



File No.: 6400 (Gabriola Ecological
Protection Zone Project)

DATE OF MEETING: March 30, 2023
TO: Gabriola Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
COPY: Renée Jamurat, RPP MCIP, Regional Planning Manager – North Office
SUBJECT: Gabriola Proposed Bylaw No. 313

RECOMMENDATION

1. That the Gabriola Island Local Trust Committee rescind first reading of Bylaw No. 313, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022;” and
2. That the Gabriola Island Local Trust Committee Draft Bylaw No. 313, cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”, as shown in Attachment 3 of the staff report dated March 30, 2023 be read a first time; and
3. 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 Islands Trust Conservancy Board, and Snuneymuxw First Nation for comment.

REPORT SUMMARY

This report provides the Gabriola Island Local Trust Committee (LTC) with proposed language (Attachment 3) for Bylaw No. 313 which was given first reading by the LTC on September 29, 2022. The proposed alterations accomplish the following:

- Add a new definition of “Passive Recreation” as directed by LTC resolution.
- Adjust the language so that the zone would not be a site specific zone, but could be used elsewhere.
- Correct an existing typo in the Land Use Bylaw (LUB) to clarify that buildings and structures to accommodate public utilities are not permitted in public parks and ecological reserves.
- Text edits to ensure subsections of the bylaw that are referenced elsewhere in the bylaw are updated to be consistent with numbering changes.
- Improve formatting.

Staff recommend the LTC rescind first reading, give the updated amendment bylaw first reading, and refer the proposed bylaw to the Islands Trust Conservancy Board and Snuneymuxw First Nation.

BACKGROUND

The LTC initiated the Ecological Protection Zone Project to develop a new zone for ecological protection and rezone Elder Cedar Nature Reserve. Most recently, on September 29, 2022 the LTC passed the following resolutions regarding Bylaw No. 313:

GB-2022-079 It was MOVED and SECONDED

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”, as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

GB-2022-080 It was MOVED and SECONDED

that Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”, as amended, be read a first time.

CARRIED

GB-2022-081 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request Staff to include definition of passive recreation included in the Gabriola Island Local Trust Committee Bylaw No. 313 cited as “Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022”.

CARRIED

GB-2022-082 It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee endorse Project Charter version 5.0 of the Ecological Protection Zone project.

CARRIED

Staff are presenting a new definition of “Passive Recreation” as well as other edits as per Attachment 2 of this report.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The LTC passed resolution GB-2022-080 above, noting that Proposed Bylaw No. 313 is not contrary to or at variance within the Islands Trust Policy Statement (ITPS). The proposed changes to Bylaw No. 313 do not change the intent of the bylaw and the original assessment is still accurate that it is not contrary to or at variance with the ITPS.

Islands Trust Conservancy:

Trust Council Policy 3.1.II requires referral to the Islands Trust Conservancy Board (ITCB) for any LUB amendments that “directly affects ITC owned property or conservation covenant.” Elder Cedar Nature Reserve is a property held

by the Islands Trust Conservancy, and staff recommend Proposed Bylaw No. 313 be referred to the Islands Trust Conservancy Board.

Issues and Opportunities

The following four headings provide an overview of the proposed changes to Bylaw No. 313 with their rationale. A track changes version of the bylaw highlighting the differences between Bylaw No. 313, as given first reading, and the currently Proposed Bylaw No. 313 is included as Attachment 2.

Passive Recreation:

The LTC requested by resolution that a definition of “Passive Recreation” be presented for consideration. Staff have drafted the following definition which considers the purpose of the use in the Ecological Protection Zone and the existing uses of the term in the LUB. Staff also included feedback from Islands Trust Conservancy Staff in drafting the following definition.

