



## Islands Trust

A NOTICE OF A BUSINESS MEETING OF **THE GABRIOLA ISLAND LOCAL TRUST COMMITTEE**  
to be held at 10:15 AM on Wednesday, May 14, 2014 at the Women's Institute,  
476 South Road, Gabriola Island, BC

### AGENDA

	<i>Page No.</i>	<i>*Approx. Time*</i>
<b>1. CALL TO ORDER</b>		10:15 am
<b>2. APPROVAL OF AGENDA</b>		
<b>3. MINUTES</b>	1	
3.1 Local Trust Committee Special Meeting Minutes of April 3, 2014 – <i>for adoption</i>	5	
3.2 Local Trust Committee Meeting Minutes of April 17, 2014 – <i>for adoption</i>		
3.3 Section 26 Resolutions Without Meeting - <i>none</i>		
3.4 Gabriola Island Advisory Planning Commission Meeting Minutes of May 5, 2014 - <i>attached</i>	13	
3.5 Mudge Island Advisory Planning Commission Meeting Minutes - <i>none</i>		
3.6 Gabriola Island Agricultural Advisory Commission Meeting Minutes of April 17, 2014 - <i>attached</i>	15	
<b>4. BUSINESS ARISING FROM MINUTES</b>		
4.1 Follow-up Action List dated May 6, 2014 - <i>attached</i>	17	
4.2 Eelgrass Mapping – Memorandum dated February 19, 2014 - <i>attached</i>	19	
<b>5. CORRESPONDENCE</b>		
<i>“Correspondence specific to an active development application and/or project will be received by the Gabriola Island Local Trust Committee when that application or project is on the Agenda for Consideration”</i>		
<b>6. REPORTS</b>		10:30 am
6.1 <b>Work Program Reports</b>		
6.1.1 Top Priorities Report & Projects List dated May 6, 2014 - <i>attached</i>	23	
6.1.2 Mudge & DeCourcy Greenhouse Gas Emissions Inventories - Memorandum- <i>attached</i>	27	
6.1.3 Top Priorities List Memorandum dated January 17, 2014 - <i>attached</i>	29	
6.2 <b>Applications Log</b>		
6.2.1 Report dated May 6, 2014 - <i>attached</i>	31	
6.3 <b>Trustee and Local Expenses</b>		
6.3.1 Expenses posted to year end - March 2014 - <i>attached</i>	35	
<b>7. NEW BUSINESS</b>		
7.1 New Federal Marihuana for Medical Purposes Regulation Staff Report dated May 6, 2014 - <i>attached</i>	37	
7.2 Referral from Thetis Island Local Trust Committee for Bylaws 93 and 94 - <i>attached</i>	61	
<b>8. TRUSTEES' REPORT</b>		11:15 am
<b>9. CHAIR'S REPORT</b>		

<b>10.</b>	<b>REGIONAL DIRECTOR'S REPORT</b>		
<b>11.</b>	<b>DELEGATIONS</b>		
<b>12.</b>	<b>TOWN HALL SESSION</b>		11:25 am
<b>13.</b>	<b>APPLICATIONS AND PERMITS</b>		
13.1	Dormant Applications Update Staff Report dated April 28, 2014 - <i>attached</i>	70	
<b>14.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>		
14.1	Official Community Plan/Land Use Bylaw Review		
	14.1.1 Parks Rezoning – <i>verbal update</i>		
	14.1.2 Agriculture Policies Staff Report dated April 25, 2014 – <i>attached</i>	74	
	14.1.3 Climate Change Policy Implementation – Staff Report dated May 1, 2014 - <i>attached</i>	92	
	14.1.4 Climate Changer Policy Implementation – Email from M. Walker, May 6, 2014	109	
14.2	Development Approval Information Bylaw Memorandum dated April 24, 2014 - <i>attached</i>	111	
	<b>BREAK</b>		12:00 pm
<b>15.</b>	<b>BYLAWS</b>		12:30 pm
15.1	Proposed Bylaw 273 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2013” - <i>for consideration of first reading</i>	121	
15.2	Proposed Bylaw 274 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2014” - <i>for consideration of first reading</i>	127	
15.3	Proposed Bylaw 275 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2014” - <i>for consideration of first reading</i>	129	
<b>16</b>	<b>CLOSED MEETING:</b> The Gabriola Island Local Trust Committee closes the next part of the May 14, 2014 business meeting to discuss matters pursuant to Section 90(1)(d) of the <i>Community Charter</i> to consider adoption of closed meeting minutes and that Staff be invited to attend this meeting.		
<b>17</b>	<b>RECALL TO ORDER:</b> The Gabriola Island Local Trust Committee re-opens this meeting to the public subject to Section 89 of the Community Charter. 17.1 Rise and Report from Closed Meeting		
<b>18.</b>	<b>ISLANDS TRUST WEBSITE</b> Gabriola Pages – <i>for discussion</i>		
	The Gabriola Island Local Trust Committee Website can be found at: <a href="http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola.aspx">http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola.aspx</a>		
<b>19.</b>	<b>NEXT MEETING:</b> Thursday, June 26, 2014 at 10:15 a.m. at the Women’s Institute, 476 South Road, Gabriola Island, BC		
<b>20.</b>	<b>TOWN HALL SESSION – <i>time permitting</i></b>		
<b>21.</b>	<b>ADJOURNMENT</b>		1:00 pm

\*Approximate time is provided for the convenience of the public only and is subject to change without notice



**Gabriola Island Local Trust Committee  
Minutes of a Special Business Meeting to Hold a  
Community Information Meeting  
Regarding  
Draft Bylaw No. 273**

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<b>Date of Meeting:</b>	<b>April 3, 2014</b>
<b>Location:</b>	<b>The Haven – Phoenix Auditorium 240 Davis Road, Gabriola Island, BC</b>
<b>Members Present:</b>	David Graham, Chair Sheila Malcolmson, Local Trustee Gisele Rudischer, Local Trustee
<b>Staff Present:</b>	Sonja Zupanec, Planner Linda Prowse, Planner Jessie Sherk, Recorder
<b>Media and Others Present:</b>	Approximately (5) members of the public and (2) members of the local media were in attendance

**1. CALL TO ORDER**

Chair Graham called the Community Information Meeting to order at 7.05 pm. He introduced himself and thanked the public for coming. The agenda was addressed and adopted by consensus.

**2. INTRODUCTIONS AND OPENING REMARKS FROM THE CHAIR AND TRUSTEES**

Chair Graham stated that they would be looking at the climate change mitigation regulations that came from the 2010 addition to the Official Community Plan. He noted that as a community, there were targets set that include a 33% reduction in greenhouse gas emissions by 2020 and an 85% reduction by 2050. He also stated that transportation is the number one contributor of greenhouse gasses.

Trustee Rudischer remarked that she was glad that they were here doing this as it has been in the works for four years.

Trustee Malcolmson thanked everyone for coming and spoke of the reductions that are happening at a community stewardship level such as the GERTIE bus. She also discussed possible zoning changes for the future noting that tonight they are only focusing on the things they can do with the Land Use Bylaw and what they can do with zoning in order to encourage less driving.

**3. DRAFT BYLAW 273  
CLIMATE CHANGE AND GREENHOUSE GAS EMISSION  
REDUCTION IMPLEMENTATION**

Planner Zupanec gave her presentation. She stated that Section 8 of the Official Community Plan is where the policy direction is coming from. She went over the rationale and presented some different scenarios to the public. She discussed insulation in buildings and what the existing and new regulations would be. Also discussed were some of the existing regulations and new regulations for bicycle, motorcycle, scooter and small vehicle parking. She stated that the direction of the bylaw is to encourage these alternatives.

Next she discussed permeable paving for parking spaces in village commercial zones. She stated that the current proposal involves only the parking spaces being permeable and that high traffic areas would not be permeable.

The following comments were made by members of the public:

- Snow removal is difficult on permeable surfaces. If a parking lot could not be plowed, from a legal point of view, it would have to be shut down until it could be cleared.
- Most of the oil that comes out of cars is in parking spots, not the driving areas. The oil would now go directly into the soil.
- Permeable surfaces are predominant in cities where there is 99% solid surfacing.
- Gravel would end up on the solid surface and create hazards for cyclists, motorcyclists and skateboarders. Gravel is also difficult for people with mobility issues and elderly people with push walkers
- Interlocking pavers can also be hazardous, as once they have settled they often create tripping hazards.
- A suggestion that 66 foot wide rights of way be considered.
- There are at least 150 parking spots available on Lockinvar that could be used.

Planner Zupanec then went over some of the other options being considered, including the use of bio-swales to capture runoff. She showed some examples of Nanaimo businesses that use different methods and stated that these are options that the Local Trust Committee is considering.

She then went through a scenario for new development and explained the steps required when someone applies for a permit to redevelop. She also discussed three different scenarios that would trigger the requirements for this bylaw.

Planner Zupanec then listed some possible additions to the bylaw that will be considered, along with the public's input, at the April 17, 2014 Local Trust Committee meeting:

- Exemptions in Development Permit guidelines for bus shelters, bike shelters, vehicle charging stations;
- Requirement for a minimum percentage of public green space; and
- Requirement for rainwater collection swales in lieu of permeable paving.

Next steps were then explained:

- Meeting April 17, 2014;
- Public input considered;
- Revisions to bylaw and early referrals to Regional District of Nanaimo and Advisory Planning Commission; and
- First reading and then Public Hearing.

For more information, Planner Zupanec advised the public to:

- Contact the planner;
- Contact the trustees; or
- Email [northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca)

#### 4. PUBLIC COMMENTS AND QUESTIONS

The following comments, questions and answers from the public, staff and trustees included:

- How are the space requirements determined and counted and who does it?
- The requirements are determined by the Land Use Bylaw and the spaces are counted at the time of development.
- Permeable paving is not the most optimal technology for Gabriola Island's storm water concerns due to risk to our water quality.
- Bio-swales are good and maybe it should be worded in a way that allows developers and designers to come up with their own strategies.
- Comments were made regarding tree preservation, sea level rise and on street parking.
- Under current Development Permit guidelines there are some rules pertaining to landscaping and the retention of trees. There is nothing in the draft bylaw that addresses sea level rise, however, there are policies in the Official Community Plan that speak to it.
- Included in the Official Community Plan in the climate change policies will be a review of the Land Use Bylaw in relation to sea level rise. A staff report indicated that the ocean setbacks are already larger than in other communities and the recommendation was that this not be changed.
- On street parking is not regulated by the Local Trust Committee.

Chair Graham reminded everyone to submit their feedback either via email or at the office, and/or attend the meeting on April 17, 2014.

5. ADJOURNMENT

By general consent, the Community Information Meeting was closed at 7:52 pm.

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David Graham, Chair

CERTIFIED CORRECT:

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Jessie Sherk, Recorder




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## Gabriola Island Local Trust Committee Minutes of a Regular Meeting

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**Date of Meeting:** Thursday, April 17, 2014  
**Location:** Women's Institute  
 476 South Road, Gabriola Island, BC

**Members Present:** David Graham, Chair  
 Sheila Malcolmson, Local Trustee

**Staff Present:** Sonja Zupanec, Planner  
 Jessie Sherk, Recorder

**Regrets:** Gisele Rudischer, Local Trustee

**Media and Others Present:** Howard Houle, Regional Director  
 Two (2) local media representatives were in attendance

### 1. CALL TO ORDER

Chair Graham called the meeting to order at 10:15 am. Staff and trustees were introduced and the public was welcomed. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- **Late item added: Closed Meeting**
- **Reorder agenda as follows:**
  - 20. **Closed Meeting**
  - 21. **Adjournment**

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

### 3. MINUTES

#### 3.1 Local Trust Committee Meeting Special Meeting Minutes of March 12, 2014

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

**3.2 Local Trust Committee Public Hearing Record of March 12, 2014**

Received.

**3.3 Local Trust Committee Meeting Minutes of March 13, 2014**

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

**3.4 Local Trust Committee Special Meeting Minutes of April 3, 2014**

Not available. Deferred to next meeting.

**3.5 Section 26 Resolutions Without Meeting - None**

**3.6 Gabriola Advisory Planning Commission Meeting Minutes – None**

**3.7 Mudge Island Advisory Planning Commission Minutes – None**

**3.8 Gabriola Island Agricultural Advisory Commission Meeting Minutes**

**4. BUSINESS ARISING FROM MINUTES**

**4.1 Follow-up Action List dated April 8, 2014**

Planner Zupanec explained to the Committee the submission procedure for the Development Approval Information bylaw to Council. It was noted that it would be proceeding at the June Trust Council meeting.

**4.2 October 30, 2014 meeting date to be rescheduled to November 13, 2014**

**GB-2014-074**

It was **MOVED** and **SECONDED**, that the Local Trust Committee amend its 2014 meeting schedule to replace October 30 with November 13.

**CARRIED**

**5. CORRESPONDENCE - None**

**6. REPORTS**

**6.1 Work Program Reports**

6.1.1 Top Priorities Report and Projects List dated April 7 2014 - None

## 6.2 Applications Log

### 6.2.1 Report dated April 7, 2014

Trustee Malcolmson highlighted for staff, that a new Development Variance Permit application has come in that may be in the Riparian Areas Regulation zone.

## 6.3 Trustee and Local Expenses

### 6.3.1 Expenses posted to month ending March 2014

Reviewed for information.

## 7. NEW BUSINESS

### 7.1 Gulf Islands Groundwater Protection Toolkit

#### 7.1.1 Memorandum dated March 19, 2014

Discussion ensued regarding the toolkit.

#### **GB-2014-075**

It was **MOVED** and **SECONDED**,

That the Gabriola Island Local Trust Committee request staff to:

1. Provide the toolkit to the Gabriola Groundwater Management Society and the Regional District of Nanaimo Drinking Water/Watershed Protection Program for information, and
2. Register the toolkit as a resource for the Local Trust Committee Work Program.

**CARRIED**

### 7.2 **Upcoming Protocol Meeting with Regional District of Nanaimo – agenda items**

Discussion ensued. Trustees had no new items to add.

## 8. TRUTEE'S REPORT

Trustee Malcolmson expressed her happiness with the City of Nanaimo's decision on Monday night and thanked the community members who drew attention to the issue and helped raise the profile of concern regarding the Duke Point Garbage Incinerator. She noted that Metro Vancouver continues to have Duke Point on their short list and if people are still concerned they can write directly to the Metro Vancouver Regional District.

Trustee Malcolmson reported that she was part of a panel discussion at the Association of Vancouver Island Coastal Communities convention on Friday, where they talked about negative impacts of the BC Ferries and Provincial Government policies on local communities. She noted that phase one of an impact study on the service cuts has

already been completed and that she was glad to have the convention almost unanimously endorse further study. She expressed her disappointment that the Province itself did no economic impact assessment.

Lastly, Trustee Malcolmson reported that on the weekend of April 19, 2014, at Pender Island's Sustainability Day, she will be presenting a slide show regarding concerns about shipping safety and oil spill preparedness, on behalf of Islands Trust Council. She will also be doing another presentation for the Georgia Straight Alliance, at Beban Park in Nanaimo, regarding oil tanker issues.

**9. CHAIR'S REPORT**

Chair Graham reported that the Executive was able to comment on the Department of Fisheries and Oceans geoduck integrated management framework on farmed geoduck. He noted that they are composing a letter that will outline their very strong concerns regarding capacity and impact and it will be publicly available tomorrow. He stated they do not have the authority to sign the policy statement supporting an all-out ban, but they have done what they could to represent the Trust on this. Chair Graham also reported that he attended the Association of Vancouver Island Coastal Communities Annual General Meeting.

**10. REGIONAL DIRECTOR'S REPORT**

Director Houle reported that work is ongoing on the trail that will go along North Road. He noted that they are hoping to have everything approved and ready for a spring start.

**11. DELEGATIONS - None**

**12. TOWN HALL SESSION - None**

**13. APPLICATIONS AND PERMITS – None**

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 Official Community Plan/Land Use Bylaw Review**

**14.1.1 Parks Rezoning – verbal update**

Planner Zupanec gave a verbal update. She stated that no referral responses have been received to date. .

14.1.2 Parks Rezoning

**Email from J. Eastick, March 25, 2014**

The email content and how it should be responded to was discussed. It was agreed that Chair Graham would respond to J. Eastick.

14.1.3 Agriculture Policies – verbal update

Planner Zupanec stated that the new Agricultural Advisory Group would be meeting tonight and she would be attending the meeting to assist with the referral. She noted that she would be coming back with a staff report with the recommendations. Also noted was that it has been difficult to liaise with staff at the Agricultural Land Commission, but the project is on track.

Trustee Malcolmson remarked that she was at a conference where food security was a focus and it was very interesting. Discussion ensued. It was pointed out that the bylaw language should not give the impression that supporting local farmers actually helps people who are food insecure.

14.1.4 Climate Change Policy Implementation  
Staff Report dated April 7, 2014

Planner Zupanec summarized the report. Each recommended revision presented in the report was reviewed and discussed by the Committee.

**GB-2014-076**

It was **MOVED** and **SECONDED**,

That the Gabriola Island Local Trust Committee requests staff to include the first four amendments as proposed in the April 7, 2014 Staff Report in Draft Bylaw 273 and include the fifth amendment with the removal of the word “parking”.

**CARRIED**

**GB-2014-077**

It was **MOVED** and **SECONDED**,

That the Gabriola Island Local Trust Committee requests that staff enquire whether the Regional District of Nanaimo has developed bylaw language to implement rainwater swales to promote storm water infiltration.

**CARRIED**

14.1.5 Climate Change Policy Implementation  
Letter from L. Hellenius, March 26, 2014

The letter was reviewed. Discussion ensued regarding the floor space of mechanical rooms.

**GB-2014-078**

It was **MOVED** and **SECONDED**,  
That the Gabriola Island Local Trust Committee request staff advice on  
bylaw language to exempt from floor area calculations, green building  
system mechanical rooms.

**CARRIED**

14.1.6 Riparian Areas Regulation Implementation  
Staff Report dated April 3, 2014

The Committee reviewed and discussed the exemptions presented in the  
report.

**GB-2014-079**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee not amend Proposed  
Bylaw 266 in section f.3.3.1 (e).

**CARRIED**

**GB-2014-080**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee give third reading to  
Proposed Bylaw No. 266 cited as “Gabriola Island Land Use Bylaw 177,  
1999 Amendment No. 1, 2012” as revised.

**CARRIED**

**GB-2014-081**

It was **MOVED** and **SECONDED**,  
that the Gabriola Island Local Trust Committee refer Proposed Bylaw No.  
266 cited as “Gabriola Island Land Use Bylaw 177, 1999 Amendment  
No. 1, 2012” to the Islands Trust Executive Committee.

**CARRIED**

It was noted that on Tuesday, the Executive Committee did review  
Proposed Bylaw 265 and found it to be consistent with the Islands Trust  
Policy Statement so it was forwarded to the Minister for approval.

**15. BYLAWS**

- 15.1 Proposed Bylaw No. 266 cited as “Gabriola Island Land Use Bylaw 177,  
1999, Amendment No. 1, 2012” – for consideration of third reading and  
submission to Executive Committee**

**16. ISLANDS TRUST WEBSITE**

No changes were proposed for the Gabriola Island pages. It was noted that there is now  
a faster and easier way to access past minutes.

**17. NEXT MEETING**

The next meeting will take place on Wednesday May 14, 2014 at 10:15 am at the Women's Institute, 476 South Road, Gabriola Island, BC.

**18. TOWN HALL SESSION – None**

**19. CLOSED MEETING**

**GB-2014-082**

It was **MOVED** and **SECONDED**,

that the Gabriola Island Local Trust Committee close the next part of the April 17, 2014 business meeting to discuss matters pursuant to Section 90 (1) (a) of the Community Charter to consider an appointment to the Agriculture Advisory Commission and that staff be invited to attend this meeting.

**CARRIED**

Committee closed the meeting at 11:30 am.

**GB-2014-083**

It was **MOVED** and **SECONDED**,

That the Gabriola Island Local Trust Committee re-open the meeting to the public.

**CARRIED**

**20. RECALL TO ORDER**

Committee reconvened in open meeting at 11:34 am to rise and report.

**20.1 Rise and Report from Closed Meeting**

Chair Graham reported that Elizabeth Nienaber was appointed to the Agricultural Advisory Commission.

**21. ADJOURNMENT**

**By general consent** the meeting adjourned at 11:35 pm.

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David Graham, Chair

CERTIFIED CORRECT:

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Jessie Sherk, Recorder





**MINUTES OF THE GABRIOLA ISLAND  
ADVISORY PLANNING COMMISSION MEETING**

**Draft**

**Islands Trust**

Held on May 5, 2014, 7pm

At Northern Islands Trust Office, 700 North Road, Gabriola Island

**PRESENT:**

APC Members: Jim Prunty, Megan Walker, Stephen O'Neill, Deborah Scott  
 Trustees: Giselle Rudischer, Sheila Malcolmson( off island meetings, could not attend)  
 Recorder: Deb Scott, Secretary  
 Regrets (if any): Alix Hodson, Robert Ferris, Deb Ferens

There were no members of the public present except Chris Bowers of the Shingle, as press. Sonja Zupenac was present as Islands Trust Planner

**1. Welcome**

Steve O'Neill started the meeting at 7:03 p.m. and welcomed the membership of the Advisory Planning Commission (APC). The members were asked if they had any questions about the agenda and referral package.

**2. Approval of Agenda**

No new items.

**3. Minutes**

The June 11, 2013 minutes were adopted. All in favour.

**4. Steve asked Sonja Zupenac to give a brief synopsis of the Referral regarding Bylaw 273 ( Climate Change Policy Implementation)**

**5. Referral Draft Bylaw No 273( File Number 3050-01 Gabriola APC)**

The Advisory Planning Commission discussed the referral briefly with the details from Sonja Zupenac who went through the referral package and said many background details are available on the islands trust website. All relevant project background information can be found on our website at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola/projects-initiatives/ocp-climate-change-policies-into-lub.aspx>

The Referral Package will be attached to minutes. The following details were discussed

- Minimum parking will now be maximum allowed parking.
- New Developments will now have an ability to create varied parking for small vehicles and bicycles.
- These new guidelines are modelled after existing urban environments that might be harder to maintain and flow in suburban and rural areas, but the hope is they give encouragement to smaller vehicles or alternative modes of transport.
- Enforcement of parking issues will be up to commercial tenants.

- Covered areas for bicycle parking.
- Building structures and floor area changes( listed details in referral package)
- Electric vehicle charging areas
- Storm water management plans
- Wheelchair accessibility
- Designated Pedestrian walkways
- Drought resistant landscaping, minimal irrigation
- The APC expressed concerns about parking lot changes from minimum to maximum and the implications of that with regards to people managing safely.

**Resolutions for Referral of Draft bylaw 273:  
GBAPC-2014-001**

The APC recommends a qualified professional be required for any preparation of a storm water management plan( proposal attached, P5 F3.7.8).

**Moved and Seconded**

**Motion Passed: All in favour.**

**GBAPC-2014-002**

The APC encourage development plans that recommend plants that require minimal irrigation( proposal attached refer to P5,F3.7.10).

**Moved and Seconded**

**Motion Passed: All in favour**

**GBAPC-2014-003**

The APC recommends giving priority to a safe and accessible pedestrian walkway with access to the street.

