

To: Gabriola Local Trust Committee
 Re: draft Gabriola OCP
 From: Kees Langereis

Date: July 12, 2026

With the extension for feedback, following are additional comments/questions to my June 29, 2026, submission. Respectively submitted.

Extract from the draft	Comments/questions
<i>Section 1.4 “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.”</i>	refers to “protection” but omits and should include “preservation”. Breaking out the paragraph would also make values somewhat clearer. For example: <i>Section 1.4 “Protection of the Natural Environment and Biodiversity -maintain healthy natural systems by prioritizing the protection, enhancement, and restoration of</i> <i>(a) environmentally sensitive areas,</i> <i>(b) ecosystems at risk, and</i> <i>(c) biodiversity.”</i>
<i>Objective 2.2.4.1: Reduce greenhouse gas emissions by prioritizing development close to amenities and protecting/restoring natural systems and carbon sequestering opportunities.</i>	needs a verb before “carbon sequestering”, otherwise it reads as “protecting/restoring carbon sequestering opportunities”. There seems to be a reluctance to break out paragraphs in the OCP. Is this a standard practice? Long paragraphs especially with comma errors make it hard to understand the meaning. Does “natural system” refer to the “natural environment”? Again, breaking out the paragraph would provide more clarity: <i>Objective 2.2.4.1: Reduce greenhouse gas emissions by</i> <i>(a) prioritizing development close to amenities,</i> <i>(b) protecting/restoring natural systems, and</i> <i>(c) Increasing carbon sequestering opportunities.</i> Alternative: <i>Objective 2.2.4.1: Reduce greenhouse gas emissions by prioritizing</i> <i>(a) development close to amenities,</i> <i>(b) the protection/restoration of natural systems, and</i> <i>(c) increasing carbon sequestering opportunities.</i>

2.4 Land and Marine Designations 2.4.1 Purpose <i>Land and marine designations provide a framework for how land within the Plan Area is intended to be used and managed over the long term. Designations translate the community's vision, values, and goals into a spatial plan that guides future development, conservation, and infrastructure decisions.</i> <i>Land use designations inform zoning, policy decisions, and regulatory tools to ensure land use changes occur in a coordinated, transparent, and sustainable way. The Gabriola LTC has chosen to designate all land and marine areas in this Plan to provide clear land use direction.</i> <i>All land and marine designations are identified on the Map in Schedule B.</i>	In this section does the phrase “land use designations” include “marine designations” or are they distinct? The Land Use Designation Map Schedule B uses the phrase and includes Marine designation as a land use designation. The phrase “marine use designation” is not cited in the draft OCP.
POLICY 2.4.2.1.3: Areas designated and zoned for Flexible Housing should exclude lots: • 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;	Re: bullet “Within areas of freshwater hazard as identified in Schedule D;”. Would the entire lot be ineligible for flex zoning if any portion of that lot fell within the Water Hazard area? Or would the flex housing be permitted on the portion of the lot outside the Map’s applicable boundaries?
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. 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 secondary dwelling	Policy 2.4.2.1.4 applies to all designations as it is listed under the General Land and Marine Policies section. It also appears to extend the policy of secondary suites and detached secondary units to flex housing. Policies 2.4.3.6.2 and 2.4.3.6.3 on the other hand only apply to the Rural Residential designation as it is listed under Residential Designations section. Policy 2.5.1.2.1 applies to all designations as it is listed under the OCP and LUB Amendments section. Is the above a correct understanding of the 3 policies? Why is “are encouraged” used in Policy 2.4.2.1.4 rather than “may”? It appears to make it more than “may” but less than a “should”. The policy also