Passive Recreation is non-motorized outdoor recreation that creates the opportunity to have a high degree of interaction with the natural environment and has minimal impact on land, water, or other resources. Passive recreation requires no installation of equipment or facilities, except for trails and associated improvements;”

Site-Specific Zone:

If Bylaw No. 313 is adopted, the Ecological Protection (EP) Zone would initially only apply to a single property, however, staff recommend it be amended as per Attachment 2 so that it could be applied to other properties in the future. One example is the Burren’s Acres property which was previously included as part of this project until it was discovered that an Official Community Plan amendment would be required to effect that zoning change. The proposed changes to Bylaw No. 313 remove the Ecological Protection (EP) Zone from the list of site-specific zones in the LUB. This would simplify the bylaw drafting in the future if other properties were rezoned to the EP zone.

Public Utilities in Ecological Reserves:

There is an existing formatting error in the LUB regulation B.1.1.2(a)(b) where a full sentence was split into two items and should instead read:

“iv buildings and structures to accommodate public utilities serving the Gabriola Island Trust Committee Area except in public parks and ecological reserves; and”

Staff recommend a provision be added, as drafted in Proposed Bylaw No. 313, to correct this error and ensure it is clear that these buildings and structures are not permitted within ecological reserves.

Formatting and Numbering:

Formatting and number edits have been identified for correction at Second Reading. These formatting changes include:

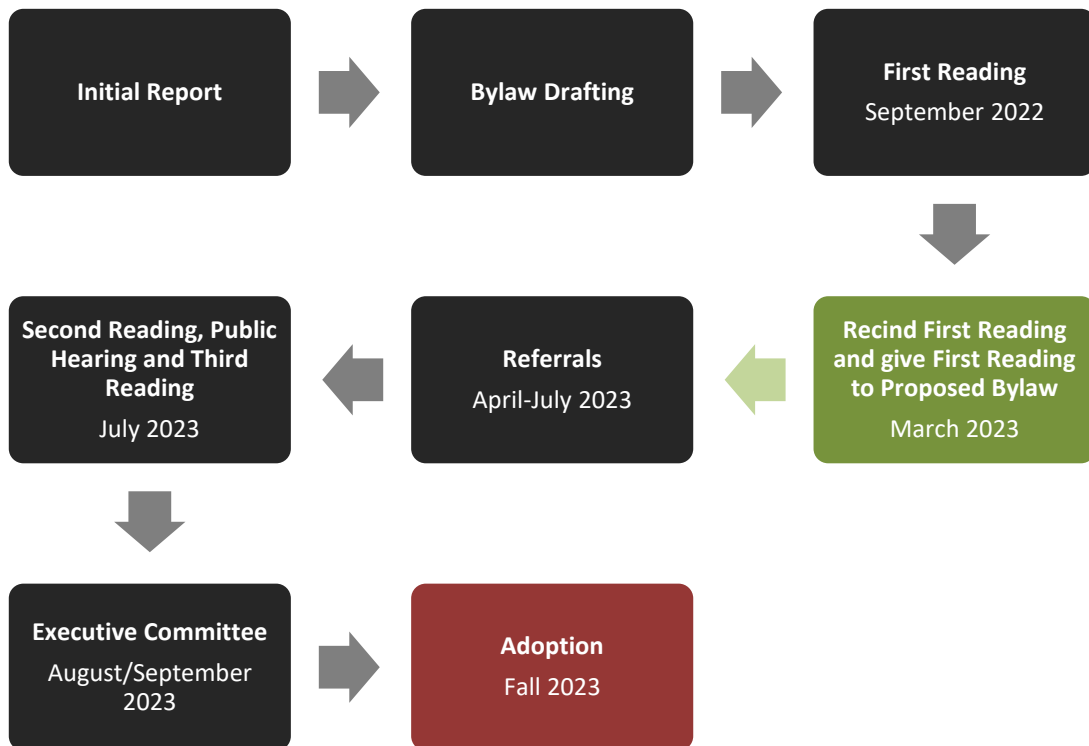
- Removing the italics from words that do not have a definition;
- Moving contents of Appendix 1 into Schedule 1;

- Including text and the plan for the mapping amendment in a new Schedule 2 instead of Schedule 1 with an attached plan;
- Cross reference check to ensure that references to sections of the bylaw where numbering is changed are amended to reflect the revised numbering. This included adding a new Schedule 3.

