



Islands Trust

A NOTICE OF A BUSINESS MEETING OF **THE GAMBIER ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 am on Thursday, May 22, 2014
at Gibsons Library,
470 South Fletcher Road, Gibsons, BC

AGENDA

	Page No.	*Approx. Time*
1. CALL TO ORDER		10:30 am
2. APPROVAL OF AGENDA		
3. MINUTES		10:45 am
3.1 Local Trust Committee Meeting Minutes dated April 10, 2014 – <i>for adoption</i>	1-11	
3.2 Local Trust Committee Public Hearing Record dated April 10, 2014 – <i>for receipt</i>	12-13	
3.3 Section 26 Resolutions Without Meeting dated May 12, 2014 - <i>attached</i>	14	
3.4 Gambier Island Advisory Planning Commission Minutes - <i>none</i>		
4. BUSINESS ARISING FROM MINUTES		10:50 am
4.1 Follow-up Action List dated May 12, 2014 - <i>attached</i>	15-16	
4.2 Advisory Planning Commission Bylaw Amendment Update		
4.2.1 Memorandum dated May 9, 2014 - <i>attached</i>	17-20	
5. CHAIR'S REPORT		
6. TRUSTEES' REPORT		
7. DELEGATIONS		
8. TOWN HALL SESSION		
9. CORRESPONDENCE		
<i>Correspondence specific to an active development application and/or project will be received by the Gambier Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
10. LOCAL TRUST COMMITTEE PROJECTS		11:15 am
10.1 Foreshore Protection and Outreach		
10.1.1 Memorandum dated May 9, 2014 - <i>attached</i>	21-24	
10.2 Riparian Areas Regulation Implementation		
10.2.1 Staff Report dated May 1, 2014 - <i>attached</i>	25-29	
10.3 Implementation of Official Community Plan Policies		
10.3.1 Proposed Community Woodlots on Gambier Island – <i>for discussion</i>		
10.3.2 Potential Waste to Energy Facility at Port Mellon – <i>for discussion</i>		

	BREAK		12:15 pm
11.	APPLICATIONS AND PERMITS		12:30 pm
11.1	GM-DVP-2013.4 (Farrokh Elmieh – Gambier Island) 11.1.1 Staff Report dated May 6, 2014 - <i>attached</i>	30-49	
12.	BYLAWS		
12.1	Bylaw No. 127 cited as “Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004, Amendment Bylaw No. 1, 2014”. – <i>for consideration of adoption</i>	48-49	
13.	REPORTS		
13.1	Work Program		
13.1.1	Top Priorities Report and Projects Report dated May 12, 2014 - <i>attached</i>	50-52	
13.2	Applications Log		
13.2.1	Report dated May 12, 2014 - <i>attached</i>	53-57	
13.3	Trustee and Local Expenses		
13.3.1	Final Fiscal Year-End Expenditures to March 31, 2014 - <i>attached</i>	58	
14.	NEW BUSINESS		1:00 pm
14.1	New Federal Marihuana for Medical Purposes Regulation		
14.1.1	Staff Report dated April 28, 2014 - <i>attached</i>	59-82	
14.2	Communications Infrastructure in Gambier Local Trust Area – <i>for discussion</i>		
14.3	Trust Council on Keats/Gambier Island in September – <i>for discussion</i>		
15.	ISLANDS TRUST WEBSITE		
15.1	Gambier Pages – <i>for discussion</i>		
16.	NEXT MEETING		
	Thursday, July 10, 2014 at 10:30 am at The Gambier Island Community Centre, Andy’s Bay Road, Gambier Island, BC		
17.	ADJOURNMENT		1:30 pm

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



**Gambier Island
Local Trust Committee
Minutes of a Regular Meeting
and Community Information Session**

- Date of Meeting:** April 10, 2014
Location: Gleneagles Community Centre
 6262 Marine Drive, West Vancouver, BC
- Members Present:** David Graham, Chair
 Jan Hagedorn, Local Trustee
 Kate-Louise Stamford, Local Trustee
- Staff Present:** Aleksandra Brzozowski, Island Planner
 Marnie Eggen, Planner (10:30 a.m.-12:10 p.m.)
 Carmen Thiel, Legislative Services Manager
 (via teleconference 10:43-10:45 a.m.)
 Sonja Zupanec, Island Planner (via teleconference 10:55-11:12 a.m.)
 Diane Corbett, Recorder
- Media and Others Present:** Connor Shankey, Burrard Yacht Club, Proposed Bylaw No. 125 – a.m.
 Lynn Roxburgh, Applicant, Gambier Island Sea Ranch Strata Corporation, Draft Bylaw No. 126 – a.m.
 Darren Davis, Sea Ranch Council – a.m.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:38 a.m.

Chair Graham introduced Trustees and staff in attendance and remarked that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add late item and move forward: 7.2.1 Staff Report dated April 1, 2014 regarding Bylaw No. 127 – Amendment to Gambier Island Local Trust Committee Procedure Bylaw No. 87;
- Move forward: 14.1 Sea Ranch application;
- Add 17.3 Proposed Metro Vancouver Waste to Energy Facility at Port Mellon.

By general consent the Agenda was approved, as amended.

For the convenience of the public, and due to a limited time availability of Northern Office staff, the business agenda commenced with items 7.2, 8., 9., and 14.1, followed by the Community Information Session.

The Chair opened the Community Information Session at 11:13 a.m.