<i>unit may be permitted on lots 2 hectare or larger outside the freshwater hazard area;</i> • <i>Permit horticulture;</i> • <i>Permit agriculture on lots 2 hectare or larger; and</i> • <i>Permit accessory uses consistent with rural residential character.</i> POLICY 2.4.3.6.3 <i>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.</i> POLICY 2.5.1.2.1: <i>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</i>	uses “including” which extends the scope of what may be included. What other approaches are possible or contemplated? Policy 2.4.2.1.4 duplicates the additional dwellings permitted in Policy 2.4.3.6.2 but with a broader catchment. Lastly, flex housing is described as one approach to increasing the number of dwelling units in the Village commercial area and outside the freshwater hazard area but is not limited to the Rural Residential designation. How these policies interact is somewhat confusing. Is Policy 2.4.2.1.4 a general statement encouraging increased development in the Village Area? Is it needed? Policy 2.5.1.2.1 refers to bylaw amendments allowing additional dwellings on lots larger than 8 hectares. Are these dwellings other than those referenced in the flex housing policies? Policies 2.4.2.1.4 and 2.5.1.2.1 both add densities without subdivision. The policies all relate to density but are in separate sections. It would be easier to understand how they operate if somehow grouped together and distinguished.
POLICY 2.4.2.1.5: <i>Land use regulations should identify where detached secondary dwelling units must be located in relationship to the principal dwelling. Locating detached secondary dwelling units in close proximity to the principal dwelling is encouraged to reduce impact to the lot and facilitate sharing of well and septic system where feasible.</i>	this policy would not apply to flex zoning as flex zoning units would all be principal dwellings. Is that correct? “must” is used here rather than “should” or “may”. Just an observation that raises the question “what are the policy parameters for using “must” rather than “should” given the stated position OCPs avoid “must” to provide flexibility?”
POLICY 2.4.2.2.2: <i>Bed and Breakfast tourist accommodation use may be permitted as a home occupation on a lot where the home occupation operator resides in the legal dwelling where the bed and breakfast occurs.</i>	Why modify “dwelling” with “legal”? Is “legal” intended to preclude owners residing in a building not legally meeting the definition of dwelling? Should it be defined? Can the owner provide bed and breakfast in a legal detached secondary suite (ie cottage on the lot)? Is so, then the ending phrase “where bed and breakfast occurs” prevents use of that suite.
POLICY 2.4.2.9.3: <i>Land use regulations should require all new residential, commercial, and institutional development to</i>	“new residential, commercial and institutional development”: it captures new construction but does this also expansions to existing construction?

<i>incorporate cisterns for freshwater storage, sized to support water needs during prolonged drought conditions.</i>	
POLICY 2.4.2.10.1 Ground disturbance activities in areas of known or potential archaeological significance are subject to the requirements of the provincial Heritage Conservation Act and may require a provincial heritage alteration permit prior to site alteration or disturbance. POLICY 2.4.2.10.3: Early notification and engagement with the Snuneymuxw First Nation is encouraged when development or land alteration is proposed in areas of known or potential archaeological significance. POLICY 2.4.2.10.4: Notification and engagement with the Snuneymuxw First Nation and the Province is required as a first step when archaeological remains are found on a property.	who and how would determine “potential archaeological significance” and what does this phrase include? Would staff assess? Would it be the RDN staff if a building permit is applied for? Policy 2.4.10.3 refers to archaeological materials and 2.4.10. 4 refers to archaeological remains. Is there a difference?
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 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. Policy 2.4.13.2 Despite 2.4.13.1 minimum lot size established for multi-unit non- market housing must be a minimum of 2 hectares.	I made comments on these 3 sections in my June 29, 2026, submission, but now have further comments. The draft policy is not clear and open to interpretation. Regarding 2.4.2.13.1: One interpretation is that the phrase “minimum lot for subdivision” is saying the parent lot (i.e. lot to be subdivided) must be 35 hectares. But if the subdivision was to create lots for one or more of the 7 exceptions, the minimum lot size for the parent lot may be the size set out in the Land Use Bylaw (presumably) but with the exception that, pursuant to Policies 2.4.2.13.2 (single unit) and 2.4.2.13.2 (multi-unit), the parent lot must be 1 or 2 hectares if intended for those uses. The 2 non-market policy exceptions override the minimum size and discretion set out in 2.4.2.13.1. All other subdivisions of parent lots under 35 hectares for any other reason would not be permitted. So how could this policy interpretation play out: 1. Irrespective of the lot’s zoning, if the lot to be subdivided is under 35 hectares it could not be subdivided unless: (a) It was for one or more of the 7 listed exceptions, and

(b) the size of the parent lot is at least the minimum lot size set out in the LUB, or in the case of non-market housing 1 or 2 hectares respectively.