**Moved and Seconded**

**Motion Passed: All in favour**

**5. Next Meeting Date**

The next meeting will be determined by LTC with regards to a referral.

**6. Adjournment**

The meeting was adjourned at 8:30 p.m.

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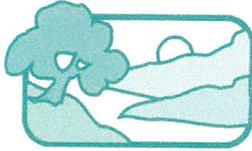
Temporary Chair, Steve O'Neill

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Secretary, Deb Scott

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DATE



Islands Trust

MINUTES OF THE GABRIOLA ISLAND  
AGRICULTURAL ADVISORY COMMISSION MEETING

Held on (date) APRIL 17 / 2014

At (venue) HTC BOARDROOM GABRIOLA

PRESENT:

AAC Members:

ELIZABETH NIEBERG  
BRIAN HARDY  
THERESA CURTIS

Trustees:

SONJA ZOPANEK

Recorder:

Regrets (if any):

There were 2 members of the public present.

AGENDA:

1. Previous Minutes for adoption
2. Trustees' Report
3. New Business
4. Members' Issues
5. Next Meeting and Adjournment

1. Previous Minutes

N/A

2. Trustees' Report

OVERVIEW of BYLAW # 274  
BYLAW # 275

3. New Business

MOVED BY BRIAN HARDY + 2ND BY ERIC VEALE  
BYLAW # 274 SECTION 2 "M"

"TO INCLUDE LAND WITH  
FARM STATUS"

PASSED.

MOVED BY ERIC VEALE 2ND BY THERESA CORTES  
BYLAW # 274 SECTION 3 "W"

(ADD) "OR OTHER SIMILAR PROGRAMS!"

PASSED

ACCEPT BYLAW # ~~BYLAW~~ 275 AS PRESENTED  
WITH NO CHANGES.

ENZABETH NIEBERG 2ND BRIAN HARDY  
PASSED

4. Members' Issues

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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5. Next Meeting and Adjournment

N/A

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BRIAN HARDY

ERIC VEALE

Chair

Secretary

APRIL 17 / 2014

DATE



Islands Trust

## Follow Up Action Report w/ Target Date

### Gabriola Island Jul-18-2013

No.	Activity	Responsibility	Target Date	Status
1	Submit resolution to Trust Council to amend development application forms to include climate change considerations such as energy efficiency, renewable energy, and carbon sequestration.	Sonja Zupanec	Jan-31-2014	On Going

### Nov-28-2013

No.	Activity	Responsibility	Target Date	Status
1	Refer draft bylaw 273 with the amendments discussed November 28 to the APC and the RDN building inspection, but after having held a CIM for property and business owners in the Village Commercial zones.	Sonja Zupanec	Jan-16-2014	On Going

### Mar-13-2014

No.	Activity	Responsibility	Target Date	Status
1	Parks Rezoning Project - First Reading given as revised on March 13. Staff to update bylaw; post to website and coordinate CIM and PH (on same date) on a weekday evening.	Lisa Webster-Gibson Sonja Zupanec	Mar-28-2014	On Going
1	Staff to advise whether there are implementation measures the Local Trust Committee could adopt to lessen the financial impact and increase understanding of Riparian Areas Regulation when and if implemented.	Courtney Simpson	Jun-26-2014	On Going

### Apr-17-2014

No.	Activity	Responsibility	Target Date	Status
1	Chair Graham will respond to J.Eastick email correspondence to LTC.	David Graham	Apr-30-2014	On Going

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1	Climate Change Policy Implementation: LTC resolution to revise draft bylaw with staff suggested revisions as presented in staff report; however remove word 'parking' from fifth recommended guideline. Proceed with referral to APC and RDN. Request from RDN staff whether they have developed bylaw language to require rainwater swales for rainwater infiltrations.  LTC resolution to request staff advice on excluding floor area of green building systems mechanical rooms from calculation of floor area.	Sonja Zupanec	Apr-30-2014	On Going
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# Memorandum

200 1627 Fort Street, BC V8R 1H8

Telephone 250. 405.5186 FAX: 250. 405.5151

Toll Free via Enquiry BC in Vancouver 604-660-2421.

Elsewhere in BC **1.800.663.7867**

itfmail@islandstrust.bc.ca

www.islandstrust.bc.ca

www.islandstrustfund.bc.ca

Date: February 19, 2014

To: Gabriola Island Local Trust Committee

From: Kate Emmings, Ecosystem Protection Specialist, Islands Trust Fund

Re: Islands Trust/Islands Trust Fund Eelgrass Mapping

## Eelgrass Mapping in the Gabriola Island Local Trust Area

Eelgrass Mapping for the Gabriola Island Local Trust Area was completed in December, 2013 by SeaChange Marine Conservation Society under contract with the Islands Trust (see attached report). Findings for the Gabriola Island Local Trust Area indicate that approximately 24.8% of the shoreline of Gabriola Island has eelgrass presence and the eelgrass beds were primarily continuous rather than patchy. Findings for the Gabriola Associated Islands indicate approximately 20.0% of the shorelines have eelgrass presence. With the exception of Hudson Rocks, Five Finger Island and Snake Island, eelgrass was found on all of the Gabriola Associated Islands. Snake Island was noted as having potential for eelgrass restoration as were areas off of Gabriola, Mudge and DeCourcey. Although there is no baseline data to do historical comparisons, it appears that mooring buoys, docks, floats and retaining walls are having an effect on eelgrass habitat in several bays on Gabriola and its Associated Islands. Log booming on the southwestern shore of Gabriola may be a reason for lack of eelgrass along this area of shoreline as there is suitable substrate for eelgrass.

## About Eelgrass

Eelgrass is a critical nearshore habitat for birds, mammals, invertebrates and commercial and non commercial fish. Eelgrass beds are also an important carbon sink. Contaminants, shading from docks and overwater structures, increased sedimentation, marine traffic and development pressures from shoreline land use threaten eelgrass ecosystems and the species they support.

## Report Recommendations

The 2012-2013 Nearshore Eelgrass Inventory Report contains several recommendations. Some of the relevant recommendations for local trust committees are:

- Create setbacks from the shoreline in regulatory bylaws.
- Prevent construction of docks in eelgrass beds. Where dock construction cannot be avoided, ensure that docks are built to allow light to pass through to eelgrass beds below and that they are constructed from materials that have a minimum impact on water quality.
- Require removal of illegal shoreline modifications and habitat restoration where appropriate.
- Support education of the boating community and shoreline landowners regarding the importance of eelgrass beds and natural shorelines.

- Encourage the boating community not to locate mooring buoys in eelgrass beds and not to anchor in eelgrass beds. Where mooring buoys are located in eelgrass beds, encourage the use of line floats to keep chains and lines off of the sea floor where they can drag and scour the bottom, removing eelgrass habitat and killing species.
- Encourage dock owners to replace dock materials with light penetrable materials.

### Next Steps

The Islands Trust Fund has placed the eelgrass mapping and the associated report on its website at [www.islandstrustfund.bc.ca](http://www.islandstrustfund.bc.ca) and eelgrass mapping has been added to the MapIT public mapping site at <http://mapit.islandstrust.bc.ca> (links on Islands Trust and Islands Trust Fund websites). Local trust committees are encouraged to provide links to the mapping on their websites and consider actions within their local trust areas to include eelgrass protection in their official community plans and regulatory bylaws as per the Islands Trust Policy Statement, section 3.4.4 (see background below).

Attachment    Report: 2012-2013 Nearshore Eelgrass Inventory  
 Map 11a. Eelgrass Presence, Gabriola Island Local Trust Area – Southeast  
 Map 11b. Eelgrass Presence, Gabriola Island Local Trust Area - Northwest

### Background

The Islands Trust Policy Statement, section 3.4.4, states:

*Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.*

The 2013 Audit of Biodiversity in B.C. (Office of the Auditor General of B.C., [www.bcauditor.com/pubs/2013/report10/audit-biodiversity-bc-assessing-effectiveness-key-tools](http://www.bcauditor.com/pubs/2013/report10/audit-biodiversity-bc-assessing-effectiveness-key-tools)) highlighted the importance of collecting sufficient and reliable information on species distribution in order to make well-informed decisions about conserving biodiversity. With sensitive ecosystem mapping completed in the Islands Trust Area (2008-2010), the Bowen Island Municipality (BIM) and local trust committees have access to ecosystem data for terrestrial species. The Islands Trust and Islands Trust Fund are now working to acquire mapping of sensitive coastal areas to help island governments meet the requirements of the Islands Trust Policy Statement.

In 2012, the Islands Trust and Islands Trust Fund launched a project to map eelgrass as a partnership with the Seagrass Conservation Working Group and SeaChange Marine Conservation Society. The arrangement between the partners results in shared funding of the program between the Islands Trust, the Trust Fund Board and the Seagrass Conservation Working Group (through its member group, SeaChange Marine Conservation Society).

Eelgrass mapping is intended to assist BIM, local trust committees and the Trust Fund Board in making science-based decisions about land use and conservation to preserve coastal ecosystems in the Islands Trust Area. Eelgrass mapping will serve as a baseline inventory to monitor the effects of conservation activities, such as Marine Protected Areas, as well as human impacts, such as potential increased tanker traffic, marine industrial activities (e.g. log dumping and booms) and foreshore use (e.g. wharves and docks). It will also enable marine conservation groups to identify areas ideal for eelgrass restoration.

In 2012, the Islands Trust Fund and Seagrass Conservation Working Group, with financial assistance from some local trust committees and outside funders, mapped eelgrass in the following areas:

- Gambier;
- Lasqueti;
- Mayne;
- North and South Pender; and

- Thetis and associated islands (except Valdes).

In 2013, the partnership mapped eelgrass in the following areas, with funding from the Islands Trust, Islands Trust Fund, Metro Vancouver, Comox Valley Regional District, Capital Regional District, Victoria Foundation, Greater Victoria Savings and Credit Union Legacy Foundation and the Pacific Salmon Foundation:

- Ballenas – Winchelsea (Executive Islands) Local Trust Area
- Bowen Island Municipality;
- Denman Island;
- Gabriola and associated islands;
- Galiano and associated islands;
- Gambier associated islands;
- Hornby Island; and
- Valdes Island.

#### Resources for local trust committees

The following are some resources for local trust committees. Please see references in the attached report for a more complete list.

Hutton, K. E. and S. C. Samis. 2000. Guidelines to protect fish and fish habitat from treated wood used in aquatic environments in the Pacific Region. Can. Tech. Rep. Fish. Aquat. Sci. 2314: vi + 34 p. Available at <http://www.dfo-mpo.gc.ca/Library/245973.pdf> .

Fisheries and Oceans Canada. Projects Near Water. Available at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> .

Province of BC. 2011 (amended August 2013). Land Use Operational Policy: Private Moorage. Available at [http://www.for.gov.bc.ca/Land\\_Tenures/documents/policies/private\\_moorage.pdf](http://www.for.gov.bc.ca/Land_Tenures/documents/policies/private_moorage.pdf) .

EnviroVision, Herrera Environmental, and Aquatic Habitat Guidelines Program. October 2007 (revised June 2010). Protecting Nearshore Habitats and Functions in Puget Sound. Available at <http://wdfw.wa.gov/publications/00047/>.





Islands Trust

## Top Priorities

### Gabriola Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	<b>Gabriola Planning Area OCP Review:</b>	This a targeted OCP/LUB review and each topic is listed and described below in order of priority	Jan-19-2012	Courtney Simpson	Sep-01-2014	On Going
1	1) <i>Riparian Areas Regulation</i>	Implement the provincial Riparian Areas Regulation (RAR) and reduce fee for DP 3 application to \$200.  Bylaws 265 and 266 approved by EC, Bylaw 265 waiting for Ministerial approval (as of May 6, 2014).	Jun-28-2011	Courtney Simpson	Sep-14-2014	On Going
1	2) <i>Rezoning new RDN Parks and ITF nature reserves</i>	First reading given Jan 16/14 to both bylaws with amendments as per resolution. Referrals to be sent to select agencies and First Nations.	Nov-29-2012	Sonja Zupanec	Sep-01-2014	On Going
1	3) <i>Review and amend OCP &amp; LUB to increase local food security and farmland protection</i>	LTC endorsed changes in March 2014 and early referral to AAC and ALC sent prior to consideration of first reading May 2014.	Jan-19-2012	Sonja Zupanec	Sep-01-2014	On Going
1	4) <i>Implement OCP climate change policies into LUB</i>	CIM held April 3 and LTC to consider possible revisions at April LTC meeting.	Jan-07-2013	Sonja Zupanec	Sep-01-2014	On Going

1	<i>5) Consider density transfer affordable housing policies for cottage densities</i>	Not started				On Going
1	<i>6) Review DP-7 form and character guidelines for Village Core, and review OCP/LUB to make Village more pedestrian friendly, and to consider passive solar, renewable energy and energy efficient design.</i>	Overlaps with implementing climate change policies into the LUB and partially addressed in those staff reports.	Jan-17-2013	Sonja Zupanec	Sep-01-2014	On Going
1	<i>7) Update the 2010 build out map and report (including the number of existing and potential residential cottages and a list of forestry parcels with the potential for density transfer)</i>	Not started				On Going
1	<i>8) Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals</i>	Not started				On Going
2	<b>Housekeeping Bylaw Amendments</b>	Note: the priority for this item falls after #4 (climate change policies) in the OCP targeted review list.	Feb-20-2014	Courtney Simpson	Sep-01-2014	On Going
3	<b>Snuneymuxw First Nation Protocol Agreement Implementation</b>	May 16, 2013 resolution to delay spending this budget until after top priority 1 (OCP/LUB review) topics have gone to public hearing.		David Marlor Courtney Simpson	Mar-31-2014	On Going
4	<b>Development Approval Information bylaw</b>	Draft prepared. January 17, 2013 resolution to submit to EC. Draft will require review after bylaws 265 and 266 receive third reading.	Jun-28-2012	Sonja Zupanec	Jun-30-2013	On Going



**Projects**

**Gabriola Island**

No.	Description	Activity	Received/Initiated	Status
1	Review OCP and LUB to include protective measures for biodiversity.	Species and Ecosystems at Risk (SEAR) Local Government Working Group may have resources for this project.	Jan-19-2012	On Going
1	Review OCP and LUB to improve protection of coastal areas.		Jan-19-2012	On Going
1	Review OCP and LUB to protect water quality and quantity.		Jan-19-2012	On Going
1	Bylaw enforcement staff requested to provide a report on methods of proactive enforcement on advertised unlawful dwellings, as that is the point they are most likely to be unoccupied.		Nov-01-2012	On Going
1	Bylaw enforcement staff requested to provide an update on proactive enforcement of unlawful foreshore structures.		Nov-01-2012	On Going
2	Mudge and DeCourcy Island greenhouse gas emission inventories		Jan-27-2011	On Going
2	DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments. Topics include: <ul style="list-style-type: none"> <li>• park areas without park zoning</li> <li>• DAI Bylaw</li> </ul>		Apr-21-2011	On Going
2	Hazardous areas and steep slopes development permit area <ul style="list-style-type: none"> <li>• also consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain</li> </ul>		Feb-21-2013	On Going
2	Forage Fish Mapping Workshop	March, 2013 resolution	Sep-05-2013	On Going

3	Land Based Aquaculture	Review most recent provincial direction on land based aquaculture and develop appropriate policies and regulations.	Jan-16-2014	On Going
3	First Nations cultural references in land use planning	Work with Snuneymuxw First Nation (SFN) to seek funding for archaeological mapping and host and invite SFN Councillor Geraldine Manson to make a storytelling presentation on Gabriola.	Jan-27-2011	On Going



# Memorandum

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Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date April 25, 2014 File Number 6000-20 (Climate Change)

To Gabriola Island Local Trust Committee  
For meeting of May 15, 2014

From Courtney Simpson  
Regional Planning Manager  
Northern Office

Re Mudge & DeCourcy Greenhouse Gas Emissions Inventories

## **Introduction:**

At their March 13<sup>th</sup> meeting the Gabriola Local Trust Committee requested staff to review advice given to the Ballenas – Winchelsea Islands Local Trust Committee (Executive Committee) regarding required Official Community Plan content of an inventory of greenhouse gas emissions. This request is in relation the item on the Gabriola Projects List: “Mudge and DeCourcy Island greenhouse gas emission inventories”.

## **Background:**

The *Local Government Act* requires, in section 877(3), that “an official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets”.

This section of the *Local Government Act* came into force in 2008, and shortly afterwards greenhouse gas emissions inventories were available for the major islands in the Islands Trust Area, and official community plans were amended to come into compliance with this new required content.

Smaller islands in the Islands Trust Area, including Mudge and DeCourcy, do not have greenhouse gas emissions inventories, and there is no plan or budget in place to create them. The Ballenas-Winchelsea Islands, although a local trust area of its own, do not have inventories of greenhouse gas emissions. During development of the Official Community Plan for that local trust area, the provincial target was used due to lack of data. That satisfied the content requirement of the Local Government Act.

## **Staff Comments:**

For small, sparsely populated islands with residential land use, greenhouse gas emissions would likely be limited to home heating and transportation if there are any vehicles on the island. If an inventory were to take into account travel to and from the island, then the emissions from that transportation would likely but a significant portion of the inventory for that island. Undertaking an inventory of greenhouse gas emissions for a community creates a baseline by which reductions can be measured.

The *Local Government Act* itself does not explicitly require that baseline inventories are undertaken and included in the Official Community Plan, but it is not possible to measure reductions without a baseline.

The Climate Action Charter, to which Trust Council is a signatory, contains a commitment for measuring and reporting on a community's greenhouse gas emissions.

Despite the logical need for a baseline inventory in order to measure change in greenhouse gas emissions, and despite the Climate Action Charter, staff does not recommend this work for Mudge and DeCourcy Islands as a priority. Instead, this will be considered as a matter of course during the next review of these Official Community Plans. Given that the greenhouse gas emissions for these small communities are understood to be exceptionally low relative to the provincial and even the Islands Trust Area context, it is not recommended as a priority at this time.



# Memorandum

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northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date January 17, 2014 File Number 6500-02

To Gabriola Island Local Trust Committee  
For meeting of February 20, 2014

From Courtney Simpson  
Regional Planning Manager  
Northern Office

Re Top Priorities List

In the last year of the term of this Local Trust Committee (LTC), staff recommends revising the Top Priorities List so that it clearly reflects the priorities and expectations of the LTC given that there is not the time and resources to complete all of the listed items.

The following revised Top Priorities List is presented for review by the LTC. Note that the Development Approval Information Bylaw item is moved to be a part of the first priority, Riparian Areas Regulation. Although there are only supposed to be four top priorities according to Trust Council Policy 6.7.i, in this case staff would consider it appropriate to have four items, and once one is complete the list would return to three. Once there are only two remaining on the list, an item can be moved up from the Projects List.

The approach recommended differs from the way in which the Top Priorities List has been used so far this term, which has been to consider a long list of items as part of a single top priority, the Gabriola Planning Area OCP Review. The approach below recognizes that these items have effectively become separate projects with separate bylaws and separate public processes. The heading of the OCP Review is retained to indicate that the origin of all these items is a targeted OCP/LUB review.

Priority	Description	Activity
<b>Gabriola Planning Area OCP Review:</b>		This a targeted OCP/LUB review and topics are listed and described below in order of priority
1	Riparian Areas Regulation Implementation	Includes adopting new bylaws to implement the RAR, reducing the fee for DP 3 application to \$200, and adoption of a Development Approval Information Bylaw
2	Rezoning new RDN Parks and ITF nature reserves	
3	Review and amend OCP & LUB to increase local food security and farmland protection	
4	Implement OCP climate change policies into LUB	

The following items would then be moved to the Projects List:

- Consider density transfer affordable housing policies for cottage densities
- Review DP-7 form and character guidelines for Village Core, and review OCP/LUB to make Village more pedestrian friendly, and to consider passive solar, renewable energy and energy efficient design.
- Update the 2010 build out map and report (including the number of existing and potential residential cottages and a list of forestry parcels with the potential for density transfer)
- Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals
- Review OCP and LUB to include protective measures for biodiversity
- Review OCP and LUB to improve protection of coastal areas
- Review OCP and LUB to protect water quality and quantity
- Snuneymuxw First Nation Protocol Agreement Implementation

It is recommended THAT the Gabriola Island Local Trust Committee amend their Top Priorities and Projects list as presented in the January 17, 2014 memorandum.



## Applications w/ Status - Gabriola Island Status: Open

### Applications

#### Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2014.1	Intrascap Developments Inc. <b>Planner:</b> Sonja Zupanec	Jan-29-2014	development of 6790 square feet of leasable area within one building - addition of second building to phase 2 of Madrona Marketplace

#### Planning Status

**Status Date:** Feb-05-2014

Planner reviewing file.

#### Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GB-DVP-2014.1	Bruce Yuile <b>Planner:</b> Torill Gillespie	Apr-08-2014	Addition of single vehicle enclosed garage. require variance to build within 4 metres of property line

#### Planning Status

**Status Date:** May-05-2014

Requested information received

#### Rezoning

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2007.1	Donald and Brad Powell <b>Planner:</b> Courtney Simpson	Feb-16-2007	725 Church Street To rezone a portion of approximately 2 acres from institutional to seniors.

#### Planning Status

**Status Date:** May-08-2013

No new information from applicant

File Number	Applicant Name	Date Received	Purpose
GB-RZ-2009.1	Williamson & Associates	Nov-09-2009	Proposed Density Transfer - transfer of lands off South Road (south of 707 park) to lands off Daniel Way in the Locke Bay Development Permit Area to create 10 new lots.

**Planner:** Courtney Simpson

### Planning Status

**Status Date:** Apr-23-2013

Nothing new - still waiting to hear from applicant

## Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd.	Oct-06-2008	To create 6 parcels btwn McCollum & Tait Roads. (PARCEL C (DD 51803I) OF THE NORTH 1/2 OF THE NORTH EAST 1/4 OF SECTION 9, GABRIOLA ISLAND, NANAIMO DISTRICT)

**Planner:** Marnie Eggen

### Planning Status

**Status Date:** Apr-14-2014

parent lot is in transition of sale

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

**Planner:** Linda Prowse

### Planning Status

**Status Date:** Apr-23-2013

File reopened - Correspondence from MOTI says subdivision file is ongoing and that Preliminary Layout Approval has not yet been given

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2011.1	Williamson & Associates Professional Surveyors	Dec-23-2010	To create 2 parcels on Daniel Way (THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, GABRIOLA ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS 22029, 30038, 32376 AND VIP54644)

**Planner:** Marnie Eggen

### Planning Status

**Status Date:** Mar-14-2014

PLA received

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2012.2	Don Powell	Oct-24-2012	725 Church Street - subdivision to create one new lot and a remainder lot

**Planner:** Linda Prowse

### **Planning Status**

**Status Date:** Mar-18-2014

MOTI sent notification that the subdivision is NOT being approved. If the reasons for non-approval are not overcome in 1 year, the file will be closed. Note that Islands Trust staff re-sent our subdivision referral response as the notice of non-approval indicated that MOTI had not received it.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.2	Centre Stage Holdings Ltd.	Aug-09-2013	Subdivision to 6 lots

**Planner:** Linda Prowse

### **Planning Status**

**Status Date:** Sep-27-2013

Subdivision Referral Review Report sent to MOTI, applicant and LTC

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.3	Smythies & Associates	Oct-28-2013	411 Daniel Way subdivision to create 2 parcels

**Planner:** Linda Prowse

### **Planning Status**

**Status Date:** Mar-14-2014

MOTI did NOT give approval for this subdivision. The applicant has 1 year to overcome the two reasons for non-approval, and then the file will be closed.