3. COMMUNITY INFORMATION SESSION REGARDING PROPOSED BYLAW NO. 125

Planner Eggen explained that the purpose of the Community Information meeting was to give an overview of the proposed rezoning application and to provide an opportunity for residents and landowners to ask questions and seek clarity prior to the public hearing regarding the proposed bylaw.

The proposed bylaw would amend the Gambier Island Land Use Bylaw to re-zone a 0.40 hectare water area adjacent to the upland subject property from 'Marine Park and Recreation (P3) Zone' to 'Yacht Club Outstation' (YCO (c)) to allow for the sole use of floating breakwaters and to regulate the extent of the breakwaters through zoning provisions.

Planner Eggen summarized the history of the rezoning application and provided an outline of the legislative process regarding the bylaw amendment application.

Islands Trust had sent out nine agency referrals; three responses were received. Two indicated no concern with the application. Squamish Nation had concerns, at which time the process of the application had been halted to enable discussions between the applicant and the Squamish Nation. Early in 2014, after discussions, the Squamish Nation concluded it had no further concerns, after which time the process of the proposed Land Use Bylaw amendment moved forward.

This Community Information Meeting was the next step in the process, and would be followed by a Public Hearing on the proposed bylaw amendment. In the event that the application is given second and third reading today by the Local Trust Committee, it will be forwarded to the Executive Committee for approval and then to the Local Trust Committee for final adoption in the summer of this year.

Notice had been sent out advising that the public could review contents of the public hearing binder containing information on the application at Gibsons and District Public Library and West Vancouver Memorial Library from March 28 to April 9, 2014.

The subject area is at the north end of Gambier Island adjacent to Ekins Point, and adjacent to the existing water leases of Burrard Yacht Club.

Staff recommended amending the Gambier Island Land Use Bylaw to insert text into table 5.20, subsection 5.20 (17), which specifically permits floating breakwaters only, with a maximum height of 1 metre measured from the surface of the water. The total combined maximum area covered by breakwaters would be 1280 square metres.

Chair Graham thanked the Planner for the presentation and indicated that public was invited to ask questions for clarity.

3.1 Questions and Answers Session

Mr. Conner Shankey of the Burrard Yacht Club was present on behalf of Mr. Rob Langford who had been handling the application and who was unable to attend the meeting at this time. Mr. Shankey reported that the Burrard Yacht Club had had waterfront property on the northeast end of Gambier Island since 1988, and liked to keep the operation low profile and low key. There were no buildings on the upland properties, and trails are maintained. Members come year round to enjoy the area.

The primary purpose of the application was to provide breakwater protection. Boats would not be tied to the breakwaters, which would only rise one to two feet above the water. People swim in the open area that would be enclosed by the breakwaters; the breakwaters would enhance the area for swimming. Mr. Shankey commented on the value of the natural environment to the members.

Responding to a question about how the site would be monitored, Mr. Shankey indicated that the Yacht Club's Director of Maintenance has a crew that goes out frequently. Members, who are volunteers, do most of the heavy maintenance and the work, and go out to the site year round, every week or two in the winter. Especially in the winter, when conditions could be rough in the northern strait, members keep an eye out to ensure anchors do not move. The breakwaters would be regularly inspected and insured.

The Chair thanked Mr. Shankey for taking the time to attend and for his comments, and closed the Community Information Session at 11:31 a.m.

4. RECESS FOR PUBLIC HEARING – PROPOSED BYLAW NO. 125

By general consent, the meeting recessed for a public hearing at 11:31 a.m.

5. RECONVENE

By general consent, the meeting reconvened at 11:38 a.m.

6. MINUTES

6.1 Gambier Island Local Trust Committee Meeting Minutes dated March 20, 2014

The following amendments to the minutes were presented for consideration:

- Page 2, item 5, sentence 2: replace "Traditional" with "Provincial";
- Page 2, item 5, sentence 3: delete last half of sentence after "April".

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions Without Meeting – none

6.3 Gambier Island Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated March 31, 2014

Island Planner Brzozowski provided an update on the Follow-Up Action List dated March 31, 2014, responded to questions and requested trustee clarification on planned actions.

Trustee Hagedorn requested a map that could be taken to meetings to be used for reference to outline sensitive areas. Upon ensuing discussion, the Island Planner indicated she would consult further with Islands Trust Fund staff on this and would come back with something at a future date.

Regarding a proposed meeting with the Sunshine Coast Regional District, the Island Planner reported that staff was making arrangements for that. Trustees suggested topics for discussion at the meeting.

Island Planner Brzozowski distributed newly printed copies of:

- The sustainability guide “Building Sustainably in Howe Sound and the Northern Gulf Islands”; and,
- “Sharing Our Shorelines”.

7.2 Bylaw No. 127 – Amendment to Gambier Island Local Trust Committee Procedure Bylaw No. 87

7.2.1 Staff Report dated April 1, 2014 regarding Bylaw No. 127 – Amendment to Gambier Island Local Trust Committee Procedure Bylaw No. 87

Legislative Services Manager Thiel responded to questions from Trustees regarding the amendment to the Gambier Island Local Trust Committee Procedure Bylaw No. 87 that would allow for electronic participation by members at a Local Trust Committee (LTC) meeting.

Trustees expressed thanks to staff that put the bylaw together. Trustees commented that the bylaw amendment:

- Gives the Gambier Island Local Trust Area operational flexibility, in light of the travel requirements for this Local Trust Committee; and
- Supports climate change initiatives.

GM-2014-017

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give First Reading to Bylaw No. 127, cited as “Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004, Amendment Bylaw No. 1, 2014.”

