

Gabriola Island Local Trust Committee

Regular Meeting Agenda

Date: October 2, 2014
Time: 10:15 am
Location: Gabriola Women's Institute Hall
 476 South Road, Gabriola Island, BC

	Pages
1. CALL TO ORDER	10:15 AM - 10:45 AM
2. APPROVAL OF AGENDA	
3. MINUTES	
3.1 Local Trust Committee Meeting Minutes of September 4, 2014 – for adoption	4 - 11
3.2 Section 26 Resolutions Without Meeting - none	
3.3 Gabriola Island Advisory Planning Commission Meeting Minutes - none	
3.4 Mudge Island Advisory Planning Commission Meeting Minutes - none	
3.5 Gabriola Island Agricultural Advisory Commission Meeting Minutes - none	
4. BUSINESS ARISING FROM MINUTES	
4.1 Follow-up Action List dated September 24, 2014 - attached	12 - 13
4.2 Referral response from the DeCourcy Island Community Association regarding the New Federal Marihuana for Medical Purposes Regulation	
4.2.1 Memorandum dated September 24, 2014 - attached	14 - 41
5. CORRESPONDENCE	
5.1 Email dated September 20, 2014 from Penny Sidor regarding Dogsitting and Home Occupation definition of Kennel	42 - 42
5.2 Letter dated September 22, 2014 from Gabriola Community Hall Association regarding Zoning	43 - 43
5.3 Email dated September 22, 2014 from Joyce Babula regarding Gabriola Community Hall Variance for Renovation	44 - 44

6. REPORTS	10:45 AM - 11:15 AM
6.1 Work Program Reports	
6.1.1 Top Priorities Report & Projects List dated September 24, 2014 - attached	45 - 48
6.2 Applications Log	
6.2.1 Report dated September 24, 2014 – attached	49 - 51
6.3 Trustee and Local Expenses Report - none	
7. NEW BUSINESS	
7.1 Gabriola Telephone Directory Renewal - attached for discussion	52 - 53
8. TRUSTEES' REPORT	
9. CHAIR'S REPORT	
10. REGIONAL DIRECTOR'S REPORT	
11. DELEGATIONS	
12. TOWN HALL SESSION	
13. APPLICATIONS AND PERMITS - none	
14. LOCAL TRUST COMMITTEE PROJECTS	11:15 AM - 12:00 PM
14.1 Housekeeping Bylaw Amendments	
14.1.1 Staff Report dated September 22, 2014 - attached	54 - 60
15. BYLAWS	
15.1 Draft Bylaw No. 278, cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 3, 2014" - for consideration of first reading - attached	61 - 67
15.2 Draft Bylaw No. 279, cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2014" - for consideration of first reading - attached	68 - 72

16. ISLANDS TRUST WEBSITE

16.1 Gabriola Pages - for discussion

The Gabriola Island Local Trust Committee Website can be found at:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/gabriola.aspx>

17. CLOSED MEETING

12:00 PM - 12:15 PM

The Gabriola Island Local Trust Committee closes the next part of the October 2, 2014 business meeting to discuss matters pursuant to Section 90(1)(d) of the Community Charter to consider adoption of Closed Meeting Minutes and that Staff be invited to attend this meeting.

18. RECALL TO ORDER

18.1 Rise and Report from Closed Meeting

19. NEXT MEETING DATE

Thursday, November 13, 2014 at 10:15 am at the Women's Institute, 476 South Road, Gabriola Island, BC

20. TOWN HALL SESSION - time permitting

21. ADJOURNMENT



Gabriola Island Local Trust Committee Minutes of Regular Meeting

Date: September 4, 2014

Location: Gabriola Women's Institute Hall
476 South Road, Gabriola Island, BC

Members Present Sheila Malcolmson
Gisele Rudischer
David Graham

Staff Present Courtney Simpson

Others Present One (1) member of the local media and three (3) members of the public 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 People.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

-remove page 81 from the agenda

By general consent, the agenda was adopted as amended.

3. MINUTES

3.1. Local Trust Committee Meeting Minutes of July 17, 2014 – for adoption

The following changes to the minutes were presented for consideration:

Page 2, 4.2 :

- Second sentence, removed the word "issue" and replace with "authority".
- Add new sentence to the end of the paragraph that reads "They cited the commitments the Ministry of Transportation and Infrastructure had made in its protocol agreement on vegetation control, summarized in the LTC letter dated July 17, 2013."

Page 7, 14.1.2 :

- Second sentence of first paragraph, insert the word "only" after the word "seeing".
- In the last paragraph, end of second sentence, replace "were considered" with "are allowed in LTC zoning".
- In the fourth sentence replace "Gabriola Sounder" with "Flying Shingle".

By general consent, the minutes were adopted as amended.

3.2. Section 26 Resolutions Without Meeting

None.

3.3. Gabriola Island Advisory Planning Commission Meeting Minutes - none

None.

3.4. Mudge Island Advisory Planning Commission Meeting Minutes - none

None.

3.5. Gabriola Island Agricultural Advisory Commission Meeting Minutes - none

None.

3.6. Gabriola Island Transportation Advisory Commission Meeting Minutes of August 12, 2014 - attached

Trustee Malcolmson gave a brief background on the content of the Transportation Advisory Commission (TAC) minutes. Steven Earle, the chair of the TAC, was in the audience and was invited to speak. He noted that the most important items discussed in the meeting were regarding signage. He also gave some rationale behind some of the changes recommended in the meeting.

GB-2014-141

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff draft a letter for Chair Malcolmson's signature to recommend changes to the Taylor Bay Hill 2013 bike path, and forward the Transportation Advisory Commission's recommendations to the Ministry of Transportation and Infrastructure.

CARRIED

GB-2014-142

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff include the Gabriola Island Transportation Advisory Commission recommendations on Official Community Plan Bike Lane Policies 7.1 h) and i) in the Housekeeping Amendments Bylaw 278

CARRIED

4. BUSINESS ARISING FROM MINUTES

4.1. Follow-up Action List dated August 26, 2014- attached

Planning Manager Simpson noted that there is a memorandum regarding item one on the Follow Up Action List in the agenda. Also noted was that the fourth item on Page 18 regarding the Housekeeping Bylaw Amendments was complete.

5. CORRESPONDENCE

5.1. Email from Sarah H. Robinson dated August 15, 2014 - attached

Trustees reviewed the email. It was recognized that the landowner was present at the meeting. Staff and Trustees discussed if the request outlined in the email was something that could be included in the Housekeeping Bylaw. John Pierce, President of Gabriola Land and Trails Trust, was in the audience and discussed his point of view.

GB-2014-143

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee request that staff include the landowners request to remove densities from Lot 7 in the Local Trust Committee's Housekeeping Bylaw.

CARRIED

6. REPORTS

6.1. Work Program Reports

6.1.1. Top Priorities Report & Projects List dated August 26, 2014 - attached

Planning Manager Simpson had no updates. Staff and Trustees discussed the current status of the Riparian Areas Regulation bylaw.

GB-2014-144

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee convey to the Province of British Columbia its disappointment with the ministerial delays of bylaw approval, especially Riparian Area Regulation which was provincially directed.

CARRIED

6.2. Applications Log

6.2.1. Report dated August 26, 2014 – attached

Reviewed for information. It was noted that the items assigned to Linda Prowse are being reassigned to a new planner. Also noted was that the only remaining items on the applications log can be dealt with at a staff level and do not need Local Trust Committee decisions.

6.3. Trustee and Local Expenses

6.3.1. Expenses posted to the end of August, 2014 - attached

Reviewed for information.

7. NEW BUSINESS

7.1. 2015-16 Budget Submissions - Memorandum dated August 18, 2014

The memorandum was reviewed.

GB-2014-145

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee approve and forward the Draft 2015-16 Local Trust Committee Project Budget Submission to the Financial Planning Committee as presented

CARRIED

8. TRUSTEES' REPORT

No report from Trustee Rudischer.

Trustee Malcolmson summarized the events that happened over the summer in the community, including: the Theatre Festival, Antony Holland receiving the Order Of Canada, and the Raging Grannies film screening at the Vancouver Island Regional Library. Also mentioned were the service for Stanhope's wife which she attended with the Regional Director, the Save Our Shores slideshow, and the Salmon BBQ. She also reported that she has recently been preparing for the final Islands Trust Council meeting on Keats/Gambier Islands next week and noted that the agenda is now online. She

stated that the item of the most interest to Gabriola Islanders would be that the mail-in ballot for election voting is changing and that the Regional District of Nanaimo is proposing the change for all elections in the future.

9. CHAIR'S REPORT

Chair Graham reported that he has been preparing for the last Trust Council meeting and is looking forward to review and hearing feedback from the Trustees.

10. REGIONAL DIRECTOR'S REPORT

No report from Director Houle.

11. DELEGATIONS

11.1. Village Vision Project – Megan Walker and John Pierce

John Pierce introduced the project and gave the history behind it noting that Sustainable Gabriola and the Chamber of Commerce support it. Meghan Walker stated that their intention is to maintain a positive relationship with Islands Trust. Their goal is to develop a vision for the village core through a series of workshops. She noted that their first meeting would be on September 27, 2014.

It was recognized that there had been a process similar to this last term and what was lacking then was the residential aspect of the village. John Pierce and Meghan Walker agreed that the village is more than just businesses and they plan on leading community input. Discussion ensued among the Trustees.

12. TOWN HALL SESSION

Derek Kilbourn asked the Chair and trustees if they will be running in the upcoming election.

Chair Graham stated that he is not running. He noted that he has really enjoyed the work and encourages anyone else to pursue it. Trustee Rudischer also commented saying that after 18 years of service she has decided not to run. Trustee Malcolmson also recommended the job to anyone who is thinking of applying as it is character-building and the pluses strongly outweigh the negatives.

13. APPLICATIONS AND PERMITS

13.1. Dormant Applications

Planning Manager Simpson updated the LTC and stated that both applicants have withdrawn and have already received the partial refunds they were entitled to.

14. LOCAL TRUST COMMITTEE PROJECTS

14.1. Climate Change Implementation

Planner Simpson introduced the memorandum noting that this is also the first item on the Follow-up Action list. She stated that the recommendation was initially developed in consultation with the director who thought it was an appropriate way to make a request to Trust Council. It was noted that this is actually not the correct way to do this. Discussion ensued.

It was noted that the Development Approval Information Bylaw adopted by the LTC this term has achieved what was discussed in the memorandum. Trustees asked that staff update the Follow-up Action list to reflect the decision that it was decided not to go in that direction.

14.2. Housekeeping Bylaw Amendments

Planning Manager Simpson introduced the Project Charter presented in the report and summarized the staff report. Discussion ensued. Each item highlighted in the Table of Housekeeping Amendments was reviewed and discussed. It was noted that staff would come back with recommendations based on the items that were discussed today.

