



## Gabriola Island Local Trust Committee

### Regular Meeting Revised Agenda

Date: August 16, 2018  
Time: 10:15 am  
Location: Gabriola Arts & Heritage Centre  
476 South Road, Gabriola Island, BC

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|                                                                                                                                                 | <b>Pages</b>        |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>1. CALL TO ORDER</b>                                                                                                                         | 10:15 AM - 10:15 AM |
| “Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.” |                     |
| <b>2. APPROVAL OF AGENDA</b>                                                                                                                    |                     |
| <b>3. MINUTES</b>                                                                                                                               | 10:15 AM - 10:25 AM |
| 3.1 Local Trust Committee Minutes dated July 12, 2018 – for Adoption                                                                            | 4 - 10              |
| 3.2 Local Trust Committee Special Meeting Minutes dated July 12, 2018 - for Adoption                                                            | 11 - 15             |
| 3.3 Section 26 Resolutions-Without-Meeting Report - None                                                                                        |                     |
| 3.4 Advisory Planning Commission Minutes - None                                                                                                 |                     |
| <b>4. TOWN HALL AND QUESTIONS</b>                                                                                                               | 10:25 AM - 10:35 AM |
| <b>5. CORRESPONDENCE</b>                                                                                                                        | 10:35 AM - 10:40 AM |
| <i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>                                       |                     |
| 5.1 Email dated July 25, 2018 from K. Langeris                                                                                                  | 16 - 17             |
| <b>6. BUSINESS ARISING FROM MINUTES</b>                                                                                                         | 10:40 AM - 11:10 AM |
| 6.1 Follow-up Action List dated August 8, 2018                                                                                                  | 18 - 21             |
| 6.2 Gabriola Island Local Trust Committee Fees Bylaw - Staff Report and Draft Bylaw No. 300                                                     | 22 - 35             |
| 6.3 Request to Defer APC Meeting for GB-RZ-2018.1 (Melville) - for Discussion                                                                   |                     |

**7. CLOSED MEETING**

11:10 AM - 11:40 AM

## 7.1 Motion to Close the Meeting

*That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(c),(d),(f) and (i) labour relations; adoption of In-Camera Meeting Minutes dated May 3, 2018; Bylaw Enforcement and receipt of advice that is subject to solicitor-client privilege AND that the recorder and staff attend the meeting.*

## 7.2 Recall to Order

## 7.3 Rise and Report

--BREAK-- 11:40 - 12:00

**8. LOCAL TRUST COMMITTEE PROJECTS**

12:00 PM - 12:30 PM

8.1 *Mudge Island Lot Coverage Review Project - Staff Report and Draft Bylaw Nos. 301 (OCP) and 302 (LUB)* 36 - 61

8.2 Water Taxi Zoning Review Project - Memorandum 62 - 62

**9. NEW BUSINESS**

12:30 PM - 1:00 PM

9.1 Cannabis Production in the Agricultural Land Reserve (ALR) - for Discussion 63 - 63

9.2 *Islands Trust Conservancy - Regional Conservation Plan Briefing* 64 - 67

9.3 *Bylaw Enforcement Notification Bylaw Amendments - Staff Report* 68 - 93

9.4 *Trust Programs Committee - Service Integration - Briefing* 94 - 94

**10. REPORTS**

1:00 PM - 1:30 PM

## 10.1 Work Program Reports

10.1.1 Top Priorities Report dated August 8, 2018 95 - 95

10.1.2 Projects List Report dated August 8, 2018 96 - 98

10.2 *Applications Report dated August 16, 2018* 99 - 108

10.3 Trustee and Local Expense Report dated June, 2018 109 - 109

10.4 Adopted Policies and Standing Resolutions 110 - 111

10.5 Local Trust Committee Webpage

10.6 Chair's Report

10.7 Trustee Reports

10.8 Electoral Area Director's Report

10.9 *Trust Conservancy Report July, 2018*

112 - 113

11. TOWN HALL 1:30 PM - 1:40 PM

12. UPCOMING MEETINGS 1:40 PM - 1:45 PM

12.1 Next Regular Meeting Scheduled for Thursday, September 27, 2018 at The Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC

13. COMMUNITY INFORMATION MEETING - None

14. PUBLIC HEARING - None

15. DELEGATIONS - None

16. APPLICATIONS AND REFERRALS - None

17. ADJOURNMENT 1:45 PM - 1:45 PM



## Gabriola Island Local Trust Committee Minutes of Regular Meeting

**Date:** July 12, 2018  
**Location:** Gabriola Arts & Heritage Centre  
 476 South Road, Gabriola Island, BC

**Members Present:** Laura Busheikin, Chair  
 Melanie Mamoser, Local Trustee  
 Heather O'Sullivan, Local Trustee

**Staff Present:** Sonja Zupanec, Island Planner  
 Teresa Rittemann, Planner 2  
 Nadine Mourao, Recorder

**Others Present:** There were approximately (6) members of the public and one (1) member of the media in attendance

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Busheikin called the meeting to order at 1:05 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, staff and recorder.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

### 3. TOWN HALL AND QUESTIONS

No questions or comments from the public.

### 4. COMMUNITY INFORMATION MEETING - none

### 5. PUBLIC HEARING - none

### 6. MINUTES

#### 6.1 Local Trust Committee Minutes dated June 14, 2018 – for Adoption

The following amendments to the minutes were presented for consideration:

- Page 8, first bullet, last sub-bullet, change "LTC about engagement" to "TPC about engagement"

**By general consent** the minutes were adopted as amended.

**6.2 Section 26 Resolutions-Without-Meeting - none****6.3 Advisory Planning Commission Minutes - none****7. BUSINESS ARISING FROM MINUTES****7.1 Follow-up Action List dated July 4, 2018**

Received for information.

**8. DELEGATIONS - none****9. CORRESPONDENCE - none**

*(Correspondence received concerning current applications or projects is posted to the LTC webpage)*

**10. APPLICATIONS AND REFERRALS****10.1 GB-DVP-2018.2 (Douglas - 1411 Westgyle Road) - Staff Report**

Trustees reviewed the Staff report on the Development Variance Permit (DVP) application GB-DVP-2018.2, which requested a relaxation to the required setback to the exterior side lot line for a residential property in the Small Rural (SRR) zone.

Trustees enquired about the removal of the old house.

Jeff Wagner (for Carol Douglas) stated that there is currently no timeline for demolition of the old building although the intention in the future is to demolish it.

**GB-2018-048****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee approve issuance of Development Variance Permit GB- DVP-2018.2, with the following variance to the Gabriola Island Land Use Bylaw No. 177, 1999:

- a) To reduce the exterior side lot line setback from a minimum of 10.0 metres to 8.71 metres for the existing house as shown on Schedule A of the Permit.

**CARRIED**

**10.1.1 Correspondence Received**

Received for information.

Trustee O'Sullivan declared that she had a conflict of interest with the upcoming item, due to the fact that she has a financial interest in the marine area subject to this zoning application.

Trustee O'Sullivan left the meeting at 1:30 pm.

**10.2 GB-RZ-2018.1 (Melville) - Staff Report**

Planner Ritemann summarized the Staff Report that provided an overview of the application proposing to rezone a 0.5 hectare water lot from Water General (WG) to a site-specific Water Commercial (WC) zone in order to legalize the current use of the marine lease area as a commercial marina.

Applicant Tim Melville noted the following:

- Requested to have the historic and current commercial use of the water lot recognized through the site-specific zoning permissions;
- On page 5 the report under Traffic/Parking Congestion along Degnan Bay Road, the letter of consent from the Ministry of Transportation and Infrastructure (MoTI) must be renewed every ten years according to his information;
- There was no transient moorage in his facility;
- No expansion of the facility is planned;
- All boat owners in the facility are Gabriola Island residents; and
- Asked that Staff enquire how Mudge Island runs their group moorage.

Discussions ensued and the following key points were noted for clarification on the difference between group moorage and commercial marina by Staff:

- Commercial activity is prohibited at group moorage sites, including the renting or selling of berths and hydro, but excluding any necessary membership fees to cover maintenance and administrative costs;
- Commercial activity has happened at the site such as rental of the berths and provision of metered electrical; and
- Group moorage is typically operated by a group of individuals or a not-for-profit on a cost recovery basis.

Trustee Mamoser's comments included the following:

- Supported the idea of shared dock space and people able to access the water; and
- Requested to hear further information on other options for site-specific commercial group moorage with restrictions rather than re-zoning as a large marina and would like the public input whether they see value in this kind of service.

#### **GB-2018-049**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer application GB-RZ-2018.1 along with a copy of the Staff Report received by the Gabriola Island Local Trust Committee on July 12, 2018, to the Gabriola Island Advisory Planning Commission, Archaeology Branch, and Local First Nations for review and comment.

**CARRIED**

#### **GB-2018-050**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff and one Trustee to attend the Advisory Planning Commission meeting to consider application GB-RZ-2018.1.

**CARRIED**

Trustee O'Sullivan returned to the meeting at 2:04 pm.

## **11. LOCAL TRUST COMMITTEE PROJECTS**

### **11.1 Housing Options Review Project (Phase Two) - Staff Report**

Planner Zupanec provided an overview of the report, which presented a draft Project Charter based on the LTC confirmed activities for a Phase 2 Housing Options Review Project (the Project) and noted the following points:

- The Project incorporated LTC direction and prioritized intergovernmental collaboration with Snuneymuxw First Nation, groundwater conservation and the protection of biodiversity;
- The purpose, objectives and scope are firmly imbedded in strengthening relations with First Nations;
- Recommended soliciting Advisory Planning Commission (APC) input on a communications and engagement strategy; and
- Requested that strengthening opportunities for the Regional Conservation Plan goals be added to the objectives or the in-scope activities so that there was an inherent link to the critical 10-year planning document;

Planner Ritemann left the meeting at 2:10 pm.

Discussions ensued and Trustees noted the following key points:

- Appreciated the direction of the Project and embedding First Nation collaboration and the Regional Conservation Plan; and
- Would like to ensure 'attainable' be added to the draft Project Charter.

#### **GB-2018-051**

##### **It was MOVED and SECONDED**

that the Housing Options Review Project Phase 2, Charter Draft Version 1.0 be amended to add a bullet for "Islands Trust Conservancy Regional Conservation Plan" as a heading under "In-Scope" with the text identifying opportunities to consider incorporation of Regional Conservation Plan goals as part of the Project, and add the word "attainable" after "affordable" in the third heading and add definition of "attainable housing" after definition of "affordable housing" in the first bullet point.

**CARRIED**

#### **GB-2018-052**

##### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee endorse the Housing Options Review Project Charter - Phase 2, dated July 2018.

**CARRIED**

#### **GB-2018-053**

##### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to prepare a work plan and budget for the Housing Options Review Project – Phase 2, and request funding confirmation from the Director of Administrative Services for the 2018/19 fiscal year.

**CARRIED**

**GB-2018-054****It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee refer the July 2018 Staff Report regarding the Housing Options Review Project – Phase 2 to the Gabriola Island Advisory Planning Commission for input regarding a communications and engagement strategy to guide the project, and that Staff and one Trustee attend the meeting.

**CARRIED****12. REPORTS****12.1 Work Program Reports****12.1.1 Top Priorities Report dated July 4, 2018**

Received for information.

**12.1.2 Projects List Report dated July 4, 2018**

Received for information.

**12.2 Applications Report dated July 4, 2018**

Received for information.

Planner Zupanec advised that GB-RZ-2016.1 the Potlach Properties Covenant has been finalized and is with applicant for signature, the Covenant will be back to the LTC for signatures in the next few weeks.

**12.3 Trustee and Local Expense Report - none****12.4 Adopted Policies and Standing Resolutions**

Received for information.

**12.5 Local Trust Committee Webpage**

No changes requested.

**12.6 Chair's Report**

Chair Busheikin reported on the following:

- There is an Executive Committee meeting next week; and
- The annual Islands Trust Conservancy Board meets with the Executive Committee.

**12.7 Trustee Reports**

Trustee O'Sullivan reported the following:

- Attended the Trust Council meeting on Saturna Island, where a motion was passed to give the anchorages issue priority on the Executive Committee Work Program;
- Trust Programs Committee (TPC) is looking at the service integration issue; and
- On August 13<sup>th</sup>, the Capital Regional District (CRD) is presenting on the Service Integration Delivery Program in Sydney, with representatives from various levels of governments, service providers and community members.

Trustee Mamoser reported the following:

- The Local Planning Committee (LPC) is looking at what can be done in Land Use Bylaws (LUB) to protect the coastal Douglas Fir eco systems as part of the signatory to the Coastal Douglas Fir and Associated Eco Systems Partnerships, the deliverables could possibly feed into the housing project.

**12.8 Electoral Area Director's Report - none**

**12.9 Trust Fund Board Report - none**

**13. NEW BUSINESS**

**13.1 Housing Needs Assessment Report**

Chair Busheikin provided a brief summary on the Housing Needs Report and noted that the report is a useful tool to guide policy, motivate people and organizations and funding.

Trustees reported the following:

- The Housing Needs Report is a baseline report for information and a valuable tool for the LTC's housing strategy;
- Can be used by Housing Needs Societies on islands for funding purposes; and
- In future, the Housing Needs Assessment can be easily updated to stay current.

**GB-2018-055**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee receive the "Housing Needs Assessment, Northern Region of Islands Trust" report prepared by Dillon Consulting dated June 21, 2018.

**CARRIED**

**GB-2018-056**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request Staff to publish the "Housing Needs Assessment, Northern Region of Islands Trust" report prepared by Dillon Consulting dated June 21, 2018 on the Islands Trust website.

**CARRIED**

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Thursday, August 16, 2018 at the Gabriola Arts and Heritage Centre, 476 South Road, Gabriola Island, BC**

**15. TOWN HALL**

- Derek from the Gabriola Sounder newspaper would like to see the historical previous term Gabriola Island Trustee names available on the Local Trust Committee website.

**GB-2018-057**

**It was MOVED and SECONDED**

the Gabriola Island Local Trust Committee request Staff to add the names and years served of previous Trustees on the Gabriola Island Local Trust Committee to the Gabriola Island Local Trust Committee website.

**CARRIED**

**16. CLOSED MEETING - none**

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:35 pm.

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Laura Busheikin, Chair

Certified Correct:

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Nadine Mourao, Recorder



## Gabriola Island Local Trust Committee Minutes of Special Meeting

**Date:** July 12, 2018  
**Location:** Mudge Island Driftwood Drive Public Access  
 Mudge Island, BC

**Members Present:** Laura Busheikin, Chair  
 Melanie Mamoser, Local Trustee  
 Heather O'Sullivan, Local Trustee

**Staff Present:** David Marlor, Director. Local Planning Services  
 Sonja Zupanec, Island Planner  
 Teresa Rittemann, Planner 2  
 Nadine Mourao, Recorder

**Others Present:** There were approximately thirty-two (32) members of the public and one (1) member of the media in attendance

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Busheikin called the meeting to order at 10:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, staff and recorder.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add 3.3 Town Hall

**By general consent** the agenda was approved as amended.

### 3. COMMUNITY INFORMATION MEETING

#### 3.1 Planner Presentation - Mudge Island Targeted Official Community Plan (OCP)/Land Use Bylaw (LUB) Review

Planner Rittemann provided a handout and presented an overview of proposed Bylaw No. 299, in relation to the Mudge Island Targeted Review Project for lot coverage and noted the following key points:

- Discussed proposed amendments to definitions of lot coverage and structures, as well as the objective of the Project to only include amendments to the LUB which are related to lot coverage;

- Provided clarity that both pervious and impervious structures are included as structures, and proposed an exemption from lot coverage for certain pervious structures;
- Highlighted that the structures continued to be required to meet setbacks, unless exempt under regulation 3.3(2) of the current LUB and that the definition of structure would not exclude items that continue to be subject to compliance with the setback from the natural boundary of the sea and sensitive marine and coastal areas;
- Structures that were proposed to be exempt from lot coverage were regulated through a new exemption and such buildings and structures must meet setback requirements unless already exempt;
- Stairs and walkways are permitted within the setback from the natural boundary of the sea with a 1.5 metre (4.92 feet) width maximum, which is consistent with BC Building Code requirements for accessibility; and
- Subsection 5.1(4.1) is proposed to exempt a number of buildings and structures from the maximum 10% lot coverage calculation required in the Rural Residential zone allowing for a reasonable build out on an average, small lot on Mudge Island while maintaining a low density of buildings and structures in the rural environment.

### 3.2 Questions and Answers Session

Members of the public asked the following questions and Staff answered as follows:

- Why was a maximum 10% lot coverage selected as a baseline and not a maximum 20% lot coverage like on Gabriola Island?
  - Historically, the Mudge Island Local Area was consulted for their first Mudge Island OCP; at that time the conservation-based approach to preserve and protect the natural integrity of Mudge Island was first and foremost;
  - A distinct Mudge Island OCP was created, separate from the Gabriola Island OCP; and
  - At that time the maximum 10% lot coverage was set as a mechanism to ensure that the maximum buildout does not affect the character of the more rural island.
- What does the maximum 10% lot coverage look like on small lots with the minimum size of parking? Does this leave you with a small house size? Is there an analysis of a typical lot on Mudge Island?
  - There was no specific analysis of Mudge Island properties, the handout provided is an example of a typical ½ acre small lot; and
  - Each property is required to have two (2) parking spaces per dwelling and driveways under the current bylaw are counted towards lot coverage; under the proposed amendment pervious driveway and parking spots are exempt from lot coverage calculations.
- Are walkways counted as lot coverage?
  - Currently, driveways and walkways are counted as lot coverage. Pervious driveways and walking paths would not be considered a structure under the proposed amendment.
- How did the Mudge Island OCP get made and who was involved?
  - Public hearing records are available for this information.

- How does the maximum 10% lot coverage stated in the OCP, passed in 2008 affect a house that was built previous to 2008 and is non-conforming to the 10%?
  - If you have a property and there is a bylaw in place and you build according to that bylaw legally, and then down the road the bylaw is changed, there are provisions in the *Local Government Act* that allow you to continue using the property as originally allowed, this is called legally non-conforming.
- What is the difference between bylaws and policies?
  - The OCP sets out goals and objectives, policies are how you reach those goals and objectives and regulations enact the policies at the property level.
- How do we change the Mudge Island OCP?
  - The LTC would ask Staff to come back with recommendations of changes to the OCP, and the LTC would consult with the community regarding those changes. Secondly, extensive consultation with the Provincial Government would take place as they have an interest in policies of the LTC and also, consultation with First Nations. Thirdly, the LTC would have a public hearing process, a bylaw and if the LTC agree to proceed, the Minister of Municipal Affairs would have to approve the changes before the LTC can adopt.
- Do the proposed bylaw amendments require First Nations consultation?
  - All of the zoning amendments go through First Nations consultation; however, this is not a Provincially legislated procedure, but a Trust Council policy.
- Was there a LUB for Mudge process at the time that the Mudge Island OCP was created?
  - There was public consultation and the records are available.
- Asked for clarification of accounting for coverage on driveways and stairs, does bark mulch count as a pervious surface?
  - Yes, bark mulch is considered pervious.
- If a driveway is graded, does this become a structure?
  - Yes, if the grading is fixed to, supported by or sunk into the land it would be considered a structure.
- What is the rationale for the maximum width of the stairs and walkways?
  - The amendment is for only the width of stairs and walkways within the setbacks of the natural boundary of the sea.
- Mudge Islanders chose to do their own OCP in order to have control over their own destiny and does not remember the maximum 10% lot coverage being discussed, is there documentation?
  - The OCP and the LUB are more conservative than Gabriola. The Mudge Island OCP documentation is available.
- Does lot coverage fall under density in the bylaw?
  - Lot coverage does not fall under density and you can vary through an application process.

### 3.1 Town Hall

Members of the public made the following comments:

- Went through the letters written regarding the recommendations of the Mudge Island Advisory Planning Commission (APC) and 98% of Mudge Islanders are in favour of the APC recommendations;

- The proposed bylaw amendments are rules based and too restrictive, proposes a more modern approach to maximum lot coverage and definition of structures. Would like to see a more results-based approach without such restrictive exemptions;
- The more remote and rural nature of Mudge Island requires larger structures for wood and food storage, sewage treatment and pump houses; the maximum 10% lot coverage is too restrictive;
- Asked Trustees to consider choosing regulatory options that are least intrusive and in consideration of Mudge Islanders and if there are studies of the 10% or other percentages of lot coverage that would preserve the rural integrity?
  - Chair Busheikin noted the range on the Gulf Islands region ranges from 5% to 20%;
- That the maximum 10% lot coverage is not enough, the houses on Mudge Island are a reasonable size with reasonable out buildings. This 10% lot coverage does not work on Mudge Island today and requested that Trustees fix this decade long issue;
- Opposed to the maximum 10% lot coverage and appreciates the work Staff have done to reduce the lot coverages for structures, but it is not enough. She implored Trustees to review the hard work of Mudge Island committees and decide to change the OCP to a maximum 20% lot coverage;
- The consensus is that Mudge Islanders want the maximum 20% lot coverage; and
- Would like recommendations to see an overhaul of the OCP and how is this done? Guidance is needed from the Trustees to make these changes.

#### 4. LOCAL TRUST COMMITTEE PROJECTS

##### 4.1 Mudge Island Targeted OCP/LUB Review - (Bylaw No. 299) - Staff Report

Chair Busheikin asked Staff for any further comments, there were no further comments.

Trustees thanked everyone for their questions and comments and the following key points were noted:

- The 10% does not seem reasonable and going up from the 10% still seems protective;
- Appreciated the work done around the definitions and structures by Staff, but also welcomes the idea of results based versus the regulatory approach;
- Reviewed bylaws on other Gulf Islands to investigate where the 10% lot coverage came from, the 1981 document showed that there was a 10% and 20% lot coverage depending on lot size for the area, the 20% was for the smaller lots;
- Would like to see a process of how the percentage of lot coverage could be changed as more results based and less restrictive than relying on complicated structure definition;
- Noticed that in the LUB and the OCP, instead of a separate zone, lot sizes can have a cottage, and that may be something we could follow to not change the OCP;
- Favours a possible blended approach of increasing the percentage of lot coverage and making structure definitions more reasonable;
- Would like to get clarification if it is possible to adjust percentage of lot coverage without opening up the OCP; and

- Suggests a tiered approach to lot coverage, a larger percentage of lot coverage for smaller lots and maintaining 10% for larger lots.

Chair Busheikin noted the following:

- Summarized that the current proposal improves the current situation, however, the current LUB is not working and it does not go far enough;
- Proposed looking at the exemptions and possible switch from exemptions to what is counted in lot coverage; and
- Asked to hear more from Staff regarding the OCP and if there is room to look at going up from 10% lot coverage on smaller lots while still keeping within the OCP.

Staff recommends the following:

- The LTC request Staff to report some options to look at the OCP and provide advice on that basis.

**GB-2018-046**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request further information be provided on the conflict between the Official Community Plan and increasing lot coverage on small lots under 1 hectare.

**CARRIED**

**GB-2018-047**

**It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee requests that Staff provide draft bylaws which take a tiered approach to increasing allowable lot coverage on Mudge Island with the tiers being 20% maximum lot coverage for lots less than 0.4 hectares, 15% between 0.4 hectares and 1 hectare and 10% for lots 1 hectare or larger, and if deemed necessary provide draft Official Community Plan amendments to support these draft bylaws.

**CARRIED**

**5. ADJOURNMENT**

**By general consent** the meeting was adjourned at 11.59 am.

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Laura Busheikin, Chair

Certified Correct:

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Nadine Mourao, Recorder

On Jul 25, 2018, at 9:13 AM, kees langereis <[REDACTED]> wrote:

Hi all.

A few years ago the move to transfer the residential densities from Coates Marsh to the Density Bank was stopped due to concern the “transfer of these densities” (and rezoning) would impact the tax break associated with donation. The 2017 LTC meeting extract below (in italics) indicates no such impact. Yet the park is still zoned “Resource”.

Moreover, the density bank transfer is not a transfer of the density from the lot rezoned (i.e. rezoning to Park just extinguishes the right to have the density). The density bank process creates a density to compensate for the loss of the density due to the rezoning to Park.

Is there some other issue that precludes the rezoning and density addition to the Density Bank?

I don’t see any legal barrier to adding the densities now (there does not seem to be any time limitation to do so).

So I summary, and in light of the “affordable housing” issue, wouldn’t the rezoning and concurrent Density Bank density additions be a priority?