CARRIED

GM-2014-018

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give Second Reading to Bylaw No. 127, cited as “Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004, Amendment Bylaw No. 1, 2014.”

CARRIED

GM-2014-019

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give Third Reading to Bylaw No. 127, cited as “Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004, Amendment Bylaw No. 1, 2014.”

CARRIED

GM-2014-020

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee forward Bylaw No. 127, cited as “Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004, Amendment Bylaw No. 1, 2014”, to the Executive Council for consideration of approval.

CARRIED

8. CHAIR’S REPORT – none

9. TRUSTEES’ REPORTS

Trustee Stamford recently attended the Sunshine Coast Regional District (SCRD) Public Wharves Advisory Committee (PWAC) that was quite productive; there had been a community meeting on Keats Island two weeks earlier that had focused some of the issues and assisted in PWAC decision-making. New SCRD Manager of Transportation and Facilities, Rob Williams, was in attendance.

Trustee Stamford had a productive telephone meeting with SCRD Directors, Lee Turnbull (Area F) and Garry Nohr (Area B), both of whom have islands within their jurisdiction that are in the Gambier Local Trust Area.

Trustee Stamford had drafted a letter for the Local Trust Committee, in collaboration with Trustee Hagedorn and the Island Planner, to the Minister of Forests, Lands and

Natural Resource Operations regarding the issue of no public process for the Crown land community woodlots that occupy about 25% of Gambier Island.

Trustee Hagedorn reported that on the following Saturday an Aquatic Howe Sound Forum would be held in Furry Creek.

Trustee Hagedorn commented positively on a preliminary Town Hall meeting on Keats Island to discuss issues, mentioned earlier. Directors Turnbull and Nohr attended. A larger Town Hall meeting for Keats Island residents is scheduled for May 24, 2014.

The SCRD invited Metro Vancouver to talk in Gibsons on May 24, 2014 about the potential waste to energy project that might happen at Port Mellon.

Trustees Hagedorn and Stamford were trying to arrange, in collaboration with local Member of the Legislative Assembly, Nicholas Simons, for a meeting with the Minister of Forests, Lands, and Natural Resource Operations regarding the woodlots on Gambier Island.

Trustees Stamford and Graham planned to attend the upcoming Association of Vancouver Island and Coastal Communities (AVICC) Annual General Meeting and conference the following weekend in Parksville and Qualicum Beach.

By general consent, the meeting recessed at 12:14 and reconvened at 12:36 p.m.

10. DELEGATIONS - none

11. TOWN HALL SESSION - none

12. CORRESPONDENCE - none

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Foreshore Protection

13.1.1 Staff Report dated March 25, 2014 regarding Updates to Foreshore Protection/Stewardship priority project

Island Planner Brzozowski gave an overview on updates to the foreshore protection priority project. It was proposed to include the project work for forage fish mapping for Gambier Local Trust Area that was recently funded by Trust Council as part of the Foreshore Protection Project Charter.

Trustees provided feedback on a proposed outline and plans for a summer educational event on best practices for landowners considering shoreline development.

GM-2014-021

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee amend the Project Charter for Foreshore Protection as follows:

- 1) Adding “forage fish mapping” to *Scope and Deliverables*.
- 2) Adding “forage fish mapping” to *Workplan Overview*, with a timeframe of Summer/Fall 2014.
- 3) Change the timeframe for “Expansion of *Caring for My Shoreline* webpages” to Fall/Winter 2014.
- 4) Change the timeframe for “Further brochure design & printing if needed” to Fall/Winter 2014.
- 5) Change the timeframe for “Report on possible regulatory improvements for foreshore protection” to Winter 2014/2015.
- 6) Add “Mike Richards (Forage Fish Mapping lead)” to the project team.
- 7) Change the Budget Source line to read: “Work Program 2013/2014 (\$5,000) and 2014/2015 (\$3,000), Forage Fish Mapping (\$5,000)”.
- 8) Add a Budget Item “Forage Fish Mapping” at a cost of \$5,000.

CARRIED

GM-2014-022

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee provide feedback on the outline for the upcoming summer shoreline education event, and provide Staff with direction on preferred dates and location.

CARRIED

14. APPLICATIONS AND PERMITS

14.1 GM-RZ-2013.2 (Gambier Island Sea Ranch)

14.1.1 Staff Report dated March 21, 2014 regarding CD1 Zone Bylaw Amendment Application – Supplementary Report

Island Planner Zupanec explained the purpose of the report was to introduce draft Bylaw No. 126 for consideration of First Reading and to give an overview of the application. Island Planner Zupanec responded to questions.

Applicant Lynn Roxburgh of Gambier Island Sea Ranch Strata Corporation explained that the process to sort out the issues with the bylaw had been going on for ten years. Changing the park requirement from ‘Dedication of’ to ‘Statutory Right-of-Way over’ the park would require a 75% vote rather than a 100% vote, which was achieved at the Strata Corporation’s last Annual General Meeting.

The applicant indicated the Corporation was pleased to move forward with the application and meet the amenity requirements.

Island Planner Zupanec indicated that background information would be provided for the Community Information Meeting.

15. BYLAWS

15.1 Proposed Bylaw No. 125 cited as “Gambier Island Land Use Bylaw No. 86, 2004, Amendment No. 2, 2013”

GM-2014-023

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give Second Reading to proposed Bylaw No. 125 cited as “Gambier Island Land Use Bylaw No. 86, 2004, Amendment No. 2, 2013”.

