



REGIONAL DISTRICT OF MOUNT WADDINGTON

BYLAW NO. 708

**A Bylaw of the Regional District of Mount Waddington
to adopt the Malcolm Island Official Community Plan**

WHEREAS the Regional Board is empowered by part of the Local Government Act to adopt a Malcolm Island Official Community Plan bylaw prepared pursuant to the provisions of Section 876 of the said Act as an Official Plan:

AND WHEREAS the Regional Board deems it advisable and expedient to amend the Malcolm Island Official Community Plan.

NOW THEREFORE the Board of the Regional District of Mount Waddington in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as the Malcolm Island Official Community Plan.
2. The Malcolm Island Official Community Plan marked Schedule "A" attached hereto and forming part of this Bylaw is hereby designated as the Malcolm Island Official Community Plan Bylaw.
3. The Regional District of Mount Waddington Bylaw No. 500 as amended is repealed for all land comprising Malcolm Island and the surface of water as shown on the Malcolm Island Official Community Plan Land Use Schedule.

Read a first time this 15 day of March, 2005

Read a second time this 19 day of April, 2005

Public Hearing held this 13 day of June 2005

Read a third time this 21st day of June, 2005

Approved by the Minister of Community, Aboriginal and Women's Services this day of , 2005

Reconsidered and finally adopted this day of , 2005

SECRETARY

CHAIR

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 708 cited as the "Regional District of Mount Waddington (Malcolm Island Official Community Plan) Zoning Amendment Bylaw No. 708, 2005" as read a third time by the Regional Board on the 21st day of June, 2005.

Dated at Port McNeill, BC this _____ day of _____, _____

Secretary

BYLAW NO. 708, 2005

REGIONAL DISTRICT OF MOUNT WADDINGTON

TITLE: Malcolm Island Official Community Plan
Bylaw, 708, 2005

ELECTORAL AREA: A

FILE NO.:

PURPOSE: A bylaw to adopt an official community Plan for Malcolm
Island, located in Electoral Area 'A' of the Regional
District of Mount Waddington

REFERRED TO AGENCIES: **Date: April 26, 2005**

MALCOLM ISLAND APC: **Date: Numerous referrals**

REGIONAL BOARD: **Date: March 15, 2005**
Decision: 1st Reading

PUBLIC HEARING: **Date: June 13, 2005**
Decision: Recommended

REGIONAL BOARD: **Date: June 21, 2005**
Decision: 3rd Reading

MINISTRY OF COMMUNITY, ABORIGINAL
AND WOMENS SERVICES: **Date Sent: June 29, 2005**
Date Approved:

REGIONAL BOARD: **Date:**
Decision:

BYLAW NO. 708, 2005

REGIONAL DISTRICT OF MOUNT WADDINGTON

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Section 1 – Plan Preparation and Scope

1.1 Title

This Bylaw may be referred to as the Malcolm Island Official Community Plan, of the Regional District of Mount Waddington, in the Province of British Columbia.

1.2 Enactment

This Plan has been approved by the Minister of Community, Aboriginal and Women's Services, and adopted by the Board of the Regional District of Mount Waddington pursuant to S.876 of the *Local Government Act*.

1.3 Plan Preparation

The Plan and Bylaw were prepared by the Development Services staff of the Regional District of Mount Waddington (RDMW) in close consultation with the people of Malcolm Island, and the Advisory Planning Commission (APC) of the Island. The Plan is intended to reflect the general view of the local people with respect to land use and the impact land use has on development in the community. A major concern of the public has been to maintain the Island's character by managing pressure for extensive growth and change. At the same time, recent changes in the economy of the North Island mean that some change is necessary if the local economy and the community are to remain healthy.

1.4 Definition of Plan and Implementation

This Community Plan provides a set of guidelines and policies to co-ordinate existing and future development by private, regional, provincial and federal sectors. The Regional District shall not enact bylaws, or endorse actions that are contrary to the policies or intent of this Plan without first obtaining approval from the community. All land belonging to the Crown is not bound by the policies contained within this Community Plan. This exemption includes: all Crown land, all Crown land within the foreshore area and all publicly owned off shore islands. This Plan does make recommendations on the use of these areas as information for the Crown

Section 2 – Introduction to Plan Area

2.1 Plan Area

Malcolm Island is located within the boundaries of the Regional District of Mount Waddington's Electoral Area 'A' jurisdiction. This Plan applies to all of Malcolm Island and within 300 meters of the natural boundary of the Island.

2.2 Historical Background

Prior to European settlement, Malcolm Island was part of the Nimpkish Indian tribes' territory and provided cedar and bark for buildings, canoes and totem poles. Matti Kurikka (1862 - 1915) led the founding of an all-Finnish colony in 1901 to escape the oppression of the Russian Tsar's rule. From his writings about his dream he wrote "In this colony a high cultural life of freedom would be built away from priests who have defiled the high morals of Christianity, away from churches that

destroy peace, away from all the evils of the outside world." A colony was started. The name Sointula, which is the largest community on the Island, means 'harmony' in Finnish.

By the summer of 1902 there were 127 people on the Island, and a kind of communal life was started. With the arrival of Finnish settlers in the early part of the 20th Century, the Island's forests of cedar, spruce and hemlock were viewed as a potential resource for local industry. A sawmill was built but the cost of exporting lumber became prohibitive. The Island community was continually fraught with economic and social problems. A final blow to the community came when it contracted to build both the Capilano and Seymour bridges in North Vancouver and it ended up heavily in debt. The colony was dissolved in 1905 and land was sold and turned back to the British Columbia Government who had originally given it away in 1902.

In the remaining community the communal organization which was attempted was formally dissolved but the socialistic ideals were not forgotten. Several families moved away, some over land ownership problems and new families arrived. Some descendants of the original settlers still reside in Sointula. Originally a mainly Finnish speaking community, Sointula is now predominantly English speaking, but the traditions and beliefs of the past are still familiar to and are valued by many.

Life on Malcolm Island is still relatively simple and does not reflect the day to day hustle of modern urban communities.

2.3 Physical Setting

Malcolm Island is situated 5 kilometres off the east coast of Vancouver Island and is approximately 300 kilometres northwest of Vancouver. It is 24 kilometres long and averages 4 kilometres in width for a land area of approximately 11,330 hectares. The topography is composed of relatively gentle slopes rising from sea level to elevations of over 120 metres.

Steep slopes are found at the southern shore of the western portion of the Island and around Black Bluff in the north. Rough Bay and Mitchell Bay are two prominent bays found on the southern side of Malcolm Island. Several small streams flow from the western portion of the Island, and drain watersheds of limited size. The stream that drains into Rough Bay on the east side is a known salmon bearing/spawning stream.

The Island has a maritime climate of mild, wet winters and cool, fairly dry summers. Annual rainfall is high, averaging 1880 mm. Precipitation levels on the Island are considerably low compared with other communities in the North Island area. The annual mean temperature range is small, averaging 1°C in winter and 13°C in summer.

The oldest surficial geology beds found on the Island are thought to be the horizontally-bedded, brown and grey-blue, fine-grained silts. These beds contain some thin lenses of fine sand. There is evidence that these beds may be present below sea level, and contain thicker water-bearing sand beds.

2.4 Economic Base

Malcolm Island, along with many other coastal British Columbia communities, has faced considerable economic pressures during the past decade. The majority of the economic downturn can be attributed to changing markets, policies and resource stock levels, particularly in the timber and fishery arenas. Table 1 outlines the decreased in employment for these sectors in the region between 1996 and 2001. Decline in employment has resulted in a decline in population (Table 2) and in construction (Table 1). Comparable information for Malcolm Island is not available.