Thanks,  
Kees Langereis

*File No.: 5690-20 (RDN Parks)*

*DATE OF MEETING: July 13, 2017*

*DISCUSSION*

*Staff have since met with Regional District of Nanaimo (RDN) staff who have indicated that they have no*

*concerns with Coats Marsh being rezoned to Park, and that this would be consistent with the RDN Coats Marsh*

*Regional Park 2011-2021 Management Plan*

*.*

*Staff have also had discussions with Islands Trust Fund staff and confirmed that other sites within the Islands*

*Trust have been gifted through the Ecological Gifts Program and subsequently rezoned. For example, portions of*

*Retreat Island within the Galiano Local Trust Area, were gifted to the Galiano Conservancy through the Ecological Gifts Program and subsequently rezoned to “Nature Park”. Jennifer Eliason, Islands Trust Fund Manager, has recently contacted the Ecological Gifts program and confirmed rezoning the land for the purpose of ecological protection after the gift is not a concern and does not constitute a “change in use”. Furthermore Environment Canada considers a recipient to have changed the use of an ecological gift if the recipient:*

- undertakes any action that results in or could result in a diminution of the ecological condition or protection of the ecological gift; or*
- fails to take reasonable action to manage and protect the ecological condition of the ecological gift;*

*With this in mind, it seems logical that the ecological condition of the ecological gift should be protected through appropriate zoning.*

*Based on the information obtained, staff are of the opinion that Coats Marsh Regional Park should be rezoned to*

*Park 1 or another conservation type zone, consistent with the intent of the Ecological Gifts Program to “ensure*

*that the land’s biodiversity and environmental heritage are conserved in perpetuity”. Furthermore, Islands Trust*

*Fund staff note that Burren’s Acres Nature Reserve, located at 1027 Conville Road (Lot 3, Section 12, Gabriola*

*Island, Nanaimo District, Plan 26561) is also a candidate site for rezoning. The nature reserve was an Ecological*

*Gift to the Islands Trust Fund in 2013.*

## Follow Up Action Report

### Gabriola Island

#### 07-May-2015

| Activity                                                                                                                                                             | Responsibility | Target Date | Status   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------|----------|
| Staff to schedule a meeting with Snuneymuxw First Nation as per our protocol agreement.<br>Letter of invitation to participate in C2C Forum sent September 22, 2016. |                | 11-Jun-2015 | On Going |

#### 08-Sep-2016

| Activity                                                                                                                                                                                                                                                                                                                                                                   | Responsibility | Target Date | Status   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------|----------|
| For RDN annual meeting agenda for 2017 - ADD:<br>1. Enforcement of RDN Noise Bylaw;<br>2. Mudge Island Public Dock;<br>3. Regulations for temporary dwellings being connected to a sewage disposal system<br>4. Village North Road street improvements (2a+2b of Village Vision submission to the LTC Jan. 3, 2018); RDN has been asked to provide possible meeting dates. | Ann Kjerulf    |             | On Going |

#### 08-Jun-2017

| Activity                                                                                   | Responsibility | Target Date | Status   |
|--------------------------------------------------------------------------------------------|----------------|-------------|----------|
| Request staff to work with GALLT to organize a gathering with the Snuneymuxw First Nation. |                | 29-Jun-2017 | On Going |

#### 13-Jul-2017

| Activity | Responsibility | Target Date | Status |
|----------|----------------|-------------|--------|
|----------|----------------|-------------|--------|

## Follow Up Action Report

First Nations Relationship with Snuneymuxw Nation: LTC resolution to endorse the project charter and commit to hosting one or two public events on Gabriola and/or Mudge. Request staff draft an amendment to the introduction of the OCPs as per staff recommendation.

31-Jul-2017

On Going

### 07-Sep-2017

| Activity                                                                                                                                                                                                                                                                                                  | Responsibility   | Target Date | Status   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|----------|
| GB-DVP-2017.1 - LTC resolution to defer consideration of the applications until First Nation and Arch Branch input are received. Enter into cost recovery agreement with the applicant for preparation of restrictive covenant. See minutes of Sept 8 for LTC requested changes to covenant restrictions. | Teresa Rittemann | 29-Sep-2017 | On Going |

### 01-Mar-2018

| Activity                                                                                                                                     | Responsibility              | Target Date | Status   |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------|----------|
| LTC request senior staff to follow up with staff at the Agricultural Land Commission regarding the referrals process for Bylaws 292 and 293. | David Marlor<br>Ann Kjerulf |             | On Going |

### 03-May-2018

| Activity                                                                                                                                                                                                                                             | Responsibility | Target Date | Status |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------|--------|
| Water Taxi zoning review project - update the draft survey as per LTC comments and suggestions. Forward to Trustees for comment. Post survey electronically; printed copies at Islands Trust, Library and in an edition of the Sounder as an insert. | Jaime Dubyna   |             | Done   |

### 14-Jun-2018

| Activity | Responsibility | Target Date | Status |
|----------|----------------|-------------|--------|
|----------|----------------|-------------|--------|

## Follow Up Action Report

|                                                                                                                                                                                                                                                                                                                                                                                                       |                                                 |          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------|
| Staff to provide LTC with standard resolution language around enforcement of "limited public market" provisions in the LUB; First Nations relationship building.                                                                                                                                                                                                                                      | Sonja Zupanec                                   | On Going |
| GB-RZ-2016.1 (Potlatch) - LTC accepted draft final s.2019 covenant as presented and appointed Chair and one Trustee as signatories of the final executable version. Staff to coordinate signatures and registration of covenant on titles.                                                                                                                                                            | Sonja Zupanec                                   | On Going |
| Fees Bylaw Review - reduce OCP/LUB amendment application fees to \$1000 for affordable, seniors or special needs housing applications (see minutes of June 14, 2018 resolution). Provide LTC with analysis of suggested fee change for LCLB applications (including cannabis production). Update standing resolution log with LTC resolution regarding cannabis production/retail sales applications. | Becky McErlean<br>Sonja Zupanec<br>Penny Hawley | On Going |

### 12-Jul-2018

| Activity                                                                                                                                                                                                                                                                                                                                   | Responsibility  | Target Date | Status   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|----------|
| GB-RZ-2018.1 - Staff to refer July 2018 report to the APC, Archaeology Branch and First Nations for comment.                                                                                                                                                                                                                               | Teresa Ritemann |             | On Going |
| Housing Options Review Project Phase 2 - LTC amended draft project charter as per minutes; endorsed Project Charter and post to web. Staff to prepare work plan and budget request. DONE<br>Refer July 2018 report to the APC for comment on engagement strategy and return to LTC for consideration upon confirmation of budget approval. | Sonja Zupanec   |             | On Going |

## Follow Up Action Report

Staff to post Housing Needs Assessment Report to the Latest News section of the Gabriola website and Resources page (done). Staff to post previous terms and Trustee names to webpage where appropriate.

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Emily Kozak

On Going



File No.: 3050-01  
(Gabriola Fees Bylaw 300)

DATE OF MEETING: August 16, 2018  
TO: Gabriola Island Local Trust Committee  
FROM: Ann Kjerulf, Regional Planning Manager  
Northern Team  
SUBJECT: Gabriola Island Local Trust Committee Draft Fees Bylaw No. 300

## RECOMMENDATION

1. That Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a first time.
2. That Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a second time.
3. That Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be read a third time.
4. That Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

## REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to consider Draft Bylaw No. 300 to replace Gabriola Island Local Trust Fees Bylaw No. 245. Adoption of a new LTC Fees bylaw would adjust LTC application fees to account for inflation and include new fees for Liquor and Cannabis Regulation Branch (LCRB) applications and Official Community Plan (OCP) and Land Use Bylaw (LUB) amendment applications for affordable, seniors and special needs housing. Bylaw No. 300 is based on the Islands Trust Council Model Application Fee Schedule, with an adjustment for inflation, and aligns with Islands Trust Council Policy 5.6.i – Application Processing Services.

## BACKGROUND

### ***Local Government Act***

Section 462 of the *Local Government Act* authorizes the LTC to impose application fees provided each fee “*must not exceed the estimated average costs of processing, inspection, advertising and administration that are usually related to the type of application or other matter to which the fee relates.*”

### **Islands Trust Council Policy:**

#### ***Policy 5.6.i (Application Processing Services)***

Policy 5.6.i is intended to distinguish services along a continuum from property tax subsidy to applicant cost responsibility. It provides the parameters for application processing services by which service levels can be

distinguished as a basis for preparing the Fees Bylaw and Schedule. The policy directs staff to provide a processing service to applicants in response to applications primarily funded by fees paid by applicants. While the actual costs of processing an application may be less than or greater than the established fee for that application, the policy directs that application fees be based on the average processing costs for various application types. These costs are calculated as the product of staff labour costs multiplied by processing time, adding to this other direct costs such as mapping expenses, advertising costs, meeting and minute taker costs, and travel costs, and indirect costs such as general administration and overhead. The policy also specifies that fee adjustments should generally not exceed 20% although the Executive Committee, when considering fee bylaws, may consider variances to this rule.

### **Islands Trust Council Model Application Fee Schedule**

The Islands Trust Council endorsed a Model Application Fee Schedule in 2004. In 2007, Trust Council requested that Local Trust Committees amend their fee bylaws “by a minimum of 10%....to recognize inflationary costs over the last 5 years.” After 2007, the issue of fees was discussed at Trust Council and by various Trust Council Committees on various occasions. However, there have been no further changes to the Trust Council Model Application Fee Schedule.

### ***Actual Application Processing Costs***

In 2011, Trust Council passed a resolution to establish a joint task force of the Financial Planning Committee and Local Planning Committee to conduct a review of development application fees and report to Trust Council about an appropriate rate of fees. To assist the Applications Fees Task Force, Staff undertook a review of the estimated average actual costs of processing applications over three years (January 1, 2009 to June 30, 2011) to determine the extent to which fees charged by LTCs cover these costs. The review involved a high-level review of time tracking data over a three-year period and the number of applications received during that time period.

The analysis developed the estimated average time per file from receipt of the application to final decision and follow-up. An average cost of \$50 per hour for planners, and \$36 per hour for support staff was calculated based on average salary and benefits, plus \$6 per hour for overhead costs for office space (i.e. rent, phones, utilities, etc.). These rates were used to convert the hours recorded into dollar values, based on an estimate that 80% of hours went to planners and 20% went to support staff. Other external “hard costs” such as meeting room rental, minute taking, advertising, legal review, mailing expenses and other such costs were estimated. In Table 1 below, “staff” costs and “hard costs” are listed for each application type.

**Table 1: Actual Application Processing Costs (2011)**

| <b>Application Type</b>     | <b>Staff Costs</b> | <b>Hard Costs</b> | <b>Total Costs<br/>(2011)</b> |
|-----------------------------|--------------------|-------------------|-------------------------------|
| Rezoning                    | \$5,792            | \$5,530           | \$11,122                      |
| Development Permit          | \$1,682            | \$330             | \$2,012                       |
| Development Variance Permit | \$1,004            | \$830             | \$1,834                       |
| Temporary Use Permit        | \$1,395            | \$2,830           | \$4,225                       |
| Subdivision Referral        | \$1,428            | \$130             | \$1,558                       |
| Board of Variance           | \$1,888            | \$800             | \$2,688                       |

### **Gabriola Island LTC Fees Bylaws**

Gabriola Island LTC adopted Fees Bylaw No. 230 in 2004 and Fees Bylaw No. 245 in 2007 in response to Trust Council direction. In 2014, Bylaw No. 245 was amended to include a fee for *Riparian Areas Regulation* (RAR) Development Permit (DP) applications. No other changes have been made to Gabriola Island LTC Bylaw No. 245 since 2014.

## LTC Resolutions

Staff provided reports to the LTC on June 14, 2018 with respect to anticipated applications for LCRB non-medical cannabis retail license applications and affordable, rental and special needs housing, which were accompanied by recommendations to adjust the Gabriola Island LTC Fees Bylaw to include fees for these two specific application types.

At the June 14, 2018 LTC meeting, the following resolutions were passed:

### **GB-2018-038**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request staff to draft an amendment to the Fees Bylaw to reduce the fee for applications involving Official Community Plan or Land Use Bylaw amendments to \$1,000 where the application is for affordable, rental, seniors and special needs housing and the applicant is a registered charity or a non-profit society.

#### **CARRIED**

### **GB-2018-041**

#### **It was MOVED and SECONDED**

that the Gabriola Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw for Liquor Control and Licensing Branch applications, and provide specific further analysis in terms of the appropriate fee to be charged.

#### **CARRIED**

At the meeting, trustees indicated that other application fees could be reviewed in relation to actual application processing costs.

Following a comprehensive review of fees in relation to actual processing costs, and consideration of inflation and Islands Trust Council policy, staff are recommending that the LTC adopt a new fees bylaw – Bylaw No. 300.

## ANALYSIS

### Issues and Opportunities

#### ***Fee Suppression/Cost Shift from Applicant to Taxpayer***

Despite fee adjustments via Bylaws 230 and 245 in 2004 and 2007, the majority of Gabriola LTC fees continue to be lower than those specified by Trust Council. Furthermore, fees have not been adjusted for inflation since 2007. For reference, inflation was 27.12% from 2004 to 2018 and 19.39% from 2007 to 2018 (Bank of Canada).

While fees have remained suppressed, application processing costs (i.e. staff, facilities, materials) have increased. Furthermore, regulatory requirements and processes have become more complex thereby increasing the time spent to process individual applications. Continued suppression of fees will inevitably result in a continued shift of application processing costs from applicants to taxpayers.

#### ***Gabriola LTC Fee Analysis***

Table 1, as follows, provides detailed information about the evolution of Gabriola Island LTC Fees Bylaws and analysis to produce draft Bylaw No. 300.

**Table 1. Gabriola Island LTC Fees Bylaw Analysis**

| COLUMN                                      | 1                               | 2                       | 3                                    | 4                       | 5                               | 6                                                 | 7                                   | 8                                          |
|---------------------------------------------|---------------------------------|-------------------------|--------------------------------------|-------------------------|---------------------------------|---------------------------------------------------|-------------------------------------|--------------------------------------------|
| APPLICATION TYPE                            | Trust Council Model Fees (2004) | GB LTC Bylaw 230 (2004) | Trust Council Model Fees +10% (2007) | GB LTC Bylaw 245 (2007) | CURRENT GB LTC Bylaw 245 (2014) | Trust Council Model Fees + Inflation <sup>1</sup> | GB LTC Bylaw 245 + 20% <sup>2</sup> | DRAFT GB LTC Bylaw 300 <sup>3</sup> (2018) |
| OCP Amendment                               | 4000                            | 3200                    | 4400                                 | 3500                    | 3500                            | 5253                                              | 4200                                | 5250                                       |
| Land Use Bylaw Amendment                    | 4000                            | 3200                    | 4400                                 | 3500                    | 3500                            | 5253                                              | 4200                                | 5250                                       |
| Land Use Contract Amendment                 | 4000                            | 3200                    | 4400                                 | 3500                    | 3500                            | 5253                                              | 4200                                | 5250                                       |
| OCP/Land Use Bylaw Amendment                | 4500                            | 4000                    | 4950                                 | 4500                    | 4500                            | 5910                                              | 5400                                | 5900                                       |
| DP Form & Character                         | 600                             | 480                     | 660                                  | 550                     | 550                             | 788                                               | 660                                 | 800                                        |
| DP - Commercial Revitalization              | 600                             | N/A                     | 660                                  | N/A                     | N/A                             | 788                                               | N/A                                 | N/A                                        |
| DP - Protection Area                        | 400                             | 400                     | 440                                  | 450                     | 450                             | 525                                               | 540                                 | 525                                        |
| DP – RAR                                    |                                 |                         |                                      |                         | 200                             | 525                                               | 240                                 | 525                                        |
| DP Amendment                                | 150                             | 120                     | 165                                  | 150                     | 150                             | 197                                               | 180                                 | 200                                        |
| DVP - Residential                           | 650                             | 520                     | 715                                  | 600                     | 600                             | 854                                               | 720                                 | 850                                        |
| DVP - Industrial/Commercial                 | 850                             | 680                     | 935                                  | 750                     | 750                             | 1116                                              | 900                                 | 1125                                       |
| DP/DVP - Residential                        | 700                             | 560                     | 770                                  | 650                     | 650                             | 919                                               | 780                                 | 925                                        |
| DP/DVP - Industrial/Commercial              | 850                             | 720                     | 935                                  | 800                     | 800                             | 1116                                              | 960                                 | 1125                                       |
| DVP/SUP - Residential                       | 650                             | N/A                     | 715                                  | N/A                     | N/A                             | 854                                               | N/A                                 | N/A                                        |
| DVP/SUP - Industrial/Commercial             | 850                             | N/A                     | 935                                  | N/A                     | N/A                             | 1116                                              | N/A                                 | N/A                                        |
| DP Form & Character/SUP                     | 600                             | N/A                     | 660                                  | N/A                     | N/A                             | 788                                               | N/A                                 | N/A                                        |
| DP Commercial Revitalization/SUP            | 600                             | N/A                     | 660                                  | N/A                     | N/A                             | 788                                               | N/A                                 | N/A                                        |
| TUP                                         | 1000                            | 800                     | 1100                                 | 900                     | 900                             | 1313                                              | 1080                                | 1300                                       |
| TUP Renewal                                 | 150                             | 120                     | 165                                  | 150                     | 150                             | 197                                               | 180                                 | 200                                        |
| SUP Amendment                               | 500                             | N/A                     | N/A                                  | N/A                     | N/A                             | N/A                                               | N/A                                 | N/A                                        |
| Subdivision Review - first parcel           | 1000                            | 800                     | 1100                                 | 900                     | 900                             | 1313                                              | 1080                                | 1300                                       |
| Subdivision Review - each additional parcel | 100                             | 80                      | 110                                  | 100                     | 100                             | 131                                               | 120                                 | 130                                        |
| Subdivision Lot Line Change                 | 300                             | 240                     | 330                                  | 300                     | 300                             | 394                                               | 360                                 | 400                                        |
| Strata Conversion                           | 1000                            | 1000                    | 1100                                 | 1100                    | 1100                            | 1313                                              | 1320                                | 1300                                       |
| Board of Variance                           | 900                             | 720                     | 990                                  | 800                     | 800                             | 1182                                              | 960                                 | 1200                                       |
| LCRB - Liquor License                       | 750                             | 750                     | 825                                  | 850                     | 850                             | 985                                               | 1020                                | 1000                                       |
| OCP/LUB-Affordable Housing                  |                                 |                         |                                      |                         |                                 |                                                   |                                     | 1000                                       |
| LCRB Cannabis Retail                        |                                 |                         |                                      |                         |                                 |                                                   |                                     | 2000                                       |
| LCRB Temporary Change                       |                                 |                         |                                      |                         |                                 |                                                   |                                     | 100                                        |
| Zoning Confirmation                         |                                 |                         |                                      |                         |                                 |                                                   |                                     | 100                                        |

<sup>1</sup>Bank of Canada Inflation Calculator (Based on inflation of 19.39% from 2007 - 2018)

<sup>2</sup>Islands Trust Council Policy 5.6.i - Gabriola LTC Bylaw No. 245 Fees plus 20%

<sup>3</sup>Islands Trust Council Model Fees rounded for convenience

Column 6 includes the 2007 Trust Council Model Fees adjusted for inflation (19.39%) to arrive at a set of fees in 2018 dollars.

Column 7 includes Gabriola Island LTC Fees adjusted by 20% per Islands Trust Council Policy 5.6.i. Staff have included these calculations to demonstrate that even when adjusted by 20%, many of the fees remain below or close to the 2007 Trust Council Model Fee Schedule and, therefore, don't reflect actual processing costs in 2018 dollars.

Column 8 includes Draft Bylaw No. 300 fees, which are based on the 2007 Islands Trust Council Model Fee Schedule, adjusted for inflation (19.39%), and rounded for convenience.

### ***New Application Types***

Also included in Draft Bylaw No. 300 are the following new application types and suggested fees:

- OCP and LUB amendment applications for affordable, rental, special needs, and seniors housing (\$1,000);
- LCRB non-medical cannabis retail license applications (\$2,000);
- LCRB temporary change applications (\$100); and
- Zoning Confirmation Letter (\$100).

The housing application fee requires no further discussion as this is based on LTC Resolution GB-2018-038. The latter fees are recommended by staff based on the following considerations.

### ***LCRB non-medical cannabis retail license application***

The fee for LCRB non-medical cannabis retail license applications in the amount of \$2,000 includes a base application fee of \$1,000 (the \$825 model fee adjusted for inflation), and \$1,000 to partially offset the costs of holding a public meeting (i.e. costs for advertising, facility rental, staff time, minute taking, and trustee and staff travel)). To date, both the Denman and Hornby LTCs have initiated fee bylaw amendments to include a \$2,000 processing fee for non-medical cannabis retail license applications.

### ***LCRB temporary change application***

Islands Trust staff periodically receive requests for zoning confirmation to authorize the issuance of a temporary license from the LCRB. These typically involve one to two hours of staff time and result in the preparation of a letter or completion of an LCRB form. \$100 is suggested to offset the costs of processing such requests.

### ***Zoning Confirmation Letter***

Islands Trust staff frequently receive requests for zoning confirmation on Islands Trust letterhead. Because the request is more involved, requiring more administrative resources, than a simple email response to a land use enquiry, a \$100 fee is suggested.

### **Consultation**

No public consultation is required or recommended for this draft amendment bylaw.

### **Rationale for Recommendation**

Staff recommend that the LTC Fees Bylaw be replaced so that fees more accurately reflect the true costs of application processing, are consistent with Islands Trust Council Policy 5.6.i and limit taxpayer subsidization. The staff recommendation is included on Page 1 of the report.

## ALTERNATIVES

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

### 1. Amend Draft Gabriola Island LTC Bylaw No. 300 to include Alternate Fees

The LTC may wish to amend the fees bylaw to include different fees than have been recommended. In this case, draft Bylaw No. 300 would need to be amended prior to being given readings. The following resolution would precede the recommendations on page 1.

*That Gabriola Island Local Trust Committee Bylaw No. 300, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2018", be amended as follows: [cite changes].*

When Bylaw No. 300 is given first reading, the resolution must include the words "as amended" at the end of this resolution only. Further readings (second and third) do not need to include the words "as amended".

### 2. Amend the Gabriola Island Fees Bylaw 245 to include new fees for LCRB and Housing applications only

The LTC may elect to disregard draft Bylaw 300 and amend the current Fees Bylaw 245 to include new fees for LCRB and Housing applications only while keeping other fees unchanged. Staff note that the implications of choosing this alternative will include continued and increasing subsidization of most applications by taxpayers.

### 3. Receive for information

The LTC may receive the report for information

## NEXT STEPS

The LTC may give Bylaw No. 300 three readings and forward the bylaw to the Secretary of the Islands Trust for approval of the Executive Committee. The LTC would be able to consider adoption of the bylaw should the Executive Committee first approve the bylaw.

|               |                                                     |                |
|---------------|-----------------------------------------------------|----------------|
| Submitted By: | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | August 7, 2018 |
|---------------|-----------------------------------------------------|----------------|

## ATTACHMENTS

1. Draft Bylaw No. 300
2. Current Fees Bylaw No. 245

# DRAFT

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 300

---

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

---

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Gabriola Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Gabriola Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

#### 1 Citation

- 1.1 This bylaw may be cited as the "Gabriola Island Local Trust Committee Fees Bylaw, 2018".

#### 2 Interpretation

- 2.1 In this bylaw:

"Applicant" means the person authorized under the Gabriola Island Local Trust Committee Development Procedure Bylaw No. 114, 1992 to make the application;

"Islands Trust" means the Director of Local Planning Services or his/her authorized representative;

"Application Fee" means the monetary amount payable to the "Islands Trust".

#### 3. Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4 the applicant must deliver to the Islands Trust the corresponding application fee in the amount shown in Column 2.

