



Islands Trust

Gabriola Island Official Community Plan

Bylaw No. 166, 1997

AS AMENDED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAWS: 170, 172, 179, 198, 204, 214, 223, 231, 232, 235, 237 240, 249, 253, 258, 260 and 262

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

Consolidated: November, 2011

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. 170 | Amendment No. 1, 1998 | November 26, 1998 |
| Bylaw No. 172 | Amendment No. 2, 1998 | April 8, 1999 |
| Bylaw No. 179 | Amendment No. 1, 1999 | November 22, 1999 |
| Bylaw No. 198 | Amendment No. 2, 2001 | September 26, 2002 |
| Bylaw No. 204 | Amendment No. 1, 2002 | January 16, 2003 |
| Bylaw No. 214 | Amendment No. 1, 2003 | December 11, 2003 |
| Bylaw No. 223 | Amendment No. 1, 2003 | June 21, 2004 |
| Bylaw No. 235 | Amendment No. 1, 2005 | August 19, 2005 |
| Bylaw No. 232 | Amendment No. 2, 2004 | December 14, 2005 |
| Bylaw No. 231 | Amendment No. 1, 2004 | March 16, 2005 |
| Bylaw No. 237 | Amendment No. 2, 2005 | March 16, 2005 |
| Bylaw No. 240 | Amendment No. 4, 2005 | March 16, 2006 |
| Bylaw No. 249 | Amendment No. 1, 2008 | January 15, 2009 |
| Bylaw No. 253 | Amendment No. 1, 2010 | August 19, 2010 |
| Bylaw No. 258 | Amendment No. 2, 2010 | January 27, 2011 |
| Bylaw No. 260 | Amendment No. 3, 2011 | July 28, 2011 |
| Bylaw No. 262 | Amendment No. 1, 2011 | September 22, 2011 |

GABRIOLA LOCAL TRUST COMMITTEE

BYLAW NO. 166

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

WHEREAS Section 29 of the *Islands Trust Act* gives the Gabriola Local Trust Committee the same power and authority as a Regional District under Section 694(l)(j) and 723 of the *Local Government Act* and Part 26 of that *Act*, except Division 10 of that Part and except Section 939.

WHEREAS Sections 875 and 883, respectively, of Division (1) of Part 26 of the *Local Government Act* applies to the Committee and authorises it to adopt an Official Community Plan and outlines procedures for developing and adopting such plans including a public hearing and Ministerial approval; and

WHEREAS Section 27 of the *Islands Trust Act* requires that the Executive Committee of the Islands Trust must approve an Official Community Plan prior to adoption; and

WHEREAS Section 877 of the *Local Government Act* lists the subjects that must be addressed in a Plan; and

WHEREAS Section 884(1) of the *Local Government Act* does not commit or authorize the Gabriola Local Trust Committee to proceed with any project that is specified in the Plan; and

WHEREAS Section 884(2) requires that all bylaws enacted, permits issued, and works undertaken by the Gabriola Local Trust Committee be consistent with the Official Community Plan;

NOW THEREFORE the Gabriola Local Trust Committee being the Trust Committee having jurisdiction on and in respect of Gabriola Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

TITLE

1. This Bylaw No. 166 shall be cited as the "Gabriola Official Community Plan (Gabriola) Bylaw No. 166, 1997".

APPLICATION

1. Official Community Plan (Gabriola) Bylaw, 1978 is amended by deleting Section 1 and substituting the following:

"The Community Plan attached to and forming part of this Bylaw as Schedule "A" is adopted as the Official Community Plan for Mudge Island and Link Island."

2. The Community Plan attached to and forming part of this Bylaw as Schedules "A", "B", and "C" is adopted as the Official Community Plan for Gabriola, Lily Island, Carlos Island, Vance Island, Gaviola Island, Acorn Island, Tugboat Island, Sear Island, Bath Island, Saturnina Island, Breakwater Island and all other named and unnamed islands and islets within that part of the Gabriola Local Trust Area as shown on Figure 1 of Schedule "A".

3. The Schedules comprising this Bylaw are as follows:

SCHEDULE A - POLICY DOCUMENT
SCHEDULE B - LAND USE DESIGNATIONS
SCHEDULE C - DEVELOPMENT PERMIT AREAS

SEVERABILITY

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

READINGS

| | | | | |
|--|------------------|--------|---------|---------|
| READ A FIRST TIME THIS | 10 th | DAY OF | July | , 19 97 |
| READ A FIRST TIME AS AMENDED THIS | 16 th | DAY OF | January | , 19 98 |
| PUBLIC HEARING HELD THIS | 19 th | DAY OF | March | , 19 98 |
| READ A SECOND TIME THIS | 23 rd | DAY OF | March | , 19 98 |
| READ A SECOND TIME AS AMENDED THIS | 23 rd | DAY OF | March | , 19 98 |
| READ A THIRD TIME THIS | 23 rd | DAY OF | March | , 19 98 |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 24 th | DAY OF | March | , 19 98 |
| APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS | 22 nd | DAY OF | April | , 19 98 |
| ADOPTED THIS | 23 rd | DAY OF | April | , 19 98 |

Robyn Addison

SECRETARY

David Essig

CHAIRPERSON

Gabriola Official Community Plan

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Schedule A – Preface

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

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

Legislative Authority

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

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

Map Schedules

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

- I. Schedule B – the Plan Map contains the land use designations
- II. Schedule C – the Development Permit Areas shows the location of development permit areas.

Amendment Procedure

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

Interpretation

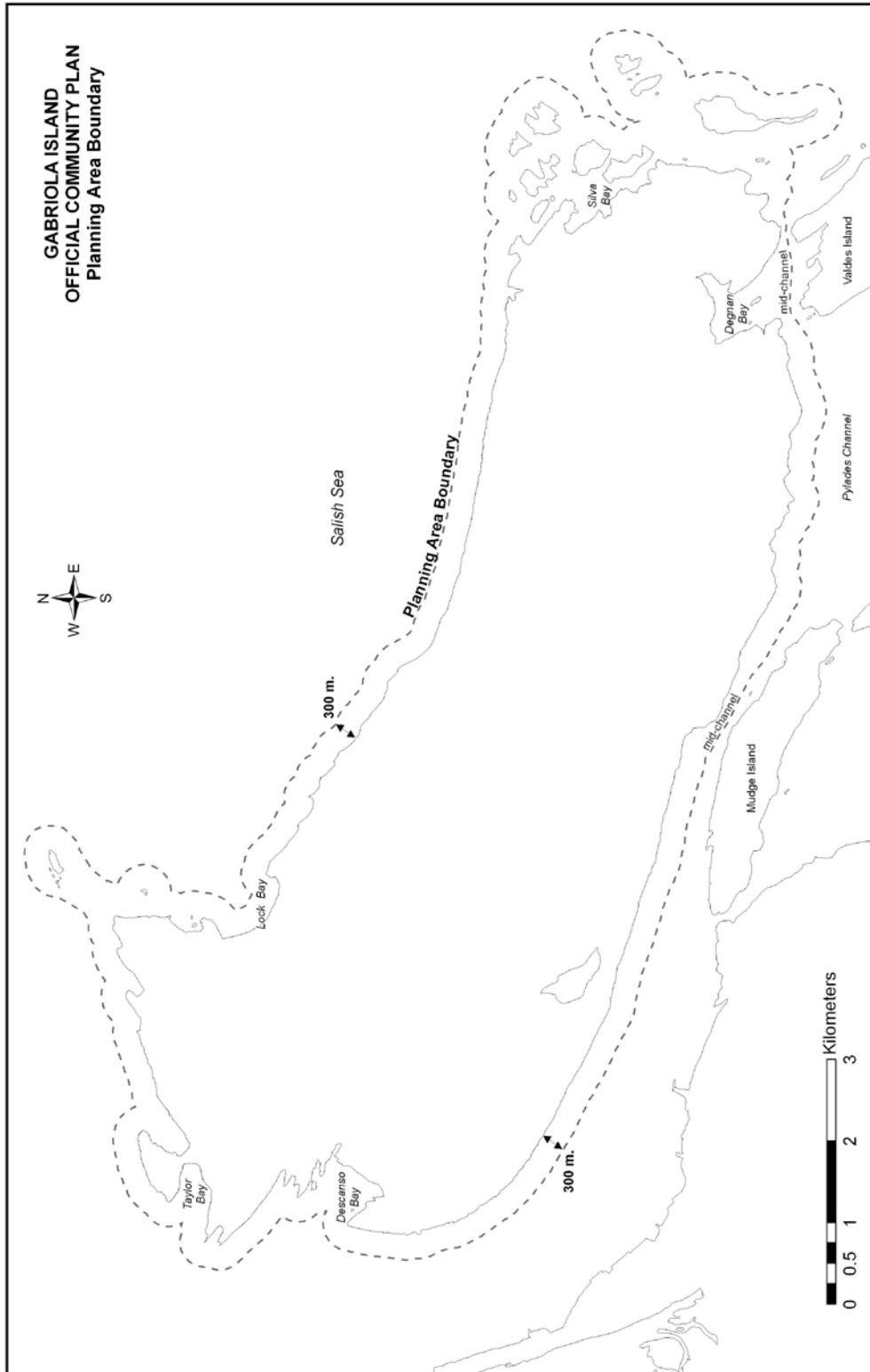
The final interpretation as to the precise location of boundaries of any designation or symbol contained in the map schedules, shall be legally defined by the appropriate land use bylaws enacted over time by the Trust Committee or by site survey, as required.

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

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

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

Figure 1 Gabriola Planning Area Boundary



Section 1 – Introduction and Community Goals

BL 262

1.1 Community Context

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

Members of the Spanish Navy were the first Europeans to visit Gabriola. In 1791, an expedition led by the young naval officer José Narváez visited the island. The east end of the island was subsequently named “Punta de Gaviola” and this name eventually was applied to the whole island, the “r” being inserted by mistake by a Royal Navy cartographer. The name “Gaviola” is likely in honour of Simón Gaviola y Zabala who was a high-ranking naval administrator and member of the nobility from the Basque country in Spain.

In 1792, Captains Galiano and Valdés anchored in Pilot Bay, which they called “Cala del Descanso”. The first European settlers arrived in the mid-1800s and were primarily homesteaders supplying produce to Nanaimo, which at the time was a growing coal-mining town. Two island industries developed. A sandstone quarry supplied dimension stone for major buildings in Victoria and Vancouver, and the island also manufactured and exported bricks. Later in the 20th century, the old sandstone quarry was used to produce millstones for use in pulp mills, and there was a substantial ship-building industry in Silva Bay. Islanders also found employment logging, fishing, and after the ferry service was started in 1931, a tourist industry. Farming and market gardening continued and continues to be a significant part of the island's economy.

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

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

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

BL 249

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

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

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

This Plan has been prepared within the following context:

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

BL 262

1.2 Vision Statement: *For the Future*

Gabriola is a peaceful, diverse, safe, rural community in harmony with a protected, natural environment. The local economy is resilient, we walk and cycle the island, and the land and sea provide bountiful harvests for all inhabitants. Island and marine wildlife, here long before human populations, continue to flourish.

BL 262

1.3 Plan Principle and Major Goals

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

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

BL 262

Environmental Goals

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

One further environmental goal was added in 1997:

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

And another in 2011:

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

Social Goals

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

Two further social goals were added in 2011:

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

Section 2 – General Land Use and Residential Development

BL 262

2.0 General Land Use

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

General Land Use Objectives

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

BL 262

General Land Use Policies

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

Note: Community Care Facilities as defined by the Community Care and Assisted Living Act may occur in any designation where a single dwelling residential use is permitted. The purpose of the legislation is to protect certain classes of community care facilities from discrimination against operators based solely on the fact that they are operating a community care facility. These facilities include day care facilities for upto 8 persons, and residential care facilities accommodating up to 6 persons in care and up to 4 additional persons providing care.

