



File No.: GB-6500-20 – (4105)

DATE OF MEETING: September 29, 2022
TO: Gabriola Island Local Trust Committee
FROM: Anthony Fotino, Island Planner
Northern Team
SUBJECT: LUB Amendments to Introduce Ecological Protection Zone

RECOMMENDATIONS

1. That the Gabriola Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 313, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.
2. That Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022” be read a first time.
3. That Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022” be read a second time.
4. That the Gabriola Island Local Trust Committee request staff to refer Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022” to the Island Trust Conservancy Board, the Regional District of Nanaimo, and Snuneymuxw First Nation for comment.
5. That the Gabriola Island Local Trust Committee endorse Project Charter version 5.0 of the Ecological Protection zone project.

REPORT SUMMARY

The purpose of this report is to advance the Gabriola Island Local Trust Committee’s (LTC) Top Priority Ecological Zone Project by considering the first and second readings of Bylaw No. 313 (Attachment 1) which contains amendments to the Gabriola Island Land Use Bylaw (LUB) to allow for the introduction of a new Ecological Protection (EP) zone.

BACKGROUND

The Gabriola Island Local Trust Committee (LTC) passed the following resolution at their regular business meeting on July 28, 2022:

GB-2022-064

It was MOVED and SECONDED

That the Gabriola Local Trust Committee request staff to proceed with the Ecological Protection Zone draft bylaw in relation to Elder Cedar and remove Burns Acres from the project charter.

CARRIED

Given the above resolution, staff are returning with proposed Bylaw No. 313 for discussion and consideration of further readings and amended Project Charter for LTC endorsement.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement (ITPS):

Bylaw No. 313 is consistent with the policies of the ITPS (Attachment 2).

Issues and Opportunities

Draft Bylaw No. 313

The draft bylaw (Attachment 1) if adopted will amend the Gabriola Island Land Use Bylaw by developing a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177. This consists of rezoning Elder Cedar Nature Reserve to a park or conservation/protection type zone.

Consultation

At the July 28, 2022 LTC meeting, the LTC passed resolution GB-2022-064 to remove Burren's Acres nature reserve from the proposed bylaw amendment since staff had discovered the need for an Official Community Plan Amendment. The LTC advised moving forward with the proposed bylaw amendment that only includes Elder Cedar Nature Reserve.

Rationale for Recommendation

Given the LTC decision to waive the requirement for public hearing at the June 16, 2022 meeting, staff are recommending, as per page 1 of this report, that draft Bylaw No. 313 be given first and second reading, and be referred to the Islands Trust Conservancy, Regional District of Nanaimo, and Snuneymuxw First Nation for comment. Staff are also recommending that the amended Project Charter, which has removed Burren's Acres Nature Reserve from the project scope, be endorsed by the LTC.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee request that staff provide [specify requested information]

NEXT STEPS

Subject to concurrence with staff recommendations in this report, staff would refer proposed Bylaw No. 313 to the applicable agency and First Nation for review. Once reviewed by the referred agencies and First Nations, staff would return Bylaw No. 313 to the Gabriola LTC for consideration of third reading.

Submitted By:	Anthony Fotino, RPP, MCIP Island Planner	September 15, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	September 15, 2022

ATTACHMENTS

1. Proposed Bylaw No. 313
2. ITPS Checklist
3. Proposed Mapping
4. Project Charter v.6 DRAFT

SUBJECT PROPERTY

From: Parks 2 - (P2)
To: Ecological Protection - (EP)





PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council’s guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council’s position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✘ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
✓	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
✓	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
✓	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

DRAFT

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313**

A BYLAW TO AMEND GABRIOLA ISLAND LAND USE BYLAW, 1999

The Gabriola Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”.

