



DATE OF MEETING: January 21, 2021
TO: Gabriola Island Local Trust Committee
FROM: Ian Cox, Planner 1
Northern Team
SUBJECT: Ecological Protection Zone Project next steps

RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee amend the Ecological Protection Zone Project Charter V.3 to remove Coats Marsh Regional Park from the in-scope properties at this time.
2. That the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Official Community Plan that will:
 - a) Establish a new Ecological Protection (EP) Land Use Designation for the purposes of protection of the natural environment, its ecosystems and biological diversity;
 - b) Designate the Burren's Acres Nature Reserve parcel as Ecological Protection (EP);
 - c) Designate the Elder Cedar Nature Reserve parcel as Ecological Protection (EP);
3. That the Gabriola Island Local Trust Committee request staff to draft amendments to the Gabriola Island Land Use Bylaw that will:
 - a) Create a new zoning designation entitled Ecological Protection (EP) which will regulate permitted uses, buildings and structures; height; siting requirements including setbacks and lot coverage, parking, and subdivision;
 - b) Rezone LOT 3, SECTION 12, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26561 (PID:002-803-925) to Ecological Protection (EP);
 - c) Rezone BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID:026-664-453) to Ecological Protection (EP).

REPORT SUMMARY

This report provides the Gabriola Island Trust Committee (LTC) with updated information and options concerning their Ecological Protection Zone Project in accordance with the Project Charter V.3 as amended November 28, 2019. See **Attachment 1**.

PROJECT BACKGROUND

For detailed information on the background of each property and past LTC resolutions relating to the project, please refer to the staff report dated November 28, 2019 available on the [LTC project website page](#). Discussion

on the subsequent verbal update given by staff that did not contain any recommendations for resolutions may be found in the meeting minutes for [January 23, 2020](#).

ISSUES AND OPPORTUNITIES

In light of information gained through a second Islands Trust and RDN staff-to-staff meeting on October 6, 2020, it is the opinion of staff that for the sake of expediency and progress of the project in the latter part of the current LTC's term, the rezoning of Coats Marsh Regional Park should be considered in the future and with due consideration for the concerns of both the RDN and TNT. Rezoning of the park could be accomplished through a separate LTC project, while a good and important piece of protection work can be expedited now through the creation of an Ecological Protection Zone and the rezoning of Burren's Acres and Elder Cedar Nature Reserve (S'ul-hween X'pey) via appropriate amendments to the Gabriola Official Community Plan (OCP) and Land Use Bylaw (LUB). The creation of such a zone and the rezoning of the two properties would lay the groundwork for future protection of other lands, including Coats Marsh. Staff is recommending that the LTC direct staff accordingly through the draft resolutions provided in this report.

Options for next steps include:

- Amend the Project Charter per staff recommendation and draft bylaws to create an Ecological Protection Zone and then rezone Burren's Acres and Elder Cedar Nature Reserve using such a designation;
- Direct staff to draft bylaws for LTC, RDN and TNT consideration that include the Coats Marsh property per the current Project Charter V.3 (**Attachment 1**), with the understanding that completion of the Top Priority Project may not be possible within the current LTC term;
- Proceed no further with the project at this time.

Draft resolutions for alternatives to the staff recommendations are presented below.

RATIONALE FOR RECOMMENDATIONS

Staff have identified steps to prepare draft OCP and LUB amending bylaws to enable the creation of an Ecological Protection Zone and the subsequent rezoning of the Burren's Acres Nature Reserve and Elder Cedar. The recommendation to amend the Project Charter V.3 is based on discussions with the RDN and TNT regarding their concerns that may require considerable additional time to accommodate within bylaw regulations considering LTC objectives in developing ecological protection type zoning. Further, the Top Priority Project would remain static while more discussion was carried out and would continue to occupy a valuable priority position that could be allocated to other LTC work. Staff recommendations are found on page one of this report.

ALTERNATIVES

1. Proceed with Project Charter V.3 - no amendments

The LTC may choose to continue with the current Project Charter V.3 that includes Coats Marsh and direct staff accordingly. This would involve issuing recommended resolutions 2 and 3 with an amendment to each that includes the marsh property. Draft bylaws would be then referred to the RDN and TNT for review and comment. Recommended wording as follows:

That the Gabriola Island Local Trust Committee request staff to prepare draft amendments to the Gabriola Island Official Community Plan that will:

- a) Establish a new Ecological Protection (EP) Land Use Designation for the purposes of protection of the natural environment, its ecosystems and biological diversity;
- b) Designate the Burren’s Acres Nature Reserve parcel as Ecological Protection (EP);
- c) Designate the Elder Cedar Nature Reserve parcel as Ecological Protection (EP);
- d) Designate Coats Marsh Regional Park parcel as Ecological Protection (EP).