The Project Charter was then reviewed and discussed and the following changes/additions were noted:

- Background – In the last sentence add after “and two at their September 4, 2014” after “March 13, 2014”.
- Workplan Overview – Add a new item: “Consideration of 1st reading, October 2014 LTC Meeting”
- Workplan Overview – 3rd item, the date should be changed to “October – November, 2014”
- Workplan Overview – 4th item, the date should be changed to “January 2015”
- Workplan Overview – 6th item, the date should be corrected to say “March 31, 2015”
- In Scope – add a new bullet “ Limited consultation with property owners”

GB-2014-146

It was MOVED and SECONDED

That the Gabriola Island Local Trust Committee endorse the project charter for the Housekeeping Amendments project as amended September 4, 2014

CARRIED

15. BYLAWS

- 15.1. Proposed Bylaw No. 277, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2014 - for consideration of adoption - attached**

GB-2014-147

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee adopt Bylaw No. 277, cited as "Gabriola Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2014

CARRIED

- 15.2. Proposed Bylaw No. 267, cited as "Mudge Island Official Community Plan Bylaw 227, 2007, Amendment No. 1, 2012" - for consideration of adoption – attached**

GB-2014-148

It was MOVED and SECONDED

that the Gabriola Island Local Trust Committee adopt Bylaw No. 267, cited as "Mudge Island Official Community Plan Bylaw 227, 2007, Amendment No. 1, 2012"

CARRIED

- 15.3. Draft Bylaw No. 278, cited as "Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 3, 2014" - for consideration of first reading - attached**

- 15.4. Draft Bylaw No. 279, cited as "Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2014" - for consideration of first reading - attached**

16. ISLANDS TRUST WEBSITE

- 16.1. Gabriola Pages - for consideration**

No updates.

17. NEXT MEETING DATE

Thursday, October 2, 2014 at 10:15 am at the Women's Institute, 476 South Road,
Gabriola Island, BC

18. TOWN HALL SESSION - time permitting

No Town Hall.

19. ADJOURNMENT

By general consent, the meeting adjourned at 12:45 pm.

David Graham, Chair

Jessie Sherk, Minute Taker



Follow Up Action Report w/ Target Date

Gabriola Island Jul-17-2014

No.	Activity	Responsibility	Target Date	Status
1	Parks Rezoning: Proposed Bylaws 271 and 272 given second and third readings; update and forward to EC; forward 271 to MCSCD and return to LTC for final approval. Awaiting MCSCD approval	Lisa Webster-Gibson Sonja Zupanec	Jul-24-2014	On Going
1	Climate Change: Proposed Bylaws 273 and 276 given second and third readings; update and forward to EC; forward 276 to MCSCD; return to LTC for consideration of adoption. Awaiting MCSCD approval	Lisa Webster-Gibson Sonja Zupanec	Jul-24-2014	On Going
1	Agriculture: Proposed Bylaws 274 and 275 given second and third readings; update and forward to EC for approval; forward 274 to MCSCD; return to LTC for consideration of adoption. Awaiting MCSCD approval	Lisa Webster-Gibson Sonja Zupanec	Jul-24-2014	On Going
1	LTC deferred decision on closing dormant application GB-SUB-2010.2 until November 13 LTC meeting. LTC is looking for evidence of the file being advanced before that date.	Courtney Simpson	Nov-13-2014	On Going
1	Staff to meet with Emcon to discuss roadside ditches that are applicable to the Riparian Areas Regulation	Courtney Simpson	Nov-13-2014	On Going
1	LTC allocates \$1500 from the OCP/LUB project budget for development of print and web communications materials on the Riparian Areas Regulation.	Courtney Simpson	Feb-28-2015	On Going

Sep-04-2014

No.	Activity	Responsibility	Target Date	Status
-----	----------	----------------	-------------	--------

1	Remove detailed expense report from agenda package of September 4 meeting - included in error.	Becky McErlean	Oct-02-2014	Done
1	Draft letter to MoTI for Chair's signature recommending changes to the Taylor Bay Hill 2013 bike path and include the TAC recommendations.	Courtney Simpson	Oct-02-2014	On Going
1	Include TAC recommendations on OCP bike lane policies 7.1 h & i in the housekeeping bylaw amendments.	Courtney Simpson	Oct-02-2014	Done
1	Include the landowner request to remove density from Lot 7, Section 1, Plan 1982 in the housekeeping bylaw amendment, and report back on a planning assessment of this request in relation to OCP policies.	Courtney Simpson	Oct-02-2014	Done
1	That the Gabriola Island Local Trust Committee convey to the Province of British Columbia its disappointment with the ministerial delays of bylaw approval, especially Riparian Area Regulation which was provincially directed.	Courtney Simpson	Oct-02-2014	Done
1	Forward draft 2015/16 LTC budget request to FPC as presented.	Courtney Simpson	Oct-02-2014	Done
1	Update Housekeeping Bylaw Amendments project charter with Sept 4, 2014 LTC endorsement date	Courtney Simpson	Oct-02-2014	Done
1	Draft bylaw 275 (housekeeping) has a number of changes requested by the LTC noted by the RPM. Staff to make changes and return to LTC.	Courtney Simpson	Oct-02-2014	Done
1	Bylaw 277, Fees Bylaw, Adopted.	Lisa Webster-Gibson	Oct-02-2014	Done
1	Bylaw 267 (Mudge DAI) adopted.	Lisa Webster-Gibson	Oct-02-2014	Done



Memorandum

700 North Road Gabriola Island BC V0R 1X3

Telephone (250) 247-2063 FAX: (250) 247-7514

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 September 24, 2014

File Number 6500-20

To Gabriola Local Trust Committee
From Marnie Eggen, Planner 2

Re Referral response from the DeCourcy Island Community Association regarding the New Federal
Marihuana for Medical Purposes Regulation

At the regular business meeting of the LTC on May 14, 2014, the following resolution was passed:

GB-2014-088

It was MOVED and SECONDED,
that the Gabriola Island Local Trust Committee request that staff forward the Staff Report dated April 28 – New Federal Marihuana for Medical Purposes Regulation, to the Mudge Advisory Planning Commission and the DeCourcy Rate Payers group asking whether they recommend any bylaw changes to control medical marijuana licensed under the Marihuana for Medical Purposes Regulation.

CARRIED

On July 20, 2014, the DeCourcy Island Community Association met and considered the above mentioned Staff Report (attached). The Association resolved to be in agreement with the report's recommendation to prohibit the indoor production of medical marihuana on DeCourcy Island (DeCourcy Island Community Association meeting minutes attached).

In consideration of the DeCourcy Island Community Association's decision, the Gabriola LTC is requested to consider the options on their preferred approach for bylaw amendments to the Mudge Island LUB No. 228 as outlined on page 9 of the Staff Report.

Attachments:

1. Staff Report dated April 28, 2014, re: New Federal Marihuana for Medical Purposes Regulation
2. Minutes from the July 20, 2014 meeting of the DeCourcy Island Community Association

pc: Courtney Simpson, Regional Planning Director

STAFF REPORT

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

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

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.

Prepared and Submitted by:

Marnie Eggen

Marnie Eggen, Planner 1

April 28, 2014

Date

Concurred in by:

Courtney Simpson

Courtney Simpson, Regional Planning
Manager

May 6, 2014

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.

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Residential (R)	• 10% lot coverage • 6 m setback to any lot line; 15 m from NB of Sea

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

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Permitted in all zones	• 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.

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)	• 25% lot coverage in R1 and R2, and not applicable in R3; • 8m setback in R1 and R2 zones; • Setbacks: • from the front lot line – R1 and R2=7.5m / R3=30m; • from the rear or side lot line – R1 and R2=3m / R3 = 30m; • from the exterior side lot line – R1 and R2=4.5m / R3 = 30m.
Agriculture (AG) Forest (F) Resource (RE)	• Lot coverage including greenhouses: • Agriculture = 75%; • Forest = 5%; • Resource = 10%; • Lot coverage excluding greenhouses: • Agriculture = 35%; • Forest = 5%; • Resource = 10%; • Setbacks for buildings and structures other than residential: • Front or exterior = A= 10m; F and RE = 30m; • Rear or side = A = 4.5m; F and RE = 15m.

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

Residential: - SRR on lots over 2 ha; - LRR lots over 2 ha	20% lot coverage for SRR; 10% for LRR; - On lots 1 ha or larger, 10 m setback; - Setback for greenhouses > 46 sq. m. floor area in size is 20 m from any lot line.
Agriculture: AG (ALR)	- Lot coverage: - outside ALR - 35%; - on ALR - 35% excluding greenhouses; - on ALR - 75% total; 20 m setback for agricultural buildings; 7.5 m setback for greenhouses in ALR; 20 m setback for greenhouses > 46 sq. m. in size outside of ALR.
Resource: - R; - RR1	- On both R and RR1, 10% lot coverage; - On R, lots 1 ha or more, 10 m setback from all lot lines and on lots < 1 ha, setbacks are: 6.0 m from the front lot line; 4.5 m from exterior side lot line; 1.5 m from interior lot line. - 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; - Setback for greenhouses > 46 sq. m. floor area in size is 20 m from any lot line.
As Per Draft Bylaw Amendment No. 275 (17/04/14): F	10% lot coverage; - On lots 1 ha or more, 10 m setback from all lot lines and on lots < 1 ha, setbacks are: 6.0 m from the front lot line; 4.5 m from exterior side lot line; 1.5 m from interior lot line - Setback for greenhouses > 46 sq. m. floor area in size is 20 m from any lot line.

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

Zones Where

Permitted

Provisions limiting the extent of the use

Residential: SRR including the sale of	See above.
--	--

products	
Resource: • RR1	• See above
Per Draft Bylaw Amendment No. 275 (17/04/14): • SSN	• 20% lot coverage; • 6 m setback from all lot lines.

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	• 12% lot coverage, including greenhouses; • Minimum setback for all agriculture buildings and structures is 20 metres from any lot line.
Regulations applicable to agriculture in all zones	• Height of agricultural buildings is 12 m max.

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	• 50% lot coverage; • Max. floor area ratio is 0.35; • 10 m setback from all lot lines; • Max. of two industrial buildings.
--	--

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)	
Zones Where Permitted	Provisions limiting the extent of the use
Rural Residential (RR)	• On lots 0.4 ha or less setbacks are: • 6 m from front or rear lot line; • 1.5 m from interior lot lines; • m from any exterior side lot line. • On lots 0.4 ha or larger, 10 m setback to all lot lines.

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	
Zones Where Permitted	Provisions limiting the extent of the use
Rural Zone	• 10% lot coverage; • 15 m height max. for buildings; • 30 m setback from any lot line.

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.)