2. Gabriola Island Local Trust Committee Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999,” is amended as per Schedule “1” attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 202x

READ A SECOND TIME THIS _____ DAY OF _____, 202x

PUBLIC HEARING WAIVED THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202x

ADOPTED THIS _____ DAY OF _____, 202x

Chair

Secretary

**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313**

Schedule "1"

1. **Schedule "A"** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:
 - 1.1 **Part B - GENERAL REGULATIONS**, Section **B.1 USES, BUILDINGS AND STRUCTURES**, Subsection **B.1.4 Site Specific Zones**, is amended by adding the following:

"B.1.4.2 Ecological Protection (EP) zone is only applicable to the following lot:
 - a. BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID:026-664-453)."
 - 1.2 **Part C - ESTABLISHMENT OF ZONES**, Section **C.1 DIVISION INTO ZONES**, Subsection **C.1.1 Land Based Zones**, Article **C.1.1.4 Recreation and Institutional Zones**, insert new zone "EP Ecological Protection" after "P3 –Active Recreation Community Park".
 - 1.3 **Part D - ZONES**, Section **D.4 RECREATION AND INSTITUTIONAL ZONES**, insert new Subsection D.4.4 Ecological Protection (EP) after Subsection **D.4.3 Active Recreation Community Park** as shown on **Appendix 1** attached to and forming part of this bylaw and renumber subsequent subsections chronologically.
 - 1.4 **Part G - DEFINITIONS**, Section **G.1 DEFINITIONS**, is amended by adding the following definitions in alphabetical order:

"Conservancy means an area designated to conserve and protect natural resource values including flora, fauna, ecosystems and the natural environment.;

Ecological Restoration is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed;"
2. **Schedule "B"** of Gabriola Island Land Use Bylaw, 177 is amended as follows:
 - 2.1 Schedule "B" – South Sheet, is amended by changing the zoning classification of BLOCK A SECTION 16 GABRIOLA ISLAND NANAIMO DISTRICT (PID:026-664-453) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 177 as are required to effect this change.

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313

Appendix 1

D.4.4 Ecological Protection Zone (EP)

D.1.4.1 Permitted Uses

The uses permitted in Article B.1.1.1, plus the following uses and no others are permitted in the Ecological Protection (EP) zone:

a. Permitted *Principal* Uses

- i *ecological reserves, nature parks and conservancies*
- ii *ecological restoration*
- iii *natural and cultural resource management and protection*

b. Permitted *Accessory* Uses

- i *informational, cultural, and historical interpretation*
- ii *passive recreation*

D.1.4.2 Buildings and Structures

The *buildings* and *structures* permitted in Article B.1.1.2, plus the following *buildings* and *structures* and no others are permitted in the Ecological Protection (EP) zone:

a. Permitted *Buildings* and *Structures*

- i *pedestrian trails : unhardened, or constructed for maximum permeability as in the case of a boardwalks*
- ii *benches, bridges and boardwalks*
- iii *trail, interpretive, safety and commemorative signage*
- iv *structures that are required to maintain the natural values of the land, including deer and predator fencing and plant support and protection.*

D.1.4.3 Regulations

The general regulations in Part B, plus the following regulations apply in the Ecological Protection (EP) zone:

a. *Building* and *Structure* Height Limitations

- i The maximum *height* of *buildings* or *structures* is 5.0 metres (16.5 feet).

b. *Building* and *Structure* Siting Requirements

- i *The minimum setback for buildings or structures except for a sign, fence, or bench is 15.0 metres (49.2 feet) from any lot line.*

c. Floor Area

- i *No building or structure shall have a total floor area that exceeds 9.3 square (100 square feet).*