CARRIED

GM-2014-024

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give Third Reading to proposed Bylaw No. 125 cited as “Gambier Island Land Use Bylaw No. 86, 2004, Amendment No. 2, 2013”.

CARRIED

GM-2014-025

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee submit proposed Bylaw No. 125 cited as “Gambier Island Land Use Bylaw No. 86, 2004, Amendment No. 2, 2013” to the Executive Council for consideration of approval.

CARRIED

15.2 Draft Bylaw No. 126, cited as “Gambier Island Land Use Bylaw 86, 2004, Amendment No. 1, 2014”

GM-2014-026

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee give First Reading to Draft Bylaw No. 126, cited as “Gambier Island Land Use Bylaw 86, 2004, Amendment No. 1, 2014”; and direct staff to refer proposed Bylaw No. 126 to the following agencies and First Nations:

- Islands Trust Fund
- Sunshine Coast Regional District Parks Department
- Agricultural Land Commission
- Squamish Nation
- Tsleil-Watuth Nation

CARRIED

16. REPORTS

16.1 Work Program Reports

16.1.1 Top Priorities Report and Project List dated March 31, 2014

Received for information.

GM-2014-027

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee remove priority number 3: “Sustainability Guide” from the Top Priorities List.

CARRIED

16.2 Applications Log

16.2.1 Report dated March 31, 2014

Received for information.

16.3 Trustee and Local Expenses

16.3.1 Expenses posted to end of March 2014

Received for information.

17. NEW BUSINESS

17.1 Gulf Islands Groundwater Protection – A Regulatory Toolkit

17.1.1 Memorandum dated March 19, 2014 regarding Gulf Islands Groundwater Protection – A Regulatory Toolkit

The Gambier Island Local Trust Committee received the document entitled “Gulf Islands Groundwater Protection – A Regulatory Toolkit” as information. Discussion ensued about water related issues in the Trust Area, regulatory tools, and education related to groundwater protection.

GM-2014-028

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee request staff to refer the document entitled “Gulf Islands Groundwater Protection – A Regulatory Toolkit” to planning staff working on DL 696 rezoning file 2004.1 and subdivision file 2013.1, with specific applicability to groundwater concerns on those files.

CARRIED

Trustee Hagedorn Abstained

17.2 Local Trust Committee Submission for 2013/2014 Annual Report

17.1.1 Memorandum dated March 25, 2014 regarding 2013/14 Annual Report submission for Gambier Island Local Trust Committee

GM-2014-029

It was MOVED and SECONDED,

that the Gambier Island Local Trust Committee insert the following statement in the submission for the 2013/2014 Annual Report, before the sentence commencing with “In October”: “Throughout the fiscal year, the Local Trust Committee liaised with agencies and other local governments on cross-jurisdictional activities occurring in Howe Sound.”

CARRIED

17.3 Proposed Metro Vancouver Waste to Energy Facility at Port Mellon

Trustees and staff discussed concerns related to the proposed Metro Vancouver waste to energy facility at Port Mellon and potential questions and comments to forward on to the Sunshine Coast Regional District and Metro Vancouver on this issue. Main concerns noted included ash toxicity and air quality, and the barging of garbage through Howe Sound.

18. ISLANDS TRUST WEBSITE

18.1 Gambier Pages – No update

19. NEXT MEETING

Thursday, May 22, 2014 at 10:30 am at Gibsons Library, 470 South Fletcher Road, Gibsons, BC

20. ADJOURNMENT

By general consent the Gambier Island Local Trust Committee meeting was adjourned at 1:57 pm.

David Graham, Chair

CERTIFIED CORRECT:

Diane Corbett, Recorder



**Gambier Island
 Local Trust Committee
 Public Hearing Record**

**REGARDING:
 PROPOSED BYLAW NO. 125
 AMENDMENT OF THE GAMBIER ISLAND LAND USE BYLAW
 TO ALLOW FOR THE LIMITED REZONING
 FOR THE USE OF FLOATING BREAKWATERS**

Date of Public Hearing: April 10, 2014
Location: Gleneagles Community Centre
 6262 Marine Drive, West Vancouver, BC

Members Present: David Graham, Chair
 Jan Hagedorn, Local Trustee
 Kate-Louise Stamford, Local Trustee

Staff Present: Aleksandra Brzozowski, Island Planner
 Marnie Eggen, Planner
 Diane Corbett, Recorder

Media and Others Present: Connor Shankey, Burrard Yacht Club for Proposed Bylaw No. 125

1. CALL TO ORDER

Chair Graham called the meeting to order at 11:31 a.m.

2. OPENING REMARKS FROM THE CHAIR AND TRUSTEES

Chair Graham read aloud an opening statement regarding the Public Hearing on proposed Bylaw No. 125.

3. PROPOSED BYLAW NO. 125

Planner Eggen gave an overview of proposed Bylaw No. 125 to amend the Gambier Island Land Use Bylaw to re-zone a 0.40 hectare water area adjacent to the upland subject property from 'Marine Park and Recreation (P3) Zone' to 'Yacht Club Outstation' (YCO (c)) to allow for the sole use of floating breakwaters and to regulate the extent of the breakwaters through zoning provisions.

Planner Eggen explained that a rezoning application was required as the current zoning did not permit floating breakwaters for yacht club outstation purposes. No Official Community Plan amendment would be required.

**Public Hearing Record
Received for Information
By Local Trust Committee**

There were nine referrals to agencies and First Nations. Three responses had indicated their interests were unaffected. Squamish First Nation's concerns were addressed through discussions with the applicants. No public submissions had been received.