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Settlement Residential (SR), agriculture permitted on lots 2 ha or larger Rural Residential (RR) agriculture is permitted on lots 1 ha or larger	• Lot coverage for SR AND RR: • Lots less than 1 hectare in area: 25%; • Lots 1 hectare to less than 2 hectare in area: 20%; • Lots 2 hectares to less than 3 hectares in area: 18%; • Lots 3 hectares to less than 4 hectare in area: 15%; • Lots 4 hectares to less than 10 hectares in area: 12%; • Lots 10 hectares and greater in area: 10%. • Setbacks for SR and RR zones: • 7.5 metres from any front or rear lot line; • 3 metres from any interior side lot line; • 4.5 metres from any exterior side lot line.
Agriculture (A)	• Lot coverage is 10% • Setback of 30 m from front lot line, 15 from rear, interior, exterior lot lines.
Sea Ranch Comprehensive Development (CD1), agriculture permitted in "Area 1" and Farm Use permitted in "Area 2"	• Lot coverage - maximum 3000 sq ft for all buildings and structures on common property. • Minimum setback for any building or structure accessory to farm use from any lot line, including a strata lot line, is 15 metres.

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.

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Rural Residential (RR), agriculture permitted on lots larger than 2 ha Rural Comprehensive (RC), agriculture permitted on lots larger than 2 ha	• Lot coverage for RR is 25% & 20% for RC; • Setbacks for RR and RC zones: • 5.0 m of any front lot line; • 1.5 m of any rear lot line; • 1.5 m of any interior side lot line; or • 3.0 m of any exterior side lot line.
Private Institutional 2 (PI2), agriculture permitted on lots larger than 2 ha	• Lot coverage is 5%; • Setbacks: • 5.0 metres of any front lot line; • 1.5 metres of any rear lot line; • 1.5 metres of any interior side lot line; • 3.0 metres of any exterior side lot line.

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.

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
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.	• 25% lot coverage; • 7.5 m setback from any lot line.

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)	• 10% lot coverage on lots 1 ha or larger • 15% lot coverage on lots less than 1 ha • Setbacks: • 8 m from a front lot line; • 8 m from a rear lot line, and on lots less than 1 ac, 6 m; • 6 m from an interior side lot line, and on lots less than 1 ac, 3 m; • 8 m from an exterior side lot line, and on lots less than 1 ac, 6 m.
Large Lot Residential/Water Resource Protection (LR/WSPA) Zone	• 10% lot coverage on lots 1 ha or larger; • 15% lot coverage on lots less than 1 ha; • Setbacks: • 8 m from a front and rear lot line; • 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; • 8 m from an exterior side lot line.
Agricultural (AG) Zone	• 10% lot coverage; • 8 m setback from all lot lines;
Upland (UP) Zone	• 5% lot coverage; • 8 m setback from all lot lines.
Land Cooperative 1 (LC 1) Zone	• 10% lot coverage; • Setbacks: • 8 m setback from front, rear and exterior lot lines; • 6 m setback from interior lot lines.

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.

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Residential 2 – Large Lot (R2) Zone, agriculture permitted on lots 2 ha and larger	- On lots 1 ha or more, 10 % lot coverage & on lots < 1ha lot coverage is 15%; 8 m setback from front, rear, exterior lots lines and 6 m from interior lot lines.
Residential 4 – Forest (R4) Zone, agriculture permitted on lots 2 ha and larger	- Lot coverage is 5%; 8 m setback from all lot lines.
Agriculture 1 (A1) Zone	- On lots 1 ha or more , 10 % lot coverage & on lots < 1ha lot coverage is 15%; 8 m setback from all lot lines.
Agriculture 2 – Agricultural/Residential (A2) Zone	- On lots 1.0 ha or more, lot coverage is 5 % & on lots < 1 ha, lot coverage is 15%; 8 m setback from all lot lines.
Agriculture 3 - Agriculture/Residential (A3) Zone	10% lot coverage; 8 m setback from front, rear, exterior lots lines and 6 m from interior lot lines.
Agriculture 4 – Agricultural/Residential (A4) Zone	- On lots 1.0 ha or more, lot coverage is 5 %, on lots < 1 ha lot coverage is 15%; 8 m setback from all lot lines.

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 <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> and the use of land for farm operation, as defined in the <i>Farm Practices Protection (Right to Farm) Act</i>; 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;	
--	--

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Land Based (LB)	• No lot coverage regulations; • No setback regulations.

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 <i>Local Government Act</i>. Section 215 <i>Local Government Act</i>: 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 <i>Agricultural Land Commission Act</i> 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.
--

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Agriculture (A-1) ALR Lands	• Lot coverage is 10%; • Setbacks: • Buildings and structures for agriculture use, not intensive agriculture must be sited not less than: • 10 metres from front and exterior side lot lines; • 4.5 metres from rear or side lot lines; and • 4.5 metres from all wells and streams. • All other buildings and structures must not be sited less than: • 7.5 metres from front, rear and exterior lot lines; • 3.0 metres from an interior side lot line.

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.

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Rural 1, 2 (R1,R2)	• Agriculture permitted in Rural 1 and 2 zones; • Lot coverage is 5%; • 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.

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)

Attachment No. 2

DeCourcy Island Community Association Executive Committee Meeting, Sunday, July 19, 2014

Present Ian Parkinson, President
Renate Wilson, Director
Don Moss, Director
Susan Forbes, Secretary
Paddy Laidley, Director

Regrets Alan Johnson, Director
Barrie Forbes, Treasurer
Murray Rogers, Director
Tom Kendall, Director

Ian Parkinson called the meeting to order at 10:03 am.

1. Minutes

Be it resolved that the minutes of the May 18, 2014 executive meeting be approved.
Paddy Laidley/Don Moss. Carried.

2. Financial Review

Ian reviewed the financial statements on behalf of Barrie Forbes. Both the Community Account and the Gaming Account have positive balances, as outlined in the table below. The GIC holds "Community Account" funds (i.e. funds that we have accumulated over the years from memberships, donations, etc.) It also includes the funds that have been raised for the new fire truck (\$5,075). As expected, by year end the "Gaming Account" funds will be fully spent on fire-fighting equipment.

	Balance
Community Account	\$ 2,656.92
GIC	\$19,852.92
Total	\$22,509.84
Gaming Account	\$ 4,152.14

Ninety people paid their membership dues this year – over 20 more than last year. People seem to be appreciating the regular emails and initiatives by the board, which all help them to feel connected to the community.

To date, 41 people have contributed the fire truck fundraising. Ian Parkinson will email another appeal, and the issue will be raised again at the AGM on August 3. We expect to reach our \$10,000 goal by December 31, 2014.

The board discussed the need to restrict Community Account funds for the purchase of the new fire truck. The restricted funds include the donations received to date, plus funds currently existing in the Community Account. In this regard, the board passed the following:

Be it resolved that DICA restrict the following funds:

\$12,500 for the purchase of a fire truck to replace the existing vehicle that is close to the end of its serviceable life (\$5,075 externally restricted plus \$7,425 internally restricted for a total of \$12,500) and

\$5,000 (internally restricted) for repairs and improvements to the existing fire hall.

Renate Wilson / Paddy Laidley: carried.

3. Grant Report

We remain convinced that moving toward a newer, less complicated fire truck is the route we should be following and, with that in mind, in 2014 we will apply for a gaming grant that includes both operating and truck acquisition expenses. The deadline for application is August 31. In preparation, Barrie Forbes and Murray Rogers met with Gloria Kooplin, Senior Grants Analyst with the Gaming Branch in Victoria to clarify a number of issues regarding our application. Don Moss has obtained a quote from a reliable dealer for the truck, and will continue to research options for purchasing other equipment needed to modify the deck of the truck for fire-fighting purposes.

Howard Houle, the director within the Regional District of Nanaimo who is responsible for DeCourcy Island, has been in touch with Ian Parkinson regarding our efforts to raise funds toward the new fire truck. He suggested that we investigate the district's grants-in-aid program. It allows non-profit organizations "to apply for grants-in-aid to fund programs, activities or events that enhance the wellbeing of the community and benefit the residents." On the surface it appears that our fire-fighting initiative would be eligible. Paddy Laidley will investigate this opportunity further.

4. Fire Committee Report

The island is extremely dry, and we make every effort to remind people of the ban on fires. New "No Campfire" signs have been installed in various locations across the island. Fire practices have begun and will continue on the second and fourth Saturdays until the end of September. Renate Wilson sends out about 90 email reminders for every practice. Training includes operation of the new trailer which is ready for operation.

Dwayne Pollack has agreed to take on the newly created role of "Fire Captain" next year, which will involve him training to eventually become DICA's Fire Chief. Until then, Renate Wilson and Murray Rogers will continue as Co-Chiefs. Dwayne's work experience will be useful in his new role as there is a lot to learn.

Additionally:

- Gradually, people who received training in fire-fighting last summer are doing the on-line test which allows them to retain their status. Renate will remind those who have not yet done so.
- First aid training will be offered on the island and in Nanaimo, with preference given to people who spend the most time on the island.

5. 2014 AGM

- Date is August 3, 2014 – Sunday of the long weekend. To be preceded by a community-wide pot-luck picnic.
- Sue Forbes and Alan Johnson will go off the Board this year. At the AGM, Cheryl Henry will be nominated to take on Sue's role as secretary, and Kathy Yardley will be nominated as a director.
- DICA will purchase a fire extinguisher as a door prize to encourage islanders to attend the AGM.

6. **Old Business**

- Summer Fiddle Concert. It has been confirmed that on August 9 musicians from the North Shore Celtic Ensemble will put on a concert at Russell Hall for the pleasure of our community. Kathryn and Mark Lester are in charge of the arrangements. Entry will be by donation: suggest minimum donations of \$10/adult, with 50% of the proceeds to go toward DICA's fire truck fundraising initiative and 50% to the ensemble.

7. **New Business**

- Vehicle licensing and insurance. It has been brought to the attention of the board that there are increasing concerns about vehicles on the island. Unfortunately a small proportion of people continue to drive over the voluntary island speed limit of 30K (20K when it is dry and dusty). Additionally, the number of vehicles on the island has increased dramatically over the past 10 years, and many of those vehicles (perhaps as many as 90%) are unlicensed and uninsured. Don Moss will speak to this issue at the AGM, and express the board's preference that people license their vehicles, and insure them for liability and property damage. Costs would be about \$250/year.
- Letterhead. Ian Parkinson presented a standardized letterhead that will be used for DICA's official business. It will include in the address the official location of the community hall as follows: DeCourcy Island Community Association (DICA), 620 Cardale Road, DeCourcy Island, BC, c/o PO 268, Station A, Nanaimo, BC V9R 5K9.
- Medical Marijuana. DICA received a letter and 24-page report from the Islands Trust regarding the new federal *Marihuana for Medical Purposes Regulation (MMPR)*. After some discussion about the information, and noting in particular the lack of electricity and adequate water resources on DeCourcy Island, we passed the following resolution:

Be it resolved that the board of the DeCourcy Island Community Association is in full agreement with the Islands Trust staff recommendation to prohibit the indoor production of medical marihuana on DeCourcy Island.

