careful use of resources.

Advocacy Policy 7 Government, public and private organizations are encouraged to follow residential objectives and policies in order to further island community goals.

4.2 Recreation and Institution

Overall, the Plan Area's population is low and facilities such as a health clinic or school will not likely be established. Institutional and other public services are provided on Gabriola and Vancouver Island.

Island recreation should be low impact with minimal development of structures and impervious surfaces. The local full time population will increase over time along with seasonal population fluctuations. A community facility would enhance and provide opportunity for community building and centralized information sharing.

There are areas of the Plan Area with special importance for ecosystem protection, wildlife protection, watershed protection, enjoyment of scenery and historic preservation. These areas should be cared for and retained in a natural state.

Objectives

Objective 1 To acquire parks containing unique natural features or prime recreational attributes through land dedication, acquisition, lease or community stewardship programs.

Objective 2 To work co-operatively with government and other organizations in acquiring and managing park areas.

Objective 3 Institutional and public service uses should meet the needs of the local community with the impacts of associated activities minimized.

Objective 4 To establish marine parks and retain undeveloped areas.

Objective 5 To preserve and protect environmental, heritage and aesthetic special areas.

Community Facilities Policies

Policy 1 Zoning may be established to provide small scale community facilities such as a meeting hall, emergency facility and recreation area for the use of residents and land owners of the Plan Area.

Policy 2 Community facilities shall allow for multi-purpose uses.

Policy 3 The provision of community facilities may be considered an amenity in accordance with policies of this Plan.

Policy 4 Applications to establish new community uses should include reference to:

- site accessibility;

- availability of services and resources necessary to operate the facility; and
- community benefits of locating the use in the proposed location.

Parks and Recreation Policies

- Policy 5 Zoning may be established for park and recreational uses.
- Policy 6 Areas with good recreational attributes for parks and greenbelts may be zoned as park; areas with waterfront access are given priority consideration; such areas should include: reasonable access by land or water and contain unique features or ideal recreation potential.
- Policy 7 Community parks, primarily directed toward the needs of the community within the Plan Area, may be located in any Land Based designation.
- Policy 8 Park dedication required at the time of subdivision may be in the form of community parks; cash-in-lieu of land shall only be considered if the funds go directly back into the Mudge Island Planning Area.
- Policy 9 This plans does not support institutional or recreational facilities and activities that:
- degrade the visual qualities of the landscape or seascape;
 - deplete marine or terrestrial life by over-harvesting;
 - cause unreasonable levels of pollution, including noise and light; and
 - cause unreasonable disturbance to surrounding neighbourhoods, vegetation and wildlife.

Community Conservation Policies

- Policy 10 Lands protected for environmental, heritage and aesthetic reasons, and deemed to be of special importance may be zoned for conservation purposes.
- Policy 11 Lands protected by conservation covenant, park dedication, by donation to a conservancy organization or resulting from density transfer, amenity zoning or any other application may be zoned for conservation purposes.
- Advocacy Policy 1 A Parks and Recreation Plan should be prepared by the Regional District of Nanaimo and the community to identify requirements, location and type of future community park land, the development of a trail system, and the location and development of strategic beach access locations.
- Advocacy Policy 2 Community organizations, land owners and the Regional District of Nanaimo are encouraged to use covenants and easements to secure and extend trail and park networks.
- Advocacy Policy 3 Parks and recreation planning should include vehicle parking, vehicle access, trail construction and the boating community, including kayak users.
- Advocacy Policy 4 All levels of government are encouraged to support the acquisition and establishment of park and recreation areas, including the creation of marine parks such as the Mudge Wall and Dodd Narrows.
- Advocacy Policy 5 Residents, land owners, business, government agencies and visitors should participate in sustainable low impact recreation activities compatible with the unique amenities and environment on which recreational opportunities depend.
- Advocacy Policy 6 Residents, land owners, business, government agencies and visitors are reminded that most land in the Plan Area is privately owned; island resident and

visitor privacy should be respected by utilizing public trails, parks and roads rather than trespassing on private property.

Advocacy Policy 7 The Ministry of Transportation and the Regional District of Nanaimo are encouraged to consider using undeveloped right of ways as greenways and access trails to other parts of Mudge Island and connections to the foreshore.