2. Irrespective of the lot's zoning, if the lot is 35 hectares or larger, the number of lots created by subdivision would be determined by dividing the parent lot size by 35 hectares and other subdivision provisions in the OCP and Land Use Bylaw.

The second interpretation is that the phrase “minimum lot size for subdivision” sets the minimum lot size of each lot created by a subdivision. I believe this is what the Gabriola OCP Review Frequently Asked Questions webpage indicates.

In this case the minimum lot size would be what is set out in the Land Use Bylaw or the sizes set out in the two Policies 2.4.2.13.2.

So how could this policy interpretation play out:

1. Irrespective of the parent lot's zoning:
 - (a) the lot may only be subdivided into lots that are at least 35 hectares,
 - (b) but if the subdivision was for one or more of the 7 listed exceptions, each lot created by the subdivision would need to be at least the minimum lot size set out in the LUB, or in the case of non-market housing 1 or 2 hectares respectively.
2. Irrespective of the lots zoning, if the lot is 35 hectares or larger, the number of lots created by subdivision would be based on the other subdivision rules in the OCP and in the Land Use Bylaw.

In some respects, the second interpretation is similar to the parcel averaging provision in the current Gabriola OCP. The key difference is that the Gabriola OCP version does not set a minimum lot size for subdivision for all zones or uses. The draft OCP provision sets one minimum lot size for all zones but provides some exceptions based on proposed uses.

Questions:

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| | <p>(1) I believe the policy (i.e. minimum 35 hectares) also applies to the creation of strata lots. The only specific policy related to strata lots is Policy 2.4.2.1.1 which precludes subdividing an existing secondary dwelling unit from the principal dwelling. As such it has no impact on Policy 2.4.2.13.1. Is this a correct reading of these two policies. How would this apply to bare land strata or building strata subdivisions?</p> <p>(2) Re: the phrase “single unit non-market housing”: is it referring to a limit of one dwelling unit on a lot, as distinct from multi-unit non-market housing?</p> <p>(3) Policy 2.4.2.13.1 is under the Heading 2.4.2 <i>General Land and Marine Use Policies</i> which includes the following description:
 <i>“The following policies apply to all applicable use designations. Designation specific policies are outlined in Section 2.4.3.”</i></p> <p>Does Policy 2.4.2.13.1 also apply to all Marine zones? I ask as while the exceptions relate to land uses, the introductory description to this section indicates these policies apply to all designations. Is the word “applicable” somehow meant to exclude marine designations? I am not sure it does. Do marine leases fall under this rule. Should the policy be amended to reference its application to land designation only or are marine designations intended to be included?</p> <p>(4) Are lot line adjustments excluded? Is that the purpose of saying in 2.4.2.13.1 <i>“resulting in additional lots”</i>? Lot consolidation (another form of subdivision) is I believe addressed in Policy 2.5.2.1.3</p> <p>(5) Does policy 2.4.2.13.1 allow for an owner of a 5-hectare residential lot to subdivide the lot such that the owner retained a 3-hectare portion and provide a 2-hectare multi-unit non-market housing unit, subject to other provisions in the OCP and LUB? I ask as the word “solely” may have implications on how the exceptions impact subdivisions.</p> |
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POLICY 2.4.3.1.1 In the Park designation, land use regulations: • Should establish different zones for active recreation parks (which provide a range of recreation opportunities) and passive recreation parks (which focus on passive recreation, preservation and restoration of the environment); • Should not permit residential use; • May permit campground use; and • Regulate accessory uses, buildings and structures to ensure they are in suitable locations.	Policy 2.4.3.1.1 indicates residential use is not permitted in Parks but the Descanso Bay Regional Park currently allows for a caretaker cottage. Has this been addressed elsewhere somehow or reliant upon “should not” providing flexibility?
POLICY 2.4.3.4.2: Small scale, low impact, uses related to agriculture (such as selling of farm goods and agri-tourism) should be permitted where it is demonstrated that such uses: • Are directly related to and supportive of on-site agricultural activity; • Remain secondary to farm use in scale and intensity; and • Do not generate traffic, servicing, or environmental impacts that would compromise agricultural operations, surrounding farm uses and residential neighbourhood	in the third bullet, what does “surrounding farm uses” refer to? Farming on an adjoining lot or farming on the lot in question?
POLICY 2.4.3.7.1: In the Multi-Unit Residential designation, land use regulations should permit: • Residential use as a principal use; • Multiple dwelling units per parcel; and • Accessory uses consistent with residential character.	refers to “parcel” whereas elsewhere the OCP refer to lot. I believe they mean the same so should it be amended to say “lot” for consistency? The current OCP uses “parcel” and current LUB uses “lot” and “parcel”. This may not be a legal issue, just seems odd and my preference is consistency in use of terminology as that can at times have unintended consequences.
POLICY 2.4.3.10.2: Expansion of the SC designation in the Twin Beaches aera is not supported by this Plan.	how would “in the Twin Beaches area” be determined? Should it refer to a distance? Should “SC” and other abbreviations be defined?
POLICY 2.4.3.15.3: In the Marine designation, zoning regulations should: • Only permit private floats, docks or wharves for owners of land adjacent to the shoreline of the water area subject to the zone; • Ensure adequate separation between potentially conflicting uses; • Not permit buildings; • Not permit residential use; • Establish a marine protection zone should be for the protection of significant marine and foreshore areas; • Permit public access trailer boat launch ramps, canoe/kayak hand launch beach sites, and dinghy docks are permitted, subject to adequate parking;	the import of the ending text of first bullet (ie subject to this zone) is unclear. Should there be a comma before “subject” and have the words “other zoning provisions” added? Would this be clearer? • Only permit private floats, docks or wharves for owners of land adjacent to the shoreline of the water area, subject to other zoning provisions;