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2013.4		Nov-13-2013	Driftwood Drive, Mudge Island Boundary Adjustment

**Planner:** Marnie Eggen

### **Planning Status**

**Status Date:** Apr-23-2014

PLA issued

### **Temporary and Industrial Use Permit**

File Number	Applicant Name	Date Received	Purpose
GB-TUP-2014.1	Aaron & Jessica Dewarle	Jan-16-2014	565 South Road, Gabriola Is. Vacation Rental Application

**Planner:** Marnie Eggen

### **Planning Status**

**Status Date:** Apr-23-2014

applicant withdrew application

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**Islands Trust**

LTC EXP SUMMARY REPORT F2014  
Invoices posted to Month ending March 2014

620 Gabriola	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-620	LTC "Trustee Expenses"	1,600.00	290.06	1,309.94
<b>LTC Local</b>				
65200-620	LTC - Local Exp - LTC Meeting Expenses	5,000.00	3,523.64	1,476.36
65210-620	LTC - Local Exp - APC Meeting Expenses	1,000.00	1,531.76	-531.76
65220-620	LTC - Local Exp - Communications	500.00	454.30	45.70
65230-620	LTC - Local Exp - Special Projects	3,500.00	434.67	3,065.33
65240-620	LTC - Local Exp - Miscellaneous	1,000.00	0.00	1,000.00
<b>TOTAL LTC Local Expense</b>		<u>11,000.00</u>	<u>5,944.37</u>	<u>5,055.63</u>
<b>Projects</b>				
73001-620-2001	Gabriola OCP/LUB	12,000.00	11,256.10	743.90
<b>TOTAL Project Expenses</b>		<u>12,000.00</u>	<u>11,256.10</u>	<u>743.90</u>





# STAFF REPORT

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Date: April 28, 2014

File No.: 6500 -20

**To:** Executive Committee acting as a Local Trust Committee (***Ballenas – Winchelsea Islands***)

Denman Island Local Trust Committee  
 Gabriola Island Local Trust Committee  
 Gambier Island Local Trust Committee  
 Hornby Island Local Trust Committee  
 Lasqueti Island Local Trust Committee  
 Thetis Island Local Trust Committee

**From:** Marnie Eggen, Planner 1

**CC:** Regional Planning Managers  
 David Marlor, Director of Local Planning Services

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**Re:** ***New Federal Marihuana for Medical Purposes Regulation***

## THE PROPOSAL:

The purpose of this report is to provide Local Trust Committees with the following:

- an overview of the new *Marihuana for Medical Purposes Regulation*;
- an overview of its implications for the Islands Trust Northern Region;
- an analysis of zones in Northern Region local trust areas that would currently permit medical marihuana production and request direction on amending bylaws; and
- an explanation of how notices of intent from proponents are being processed when received in the Northern Office.

## BACKGROUND:

Implementation of the new Federal *Marihuana for Medical Purposes Regulations* (MMPR) is underway. The new regulations (June 2013) came into force on April 1, 2014. However, as a result of a Federal Court Order, brought down March 21, 2014, those operating under the old regulations, *Medical Marihuana Access Program* (MMAR), are allowed to continue to produce medical marihuana past the original expiry date of March 31, 2014. The Order, however, does not affect the right of commercial medical marihuana producers to proceed with applications to Health Canada for licenses under the MMPR.

The new system relies on a more secure supply and distribution system that is based on federally licensed production facilities.

The federal government has indicated the following:

1. That it will respect local government zoning and bylaws when determining whether to issue production licenses;
2. That only enclosed and indoor grow operations will be licensed;
3. That only dried marihuana may be produced and sold;
4. The site must be designed in a manner that prevents unauthorized access and there must be visual monitoring of the perimeter of the site at all times.

Marihuana for Medical Purposes Regulation may be found at: <http://gazette.gc.ca/rp-pr/p2/2013/2013-06-19/html/sor-dors119-eng.php>

## Health Canada

Health Canada indicates, as of November, 2013, that it has received over 250 applications from individuals or companies seeking to become certified producers. Under the new regulation, applicants for a production licence are required to notify the local government, local police force and local fire officials of intention to apply to Health Canada.

As defined within the Regulation,

*“local government” includes the government of*

- o *(a) an incorporated or unincorporated city, metropolitan area, town, village or municipality;”*

Health Canada has indicated that it will not publically release the location of production sites. In the licencing process, it is looking to assure that producers are familiar with and able to comply with local government land use, development and servicing provisions. Health Canada does enable producers to publicize the location, and recognizes that an application to amend zoning or for a variance permit requires notification of the location.

## Agricultural Land Commission

The British Columbia Agricultural Land Commission (ALC) has released an information bulletin stating that “if a land owner is lawfully sanctioned to produce marihuana for medical purposes, the farming of said plant in the Agricultural Land Reserve (ALR) is permitted and would be interpreted by the Agricultural Land Commission as being consistent with the definition of “farm use” under the *ALC Act*.” Production of the plant indoors is considered farming, similar to a vegetable greenhouse operation. A small business office, testing lab, processing and drying, packaging shipping areas, cloning room and anything else directly related to the growing and processing of the plant are considered to be accessory uses associated with farm use. Determining an accessory use is contingent on the use being necessary and commensurate with the primary function of the property/building to produce an agricultural product. If a land use activity is proposed that is not specifically related to the growing of an agricultural product including a stand-alone research and development facility, an application to the Land Commission for non-farm use would be required.

Anecdotally, the Land Commission advises that a standard production and distribution facility may range from 10,000 to 50,000 square feet in size. Similarly to other indoor plant production,

common nuisances for surrounding property owners may include odors, noise associated with air ventilation and generators, and night time lighting.

The Information Bulletin may be found at:

[http://www.alc.gov.bc.ca/publications/ALC\\_Info\\_Bulletin\\_Marijuana\\_Amended\\_Jan\\_2014.pdf](http://www.alc.gov.bc.ca/publications/ALC_Info_Bulletin_Marijuana_Amended_Jan_2014.pdf)

## **Union of BC Municipalities**

The Union of BC Municipalities (UBCM) wrote to the federal Health Minister in June 2013 to draw attention to gaps in the federal licensing process that could allow an application to be approved which does not meet local government regulations. Responding to this concern, Health Canada is initiating phone confirmation directly to local governments to ensure that it has received notice of the application. Staff is not aware of any licenses issued under the new regulations to date within the Islands Trust Area. Islands Trust has received a handful of notices of intent.

## **Notice of intent to Local Governments**

Health Canada has designed a program that provides improved security of production and responds to the medical needs of Canadians. Implementing the program across Canada has not enabled federal authorities to tailor its process to each unique level of local government.

Health Canada requires that applicants, prior to submitting an application, must “provide written notice to local authorities to inform them of their intention to submit an application”. It also states that notice must be delivered to a senior official of the local government, of the RCMP, and of the local fire authority. To date, two notices of intent have been received for the Northern Region and the letter of response, copied to Health Canada, has included the following information:

- provisions of the applicable Land Use Bylaw, any applicable Development Permit Area provisions;
- reference to other agencies that work in cooperation with Islands Trust to manage development and servicing within the Trust Area; and
- a request that Health Canada refer the completed application with site plan for confirmation of compliance with the applicable Local Trust Committee bylaws.

Further information from Health Canada indicates that Health Canada won't be referring the completed application to local governments. As a result, staff will be requesting a full set of site plans from the applicant. As further information is provided from Health Canada, these processes may change. Local trust committees are not being copied or otherwise notified of these responses to notices of intent.

Health Canada is working with the Federation of Canadian Municipalities to develop a Fact Sheet. It has not confirmed if local elected officials are to be advised of the application, nor has it reconciled how the perspectives of the locally elected officials would be gathered if the location and address is protected by federal privacy and security provisions. At best, the comments of a local trust committee may be considered in-camera under section 90 (1) (m) of the *Community Charter*.

## Local Government Development and Servicing Regulations

Land use and zoning bylaws of an individual local trust area provide regulations concerning land use. Servicing of new development may be governed by bylaws of an applicable regional district, water purveyor, fire service area, or community association.

Bylaws applicable to the Northern local trust areas that regulate land use and servicing of new development include those of Cowichan Valley Regional District, Nanaimo Regional District, Comox Valley Regional District, Sunshine Coast Regional District, Metro Vancouver (e.g. Building Bylaws), applicable Water Purveyors (e.g. Comox Valley RD), and the local trust area land use bylaws.

## Islands Trust Policy Statement

The *Islands Trust Act* established the Islands Trust as a unique land-use planning agency, acting for residents and having a special conservation-oriented responsibility. The Policy Statement provides a general strategy for land use planning in partnership with provincial and federal agencies to achieve Object of the Trust (Reference BC *Islands Trust Act* and *Islands Trust Policy Statement*, 1993). Specific strategies addressed include ecosystem protection, stewardship of resources, and sustainable communities. Within the policy statement, there is commitment that some uses are not suited to the Trust Area.

The production of marihuana for medicinal purposes is not addressed explicitly in the Policy Statement. Several policies address all forms of development and essential servicing such as transportation or water supply, and environmental quality such as the following:

*3.1.9 Trust Council encourages actions and programs of other government agencies which... prevent pollution of the air, land and fresh and marine waters of the Trust Area.*

*4.1.2 Trust Council shall consult with the Ministry of Agriculture (name changed) and the British Columbia Land Reserve Commission to request that agricultural policies applied to the Trust Area are appropriate to the nature of agriculture within the Trust Area, including, but not limited to, the smaller island scale of agricultural activities.*

*4.4.1 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater.*

*5.1.2 It is Trust Council's policy that the intensity of noise and lighting in and through the Trust Area should be compatible with community character.*

## STAFF COMMENTS:

Medical marihuana production under the MMPR is best considered an industrial land use due to the scale and characteristics of the buildings the use must be carried out in for security and economic reasons. It is also considered an agricultural land use by the Agricultural Land Commission (ALC). As the ALC has recognized the licensed production of medical marihuana as a "farm use" under the *ALC Act*, medical marihuana production facilities are permitted on all lands that are located in the Agricultural Land Reserve. Local trust committees should consider

whether to permit the production of medical marihuana use elsewhere, e.g. as an industrial use. Additionally, as outlined in the Islands Trust Policy Statement above, the production of medical marihuana may not be an appropriate use for some areas; for example, small lots, smaller islands that are solely residential in character, or islands that have no ALR or industrial zoned lands. Also, consideration should be given to the likelihood of such operations on islands where services are limited, such as no connection to power, no ferry service, limited water supply. Staff advise local trust committees to use a clear land use planning rationale in their decision making process.

It is very difficult to predict how many, if any, producers will be licensed in the Northern local trust areas. Although Health Canada has received at least 250 applications, it is also very hard to predict how many producers will fill the market in Canada. Health Canada has not imposed any limits, but is taking the approach of letting the market decide.

Many BC local governments have adopted or are currently adopting bylaw amendments addressing the new MMPR. The zones where this use is generally being permitted is industrial and agricultural. Setbacks and minimum parcel size are key components of bylaw amendments. Setbacks are generally being set at 30 m and larger, and minimum parcel size ranges from approximately 2 ha to 260 ha.

### **Zones that Currently Permit the Production of Medical Marihuana in the Northern Region**

The following outlines the various land use bylaws and zones where the production of medical marihuana, licensed under the MMPR, would be permitted currently in the land use bylaws in the Northern Region. Staff has provided comments on considerations for the local trust committees. The details of the applicable zoning provisions related to the production of medical marihuana for each Northern Region land use bylaw listed below are included in the attachments to this report.

#### ***Executive Committee Local Trust Area (Ballenas – Winchelsea Islands)***

The Ballenas-Winchelsea Islands (B-W LTA (EC)) proposed Land Use Bylaw No. 28 permits the production of medical marihuana under the new MMPR in the Residential (R) zone because “agriculture” is a permitted use and “agriculture” as defined in the bylaw would encompass such a use (see Table 1 in Attachments). While horticulture is permitted in all zones, it does not permit commercial production except as a home occupation under Residential (R) zoning, where floor area limitation (700 sq. ft. max) would likely preclude this use. Industrial uses are prohibited in all zones and there are no ALR lands. Given this and the small size of the islands, limited services, and relatively high ecological value, staff suggests that the LTC consider amending the LUB to prohibit the production of medical marihuana in all zones.

#### ***Denman Island Local Trust Area***

The current Denman Island LUB No. 186 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture” and “horticulture” are permitted uses, and “agriculture” and “horticulture” as defined in the bylaw would encompass such a use (see Table 2 in Attachments):

- Residential (R1)
- Rural Residential (R2)
- Cohousing (R3)
- Agriculture (AG)
- Forest (F)
- Resource (RE)

Denman Island has a light industrial zone, but it does not permit medical marihuana production as currently written. Staff suggest that the LTC should consider amending the LUB to further limit the zones in which the activity can be conducted, but consider allowing the use in the light industrial zone.

### ***Gabriola Island Local Trust Area***

The current Gabriola Island LUB No. 177 and Draft Bylaw Amendment No. 275 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture,” “horticulture,” “commons agriculture,” and/or “light industry” are permitted uses, and as defined in the bylaw, they would encompass such a use (see Table 3 in Attachments):

- Small Rural Residential (SRR) on lots over 2 ha
- Large Rural Residential (LRR) on lots over 2 ha
- Agriculture (AG)
- Resource (R)
- Resource Residential (RR1)
- Forestry (F) (as per Draft Bylaw Amendment No. 275 (17/04/14))
- Seniors and Special Needs (as per Draft Bylaw Amendment No. 275 (17/04/14))
- Gabriola Commons Comprehensive Development Zone (GC)
- Industrial – Light (I)

Staff suggest that the LTC consider amending the LUB to further limit the zones in which the activity can be conducted, but continue to allow the use in the light industrial zone.

The current Mudge Island LUB No. 228 (includes Mudge, Link and Round Islands) is considered to permit the production of medical marihuana licensed under the MMPR in the Rural Residential zone because agriculture is a permitted use (see Table 4 in Attachments). Although agriculture is not defined in the bylaw, staff conclude that the production of medical marihuana wouldn't be precluded. These small islands do not have any ALR land or industrial zoned lands. Since Link and Round Islands are not serviced by power, a medical marihuana operation under the MMPR may not be feasible. Given the small size of the islands and residential character, staff suggests that the LTC consider amending the LUB to prohibit the production of medical marihuana in all zones.

The current Decourcy Island Zoning Bylaw No. 44 permits the production of medical marihuana licensed under the MMPR in the Rural zone because “agriculture” is a permitted use, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 5 in Attachments). This small island does not have any ALR land or industrial zoned lands. Given its small size and residential character, staff suggests that the LTC should consider amending the LUB to prohibit the production of medical marihuana in all zones.

### ***Gambier Island Local Trust Area***

The current Gambier Island LUB No. 86 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture” is a permitted use, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 6 in Attachments):

- Settlement Residential (SR)
- Rural Residential (RR)
- Agriculture (A)
- Sea Ranch Comprehensive Development (CD1) (Areas 1 & 2)

Gambier has some ALR lands and some industrial zoned lands. Staff suggest that the LTC consider amending the LUB to further limit the zones in which the activity can be conducted, but consider allowing the use in the industrial zone.

The current Keats Island LUB No. 78 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture” is a permitted use, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 7 in Attachments):

- Rural Residential (RR)
- Rural Comprehensive (RC)
- Private Institutional 2 (PI2)

Keats Island does not have any ALR lands or any industrial zoned lands. Given this and that the island is largely residential in character, staff suggest that the LTC consider amending the LUB to prohibit the use.

The current Gambier Associated Islands LUB No. 120 permits the production of medical marihuana licensed under the MMPR in the Rural Residential (RR1) zone because “agriculture” is a permitted use, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 8 in Attachments). These relatively small islands do not have any ALR land currently or any industrial zoned lands. Since the majority of the islands are not serviced, a medical marihuana operation under the MMPR may not be feasible. Given the foregoing and that the islands are mainly residential in character, staff suggests that the LTC consider amending the LUB to prohibit the production of medical marihuana in all zones.

### ***Hornby Island Local Trust Area***

The current Hornby Island LUB No. 86 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture” is a permitted use, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 9 in Attachments):

- Rural Residential (R3) & R3(a)
- Large Lot Residential/Water Resource Protection (LR/WSPA)
- Agriculture (A)
- Upland (UP)
- Land Cooperative 1 (LC1)

There are ALR lands, but no industrial zoned lands currently on Hornby. See the proposed Hornby Island LUB No. 150 below for staff comments.

The proposed Hornby Island LUB No. 150 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture” is a permitted use in those zones, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 10 in Attachments):

- Residential 2 – Large Lot (R2)
- Residential 4 – Forest (R4)
- Agriculture 1 (A1)
- Agriculture 2 – Agriculture/Residential (A2)
- Agriculture 3 – Agriculture/Residential (A3)
- Agriculture 4 – Agriculture/Residential (A4)

There are ALR lands on Hornby, but no industrial zoned lands in the proposed bylaw. Staff suggests that the LTC consider revising the proposed LUB to further limit the zones in which the activity can be conducted.

### ***Lasqueti Island Local Trust Area***

The current Lasqueti Island LUB No. 78 permits the production of medical marihuana licensed under the MMPR in the Land Based (LB) zone because “agriculture” is a permitted use in that zone, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 11 in Attachments). There are ALR lands and industrial zones on Lasqueti Island, but the industrial zones do not permit medical marihuana production as currently written. Since there are no electrical transmission lines currently to Lasqueti Island or anticipated in the future, a medical marihuana operation under the MMPR may not be feasible. Staff suggests that the LTC may consider amending the LUB to further limit the activity in the LB zone, but consider allowing the use in the industrial zones.

### ***Thetis Island Local Trust Area***

The current Thetis Island LUB No. 89 doesn’t permit the production of medical marihuana licensed under the MMPR because “agriculture” and “intensive agriculture” as defined in the bylaw and the *Local Government Act* do not encompass such a use (see Table 12 in Attachments). However, the use would be permitted regardless on ALR lands, which are zoned A1 on Thetis Island. There are no industrial zoned lands on Thetis Island. Staff suggests that the LTC consider amending the LUB to allow this use in the A1 zone on ALR lands.

The current Valdes Island Rural Land Use Bylaw No. 42 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture” is a permitted use in those zones, and as defined in the bylaw, “agriculture” would encompass such a use (see Table 13 in Attachments):

- Rural 1 (R1)
- Rural 2 (R2)

There are no ALR lands on Valdes Island or are there any industrial zones. Since, there are no utilities supplying electrical power to Valdes currently and they are discouraged in the RLUB, a medical marihuana operation under the MMPR may not be feasible. Given the foregoing and

that the island is largely residential/recreational in character, staff suggest that the LTC consider amending the LUB to prohibit the use.

The current Ruxton Island Zoning Bylaw No. 13 does not permit the production of medical marihuana licensed under the MMPR in any zone. Ruxton is included in the Thetis Associated Islands OCP and LUB project; see the proposed Thetis Associated Islands proposed LUB No. 94 for staff comments.

The Thetis Associated Islands proposed LUB No. 94 does not permit the production of medical marihuana licensed under the MMPR in any zone because the definition of horticulture specifically excludes the commercial production of medical marihuana. There are no ALR lands, and the proposed Official Community Plan recognizes that there are no current or anticipated agricultural or industrial operations in these small islands. Given this and the fact that the islands are relatively small and residential in character, staff suggests no amendments to the proposed LUB.

### **SUMMARY OF OPTIONS:**

Staff recommends that local trust committees consider and direct staff on their preferred approach for bylaw amendments in consideration of the new MMPR. Local Trust Committees have the following options:

- a) **Do nothing:** this may be an appropriate response for some islands, for example, if it is considered to be unlikely that anyone would establish a medical marihuana production facility under the new MMPR, especially on islands with no ALR. Should be balanced with consideration of the suitability of the use given the character/zoning of some islands.
- b) **Add to the projects list:** this may also be an appropriate response balancing the likelihood of someone establishing a medical marihuana production facility under the new MMPR with the other projects on an LTC's work program.
- c) **Add to the top priorities list and direct staff to provide more information:** If the LTC chooses this option, direction on the nature of bylaw amendments the LTC would like to consider should be provided. For example, the LTC is encouraged to consider if the use should be limited to agriculture zone only. Staff will then return with more information on other considerations such a minimum lot size for the use, setbacks and screening.

### **RECOMMENDATIONS:**

1. **THAT**, with regard to the production of medical marihuana under the new *Marihuana for Medical Purposes Regulation*, the (*insert Island*) Local Trust Committee not amend (*insert Island name*) Island Bylaw No. (*insert no.*) at this time.

OR

2. **THAT** the (*insert Island*) Local Trust Committee direct staff to add to the projects list an amendment to the (*insert Island name*) Island Bylaw No. (*insert no.*) regarding the production of medical marihuana under the *Marihuana for Medical Purposes Regulation*.

OR

3. **THAT** the (*insert Island*) Local Trust Committee direct staff to add to their top priorities list an amendment to the (*insert Island name*) Island Bylaw No. (*insert no.*) regarding the production of medical marihuana under the *Marihuana for Medical Purposes Regulation* and direct staff to provide further information on limiting and/or including the use by (*insert direction*), and provide further information regarding other provisions such as minimum lot size, setbacks and screening.

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Prepared and Submitted by:

*Marnie Eggen*

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Marnie Eggen, Planner 1

April 28, 2014

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Date

Concurred in by:

*Courtney Simpson*

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Courtney Simpson, Regional Planning  
Manager

May 6, 2014

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Date

Attachments:

1. Table 1: Ballenas – Winchelsea Islands (B-W LTA (EC)) proposed LUB No. 28
2. Table 2: Denman Island LUB No. 186
3. Table 3: Gabriola Island LUB No. 177  
Table 4: Mudge Island LUB No. 228  
Table 5: Decourcy Island Zoning Bylaw No. 44
4. Table 6: Gambier Island LUB No. 86  
Table 7: Keats Island LUB No. 78  
Table 8: Gambier Associated Islands LUB No. 120
5. Table 9: Hornby Island LUB No. 86  
Table 10: Proposed Hornby Land Use Bylaw No. 150
6. Table 11: Lasqueti Island LUB No. 78
7. Table 12: Thetis Island LUB No. 89  
Table 13: Valdes Island Rural Land Use Bylaw No. 42

## Attachment 1

**Table 1: Ballenas – Winchelsea Islands (B-W LTA (EC)) proposed LUB No. 28**

Agriculture: means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals but does not include aquaculture, intensive livestock operations, fur farming or mushroom farming.