- BL 198 c) Home school use is permitted in any designation except for Gravel Pit, Industrial, Parks and Marine designations.
- d) Where development incurs additional costs to local infrastructure, such costs shall be paid for by the developer.
- e) A parcel shall not be subdivided under Section 946 of the *Local Government Act* unless:

BL 179 & 249

- i. in the case of a parcel in the Primary Forestry zone, the remainder of the parent parcel equals or exceeds the minimum parcel size permitted in the zoning bylaw;
 - ii. in the case of all other parcels in the planning area, the parcel being subdivided is 80 ha. (197.6 ac) or larger; and
 - iii. the Section 946 parcel created is able to comply with the applicable parcel size requirements for approval of on-site sewage disposal.
- f) Applications for amendment to this OCP shall be required to include:
 - i. details concerning the potential environmental impacts of the proposed development;
 - ii. a plan and specifications detailing how water supply and sewage disposal for the intended use are to be provided, and unless the development is residential and consists of less

- than five lots or dwelling units the plan and specifications must be prepared by a professional engineer; and
 - iii. such other requirements as may reasonably be deemed necessary in adequately reviewing the application.
 - g) Development next to a watercourse shall be required to be undertaken in accordance with the guidelines as specified in the report *Land Development Guidelines for the Protection of Aquatic Habitat*, prepared by the Ministry of Environment and Department of Fisheries and Oceans (1992), subject to the provisions of the *Agricultural Land Commission Act* and the *B.C. Farm Practices Protection (Right to Farm) Act* for land within the Agricultural Land Reserve.
 - h) The Village Centre shall be recognized as the hub of the community and shall provide for a mix of uses at a scale in keeping with Gabriola's character. Since the Village Centre is surrounded by land in the Agricultural Land Reserve, considerations respecting any expansion of the Village Centre into the Agricultural Land Reserve should only be given to community-minded non-commercial uses, subject to the intended use not degrading the future agricultural capability of the land.
 - i) To avoid negative impacts on small streams and downstream properties, at the time of the development of new parcels of 2.0 hectares (4.94 acres) or smaller in areas designated as residential, an integrated storm water management plan should be designed, constructed and maintained by an appropriate authority.
 - j) The Plan does not permit the strata conversion of existing buildings.
 - k) This Plan only supports the realization of additional residential density without subdivision when used for Affordable Housing for Special Needs residents and Seniors.

BL 262

General Land Use Advocacy Policies

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

2.1 Residential Land Use

BL 262

Background: Based on the 2011 records of the B.C. Assessment Authority there were a total of 3280 parcels on Gabriola of which 20% (or 668 parcels) were undeveloped. Of these undeveloped parcels, the majority are in the residential land use designations of this Plan. In other words, not counting new lots from potentially subdividable residentially zoned land, there are in excess of 566 existing parcels available for residential purposes on Gabriola.

The 2006 Census estimates the population of Gabriola to be 4,050. Based on historic growth trends, the Planning Area's population could increase to about 4,720 by the year 2016. Based on an average household size of 2.4 persons, the anticipated population increase of 390 persons over the next five years can be accommodated on 566 parcels. Therefore there is no requirement to designate additional lands as residential, as the current availability of vacant residential parcels combined with the future potential to create new parcels through the subdivision of existing residentially zoned land should be more than adequate to satisfy the Island's housing requirements for fifteen to twenty years.

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

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

BL 214

BL 262 **General Residential Objectives**

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

BL 262 **General Residential Policies**

- a) Increasing residential density through redesignation/rezoning shall not be permitted with the exception of Special Needs and Seniors' affordable housing.
- b) With the exception of affordable housing, no provision shall be made for multi-dwelling residential use in the Planning Area.
- c) No provision shall be made for mobile home parks in the planning area.
- d) Future residential subdivisions should be designed to consider the natural contours of the land, existing natural landscapes, trail access and the design of adjacent subdivisions in order to promote development in harmony with the land and/or seascape.
- e) The conditions of use as outlined in section 2.7 shall apply with respect to a home occupational use on a parcel designated residential.
- f) Achievement of the residential minimum parcel sizes specified in this section is conditional on Ministry of Health approval of on-site sewage disposal system for each parcel to be created.
- BL 179 g) On parcels 2.0 hectares (4.94 acres) or larger one cottage not exceeding 65 sq. metres (700 sq. ft.) shall be permitted accessory to a single-dwelling residential unit.
- h) In the case of a subdivision to create ten (10) or more parcels it shall be necessary for the developer to provide an adequate fire suppression water supply.
- BL170 i) In order to make provision for a range of affordable special needs and seniors housing on Gabriola, the Local Trust Committee may consider applications to rezone property, in any land use designation in which residential is a permitted principle use, to permit boarding homes for Special Needs residents and seniors subject to the following conditions:
 - i. the parcel on which the proposed development is to be located shall be designated as part of the DP-8 on Schedule C; and
 - ii. the number of sleeping units shall not exceed 10.
- j) A maximum of four boarders are permitted in conjunction with a principal single-dwelling unit.
- BL170 k) In respect of each application for rezoning for Multi-dwelling Affordable Housing all available community services for the development, including fire suppression and other emergency services, shall be considered.

Residential Advocacy Policies

- BL170 l) *The Regional District of Nanaimo (RDN), which is responsible for the provision of building inspection services on Gabriola, shall be encouraged to investigate and make provision for the use of an alternative building code more in keeping with Gabriola's rural lifestyle.*

2.2 Small Rural Residential

BL 262 Background: Prior to the *Islands Trust Act* of 1974, many residential subdivisions were approved which created parcels less than 0.2 hectares (approximately 0.5 acres) in size. Since most residential properties on Gabriola rely on individual wells for their water supply and septic systems for sewage disposal within the parcel, the Official Community Plan does not support the further creation of small lot residential areas except as permitted through the density averaging provisions of this plan.

Small Rural Residential Objectives

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

Small Rural Residential Policies

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

Small Rural Residential Advocacy Policy

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

2.3 Large Rural Residential

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

Large Rural Residential Objective

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

Large Rural Residential Policies

- a) The principal use shall be residential.
- b) One single-dwelling residential unit shall be permitted per parcel.
- c) The minimum parcel size shall be 2 hectares (4.94 acres) and the average parcel size shall be 4 hectares (9.88 acres).

2.4 Multi-dwelling Affordable Housing

BL 262 Background: In recognition of the desirability of encouraging Gabriola Residents to continue living in the Planning Area, provision is made for Multi-dwelling Affordable Housing opportunities to meet the needs of a diverse, full-time population. For the purposes of this Plan, Multi-dwelling Affordable Housing shall only be permitted for:

- Special Needs residents living with physical and / or mental disabilities;
- Seniors 60 years of age or older; and
- Low-income families

Affordable housing means housing that costs no more than 30% of a household's gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Canada Census information).

Currently there are two Seniors' housing developments on Gabriola (designated as Seniors and Special Needs (SSN) in Schedule B of this Plan), and no other types of Multi-dwelling Affordable Housing developments. Future applications to designate a site for Multi-dwelling Affordable Housing shall be evaluated in terms of their compliance with the objectives and policies of this section and will require a new land use designation and zone at that time.

BL 262

Multi-dwelling Affordable Housing Objectives

1. *To ensure that provision is made for Multi-dwelling Affordable Housing in a manner which responds adequately to the needs of Special Needs residents, Seniors and Low-income families; and*
2. *To provide for affordable housing in a location which is accessible to appropriate services and acceptable to the overall community without compromising protection of the natural environment and while minimizing greenhouse gas emissions.*

BL 262

Multi-dwelling Affordable Housing Policies

- a) Any lands designated for Multi-dwelling Affordable Housing in this Plan shall also be designated as part of DP-8 on Schedule C and the development permit guidelines as outlined in Section 9.3 shall apply.
- b) Any land currently designated Seniors and Special Needs (SSN) in Schedule B of this Plan shall remain under this designation until future application to designate a site for multi-dwelling affordable housing amends this Plan.
- c) The amenity zoning provisions of Section 904 of the *Local Government Act* shall only be permitted to be used on Gabriola to facilitate the provision of Multi-dwelling affordable housing for seniors and Special Needs residents.
- d) Densities for the creation of Multi-dwelling Affordable Housing for low-income families shall come only from banked densities as noted in Appendix 2 (Density Bank) of this Plan.
- e) Multi-dwelling Affordable Housing developments with mixes of Special Needs residents, seniors and low-income families are encouraged.
- f) An application to re-zone a parcel for Multi-dwelling Affordable Housing shall be permitted only if the application complies with the following:
 - i. the maximum density shall not exceed 12 units per hectare;
 - ii. the maximum number of dwelling units per development shall not exceed 24;
 - iii. the average size of a dwelling unit shall be not greater than 83 square metres (900 sq.ft);
 - iv. the site shall be within 0.5 kilometres of the Village Core bounded by North, South, and Lockinvar Roads or a 2 kilometre walking distance from the Village Core along public access routes only, and shall provide access to any existing adjacent pedestrian and cycling pathways to the village and ferry services;
 - v. where practical, in the opinion of the Gabriola Island Local Trust Committee, the site's main access shall be off a main road and not through an existing residential neighbourhood;
 - vi. common area amenities, such as kitchen and recreation facilities, shall be provided for prior to occupancy;
 - vii. where practical, in the opinion of the Gabriola Island Local Trust Committee, no parcel re-designated for Multi-dwelling Affordable Housing shall be contiguous to another parcel so designated;

- viii. the provisions of the Gabriola Island zoning bylaw may contain other general regulations pertaining to siting, height, lot coverage, servicing and other requirements which would also be applicable to a parcel in this land use designation;
 - ix. the proposal shall include an adequate fire suppression water supply which shall be maintained and be available for use on site; and
 - x. the minimum lot size shall be 1 ha (2.4 acres).
- g) In considering applications for the rezoning of lands to permit Multi-dwelling Affordable Housing, the applicant shall be required to:
- i. identify the anticipated costs of the proposed land and housing to purchasers or occupants which are not meant to be marketed off-island;
 - ii. establish the basis of the housing need of existing residents;
 - iii. specify affordability in keeping with the provisions of this Plan; and
 - iv. specify Special Needs housing requirements.
- h) As a condition of rezoning for Multi-dwelling Affordable Housing, a housing agreement pursuant to s. 905 of the *Local Government Act* shall be required and shall include provisions that:
- i. ensure the maintenance and stability of affordability in perpetuity;
 - ii. specify how the housing project will be managed and administered including, if deemed applicable, that it be operated on a not-for-profit basis;
 - iii. specify the manner in which the housing units will be made available to the identified class of persons at the time the housing units are first occupied and with respect to subsequent occupancy; and
 - iv. specify the mix of rental and ownership housing units permitted.
- i) In addition to 2.4 g), a housing agreement for Multi-dwelling Affordable Housing for seniors only shall also:
- i. specify that at least one individual who has attained 60 years of age shall reside in each dwelling unit; and
 - ii. specify that not more than three individuals may reside in each dwelling unit.
- j) Multi-dwelling Affordable Housing applications must demonstrate the lowest possible net water, waste, green house gas emissions and energy use.
- k) The Density Bank in this Plan shall be amended from time to time such that any unused residential densities that result from rezoning for parks are added to the Density Bank for use as Multi-dwelling Affordable Housing for low-income families.

BL 262

Multi-dwelling Affordable Housing Advocacy Policies

- l) *The Local Trust Committee encourages other level of government and non-profit groups to work towards the establishment of a Housing Agency on Gabriola Island; support collaborative community efforts to develop an Affordable Housing Strategy; and support the inclusion of Gabriola in Regional Housing Trust Funds.*
- m) *Local service clubs, non-profit organizations and others that may provide affordable housing are encouraged to develop projects in keeping with the policies of this Plan.*
- n) *The Local Trust Committee encourages the establishment and work of non-profit community land trusts for the acquisition of land for, and construction and management of, Multi-dwelling Affordable Housing units.*

2.5 Gabriola Island Density Bank

Background: In this Plan, density banking refers to a process wherein unused residential densities are held by the Local Trust Committee for an unlimited time and for the purpose of enabling affordable multi-dwelling housing for low-income families and without any net increase to the allowed density on Gabriola Island. The deposit of one or more densities to the density bank takes place through bylaw amendments resulting from the rezoning of the property from which the density was removed for deposit into the density bank. Withdrawal of one or more densities from the density bank requires a similar amending bylaw and rezoning process. These transactions are recorded in Appendix 2.

