

ELECTORAL AREA H – NORTH OYSTER/DIAMOND LOCAL AREA PLAN

CVRD Bylaw No. 4270

**Cowichan Valley Regional District Official Community Plan for
the Electoral Areas, 2021**

Amended up to and including Bylaw No. 4424

CONSOLIDATED FOR CONVENIENCE ONLY

**Please check with the Land Use Services Department (250.746.2620) for current
information on this Bylaw**

The amendment bylaw(s) listed below have been incorporated into enactment Bylaw No. 4270 for convenience purposes only. Persons making use of the consolidated version of Bylaw No. 4270 are advised that it is not a legal document and that for the purpose of interpreting and applying the law, the original bylaw(s) must be consulted. Certified copies of original bylaws are available through the Corporate Officer's office.

AMENDING BYLAWS

NOTE: CVRD Land Use Services Department staff have made every effort to provide the most up-to-date version of this consolidated bylaw and the associated maps. Nevertheless, this document may be somewhat out of date, particularly if there are amendments underway. Persons using this consolidated bylaw text and the maps should not rely on them for legal purposes or to make important decisions.

4424 DPA Regulations

adopted October 11, 2023

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PART 1 VISION & GOALS

1.1 Vision

The vision statement in the Cowichan Valley Regional District (CVRD) Official Community Plan for the Electoral Areas (OCP) describes the Cowichan Valley as the regional board imagines it in the year 2050:

The Cowichan Valley in 2050 enjoys a vibrant, diverse and sustainable economy, natural environment and society in a resilient community that has adapted effectively to climatic, technological and other change.

This regional vision represents a composite of the separate vision statements included in each of the former official community plans for the CVRD's electoral areas and villages. One of these is the North Oyster/Diamond community's vision for its future within the CVRD:

North Oyster/Diamond is an enhanced rural residential community with a supported agricultural community and reliable potable water, where residents wish to retain the rural character and protect their quality of life, natural environment and recreational lands.

1.2 The Plan Area

The plan area includes all of electoral area H of the Cowichan Valley Regional District within the southeast quadrant of Vancouver Island. Encompassing approximately 8,217 hectares (ha) or 20,304 acres (ac) of land area and 49 ha (121 ac) of water area, the plan area is one of two northern electoral areas in the Cowichan Valley Regional District.

The local plan area is bound on the south by the Town of Ladysmith and electoral area G, on the east by Stuart Channel, and on the north and west by the Regional District of Nanaimo.

1.3 Relationship to Other Jurisdictions

The regional district recognizes the planning and management responsibilities of other government agencies and encourages those agencies to exercise their specific mandates to the greatest extent possible as they pertain to the plan area. In this respect, the OCP acknowledges the following documents, which abut the plan area:

- The Ladysmith Official Community Plan adopted by the Town of Ladysmith
- The Ladysmith Harbour Crown Foreshore Plan administered by the Province
- The Electoral Area A (Cassidy, Cedar, Wellington) Official Community Plan adopted by the Regional District of Nanaimo.

The North Oyster/Diamond local area plan (LAP) aims to complement the goals and objectives of these documents, where possible.

With respect to certain matters over which the Regional District has no jurisdiction, but which are believed to be of community interest, this plan will articulate broad objectives but not specific policies.

1.4 North Oyster/Diamond, Past and Present

To be considered in the modernization.

1.5 Population and Demographics

The OCP includes the harmonized population, housing and employment projections from all LAPs in Appendix I. The Modernized Official Community Plan for the Electoral Areas (MOCP) and LAPs will include regional, sub-regional and electoral area projections. These projections are an important consideration in the development of LAPs.

1.6 Housing

Existing housing projections are included in the OCP as Appendix I. Housing projections will be updated concurrently with population and employment projections.

1.7 Local Planning Process

The OCP involved a harmonization of individual official community plans for each of the electoral areas. This OCP includes a LAP per electoral area in Schedule B.