Sector	1996	2001	Percent Change (%)
Fishing and Trapping	378	210	-44.42
Logging and Forestry	1365	1155	-15.36
Mining, Quarry & Oil, Gas	173	20	-88.46
Construction	302	175	-42.10

Year	Mount Waddington		British Columbia	
	Population	Percent Change	Population	Percent Change
1996	15,224		3,882,043	
1998	14,654	-3.9%	3,997,113	2.9%
1999	14,297	-2.4%	4,028,280	0.8 %
2000	13,879	-2.9%	4,060,133	0.8 %
2001	13,768	-0.8	4,101,579	1.0 %
2002	13,656	-0.8	4,141,981	0.9 %
2003	13,376	-0.6	4,146,580	0.8%

There has been a long history of logging on the Island since early in the 1900's. Intensive harvesting during the 70's and 80's proved to be unsustainable and subsequently depleted short term inventory and stocking. Only about 18% of the Island is covered with mature saleable timber, and approximately half of that area is now protected under the provinces 'Old Growth Management Area' strategy.

The second growth timber on Malcolm Island is relatively young, and it will be several decades before there is appreciable inventory. Timber is a renewable resource if proper management techniques are followed. Local residents understand that there could be future opportunities for economic development through a "Community Forest Tenure" pilot project or through multiple woodlot opportunities. There are currently two woodlots on the Island. Many local part-time jobs have been created by these tenures. There are a number of small sawmills that employ between one and five people at any one time.

Farming and agriculture are practised to a modest degree on Malcolm Island. Agricultural activities are small in scale.

Commercial fishing, while once the major source of employment and revenue on the Island, has experienced a considerable reduction in activity. There is still a small but vital home fleet on the Island, and the fishermen who remain are now focused on 'adding value' to their products, for example, by producing smoked salmon and packaged shrimp. They are also attempting to diversify their actual catch, e.g. salmon in the summer, halibut and shrimp in the winter and spring, herring in the spring. There are transient fishermen who use the moorage facilities and services, such as net and equipment storage throughout the year. There is a number of boat yards located along the waterfront, as well as the government wharf in Sointula. These yards service the local fleet, transient fishermen and recreational boaters. Although there are no longer fish processing plants on the Island, there is a commercial fish smoking company, and plans for a food processing co-operative. A recently established shellfish co-op promises to provide employment and economic diversification through production of abalone and other shellfish.

Changing trends in world seafood production and consumption offer many opportunities for Malcolm Island seafood producers to develop niche markets and brand their products, in order to add value.

Commercial businesses on the Island are small in size, and mainly serve the local community. A Co-op located in Sointula offers such services as a general store, gas station and hardware sales. Other businesses include a bakery, gift shop, nursery, Credit Union, bank, and hair salon. There are also bed and breakfast facilities, fishing lodges, repair shops and various contracting services to serve visitors and Island residents. There are a small number of art galleries, artists, and musicians with studios residing on the Island.

2.5 Land Use

There are four relatively distinct, unincorporated communities on Malcolm Island including: Sointula, Mitchell Bay, Rough Bay west to Pulteney Point, and Kaleva.

Sointula

Sointula is the largest area with an estimated population of 646, in 312 households (2001 census data). The predominant zoning in the area is small-parcel residential dwelling. Sointula is home to the major fishing docks on the Island, the BC Ferry terminal, and most of the commercial and industrial businesses. Most of Sointula is within the Waterworks District and is currently serviced by a community sewer system. The Vilen Road subdivision, immediately east of Sointula, has a minimum parcel size of 2 hectares (five acres). The population of Sointula increased by an annual average of only 0.9% from 1930 to 1960 (450 people to 570). Since 1960 there has been a modest annual increase of about 1.7 %, to a population of approximately 646. The total population of Malcolm Island is 795 (2001 census data) with a total of 405 households.

Mitchell Bay

Mitchell Bay, a predominantly rural area, is located 13 kilometres east of Sointula on the eastern end of the Island. Its population has recently increased from 25 people ten years ago to a current population of approximately 40-winter, and 60-summer residents.

Rough Bay

Rough Bay area is a rural area consisting of homes situated along the south shore of the Island between Piggy Point and Rupert Avenue. Its population of about 66 people has remained relatively stable.

Kaleva

Kaleva is another mainly rural area with approximately 94 people residing along Kaleva Road which follows the southern shore of Malcolm Island from Dickenson Point to Meynell Point.

Remaining Areas

The remainder of Malcolm Island is mainly Crown land. Within the Crown land areas, there are the Malcolm Island Indian Reserve 8, approximately 195 hectares in size, located along the western side of the Island and several larger private holdings. Most of these holdings and the reserve are currently uninhabited.

A lighthouse located at Pulteney Point is presently manned, though there have been several attempts in the past by the federal government to mechanize the service.

2.6 Community Facilities & Services

Malcolm Island receives a variety of community related services from a number of public sector agencies.

Province of British Columbia Provides:

- ◆ Policing
- ◆ Roads
- ◆ Subdivision approval

- ◆ Tax collection

Regional District of Mount Waddington Provides:

- ◆ Parks
- ◆ Community Planning and zoning
- ◆ Site and development permits
- ◆ Subdivision referrals
- ◆ Electoral area administration
- ◆ Library district tax collection
- ◆ Malcolm Island recreation
- ◆ Sointula fire protection (limited area)
- ◆ Sointula street lights (limited area)
- ◆ Sointula sewers (limited area)

Sointula Waterworks Improvement District Provides:

- ◆ Community water system (in a limited area)

Other Services Available:

- ◆ Ferries
- ◆ Schools
- ◆ Hospital (Alert Bay, Port McNeill)
- ◆ Property assessment
- ◆ Private utilities
- ◆ Postal
- ◆ Cemetery

2.7 Education

A.J. Elliott Elementary School in Sointula provides elementary education (kindergarten and grades 1-7). Students in senior grades attend the North Island Secondary School in Port McNeill. Facilities at the elementary school include four classrooms, a playing field and a gymnasium. The school has a capacity to accommodate approximately 140 students from kindergarten to grade 7. There is also an independent (private) school in Sointula with approximately 10 to 12 students, and a co-op pre school with approximately 7 students. There is no projected increase in school population at this time that would indicate a further need for additional land for new school development in the foreseeable future.

Section 3 – Application

3.1 Application

The Malcolm Island Official Community Plan applies to all land within the planning area as shown on Schedule B-1 of this Bylaw. Provincial legislation supersedes the policies, objectives and regulations of the Malcolm Island Official Community Plan in all matters, including land and waters under provincial jurisdiction. In particular, where the provisions of this Plan provide for the development of land located within a Land Reserve and these provisions are not consistent with the *Agricultural Land Commission Act*, or regulations or orders made there under, the approval of the Land Reserve Commission is recognized as being a precondition for development.

3.2 Definitions

AGRICULTURAL USE: means production of food for human and animal consumption, production of livestock and poultry, the growing of plants for fibre and fuels including wood, and for other organically derived products (pharmaceuticals, etc).

BOARD OR REGIONAL BOARD: means the Board of the Regional District of Mount Waddington.

COMMERCIAL: means retail, wholesale and service uses that provide goods or services for the general public, commercial or community kitchens for food processing and related packaging, and facilities for food preparation and packaging research. Commercial food processing and research uses are intended to be small in scale, for use by producer members of Malcolm Island based co-operatives. Uses related to recreation, accommodation and tourism services are also defined as commercial in this bylaw. Further definition of commercial uses will be provided in the zoning bylaw.

MARINE COMMERCIAL: means commercial uses as defined above, and also includes value added processing for fish and shellfish, and marine related commercial uses such as boat ways, marine repairs and remanufacturing and supplies.

FARM ANIMALS: are animals other than household pets that may be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchilla, chickens, turkeys, pheasants, geese, ducks and pigeons

FINFISH AQUACULTURE OPERATIONS: means the raising, growing or rearing of fish in containment facilities for either commercial or private purposes.