Gabriola Island Density Bank Objectives

1. *To identify and deposit unused residential densities into the Density Bank based upon the following eligibility criteria:*
 - i. *from the lands that are rezoned as parks; and*
 - ii. *from the voluntary donation of residential densities.*
2. *To consider applications for the withdrawal of banked densities in accordance with the rezoning requirements in Section 2.4 provided that a Housing Agreement is in place to ensure affordability is maintained over time.*

Gabriola Island Density Bank Policies

- a) Residential densities resulting from a rezoning pursuant to Objective 1 will be deposited to the Density Bank as an amendment to the Official Community Plan.
- b) Residential densities from the Residential Density Bank in Appendix 2 that are withdrawn pursuant to Objective 2 will be deleted from the Residential Density Bank in Appendix 2 by an amendment to the Official Community Plan.
- c) Residential densities listed in the Residential Density Bank in Appendix 2 are principal dwelling units and do not include accessory cottages until related policies are developed by the Local Trust Committee.
- d) All land that receives density from the density bank shall be rezoned to permit the added density and that density shall not exceed the density of the parent parcel plus the density granted from the density bank.
- e) Parcels that have density allocated to or from the density bank shall be noted in both text and maps.

2.6 Single-family Affordable Housing

Background: A community plan is intended to contain a statement concerning the provision of affordable housing in the community. On Gabriola, where there is no provision for multi-family housing, allowance for an accessory cottage, on parcels 2.0 hectares or larger, is looked upon as an appropriate means of addressing the island's need for single-dwelling affordable housing.

Single-dwelling affordable housing means accessory cottage housing that does not exceed 65 square metres (700 square feet) in area and which costs no more than 30% of a household's gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Census Canada information).

Single-dwelling Affordable Housing Objectives

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

Single-dwelling Affordable Housing Policies

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

2.7 Home Occupational Use

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

Home Occupational Use Objectives

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

Home Occupational Policies

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

Section 3 – Economic Activities

3.1 Commercial Activity

BL262 Background: The 2011 BC Assessment Authority data indicates that there are 30 properties classified as commercial for tax purposes in the Gabriola Planning Area.

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

Secondary nodes where commercial activity is located include:

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

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

General Commercial Objectives

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

General Commercial Policies

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

- BL 179 a) The minimum and average parcel size in any commercial designation shall be 0.5 hectares (1.235 acres), excepting the Tourist Recreation designation in which there shall be no additional lots created.
- b) A commercially designated site shall be designated as a development permit area where it is believed important to regulate the form and character of development which occurs there.
- BL 262 c) The community plan makes provision for five separate commercial land use designations: Village Commercial, Local Commercial, District Commercial, Tourist Commercial and Tourist Recreational. Policies pertaining separately to each of these commercial designations follow. The locations of commercially designated property are shown on Schedule B (the Plan Map) which is attached to and forms part of this plan.
- BL 179 d) One single-dwelling residential unit per parcel may be permitted in any Commercial designation.

3.2 Village Commercial

Village Commercial Policies

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

- b) The Village Centre shall be recognized as the main location for commercial activity in the planning area.
- c) The Village Commercial designation shall provide for a range of commercial uses including: retail, restaurant, personal service use, office use, institutional use, building supply sales and the servicing and fuelling of motor vehicles. The Zoning Bylaw will specify in detail the range of uses permitted.
- BL 179 d) The expansion of the Village Commercial designation shall be considered based on compliance with the following criteria:
 - i. adequate off-street parking, landscaping and pedestrian access is provided;
 - ii. the design and site layout of the proposed development can be well integrated into the existing land use pattern in the Village Centre;
 - iii. the parcel fronts onto a main road and access and egress to the parcel can be provided safely;
 - iv. the additional area proposed for Village Commercial is small in size.
- e) Land in the Village Commercial designation and any future additions to the Village Commercial designation shall be placed in the Village Centre development permit area so as to ensure that the form and character of development which occurs is consistent with the existing character of the Folklife Village.

BL 179

3.3 District Commercial

District Commercial Policies

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

3.4 Local Commercial

Local Commercial Policies

BL 262

- a) The following sites are designated Local Commercial:

BL 179

- i. Wheelbarrel Nursery;
- ii. Wild Rose Garden Centre;
- iii. the restaurant site on North Road (formerly known as North Road Inn);
- iv. the small commercial area adjacent to the B.C. Ferries terminal on Descanso Bay.

BL 179

- b) So as to allow for some expansion of commercial activity in parts of the community well removed from the existing commercial sites, an application to designate a site for local commercial use elsewhere in the planning area shall be considered based on individual merit and satisfactory compliance with the following criteria:
 - i. the proposed use is small-scale in nature and primarily provides a local convenience service for a neighbourhood;
 - ii. the parcel has adequate off-street parking, and sewage disposal and water supply can be provided on the parcel;
 - iii. the proposed local commercial use will not detract from the residential character of the surrounding area or cause excessive traffic to be routed along a local road.

3.5 Tourist Commercial

Tourist Commercial Policies

- BL 249
- a) Permitted uses in the tourist commercial designation shall be marina, restaurant, licensed lounge, tourist accommodation, tackle shop and marine outfitters shop, laundromat, retail use and office use accessory to or complementary to one of the above listed uses.
 - b) The Plan Map (Schedule B) identifies the location of tourist commercial sites: two are at the north end of Gabriola - Haven By the Sea and Surf Lodge. The Grande Hotel property, Silva Bay Boatel, Silva Bay Resort and Marina and Page's Resort and Marina - are at the south end.
 - c) Applications for approval to develop additional tourist commercial uses shall be evaluated based on individual merit where all of the following criteria can be met:
 - i. public access to the foreshore or an adjacent public recreation site is not reduced;
 - ii. the proposed development is small in scale and is to be developed in a manner which reflects and is sensitive to the character of surrounding properties;
 - iii. existing trails and important natural features on the parcels are retained and public use of the trails is maintained;
 - iv. adequate off-street parking can be provided to accommodate the development.
 - d) In no case shall the maximum density for a tourist accommodation use exceed 13 tourist accommodation units per hectare or a maximum 30 tourist accommodation units in the development.
 - e) The Plan does not support timeshare developments.

3.6 Tourist Recreational

Tourist Recreational Policies

- BL 262
- a) The zoning bylaw shall make provision for a Campground zone subject to the provision of adequate water and sewage treatment.
 - b) The Descanso Bay Regional Park campground is designated as Tourist Recreational.
 - c) Permitted uses and conditions of use within the Campground zone shall be specified in the Zoning Bylaw.

3.7 Industrial Land Use

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

Industrial Land Use Objectives

- BL262
1. *To give consideration to small scale, non-polluting light industrial activities;*
 2. *To encourage small scale value-added industrial activities; and*
 3. *To foster any light industry that would permit Gabriola to become more self-sufficient.*

Industrial Land Use Policies

- BL 262
- a) No provision shall be made for any heavy industrial use in the planning area.
 - b) The existing industrial site fronting on Northumberland Channel south of Hoggan Lake is designated for light industrial use on the Plan Map (Schedule B).
 - c) Future applications to establish light industrial use shall be evaluated based on individual merit.

- BL 179
- d) Future applications to designate a site for light industrial use shall be evaluated based on compliance with the following criteria:
 - i. the minimum and average parcel size shall be 1.0 hectares (2.47 acres);
 - ii. the proposed light industrial use is non-polluting to land, water and air;
 - iii. it is demonstrated that adequate fire protection, site servicing (sewer and water) and solid and environmental waste handling can be provided;
 - iv. the site is not located in a Small Rural Residential area and will not cause industrial traffic to be routed along a local road through a residential neighbourhood; and
 - v. adequate provision has been made for screening, fencing, buffering and/or landscaping the proposed use from adjoining properties off-street parking.
 - e) The Light Industrial Zone shall make provision for one single-dwelling residential unit or a caretaker's accommodation per parcel as a permitted use.
 - f) The existing industrial site and any future site designated light industrial shall be required to be designated as a development permit area.

BL 262

3.8 Temporary Use Permits

BL 231, 232 & 237

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

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

BL 262

Temporary Use Permit Objective

1. *To give consideration to allowing certain types of commercial and/or industrial uses to be located in the planning area which may by the nature of the proposed activity, be deemed to be a temporary and not a permanent use; and*
2. *to ensure that the integrity of an existing neighbourhood would not be adversely disrupted should an application for a temporary commercial or industrial uses permit be approved.*

BL 262

Temporary Use Permit Designations and Guidelines

Designations

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

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

BL 262 Guidelines

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

- vi. the applicant providing evidence that the intended use will not adversely affect the local groundwater supply or the quality of the natural environment (including the marine environment).
- vii. the applicant providing a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
- viii. public market permit conditions shall ensure that off-street parking is provided in a way that is consistent with local bylaws.
- ix. such other considerations as are deemed applicable with respect to a specific application.
- x. the Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of guaranteeing that the temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.
- xi. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission, prior to the permit being issued.

BL 232

- e) For extracting, processing and sale of water, the following guidelines apply:
 - i. the applicant must specify the hours of operation and the permit may impose those or different hours of operation depending on site specific concerns.
 - ii. the applicant must provide a report prepared by an independent qualified professional with experience in groundwater hydrology to the satisfaction of the Gabriola Local Trust Committee identifying the zone of influence, stating that the property is capable of producing the stated amount of water with no detrimental effects on wells within the zone of influence, the aquifer and the natural environment.
 - iii. the quantity of water to be extracted and processed may be limited and the amount approved will be based on information provided by a qualified professional with experience in groundwater hydrology.
 - iv. metering, including a reporting system may be required.
 - v. the number of parking spaces should meet the relevant commercial parking requirements in the Land Use Bylaw.
 - vi. outdoor water storage should be screened from public right-of-ways and adjacent properties by a solid fence or landscape screen and a screening plan should be included in the application;
 - vii. the applicant should provide a plan of remedial work to be undertaken at the end of the permit period in order to return the site to a state resembling its conditions prior to the use being undertaken or to an alternate state, as agreed to by the Trust Committee.
 - viii. the Trust Committee may require that a bond (or other acceptable security) be posted so as to ensure compliance with the terms of the permit (if issued) and as a means of guaranteeing that the temporary use is removed and the site rehabilitated (as required) at the expiry of the permit period.
 - ix. such other considerations as are deemed applicable with respect to the specific application, including, but not limited to:
 - larger lot sizes and aquifer viability;
 - location;
 - access;
 - noise, dust and traffic; and

- monitoring of supply wells and wells on adjacent property with lowest pumping levels specified
- x. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission, prior to the permit being issued.
- xi. the applicant must demonstrate that he/she be a certified small water system operator and that he/she meets the requirements set out in the *Drinking Water Protection Act*.