PART 2 LAND USE PLANNING DESIGNATIONS

All future development must be consistent with the objectives and policies of the OCP and the area H North Oyster/Diamond LAP. The regional land use designations are intended to reflect electoral area and regional commitments and aspirations. Both the regional designations and the LAP designations should be considered.

Land use designations generally follow parcel boundaries and though not shown on the maps, land use designations extend to the centreline of any adjacent road right of way. Where land use designations split parcels, the boundary will be considered approximate.

“Road Right of Way” refers to the depiction of a formally dedicated road in Parcel Map BC (PMBC) by the Land Title Survey Authority (LTSA), where “formally dedicated” refers to the vesting of title for the purposes of road. In instances where a road has been legally established, but steps have not been taken to reflect the establishment in land title records, the road is not considered “formally dedicated”. As per the LTSA, roads are formally dedicated via their depiction as highway, road, or lane on a subdivision or reference plan, submitted under s. 107 of the *Land Title Act*; or roads are formally dedicated under s. 115 of the *Land Title Act* via the submission of a Form 12 (Certificate as to Highway in Statutory Right of Way Plan) and related Statutory Right of Way plan.

A road or highway is a public street, path, walkway, trail, lane, bridge, road, thoroughfare and any other public way as per the *Land Titles Act*. Constructed and gazetted roads may not be formally dedicated with LTSA, may not be located in the centreline of a formally dedicated road right of way, and may not be located within a formally dedicated road right of way, therefore road centrelines cannot be assumed to represent the centreline of a road right of way.

Symbol Legend:

- Designations in both the OCP, Part 4 and area H North Oyster/Diamond LAP.
- Designations in the OCP, Part 4.
 - › Designations in the area H North Oyster/Diamond LAP
- Renewable Resource – Agriculture
- Renewable Resource – Forestry
- Industrial
- Parks
- Marine
- Freshwater
- Commercial
- Residential
 - › Future Development
 - › Manufactured Home Park
 - › Rural Residential
 - › Rural Water Conservancy
 - › Suburban Residential
- Settlement Nodes
- Roads and Servicing
- Temporary Use
- Heritage

The draft OCP introduced the Parks designation and applies it to park lands.

2.1 Renewable Resource – Agriculture Designation

The Cowichan Valley has one of the warmest climates in Canada and some of the most diverse and fertile soils, suited to a wide variety of agricultural enterprises. Agriculture is an important sector of the economy and essential to the rural ambience and beauty of the landscape. A primary goal of this LAP is to protect agricultural resource lands and the agricultural industry. Lands designated as Renewable Resource – Agriculture include areas with potential for a wide range of agricultural production and include land in the Agricultural Land Reserve (ALR) as shown on DH1.1 Agricultural Land Reserve – Area H. The Agriculture designation is also intended to support the agricultural sector by accommodating supplemental employment opportunities, home-based businesses and value-added opportunities to maintain the viability of farm businesses.

Agriculture has long been an important element in the community of North Oyster/Diamond. Agricultural activities, whether large or small scale, are a major element in the rural lifestyle so cherished by community members. The ALR covers much of the agricultural land base in electoral area H. The availability of water is the most severe limiting factor to agriculture in the local plan area. When irrigation is used it leads to significant increases in the quantity and diversity of crops that may be grown.

Renewable Resource – Agriculture Designation

The Agriculture designation objectives and policies are intended to complement OCP Agriculture objectives and policies and may be reduced during review to eliminate duplication.

2.1.1 Renewable Resource – Agriculture Objectives

1. Improve and extend access to market for local foods, ensuring that residents and visitors are able to buy food locally.

