

DECOURCY ISLAND

SUBDIVISION BYLAW NO. 18

AS ADOPTED BY THE GABRIOLA ISLAND TRUST COMMITTEE

NOTE: Certified copies of the Subdivision Bylaw are available from the Islands Trust Office, 2nd Floor, 1627 Fort Street, Victoria, BC V8R 1H8

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GABRIOLA ISLAND TRUST COMMITTEE
BYLAW NO. 18

A BYLAW TO REGULATE THE SUBDIVISION OF LAND ON DECOURCY ISLAND AND LONG
ISLAND

WHEREAS the Official Community Plan for DeCourcy Island being Bylaw No. 16 of the Gabriola Island Trust Committee provides in Section 7(2) for the encouragement of a comprehensive development plan subject to certain conditions, and WHEREAS such comprehensive development plan would require an enabling bylaw pursuant to Section 729 of the *Municipal Act*, NOW THEREFORE the Gabriola Island Trust Committee being the Trust Committee having jurisdiction on and in respect of DeCourcy Island and Long Island in the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C., 1979, Chapter 208, as amended, and B.C. Regulation No. 271/81, in open meeting assembled, enacts as follows:

1.0 Citation

1.1 This Bylaw may be cited as “DeCourcy Island Subdivision Control Bylaw, 1982.”

2.0 Application

2.1 This Bylaw shall apply to DeCourcy and Long Islands.

3.0 Definitions

3.1 In this Bylaw, unless the context otherwise requires:

“Approving Officer” means the Approving Officer provided for in the *Land Title Act*;

“Medical Health Officer” means the Medical Health Officer pursuant to the *Health Act* having responsibility for DeCourcy and Long Islands;

“Parcel” means any lot, block or other area in which real property is held or into which real property is subdivided, but does not include a highway or portion thereof;

“Park” means a park established under the *Parks Act* or the *Regional Parks Act*, or any land dedicated as park under the *Land Title Act*;

“Potable Water” means water which is approved for drinking purposes by the Medical Health Officer in accordance with the *Health Act*;

“Subdivision” means the division of land into two or more parcels, whether by plan or by metes and bounds description or otherwise;

“Vehicle” means a device in, upon, or by which a person or thing is or may be transported or drawn upon a highway, except a device designed to be moved by human power;

“Walking Trail” means a highway not open to vehicular traffic having a minimum width of 3 metres.

4.0 Subdivision Districts

- 4.1 The land areas of DeCourcy Island and long Island are designated as subdivision districts in accordance with Schedule “A” of the Bylaw.
- 4.2 All land area shown in Schedule “A” and not designated “A”, “B”, “C”, “D”, “E”, “F” and “H” are designated “G”.
- 4.3 In the designated subdivision districts of Section 4.1 and 4.2 no land shall be subdivided except in accordance with the following requirements:

1	2	3	4
Subdivision District Designation	Minimum Lot Size in ha	Minimum Average Lot Size in ha	Maximum Number * of Lots **
A	0.6	1.19	15
B	0.6	1.22	4
C	0.6	1.11	7
D	0.6	1.39	5
E	0.6	1.32	11
F	0.6	10.82	4
G	30.0	-	1
H	2.0	2.43	2

* This figure indicates the maximum number of lots permitted in each subdivision district if the entire district is subdivided.

** Should a discrepancy occur between the application of the numbers in columns 3 and 4, the numbers in column 4 shall prevail.

- 4.4 If a part of a subdivision district is subdivided, the undivided remainder shall be subject to a covenant which would limit the maximum number of potential subdivided lots in such remainder to a number not exceeding the difference between the number for the district in Column 4 of the table in Section 4.3 and the number of lots being subdivided in the district.
- 4.5 The minimum standards specified in Section 4.3 above shall not apply where the parcel being created is to be used solely for:
 - (i) a community water system;
 - (ii) a common green space lot covenanted against building and owned jointly by lot owners in the associated cluster subdivision;
 - (iii) a public park;
 - (iv) a community radio or television receiving antenna;
 - (v) an automatic telephone exchange;

- (vi) an air or marine navigational aid;
- (vii) electrical substations;
- (viii) any other similar public service or quasi-public service facility or utility.