HOME INDUSTRY: means agricultural use, an occupation or profession incidental or secondary to the primary residential use of the subject property that may include outdoor storage and accessory retail sales carried out by the resident(s) of the dwelling in the dwelling or accessory building. Home industry may include up to 4 full-time employees, two of whom must be occupants in the residence. Home industry will be limited to uses which do not cause disturbance to or loss of enjoyment of adjacent properties as a result of noise, dust, odour or lighting.

HOME OCCUPATION: means an occupation or profession secondary to the primary residential use of the subject property carried out in the dwelling by the resident(s) of the dwelling that may include accessory retail sales with no outside storage.

INSTITUTIONAL: Means the use of land, buildings or structures for a non-profit, community or public use such as a church, library, school, hospital, cemetery, public utilities and services, recreational facility, community hall or public works. Institutional use does not include sewage treatment facilities, or commercial group homes or treatment centres.

LIGHT INDUSTRIAL: means manufacturing or light industry, by either manual labour methods or with the assistance of machines or any combination of manual labour or machinery, carried out in an environmentally friendly manner. Light industrial uses and activities shall be limited to those which create minimal odour, dust, smoke, cinders, gas, noise, vibration or refuse and shall not negatively impact adjacent properties or neighbours.

NATURAL RESOURCE PROCESSING: means the manufacturing of any primary natural resources extracted from the either the earth's surface or water bodies. This may or may not include semi-processing the product extracted.

RESIDENCE: means a self contained dwelling unit that may also include a secondary suite in owner occupied dwelling units. Residence is intended to include patio homes and manufactured homes and mobile homes.

SHELLFISH AQUACULTURE OPERATIONS: means the raising, growing or rearing of shellfish for either commercial or private purposes.

Section 4 – Plan Goals

One of the main purposes of the Malcolm Island Official Community Plan is to set patterns of future land use and development. The general pattern of future land use on Malcolm Island will be based on historical growth, topographic and vegetation features and other physical constraints. The ownership of land and the policies and regulations of senior governments can be expected to impact growth.

4.1 Plan Goals

Malcolm Island is a small rural community whose economy has traditionally been based on the fishing and forestry sectors. The community wishes to continue to support these resource-based activities in these sectors. The community would also like to diversify its economy in order to offset recent losses in the resource sectors while retaining the rural character and scale of the community. The following goals are intended to reflect that vision:

- **Wise resource use and management** - Natural resources should be used wisely, providing for gradual community growth while conserving or maintaining:
 - the timber producing forest,
 - the foreshore and marine ecosystem encompassing the Island,
 - fish bearing streams and fisheries habitat,
 - ground water recharge and watershed areas,
 - natural parks, beaches and public recreational land,
 - wildlife habitat,
 - environmentally sensitive and scenic areas,
 - land with agricultural potential.

Many of these resources are located on Crown land and the Crown is encouraged to ensure that no Crown owned land will be leased or sold for any private purpose without comment from the RDMW and the people of Malcolm Island as to its effects relating to this Plan.

- **Effective and efficient use of public services** - New growth and development on the Island will be located only in areas that ensure adequate and economical provision of public roads, utilities and services.
- **Economic diversification** – The emphasis of the Plan will be to retain current elements of the local economy while encouraging new enterprises and activities aimed at diversifying the local economy in the seafood, agricultural, tourist and value-added sectors.
- **Retain community character** - Policies for each area on Malcolm Island will accommodate each areas respective form and character and retain their current rural and modest lifestyle. Within these areas, and respecting their individual characters, a diversity of housing choices will be provided.
- **Maintain an affordable and self-reliant community** - low impact businesses, as well as home and cottage industries will be encouraged to minimize reliance on off-Island travel.
- **Maintain a healthy environment** - Land uses and activities that do not support a healthy living environment that is free of pollution will be discouraged.
- **Respect cultural heritage** – Malcolm Island has unique history of Finnish immigration and culture. There are many historic buildings in the Sointula area. There are also traditional First Nations sites on the Island. These sites and buildings will be respected and protected in considering resource use, land use and development and infrastructure development.

Part 5 – Land Use and Development Policies

5.1 Residential Land Use

The residential land use policies include a classification of two land use types. They include Small Lot Residential, and Medium Density in the Sointula area. Small lot residential is restricted in location to those areas in Sointula that are served by community water and sewer services. Residential areas are shown on Schedule B.

General Policies:

- 5.1.1 Prior to any new development requiring water, the water supply capacity and the capability for the provision of sewage disposal shall be assessed and considered satisfactory by the RDMW, as well as any group responsible for sewer or water utilities proposed to serve the development. Where no public communal water or sewer systems are provided, the provision of private, shared water sources and disposal systems and alternative disposal systems approved by the Vancouver Island Health Authority will be permitted.
- 5.1.2 Mobile homes will be permitted on all residential parcels but shall be permanently secured on the property. The development of mobile home parks on Malcolm Island will be permitted only through a site specific amendment to this Plan.
- 5.1.3 Institutional uses will be permitted in all residential areas.
- 5.1.4 Home occupations and home industries shall be controlled in the Land Use Bylaw according to their type and potential impact on surrounding properties and shall be limited to parcels large enough to allow adequate buffering for noise and visual impacts.
- 5.1.5 Except where it currently exists, not more than one residential dwelling or duplex building shall be built on a parcel of less than 2.0 ha (5.0 acres).
- 5.1.6 The keeping of large and medium sized farm animals on lots of less than 0.4 ha (1 acre) shall be discouraged. The keeping of farm animals on lots of 1.0 ha (2.5 acres) or more shall be permitted at a level that ensures that surface and ground water, and air are not polluted.

5.2 Small Lot Residential

Preamble:

Small lot residential development is limited to serviced areas in the community of Sointula. Small Lot Residential areas will be specified in the Zoning Bylaw. The size of this lot type is influenced by the costs of water and sewer servicing. There is also a demand for higher density development within the community of Sointula. The objective is to allow smaller lots where water and sewer services are available.

Policies:

- 5.2.1 Parcels served by community sewer and water facilities may be subdivided to no less than 892 sq. metres (9,600 sq. feet) in area.
- 5.2.3 Areas designated residential on Schedule B of this Plan that are not zoned for small lots in the Land Use Bylaw may be rezoned and subdivided as small lots when it can be demonstrated that:

- Community water and sewer services will be provided to the proposed lots,
 - The parcels and building sites will be stable with respect to slope and water table levels,
 - The grades, materials, and right-of-way widths of roadways and accesses to the proposed parcels are acceptable.
- 5.2.4 A small lot may be rezoned in the Land Use Bylaw to accommodate multiple family dwellings. This may occur only when a public hearing is held to allow input from residents that may be affected, and/or where impact on community character and the rural environment is minimized, and/or where the multiple family use does not conflict with the use and enjoyment of neighbouring properties.
- 5.2.5 There shall be a provision for appropriate off-street parking. On-street storage of boats, campers, or equipment shall not be permitted.
- 5.2.6 Security lights or other lighting on private yards shall not be directed towards surrounding properties.
- 5.2.7 Setbacks of buildings and structures shall meet current provincial and federal guidelines to ensure no negative impact on adjacent foreshore, creeks, steep slopes or designated habitat areas.
- 5.2.8 The principle use of properties with this designation shall be residential. However, residents may carry on a home occupation on their land provided that there is no adverse affect on neighbouring properties.

5.3 *Medium Density Residential*

Preamble:

There are areas within the settlement of Sointula that are currently outside of the service area. The primary use of these areas is residential, with many current lots also having home occupations. The Medium Density Residential is intended to continue this form of use on lots large enough to be serviced with on-site waste disposal and water supply. Medium Density Residential areas will be specified in the Zoning Bylaw.

