To: Gabriola Island Local Trust Committee June 29, 2026
Re: draft Gabriola Official Community Plan (OCP)
From: Kees Langereis

Please find my comments, suggestions, and questions below.

The numbering, formatting, and spelling errors in the draft OCP did not affect my understanding of the policies, but they did make the review more difficult. As these errors are editorial rather than substantive, I have generally not commented on them.

The review's focus is primarily to see if the policies are clear and whether they continue, amend, or discontinue existing policy directions. In other words, this is primarily a technical review of the draft.

That said, at this stage, I don't support the draft OCP due to the number of policy questions it raises and that the draft places too much emphasis on facilitating development, particularly housing development. However, this could change based on the LTC's responses to the questions and issues identified. And if I misread any policies and as a result made errors in suggestions, my apologies.

Gabriola draft OCP- comments, questions and suggestions

General Observations/comments
Some current OCP policies that are not continued in the draft: **Extract from the Current OCP** ***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.* Comment: the term "preserve" is minimally used in the revised OCP. Comparable environmental objectives should be added.

Extract from the Current OCP

Social Goals

1. To preserve the rural character and atmosphere of the Gabriola Planning Area

Comment: the draft OCP does not appear to make a comparable statement about preserving the rural character. There are references to rural character but no specific statement that it is to be preserved.

Extract from the Current OCP

General Land Use Policies

k) This Plan only supports the realization of additional residential density without subdivision when used for Affordable Housing for Special Needs residents, Seniors and multiple-dwelling affordable housing.

Question: the above policy is omitted in the draft OCP. Why? That policy requires a property owner to apply for a Subdivision to increase their lot's allowable residential densities if those densities are not a form of affordable housing. This seems a reasonable policy would be consistent with the draft OCP's statement that the focus of housing should be on affordable housing.

Is its omission due to Policy 25.1.2.1 which potentially allows for adding market rent dwelling units to a lot larger than 8 hectares if a portion of the lot is protected under a conservation covenant? If so, that policy could be amended somehow with an exemption.

Is its omission due to Policy 2.4.3.6.3 (flex housing)? I don't support the flex housing policy as it permits adding new densities solely by way of Land Use Bylaw amendment. These dwelling units would not be affordable non-market units which conflicts with the OCP policy of focusing on non-market units. If the flex housing policy is retained, the OCP parameters must be more substantive.

Use of modal auxiliary verbs "must"," shall", "should", and "may" and verbs with no modal auxiliary verb

The modal auxiliary verbs "should" or "may" are both used. For example, section POLICY 2.4.3.4.2 says "*should be permitted*", POLICY 2.4.3.4.3 say "*may be permitted*" and POLICY 2.4.3.4.4 says *"is designated*". The last example (i.e. "*is designated*") is equivalent to a "must" (ie mandatory) although the use of the introductory word "Generally" almost makes this more an observation than a policy.

But getting back to the use of auxiliary modal verb. Is there a reason for saying "may" in one policy and "should" in another? Is "should" intended to be more directive than "may"? This question arises from the description in draft OCP Section 1.1.5 Interpretation which says:

"*In interpreting the objectives and policies of the Plan, the term "must" is used to denote that the indicated measure "must" be taken or applied. The term "should" indicates that the suggestion is intended as a guideline to apply or implement by the authority having jurisdiction. Appendix A to this Plan provides a set of definitions which apply to the interpretation of this Plan*."

The text "*the suggestion is intended as a guideline to apply or implement by the authority having jurisdiction*" gives a greater sense of it being more a requirement than a neutral suggestion. Furthermore, other policies use "should consider", which is less directive than "should". What policy difference is intended between the use of "should" and "should consider"?

If "should" is cited rather than "should consider" are trustees under an obligation to do so unless they have a stronger argument to not do so? If no differences are intended then only one form should be used.

How does "should" differ from the use of "may" when interpreting the bylaws?

Section 1.1.5 provides direction on the use of "must" and "should" but does not reference the use of "may" or "shall". Not referring to "shall" is understandable in that it is equivalent to "must" but including it would provide a more complete picture. A description of "may, however, is needed along with a description as to how "may" differs from "should" in terms of intent.

Other policies that do not include a "shall', "may", "must" or "should" before the verb are mandatory policies. For example:

"*POLICY 2.4.3.1.1 In the Park designation, land use regulations:*
- *Regulate accessory uses, buildings and structures to ensure they are in suitable locations.* "

Policy 2.4.3.1.1 requires the LUB to have provisions regarding those elements and linked to their being in suitable locations. Add "may" before "regulate" and it becomes discretionary. Adding "must" to this policy doesn't change its effect but does make the public more aware of its effect.

Also, policy 2.4.3.6.3 (flex zoning) and 2.5.1.2.7 (Multi-unit housing") both use the word "can" rather than "may". Why isn't the term "may" used in those policies? No other policies use "can" in this manner.

Use of "shall": it used in some policies, but that term has generally been dropped in favour of "must" in BC legislation. Also, I believe "shall" was previously used to require an action of a specific person. For example: "person A shall do X". A mandatory requirement of a process would use "must". For example: "the form must contain X". "Must" is now generally used in both situations. A minor point but consistency in terminology is better.

Use of "moderate", "middle" and "medium" incomes: The draft OCP uses all 3 terms.

Middle is referred to in section 1.2.4. (ie “type of housing that is needed most – non-market housing attainable by low and middle income residents.”

Medium is used in Objective 2.2.5.1 and in the definition of “affordable housing dwelling unit” (ie “housing accessible to low and medium income residents”

Moderate is used in sections 1.3.1, 2.4.3.7, 2.5.1.2, 2.5.1.2.2, in the definitions of “attainable housing” and “moderate income”.

Shouldn’t “moderate” replace “middle” and “medium”? Or are they intended to have different meanings? If different meanings are intended, they should also be defined.

From internet:
Moderate income: Individual income that is at least 50 percent and less than 80 percent of the area median income.

Middle income *is generally defined as households earning between 75% and 200% of the median national income.*

"Medium income" *is a general term often used to describe middle-class earnings. However, in economics, it specifically refers to the median income—the exact midpoint where exactly half of a population earns more, and half earns less*

1.2.4 Housing and Services Needs policy has the statement:
“*Given the freshwater limitations and interests in preserving and protecting the environment on the island the provision of housing should be limited, and focussed on the type of housing that is needed most – non-market housing attainable by low and middle income residents.”*

I agree with the above statement, but a number of draft OCP housing policies increase market housing, not non-market housing, which conflicts with the above statement. Tiny homes and flex housing are forms of market housing, based on the OCP’s definition of affordable housing. They may be smaller but that in itself does not make them a form of affordable housing.

Non-market housing is defined in the OCP as:

> “*Non-market Housing means housing provided by governments, non-profit organizations, housing cooperatives, Indigenous housing providers, or other community-based entities, where affordability is secured over the long term and rents or housing charges are set based on income or established affordability benchmarks rather than market demand*.”

Reading the above definition, one would normally consider it to be describing “affordable housing”

The draft OCP also has the following definition:

"*Affordable Housing dwelling unit means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is accessible to persons with medium to low income as defined by the housing agreement for the dwelling unit*"

It describes the housing unit but uses the term "affordable" rather than "non-market" and the description reads as a form of the "non-market" housing" described above but for "medium to low incomes".

In contrast, Policy 2.5.1.2.2 addresses "multi-unit non-market housing" for seniors, persons with some form of disability and low to moderate income levels. These are the usual criteria for forms of affordable housing and uses "moderate to low income" rather than medium to low income.

I must admit being puzzled as to how they all operate.

Is the phrase "non-market housing" limited to describing affordable housing for seniors, persons with disabilities or low to moderate income families and that the housing is subject to a housing agreement?

Summary of policy uses of the above terms:

Non-market housing is cited in the following policies:

- Subdivision policies 2.4.2.13.1; 2.4.2.13.2 (single) and 2.4.2.13.2 (multi);
- Bylaw Amendment for Subdivision policy 2.5.2.1.12 and
- Multi-Unit Housing policy 2.5.1.2.2

Non-market housing is referred in other non-policy sections (eg Objectives).