Chair Graham inquired if there were any submissions on the proposed Bylaw No. 125.

4. PUBLIC COMMENTS AND QUESTIONS

Connor Shankey mentioned the Yacht Club also sent a letter to Thunderbird.

Chair Graham inquired a second and a third time if there were any further comments on the proposed bylaw.

Upon hearing none, Chair Graham closed the meeting to any further comments.

5. ADJOURNMENT

Chair Graham declared the public hearing closed at 11:38 a.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

Diane Corbett, Recorder



RWM From: September 19, 2013 To: May 12, 2014

Gambier Island

Resolution #	Action	Resolution Description	Resolution Date
2014-01	In Favour	"That The Gambier Island Local Trust committee release up to \$750 for registration and travel expenses for Trustee Stamford to attend the 2014 Association of the Vancouver Island and Coastal Communities (AVICC) AGM and Convention."	Apr 07, 2014



Islands Trust

Follow Up Action Report w/ Target Date

Gambier Island Sep-26-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to research the history of Site-Specific water zones on Gambier.	Aleksandra Brzozowski	Apr-10-2014	On Going

Nov-29-2013

No.	Activity	Responsibility	Target Date	Status
1	Staff to provide Trustees with possible shoreline protection strategies for DL 696.	Aleksandra Brzozowski Sonja Zupanec	Mar-20-2014	On Going

Jan-30-2014

No.	Activity	Responsibility	Target Date	Status
1	Planning and Trust Area Services staff to prepare streamlined version of sensitive ecosystems in the Gambier Local Trust Area, to use for future planning work and share with external bodies and members of the public.	Aleksandra Brzozowski Kate Emmings	Jul-10-2014	On Going

Mar-20-2014

No.	Activity	Responsibility	Target Date	Status
1	Comment from BE on possible changes to BEN bylaw resulting from Bylaw 120 (Assoc Islands LUB)	Miles Drew	Apr-10-2014	On Going
1	Staff to investigate amending the Gambier APC bylaw to address: 1) allowing for the APC to meet electronically 2) removing the requirement that 2/3 of the APC must be residents on island 6+ months of the year.	Carmen Thiel Lisa Webster-Gibson	May-22-2014	Done
1	Staff to provide info on other municipalities' approaches to RAR DPAs.	Aleksandra Brzozowski	May-22-2014	Done
1	Prepare outline of the request for proposals to verify RAR applicability of watersheds in Gambier LTA.	Aleksandra Brzozowski	May-22-2014	Done

1	Staff investigate restrictions re: rifle discharging in Gambier LTA and elsewhere in the Islands Trust Area.	Aleksandra Brzozowski	May-22-2014	On Going
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Apr-10-2014

No.	Activity	Responsibility	Target Date	Status
1	LTC gave first reading to draft bylaw 126 (Sea Ranch Bylaw Amendment). Refer proposed bylaw to agencies and First Nations. Schedule CIM and PH for July 10th LTC meeting on Gambier Island.	Lisa Webster-Gibson Sonja Zupanec	Apr-17-2014	Done
1	LTC gave 1st, 2nd, and 3rd reading to Draft Bylaw 127 (Meeting Procedures Bylaw amendment No. 1). Refer proposed bylaw to Executive Committee for approval.	Aleksandra Brzozowski Carmen Thiel Lisa Webster-Gibson	May-22-2014	Done
1	LTC gave 2nd and 3rd reading to proposed bylaw 125 (Trident Lands RZ). Refer proposed bylaw to Executive Committee for approval.	Marnie Eggen Lisa Webster-Gibson	May-22-2014	Done
1	Mail out copies of Sustainability Guide to 2012 Gambier APC members, thanking them for their input.	Aleksandra Brzozowski	May-22-2014	Done



Memorandum

700 North Road Gabriola 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 May 9, 2014 File Number GM 3050-01

To Gambier Island Local Trust Committee

From Aleksandra Brzozowski, Island Planner
Lisa Webster-Gibson, Legislative Clerk
Northern Office

Re **Options to amend Advisory Planning Commission Bylaw No. 113**

At its March 20, 2014 regular business meeting, the Gambier Island Local Trust Committee (LTC) requested staff to provide a report regarding possible amendments to the Advisory Planning Commission (APC) bylaw (Bylaw No. 113), specifically the resident requirements and the possibility of members meeting electronically (Resolution GM-2014-016.) This memorandum reports back information regarding these requests and offers information to assist the LTC on this topic.

BACKGROUND:

Gambier Bylaw No. 113 was adopted on October 28, 2010 following a review to improve the previous APC bylaw (Bylaw No. 58). As part of its review, Staff presented options regarding the composition of the APC, in particular, the residency requirements noted in APC Bylaw 58. The requirements were very restrictive, allowing only 'resident electors' to be appointed members. (Please refer to staff reports dated August 28, 2009; May 27, 2010; September 1, 2010; and October 4, 2010 for detailed background.)

Bylaw 113 removed the requirement that "every member must be an elector of the Local Trust Area, as defined in the Municipal Act", replacing it with a clause stating that "at least 2/3 of the members of the APC must be residents of the Local Trust Area". Allowing the LTC to appoint corporate shareholders or other qualified non-residents as APC members widened the pool of candidates. In addition, 'resident' replaced 'resident elector' to further broaden the pool of potential applicants. Resident is now currently defined in Bylaw 113 as:

"resident" means a person who:

(i) is a citizen of Canada or is lawfully admitted to Canada for permanent residence,

(ii) must be an individual who is age 18 or older,

(iii) has resided within the Gambier Island Local Trust area for at least six months in the last year,

and

(iv) makes his or her home in the Gambier Island Local Trust Committee area an to which, whenever absent, the individual intends to return.