BL 237

- f) For commercial rental of single-dwelling residential units, when considering the issuance of a temporary use permit for a commercial vacation rental, the following guidelines apply:
- i. the Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals;
 - ii. the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rental if the proposal does not alter the residential appearance of neighbourhood;
 - iii. the Local Trust Committee may require mitigating measures to address neighbour concerns, such as screening and fencing; the Local Trust Committee may consider issuance of a temporary use permit for commercial vacation rentals in situations where the proximity of dwelling under consideration for a commercial vacation rental to a neighbouring dwelling is such that screening or fencing is practical or able to mitigate potential impacts or address neighbour privacy issues;
 - iv. a temporary use permit respecting a parcel in the Agricultural Land Reserve shall require the approval of the Agriculture Land Commission prior to the permit being issued;
 - v. the landowner should be required to provide a written plan for the supply of water for the duration of the permit in the amount of 227 litres (50 imperial gallons) per paying guest;
 - vi. The landowner should be required to provide proof that the property is able to accommodate a minimum of two vehicles;
 - vii. the landowner should be required to provide documentation from a qualified professional septic tank has been inspected to show it is working properly and capable of supporting the proposed occupancy load;
 - viii. the landowner should be required to provide proof of an occupancy permit and written proof from a qualified professional that the dwelling meets the fire code;
 - ix. the owner or an operations manager should be required to reside on Gabriola and a condition of the permit should require that the owner or operations manager be available by telephone 24 hours/day, seven days per week;
 - x. a condition of the permit should require that the owners or operations manager must provide neighbours within a 100 metres radius of the vacation rental with the manager's phone number, and a copy of the temporary use permit;
 - xi. a condition of the permit should require that the landowner posts for guests information on noise bylaws, water conservation, fire safety, storage of garbage, septic care and control of pets (if pets are permitted);
 - xii. a condition of the permit should restrict the maximum number of people that can stay to a maximum of two guests per bedroom;
 - xiii. a condition of the permit should restrict the maximum number of signs advertising the commercial vacation rental to one sign, with a maximum area of 0.3 square metres, be made of wood and not illuminated;
 - xiv. a condition of the permit should prohibit the rental or provision of motorized personal watercraft to rental clients;

BL 249

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

Section 4 - Institutional, Parks and Outdoor Recreational Uses

4.1 Institutional Use

BL 262 Background: Institutional uses play an important role in the community and in many cases serve as a focal point for community life. For purposes of this plan, Institutional Uses includes facilities, services and uses which are operated by government or a non-profit society and include medical clinics open for community use.

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

Institutional Use Objectives

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

Institutional Use Policies

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

BL 262 **Institutional Use Advocacy Policies**

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

4.2 Parks and Outdoor Recreational Use

BL 262

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

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

The community parks function on Gabriola is provided by the Regional District of Nanaimo (RDN). At present there are twenty-seven community parks on the island - six are at waterfront locations and twenty-one are inland sites. They range in size from 0.1 hectares to 286.5 hectares, and are, in total, about 349.6 hectares (863.8 acres) in size. Cox Community Park (45.7 hectares) was acquired by the community through a tax requisition. The 707 Community Park (286.5 hectares) was acquired by way of a transfer of density from Forestry lands. Additional community park sites are being added to this inventory on an on-going basis, when received as a condition of subdivision approval.

The RDN also has two Regional Parks on Gabriola: Descanso Bay Regional Park (16.2 hectares) which is a waterfront park and campground, and Coats Marsh Regional Park (45.7 hectares). In total, Gabriola has 411.5 hectares (1016.8 acres) of parkland. The difference between a regional and community park is that a community park is intended to satisfy principally local requirements and is funded locally (meaning only by property owners from Electoral Area B), whereas a regional park is intended to include sites deemed to be of regional significance and is funded from tax requisition obtained from all property owners in the entire RDN.

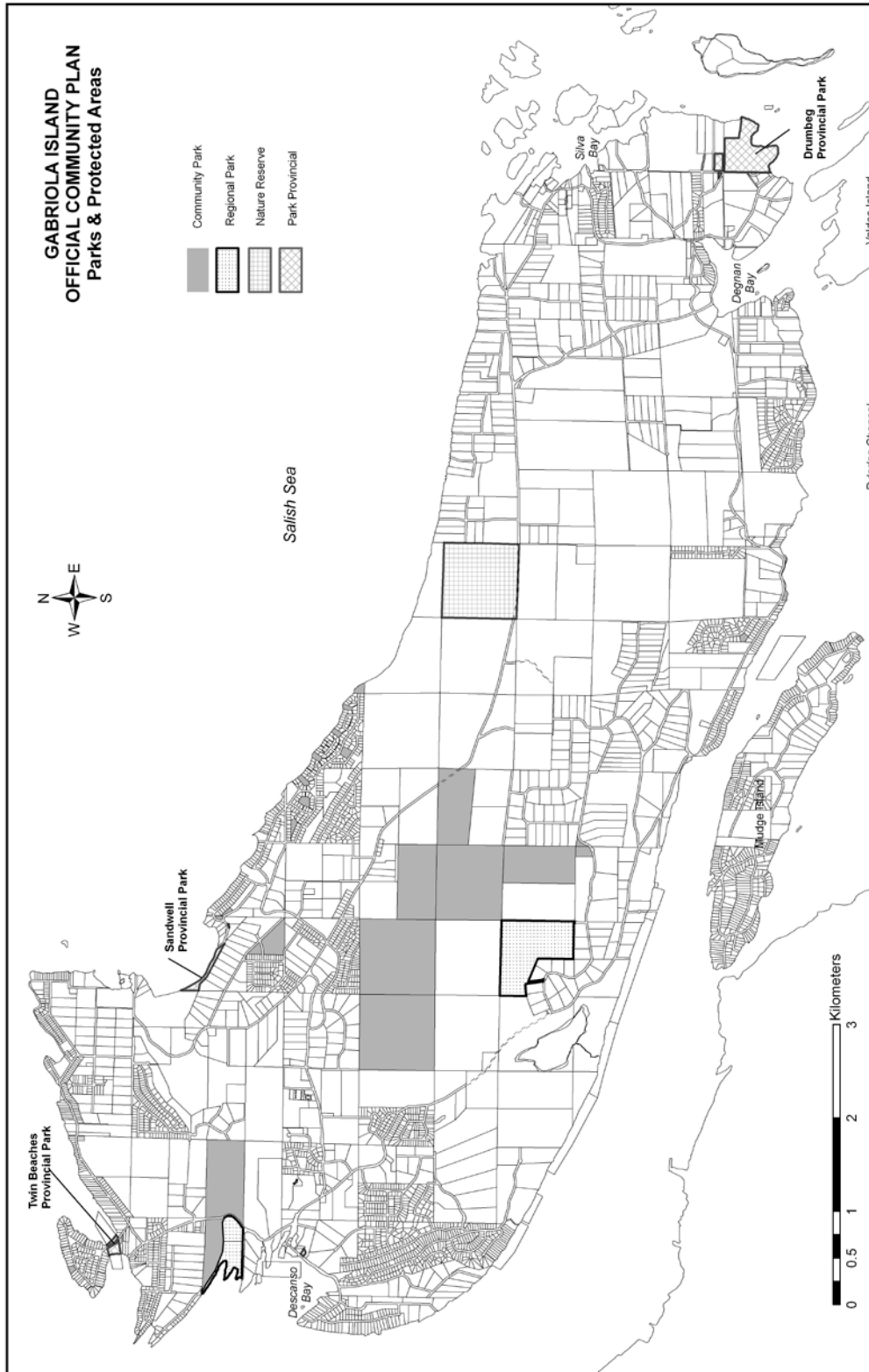
In terms of outdoor recreational facilities, there are tennis and basketball courts at Huxley Park, near the Village Centre. The island's main ball diamond is located at the Rollo McClay community park site near Sandwell Park, and playing field space at Gabriola Elementary School site is used for recreational purposes. Gabriola golf course is the most land expansive outdoor recreation use in the planning area. It is located on private land, leased by a non-profit society. Public road endings providing access to the waterfront, the Crown foreshore and the island's network of trails are further important components of Gabriola's overall outdoor recreation and open space system.

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

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

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

Figure 2 Parks and Protected Areas



Parks and Outdoor Recreation Objectives

The objectives of this section are:

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

Parks and Outdoor Recreation Policies

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

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

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

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

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

BL 262

Parks and Outdoor Recreation Advocacy Policies

- m) *It is recommended that the Provincial Government place top priority on the acquisition of waterfront sites for Provincial Park purposes, including enlarging the size of existing Provincial Park sites, where feasible.*
- n) *The Regional District of Nanaimo shall be strongly encouraged to establish additional regional park sites on Gabriola. Such sites should be:*
 - i. *either a regionally significant waterfront site or an upland woodland site of substantial size;*
 - ii. *retained predominantly in a natural state, except for a small parking area, a public trail network, and interpretative signs.*
- o) *BC Parks shall be requested to preserve natural features and provide maximum protection of the environment in Provincial Parks on Gabriola.*
- p) *the Ministry of Transportation and Infrastructure shall be requested to mark public road ending providing waterfront access; ensure that they are maintained for public access to the waterfront and not obstructed by adjacent land owners and prevent them from being used for camping or overnight parking.*
- q) *The Ministry of Community, Sport and Cultural Development shall be requested to give consideration to permitting the Islands Trust to implement a development cost charge bylaw for park purposes as an alternative means of generating funds for parkland acquisition purposes on Gabriola.*
- r) *For each new regional park created, the Regional District of Nanaimo shall be requested to prepare a park plan.*
- s) *Prior to considering the sale of Crown lands in residential areas, which have reverted to the Crown through property tax default. B.C. Lands shall be requested to consider the parcel's suitability for park purpose.*
- t) *The Regional District of Nanaimo shall be requested to apply to have the status of the 40 acre Crown parcel located in the NE 1/4 of the SE 1/4 of Section 18, changed from gravel pit (Under the Ministry of Transportation and Infrastructure) to community park.*