Affordable housing is cited in:

- Multi-dwelling policy 2.4.3.7.3
- Bylaw amendment for subdivision policy 2.5.2.1.1

.

Land use regulations, land use bylaws and regulations. These three terms are used throughout the OCP and could mean the LUB or OCP. Suggest using only one or if specificity is needed reference OCP or LUB as appropriate.

Attainable housing is defined in the OCP but is only referenced in Part 1.2.4 d Housing and Services Needs and Part 4.4.5.1 Advocacy. There is no policy in Part 2 that incorporates the term attainable housing so would I be correct in saying that attainable housing is limited to LTC advocacy efforts and that flex housing or other housing policies do not incorporate attainable housing?

SPECIFIC OCP SECTIONS	
OCP Section extracts	**Comments, questions, suggestions**
1.2.2 Indigenous Context and Settlement History "*This protection applies to all lands and means that any person wishing to undertake land-altering activities must have a provincial heritage permit to alter or develop an archaeological site*."	do you mean "land alteration activities that may impact an archaeological site"? "Develop an archaeological site" reads as if you need a permit to develop or alter such a site. A permit in this context is to avoid altering or damaging such a site.
1.2.3 Population and Demographics *"Linear, logarithmic, and regional step-down approaches all project modest growth, estimating a population of approximately 4,800 by 2030 (about 6% growth from 2021).."*	This indicates a growth of about 300 new residents over the next 5 years. As all 3 approaches were done, the "logarithmic" approach would have included a "carrying capacity" figure for Gabriola. What was that carrying capacity figure? What were the actual results of the 3 approaches?
1.2.4 Housing and Services Needs "*Based on the Islands Trust Housing Needs Assessment prepared in 2025, the projected housing need in the next five years is 367 additional housing units and 1,196 additional housing units in the next twenty years. This calculation is based on a portion of growth projections for the Nanaimo region which does not consider the unique nature of the Islands*."	This section indicates a population growth of around 700 residents (i.e. calculated as an additional 367 dwellings with an average household of 1.9 persons) in the next 5 years. However, the previous section 1.2.3 indicates about half that figure (i.e. 300 additional residents). Was the Housing Needs Assessment wrong? Did the Regional Step-down approach arrive at a figure showing around a 300 increase or 700? Which is correct?
1.2.4 Housing and Services Needs *"Given the freshwater limitations and interests in preserving and protecting the environment on the island the provision of housing should be limited, and focussed on the type of housing that is needed most – non-market housing attainable by low and middle income residents……*	Query: Why is "middle" introduced? "Current OCP refers to "moderate". I think it should be "moderate", not "middle". Comment: this statement reinforces the fact that additional residential densities must be affordable by way of a housing agreement and not market rent or owned units. The flex housing policies and added residential densities promoted in the draft OCP run contrary to this statement.
1.2.8 Transportation and Connectivity "*The island is home to one federal government dock and two private marinas*"	There are 3 private marinas: Silve Bay, Pages, and the Royal Vancouver Yacht club on Tugboat Island. Also, missing is the Green Wharf used by Mudge residents and the emergency dock by the

	ferry terminal. I interpret "private marinas" as referring to ownership by other than a government agency.
1.2.9 Community Spaces "*Spaces such as the Gabriola Branch…..*"	Missing is the Agricultural Hall.
1.3.1 Policy Layers *"This Plan works alongside the LUB to shape community informed decisions about how land and marine areas are protected, restored, used and/or developed."*	Missing in the list is "preserved".
1.3.1 Policy Layers "*The LGA outlines the required OCP content applicable to the Islands Trust Area is as follows*:"	Mandatory OCP policies are cited here but there are also "optional OCP policies" which include "preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity" which is relevant as the Trust Object makes this mandatory for LTCs. Why not list them as well to provide a complete picture. Missing also is any reference to section 478(1) of the Local Government Act which states: "**478** (1) An official community plan does not commit or authorize a municipality, regional district or improvement district to proceed with any project that is specified in the plan." LTCs are not required to carry out any project identified in the OCP but if that project is carried out it must be consistent with the OCP policy.
1.3.2 The Islands Trust "*Islands Trust regulates local land use, works with other levels of government, and through the Islands Trust Conservancy, protects places of natural or cultural significance*"	This reads as if the ITC is the Trust Council's avenue to protecting the natural environment and cultural heritage. Suggested rewrite: "*Islands Trust regulates local land use and works with other levels of government and the Islands Trust Conservancy to preserve and protect places of natural or cultural significance*"
1.3.4 Island's Trust Policy Statement "*This Plan is consistent with the Islands Trust Policy Statement in effect at the time of adoption.*"	missing is a clear statement that the OCPs and land use bylaws of LTCs must be consistent with the TPS. Saying it is consistent is

	simply an observation/assessment but that isn't the same as saying it must be. Suggest rewrite to reflect the Trust Act: *This Plan must be consistent with the Islands Trust Policy Statement in effect at the time of the Plan's adoption.*
1.4.1 Community Vision *"…. protects the natural environment and biodiversity…"*	What about "preserves and protects" .There is a marked scarcity of references to "preservation" in the draft OCP policies.
1.4.2 Community Values "*Protection of the Natural Environment and Biodiversity - Prioritizing the protection, enhancement, and restoration of environmentally sensitive areas, ecosystems at risk, and biodiversity to maintain healthy natural systems.*"	Here again preservation is omitted.
Objective 2.2.1.3: Ensure early, ongoing, and respectful engagement with Indigenous Governing Bodies on development applications and amendments to the Plan and LUB.	I believe "development applications" includes subdivisions, rezonings, development permits, development variance permits and/or building permits. Will such engagement apply to all these, including when the RDN staff contact IT staff about building permits? Do Temporary Use Permits also fall under this policy?
2.2.2 Protection of the Natural Environment and Biodiversity *GOAL: Protect, restore, and enhance natural ecosystems, biodiversity, and environmentally sensitive areas to maintain healthy, functioning ecological systems for present and future generations.*	The goal omits any reference to the "preserve" aspect of the Object. In Part 2, the term "preserve" is only applied to "large contiguous areas of forested lands" (2.2.26) and "agricultural lands"(2.2.3.2). The term "preservation" should be included here.
Objective 2.2.3.2: Preserve agricultural land and strengthen local food systems by supporting environmentally sustainable, economically viable farming and related activities while avoiding fragmentation and conflicts with non-farm uses.	Re: "*while avoiding fragmentation and conflicts with non-farm uses*". What is this referring to? Non-farm uses on the ALR zoned lot or on adjoining lot?
Objective 2.2.3.3: Maintain large, contiguous areas of forested land to protect biodiversity, ecosystem services, wildlife habitat, and natural landscapes, while supporting compatible low impact recreation and education.	2.2.3.3 is almost a replica of 2.2.2.6 which states: "*Objective 2.2.2.6: Preserve large, contiguous forested areas for biodiversity conservation, wildlife habitat, and low-impact recreation.*" Main difference is the replacement of "maintain" in 2.2.3.3 with "preserve". Could they not be combined?