d. Lot Coverage Limitations

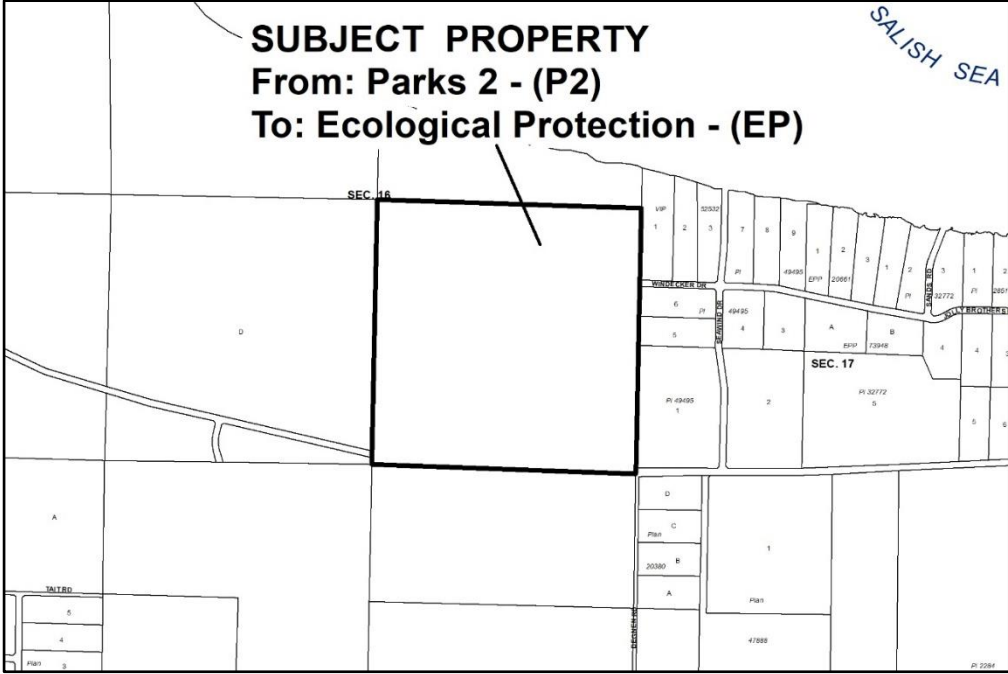
- i *The maximum combined lot coverage by buildings and structures is 1 percent of the lot area*

e. Lot Area Requirements for Subdivision

- i *No lot in the Ecological Protection zone may be subdivided for the purpose of creating additional lots.*
- li *Boundary adjustments and lot consolidations are permitted for the purpose of increasing the area of a lot in the Ecological Protection (EP) zone.*

GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313

Plan No. 1



Ecological Protection Zone - Charter v 6.0

Gabriola Island Local Trust Committee

LTC Endorsement Date: xxx

Purpose: To develop a new ecological protection zone for the Gabriola Island Land Use Bylaw No. 177, which consists of the rezoning of Elder Cedar Nature Reserve to a park or conservation/protection type zone.

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 Project Charter has ultimately been amended to only include the rezoning of the Elder Cedar Nature Reserve.

Deliverables

- One Land Use Bylaw Amendment Bylaw that creates a new EcoZone zoning designation and applies the new zoning to the Elder Cedar Nature Reserve.

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 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.

Out of Scope

- OCP review and amendments
- Review of OCP Parks land use designation.
- The rezoning of other parcels save Elder Cedar 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.

IAP2 Engagement Level:

- Inform
- Consult
- Involve
- Collaborate

Workplan Overview

Deliverable/Milestone	Target Date
LTC endorses/approves project charter and directs staff to develop a work plan based on the In Scope objectives of this charter.	September, 2022
Draft bylaw(s) presented to LTC for review.	September, 2022
Referral of draft bylaw(s).	September, 2022
CIM/Public Hearing	February, 2023
Adoption of draft bylaw(s) and communications materials.	March, 2023

Project Team	
<i>Island Planner</i>	Project Manager
Regional Planning Manager	<i>Project Sponsor</i>
Legislative Clerk	Legislative Process/Bylaw Review
Administrative Office Assistant	Web posting; zoom meeting support
RPM Approval: <i>Heather Kauer</i> Date: Sept. 15, 2022	LTC Endorsement: Resolution #: Date:

Budget		
Budget Sources:		
Fiscal	Item	Cost
2022-23	CIM/Public Hearing	\$1,500
	Total	\$1,500