Policies:

- 5.3.1 Except for existing lots that are smaller, lots shall be a minimum of 1 hectare (2.5 acres) in size.
- 5.3.2 Not more than one residential dwelling or duplex building serviced with on-site waste disposal and water supply shall be built on a parcel of less than 1.0 ha (2.5 acres).
- 5.3.3 The principle use of properties with this designation shall be residential. However, residents may carry on a home occupation on their land provided that there is no adverse affect on neighbouring properties.
- 5.3.4 Subdivisions that create limited frontage “panhandle” lots will be discouraged. Minimum frontage requirements will be established in the zoning bylaw.

5.4 Rural Residential

Preamble:

Almost all properties located outside of Sointula other than Crown land are rural residential parcels. Most residents have either a full or part time means of support, including home businesses, logging, and farming, as secondary or primary land use on these properties.

It has been common practice for more than one dwelling unit to be constructed on a parcel, and this has generated requests for further subdivision.

This designation will accommodate the rural lifestyle generally desired on Malcolm Island, on parcels of 2 hectares (5 acres) or more. Properties within this designation are located primarily along Kaleva Road east of the Sewage Treatment Plant, to the end of the existing road in Section 5, in Sections 18 and 19 beyond Rough Bay and in Mitchell Bay as shown on Schedule B1.

Policies:

- 5.4.1 Except for existing lots that are smaller, lots shall be a minimum of 2 hectares (5 acres) in size.
- 5.4.2 The principle use of properties with this designation shall be residential. However, residents may carry on a home occupation or home industry, agricultural uses and operation of a woodlot on their land provided that there is no adverse affect on neighbouring properties.
- 5.4.3 Not more than one residential dwelling or duplex building, serviced with on-site waste disposal and water supply shall be built on a parcel of less than 2.0 ha (5 acres), but any lot of 2.0 ha (5 acres) or more may have a cottage as a permanent secondary dwelling or accommodation used for visitors, subject to approval by the Vancouver Island Health Authority.

5.5 Commercial

Preamble:

Commercial land provide for those uses required to serve the local needs of Malcolm Island residents, and visitors. There are effectively two patterns of commercial land use, the "home" use mixed in the residential areas, and the "clustering" of commercial buildings in the central area of Sointula. The Regional District recognizes that the many home-based businesses and cottage industries scattered throughout the Island, and principally in Sointula, provide diversity, strength and community to the Island. They help to maintain the rural character, and permit self-reliance amongst individuals, families and the community. At the same time, diversification of the economy will mean development of new commercial enterprises in the serviced area of Sointula. Tourism is an emerging economic sector, and residents are encouraged to implement tourist-related activities, infrastructure and services catering to eco-tourism activities such as hiking, tenting, and cycling.

Policies:

- 5.5.1 The central area located within the community of Sointula will be encouraged for commercial uses mainly in the location of 1st and 2nd Streets adjacent to the ferry terminal. This area is shown as Commercial on Schedule B of this bylaw.

- 5.5.2 Institutional uses will be permitted in all commercial areas.
- 5.5.3 Large scale commercial or institutional developments that would attract significant volume of traffic to Malcolm Island are discouraged.
- 5.5.4 Self-reliance of individuals will be encouraged by the development of home-based occupations and industry, cottage industries, and co-operative initiatives rather than large-scale developments that would alter the rural lifestyle of the community.

5.6 *Marine Commercial*

Preamble:

Although the commercial fishing industry has changed significantly over the last decade as a result of fleet downsizing and other restrictions, fishing is still an important part of the economy, and boat use for other commercial and recreational uses is important to Island residents. Marine commercial areas are generally located adjacent to the harbour facilities on the east side of Rough Bay and the breakwater area along 1st Street. These areas are shown as Marine Commercial on Schedule B of this bylaw.

Policies:

- 5.6.1 Marine commercial uses will be permitted in the Rough Bay and breakwater area.
- 5.6.2 Large scale marine commercial development that would attract a significant volume of traffic to Malcolm Island is discouraged.

5.7 *Light Industrial*

Preamble:

It is generally agreed by Malcolm Island residents that industrial developments should be consistent with the rural environment. There are currently no major industrial developments or industrial areas. However, numerous minor operations such as sawmills, small scale manufacturing and processing have been established with deliberate consideration given to their potential impact on the Island and its residents. An existing industrial site located in Mitchell Bay is used as a log sort, de-watering and booming area. There are also several industrial sites located on Crown land including leases used for aggregate extraction and other resource processing activities. These businesses have been mainly limited to products from the fishing, farming and logging industries.

Policies:

- 5.7.1 Industrial development should be orientated towards serving and employing Island residents.
- 5.7.2 Acquisition of long term Crown tenures or creation of private tenures from Crown land for industrial use will be encouraged provided the location does not impact other resource uses or environmental features. Areas that should be considered are the "Four Corners" area, the old Interfor camp, Mitchell Bay Access Road and the "Beacon" site.
- 5.7.3 Land based finfish and shellfish aquaculture will be permitted only if it can be demonstrated that it will be environmentally sustainable, that it meets all relevant federal and provincial regulations, and that it benefits the local economy.

- 5.7.4 No industrial activity involving the emission of toxic or irritant material shall be permitted if it is unacceptable under the standards of the Ministry of Air Land and Water protection. Environment.

5.8 The Foreshore

Preamble:

The foreshore area in this Plan is defined as the land located between the highest tide line and a line 300 metres from the highest tide line. This area is shown as Marine (M) on Schedules A and B. This is Crown land and water managed by the provincial government. Although the Crown is not bound by local bylaws, any persons occupying this area on a long-term lease arrangement must comply with applicable local land use bylaws. These areas will be included in any future zoning bylaw, and are shown on Schedule C. Areas designated MD on Schedule C may not include all areas currently subject to a Crown lease. As areas currently under lease are identified, or new leases are issued. Schedule C will be updated without amendment to this Plan.

Policies:

- 5.8.1 Any new development on private upland areas abutting the foreshore will be established in conformance with federal and provincial guidelines relating to foreshore protection.
- 5.8.2 No foreshore development shall be permitted if considered to have a major negative impact on the foreshore by pollution, restricting access or impacting on scenic values, or resulting in permanent damage to the natural systems.
- 5.8.3 In the Marine (M) area, wharves, floats, buildings, structures adjacent to residential upland use will not be supported.
- 5.8.4 In the Marine (M) area, finfish aquaculture and related wharves, floats, buildings, structures will not be supported.
- 5.8.5 In areas designated MA (North Shore) on Schedule C, due to the historical commercial fishing, privately owned structures, buildings, or floats, anchored, installed or built on the foreshore will not be supported. Publicly owned structures and facilities will be supported.
- 5.8.6 In areas designated MB on Schedule C, industrial activities related to log handling and related wharfs and buildings will be supported.
- 5.8.7 Commercial shellfish aquaculture and related structures, floats or anchors will be supported in areas designated MC on Schedule C subject to tenures being held by adjacent upland owners and if that use can be demonstrated to benefit the economy of the Island and proven to be environmentally sustainable. New wharfs, buildings and floating structures attached to the shore that support approved adjacent upland commercial or industrial uses will also be supported in areas designated MC subject to approval pursuant to the Land Use Bylaw.
- 5.8.8 In areas designated MD (including the breakwater) of Schedule C, wharfs, buildings and floating structures attached to the shore will be supported subject to public beach access requirements. The Land Use Bylaw shall ensure that uses permitted on the foreshore are related to adjacent upland uses and areas.
- 5.8.9 A protected area for the creek estuary and crab flats covers an area of areas designated ME of Schedule C. No structures or buildings will be supported in the foreshore in this area except where they support improvement or protection of this area as fish habitat.