Public Hearing

A public hearing is not required for proposed zoning bylaws that are consistent with the Official Community Plan. If no public hearing is held then notice must be given prior to first reading of the bylaw. Previously, the LTC gave notice prior to first reading of Bylaw No. 313 and a public hearing was not planned. If the LTC rescinds first reading of Bylaw No. 313 and gives first reading to Proposed Bylaw No. 313, as recommended, a public hearing will be required.

Timeline



This timeline outlines the major steps in the Ecological Protection Zone Project with possible dates for each future step.

First Nations

Although, in this case it is not legislatively required, Staff are recommending referral of Bylaw No. 313 to Snuneymuxw First Nation for comment.

Rationale for Recommendation

Staff recommend the LTC rescind first reading, give the updated amendment bylaw first reading, and refer the proposed bylaw to the Islands Trust Conservancy Board and Snuneymuxw First Nation.

ALTERNATIVES

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

1. Proceed no further

The LTC could decide not to proceed with this minor project at this time. Should the LTC choose this alternative staff would cease work on this rezoning and this LTC project would be concluded. Recommended wording for the resolution is as follows:

That the Gabriola Island Local Trust Committee proceed no further with proposed Bylaw No. 313, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022."

2. Give Second Reading without amendments

The LTC may consider no changes to the proposed bylaw are warranted and give second reading without concurring with the amendments. If choosing this option, the LTC should direct staff to refer the bylaw to Islands Trust Conservancy and Snuneymuxw First Nation. Recommended wording for the resolutions are as follows:

That the 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.

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 Islands Trust Conservancy and the Snuneymuxw First Nation.

3. Make Further Changes

The LTC may request further changes to the bylaw prior to giving first reading. Staff advise that the implications of this alternative are potential delays to the LTC's work plan timeline. If selecting this alternative, the LTC should describe the specific alterations they wish to make. Recommended wording for the resolution is as follows:

That the proposed Bylaw No. 313, cited as "Gabriola Island Land Use Bylaw, 1999, Amendment No. 1, 2022," be amended as follows: [insert amendments]

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will update the Proposed Bylaw on the website and refer the bylaw to the Islands Trust Conservancy and Snuneymuxw First Nation. At the conclusion of the referral period the bylaw will be presented to the LTC for consideration of Second Reading, a public hearing will be held, the bylaw will be presented to the LTC for Third Reading. Following third reading the bylaw would be presented to Executive Committee for approval, and then considered for Adoption by the LTC.

Submitted By:	Stephen Baugh, Planner 2	March 9, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	March 22, 2023

ATTACHMENTS

1. Bylaw No. 313 (Read for a First time, September 29, 2022)
2. Proposed Bylaw No. 313, (track changes version)
3. Proposed Bylaw No. 313, amended (clean copy) – for consideration of 1st reading

PROPOSED
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 29TH DAY OF SEPTEMBER , 2022