Objective 2.2.3.4: Minimize the environmental and community impacts of mineral and aggregate extraction and processing by limiting such uses and ensuring responsible site management and restoration.	The current OCP states LTCs can only regulation processing but not the extraction. How will the LTC limit such uses to "ensure" responsible site management and restoration? Is it by advocacy with other agencies governing extraction? Can an LTC regulate or address restoration of such sites?
Objective 2.2.4.5: Support transportation systems that reduce reliance on private automobiles while maintaining Gabriola's rural island character.	The ending clause beginning with "while maintaining…" could imply that transportation systems are potentially contrary to the island's rural character and cars a component of rural character. Car use reduction is more a climate change policy or is car use seen as a rural character? Why not end the sentence at "automobiles"?
Objective 2.2.5.1: Provide a range of housing options that meet the diverse needs of Gabriola residents, with attention to housing accessible to low and medium income residents and families.	"medium" is used here while elsewhere it is "moderate" or "middle". If different terms are used, please define them so the reader understands what is intended.
Part 2.3 Climate Action *POLICY 2.3.1.1: Increase the concentration of new development in the village commercial area and create secondary commercial nodes close to existing residential, service and amenity areas and on public transit routes.* *POLICY 2.3.1.2: Increase protection of forests, wetlands, soils, and other ecosystems that store carbon.* *POLICY 2.3.1.3: Increase trail development.* *POLICY 2.3.1.4: Increase the percentage of new development close to the public transit to encourage walking, cycling and transit use.* *POLICY 2.3.1.5: Increase amount of protected farmland to support access to local food.* *POLICY 2.3.2.1: Increase protection of natural areas that reduce climate-related risks such as wildfire, flooding, and erosion.* *POLICY 2.3.2.2: All new buildings and infrastructure consider local hazards and long-term resilience.* *POLICY 2.3.2.3: Increase the number of rainwater catchment systems on the Island.* *POLICY2.3.2.4: Increase protection of watersheds, aquifers, and riparian zones to ensure long- term water supply and quality.* *POLICY 2.3.2.5: Increase the integration of Indigenous knowledge and perspectives related to ecosystem health.* *POLICY 2.3.2.6: Increase community understanding of climate*	The policies under 2.3.1 apply to 2026 levels, therefor the LTC would need to know what those current levels are in order to determine the success of the policies. The Part has 2 subsections (ie 2.3.1 and 2.3.2) whose policies do not use "may" or "should" effectively making them all mandatory. Policy 2.3.2.2 is the exception in that it only requires "consideration" of local hazards and long-term resilience. Re: 2.3.1.1 The policy requires the LTC to increase development in the "village area" (however that phrase is defined) and the creation of secondary commercial nodes. Is it referring to increasing existing density in that zone (e.g. lot coverage/change to FAR) or expanding the zone's catchment area or both? Is new development solely about commercial development or does it include residential or other forms of development?

change by including climate change considerations in land use decision making.	
POLICY 2.3.1.4: Increase the percentage of new development close to the public transit to encourage walking, cycling and transit use.	Policy 2.3.1.4 is very similar to policy 2.3.1.1. Suggest adding the "encourage walking etc. rationale to policy 2..3.1.1. Or is 2.3.1.4 about density other than in the Village area or secondary commercial nodes?
POLICY 2.3.1.5: Increase amount of protected farmland to support access to local food.	Is “protected farmland” describing lots in the ALR? How would the OCP/LUB increase amount of protected farmland? Or does the term include lots where farming is permitted and/or occurs irrespective of the zoning? Not sure what is to be captured by the phrase "protected farmland".
POLICY 2.4.2.1.1: A secondary dwelling unit may not be subdivided from the principal dwelling unit under the Land Title Act or the Strata Property Act.	This is a rewrite of the current OCP section 2 (j) which states: "*This Plan does not support the strata conversion of existing buildings*". The revised OCP policy may achieve the same effect although I am uncertain if citing “secondary dwelling unit” limits its application. The current OCP applies to all dwellings regardless of whether it is a principal or secondary dwelling. Legal question.
POLICY 2.4.2.1.2: This Plan supports flexible housing options by permitting two or more small dwellings within a maximum combined floor area on a lot as an alternative to one single large dwelling.	"small" and "large" are relative terms and subject to interpretation and factors such as family size. Nor is there any maximum number of such allowed dwellings cited. Would each of these dwellings be a “principal dwelling” on that lot? Given these are market housing units, the policy conflicts with the section 1.2.3 statement: "*Given the freshwater limitations and interests in preserving and protecting the environment on the island the provision of housing should be limited and focussed on the type of housing that is most needed-non-market housing attainable by low- and middle-income residents*".
POLICY 2.4.2.1.3: Areas designated and zoned for Flexible Housing should exclude lots:	lots "abutting" a wetland are excluded but does not include a lot that has a wetland unless the bullet referencing "sensitive

• *Abutting any portion of the natural boundary of the sea, a lake or wetland;* • *Containing any portion of recorded archaeological and cultural heritage sites;* • *containing sensitive ecosystems;* • *Containing conditions considered hazardous to development;* • *Within areas of freshwater hazard as identified in Schedule D;*	ecosystems" would capture that "wetland". Abutting implies a border of some sorts, in this case the lot's perimeter lot line. This should be clarified. Does the wetland have to be shown on a map? Does the size of the wetland not matter? If a lot has a small wetland portion is the entire lot excluded? The OCP states that "sensitive ecosystems" fall under the DPA section so if a portion of a lot falls within such a DPA, flex housing would also not be permitted. The same applies if there is a known archaeological site. The last bullet refers to Schedule D so presumably the lots with a pink or darkened colour would also be excluded from flex housing. Is that correct? When a policy refers to the freshwater hazard map, does it only include the pink areas on the Map or does it also include the Freshwater Hazard Parcel Intersection with Buffering and Filtering (the darkened portions on the Map)? There is no clear indication in the draft OCP as to the use of the Maps details in policies.
POLICY 2.4.2.1.4: Flexible housing and other approaches to increasing the number of dwelling units close to the village commercial area and outside freshwater hazard areas, including permitting secondary suites on lots equal to or smaller than 2 hectares and permitting a secondary suite and a detached secondary units on lots larger than 2 hectares, are encouraged where consistent with the exclusions in POLICY 2.4.2.1.3.	In addition to "flex housing" the OCP supports a secondary suite for lots under 2 hectares and supports a secondary suite and a secondary dwelling unit with no size limits for lots 2 + hectares. How many lots would potentially be eligible for flex housing? How many would be eligible for extra dwelling units? What is the total potential impact of these new policies?
2.4.2.5 Commercial and Light Industrial *POLICY 2.4.2.5.1: Industrial production that generates significant noise, vibration, odour, emissions, or heavy truck traffic and/or uses a significant amount of water are not permitted.* *POLICY 2.4.2.5.2: The use of lands, buildings, or structures for the manufacturing or research of genetically engineered seeds, plants, or animals should not be permitted.* *POLICY 2.4.2.5.3: Timeshare developments should not be permitted.*	"Are not permitted" in Policies 2.4.2.5.1 and 2.4.2.5.4 makes them mandatory, whereas "should not be permitted" in the other 2 policies makes them recommendations or quasi- mandatory. Why the differences? This occurs elsewhere in the OCP where it may use "should", "may", "must", "support" or a verb such as "establishes" (which would be a mandatory requirement).

POLICY 2.4.2.5.4: Land-based airports, other than an emergency helicopter landing area, are not permitted.	Can the LUB prohibit land-based airports, and would this apply if a property owner has a landing strip or would the latter not fall under the term an "airport"?
POLICY 2.4.2.12.1: Land use regulations, including use, density, lot size, setbacks, and site coverage, should consider addressing the following: • *Ecosystem functions within sensitive ecosystems and in transitional areas between ecosystems to avoid adverse impacts to ecological functions;* • *Rural character, the environment, and areas of archaeological and cultural heritage significance;* • *Culturally significant sites and landscapes;* • *Appropriate buffer areas to protect wetlands, watercourses, and areas with high wildfire hazard, ensuring adequate defensible space between structures and flammable vegetation; and* • *Setbacks to the natural boundary of the sea to prevent erosion, avoid disturbance to sensitive shoreline ecology and archaeological sites, protect development from hazardous conditions such as erosion, storm surge and sea level rise, and avoid the need for shoreline protection measures.*	The 5 bullets flow from "should consider" and each bullet should indicate intent. The use of "to address" does not give any preferential direction. Suggest possible rewrite of the first bullet to something like: "….. should: • Avoid adverse impacts to ecological functions of sensitive ecosystems and the transitional areas between ecosystems" The 2nd and 3rd bullets do not provide any direction. The 4th bullet addresses the objective of protecting wetlands and watercourses by buffer areas and setting buffer areas to protect from fire hazards but omits an introductory term such as "establish appropriate buffer…". The 5th bullet addresses the objective of human safety by use of setbacks with the additional objective of avoiding shoreline protection measures. Rewording the entire section could make it clearer. Suggested rewrite: *POLICY 2.4.2.12.1: Land use regulation changes, including use, density, lot size, setbacks, and site coverage, should:* *(a) avoid adverse impacts to ecological functions by considering ecosystem functions within sensitive ecosystems and in transitional areas between ecosystems;* *(b) preserve and protect the islands rural character, the natural environment, areas of archaeological and cultural heritage significance and culturally significant sites and landscapes;* *(c) protect wetlands, watercourses, and areas with high wildfire hazard by setting appropriate buffer areas, including for wildfire hazard ensuring adequate defensible space between structures and flammable vegetation; and* *(d) establish setbacks to the natural boundary of the sea to prevent erosion, avoid disturbance to sensitive shoreline ecology and archaeological sites, protect development from hazardous conditions such as erosion,*