2.1.2 Renewable Resource – Agriculture Policies

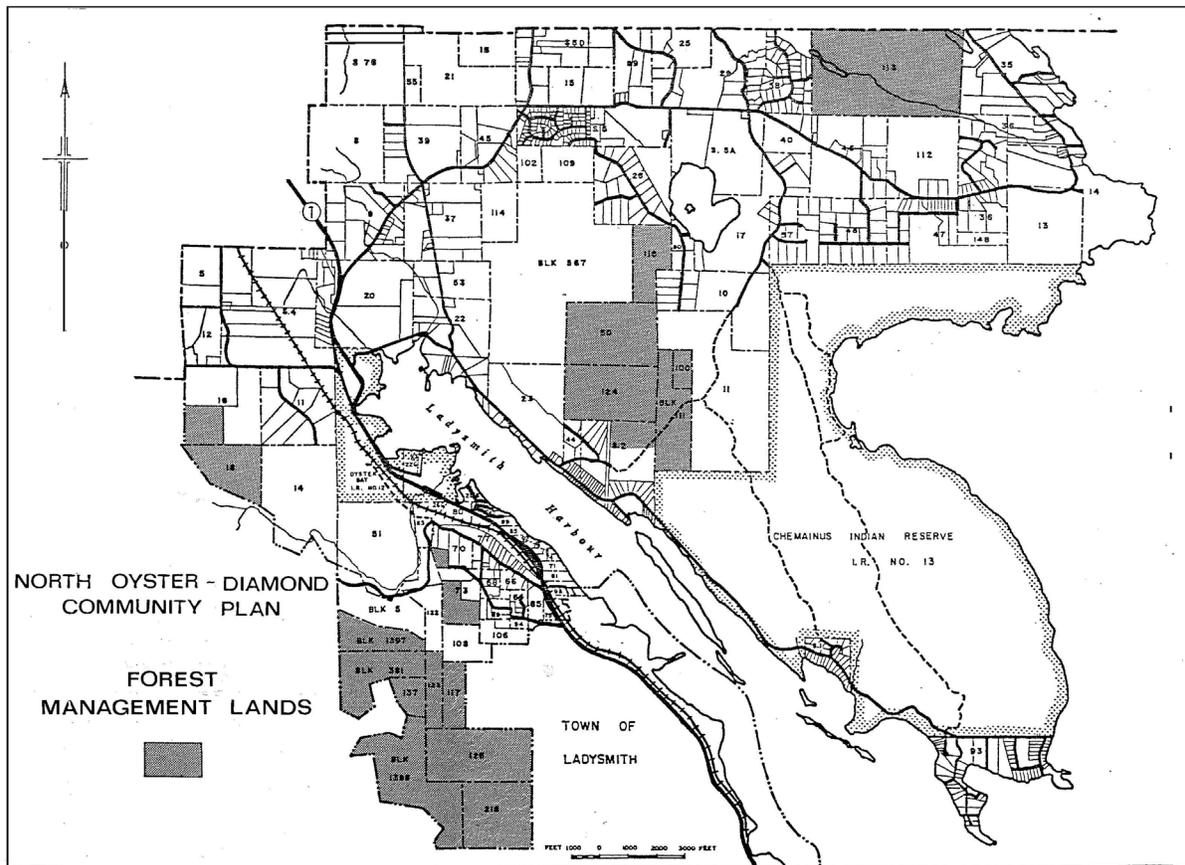
The regional board:

Draft proposed content to be considered.

2.2 Renewable Resource – Forestry Designation

The Renewable Resource – Forestry designation is intended to accommodate forest management and other resource land uses. (See Figure 2–1 Area H Forest Management Lands) This LAP seeks to protect forest lands for their long-term value and to limit urban and rural sprawl. This is a continuation of CVRD policies that have, for several decades, aimed to protect the forest resource from development pressures. Each past OCP adopted for the local plan area has recognized the importance of the forest resource as a renewable resource, even with the cyclical nature of the forest industry, the history of ownership, changes to provincial policy and private sector applications to develop forest lands.

Figure 2–1 Area H Forest Management Lands



Renewable Resource – Forestry Designation

The Forestry designation is intended to accommodate forest management and other resource land uses such as mineral and aggregate resource extraction.

2.2.1 Renewable Resource – Forestry Objectives

1. Encourage the Province to
 - a. require the utilization of woodlots in a manner that will generate the greatest net benefit for the local community;
 - b. ensure good conservation practices during mining operations so as not to prejudice the long-term renewable resource potential of the area;
 - c. engage in site rehabilitation and reclamation of damaged landscapes for subsequent productive use; and
 - d. manage renewable resource lands under their jurisdiction in a manner complementary to the ecological, water resource and recreational needs of the community.
2. Minimize conflicts between mineral extraction activities and adjacent land and water uses.
3. Protect potential for outdoor recreation in forested uplands for future generations.