- 5.8.10 Foreshore leases existing at the time of the adoption of the Land Use Bylaw will be supported if used for their original intended purpose subject to any provincial requirements or approvals.

5.9 Agriculture

Preamble:

There is one small area of agricultural land in the Agricultural Land Reserve. This area will remain in agriculture use as long as it remains in the Land Reserve.

Policies:

- 5.9.1 Land within the Agricultural Land Reserve has a minimum lot size of 8 hectares (20 acres.)
- 5.9.2 Permitted uses within areas designated Resource – Agriculture (AG) include farming and agricultural activities, including the keeping and feeding of domestic animals, natural resource harvesting, single-family residence, home occupations, woodlots and portable sawmills, parks, recreation and utilities.
- 5.9.3 A maximum of two residential dwellings are permitted on each lot, provided that the second dwelling unit is for farm-related purposes and permission for the placement of that dwelling is first obtained from the Agricultural Land Commission.

5.10 Forest Reserve

Preamble:

Block B, Sections 28 and 29 are subject to a restricted use covenant with the Province of British Columbia. Use is restricted to keeping the land in a natural state except for removal of trees that present a hazard to the public, blown down timber, or tree removal for construction of foot paths, or for construction of up to 6 cabins.

Policies:

- 5.10.1 Forestry use is restricted to removal of trees that present a public hazard, blown down timber, or tree removal to allow for construction of foot paths or for construction of up to 6 cabins.
- 5.10.2 A maximum of 6 cabins for recreational or tourism use, of not more than 55.75 square metres each may be constructed.

5.11 Crown land

Preamble:

The central and north sections of Malcolm Island are mainly Crown land. These areas have traditionally been used for resource activities, primarily forestry and aggregate extraction for local use. These lands are also used for recreational activities. Maintaining this relationship between the communities on Malcolm Island the use of and access to Crown land is an important objective of this Plan.

Policies:

- 5.11.1 The use of Crown land for forestry production and related natural resource processing is encouraged.
- 5.11.2 The Regional District of Mount Waddington supports the Old Growth Management Strategy and its emphasis on conservation of remaining old growth areas.
- 5.11.3 Use of Crown land for park purposes at Lizard Point, Bere Point, Big Lake and Pulteney Point and related tenures are encouraged.
- 5.11.4 Retaining public recreation use and forest recreation facilities and services is encouraged.
- 5.11.5 Aggregate extraction for use on Malcolm Island is supported. Export of aggregates for other uses is not supported.
- 5.11.6 Sale of Crown land for Industrial use as outlined in Section 5.7 will be supported. Sale of Crown land for expansion of the Sointula residential area in the South West section of Block 21 will also be supported.
- 5.11.7 Interest has been expressed in use of Crown land for the purpose of generating wind based electricity. Such uses would be considered if land tenure applications are made in the future and will be dealt with as a Plan amendment, with consideration given to environmental and visual impacts, and adequate community consultation.

5.12 Park Land

Preamble:

Since the 1960's the Regional District of Mount Waddington (RDMW) has had the mandate to plan for and provide regional parks on Malcolm Island. Generously supported by local contributions and volunteer services, the primary funding for these parks has been through the RDMW. Developments at Lizard Point, Bere Point, the north side of Malcolm Island at Mitchell Bay, and Section 7 near Lions Park in Kaleva, are managed under the regional parks system. Park dedications in the future may be required as a result of subdivision requirements under Section 941 of the *Local Government Act*. Section 941 provides for an exemption of parkland dedication requirements for subdivision under the following circumstances: subdivision by which fewer than 3 additional lots would be created, a subdivision by which the smallest lot being created is larger than 2 hectares, and a consolidation of existing parcels.

The Sointula Recreation Association holds Crown land tenures on Big Lake and Arnold Grosenick Memorial Park, and recreation site permits on Beautiful Bay Trail and Mateoja Trail. There are also other trails on crown land that are used for community recreation purposes. For the short term Malcolm Island residents consider that there is sufficient park land to serve their needs. Appropriate development of the land and preservation of the natural environment for the future heritage of their children is a primary concern of residents.

Approximately three quarters of the land on Malcolm Island, and most of the coastline is publicly owned. Most of this land is under Crown lease and/or under Timber Harvesting Licences. Some of these areas are currently being included in provincial "old growth management" areas. The potential for undeveloped Crown land areas to become a natural reserve is very much at the discretion of the Crown.

Policies:

- 5.12.1 The Advisory Planning Commission and Regional District, when reviewing subdivisions shall consider the requirement to provide park land and may consider at the owner's option, cash-in-lieu of park land to satisfy the requirements of section 941 of the Local Government Act.
- 5.12.2 Lizard Point, Bere Point and Pulteney Point are parks managed or designated under the RDMW parks system. Bere Point and Pulteney Point are recognized as having a high potential for public recreation and tourism. Lizard Point is primarily a natural area.
- 5.12.3 All major lakes and the streams serving them shall be conserved, and future park plans shall consider the need for either preservation or the use of these areas for public recreation.
- 5.12.4 The need to preserve the publicly and privately owned shores of Malcolm Island or conserve them for recreation must be considered in all development and subdivision plans proposed.
- 5.12.5 Kemp's Beach, the Lions Park site and the waterfront along Sections 7 to the west of the park site shall remain a high priority for park development. The Crown land to its north composing most of Section 7 is currently under a Licence of Occupation with the province and as a Regional District Park will be developed with nature trails to augment recreational use of the parks and beach in this area.
- 5.12.6 The Sointula Recreation Association (SRA) holds a License of Occupation on Big Lake to create a recreational area, and holds recreation site permits on Beautiful Bay Trail and Mateoja Trails. These areas are recognized in Schedule B-1. The Regional District of Mount Waddington is also applying for long term tenures on the Bere and Lizard Point sites. These are also recognized as areas for long term recreational use. Securing these sites for this purpose will be undertaken by the Regional District of Mount Waddington.
- 5.12.7 Where trails on private land have not been acquired for public use but have been established as traditional trails, the land owner will be encouraged to allow a registered right-of-way through the land.
- 5.12.8 According to the Canada Land Inventory the capability of the land for recreation on Malcolm Island is high. This high rating must be considered in all developments and plans, to ensure there is public access for the use and enjoyment of the shoreline and those lands.

Section 6 - Community Services

6.1 Community Organizations

Preamble:

There are many societies, associations and clubs on Malcolm Island most of which are voluntary and funded by various means. These include the Seniors Association, which is run by volunteers and receives grants to be given towards senior related projects through the Excelsior Club. The community library is a part of the Vancouver Island Library System, and the Sointula Recreation Association (SRA) is an Island wide association run by elected volunteers. The recreation halls, museum, thrift shop and playgrounds are all managed by this association. These volunteer organizations are the backbone behind the successes contributing to the health and growth of the

Island community. In addition there is a long history of business co-operatives to provide services to the community including retail services and shellfish aquaculture operations.

Policy:

- 6.1.1 Island residents are encouraged to support and participate in volunteer community organizations and co-operatives to better ensure the future health and growth of the Island community.

6.2 Recreation and Facilities

Preamble:

The Regional District manages two facilities - a campsite, picnic, and hiking area at Bere Point provided mainly for use by north Island residents, and Lizard Point, a remote day use hiking destination with a trail and parking lot. Lizard Point is a walk in facility as the road has been deactivated above the shoreline. The Regional District holds the tenure on "Section 7" adjacent to Kemp's Beach Park on Kaleva Road, and a small 2 hectare parcel north west of Donegal Head.