	storm surge and sea level rise, and avoid the need for shoreline protection measures.
POLICY 2.4.2.13.1 The minimum lot size for subdivision resulting in additional lots should be 35 hectares, with the exception of subdivision solely for one, or a combination of, the following uses which may have a smaller minimum lot size: • *Park;* • *Conservation;* • *Community Use;* • *Heritage conservation, including Indigenous cultural or historical heritage protection;* • *Utilities;* • *Public infrastructure; and* • *Non-market housing*	This is a general rule for only one type of subdivision: i.e. partitioning a lot into smaller lots. It does not apply to other possible types of subdivisions such as lot line adjustment or the merger of 2 lots. It applies to any designation (or zone under the Land Use Bylaw), including Marine designations (see the general heading to Section 2.4.2 description). The text "*The minimum lot size for subdivision resulting in additional lots should be 35 hectares"* removes any subdivision potential for lots under 35 hectares and the subsequent text exempts such lots if it is for one or more of the 7 listed uses. Suggest amending it to say ",…*which may have a smaller minimum lot size for subdivision*:…" to more clearly link it back to the 35 hectare size cited. The alternative would be to delete "*which may have a smaller minimum lot size*" as the "*with the exception of subdivision solely for* " means just that, the lot to be subdivided can be less. The term "*solely*" means the lot cannot be subdivided for any other reason. The policy also limits the subdivision to only creating new lots for those purposes. In other words, if a 10 hectare lot was subdivided to create a 1 hectare park, the remaining 9 hectares cannot be subdivided for another use not listed. Is that correct? I found the text somewhat difficult to understand and wonder if a clearer draft could be something like: *POLICY 2.4.2.13.1 Lots under 35 hectares may not be subdivided unless it is solely for the creation of one or more lots for any of the following uses:* • *Park;* • *Conservation;* • *Community Use;* • *Heritage conservation, including Indigenous cultural or historical heritage protection;* • *Public Utilities;*

	• *Public infrastructure;* • *Non-market housing.* Of the list given, ”*community use*” should be defined as it is vague in scope. Or amended to “community services use”, which is a defined term. **Lots under 35 hectares:** Operationalizing this policy in conjunction with policies 2.4.2.13.2 (single unit minimum lot size), and the second 2.4.2.13.12(multi-unit minimum lot size) is the following correct: **Example 1:** A property owner of a 2 hectare lot zoned Rural Residential proposing to subdivide the lot to create a ½ hectare lot for non-market housing could do so under policy 2.4.2.13.2, whether it was for one unit or multi-unit non-market housing. It would not allow for market rent or owned housing on the newly created lots or lots. Moreover, the remaining 1 ½ hectare portion of the original lot could not be further subdivided, regardless of any minimum lot size set for that zone. Is that correct? If the lot to be subdivided was less than 1 hectare, no subdivision for non-market housing would be possible. However, subdivision could occur if it was for one of the other 6 possible uses (eg Park). Note: I am interpreting “*single unit non-market housing*” as meaning one such dwelling unit on a lot and multi-unit non-market housing as meaning more than 1 such unit on a lot. Is that correct? Could it be a building comprised of only one dwelling or one unit in a multi-dwelling unit building? I ask as the phrase “*single unit non-market housing*” is not defined and only used in policy 2.4.2.13.2. **Example 2:** If the lot described in example 1 is zoned Forestry Protection, would the same rules apply but be subject to policy 2.5.2.5.1?

	Lots greater than 35 hectares: If the lot to be subdivided is larger than 35 hectares, what parameters apply to any proposed subdivision? Would it be limited to the minimum lot size set for the applicable zone? Do policies 2.4.2.13.2 to 6 also apply? I don't read that they would or have I missed a relevant policy?
POLICY 2.4.2.13.2 *Despite 2.4.2.13.1 minimum lot size established for single unit non-market housing must be a minimum of 1 hectare*.	The policy reduces the 35 hectare minimum lot size for subdivision to 1 hectare if the use is for single unit non-market housing. This policy actualizes the "*which may be smaller*" text of policy 2.4.2.13.1. If the use is for any of the other 6 listed uses (eg Park, conservation etc) the lot to be divided can be any size. Is that correct? If so, mirroring text of 2.4.2.13.1 could make it clearer. Possible rephrase to: "*Policy 2.4.2.13.2* *Despite policy 2.4.2.13.1 the minimum lot size for subdivision is reduced to 1 hectare if the use is limited to single unit non-market housing."* This also applies to policy 2.4.2.13.2 (ie multi-unit non-market housing).
POLICY 2.4.2.13.6: In areas where individual septic systems are adversely affecting the environment or the quality of water, subdivision regulations should require a sewer system for new development.	Does "new development" mean subdivision, additional densities, new uses on a lot or construction? Is the "sewer system" something other than the usual septic systems used on the islands? Does it include replacement septic systems?
POLICY 2.4.3.3.1: In the Small Island Stewardship designation, land use regulations should: • *Permit conservation as a principal use;* • *Permit residential use as an accessory use; and* • *Regulate accessory uses to ensure they have minimal impact to the natural environment.*	If "residential use" is an accessory use to conservation, how would a property owner establish the "principal conservation use"? By a covenant or a stated intent to do so? Under the current OCP these islands are designated "Resource" and a dwelling is permitted with

	no indication it need be an accessory use. This is a substantive change.
POLICY 2.4.3.4.1: In the Agriculture designation, land use regulations should permit: • *Agriculture and residential use as principal uses;* • *One principal dwelling and one secondary suite on lots 2 hectare or larger;* • *In addition to one principal dwelling and one secondary suite, one detached secondary dwelling unit may be permitted on lots 2 hectare or larger outside the freshwater hazard area; and* • *Passive recreation park use.*	Would the ALR commission also need to approve passive recreation park use?
POLICY 2.4.3.6.2: In the Rural Residential designation, land use regulations should: • *Permit one principal dwelling per lot;* • *One principal dwelling and one secondary suite on lots 2 hectare or larger;* • *In addition to one principal dwelling and one secondary suite, one detached second dwelling unit may be permitted on lots 2 hectare or larger outside the freshwater hazard area;* • *Permit horticulture;* • *Permit agriculture on lots 2 hectare or larger; and* • *Permit accessory uses consistent with rural residential character.*	If an existing 2+ hectare lot has a detached secondary dwelling (i.e. not a secondary suite) that is within the freshwater hazard area, will that secondary dwelling be "legal non-conforming"? How many 2+ hectare lots are in the freshwater hazard area? Also, if a lot is only partially in freshwater hazards area (on the assumption that area is not tied to lot lines), how will this policy play out? Will the secondary dwelling be allowed if it is to be located outside the hazard boundary? The Freshwater Hazard Map shows areas of light pink and darker pink areas. Do both the pink and darkened areas activate the policy of "within the freshwater hazard area"? How will the Freshwater Hazard Parcel Intersection with Buffer and Filtering be used in water policy? How many 2+ hectare lots outside the freshwater hazard area are there and has that potential density increase been included in the overall density increase calculation?