Following the adoption of Bylaw 113, the LTC created a small set of Advisory Planning Commission Guidelines to provide further direction on APC appointments, in addition to the requirements set out in Bylaw 113. In the guidelines, the LTC expressed a strong desire that its APC be "representative of a broad cross-section of the geographical areas of the Gambier Island Local Trust Committee area". Because the Gambier Local Trust

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Area (LTA) covers such a large expanse with a low number of residents, it remains difficult to meet the criteria set out in the guidelines even with the revised residency requirements set out in Bylaw 113.

Over the last ten years, the APC has received seven referrals:

- 2004: Draft Gambier Island Land Use Bylaw (project initiated by LTC)
- 2004: Official Community Plan and Parks Master Plan from Sunshine Coast Regional District
- 2005: Draft Howe Landscape Unit Plan from Ministry of Forests
- 2005: Brigade Bay Subdivision application
- 2010: Proposed Associated Islands Official Community Plan (project initiated by LTC)
- 2012: Sustainability Checklist (project initiated by LTC)
- 2013: Invitation to Green Shores webinar (project initiated by Local Planning Committee)

REQUESTED OPTIONS FOR AMENDING BYLAW 113:

Section 898 of the Local Government Act specifies regulations and requirements concerning Advisory Planning Commissions; Article 4 of this section states that “At least 2/3 of the members of an advisory planning commission must be residents of the municipality or the electoral area.” It remains a requirement of the Local Government Act (LGA) Section 898 (4) that APC members be residents of the LTA, and this requirement must be met, whether or not the clause is contained within an APC bylaw. The current APC Bylaw has membership requirements that represent the broadest possible application of the above section of the LGA and cannot be amended further.

The LTC has also requested a review of the requirement to meet in person. The Islands Trust Electronic Meetings Regulation, the governing act for electronic meetings for the Trust, states that a “trust body” means Trust Council, the Executive Committee, Local Trust Committees, and the Islands Trust Fund Board. There is no provision in the regulation for Advisory Planning Commissions to hold electronic meetings as they are not named in the definition of a “trust body”.

ALTERNATIVE OPTIONS:

Unfortunately, the LTC is not able to amend Bylaw 113 as requested. However, the following are alternative approaches to managing an APC that may assist the LTC meet both the LGA requirements and the criteria set out in the APC Appointment Guidelines.

1. Appoint a smaller APC: There is no minimum number for members for the APC. A smaller number of appointees would enable the LTC to more easily meet the residency requirements. For example, if the number of members is three, then only two members would need to meet the residency requirements; if the number were five, then three members would need to be resident.

In order to appoint a smaller LTC, no bylaw amendments would be necessary. When APC members are appointed, a resolution regarding commission size could be made at that time. If the LTC later chose to increase the number of APC members, it may do so and increase the size of the APC as per the residency requirements.

Staff considers this to be the most efficient manner in which to meet the residency requirements of Bylaw 113.

2. Appoint a smaller APC and provide more detailed referral direction: If the concern with appointing a smaller APC is that the recommendations they make will be less representative of the population, the LTC could consider, on a case-by-case basis, directing the Commission to obtain additional information from the public or stakeholders by way of presentations or other such activities. It is stated in the Islands Trust Terms of Reference for Advisory Planning Commissions: “*in cases where the LTC wishes the APC to consult broadly with members of the community or specifically with particular stakeholders in the community before formulating its advice, the LTC will make such wishes known to the APC in its referral of the matter*”.

Staff notes that if an APC is directed to consult with stakeholders or the public, the APC's deliberations and formulation of recommendations should still be limited to APC members only; consultation should be separate from the APC discussion. Consultation could form part of an APC meeting in advance of the APC's deliberation, but the actual discussion of recommendations to the LTC should be limited to APC members.

It is also in the LTC's authority to directly refer a briefing or document to individuals or groups that are not the APC, should the LTC be seeking comment or information on a particular topic.

In order to direct an APC to consult the community, detailed resolutions at the time of referral would be required. No amendments to Bylaw 113 would be necessary.

Staff considers this option a good complement to the option of a smaller APC.

3. Lengthen the Term of the APC: Longer terms for the APC appointees may not assist in recruiting new APC appointees; however, longer terms may help to sustain participation in the APC and eliminate the need for repeated and costly calls for interest throughout the LTC's term. In particular, considering the upcoming change to four-year Trustee terms, the LTC could consider amending Bylaw 113 to specify a four-year term that coincides with the Trustee term, instead of the current two-year term.

In order to lengthen the term of the APC, an amendment to Bylaw 113 would be required.

Staff considers this a wise course of action, considering the upcoming change to four-year Trustee terms.

4. Suspend the APC: While the LTC has the authority by bylaw to establish an APC, it is not mandatory. It may be that the LTC wishes to simply suspend the APC until such time as there is a need for an ongoing commission, and interest-based appointments could then be solicited and made at that time.

In order to suspend the APC, no bylaw amendments or resolutions are required.

The majority of recent referrals to the APC have been in regards to LTC-initiated projects. As the LTC is now in the late stages of the 2011-2014 term and has a clear sense of the work it will undertake until the end of the year, the LTC may wish to review its priority items and applications log to assess the possible need for an APC for these projects. Should there not be a foreseeable need for an APC referral, Staff considers suspending the APC a reasonable course of action for the remainder of the term.