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Residential (R)	<ul style="list-style-type: none"> <li>• 10% lot coverage</li> <li>• 6 m setback to any lot line; 15 m from NB of Sea</li> </ul>

Horticulture: means the use of land for the rearing of plants

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Permitted in all zones	<ul style="list-style-type: none"> <li>• Commercial production only permitted as a Home Occupation under Residential (R) zoning, where floor area limitation (700 sq. ft. max) would likely preclude this industrial use.</li> </ul>

The indoor production of medical marihuana is not permitted in the remaining zones on the Ballenas – Winchelsea Islands:

- Community Service (CS)
- Conservation (CN)
- Park (P)
- Nature Protection (NP)

## Attachment 2

**Table 2: Denman Island LUB No. 186**

AGRICULTURE means the use of land, buildings or structures for any of the following activities: growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;  
Storage, processing or direct marketing by a farmer of farm products ....

And

HORTICULTURE means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the land owners on their lot.

**Zones Where Permitted    Provisions limiting the extent of the use**

Residential (R1) Rural Residential (R2) Cohousing (R3)	<ul style="list-style-type: none"> <li>• 25% lot coverage in R1 and R2, and not applicable in R3;</li> <li>• 8m setback in R1 and R2 zones;</li> <li>• Setbacks:                         <ul style="list-style-type: none"> <li>• from the front lot line – R1 and R2=7.5m / R3=30m;</li> <li>• from the rear or side lot line – R1 and R2=3m / R3 = 30m;</li> <li>• from the exterior side lot line – R1 and R2=4.5m / R3 = 30m.</li> </ul> </li> </ul>
Agriculture (AG) Forest (F) Resource (RE)	<ul style="list-style-type: none"> <li>• Lot coverage including greenhouses:                         <ul style="list-style-type: none"> <li>• Agriculture = 75%;</li> <li>• Forest = 5%;</li> <li>• Resource = 10%;</li> </ul> </li> <li>• Lot coverage excluding greenhouses;                         <ul style="list-style-type: none"> <li>• Agriculture = 35%;</li> <li>• Forest = 5%;</li> <li>• Resource = 10%;</li> </ul> </li> <li>• Setbacks for buildings and structures other than residential:                         <ul style="list-style-type: none"> <li>• Front or exterior = A= 10m; F and RE = 30m;</li> <li>• Rear or side = A = 4.5m; F and RE = 15m.</li> </ul> </li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on Denman Island:

- Commercial (C)
- Light Industrial (L)
- Institutional (IN)
- Conservation (CN)
- Park (P)

### Attachment 3

**Table 3: Gabriola Island LUB No. 177**

*agriculture* means growing, rearing producing or harvesting agricultural crops, livestock and other animals for economic gain and includes the processing on a *lot* of primary agricultural products harvested, reared or produced on that *lot*, plus the storage of machinery, implements and agricultural supplies for the farm;

**Zones Where**

**Permitted**

**Provisions limiting the extent of the use**

<p>Residential:</p> <ul style="list-style-type: none"> <li>• SRR on lots over 2 ha;</li> <li>• LRR lots over 2 ha</li> </ul>	<ul style="list-style-type: none"> <li>• 20% lot coverage for SRR; 10% for LRR;</li> <li>• On lots 1 ha or larger, 10 m setback;</li> <li>• Setback for greenhouses &gt; 46 sq. m. floor area in size is 20 m from any lot line.</li> </ul>
<p>Agriculture:</p> <ul style="list-style-type: none"> <li>• AG (ALR)</li> </ul>	<ul style="list-style-type: none"> <li>• Lot coverage:             <ul style="list-style-type: none"> <li>• outside ALR - 35%;</li> <li>• on ALR - 35% excluding greenhouses;</li> <li>• on ALR - 75% total;</li> </ul> </li> <li>• 20 m setback for agricultural buildings;</li> <li>• 7.5 m setback for greenhouses in ALR;</li> <li>• 20 m setback for greenhouses &gt; 46 sq. m. in size outside of ALR.</li> </ul>
<p>Resource:</p> <ul style="list-style-type: none"> <li>• R;</li> <li>• RR1</li> </ul>	<ul style="list-style-type: none"> <li>• On both R and RR1, 10% lot coverage;</li> <li>• On R, lots 1 ha or more, 10 m setback from all lot lines and on lots &lt; 1 ha, setbacks are:             <ul style="list-style-type: none"> <li>• 6.0 m from the front lot line;</li> <li>• 4.5 m from exterior side lot line;</li> <li>• 1.5 m from interior lot line.</li> </ul> </li> <li>• On RR1, lots less than 2 ha, 6 m setback from all lot lines and lots 2 ha and larger, 10 m setback from all lot lines;</li> <li>• Setback for greenhouses &gt; 46 sq. m. floor area in size is 20 m from any lot line.</li> </ul>
<p>As Per Draft Bylaw Amendment No. 275 (17/04/14):</p> <ul style="list-style-type: none"> <li>• F</li> </ul>	<ul style="list-style-type: none"> <li>• 10% lot coverage;</li> <li>• On lots 1 ha or more, 10 m setback from all lot lines and on lots &lt; 1 ha, setbacks are:             <ul style="list-style-type: none"> <li>• 6.0 m from the front lot line;</li> <li>• 4.5 m from exterior side lot line;</li> <li>• 1.5 m from interior lot line</li> </ul> </li> <li>• Setback for greenhouses &gt; 46 sq. m. floor area in size is 20 m from any lot line.</li> </ul>

*horticulture* means growing of fruits, vegetable, flowers or ornamental plants for resale

**Zones Where**

**Permitted**

**Provisions limiting the extent of the use**

<p>Residential:</p> <ul style="list-style-type: none"> <li>• SRR including the sale of</li> </ul>	<ul style="list-style-type: none"> <li>• See above.</li> </ul>
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products	
Resource: • RR1	<ul style="list-style-type: none"> <li>• See above</li> </ul>
Per Draft Bylaw Amendment No. 275 (17/04/14): • SSN	<ul style="list-style-type: none"> <li>• 20% lot coverage;</li> <li>• 6 m setback from all lot lines.</li> </ul>

*commons agriculture* means community based agricultural uses that include; growing, rearing, producing or harvesting agricultural crops, livestock and other animals and includes the processing on a lot of primary agricultural products harvested, reared or produced on that lot, plus the storage of machinery, implements and agricultural supplies for the farm, and includes the sale of agricultural products grown or raised on the lot, but specifically excludes intensive agriculture

**Zones Where**

**Permitted**

**Provisions limiting the extent of the use**

Resource: GC	<ul style="list-style-type: none"> <li>• 12% lot coverage, including greenhouses;</li> <li>• Minimum setback for all agriculture buildings and structures is 20 metres from any lot line.</li> </ul>
Regulations applicable to agriculture in all zones	<ul style="list-style-type: none"> <li>• Height of agricultural buildings is 12 m max.</li> </ul>

*light Industry* means processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, repairing or salvaging goods or materials;

**Zones Where**

**Permitted**

**Provisions limiting the extent of the use**

Industrial - Light(I) not requiring sanitary sewer for disposal of industrial wastes	<ul style="list-style-type: none"> <li>• 50% lot coverage;</li> <li>• Max. floor area ratio is 0.35;</li> <li>• 10 m setback from all lot lines;</li> <li>• Max. of two industrial buildings.</li> </ul>
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The indoor production of medical marihuana is not permitted in the following zones on Gabriola Island as per LUB No. 177 and proposed bylaw amendment No. 275:

- Forestry/Wilderness Recreation 1(FWR1)
- Gravel Pit (GP)
- Village Commercial 1(VC1)
- Village Commercial 2 (VC2)
- District Commercial 1 (DC1)
- Local Commercial 1 – Neighbourhood Pubs(LC1)
- Local Commercial 2 –Restaurants(LC2)
- Local Commercial 3 - Garden Centres(LC3)
- Ferry Parking(FP)
- Tourist Commercial 1 (TC1)
- Tourist Commercial 2 - Campground(TC2)
- P1 Parks 1 – Provincial and Regional
- P2 Parks 2 – Passive Recreation Community Park

- P3 Parks 3 – Active Recreation Community Park
- IN1 Institutional 1
- IN2 Institutional 2
- IN3 Institutional 3
- YC Yacht Club Outstation - Upland

**Table 4: Mudge Island LUB No. 228**

Agriculture – (no definition)	
<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Rural Residential (RR)	<ul style="list-style-type: none"> <li>• On lots 0.4 ha or less setbacks are:               <ul style="list-style-type: none"> <li>• 6 m from front or rear lot line;</li> <li>• 1.5 m from interior lot lines;</li> <li>• m from any exterior side lot line.</li> </ul> </li> <li>• On lots 0.4 ha or larger, 10 m setback to all lot lines.</li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on the Mudge Island:

- Park and Institutional (PI)

**Table 5: Decourcy Island Zoning Bylaw No. 44**

“AGRICULTURE” means the growing, harvesting, processing, storage, and selling of crops, livestock, and poultry originating on the site, and includes the storage, repair, and servicing of farm machinery and implements used on that site, and includes accessory buildings and structures, excluding those used for human habitation, necessary for farm operations	
<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Rural Zone	<ul style="list-style-type: none"> <li>• 10% lot coverage;</li> <li>• 15 m height max. for buildings;</li> <li>• 30 m setback from any lot line.</li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on the Decourcy Island:

- Settlement Residential (S)
- Public Recreation (PR)

**Attachment 4**

**Table 6: Gambier Island LUB No. 86**

AGRICULTURE means the use of land, buildings or structures for the growing, rearing, producing or harvesting of agricultural plants, crops, livestock, and other farm animals and includes the processing and sale of products harvested, reared or produced on that lot and the storage of machinery, implements and supplies for use by the agricultural operation.

FARM USE means activities designated as farm use by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

(INTENSIVE AGRICULTURE (prohibited in all zones) means for the purposes of this Bylaw the confinement of livestock and fur bearing animals, the growing of mushrooms, land-based aquaculture, hydroponic growing of plants, or growing of plants in illuminated greenhouses between dusk and dawn, whether the use is conducted outside or within a building or structure.)

**Zones Where Permitted      Provisions limiting the extent of the use**

<p>Settlement Residential (SR), agriculture permitted on lots 2 ha or larger</p> <p>Rural Residential (RR) agriculture is permitted on lots 1 ha or larger</p>	<ul style="list-style-type: none"> <li>• Lot coverage for SR AND RR:             <ul style="list-style-type: none"> <li>• Lots less than 1 hectare in area: 25%;</li> <li>• Lots 1 hectare to less than 2 hectare in area: 20%;</li> <li>• Lots 2 hectares to less than 3 hectares in area: 18%;</li> <li>• Lots 3 hectares to less than 4 hectare in area: 15%;</li> <li>• Lots 4 hectares to less than 10 hectares in area: 12%;</li> <li>• Lots 10 hectares and greater in area: 10%.</li> </ul> </li> <li>• Setbacks for SR and RR zones:             <ul style="list-style-type: none"> <li>• 7.5 metres from any front or rear lot line;</li> <li>• 3 metres from any interior side lot line;</li> <li>• 4.5 metres from any exterior side lot line.</li> </ul> </li> </ul>
<p>Agriculture (A)</p>	<ul style="list-style-type: none"> <li>• Lot coverage is 10%</li> <li>• Setback of 30 m from front lot line, 15 from rear, interior, exterior lot lines.</li> </ul>
<p>Sea Ranch Comprehensive Development (CD1), agriculture permitted in "Area 1" and Farm Use permitted in "Area 2"</p>	<ul style="list-style-type: none"> <li>• Lot coverage - maximum 3000 sq ft for all buildings and structures on common property.</li> <li>• Minimum setback for any building or structure accessory to farm use from any lot line, including a strata lot line, is 15 metres.</li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on Gambier Island:

- Forest (F)
- Local Commercial (C1)
- Industrial (I)
- Community Service (S1)
- Local Service (S2)
- Recreation Service (S3)

- Community Nature Park (P1)
- Community Park (P2)
- Provincial Park (PP)
- Wilderness Conservation (G1)
- Nature Reserve (G2)

**Table 7: Keats Island LUB No. 78**

AGRICULTURE means the use of land for the growing, rearing, harvesting, or production of agricultural plants, crops, livestock, and other farm animals on land-based areas.

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Rural Residential (RR), agriculture permitted on lots larger than 2 ha  Rural Comprehensive (RC), agriculture permitted on lots larger than 2 ha	<ul style="list-style-type: none"> <li>• Lot coverage for RR is 25% &amp; 20% for RC;</li> <li>• Setbacks for RR and RC zones:               <ul style="list-style-type: none"> <li>• 5.0 m of any front lot line;</li> <li>• 1.5 m of any rear lot line;</li> <li>• 1.5 m of any interior side lot line; or</li> <li>• 3.0 m of any exterior side lot line.</li> </ul> </li> </ul>
Private Institutional 2 (PI2), agriculture permitted on lots larger than 2 ha	<ul style="list-style-type: none"> <li>• Lot coverage is 5%;</li> <li>• Setbacks:               <ul style="list-style-type: none"> <li>• 5.0 metres of any front lot line;</li> <li>• 1.5 metres of any rear lot line;</li> <li>• 1.5 metres of any interior side lot line;</li> <li>• 3.0 metres of any exterior side lot line.</li> </ul> </li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on Keats Island:

- Community Residential (CR1)
- Community Residential (CR2)
- Comprehensive Development (CD1)
- Private Institutional 1 (PI1)
- Private Conservation (PC)
- Community Service 1 (CS1)
- Community Service 2 (C2)
- Natural Area Community Park (P1)

**Table 8: Gambier Associated Islands LUB No. 120**

AGRICULTURE means the use of land for the growing, rearing, harvesting, or production of agricultural plants, crops, livestock and other farm animals.

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Rural Residential (RR1), Anvil Island, North and South Thormanby Islands, Turnagain Island, Jack Tolmie Island, Echo Island, Tiki Island, Grant Island, North, East, South and West Trail Islands, Surrey Islets, Bertha Islet, Merry Island, Franklin Island, Woolridge Island, Popham Islands, Mickey Island, Ragged Island, New (Silver) Island and Hermit Island.	<ul style="list-style-type: none"> <li>• 25% lot coverage;</li> <li>• 7.5 m setback from any lot line.</li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on the Gambier Associated Islands:

- Small Lot Rural Residential (SRR)
- Rural Residential 2 (RR2)
- Rural Residential 3 (RR3)
- Rural Residential 4 (RR4)
- Rural Residential 5 (RR5)
- Private Institutional (PI1)
- Park (Park)
- Private Conservation (PC)
- Forest (F)
- Community Service (CS)

## Attachment 5

**Table 9: Hornby Island LUB No. 86**

**agriculture** means the use of land for the growing, rearing, producing and harvesting of agricultural products and animals, including the processing on an individual farm of the primary agricultural products harvested, reared or produced on that farm;

**Zones Where**

**Permitted**

**Provisions limiting the extent of the use**

Rural Residential (R3) Zone and R3(a) (Agriculture as an accessory use)	<ul style="list-style-type: none"> <li>• 10% lot coverage on lots 1 ha or larger</li> <li>• 15% lot coverage on lots less than 1 ha</li> <li>• Setbacks:               <ul style="list-style-type: none"> <li>• 8 m from a front lot line;</li> <li>• 8 m from a rear lot line, and on lots less than 1 ac, 6 m;</li> <li>• 6 m from an interior side lot line, and on lots less than 1 ac, 3 m;</li> <li>• 8 m from an exterior side lot line, and on lots less than 1 ac, 6 m.</li> </ul> </li> </ul>
Large Lot Residential/Water Resource Protection (LR/WSPA) Zone	<ul style="list-style-type: none"> <li>• 10% lot coverage on lots 1 ha or larger;</li> <li>• 15% lot coverage on lots less than 1 ha;</li> <li>• Setbacks:               <ul style="list-style-type: none"> <li>• 8 m from a front and rear lot line;</li> <li>• 8 m from the interior side lot line adjacent to lot 3 of Plan 48077, and at least 6 metres from any other interior side lot line;</li> <li>• 8 m from an exterior side lot line.</li> </ul> </li> </ul>
Agricultural (AG) Zone	<ul style="list-style-type: none"> <li>• 10% lot coverage;</li> <li>• 8 m setback from all lot lines;</li> </ul>
Upland (UP) Zone	<ul style="list-style-type: none"> <li>• 5% lot coverage;</li> <li>• 8 m setback from all lot lines.</li> </ul>
Land Cooperative 1 (LC 1) Zone	<ul style="list-style-type: none"> <li>• 10% lot coverage;</li> <li>• Setbacks:               <ul style="list-style-type: none"> <li>• 8 m setback from front, rear and exterior lot lines;</li> <li>• 6 m setback from interior lot lines.</li> </ul> </li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on Hornby Island:

- Small Lot Residential (R1) Zone
- Compact Residential (R2) Zone
- Public Use (PU) Zone And Pu(B)
- Institutional Residential (I2) Zone
- Rural Service (C1) Zone
- Retail Commercial (C2) Zone
- Service Station Commercial (C2-1) Zone
- Comprehensive Commercial (C3) Zone
- Commercial Resort (C4) Zone
- Commercial Resort-Marina (C5) Zone

- Commercial Resort-Marina 1 (C5-1) Zone
- Commercial Campground (C6) Zone
- Commercial Campground 1 (C6-1) Zone
- Commercial Parking (C7) Zone
- Groundwater Recharge Area/Sustainable Ecosystem Management Area (GW-EMA) Zone
- Public Park (PR1) Zone
- Public Park Undeveloped (PR2) Zone

**Table 10: Proposed Hornby Land Use Bylaw No. 150**

**agriculture** means the use of land, buildings or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops or livestock.

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Residential 2 – Large Lot (R2) Zone, agriculture permitted on lots 2 ha and larger	<ul style="list-style-type: none"> <li>On lots 1 ha or more, 10 % lot coverage &amp; on lots &lt; 1ha lot coverage is 15%;</li> <li>8 m setback from front, rear, exterior lots lines and 6 m from interior lot lines.</li> </ul>
Residential 4 – Forest (R4) Zone, agriculture permitted on lots 2 ha and larger	<ul style="list-style-type: none"> <li>Lot coverage is 5%;</li> <li>8 m setback from all lot lines.</li> </ul>
Agriculture 1 (A1) Zone	<ul style="list-style-type: none"> <li>On lots 1 ha or more , 10 % lot coverage &amp; on lots &lt; 1ha lot coverage is 15%;</li> <li>8 m setback from all lot lines.</li> </ul>
Agriculture 2 – Agricultural/Residential (A2) Zone	<ul style="list-style-type: none"> <li>On lots 1.0 ha or more, lot coverage is 5 % &amp; on lots &lt; 1 ha, lot coverage is 15%;</li> <li>8 m setback from all lot lines.</li> </ul>
Agriculture 3 - Agriculture/Residential (A3) Zone	<ul style="list-style-type: none"> <li>10% lot coverage;</li> <li>8 m setback from front, rear, exterior lots lines and 6 m from interior lot lines.</li> </ul>
Agriculture 4 – Agricultural/Residential (A4) Zone	<ul style="list-style-type: none"> <li>On lots 1.0 ha or more, lot coverage is 5 %, on lots &lt; 1 ha lot coverage is 15%;</li> <li>8 m setback from all lot lines.</li> </ul>

The indoor production of medical marihuana is not permitted in the following zones in the proposed bylaw:

- Residential 1 – Small Lot (R1) Zone
- Residential 3 – Community Housing (R3) Zone
- Residential 3A – Community Housing (R3A) Zone
- Commercial 1 – Retail (C1) Zone
- Commercial 2 – Limited Commercial (C2) Zone
- Commercial 3 – Comprehensive Commercial (C3) Zone
- Commercial 4 – Resort (C4) Zone
- Commercial 5 – Comprehensive Commercial (C5) Zone
- Commercial 6 – Resort (C6) Zone
- Commercial 7 – Campground (C7) Zone
- Commercial 8 – Campground (C8) Zone
- Ecosystem Protection/Groundwater Recharge (EP1) Zone
- Water Supply Protection Area (WS) Zone
- Public Park 1 (P1) Zone
- Public Park 2 – Undeveloped (P2) Park Zone
- Public Use (PU) Zone

**Attachment 6**

**Table 11: Lasqueti Island LUB No. 78**

**AGRICULTURE** means:  
 on non-Agricultural Land Reserve areas, means the use of land, buildings or structures for the growing, rearing, producing or harvesting of crops, livestock, poultry and other animals subject to Provincial Regulation and includes the processing and sale of products harvested, reared or produced on that parcel and the storage of machinery, implements and supplies for use by the agricultural operation; and  
 on land within the Agriculture Land Reserve, in addition to the above, means the use of land for activities designated as farm use in terms of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and the use of land for farm operation, as defined in the *Farm Practices Protection (Right to Farm) Act*; and  
 agricultural uses include the processing of farm products grown off the farm where at least 50% (by volume) of the inputs for the processed farm products are grown or reared on the farm;

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Land Based (LB)	<ul style="list-style-type: none"> <li>• No lot coverage regulations;</li> <li>• No setback regulations.</li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on Lasqueti Island:

- Institutional 1 (IN1)
- Commercial 1 (C1)
- Commercial 2 (C2)
- Commercial 3 (C3)
- Industrial 1 (I1)
- Industrial 2 (I2)
- Industrial 3 (I3)
- Industrial 4 (I4)
- Industrial 5 (I5)

## Attachment 7

**Table 12: Thetis Island LUB No. 89**

AGRICULTURE means the use of land for the rearing of plants and animals.  
 NOTE: This bylaw defines “intensive agriculture as below in Section 915 of the *Local Government Act*.

Section 215 *Local Government Act*.  
 In this section, "intensive agriculture" means the use of land, buildings and other structures by a commercial enterprise or an institution for  
 (a) the confinement of poultry, livestock or fur bearing animals, or  
 (b) the growing of mushrooms.  
 (2) Despite a zoning bylaw, if land is located in an agricultural land reserve under the *Agricultural Land Commission Act* and that land is not subject to section 23 (1) of that Act, intensive agriculture is permitted as a use.  
 (3) Subsections (1) and (2) cease to have effect in an area after a zoning bylaw for that area is approved under section 903 (5).

Indoor production of medical marihuana would NOT be permitted under the above definitions; however, regardless, the use is permitted on ALR lands.

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Agriculture (A-1) ALR Lands	<ul style="list-style-type: none"> <li>• Lot coverage is 10%;</li> <li>• Setbacks:                             <ul style="list-style-type: none"> <li>• Buildings and structures for agriculture use, not intensive agriculture must be sited not less than:                                     <ul style="list-style-type: none"> <li>• 10 metres from front and exterior side lot lines;</li> <li>• 4.5 metres from rear or side lot lines; and</li> <li>• 4.5 metres from all wells and streams.</li> </ul> </li> <li>• All other buildings and structures must not be sited less than:                                     <ul style="list-style-type: none"> <li>• 7.5 metres from front, rear and exterior lot lines;</li> <li>• 3.0 metres from an interior side lot line.</li> </ul> </li> </ul> </li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on Thetis Island:

- Rural 2 (R2)
- Institutional 1, 2, 3 (I1, I2, I3)
- Public Utility 2 (S2)
- Rural Residential (R1)
- Commercial 1 (C1)
- Commercial 2 (C2)
- Community Service (C1)

**Table 13: Valdes Island Rural Land Use Bylaw No. 42**

AGRICULTURE means a use providing for the growing, rearing, producing and harvesting of agricultural products including the processing on an individual farm of the primary agricultural products harvested, reared or produced on that farm and the storage or repair of farm machinery and implements.