POLICY 2.4.3.6.3 Land use bylaws can establish flexible housing areas, outside freshwater hazard areas, to allow up to two or more dwellings per lot within a maximum combined floor area provided total combined floor area does not exceed a maximum prescribed in the land use regulations.	Shouldn't "can"? be a "may". "Can" generally refers to capability but using two different words (ie "may" elsewhere and "can" here) must infer that some difference in meaning is intended. Are these flex units all principal dwellings? Are they potentially eligible for secondary suites depending on lot size? The policy implies that there would be no need to amend the OCP to allow for flex zoning, only a change in the land use bylaws. Is that correct? Are all the dwelling units to be considered principal dwellings? The phrase "up to two or more dwellings" is somewhat ambiguous. Does it include one additional principal dwelling? (ie due to the "up to"). Delete the "up to two or more" and replace with "additional". Is the land use bylaw to set a limit on numbers of dwellings based on lot size? This policy creates an as yet unknown density increase of market rental/owner dwellings which runs contrary to the stated focus that density increases should be for non-market housing. Will these flex units be excluded from having secondary suites or accessory dwelling units? Can it be used to create an apartment building, given a "dwelling" need not be a building comprised of only one dwelling unit?
2.4.3.7 Multi-Unit Residential (MUR) Purpose: The Multi-Unit Residential (MUR) Designation applies to lots supporting housing for low to moderate income earners, seniors and those with special needs.	Other policies refer to "middle" and "medium" incomes. Should be consistent and defined if intending different meanings.
POLICY 2.4.3.8.1: In commercial designations, land use regulations: • *Should specify an appropriate range of commercial uses to be permitted in each commercial zone;*	What is the rationale for using "should" in one bullet and "may" in the other two?

• *May permit accessory dwelling units to a maximum of half the total floor area of all commercial buildings; and* • *May permit campgrounds, subject to the provision of adequate water, appropriate sewage treatment, and consideration of environmental impacts and effects to the surrounding area.*	Commercial zones are now unlimited in the number of dwelling units so long as the total square footages is no more than ½ the square footage of the commercial development and is dependant on other limits such as sewage, water, any FAR rule, lot coverage etc. Current OCP limits it to only one dwelling with no size limitation. Policy 2.4.3.8.1 cites “accessory dwelling units” which could be in the form of a secondary suite (ie presumably within the commercial area or as a separate building).
POLICY 2.4.3.9.3: Land should only be added to the Village Commercial designation if it is contiguous with other land in the designation.	The meaning of the ending words “with other land in the designation” is unclear. Would it not be clearer to say: “*A lot (or parcel of land) should (or may only*- if a mandatory policy*) be added to the Village Commercial designation if it is contiguous with a lot designated Village Commercial* Another question: if two lots are separated by a public road are they contiguous or not contiguous? The current OCP defines contiguous as including lots separated by a road. The draft OCP is silent. Why was the road reference removed? As currently worded a lot across the street from a VC zoned lot could not be rezoned VC. Is that the intent?
POLICY 2.4.3.12.1: In the Institutional designation, land use regulations should: • *Permit institutional as a principal use;* • *Permit commercial uses, provided they are small in scale and support the principal use and* • *Permit secondary dwelling units to a maximum of half the total floor area of all institutional buildings where appropriate.*	The current OCP is silent on residential use in this designation and the current LUB does not permit residential use. This policy removes the current LUB rule thereby creating another potential residential density increase in that it is “promoted” through the use of “should” rather than the more neutral use of “may”. Notably too that while new OCP Commercial designation policies use “may” the Institutional designation policy uses the stronger auxiliary verb “should”. Why is “should “used rather than “may” as in the Commercial policies?

	The Institutional designation is also expanded to include commercial ventures. It also refers to allowing "secondary dwelling units" which by the draft OCP definition of that term means the secondary dwelling unit must be accessory to a principal dwelling unit. This does not work unless the Institutional zone also allows residential use as a principal use. The secondary dwelling unit may be a secondary suite or as a separate building. While the OCP definition of secondary dwelling unit prescribes a floor area limitation, the policy here refers to a limit based on total floor area of all institutional buildings. The limit on number of such dwellings would be reliant on total floor area used for the calculation and size of the dwellings. Does the "floor area of all institutional buildings" exclude the floor area of any commercial uses located in a separate building or within a building that includes an institutional use? Referring to "institutional buildings" is possibly somewhat vague. Is "institutional building" include all uses in buildings on the site? Would it include detached dwellings in the lot? In the last bullet what factors/consideration does "where appropriate" include? This appears to give a lot of flexibility as there are no parameters, direction or objectives linked to it. Seems like open-ended discretion.

POLICY 2.4.3.13.1: In the Industrial designation, land use regulations:
• *Should allow industrial uses as principal uses;*
• *May permit one dwelling unit that is limited in floor area.*
• *Should not permit any industrial use that are:*
    ✓ *Likely to generate significant off-site impacts;*
    ✓ *Incompatible with Gabriola Island's rural character, environmental sensitivity, and limited servicing capacity;*
    ✓ *Located within an area where residential lots under 2ha are clustered;*
    ✓ *Likely to result in significant industrial traffic through small lot residential areas; or*
    ✓ *Likely to threaten the sustainability of groundwater.*
	Is it necessary to say industrial uses as principal uses? If so, then each designation section should have a similar statement. The RR, TC, AD and Marine designations do not cite a principal use. There should be consistency in approaches.
	
	Re: the third bullet: does "within an area" imply the lots are contiguous to each other or some measure of proximity to each other? Is the LUB to set this criterion?

• *Should address the need for screening, fencing, buffering and landscaping to separate the proposed use from adjoining properties.*	The current OCP statement that the Plan does not support "heavy industrial" has been omitted. Does the current draft OCP policies preclude heavy industrial?
POLICY 2.4.3.13.3: The Land Use Bylaw may include, where appropriate, zoning for Sustainable Enterprise Zone to support local small scale manufacturing.	There should be a definition or at least some policy guidance as to what is contemplated by "Sustainable Enterprise Zone". It is listed in the Industrial Designation policies so is it limited to those uses?
POLICY 2.5.1.1.2: Bylaw amendments should not increase density or intensity of development within 200m of known or potential archaeological or cultural heritage sites, unless it can be demonstrated that such development will not adversely affect Indigenous heritage values.	Will the property owner be responsible if the bylaw amendment arises from an application to the LTC? How would a property owner demonstrate that the development would not adversely affect such sites? Known sites are more readily ascertained but how would "potential sites" be determined by the property owner? Does the site have to be within the boundary of the lot where development is proposed? "density or intensity of development" is referenced in a number of policies. Defining what "intensity" means would help distinguish it from "density".
POLICY 2.5.1.1.3: The Snuneymuxw First Nation and other relevant First Nations should be informed at early stages for bylaw amendments within 200m from the natural boundary of the sea and within 200 m of known archaeological sites or areas of high archaeological potential.	Is this policy incorporated into Policy 2.5.1.1.2 with respect to "within 200 m of known sites? Policy 2.5.1.1.2 refers to "potential" sites whereas 2.5.1.1.3 refers to "high archaeological potential". One is "high", the other is not. Also, this policy does not refer to cultural heritage sites. Text is somewhat unclear. Possible rewrite: *The Snuneymuxw First Nation and other relevant First Nations should be informed at an early stage of any bylaw amendments that apply to land within* *(a) 200 metres of known archaeological sites or areas of high archaeological potential, and* *(b) 200m from the natural boundary of the sea.* How will "areas of high archaeological potential" be determined? Will this "informing" be a staff to staff process?
POLICY 2.5.1.1.4: Where a petroglyph or other fragile archeological sites are located on a property subject of a bylaw amendment application, these features should be protected through a covenant or	Other policies do not refer to "other fragile archaeological sites". Is this about certain types of archaeological sites?