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

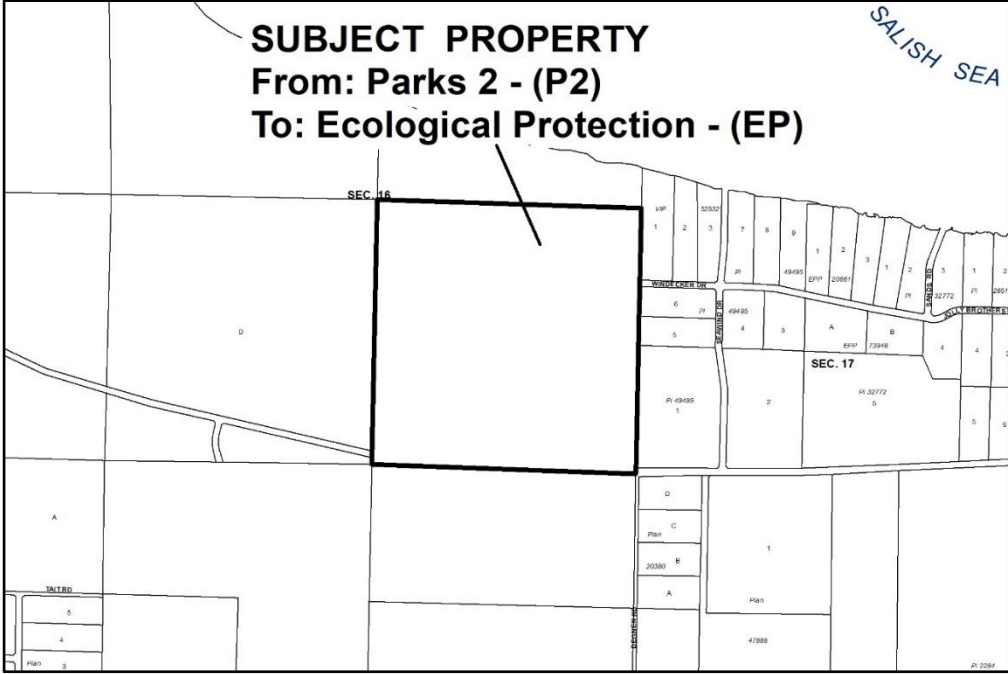
- i *The maximum combined lot coverage by buildings and structures is 1 percent of the lot area*

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



PROPOSED – Track Changes Version

**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,” Schedule “2” and Schedule “3” attached to and forming part of this bylaw.

READ A FIRST TIME THIS	29 TH	DAY OF	SEPTEMBER	, 2022
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.1.1 Permitted in Any Zone, Article B.1.1.1 Uses, Clause B.1.1.1(c), is amended by replacing "D.4.7 Institutional 4" with "D.4.8 Institutional 4."

~~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 B - GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.1 Permitted in Any Zone, Article B.1.1.2 Buildings and Structures, Clause B.1.1.2(b), Item B.1.1.2(b)(iv), is amended by adding "Trust Committee Area except in public parks and ecological reserves; and" after "Gabriola Island."

1.3 Part B - GENERAL REGULATIONS, Section B.1 USES, BUILDINGS AND STRUCTURES, Subsection B.1.1 Permitted in Any Zone, Article B.1.1.2 Buildings and Structures, Clause B.1.1.2(b), is amended by deleting Item B.1.1.2(b)(v) in its entirety and renumbering the item below accordingly.

1.21.4 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".

1.5 Part D - ZONES, Section D.4 RECREATION AND INSTITUTIONAL ZONES, insert new Subsection D.4.4 Ecological Protection (EP) after Subsection D.4.3 Parks 3 - Active Recreation Community Park(P3) as shown on Appendix 1 attached to and forming part of this bylaw follows:

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

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.
- ii Boundary adjustments and lot consolidations are permitted for the purpose of increasing the area of a lot in the Ecological Protection (EP) zone.

-and renumber subsequent subsections chronologically accordingly.

1.31.6 **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;

Passive Recreation is non-motorized outdoor recreation that creates the opportunity to have a high degree of interaction with the natural environment and has minimal impact on land, water, or other resources. Passive recreation requires no installation of equipment or facilities, except for trails and associated improvements;”

~~1. Schedule “B” of Gabriola Island Land Use Bylaw, 177 is amended as follows:~~

~~1.1 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.~~
- ~~ii. Boundary adjustments and *lot* consolidations are permitted for the purpose of increasing the area of a lot in the Ecological Protection (EP) *zone*.~~