<b>Zones Where Permitted</b>	<b>Provisions limiting the extent of the use</b>
Rural 1, 2 (R1,R2)	<ul style="list-style-type: none"> <li>• Agriculture permitted in Rural 1 and 2 zones;</li> <li>• Lot coverage is 5%;</li> <li>• No building shall be located within 3 metres (9.8 feet) of any lot line or within 4.5 metres (14.8 feet) of front and exterior lot lines.</li> </ul>

The indoor production of medical marihuana is not permitted in the following zones on Valdes Island:

- Forest Wilderness (FW)
- Recreational Resource (RR)
- Recreation Home (RH)

**From:** Lisa Webster-Gibson  
**Sent:** April-28-14 4:51 PM  
**To:** Becky McErlean; Courtney Simpson  
**Subject:** Thetis Island Local Trust Committee Bylaw Referral - Bylaw 93 Associated Islands OCP and Bylaw 94 Associated Islands Land Use Bylaw

Attention: Gabriola Island Local Trust Committee

Attached is a bylaw referral package from the Thetis Island Local Trust Committee regarding Proposed Bylaws 93 and 94.

Proposed Bylaws No. 93 and 94, if adopted, would establish an Official Community Plan and Land Use Bylaw for ten small islands and water areas in the Thetis Local Trust Area within the Cowichan Valley Regional District, as shown on the attached map.

Please review the proposed regulations and indicate how your agency's interests in the proposed land and water use regulations are affected, as well as any suggestions regarding the proposed objectives or policies in the proposed bylaws.

Referral response forms are included for your convenience and we would appreciate your comments by **May 26, 2014**.

Planning staff is happy to discuss the proposed bylaws, either in person or over email or telephone. Contact information is included in the referral package.

Yours

Lisa

Lisa Webster-Gibson, BES, Hons.  
Legislative Clerk  
Islands Trust – Northern Office  
700 North Road, Gabriola Island, B.C. V0R 1X3  
Ph: 250.247.2204 or toll free [1.800.663.7867](tel:18006637867)  
Fx: [250.247.7514](tel:2502477514)  
[www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

*Preserving *Island* communities, culture and environment*



Please consider the environment before printing this email





Islands Trust

# BYLAW REFERRAL FORM

700 North Road  
Gabriola Island BC V0R 1X3  
Ph: (250) 247-2063  
Fax: (250) 247-7514  
northinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Thetis Island Local Trust Area Bylaw No.: 93 Date: April 28, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

Thetis Island Local Trust Committee

**PURPOSE OF BYLAW:**

A new Official Community Plan for the Thetis Associated Islands, ten small islands in the Cowichan Valley Regional District, between Chemainus and Valdes Island, as shown on the attached Schedule B Area of Application Map.

The proposed bylaw would establish an official community plan for the Thetis Associated Islands, detailing objectives and policies to guide decisions on: planning and land use management, environmental protection, community services, zoning and other development regulations respecting the use of land, including the surface of the water, the use, siting and size of buildings and structures, and the subdivision of land.

**GENERAL LOCATION:**

Bute, Dunsmuir, Dayman, Scott, Hudson, Ruxton, Tree, Whaleboat, Pylades, and Reid Islands

**LEGAL DESCRIPTION:**

N/A

**SIZE OF PROPERTY AFFECTED:**

n/a

**ALR STATUS:**

n/a

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

n/a

**OTHER INFORMATION:**

Proposed Bylaw No. 93 is proposed as the first Official Community Plan for the Thetis Associated Islands. Please note that a Land Use Bylaw for the Associated Islands is a concurrent proposed bylaw (No. 94) that is also referred to your agency. It would be beneficial to review the two bylaws together.

Reid, Pylades, Tree, Dayman, Scott, and Hudson Islands are presently unzoned lands.

For Ruxton Island, this proposed bylaw would replace the Ruxton Island Zoning Bylaw (1982).

For Bute and Dunsmuir Islands and their surrounding waters, this proposed bylaw would replace relevant regulations laid out in CVRD Zoning Bylaw No.110 and No. 1020.

Please direct any communications regarding this referral to the Northern Office of the IslandsTrust at (250) 247-2207 or by email to Aleksandra Brzozowski (abrzozowski@islandstrust.bc.ca).

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

  
(Signature)

Name: Aleksandra Brzozowski

Title: Island Planner

**This referral has been sent to the following agencies:**

**Regional Agencies:**

School District #79 Cowichan Valley  
Island Health

**Local Government:**

Cowichan Valley Regional District – Planning and Development  
Cowichan Valley Regional District – Parks  
Cowichan Valley Regional District – Building Inspection  
Salt Spring Island Local Trust Committee  
Gabriola Island Local Trust Committee

**Provincial Agencies:**

BC Assessment  
Integrated Land Management Bureau  
Ministry of Forests, Lands, and Natural Resource Operations –  
Ecosystems Branch  
Ministry of Forests, Lands, and Natural Resource Operations –  
Archaeology Branch  
Ministry of Forests, Lands, and Natural Resource Operations –  
Crown Land and Resources  
Ministry of Forests, Lands, and Natural Resource Operations –  
Water Stewardship Branch  
Ministry of Environment – BC Parks  
Ministry of Transportation and Infrastructure

**First Nations:**

Stz'uminus First Nation  
Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Penelakut Tribe  
Snuneymuxw First Nation  
Semiahmoo First Nation

**Federal Agencies:**

Department of Fisheries and Oceans  
Parks Canada  
Transport Canada

**Non-Agency Referrals:**

Islands Trust Fund  
Islands Trust Bylaw Enforcement Department

# BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

\_\_\_\_\_  
(Island)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

88

\_\_\_\_\_  
(Bylaw Number)

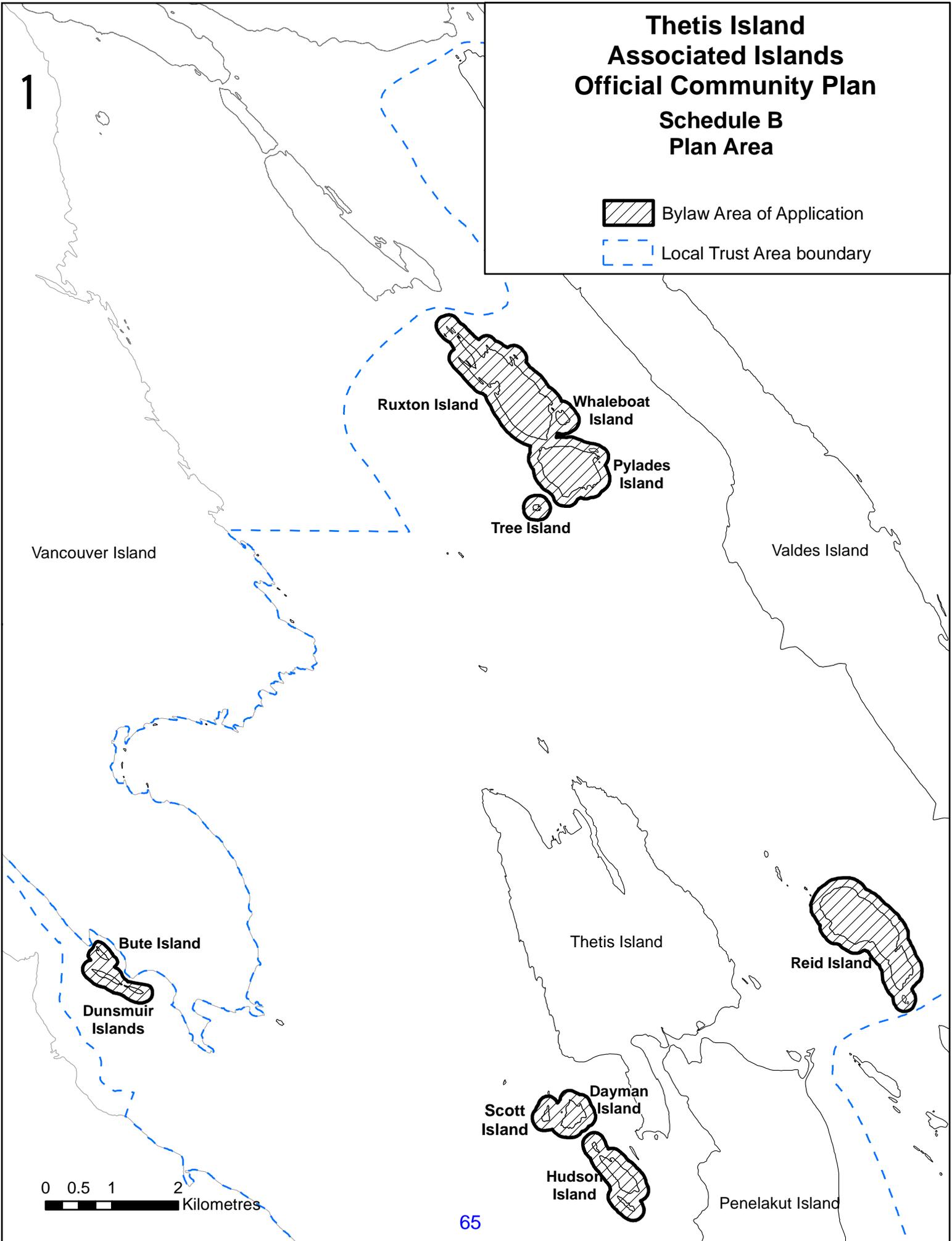
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(Signature)

\_\_\_\_\_  
(Agency)

\_\_\_\_\_  
(Phone Number)

# Thetis Island Associated Islands Official Community Plan Schedule B Plan Area

-  Bylaw Area of Application
-  Local Trust Area boundary



0 0.5 1 2 Kilometres



Islands Trust

# BYLAW REFERRAL FORM

700 North Road  
Gabriola Island BC V0R 1X3  
Ph: (250) 247-2063  
Fax: (250) 247-7514  
northinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Thetis Island Local Trust Area Bylaw No.: Proposed Bylaw No.94 Date: April 28, 2014

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

Thetis Island Local Trust Committee

**PURPOSE OF BYLAW:**

A new Land Use Bylaw for Thetis Associated Islands, ten small islands in the Cowichan Valley Regional District, between Chemainus and Valdes Island, as shown on the attached Schedule B Area of Application Map.  
  
The new land use bylaw regulates the use of land, including the surface of the water, the use, siting and size of buildings and structures, and the subdivision of land.

**GENERAL LOCATION:**

Bute, Dunsmuir, Dayman, Scott, Hudson, Ruxton, Tree, Whaleboat, Pylades, and Reid Islands

**LEGAL DESCRIPTION:**

N/A

**SIZE OF PROPERTY AFFECTED:**

n/a

**ALR STATUS:**

n/a

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

**OTHER INFORMATION:**

Proposed Bylaw No. 94 is proposed as the first Land Use Bylaw for the Thetis Associated Islands. Please note that an Official Community Plan for the Associated Islands is a concurrent proposed bylaw (No. 93) that is also referred to your agency. It would be beneficial to review the two bylaws together.  
  
Reid, Pylades, Tree, Dayman, Scott, and Hudson Islands are presently unzoned lands.  
  
For Ruxton Island, this proposed bylaw would replace the Ruxton Island Zoning Bylaw (1982).  
  
For Bute and Dunsmuir Islands and their surrounding waters, this proposed bylaw would replace relevant regulations laid out in CVRD Zoning Bylaw No.110 and No. 1020.  
  
Please direct any communications regarding this referral to the Northern Office of the IslandsTrust at (250) 247-2207 or by email to Aleksandra Brzozowski (abrzozowski@islandstrust.bc.ca).

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Aleksandra Brzozowski

Title: Island Planner

This referral has been sent to the following agencies:

**Regional Agencies:**

Island Health  
School District #79 Cowichan Valley

**Local Government:**

Cowichan Valley Regional District – Planning and Development  
Cowichan Valley Regional District – Parks  
Cowichan Valley Regional District – Building Inspection  
Salt Spring Island Local Trust Committee  
Gabriola Island Local Trust Committee

**Provincial Agencies:**

BC Assessment  
Integrated Land Management Bureau  
Ministry of Forests, Lands, and Natural Resource Operations –  
Ecosystems Branch  
Ministry of Forests, Lands, and Natural Resource Operations –  
Archaeology Branch  
Ministry of Forests, Lands, and Natural Resource Operations –  
Crown Land and Resources  
Ministry of Forests, Lands, and Natural Resource Operations –  
Water Stewardship Branch  
Ministry of Environment – BC Parks  
Ministry of Transportation and Infrastructure

**Federal Agencies:**

Department of Fisheries and Oceans  
Parks Canada  
Transport Canada

**First Nations:**

Stz'uminus First Nation  
Cowichan Tribes  
Halalt First Nation  
Lake Cowichan First Nation  
Lyackson First Nation  
Penelakut Tribe  
Snuneymuxw First Nation  
Semiahmoo First Nation

**Non-Agency Referrals:**

Islands Trust Fund  
Islands Trust Bylaw Enforcement Department

# BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
  
- Approval Recommended Subject to Conditions Outlined Below
  
- Interests Unaffected by Bylaw
  
- Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area  
\_\_\_\_\_  
(Island)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

89  
\_\_\_\_\_  
(Bylaw Number)

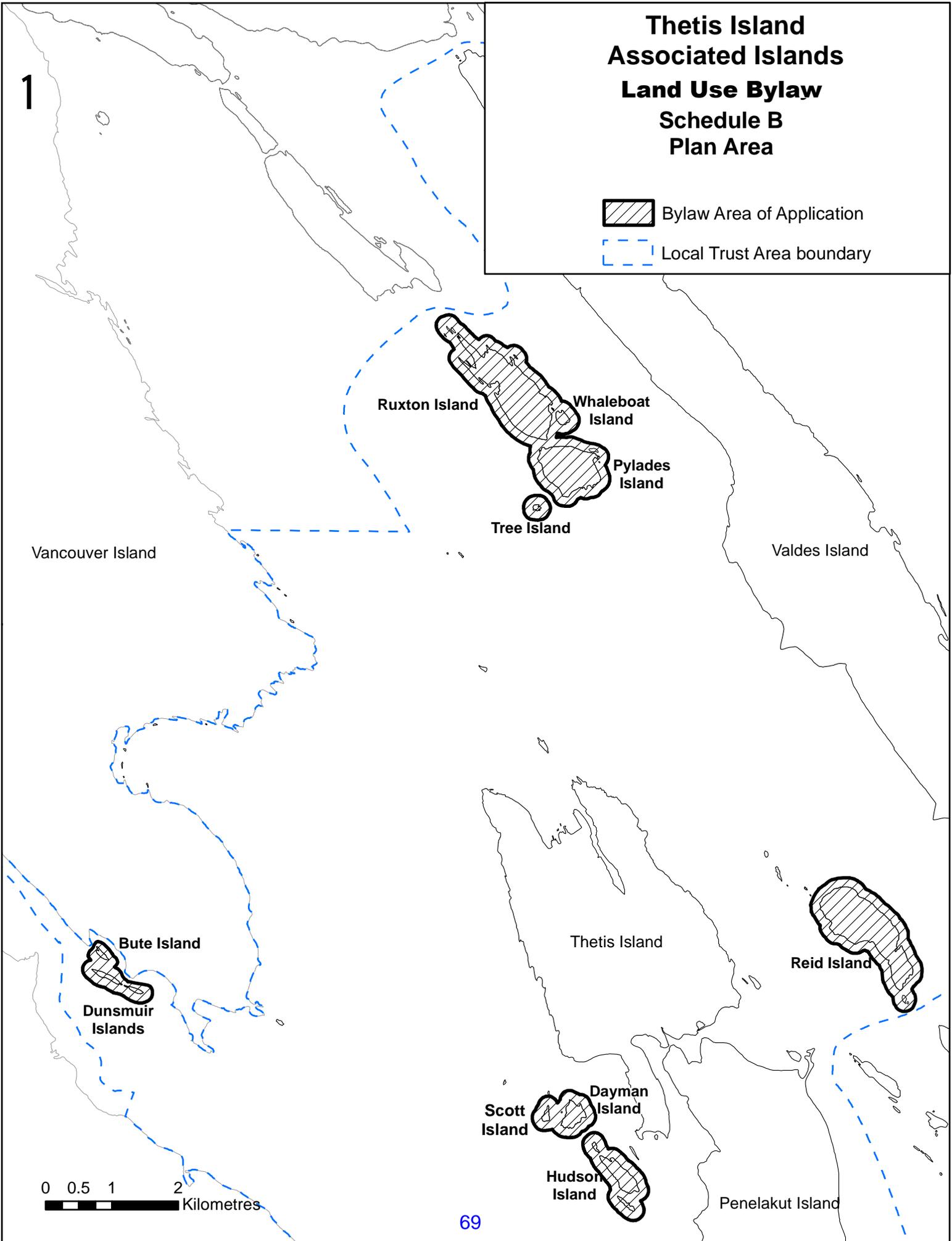
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(Signature)

\_\_\_\_\_  
(Agency)

\_\_\_\_\_  
(Phone Number)

# Thetis Island Associated Islands Land Use Bylaw Schedule B Plan Area

-  Bylaw Area of Application
-  Local Trust Area boundary





# STAFF REPORT

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**Date:** April 25, 2014

**File No.:** 3110-01 (Land  
Administration General)

**To:** Gabriola Island Local Trust Committee  
**For meeting of May 15, 2014**

**From:** Courtney Simpson, Regional Planning Manager

**CC:** Marnie Eggen, Planner 1; Linda Prowse, Planner 2

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**Re: Dormant Applications**

## THE PROPOSAL:

To report to the Gabriola Island Local Trust Committee on the status of dormant applications.

## BACKGROUND:

At the January 16, 2014 meeting the Local Trust Committee discussed dormant applications on the Applications Log, some being several years old. Staff advised that as a matter of course the LTC would be receiving a report on these applications, and at that time the task was added to the Follow Up Action List.

Islands Trust applications, including but not limited to development permit, development variance permit, and rezoning applications, that have not been advanced within one year are considered to be dormant. Subdivision referral files opened prior to 2012 (i.e. more than three years) that have received one or more Preliminary Layout Approval extensions without evidence of work having commenced, or that have not received Preliminary Layout Approval at all, are considered dormant.

Applications that are potentially dormant include the following as detailed below.

## **DORMANT APPLICATIONS:**

### ***GB-RZ-2007.1 (Powell)***

Location: 725 Church Street

Purpose: to rezone a portion of the lot from Institutional to Seniors and Special Needs residential

September 7, 2007 – First staff report. Resolution requesting additional information from applicant to address OCP policies. Proposal subsequently amended to increase area to be rezoned and decrease number of units.

September 22, 2011 – LTC adopted Bylaw 265 which amended the OCP introducing new multi-dwelling affordable housing policies, which would affect the rezoning applications.

February 2, 2012 – letter sent to applicant indicating that there are still outstanding items and asking if the applicant wished to proceed with the application. Applicant indicated they do wish to proceed.

March 22, 2012 – second staff report to LTC. Resolution to request applicant to address the current multi-dwelling affordable housing policies prior to further consideration of the application and directing staff to initiate process for cost recovery agreement.

August 1, 2012 – cost recovery agreement signed by applicant.

**Conclusion:** As there has been no activity on this application in 20 months, this application is dormant. Staff recommends sending a notice to the applicant that if there is no progress in the form of additional information requested within three months, the application will be closed.

### ***GB-RZ-2009.1 (Williamson & Associates)***

#### ***GB-SUB-2011.1 (Williamson & Associates)***

Location: South Road, south of 707 Park and Lock Bay

Purpose: Proposed Density Transfer and creation of create 10 new lots in Lock Bay area

July 28, 2011 - preliminary staff report. LTC requested additional information and directed staff to send an early referral of the rezoning proposal to the RDN, BC Parks, ITF, Snuneymuxw First Nation, VIHA, the Archaeology Branch, MoTI, GaLTT and the Gabriola Land Conservancy.

October 19, 2011 – PLA issued for GB-SUB-2011.1 for subdivision of receiver parcel subject of the rezoning.

October 27, 2011 - Supplemental information and early referral responses staff report to LTC. Resolution to defer further consideration of the application and that the referral responses be sent to the applicant. Early referral responses indicated lack of support and in some cases strong opposition to the proposed rezoning, largely with regard to the sensitive salt marsh ecosystem on the proposed receiver parcels.

October 31, 2011 - Early referral responses sent to applicant asking applicant to review the responses and indicate how they wish to proceed.

Feb 15, 2012 and May 3, 2012 – staff follow up with applicant. Applicant last indicated an intention to follow-up with some of the early referral agencies as well as a desire to finalize subdivision and development permit applications that pertained to one of the parcels involved in the rezoning first.

January 17, 2013 - DP was issued for Lock Bay parcel (GB-DP-2012.4)

**Conclusion:** as over one year has passed since the development permit for the Lock Bay parcel was issued, the application is considered dormant. Staff recommends sending a notice to the applicant that if there is no progress in the form of additional information requested within three months, the rezoning and subdivision applications will be closed.

***GB-SUB-2010.2 (McCollum & Krul)***

Location: 1520 McCollum Road

Purpose: To create 7 parcels

October 7, 2010 – File opened

November 10, 2010 – revised subdivision proposal received

April 19, 2011 – referral response sent to MoTI listing a number of requirements from Islands Trust including parkland dedication and a covenant.

May 31, 2011 – memorandum to LTC to request waiver of road frontage requirement. LTC waived the requirement.

September 6, 2011 – Regional District of Nanaimo Electoral Area ‘B’ Parks and Open Space Advisory Committee resolved that the proposed trail for park dedication (1% of area) as part of this subdivision should be denied in favour of a full 5% park dedication.

May 4, 2012 – Email from applicant saying they plan to submit a revised proposal regarding the community water system and potentially lot reconfiguration. Have not received this information.

March 12, 2013 – File closed due to inactivity, letter sent to applicant.

April 23, 2014 – File reopened as applicant advised that MoTI had incorrectly advised us that PLA had expired, as PLA has not been issued.

**Conclusion** – As there has been no activity on this file that Islands Trust staff is aware of in two years, it may be dormant. It is also possible that the file is being actively furthered with MoTI but no update has yet come to Islands Trust staff. Staff will ask the applicant for an update on the application, and if there has been no recent activity the applicant might be closed.

## STAFF COMMENTS:

Staff will continue to monitor applications and work with applicants to move them forward. Staff will bring dormant applications to the attention of the Gabriola Island Local Trust Committee and will report back to the LTC on the status of the applications discussed in this report.

For those applications being brought to the LTC as part of a Dormant Applications report for the first time via this Staff Report, the LTC may resolve to direct staff to give the applicant three months' notice to advance their proposal. The following applications are included in this Dormant Applications report for the first time:

- **GB-RZ-2007.1 (Powell)**
- **GB-RZ-2009.1 (Williamson & Associates)**

For the subdivision referral file **GB-SUB-2010.2 (McCollum & Krul)**, as staff has not contacted the applicant in the year since the file was reopened, it is presented for information only in this staff report. Staff will contact the applicant and will report back to the LTC.

## RECOMMENDATIONS:

THAT the Gabriola Island Local Trust Committee:

1. directs staff to give applicants of dormant applications GB-RZ-2007.1 (Powell) and GB-RZ-2009.1 (Williamson & Associates) three months' notice to advance their files after which if the application remains dormant, the Local Trust Committee will consider closing them; and
2. direct staff to report back on subdivision referral file GB-SUB-2010.2 for consideration of closing it, after contacting the applicant to determine whether or not it is dormant.