other appropriate means from i use which may alter or destroy the significance of the site.	The policy would not apply if a building permit, temporary use permit or development permit is applied for as there is no bylaw amendment. Consequently, is this policy focused on changes to a use, lot line adjustment, lot amalgamation or any change that triggers a bylaw amendment?
2.5.2.1 Bylaw Amendment for Subdivision *POLICY 2.5.2.1.1: Bylaw amendments to facilitate the creation of additional lots that are not for uses identified in POLICY 2.4.2.13.1 is not encouraged. When received, applications for this purpose should provide community amenities such as park dedication, conservation, affordable housing, and heritage conservation.*	"Not encouraged" is not a refusal to consider amendments for purposes other than set out in Policy 2.4.2.13.1. I assume the next sentence "when received" refers to applications that do not meet the options of policy 2.4.2.13.1. Consequently, a subdivision application to create more lots for other reasons is to provide one or more of community amenities such as *park dedication, conservation, affordable housing, and heritage conservation.* The list does however replicate 3 of the uses in 2.4.2.13.1. and adds affordable housing (which would seem to be similar to or the same as "non-market housing". Moreover, the policy says "such as" which does not limit it to the list given. It could include other "community amenities". But the list belies the prior statement "are not for uses identified in Policy 2.4.2.13.1" as at least 3 or 4 are the same. The policy appears to be an expansion of what is possible under policy 2.4.2.13.1. Is the intent to expand the scope of 2.4.2.13.1? If so, they should be blended into 1 policy, so the full scope is apparent.
POLICY 2.5.1.2.2: Bylaw amendments should not result in development that is anticipated to significantly harm terrestrial, freshwater, or marine ecosystems, disrupt habitat connectivity, or undermine ecosystem resilience.	"is anticipated to" a stronger certainty that "may harm" or "may possibly harm"? Does "significantly" modify "harm" but not "disrupt" or "undermine"? Paragraphing would help avoid uncertainty. Two possible redrafts:

	Bylaw amendments should not result in development that is anticipated to *(a) significantly harm terrestrial, freshwater, or marine ecosystems,* *(b) disrupt habitat connectivity, or* *(c) undermine ecosystem resilience.* Alternative wording and meaning: *Bylaw amendments should not result in development that is anticipated to significantly* *(a) harm terrestrial, freshwater, or marine ecosystems,* *(b) disrupt habitat connectivity, or* (c) *undermine ecosystem resilience*
POLICY 2.5.1.3.1: When considering amendments to the Plan and LUB, the Gabriola LTC should consider the following related to responsible resource stewardship: • *Critical aquifer recharge mapping (Schedule E) and freshwater hazard mapping (Schedule D) to assess the impacts of increased density and intensity on the sustainability of groundwater regions;* • *A Freshwater Management Plan for applications that significantly increase water use;* • *The potential impacts on adjacent agricultural uses on ALR land;* • *When adjacent to land in the Agriculture designation:* ✓ *Potential impacts on adjacent agricultural uses;* ✓ *Demonstration that sufficient water supply will be available to support agricultural activities; and* ✓ *Buffering, siting and design measures to reduce conflicts between farm and nonfarm uses.*	The first bullet is clear and sets a purpose to what should be considered. The second bullet is not as clear.as to action. Adding the verb “requiring” to the bullet would make it clear. Is the third bullet text “on adjacent agricultural uses on ALR land” ” referring to agricultural uses on non-ALR lots that may affect an agricultural use on an adjacent lot in the ALR? The fourth bullet intro “when adjacent to land in the ALR” presumably includes 2 adjacent lots each of whom is in the ALR. Is that correct and that it is not just about adjacent ALR and non-ALR zoned lots. How could the bylaws address the points under the 4th bullet?

POLICY 2.5.1.4.1: When considering amendments to the Plan and LUB, the Gabriola LTC should consider the following related to community resilience and climate readiness: • *Climate change projections, including freshwater availability, wildfire risk, flooding, risk of saltwater intrusion to aquifers, and sea-level rise;* • *Whether proposed increases in residential density can be supported by community services, emergency response, and transportation networks without degrading service levels;* • *Whether proposed increases in residential density enable access to parks, trails, or public open space without creating increased pressure that is likely to result in damage to sensitive ecosystems; and* • *The establishment and protection of climate-resilient water conservation areas.*	Re: the third bullet reference to "enable access to parks,,etc. Is the policy to focus density increases near parks, trails etc? Does this not run contrary to the draft OCPs focus on concentrating densities to avoid "sprawl". Also, how would increased pressure not damaging sensitive ecosystems be determined? Is this about not increasing density too close to parks or trails to avoid ecosystem damage due to increased use of parks etc weighed against increased vehicle use if densities are too far away to access the park on foot or bicycle? What could climate-resilient water conservation areas policies look like?
POLICY 2.5.1.3.4: Bylaw amendments for land in the Agriculture designation should not result in increased subdivision potential or risk for agricultural land to be fragmented.	Re: increased subdivision potential. Would this mean not adding to the size of the lot (depending on lot size for subdivision) or reducing the minimum lot size if it could increase subdivision potential? Would "risk for fragmentation" include establishing a protected area on the lot? The ALC would also have to approve such bylaw amendments.
POLICY 2.5.1.4.5: *When considering bylaw amendment applications, the Gabriola LTC should require evidence of sufficient quantity and quality of freshwater to support the proposed use without adverse effects to existing water users, neighbouring properties and future use by First Nations.*	Does "future use by First Nations" mean uses currently permitted but not exercised? Does it also include a stated intention for a new future use? How would "future use" be determined and assessed in terms of adverse effects?
POLICY 2.5.2.1.4: *Land transferred to support the uses in 2.5.2.1.13.1 must be secured through a covenant, restrictive covenant, housing agreement, or other legal instrument registered against the parent lot prior to final subdivision approval, ensuring that upon creation the lot will be used only for the intended purposes.*	Would this also apply to policy 2.5.2.1.1? What if the property owner retains ownership and there is no land transfer? Wouldn't the covenant be registered against the lot subdivided from the parent lot prior to final subdivision approval rather than

	registered against the parent lot? Perhaps I don't understand the legal issues in such circumstances and the policy works. Text should read 2.4.2.13.1, not 2.5.2.1.13.1
POLICY 2.5.2.1.8: *Where the subdivided lot is intended for residential use or community use involving development and/or the use of groundwater the applicant should demonstrate land suitability, including but not limited to:* • *Potable water availability;* • *Wastewater disposal capability; Impacts to sensitive ecosystems;* • *Impacts to species at risk;* • *Impacts to critical habitat;* • *Impacts to groundwater recharge;* • *Hazard lands and geotechnical suitability; and* • *Buildings and structures setback a minimum of 200m from the natural boundary of the sea except where it has been identified that the development will not impact archeological sites, or be impacted by sea level rise, coastal erosion and saltwater intrusion.*	A definition of "community use" is needed or it be changed community services (a defined term in the OCP)?
2.5.1.2 Changes in Use and Density - Residential *In keeping with goal and objectives for housing, the policies in this section primarily address criteria related to bylaw amendments to permit additional density or new uses to support non- market housing intended for moderate and low-income persons. The policies in this section are applicable to lands in any Land Use designation except Small Island Stewardship, Park, and Conservation except where otherwise stated.* ***POLICY 2.5.1.2.1:*** *Additional dwellings on lots larger than 8 hectares may only be considered through a bylaw amendment application where a portion of the land is proposed to be permanently protected under a conservation covenant.*	This policy allows lots greater than 8 hectares to add dwellings irrespective of its designation (with 3 exceptions) if a portion of the lot is permanently protected for conservation purposes by way a covenant. No subdivision occurs under this policy. Are the new dwellings limited to being "non-market housing" as stated in the general description in policy 2.5.1.2? Lots 8 hectares or less would not be eligible for additional densities. Is this correct?
Multi-Unit Housing	The policy refers to multi-unit housing not multi-unit dwellings (the latter defined in the OCP as 2 or more units in a building).