Section 5 - Resource Lands

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

5.1 Resource

BL 240

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

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

Resource Objectives

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

BL 262

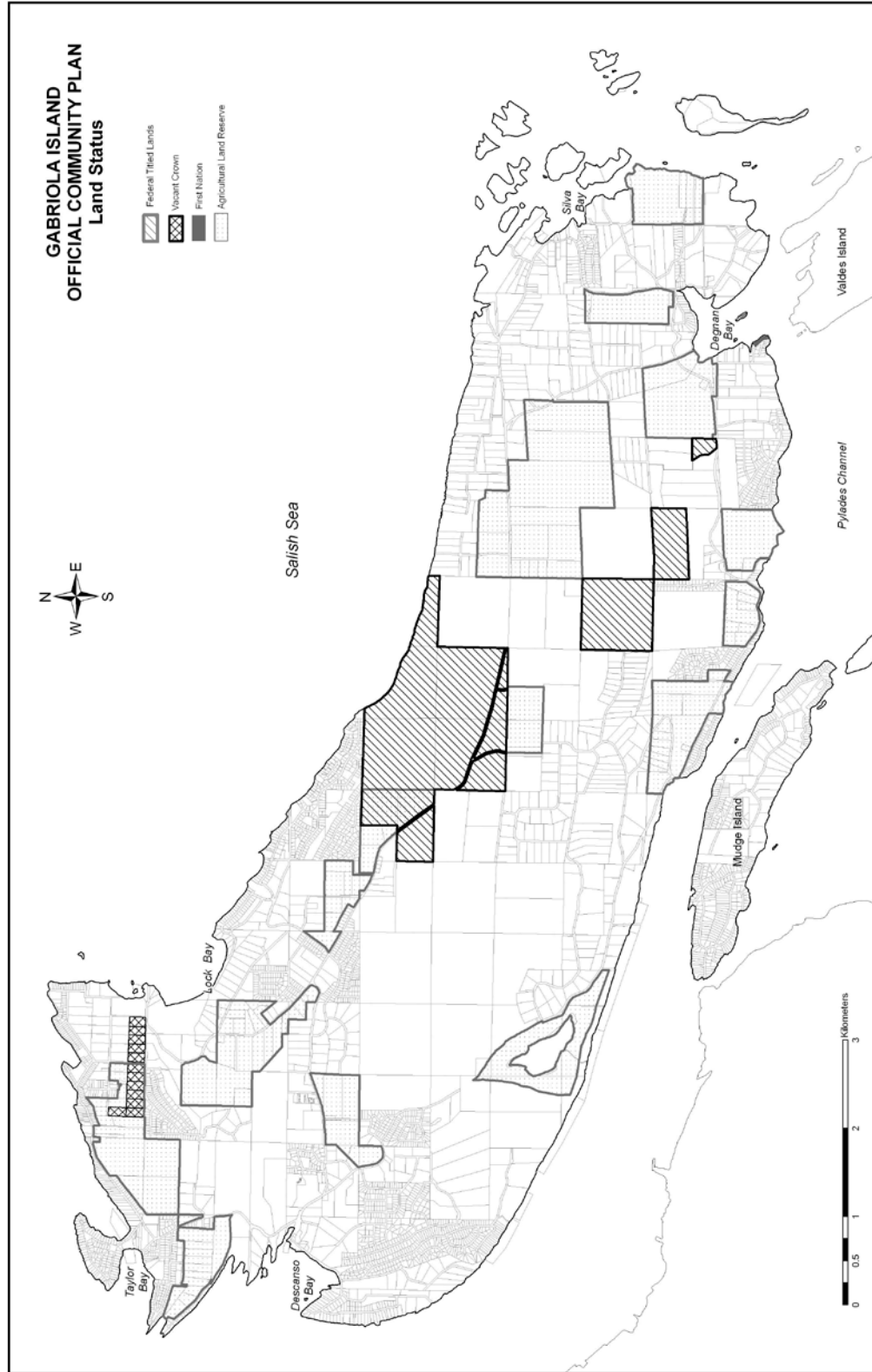
Resource Policies

BL 249

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

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

Figure 3 Land Status



5.2 Forestry

BL 240

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

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

Forestry Objectives

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

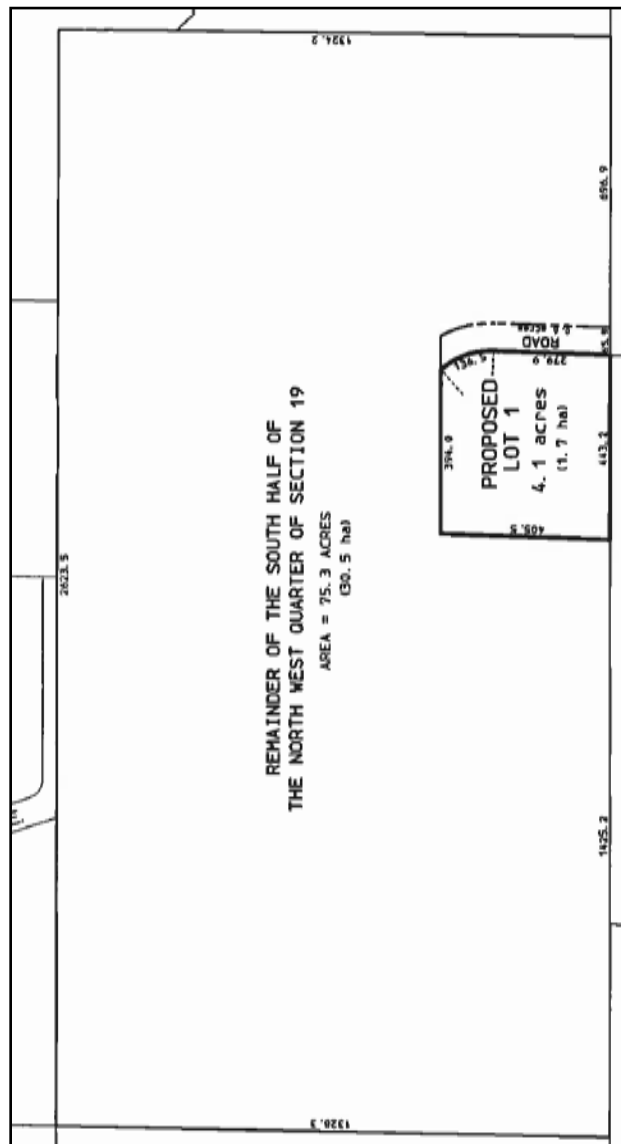
BL 262

Forestry Policies

- a) The principal uses in the Forestry zone shall be forestry uses.
- b) The minimum and average parcel size in the Forestry zone shall be 60 hectares (148.2 acres).
- c) The subdivision of land, in the Forestry zone, shall not be supported, except for purposes of creating an ecological reserve.
- d) Despite policies b) and c) above, the South ½ of the Northwest ¼ of Section 19, Gabriola, Nanaimo District, may be subdivided into a maximum of two lots with those lot boundaries coinciding with the Forestry and Institutional land designation boundaries, with the exception of the road dedication, as shown in Figure 4.

BL 260

Figure 4



- e) The zoning bylaw shall make provision for two forestry zones: Forestry and Forestry/Wilderness Recreation;
- f) All lands in the Forestry designation shall, at the time a zoning bylaw is adopted to reflect this plan, be placed in the Forestry zone.
- g) The following provisions shall apply to the Forestry zone:
 - i. the principal use shall be forestry;
 - ii. one single-dwelling residential unit per parcel shall be permitted; and
 - iii. the minimum and average parcel size shall be 60 hectares (148.2 acres).
- h) The Plan supports the retention of lands in the Forestry zone in large land holdings for sustainable forest management and/or to encourage their dedication for wilderness recreation or public recreational trail purposes. The concept of residential density being transferred from a parcel in the Forestry zone to a parcel in the Resource zone is supported subject to compliance with the policies in this plan.
- i) For every 8 hectares (19.76 acres) of land in the Forestry zone which an owner dedicates for wilderness recreation, the owner shall be entitled to transfer one residential density to land in the Resource zone which would be rezoned to Resource Residential.

- j) With respect to density transfer referred to in 5.2.g) above, the following criteria shall apply in considering whether or not a transfer shall be permitted:
 - i. the "Donor Parcel" shall be limited to land within the Forestry zone which will be rezoned Forestry/Wilderness Recreation;
 - ii. the "Receiver Parcel" shall be limited to land in the Resource zone which will be rezoned to Resource Residential;
 - iii. a Donor Parcel in the Forestry zone shall be dedicated for park or wilderness recreation, by means of a transfer of title for such purposes (to the Crown or other body, as specified by the Local Trust Committee at the time of rezoning) which shall be made prior to or concurrent with the rezoning of a Receiver Parcel to Resource Residential.
- k) Permitted uses in the Forestry/Wilderness Recreation zone shall be wilderness recreation, forestry, ecological reserve, and environmental protection.

Forestry Principles

Principles of Sustainable Forestry Practices

Forestry practices will:

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

Critical Elements of Forest Sustainability

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

5.3 Agriculture

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

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

BL 258

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

Agriculture Objectives

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

BL 258

BL 262

Agriculture Policies

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

BL 258

Agriculture Advocacy Policies

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

5.4 Aggregate Resources

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

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

Aggregate Resource Policies:

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

Aggregate Resources Advocacy Policies:

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

Section 6 - Environmental, Marine and Heritage Resources

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

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

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

6.1 Environmentally Sensitive Areas

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

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

BL 262

Environmentally Sensitive Area Objectives

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

BL 262

Environmentally Sensitive Area Policies

- a) Development within environmentally sensitive areas may be regulated through the use of development permits.
- b) With respect to an area identified as being environmentally sensitive, the registration of a natural state or environmental covenant and/or the use of a development permit shall be required as a condition of rezoning so as to ensure the long term protection of environmental features.
- c) Voluntary covenants or easements to protect natural features and donation or sale of sensitive areas to a conservation agency shall be encouraged.
- d) In order to protect area watercourses, rezoning adjacent to a watercourse shall be conditional upon the establishment of a protective setback area. The Ministry of Environment - Federal Fisheries report titled: *Stream Stewardship - A Guide for Planners & Developers and Land Development Guidelines for the Aquatic Habitat* shall be used as a guideline in determining how land is to be developed adjacent a watercourse (including a lake and wetland).
- e) To protect against hazardous conditions and to protect environmentally sensitive areas a setback shall apply from the high water mark of the sea. In the case where a bluff or large land ridge is the

- prominent upland feature adjacent the sea, a setback from the upper edge of the bluff or ridge shall be applicable.
- f) The sandstone and conglomerate banks along Gabriola's shoreline shall be protected against the accelerated effects of erosion resulting from human activity by requiring the setback of buildings or structures and control of storm water runoff.
 - g) Trees bearing the nests of great blue heron, bald eagle, osprey and other raptors shall not be cut in accordance with provincial legislation. The zoning bylaw shall set standards and regulate the provision of screening for preserving and protecting trees bearing such nests. Such condition shall be applicable with respect to the rezoning of any site containing such a feature.
 - h) Fresh water features which have special biological significance to the local environment, such as Hoggan Lake, shall be protected through zoning and shall be designated as a development permit area.
 - i) So as to ensure the Island's environmental resource sites are protected, owners (and potential developers) of property located within an environmental sensitive area shall be encouraged to work with recognized conservancy organizations early on in the development process to ensure steps are taken to protect the environmentally sensitive site.

Environmentally Sensitive Area Advocacy Policies

- j) *Where environmentally sensitive areas are located on Crown land, Ministry of Environment is strongly encouraged to ensure these areas are placed in protective reserve, ecological reserve or natural state park or dedicated to the Islands Trust Fund for protection. Furthermore, public access should be limited to an appropriate level consistent with protecting the environmental sensitivity of the site.*
- k) *Once Ministry of Environment's inventory of eagle trees and other raptor sites on Gabriola is completed, its implications should be considered in relation to future development.*
- l) *To protect the island's watercourses, the Regional District of Nanaimo shall be requested to require applicants for building permit to indicate the location of streams and watercourses on the application.*
- m) *Ministry of Environment shall be requested to assist the Islands Trust by confirming the location of streams and watercourses on Gabriola.*
- n) *Where nest sites for great blue heron, bald eagle, osprey and other raptors are located on private property, the property owners shall be encouraged to ensure that the site is protected, including through the use of a voluntary conservation covenant.*

6.2 Marine Resources

BL 262

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

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

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

Jurisdiction in the marine waters of the Gabriola Planning Area is a shared responsibility. Department of Fisheries and Oceans is responsible for all Canadian marine fish habitat and therefore has approval authority over any works or undertakings in the marine or foreshore waters. Ministry of Forest, Lands and Natural Resource Operations' Land Administration Branch oversees the issues of Crown foreshore leases and the Ministry of Agriculture has a mandate to issue licences for aquaculture and harvest permits for wild oysters and marine plants. The Islands Trust in turn has the ability to adopt community plan objectives and policies and zone the surface of the water affecting the marine foreshore and water areas

in the planning area from the high water mark on Gabriola to 300 metres out, with the exception of adjacent to Mudge Island where the mid-point between the two islands is used as the jurisdictional dividing line.

BL 262

Marine Resources Objectives

1. *To manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate;*
2. *To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats;*
3. *To protect the natural and scenic values of the coastline which provide the Island with its rural marine character;*
4. *To provide opportunities for the commercial uses of the foreshore and coastal waters provided that such uses do not detract from the marine waters' environmental integrity;*
5. *To recognize the importance of the existing log storage areas in the foreshore of the planning area as important to the forest industry, but to discourage a further expansion of major log storage or booming areas;*
6. *To promote the recreational and commercial use of the area's aquaculture resources, provided such use does not detract from the use or enjoyment of the shoreline by the public or upland property owners; and*
7. *To encourage the sharing of docks and wharves.*

BL 262

Marine Resource Policies

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

field, being undertaken in order to determine the nature of the microhabitat which could be affected.

- o) Finfish farming is not supported in the marine waters of the Gabriola Planning Area.
- p) Harvest refugia areas shall be encouraged in the Gabriola Planning Area.

BL 262

Marine Resources Advocacy Policies

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

6.3 Heritage and Archaeological Resources

BL 262

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

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

The Province protects archaeological sites, whether known or unrecorded, through the *Heritage Conservation Act*. This protection applies to both private and Crown land and means that landowners must have a provincial heritage permit to alter or develop within an archaeological site.