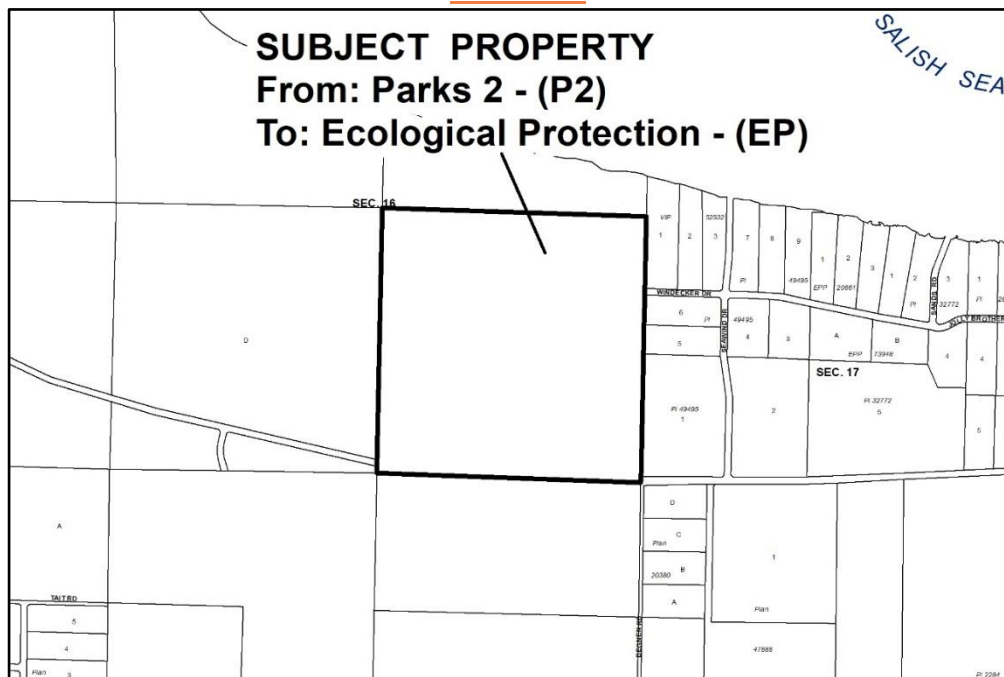
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313**

Plan No. 1 Schedule "2"

1. Schedule "B" of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 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 Gabriola Island Land Use Bylaw, 1999 as are required to effect this change.

Plan No. 1



GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313

Schedule "3"

1. Schedule "C" of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 Schedule "C" – Map 6, is amended by replacing "Item D.4.4.1.a.vi" with "Item D.4.5.1.a.vi."

1.2 Schedule "C" – Map 7, is amended by replacing "Item D.4.4.1.a.vii" with "Item D.4.5.1.a.vii."

1.3 Schedule "C" – Map 8, is amended by replacing "Item D.4.4.1.a.viii" with "Item D.4.5.1.a.viii."

1.4 Schedule "C" – Map 13, is amended by replacing "Section D.4.4." with "Subsection D.4.5."

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,” Schedule “2” and Schedule “3” 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.1.1 Permitted in Any Zone**, Article **B.1.1.1 Uses**, Clause **B.1.1.1(c)**, is amended by replacing "D.4.7 Institutional 4" with "D.4.8 Institutional 4."
 - 1.2 **Part B - GENERAL REGULATIONS**, Section **B.1 USES, BUILDINGS AND STRUCTURES**, Subsection **B.1.1 Permitted in Any Zone**, Article **B.1.1.2 Buildings and Structures**, Clause **B.1.1.2(b)**, Item **B.1.1.2(b)(iv)**, is amended by adding "Trust Committee Area except in public parks and ecological reserves; and" after "Gabriola Island."
 - 1.3 **Part B - GENERAL REGULATIONS**, Section **B.1 USES, BUILDINGS AND STRUCTURES**, Subsection **B.1.1 Permitted in Any Zone**, Article **B.1.1.2 Buildings and Structures**, Clause **B.1.1.2(b)**, is amended by deleting Item B.1.1.2(b)(v) in its entirety and renumbering the item below accordingly.
 - 1.4 **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".
 - 1.5 **Part D - ZONES**, Section **D.4 RECREATION AND INSTITUTIONAL ZONES**, insert new Subsection D.4.4 Ecological Protection (EP) after Subsection **D.4.3 Parks 3 – Active Recreation Community Park(P3)** as follows:

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

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.
- ii Boundary adjustments and *lot* consolidations are permitted for the purpose of increasing the area of a lot in the Ecological Protection (EP) zone.

and renumber subsequent subsections accordingly.