4.3 Marine

Islands in the Plan Area are accessible by private boat and water taxi services. Other water users include transient boaters, divers, sport fishers and aquaculture operators. The multiplicity of users can lead to conflicts over the use of water in the Marine designation.

Objectives

Objective 1 To allow for traditional marine uses without unduly compromising marine and foreshore ecosystems or the visual appearance of the islands.

Objective 2 To preserve and protect marine ecosystems.

Objective 3 To accommodate the safe passage of transient vessels and facilitate the needs of island residents and land owners.

Policies

Policy 1 Zoning may be established for a number of uses including, but not limited to, water taxi, and shared dock, ramp and moorage facilities.

Policy 2 A marine preservation and protection zone may be established for marine and foreshore areas.

Policy 3 Aquaculture applications may be considered in accordance with this Plan.

Policy 4 Wharves, docks, floats, wave suppression devices, and barge and boat ramps may be permitted, and should be sited and maintained to minimize impact on the natural environment and allow public access to and along the foreshore.

Advocacy Policy 1 Senior levels of Government are requested to:

- prohibit effluent discharge into bays or any other body of water, including ocean dumping of untreated sewage;
- ensure oysters, clam and other shellfish areas remain available for public use;
- require holding tanks in boats and designate the Plan Area as a non-discharge area for sewage disposal from vessels; and,
- ensure foreshore development and activities that may deplete or disturb migratory wildfowl feeding areas, shellfish communities, fish nursery areas and herring spawning areas not be permitted.

Advocacy Policy 2 Water taxi services are encouraged for providing access for residents and visitors travelling to and from islands in the Plan Area.

Advocacy Policy 3 In order to minimize a profusion of docks and provide access opportunities to inland residents and property owners, shared dock and ramp facilities are encouraged.

PART 5 - GUIDELINES FOR DEVELOPMENT

5.1 Guidelines For Changing This Plan

This Bylaw may be amended by the Gabriola Island Local Trust Committee at its initiative or in response to an application. All amendments to this Plan shall comply with the mandate and policies of the Islands Trust, as well as with procedures of the *Local Government Act* and shall be accompanied by public review and discussion. Any community bylaw change, issuance of permit and other approval shall be guided by all elements of this Plan and take the following guidelines into consideration.

Guideline 1 All proposals shall be considered in relation to all parts of this Plan.

Guideline 2 Those who wish to begin a significant development or propose a major zoning change shall undertake reviews and studies as part of community process.

Sustainable Development

Guideline 3 The “precautionary principle” refers to erring on the side of the environment, not on the side of development, and shall be employed in all situations; final decisions should not be considered until adequate and appropriate information is obtained.

Preservation and Protection of the Environment

Guideline 4 The Ministry of Environment, Environmental Best Management Practices for Urban and Rural Land Development shall be used as a minimum standard and should be exceeded where possible.

Guideline 5 Use, activities and development should be located away from hazardous conditions and avoid locating near steep slopes.

Guideline 6 Proposals should demonstrate use of sustainable practices by taking into account the following:

- waterfront, beaches and surrounding waters should be kept free of pollution for the enjoyment of the public and the preservation of marine life;
- protection of all freshwater resources from contamination by pollution of any type;
- preserving ground cover and trees so soils are able to retain moisture and minimize erosion of soil and soft rocks;
- preserving sufficient land and water areas in their natural state to enable human activity, wildlife, plant life and aquatic life to coexist and flourish;
- preserve and protect sensitive and rare ecosystems from disturbance;
- preserve and protect floodplains, wetlands and steep slopes from clearing, grading, filling and construction;
- maintain or create upland buffers of native vegetation adjacent to wetlands and surface waters;
- minimize impacts on significant and mature forested areas, especially those containing many mature trees or significant wildlife habitat; and,
- provide open space and conservation areas that are reasonably contiguous; minimizes fragmentation and is compatible with similar existing or potential areas on neighbouring parcels.

Rural Island Character and Local Needs

Guideline 7 Preservation of the rural character, peace, quiet, privacy, tranquillity, serenity and the ‘slow island pace’ shall continue, including the lack of unpaved roads and the absence of streetlights, sidewalks and other city-related services.