POLICY 2.5.1.2.2: *Consideration of multi-unit housing may only be given to applications intending to provide non-market housing for special needs residents living with physical and cognitive disabilities, seniors 60 years of age or older or moderate and low-income persons to be secured through a housing agreement.* ***POLICY 2.5.1.2.7:*** *For bylaw amendment applications to permit detached multi-unit housing, the following considerations should be addressed:* - *Units can consist of tiny homes, including tiny homes on wheels or manufactured homes;* - *Units will be constructed to the BC Building Code, or CSA standards for manufactured homes, or equivalent and receive a Building Permit from the RDN;* - *Units must be connected to a source of potable water, and connected to an approved wastewater system;* - *Communal facilities can be provided, such as laundry or common rooms.*	Policy 2.5.1.2.2 requires a housing agreement, so I assume it is referring to “affordable housing dwelling units” as defined in the draft OCP. Why is the word “can” used rather than the word “may” in 2.5.1.2.7? Why is the word “will” used rather than the word “must”? Will generally implies a future intent to do so. Is that the intended meaning?
POLICY 2.5.2.4.1: *Bylaw amendment proposals affecting lands within the Agricultural Land Reserve, or lands designated Agriculture, should not be supported where they would:* - *Fragment agricultural landholdings,* - *Introduce non-farm uses that are not clearly subordinate to agricultural activity, or* - *Undermine current or future farm use.*	How will staff or bylaws assess the second and third bullets, especially “future farm use”?
2.5.2.5 Changes in Use and Density - Forest Land ***POLICY 2.5.2.5.1:*** *Rezoning within or adjacent to Forestry designated lands should not be supported where it would incrementally introduce residential, institutional, or infrastructure uses that undermine long-term forest management, ecological integrity, contiguous forest cover, or watershed resilience.*	I gather this means a rezoning of a non-forestry designated lot that is contiguous to a Forestry designated lot would be dependent on the rezoning’s impact on the list of concerns. Is that correct? If the lot to be rezoned is designated Forestry would the same assessment be required?

	If "incrementally introduced" is the key factor how will immediate introduction be dealt with? If both are intended, then better to say that clearly. Assuming incremental assessment is possible a possible rewrite could be something like: *Rezoning of Forestry designated lands or lands adjacent to Forestry designated lands that introduces residential, institutional, or infrastructure uses that could undermine long-term forest management, ecological integrity, contiguous forest cover, or watershed resilience should not be supported, whether such impacts are immediate or incremental.*
2.5.2.6 Changes in Use and Density - Marine ***2.5.2.6.1*** *When assessing a rezoning for a marina the provision of toilet facilities should be considered.*	Does "rezoning" include amendments to an existing marine zone that permits marina use? Should it say "rezoning to establish a marina"? I am under the impression "rezoning" includes amendments to a zone. Is the policy to limit it to new marinas or does it include amendments to an existing marina use?
2.8 Policies Related to Temporary Use Permit Applications *Subject to the guidelines, TUPs may be issued in all land use designations, with the following exceptions:* • *Areas designated on Schedule B as 'Conservation' and 'Small Islands Stewardship';* • *For commercial vacation rentals, only within areas designated on Schedule B as 'Rural Residential', 'Forest Protection', or 'Agriculture';* • *For aggregate processing, only within areas designated on Schedule B as 'Industrial', 'Agriculture' or 'Forest Protection';* • *For a barge load out site, only on lots 8 hectares or larger within areas designated on Schedule B as 'Forest Protection';* • *For a log handling site, only on lots 8 hectares or larger within areas designated on Schedule B as or 'Forest Protection';* • *For campground use, only on lots 8 hectares or larger within areas designated on Schedule B as 'Rural Residential, 'Agriculture' or 'Forestry';* • *For water sales, only on lots 2 hectares or larger within areas designated on Schedule B as 'Rural Residential', or 'Forest Protection'.*	The introductory statement does not clearly say that TUPs are limited to the list of possible uses in the specified designated areas. Saying TUPs may be issued in all land use designation followed by a list of "exceptions" implies TUPs may be issued for other uses in other designations. I am not sure that the introductory "Subject to the guidelines" is sufficient to preclude other uses for which there are no guidelines. The first bullet lists 2 designations where no TUP may be considered. Why not just list the possible uses linked to the specific designations thereby not needing to cite Conservation and Small Islands? Are there other designations not permitted to get a TUP? For example, the ferry terminal lot? Suggest changing to: *"TUPs may, subject to any applicable guidelines, only be issued for the following uses in the following designated areas:*

	• *For commercial vacation rentals, only within areas designated on Schedule B as 'Rural Residential', 'Forest Protection', or 'Agriculture';* • *For aggregate processing, only within areas designated on Schedule B as 'Industrial', 'Agriculture' or 'Forest Protection';* • *For a barge load out site, only on lots 8 hectares or larger within areas designated on Schedule B as 'Forest Protection';* • *For a log handling site, only on lots 8 hectares or larger within areas designated on Schedule B as or 'Forest Protection';* • *For campground use, only on lots 8 hectares or larger within areas designated on Schedule B as 'Rural Residential, 'Agriculture' or 'Forestry';* • *For water sales, only on lots 2 hectares or larger within areas designated on Schedule B as 'Rural Residential', or 'Forest Protection'.*
GUIDELINE 2.8.1.1.2: *The Gabriola LTC should consider First Nations interests when considering issuance of a TUP. The Gabriola LTC may request additional information, apply conditions, or refuse a TUP to avoid or mitigate potential impacts on First Nations interests.*	This is the only policy reference indicating that an LTC may request info, apply conditions or refuse a TUP. But this policy relates to FN interests and there is silence on the interests of other parties. As such the policy only applies to First Nations interests. I think the policy should be amended to include the interests of others or the second sentence be deleted as the LTC already has that authority.
GUIDELINE 2.8.1.1.3: *When a TUP application is for a use that is listed with guidelines, the guidelines apply to that application.*	See 2.8 discussion above. This policy implies that for some uses there may not be any guidelines for a TUP application. Suggest deleting this policy or rewording it to say TUP applications must be for the listed uses and meet the applicable guidelines.
GUIDELINE 2.8.1.1.8*: No permanent buildings or structures should be erected related to the proposed use.*	Clearer rephrasing could be " No permanent buildings or structures for the proposed use may be erected". The current OCP prohibits the erection of permanent buildings or structures for aggregate, barge load out, log handling, campground

	use and public markets. The draft policy says "should not". Why was this change made? To give LTCS flexibility to allow for permanent buildings or structures? Or is "should" intended to be more of a "must". This question about should, may and must also arises elsewhere in the draft. I recommend "must", especially as the policy refers to "permanent buildings or structures". If permanent ones are allowed does this forgo any LTC power to have them removed at a later date?
GUIDELINE 2.8.1.1.9: *The proposed use should not preclude or compromise future permitted uses of the lot.*	Is this about uses currently allowed but not actioned yet? How would staff determine "future" permitted uses? Should it say "other permitted uses"?
2.8.1.6 Residential Use of a Tiny Home on Wheels or Recreational Vehicle *GUIDELINE 2.8.1.6.1: The tiny home on wheels or recreational vehicle should be safe for full time occupancy;*	The 3 guidelines use "should" rather than "may". Why? Who and how will compliance with Guideline 2.8.1.6.1 be assessed? The multi-unit affordable housing policy also allows for tiny homes and this section permits their use with a temporary use permit. Policy 2.8.1.6 potentially allows for tiny home market rent units. The policy uses the singular "tiny home" but does not limit it to only one such unit. The singular includes the plural in legislation unless it is specifically limited. Could the property owner apply for multiple units?
Development Permit Areas *3.1 Development Permit Areas* *Pursuant to the Local Government Act, DPAs are designated in this OCP to establish objectives and guidelines for the protection of the natural environment, the protection of development from hazardous conditions, and the establishment of the form and character of development.*	Section 488 (1) of the Local Government Act lists 11 types of DPAs. The Act's section is cited but only a partial list (ie 3 out of 11 possible reasons) is given. Amend the list or add text to indicate there are other reasons.