5.0 General Provisions

- 5.1 The Approving Officer may refuse to approve a proposed subdivision if:
- (a) it is not suited to the configuration of the land being subdivided;
 - (b) it is not suited to the use for which it is intended;
 - (c) it does not conform to the Official Community Plan for DeCourcy Island or any other applicable Bylaw of the Trust Committee;
 - (d) the anticipated development of the subdivision in his opinion would injuriously affect the established amenities of adjoining or adjacent properties or would be against the public interest;
 - (e) he considered that the cost of providing public utilities or other works or services would be excessive;
 - (f) it will make impracticable the future subdivision of land within the proposed subdivision or any adjacent land.
- 5.2 The Approving Officer may refuse to approve the plan if he considers that the land is subject to, or could reasonably be expected to be subject to flooding, erosion, land slippage, or other natural hazard.
- 5.3 Every subdivision shall be designed and constructed so as to minimize disruption of aesthetic areas.
- 5.4 The Approving Officer may, when considering the public interest, give due regard to the following:
- (a) the preservation of significant and unique plant and animal habitat;
 - (b) the preservation of archaeological and historical sites;
 - (c) the preservation and protection of unique and aesthetic land forms and water features;
 - (d) the preservation of tree cover;
 - (e) the avoidance of pollution and siltation of water courses, fresh water bodies, ground water and the sea;
 - (f) the avoidance of disruption of natural surface and subsurface drainage patterns.
- 5.5 In furthering the objectives of the Bylaw the Approving Officer may require the registration of a covenant pursuant to Section 215 of the *Land Title Act*.

- 5.6 Nothing in this Bylaw shall be interpreted as limiting or extending the authority of the Approving Officer under the *Land Title Act* or any other statute.
- 5.7 The provisions of Section 4.3 concerning minimum lot sizes are exclusive of any highway dedication that may be required.
- 5.8 Nothing in this Bylaw shall prohibit the consolidation of two or more existing parcels into one parcel
- 5.9 The creation of lots split by a public road or parcel shall be avoided if, in the opinion of the Approving Officer, a suitable alternate subdivision design can be provided.

6.0 Highways and Trails

- 6.1 Tree and vegetation clearing within highway rights-of-way shall be kept to a minimum.
- 6.2 Where vehicular use of a highway is not expected within a period of ten (10) years, the Approving Officer may waive road construction or may require walking trail construction in lieu.
- 6.3 The Approving Officer may require that the access highways to the shore of any body of water, dedicated to the Crown at the time of subdivision, under Section 75 of the *Land Title Act* be consolidated into a single right-of-way and may require that such right-of-way be located in an area of high natural or recreational value or to provide access to such an area.
- 6.4 Where the Approving Officer deems it desirable to provide for the linkage of recreational areas or other developments by walking trails he shall require the owner of land to be subdivided to dedicate without compensation land for such walking trails.

7.0 Services and Utilities

- 7.1 No subdivision shall be created where the disposal of domestic sewage cannot be carried out on every lot created by the plan of subdivision in accordance with the regulations pursuant to the *Health Act*.
- 7.2 Notwithstanding Section 7.1 no land shall be covered or filled with gravel, sand, soil or other material for the purpose of providing compliance with the percolation rates required for sewage disposal under the regulations.
- 7.3 No subdivision shall be created where a source of potable water capable of providing a year round independent supply of water on not less than fifteen hundred (1,500) litres (330 gallons) a day, has not been proven as available for every lot to be created by such a subdivision.
- 7.4 Notwithstanding Section 7.3 a proposed lot in excess of 8 ha in area shall not be required to prove a source of potable water.
- 7.5 No subdivision shall be created where the Approving Officer is of the opinion that it cannot be adequately drained.

8.0 Amendment Bylaw No. 39

8.1 From the date of the adoption of this Bylaw, the provisions of "The Regional District of Nanaimo Zoning By-law No. 39, 1971" insofar as they regulate the subdivisions of DeCourcy and Long Islands shall no longer apply.

READ A FIRST TIME THIS 6th day of May 1982

READ A SECOND TIME THIS 29th day of October
1982

READ A THIRD TIME THIS 29th day of October
1982

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS 7th day of
January 1983

RECONSIDERED AND FINALLY ADOPTED THIS 28th day of January 1983

Tony Roberts
Manager

Mike Humphries
Chairman

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