Guideline 8 The location, appearance and scale of buildings, structures and activities shall be compatible with the existing community and neighbourhood.

Guideline 9 Future development should only be permitted at a scale and rate of growth respectful of:

- community-held values pertaining to the environment;
- the Plan Area's rural qualities;
- consideration of water-only access; and
- the local area's limited infrastructure.

Servicing

Guideline 10 Water is of limited supply and may not be suitable for drinking without proper treatment; future development shall provide adequate sources of potable water and include consideration of:

- available water sources;
- on site storage capacity; and,
- impact on the quality and quantity of water available for adjacent land uses, both existing and potential.

Guideline 11 Properties subject to development must prove capability to handle sewage disposal and not negatively impact neighbouring use and enjoyment of property nor negatively affect wetlands, streams and the sea.

Guideline 12 Increasing development and development potential must be mindful of limited health and safety services immediately available.

Guideline 13 Island access includes daily commuting and transportation of large items and construction material; prior to approval, access and transportation should be commented on by the proponent.

Site development

Guideline 14 Proponents shall comment on site development and land alteration including:

- soil conditions with regard to: stability, drainage, slope, topography, absorption and suitability for vegetation;
- changes to surface water drainage patterns to and from wetlands, streams, the sea and adjacent properties;
- selective, careful and sustainable use of renewable natural resources in ways consistent with the goals and policies of this Plan;
- preservation of historic, cultural and archaeological sites;
- creation of sufficient buffer areas to minimize potential conflicts with neighbours;
- how land clearing, alteration and disturbance will be minimized;
- retention of views from neighbouring properties and from the sea; and,
- provision of trails.

5.2 Guidelines For Density Transfer Applications

Guideline 1 Transferring residential density from one lot to another, where no net increase in density occurs, is permitted on a case by case basis through bylaw amendment application.

Guideline 2 With respect to density transfer referred to in Guideline 1, the following criteria shall apply when considering whether or not a transfer shall be permitted:

- the “Donor Parcel(s)” shall be rezoned Park and Institution.
- the “Receiver Parcel(s)” shall have bylaw provisions noting those properties in which density is increased;
- In cases where land is rezoned to Park and Institution 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, and there is no net density increase;
- In a case where a Donor Parcel rezoned to Park and Institution is dedicated by means of a transfer of title (to the Crown or other body, as specified by the Local Trust Committee at the time of rezoning), the dedication shall be made prior to or concurrent with the rezoning of a Receiver Parcel, and the registration of a covenant on the Donor parcel may be required for the purpose of restricting the subdivision of that parcel.
- The Receiver Parcel is permitted to have the residential density of the Receiver Parcel prior to the transfer plus the density of the Donor parcel.

5.3 Guidelines For Amenity Zoning

Guideline 1 Subdivision regulations may include provisions that provide increased density in exchange for land dedicated to the community.

Guideline 2 Applications may be considered for an increase in density when one or more of the following community amenities are provided: protection of environmentally sensitive areas, acquisition of parkland, and establishment of a community dock facility, fire hall or community hall.

Guideline 3 Amenity zoning applications must be compliant with all policies of this Plan.

5.4 Development Approval Information

Circumstances

- Applicants for a zoning amendment in all designations of this Plan may be required to provide development approval information.

Special Conditions / Justification

- This Plan attempts to preserve the unique environment of the Mudge Island Planning Area for future generations, including the protection of community heritage, rural character and natural ecosystems. There are significant challenges to this goal posed by a history of unregulated small lot subdivision in the 1960s and early 1970s, limited groundwater resources, water-only access and limited local infrastructure. In recognition of these challenges, the “precautionary principle”, erring on the side of the environment in land development decisions, has been adopted in the guidelines for development in the Plan area. Development approval information may be required to ensure that development may be adequately serviced and accommodated in a manner that sustains natural resources, environmentally sensitive areas and the rural character of the Plan Area. Development approval information may be required to help the Local Trust Committee determine appropriate uses, density and siting of future development.