4. Support the provincial ecological reserves at Woodley Range and the Ladysmith Bog near Priest and Long Lakes.
5. Support the protection of ecologically sensitive lands in the vicinity of these ecological reserves.
6. Encourage sustainable forestry practices.
7. Forestry or mining related structures and buildings or the storage or machinery on lands within the Forestry designation should be designed and sited to minimize noise and visual and environmental impacts.

2.2.2 Renewable Resource – Forestry Policies

The regional board:

1. Supports subordinate uses of outdoor recreational activities without permanent structures and residential, agricultural and horticultural uses.
2. Does not support re-designation or rezoning of forestry lands to support residential development.

2.3 Industrial Designation

There is a very limited supply of industrial land in the plan area. That which does exist is located adjacent to the Trans-Canada Highway or near the head of Ladysmith Harbour. It is a major concern from a local point of view that North Oyster/Diamond should remain primarily a rural residential, agricultural and recreational area. While some increase in light industrial activity should be permitted, any major heavy industrial growth should be concentrated in already established areas, such as the Town of Ladysmith. The plan considers two zones, Light and Heavy Industrial, for future zoning.

Industrial Designation

The Industrial designation is intended for limited light industrial uses and one heavy industrial use that may enhance local character by providing employment opportunities within the community.

2.3.1 Industrial Objectives

1. Encourage the continuation and growth of small-scale light industrial activities in locations that do not have a negative impact on the natural environment, in particular groundwater.

2.3.2 Industrial Policies

The regional board:

1. Discourages heavy industrial development that would erode the present rural residential, agricultural and recreational character of the plan area.

2.4 Parks Designation

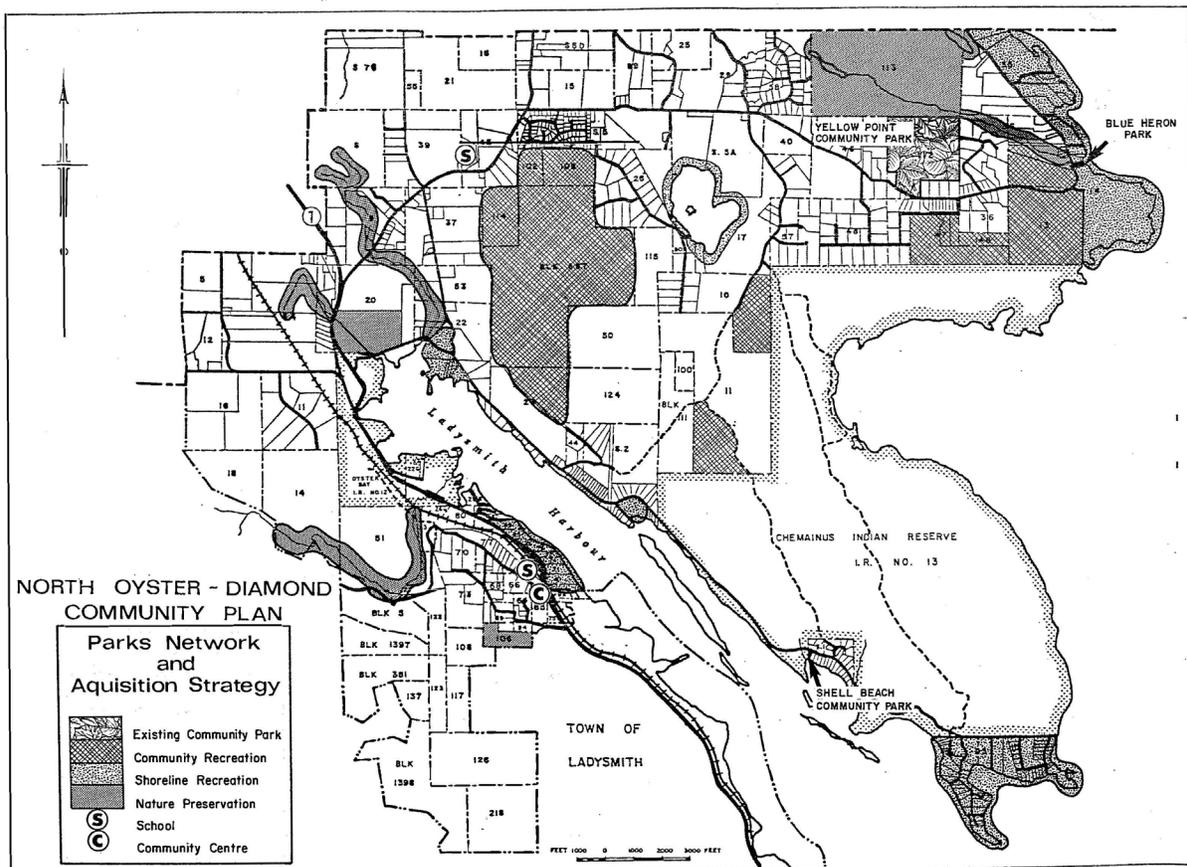
There are numerous parks in the local plan area, and the CVRD actively encourages additional acquisitions as suitable lands become available (See Figure 2–2 Area H Parks). As the population continues to grow, a high priority will be placed on the maintenance of existing parks and trails and the acquisition of new ones, including trail linkages.