If the LTC decides to suspend the APC, Staff strongly advises requiring an assessment of the anticipated need for an APC to occur as part of preliminary reports for projects, bylaws, and major development applications.

Should the recruitment of APC members present such ongoing difficulties that the APC is untenable, an alternative to consider is to request a regulation under the LGA by Order in Council, to exempt the LTC from the residency requirements of Sec 898 of the Local Government.

5. Request an amendment of the Local Government Act (LGA): The LTC may wish to consider requesting an exemption through regulation under the LGA that would exempt the Gambier Island LTC from the residency requirements in the establishment of APC and provide alternate means to appoint APC members. The LTC would be required to make a request to the Islands Trust Council to then request the Provincial Government to enact a regulation under s. 54(2)(b) of the Islands Trust Act to exempt the Gambier Island Local Trust Committee from complying with s. 899(4) of the Local

Government Act, in respect of the Gambier Island Advisory Planning Commission and any other Advisory Planning Commissions that might be appointed in portions of the Gambier Island Local Trust Area.



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 May 9, 2014 File Number GM 6500-20

To Gambier Island Local Trust Committee
For meeting on May 22, 2014

From Aleksandra Brzozowski
Island Planner
Northern Office

Re **Softer Shorelines Community Information Event**

At the April 10, 2014 LTC meeting, the Gambier Local Trust Committee requested Staff to draft an event plan for a community information event in late July.

Attached is the workshop event plan for the LTC's review and comment. In particular, Staff seeks feedback on the agenda timeline, and seeks direction on the list of invitees.

Attachments:

1. Draft Event Plan for Softer Shorelines Community Information Event

Attachment 1



Event Plan

Gambier Softer Shorelines Info Event

Creation Date: May 9, 2014

Last Updated: May 13, 2014

Version: 1.0

	Name	Endorsement Date
Project Manager	Aleksandra Brzozowski, Island Planner	
Local Trust Committee	Gambier Island	

Purpose

The aim of the Shoreline Friendly Community Event is to engage the local community around soft shore approaches to development in and around the Gambier Island Local Trust Area.

Background

On January 30, 2014, the LTC requested an educational event in the summer on the topic of best practices for landowners considering shoreline development.

The objectives for the workshop are as follows:

- Continue education about both the need for softer shoreline development in the LTA, and the practical implementation options for the area.
- Develop community support for soft shore approaches.
- Collaborate with local governments (Islands Trust and Regional Districts) and property owners to motivate all parties to preserve and protect the foreshore/nearshore ecosystem.

On April 10, 2014, Staff presented a preliminary outline of a possible education event to meet project objectives. It was suggested by Trustees that a venue outside the Local Trust Area be chosen to serve as an example of soft shoreline techniques. Trustees also suggested targeting a location or project from within the Sunshine Coast Regional District (SCRD). It was agreed that the “Landowner’s Guide to Protecting Shoreline Ecosystems” that is currently in development be presented at the event.

Event Location

The Chaster House Shoreline Stabilization Project is a recent project done by the SCRD Parks Department to mitigate slow erosion of the property. This location could serve as a good venue for a site visit to discuss the project’s objectives, challenges, and lessons learned. The house on the property is managed by the Parks department and available for rent, so it would serve well as the venue for the remainder of the event.

Event Dates

Staff with the Sunshine Coast Regional District Parks department is able to present their recent shoreline stabilization project, Ocean Beach Esplanade and Chaster House, in the last week of July or the first week of August.

Event Agenda

This event is tentatively scheduled to start in the late morning, but could be moved to early afternoon with a shorter break. Staff anticipates this event will take 3 – 3.5 hours.

When	What	Who
10:30 – 10:45 am	<ul style="list-style-type: none"> Introduce event and acknowledge First Nations Outline agenda for day 	Trustees
10:45 – 11:30 am	<ul style="list-style-type: none"> Introduce the need for soft shoreline development The basics of soft shore approaches 	Staff (Aleks) and one “Engineer” Speaker (TBD)
11:30 am – 12:30 pm	<ul style="list-style-type: none"> Presentation on Chaster House Walkabout on Ocean Beach Esplanade Lessons learned 	Sam Adams and Trevor Fawcett, SCRD, perhaps IP Consulting
12:30 – 1:00 pm	LUNCH BREAK	All
1:00 – 1:15 pm	<ul style="list-style-type: none"> Staff presents the “Landowner’s Guide to Protecting Shoreline Ecosystems” Overview of next steps for the Foreshore Protection Project (forage fish mapping, expanding the webpages, etc) 	Trustees and Staff
1:15 – 2:00 pm	<ul style="list-style-type: none"> Questions Thank yous 	All

Task Timeline

	Task	Lead	Target Completion Date
✓	Source speakers	Aleksandra	April 2014
✓	Identify Field Site	Aleksandra	April 2014
	Confirm Speakers	Aleksandra	May 2014
	Confirm date	All	May 22, 2014
	Confirm venue	Penny Hawley	May 2014
	Confirm agenda	All	May 22, 2014
	Develop list of participants	All	May 22, 2014
	Send invitations / Advertise event	All	June 2014
	Prepare info materials	Aleksandra	June 2014
	Confirm catering	Penny	July 2014



	Task	Lead	Target Completion Date
	Finalize agenda schedule	All	July 10, 2014
	Set up materials	All	July 2014
	Post-event posting on webpage	Aleksandra	August 2014