PART 6 - ADMINISTRATION

Islands Trust and the Gabriola Island Local Trust Committee

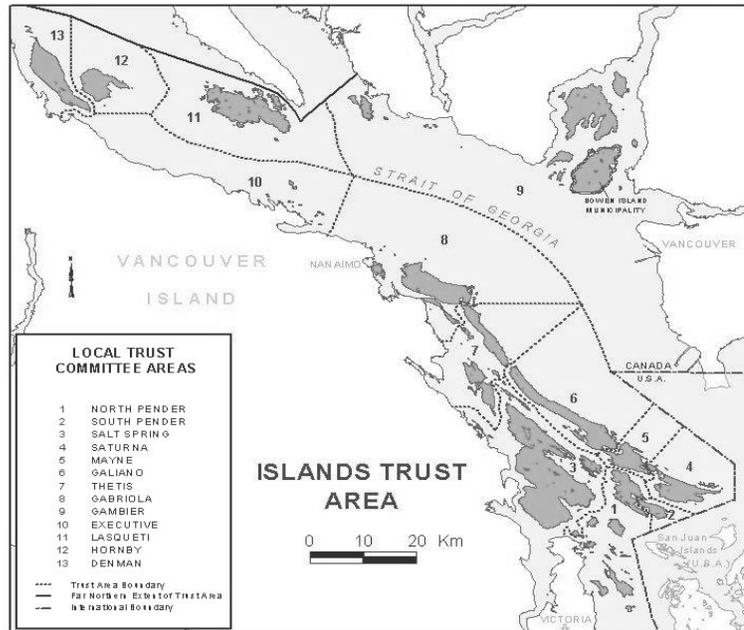
The Islands Trust is a federation of island communities brought together in 1974, and strengthened in 1989, with the following mandate:

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organisations and the government of the Province.”

The Trust Area covers the islands and waters between the British Columbia mainland and southern Vancouver Island, including Howe Sound and as far north as Comox. The area is approximately 5200 km² in size and includes over 450 smaller islands.

As illustrated above, the area is divided into 14 separate areas, including Bowen Island Municipality. Each Trust Area, except for the Executive Islands, elects two representatives from their communities for a three year term. Together, all of these trustees form the 26 member Trust Council, which is responsible for setting goals and establishing policy over the entire Islands Trust area as reflected in the Islands Trust Policy Statement. From Trust Council, four members are elected to form the Executive Committee. Part of the Executive Committee function is to have a member act as Chair for each Local Trust Committee. Mudge and the surrounding smaller islands are part of the Gabriola Island Local Trust Area, and within jurisdiction of the Gabriola Island Local Trust Committee.

The authority of the Islands Trust is derived from Provincial legislation. The *Islands Trust Act* and the *Local Government Act* are the key statutes of law defining the Islands Trust as a local government with land use decision making authority. The *Islands Trust Act* gives the Islands Trust the power and authority of a Regional District under Part 26 except sections 932 to 937 and 939 of the *Local Government Act*. Section 884(2) of Part 26 of the *Local Government Act* requires that all bylaws enacted or works undertaken by the Islands Trust or a Regional District must be consistent with this Official Community Plan.



Mudge Island Planning Area

This Bylaw shall apply to that part of the Gabriola Island Local Trust Area as shown on Schedule B. Without limiting the generality of the foregoing, this includes Mudge Island, Round Island, Link Island and mid-channel between Gabriola and Mudge Island. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

Where the terms “Mudge Island Planning Area” or “Plan Area” are used, these terms are interpreted to mean the area covered by this Plan. Where specific geographic references are made (e.g. Link Island), that reference is interpreted to mean that specific geographic area.

Development of this Official Community Plan included the efforts of the Mudge Advisory Planning Commission. This volunteer group may advise the Local Trust Committee on bylaw reviews and applications.

Other Levels of Government

Federal Government

Through the *Constitution Act*, the Federal Government of Canada retains certain powers and obligations of governance. Some of the retained powers have direct impact on local governance including: establishment of cellular, radio, television and other broadcast towers (Industry Canada); management of salt water fish and fish habitat (Department of Fisheries and Oceans); coastal navigation (Coast Guard); airports and landing of helicopters on private property (Transport Canada); and sinking of ships as artificial reefs (Environment Canada).