Parks, trails and institutional uses are generally compatible with any designation of the community plan. The final determination of where a park, trail or institutional use will be located is a function of land being available, the type of use it is and the area of population it will serve.

Parks can be smaller neighbourhood parks for active outdoor recreational opportunities, linear corridor parks for trail connectivity or larger nature parks that generally have passive outdoor use.

Additionally, there are two provincial parks in the local plan area.

Figure 2-2 Area H Parks



Parks Designation

The Parks designation is intended to ensure a strategic and planned approach to the acquisition and maintenance of parks and trails by using the full suite of tools available to the CVRD to acquire parkland and trails.

2.4.1 Parks Objectives

1. Maximize opportunities for recreation and active living and recognize them as being essential to personal health, strong families and healthy communities.
2. Provide a diverse range of recreational opportunities.
3. Improve pedestrian and cycling linkages and beach access.
4. Develop a 20-year community parks and trails master plan to identify existing and future community parks, trails, and walking and cycling paths in the plan area.
5. Encourage the Province to upgrade ocean shore dead-end roads.
6. Provide beach access to residents.
7. Consider parks in all land designations.
8. Acquire a shoreline recreation park on the south shore of Ladysmith Harbour to provide linear beach access and permanence to traditional swimming areas.
9. Acquire community recreation parks on District Lot (DL) 106 and 109.
10. Encourage the Province to facilitate community recreational trails on Woodley Range.
11. Develop a nature park within DL 51 adjacent to Bush Creek.
12. Consider a children's playground in the Diamond community park.

2.4.2 Parks Policies

The regional board:

1. Supports a strategic and planned approach to parks acquisition and maintenance of parks.

2.5 Marine and Freshwater Designations

There are two water designations in the current local plan area—Freshwater and Marine. A Marine designation is provided as there are objectives and policies in the current plan. These water designations are provided to ensure that lake water is conserved and habitat protected, and that the marine waters are managed and protected to the highest degree possible. The primary purpose of the Freshwater designation is to protect the quality and quantity of water for potential potable water use and the biodiversity of sensitive lake ecosystems.

One of the primary environmental concerns of residents of North Oyster/Diamond is the availability of an adequate year-round potable water supply.

Surface water and groundwater are not independent of one another. For instance, during periods of low rainfall, groundwater flows are essential for recharging rivers and streams. In other cases, surface water charges groundwater reservoirs. This inter-relationship suggests both sources should be managed conjunctively, when possible, since problems may arise when they are not. As summer drought periods lengthen, this matter is increasingly important.