Paddy Laidley/Don Moss. Carried.

8. **Next Meeting Date**

Saturday, August 30, 10:00 am at Russell Hall.

9. **Adjournment**

Moved to adjourn the meeting at 12:05 pm. Sue Forbes/Don Moss: carried.

From: Penny Sidor [<mailto:pens@shaw.ca>]
Sent: September 20, 2014 2:00 PM
To: Sheila Malcolmson
Subject: In home Dogsitting - is this really a Kennel?

September 21 2014

Dear Trustees - For the past four years I have been dogsitting in my home for friends.

Due to a complaint from a difficult neighbour, I have been informed by the By-Law Officer that this activity constitutes a 'kennel'.

Apparently, a kennel is not permitted as a home occupation and that this is also a non permitted use of land in Small Rural Residential Zones.

The word 'kennel' is not defined in the by-law and is subject to interpretation by the By-Law Officer.

I am asking the Trustees to provide a definition of 'kennel' in such a way that in- home dogsitting might be permitted in SRR zones.

There are many dog owners on Gabriola that require this service. I fear that without this service, dogs will be left alone (already happening with clients of mine) and this is potentially dangerous and noisy.

I'm not suggesting we allow huge numbers of dogs on a small lot, or outside structures to house them.

The number of dogs can be limited - to perhaps four at a time. Noise and nuisance by-laws would still exist to protect neighbours should some dogsitter be irresponsible about noise.

The word 'kennel' can refer to a breeding operation, a structure in which to house multiple dogs, a cage, or anywhere where dogs are sheltered. I understand the original intention of the legislation was aimed at curbing breeding operations.

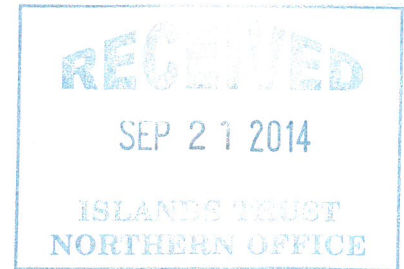
I would appreciate a review of this By-Law and a definition which would allow homeowners in SRR zones to dogsit.

With thanks,

Penny Sidor
1796 Oyster Way
Gabriola Island, BC
V0R 1X6



PHONE : 247-9292



September 22 2014

Gabriola Island Trust Committee
North Road
Gabriola, B.C.

Dear Trustees:

Re: Zoning classification for Community Hall

We have recently come to realize that the Gabriola Island Community Hall is non-conforming with respect to the current zoning classification of the property on which the original community hall and the current community hall was built. The property is zoned SRR, Small Rural Residential and we request that consideration be given to the property's zoning be changed to IN. Institutional to make it comply with the building's actual usage and to match the zoning of the adjacent property immediately to the north which we use for parking and other hall activities.

Please let us know if there is any other information you need to complete this housekeeping item.

Sincerely

Joyce Babula, President

Gabriola Community Hall Association

sunstone@shaw.ca

From: Joyce Babula <sunstone@shaw.ca>
Date: 22 September, 2014 4:31:32 PM PDT
To: Sheila Malcolmson <smalcolmson@islandstrust.bc.ca>
Cc: Gisele Rudischer <giselerudischer@gmail.com>
Subject: Variance for a Reno at the Community Hall

Just a heads up to let you know that the Gabriola Community Hall are in the process of preparing the necessary information to apply for a zero lot line variance on the Garland Drive side of our property to allow for an addition to the community hall. We are exploring the idea of building a proper stage to accommodate larger theatre productions. Such a renovation would make the hall more versatile to serve the changing needs of the community. We know that you may not be addressing this before the end of your term but we thought it would be good to have something on record for the incoming trustees.

Let me know if there is any action we need to take, thinking of a time-line.

I am sure you are both looking forward to your life-changing decisions to not run for the Trust again. You have both served our Community SO well.

Cheers Joyce Babula

Top Priorities

Gabriola Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Housekeeping Bylaw Amendments		Feb-20-2014	Courtney Simpson	Sep-04-2014	On Going
2	Gabriola Planning Area OCP Review:	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
2	<i>1) Riparian Areas Regulation</i>	Implement the provincial Riparian Areas Regulation (RAR), reduce fee for DP 3 application to \$200, and update communications materials. Bylaws 265 and 266 approved by EC, Bylaw 265 waiting for Ministerial approval (as of May 6, 2014). Fees Bylaw adopted.	Jun-28-2011	Courtney Simpson	Sep-14-2014	On Going
2	<i>2) Rezoning new RDN Parks and ITF nature reserves</i>	Awaiting approval from MCSCD.	Nov-29-2012	Sonja Zupanec	Sep-01-2014	On Going
2	<i>3) Review and amend OCP & LUB to increase local food security and farmland protection</i>	Awaiting approval from MCSCD	Jan-19-2012	Sonja Zupanec	Sep-01-2014	On Going
2	<i>4) Implement OCP climate change policies into LUB</i>	Awaiting approval from MCSCD	Jan-07-2013	Sonja Zupanec	Sep-01-2014	On Going
2	<i>5) Consider density transfer affordable housing policies for cottage densities</i>	Not started				On Going

2	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.	Overlaps with implementing climate change policies into the LUB and partially addressed in those bylaws.	Jan-17-2013	Sonja Zupanec	Sep-01-2014	On Going
2	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)	Not started				On Going
2	8) Implement First Nations and Archaeological Protection policies, including improved engagement on land use referrals	Not started				On Going
3	Snuneymuxw First Nation Protocol Agreement Implementation	May 16, 2013 resolution to delay spending this budget until after OCP/LUB review topics have gone to public hearing.		David Marlor Courtney Simpson	Mar-31-2014	On Going
4	Development Approval Information bylaw		Jun-28-2012	Sonja Zupanec	Jun-30-2013	Done



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	DeCourcy Island Official Community Plan Review and Advisory Planning Commission Appointments. Topics include: • park areas without park zoning • DAI Bylaw		Apr-21-2011	On Going
2	Hazardous areas and steep slopes development permit area • also consider how to address areas of potentially problematic soils, shoreline erosion, and localized areas of steep terrain		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
3	Consider implementing Eelgrass protection regulations (see February 19, 2014 memorandum).		May-14-2014	On Going
3	Medical marihuana zoning in Mudge Island bylaws	See Mudge APC minutes of June 8, 2014	Jun-26-2014	On Going

Applications w/ Status - Gabriola Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
GB-DP-2014.1	Intrascap Developments Inc. Planner: 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.

Subdivision

File Number	Applicant Name	Date Received	Purpose
GB-SUB-2008.3	C.O. Smythies & Associates Ltd. Planner: Marnie Eggen	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)

Planning Status

Status Date: Apr-14-2014

parent lot is in transition of sale

Status Date: Oct-25-2013

PLA extension

Status Date: Aug-22-2012

PLA extension

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: Courtney Simpson

Planning Status

Status Date: Jul-17-2014

LTC resolved to give applicant until November 13 to advance file or will close it

Status Date: Jun-02-2014

Contacted applicant to determine if file is dormant.

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 Planner: Marnie Eggen	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)

Planning Status

Status Date: Mar-14-2014

PLA received

Status Date: Feb-19-2014

Request for extension

Status Date: Oct-12-2012

PLD extension granted

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

Planning Status

Status Date: Sep-03-2014

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

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.

Status Date: Dec-05-2013

No PLA received at the Islands Trust office as of yet.

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

Planning Status

Status Date: Sep-03-2014

Still awaiting PLA from MOTI

Status Date: Jun-27-2014

Still Awaiting PLA from Ministry.

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 Planner: Teresa Rittermann	Oct-28-2013	411 Daniel Way subdivision to create 2 parcels

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.

Status Date: Nov-14-2013

Subdivision referral report sent to MOTI

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

Planning Status

Status Date: Apr-23-2014

PLA issued

Status Date: Feb-13-2014

Referral Report complete, forwarded to MOTI

Status Date: Feb-04-2014

Planner processing application; awaiting further info from applicant

GABRIOLA DIRECTORY
SINCE 1991

685 Crestwood Road, Gabriola Island, B.C. V0R 1X4
Cell: 250-716-6859 Home Phone: 250-247-8799
www.gabrieladirectory.com • email: gabrieladirectory@shaw.ca

September 1, 2014

Islands Trust, Northern Planning Office
700 North Road
Gabriola Island, BC V0R 1X3

Attention: Becky McErlean

RENEWAL NOTICE

Pay in full by October 15 and take 5% off!

Deadline for advertising in the 2015 Gabriola Directory: OCTOBER 31, 2014

Ad Size and Category: full page (discounted 1/2 price), inside full page • , • , • ,
Ad: \$360.00 + (Spot Colour if any) + (any extra categories)

Subtotal: \$360.00 + 5% GST: \$18.00 =

TOTAL: \$378.00

Add 10% late fee to payments made after midnight October 31. Thank-you.

PAYMENT OPTIONS:

1. **Drop off a cheque** with the bottom section of this letter at Colleen's Store in the Village Plaza (Be sure to include your **business name** on the envelope and on the cheque).
2. **Mail a cheque** with the bottom section of this letter to the above address.
3. **On-line: Email your payment** via your bank to gabrieladirectory@shaw.ca.

Direct all inquiries to gabrieladirectory@shaw.ca or any of the numbers at the top of the page. Please go to the website and click on "Application Forms - Business" for more about advertising rates and sizes.

Please submit any artwork or logos as jpeg, tif or pdf files at resolution 300 dpi (not 72 dpi), colour as RGB, and send as an attachment to email to gabrieladirectory@shaw.ca. If required we will provide 15 minutes of graphic design free of charge, which would include basic layout or minor changes. More complex design available for \$35.00 per hour. The Gabriola Directory is not responsible for the quality or content of ad artwork and in such cases is only responsible for providing advertisement space in the directory.

SAVE PAPER: Keep upper section as your RECEIPT.

FOR OUR RECORDS: (Please include this section with payment)

☐ Continue my ad as is, or

☐ Continue my ad with the following changes:

Change _____

☐ CONTINUE MY AD - NEW SIZE ...see application form on line for prices.

☐ CONTINUE MY AD - ADD RED ...see application form on line for prices.

Your email address if changed from last year: _____

NOTE: We appreciate your business and do our best to produce a useful and error free directory. Proofing is important and time consuming so the earlier you get your new information to us the more likely it will be error free. Please provide an email address where your proof can be sent. Last minute submissions cannot be guaranteed to be in the book. Thanks for advertising your business in the Gabriola Directory!