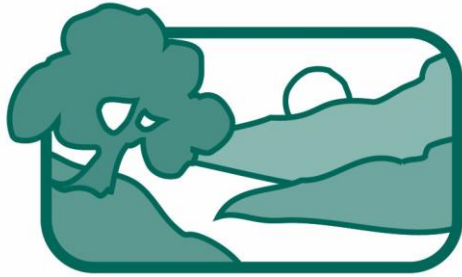
| TABLE 1 – Bylaw Amendments                                                                                                                                                         |          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Column 1                                                                                                                                                                           | Column 2 |
| 1. Official Community Plan amendment                                                                                                                                               | \$5,250  |
| 2. Official Community Plan amendment in combination with a consistent application for amendment to a Land Use Bylaw                                                                | \$5,900  |
| 3. Land Use Bylaw, Zoning Bylaw or Subdivision Bylaw amendment                                                                                                                     | \$5,250  |
| 4. Land Use Contract amendment                                                                                                                                                     | \$5,250  |
| 5. Official Community Plan or Land Use Bylaw amendments for affordable, rental, seniors or special needs housing and the applicant is a registered charity or a non-profit society | \$1,000  |

| <b>TABLE 2 – Permits</b>                                                                                                                                                |                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Column 1</b>                                                                                                                                                         | <b>Column 2</b> |
| 1. Development permit in respect of a protection areas: DP-1, DP-2, DP-4, DP-5, AND DP-6                                                                                | \$525           |
| 2. Development permit in respect of the following protection area: DP-3                                                                                                 | \$525           |
| 3. Development permit in respect of form and character area                                                                                                             | \$800           |
| 4. Development permit amendment                                                                                                                                         | \$200           |
| 5. Development variance permit in respect of a residential development                                                                                                  | \$850           |
| 6. Development variance permit in respect of a commercial, industrial or institutional development                                                                      | \$1,125         |
| 7. Development permit in combination with a companion application for a development variance permit in respect of a residential development                             | \$925           |
| 8. Development permit in combination with a companion application for a development variance permit in respect of a commercial, industrial or institutional development | \$1,125         |
| 9. Temporary use permit                                                                                                                                                 | \$1,300         |
| 10. Temporary use permit renewal                                                                                                                                        | \$200           |

| <b>TABLE 3 – Subdivision Referrals</b>                                                                            |                 |
|-------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Column 1</b>                                                                                                   | <b>Column 2</b> |
| 1. Application for Subdivision Review – first parcel                                                              | \$1,300         |
| 2. Application for Subdivision Review – every additional parcel that would be created by the proposed subdivision | \$130           |
| 3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels              | \$400           |

| <b>TABLE 4 – Other Applications</b>                                          |                 |
|------------------------------------------------------------------------------|-----------------|
| <b>Column 1</b>                                                              | <b>Column 2</b> |
| 1. Board of Variance                                                         | \$1,200         |
| 2. Strata Conversion                                                         | \$1,300         |
| 2. Liquor & Cannabis Regulation Branch – Liquor License                      | \$1,000         |
| 3. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License | \$2,000         |
| 4. Liquor & Cannabis Regulation Branch – Temporary License Change            | \$100           |
| 5. Zoning Confirmation Letter                                                | \$100           |





# *Islands Trust*

## **GABRIOLA ISLAND**

## **DEVELOPMENT FEES**

## **BYLAW NO. 245, 2007**

**AS AMENDED BY THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**

BYLAWS: 277, 288

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Consolidated: April, 2016

## CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

| <u>Bylaw Number</u> | <u>Amendment Number</u> | <u>Adoption Date</u> |
|---------------------|-------------------------|----------------------|
| Bylaw No. 277       | Amendment No. 1, 2014   | September 4, 2014    |
| Bylaw No. 288       | Amendment No. 1, 2014   | March 10, 2016       |

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 245

---

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

---

WHEREAS Section 931 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Gabriola Island Local Trust Committee, being the trust committee having jurisdiction in respect of the Gabriola Island local trust area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

#### 1. Citation

- 1.1 This bylaw may be cited as the "Gabriola Island Local Trust Committee Fees Bylaw, 2007".

#### 2. Interpretation

- 2.1 In this bylaw:

"Applicant" means the person authorized under the Gabriola Island Trust Committee Development Procedure Bylaw No. 114, 1992 to make the application;

"Islands Trust" means the Director of Local Planning or his/her authorized representative;

"Application Fee" means the monetary amount payable to the "Islands Trust".

#### 3. Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to the Islands Trust the corresponding application fee in the amount shown in Column 2 of Table 1, Table 2, Table 3 or Table 4.

| TABLE 1 – Bylaw Amendments                                                                                          |          |
|---------------------------------------------------------------------------------------------------------------------|----------|
| Column 1                                                                                                            | Column 2 |
| 1. Official Community Plan amendment                                                                                | \$3,500  |
| 2. Official Community Plan amendment in combination with a consistent application for amendment to a Land Use Bylaw | \$4,500  |
| 3. Land Use Bylaw, Zoning Bylaw or Subdivision Bylaw amendment                                                      | \$3,500  |
| 4. Land Use Contract amendment                                                                                      | \$3,500  |

GB BL 277  
GB BL 288 (03/16)

GB BL 277

| <b>TABLE 2 – Permits</b> |                                                                                                                                                                      |                 |
|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Column 1</b>          |                                                                                                                                                                      | <b>Column 2</b> |
| 1.                       | Development permit in respect of the following protection areas: DP-1, DP-2, DP-4, DP-5, and DP-6                                                                    | \$450           |
| 2.                       | Development permit in respect of the following protection area: DP-3                                                                                                 | \$200           |
| 3.                       | Development permit in respect of form and character area                                                                                                             | \$550           |
| 4.                       | Development permit amendment                                                                                                                                         | \$150           |
| 5.                       | Development permit in combination with a companion application for a development variance permit in respect of a residential development                             | \$650           |
| 6.                       | Development permit in combination with a companion application for a development variance permit in respect of a commercial, industrial or institutional development | \$800           |
|                          |                                                                                                                                                                      |                 |
| 7.                       | Development variance permit in respect of a residential development                                                                                                  | \$600           |
| 8.                       | Development variance permit in respect of a commercial, industrial or institutional development                                                                      | \$750           |
|                          |                                                                                                                                                                      |                 |
| 9.                       | Temporary commercial and industrial use permit                                                                                                                       | \$900           |
| 10.                      | Temporary commercial and industrial use permit renewal                                                                                                               | \$150           |

| <b>TABLE 3 – Subdivision Referrals</b> |                                                                                                                |                 |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------|-----------------|
| <b>Column 1</b>                        |                                                                                                                | <b>Column 2</b> |
| 1.                                     | Application for subdivision review – first parcel                                                              | \$900           |
| 2.                                     | Application for subdivision review - every additional parcel that would be created by the proposed subdivision | \$100           |
| 3.                                     | Application for subdivision review - parcel line adjustments only, creating no additional parcels              | \$300           |

| <b>TABLE 4 – Other Applications</b> |                                     |                 |
|-------------------------------------|-------------------------------------|-----------------|
| <b>Column 1</b>                     |                                     | <b>Column 2</b> |
| 1.                                  | Board of Variance                   | \$800           |
| 2.                                  | Strata Conversion                   | \$1,100         |
| 3.                                  | Liquor Control and Licensing Branch | \$850           |

- 3.3 An application administration fee in the amount of \$100.00 being a portion of the fee referred to in Table 1 is not refundable in any event.
- 3.4 An application administration fee in the amount of \$50.00 being a portion of the fee referred to in Table 2, Table 3 and Table 4 is not refundable in any event.

- 3.5 Subject to Section 3.3 and Section 3.4, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.
- 3.6 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,300.

#### **4. Extraordinary Costs**

- 4.1 In the event the costs of processing, inspection, advertising and administration in respect of an application are estimated by the Islands Trust to exceed 150% (percent) of the applicable fee, the Applicant shall pay to the Islands Trust prior to the processing of the application the estimated actual costs of processing, site inspection, advertising and administration.
- 4.2 To the extent the amount paid under Subsection 4.1 exceeds the actual costs of processing, inspection, advertising and administration related to the application, the Islands Trust shall refund the excess amount to the Applicant.
- 4.3 To the extent the amount paid under Subsection 4.1 is less than the actual costs of processing, inspection, advertising and administration, the Islands Trust shall invoice the Applicant for the excess amount which shall become a debt due and payable to the "Islands Trust".

#### **5. Severability**

- 5.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

#### **6. Repeal**

- 6.1 Gabriola Island Local Trust Committee Fees Bylaw, 2004 is repealed upon adoption of this bylaw.

READ A FIRST TIME this 19th day of July, 2007.

READ A SECOND TIME this 19th day of July, 2007.

READ A THIRD TIME this 19th day of July, 2007.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST  
this 9th day of October, 2007.

ADOPTED this 18<sup>th</sup> day of October, 2007.

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Chairperson

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Secretary



File No.: 6500-20 - Mudge Island  
Targeted Review Project

DATE OF MEETING: August 16, 2018  
TO: Gabriola Island Local Trust Committee  
FROM: Ann Kjerulf, Regional Planning Manager  
Northern Team  
COPY: Teresa Ritemann, Island Planner  
SUBJECT: Mudge Island Targeted Review Project for Lot Coverage

## RECOMMENDATION

1. That the Gabriola Island Local Trust Committee endorse the draft Mudge Island Targeted OCP/LUB Review Project Charter v.3.
2. That the Gabriola Island Local Trust Committee request that staff prepare amendments to Draft Bylaw Nos. 301 (OCP) and 302 (LUB), to achieve compliance with the Islands Trust Policy Statement Directive Policies using the following planning tools [list].

## REPORT SUMMARY

The Gabriola Island Local Trust Committee (LTC) is asked to endorse a revised Project Charter for the Mudge Island Targeted Official Community Plan (OCP) and Land Use Bylaw (LUB) Review Project, to include potential amendments to the Mudge Island OCP as an in-scope activity, with an amended public consultation process and timeline. The LTC is also asked to consider draft Bylaw Nos. 301 (OCP) and 302 (LUB), and options to amend these bylaws to achieve compliance with the Islands Trust Policy Statement (ITPS).

## BACKGROUND

The purpose of the Mudge Island Targeted Review Project is to review regulations for lot coverage.

### Mudge Island LUB

The Mudge Island LUB currently includes the following definitions:

**LOT COVERAGE** means the total area of a lot covered by buildings and structures measured within the outer most walls, or if there are no walls, measured to the outer edge of the drip-line, expressed as a percentage.

**STRUCTURE** means any construction and human made land alteration fixed to, supported by, or sunk into land or water; for clarity septic fields, septic tanks, absorption fields and related appurtenances, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures.

and regulation:

*(In the Rural Residential Zone) The maximum lot coverage is 10%.*

## **LTC Resolutions**

The following resolutions were previously passed by the Gabriola Island LTC with respect to this project:

### ***December 14, 2017***

#### **GB-2017-149**

##### **It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee request staff to schedule a meeting for the Mudge Island Advisory Planning Commission to discuss and provide recommendations to the Local Trust Committee on potential amendments to the Mudge Island Official Community Plan and Land Use Bylaw in relation to Lot Coverage including:

- (a). Modifying the definition of lot coverage to exempt cisterns or other structures to support water conservation;
- (b). Modifying maximum lot coverage in the rural residential zone;
- (c). Regulating the size of dwellings and accessory buildings and structures;
- (d). Regulating impermeable surface coverage;
- (e). Incorporating Mudge Island as a "Special Area" under the Gabriola Official Community Plan and Land Use Bylaw.

### ***March 1, 2018***

#### **GB-2018-021**

##### **It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee staff do no further work on GB-2017-149 Point e. Incorporating Mudge Island as a "Special Area" under the Gabriola Official Community Plan and Land Use Bylaw.

### ***April 12, 2018***

#### **GB-2018-026**

##### **It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee request Staff to prepare draft bylaw amendments to the Mudge Island Land Use Bylaw to address lot coverage through amendments to regulations and/or definitions, including a potential amendment to maximum lot coverage that is dependent on lot size.

### ***July 12, 2018***

#### **GB-2018-046**

##### **It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee request further information be provided on the conflict between the Official Community Plan and increasing lot coverage on small lots under 1 hectare.

#### **GB-2018-047**

##### **It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee requests that Staff provide draft bylaws which take a tiered approach to increasing allowable lot coverage on Mudge Island with the tiers being 20% maximum lot coverage for lots less than 0.4 hectares, 15% between 0.4 hectares and 1 hectare and 10% for lots 1 hectare or larger, and if deemed necessary provide draft Official Community Plan amendments to support these draft bylaws.

The conflict between the OCP and increasing lot coverage on small lots under 1 hectare is explained in the analysis section of this report. Draft OCP and LUB amendments – Bylaw Nos. 301 and 302 – have been prepared for LTC consideration specifically as requested by the LTC (Attachments 1 and 2).

## ANALYSIS

### Policy/Regulatory

#### *Islands Trust Act and Policy Statement*

Planning and land use management within the Islands Trust is legislated in part through the *Islands Trust Act*. Islands Trust Council and LTCs are legislative bodies, under the Act, which exist for the purpose of carrying out the object of the Islands Trust:

*“The object of the Islands Trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”*

The Act requires the trust council to adopt a Trust Policy Statement – a general statement of the policies of the trust council to carry out the object of the trust. The Islands Trust Policy Statement (ITPS) “provides a general strategy for land use planning which translates the broad goals of the Province and the Islands Trust into specific actions to preserve and protect the Trust Area. The ITPS clarifies the positions and policies of the Islands Trust and provides guidance for the formulation of bylaws, plans and policies.” Furthermore, the ITPS provides definitions for “preserve and protect”:

- **Preserve** - to maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.
- **Protect** - to maintain over the long-term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Under Section 27 (1) of the *Islands Trust Act*, an LTC must submit its bylaws to the Executive Committee for approval before adoption. Under Section 15(4) of the Act, a bylaw submitted to the Executive Committee must not be approved by the Executive Committee if it is contrary to or at variance with the ITPS.

Staff have evaluated Draft Bylaw Nos. 301 (OCP) and 302 (LUB) according to the ITPS Directive Policies and have flagged several policies for non-compliance (Attachment 3).

#### *Mudge Island Official Community Plan*

An OCP must be read in its entirety when analyzing land use proposals, whether these are initiated by the LTC or by a private developer. The Mudge Island OCP has been reviewed in relation to the LTC proposal to increase lot coverage (Attachment 4). Staff note the following *Rural Residential* policies, which specifically apply in this case:

- **Lot coverage should be limited**, unless measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts.
- Areas covered by **impervious surfaces, buildings and structures should be minimized**, unless ecological footprints are compensated for elsewhere.
- The amount of land area developed with **impervious materials should be kept to a minimum** and natural drainage systems should be maintained to allow for maximum absorption into groundwater and to minimize sedimentation and contamination of surface water.
- All buildings and structures should be designed and constructed in a **socially and environmentally friendly** manner by taking into account:
  - green building design;
  - **small building footprints**;

- *energy efficiency;*
- *rainwater harvesting;*
- *alternative technologies for sewage treatment and disposal; and,*
- *any other methods that support efficient, sustainable and careful use of resources*

Other statements in the Mudge Island OCP which warrant consideration by the LTC include:

- *To encourage the preservation and protection of rare and sensitive ecosystems and maintain the natural environment and enhance biodiversity;*
- *To identify, protect, preserve and enhance important cultural and historical resources in the Plan Area.*
- *Potable water from ground and surface water sources should be supplemented by collection and storage of rainwater through cisterns and ponds.*
- *Water conservation equipment and practices shall be utilized.*
- *To establish climate change as a fundamental factor in land use decision making, while adhering to the Islands Trust Policy Statement*
- *The “precautionary principle” refers to erring on the side of the environment, not on the side of development, and shall be employed in all situations; final decisions should not be considered until adequate and appropriate information is obtained.*

Lot coverage limits are commonly used development control regulations which establish the proportion of a lot which may be developed, usually measured as a percentage of total lot or site area. The intent is generally to limit the extent of development on a site, retain green space, allow for on-site drainage, and maintain neighbourhood or community character.

The implementation of the above-noted policies through the Mudge Island LUB is essentially limited to the 10% maximum lot coverage and required setbacks for buildings and structures to the natural boundary of the sea. The Mudge Island OCP and LUB do not include any other regulatory measures, development permit guidelines, or heritage conservation area guidelines to address these and other OCP policies as identified in Attachment 4 (i.e. ecosystem preservation and protection, heritage, water supply, sewage disposal, climate change adaptation and greenhouse gas emission reductions).

## **Issues and Opportunities**

### **A. Consistency with the OCP and Islands Trust Policy Statement**

The Mudge Island OCP provides policy guidance for the enactment of LTC regulatory bylaws, in accordance with s. 884(2) of the *Local Government Act*:

*“All bylaws enacted or works undertaken by a council, board or greater board, or by the trustees of an improvement district, after the adoption of ... an official community plan, .... must be consistent with the relevant plan”*

This provision explicitly prohibits the adoption of regulatory bylaws (e.g. land use bylaws, subdivision bylaws), which are inconsistent with an OCP.

In its entirety, the Mudge Island OCP reads as a document advocating for the preservation and protection of the island’s ecological values and natural, rural character. One of its seven goals is *“to fulfil the object of the Islands Trust”*. Furthermore, the LUB (adopted in tandem with the OCP) zoned the majority of residential lots on Mudge Island as “Rural Residential” with a maximum lot coverage of 10%, which essentially defined what the OCP intended by Rural Residential Policy 3, ***“lot coverage shall be limited”***.

Staff previously presented the LTC with an option to amend the LUB without arbitrarily increasing lot coverage so as to maintain consistency with the OCP and specifically with Policy 3. The approach presented included a revised definition of 'structure' and allowances for a variety of exemptions from the lot coverage calculation. The allowances were generally for pervious surfaces (e.g. pervious pathways, driveways) or features deemed necessary to accommodate rural living (e.g. woodshed, septic field), consistent with Rural Residential Policy 4, *"Areas covered by impervious surfaces, buildings and structures should be minimized"*.

While perhaps out of keeping with the spirit and intent of the Mudge Island OCP, staff are of the opinion that consistency between the OCP and LUB may be achieved through the adoption of compatible bylaws. OCP Bylaw 301 would enable lot coverage of greater than 10% under defined circumstances, which would be implemented through LUB Bylaw 302.

In order for local trust committee OCP and LUB bylaws to be adopted, the *Islands Trust Act* requires that the bylaws comply with the ITPS. Staff have evaluated the bylaws and deemed them to be contrary to the ITPS. They would result in a blanket increase in lot coverage with no measures to achieve the community values described by the current Mudge Island OCP or the broader ITPS directive policies. Staff interpret that the intent of the OCP adopted for Mudge Island in 2008 was to create a balance between rural residential development and community values, which include ecological protection. However, the maximum 10% lot coverage and required setback for buildings and structures to property lines and the natural boundary are the only measures which support ecological protection. Reducing these measures would correlate to a reduction in the level of ecological protection. This, in the view of staff, is completely inconsistent with the ITPS.

Moreover, the provision of a blanket increase in lot coverage to accommodate pre-existing situations and new development would preclude the current Development Variance Permit (DVP) framework, which may compel applicants for DVPs to undertake due diligence, such as completing shoreline, biological, archaeological, or other site assessments, given that the LTC authority to issue DVPs is entirely discretionary.

## **B. Coastal Douglas-Fir Conservation and Species at Risk**

### Coastal Douglas-Fir Zone

Mudge Island is located entirely within the Coastal Douglas-fir Biogeoclimatic (CDF) Zone. The LTC received a briefing from the Islands Trust Conservancy staff in January 2016, which stated:

*"The CDF Zone is the smallest and most at-risk biogeoclimatic zone in BC and is of great conservation concern (Biodiversity BC, 2008). It is home to the highest number of species and ecosystems at risk in BC, many of which are ranked globally as imperilled or critically imperilled (BC Conservation Data Centre, 2012). The global range of the CDF lies almost entirely within BC, underscoring both its global uniqueness and BC's responsibility for its conservation. Twenty-five percent (25%) of the CDF lies within the Islands Trust area.*

*Of all the zones in BC, the CDF has been most altered by human activities. Less than 1% of the CDF remains in old growth forests (Madrone, 2008) and 49% of the land base has been permanently converted by human activities (Hectares BC, 2010). The trend of deforestation and urbanization continues and has resulted in a natural area that is now highly fragmented with continuing threats to remaining natural systems. Approximately 9% of the CDF zone is protected in conservation areas (MFLNRO, 2011). Of the remaining land in the CDF zone, approximately 80% is privately owned, which creates significant challenges for protection. The Islands Trust area still has high quality natural spaces, making it a natural focus for CDF conservation."*

The LTC subsequently passed the following resolutions:

**GB-2016-007**

**It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee become a signatory to the Coastal Douglas-Fir Conservation Partnership statement of collaboration.

**CARRIED**

**GB-2016-008**

**It was MOVED and SECONDED**

That the Gabriola Island Local Trust Committee place Land Use Planning Tools to Conserve Coastal Douglas-Fir Forest Ecosystems on the Projects List.

**CARRIED**

An objective of the Coastal Douglas-fir Conservation Partnership (CDFCP) Conservation Strategy is to *“Support active ecosystem management” by “work(ing) with local governments to develop plans, policies and bylaws and incentives that enhance CDF values”*.

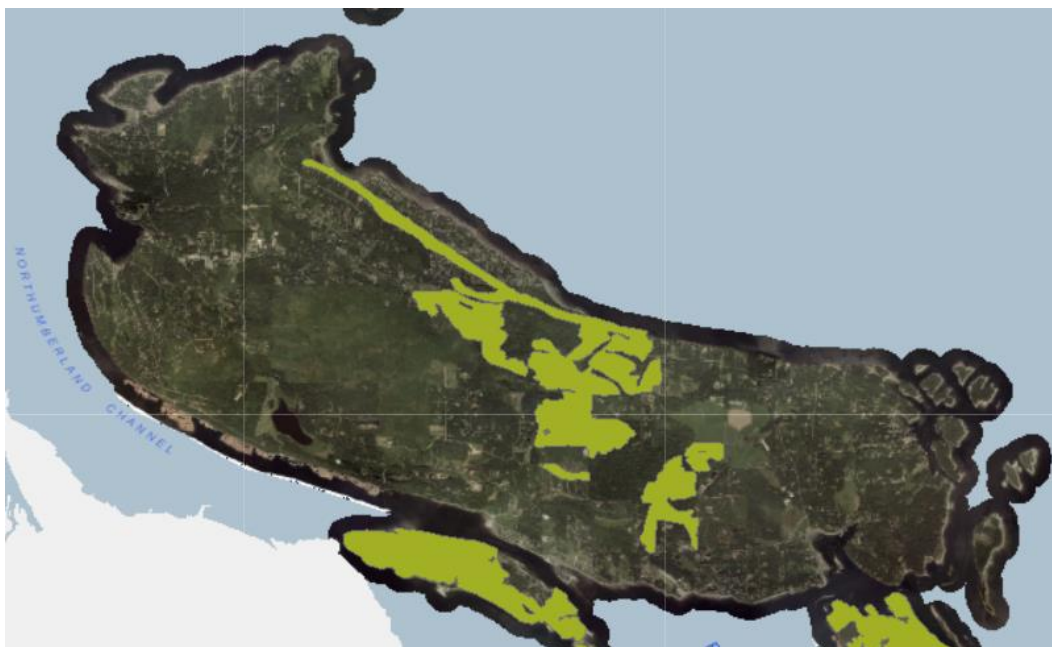
Species at Risk

Based on Islands Trust Terrestrial Ecosystem Mapping data, obtained from the Province of BC, most of Mudge Island is mapped as a species at risk, red-listed ecological community (Douglas Fir/dull Oregon-grape). The condition of this ecological community is classified as “Fair” due to the extent of young forest as well as the 25-75% fragmentation due to roads and rural residential development that has occurred throughout much of the island.



**Figure 1. Mudge Island – Distribution of Douglas-fir/dull Oregon-grape ecological community**

A comparative image showing the same mapped red-listed ecological community (Douglas-fir/dull Oregon-grape) on Gabriola Island where maximum lot coverage on small (SRR zoned) lots is 20%, indicates a higher fragmentation and loss of diversity due to historical development of the landscape; the most protected and intact portions that remain are due to the separation of individual forested parcels by agriculture. Staff are concerned that increasing the maximum lot coverage would threaten this known ecological community at risk.



**Figure 2. Gabriola Island – Distribution of Douglas-fir/dull Oregon-grape ecological community**

The Province of BC Conservation Data Centre provides the following status of this red-listed ecological community:

*“The Douglas-fir / dull Oregon-grape ecological community is the matrix forest within its range. Long-term trends show a significant decline in the area of mature and old forest. Fragmented areas of mature forests can found in areas that are less developed, but there are no remaining old forests of significant size. The high cover of young forests is a legacy of extensive harvest practices in the past 40 to 80 years. Conversion to urban and rural developments remains the greatest threat to this ecological community. Fragmentation, fire suppression, invasive alien plants, and significant deer browse also impact the ecological integrity of this community. As 80% of the range is privately owned, protection and restoration of this ecological community is difficult.”<sup>1</sup>*

#### Regional Conservation Plan

The Islands Trust Conservancy Regional Conservation Plan, completed in 2018, notes that biodiversity in the Local Trust Area is vulnerable to the loss of natural ecosystems to residential and associated uses – mostly deforestation for roads and rural development. There was higher than average ecosystem disturbance between 2004 and 2014 compared to other islands in the Islands Trust Area. According to the Plan, Gabriola is a high priority for conservation.