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Prepared and Submitted by:

*Courtney Simpson*

April 28, 2014

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RPP, MCIP  
Regional Planning Manager

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Date



# STAFF REPORT

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**Date:** April 25, 2014

**File No.:** 6400-20 Agriculture Policies

**To:** Gabriola Island Local Trust Committee  
For meeting of May 14, 2014

**From:** Sonja Zupanec, Island Planner

**Copy:** Courtney Simpson, Regional Planning Manager

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**Re: Gabriola Agriculture Policies – Draft OCP policies and LUB regulations for review**

## PURPOSE:

The purpose of this staff report is to: 1) review potential revisions to draft amending bylaws for the Official Community Plan (OCP) and Land Use Bylaw (LUB) based on recommendations from the Ministry of Agriculture staff and Agriculture Advisory Commission members; and 2) recommend consideration of first reading of draft bylaws 274 and 275.

## BACKGROUND:

Staff received direction from the Local Trust Committee (LTC) to proceed with early referral of both draft bylaws to the Ministry of Agriculture (MoA), Agriculture Land Commission (ALC) and the Gabriola Agriculture Advisory Commission (AAC). Recommendations from the MoA and AAC are available for consideration by the LTC. ALC recommendations or comments were not available at the time of report writing.

## MINISTRY OF AGRICULTURE:

Ministry staff provided early referral comments (letter dated April 10, 2014 attached) and were available by telephone conference with planning staff for further clarification on several points. One of the recommended changes to draft bylaw no. 274 included removing policies supporting prohibition of genetically engineered crops. Planning staff were able to clarify that the intent of OCP policy 5.3(l) is to prohibit the manufacturing and research of these crops on Gabriola Island, not the use of genetically engineered corn, for example, for local dairy and beef operations. Manufacturing and research of genetically engineered seeds, plants or animals is not considered a normal farming practice in BC, and therefore staff feel the LTC does have the ability to prohibit these uses on lands, buildings and structures in the Plan area.

In order to strengthen the intent of the OCP policy 5.3 (l) staff recommends the word 'production' be removed as the word production can be equated to growing.

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*1. Draft Bylaw 274 OCP Section 5.3(l) – remove the word production so that the policy reads: “The zoning bylaw shall prohibit the use of lands, buildings or structures in any zone being used for the manufacturing or research of genetically engineered seeds, plants or animals.”*

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The LTC is not able to regulate which seed a farmer chooses to grow if it is commercially available in Canada. No change to policy 5.3 (r) is recommended as this advocacy policy communicates a broad community desire to reduce or eliminate the use of genetically engineered or modified products in the Plan area and has no regulatory implications.

The Ministry recommended a revision to draft policy 5.3(m) regarding agri-tourism which planning staff supports to provide greater clarity. However the AAC provided a recommendation that this policy be amended further to include any property with farm status, not just those within the ALR. Staff supports the following revision:

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*2. Draft Bylaw 274 OCP Section 5.3(m) – revise so that the policy reads: “This plan supports agri-tourism on lands with farm status, and the zoning bylaw shall regulate agri-tourism operations and accommodations. Any agri-tourism activities or agri-tourism accommodation shall be accessory to farming.”*

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The Ministry also recommended a revised definition of ‘agri-tourism’ and staff supports the following revision in light of the proposed revision to further allow this use on lots outside the ALR:

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*3. Draft Bylaw 275 LUB Section F.1 Definitions – revise so that the definition reads: “agri-tourism means a tourist activity, service or facility which is accessory to a farm operation, as defined in the Farm Practices Protection (Right to Farm) Act, where the land is classified as a farm under the Assessment Act, and, where the farm is in active operation each year. “*

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The Ministry also recommended the *Local Government Act* definition of intensive agriculture be used and staff supports the following revision to the draft bylaw:

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*4. Draft Bylaw 275 LUB Section F.1 Definitions - revise so definition reads: “intensive agriculture means the use of land, buildings and other structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms.”*

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#### **AGRICULTURE ADVISORY COMMISSION:**

The AAC supported draft bylaw 275 as presented and had two minor changes to draft bylaw 274. The first recommended change to allow agri-tourism on any lot classified as a farm is captured above in OCP policy 5.3(m). If approved, this would need to be implemented in the zoning regulation as a permitted accessory use in all zones where agriculture is a permitted use and farm status is maintained. As farm status for lots smaller than two acres is increasingly difficult to achieve, staff recommend that agri-tourism as a permitted accessory use will naturally be limited to lots over 2 acres, in any zone agriculture is permitted. The following revision is recommended:

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*5. Draft Bylaw 275 LUB Section D – revise all zones where agriculture is a permitted use to include agri-tourism as a permitted accessory use.*

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The second AAC recommendation was to amend OCP draft policy 5.3 (w) to advocate for alternatives to the BC Environmental Farm Plan Program by adding “or other similar environmental farm programs” to the end:

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*6. Draft Bylaw 274 OCP Section 5.3 (w) – revise draft policy to read Farm operators are encouraged to enhance environmental farming practices, for example by participating in the Canada-BC Environmental Farm Plan Program or other similar environmental farm programs.*

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#### **ISLANDS TRUST POLICY STATEMENT:**

A copy of the Islands Trust Directives Only Policy Checklist is attached for LTC review. Both draft bylaws are consistent with the checklist and therefore the bylaw can be considered for first reading.

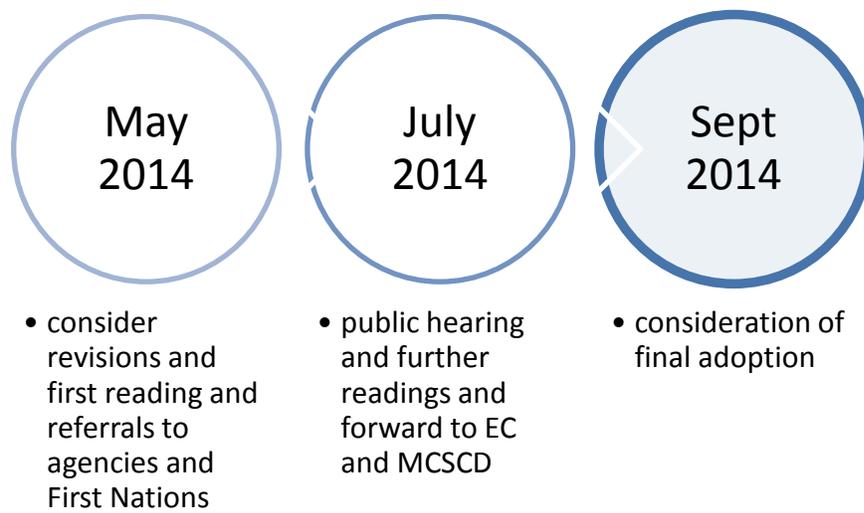
## AGENCY REFERRALS:

If first reading is given, staff recommends referral of the proposed bylaws to the following agencies and First Nations:

- Regional District of Nanaimo
- Agricultural Land Commission
- Ministry of Agriculture
- BC Assessment Authority
- Thetis Island LTC
- Penelakut Tribe
- Snaw'Naw'As Nation
- Snuneymuxw First Nation
- Cowichan Tribes
- Halalt First Nation
- H'ul'qumi'num Treaty Group
- Stz'uminus First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Te'Mexw Treaty Association
- Semiahmoo First Nation

## NEXT STEPS:

The following schedule of next steps is consistent with the project charter work-plan overview:



## RECOMMENDATIONS:

### THAT the Gabriola Island Local Trust Committee:

1. Revise draft bylaws 274 and 275 as deemed appropriate;
2. Advise the Executive Committee that it has reviewed the Directives Only Policies Checklist and determined that Draft Bylaws No. 274 and No. 275 are not contrary to or at variance with the Islands Trust Policy Statement;

3. Give first reading to Proposed Bylaw No. 274 cited as “Gabriola Island Official Community Plan Bylaw 166, 1997, Amendment No. 1, 2014”;
4. Give first reading to Proposed Bylaw No. 275 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2014”;
5. Direct staff to refer proposed bylaws No 274 and 275 to the following agencies and First Nations:
  - Regional District of Nanaimo
  - Agricultural Land Commission
  - Ministry of Agriculture
  - BC Assessment Authority
  - Thetis Island LTC
  - Penelakut Tribe
  - Snaw'Naw'As Nation
  - Snuneymuxw First Nation
  - Cowichan Tribes
  - Halalt First Nation
  - H'ul'qumi'num Treaty Group
  - Stz'uminus First Nation
  - Lake Cowichan First Nation
  - Lyackson First Nation
  - Te'Mexw Treaty Association
  - Semiahmoo First Nation

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Prepared and Submitted by:

*Sonja Zupanec*

April 25, 2014

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Sonja Zupanec, RPP, MCIP  
Island Planner

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Date

Concurred in by:

*Courtney Simpson*

April 28, 2014

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Courtney Simpson, RPP, MCIP  
Regional Planning Manager

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Date

Attachments:

1. Letter from MoA dated April 10, 2014
2. Directives Only Policy Checklists - April 2014
3. Draft Bylaw No. 274
4. Draft Bylaw No. 275





April 10, 2014

Sonja Zupanec, RPP  
Islands Trust  
700 North Road  
Gabriola Island, B.C. V0R 1X3

Via email: [szupanec@islandstrust.bc.ca](mailto:szupanec@islandstrust.bc.ca)

**RE: Draft Bylaw for Gabriola Island OCP/LUB Amendments - Agriculture**

Dear Sonja,

Thank you for providing the BC Ministry of Agriculture the opportunity to comment on the bylaw amendments sent on March 27, 2014. We hope you will find the below comments useful:

Proposed Bylaw No. 274

*Sections 5.3(l) and 5.3(r)*

Genetically engineered (GE) crops are regulated by the federal government and local governments, therefore, do not have the ability to prohibit these crops from being grown. The BC Ministry of Agriculture is, in any case, supportive of allowing farmers to choose farming practices and technologies which are most economical for their farm businesses at any point in time. This includes the option to use GE crops or practice organic agriculture or intensive farming. At the same time, the Ministry also recognizes that there are significant concerns for the growing organic sector with potential contamination from and co-existence with GE crops. The purpose of the proposed bylaws, as noted in the staff report dated December 16, 2013, is "to increase opportunities for local food security and farmland protection". The Ministry of Agriculture would argue that this purpose is not being supported by the prohibition of genetically engineered seeds, plants and animals.

*Section 5.3(m)*

It is encouraging to see the support for agri-tourism in the Bylaw. This encouragement should not extend to the point where agri-tourism is the principal use of the property as farming should continue to be the principal use. For example, this clause could read "This plan supports agri-tourism on lands within the Agriculture Land Reserve with farm status, and the zoning bylaw shall regulate agri-tourism operations and accommodation. Any agri-tourism activities or agri-tourism accommodation will be secondary and accessory to farming."

Proposed Bylaw No. 275

Item 1. f)

Please confirm that f) ii. will state “Under clauses **D.2.1.1.b...**”. Presently, this item reads D.2.11.b.. Agri-tourism should be an accessory use to the principal use of Agriculture.

Item k)i.

For the definition of ‘agri-tourism’, it is recommended that ‘accessory’ be incorporated. An example of an agri-toursim definition would be as follows:

*“travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is **accessory** to a farm operation, as defined in the Farm Practices Protection (Right to Farm) Act, where the land is classified as a farm under the Assessment Act; and, where the farm is in active operation each year.”*

To ensure that the agri-toursim uses are accessory to agriculture, the Islands Trust could consider the annual income from agri-toursim to be no more than the annual regular farm income as a means to control agri-tourism development.

It appears that many residential uses will be permitted in the Agriculture zone, which can create problems with maintaining farm operations in the ALR. From an initial count, an agricultural property could have a manufactured home (for farm worker housing), a secondary suite, agri-tourism accommodation (maximum four units) and bed and breakfast units. A full build out of the residential and commercial uses may put pressure on water available for agriculture.

The Ministry of Agriculture recognizes and appreciates that there are many policies being introduced in these bylaws that are supportive of agriculture, such as to the reduction to greenhouse setbacks in the zoning bylaw. Again, thank you for allowing the Ministry of Agriculture to comment on these amendment bylaws. If you have any questions or would like to discuss further, please do not hesitate to email Wayne Haddow, Regional Agrologist, at [Wayne.Haddow@gov.bc.ca](mailto:Wayne.Haddow@gov.bc.ca) or to call (250) 746-1212.

Regards,

Wayne Haddow, P.Ag.  
Regional Agrologist



Bronwyn Sawyer, A.Ag.  
Land Use Planner

pc: Bert van Daltsen, P.Eng.  
Manager, Strengthening Farming Program

Gordon Bednard  
Regional Planner, Agricultural Land Commission



Islands Trust

## POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

**Bylaw and File No: Gabriola Bylaw No. 274, 6400-20**

### **PURPOSE**

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

### **POLICY STATEMENT**

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

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

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

### **DIRECTIVES ONLY CHECK LIST**

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

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

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

**Part III Policies for Ecosystem Preservation and Protection**

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

**PART IV: Policies for the Stewardship of Resources**

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
✓	<b>4.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	<b>4.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	<b>4.1.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
✓	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	<b>Forests</b>
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	<b>Wildlife and Vegetation</b>
	4.4	<b>Freshwater Resources</b>
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	<b>Coastal Areas and Marine Shorelands</b>
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	<b>Soils and Other Resources</b>
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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### **PART V: Policies for Sustainable Communities**

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

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
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	<b>5.5</b>	<b>Recreation</b>
n/a	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
n/a	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
✓	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
n/a	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

<b>POLICY STATEMENT COMPLIANCE</b>	
✓	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>



Islands Trust

**POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaw and File No: Gabriola Bylaw No. 275, 6400-20**

**PURPOSE**

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

**POLICY STATEMENT**

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

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

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

**DIRECTIVES ONLY CHECK LIST**

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

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

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

**Part III Policies for Ecosystem Preservation and Protection**

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

**PART IV: Policies for the Stewardship of Resources**

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
✓	<b>4.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	<b>4.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	<b>4.1.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
✓	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
n/a	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	<b>Forests</b>
n/a	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
n/a	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
n/a	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	<b>Wildlife and Vegetation</b>
	4.4	<b>Freshwater Resources</b>
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
n/a	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	<b>Coastal Areas and Marine Shorelands</b>
n/a	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
n/a	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
n/a	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
n/a	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	<b>Soils and Other Resources</b>
n/a	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		protection of productive soils.
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### **PART V: Policies for Sustainable Communities**

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

<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
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	<b>5.5</b>	<b>Recreation</b>
n/a	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
n/a	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
✓	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
n/a	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

<b>POLICY STATEMENT COMPLIANCE</b>	
✓	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>



# STAFF REPORT

**Date:** May 1, 2014

**File No.:** 6500-20 Climate Change  
Policy Implementation

**To:** Gabriola Island Local Trust Committee  
For meeting of May 14, 2014

**From:** Sonja Zupanec, Island Planner

**Copy:** Courtney Simpson, Regional Planning Manager

**Re: Climate Change Policy Implementation – Draft Bylaw No. 273**

## PURPOSE:

The purpose of this report is to:

- 1) provide advice to the LTC on potential changes to draft bylaw 273 to exclude mechanical/utility rooms in cottages containing green building energy systems, from the floor area calculation; and
- 2) consider any revisions to the draft bylaw and consider first reading.

Early referral responses from the Gabriola Advisory Planning Commission (APC) and Regional District of Nanaimo (RDN) were not available at the time of report writing but will be verbally presented at the May 14, 2014 LTC meeting.

## STAFF COMMENTS:

At the April 17, 2014 regular business meeting the LTC passed a resolution requesting staff advice on excluding mechanical/utility rooms from floor area calculations if they contained green building energy systems.

### Exclusions in floor area calculations:

Under the current definition of floor area in the Gabriola Island Land Use Bylaw (LUB), only cisterns are excluded from the floor area calculation, if the cistern is used for the collection of rainwater for domestic use or fire protection.

Under the provisions of the Gabriola LUB, accessory cottages have a floor area limit of 65 square metres (699.7 square feet). The incorporation of sustainable energy systems (such as solar domestic hot water heaters; heat pump components and inverters) are typically sited inside the dwelling and can reduce the amount of floor area available for living. Excluding a specific floor area for these energy systems could be an incentive for builders/home owners to incorporate sustainable energy alternatives into the building design at the time of cottage construction or retrofit. This may potentially result in a reduction in the installation of electric baseboard heaters and woodstoves in cottages, or fewer accessory buildings to house such components.

Staff supports a specific exclusion in the land use bylaw for cottages only, up to a maximum of 2.3 square metres (25 square feet). This floor area is based on the average size of a utility room in a small single family dwelling to accommodate average sized sustainable energy systems in consultation with Natural Resources Canada 'Solar Ready Homes' guidelines <http://www.nrcan.gc.ca/node/6295>

#### Mechanical/Utility Rooms for green energy:

Mechanical rooms are typically associated with larger commercial or institutional buildings and the term 'utility room' is the more common term for the room within a single family dwelling that contains laundry, energy and/or electrical systems. As the intent of a possible floor area exemption is to encourage the use of alternative energy systems in cottages, staff is proposing the room be referenced as a '**sustainable energy systems utility room**' and be defined in the LUB as:

**“a room in a cottage used for the installation and use of solar photo voltaic and solar domestic hot water conduits, electrical hardware or tanks; inverters; charge controllers; grey water treatment and/or heat pump components.”**

The exclusion in the definition of floor area could be amended to read:

**“the floor area occupied by:**

- a) any cistern used for the collection of rainwater for domestic use or fire protection; and/or**
- b) a *sustainable energy systems utility room* in a cottage, up to a maximum of 2.3 square metres (25 square feet)**

**is excluded.”**

Staff recommends the draft bylaw be revised as deemed appropriate by the LTC and considered for first reading.

#### **ISLANDS TRUST POLICY STATEMENT:**

A copy of the Islands Trust Directives Only Policy Checklist is attached for LTC review. The draft bylaw is consistent with the checklist and therefore the bylaw can be considered for first reading.

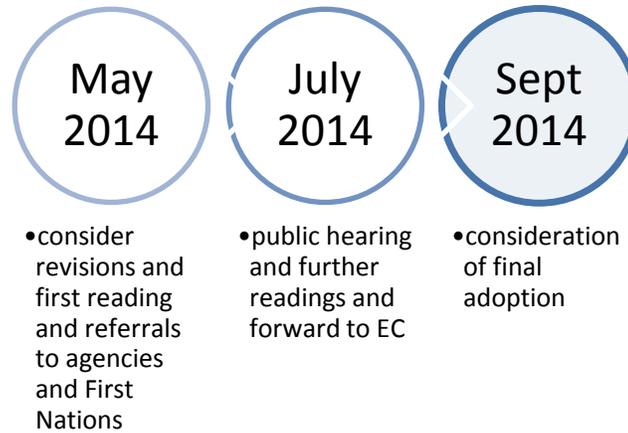
#### **AGENCY REFERRALS:**

If first reading is given, staff recommends referral of the proposed bylaw to the following agencies and First Nations:

- Regional District of Nanaimo Building and Sustainability
- Thetis Island LTC
- Penelakut Tribe
- Snuneymuxw First Nation
- Cowichan Tribes
- Halalt First Nation
- H'ul'qumi'num Treaty Group
- Stz'uminus First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Semiahmoo First Nation

## NEXT STEPS:

The following schedule of next steps is consistent with the project charter work-plan overview:



## RECOMMENDATIONS:

### THAT the Gabriola Island Local Trust Committee:

1. Revise draft bylaw 273 as deemed appropriate;
2. Advise the Executive Committee that it has reviewed the Directives Only Policies Checklist and determined that Draft Bylaw No. 273 is not contrary to or at variance with the Islands Trust Policy Statement;
3. Give first reading to Proposed Bylaw No. 273 cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2013”;
4. Direct staff to refer proposed bylaw No 273 to the following agencies and First Nations:
  - Regional District of Nanaimo Building and Sustainability
  - Thetis Island LTC
  - Penelakut Tribe
  - Snuneymuxw First Nation
  - Cowichan Tribes
  - Halalt First Nation
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  - Stz'uminus First Nation
  - Lake Cowichan First Nation
  - Lyackson First Nation
  - Te'Mexw Treaty Association

Prepared and Submitted by:

*Sonja Zupanec*

May 1, 2014

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Sonja Zupanec, RPP  
Island Planner

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Date

Concurred in by:

*Courtney Simpson*

May 6, 2014

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Courtney Simpson, RPP, MCIP  
Regional Planning Manager

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Date

Attachments:

1. Policy Statement Checklist
2. Draft Bylaw No. 273



Islands Trust

## POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

**Bylaw and File No: Gabriola Bylaws 273**

### **PURPOSE**

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**PART IV: Policies for the Stewardship of Resources**

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### **PART V: Policies for Sustainable Communities**

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<b>CONSISTENT</b>	<b>NO.</b>	<b>DIRECTIVE POLICY</b>
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	<b>5.5</b>	<b>Recreation</b>
n/a	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
n/a	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
n/a	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
n/a	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
n/a	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
n/a	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
n/a	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
✓	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
n/a	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

<b>POLICY STATEMENT COMPLIANCE</b>	
✓	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>

# DRAFT

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## Gabriola Island Local Trust Committee

### BYLAW NO. 273

\*\*\*\*\*

#### A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177

\*\*\*\*\*

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

1. Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw No. 177, 1999” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2013”

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 201x
READ A SECOND TIME THIS	DAY OF	, 201x
READ A THIRD TIME THIS	DAY OF	, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 201x
ADOPTED THIS	DAY OF	, 201x

---

**SECRETARY**

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**CHAIRPERSON**

## **Gabriola Island Local Trust Committee**

### **Bylaw No. 273**

#### **Schedule 1**

1. Schedule "A" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw No. 177, 1999", is amended as follows:

a) To section B.5 Parking:

- i. insert a new article B.5.2.2 as follows: "In calculating the parking spaces required in Table 2 of B.5.1.1, for commercial uses in the Village Commercial 1, Village Commercial 2, and District Commercial zones, the standard parking requirements in column 2 are to be maximum parking requirements; for all other zones and uses listed in Table 2 of B.5.1.1, standard parking requirements are to be minimum parking requirements.";
- ii. insert a new article B.5.2.3 as follows: "Where parking spaces are designated for the use of motorcycles or scooters, such designated motorcycle/scooter parking spaces shall each be counted as the provision of 0.5 required vehicle parking spaces, to a maximum of 15% of required parking spaces.";
- iii. replace article B.5.3.3 with " Accessible parking spaces must be a minimum of 3.7 metres in width and 6.25 metres in length and have an unobstructed vertical clearance of at least 2.0 metres."
- iv. insert a new article B.5.3.4 as follows: "Despite B.5.3.2 parking spaces for motorcycles or scooters must be a minimum of 1.4 metres in width and 2.5 metres in length."
- v. Insert a new article B.5.3.5 as follows: "Despite B.5.3.2 parking spaces for small vehicles must be a minimum of 2.4 metres in width and 4.6 metres in length."
- vi. Insert a new article B.5.3.6 as follows: "Where a building or use provides more than 10 parking spaces, 20% of the total spaces may be reduced to 2.4 metres in width and 4.6 metres in length and marked with the words 'SMALL VEHICLE ONLY' on the pavement or facing wall."
- vii. Replace article B.5.4.2 with "All accessible parking spaces, small vehicle and motorcycle/scooter parking spaces must be located adjacent to a main entrance of a building for which the parking is required and marked with a sign or symbol identifying each space reserved for such parking. Priority location adjacent to a main entrance must be for accessible parking spaces"
- viii. to B.5.1 add the words "and Bicycles" after "Automobiles"; and

ix. insert a new Column 4 to Table 2: Parking Requirements as follows:

<b>Table 2: Parking Requirements</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Use</b>	<b>Standard Parking Requirements</b>	<b>Accessible Parking Requirements</b>	<b>Bicycle parking requirements</b>
<b>RESIDENTIAL</b>			
<i>single family dwelling</i>	2 per <i>dwelling unit</i> plus 1 per <i>boarder</i>	None required	None required
<i>cottage</i>	2 per <i>cottage</i>	None required	None required
<i>multiple family dwelling</i>	1.25 per unit plus 1 per employee	Greater of 1 or 1 per 10 units	1 per unit without a garage
<b>HOME OCCUPATIONS</b>			
galleries and live theatre	1 per 16 square metres (172.2 square feet) of <i>floor area</i> or performance area used	None Required	None required
teaching of arts and crafts	1 per 2 students plus 1 per employee	None Required	None required
<i>bed and breakfast</i>	1 per rental room plus 1 per non-resident employee	None Required	None required
Instructional classes	1 per employee and 1 per 2 clients	None Required	None required
watercraft and bicycle rental	1 per 2 rentals	None Required	None required
other <i>home occupations</i>	1 per employee	None Required	None required
<b>COMMERCIAL</b>			
Village Commercial and District Commercial shopping centres	1 per 16.0 square metres (172.2 square feet) of leasable <i>floor area</i> in the <i>building</i>	Greater of 1 or 1 per 50 parking stalls	1 per 250 square metres (2690 square feet) of leasable <i>floor area</i> in the <i>building</i>
restaurants and bars	1 per 3 seats	Greater of 1 or 1 per 50 parking stall	1 per 15 seats
nurseries and greenhouses	1 per 16.0 square metres (172.2 square feet) of <i>floor area</i> of the retail sales <i>building</i>	Greater of 1 or 1 per 50 parking stall	1 per 10 parking stalls
Offices	1 per 35 square metres (376.7 square feet) of <i>floor area</i>	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls

<b>Table 2: Parking Requirements</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Use</b>	<b>Standard Parking Requirements</b>	<b>Accessible Parking Requirements</b>	<b>Bicycle parking requirements</b>
mini-storage	1 per 5 mini-storage units	Greater of 1 or 1 per 50 parking stalls	None required
tourist accommodation except campgrounds	1 per sleeping unit plus 1 per 3 seats in a food or beverage area	Greater of 1 or 1 per 20 accommodation units	Greater of 1 or 1 per 10 sleeping units
<i>marina</i>	1 per 2 boats berthed on an annual basis and 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 20 parking stalls
golf course	50 per nine holes plus 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 20 parking stalls
<i>limited public market</i>	1 per vendor	Greater of 1 or 1 per 50 parking stalls	None required
<b>INDUSTRIAL</b>			
<i>light industry</i> and shipyard use	1 per 2 employees	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees
boat building school	1 per 2 students and 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 10 of the total number of students and employees
<b>PUBLIC SERVICE AND UTILITY</b>			
<i>Church</i>	1 per 2 metres of pews	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
community halls, auditoriums, lodges, theatres	1 per 4 seats	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
<i>schools, elementary</i>	1 per 1 employee	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees plus 1 per 10 students
<i>schools – secondary</i>	1 per employee plus 1 per 10 students	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees plus 1 per 8 students
library, post office	1 per 20.0 square metres (215.2 square metres) of <i>floor area</i>	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
police station	1 plus 1 per employee	Greater of 1 or 1	None required

<b>Table 2: Parking Requirements</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Use</b>	<b>Standard Parking Requirements</b>	<b>Accessible Parking Requirements</b>	<b>Bicycle parking requirements</b>
		per 50 parking stalls	
fire hall	1 per 1 employee or volunteer	Greater of 1 or 1 per 50 parking stalls	None required
Museums	1 per 30.0 square metres (322.9 square feet) of <i>floor area</i>	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
Medical Offices and Clinics	1 per 20 m <sup>2</sup> (215 ft <sup>2</sup> ) of <i>floor area</i> .	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls

- x. Insert new subsection B.5.5 as follows:

**“Standards for Bicycle Parking Spaces**

B.5.5.1 Each bicycle *parking space* must be accessible to a highway or vehicle *parking lot* via an access aisle that is not less than 1.2 metres (3.9 feet) in width.

B.5.5.2 Bicycle *parking spaces* must be at least 0.8 metres (2.6 feet) in width and 1.8 metres (5.9 feet) in length with a minimum overhead clearance of 1.2 metres (3.9 feet).

B.5.5.3 Bicycle *parking spaces* must include a fixed *structure* that supports the bicycle frame in a stable position without damage to the wheels, frame or components and that enables the frame and both wheels to be locked to the *structure* by the cyclist’s own locking device. Protection from precipitation must be provided for 50 per cent of all spaces required.

B.5.5.4 Bicycle *parking spaces* are to be located at the primary entrance to the *building* or use being served.”

- b) To section F.7 DP-7 The Village Centre:

- i. To F.7.3.7 to add the following text after “eating areas”: “and businesses should open to the street to create a greater sense of intimacy and walkability in the village core”; and
- ii. Add the new Guidelines as shown below after F.7.3.7 and renumber the subsequent guidelines accordingly:

"F.3.7.8 On-site storm water management plans shall be required and implemented to reduce impervious cover, promote infiltration and capture and treat storm water runoff from 90% of the average annual rainfall using acceptable best management practices.

F.3.7.9 Where a building or use provides more than 25 parking spaces, one electric vehicle charging station must be provided and marked with a sign or symbol identifying the space is reserved for charging/parking an electric vehicle.

F.3.7.10 Landscaping shall facilitate water retention and the use of lawns is discouraged unless for specific effect such as a gathering or play area.

F.3.7.11 Landscape islands of trees and shrubs shall be used in parking areas located at a minimum of every 15 stalls to break up expanses of paving and parking and capture and infiltrate runoff.

iii. Add new exemptions below after iii.:

"iv. The installation of bicycle racks, bicycle or bus shelters or electric vehicle charging stations;

v. additions resulting in less than a 5% increase in floor area of a principal building or an accessory building where no changes to landscaping or access to the site are proposed."

c) To section G.1 Definitions:

- i. amend the definition of "floor area" to delete "the outer surface of the exterior walls" and replace with "the interior surface of the exterior walls";
- ii. amend the definition of "parking area" by adding the words "and bicycles" after "motor vehicles"; and
- iii. amend the definition of "parking space" by adding the words "or bicycle" after "motor vehicle".

From: Megan Walker [mailto:thymewalker@gmail.com]

Sent: May-06-14 6:36 PM

To: Deb Ferens

Cc: Deb Scott; Alix; james; robert ferris; Steve O'Neill; Sheila Malcolmson; Gisele Rudischer; Becky McErlean; Sonja Zupanec

Subject: Re: one error/apc minutes

Hi all,

It was a fun, satisfying and interesting evening. Thank you for the indoctrination!

I am new to this process, and not totally clear on the protocol, so sorry if the ship has sailed and it is too late for these comments. I thought more about some comments I had made in the meeting, and have an additional point to make below.

1. RE: Section B.5.3.3. The minimum 3.7 metre width for an accessible parking space I believe is now an outdated standard. 3.9 metres (a 2400 parking spot plus 1500 access aisle) is currently recommended by the Canadian Standards Association. Also, best practice, and often required, is for at least one accessible parking space to be a van space, with an 2000 access aisle (can be shared with adjacent accessible parking space or pedestrian walkway). If it is too late for a resolution, is it possible to make this a comment in the minutes?

2. RE: Section B.5.4.2. I had commented that I do not currently see a requirement for an direct accessible route from the accessible parking space to the main entry. One would hope this would be a no brainer. Also, it is required by the BC building code, so perhaps this would be caught during the building permit stage by the RDN. However, judging by a review of the RDN's building permit process, its reputation for being rather "light" on requirements, what I see constructed at Madrona marketplace now, and what I see as some real grading challenges in the Phase 2 Development Permit package - I think appropriate site grading design is falling through the cracks. It looks pretty clear to me that Phase 1 did not do a grading plan. The split level concept for Phase 2 will definitely require a grading plan to ensure accessible pathway to the upper entry (among many other interesting site challenges). So I guess I would request to add my comment to the minutes to ensure a direct, accessible path from accessible parking to building entries. My additional comment is to recommend increased requirements for grading design, preferably at the Development Permit phase (since it could/will have a major impact on the site design).

3. New comment: Even though this is my biggest disagreement with the current commercial zone bylaws, I didn't really think it was in the purview of last night's meeting....but I'm going to throw it out there now anyway, since it is definitely an impact to our pedestrian environment. The requirement for the 6m front setback in the commercial zones inherently creates a disconnect from the public environment of the street, and encourages placing parking between the building and street. It is a primary reason we have a series of disconnected strip-malls, instead of a appealing small village streetscape, with a vibrant, connected, pedestrian oriented public realm. Given the slow pace of development on Gabriola, and that Madrona 1 and 2 are complete or approved, I concede it will take many decades to turn that around. However, I am putting my opinion out there to discuss changing that 6m setback at some point in time.

Happy to hear feedback on protocol for when/how to give follow-up input.

Cheers,

Megan





# Memorandum

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Date April 24, 2014 File Number 6500-20

To Gabriola Island Local Trust Committee

From Sonja Zupanec  
Island Planner

Re Development Approval Information Draft Bylaw No. 150

A development approval information (DAI) Bylaw is an administrative bylaw that will implement revised development permit area provisions, and enable the Local Trust Committee to require information from an applicant of a development permit, rezoning or temporary use permit, as to the impacts of the proposed developments. The aim of the DAI is to establish a clear and transparent standard for the request of this information. Without a DAI this type of information is often still requested of applicants, because it may be necessary for proper evaluation an application, but there is no clear and standard process for the applicant.

A DAI bylaw for Gabriola, Mudge and DeCourcy planning areas is to be completed in tandem with the review and updating of development permit area provision to implement the Riparian Areas Regulation on Gabriola Island and to move the development permit area guidelines from the OCP to the LUB for Mudge and DeCourcy. The draft DAI bylaw was presented to the LTC in August 2013. Now that bylaws 265, 266 and 267 have had third readings the DAI bylaw has been reviewed by staff to ensure consistency with the proposed bylaws. No changes to the draft bylaw are deemed necessary by staff. The LTC may now review and endorse the bylaw prior to submission to Trust Council. The January 7, 2013 staff report should be referred to for a more complete background as to the DAI bylaw development.

A copy of draft bylaw No. 150 is attached for LTC endorsement by resolution.

**ISLANDS TRUST COUNCIL  
BYLAW NO. 150**

\*\*\*\*\*  
A bylaw to establish procedures and policies for requiring development approval information for  
the Gabriola Island Local Trust Area  
\*\*\*\*\*

WHEREAS the Gabriola Island Local Trust Committee, pursuant to s.920.01 of the *Local Government Act*, has specified in an official community plan areas and circumstances for which development approval information may be required;

The Islands Trust Council, pursuant to s.920.1 of the *Local Government Act* and s.29(3.1) of the *Islands Trust Act*, enacts as follows:

**PART I TITLE**

- 1. This Bylaw may be cited for all purposes as "Gabriola Island Local Trust Committee Development Approval Information Bylaw No. 150, 2013".

**PART II PURPOSE**

- 2. The purpose of this bylaw is to allow the Local Trust Committee to obtain information on the anticipated impact of proposed activities or development on the community.

**PART III APPLICATION OF BYLAW**

- 3. The requirements of this Bylaw apply to:
  - a. applicants for amendments to a bylaw of the Gabriola Island Local Trust Committee enacted under s.903 of the *Local Government Act*;
  - b. applicants for a development permit; and
  - c. applicants for a temporary use permit,if the activity or development that is the subject of the application is in an area specified for the provision of development approval information in Gabriola Island Official Community Plan Bylaw No. 166, Mudge Island Official Community Plan Bylaw No. 227 or Decourcy Island Official Community Plan Bylaw No. 16, or is an activity or development for which development approval information is otherwise required by those Bylaws.
- 4. The requirements of this Bylaw do not apply to any application for an activity or development that is a reviewable project under the *Environmental Assessment Act*.
- 5. Where development approval information is to be provided, the information shall be provided by the applicant, at the applicant's cost, in the form of a report prepared by the appropriate professional as set out in this bylaw.

**PART IV PROCEDURE**

- 6. The official assigned from time to time to provide planning services to the Gabriola Island Local Trust Committee is the official for the purposes of this Bylaw.

7. Within 30 days of receipt of an application an official shall determine whether and to what extent development approval information will be required in accordance with this bylaw and shall communicate the requirement to the applicant in writing.
8. An official may determine that all or part of the required development approval information must be provided for each application, either in a report described in Sections 15 through 18 in the case of development permit applications described in those sections, or pursuant to terms of reference that establish the scope of the required impact information for applications described in Section 21.
9. An applicant may request reconsideration by the Local Trust Committee of a decision of an official under this Bylaw within 30 days of the date on which the decision is mailed faxed or emailed to them.
10. A request for reconsideration must be delivered in writing to the Planning Clerk and must set out the grounds on which the applicant considers the requirement is inappropriate and what, if any, requirement the applicant considers the Local Trust Committee ought to substitute.
11. The Planning Clerk must place each request for reconsideration on the agenda of the next meeting of the Local Trust Committee following the date on which the request for reconsideration was delivered, provided the request is received at least 10 days prior to that meeting.
12. The Planning Clerk must notify the applicant and any other person who the Planning Clerk reasonably considers may be affected by the reconsideration, of the date of the meeting at which the reconsideration will occur.
13. At the meeting, the Local Trust Committee may either confirm the requirement or decision of the official or substitute its own requirement or decision.

**PART V S. 920 (DEVELOPMENT PERMIT) APPLICATION REQUIREMENTS**

14. For Development Permit applications specified in Sections 15 through 18 of this bylaw, the applicant shall provide, as part of the development permit application, all or part of a report in the specified form as determined by the official.
15. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Riparian Areas**, the report shall contain the following information:
  - a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and driveways, topographic features, the locations of the top of bank, high water mark, Streamside Protection and Enhancement Area (SPEA) widths, the width of any zones of sensitivity, and measures to maintain the integrity of the SPEAs. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.
  - b. A site inventory providing a description and evaluation of the riparian values, including species of fish that frequent the waterbody, and riparian features and habitat present.
  - c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to

hydrological systems, alterations affecting the watercourse, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.

- d. An assessment of the nature and extent of the impact of the proposed development. For a stream, as defined under the *Riparian Areas Regulation*: the results of the riparian assessment, using a detailed or simple assessment as indicated in the *Riparian Areas Regulation*, and establishing the SPEA width for the subject parcel. For other watercourses, that is, those that do not meet the definition of a stream under the *Riparian Areas Regulation*: an assessment of anticipated impacts on riparian habitat and features, the watercourse, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development.
  - e. For a stream, as defined under the *Riparian Areas Regulation*: a description of all measures that will be taken to maintain and protect the SPEA from development, including, where appropriate, assessment and treatment of danger trees, windthrow, slope stability, tree protection during construction, encroachment and sediment and erosion control. For other watercourses, that is, those that do not meet the definition of a stream under the *Riparian Areas Regulation*: recommended measures to limit, mitigate and manage the impacts of the proposed development on riparian habit and features, the watercourse, and site hydrology.
  - f. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
  - g. Recommended actions to restore or enhance riparian functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
  - h. For a stream, as defined under the *Riparian Areas Regulation*, professional certification by the Qualified Environmental Professional(s) preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that:
    - i. If the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or
    - ii. If the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.
16. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for protection of **Shoreline and Marine areas (Gabriola Pass, Flat Top Islands and Lock Bay Areas)**, the report shall contain the following information:
- a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, natural boundary of the sea, the landward development permit area boundary, existing buildings and structures, roads and driveways, topographic features, and

- significant features identified in the site inventory. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.
- b. A site inventory, providing information on existing plant communities, marine and terrestrial habitats, current on-site and adjacent land uses, slope stability, erosional processes, hydrology, topography and marine sediment transport. This baseline assessment may require the involvement of several suitably qualified professionals.
  - c. For land based developments, a site background analysis that includes the following known information on the site:
    - A check for observed species and ecosystems at risk;
    - A description of the context of the site including the use of adjacent lands and proximity to protected areas;
    - A check for the presence of raptor and heron nests; and
    - A check for the presence of fish-bearing watercourses.
  - d. A description of the proposed development detailing construction (e.g. buildings, dock, ramp, road or driveway, etc), cut and fill, blasting, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
  - e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified site conditions, including but not limited to marine and terrestrial habitat, site hydrology, marine sediment transport, and public access to and along the foreshore. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.
  - f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on terrestrial and marine habitats, as well as geomorphic, hydrological and coastal processes. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.
  - g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
  - h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
17. For an application for a permit in respect of a development permit area designated under s. 919.1(1)(a) of the *Local Government Act* for the purpose of requiring development permits for **Ecosystem Protection (The Tunnel)**, the report shall contain the following information:
- a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the proposed development and associated features, the development permit area boundary, existing buildings and structures, roads and

driveways, topographic features and significant features identified in the site inventory and conservation evaluation. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.

- b. A site inventory, commenting on the ecosystem classification, and based on current best practices, such as the Resources Information Standards Committee Standards for Describing Terrestrial Ecosystems in the Field, providing information on the existing plant communities, aquatic and terrestrial habitats, sensitive ecosystems, nesting trees, the presence of rare species and rare plant communities, current on-site and adjacent land uses, slope stability, erosional processes, hydrology and topography.
  - c. A site background analysis that includes the following known information on the site:
    - A check for observed species and ecosystems at risk;
    - A description of the context of the site including the use of adjacent lands and proximity to protected areas;
    - A check for the presence of raptor and heron nests;
    - A check for the presence of fish-bearing water courses.
  - d. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options.
  - e. An assessment of the nature and extent of the impact of the proposed development, in particular anticipated impacts on identified environmentally valuable features, including but not limited to sensitive ecosystems, rare plant communities, rare species habitat, and site hydrology. The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area. The assessment should also include identification of potential impacts on adjacent sites and proximate sensitive areas.
  - f. Recommended measures to limit, mitigate and manage the impacts of the proposed development on environmentally valuable features. The report should describe mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.
  - g. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
  - h. Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development.
18. For an application for a permit within a development permit area designated under s. 919.1(1)(b) of the *Local Government Act* for protection of development from **Steep Slopes**, the report shall contain the following information:
- a. A site plan professionally prepared at an appropriate scale, based on a legal survey, delineating the topographic features and showing natural slope contours in 1 to 5 metre contour intervals, significant natural features, current and

proposed buildings and structures, roads and driveways, proposed site grading and post development contours. Site profiles and cross sections demonstrating terrain conditions prior to disturbance and intended conditions post development shall be included.

- b. An assessment of potential geotechnical hazards that may affect the subject site and neighbouring properties including all issues related to site drainage, soil slippage (surface or deep seated), rock fall hazards, seismic constraints, site clearing and vegetation retention. This should include a summary of the method of hazard analysis and the level of field work.
  - c. A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. The report should also identify alternative development options and any recommended mitigation measures.
  - d. Any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance.
  - e. Where applicable, the report must meet the report guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia, May 2010, including submission of Schedule D (Landslide Assessment Assurance Statement).
19. Development Approval Information required in Sections 15 through 18 must be prepared by a professional or professionals, with qualifications specified in the table below, and in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training; except that the official may approve the involvement of a person having different qualifications if demonstrated, relevant, experience and qualifications are in the official's opinion suitable for the preparation of the information being provided in relation to a particular development permit application:

TYPE OF INFORMATION	CONSULTING PROFESSIONAL
Riparian Areas	Qualified Environmental Professional
Shoreline and Marine	Geotechnical/hydrological and marine considerations: <ul style="list-style-type: none"> <li>• Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)</li> </ul> Biological / environmental considerations: <ul style="list-style-type: none"> <li>• Registered Professional Biologist (R.P. Bio.)</li> </ul>
Tree & Natural Vegetation Protection	Registered Professional Biologist (R.P. Bio.) or Registered Professional Forester (RPF)
Steep Slopes	Geotechnical Engineer (P. Eng.) or Professional Geoscientist (P. Geo.)

20. If the official is not satisfied that the impact information provided by the applicant is sufficient to comply with the requirements of the bylaw, either in scope, level of detail, accuracy or in any other respect, or does not address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, the official may require the applicant to provide, at the applicant's

expense, further information reasonably required to comply with the bylaw, but a requirement for further information may be imposed once only.

#### **PART VI TERMS OF REFERENCE**

21. Within 30 days of the receipt of an application for the following:
- a. amendments to a bylaw of the Gabriola Island Local Trust Committee enacted under s.903 of the *Local Government Act*,
  - b. a temporary use permit,
- the official shall provide to the applicant written Terms of Reference for the preparation of information on the impact of the activity or development that is the subject of the application.
22. To the extent that the proposed activity or development can reasonably be expected to have an appreciable impact on any of the following matters, the Terms of Reference must include those matters in the scope of the information that is to be prepared:
- a. the natural environment of the area affected, including sensitive ecosystems and the habitat of rare or threatened species, including surrounding habitats impacted by the development activity ;
  - b. hazards, including geological, flood, stormwater, and wildfire hazards;
  - c. greenhouse gas emissions, anticipated energy usage, and carbon emissions;
  - d. groundwater resources;
  - e. local infrastructure, including highways, ferry, water supply and sewage systems, fire protection systems, solid waste disposal and recycling facilities, utilities, local parking facilities and any other affected public infrastructure;
  - f. local and off-island public or community facilities;
  - g. local and off-island commercial services and employment opportunities;
  - h. affordable and seniors housing needs;
  - i. agricultural reserve lands and agricultural and forestry uses in the vicinity of the development;
  - j. cultural heritage resources including resources of historical, cultural, archaeological, paleontological or architectural significance whether on land or underwater; and
  - k. aesthetic values including the visual appearance of the development from adjacent properties, public lands, or the sea, and the effect of any artificial lighting proposed.
23. In addition to any matter listed in s.22, the official may include in the Terms of Reference any other matter on which the official considers information ought to be provided to the Local Trust Committee to permit a full understanding of the impact of the proposed activity or development on the island community affected.