The Sointula Recreation Association (SRA) manages the indoor recreation facilities on Malcolm Island including the old school building, the F.O. Hall, the Athletic Hall, and the use after hours of the gymnasium at the A.J. Elliott Elementary School. The SRA also manages the major outdoor facilities including the play field adjacent to the school, the tennis courts near the museum, a new sports field complex with playground and baseball field off of Vilen Road known as the Arnold Grosenick Memorial Park and two developed hiking trails, Mateoja's Trail (3km) and Beautiful Bay trail (5 km). Additional trails are planned.

Of several lakes on Malcolm Island, "Big Lake" is accessible by roadway. The SRA has a licence of occupation for Big Lake and the Lions Club has constructed a sand beach along its shoreline. All lakes on Malcolm Island have recreational potential.

The Lions Club manages a picnic area on Kaleva Road (Kemp's Beach).

Other recreation features exist or are planned for Malcolm Island. The Malcolm Island Gun Club has acquired land to develop a shooting range near the Mitchell Bay Access Road.

Sointula also has a regional library branch, and a community museum.

Policies:

6.2.1 The RDMW and the Sointula Recreation Association should:

- Coordinate their activities in a joint effort to plan for adequate funding for community parks and recreation,
- Work with the Island residents to review and prioritize plans for parks and recreation facilities for all ages,
- Encourage the Island residents to support and participate in recreation and social activities, and the development of facilities for all age categories,
- Examine the feasibility to acquire land at the west end of Malcolm Island and the Pulteney Point Lighthouse from the Federal Government,
- Develop new, or expand existing hiking trails for local recreational and tourism use.

6.2.3 Neighbourhood park areas will be considered as part of any new subdivision.

- 6.2.4 The beach area west of the Lions Park in Kaleva should be designated for park expansion with park facilities as the demand warrants.
- 6.2.6 All recreational proposals shall be carefully evaluated to assess impacts on the community's resources and existing services, including any resulting impacts on ferry traffic.

6.3 Education

Preamble:

There is no projected increase in school population at this time, and given the stability in the total population, and an aging population, the need for additional land for new school development in the near future is unlikely.

Policy:

- 6.3.1 The Regional District shall monitor growth and development on Malcolm Island and shall coordinate with school authorities to ensure new neighbourhoods are adequately served with educational services and if necessary additional school facilities or land.

6.4 Fire Protection

Preamble:

Fire protection is provided by the Sointula Volunteer Fire Department (SVFD), which is funded as a local service function by the RDMW. The Fire Department consists of a Chief who is also the Local Assistant to the Fire Commission, a Deputy Chief, Captains, and volunteers. The fire protection area currently extends from the west boundary of Section 19 at Rough Bay to Meynell Road. The community water distribution system currently limits fire protection as many of the mains are 4 inches in diameter. Foam fire suppression can be used in cases of limited water supply or power outages. The current fire truck and fire suppression equipment is adequate for current needs, but will need to be replaced. The SVFD has recently built a new fire hall adjacent to the location of the present Athletic Hall. Various private water transport services are available in emergencies.

Policies:

- 6.4.1 In managing funding for fire services the RDMW will ensure that there is close cooperation between the Sointula fire protection representatives and representatives from all areas of the Island so that every opportunity is taken to protect those areas in emergencies.
- 6.4.2 Decisions for expansion of the Sointula Fire Protection service (such as the location and types of major facilities) in the Fire Protection Area shall take into account future fire protection to other Island residents.
- 6.4.3 The Regional District will ensure that new development plans and related infrastructure maximise the availability of water to fight fires and will give appropriate access for the fire fighting service.
- 6.4.4 Because of recent and possible future development, the Regional District will review options for providing fire protection services to the Mitchell Bay area.

6.4.5 Design of new development proposals adjacent to forested areas will be encouraged to implement 'Fire Smart' design principles.

6.5 Police Services

Preamble:

There is no full time police presence on Malcolm Island. The Island is served by the Port McNeill detachment. The R.C.M.P. Station, formerly manned by one constable with a vehicle, is located between 2nd and 3rd streets on 13th Avenue. The facility includes a lock-up cell. There is no projected need for additional land for new police facilities or buildings in the foreseeable future.

Policy:

6.5.1 The Regional District will cooperate with the R.C.M.P. to ensure that new plans and developments use Crime Prevention Through Environmental Design (CPTED) methods, and provide appropriate access for police service. As well, the RDMW will encourage programmes such as Neighbourhood Watch and police involvement in school education.

6.6 Ambulance Services

The Island's ambulance service consists of an ambulance and several trained on-call volunteers. The station housing the ambulance vehicle is designed to be expanded to two bays when the demand and funds are available. There is no projected need for additional land for new ambulance facilities or buildings in the foreseeable future.

Policy:

6.6.1 The RDMW will cooperate with the Malcolm Island Ambulance Service to ensure that new plans give appropriate access for emergency ambulance vehicles.

6.7 Medical Services

There is no hospital on Malcolm Island, but the newly constructed Sointula Medical Clinic offers Island residents the services of a locally-based community Health Nurse and other visiting health professionals.

6.8 Seniors Housing

Seniors Housing is available at the Harmony Glen Facility located at the east end of 2nd Street. There are eight self-contained units in the complex with provision for expansion on adjacent land when demand is warranted.

6.9 Sointula Harbour

Preamble:

Most of the Island fishing boats are moored at the federally owned small craft harbour located in Rough Bay. The facilities were constructed, and operated under a program of the Department of Fisheries and Oceans. This facility is managed by the Lions Club Harbour Commission, a harbour manager and volunteers. The Harbour Commission also owns and manages the former federal Department of Transport wharf, and a small craft wharf at Mitchell Bay. The older area of the Sointula harbour has provisions for float plane mooring.

Policy:

- 6.9.1 The RDMW will support Harbour Commission requests for federal funds to improve or expand the Sointula Harbour for additional moorage, related services, an extension to the breakwater, grid facilities and an aeroplane float extension as may be needed.

6.10 Malcolm Island Cemeteries

Preamble:

There is one large cemetery on Malcolm Island located at Dickenson Point. It is provided to accommodate burial of residents. This cemetery is managed by the Sointula Cemetery Committee, a non-profit society which is funded by donations. Another 1.0 hectare (2.5 acre) parcel in Mitchell Bay was donated to the RDMW by the owner for cemetery use and is protected for that use. The use of the cemetery is limited by a covenant established by the family that donated the land.

Section 7 - Utilities and Transportation

This section reflects the need to provide adequate services for all settlement activities. The affordability and fiscal sustainability of utilities, and the ability to monitor the costs and effects of providing utilities in an effective way is shared by the Island residents, the RDMW, and the senior levels of government which take some responsibility for costs and decisions respecting utilities provided.

7.1 Water Supply

Preamble:

Ground water is the primary source of fresh water on Malcolm Island. The water supply outside the Sointula Waterworks District is by individual wells. Although there appears to be an adequate supply of ground water on the Island, it remains a responsibility of the public, and a main concern of the Health Authorities to ensure there is no contamination introduced to wells from septic systems or other human sources.

The Sointula Waterworks is an Improvement District under the *Local Government Act* and has an elected Board that operates the Sointula water system. The system includes 4 wells, where water is pumped from two of these wells supplying potable water and fire protection to all consumers in the Sointula Water Works Service area, which includes approximately 300 homes. The system is gradually being upgraded to 150 mm (6") mains. The system is capable of handling about 25% more capacity with addition to the storage facility. The boundaries of the water service area are established by the Sointula Water Improvement District and may be adjusted by amending the improvement area boundary.

Policies:

- 7.1.1 Applications for subdivision of residential lots near the Water District boundaries should be referred to the Water District so that steps can be taken to adjust the boundaries of the Water District to provide adequate water to proposals.
- 7.1.2 Water efficient devices including shower heads and toilets, water conservation, and enclosed cisterns and ponds for storage of rain water to supplement water supply for fire protection or irrigation, shall be encouraged.
- 7.1.3 A source of potable water to required standards shall be proven for each proposed parcel as a condition of subdivision in areas outside the Sointula Water District.