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<sup>1</sup> Province of BC Conservation Data Centre. <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre>.

### **C. Climate Change**

In response to climate change issues, the provincial government gave Royal Assent to Bill 27 [Local Government (Green Communities) Statutes Amendment Act, 2008] on May 29, 2008. Bill 27 amended the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 requires that all local governments include GHG emission reduction targets—and policies and actions to achieve those targets— in their Official Community Plans. As noted in Appendix 4, the Mudge Island OCP includes objectives and policies respecting climate change and greenhouse gas emission reductions. These have yet to be implemented through LUB regulations or Development Permit Areas (DPAs).

### **D. Groundwater Protection**

The Mudge Island OCP notes the reliance on rainwater and groundwater for domestic use:

*“Rainwater (and snowmelt) percolates down through cracks and fissures in the bedrock to form the freshwater reservoir. There is no other source of water. As such, water supply is limited to what is stored and how much accumulates each year, mainly during the winter. Once summer arrives, Mudge Island, like most of the Gulf Islands, experiences drought. Because the availability of groundwater depends on the storage capacity of the fractured bedrock, the amount of water varies with location. So too does water quality, stinking of sulfur in one well, brackish in another, fresh and wonderful in another.”*

The bylaws should not advance until the island’s water quality and quantity challenges have been sufficiently addressed, particularly as the ITPS includes a specific directive policy regarding this matter:

*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.*

Staff note that while lot coverage may not necessarily result in higher water use, it may result in a reduced rate of aquifer recharge due to vegetation loss and a reduction in pervious surfaces.

### **E. Planning Tools to Achieve Compliance with the ITPS**

Staff are of the opinion that the Mudge Island OCP and LUB can be amended to allow an increase in lot coverage, provided mitigation measures are employed. In fact, the Mudge Island OCP directs that if lot coverage is increased *“measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts.”*

#### Land Use Bylaw Regulations

The *Local Government Act* authorizes the use of run-off control regulations and landscape screening regulations, apart from traditional zoning measures. Examples of LUB regulations to approach compliance with the ITPS include:

- maximum impermeable surface coverage (the area of a lot which may be covered by impermeable/imperious surfaces);
- removal of the 7.5 m setback option in the LUB (i.e. Siting and Setback Regulation 3.3(5));
- mandatory rainwater harvesting and collection with a minimum storage capacity for domestic use (as was required for a recent rezoning application on Gabriola Island);

- continuous vegetated landscape buffers along property lines and watercourses (prohibiting lawns adjacent to the natural boundary); and
- covenant requirements to ensure ongoing compliance with LUB regulations.

All of these suggested regulatory measures are supported by the existing Mudge Island OCP.

### Development Permit Areas

Regulatory measures may be supplemented through the designation of one or more development permit areas (DPAs). Development permits are used not to prohibit development but to guide development so that it occurs in a sensitive manner. An OCP may designate DPAs for a variety of purposes including:

- protection of the natural environment, its ecosystems and biological diversity;
- protection of development from hazardous conditions;
- establishment of objectives for the form and character of intensive residential development;
- establishment of objectives to promote energy conservation;
- establishment of objectives to promote water conservation;
- establishment of objectives to promote the reduction of greenhouse gas emissions.

For instance, the LTC could introduce a climate change DPA, which could address issues related to both water conservation and ecosystem conservation. These issues are linked.

Further information is available in the Province of BC publication, [Development Permit Areas for Climate Action](#)<sup>2</sup>. The Gabriola Island LTC also completed a project in 2014, which resulted in changes to the Gabriola Island LUB; the [consultant report](#)<sup>3</sup> for this project provided policy and regulatory options including implementing a climate change DPA.

### Heritage Conservation Area

Designation of a heritage conservation area is yet another tool, authorized under the *Local Government Act*, which could be used to help mitigate the impact of development on Mudge Island, an island with cultural significance for local First Nations, recorded archaeological sites, and extensive archaeological potential.

A heritage conservation area may be designated in the OCP for the purpose of ensuring that any archaeological sites (where documented or not) are protected and that development impacts are managed in accordance with the *Heritage Conservation Act*.

An example of an OCP Heritage Conservation Area designation and guidelines is available in the [Savary Island OCP](#)<sup>4</sup>.

Further information and examples on available planning tools are available in the [Green Bylaws Toolkit for Conserving Sensitive Ecosystems and Green Infrastructure](#)<sup>5</sup>.

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<sup>2</sup> Province of BC. 2011. [http://toolkit.bc.ca/sites/default/files/dpa\\_guide.pdf](http://toolkit.bc.ca/sites/default/files/dpa_guide.pdf)

<sup>3</sup> CitySpaces Consulting. 2013. [http://www.islandstrust.bc.ca/media/198304/130507\\_Gabriola\\_Climate\\_Change\\_Policy%20\(Final\).pdf](http://www.islandstrust.bc.ca/media/198304/130507_Gabriola_Climate_Change_Policy%20(Final).pdf)

<sup>4</sup> Power River Regional District. Savary Island OCP. 2006. <http://www.powellriverrd.bc.ca/wp-content/uploads/2011/09/Schedule-A-to-Savary-Island-OCP-Bylaw-No-403-2006.pdf>

<sup>5</sup> West Coast Environmental Law. 2016. <http://www.greenbylaws.ca/>

## **F. Project Charter**

Should the LTC proceed with a process to amend its OCP, it should also amend the Mudge Island Targeted Review Project Charter to identify an OCP amendment as in scope, and provide for a lengthier and more fulsome consultation process and corresponding budget. Widening the scope of the project comes with an increase in the timeline for completion, as well as to staff time, the budget, and to other allocated resources. A draft revised Project Charter is attached (Attachment 5).

## **Protocols**

The Islands Trust and Gabriola Island LTC and Snuneymuxw are parties to a [protocol agreement](#)<sup>6</sup> dated December 4, 2008. The purpose of the protocol agreement is to set out policies, procedures, and processes for the way in which the Islands Trust and the Snuneymuxw will interact from time to time, to establish specific measures for land use planning and protecting Snuneymuxw heritage sites, and to identify areas in which the parties wish to develop further agreements. To note, the protocol agreement emphasizes consultation and the development of mechanisms for the protection of First Nations archaeological and heritage sites.

## **Statutory Requirements**

The statutory requirements for OCP and LUB amendments are set out in Part 14 of the *Local Government Act*. In addition to the requirement for three readings of a bylaw and a public hearing, LTC bylaws are subject to approval by the Islands Trust Executive Committee, and LTC OCP bylaws are subject to approval by the Minister of Municipal Affairs and Housing.

The LTC is required under Section 475 of the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC is also required to refer OCP amendment bylaws to School District No. 68 and the Agricultural Land Commission.

## **Consultation**

Should the LTC proceed with bylaw amendments, further consultation is recommended with the general public, in addition to the consultation required under the *Local Government Act*.

Correspondence regarding the Mudge Island Targeted OCP/LUB Review may be submitted to the Gabriola Island LTC either at an LTC business meeting or via email to: [gabriolaislandlocaltrustcommittee@islandstrust.bc.ca](mailto:gabriolaislandlocaltrustcommittee@islandstrust.bc.ca). Written correspondence may be posted to the Islands Trust website at: <http://islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/mudge-island-targeted-ocplub-review-project/>, provided the content of the correspondence is focused on planning issues, complies with the *Freedom of Information and Protection of Privacy Act (FIPPA)*, and contains no defamatory content or information about identifiable individuals.

## **Referrals**

It is recommended that the LTC refer its bylaws to agencies and First Nations including:

The Islands Trust Conservancy, Islands Trust Bylaw Enforcement, Islands Trust Senior Freshwater Specialist, Regional District of Nanaimo (Parks, Emergency Services), Ministry of Municipal Affairs and Housing, Ministry of Forests, Land, Natural Resource Operations and Rural Development, Ministry of Transportation and

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<sup>6</sup> Protocol Agreement between the Islands Trust Council and Snuneymuxw First Nation. 2008.  
<http://www.islandstrust.bc.ca/media/342746/orgagrdec042008oth.pdf>

Infrastructure, Ministry of Health, Ministry of Environment, School District No. 68, Ministry of Agriculture, Agricultural Land Commission and School District No. 68, Snuneymuxw First Nation and all Hul'qumi'num Treaty Group members (as per Mudge Island OCP policy) and all other First Nations identified as having interests in the Gabriola Local Trust Area (as recorded in the Province of BC Consultative Areas Database).

The Gabriola Island LTC may also wish to refer the draft bylaws to its Advisory Planning Commission.

## **RATIONALE FOR RECOMMENDATION**

The LTC has requested the preparation of bylaws which would accommodate a tiered approach to lot coverage including “20% maximum lot coverage for lots less than 0.4 hectares, 15% between 0.4 hectares and 1 hectare and 10% for lots 1 hectare or larger”. Staff are of the opinion that this approach does not account for the broader community values described by the Mudge Island OCP through Rural Residential Policy 3, in particular:

*Lot coverage should be limited, unless measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts.*

There is a tremendous opportunity to create a policy and regulatory framework, which would accommodate an increase potential lot coverage while protecting Mudge Island's ecological integrity, support climate change resiliency, and be consistent with the ITPS and object of the Islands Trust. The staff recommendation is noted on page 1 of the report.

## **ALTERNATIVES**

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

### **1. Amend the Draft Project Charter**

*That the Gabriola Island Local Trust Committee endorse the draft Mudge Island Targeted OCP/LUB Review Project Charter v.3 with the following amendments [list amendments].*

### **2. Refer Draft Bylaw Nos. 301 and 302 without Amendments**

The LTC may choose to refer the bylaws as drafted in order to solicit input from agencies and First Nations prior to further consideration of potential amendments. The following resolutions should be passed if pursuing this alternative.

*That draft Bylaw Nos. 301 and 302 be referred to the following agencies and First Nations for comment: The Islands Trust Conservancy, Islands Trust Bylaw Enforcement, Islands Trust Senior Freshwater Specialist, Regional District of Nanaimo (Parks, Emergency Services), Ministry of Municipal Affairs and Housing, Ministry of Forests, Land, Natural Resource Operations and Rural Development, Ministry of Transportation and Infrastructure, Ministry of Health, Ministry of Environment, School District No. 68, Ministry of Agriculture, Agricultural Land Commission and School District No. 68, Snuneymuxw First Nation and all Hul'qumi'num Treaty Group members (as per Mudge Island OCP policy) and all other First Nations identified as having interests in the Gabriola Local Trust Area per the Province of BC Consultative Areas Database.*

*That draft Bylaw Nos. 301 and 302 be referred to the Mudge Island Advisory Planning Commission, that the meeting be held indoors in an accessible public facility equipped with washrooms and power, and that a member of staff, one trustee and minute taker attend the meeting.*

### 3. Defer Consideration

Given the complexity of the Mudge Island Targeted Lot Coverage Review Project, the LTC may wish to defer further consideration to the next LTC following the election in October.

#### NEXT STEPS

Should the LTC pass the recommended resolutions, staff will prepare amendments to the draft bylaws for consideration at a subsequent LTC meeting. Alternatively, staff could provide further information about any or all of the issues noted in this report at a subsequent meeting, or proceed with referral of the bylaws as drafted.

|               |                                                     |                 |
|---------------|-----------------------------------------------------|-----------------|
| Submitted By: | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | August 13, 2018 |
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#### ATTACHMENTS

1. Draft (OCP) Bylaw No. 301
2. Draft (LUB) Bylaw No. 302
3. ITPS Directive Policies Checklist
4. Mudge Island OCP Excerpts
5. Mudge Island Targeted Lot Coverage Review Project Charter, v.3

# DRAFT

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 301

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### A BYLAW TO AMEND MUDGE ISLAND OFFICIAL COMMUNITY PLAN, 2007

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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 “Mudge Island Official Community Plan, 2007, Amendment No. 1, 2018”.

2. Gabriola Island Local Trust Committee Bylaw No. 227, cited as “Mudge Island Official Community Plan, 2007,” is amended as noted in Schedule 1, attached to and forming part of this bylaw.

|                                                          |       |        |       |        |
|----------------------------------------------------------|-------|--------|-------|--------|
| READ A FIRST TIME THIS                                   | _____ | DAY OF | _____ | , 201_ |
| READ A SECOND TIME THIS                                  | _____ | DAY OF | _____ | , 201_ |
| PUBLIC HEARING HELD THIS                                 | _____ | DAY OF | _____ | , 201_ |
| READ A THIRD TIME THIS                                   | _____ | DAY OF | _____ | , 201_ |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST |       |        |       |        |
| THIS                                                     | _____ | DAY OF | _____ | , 201_ |
| ADOPTED THIS                                             | _____ | DAY OF | _____ | , 201_ |

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SECRETARY

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CHAIRPERSON

GABRIOLA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 301

SCHEDULE 1

Schedule "A" of the Mudge Island Official Community Plan No. 227 cited as "Mudge Island Official Community Plan, 2007" is amended as follows:

1. **PART 1. AREA USE DESIGNATION OBJECTIVES AND POLICIES**, Section **4.1 Rural Residential**, is amended by deleting Policy 3 in its entirety and replacing it with:

Policy 3     Lot coverage should be limited to 10%, unless measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts, or the lot area is less than one hectare.

# DRAFT

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 302

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### A BYLAW TO AMEND MUDGE ISLAND LAND USE BYLAW, 2007

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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 “Mudge Island Land Use Bylaw, 2007, Amendment No. 2, 2018”.

2. Gabriola Island Local Trust Committee Bylaw No. 228, cited as “Mudge Island Land Use Bylaw, 2007,” is amended as noted in Schedule 1, attached to and forming part of this bylaw.

|                                                                  |       |        |       |        |
|------------------------------------------------------------------|-------|--------|-------|--------|
| READ A FIRST TIME THIS                                           | _____ | DAY OF | _____ | , 201_ |
| READ A SECOND TIME THIS                                          | _____ | DAY OF | _____ | , 201_ |
| PUBLIC HEARING HELD<br>THIS                                      | _____ | DAY OF | _____ | , 201_ |
| READ A THIRD TIME THIS                                           | _____ | DAY OF | _____ | , 201_ |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST<br>THIS | _____ | DAY OF | _____ | , 201_ |
| ADOPTED THIS                                                     | _____ | DAY OF | _____ | , 201_ |

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SECRETARY

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CHAIRPERSON

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE

## BYLAW NO. 302

## SCHEDULE 1

Schedule "A" of the Mudge Island Land Use Bylaw No. 228 cited as "Mudge Island Land Use Bylaw, 2007" is amended as follows:

1. **PART 1. INTERPRETATION**, Section **1.1 Definitions**, is amended by deleting the definitions of LOT COVERAGE and STRUCTURE and replacing them with the following:

LOT COVERAGE means the area of a lot, expressed as a percentage of the total lot area, that is covered by *buildings* and *structures* as measured from the outermost perimeter of all *buildings*, *structures*, and parts thereof, including the outer edge of the drip line of roofs.

STRUCTURE means a construction of any kind, or portion thereof, that is fixed to, supported by, or sunk into land or water, including all pathways, driveways and paved areas, whether pervious or impervious.

2. **PART 3. GENERAL REGULATIONS**, Section **3.3 Siting and Setback Regulations**, Subsection **3.3(4)** is deleted in its entirety and replaced with:

- (4) Despite all provisions in this Bylaw other than subsection 3.3(5), buildings and structures must be sited a minimum of 30 metres (98.4 feet) from and 1.5 metres (4.9 feet) above the natural boundary of a wetland, watercourse, the sea or other body of water, except for:
  - (a) boat and barge ramps; and
  - (b) stairs and walkways with an average maximum elevated floor height of 0.3 metres (0.9 feet) and a maximum width of 1.5 metres (4.92 feet).

3. **PART 5. ZONE PROVISIONS**, Section **5.1 Rural Residential (RR)**, Subsection 5.1(4) is deleted in its entirety and replaced with:

- (4) Lot Coverage shall be calculated as follows:
  - (a) On lots with an area less than 0.4 hectares, the maximum lot coverage is 20%;
  - (b) On lots with an area greater than 0.4 hectares and less than 1.0 hectare, the maximum lot coverage is 15%;
  - (c) On lots with an area 1.0 hectare or greater, the maximum lot coverage is 10%;
  - (d) The following buildings and structures are excluded from lot coverage in the RR zone:
    - (i). cisterns, dugouts, ponds, and similar catchment systems for the collection and storage of water;
    - (ii). fences;
    - (iii). fire-fighting water towers;
    - (iv). garden beds;

- (v). pervious ground-level foot paths, driveways and parking spaces;
- (vi). *pump/utility houses*;
- (vii). septic tanks, sewage absorption fields, and related sewage-disposal system appurtenances below ground;
- (viii). *utilities*;
- (ix). wells.

4. **PART 5. ZONE PROVISIONS**, Section **5.2 Park and Institutional (PI)**, Subsection 5.2(3) is amended by deleting the word, “area”.

## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: Draft Bylaw Nos. 301 & 302

File Name: Mudge Island Targeted  
OCP/LUB Review

### 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 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                                                                                                                                                                                                                                                                                                  |
|------------|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>3.1</b>   | <b>Ecosystems</b>                                                                                                                                                                                                                                                                                                 |
| ×          | <b>3.1.3</b> | 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.                                   |
| ×          | <b>3.1.4</b> | 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. |
| ×          | <b>3.1.5</b> | 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.                                                |
|            | <b>3.2</b>   | <b>Forest Ecosystems</b>                                                                                                                                                                                                                                                                                          |
| ×          | <b>3.2.2</b> | 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.                                |
|            | <b>3.3</b>   | <b>Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                                                                                                                                                       |
| ×          | <b>3.3.2</b> | 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.                                          |
|            | <b>3.4</b>   | <b>Coastal and Marine Ecosystems</b>                                                                                                                                                                                                                                                                              |
| ×          | <b>3.4.4</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.                                                                                                                                               |
| ×          | <b>3.4.5</b> | 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                                                                                                                                                                                                                                                                                                                                                                 |
|------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.1</b>   | <b>Agricultural Land</b>                                                                                                                                                                                                                                                                                                                                                         |
| N/A        | <b>4.1.4</b> | 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        | <b>4.1.5</b> | 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        | <b>4.1.6</b> | 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        | <b>4.1.7</b> | 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        | <b>4.1.8</b> | 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        | <b>4.1.9</b> | Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.                                                                                                                                                                                                         |
|            | <b>4.2</b>   | <b>Forests</b>                                                                                                                                                                                                                                                                                                                                                                   |
| ×          | <b>4.2.6</b> | 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.                                                                                                                                                                |
| ×          | <b>4.2.7</b> | 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.                                       |
| ×          | <b>4.2.8</b> | 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                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>4.3</b>    | <b>Wildlife and Vegetation</b>                                                                                                                                                                                                                                                                                                                                                                                                      |
|            | <b>4.4</b>    | <b>Freshwater Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>x</b>   | <b>4.4.2</b>  | 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. |
| <b>x</b>   | <b>4.4.3</b>  | 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                                                                                                                                                                                                                                   |
|            | <b>4.5</b>    | <b>Coastal Areas and Marine Shorelands</b>                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>N/A</b> | <b>4.5.8</b>  | 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.                                                                                                                                                                                                                                                    |
| <b>N/A</b> | <b>4.5.9</b>  | 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.                                                                                                                                                                             |
| <b>N/A</b> | <b>4.5.10</b> | 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.                                                                                                                                    |
| <b>N/A</b> | <b>4.5.11</b> | 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.                                                                                                                                                                               |
|            | <b>4.6</b>    | <b>Soils and Other Resources</b>                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>x</b>   | <b>4.6.3</b>  | 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                                                                                                                                                                                                                                                                                                                           |
|------------|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.1</b>   | <b>Aesthetic Qualities</b>                                                                                                                                                                                                                                                                                                                 |
| <b>x</b>   | <b>5.1.3</b> | 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.                                                                     |
|            | <b>5.2</b>   | <b>Growth and Development</b>                                                                                                                                                                                                                                                                                                              |
| <b>x</b>   | <b>5.2.3</b> | 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.                                                                                                                               |
| <b>x</b>   | <b>5.2.4</b> | 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. |
| <b>✓</b>   | <b>5.2.5</b> | 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.                                                                                |
| <b>x</b>   | <b>5.2.6</b> | 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.                             |
|            | <b>5.3</b>   | <b>Transportation and Utilities</b>                                                                                                                                                                                                                                                                                                        |
| <b>N/A</b> | <b>5.3.4</b> | 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.                                                  |
| <b>N/A</b> | <b>5.3.5</b> | 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.                                                                                                                                                   |
| <b>N/A</b> | <b>5.3.6</b> | 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.                                                                                                                                                |
| <b>N/A</b> | <b>5.3.7</b> | 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.                   |
|            | <b>5.4</b>   | <b>Disposal of Waste</b>                                                                                                                                                                                                                                                                                                                   |
| <b>N/A</b> | <b>5.4.4</b> | 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                                                                                                                                                                                                                                                                                                                                                          |
|------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>5.5</b>   | <b>Recreation</b>                                                                                                                                                                                                                                                                                                                                                         |
| N/A        | <b>5.5.3</b> | 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.                                                                                                                                                     |
| N/A        | <b>5.5.4</b> | 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. |
| N/A        | <b>5.5.5</b> | 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.    |
| N/A        | <b>5.5.6</b> | 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        | <b>5.5.7</b> | 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.                                                                                                                                                                               |
|            | <b>5.6</b>   | <b>Cultural and Natural Heritage</b>                                                                                                                                                                                                                                                                                                                                      |
| x          | <b>5.6.2</b> | 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.                                                                                                                                                                  |
| x          | <b>5.6.3</b> | 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.                                                                                                                         |
|            | <b>5.7</b>   | <b>Economic Opportunities</b>                                                                                                                                                                                                                                                                                                                                             |
| N/A        | <b>5.7.2</b> | 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.                                                                                                                                 |
|            | <b>5.8</b>   | <b>Health and Well-being</b>                                                                                                                                                                                                                                                                                                                                              |
| N/A        | <b>5.8.6</b> | 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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | <b><i>In compliance with Trust Policy</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| x | <p><b><i>Not in compliance with Trust Policy for the following reasons:</i></b></p> <p>Proposed increase in lot coverage potential for the Rural Residential zone includes no mitigation to address policies for ecosystem preservation and protection, stewardship of resources, and sustainable communities:</p> <ul style="list-style-type: none"> <li>• No mitigation to protect the Douglas-fir/Dull Oregon-grape (species at risk) ecological community;</li> <li>• No mitigation for anticipate climate change or sea level rise;</li> <li>• No mitigation for impacts on groundwater resources; and</li> <li>• No mitigation/protection of numerous mapped existing and potential archaeological sites.</li> </ul> |

## ATTACHMENT # 4 – MUDGE ISLAND OCP EXCERPTS

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### COMMUNITY GOALS

1. To preserve the rural character, peace, quiet, privacy, tranquillity, serenity and the slow island pace of Mudge, Link and Round Islands.
2. To protect ecosystems through the use of sustainable practices which take into account a balance between human, plant, aquatic and terrestrial wildlife needs.
3. To keep the islands as a refuge from the pressures of urban life, as partially facilitated by the absence of ferry service and bridges between these and other islands.
4. To encourage quality natural residential and recreational experiences for residents and visitors in a manner that leaves the land in a relatively undisturbed or wilderness condition consistent with maintaining the area's rural tranquillity and ecological balance.
5. To preserve and protect structures, buildings and natural areas with historic or archaeological value.
6. To ensure that services essential to the health and safety of the community are provided.
7. To fulfil the object of the Islands Trust, which is to preserve and protect the Trust area and its unique amenities and environment for the benefit of the residents of the Trust area and of British Columbia generally, in co-operation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.