- 1.6 **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;

Passive Recreation

is non-motorized outdoor recreation that creates the opportunity to have a high degree of interaction with the natural environment and has minimal impact on land, water, or other resources. Passive recreation requires no installation of equipment or facilities, except for trails and associated improvements;”

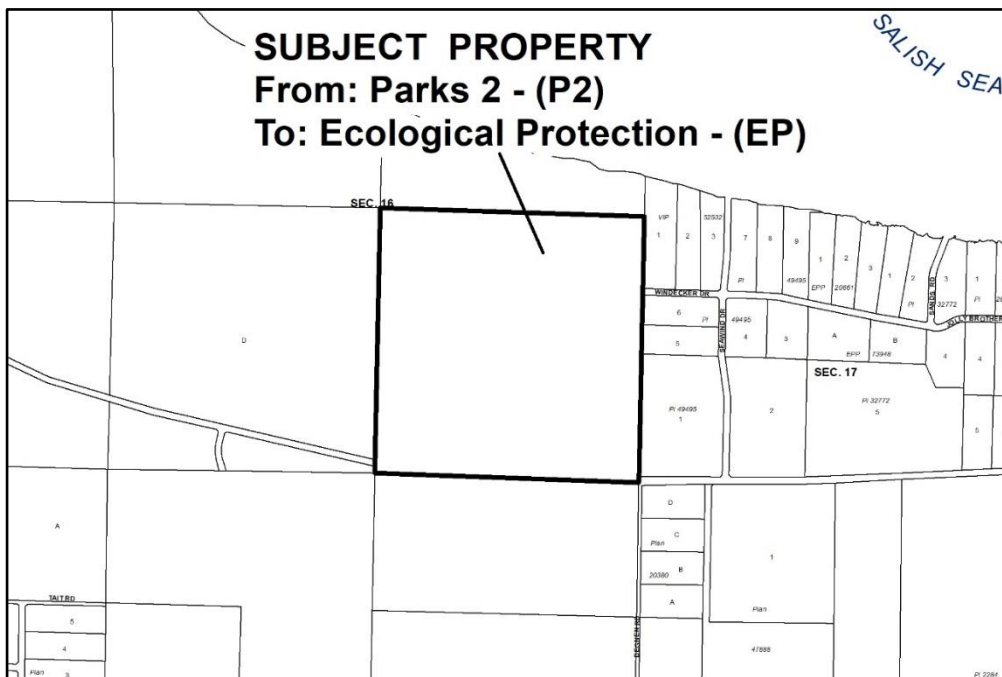
**GABRIOLA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 313**

Schedule "2"

1. **Schedule "B"** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:

1.1 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 Gabriola Island Land Use Bylaw, 1999 as are required to effect this change.

Plan No. 1



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

Schedule “3”

1. **Schedule “C”** of Gabriola Island Land Use Bylaw, 1999 is amended as follows:
 - 1.1 Schedule “C” – Map 6, is amended by replacing “Item D.4.4.1.a.vi” with “Item D.4.5.1.a.vi.”
 - 1.2 Schedule “C” – Map 7, is amended by replacing “Item D.4.4.1.a.vii” with “Item D.4.5.1.a.vii.”
 - 1.3 Schedule “C” – Map 8, is amended by replacing “Item D.4.4.1.a.viii” with “Item D.4.5.1.a.viii.”
 - 1.4 Schedule “C” – Map 13, is amended by replacing “Section D.4.4.” with “Subsection D.4.5.”