Other environmental concerns of residents include management of wildlife and fish habitat, retention of natural, cultural and recreational areas, and protection of residents and property from

hazardous land development. In the marine environment this may include policies to protect from sea level rise.

The coastal shore zone is one of the prime features of the natural environment within the region, and includes recreational beaches, productive shellfish areas, sheltered embayed areas and sensitive estuaries. The sheltered estuaries of Ladysmith Harbour are particularly important salmon habitat and are also important for nature appreciation.

The shore zone is also one of the most desirable areas for residential development, commercial use and industrial activity. The entire shore zone should be considered a valuable public resource. Policies should therefore be intended to enhance the physical, recreational and visual qualities of this area, while at the same time recognizing the demands for development that will be placed on this finite resource in some areas.

Marine Designation

The harbour and shore zone objectives and policies from the area H plan are included for reference. The Marine designation is intended to protect marine ecosystems, wildlife habitat and species. A marine OCP for electoral areas A, C, D, F, G and H will be developed in the modernization as a separate plan with robust objectives and policies for electoral areas with marine areas.

Freshwater Designation

The Freshwater designation is intended to protect natural freshwater systems and important groundwater recharge areas including Woodley Range, Cassidy and Bush Creek aquifers and Long Lake, Priest Lake and Michael Lake.

2.5.1 Marine Objectives

1. Coordinate use of upland and foreshore with Ladysmith Harbour.
2. Complement provincial and Islands Trust actions with respect to marine management in Ladysmith Harbour, Evening Cove and Yellow Point shore zone areas.
3. Improve management of industrial operations in Ladysmith Harbour including quality of sewage treatment and impacts from dryland log sorting.

2.5.2 Marine Policies

The regional board:

1. Supports sewage disposal methods that will protect the ecological integrity of Ladysmith Harbour and all watercourses, other marine areas and water bodies.
2. Supports requiring an ecological assessment by a qualified environmental professional for subdivision, building construction and removal of vegetation within 15 metres of the sea.
3. Supports considering designation of floodplain areas for parks, open space recreation or agriculture.
4. Does not support seawalls, fill or other intrusions without a development permit.
5. Considers identified floodplains for parks, open space recreation or agriculture

2.5.3 Freshwater Objectives

1. Conserve, manage and protect water supplies including important groundwater recharge areas such as Woodley Range, Cassidy and Bush Creek aquifers and the Long Lake-Priest Lake aquifer for human use and ecosystem health.
2. Reduce and prevent potential pollution, sediment and nutrient loading on lakes.
3. Protect freshwater ecosystems, wildlife habitat and species.
4. Protect land and water areas sensitive to human presence or of historic, scientific or recreational significance.
5. Identify floodplains and develop a floodplain bylaw.
6. Jointly plan and manage land in and adjacent to the Cassidy aquifer with the Regional District of Nanaimo.
7. Protect groundwater supplies.
8. Encourage the Province to exercise the precautionary principle in issuance of water rights licenses.
9. Encourage the Province to designate Michael, Priest and Long Lakes for non-motorized recreation use only.

2.5.4 Freshwater Policies

The regional board:

1. Does not support alteration of any watercourse, water body or wetland.
2. Supports development which ensures seasonal continuance and reduction of water downstream.
3. Discourages development and extensive clearing in groundwater recharge areas.

2.6 Commercial Designation

The Commercial designation is intended to maintain one generalized approach to commercial planning and four zones to accommodate retail or service commercial or shellfish commercial adjacent to existing commercial areas for residents and tourists. Within the Commercial designation, the implementing zoning bylaw will allow one dwelling unit per parcel, accessory to a commercial use. The four zones implemented in the zoning bylaw are: Local Commercial, Service Commercial, Tourist Recreational Commercial and Shellfish Commercial.

2.6.1 Commercial Objectives

1. Locate retail or service commercial or shellfish commercial uses in specific locations, isolated from existing commercial areas.
2. Locate tourist recreation commercial uses throughout the plan area, on a dispersed basis.
3. Maintain Yellow Point as the focal point for tourist recreation.