### ECOSYSTEM PRESERVATION AND PROTECTION

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objective 1       | To recognize and enhance all components of the Plan Area natural ecosystems and to continue to identify and respect the role of such ecosystems in community planning through ongoing research.                                                                                                                                                                                                                                            |
| Objective 2       | To encourage the preservation and protection of rare and sensitive ecosystems and maintain the natural environment and enhance biodiversity                                                                                                                                                                                                                                                                                                |
| Policy 1          | To the greatest extent, areas should be undisturbed and remain in their natural state.                                                                                                                                                                                                                                                                                                                                                     |
| Policy 3          | Areas that are environmentally sensitive contain natural hazards, and have nesting and habitat trees for marbled murrelets, great blue heron, bald eagle, osprey and other raptors may designated within a development permit area.                                                                                                                                                                                                        |
| Policy 5          | Permits, bylaw amendments or other approvals should include protection of environmentally sensitive and hazardous areas including: wetlands, watercourses, riparian areas, groundwater, intertidal areas, forests and bluffs; a precautionary principle approach should be taken whereby decisions are not made until adequate information is obtained.                                                                                    |
| Advocacy Policy 2 | Property owners, residents and visitors are encouraged to: ... <ul style="list-style-type: none"><li>• examine voluntary stewardship measures such as conservation covenants that contribute to ongoing natural area protection;</li><li>• replant areas cleared for development and minimize land clearing.</li><li>• protect marbled murrelet, great blue heron, bald eagle, osprey and other raptors trees and their habitat;</li></ul> |

## HERITAGE

|             |                                                                                                                                                           |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objective 1 | To recognize the historical presence of First Nations people in the Plan Area.                                                                            |
| Objective 2 | To identify, protect, preserve and enhance important cultural and historical resources in the Plan Area.                                                  |
| Policy 1    | The Snuneymuxw First Nation and member nations of the Hul'qumi'num Treaty Group shall be consulted on bylaw amendments and other development applications |

## WATER SUPPLY POLICIES

|                   |                                                                                                                                               |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Policy 9          | Potable water from ground and surface water sources should be supplemented by collection and storage of rainwater through cisterns and ponds. |
| Policy 10         | Water conservation equipment and practices shall be utilized.                                                                                 |
| Advocacy Policy 9 | Effective technologies for water collection are encouraged.                                                                                   |

## SEWAGE DISPOSAL

|                    |                                                                                                                                                                                                  |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Advocacy Policy 10 | Effective technologies for sewage disposal and drainage that protects groundwater, surface water and marine environments from contamination, sedimentation and degradation is encouraged.        |
| Advocacy Policy 11 | Sewage disposal systems require routine maintenance in order to prevent contamination of potable water supplies; residents and land owners are responsible for the maintenance of their systems; |

## CLIMATE CHANGE ADAPTATION AND GREENHOUSE GAS EMISSION REDUCTIONS

|             |                                                                                                                                                                                                              |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Target      | To achieve by 2020 and 2050 resident per capita emission levels of 50% or less than the Canadian per capita average for 2020 and 2050, respectively, measured from a baseline when an inventory is completed |
| Objective 1 | To establish climate change as a fundamental factor in land use decision making, while adhering to the Islands Trust Policy Statement                                                                        |
| Objective 4 | To support efforts and policies that help the community adapt to climate change impacts.                                                                                                                     |
| Policy 3    | The Local Trust Committee encourages that all new construction be built at the highest possible energy-efficiency standards.                                                                                 |
| Policy 4    | Further Policies and Actions with respect to climate change mitigation will be considered as part of a future review of this Bylaw and incorporated into this Bylaw when it is amended.                      |

## RURAL RESIDENTIAL DESIGNATION

|                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objective 1       | To support a diverse population and community of lifestyles through residential uses that are compatible with the environmental carrying capacity and rural character.                                                                                                                                                                                                                                                                                                                              |
| Objective 2       | To support residential development and activities, stewardship practices and initiatives that minimizes impact on rural character and resources.                                                                                                                                                                                                                                                                                                                                                    |
| Objective 3       | To support creative proposals that provide community benefit, enhance rural island character and preserve and protect the environment.                                                                                                                                                                                                                                                                                                                                                              |
| Policy 3          | Lot coverage should be limited, unless measures are taken that prove an increase in site development will not reasonably increase environmental or social impacts.                                                                                                                                                                                                                                                                                                                                  |
| Policy 4          | Areas covered by impervious surfaces, buildings and structures should be minimized, unless ecological footprints are compensated for elsewhere.                                                                                                                                                                                                                                                                                                                                                     |
| Advocacy Policy 1 | Removal of trees and natural vegetation should be limited to clearing for residential areas and removal of trees deemed dangerous.                                                                                                                                                                                                                                                                                                                                                                  |
| Advocacy Policy 2 | Residents and land owners should locate building sites and minimize clearing areas in order to preserve the rural atmosphere.                                                                                                                                                                                                                                                                                                                                                                       |
| Advocacy Policy 3 | Site development should include maximum retention of trees and indigenous vegetation, particularly around the periphery of the property in order to: <ul style="list-style-type: none"> <li>• preserve and protect local ecology, habitat and wildlife corridors;</li> <li>• minimize land erosion, retain moisture and slow down run off which in turn increases water infiltration into groundwater resources; and,</li> <li>• enhance residential privacy, peace and quiet.</li> </ul>           |
| Advocacy Policy 4 | The amount of land area developed with impervious materials should be kept to a minimum and natural drainage systems should be maintained to allow for maximum absorption into groundwater and to minimize sedimentation and contamination of surface water.                                                                                                                                                                                                                                        |
| Advocacy Policy 5 | Residents and land owners should not depend solely on groundwater resources and take steps to conserve water by such means as: <ul style="list-style-type: none"> <li>• using less water in human waste disposal;</li> <li>• avoiding bulk extraction of water from underground sources; and</li> <li>• using rainwater catchment systems and cisterns.</li> </ul>                                                                                                                                  |
| Advocacy Policy 6 | All buildings and structures should be designed and constructed in a socially and environmentally friendly manner by taking into account: <ul style="list-style-type: none"> <li>• green building design;</li> <li>• small building footprints;</li> <li>• energy efficiency;</li> <li>• rainwater harvesting;</li> <li>• alternative technologies for sewage treatment and disposal; and,</li> <li>• any other methods that support efficient, sustainable and careful use of resources</li> </ul> |

## GUIDELINES FOR CHANGING THIS PLAN

|              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Guideline 3  | The “precautionary principle” refers to erring on the side of the environment, not on the side of development, and shall be employed in all situations; final decisions should not be considered until adequate and appropriate information is obtained.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Guideline 4  | The Ministry of Environment, Environmental Best Management Practices for Urban and Rural Land Development ( <a href="#">Develop with Care, 2014<sup>1</sup></a> ) shall be used as a minimum standard and should be exceeded where possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Guideline 6  | Proposals should demonstrate use of sustainable practices by taking into account the following: ... <ul style="list-style-type: none"> <li>• preserving ground cover and trees so soils are able to retain moisture and minimize erosion of soil and soft rocks;</li> <li>• preserving sufficient land and water areas in their natural state to enable human activity, wildlife, plant life and aquatic life to coexist and flourish;</li> <li>• preserve and protect sensitive and rare ecosystems from disturbance;</li> <li>• preserve and protect floodplains, wetlands and steep slopes from clearing, grading, filling and construction;</li> <li>• maintain or create upland buffers of native vegetation adjacent to wetlands and surface waters;</li> <li>• minimize impacts on significant and mature forested areas, especially those containing many mature trees or significant wildlife habitat; and,</li> <li>• provide open space and conservation areas that are reasonably contiguous; minimizes fragmentation and is compatible with similar existing or potential areas on neighbouring parcels.</li> </ul> |
| Guideline 9  | Future development should only be permitted at a scale and rate of growth respectful of: <ul style="list-style-type: none"> <li>• community-held values pertaining to the environment;</li> <li>• the Plan Area's rural qualities;</li> <li>• consideration of water-only access; and</li> <li>• the local area's limited infrastructure.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Guideline 10 | Water is of limited supply and may not be suitable for drinking without proper treatment; future development shall provide adequate sources of potable water and include consideration of: <ul style="list-style-type: none"> <li>• available water sources;</li> <li>• on site storage capacity; and,</li> <li>• impact on the quality and quantity of water available for adjacent land uses, both existing and potential areas on neighbouring parcels.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

<sup>1</sup> Province of BC. 2014. Develop with Care. <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/natural-resource-standards-and-guidance/best-management-practices/develop-with-care> (Accessed August 10, 2018).

# DRAFT— Mudge Island Targeted OCP/LUB Review — Project Charter, v.3

Gabriola Island Local Trust Committee

Date: August 16, 2018

**Purpose:** To review the Mudge Island Official Community Plan (OCP) and Land Use Bylaw (LUB) in relation to lot coverage.

**Background:** At the September 7, 2017 meeting, the Gabriola Island Local Trust Committee (LTC) moved the “Mudge Island Targeted OCP/LUB Review Project” from their Projects List to their Top Priorities list.

## Out of Scope

- Review of the Mudge Island LUB that is unrelated to the objectives identified in this Project Charter.

## In Scope

- Referrals to First Nations, APCs and other key stakeholders and agencies.
- Staff analysis and subsequent Staff Report(s) with recommendations to LTC.
- Bylaw amendments to amend the Mudge Island OCP and/or LUB.

## Workplan Overview

| Deliverable/Milestone                                                                                                                                     | Date                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Referral to the Mudge Island Advisory Planning Commission. Staff to help arrange an APC meeting.                                                          | Winter 2018         |
| Staff Report to the Gabriola LTC regarding project next steps; LTC endorse an amended Project Charter; Staff to draft LUB amendment and have legal review | Spring—Summer 2018  |
| Staff to draft OCP and/or LUB amendment including legal review of the drafts and present to LTC                                                           | Summer— Autumn 2018 |
| First Reading and referrals                                                                                                                               | Autumn 2018         |
| Second Reading and CIM. Legal review if required.                                                                                                         | Winter 2018         |
| Third Reading. Bylaws sent to Executive Committee for approval. OCP amendment sent to Ministry for approval.                                              | Spring 2019         |
| Final adoption of bylaw(s)                                                                                                                                | Summer 2019         |

## Objectives

To consider potential amendments to the Mudge Island OCP and/or LUB relating to lot coverage, including introducing a tiered-approach to the maximum lot coverage in the rural residential zone.

## Project Team

|                                        |                  |
|----------------------------------------|------------------|
| Teresa Rittemann, Island Planner       | Project Manager  |
| Ann Kjerulf, Regional Planning Manager | Planning Support |
| Bylaw Enforcement Department           | Bylaw Support    |
| Islands Trust GIS Technician           | Mapping Support  |

## Budget

Budget Sources: 2017/2018 Gabriola Island LTC Special Projects Budget, and 2018/2019 LTC Projects Reserve Fund

| Fiscal  | Item                                                                         | Cost           |
|---------|------------------------------------------------------------------------------|----------------|
| 2017-18 | APC Referral (APC Meeting)                                                   | \$300          |
| 2018-19 | Legal review of draft bylaw amendment(s)                                     | \$3,000        |
| 2018-19 | Communications (e.g. advertising, providing public information), and mapping | \$900          |
| 2018-19 | Additional referrals (APC, First Nations etc.)                               | \$500          |
| 2018-19 | Community Information Meetings and Public Hearing                            | \$1,500        |
|         | <b>Total</b>                                                                 | <b>\$6,200</b> |

**LTC Endorsement:**

**Resolution #:**

**Date:**

**RPM Approval:**

*Ann Kjerulf, MCIP, RPP*

**Date:** August 8, 2018

# MEMORANDUM

File No.: 4096 (GB Water Taxi Zoning)

DATE OF MEETING: August 16, 2018

TO: Gabriola Island Local Trust Committee

FROM: Jaime Dubyna, Planner 1  
Northern Team

SUBJECT: Water Taxi Zoning Review Project - Preliminary Results of Community Questionnaire

## PURPOSE

The purpose of this memorandum is to provide the Gabriola Island Local Trust Committee (LTC) with preliminary results from the community questionnaire for the top priority project, Gabriola Island Water Taxi Zoning Review.

## DISCUSSION

The community questionnaire closed on Friday, July 13, 2018. The questionnaire sought input from community members and stakeholders about potential changes to the Gabriola Island Land Use Bylaw that could include:

- Adding 'Water Taxi' as a permitted use in the 'Water Commercial – Marine Transportation (WC3)' zone;
- Adding specific regulations applicable to 'Water Taxi' uses.

Preliminary results of the community questionnaire are as follows:

- Responses: 213
- 85% of respondents are full-time residents of Gabriola Island.
- 81.9% of respondents indicated strong support/support for changing the Land Use Bylaw to permit water taxi use within the WC3 zone.
- Respondents preferences regarding water taxi use in the WC3 zone included:
  - Descanso Bay – 92.23%
  - Green Wharf – 69.95%
  - Degnan Bay – 67.36%
- Issues identified as having the highest level of importance include:
  - Protection of the marine environment;
  - Vehicle parking; and
  - Pedestrian access and safety.

## NEXT STEPS

Staff will provide a staff report with a thorough analysis of questionnaire results and recommendations for next steps at the September 27, 2018 LTC meeting.

|               |                                                     |                |
|---------------|-----------------------------------------------------|----------------|
| Submitted By: | Jaime Dubyna, MSc.Pl.<br>Planner 1                  | August 8, 2018 |
| Concurrence:  | Ann Kjerulf, MCIP, RPP<br>Regional Planning Manager | August 8, 2018 |

British Columbia News

## Protecting land in the ALR guides cannabis production regulation

<https://news.gov.bc.ca/17605>

Friday, July 13, 2018 9:39 AM

**Victoria** - Local and First Nations governments now are able to prohibit cannabis production in the Agricultural Land Reserve (ALR) within their communities, unless it is grown in ways that preserve the productive capacity of agricultural land.

This regulatory change, effective immediately, gives authority to local and Indigenous governments to prohibit cement-based, industrial-style, cannabis-production bunkers on ALR land in their communities, while clarifying that cannabis production in the ALR cannot be prohibited if grown lawfully:

- in an open field;
- in a structure that has a soil base;
- in a structure that was either fully constructed or under construction, with required permits in place, prior to July 13, 2018; or
- in an existing licensed operation.

The regulation allows local governments and First Nations to prohibit the altering of existing structures to increase the size or material used as the base of the structure, and applies, or will apply, to licensed medical and non-medical cannabis facilities in the ALR.

The new framework allows local and First Nations governments to make decisions regarding cannabis production that align with local planning and priorities in their communities.

The regulatory change pertains only to land in the ALR. Local and First Nations governments can regulate or prohibit cannabis production on lands outside of the ALR.

### Quick Facts:

- Once the federal Cannabis Act comes into force on Oct. 17, 2018, the federal government has announced it will allow cannabis producers to grow cannabis in open fields, greenhouses and industrial bunkers.
- There is no biological difference between a cannabis plant grown for medical or for non-medical purposes.

### Media Contacts

**Robert Boelens**  
Communications  
Ministry of Agriculture  
250 356-1674



# BRIEFING

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**To:** Local Trust Committees and Bowen Island Municipality      **For the Meeting of:** August 7, 2018

**From:** Islands Trust Conservancy      **Date Prepared:** July 17, 2018

**SUBJECT:** Incorporating the Regional Conservation Plan into Land Use Planning

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**PURPOSE:** The Islands Trust Conservancy is providing all local trust committees and Bowen Island Municipality with a briefing to provide information on the ways the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data can be incorporated into Official Community Plans, Land Use Bylaws and local planning initiatives and projects.

## BACKGROUND:

In March, Trust Council endorsed the Islands Trust Fund's Regional Conservation Plan. At its April 2018 meeting, the Trust Fund Board (now Islands Trust Conservancy) passed the following resolution:

**That the Trust Fund Board direct staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.**

The Regional Conservation Plan contains significant information about regional conservation priorities that could be considered when making land use planning decisions. This information is informed by conservation area modelling, which uses multiple data sets regarding biodiversity priorities and threats to ecosystems. The information is available by local trust area/island municipality.

### Why do we have a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive and rare ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Islands Trust Conservancy has been guided by regional conservation plans. These plans have also, in some cases, supported the planning work of the Islands Trust.

### What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the Islands Trust Conservancy for the next ten years. The goals identified in the 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals
3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

There are island profiles in Appendix II of the RCP with information specific to each local trust committee area and Bowen Island.

### How can the Regional Conservation Plan support land use planning?

The Regional Conservation Plan can help trustees and planners identify opportunities and inform priorities for land use planning activities across the Islands Trust. During the 2018-2022 local government term, each Islands Trust LTC/IM will identify top priorities for land use planning activities and should ensure that existing Official Community Plans and Land Use Bylaws meet the goals of the Islands Trust Policy Statement and support the goals of the Regional Conservation Plan.

LTCs and BIM can use the following table to identify land use planning projects to initiate during the 2018-2022 term to advance the Islands Trust Policy Statement Goal: *to Foster preservation and protection of the Trust Area's ecosystems* and the directive policies:

| Directive Policy                                                                                                                                                                                                                                                            | Available resources (Regional Conservation Plan, mapping, etc.):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | What can LTCs/IM do with this information?                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3.1 Ecosystems</b>                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>3.1.3</b><br>LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.</i>                                   | The Regional Conservation Plan highlights the following as biodiversity priorities for the region: <ul style="list-style-type: none"><li>• Sensitive ecosystems</li><li>• Healthy forests</li><li>• Species and ecosystems at risk</li><li>• Marine shorelines and nearshore areas</li><li>• Islets and small islands</li><li>• Size, corridors and connectivity to other protected areas</li></ul> Available information and data/mapping to support these directive policies: <ul style="list-style-type: none"><li>• updated Sensitive</li></ul> | Development of maps; Official Community Plan (OCP) policy language and Land Use Bylaw (LUB) regulations that: <ul style="list-style-type: none"><li>• Identify and protect environmentally sensitive areas</li><li>• Identify and protect significant natural sites/features/landforms</li><li>• Support the development of protected area networks (or "greenways")</li><li>• Identify contiguous forest cover</li></ul> Designate Development Permit Areas (DPAs) to protect environmentally sensitive areas |
| <b>3.1.4</b><br>LTCs/IMs shall, in their OCPs and regulatory bylaws <i>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.</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                         | <p>Ecosystem Mapping</p> <ul style="list-style-type: none"> <li>• Species at Risk/Critical Habitat Mapping</li> <li>• Ecosystem Disturbance Mapping</li> <li>• Priority Lands for Conservation (regional scale)</li> </ul>                                                                                                                                                                                                        | <p>and significant natural features</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting ecosystem health</p>                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>3.2 Forest Ecosystems</b>                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>3.2.2</b></p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.</i></p> | <p>Available information and data/mapping to support this directive policy:</p> <ul style="list-style-type: none"> <li>• Mapping of Forested Ecosystems, including forest type and age</li> <li>• Regional Conservation Plan: Biodiversity Priorities; Forest Ecosystem descriptions and statistics</li> <li>• RCP Island Profiles: Sensitive Ecosystems, Forest Ecosystems and Ecosystem Disturbance for each LTA/BIM</li> </ul> | <p>Designate DPAs to protect unfragmented forest ecosystems</p> <p>Reduce site coverage density in land use bylaws</p> <p>Negotiate covenants to protect contiguous forest as conditions of rezoning</p> <p>Integrate conservation subdivision principles into land use bylaw requirements for subdivision (lot clustering, density transfer, conservation planning)</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting forest ecosystems</p> <p>Adopt Tree Protection Bylaws (for municipalities)</p> |
| <b>3.3 Freshwater and Wetland Ecosystems and Riparian Zones</b>                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>3.3.2</b></p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.</i></p>          | <p>Available information and data/mapping to support this directive policy:</p> <ul style="list-style-type: none"> <li>• Mapping of Sensitive Ecosystems, including wetlands, freshwater and riparian</li> <li>• RCP: Island Profiles - Sensitive Ecosystems</li> <li>• Watershed mapping</li> <li>• Water courses mapping (TRIM)</li> <li>• Riparian Areas Regulation data/mapping in select areas</li> </ul>                    | <p>Designate DPA's to protect sensitive freshwater, wetland and riparian areas</p> <p>Implement the <i>Riparian Areas Regulation (RAR)</i> including protection of non RAR watercourses</p> <p>Develop LUB setbacks from water bodies</p> <p>Develop LUB landscape buffers along water bodies</p> <p>Implement freshwater planning tools and regulations available in the <i>Water Sustainability Act</i></p> <p>Develop aquifer mapping and water budgets</p>                                                                            |

|                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                         | <p>Designate DPAs for water conservation for all new construction/development</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting freshwater, wetland and riparian ecosystems</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>3.4 Coastal and Marine Ecosystems</b>                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p><b>3.4.4</b></p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of sensitive coastal areas.</i></p>                                                              | <p>Available information and data/mapping to support these directive policies:</p> <ul style="list-style-type: none"> <li>• Eelgrass mapping</li> <li>• Forage fish habitat mapping (for some islands)</li> <li>• Species at Risk Critical Habitat Mapping – Southern Resident Orca</li> <li>• Shorezone mapping</li> <li>• New Sand Ecosystems Mapping</li> <li>• Dock mapping (point data)</li> </ul> | <p>Include mapping of marine ecosystems in OCPs and policies for regulation of development in sensitive coastal areas</p> <p>Designate DPAs to protect sensitive coastal areas and the intertidal zone</p> <p>Include DPA guidelines that address fragmentation of the coastline by subdivision</p> <p>Amend LUBs to create landscape buffers along the shoreline</p> <p>Increase LUB setbacks from the natural boundary of the sea based on the provincial 2100 sea level rise predictions</p> <p>Amend LUBs to limit development of private docks/structures in the marine zones</p> <p>Prioritize bylaw investigation and enforcement on matters negatively impacting coastal and marine ecosystems</p> |
| <p><b>3.4.5</b></p> <p>LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the planning for and regulation of development in coastal regions to protect natural coastal processes.</i></p> |                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

#### ATTACHMENT(S):

No attachments. For reference, the 2018-2027 Regional Conservation Plan is available online [here](#).

#### FOLLOW-UP:

- Consider this briefing when establishing work program priorities
- Request planning advice on how to integrate conservation data and mapping resources when considering applications, projects, etc.
- Local trust committees/island municipalities wishing to create specific maps using conservation modeling (land prioritization based on multiple data sets) or ecosystem mapping should request assistance from ITC and GIS staff.

**Prepared By:** Jennifer Eliason, Islands Trust Conservancy Manager

**Reviewed By/Date:** Regional Planning Managers and Director of Local Planning Services/July 3, 2018  
Clare Frater, Director of Trust Area Services/July 9, 2018  
Islands Trust Conservancy Board/July 17, 2018



DATE OF MEETING: August 16, 2018  
TO: Gabriola Island Local Trust Committee  
FROM: Miles Drew Bylaw Enforcement Manager, Local Planning Services  
SUBJECT: Bylaw Enforcement Notification Bylaw Amendments

## RECOMMENDATION

- 1) That Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018", be read a first time.
- 2) That Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018", be read a second time.
- 3) That Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification, 2011, Amendment No. 1, 2018", be read a third time.
- 4) That Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 298, cited as "Gabriola Island Local Trust Committee Bylaw Enforcement Notification, 2011, Amendment No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

## REPORT SUMMARY

This report recommends amendments to Gabriola Island Local Trust Committee (LTC) Bylaw Enforcement Notification Bylaw No. 263, 2011 (BEN) so that changes in the Gabriola, Mudge and DeCourcy Island Land Use Bylaws (LUBs) are included; most of the penalties for voluntary compliance can be adjusted to zero; and so that various housekeeping amendments can be made.

## BACKGROUND:

The BEN Bylaw has not been updated since its adoption in April of 2012. Since that time various amendments have been made to the LUBs causing the BEN Bylaw to fall out of sync with the LUBs. This amendment bylaw updates the schedules to reflect changes to the LUBs.

Staff also recommends that Schedules be changed to reduce fine amounts to zero for persons who agree to comply with the applicable LUB. In the current Schedules, fines can be reduced by 75% or 50% in return for compliance. Experience with these fine structures has shown that, even after compliance is achieved, sometimes fines are left unpaid. Thus, staff must pursue persons in court or by debt collection procedures for non-payment of a fine despite the fact that the original bylaw violation is resolved. This situation is counterproductive as it consumes scarce resources and damages good will. Additionally, in many cases the cost to comply with bylaws is sometimes substantial and reducing the fine to zero is a powerful incentive.

Finally, various housekeeping amendments are proposed such as changing the title of the Bylaw Enforcement Coordinator to Bylaw Enforcement Manager and changing the name and address of the Adjudication Registry from the North Shore to the Islands Trust.