24. The Terms of Reference must address any particular information requirements that are identified in or arise from any applicable guidelines in an official community plan, and in all cases must address any particular information requirements specified for such an application in any development application procedures bylaw of the Local Trust Committee.
25. In addition to any other requirements the Terms of Reference may require the person preparing the impact information to provide information on the relationship between the proposed activity or development and
  - a. the object of the Islands Trust set out in the *Islands Trust Act*;
  - b. the Islands Trust Policy Statement;
  - c. the Islands Trust Fund Plan; and
  - d. in the case of a proposed zoning amendment, the official community plan of the Local Trust Committee.
26. The Terms of Reference may specify that the impact information will be prepared by a person having professional expertise in the matters included in the Terms of Reference, and may include information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the information.
27. The Terms of Reference must specify the date by which and the form and the number of copies in which the impact information will be provided.

#### **PART VII        PREPARATION OF DEVELOPMENT APPROVAL INFORMATION**

28. The applicant must prepare the impact information in accordance with the accepted Terms of Reference and within the time specified in the Terms of Reference must provide it to the Local Trust Committee, at the applicant's expense.
29. For every matter within the scope of s.22 that is included in the Terms of Reference, the applicant must
  - a. identify relevant baseline information and document the nature of the resource or other matter on which the proposed activity or development may have an impact;
  - b. identify and describe the potential and likely impacts of the activity or development including any cumulative effects when combined with other projects proposed or under development;
  - c. evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
  - d. make recommendations as to conditions of approval that may be appropriate to ensure that undesirable impacts are minimized or avoided,

all in accordance with generally accepted impact assessment methodology.
30. If the Terms of Reference specify professional expertise in the preparation of impact information, prior to authorizing the preparation of the information by any person the applicant must deliver to the official information specifying the identity, qualifications and experience of the person who the applicant proposes to engage to prepare the



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**Gabriola Island Local Trust Committee**

**BYLAW NO. 273**

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**A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177**

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

1. Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw No. 177, 1999” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
  
2. This bylaw may be cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2013”

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 201x
READ A SECOND TIME THIS	DAY OF	, 201x
READ A THIRD TIME THIS	DAY OF	, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 201x
ADOPTED THIS	DAY OF	, 201x

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**SECRETARY**

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**CHAIRPERSON**

## **Gabriola Island Local Trust Committee**

### **Bylaw No. 273**

#### **Schedule 1**

1. Schedule "A" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw No. 177, 1999", is amended as follows:

a) To section B.5 Parking:

- i. insert a new article B.5.2.2 as follows: "In calculating the parking spaces required in Table 2 of B.5.1.1, for commercial uses in the Village Commercial 1, Village Commercial 2, and District Commercial zones, the standard parking requirements in column 2 are to be maximum parking requirements; for all other zones and uses listed in Table 2 of B.5.1.1, standard parking requirements are to be minimum parking requirements.";
- ii. insert a new article B.5.2.3 as follows: "Where parking spaces are designated for the use of motorcycles or scooters, such designated motorcycle/scooter parking spaces shall each be counted as the provision of 0.5 required vehicle parking spaces, to a maximum of 15% of required parking spaces.";
- iii. replace article B.5.3.3 with " Accessible parking spaces must be a minimum of 3.7 metres in width and 6.25 metres in length and have an unobstructed vertical clearance of at least 2.0 metres."
- iv. insert a new article B.5.3.4 as follows: "Despite B.5.3.2 parking spaces for motorcycles or scooters must be a minimum of 1.4 metres in width and 2.5 metres in length."
- v. Insert a new article B.5.3.5 as follows: "Despite B.5.3.2 parking spaces for small vehicles must be a minimum of 2.4 metres in width and 4.6 metres in length."
- vi. Insert a new article B.5.3.6 as follows: "Where a building or use provides more than 10 parking spaces, 20% of the total spaces may be reduced to 2.4 metres in width and 4.6 metres in length and marked with the words 'SMALL VEHICLE ONLY' on the pavement or facing wall."
- vii. Replace article B.5.4.2 with "All accessible parking spaces, small vehicle and motorcycle/scooter parking spaces must be located adjacent to a main entrance of a building for which the parking is required and marked with a sign or symbol identifying each space reserved for such parking. Priority location adjacent to a main entrance must be for accessible parking spaces"
- viii. to B.5.1 add the words "and Bicycles" after "Automobiles"; and

ix. insert a new Column 4 to Table 2: Parking Requirements as follows:

<b>Table 2: Parking Requirements</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Use</b>	<b>Standard Parking Requirements</b>	<b>Accessible Parking Requirements</b>	<b>Bicycle parking requirements</b>
<b>RESIDENTIAL</b>			
<i>single family dwelling</i>	2 per <i>dwelling unit</i> plus 1 per <i>boarder</i>	None required	None required
<i>cottage</i>	2 per <i>cottage</i>	None required	None required
<i>multiple family dwelling</i>	1.25 per unit plus 1 per employee	Greater of 1 or 1 per 10 units	1 per unit without a garage
<b>HOME OCCUPATIONS</b>			
galleries and live theatre	1 per 16 square metres (172.2 square feet) of <i>floor area</i> or performance area used	None Required	None required
teaching of arts and crafts	1 per 2 students plus 1 per employee	None Required	None required
<i>bed and breakfast</i>	1 per rental room plus 1 per non-resident employee	None Required	None required
Instructional classes	1 per employee and 1 per 2 clients	None Required	None required
watercraft and bicycle rental	1 per 2 rentals	None Required	None required
other <i>home occupations</i>	1 per employee	None Required	None required
<b>COMMERCIAL</b>			
Village Commercial and District Commercial shopping centres	1 per 16.0 square metres (172.2 square feet) of leasable <i>floor area</i> in the <i>building</i>	Greater of 1 or 1 per 50 parking stalls	1 per 250 square metres (2690 square feet) of leasable <i>floor area</i> in the <i>building</i>
restaurants and bars	1 per 3 seats	Greater of 1 or 1 per 50 parking stall	1 per 15 seats
nurseries and greenhouses	1 per 16.0 square metres (172.2 square feet) of <i>floor area</i> of the retail sales <i>building</i>	Greater of 1 or 1 per 50 parking stall	1 per 10 parking stalls
Offices	1 per 35 square metres (376.7 square feet) of <i>floor area</i>	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls

<b>Table 2: Parking Requirements</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Use</b>	<b>Standard Parking Requirements</b>	<b>Accessible Parking Requirements</b>	<b>Bicycle parking requirements</b>
mini-storage	1 per 5 mini-storage units	Greater of 1 or 1 per 50 parking stalls	None required
tourist accommodation except campgrounds	1 per sleeping unit plus 1 per 3 seats in a food or beverage area	Greater of 1 or 1 per 20 accommodation units	Greater of 1 or 1 per 10 sleeping units
<i>marina</i>	1 per 2 boats berthed on an annual basis and 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 20 parking stalls
golf course	50 per nine holes plus 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 20 parking stalls
<i>limited public market</i>	1 per vendor	Greater of 1 or 1 per 50 parking stalls	None required
<b>INDUSTRIAL</b>			
<i>light industry</i> and shipyard use	1 per 2 employees	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees
boat building school	1 per 2 students and 1 per employee	Greater of 1 or 1 per 50 parking stalls	1 per 10 of the total number of students and employees
<b>PUBLIC SERVICE AND UTILITY</b>			
<i>Church</i>	1 per 2 metres of pews	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
community halls, auditoriums, lodges, theatres	1 per 4 seats	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
<i>schools, elementary</i>	1 per 1 employee	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees plus 1 per 10 students
<i>schools – secondary</i>	1 per employee plus 1 per 10 students	Greater of 1 or 1 per 50 parking stalls	1 per 10 employees plus 1 per 8 students
library, post office	1 per 20.0 square metres (215.2 square metres) of <i>floor area</i>	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
police station	1 plus 1 per employee	Greater of 1 or 1	None required

<b>Table 2: Parking Requirements</b>			
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Use</b>	<b>Standard Parking Requirements</b>	<b>Accessible Parking Requirements</b>	<b>Bicycle parking requirements</b>
		per 50 parking stalls	
fire hall	1 per 1 employee or volunteer	Greater of 1 or 1 per 50 parking stalls	None required
Museums	1 per 30.0 square metres (322.9 square feet) of <i>floor area</i>	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls
Medical Offices and Clinics	1 per 20 m <sup>2</sup> (215 ft <sup>2</sup> ) of <i>floor area</i> .	Greater of 1 or 1 per 50 parking stalls	1 per 10 parking stalls

- x. Insert new subsection B.5.5 as follows:

**“Standards for Bicycle Parking Spaces**

B.5.5.1 Each bicycle *parking space* must be accessible to a highway or vehicle *parking lot* via an access aisle that is not less than 1.2 metres (3.9 feet) in width.

B.5.5.2 Bicycle *parking spaces* must be at least 0.8 metres (2.6 feet) in width and 1.8 metres (5.9 feet) in length with a minimum overhead clearance of 1.2 metres (3.9 feet).

B.5.5.3 Bicycle *parking spaces* must include a fixed *structure* that supports the bicycle frame in a stable position without damage to the wheels, frame or components and that enables the frame and both wheels to be locked to the *structure* by the cyclist’s own locking device. Protection from precipitation must be provided for 50 per cent of all spaces required.

B.5.5.4 Bicycle *parking spaces* are to be located at the primary entrance to the *building* or use being served.”

- b) To section F.7 DP-7 The Village Centre:

- i. To F.7.3.7 to add the following text after “eating areas”: “and businesses should open to the street to create a greater sense of intimacy and walkability in the village core”; and
- ii. Add the new Guidelines as shown below after F.7.3.7 and renumber the subsequent guidelines accordingly:

"F.3.7.8 On-site storm water management plans shall be required and implemented to reduce impervious cover, promote infiltration and capture and treat storm water runoff from 90% of the average annual rainfall using acceptable best management practices.

F.3.7.9 Where a building or use provides more than 25 parking spaces, one electric vehicle charging station must be provided and marked with a sign or symbol identifying the space is reserved for charging/parking an electric vehicle.

F.3.7.10 Landscaping shall facilitate water retention and the use of lawns is discouraged unless for specific effect such as a gathering or play area.

F.3.7.11 Landscape islands of trees and shrubs shall be used in parking areas located at a minimum of every 15 stalls to break up expanses of paving and parking and capture and infiltrate runoff.

iii. Add new exemptions below after iii.:

"iv. The installation of bicycle racks, bicycle or bus shelters or electric vehicle charging stations;

v. additions resulting in less than a 5% increase in floor area of a principal building or an accessory building where no changes to landscaping or access to the site are proposed."

c) To section G.1 Definitions:

- i. amend the definition of "floor area" to delete "the outer surface of the exterior walls" and replace with "the interior surface of the exterior walls";
- ii. amend the definition of "parking area" by adding the words "and bicycles" after "motor vehicles"; and
- iii. amend the definition of "parking space" by adding the words "or bicycle" after "motor vehicle".

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**Gabriola Island Local Trust Committee**

**BYLAW NO. 274**

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**A BYLAW TO AMEND THE GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN, BYLAW NO. 166**

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

1. Bylaw No 166, cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2014"

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

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**SECRETARY**

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**CHAIRPERSON**

## **Gabriola Island Local Trust Committee**

### **Bylaw No. 274**

#### **Schedule 1**

The Gabriola Island Official Community Plan Bylaw No. 166 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw No. 166, 1997”, is amended by amending Schedule A – Policy Document as follows:

1. In section 3.8 Temporary Use Permit Designations and Guidelines, Designations a) vi) remove the word ‘Agriculture’.
2. In section 5.3 Agriculture Policies, add the following policies after i) and renumber subsequent policies accordingly:
  - j) This plan supports the amalgamation of lots in the AG designation.
  - k) This plan supports local farmers’ markets for the benefit of Gabriola farmers, consumers and the community.
  - l) The zoning bylaw shall prohibit the use of lands, buildings or structures in any zone being used for the manufacturing, production or research of genetically engineered seeds, plants or animals.
  - m) This plan supports agri-tourism on lands within the Agriculture Land Reserve with farm status and the zoning bylaw shall regulate agri-tourism operations and accommodation.
3. In section 5.3 Agriculture Advocacy Policies, add the following policies after p) (revised):
  - q) This plan discourages the severance of agriculture designated land by utility corridor development.
  - r) This plan discourages the use of genetically engineered or genetically modified seeds, plants or animals in the Plan area.
  - s) Land owners and operators of farms shall be encouraged to preserve and protect seasonally flooded agriculture fields.
  - t) Farm operators are encouraged to select production methods to maintain soil quality and to ensure surface and groundwater recharge areas are not contaminated by agricultural activities.
  - u) Farm operators are encouraged to construct physical barriers, including fencing and appropriate indigenous vegetation, to restrict access by farm animals to watercourses.
  - v) This plan supports partnerships with the farming community, senior government and private enterprise to promote the development of the agriculture sector.
  - w) Farm operators are encouraged to enhance environmental farming practices, for example by participating in the Canada – BC Environmental Farm Plan Program.
  - x) This plan supports and encourages farmland edge planning inventory to inform future community conversations about the extent to which agriculturally zoned land and neighboring properties would benefit from further buffering.

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**Gabriola Island Local Trust Committee**

**BYLAW NO. 275**

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**A BYLAW TO AMEND THE GABRIOLA ISLAND LAND USE BYLAW, NO. 177**

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

1. Bylaw No. 177, cited as “Gabriola Island Land Use Bylaw, 1999” is amended as shown on Schedule 1, attached to and forming part of this bylaw.

2. This bylaw may be cited as “Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 1, 2014”

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

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**SECRETARY**

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**CHAIRPERSON**

## Gabriola Island Local Trust Committee

### Bylaw No. 275

#### Schedule 1

1. Schedule "A" of Gabriola Island Land Use Bylaw No. 177 cited as "Gabriola Island Land Use Bylaw, 1999", is amended as follows:
  - a) To section B.1.2.1 Prohibited Uses add item i) as follows:
    - "i) use of land, buildings or structures to manufacture, produce or research genetically engineered seeds, plants or animals."
  - b) To section B.6.4 Use of Travel Trailers, Recreational Vehicles and Accessory Buildings revise article B.6.4.2 by adding the words "except as permitted in the Agriculture (AG) zone." After the word "each".
  - c) To section D.1.1 Small Rural Residential (SRR):
    - i. revise item D.1.1.2 a. i. bullet number four as follows:
      - "one agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area.
    - ii. Revise the second bullet to item D.1.1.3 a. ii. to read "10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line."
    - iii. Replace the two bullets of item D.1.1.3 a. iii. with the following:
      - "the minimum *setback* for agricultural waste storage is 30.0 metres (98.4 feet) from any *lot line* or well head;
      - the minimum *setback* for an agricultural produce stand in the Small Rural Residential (SRR) zone is 4.5 metres (14.7 feet) from the front *lot line*."
  - d) To section D.1.2 Large Rural Residential (LRR):
    - i. Revise the first bullet of item D.1.2.3 a. iii. to read "the minimum setback of boarding and breeding kennels is 30.0 metres (98.0 feet) from any lot line or well head;"
    - ii. Replace the second bullets of item D.1.2.3 a. iii. to read "on lots 1.0 hectare (2.47 acres) or larger, the minimum *setback* for greenhouses is 7.5 metres (24.6 feet) from any *lot line*. "
    - iii. Add to the end of the third bullet of item D.1.2.3 a. iii. "or well head; and"
    - iv. Add a fourth bullet to item D.1.2.3.a.iii. to read "the minimum setback for an agricultural produce stand in the Large Rural Residential (LRR) zone is 4.5 metres (14.7 feet) from the front lot line."
  - e) To section D.1.3 Seniors and Special Needs (SSN):
    - i. under clause D.1.3.1.b "Permitted *accessory* Uses", add ii. "horticulture, including sale of horticultural products grown on the lot."
    - ii. under clause D.1.3.2. a. "Permitted *Buildings and Structures*", add iii. "one horticulture produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area."

- iii. under clause D.1.3.3. b. “Permitted *Buildings and Structures* Siting Requirements”, add iii. “the minimum setback for a horticultural produce stand is 4.5 metres (14.7 feet) from the front lot line.”
- f) To section D.2.1 Agriculture (AG):
- i. under clause D.2.1.1.b “Permitted *Accessory Uses*”, replace item ii. with “secondary suite or cottage residential on lots 2.0 hectares (4.94 acres) or larger.\*”
  - ii. Under clause D.2.1.1.b add the following new items:
    1. “agri-tourism on lands in the Agricultural Land Reserve on lots with farm classification under the *BC Assessment Act*; and
    2. agri-tourism accommodation on lands in the Agricultural Land Reserve on lots 4.0 hectares (9.88 acres) or larger with farm classification under the *BC Assessment Act*”
  - iii. under item D.2.1.2 a. i.
    1. add a new bullet under the first bullet to read “on lots 2.0 hectares (4.94 acres) or larger in the Agriculture Land Reserve, one secondary suite per lot, not exceeding 90 square metres (968.7 square feet), or 40% of the habitable floor space of the dwelling, whichever is less and with the approval of the local Health Authority with respect to the provision of sewage disposal;”
    2. add a new bullet “four or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or short term use of bedrooms on a farm classified as a farm under the *Assessment Act* on lots 4.0 hectares (9.88 acres) or larger. Should farm classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot.”
  - iv. To item D.2.1.2 a. ii replace with “On lands in the Agriculture Land Reserve, a maximum of one manufactured home on lots 2.0 hectares (4.94 acres) or larger is permitted for immediate family or farm worker housing if:
    - The lot has farm classification under the *BC Assessment Act*; and
    - The manufactured home does not exceed 9 metres.(29.5 feet) in width and 120.7 m<sup>2</sup> (1300 ft<sup>2</sup>) in floor area; and
    - The manufactured home is sited so as to not have a negative effect on the existing farm operation; and
    - The owner of the lot on which the manufactured home is located shall register on the title of that lot a restrictive covenant under section 219 of the *Land Title Act* stating that the manufactured home will be removed if it is no longer being occupied by the approved user for a period of one year; and
    - The manufactured home is occupied by immediate members of the family that currently own the property; or
    - The manufactured home is occupied by a farm employee(s) required for the farm operation and who provide a net benefit to the existing farm operation and written approval from the Agricultural Land Commission has been obtained.

- v. under item D.2.1.3 a.i remove from the first bullet the words “accessory farm employee dwelling units” and replace with “a manufactured home for immediate family or farm worker housing”.
  - vi. Under item D.2.1.3.a.ii remove from the first bullet the words “accessory farm employee dwelling units” and replace with “a manufactured home for immediate family or farm worker housing”.
  - vii. under item D.2.1.3 a. iii.:
    1. Revise the first bullet to read “the minimum setback of boarding and breeding kennels is 30.0 metres (98.0 feet) from any lot line or well head;”
    2. Revise the second bullet to read “the minimum setback for greenhouses on land in the AG zone is 7.5 metres from any lot line;”
    3. Delete the third bullet.
    4. Revise the fifth bullet by adding the words “or well head; and” after “lot line”
    5. Add a sixth bullet to read “the minimum setback for an agricultural produce stand in the Agriculture (AG) zone is 4.5 metres (14.7 feet) from the front lot line.”
  - viii. Under item D.2.1.3 b. ii add a third bullet to read “the maximum combined lot coverage of agri-tourism and/or agri-tourism accommodation including buildings, access and parking is one (1) percent of the lot area.”
- g) To section D.2.2. Forestry (F):
- i. under clause D.2.2.1.b “Permitted Accessory Uses”, item D.2.2.1.b.v is inserted as follows:
    - v “agriculture, including the sale of agricultural products grown or raised on the lot”
  - ii. under item D.2.2.2 a. i. “Permitted Buildings and Structures” add a fourth bullet to read “one produce stand per lot accessory to an agriculture use and not exceeding 20 square metres (215.3 square feet) floor area.”
  - iii. Replace item D.2.2.3 a.ii replace the bullet with: “10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line “
  - iv. Delete item D.2.2.3a.iii and replace with “iii. the minimum setback for an agricultural produce stand in the Forestry (F) zone is 4.5 metres (14.7 feet) from the front lot line.”
- h) To section D.2.4 Resource (R):
- i. Under item D.2.4.3.a.ii revise the first bullet to read “10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line”
  - ii. Under item D.2.4.3 a. iii:

1. Revise the first bullet to read “the minimum setback of boarding and breeding kennels is 30.0 metres (98.0 feet) from any lot line or well head;”
  2. Delete the second bullet.
  3. Revise the third bullet by adding the words “or well head; and” after “lot line”
  4. Add a fourth bullet to read “the minimum setback for an agricultural produce stand in the Resource (R) zone is 4.5 metres (14.7 feet) from the front lot line.”
- i) To section D.2.6 Resource Residential (RR1):
- i. Under item D.2.6.3 ii replace the bullet with: “10.0 metres (32.8 feet) from any lot line, except the minimum setback for greenhouses is 7.5 metres (24.6 feet) from any lot line“
  - ii. Delete item D.2.6.3 iii.
  - iii. Add a new item iii. to read “the minimum setback for an agricultural produce stand in the Resource Residential (RR1) zone is 4.5 metres (14.7 feet) from the front lot line.
- j) To section D.2.8 Gabriola Commons (GC) Comprehensive Zone:
- i. Under item D.2.8.1 b. add “vi. Agri-tourism”
  - ii. Under item D.2.8.2 a. add “iii. one produce stand not exceeding 20.0 square metres (215.3 square feet) in floor area, accessory to an agricultural use.”
  - iii. Under item D.2.8.3 a. ii. replace the second bullet with “The minimum setback for all Agriculture buildings and structures is 20 metres (65.6 feet) from any lot line, except for a produce stand which has a minimum setback of 4.5 metres (14.7 feet) from the front lot line or greenhouses which have a minimum setback of 7.5 metres (24.6 feet) from any lot line.”
  - iv. Under item D.2.8.3.a.ii add to the end of the third bullet “or well head.”
- k) To section F.1 Definitions add the following definitions in alphabetical order:
- i. “agri-tourism means a tourist activity on land that is classified as a farm under the *BC Assessment Act*, where the use is temporary and seasonal and promotes or markets farm products grown, raised or processed on the farm.”
  - ii. “farm product means a commodity that is produced from a farm use as defined in the *Agricultural Land Commission Act*.”
  - iii. “farm worker housing means a manufactured home authorized by the Agricultural Land Commission and used for the residential accommodation of a full-time farm employee who is required for the farm operation.”
  - iv. “immediate family means, with respect to an owner, the owner’s
    - (a) parents, grandparents and great grandparents,

(b) spouse, parents of spouse and stepparents of spouse,  
(c) brothers and sisters, and  
(d) children or stepchildren, grandchildren and great grandchildren.”

- v. “seasonal means a use or activity in a facility or area for less than seven consecutive months of the year.”
  - vi. “secondary suite means an accessory, self-contained dwelling unit on land in the Agriculture Land Reserve located wholly within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a floor area no greater than 90 square metres (968 square feet) or 40% of the habitable floor area of the dwelling, whichever is less.”
  - vii. “short term means the use of bedroom accommodation for agri-tourism for a period of not more than 30 consecutive days.”
  - viii. “sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.”
  - ix. “temporary means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities, for less than seven consecutive months of the year. The building or structure may be used for other permitted uses during the course of or for the remainder of the year.
- l) To section F.1 Definitions:
- i. remove the term “mobile home” and replace with “manufactured home” and maintain the same definition.
  - ii. Replace the definition of “intensive agriculture” with “means the use of land for the commercial poultry farms, mushroom farms, dairy farms, piggeries, feed lots or nurseries.”