2.6.2 Commercial Policies

The regional board:

To be considered in the modernization.

2.7 Residential Designation

There are five Residential designations in the local plan area:

- Future Development
- Manufactured Home Park
- Rural Residential
- Rural Water Conservancy
- Suburban Residential

Future Development Designation

The Future Development designation is intended for commercial nodes and the residential settlement areas in general proximity to them. This will be considered in the modernization.

Manufactured Home Park Designation

The Manufactured Home Park designation recognizes the importance of mobile homes to the range of housing options available in the local plan area.

Rural Residential Designation

The Rural Residential designation is intended to accommodate a range of rural lifestyle options and is reasonably accessible to existing community facilities and services.

Rural Water Conservancy Designation

The Rural Water Conservancy designation is intended as a special residential designation with provision of public open space and preservation of the natural environment to contribute important groundwater recharge on lands with limited water supplies.

Suburban Residential Designation

The Suburban Residential designation is intended to accommodate a wide range of housing and lifestyle options, primarily single-family dwellings.

General Residential Objectives and Policies

The following objectives and policies apply to all area H Residential designations.

2.7.1 Residential Objectives

1. Infill existing residential zones as the focus for residential development.

2.7.2 Residential Policies

The regional board:

1. Encourages community gardens as appropriate.

2.7.3 Future Development Objectives

To be considered in the modernization.

2.7.4 Future Development Policies

To be considered in the modernization.

2.7.5 Manufactured Home Park Objectives

To be considered in the modernization.

2.7.6 Manufactured Home Park Policies

The regional board:

1. Encourages adequate arrangements for the relocation of tenants, including into housing units within the new development, where redevelopment of a manufactured home park is contemplated.

2.7.7 Rural Residential Objectives

1. Provide a wide range of housing and rural lifestyle options for various stages of life and different community lifestyles.
2. Preserve the rural character of the community.

2.7.8 Rural Residential Policies

The regional board:

1. Does not support any rural residential designated lands in the ALR.
2. Supports comprehensive development with accessibility to institutional and community facilities.
3. Does not support community water servicing.

2.7.9 Rural Water Conservancy Objectives

1. Identify limited known water supplies.

2.7.10 Rural Water Conservancy Policies

To be considered in the modernization.

2.7.11 Suburban Residential Objectives

1. Provide a wide range of housing and lifestyle options for various stages of life located in close proximity to community facilities.

2.7.12 Suburban Residential Policies

To be considered in the modernization.

2.8 Settlement Nodes

Settlement Nodes

There are no settlement nodes identified in area H. The regional centre of Ladysmith is adjacent to area H.

2.9 Roads and Servicing

Roads and Servicing

Specific layout of subdivisions and the road connections within the subdivision are approved by the Provincial Approving Officer of the Ministry of Transportation and Infrastructure as each subdivision phase is approved.

The Roads and Servicing objectives and policies are intended to improve transportation and land use planning. See the OCP for servicing.

2.9.1 Roads and Servicing Objectives

1. Encourage the Province to
 - a. design and construct roads in a manner that respects the natural landscape, the quality of the environment, and pedestrian and vehicular safety;
 - b. restrict the number of access points onto major roads and arterial roads from commercial development;
 - c. develop active transportation initiatives within the road rights-of-way to ensure the safety of pedestrians, equestrians and cyclists;
 - d. encourage retention of E&N Railway to provide further rail transportation through the community;
 - e. improve shouldering on major roadways;
 - f. monitor the condition of roadways to increase traffic safety, including the Trans-Canada Highway, Cedar Road, Brenton Page Road and Yellow Point Road;
 - g. improve pedestrian access and pedestrian signage to the Trans-Canada Highway in the Diamond area and along portions of Yellow Point Road; and
 - h. improve public access to water areas for recreation and fire protection.
2. Recognize Ladysmith Harbour as a focus for water transportation.
3. Remove floating debris in Ladysmith Harbour.

2.9.2 Roads and Servicing Policies

The regional board:

1. Discourages residential development along major network roads.
2. Encourages residential access along local roads.
3. Encourages off-road pathways separated from existing road surfaces and within the road right-of-way.