**NEXT STEPS:**

As this is an administrative bylaw, no approval from the Province is necessary. Thus it will be sent directly to the Executive Committee for approval and then returned to the Gabriola Island LTC for final adoption.

|               |                                         |               |
|---------------|-----------------------------------------|---------------|
| Submitted By: | Miles Drew<br>Bylaw Enforcement Manager | July 11, 2018 |
|---------------|-----------------------------------------|---------------|

**ATTACHMENT**

1. Draft/Proposed Bylaw

# DRAFT

## GABRIOLA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 298

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### A BYLAW TO AMEND THE GABRIOLA ISLAND LOCAL TRUST AREA BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 263, 2011

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

1. Gabriola Island Local Trust Committee Bylaw cited as “Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 263, 2011” is hereby amended as follows:
  - i. Part 1.0 INTERPRETATION, Section 1.2, delete the words “North Shore Bylaw Notice Adjudication Registry” and replace with “Islands Trust”;
  - ii. Part 6.0 BYLAW NOTICE DISPUTE AND ADJUDICATION SYSTEM, Section 6.2 is deleted in its entirety and replaced with “The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8”;
  - iii. Part 7.0 SCREENING OFFICERS, Section 7.2, Subsection 7.2.(2) is deleted in its entirety and replaced with “Bylaw Enforcement Manager”;
  - iv. Part 8.0 BYLAW ENFORCEMENT OFFICERS, Section 8.0(a) is deleted in its entirety and replaced with “Bylaw Enforcement Manager”;
  - v. Schedule A – Gabriola Island Land Use Bylaw No. 177, 1999 Contraventions and Penalties, is deleted in its entirety and replaced by “Schedule A - Gabriola Island Land Use Bylaw No. 177, 1999 Contraventions and Penalties”, attached to and forming part of this bylaw;
  - vi. Schedule B – Mudge Island Land Use Bylaw No. 228, 2007 Contraventions and Penalties, is deleted in its entirety and replaced by “Schedule B – Mudge Island Land Use Bylaw No. 228, 2007 Contraventions and Penalties”, attached to and forming part of this bylaw;
  - vii. Schedule C – DeCourcy Island Zoning Bylaw No. 44, 1987 Contraventions and Penalties, is deleted in its entirety and replaced by “Schedule C – DeCourcy Island Zoning Bylaw No. 44, 1987 Contraventions and Penalties”, attached to and forming part of this bylaw.
2. This Bylaw may be cited as “Gabriola Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2011, Amendment No. 1, 2018.”

|                                                               |        |       |
|---------------------------------------------------------------|--------|-------|
| READ A FIRST TIME THIS                                        | DAY OF | ,20XX |
| READ A SECOND TIME THIS                                       | DAY OF | ,20XX |
| READ A THIRD TIME THIS                                        | DAY OF | ,20XX |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | DAY OF | ,20XX |
| ADOPTED THIS                                                  | DAY OF | ,20XX |

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SECRETARY

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CHAIR

**Schedule A**  
**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                                  | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| B.1.2.1(a)           | Non Permitted Accessory Building Used For Human Habitation                                                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1(b)           | Rental Of Personal Water Craft                                                                                 | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1(c)           | Disposal Of Sewage/Waste Originating Outside Of Area Covered By Gabriola Land Use Bylaw                        | \$500.00                         | \$375.00                                                      | \$750.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1(d)           | Use Of Building/Structure/Vessel In Water Area As Residence                                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1(e)           | Use Of Land/Building/Structure For Gaming Activities                                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1(f)           | Wrecking/Storage Of Derelict Vehicles                                                                          | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1(f)           | Operating Junkyard/Garbage Dump                                                                                | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1(g)           | Use Of Land/Building/Structure For Drive-through Service                                                       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1.(h)          | Non Permitted Game Farming                                                                                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.1.(i)          | Use of Land/Building/Structure For Manufacturing or Researching Genetically Engineered Seeds/Plants or Animals | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.2              | Non Permitted Building/Structure In Water Zones                                                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.3(a)           | More Than One (1) Dwelling Unit                                                                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.3(a)           | More Than One (1) Cottage On A Lot                                                                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.1.2.3(b)           | Accessory Structure Contains Toilets/Bathrooms And/Or Food Preparation Areas                                   | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.1.1(a)           | Encroachment Into Setback From Watercourses/Sea                                                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.1.1(b)           | Encroachment Of Septic Disposal Sewage Field Into Setback From Sea/Lake/Stream/Wetland                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.1.2              | Encroachment Into Setback From A Bluff                                                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.1.3              | Inadequate Landscape Screen To Protect Nesting Trees                                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.1.4(a)           | Encroachment Of Structure Into Setback From Zone Boundary                                                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.3.2              | Building/Structure Exceeding Maximum Permitted Height                                                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule A**  
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|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| B.2.4.1              | Fence Exceeding Maximum Permitted Height                                                                                                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.5.1(a)           | Pump/Utility House Exceeding Maximum Permitted Floor Area                                                                                                        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.5.1(b)           | Pump/Utility House Exceeding Maximum Permitted Height                                                                                                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.6.1(a)           | Retaining Wall Exceeding Maximum Permitted Height                                                                                                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.2.7.1              | Fail To Meet Landscape Screen Regulations                                                                                                                        | \$100.00                         | \$75.00                                                       | \$150.00                                               | Yes                                                  | 100%                                                |
| B.2.9                | Over-Height Landscape Screen/<br>Landscaping/Fences/Building/<br>Structure On Corner Lot                                                                         | \$100.00                         | \$75.00                                                       | \$150.00                                               | Yes                                                  | 100%                                                |
| B.2.10               | Fail To Provide Landscape Screen For Bulk Transportation Containers                                                                                              | \$100.00                         | \$75.00                                                       | \$150.00                                               | Yes                                                  | 100%                                                |
| B.3.1.1              | Home Occupation Not Conducted By Permanent Resident                                                                                                              | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.1.2              | Permanent Resident Not Principal Worker/Operator Of Home Occupation                                                                                              | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.2.1              | Non Permitted Home Occupation                                                                                                                                    | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(a)           | Home Occupation Not Accessory To Principal Residential Use Of The Property                                                                                       | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(b)           | Exceed Maximum Permitted Floor Area For Home Occupation                                                                                                          | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(c)           | Exterior Indication Of Home Occupation                                                                                                                           | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(d)           | Home Occupation Producing Vibration/Smoke/Dust/Odour/<br>Litter/Electrical Interference/Fire Hazard/Effluence/Glare Detectable Outside The Boundaries Of The Lot | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(e)           | Home Occupation Producing Noise Detectable Outside Lot Boundaries                                                                                                | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(f)           | Home Occupation Contaminating Soil/Surface Water                                                                                                                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(g)           | Drainage/Catchment Mechanisms Not Maintained Or Impervious Barrier/Container Not Preventing Contamination Of Unpaved Area                                        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.3.3.1(h)           | Fail To Provide Required Parking For Home Occupation                                                                                                             | \$250.00                         | \$187.50                                                      | \$425.00                                               | Yes                                                  | 100%                                                |

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|----------------------|---------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| B.3.4.1              | Non Permitted Home Industry                                                                                               | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.4.2(a)           | Home Industry Operated On Non Permitted Lot                                                                               | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.4.2(b)           | Fail To Provide Screening Of Home Industry                                                                                | \$100.00                         | \$75.00                                                       | \$150.00                                               | Yes                                                  | 100%                                                |
| B.3.4.2(c)           | Exceed Maximum Combined Areas For Home Industry                                                                           | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.4.2(d)           | Operation Of Home Industry Outside Of Permitted Hours/Days                                                                | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.4.2(e)           | Home Industry Encroaching Lot Line Setback                                                                                | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.5                | Exceed Permitted Number Of Employees In Home Occupation                                                                   | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.6.1(a)           | Bed & Breakfast Exceeds Permitted Temporary Accommodation Bedrooms                                                        | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.6.1(b)           | Bed & Breakfast Temporary Accommodation Bedrooms Not Reduced In Direct Proportion To Number Of Bedrooms Used For Boarders | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.6.1(c)           | Use Of Accessory Building For Bed & Breakfast                                                                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.3.6.1(d)           | Bed & Breakfast Serving Meals Other Than Breakfast                                                                        | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.3.6.2(e)           | Bed & Breakfast Providing Additional Cooking Facilities                                                                   | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.4.1.1              | Exceed Maximum Permitted Signs                                                                                            | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.4.1.1              | Exceed Maximum Permitted Sign Area                                                                                        | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.4.1.2              | Real Estate Sign Exceeding Maximum Size                                                                                   | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.4.1.2              | Fail To Remove Real Estate Sign Within Two (2) Weeks Of Sale                                                              | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.4.1.3              | Non Permitted Illuminated Sign                                                                                            | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.4.1.4              | More Than One (1) Home Occupation Sign                                                                                    | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.4.1.4              | Home Occupation Sign Exceeding Maximum Permitted Area                                                                     | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |

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|----------------------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| B.4.3.               | Third Party Signs, Temporary Signs and Temporary Directional Signs Exceeding Maximum Permitted Area                   | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.5.1.1              | Fail To Provide/Maintain Required Off-road Parking Spaces                                                             | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.3.1              | Fail To Provide Adequate Manoeuvring Aisle                                                                            | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.3.2              | Fail To Meet Parking Space Size Standards                                                                             | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.3.3              | Fail To Meet Accessible Parking Space Size Standards                                                                  | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.3.4              | Fail to Meet Required Motorcycle/Scooter Parking Space Size Standards                                                 | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.3.5              | Fail to Meet Required Small Vehicle Parking Space Size Standards                                                      | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.3.6              | Fail to Provide/Maintain Required 'Small Vehicle Only' Parking Space Size and Identification Standards                | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.4.1              | Parking Spaces On Non Permitted Lot                                                                                   | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.4.2              | Fail To Locate and Identify Accessible, Small Vehicle and Motorcycle/Scooter Parking Spaces Adjacent To Main Entrance | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.4.3              | More Than 50% Of Setback Used For Parking/Manoeuvring                                                                 | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.4.3              | Parking Space Located Within 1.5 Meters (4.9 Feet) Of Property Boundary                                               | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.5.1              | Fail to Provide Bicycle Parking Spaces to Access Aisle Standards                                                      | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.5.2              | Fail to Meet Required Bicycle Parking Space Standards                                                                 | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.5.3              | Fail to Meet Required Bicycle Parking Infrastructure Standards                                                        | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.5.5.4              | Fail to Provide Required Bicycle Parking Space Location Requirements                                                  | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| B.6.1.1              | More Than Four (4) Boarders                                                                                           | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |

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|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| B.6.2.1              | Fail To Enclose/Screen/Fence Equipment When Market Closed                                                                                  | \$100.00                         | \$75.00                                                       | \$150.00                                               | Yes                                                  | 100%                                                |
| B.6.2.2              | Market Vendor Sign Exceeds Maximum Permitted Size                                                                                          | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| B.6.2.3              | Permanent Structure Used Primarily For Market                                                                                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.3.1              | Use Of Cottage For Overnight Accommodation On Less Than A Monthly Basis                                                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.3.2              | Exceed Maximum Permitted Floor Area Of Cottage                                                                                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.4.1(a)           | Use Of Temporary Dwelling Without Building Permit For Principal Dwelling                                                                   | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.4.1(b)           | Inadequate Screening Of Trailer/Recreational Vehicle Used As Temporary Dwelling                                                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.4.1(c)           | Trailer/Recreational Vehicle Used As Temporary Dwelling Not Connected To Approved Sewage System                                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.4.2              | Exceed Combined Total Of Two (2) Tents/Tent Trailers/Camper Vehicles/Travel Trailers/Recreational Vehicles Used For Seasonal Accommodation | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.4.2              | Exceed Maximum Permitted Days Of Seasonal Accommodation Use                                                                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| B.6.5.1              | Non Permitted Storage Of Unlicensed Vehicle                                                                                                | \$150.00                         | \$112.50                                                      | \$225.00                                               | Yes                                                  | 100%                                                |
| D.1.1.1              | Non Permitted Use In Small Rural Residential Zone                                                                                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.1.1.2              | Non Permitted Building/Structure In Small Rural Residential Zone                                                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.1.1.3(a)           | Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Small Rural Residential Zone                                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.1.1.3(b)           | Exceed Maximum Permitted Lot Coverage In Small Rural Residential Zone                                                                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.1.2.1              | Non Permitted Use In Large Rural Residential Zone                                                                                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

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|----------------------|------------------------------------------------------------------------------------------------------------|----------------------------------------------|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------|
| D.1.2.2              | Non Permitted Building/Structure In Large Rural Residential Zone                                           | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.2.3(a)           | Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Large Rural Residential Zone | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.2.3(b)           | Exceed Maximum Permitted Lot Coverage In Large Rural Residential Zone                                      | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.3.1              | Non Permitted Use In Seniors And Special Needs Zone                                                        | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.3.2              | Non Permitted Building/Structure In Seniors And Special Needs Zone                                         | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.3.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Seniors And Special Needs Zone                      | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.3.3(b)           | Encroachment Of Building/Structure Into Setback In Seniors And Special Needs Zone                          | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.3.3(c)           | Exceed Maximum Permitted Lot Coverage In Seniors And Special Needs Zone                                    | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.1.3.3(e)           | Dwelling Unit Exceeds Maximum Permitted Area In Seniors And Special Needs Zone                             | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.2.1.1              | Non Permitted Use In Agricultural Zone                                                                     | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.2.1.2              | Non Permitted Building/Structure In Agricultural Zone                                                      | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.2.1.3(a)           | Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Agricultural Zone            | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.2.1.3(b)           | Exceed Maximum Permitted Lot Coverage In Agricultural Zone                                                 | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.2.2.1              | Non Permitted Use In Forestry Zone                                                                         | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.2.2.2              | Non Permitted Structure/Building In Forestry Zone                                                          | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |
| D.2.2.3(a)           | Encroachment Of Building/Structure Into Setback In Forestry Zone                                           | \$300.00                                     | \$225.00                                                                              | \$450.00                                                                       | Yes                                                                    | 100%                                                                  |

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**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>                | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.2.2.3(b)           | Exceed Maximum Permitted Lot Coverage In Forestry Zone                                       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.3.1              | Non Permitted Use In Forestry/Wilderness Recreation 1 Zone                                   | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.3.2              | Non Permitted Structure/Building In Forestry/Wilderness Recreation 1 Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.3.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Forestry/Wilderness Recreation 1 Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.3.3(b)           | Encroachment Of Building/Structure Into Setback In Forestry/Wilderness Recreation 1 Zone     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.4.1              | Non Permitted Use In Resource Zone                                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.4.2              | Non Permitted Building/Structure In Resource Zone                                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.4.3(a)           | Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Resource Zone  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.4.3(b)           | Exceed Maximum Permitted Lot Coverage In Resource Zone                                       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.6.1              | Non Permitted Use In Resource Residential 1 Zone                                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.6.2              | Non Permitted Building/Structure In Resource Residential 1 Zone                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.6.3(a)           | Encroachment Of Building/Structure Into Setback In Resource Residential 1 Zone               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.6.3(b)           | Exceed Maximum Permitted Lot Coverage In Resource Residential 1 Zone                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.7.1              | Non Permitted Use In Gravel Pit Zone                                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.7.2              | Non Permitted Building/Structure In Gravel Pit Zone                                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.7.3(a)           | Building/Structure Exceeding Maximum Permitted Height In Gravel Pit Zone                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

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|----------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.2.7.3(b)           | Encroachment Of Building/Structure Into Setback In Gravel Pit Zone                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.7.3(c)           | Exceed Maximum Permitted Lot Coverage In Gravel Pit Zone                                                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.8.1              | Non Permitted Use In Comprehensive Development Zone                                                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.2.8.2              | Non Permitted Building/Structure In Comprehensive Development Zone                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D2.8.3(a)            | Encroachment Of Building/Structure/Agricultural Waste Storage Into Setback In Comprehensive Development Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D2.8.3(b)            | Building/Structure Exceeding Maximum Permitted Height In Comprehensive Development Zone                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D2.8.3(c)            | Exceed Maximum Permitted Lot Coverage In Comprehensive Development Zone                                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.1.1              | Non Permitted Use In Village Commercial 1 Zone                                                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.1.2              | Non Permitted Building/Structure In Village Commercial 1 Zone                                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.1.3(a)           | Building/Structure Exceeding Maximum Permitted Height In Village Commercial 1 Zone                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.1.3(b)           | Encroachment Of Building/Structure Into Setback In Village Commercial 1 Zone                                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.1.3(c)(i)        | Exceed Maximum Permitted Lot Coverage In Village Commercial 1 Zone                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.1.3(c)(ii)       | Exceed Maximum Permitted Floor Area Ratio In Village Commercial 1 Zone                                       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.1.3(e)           | More Than Ten (10) Vehicles Offered For Sale/Rent on Lot In Village Commercial 1 Zone                        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.2.1              | Non Permitted Use In Village Commercial 2 Zone                                                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.2.2              | Non Permitted Building/Structure In Village Commercial 2 Zone                                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule A**  
**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
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| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the<br/>contraventions below:</b>   | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.3.2.3(a)           | Building/Structure Exceeding Maximum Permitted Height In Village Commercial 2 Zone  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.2.3(b)           | Encroachment Of Building/Structure Into Setback In Village Commercial 2 Zone        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.2.3(c)(i)        | Exceed Maximum Permitted Lot Coverage In Village Commercial 2 Zone                  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.2.3(c)(ii)       | Exceed Maximum Permitted Floor Area Ratio In Village Commercial 2 Zone              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.2.3(e)           | Exceed Maximum Permitted Combined Floor Area In Village Commercial 2 Zone           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.3.1              | Non Permitted Use In District Commercial 1 Zone                                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.3.2              | Non Permitted Building/Structure In District Commercial 1 Zone                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.3.3(a)           | Building/Structure Exceeding Maximum Permitted Height In District Commercial 1 Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.3.3(b)           | Encroachment Of Building/Structure Into Setback In District Commercial 1 Zone       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.3.3(c)(i)        | Exceed Maximum Permitted Lot Coverage In District Commercial 1 Zone                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.3.3(c)(ii)       | Exceed Maximum Permitted Floor Area Ratio In District Commercial 1 Zone             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.3.3(e)           | More Than Ten (10) Vehicles Offered For Sale/Rent In District Commercial 1 Zone     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.4.1              | Non Permitted Use In Local Commercial 1 Zone                                        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.4.2              | Non Permitted Building/Structure In Local Commercial 1 Zone                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.4.3(a)           | Building/Structure Exceeding Maximum Permitted Height In Local Commercial 1 Zone    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

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**CONTRAVENTIONS AND PENALTIES**

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|----------------------|----------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.3.4.3(b)           | Encroachment Of Building/Structure Into Setback In Local Commercial 1 Zone       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.4.3(c)           | Exceed Maximum Permitted Lot Coverage Local Commercial 1 Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.5.1              | Non Permitted Use In Local Commercial 2 Zone                                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.5.2              | Non Permitted Building/Structure In Local Commercial 2 Zone                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.5.3(a)           | Building/Structure Exceeding Maximum Permitted Height In Local Commercial 2 Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.5.3(b)           | Encroachment Of Building/Structure Into Setback In Local Commercial 2 Zone       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.5.3(c)(i)        | Exceed Maximum Permitted Lot Coverage In Local Commercial 2 Zone                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.5.3(c)(ii)       | Exceed Maximum Permitted Floor Area In Local Commercial 2 Zone                   | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.6.1              | Non Permitted In Local Commercial 3 Zone                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.6.2              | Non Permitted Building/Structure In Local Commercial 3 Zone                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.6.3(a)           | Building/Structure Exceeding Maximum Permitted Height In Local Commercial 3 Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.6.3(b)           | Encroachment Of Building/Structure Into Setback In Local Commercial 3 Zone       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.6.3(c)           | Exceed Maximum Permitted Lot Coverage In Local Commercial 3 Zone                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.6.3(e)(i)        | Mini Storage Exceeds Maximum Permitted Floor Area In Local Commercial 3 Zone     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.6.3(e)(ii)       | Fail To Provide Screening Of Mini Storage In Local Commercial 3 Zone             | \$100.00                         | \$75.00                                                       | \$150                                                  | Yes                                                  | 100%                                                |
| D.3.7.1              | Non Permitted Use In Ferry Parking Zone                                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.7.2              | Non Permitted Building/Structure In Ferry Parking Zone                           | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |

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|----------------------|-----------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.3.7.3(a)           | Exceed Maximum Permitted Lot Coverage In Ferry Parking Zone                                   | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.7.3(c)(i)        | Fail To Screen Parking Area In Ferry Parking Zone                                             | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.7.3(c)(ii)       | Non Permitted Or Inadequate Parking Area Surface/Drainage In Ferry Parking Zone               | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.7.3(c)(iii)      | Fail To Deflect Lighting Towards Surface of Parking Area                                      | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.8.1              | Non Permitted In Tourist Commercial 1 Zone                                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.8.2              | Non Permitted Building/Structure In Tourist Commercial 1 Zone                                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Tourist Commercial 1 Zone              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(b)           | Encroachment Of Building/Structure Into Setback In Tourist Commercial 1 Zone                  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(c)(i)        | Exceed Maximum Permitted Lot Coverage In Tourist Commercial 1 Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(c)(ii)       | Exceed Maximum Permitted Floor Area In Tourist Commercial 1 Zone                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(e)(i)        | Exceed Maximum Permitted Size Of Tourist Accommodation Unit In Tourist Commercial 1 Zone      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(e)(ii)       | Non Permitted Cooking Facilities In Tourist Accommodation Unit In Tourist Commercial 1 Zone   | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(e)(iii)      | Tourist Accommodation Unit Occupancy Exceeds Maximum Time Period In Tourist Commercial 1 Zone | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(e)(iv)       | Campsite Occupancy Exceeds Maximum Time Period In Tourist Commercial 1 Zone                   | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.8.3(e)(v)        | Non Permitted Licensed Liquor Establishments In Tourist Commercial 1 Zone                     | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.9.1              | Non Permitted In Tourist Commercial 2 Zone                                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

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|----------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.3.9.2              | Non Permitted Building/Structure In Tourist Commercial 2 Zone                                                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.9.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Tourist Commercial 2 Zone                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.9.3(b)           | Encroachment Of Building/Structure Into Setback In Tourist Commercial 2 Zone                                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.9.3(c)(i)        | Exceed Maximum Permitted Lot Coverage In Tourist Commercial 2 Zone                                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.9.3(c)(ii)       | Exceed Maximum Permitted Floor Area In Tourist Commercial 2 Zone                                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.9.3(e)(i)        | Exceed Permitted Number Of Campsites In Tourist Commercial 2 Zone                                                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.9.3(e)(ii)       | Tent/Tent-Trailer/Camper Vehicle/Recreation Vehicle On Campsite For More Than 60 Days A Year                               | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.9.3(e)(iii)      | Campsite Occupied By Person Consecutively Or Cumulatively For More Than 60 Days Within A Year In Tourist Commercial 2 Zone | \$250.00                         | \$187.50                                                      | \$375.00                                               | Yes                                                  | 100%                                                |
| D.3.10.1             | Non Permitted In Industrial – Light 1 Zone                                                                                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.10.2             | Non Permitted Building/Structure In Industrial – Light 1 Zone                                                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.10.3(a)          | Building/Structure Exceeds Maximum Permitted Height In Industrial – Light 1 Zone                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.10.3(b)          | Encroachment Of Building/Structure Into Setback In Industrial – Light 1 Zone                                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.10.3(c)(i)       | Exceed Maximum Permitted Lot Coverage In Industrial – Light 1 Zone                                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.10.3(c)(ii)      | Exceed Maximum Permitted Floor Area In Industrial – Light 1 Zone                                                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.3.10.3(e)(i)       | Exceed Maximum Permitted Floor Area For Sales Of Products/Services In Industrial – Light 1 Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