Guidelines *POLICY 3.1.1.3: In considering issuance of a Development Permit, the following guidelines apply:*	The current LUB uses “shall” for the guidelines, except for one. The draft OCP only uses “should”. Why? To give LTCs discretion to not apply or modify the application of the policy?
GUIDELINE 3.1.2.3.7: Septic systems should not be constructed within 30 metres of the natural boundary of a watercourse.	The reference to “watercourse” in this policy does not include the sea. Why? Policy 2.4.2.12.3 and GUIDELINE 3.1.4.3.7 both cite the sea and body of water. Shouldn’t this policy include the sea and body of water? Inconsistent application.
GUIDELINE 3.1.2.3.8: Construction of a habitable building should not occur within 15 metres of areas subject to flooding, and other buildings should not be sited within an area subject to flooding.	Is flooding in this policy including flooding from sea level rise? If so the current LUB refers to a 30-metre setback unless waived by the Ministry of the Environment.
POLICY 3.1.3.3: The following activities are exempt from any requirement for a development permit: • *For certainty, all uses that are not residential, commercial or industrial or accessory to such a use;* • *The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream’s high watermark, or the top of the ravine bank, if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared; or*	These bullets mirror the current LUB guidelines. Does the first bullet mean that Institutional uses or park/recreational uses are exempt from any need to be compliant with the DPA? The second bullet says “10 metres squared” which I believe could mean a building that is 10m by 10m (ie 100 square metres). Recommend including the mathematical notation (ie **$10m^2$**) or say 10 square metres to avoid any ambiguity.
GUIDELINE 3.1.4.3.5: Development Permit should include conditions to require mitigation measures recommended by a qualified professional.	The current LUB as the following guideline: “F.4.2.5 Other than within existing marine lease areas, applicant shall provide an assessment of environmental impacts and mitigation measures, prepared by a qualified professional, prior to any expansions or new developments”. Why was “other than within existing marine lease areas” removed? The revised policy does not explicitly state that the applicant must provide a report prepared by an expert. It could be read as the application needing to indicate such references but not necessarily include the actual report.

	Also, the draft now says “should” whereas the current OCP LUB says “shall”. The use of ‘should” in the draft OCP makes it possible to forgo such a requirement. Intended?
GUIDELINE 3.1.5.3.1: Development Permit should include conditions to require mitigation measures recommended by a qualified professional. *GUIDELINE 3.1.5.3.2: There should be no alteration or disturbance which would cause a negative impact to the foreshore habitat.*	As in guideline 3.1.4.3.5 the reference to existing marine lease areas has also been deleted. In Guideline 3.1.5.3.2 “shall”, which is used in the current LUB, has been replaced with “should”.
Environmental Protection DPA *GUIDELINE 3.1.6.3.3: Native vegetation and trees should be retained wherever possible.*	The current LUB says “shall” rather than “should”. This change was also made to Guidelines 3.1.6.3.4, 3.1.6.3.5, 3.1.6.3.7 and 3.1.6.3.9 Why was the current LUB section F.11.3.8 as shown below removed? “F.11.3.8 An assessment of the environmental impact, including mitigation measures required, prepared by a qualified professional, shall be required prior to any new developments or the expansion of existing development.”
3.1.9 Development Permit Area 9 – Multi-Unit Residential *POLICY 3.1.9.3: In considering issuance of a Development Permit, the following guidelines apply:*	All of the current LUB guidelines that reference “shall” are now listed as “should”. Is there a policy reason for this change and if so what is that. Changing text in a bylaw implies a change in policy if the change is substantive. Shall vs should have different implications.
3.1.10 Development Permit Area 10 – Industrial *GUIDELINE 3.1.10.3.1: The character of the development should be in keeping with the island environment and, with the exception of points of access to the property, adequate natural vegetation screening should be maintained along the perimeter of the property.* *GUIDELINE 3.1.10.3.2: No buildings should be located closer than 30m from a watercourse of the high water mark of the sea.*	The 2 comparable policies in the current LUB use “shall” rather than “should”. Also, why was the current LUB (see F.9.2.3 below) omitted? It is a substantive policy. “F.9.2.3 A site plan shall be provided to illustrate where on site the 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.
4.1 Using Development Approval Information *In accordance with the Local Government Act and a development approval information bylaw adopted by the Gabriola LTC, applicants for rezoning, TUPs, and Development Permits* *may be required to provide development approval information.*	The current OCP refers to development approval information for TUPs, Development Permits and zoning amendments. Zoning amendments is broader in scope than rezonings. Why was it changed?
4.4.2.1 Ecosystem Protection and Restoration of Terrestrial Ecosystems *4.4.2.2 Protection of Marine and Shoreline Ecosystems*	Why aren't First Nations listed as a key collaborator? They are listed for Protection of Marine and Shoreline Ecosystems.
SCHEDULE D FRESHWATER HAZARD MAP	Please provide some clarification on how the Map is to be applied. Just referencing the Map in policies does not clarify what portions of the Map apply. Is a reference to "within the freshwater hazard area" limited to the pink areas of the map or does it also include the "Intersection with buffering and filtering areas" light and darker gray areas?
APPENDIX 1 DEFINITIONS	General comment: of the 32 current OCP definitions, only 1 definition has been kept and 2 have been amended. Were the other 20 definitions deemed unnecessary and are to they to be included in the revised LUB?
Affordable Housing dwelling unit means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is accessible to persons with medium to low income as defined by the housing agreement for the dwelling unit.	Shouldn't it refer to "moderate income rather that "medium"?
Bed and Breakfast means short term rental of a bedroom in a dwelling which is occupied by the operator.	Shouldn't it also specify provision of only breakfast. Otherwise, how would it differ from short term rentals?
Income, Low means a level of income at which an individual or household has fewer economic resources than typical members of society, commonly measured as having an adjusted household income below 50% of the median population income, accounting for household size.	The phrase "commonly measured by" suggests that the stated method is only one possible way to measure low income and does not exclude other calculations. Removing "commonly" would limit the definition to that specific calculation.

Multi-unit dwelling means a building containing two or more dwelling units (excluding a principal dwelling with a secondary suite), each having their own entrance, which may include an entrance form a common interior corridor or and exterior entrance.	Shouldn't this policy say "a building comprised of two or more principal dwelling units"? Then the exception need not be cited.

Comments on extracts from the Gabriola Draft OCP Companion Document May 2026:

"Stewardship Designations *Resource (R) replaced by Rural Stewardship (RS) and Small Island Stewardship (SI)-maintains the spirit of protecting larger lots and small islands, focussing on stewardship and conservation while maintaining residential use."*

Comment:
The above description of the new Rural Stewardship (RS) designation is inaccurate. The draft OCP indicates (as shown on the Schedule B Map) lots formerly designated as Resource lands are now designated lots as either Rural Residential (RR) or Small Islands (SI). There is no RS designation established. The new Rural Residential (RR) designation incorporates the current OCP Small Rural Residential (SRR), Large Rural Residential (LRR) and Resource (R) designations. The SI designation applies to the smaller islands formerly designated Resource (e.g. Flat Top Islands and Entrance Island).

Subdivision and Density Changes • *Outright subdivision permission has been removed by increasing minimum lot size for subdivisions aimed at creating private lots. Rezoning will be required for subdivision to support interests that are not identified to be of community benefit. (= reduction of X permitted units)* • *Changes have been made to subdivision approach to make it easier to subdivide for community benefit (eg. affordable housing, protection of environment and cultural heritage, community service use).* • *There is increased flexibility to rezone areas to support multiple units in areas outside freshwater hazard areas.*

Comments/questions:
First bullet: The outright removal of subdivision permission does not include lots greater than 35 hectares. How many lots are currently larger than 35 hectares? Does the statement that rezonings will be required for subdivisions that are not of a community benefit mean that an owner of a lot under 35 hectares would need to either apply for a new type of zone or an exemption of that rule in the current zone? It seems that an OCP amendment would not be required in either case. The use of "should" in draft OCP policy 2.4.2.13.1 provides the discretion to authorize these subdivisions without necessitating a more comprehensive public process and Ministerial review.