For Office Use: Islands Trust, Northern Planning Office full page (discounted 1/2 price) • inside full page, • , • , • . Ad(s): \$360.00 + (Spot Colour) \$ + (any extra categories) Subtotal: \$360.00 + 5% GST: = **\$378.00**
GST # No.861458891



Islands Trust

preserving island communities, culture and environment

The Islands Trust is a unique federation of independent local governments which plan land use and regulate development in the trust area. The Gabriola Island Local Trust Area elects two local trustees every three years. Together, with an appointed chair from the Executive Committee, they are responsible for land use planning and regulation in the Gabriola Island Local Trust Area, excluding First Nation reserves. This ensures that land use decisions are made by the locally elected people who are part of the island community. Gabriola's local trustees also sit on the Islands Trust Council, which makes decisions about regional matters for the entire Islands Trust Area.

Your Gabriola Island Local Trust Committee Members for 2011-2014

Trustee: Sheila Malcolmson	250.247.8078
	Email: smalcolmson@islandstrust.bc.ca
Trustee: Gisele Rudischer	250.247.8795
	Email: grudischer@islandstrust.bc.ca
Chair: Trustee David Graham	250-335-3033
	Email: dgraham@islandstrust.bc.ca

Islands Trust Staff Contacts:

If you have technical questions about zoning and land use or about bylaw enforcement information please contact the planning staff for the Gabriola Island Local Trust Area:

Website: <http://www.islandstrust.bc.ca/connect/contact-staff.aspx>

Northern Planning Office:

700 North Road	250.247.2063
Gabriola Island, BC V0R 1X5	1.800.663.7867
Toll Free via Enquire BC	250.247.7514
Fax	
General Enquiries Email	northinfo@islandstrust.bc.ca
Web	www.islandstrust.bc.ca
Hours of operation: Monday to Friday, 8:30a.m - 4:00p.m.	

If you have questions about how you can help protect land in the Islands Trust Area please contact :

Islands Trust Fund:

200-1627 Fort Street	250.405.5186
Victoria BC V8R 1H8	1.800.663.7867
Toll Free via Enquiry BC	
General Enquiries Email	itfmail@islandstrust.bc.ca
Web	www.islandstrustfund.bc.ca

To receive email notification about Islands Trust news and meeting notices please sign up at: <http://www.islandstrust.bc.ca/connect/stay-informed.aspx>

STAFF REPORT

Date: September 22, 2014

File No.: 6500-20-
Housekeeping

To: Gabriola Island Local Trust Committee
For meeting of October 2, 2014

From: Courtney Simpson, Regional Planning Manager

CC: N/A

Re: Housekeeping Bylaw Amendments

Supplemental Report

The purpose of this report is to provide further information on several specific items, to present revised draft bylaws for consideration of first reading, and to present a revised project charter for review.

Project Background

The Gabriola Local Trust Committee (LTC) reviewed draft bylaws to make housekeeping amendments to the Gabriola Official Community Plan (OCP) and Land Use Bylaw (LUB) at their September 4, 2014 meeting. The purpose of a “housekeeping” bylaw is to address minor issues and correct errors and omissions that have arisen or come to our attention. Upon review of the draft bylaws, the LTC directed that several changes and additions be made and requested further information on several items.

Please refer to the staff report presented at the September 4, 2014 meeting for a complete outline of project objectives, background, scope, timeline, resources and communications.

Staff Comments

This section describes changes made to the draft bylaw since first received by the LTC at their September 4, 2014 meeting and responds to questions raised at that meeting. The topics are in the order they appear in the draft bylaws to assist in cross referencing between this report and the draft bylaws.

Official Community Plan Amendments (draft bylaw 278)

- a) The Transportation Advisory Commission recommendations on OCP bike lane policies 7.1 h & i have been added to the draft bylaw as requested.

Land Use Bylaw Amendments (draft bylaw 279)

a) Signs:

Staff identified a lack of clarity on the sign regulations for the Commercial and Industrial zones where Table 1 in section B.4.1 lists the number of signs permitted per business as opposed to per lot for the other zones. The concern is that this could be interpreted to mean that the sign doesn't have to be on the lot. Because of the regulation in B.4.3.1 that limits the size of third party signs, staff is confident that the intention is that the signs permitted in Table 1 are intended to all be placed on the same lot as the business.

There was discussion at the September 4, 2014 LTC meeting that this amendment was related to the issue of sandwich board signs on the road right-of-way. Staff reviewed our background materials and determined that it is not related. Addressing the issues of signs on the road right-of-way is not in the scope of this housekeeping bylaw amendment project.

b) Forestry:

As requested, amendments have been made to the draft bylaw to allow milling and planing in the F, FWR1, and R zones. This has been done by amending the definition of forestry to remove the exclusion of processing of wood products. Also, forestry has been removed as a permitted principal use from the A and LRR zones so that wood processing doesn't become permitted in these zones not intended for this type of use.

This change does not reduce a property owner's ability to practice forestry. An LTC's authority to regulate forestry is limited; it cannot regulate forest management activities in Private Managed Forest Lands, and cannot regulate tree cutting except by development permit area. Removing "forestry" from the list of permitted uses in the A and LRR zones is not expected to actually change the ability of a property owner in one of these zones to cut trees, or to undertake forest management activities if they are designated as Private Managed Forest Land.

c) Animals:

As requested, the addition of the permitted use "keeping of animals for the personal use of the resident or landowner" in the LRR zone has been added to the draft bylaw as a permitted accessory use instead of a principal use, as originally intended.

d) TC1 buildings and structures density "area in this zone" wording:

At the September 4, 2014 meeting there was a discussion about the amendment to D.3.8.2.a.i (the Tourist Commercial 1 zone) as presented in the draft bylaw as follows:

*"Hotels, motels, lodges, Inns, cabins and campsites to a maximum of 13 tourist accommodation units or campsites per hectare (5.2.6 units per acre) and a maximum of 30 tourist accommodation units or campsites per lot **area in this zone**"*

The discussion did not resolve the question if this draft amendment that appears to clarify the language does not create any new problems.

It may be that the intent of the original wording is to prevent large-scale tourist accommodation hubs with more than 30 tourist accommodation units or campsites all

together in one area. The only place currently where there are multiple adjacent lots in the TC1 zone is around the Surf Lodge.

For the Surf Lodge area, the intent of this regulation may have been to prevent more than 30 units or campsites in the event that all the small lots were consolidated. If the 10 small lots on the water side of Chichester Road were consolidated, the lot area would be greater than 1 hectare. The TC1 lot on the other side of Chichester Road is already over 2 hectares in area.

Staff requires further direction before being able to appropriately amend the bylaw.

e) Group Moorage:

Based on legal advice, staff recommended an amendment to water zones Water General (WG) and Water Protection 1 (WP1) to clarify that non-commercial boat and seaplane moorage, dockage, and boat launching facilities permitted in these zones are to be associated with the upland residential use anywhere on Gabriola Island rather than adjacent upland residential use. This has been identified as the likely intent interpretation of the bylaw as currently written, but that it would benefit from clarification.

The LTC requested further information on the specific wording recommended by staff in the draft bylaw. The current recommendation would amend sections D.5.1.1.a.i and D.5.8.1.a.i, which is the permitted use section of the WG and WP1 zones, as follows:

From: “boat and seaplane moorage, dockage, and boat launching facilities used for commercial purposes and associated with residential uses”

To: “*boat and seaplane moorage, dockage, and boat launching facilities used for commercial purposes and associated with upland residential uses on Gabriola Island*”

Our legal advice on this topic was not specifically for the purpose of a housekeeping amendment, but this topic was raised in another context. The legal advice does not provide specific wording for an amendment, but notes that the reference to “residential uses” in the current bylaw is unclear. The previous zoning bylaw for Gabriola noted that the use must be associated with single family residential uses on the adjacent upland. In comparison to this past wording, the current bylaw is interpreted to mean that the use must be associated with residential uses anywhere on Gabriola Island.

If the LTC remains unconvinced that the recommended wording is suitable, staff suggests that a referral response from the Bylaw Enforcement department may provide further clarity.

f) Outdoor public assembly

This is an additional recommended housekeeping amendment that was raised among staff since the first draft bylaws were presented.

Currently, the definition of “public assembly and recreation” is interpreted to only refer to indoor use. “Public Assembly and Recreation” use is permitted in IN1 and IN3 zones. The current definition is as follows:

“public assembly and recreation means a hall, auditorium, church, and indoor recreation facility but does not include any facility operated on a commercial basis for profit”.

The Gabriola Commons Accessory Public Assembly definition does include outdoor assembly.

“commons accessory public assembly means indoor and outdoor gatherings, meetings, and events and includes infrastructure necessary to support these activities, such as washroom facilities, dining hall, and institutional kitchen facilities.

Technically, outdoor public assembly is only permitted at the Commons property. However, precluding outdoor public assembly elsewhere appears to be unintentional.

The following changes to the definition are recommended:

*“public assembly and recreation means **indoor or outdoor use associated with a hall, auditorium, church, and or indoor recreation facility** but does not include any facility operated on a commercial basis for profit”.*

g) Shooting Range definition:

The LTC is interested in amending the definition of shooting range to indicate hours of operation. The intent is to do so if the Gabriola Rod, Gun & Conservation Club are interested, and to use their current operating hours of operation. The purpose is to provide certainty to the neighbourhood. It's considered unlikely that any new shooting range use would be established on Gabriola through rezoning that the hours of operation would also apply to. The Chair has sent a letter to the Gabriola Rod, Gun & Conservation Club to ask if they are interested in providing their current hours of operation with the LTC for the purpose of this bylaw amendment.

h) Rezone Community Hall from SRR to IN1:

The LTC received a letter from the Gabriola Community Hall Association requesting that the zoning on the southern-most of their two lots be changed from Small Rural Residential to Institutional to reflect its current and long standing use as a community hall. Their adjacent property to the North is zoned Institutional 1, and is used for parking. The southern lot contains the community hall itself. This had been raised with staff earlier, and prior to receiving the September 22 letter in our office, staff had planned to recommend the LTC including this in the housekeeping bylaw. It is not added to the draft bylaw for LTC consideration.

i) Extinguishing density from Lot 7, Section 1, Plan 1982 (Cooper Road):

The owner of the above noted property, Ms. Sarah Robinson, wrote to the LTC who considered her request to extinguish densities on her property at their September 4, 2014 meeting.

Ms Robinson owns two adjacent lots on Cooper Road: Lot A, Section 1, Plan 41489 and Lot 7, Section 1, Plan 1982.

Lot A is a waterfront lot just west of Degnen Bay with a dwelling, and is zoned LRR. It is 3.28 hectares in area. One single family dwelling and one accessory cottage are permitted on this lot.

Lot 7 is adjacent to lot A, and is not waterfront. The applicant has indicated there are no structures on the property. It is zoned SRR and is 5.76 hectares in area. One single family dwelling unit and one accessory cottage are permitted on this lot. The lot can be subdivided into two lots, and if both of the new lots were 2.0 hectares or larger, one single family dwelling unit and one accessory cottage would be permitted per lot.