7.2 Sewage Disposal

Preamble:

Disposal of sewage should be managed so that it does not cause health hazards through the pollution of ground water sources on land and waters of Malcolm Island, and the waters surrounding the Island. The Community of Sointula has a community sewer system for most of the Sointula Water Service Area. The system provides primary and secondary treatment of effluent for disposal in the Broughton Strait through a deep outfall. The community system has a population design capacity of 788 (approximately 370 households at current occupancy rates) and will allow development of a larger population in Sointula and will allow infilling on lots that previously could not be developed due to poor percolation. The remainder of the Island has on-site septic systems for sewage disposal. The boundaries of the sewer service area are established by Regional District of Mount Waddington Bylaw 355, and may be adjusted through Bylaw amendment.

Policies:

- 7.2.1 All development within the community sewer system area will be required to use that system for sewage disposal and treatment.
- 7.2.2 In areas outside the community sewer and water service area, all septic systems will meet the requirements of the Vancouver Island Health Authority, or the Regional District of Mount Waddington, whichever is greater. No septic tank effluent disposal field shall be allowed where soil or slope combined with persistent water saturation could lead to slippage or slump of hillsides. In addition attention shall be given to avoid locating septic fields close to faults, fissure, or rock and soil types conducive to rapid water movement.
- 7.2.3 Small community sewer systems shall be encouraged where effluent will be disposed of in accordance with relevant provincial regulations.
- 7.2.4 Effective, non-polluting on-site alternative sewage treatment methods will be encouraged to avoid the cumulative effects of septic systems on ground water, foreshore areas and marine waters.
- 7.2.5 Consideration will be given to establishment of a public sani-dump facility and potable water supply service to serve the recreational tourism and marine travellers.
- 7.2.6 An adequate buffer will be maintained between the existing sewage treatment plant and adjacent residential property at Harmony Glen.

7.3 Roads and Transportation

Preamble:

The two main methods of accessing Malcolm Island are by foot or vehicle on the B.C. Ferry System, or by private vessel through the Federal Government wharf in Sointula. The BC Ferry service has 7 departures daily to Port McNeill and 1 to Alert Bay. School District #85 provides a separate ferry service to Port McNeill secondary school students.

Roadways connect various residential areas on Malcolm Island. Because Malcolm Island and its communities are not incorporated, the management of roadways is under the authority of the provincial Ministry of Transportation. Forestry roads give access to Pulteney Point at the west end of the Island and several remote locations on the north coast. Mitchell Bay at the east end of the Island is the only heavily traveled roadway not solely under the jurisdiction of the province. This privately managed road extends 11 kilometres from Kaleva to Mitchell Bay. Efforts are underway to have the road designated entirely under the jurisdiction of the provincial Ministry of Transportation. A float plane landing area and an emergency helicopter pad are available near the Government Wharf.

There are few safe bays or sheltered anchorages on the shores of Malcolm Island. Several locations give seasonal summer day-use anchorage, but the only recognized 'safe' small craft facility for is the Sointula Small Craft Harbour. These facilities are considered to be adequate to serve present demands for moorage.

Policies:

- 7.3.1 British Columbia Ferry Services Inc. will be encouraged to improve service to Malcolm Island residents by scheduling to ensure fewer overloads at peak times.
- 7.3.2 British Columbia Ferry Services Inc. will be requested to ensure all vessels, services and facilities at terminals facilities meet all relevant health and environmental standards.

7.4 Roadways

Preamble:

The primary mode of transportation on Malcolm Island is by private vehicle. Roadways under the jurisdiction of the Ministry of Transportation and Highways are rural in nature and where paved, are two lanes only in width. In many locations the traveled surface is narrow to the extent that vehicles approaching from opposite directions find it difficult to pass. Some roads are considered dangerous to walk or bicycle on due to poor visibility, steep grades or narrow shoulders, none of which are conducive to safe passage. The surface conditions of several roads in Sointula and the logging roads serving the Island are often in poor condition due to a number of circumstances. Their condition, from time to time, depends upon adequate maintenance by the agencies responsible for them.

Policies:

- 7.4.1 The hierarchy of roads in Sointula is considered to be adequate to serve the plan area as shown on Schedule B1 of this bylaw.
- 7.4.2 The Ministry of Transportation will be requested to coordinate with the RDMW and the Island residents to undertake the development of future roadways and improvement of

current roadways of Malcolm Island based upon the growth directions, population densities, and development areas indicated in this Plan.

- 7.4.3 The Ministry of Transportation will be requested to maintain relatively low speed limits on all roads.
- 7.4.4 At the time of the subdivision or development of parcels, through which existing roadways traverse on Malcolm Island, appropriate road right-of-ways shall be required.
- 7.4.5 The Ministry of Transportation is requested to retain unused road right-of-ways for public use, free from any buildings or structures, as access to the foreshore or other public land, roads or trails.
- 7.4.6 The Ministry of Transportation will be requested to ensure that the traveled portion of roadways and shoulders are adequately designed, developed and maintained to ensure slope stability and the comfort and safety of pedestrians and all modes of vehicles using them.
- 7.4.7 The developers of land shall ensure adequate roadway standards in accordance with this Plan.
- 7.4.8 The Ministry of Transportation will be requested to set suitable standards for various types of roads on Malcolm Island. The standards proposed will maintain the rural character of roads on the Island in a safe manner that does not encourage excessive vehicle speed, particularly where roadways are shared with bicycles and pedestrians. The following road standards are recommended by the Regional District, understanding that special cases such as extreme slopes may arise in specific circumstances.

Class	Design Speed	Max. Grade	Paved Width	Max. Length of Tangent	Clearing Width	ROW width
Collector A	60 kph	8%	7.32m(24ft.)	243.8m(800ft.)	12.19m(40ft.)	20.0 m (66 ft)
Collector B	50 kph	8%	7.32m(24ft.)	243.8m(800ft.)	12.19m(40ft.)	20.0 m (66 ft)
Local A	40 kph	12%	5.49m(18ft.)	152.4m(500ft.)	12.19m(40ft.)	20.0 m (66 ft.)
Local B	30 kph	12%	5.49m(18ft.)	152.4m(500ft.)	12.19m(40ft.)	15.15m (50ft.)

- 7.4.9 Consideration will be given to converting the road to Mitchell Bay from the Ministry of Forests to the Ministry of Transportation; it should be gazetted as such to serve the Mitchell Bay area.
- 7.4.10 Consideration will be given to the upgrading First and Second Street between the breakwater and the Ferry dock to ensure adequate traffic flow and pedestrian and vehicle safety.
- 7.4.11 If the Sointula Cemetery is extended north of the present burial site, the roadway traversing the cemetery property shall be legally registered and the cemetery boundaries formally surveyed and established.
- 7.4.12 Together with the Ministry of Transportation, the RDMW will ensure that adequate arterial or collector status is assigned to roadways accessing the Sointula residential expansion area.
- 7.4.13 The Regional District of Mount Waddington shall work with BC Ferries Inc. to develop a strategy to address the lack of day use and long term parking for ferry users in the vicinity of the BC Ferries dock.

7.5 Solid Waste and Recycling

Preamble:

The garbage dump presently operating on Mitchell Access Bay Road has never been licensed and it has operated outside the provincial operating parameters for many years. A group of Malcolm Island volunteers is managing local programs for recycling.

A recycling facility is located on First Street near the Ferry Dock. There is no system of regular garbage pick up and there has been no decision in regards to establishing a RDMW local service for solid waste disposal and recycling.