BL 262

Heritage and Archaeological Resources Objectives

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

BL 262

Heritage and Archaeological Resources Policies

- a) The Snuneymuxw First Nation and the Archaeology Branch should be consulted prior to the initiation of any future development which may impact on a known archaeological site on Gabriola, or an area exhibiting potential for the presence of unrecorded archaeological sites.
- b) A community heritage register should be established to identify and inventory real property that is considered to be of heritage significance.
- c) The identification and preservation of heritage property shall be encouraged, through the use of voluntary covenants, heritage revitalization agreements and other means intended to encourage the owners of a heritage property to support its heritage designation and preservation.
- d) Heritage roads shall be protected as part of the Islands Trust agreement with the Ministry of Transportation and Infrastructure.
- e) Petroglyphs and other fragile archaeological sites shall be protected from inappropriate human use which may alter or destroy the significance of the site.
- f) Development proponents are encouraged to consider archaeological resources during all phases of project planning, design and implementation.
- g) The Local Trust Committee should consider the following in the Gabriola Island Land Use Bylaw:

- i. the creation of subdivision regulations to protect registered or potential First Nation archaeological and heritage sites;
- ii. establishing regulations regarding use, density and the siting and location of buildings and uses on land to protect registered or potential First Nation archaeological and heritage sites;
- iii. implementation of other options to protect registered or potential First Nation archaeological and heritage sites, including but not limited to designation of heritage conservation areas, dedication of parkland during subdivision, and designation of protected heritage sites; and
- iv. establishment of bylaws and other mechanisms to protect registered or potential First Nation archaeological and heritage sites in development application processes, including applications for amendments to this Plan and the land use bylaw, applications for permits such as heritage alteration permits, temporary commercial or industrial use permits, or development variance permits, and decisions about parkland dedication that are made in response to applications referred to the Local Trust Committee as part of the subdivision approval process.

Heritage and Archaeological Resources Advocacy Policies

- h) The Archaeology Branch, Ministry of Forests, Lands and Natural Resource Operations shall be requested to assist in further identifying archaeological sites and ensure they are protected from disturbance under Sections 12 and 14 of the Heritage Conservation Act.*
- i) The Regional District of Nanaimo, through its building inspection function, shall be requested to ensure archaeological sites identified on Gabriola are protected during construction activities.*
- j) The Regional District of Nanaimo and the Local Trust Committee are encouraged to develop complementary mechanisms to support the education of the public and the protection of registered and potential First Nations archaeological and heritage sites as part of their roles in development and parkland management, including in the review of building permit applications and management of parkland, and in any other matters of common interest to the parties.*
- k) Public education and awareness of heritage sites, including the creation of brochures, web content and signage, shall be encouraged.*
- l) The Coast Guard shall be requested to preserve the buildings on Entrance Island.*

Section 7 - Transportation and Servicing

BL 262

7.0 Transportation

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

7.1 Land Transportation

BL 262

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

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

BL 262

Land Transportation Objectives

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

BL 262

Land Transportation Policies

- a) The major road pattern shall be as shown in Figure 4.
- b) Scenic/heritage roads on Gabriola, defined as unique and valued roadways due to the tree cover and vistas, were agreed to by MOTI and the Islands Trust as shown in Figure 4 and include the following:
 - i. Wharf Road;
 - ii. Berry Point Road, east from Norwich Road to the end at Leboeuf Bay past Clarendon;
 - iii. Easthom Road, from the ferry parking lot to Harrison Way;

- iv. Coats Drive from South Road to the end at 707 Park; and
- v. Gray Road.

In addition, Martin Road, Coast Road and the North Road tunnel area should be requested for inclusion as scenic/heritage roads.

- c) Roads designated as being of scenic or heritage value shall not be widened except where required as a safety measure.
- d) So as to maintain the Island's rural character and reduce the amount of cut and filling required related to road construction, Island roads should (to the extent practical) conform to the natural contours of the land.
- e) Where possible, the natural vegetation along side the travelled portion of a public road shall be retained.
- f) New roads, and modifications to existing roads, should not fragment agricultural land or environmentally sensitive areas, such as wetlands.
- g) Provisions shall be made for bicycle and pedestrian paths in new developments.
- h) Roads designated as being part of the bicycle route plan developed in accordance with the agreement with MOTH and the Islands Trust attached to this bylaw as Figure 5 shall include provision for a paved bicycle shoulder lane, and a painted line should be provided on the road surface to delineate a separation between the vehicle and bicycle shoulder lane portions of the road surface. Bicycle shoulder lanes should be provided on both sides of the roads designated as bicycle routes.

Information Note: The Shared Roadways – Gabriola Island Bicycle Route Plan, dated March 29, 2010, developed by the Gabriola Cycle Paths, was used as a resource for the bicycle related policies and bicycle path mapping in this Plan.

- i) All on-road bicycle shoulder lanes shall be a minimum of 1.2 metres (4 feet) in width but may be a minimum of 0.6 metres (1.97 feet) in width in the following situations only:
 - i. changes to natural geographic features, such as escarpments, would be required in order to implement the 1.2 metre (4 foot) paved bicycle shoulder lane; and
 - ii. mature trees would need to be removed in order to implement the 1.2 metre (4 foot) paved bicycle shoulder lane.
- j) Commercial, multi-dwelling developments and public facilities should provide structures for the convenient and secure parking and locking of bicycles.
- k) The creation of an off-road bicycle and pedestrian trail along Gabriola's busiest traffic corridor from the ferry hill to Tin Can Alley should be considered when land use decisions, rezonings, subdivisions, road resurfacing or other development occurs along this route.
- l) Identification signs should be provided along scenic/heritage roads and bicycle routes in the Planning Area.
- m) Shared private driveways shall be encouraged and subdivision layouts shall be encouraged to allow for the consolidation of points of access to individual parcels from a public road.
- n) The development of a bridge or other form of fixed transportation link of any kind connecting Gabriola to Vancouver Island or any other island or the B.C. Lower Mainland is not supported and is contrary to the provisions of this Plan.
- o) A suitable location for off-street parking for persons travelling by boat to Mudge Island and leaving their vehicle on Gabriola Island needs to be identified which does not cause unnecessary parked vehicle congestion in the El Verano Drive and Green Wharf areas. In order to resolve this situation, it is recommended that a committee comprised of representatives from Mudge Island, the El Verano residential area, the Trust Committee and MOTI be established.
- p) BC Transit and the Regional District of Nanaimo are encouraged to consider providing a limited mini-bus transit service, including for handicapped persons.
- q) When the public transit bus route for Gabriola is in place, it should be referred to when considering land use and planning decisions.

Figure 5 Transportation Map

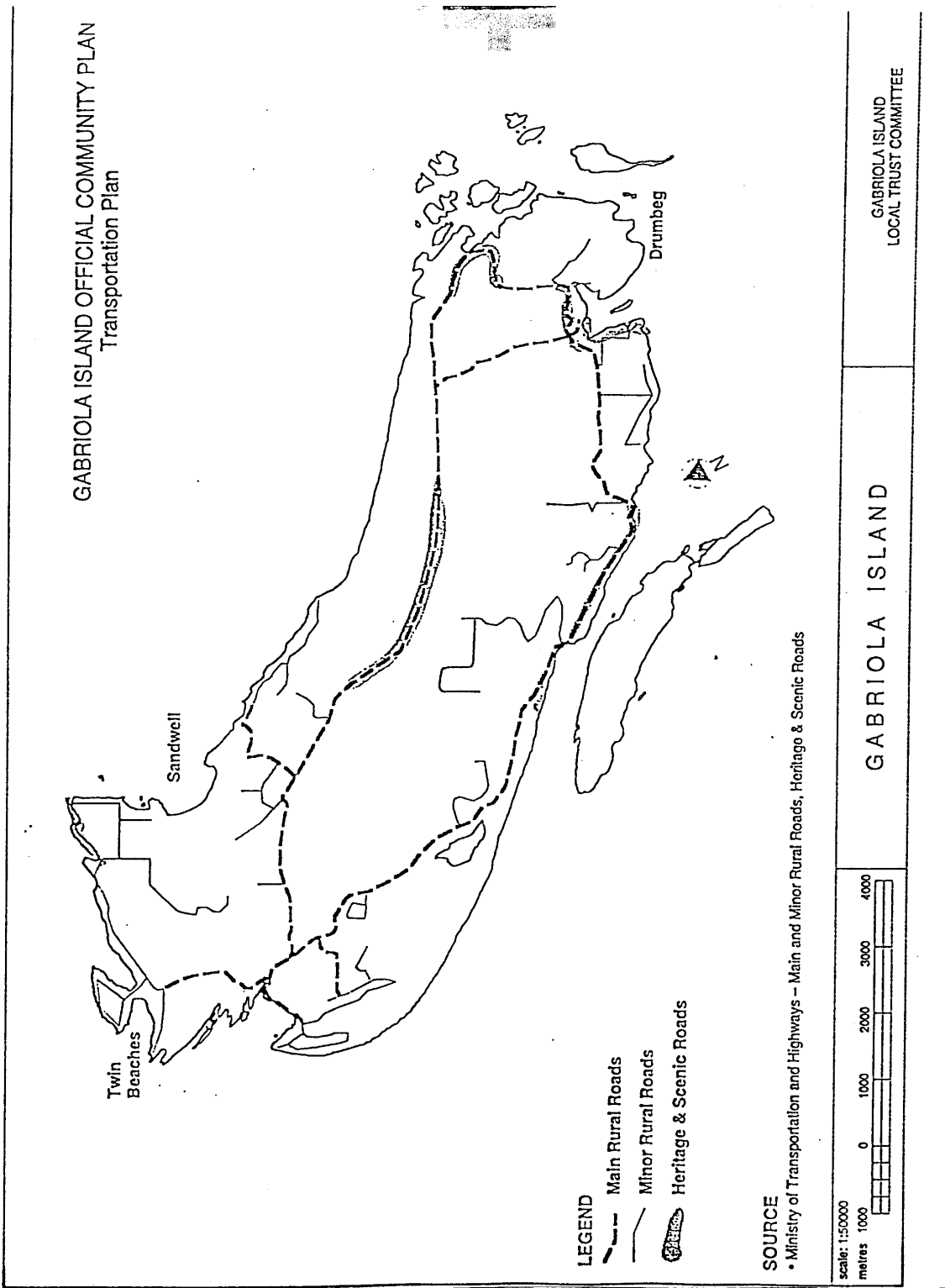
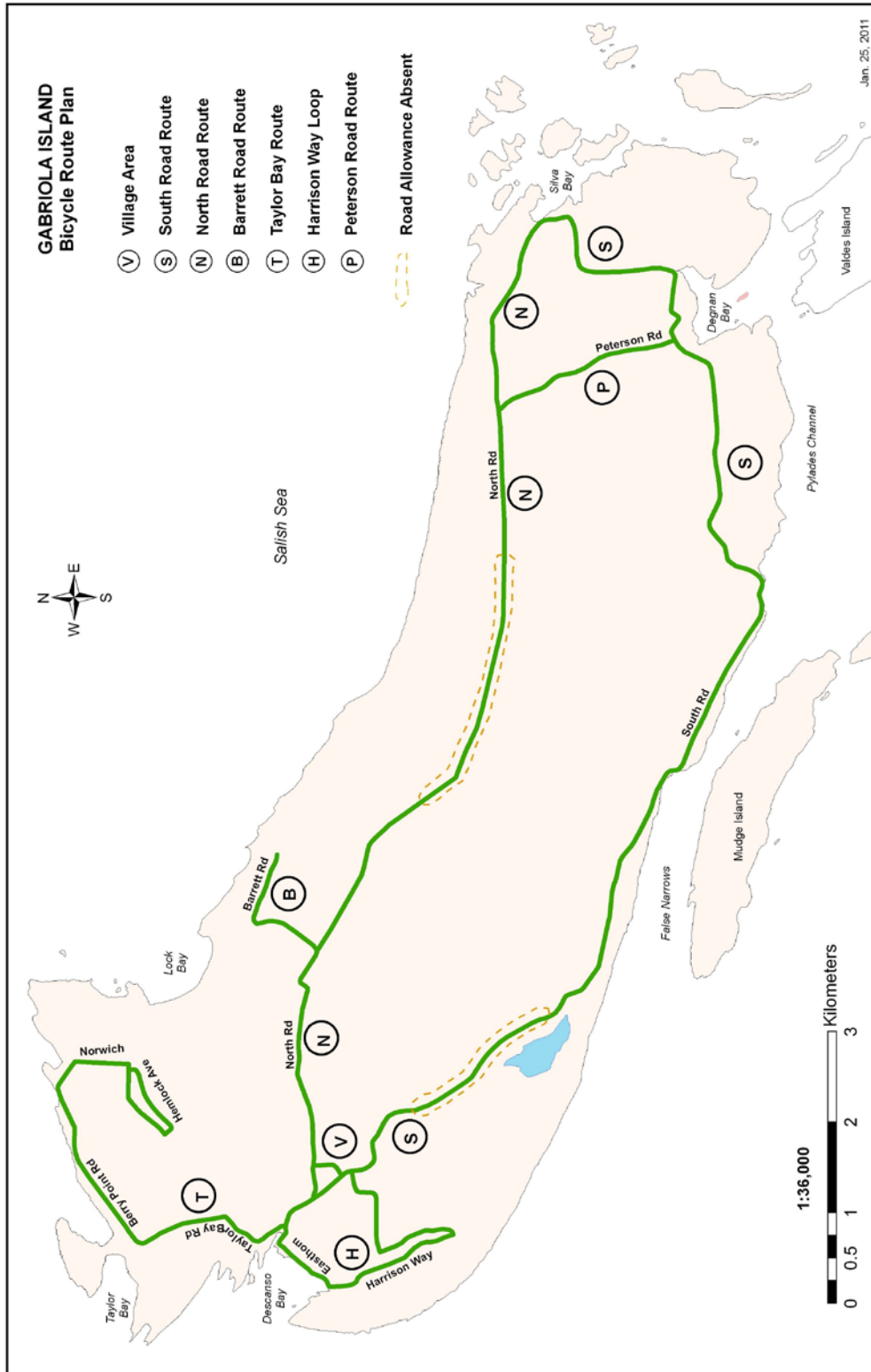