Density Bank Objective 1 is as follows:

To identify and deposit unused residential densities into the Density Bank based upon the following eligibility criteria:

- i. from the lands that are rezoned as parks; and*
- ii. from the voluntary donation of residential densities.*

Density Bank Policy a is as follows:

Residential densities resulting from a rezoning pursuant to Objective 1 will be deposited to the Density Bank as an amendment to the Official Community Plan.

Ms. Robinson has requested that the densities on Lot 7 are extinguished so that they cannot be transferred anywhere else on the island or to the density bank. A covenant on the property says that no buildings are allowed on Lot 7.

The general proposal to reduce density on a residential lot without donation of that density to the density bank does not appear to be contrary to this or any other OCP policies or objectives. However, the proposal to remove all residential density potential from a residential lot is problematic.

If Ms. Robinson simply wanted to mirror the density restrictions of the covenant in zoning, that could be done through rezoning Lot A to Park, which would also involve donation of the land to a park agency. This does not appear to be her intent, and according to OCP Density Bank objectives 1 and Policy a, that would mean that the extinguished density would be added to the density bank; the OCP sets out that when a density is extinguished through park creation, that density is added to the density bank.

Making a site-specific amendment to remove all residential densities from the lot is not consistent with the OCP section 2.2 Small Rural Residential where Policy A says the principal use shall be residential.

An approach that would appear to meet Ms. Robinson's goals, would be to consolidate Lots 7 and A, then pursue a site specific amendment for the new lot that limits the density to one single family dwelling. In addition, Ms. Robinson may want this site specific zoning to prohibit subdivision.

Next Steps

Next steps after first reading are referral to the Regional District of Nanaimo Building Department, Agricultural Land Commission, Islands Trust Bylaw Enforcement Department and First Nations.

RECOMMENDATIONS:

That the Gabriola Island Local Trust Committee:

1. give first reading to Bylaw No. 278 cited as Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 3, 2014; and
2. give first reading to Bylaw No. 279 cited as Gabriola Island Land Use Bylaw 177, 1999, Amendment No. 2, 2012.
3. Refer proposed Bylaw Nos 278 and 279 to the Agricultural Land Commission, Regional District of Nanaimo Building Department, Islands Trust Bylaw Enforcement Department, and the following First Nations: Snuneymux First Nation, Cowichan Tribes, Halalt First Nation, Hul'qumi'num Treaty Group, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, Snaw'naw'as First Nation, Semiahmoo First Nation, Stz'umins First Nation, and Te'Mexw Treaty Association.

Prepared and Submitted by:

Courtney Simpson

Courtney Simpson, Regional
Planning Manager

September 23, 2014

Date

Attachments:

1. Project Charter Housekeeping Amendments

Housekeeping Amendments - Charter v2

Gabriola Local Trust Committee

Date: September 22, 2014

Purpose The purpose of this project is to address a number of minor issues and correct errors and inconsistencies in the Gabriola Island Land Use Bylaw (LUB) and Official Community Plan (OCP)

Background Staff has been keeping a list of minor issues, errors or omissions in the Gabriola LUB and OCP to bring forward for a housekeeping bylaw amendment at an opportune time. The LTC has also directed by resolution that some items be added to this list over the past several months. The LTC endorsed a list of potential housekeeping amendments at their March 13, 2014 meeting and added to the list at their September 4, 2014 meeting.

Objectives

- To make the bylaws more easily interpreted by staff and the public
- To make the bylaws more correct where errors have been identified
- To improve the mapping of development permit areas.

In Scope

- Minor amendments not expected to be controversial
- Adoption of new OCP schedule for development permit areas based on electronic mapping to replace the mylar-based map
- Consultation with RDN, ALC and IT Bylaw Enforcement
- Consultation with First Nations
- Limited consultation with landowners

Out of Scope

- Community Information Meeting
- Public consultation
- Amendments that require public consultation
- Amendments that require significant staff research

Workplan Overview

Deliverable/Milestone	Date
LTC endorses list of potential housekeeping amendments	March 13, 2014
Draft bylaw and project charter presented, consideration of first reading	September 4, 2014
Consideration of first reading of revised draft bylaws	October 2, 2014
Consultation with First Nations, RDN, ALC and IT Bylaw Enforcement	October–November, 2014
Review of referral responses, consideration of scheduling public hearing	January, 2015
Technical review of based on adoption of bylaws 265-276	At second reading
Public hearing	Before March 31, 2015

Project Team

Courtney Simpson, RPM	Project Manager
Marnie Eggen, Planner 2	Team member
Barb Dashwood, GIS technician	Mapping support
Lisa Webster-Gibson, Legislative Clerk	Legislative support

RPM Approval:

Courtney Simpson

Date: August 25, 2014

LTC Endorsement:

Resolution #: GB-2014-146

Date: Sept 4, 2014

Budget

Budget Source: option to use OCP/LUB review budget

Fiscal	Item	Cost
2014/15	Public Hearing	\$3,000
	Total	\$3,000 60

Gabriola Island Local Trust Committee

BYLAW NO. 278

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

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. 3, 2014"

READ A FIRST TIME THIS	___	DAY OF	_____	, 201_
PUBLIC HEARING HELD THIS	___	DAY OF	_____	, 201_
READ A SECOND TIME THIS	___	DAY OF	_____	, 201_
READ A THIRD TIME THIS	___	DAY OF	_____	, 201_
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	___	DAY OF	April	, 201_
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT				
THIS	___	DAY OF	_____	, 201_
ADOPTED THIS	___	DAY OF	_____	, 201_

SECRETARY

CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 278

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:

1. Schedule A [Policy Document] is amended as follows:
 - a. to Section 7 – Transportation and Servicing:
 - i. the reference to “Figure 4” in policies a) and b) of 7.1 Land Transportation is changed to “Figure 5”;
 - ii. policy 7.1h) is amended by deleting “MOTH” and replacing with “MOTI” and by adding the words “with sign posts at the start and end, and also with painted signage on the pavement, at intervals of not more than 200 metres (656 feet)” at the end of the policy; and
 - iii. Policy 7.1i) is amended by adding a new sentence at the end of the policy as follows “In situations where the cycling lane is separated from the vehicle lane by a concrete barrier (such that pedestrians and cyclists are expected to use the same lane), the barrier should be no more than 0.5 metres (1.6 feet) high, and the lane should be a minimum of 1.5 metres (5 feet) in width. In such situations, appropriate signage indicating a shared use pathway should be provided at each end of the segregated section.”.
 - b. to Section 9 – Development Permit Areas:
 - i. in the introduction to DP-1 The Tunnel, the reference to Schedule C in brackets is changed to “Schedule D”;
 - ii. in the introduction to DP-2 Lock Bay Area, the reference to Schedule C in brackets is changed to “Schedule D”;
 - iii. in the introduction to DP-4 Flat Top Islands Area, the reference to Schedule C in brackets is changed to “Schedule D”;
 - iv. in the introduction to DP-5 Gabriola Pass Area, the reference to Schedule C in brackets is changed to “Schedule D”;
 - v. in the introduction to DP-7 The Village Centre, the reference to Schedule C in brackets is changed to “Schedule D”;
 - vi. in the introduction to DP-8 Multi-dwelling Affordable Housing Development Permit Areas, the reference to Schedule C in brackets is changed to “Schedule D”; and
 - vii. in the introduction to DP-9 Light Industrial Use Development Permit Area.
2. Schedule B [Land Use Designations] is deleted and replaced with Plan 1 and Plan 2 attached to and forming part of this bylaw.

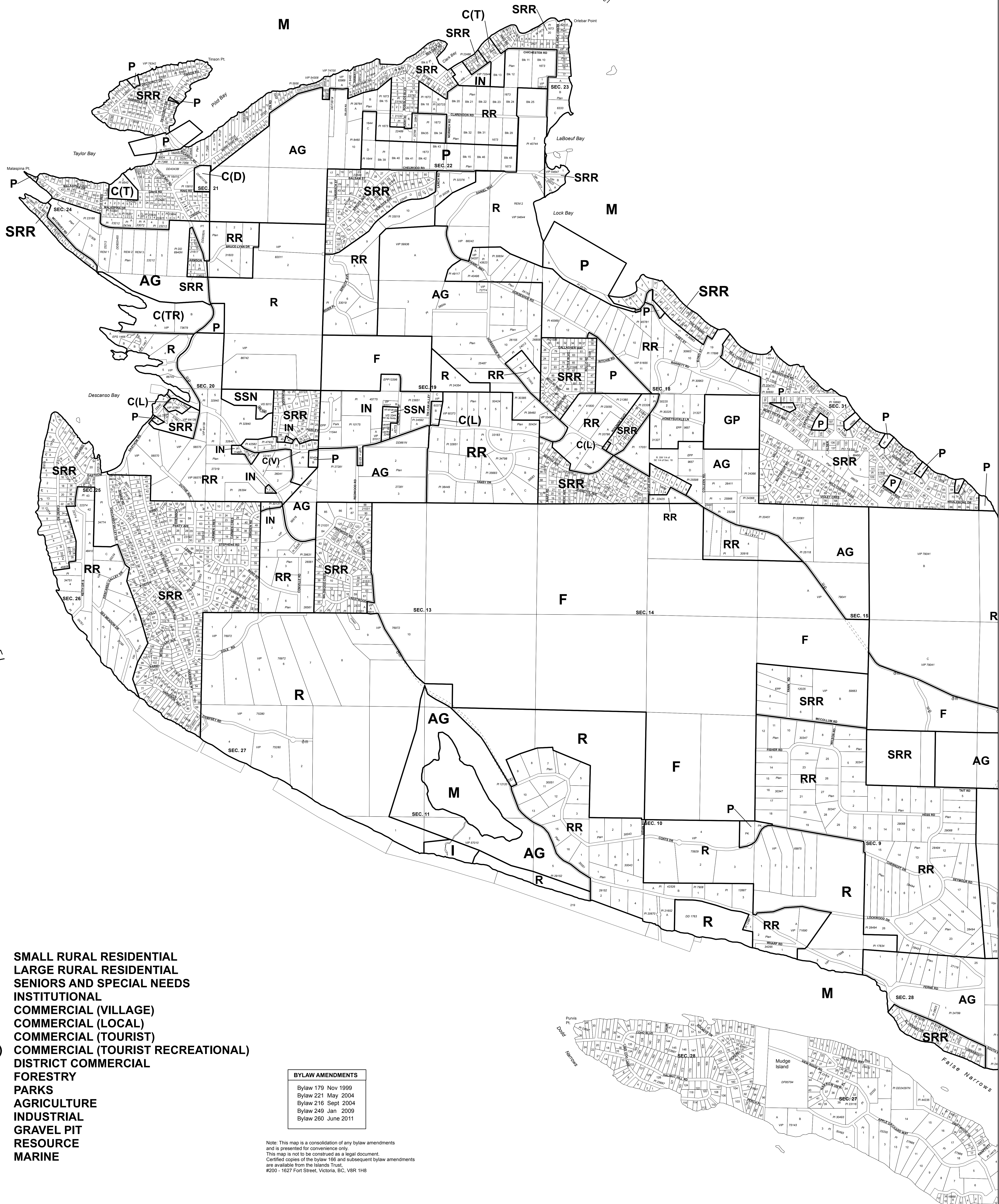
3. To Schedule C [Development Permits] the following information note is added:

“INFORMATION NOTE: This map is valid for the designation of “Development Permit Area No. 6 - Escarpment Areas” only; all other development permit areas are designated in Schedule D.”