Provincial Government

The *Constitution Act* also provides authority to the Provinces. Each Province, in turn, decides what power local government may have. The Province of BC has a number of different local government schemes with differing amounts and types of powers delegated. In terms of regional governance and the Islands Trust, the Province retains authority over matters such as: subdivision approval authority and roads (Ministry of Transportation); Docks and water leases/licences (Integrated Land Management Bureau); aquaculture tenures (Ministry of Agriculture and Lands); and sewage disposal standards (Ministry of Health Services).

Regional District of Nanaimo

The Plan Area is represented on the Regional District of Nanaimo (RDN) Board through one elected official: Electoral Area “B”. The RDN is responsible for providing services authorized in the *Local Government Act* including: trails and park coordination, garbage disposal and building inspection. Note: there is no building inspection or garbage disposal within the Plan Area.

Intergovernmental and Corporate Matters

Responsibility for certain matters lie outside the authority of the Gabriola Island Local Trust Committee and in some instances there may be overlapping authority. The objectives and policies set forth in this Bylaw, and the balance among them, is influenced by the manner in which the natural resources of the Plan Area are managed, and the type and level of services provided by other government agencies and corporations. Other levels of government are encouraged to review and consider this Plan in their deliberations.

Referencing and Units of Measurement

Metric dimensions are used in this Bylaw. Imperial equivalents, shown in parentheses (), are approximate, and provided for convenience only and do not form part of this Bylaw.

The reference system used in this Bylaw is:

Part	1
Section	1.1
Subsection	1.1.1.

Covenants and Owners Costs

Where an owner of land is required or authorized to grant any covenant, the covenant shall be granted to the Gabriola Island Local Trust Committee in priority to all financial charges and all

other covenants and easements (whether registered or not) and delivered in registerable form, satisfactory to the Local Trust Committee, prior to the granting of the approval or authorization. The covenant shall indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

If any provision of this Bylaw requires a report, study, plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs; the community rate payer should not cover costs associated with private initiatives.

Compliance

Conformity

This Bylaw is a manifestation of community wishes and values. It represents citizen expressions of rights and responsibilities to achieve a defined social well being. If a bylaw violation matter is brought forward, then an investigation is warranted.

Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation. No building, structure, lot, and area may be subdivided, used, or sited in a manner which renders any existing use, area, building or structure non-conforming with respect to siting or density. Use and density lawful at the time of Bylaw adoption, although not conforming to the provisions of this Bylaw, may be considered as “legal non-conforming”, and continued subject to the provisions of Section 911 of the *Local Government Act*.

Investigation

The Bylaw Enforcement Officer, and any other officer appointed in that capacity, is subject to Trust Policy on how they may carry out their duties properly and appropriately.

Enforcement

Violation

Any person who does or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have violated the provisions of this Bylaw.

Penalty

Any person who violates any provision of this Bylaw is, upon summary conviction by a court of competent jurisdiction, liable to a penalty of not more than five thousand dollars (\$5000) and the cost of prosecution. Each day of violation constitutes a separate offence.

Severability

If any section, subsection, sentence, clause, phrase, plan, map, diagram, table, schedule, or other graphic material or any part of this Bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, such decision should not affect the validity of the remaining portions of this Bylaw.

APPENDIX A - COMMUNITY PROFILE & VALUES REPORT

The following are summary reports from the Community Profile (70 responses) and Community Values (60+ responses) questionnaires sent to Plan Area residents and property owners in 2004, all provided anonymously.