• Permit one public dock or wharf that provides a water connection from Gabriola Island to Mudge Island; and • Not permit structures or uses which would impede the ability for boats to anchor temporarily in bays suitable for temporary anchorage.	
POLICY 2.5.1.2.1: When considering amendments to the LUB, the Gabriola LTC should consider the following information related to ecosystem protection and integrity:	why does this key policy related to environmental protection use “<i>should consider</i>” rather than “consider”. The term “should” alone is stronger than “should consider”. Why not say “<i>the Gabriola LTC should factor into their decision making the following information related to ecosystem protection and integrity: etc.</i>”? Saying “should consider” is aligned more closely with “may” than “should”.
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:	Another “should consider”. Suggest amending as per Policy 2.5.1.2.1 above to “should factor into their decision making the listed information”. The phrase “should consider” is used in 6 Policies as follows: 2.4.2.12.1 (General siting); 2.5.1.1.1 (FN interests); 2.5.1.2.1 (Environmental protection); 2.5.1.3.1 (Resource Stewardship); 2.5.1.4.1 (climate resilience), and 2.5.1.5.1 (community diversity).
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.	refers to “future use by First Nations”. Is this future use determined by some pending action or development? Questions that arise: What “future use” is being assessed? What evidence is sufficient? Who determines whether future use is adversely affected? The phrase “future use by First Nations” is ambiguous and likely to raise interpretive and procedural difficulties. Suggest legal counsel carefully review this requirement.
POLICY 2.5.1.5.1: When considering amendments to the Plan and LUB, the Gabriola LTC should consider the following related to community diversity and wellbeing: • Whether the application supports additional housing types that address housing needs; • The cumulative impacts of increases in housing density on community service; and • Whether the location and site design support access to public transit and active transportation networks. POLICY 2.5.1.5.2: When considering bylaw amendment applications for commercial or multi-unit residential uses, the Gabriola LTC should require provisions for bicycle parking and	this policy omits reference to environmental impacts but references cumulative impacts of housing density on community services. Adding “cumulative impacts of density on the environment is recommended. Also, the policy uses “should consider” whereas the other policies (2.5.1.5.2; 2.5.1.5.3 and, 2.5.1.5.4) in this section use “should require”, “should identify”, “should enhance” respectively. Consistency with the other uses of “should” in these policies could be as following: POLICY 2.5.1.5.1: When considering amendments to the Plan and LUB, the Gabriola LTC should, with respect to community diversity and wellbeing, assess whether: • the application supports additional housing types that address housing needs;