Figure 5 Bicycle Route Plan



Jan. 25, 2011

Land Transportation and Fire Protection Advocacy Policies

- r) *The Ministry of Transportation and Infrastructure (MOTI) shall be requested to:

 - i. *consult with the Trust Committee on setting priorities for annual road work programs;*
 - ii. *establish speed limits that are consistent with the island's rural road systems;*
 - iii. *enforce its sign regulations so as to ensure a minimal number of commercial signs are placed along the island's road rights-of-way, in keeping with Gabriola's rural atmosphere; and,*
 - iv. *work with the Trust Committee to provide parking and no-parking and bicycle route signage, where appropriate.**
- s) *The Trust Committee recommends that MOTI consider designating additional sections of roads on Gabriola as scenic/heritage roads.*
- t) *MOTI, Gabriola Transportation Advisory Committee and the Fire Protection Improvement District should work together to identify:

 - i. *roads requiring upgrading for fire protection purposes; and*
 - ii. *locations where the existing road network should be extended or improved road interconnection provided within existing residential subdivisions (or at the time of new subdivision) so as to increase the ability to provide fire protection services in the Planning Area.**
- u) *On local roads serving less than 6 parcels the MOTI Approving Officer is encouraged to consider relaxing the width of the public road right of way and the width of the travelled surface of the road.*
- v) *Programs to educate cyclists, motorists and pedestrians on road safety issues shall be supported.*
- w) *Property owners are encouraged to work with the community to realize safe and sustainable bicycle and pedestrian routes.*

7.2 Water Transportation

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

Water Transportation Objectives

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

Water Transportation Policies

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

- e) Maintenance of the present ferry terminal sites on the Gabriola and the Nanaimo sides is strongly supported.

BL 262

Water Transportation Advocacy Policies

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

7.3 Air Transportation

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

Air Transportation Objectives

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

Air Transportation Policies

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

Air Transportation Advocacy Policy

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

7.4 Water Supply

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

Water Supply Objectives

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

Water Supply Policies

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

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

Water Supply Advocacy Policies

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

7.5 Liquid Waste Management

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

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

Liquid Waste Management Objectives

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

Liquid Waste Management Policies

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

Liquid Waste Management Advocacy Policies

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

7.6 Solid Waste Management

BL 262 **Background:** The Regional District of Nanaimo provides garbage, blue box recycling and green bin organic waste collection services on Gabriola. The Gabriola Recycling Organization (GIRO) operates a recycling depot and a re-use centre.

Solid Waste Management Objectives

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

BL 262 **Solid Waste Management Policies**

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

Solid Waste Management Advocacy Policies

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

Section 8 – Climate Change Adaptation and Greenhouse Gas Emission Reduction

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

Climate Change Adaptation and Greenhouse Gas Emission Reduction Objectives

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

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

Climate Change Adaptation and Greenhouse Gas Emission Reduction Policies

- a) The Local Trust Committee should continue to work with the Trust Fund Board and other conservation organizations to promote land conservation as a cost effective and important climate change mitigation strategy.
- b) The Local Trust Committee should consider the development of new criteria for assessing official community plan or land use bylaw amendment applications from the perspective of climate change adaptation and greenhouse gas emission reduction.
- c) The Local Trust Committee should consider new development permit area guidelines that promote low impact land uses, alternative transportation, energy conservation, water conservation, and the reduction of greenhouse gas emissions.
- d) The Local Trust Committee should encourage small scale local food production as a significant step to reducing food transportation costs and reducing greenhouse gas emissions created by food transport.

- e) The Local Trust Committee should identify significant unfragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping both for their environmental values as well as carbon sequestration areas.
- f) The Local Trust Committee should consider amendments to Village Commercial zoning and the Village Development Permit Area guidelines to increase walkability.
- g) The Local Trust Committee should consider amendments to commercial parking regulations to encourage public transit, smaller vehicles, non-polluting vehicles, and permeable parking surfaces.
- h) The Local Trust Committee should consider amending the Land Use Bylaw to measure the footprint of buildings and structures from the interior walls instead of the outer perimeter of the foundation of the building, so increased insulation is encouraged.
- i) The Local Trust Committee should consider amending the Land Use Bylaw to consider setbacks from the ocean in relation to sea level rise.
- j) The Local Trust Committee should develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. Application checklists should be revised to include climate change and greenhouse gas emission reduction and adaptation criteria, such as energy efficiency, renewable energy, and carbon sequestration impacts.

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

Climate Change Adaptation and Greenhouse Gas Emission Reduction Advocacy Policies

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

- k) *The following activities are encouraged as possible actions that can be taken to reduce greenhouse gas emissions:*
 - i. *Islands Trust Natural Area Protection Tax Exemption Program should be widely advertised, including the Islands Trust website, to ensure all residents are aware of the benefits (both financial and from an environmental perspective) of protecting natural areas.*
 - ii. *provincial agencies, when considering changes to infrastructure on the Islands, are strongly encouraged to take a “small ecological footprint” approach to any proposals for park, road, ferry, dock, or infrastructure development. The investigation of opportunities to share resources or develop common facilities is strongly encouraged.*
 - iii. *the Province is strongly encouraged to support water conservation, rainwater catchment, and alternative forms of septic treatment, as stated in the Water Supply section of this Plan.*
 - iv. *the use of electric vehicles is strongly encouraged on Gabriola. Provincial agencies are encouraged to consider amendments to traffic regulations that facilitate the use of electric vehicles.*
 - v. *the Province is encouraged to implement sustainable, ecologically safe forestry practices as requirements on public and private lands.*
 - vi. *BC Ferries is encouraged to retain signage in the ferry line up indicating that Gabriola is an idle-free zone.*
 - vii. *the Local Trust Committee encourages the Islands Trust to add a “carbon neutral calculator” to the Islands Trust website to assist residents in calculating their personal and household greenhouse gas emissions. Ideally, residents should be provided with a printout*

that compiles a list of suggested personal actions that could be taken to reduce emissions, tailored to the individual conditions entered into the calculator.

- viii. *the Local Trust Committee encourages the development of public transit, cycling and walking trails to permit non-automobile based forms of travel, as stated in the Transportation section of this Plan.*
- ix. *residents are encouraged to work beyond the requirements of Provincial and National Building Codes and find new ways to incorporate high energy efficiency into building design and construction. In addition, residents are encouraged to seek out new ways of reducing their own greenhouse gas emissions through alternative transportation methods, reduced use of fossil-fuel burning engines or generators, and increased use of alternative energy sources.*
- x. *residents are encouraged to avoid backyard burning, and the Regional District of Nanaimo is encouraged to support recycling of organic debris to reduce fire hazard.*
- xi. *residents and businesses are encouraged to minimize soil disturbance, since Gulf Island soils are especially high in carbon and their disturbance is a significant contributor to greenhouse gas emissions.*
- xii. *community groups are encouraged to develop and manage a website to encourage ride sharing both on the Island and for traveling to and from the Island.*
- xiii. *when landscaping or replanting, community groups, individuals, businesses and government agencies should consult experts regarding native tree species that most effectively sequester carbon or that should be planted to adapt to future conditions from climate change.*
- xiv. *the production of renewable energy for local consumption on Gabriola is encouraged, and residents with successful and appropriate alternative energy production methods are encouraged to share their methods with other residents.*

Section 9 - Development Permit Areas

BL 262

Pursuant to Section 919.1 of the *Local Government Act*, a community plan may designate areas as development permit area for the:

- i. protection of the natural environment, its ecosystems and biological diversity;
- ii. protection of development from hazardous conditions;
- iii. protection of farming;
- iv. revitalization of an area in which commercial use is permitted;
- v. establishment of objectives for the form and character of intense residential development;
- vi. establishment of objectives for the form and character of commercial, industrial and multi-dwelling residential development;
- vii. establishment of objectives to promote energy conservation;
- viii. establishment of objectives to promote water conservation; and
- ix. establishment of objectives to promote the reduction of greenhouse gas emissions.

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

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

9.1 Development Permits for Protection of the Natural Environment

BL 262

DP-1 The Tunnel

Development Permit Area 1 (Schedule C) is designated according to Section 919.1(1)(a) of the *Local Government Act*. The shrub and tree canopy along North Road is an important scenic, heritage and environmental amenity that enhances the rural character of Gabriola. A 183 metre (600 foot) wide tree canopy and shrub buffer shall be retained along North Road, measured 90.8 metres (300 feet) on either side of the centre line of the existing right-of-way, except in the case of land in the ALR, in which case the canopy buffer shall not be less than 30 metres.

Objective

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

Development Guidelines

1. Construction within the buffer area shall be limited to:
 - i. roads
 - ii. trails
 - iii. public utility works (within a road right-of-way)
2. Where a utility corridor crosses the buffer area, the alignment shall be perpendicular to North Road so as to minimize the removal or disturbance of natural vegetation.
3. Roads shall alter the natural vegetation as little as possible and the number of accesses to North Road shall be limited to two on each side of North Road.
4. Water supply storage, utility buildings and wells shall be located outside of the tree canopy area.

5. Trees greater than 30.4 cm. (12") calliper, measured 5 feet from the ground, shall not be cut or damaged.
6. Where this Area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

BL 262

DP-2 Lock Bay Area

Development Permit Area 2 (Schedule C) is designated according to Section 919.1(1)(a) of the *Local Government Act*. Lock Bay has been identified as a unique beach of sand and gravel isolating a marsh of about 40 acres (Special Areas and Features Inventory, 1995).

Objective

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

Development Guidelines

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

BL 262

DP-3 Hoggan Lake Area

Development Permit Area 3 (Schedule C) is designated according to Section 919.1(1)(a) of the *Local Government Act*. The Hoggan Lake area has been identified as having moderate to high wildlife, freshwater and vegetation natural features and as an area with good bird populations.