Residency:

- 20** Full time Mudge Island resident
- 4** Part time Mudge Island resident
(6 months or more per year)
- 31** Occasional Mudge Island resident
(less than 6 months per year)
- 15** Non resident of Mudge Island

Prior Residency:

- 41** Lived in a city prior to coming to Mudge Island
- 19** Lived in a rural community prior to coming to Mudge Island
- 4** Lived on a farm prior to coming to Mudge Island
- 11** Lived on an island prior to coming to Mudge Island

Employment Information:

- 4** Currently going to school
- 36** Employed full time
- 7** Employed part time
- 1** Unemployed

Length of residency on Mudge Island; Have been residents of Mudge for:

- 7** less than 1 year
- 10** 1 to 5 years
- 7** 5 to 10 years
- 20** 10 to 20 years

Why did you choose Mudge Island; Attracted to Mudge because it:

- 46** is an island
- 51** is a rural environment
- 43** has a small population
- 37** has few rules and regulations
- 32** has inexpensive land

How long will you stay on Mudge Island; Plan/hope to stay on Mudge for:

- 0** less than 1 year
- 2** 1 to 5 years
- 5** 5 to 10 years
- 12** 10 to 20 years
- 45** 20 years or more

Education

- 9** High school diploma
- 27** Trade Certificate/ College Diploma
- 12** University Bachelors Degree
- 15** University Masters Degree
- 8** University Doctoral Degree

Age

- 0** Aged 0 to 18 years
- 0** Aged 19 to 25 years
- 6** Aged 25 to 40 years
- 44** Aged 40 to 60 years
- 19** Aged 60 years +

Income

- 12** Yearly income under \$20,000
- 8** Yearly income \$20,000 to \$40,000
- 12** Yearly income \$40,000 to \$60,000
- 28** Yearly income over \$60,000

Who are you:

- 37** Males
- 29** Females
- 55** Married/Partnered
- 8** Single

Property Owner/ Renter:

- 69** Land owner
- 1** Renter

What do you value most about Mudge, Link and Round Islands and why?

- Most respondents stated they value the unspoiled natural beauty, the wildlife, trees, beaches and rustic nature of the island.
- Mudge is seen as a “refuge”, a “remote sanctuary”, a place to “get away from it all”, where one can enjoy “peace and quiet”, “solitude”, “tranquility”, and “privacy”.
- Low population density and the “relative inaccessibility” of the “water access only” location of the island are seen as key factors.
- The people of Mudge values its highly developed “sense of community” where “my neighbors are my friends” and there are “good neighbors at a distance but always there when needed”.
- Lack of commercial activity and limited bureaucracy are appreciated.

What do you envision or hope for Mudge, Link and Round Islands?

- Most respondents indicated they expect to remain on the island for twenty years or more and wish to preserve it as it exists for many generations of their families.
- Hopes mainly center around maintaining the “rural” and “rustic” character of the islands and a desire for Mudge to “stay the way it is with whatever upgrades and amenities are needed for safety”.
- There is a fear of uncontrolled change and development, as stated by comments such as “no commercial or resort development of any kind”.
- Respondents clearly stated “no pavement”, “no lights”, “no garbage pickup”, “no ferry service” and “no commercial or resort development”.
- There is concern about the need to identify and preserve public access areas on the island, develop a fire fighting plan, and improve access to emergency medical services.
- Respondents noted a need for more designated green spaces and parkland.

What are your views on bridges connecting Mudge Island to Vancouver Island and to Gabriola Island?

- An overwhelming majority of respondents stated “No” to the question of a bridge, although some qualified their response with suggestions for a foot bridge, a toll bridge or a “residents only” bridge. The anti-bridge sentiment was probably best described by the statements “to arrive by boat is one of the special things about Mudge”, “A bridge would be the demise and destruction of rural island living”, and “What we value about Mudge would be lost”.

What are your views on the proposed power plant at Duke Point?

- A resounding “No” to the question of a power plant, as demonstrated in responses such as “absolutely opposed”, “must be stopped”, “totally opposed” and “no, no, no”.

Do you have any concerns or other comments?

- Assured access for residents of the islands was a major concern. It was frequently suggested that there is a need for a public wharf and identified beach accesses on Mudge, for “boat launch access and secure parking on Gabriola”, and for “a reliable water taxi”.
- Respondents expressed the need for improved fire preparedness, medical and emergency evacuation, and law enforcement.
- While respondents want to keep rules to a minimum, it seems there is general support for building inspection, electrical inspection and environmental protection.
- Concerns were expressed about the possible degradation of the natural environment and loss of the simple lifestyle due to increasing population and possible future development.
- Short-term rentals were seen as being “dangerous to the tranquility”, “turning this island into party central” and “increasing transiency”.