2.10 Temporary Use Designations

Temporary Use Designations

Lands designated for Temporary Use designations are intended to ensure that temporary uses have a beneficial aspect for the community and that they have little or no negative effect upon residential uses or the natural environment. Agriculture and Forestry designations may have temporary uses. Temporary Use designations may be considered for commercial uses in any designation.

2.10.1 Temporary Use Policies

The regional board:

1. Supports within areas designated Agriculture or Forestry temporary uses with the following conditions:
 - a. there is little or no demonstrated effect on neighbouring residential or agricultural uses or the natural environment; and
 - b. a bond or other security may be required to ensure compliance with the permit conditions.
2. Supports within areas designated Forestry the establishment of temporary asphalt batch plants, logging camps, temporary camp employee accommodation and temporary small-scale sawmill operations including the preparation of logs, fence posts, shakes, shake blocks, poles and firewood.
3. Supports within any plan designation temporary commercial uses with the following conditions:
 - a. there is community benefit; and
 - b. adverse impacts are mitigated.

2.11 Heritage

Heritage

There are currently no designations currently in area H. There are four potential sites identified for a register:

1. *Coffin Point*: This site is recognized to have old First Nations burial grounds, which are of cultural and historical significance.
2. *North Oyster Community Centre*
3. *Diamond Community Hall*
4. *Diamond Theater*

PART 3 IMPLEMENTATION AND EVALUATION

3.1 Monitoring and Review of the Plan

To be considered in the modernization.

3.2 Performance Measures

This section provides a means by which to measure the success of the OCP in terms of the objectives and policies of this plan. The land use inventory statistics will outline the amount of land within the plan area. The current amount of land within the plan area (shown on Schedule L) is 8,173 ha (20,195 ac).

A. Renewable Resource – Agriculture

The current amount of land designated for Renewable Resource – Agriculture use is approximately 2,067 ha (5,108 ac), or 25.29% of the plan area.

B. Renewable Resource – Forestry

The current amount of land designated for Renewable Resource – Forestry use is approximately 4,692 ha (11,593 ac), or 57.41% of the plan area.

C. Industrial

The current amount of land designated for Industrial use is approximately 23 ha (57 ac), or 0.28% of the plan area.

D. Institutional

The current amount of land designated for Institutional use is 0 ha (0 ac), or 0% of the plan area.

E. Parks

The current amount of land designated as Parks is approximately 345 ha (852 ac), or 4.22% of the plan area.

F. Freshwater

The current amount of the plan area designated as Freshwater is approximately 49 ha (121 ac).

G. Marine

The current amount of the plan area designated as Marine area is 2,707 ha (6,689 ac).

H. Commercial

The current amount of land designated for Commercial use is approximately 36 ha (88 ac), or 0.43% of the plan area.

I. Residential

The current amount of land designated for Residential use is approximately 1,011 ha (2,498 ac), or 12.37% of the plan area.

J. Railway Transportation

The current amount of land designated for Railway Transportation use is approximately 0 ha (0 ac), or 0% of the plan area.

Table 3–1 Regional Performance Measures

Electoral Area H - North Oyster/Diamond Local Area Plan

Land Use Designations	Hectares	Acres	% of Local Plan
Renewable Resource – Agriculture	2,067	5,108	25.29
Renewable Resource – Forestry	4,692	11,593	57.41
Industrial	23	57	0.28
Institutional	0	0	0.00
Parks	345	852	4.22
Freshwater	49	121	
Marine	2,707	6,689	
Commercial	36	88	0.43
Residential	1,011	2,498	12.37
Railway Transportation	0	0	0.00
Total	8,173	20,195	100.00

1. When calculating the land use designations, land within the ALR is included in the designation within which it sits.
2. In the plan area, the total amount of ALR land is approximately 2,320 ha, or 19%.
3. In the plan area, there is no land within a growth containment boundary.
4. In calculating the total plan areas and percentages, Marine and Freshwater were not included.

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