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|----------------------|-----------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.3.10.3(e)(ii)      | Non Permitted Outdoor Storage In Industrial – Light 1 Zone                                    | \$100.00                         | \$75.00                                                       | \$150                                                  | Yes                                                  | 100%                                                |
| D.3.10.3(e)(iii)     | Non Permitted Storage Of Hazardous Materials In Industrial – Light 1 Zone                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.1.1              | Non Permitted Use In Provincial And Regional Park Zone                                        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.1.2              | Non Permitted Building/Structure In Provincial And Regional Park Zone                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.1.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Provincial And Regional Park Zone      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.1.3(b)           | Encroachment Of Building/Structure/campsite Into Setback In Provincial And Regional Park Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.1.3(c)           | Exceed Maximum Permitted Lot Coverage In Provincial And Regional Park Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.2.1              | Non Permitted Use In Parks 2 Zone                                                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.2.2              | Non Permitted Building/Structure In Parks 2 Zone                                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.2.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Parks 2 Zone                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.2.3(b)           | Encroachment Of Building/Structure Into Setback In Parks 2 Zone                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.2.3(c)           | Exceed Maximum Permitted Lot Coverage In Parks 2 Zone                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.3.1              | Non Permitted Use In Parks 3 Zone                                                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.3.2              | Non Permitted Building/Structure In Parks 3 Zone                                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.3.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Parks 3 Zone                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.3.3(b)           | Encroachment Of Building/Structure Into Setback In Parks 3 Zone                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.3.3(c)           | Exceed Maximum Permitted Lot Coverage In Parks 3 Zone                                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule A**  
**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description</b><br>The following fines apply to the contraventions below: | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.4.4.1              | Non Permitted Use In Institutional 1 Zone                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.4.2              | Non Permitted Building/Structure In Institutional 1 Zone                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.4.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Institutional 1 Zone  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.4.3(b)           | Encroachment Of Building/Structure Into Setback In Institutional 1 Zone      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.4.3(c)(i)        | Exceed Maximum Permitted Lot Coverage In Institutional 1 Zone                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.4.3(c)(ii)       | Exceed Maximum Permitted Floor Area In Institutional 1 Zone                  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.5.1              | Non Permitted Use In Institutional 2 Zone                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.5.2              | Non Permitted Building/Structure In Institutional 2 Zone                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.5.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Institutional 2 Zone  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.5.3(b)           | Encroachment Of Building/Structure Into Setback In Institutional 2 Zone      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.5.3(c)           | Exceed Maximum Permitted Lot Coverage In Institutional 2 Zone                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.6.1              | Non Permitted Use In Institutional 3 Zone                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.6.2              | Non Permitted Building/Structure In Institutional 3 Zone                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.6.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Institutional 3 Zone  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.6.3(b)           | Encroachment Of Building/Structure Into Setback In Institutional 3 Zone      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.6.3(c)           | Exceed Maximum Permitted Lot Coverage In Institutional 3 Zone                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.7.1              | Non Permitted Use In Institutional 4 Zone                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.7.2              | Non Permitted Building/Structure In Institutional 4 Zone                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule A**  
**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b>              | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.4.7.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Institutional 4 Zone                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.7.3(b)           | Encroachment Of Building/Structure Into Setback In Institutional 4 Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.7.3(c)           | Exceed Maximum Permitted Lot Coverage In Institutional 4 Zone                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.7.3(e)           | Fail To Screen Parking Area In Institutional 4 Zone                                        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.8.1              | Non Permitted In Yacht Club Outstation – Upland Zone                                       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.8.2              | Non Permitted Building/Structure In Yacht Club Outstation – Upland Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.8.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Yacht Club Outstation – Upland Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.8.3(b)           | Encroachment Of Building/Structure Into Setback In Yacht Club Outstation – Upland Zone     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.4.8.3(c)           | Exceed Maximum Permitted Lot Coverage In Yacht Club Outstation – Upland Zone               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.1.1              | Non Permitted Use In Water General Zone                                                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.1.2              | Non Permitted Structure In Water General Zone                                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.1.3.(a)          | Structure Exceeds Maximum Permitted Height In Water General Zone                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.1.3.(b)          | Encroachment Of Structure Into Setback In Water General Zone                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.1.3.(c)(i)       | Non Permitted Building In Water General Zone                                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.1.3.(c)(ii)      | Non Permitted Commercial Or Industrial Use In Water General Zone                           | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.2.1              | Non Permitted Use In Water Commercial 1 Zone                                               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule A**  
**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the<br/>contraventions below:</b> | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.5.2.2              | Non Permitted Building/Structure In Water Commercial 1 Zone                       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.2.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Water Commercial 1 Zone    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.2.3(b)           | Encroachment Of Building/Structure Into Setback In Water Commercial 1 Zone        | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.2.3(c)           | Non Permitted Residential Use Of Vessels In Water Commercial 1 Zone               | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.3.1              | Non Permitted Use In Water Commercial 2 Zone                                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.3.2              | Non Permitted Structure In Water Commercial 2 Zone                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.3.3(a)           | Structure Exceeds Maximum Permitted Height In Water Commercial 2 Zone             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.3.3(b)           | Encroachment Of Structure Into Setback In Water Commercial 2 Zone                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.3.3(c)           | Non Permitted Building In Water Commercial 2 Zone                                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.4.1              | Non Permitted Use Of Structure In Water Commercial 3 Zone                         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.4.2              | Non Permitted Structure In Water Commercial 3 Zone                                | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.4.3(a)           | Structure Exceeds Maximum Permitted Height In Water Commercial 3 Zone             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.4.3(b)           | Encroachment Of Structure Into Setback In Water Commercial 3 Zone                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.4.3(c)           | Non Permitted Building In Water Commercial 3 Zone                                 | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.5.1              | Non Permitted Use In Water Industrial 1 Zone                                      | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.5.2              | Non Permitted Building/Structure In Water Industrial 1 Zone                       | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.5.3(a)           | Building/Structure Exceeds Maximum Permitted Height In Water Industrial 1 Zone    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule A**  
**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply to the contraventions below:</b> | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.5.5.3(b)           | Encroachment Of Building/Structure Into Setback In Water Industrial 1 Zone    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.6.1              | Non Permitted Use In Water Industrial 2 Zone                                  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.6.2              | Non Permitted Structure In Water Industrial 2 Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.6.3(a)           | Structure Exceeds Maximum Permitted Height In Water Industrial 2 Zone         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.6.3(b)           | Non Permitted Building In Water Industrial 2 Zone                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.7.1              | Non Permitted Use In Water Industrial 3 Zone                                  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.7.2              | Non Permitted Structure In Water Industrial 3 Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.7.3(a)           | Structure Exceeds Maximum Permitted Height In Water Industrial 3 Zone         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.7.3(b)           | Encroachment Of Structure Into Setback In Water Industrial 3 Zone             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.7.3(c)           | Non Permitted Building In Water Industrial 3 Zone                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.8.1              | Non Permitted Use In Water Protection 1 Zone                                  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.8.2              | Non Permitted Structure In Water Protection 1 Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.8.3(a)           | Structure Exceeds Maximum Permitted Height In Water Protection 1 Zone         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.8.3(b)           | Encroachment Of Structure Into Setback In Water Protection 1 Zone             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.8.3(c)(i)        | Non Permitted Building In Water Protection 1 Zone                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.8.3(c)(ii)       | Non Permitted Commercial Or Industrial Use In Water Protection 1 Zone         | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.9.1              | Non Permitted Use In Water Protection 2 Zone                                  | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.9.2              | Non Permitted Structure In Water Protection 2 Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule A**  
**GABRIOLA ISLAND LAND USE BYLAW NO. 177, 1999**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description</b><br>The following fines apply to the contraventions below:   | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3<br/>Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| D.5.9.3(a)           | Structure Exceeds Maximum Permitted Height In Water Protection 2 Zone          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.9.3(b)           | Encroachment Of Structure Into Setback In Water Protection 2 Zone              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.9.3(c)(i)        | Non Permitted Building In Water Protection 2 Zone                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.9.3(c)(ii)       | Non Permitted Commercial Or Industrial Use                                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.10.1             | Non Permitted Use In Water Protection 3 Zone                                   | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.10.2             | Non Permitted Structure In Water Protection 3 Zone                             | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.10.3             | Non Permitted Building In Water Protection 3 Zone                              | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.11.1             | Non Permitted Use In Water Yacht Club Outstation Zone                          | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.11.2             | Non Permitted Structure In Water Yacht Club Outstation Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.11.3(a)          | Structure Exceeds Maximum Permitted Height In Water Yacht Club Outstation Zone | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.11.3(b)          | Encroachment Of Structure Into Setback In Water Yacht Club Outstation Zone     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |
| D.5.11.3(c)          | Non Permitted Building In Water Yacht Club Outstation Zone                     | \$300.00                         | \$225.00                                                      | \$450.00                                               | Yes                                                  | 100%                                                |

**Schedule B**  
**MUDGE ISLAND LAND USE BYLAW NO. 228, 2007**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                                                                                     | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 3.1                  | Non Permitted Use/Structure                                                                                                                                                       | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2.1(a)             | Storage And Disposal Of Domestic/Hazardous/Toxic Waste                                                                                                                            | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2.1(b)             | Bridges/Causeways/Tunnels/Utility Lines Connecting Islands                                                                                                                        | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3.2                | Encroachment Of Building/Structure Into Setback                                                                                                                                   | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3.3                | Encroachment Of Trough/Manure Pile Into Setback                                                                                                                                   | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3.4                | Encroachment Into Setback From Natural Boundary Of Wetland/Watercourse/Sea/Body Of Water                                                                                          | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3.5                | Encroachment Into Setback From Natural Boundary Of Sea                                                                                                                            | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.4.1(a)             | Building/Structure Exceeds Height Restriction                                                                                                                                     | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.4.1(b)             | Fence Exceeds Height Restriction                                                                                                                                                  | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.5.1                | Non Permitted Use Of Building/Structure For Overnight Accommodation                                                                                                               | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.5.3                | Non Permitted Residential Use Of Vessel/Building/Structure Located On Waters                                                                                                      | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.6.1                | Non Permitted Home Occupation                                                                                                                                                     | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(a)             | Home Occupation Not Accessory To Active Residential Use                                                                                                                           | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(b)             | Home Occupation Not Carried Out By Minimum One Permanent Resident Or Permanent Resident Not Sole/Principal Worker And Operator Or More Than Two People Employed At Any Given Time | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(c)             | Fail To Retain Residential Appearance On Home Occupation Premises                                                                                                                 | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(d)             | Home Occupation Produces Excessive Vibration/Smoke/Dust/Odour/Litter/Electrical Interference/Fire Hazard/Effluent/Glare Detectable Outside Boundaries Of Lot                      | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(e)             | Create/Permit Noise Which Disturbs Persons/Clearly Audible Off Lot Of Home Occupation                                                                                             | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(f)             | Home Occupation Results In Contamination Of Any Soil/Surface Water                                                                                                                | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(g)             | Inappropriate/Not Maintained Mechanisms To Prevent Spills/Contaminations For Paved And Unpaved Areas Used for Vehicle/Engine/Equipment/Appliance/Vessel Construction Or Repairs   | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |

**Schedule B**  
**MUDGE ISLAND LAND USE BYLAW NO. 228, 2007**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                                                          | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 3.6.2(h)             | Home Occupation Not Entirely Conducted In Single Family Dwelling Unit Or Non-residential Accessory Building And Exceeds Maximum Floor Area Restriction | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 3.6.2(i)             | Non Permitted Use Of Outdoor Space For Home Occupation                                                                                                 | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.7.1                | Inadequate Landscape Screen                                                                                                                            | \$100.00                         | \$75.00                                                       | \$150.00                                           | Yes                                                  | 100%                                                |
| 3.8.1(a)             | Inadequate Landscape Screen Or Unapproved Sewage Disposal System For Recreational Vehicles/Tents/Campers Used As Residential Dwellings                 | \$200.00                         | \$150.00                                                      | \$300.00                                           | Yes                                                  | 100%                                                |
| 3.8.1(b)             | Exceed Time Period Of Recreational Vehicles/Tents/Campers Used As Seasonal Non-commercial Accommodation                                                | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.8.2                | Temporary Residential Use Of Vehicles/Tents/Campers During Construction Of Dwelling Not Ceased Upon Occupancy Of The Dwelling                          | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.9.1                | Wrecking/Storage Of Vehicles/Vessels Or Use Of Parcel As Junkyard                                                                                      | \$150.00                         | \$112.50                                                      | \$225.00                                           | Yes                                                  | 100%                                                |
| 3.9.2                | Inadequate Screening Of Unlicensed Vehicles/Vessels Undergoing Repair Or Exceed Maximum Number Vehicles/Vessels                                        | \$150.00                         | \$112.50                                                      | 225.00                                             | Yes                                                  | 100%                                                |
| 5.1.1                | Non Permitted Principal Use In A Rural Residential Zone                                                                                                | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.1.2                | Non Permitted Accessory Use In A Rural Residential Zone                                                                                                | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.1.3                | Non Permitted Building/Structure In Rural Residential Zone                                                                                             | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.1.4                | Exceed Maximum Lot Coverage In Rural Residential Zone                                                                                                  | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.1.5                | Cottage Exceeds Maximum Permitted Floor Area                                                                                                           | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.1.6                | Encroachment Into Setback In Rural Residential Zone On Lots 0.4 Hectares Or Less                                                                       | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.1.7                | Encroachment Into Setback In Rural Residential Zone On Lots Greater Than 0.4 Hectares                                                                  | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.2.1                | Non Permitted Use In A Park And Institutional Zone                                                                                                     | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.2.2                | Non Permitted Building/Structure In Park And Institutional Zone                                                                                        | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.2.3                | Exceed Maximum Lot Coverage In Park And Institutional Zone                                                                                             | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.2.4                | Encroachment Into Setback In Park And Institutional Zone                                                                                               | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.3.1                | Non Permitted Use/Structure In Water Zone                                                                                                              | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |

**Schedule B**  
**MUDGE ISLAND LAND USE BYLAW NO. 228, 2007**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                                      | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|--------------------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 5.3.2                | Float/Dock/Wharf Exceeds Area Restriction                                                                          | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.3.3                | Access Ramp/Pier/Walkway Connecting To Float/Dock/Wharf Exceeds Width Restriction                                  | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.3.4                | Storage Structure Exceeds Maximum Height/Floor Area Restrictions In Water Zone                                     | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.3.5                | Encroachment Into Setback In Water Zone                                                                            | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.1                | Non Permitted Principal Use In A Water Marina Zone                                                                 | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.2                | Non Permitted Accessory Use In A Water Marina Zone                                                                 | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.3                | Non Permitted Building/Structure In Water Marina Zone                                                              | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.5                | Storage Structure Exceeds Maximum Height/Floor Area Restrictions In Water Marina Zone                              | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.6                | Encroachment Into Setback In Water Marina Zone                                                                     | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.7                | Bulletin Boards Exceed Maximum Height/Area Restrictions In Water Marina Zone                                       | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.8                | Inappropriate Deflecting Of Lighting Or Lighting Structure Exceeds Maximum Height Restriction In Water Marina Zone | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 5.4.9                | Non Permitted Parking Area Surface Or Inadequate Drainage And Pollution Measures In Water Marina Zone              | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 6.1.1                | Exceed Maximum Number/Area Of Signs                                                                                | \$150.00                         | \$112.50                                                      | \$225.00                                           | Yes                                                  | 100%                                                |
| 6.1.2(a)             | Home Occupation Sign Exceeds Permitted Combined Face Area                                                          | \$150.00                         | \$112.50                                                      | \$225.00                                           | Yes                                                  | 100%                                                |
| 6.1.2(c)             | Real Estate Signs Exceed Maximum Area/Permitted Time Period To Be Displayed                                        | \$150.00                         | \$112.50                                                      | \$225.00                                           | Yes                                                  | 100%                                                |
| 6.2                  | Non Permitted Animated/Illuminated/Flashing Sign                                                                   | \$150.00                         | \$112.50                                                      | \$225.00                                           | Yes                                                  | 100%                                                |
| 6.3                  | Obsolete Sign Not Removed Immediately                                                                              | \$150.00                         | \$112.50                                                      | \$225.00                                           | Yes                                                  | 100%                                                |
| 7.1.1                | Fail To Provide/Maintain Off-road Parking                                                                          | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 7.1.2                | Parking Space Does Not Meet Size Requirements                                                                      | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 7.1.3                | Fail To Provide Off Road Parking Spaces On Lot/Site Containing Use/Building/Structure Being Served                 | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |
| 7.2                  | Fail To Provide Minimum Number Of Parking Spaces Required                                                          | \$250.00                         | \$187.50                                                      | \$375.00                                           | Yes                                                  | 100%                                                |

**Schedule C**  
**DECOURCY ISLAND ZONING BYLAW NO. 44, 1987**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b> | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|-------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
| 2.1                  | Non Permitted Use/Structure                                                   | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 2.6                  | Non Permitted Guest Cottage/Guest Cottage Exceeds Floor Area Restriction      | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 2.7                  | Non Permitted Transient Vessel                                                | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.1(a)               | Non Permitted Use In A Settlement Residential Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.1(b)               | Non Permitted Building/Structure In Settlement Residential Zone               | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.1(c)(i)            | Exceed Site Density In Settlement Residential Zone                            | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.1(c)(ii)           | Building/Structure Exceeds Height Restriction In Settlement Residential Zone  | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.1(c)(iii)          | Encroachment Into Setback In Settlement Residential Zone                      | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.1(c)(iv)           | Exceed Maximum Lot Coverage In Settlement Residential Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2(a)               | Non Permitted Use In Rural Zone                                               | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2(b)               | Non Permitted Building/Structure In Rural Zone                                | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2(c)(i)            | Exceed Site Density In Rural Zone                                             | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2(c)(ii)           | Building/Structure Exceeds Height Restriction In Rural Zone                   | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2(c)(iii)          | Encroachment Into Setback In Rural Zone                                       | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.2(c)(iv)           | Exceed Maximum Lot Coverage In Rural Zone                                     | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3(a)               | Non Permitted Use In Public Recreation Zone                                   | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3(b)               | Non Permitted Building/Structure In Public Recreation Zone                    | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3(c)(i)            | Building/Structure Exceeds Height Restriction In Public Recreation Zone       | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.3(c)(ii)           | Encroachment Into Setback In Public Recreation Zone                           | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.4(a)               | Non Permitted Use In Water General Zone                                       | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.4(b)               | Non Permitted Building/Structure In Water General Zone                        | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.4(c)(i)            | Non Permitted Residential Use In Water General Zone                           | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.4(c)(ii)           | Non Permitted Building In Water General Zone                                  | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.4(c)(iii)          | Encroachment Into Setback In Water General Zone                               | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.5(a)               | Non Permitted Use In Mariculture Zone                                         | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.5(b)               | Non Permitted Building/Structure In                                           | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |

**Schedule C**  
**DECOURCY ISLAND ZONING BYLAW NO. 44, 1987**  
**CONTRAVENTIONS AND PENALTIES**

| <b>Bylaw Section</b> | <b>Description<br/>The following fines apply To the contraventions below:</b>                | <b>A1<br/>Penalty<br/>Amount</b> | <b>A2<br/>Discounted<br/>Penalty<br/>(within 14<br/>days)</b> | <b>A3 Late<br/>Payment<br/>(after 28<br/>days)</b> | <b>A4<br/>Compliance<br/>Agreement<br/>Available</b> | <b>A5<br/>Compliance<br/>Agreement<br/>Discount</b> |
|----------------------|----------------------------------------------------------------------------------------------|----------------------------------|---------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|
|                      | Mariculture Zone                                                                             |                                  |                                                               |                                                    |                                                      |                                                     |
| 3.5(c)(i)            | Non Permitted Residential Use In Mariculture Zone                                            | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.6(a)               | Non Permitted Use In Centralized Moorage Zone                                                | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.5(b)               | Non Permitted Building/Structure In Centralized Moorage Zone                                 | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |
| 3.5(c)(i)            | Use Of Land/Water/Structures As Yacht Club/Yacht Club Outstation In Centralized Moorage Zone | \$300.00                         | \$225.00                                                      | \$450.00                                           | Yes                                                  | 100%                                                |

# BRIEFING

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**To:** Local Trust Committees/Bowen Island Municipality      **For the Meeting of:** Various

**From:** Trust Programs Committee      **Date Prepared:** July 16, 2018

**SUBJECT:** Service Integration

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**PURPOSE:** To request input from local trust committees/Bowen Island Municipality about any service integration concerns.

**BACKGROUND:** The Trust Programs Committee working group has been meeting to consider potential improvements to service delivery by the various government service providers, including the Islands Trust, to Salt Spring Island and the wider Trust area. This work was initiated in response to the incorporation process on Salt Spring Island in 2017, and specifically, to address a critique of the governance model on Salt Spring Island that is characterized by multiple agencies delivering community services in a non-coordinated manner. Trust Council (TC) has tasked the working group with: ***Identifying potential governance or operational changes that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.***

TPC would like local trust committees and Bowen Island Municipality to create inventories of barriers experienced in engaging service providers and other agencies and to provide those responses to TPC via the Director of Trust Area Services. A suggested resolution for conveying any concerns is as follows:

That the XX Island LTC/BIM advises Trust Programs Committee that the LTC/BIM has experienced barriers to engaging service providers/other agencies when addressing the following topics:

- 1.
- 2.
- 3.

**ATTACHMENT(S):**

1. None.

**FOLLOW-UP:** TPC will consider responses received by August 20, 2018 meeting. At its August 20, 2018 meeting, TPC will discuss how to handle responses received after August 20.

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**Prepared By:** Clare Frater, Director, Trust Area Services

**Reviewed By/Date:** Brian Crumblehulme, TPC Chair  
David Marlor, Director, Local Planning Services



## Top Priorities

### Gabriola Island

| No. | Description                                            | Activity                                                                                                               | R/Initiated | Responsibility                | Target Date |
|-----|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-------------|-------------------------------|-------------|
| 1   | Housing Options<br>OCP/LUB Review<br>Project - Phase 2 | Staff to draft project charter and workplan to outline objectives and scope of Phase 2 activities for LTC endorsement. | 14-Jun-2018 |                               |             |
| 1   | First Nations<br>Relationship Building                 |                                                                                                                        |             | Fiona MacRaild                |             |
| 2   | Mudge Island targeted<br>review of OCP/LUB             | Review 10% lot coverage provisions and cisterns being calculated as lot coverage on small lots.                        | 07-Sep-2017 | Teresa Rittemann              |             |
| 3   | Water taxi feasibility                                 | Review zoning provisions for water taxi service.                                                                       | 14-Jul-2016 | Sonja Zupanec<br>Jaime Dubyna |             |



## Projects

### Gabriola Island

| Description                          | Activity                                                                                                                                                                                                                                                 | R/Initiated |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| DeCourcy Island OCP and Bylaw Review | Review DeCourcy Island Official Community Plan and Regulatory bylaws; establish an Advisory Planning Commission. Topics include: park areas without park zoning, DAI Bylaw, subdivision polices and regulations (added March 2017).                      | 21-Apr-2011 |
| Hazardous areas/Steep Slopes DPA     | Consider hazardous areas and steep slopes development permit area designation; consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain                                                   | 21-Feb-2013 |
| Forage Fish Mapping Workshop         | March, 2013 resolution                                                                                                                                                                                                                                   | 05-Sep-2013 |
| Land Based Aquaculture               | Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.                                                                                                                                      | 16-Jan-2014 |
| Biodiversity Protection              | Identify measures to protect biodiversity                                                                                                                                                                                                                | 19-Jan-2012 |
| Coastal areas protection             | Review OCP and LUB to improve protection of coastal areas.                                                                                                                                                                                               | 19-Jan-2012 |
| Water Protection                     | Review OCP and LUB to protect water quality and quantity.                                                                                                                                                                                                | 19-Jan-2012 |
| First Nations cultural references    | Consider First Nations cultural references in land use planning; Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola. | 27-Jan-2011 |
| Eelgrass protection                  | Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).                                                                                                                                                                | 14-May-2014 |
| Snuneymuxw Protocol Agreement        | Implementation of Snuneymuxw First Nation Protocol Agreement                                                                                                                                                                                             | 22-Jan-2015 |

**Projects****Gabriola Island**

| Description                                  | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | R/Initiated |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Gabriola Village Plan                        | Undertake a comprehensive review of policies and regulations with respect to the Gabriola Village Core                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 02-Apr-2015 |
| Snuneymuxw Relationship Building             | Strengthen relationship with Snuneymuxw First Nation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 02-Apr-2015 |
| Food Trucks                                  | Review land use bylaw regulations with respect to food trucks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 02-Apr-2015 |
| Eagle Nest Mapping                           | Incorporate eagle nest mapping into the OCP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 02-Apr-2015 |
| Green Energy                                 | Consider policy and regulatory mechanisms to encourage green and renewable energy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 02-Apr-2015 |
| Commercial Vacation Rental Review            | Review bylaws with respect to temporary use permits for commercial vacation rentals                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 07-May-2015 |
| CDF Conservation                             | Consider policies and other recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 14-Jan-2016 |
| LUB Amendments                               | <ul style="list-style-type: none"> <li>- Review of temporary sawmill regulations</li> <li>- Definition of personal use of animals for SRR zoned lots</li> <li>- Review of how cisterns and solar panels are regulated as structures subject to lot coverage calculations</li> <li>-Review of section B.2.1.1 for variances within DP3</li> <li>-Review minimum average parcel size calculations in LUB and OCP to ensure consistent and supportive of more than 5% dedication of parkland</li> <li>-IN1 zoning to ensure consistent with existing Arts Council use.</li> <li>-definition of limited public market and INI zone uses pertaining to market sales</li> </ul> | 08-Sep-2016 |
| Review and update the Gabriola Build Out Map |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 11-May-2017 |



## Projects

### Gabriola Island

| Description                               | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | R/Initiated |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| Develop a new Ecological Protection Zone. | Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coates Marsh and Burns Acres Nature Reserve properties.                                                                                                                                                                                                                                                                                                                      | 01-Mar-2017 |
| Housing Options Review Project Phase 2    | <ul style="list-style-type: none"><li>-include a review of the secondary suite above an existing farm building provisions for land in the ALR.</li><li>-examining the appropriate scope of the area designated in the Official Community Plan for possible multi-dwelling affordable housing;</li><li>-examining the potential for increasing density in the Village core multi-dwelling housing; and</li><li>-exploring opportunities for mixed use buildings in the Village core.</li></ul> | 01-Mar-2018 |
| Cannabis production and retail sales      | Staff to provide a report on options for land use regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                | 14-Jun-2018 |
| Water Resource Planning                   | Review of water requirements at the time of subdivision                                                                                                                                                                                                                                                                                                                                                                                                                                       | 14-Jun-2018 |



Islands Trust

Print Date: August 16, 2018

## Applications

### Development Permit

| File Number              | Applicant Name | Date Received | Purpose                                                                        |
|--------------------------|----------------|---------------|--------------------------------------------------------------------------------|
| GB-DP-2017.2             | Zane, Michael  | 03-Aug-2017   | PID: 009-796-045 To bring property into bylaw compliance<br>Civic: Acom Island |
| Planner: Teresa Rittmann |                |               |                                                                                |
| Planning Status          |                |               |                                                                                |

Status Date: 01-Aug-2018  
No change in status.