connections to existing or planned trail networks in commercial, institutional, and multi-unit residential developments. POLICY 2.5.1.5.3: When considering bylaw amendment applications for commercial or multi- unit residential uses, the Gabriola LTC should identify opportunities to secure trail connections or public access through covenants, easements, statutory rights-of-way, or other legal mechanisms. POLICY 2.5.1.5.4: Bylaw amendments should, where possible, enhance public access to waterfronts and parks, provided that environmental protection, cultural heritage, and fire safety considerations are not compromised. POLICY 2.5.1.5.6: Support low-impact recreational uses POLICY 2.5.1.5.7: Support the establishment of ecological reserves to expand parkland and public access while protecting environmental values. POLICY 2.5.1.5.8: Encourage community parks within residential neighbourhoods to support local recreation needs, including, playgrounds, greenbelts, and pocket parks and the development of additional field space in close proximity to the Village Centre or existing playing fields.	• the cumulative impacts of increases in housing density on community service and negative environmental impacts; and • the location and site design support access to public transit and active transportation networks. Comment: Policies 2.5.1.5.6 and 7 are more directive by use of the word “support” without the qualifier “should”.
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.	Re: the phrase “is not encouraged”. It implies only a slight reticence but the subsequent sentence’s “when received” indicates a possible approval if some form of community amenity is offered (including the seven excluded uses in Policy 2.4.2.13.1. What is not clear: does this policy bypass the 35-hectare rule in that only “uses” are cited? In other words, does this policy include the 35-hectare rule or does it provide an escape clause from the 35-hectare rule? Or does this policy intended apply to lots greater than 35 hectares. I am unclear as to how Policies 2.4.2.13.1 and 2.5.2.1.1 are linked or not linked. What is the purpose of 2.5.2.1.1?

POLICY 2.5.1.2.2: <i>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.</i>	the ending text “persons to be secured through a housing agreement” reads better if changed to “<i>persons, and secured through a housing agreement</i>” or redrafted as below: POLICY 2.5.1.2.2: <i>Consideration of multi-unit housing may only be given to applications intending to provide non-market housing</i> (a) <i>for special needs residents living with physical and cognitive disabilities, seniors 60 years of age or older or low to moderate income families, and</i> (b) <i>secured through a housing agreement.</i>
2.5.2.3 Changes in Use and Density - Commercial and Tourism POLICY 2.5.2.3.1: <i>Bylaw amendment applications for commercial or tourist accommodation uses should assess cumulative impacts on housing availability, freshwater demand, parking, and transportation infrastructure.</i> POLICY 2.5.2.3.2: <i>Where an application for commercial or tourist accommodation development requiring a bylaw amendment are proposed to generate significant employment, on-site or nearby employee housing may be required, with priority given to locations accessible by active transportation or transit.</i> POLICY 2.5.2.3.3: <i>Bylaw amendment applications for commercial uses should take into account access to other commercial uses as well as residential areas through active transportation routes.</i> POLICY 2.5.2.3.4: <i>Applications to allow for commercial or industrial uses should provide a conditional provincial water license for the proposed use.</i>	Policy 2.5.2.3.2 could require on site employee housing but would this be governed in some way to ensure it is only used for employee housing of the business or could it include any employer? Is the “nearby” rule the option of use by other businesses? Policy 2.5.2.3.3 ending text doesn’t read easily. If I understand the policy intent, suggest redraft to something like: <i>“Bylaw amendment applications for commercial uses should take into account</i> (a) <i>access to other commercial uses, and</i> (b) <i>the impacts of access on active transportation routes in or to residential areas”.</i> Policy 2.5.2.3.4- refers to “Industrial” uses not “institutional”. Either change Industrial to Institutional or amend heading and sections to include Industrial when appropriate.
POLICY 2.5.2.5.1: <i>Rezoning within or adjacent to Forestry designated lands should not be supported where it would incrementally introduce residential, institutional, or infrastructure use that undermine long-term forest management, ecological integrity, contiguous forest cover, or watershed resilience.</i>	Do you mean “rezoning of Forestry designated lands or is “rezoning within” intended to describe subdivision? The policy applies the rules the rezoning of adjacent lots whether they are forestry or a non-forestry designation. Is that correct? By referring to “incrementally introduce” do you exclude “immediately introduce” such uses? Or should “incrementally” modify the impacts, not the use (ie incrementally undermine)?