That the Gabriola Island Local Trust Committee request staff to draft amendments to the Gabriola Island Land Use Bylaw that will:

- a) Create a new zoning designation entitled Ecological Protection (EP) which will regulate permitted uses, buildings and structures; height; siting requirements including setbacks and lot coverage, parking, and subdivision;
- b) Rezone LOT 3, SECTION 12, GABRIOLA ISLAND, NANAIMO DISTRICT, PLAN 26561 (PID:002-803-925) to Ecological Protection (EP);
- c) Rezone BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID:026-664-453) to Ecological Protection (EP).
- d) Rezone THE NORTH WEST 1/4 OF SECTION 10, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT THOSE PARTS IN PLANS 29152, 30043 AND 30051(PID: 009-735-828) to Ecological Protection (EP).

2. Proceed no further

The LTC may choose not to proceed with the project at this time. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request staff to remove “Development of an Ecological Protection Zone” from the Top Priorities List and place it on the LTC Projects List.

NEXT STEPS

Should the LTC elect to proceed with bylaw amendments as it sees fit, staff will work to prepare drafts for LTC and other agencies’ consideration. Early referrals may be considered at the time draft bylaws are brought forward.

Submitted By:	Ian Cox, Planner 1 Northern Team	January 11, 2021
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	January 11, 2021

ATTACHMENTS

- 1. Ecological Protection Zone Project Charter V. 3

Ecological Protection Zone - Charter v 3.0

Gabriola Island Local Trust Committee

Date: **Amended** November 28, 2019

Purpose To develop a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177, including the rezoning of Coats Marsh Regional Park, Burns Acres Nature Reserve, and Elder Cedar Nature Reserve to a park or conservation/protection type zone. Further, to explore the possibility of including the rezoning of 707 Community Park donor lands added via Potlatch rezoning process.

Background This project is the result of the Gabriola Island LTC resolution dated July 13, 2017 to amend its Top Priorities List to include the development of a new ecological protection zone for the Land Use Bylaw, including the rezoning of Coats Marsh Regional Park and Burren's Acres Nature Reserve. The Charter was amended twice, with a third on November 28, 2019 to include Elder Cedar Nature Reserve in the project scope.

Objectives

- Develop an ecological protection or similar park or conservation type zone for the Gabriola Island Land Use Bylaw to be used in the rezoning of Coats Marsh Regional Park, Burren's Acres Nature Reserve, and Elder Cedar nature Reserve
- Strengthen relations with Snuneymuxw and other local First Nations with asserted interest on Gabriola Island.
- Incorporate First Nation perspectives into policy/regulatory options.
- Ensure proposed policy/regulatory changes are consistent with the Object of the Islands Trust and Islands Trust Policy Statement, the protection of the Coastal Douglas-fir and Associated Ecosystems Toolkit and with focus on ecological protection, conservation, and enhancement.

In Scope

First Nations Relations and Perspectives

- Establish opportunities to incorporate First Nations perspectives on shared conservation interests in land-use and inter-governmental collaboration for effective regulatory decision making.

Regional Conservation Plan (RCP)

- Further the Goals and Objectives of the protection and enhancement of biodiversity and opportunities for conservation in the Islands Trust Area.

Rezone Coats Marsh Regional Park, Burren's Acres Nature Reserve, and Elder Cedar Nature Reserve

- Develop a regulatory scheme for permitted/prohibited uses and structures, minimum and minimum average lot sizes for subdivision, etc., commensurate with the Goals and Objectives of the RCP and of the intent of the Environment Canada Ecological Gifts Program.

Rezoning Potlatch 707 Donor Lands

- Staff to explore possibility of rezoning donor lands added to the Gabriola 707 Community Park via Potlatch rezoning process for the purposes of protecting Coats Marsh wetland ecosystems that extends across parcel boundaries.

Out of Scope

- OCP review and amendments
- Review of OCP Parks land use designation.
- The rezoning of other parcels save Coats Marsh Regional Park and Burren's Acres Nature Reserve.
- Review of LUB definitions
- Review of Development Permit Areas.
- Development of restrictive covenants or similar tools for the protection of the subject properties in alternate capacity.

Workplan Overview

Deliverable/Milestone	Date
LTC endorses/approves project charter and directs staff to develop a work plan based on the In Scope objectives of this charter.	Winter 2019 (Jan/Feb)
Draft bylaw(s) presented to LTC for review.	Early Spring 2019
Early referral of draft bylaws to First Nations.	Mid Spring 2019
Further consultation and referral of draft bylaw(s) to other agencies.	Late Spring 2019
Legal review of draft bylaws.	Summer 2019 (June)
Legislative process for draft bylaw(s).	July 2019
Adoption of draft bylaw(s) and communications materials.	Late Summer 2019

Project Team

Island Planner	Project Manager/ Planner
Regional Planning Manager	Project Sponsor
Legislative Clerk	Legislative Process/ Bylaw Review
Planner 1	Communications / Planning Support

Budget

Budget Source:
Gabriola LTC Ecological Protection Zone Project

Fiscal	Item	Cost
2019	Staff to research islands Trust and other jurisdictional precedent policy, draft bylaws	\$1,500
	Legal Services Review of proposed bylaws	\$3,000 (pending budget approval)
	Legislative Process (community information meetings; public hearing (if applicable); advertising)	\$2,500 (pending budget approval)
	Total	\$7,000

RPM Approval:

Date:

LTC Endorsement:

Resolution #