Policies:

- 7.5.1 A comprehensive recycling program, including the need for and location of any necessary land and facilities on Malcolm Island should be explored by RDMW and the community to minimize the amount of garbage that must ultimately be placed in a landfill.
- 7.5.2 Options for improving access to and use of a transfer station where residents can safely dispose of their garbage for transport to the central facility at Seven Mile should be explored by RDMW and the community.
- 7.5.3 The RDMW will encourage the initiative of the Malcolm Island residents to facilitate their own garbage pick-up and disposal to a transfer station. Methods of regular garbage pickup as a public service, transfer and disposal at an approved site should be explored in the future.
- 7.5.4 An adequate buffer will be maintained between the existing sewage treatment plant and adjacent residential property at Harmony Glen.

7.6 Electrical Distribution

Preamble:

Electricity on Malcolm Island is supplied by B.C. Hydro. The power is carried from Cormorant Island via two submarine cables to Meynell Point. Main distribution lines run along Kaleva Road westward connecting 1st Street northward and around Rough Bay. Power has also been extended to Mitchell Bay, to the Pulteney Point Lighthouse and to the area West of Rough Bay. All the power lines in the distribution system are installed on poles.

Policies:

- 7.6.1 In new development areas, encourage the installation of underground electrical distribution systems.

7.7 Communications

Preamble:

There are dial up internet connections, and both "line" and wireless telephone services available on Malcolm Island. However, the level of both wireless and line based telephone service is poor. High speed internet access is critical to economic diversification, access to services, access to educational opportunities and communication.

Policies:

- 7.7.1 The RDMW will work with the community and service providers to upgrade communications infrastructure and services to Malcolm Island.

Section 8 – Plan Implementation

8.1 *Malcolm Island Advisory Planning Commission*

In 1979 the RDMW established the Malcolm Island Advisory Planning Commission (APC). It is the APC's role to advise the Regional Director and Board on matters respecting land use, community Planning, proposed bylaws, local land uses and developments referred to it by the RDMW. The APC has played a major role in the preparation of the policies of this Plan. A future role of the APC is to monitor this Plan, bylaws, and subdivisions and to recommend appropriate actions on these matters to the RDMW as they are needed.

8.2 *Amendment and Review*

Application may be made to amend this Plan subject to the terms and procedures of the *Local Government Act* and Bylaws of the RDMW. It is expected that the Plan will serve for at least five years, and a new Plan will be contemplated only when the APC and the RDMW Board find that the Plan ceases to reflect the needs of the community. The Plan, however, may be subject to periodic review by the RDMW Board in accordance with the wishes of the community.

8.3 *Subdivision of Land*

The Approving Officer for the Ministry of Transportation and Highways is the subdivision approving authority within the boundaries of the Regional District of Mount Waddington. A proposal to subdivide property must be consistent with this Official Community Plan and the Bylaws of the Region.

8.4 *Administration*

There is a necessity to periodically review the values, attitudes and lifestyles of Malcolm Island residents, and to understand prevailing pressures and desires for the subdivision and development of land. Proper administration will also require a continual monitoring of provincial and federal policies, values and legislation.

- The Plan shall be administered by the RDMW Staff.
- A Zoning Bylaw shall be prepared and adopted for Malcolm Island as a method to implement this Plan.
- Rezoning and subdivision applications shall be referred to the Advisory Planning Commission (APC) for review before being considered by the RDMW Board or its appointed employee.
- All subdivisions and developments, and all decisions made on application must be consistent with the substance and policies of this Plan.

- It is expected that this Plan will serve for at least five years, and a new Plan will be contemplated only when the APC and the RDMW Board find that the Plan ceases to reflect the needs of the community.
- The RDMW Board, in consultation with the Electoral Area Director, the APC and the Island community may initiate review of this Plan or any part of the Plan, at any time.
- All amendments to the Plan shall follow procedures of Plan and bylaw adoption as specified in the *Local Government Act*.
- All legal, non conforming uses arising from re-designation shall not be affected by the provisions of this Plan unless the use ceases for a period of six months or the non-conforming structure is 75% destroyed.

8.5 Siting Permits

The Regional District of Mount Waddington should establish a requirement for siting permits for all development for which a "principle" use (main building) is being proposed on a parcel. The purpose of the siting permit is to ensure compliance with this Official Community Plan and the related Zoning Bylaw. The RDMW will attempt to ensure that a developer or owner of land is aware of the policies of this Plan and of all studies or documentation required prior to formally submitting an application for development or subdivision, and the evaluation of that application by the Advisory Planning Commission.

8.6 Public Involvement

It is clear that the Island people wish to be involved and informed on planning issues affecting them. Through supporting and participating in the preparation of the Plan and public hearing process, the people of Malcolm Island should expect to see their values and priorities reflected in the policies adopted.

Policies:

- Any review of the Plan and implementing bylaws shall be accompanied by public participation and discussion and the RDMW will stress this involvement through implementation of its consultation policy.
- The RDMW will actively ensure community access to information on all planning issues.
- The RDMW and Utility Boards must ensure a joint consultative process between themselves and Island residents on development, community development and utility development matters that might affect land uses and the future health of the community.

8.7 Development Permit Areas

Preamble:

By requiring a development permit for a project, the Regional District can require a greater level of detail and analysis for a development proposed for land that are considered to have special or sensitive conditions. The community is thus better able to assess the impact the project will have. The Plan designates one category of Development Permit Area (DPA). This designation for protection of the natural environment, its ecosystems and biological diversity is intended to minimize the impact of the built environment on fish habitat and fish supportive watercourses, as

well as to minimize the effect of seasonal flooding on the built environment. DPA I areas include all property within a distance of 30 metres from top of bank for all identified streams, brooks, creeks and wetland. The District adopts the following policies for these areas:

The subdivision of land will require a development permit whenever they occur within a DPA:

Other site alteration such as land clearing including the removal, topping, trimming or alteration of any vegetation or land, and subsequent revegetation, the siting and construction of buildings and structures, paving improvements including roads and driveways, septic tanks, drainage fields, sewage treatment systems and discharges, irrigation or water systems, driveways, swimming pools, hot tubs, spas, retaining walls and shoreline protection devices will be subject to provisions of federal and provincial fisheries and water quality protection policies and regulations.

One development permit area is designated on Schedule B. This development permit area is:

Rough Bay Creek (DPA I Watercourse Protection)

Policies:

- 8.7.1 Owners of land within DPA I are required to obtain a development permit prior to: the subdivision of land;
- 8.7.2 In reviewing subdivision plans the Regional District will give due consideration to:
- soil stability;
 - vegetation or ground cover;
 - wildlife and fish habitat;
 - quality and quantity of surface drainage and groundwater; and
 - adjacent land uses.
- 8.7.3 Development Permit applications should include a report prepared by a registered professional biologist outlining the following information:
- detailed site plan (1:500 or larger) identifying the environmentally sensitive area within the site;
 - criteria used to define the boundaries of the environmentally sensitive area;
 - inventory of fisheries species and related habitat;
 - impact statement describing effects of proposed development on natural conditions;
 - guidelines for mitigating habitat degradation including limits of proposed leave areas;
 - habitat compensation alternatives, where compensation is approved.
- 8.7.4 Development Permit applications should include a vegetation management plan indicating the extent of proposed buffer areas and the proposed management of vegetation in these areas. No removal of trees or undergrowth from the site area is permitted without prior approval of the Ministry of Water, Land and Air Protection.
- 8.7.5 Based on the bio-physical assessment of the site within an area designated DPA I, works or protective measures, such as the planting or retention of trees or vegetation, may be required to preserve, protect, restore or enhance natural watercourses, fish habitat or riparian areas.
- 8.7.6 In the absence of a registered professional biologist's report, a minimum buffer of 30 metres will be preserved between the natural boundary of the watercourse and any building or structure.