4. Schedules D-1 and D-2 [Development Permit Area 3] are deleted and replaced with Plan 3 and Plan 4 attached to and forming part of this bylaw.

Entrance Island

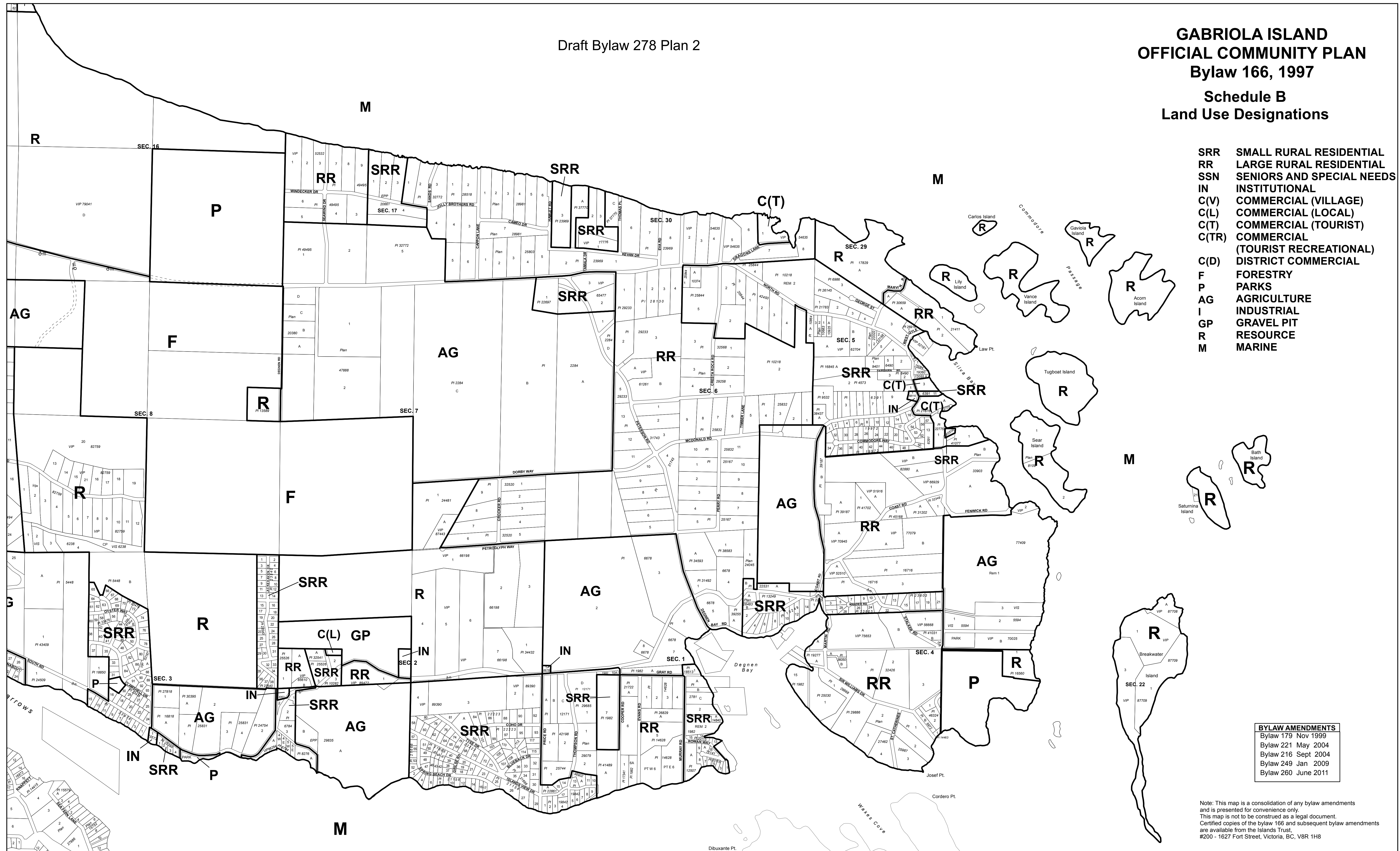
Forward Channel



GABRIOLA ISLAND
OFFICIAL COMMUNITY PLAN
Bylaw 166, 1997

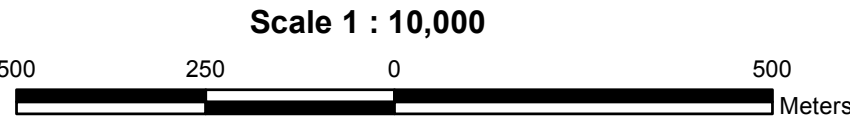
Schedule B
Land Use Designations

SRR	SMALL RURAL RESIDENTIAL
RR	LARGE RURAL RESIDENTIAL
SSN	SENIORS AND SPECIAL NEEDS
IN	INSTITUTIONAL
C(V)	COMMERCIAL (VILLAGE)
C(L)	COMMERCIAL (LOCAL)
C(T)	COMMERCIAL (TOURIST)
C(TR)	COMMERCIAL (TOURIST RECREATIONAL)
C(D)	DISTRICT COMMERCIAL
F	FORESTRY
P	PARKS
AG	AGRICULTURE
I	INDUSTRIAL
GP	GRAVEL PIT
R	RESOURCE
M	MARINE

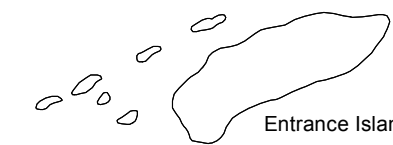


BYLAW AMENDMENTS
Bylaw 179 Nov 1999
Bylaw 221 May 2004
Bylaw 216 Sept 2004
Bylaw 249 Jan 2009
Bylaw 260 June 2011

Note: This map is a consolidation of any bylaw amendments and is presented for convenience only. This map is not to be construed as a legal document. Certified copies of the bylaw 166 and subsequent bylaw amendments are available from the Islands Trust, #200 - 1627 Fort Street, Victoria, BC, V8R 1H8

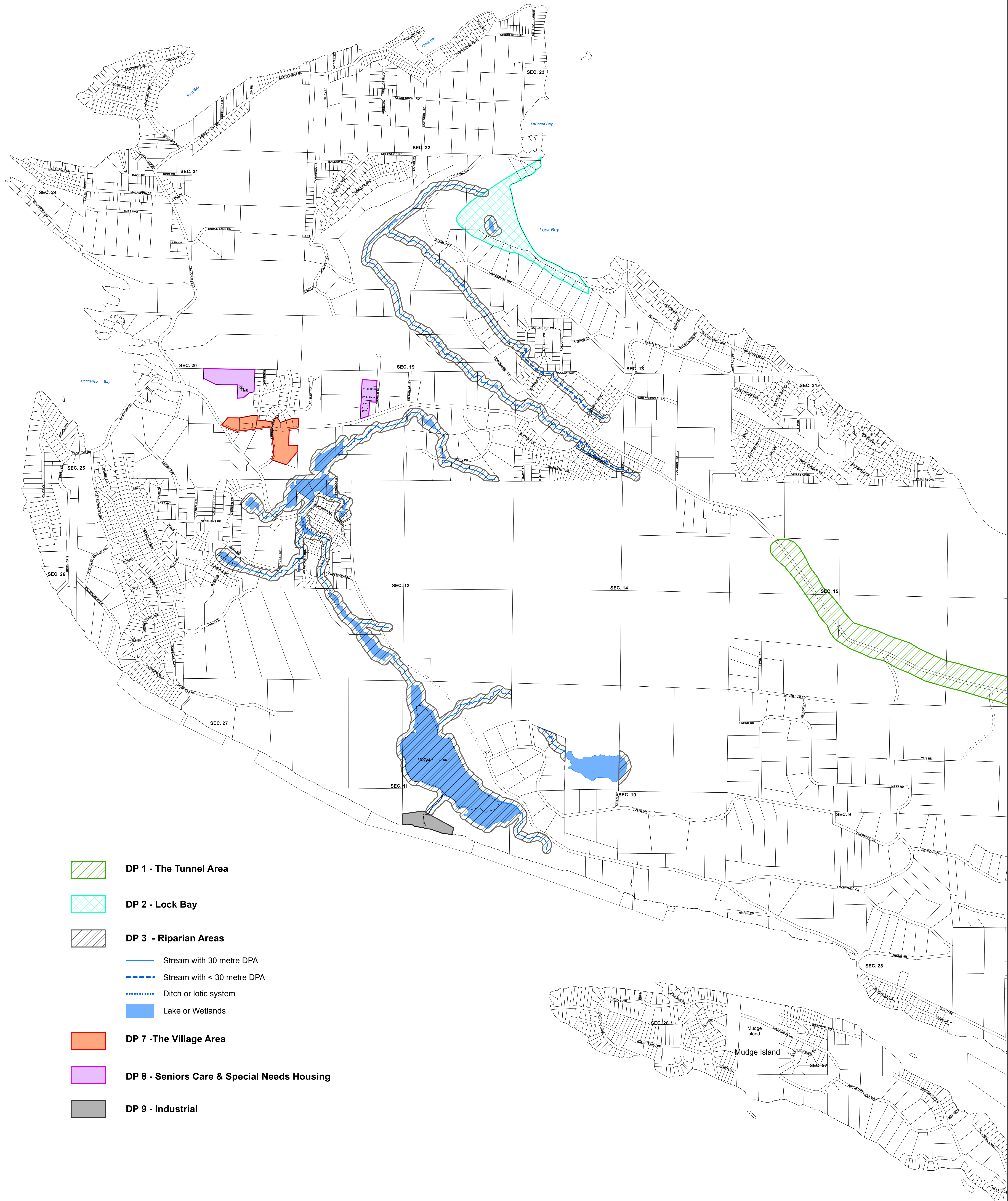


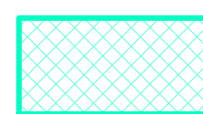
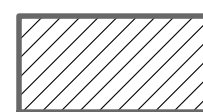
GABRIOLA ISLAND



GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN

Bylaw 166. 1997
Schedule D
Development Permit Areas

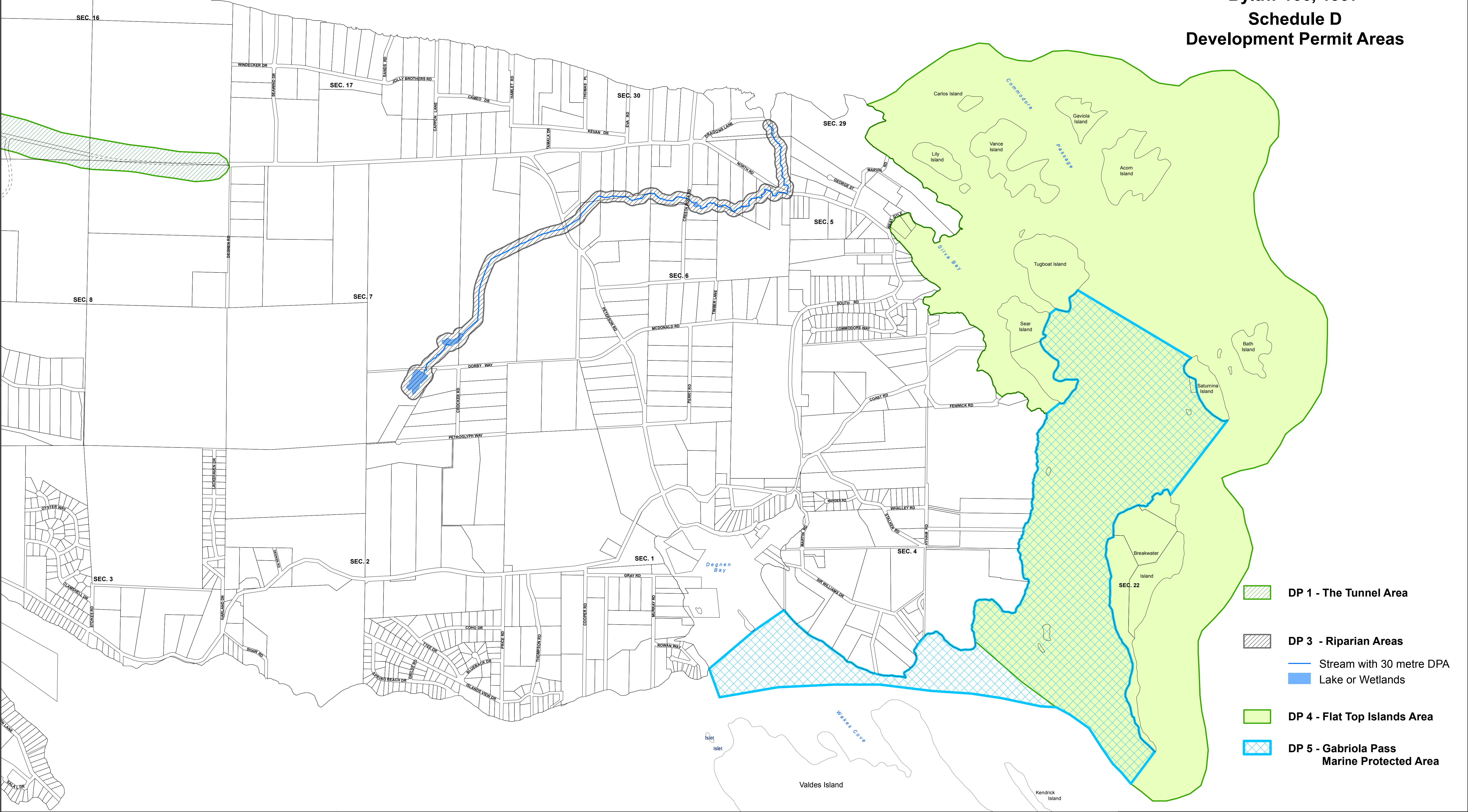


-  **DP 1 - The Tunnel Area**
-  **DP 2 - Lock Bay**
-  **DP 3 - Riparian Areas**
 -  Stream with 30 metre DPA
 -  Stream with < 30 metre DPA
 -  Ditch or lotic system
 -  Lake or Wetlands
-  **DP 7 -The Village Area**
-  **DP 8 - Seniors Care & Special Needs Housing**
-  **DP 9 - Industrial**

GABRIOLA ISLAND
OFFICIAL COMMUNITY PLAN

Bylaw 166, 1997
Schedule D
Development Permit Areas

Draft Bylaw 278 Plan 4



GABRIOLA ISLAND

GABRIOLA ISLAND
LOCAL TRUST COMMITTEE

OCP D
SOUTH SHEET

DRAFT

Gabriola Island Local Trust Committee

BYLAW NO. 279

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, 2012”

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

SECRETARY

CHAIRPERSON

Gabriola Island Local Trust Committee

Bylaw No. 279

Schedule 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:

1. Section A.3 COMPLIANCE is deleted and replaced with the following:

“A.3.1 Conformity

- A.3.1.1 No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- A.3.1.2 No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- A.3.1.3 Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- A.3.1.4 Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- A.3.1.5 No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming

A.3.2 Inspection

- A.3.2.1 The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.

A.3.3 Violation

- A.3.3.1 Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw.

A.3.4 Penalty

- A.3.4.1 Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty as provided in the *Offence Act* and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.”

A.3.5 Enforcement of Siting Regulations

A.3.5.1 Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

2. In section B.1 USES, BUILDINGS AND STRUCTURES,
 - a. to B.1.1.1.b the word “uses” is changed to “use”; and
 - b. to B.1.1.2.b remove the strike through on item “v”.
3. In section B.2 GENERAL SITING AND HEIGHT PROVISIONS,
 - a. to B.2.1.1, insert the words “excepting B.2.1.4c” after the word “Bylaw” and before the comma, and insert the words “ground level decks” after “retaining walls” and before the comma;
 - b. to B.2.1.1 add a new item as follows:

“c. elevation requirements in B.2.2.1.a. are measured to the underside of the floor of any wooden floor system or top of a slab or *pad* of any *habitable area*.”
4. In section B.4 SIGNS,
 - a. to B.4.1.1, Table 1, Column 2 heading, add the words “per lot” after the word “permitted”; and
 - b. to B.4.1.1, Table 1, Column 2, remove the words “per lot” everywhere except for the heading.
5. In section B.6 MISCELLANEOUS,
 - a. delete subsection B.6.3 and replace with the following:

“B.6.3 COMMERCIAL VACATION RENTALS

B.6.3.1 All dwellings, including cottages, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited”.
6. In section C.3 INTERPRETATION OF ZONE BOUNDARIES,
 - a. to C.3.1.1.a, delete the word “zones” and replace with “zone”; and
 - b. delete article C.3.1.2.
7. In section D.1 RESIDENTIAL ZONES,
 - a. to D.1.2.1.a delete item iii “forestry”;
 - b. add a new item after D.1.2.1.b.iv “keeping of animals for the personal use of the resident or landowner”;
 - c. to D.1.3.2.a.i delete the word “Plan” and replace it with “Map”; and

- d. to D.1.2.2.e.i delete the word “Plan” and replace it with “Map”.
8. In section D.2 RESOURCES ZONES,
 - a. to D.2.1.1.a delete item ii “forestry”;
 - b. to D.2.2.1 the title “*Principal* Permitted Uses” has “a.” added to precede the title and is indented to the same level as “b.” of the article, and the heading is changed to read “Permitted *Principal* Uses”;
 - c. to D.2.2.2.a.iii delete the second bullet that reads “shooting range, on lands as shown on Schedule C, Map 4.”;
 - d. to D.2.4.2.a.ii add a new bullet that reads “shooting range, on lands as shown on Schedule C, Map 4.”.
 9. In section D.3 COMMERCIAL AND INDUSTRIAL ZONES,
 - a. to D.3.1.1.a.iv delete the words “and cafes”;
 - b. to D.3.2.1.a.iv delete the words “and cafes”;
 - c. to D.3.3.1.a.iv delete the words “and cafes”;
 - d. to D.3.8.2.a.i delete the words “area in this zone; and
 - e. to D.3.8.3.e.ii change the word “*unit*” to “*units*”.
 10. In section D.4 RECREATION AND INSTITUTIONAL ZONES,
 - a. to D.4.4.1.a.vii add the words “and associated retail sale of used items” after “recycling centre”; and
 - b. to D.4.4.1.a.ix delete “Map 12” and replace with “Map 13”.
 11. In section D.5 WATER ZONES,
 - a. to D.5.1.1.a.i, insert the words “upland” between “with” and “residential” and insert the words “on Gabriola Island” at the end of the item;
 - b. to D.5.7.2.a item “i” should have a tab after the “i” and before the text; and
 - c. to D.5.8.1.a.i, insert the words “upland” between “with” and “residential” and insert the words “on Gabriola Island” at the end of the item.
 12. In section F.1 DEFINITIONS,
 - a. Add the following definitions in alphabetical order:

“ <i>habitable area</i> ”	means any room or space within a building or structure, which can be used for human occupancy, commercial sales, or storage of goods, possessions, or equipment (including furnaces) that would be subject to damage if flooded;”
“ <i>pad</i> ”	means a surface on which blocks, posts, runners, or strip footings are placed for the purpose of supporting a manufactured home or other <i>habitable area</i> ,”

- “restaurant* means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and may include café, delicatessen, and take-out restaurant, but specifically excludes neighbourhood pub, drive-in and drive-thru establishment;”
- b. Delete the definition of “clubhouse” and replace with the following:
- “clubhouse* means a facility used by a club;”
- c. Delete the definition of “structure” and replace with the following:
- “structure* means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, excluding vehicles except for vehicles used as a restaurant where a restaurant is a permitted use, floating vessels, paving for vehicle parking, sidewalks, and sewage absorption fields; for clarity, swimming pools, dugouts, cisterns, above ground septic tanks and detached ground level decks are considered structures;”
- d. Amend the definition of “commons accessory public assembly” by deleting the words “removed from this place space”.
- e. Amend the definition of “cottage” by adding the following words at the end of the definition: “limited in floor area to 65.0 square metres (699.7 square feet)”.
- f. Amend the definition of “forestry” by deleting the words “but excludes the processing of wood products”.
- g. Amend the definition of “public assembly and recreation” by adding the words “indoor or outdoor use associated with” between “means” and “a”, and delete the word “and” between “church” and “indoor” and replace with “or”.

Schedule “B” of Gabriola Island Land Use Bylaw No. 177 cited as “Gabriola Island Land Use Bylaw No. 177, 1999”, is amended as follows:

1. Amend the zoning of the lot legally described as “Lot C, Section 18, Gabriola Island, Nanaimo District, Plan EPP9657” to change the portion of the lot in the Large Rural Residential zone to the Agriculture zone so that the entire property is in the Agriculture zone.
2. Amend the legend to correct the spelling of “Commercial” in LC3 “Local Commercial 3 – Garden Centres”.
3. Amend the zoning of the lot legally described as “Lot 2, Section 2, Gabriola Island, Nanaimo District, Plan 3063” from Small Rural Residential to Institutional 1.