Status Date: 26-Jun-2018  
Planner in contact with applicant regarding covenants and next steps

Status Date: 04-Apr-2018  
Planner awaiting responses regarding draft covenants.

| File Number           | Applicant Name                         | Date Received | Purpose                                                                                                               |
|-----------------------|----------------------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------|
| GB-DP-2018.1          | Jeff Wagner/Gordon<br>Homes Sales Ltd. | 26-Apr-2018   | PID: 003-435-857 Placing new manufactured home on property Civic<br>address: 9 Wildwood Crescent, Gabriola Island, BC |
| Planner: Jaime Dubyna |                                        |               |                                                                                                                       |
| Planning Status       |                                        |               |                                                                                                                       |

Status Date: 26-Jul-2018  
Planner reviewing application.

| File Number           | Applicant Name | Date Received | Purpose                                                                                                                                                            |
|-----------------------|----------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-DP-2018.2          | Bye, BIRGIT    | 11-Jul-2018   | PID: 002-348-021 Seeking variance to accommodate three sheds that are<br>encroaching in the RAR setback. Civic address: 860 Horseshoe Road, Gabriola<br>Island, BC |
| Planner: Jaime Dubyna |                |               |                                                                                                                                                                    |
| Planning Status       |                |               |                                                                                                                                                                    |

Status Date: 15-Aug-2018  
Planner reviewing application.

| File Number | Applicant Name | Date Received | Purpose |
|-------------|----------------|---------------|---------|
|-------------|----------------|---------------|---------|



Islands Trust

Print Date: August 16, 2018

## Applications

GB-DP-2018.3 Bowles, ANTHONY 17-Jul-2018 PID:003-432-394 Building new 2 bedroom home. Civic address: 601 Wildwood Crescent, Gabriola Island, BC

**Planner:** Madeleine Koch

### Planning Status

**Status Date:** 15-Aug-2018

Planner reviewing file

## Development Variance Permit

| File Number   | Applicant Name       | Date Received | Purpose                                                                                         |
|---------------|----------------------|---------------|-------------------------------------------------------------------------------------------------|
| GB-DVP-2016.3 | Van Herwaarden, Lynn | 24-Aug-2016   | PID: 003-422-852 539 Wildwood Crescent, Gabriola Island. DVP to bring property into compliance. |

**Planner:** Madeleine Koch

### Planning Status

**Status Date:** 15-Aug-2018

Awaiting further information/ exploring options

**Status Date:** 18-Aug-2017

Sent letter to the property owner and requested her (or her surveyor) to forward the completed survey / site plan to planning staff.

**Status Date:** 17-Aug-2017

Planning staff met with the owner on site, reiterated the need for a survey / site plan. The owner committed to providing a survey / site plan as per the Land Use Bylaw.

| File Number   | Applicant Name | Date Received | Purpose                                                                               |
|---------------|----------------|---------------|---------------------------------------------------------------------------------------|
| GB-DVP-2017.1 | Zane, Michael  | 03-Aug-2017   | PID: 009-796-045 To bring property into bylaw compliance. Civic address: Acorn Island |

**Planner:** Teresa Rittmann

### Planning Status

**Status Date:** 01-Aug-2018

No change in status.



## Applications

**Status Date:** 26-Jun-2018

Planner in contact with applicant regarding covenants and next steps

**Status Date:** 04-Apr-2018

Planner awaiting responses regarding draft covenants.

| File Number   | Applicant Name      | Date Received | Purpose                                                                                                                                                                                   |
|---------------|---------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-DVP-2018.1 | Upward Construction | 11-Apr-2018   | PID: 004-739-345 Demolish cottage & work shed & rebuild. Need variance to allow septic field to be placed within setback from ocean. Civic address: 1850 Maple Lane, Gabriola Island, BC. |

**Planner:** Sonja Zupanec

### Planning Status

**Status Date:** 31-Jul-2018

File passed to Sonja Z from Ian C - still waiting on current parcel survey showing natural boundary.

**Status Date:** 05-Jul-2018

Staff report not to go to LTC July 12th - waiting further information from applicant.

**Status Date:** 20-Jun-2018

DRAFT notice and permit complete, to go to LTC July 12th meeting.

| File Number   | Applicant Name | Date Received | Purpose                                                                                                                                              |
|---------------|----------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-DVP-2018.3 | Bye, BIRGIT    | 11-Jul-2018   | PID: 002-348-021 Varying setback for three sheds to allow for placement of primary residence. Civic address: 860 Horseshoe Road, Gabriola Island, BC |

**Planner:** Jaime Dubyna

### Planning Status

**Status Date:** 15-Aug-2018

Planner reviewing application.

| File Number   | Applicant Name  | Date Received | Purpose                                                                                       |
|---------------|-----------------|---------------|-----------------------------------------------------------------------------------------------|
| GB-DVP-2018.4 | Bowles, ANTHONY | 17-Jul-2018   | PID: 003-432-394 Building new 2 bedroom home Civic address: 601 Wildwood, Gabriola Island, BC |

**Planner:** Madeleine Koch

### Planning Status

**Applications****Status Date:** 15-Aug-2018

Planner reviewing

**Rezoning**

| File Number                   | Applicant Name          | Date Received | Purpose                                                                                                                                                    |
|-------------------------------|-------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-RZ-2016.1                  | Williamson & Associates | 09-Feb-2016   | PIDs:006-654-941, 005-030-480, 009-735-968, 003-010-431, 006-635-121, 027-939-804, 027-939-791<br>Spruce to Church Streets, Mallett Creek Density Transfer |
| <b>Planner:</b> Sonja Zupanec |                         |               |                                                                                                                                                            |
| <b>Planning Status</b>        |                         |               |                                                                                                                                                            |

**Status Date:** 06-Dec-2017

OCP Bylaw No. 289 approved by the Minister of Municipal Affairs and Housing

**Status Date:** 05-Oct-2017

RDN advised that the RDN Board will accept the proposed 16.4 hectare parkland dedication and will accept proposed SRW #1, #2, #3 and #4 as public trail connections through subdivision following adoption of Bylaws 289 and 290.

**Status Date:** 30-Mar-2017

Proposed Bylaws 289(OCP)and 290(LUB) given third reading. Request RDN Board confirm receipt of receiver park lands. Finalize restrictive covenant as per LTC resolution request. Provide clarity to LTC on process for 'right of first refusal' for remainder lot for parkland purposes

| File Number                     | Applicant Name    | Date Received | Purpose                                                                              |
|---------------------------------|-------------------|---------------|--------------------------------------------------------------------------------------|
| GB-RZ-2018.1                    | THOMAS W MELVILLE | 06-Apr-2018   | Foreshore lease #112998 Continuing annual moorage at Degnan Bay, Gabriola Island, BC |
| <b>Planner:</b> Teresa Rittmann |                   |               |                                                                                      |
| <b>Planning Status</b>          |                   |               |                                                                                      |

**Status Date:** 01-Aug-2018

Application out for referrals to Arch Branch, local First Nations, and the Gabriola Island APC.

**Status Date:** 26-Jun-2018

Application to appear on July 12 LTC agenda for consideration.



## Applications

**Status Date:** 05-Jun-2018

Preliminary Staff Report aiming to be on July agenda for LTC consideration.

### Subdivision

| File Number   | Applicant Name                  | Date Received | Purpose                                                                                                                                                       |
|---------------|---------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-SUB-2008.3 | C.O. Smythies & Associates Ltd. | 06-Oct-2008   | To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 518031) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT) |

**Planner:** Teresa Rittmann

#### Planning Status

**Status Date:** 01-Aug-2018

No change in status.

**Status Date:** 05-Jul-2018

Received confirmation from MOTI that PLA has been extended to June 28 2019

**Status Date:** 18-Jan-2018

Planner re-sent the revised referral report to MOTI. Will await a response from MOTI.

| File Number   | Applicant Name                   | Date Received | Purpose                                |
|---------------|----------------------------------|---------------|----------------------------------------|
| GB-SUB-2010.2 | McCollum and Krul, Gary and Jane | 13-Aug-2010   | 1520 McCollum Road<br>Create 7 parcels |

**Planner:** Teresa Rittmann

#### Planning Status

**Status Date:** 01-Aug-2018

No change in status.

**Status Date:** 26-Jun-2018

Planner responded to MOTI request for extension to PLA. No concerns with extension.

**Status Date:** 15-Jun-2018

Planner received update letter from the RDN regarding required 5% cash-in-lieu for parkland must be paid.

| File Number | Applicant Name | Date Received | Purpose |
|-------------|----------------|---------------|---------|
|-------------|----------------|---------------|---------|



## Applications

GB-SUB-2011.1

Williamson &

23-Dec-2010

Associates

To create 2 parcels on Daniel Way (THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644)

Professional Surveyors

Planner: Marnie Eggen

### Planning Status

Status Date: 03-Nov-2017

No change

Status Date: 08-Jan-2016

No change

Status Date: 13-Jan-2015

Applicant working to satisfy conditions

File Number

GB-SUB-2012.2

Applicant Name

Powell, Don

Date Received

24-Oct-2012

Purpose

725 Church Street - subdivision to create one new lot and a remainder lot

Planner: Teresa Rittmann

### Planning Status

Status Date: 01-Aug-2018

No change in status.

Status Date: 01-Apr-2015

Applicants are waiting for the right time to continue with their application with MOTI and to remove the conditions in the PLNA to change it to a PLA. MOTI confirmed this is the case.

Status Date: 03-Sep-2014

Status has not changed. Still awaiting MOTI direction that reasons for non-approval have been overcome

File Number

GB-SUB-2013.3

Applicant Name

Smythies & Associates

Date Received

28-Oct-2013

Purpose

411 Daniel Way  
subdivision to create 2 parcels

Planner: Teresa Rittmann

### Planning Status

Status Date: 01-Aug-2018

No change in status.



## Applications

**Status Date:** 01-Apr-2015

MOTI response that there has been no recent action on this file but it will remain open, and the applicant is working with the ALC at this time

**Status Date:** 19-Mar-2015

No change in status. Contacted MOTI to see if they closed the file, but have not yet heard back.

| File Number              | Applicant Name | Date Received | Purpose                                                   |
|--------------------------|----------------|---------------|-----------------------------------------------------------|
| GB-SUB-2016.2            | MACKAY, IKE    | 23-Feb-2016   | PIDs: 004-857-119 and 004-614-771 Lot Boundary Adjustment |
| Planner: Teresa Rittmann |                |               |                                                           |
| Planning Status          |                |               |                                                           |

**Status Date:** 01-Aug-2018

No change in status.

**Status Date:** 05-May-2016

Awaiting response from MOTI to issue PLA or PLNA.

**Status Date:** 17-Mar-2016

File TR completed review and sent referral report to MOTI and copied to Gabriola LTC and applicant.

| File Number            | Applicant Name             | Date Received | Purpose                                                                                                |
|------------------------|----------------------------|---------------|--------------------------------------------------------------------------------------------------------|
| GB-SUB-2016.4          | C.O. Smythies & Associates | 20-May-2016   | PIDs: 001-271-806 and 009-735-755 Boundary adjustment. Civic address: 1610 Hess Road, Gabriola Island. |
| Planner: Sonja Zupanec |                            |               |                                                                                                        |
| Planning Status        |                            |               |                                                                                                        |

**Status Date:** 08-Jun-2016

Referral response sent to MOTI and copied to applicant and LTC.

| File Number              | Applicant Name             | Date Received | Purpose                                                                |
|--------------------------|----------------------------|---------------|------------------------------------------------------------------------|
| GB-SUB-2016.6            | C.O. Smythies & Associates | 08-Sep-2016   | PID: 000-305-120 215 Easthom Road, Gabriola Island. 3 lot subdivision. |
| Planner: Teresa Rittmann |                            |               |                                                                        |
| Planning Status          |                            |               |                                                                        |



## Applications

**Status Date:** 01-Aug-2018

No change in status.

**Status Date:** 07-Nov-2017

Applicant seeking extension to PLA. Planner confirmed with MOTI and applicant via email that our office has no concerns with extending the PLA.

**Status Date:** 02-Oct-2017

No change in status.

| File Number     | Applicant Name                                                                | Date Received | Purpose                                                                                                                                                     |
|-----------------|-------------------------------------------------------------------------------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| GB-SUB-2017.1   | Williamson & Associates<br>Professional Surveyors<br>Planner: Teresa Rittmann | 26-Jan-2017   | PIDS: 000-427-110,025-720-821 & 025-720-830 Civic addresses: 1885 Martin Road, 1860 Martin Road & 1875 Stalker Road, Gabriola Island. Boundary adjustments. |
| Planning Status |                                                                               |               |                                                                                                                                                             |

**Status Date:** 01-Aug-2018

No change in status.

**Status Date:** 10-Jul-2018

Planner received and responded with no concerns to MOTI request to extend PLA

**Status Date:** 26-Jun-2018

No change in status.

| File Number     | Applicant Name                                     | Date Received | Purpose                                                                                              |
|-----------------|----------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------|
| GB-SUB-2017.2   | Williamson & Associates<br>Planner: Madeleine Koch | 19-Jan-2017   | PIDs: 009-739-602 and 000-105-287. Lot line adjustment. Civic 831 Chelwood Road, Gabriola Island, BC |
| Planning Status |                                                    |               |                                                                                                      |

**Status Date:** 23-Jul-2018

PLA issued

**Status Date:** 01-Jun-2017

Referral response sent

| File Number | Applicant Name | Date Received | Purpose |
|-------------|----------------|---------------|---------|
|-------------|----------------|---------------|---------|



## Islands Trust

Print Date: August 16, 2018

### Applications

GB-SUB-2017.3

HENDRIKS, TREVOR 24-Apr-2017

PID: 004-032-721 - 2 lot subdivision split by a road. Civic address: 1802 Stalker Road, Gabriola Island, BC.

**Planner:** Teresa Rittmann

#### Planning Status

**Status Date:** 01-Aug-2018

No change in status.

**Status Date:** 24-Jul-2017

Received VIHA letter approving sewage. Still need final plan of subdivision, then can send letter or approval if final plan is OK

**Status Date:** 30-Jun-2017

Awaiting documents to satisfy sewage disposal condition. Then final subdivision plan before giving final approval letter.

| File Number                                  | Applicant Name                                   | Date Received | Purpose                                                                     |
|----------------------------------------------|--------------------------------------------------|---------------|-----------------------------------------------------------------------------|
| GB-SUB-2018.1                                | Williamson & Associates/Potlatch Properties Ltd. | 26-Jun-2018   | PIDs: 027-939-791, 027-939-804, 003-010-431, 006-635-121 27 lot subdivision |
| Civic address: Taylor Bay Road/Church Street |                                                  |               |                                                                             |
| <b>Planner:</b> Sonja Zupanec                |                                                  |               |                                                                             |
| <b>Planning Status</b>                       |                                                  |               |                                                                             |

**Status Date:** 12-Jul-2018

Referral response sent to MOTI, applicant and LTC.

### Temporary and Industrial Use Permit

| File Number                  | Applicant Name | Date Received | Purpose                                                                                            |
|------------------------------|----------------|---------------|----------------------------------------------------------------------------------------------------|
| GB-TUP-2018.1                | Garner, KEVAN  | 15-Mar-2018   | PID: 003-330-460 Vacation, rental in cottage Civic address: 671 Balsam Street, Gabriola Island, BC |
| <b>Planner:</b> Jaime Dubyna |                |               |                                                                                                    |
| <b>Planning Status</b>       |                |               |                                                                                                    |

**Status Date:** 19-Jun-2018

Applicant provided planner with invoice for new cistern.

**Status Date:** 19-Jun-2018



Islands Trust

Print Date: August 16, 2018

## Applications

Applicant confirmed commercial vacation rental is intended for 4-persons only, using the 2-beds within the principal single family dwelling on the lot.

**Status Date:** 18-May-2018

Site visit.

| File Number                    | Applicant Name | Date Received | Purpose                                                                                |
|--------------------------------|----------------|---------------|----------------------------------------------------------------------------------------|
| GB-TUP-2018.2                  | LENZ, RICHARD  | 26-Jun-2018   | PID: 003-145-158 Vacation rental Civic address: 3158 Whalley Road, Gabriola Island, BC |
| <b>Planner:</b> Madeleine Koch |                |               |                                                                                        |
| <b>Planning Status</b>         |                |               |                                                                                        |

**Status Date:** 15-Aug-2018

Planner reviewing

***Islands Trust***  
 LTC EXP SUMMARY REPORT F2019  
 Invoices posted to Month ending June 2018

| 620 Gabriola                   | Invoices posted to Month ending June 2018 | <u>Budget</u>   | <u>Spent</u>    | <u>Balance</u>  |
|--------------------------------|-------------------------------------------|-----------------|-----------------|-----------------|
| 65000-620                      | LTC "Trustee Expenses"                    | 1,500.00        | 243.86          | 1,256.14        |
| <b>LTC Local</b>               |                                           |                 |                 |                 |
| 65200-620                      | LTC - Local Exp - LTC Meeting Expenses    | 4,750.00        | 2,210.39        | 2,539.61        |
| 65210-620                      | LTC - Local Exp - APC Meeting Expenses    | 600.00          | 150.00          | 450.00          |
| 65220-620                      | LTC - Local Exp - Communications          | 1,000.00        | 0.00            | 1,000.00        |
| 65230-620                      | LTC - Local Exp - Special Projects        | 1,000.00        | 0.00            | 1,000.00        |
| <b>TOTAL LTC Local Expense</b> |                                           | <u>7,350.00</u> | <u>2,360.39</u> | <u>4,989.61</u> |
| <b>Projects</b>                |                                           |                 |                 |                 |
| 73001-620-2018                 | Gabriola Mudge Island OCP/LUB             | 3,500.00        | 2,345.43        | 1,154.57        |
| <b>TOTAL Project Expenses</b>  |                                           | <u>3,500.00</u> | <u>2,345.43</u> | <u>1,154.57</u> |

# Gabriola Island Local Trust Committee

## POLICIES AND STANDING RESOLUTIONS

Updated: June 14, 2018

| No | Meeting Date     | Resolution No. | Issue                                                       | Policy and Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----|------------------|----------------|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | January 29, 2010 | GB-025-2010    | Communication Towers and Antennae                           | <p>It was <b>MOVED</b> and <b>SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution:</p> <ul style="list-style-type: none"> <li>Proposals for any new or expanded communication towers and antennae require an application to the Gabriola Islands Local Trust Committee.</li> <li>The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting and one advertisement in both local newspapers.</li> <li>The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; however, as a minimum, the proponent shall give written notice to Islands Trust Northern Office staff and the Snunéymuxw First Nation, all owners and residents of properties within a 2 kilometre radius of the subject property where the facility is proposed. The required notice shall include the following information: <ul style="list-style-type: none"> <li>the proposed location of the tower on the subject site</li> <li>a description of the predicted power density level of the antenna/tower</li> <li>methods to mitigate any aesthetic or visual impact</li> <li>description of the natural environment, any sensitive ecosystems or other important habitat areas within 120 metres of the subject property and mitigation of impacts to such areas</li> <li>physical details and example illustrations of the tower including its height, colour, type and design</li> <li>the time and location of a public meeting and advertising</li> <li>the name and contact information of the contact person employed by the proponent</li> <li>the name and all contact information of the Islands Trust planning staff available for public comments and questions regarding the proposal; and</li> <li>the proponent may be required to enter into a cost recovery agreement with the Islands Trust, in order to offset application processing costs incurred.</li> </ul> </li> </ul> |
| 2. | June 14, 2018    | GB-2018-040    | Processing non-medical cannabis retail license applications | <p><b>It was MOVED and SECONDED</b> that the Gabriola Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> <li>Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|--|--|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  |  | <ul style="list-style-type: none"> <li>• The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical;</li> <li>• The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal; and</li> <li>• However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> <li>○ Name of the applicant and a description of the proposal in general terms;</li> <li>○ The location of the proposed establishment and the subject site;</li> <li>○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered;</li> <li>○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and</li> <li>○ How public comments may be submitted to the Local Trust Committee.</li> </ul> </li> </ul> |
|--|--|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



## **Islands Trust Conservancy Board Report to Local Trust Committees and Bowen Island Municipality July 2018**

### **Islands Trust Conservancy Manager – Temporary Assignment with BC Parks**

The Islands Trust Conservancy Manager, Jennifer Eliason, advised the board she is leaving for a temporary assignment with BC Parks for the next eight months. The board praised Jennifer for her hard work the last ten years and thanked her for her dedication. She will be missed.

### **Board Vacancy**

The board of the Islands Trust Conservancy is thrilled to have received a list of candidates from the Crown Agency and Board Resourcing Office for a vacant board position for an appointed member. The vacancy is due to the completion of Ron Bertrand's appointed term with the board. The board sincerely thanks Ron for his commitment and valuable contributions to the Islands Trust Conservancy over his term.

### **Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022**

The board received and reviewed a response letter from Minister Robinson on the ITF Five-Year Plan that included congratulations on the recent name change.

### **Audited Financial Statements**

The board received and approved the Audited Financial Statements for the 2017-2018 fiscal year. The KPMG auditor's opinion was consistent with previous years.

### **Local Trust Committee Briefing on Regional Conservation Plan**

The board requested staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

### **Summary of Current Island-by-Island Activities**

#### **Denman**

The board approved the finalised management plan for the Morrison Marsh Nature Reserve, dated July 17, 2018. Board members discussed the report's findings, including intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs and information sharing.

#### **Lasqueti**

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The campaign is over 40 per cent of the way to a \$250,000 goal.

### **Salt Spring Island**

The board considered and approved a request from the Salt Spring Island Conservancy for a waiver to the Andreas Vogt Nature Reserve Covenant to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the nature reserve to protect against future impacts of climate change on Garry oak meadows habitat. The board suggested public communication regarding management techniques to ease possible concerns from the public.

### **Thetis**

Staff continue to negotiate a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Public consultation dates are in the process of being organized with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to inform the management plan for the protected area.

*Please feel free to contact members of the board of the Trust Fund Conservancy or Islands Trust Conservancy staff for more details. Note: The Islands Trust Fund has changed its legal name to the **Islands Trust Conservancy**. We are in the process of switching over all references to the Islands Trust Fund/Trust Fund Board to the new name. Look for a public launch of our new website and social media in the fall.*

Tony Law, Chair [tlaw@islandstrust.bc.ca](mailto:tlaw@islandstrust.bc.ca)  
Islands Trust Conservancy [itcmail@islandstrust.bc.ca](mailto:itcmail@islandstrust.bc.ca)