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

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

Objective

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

Development Guidelines

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

BL 262

DP-4 Flat Top Islands Area

Development Permit Area 4 (Schedule C) is designated according to Section 919.1(1)(a) of the *Local Government Act*. The Flat Top Islands and Breakwater Island have been identified as having high and moderate-high marine, vegetation and wildlife natural features.

Objective

To protect areas known as having special natural features.

Development Guidelines

1. There shall be no disturbance of the vegetation or use of chemicals within 30 metres of the natural boundary of the sea except in accordance with any conditions specified in the permit.
2. Garry oak meadows and similar indigenous species shall be identified and their habitats protected from disturbance.
3. There shall be no alteration or disturbance which would cause a negative impact to the foreshore habitat.
4. Buildings shall be integrated with the surrounding landscape and sited to minimize removal of vegetation.
5. Other than within existing marine lease areas, applicants shall provide an assessment of environmental impacts and mitigation measures prior to any expansions or new developments.
6. Existing trees and vegetation shall be retained along the upland area and adjacent to the foreshore in order to maintain the habitat and prevent erosion.
7. Septic systems shall not be constructed within 30 metres of the natural boundary of any water body or watercourse in this Development Permit Area.
8. Areas subject to flooding shall be subject to a 15 metres setback unless waived by the Ministry of Environment.
9. Where this Area includes trees that bear the nests of eagles or other species of birds, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Environment or the Canadian Wildlife Service.

DP-5 Gabriola Pass Area

Development Permit Area 5 (Schedule C) is designated according to Section 919.1(1)(a) of the *Local Government Act*. The intertidal area is boulder-tiered ledges, sandstone and shale formations and sand and gravel banks. Tide pools exist along the length of Gabriola Island. The sub-tidal area is largely devoid of human impact and is exceptionally rich in an abundance of marine life (Marine Life Sanctuaries Society of BC, 1996).

Objective

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

Development Guidelines

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

9.2 Development Permits for the Protection of Development from Hazardous Conditions

DP-6 Escarpment Areas

Location and Justification

Development Permit Area 6 (Schedule C) is designated according to Section 919.1(1)(b) of the *Local Government Act*. Escarpment areas are areas where a land slope of greater than 80 per cent exists. The British Columbia Soil Survey (1990) identified numerous areas of escarpment on Gabriola where the slope is greater than 80 per cent. These escarpment areas may not be suitable for development as they may be subject to erosion, land slip, rock falls or subsidence, or other hazards.

Objective

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

Development Guidelines

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

9.3 Development Permits to Establish Objectives and Guidelines for the Form and Character of Commercial, Industrial and Multi-dwelling Residential Development

BL 262

DP-7 The Village Centre

Development Permit Area 7 (Schedule C) is designated according to Section 919.1(1)(f) of the *Local Government Act*. The character of Folklife Village should set the tone for development in the Village Centre.

Development Guidelines

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

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

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

BL 262

DP-8 Multi-dwelling Affordable Housing Development Permit Areas

Development Permit Area 8 (Schedule C) is designated according to Section 919.1(1)(f) of the *Local Government Act*. Includes the only currently existing site designated for Senior's housing in the planning area.

Objective

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

BL 262

Development Guidelines

1. The character of the development shall be in keeping with the island environment and be capable of blending in with the aesthetic qualities of the natural surroundings.
2. Natural vegetation and trees shall be retained or native vegetation planted and maintained for screening of parking and storage areas. Safety and visibility shall be considered in landscape design.

BL 170

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

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

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

BL 262

DP-9 Light Industrial Use Development Permit Area

Development Permit Area 8 (Schedule C) is designated according to Section 919.1(1)(f) of the *Local Government Act* and includes the only currently existing site designated Industrial in the planning area.

Objective

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

Development Guidelines

1. The character of the development shall be in keeping with the island environment and, with the exception of points of access to the property, adequate natural vegetation screening shall be maintained along the perimeter of the property.
2. No buildings shall be located closer than 30 metres from a watercourse or the high water mark of the sea.
3. A site plan shall be provided to illustrate where on the site off-street parking and equipment storage is to be accommodated and in no case shall any equipment, materials or vehicles used in association with the industrial use be located on an adjoining parcel or a public road right of way.

Appendix

Appendix 1 Definitions

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

| | | |
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| BL 262 | "accessory" | in relation to a use, building or structure means ancillary, secondary and exclusively devoted to a principal use, building or structure, expressly permitted by this Bylaw on the same lot or, where the accessory use is located on common property in a bare land strata plan, on a strata lot in the same strata plan; |
| BL 262 | "Accessory cottage" | means a single residential dwelling unit not exceeding 65 sq. metres (700 sq. ft.) accessory to the principal residential dwelling unit |
| | "Advocacy Policy" | means a policy in this Plan directed at another level of government, agency or person(s) and related to a matter which is outside of the direct jurisdiction of the Local Trust Committee to affect itself through this plan; |
| BL 262 | "Affordable Housing" | means housing that costs no more than 30% of a household's gross income applied to those households with incomes at or below 60% of the median household income for Gabriola Island (using Canada Census information); |
| | "agriculture" | means growing, rearing, producing or harvesting agricultural crops or livestock and includes processing on a parcel the primary agricultural products harvested, reared or produced on that parcel and the storage of farm machinery, implements and agricultural supplies; |
| | "average parcel size" | means the average area of parcels proposed to be created through a plan of subdivision or bare land strata subdivision and is calculated by dividing the sum of the areas of the proposed parcels by the number of proposed parcels; |
| BL 262 | "bed and breakfast accommodation" | means the accessory use of a principal residential dwelling unit for the overnight accommodation of transient paying guests in which breakfast is the only meal served; |
| | "boarder" | means a person resident in a dwelling unit who receives lodging and regular meals for a fee; |
| | "building" | means any structure with a gross floor area exceeding 8 square metres (100 sq. ft.) used or intended for supporting or sheltering any use or occupancy; |
| BL 237 | "commerce" | means the selling, servicing and repair of goods, the provision of services and commercial office functions; |

| | | |
|--------|-------------------------------------|--|
| | “commercial vacation rental” | means the use of a residential dwelling unit to provide overnight accommodation to transient paying guests but excludes bed and breakfast; |
| BL 258 | “community agriculture” | means multi functional agricultural uses of the land shared by a community of users whose primary focus is local cooperative food production using sustainable agricultural practices; |
| BL 258 | “community commons” | means land or facilities or uses that serve community needs and provide the community with agricultural, environmental, recreational and social benefits, but excludes for-profit commercial enterprises; |
| | "community sewer" | means a system of laterals, collectors, mains, trunks, and appurtenant works, including treatment and disposal facilities approved by the Ministry of Environment and/or the Ministry of Health of the Province of B.C. and provides a connection for each site or parcel of land within the boundaries of the system; |
| | "community water system" | means a system of waterworks which serves five connections or more and which is owned, operated and maintained by an improvement district under the <i>Water Act</i> or the <i>Local Government Act</i> , or a Regional District, or which is regulated under the <i>Public Utilities Act</i> or <i>Health Act</i> ; |
| BL170 | "contiguous" | means lots that are adjacent to one another and includes lots that are separated by: a dedicated highway; dedicated public park; statutory right-of-way; or common property of a strata development.; |
| BL 262 | "dwelling unit" | means one or more rooms in a building, designed, occupied or intended for human habitation containing one set of cooking facilities and/or the infrastructure designed, used or intended to be used for the preparation and cooking of food, and used as a residence by a single family; |
| BL 262 | "family" | means; (a) two or more persons related by blood, marriage, adoption or foster parenthood sharing one dwelling unit; or (b) up to five unrelated persons residing in one dwelling unit;; |
| | "finfish farm" | means the growing, rearing but not processing of fish; |
| | "forestry uses" | means all activities related to the development and care of forests, including seedling and tree nursery but specifically excludes the processing of wood or wood products; |
| | "high water mark" | means the high water mark identified on the plan of subdivision or the plan accompanying the instrument conveying Crown land in fee simple, which plan was most recently filed in a Land Title Office before the adoption of this bylaw, or natural boundary as determined by a B.C. Land Surveyor. |
| | "home occupation" | means an occupation or craft, including teaching of crafts, or the production of goods and/or sale of goods where such activities are |

carried on as an accessory use in a dwelling unit or accessory building to the dwelling unit;

"horticulture"

means the practice of growing fruits, vegetables, flowers or ornamental plants;

"industry"

means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods, materials or things;

"institution"

includes an arena, armoury, cemetery, college, community centre, community hall, court of law, fire hall, hospital, library, municipal office, park, playground, police station, public art gallery, public museum, school, stadium or public swimming pool;

"minimum parcel size"

means the smallest size of parcel that may be created through plan of subdivision;

"mobile home park"

means land used or occupied by a person for the purpose of providing space for the accommodation of mobile homes either on a rental or ownership basis;

BL 262

"multiple-dwelling affordable housing"

means three or more residential dwelling units on a parcel restricted to affordable housing as defined by this Plan and governed by a housing agreement;

"parcel"

means any lot, block or other area in which land is held or into which it is subdivided including water lease lots, but does not include a highway;

"principal"

with respect to the use of a building means primary and chief;

"public park"

means public land used or intended for outdoor recreation, and may include lands set aside for archaeological, historical or ecological purposes;

"public utility"

means broadcast transmission, electrical, telephone, sewer or water services and facilities established or licensed by a government (excluding private radio or television broadcast towers) and includes navigation aids and seawalls;

BL 237

"residence"

means

1. the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or
2. the occasional or seasonal occupancy of a dwelling unit by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement,

and for certainty, residence does not include tourist accommodation use, commercial vacation rental, or any occupancy of a dwelling unit

by persons entitled to such occupancy under a time share plan as defined in the *Real Estate Act* or successor legislation.”

| | | |
|--------|-------------------------------------|--|
| BL 262 | “residential density” | means the number of dwelling units allowed on a lot based on the zoning and the lot size; |
| BL 262 | “school” | means a school defined by the <i>School Act</i> or the <i>Independent School Act</i> and does not include overnight accommodation; |
| BL 223 | “Senior” | means a person 60 years of age or older. |
| BL 262 | “single-dwelling” | means one residential dwelling unit on a parcel; |
| | "structure" | means any construction fixed to, supported by or sunk into land or water but not concrete or asphalt paving or similar surfacing of a parcel; |
| | "structural alteration" | means a structural change to a building and also includes: (a) an addition to gross floor area or height; (b) the removal of a portion of the building; (c) construction of, cutting into, or removal of any wall, partition, column, beam, joist, floor or chimney; and (d) any change to or closing of any required means of access; |
| | "subdivision" | means the division of land into two or more parcels, whether by plan, apt descriptive words or otherwise; and includes parcels created under the <i>Land Titles Act</i> and the <i>Condominium Act</i> ; |
| | "tourist accommodation" | means a building or set of buildings used for transient accommodation which contain sleeping units and may contain auxiliary assembly, commerce, entertainment, or restaurant uses, premises licensed to serve alcoholic beverages and staff accommodation and includes hotel, motel, resort, lodge and guest cabins; |
| | “tourist accommodation unit” | means a room or suite of rooms rented as non-residential lodging; |
| | "watercourse" | means a depression with a bed 0.6 metres or more below the natural elevation of surrounding land: (a) serving to give direction to a current of water for an average of at least six months of a year according to records kept by the government of British Columbia; or (b) having a drainage area of two square kilometres or more. |
| | “Wilderness Recreation” | means low impact outdoor recreation such as hiking and horseback riding but excluding any use which requires on-site guest accommodation. |

Appendix 2 Density Bank

| Authorizing Bylaw | Date added to or transferred from the density bank | Legal description | Number of residential densities added or deleted | Cumulative total of residential dwelling units in the density bank |
|-------------------|--|-------------------|--|--|
| | | | | |

Other Schedules (attached to Schedule A)

Schedule B The Plan Map (Land Use Designations)

Schedule C Development Permits