Project Budget

Item	Cost
Venue at Chaster House	\$80
Speaking and/or Travel Fees for Professionals	\$500
Invitations / Advertising	\$200
Printing of Materials (Landowners' Guide)	\$300
Catering	\$200
Notetaker?	
Facilitator?	
Videographer?	
TOTAL	

Staff has explored a number of jurisdictions' methods of implementing RAR, including the Sunshine Coast and Strathcona Regional Districts. While some details are unique, there are no options fundamentally different than those noted in the March 20, 2014 staff report. Feasible implementation options remain as follows:

1. Amend the Official Community Plan (OCP) to designate all lands within 30 metres of watercourses in RAR-identified watersheds as DPAs.
2. Amend the Official Community Plan (OCP) to designate all lands within 30 metres of RAR-applicable streams as DPAs.
3. Designate entire islands (all watershed areas) under a riparian DPA, regardless of RAR designation.
4. Amend the Land Use Bylaw (LUB) to establish both a 30 metre setback and a landscape strip for all watercourses within the RAR-identified watersheds.

UPDATE ON BC OMBUDSPERSON'S REPORT:

The BC Ombudsperson recently released a report "Striking a Balance: the challenges of using a professional reliance model in environmental protection – British Columbia's *Riparian Areas Regulation*". There are 25 recommendations in the report for the Ministry of Forests, Lands and Natural Resources Operations (MFLNRO), and all except one have been accepted by them.

A briefing on this report and its implications will be presented at June Trust Council. There are no immediate implications for the Gambier LTC's implementation of the RAR. Some recommendations, when implemented, will improve information from MFLNRO available to the public and provide better clarity and certainty.

MAPPING FOR RAR IMPLEMENTATION IN GAMBIER LTA:

On March 20, 2014, the Gambier Island Local Trust Committee requested staff to provide an outline of a request for proposals to determine the RAR-applicable watersheds in the Gambier Island Local Trust Area, using the \$30,000 budget allotted for RAR mapping in the Gambier LTA.

Due to the detailed methodology required for RAR mapping and the predominance of only water access, Staff does not anticipate any cost savings by requesting a proposal to assess RAR on all islands in the LTA at once. Staff instead recommends requesting a detailed proposal for only Gambier Island to begin, requesting both a determination of RAR applicability and mapping of streams identified as applicable to the RAR.

Staff proposes the request for proposals to include the following information:

The Islands Trust is challenged to identify and map the streams on Gambier Island that are applicable to the Riparian Areas Regulation due to the island's almost 100 unique watersheds, lack of available data, and inaccessibility of terrain. The standard approach to implementation of the RAR in the Islands Trust Area so far has been to retain a Qualified Environmental Professional to investigate the handful of watersheds on an island that have been pre-determined to be likely to support fish, and map them to a high degree of accuracy with GPS. The cost of replicating this approach on Gambier Island is expected to be prohibitive, so we are looking for a different way of gaining a better understanding of fish habitat on this island.

Islands Trust staff analysis has narrowed down the subject area to (xx) watersheds by excluding any lands not currently permitting residential, commercial, or industrial use in their zoning. The relevant watersheds are displayed on the attached map x.

We are looking for qualified professionals to propose how the following can be undertaken within a fixed budget of \$30,000 or, should this budget be insufficient to complete the work, to propose interim steps that would narrow down the study area by excluding some of the subject area by determining it is not applicable to the RAR, or similar.

The Islands Trust seeks a proposal outlining a plan for the following deliverables:

- 1. Meet with Islands Trust planning staff to coordinate resources and timing.*
- 2. Contact property owners and receive permission to access their properties.*
- 3. Identify and map the location of any natural or human made permanent barrier(s) that cannot be reasonably modified to allow fish passage.*
- 4. Applying Riparian Areas Regulation standards, assess and identify the location of fish bearing streams, potentially fish bearing streams, and streams flowing into them.*
- 5. Map all streams identified as fish bearing streams, potentially fish bearing streams, and streams flowing into them only to the length in which a Riparian Areas Regulation Streamside Protection and Enhancement is required.*
- 6. Identify which streams or segments of streams are considered ditches under the RAR.*
- 7. Map stream locations according to the Global Positioning System Specifications, mapped to an accuracy of between 1-5 metres. Stream gradients should be measured to nearest 0.5%.*
- 8. Based on the stream mapping, draft a report summarizing the findings of the RAR stream mapping, outline the methodology used, and provide recommendations regarding considerations for drafting a RAR implementation bylaw. Submit for review by Islands Trust staff.*
- 9. Provide electronic shape files that include raw data from the field collection showing location of streams, including notes on data limitations or corrections made to the data.*
- 10. Deliver maps of RAR applicable streams, as well as the provision of final stream location documentation to the Islands Trust including raw data, electronic files and notes on data limitations and corrections made.*
- 11. Prepare a final report signed and sealed with the QEP's official stamp, for Gambier Island Local Trust Committee.*
- 12. The Qualified Environmental Professional assigned to the project must present findings at a Gambier Island Local Trust Committee meeting.*

Upon completion of RAR stream mapping for Gambier Island, Staff would draft development permit area provisions for LTC review that would be in accordance with the RAR. Staff would also at that time offer recommendations for implementing RAR on the other islands in the LTA.

DRAFT PROJECT CHARTER:

Based on the preliminary direction set on March 20, 2014 to pursue a contract with a QEP for RAR map data with the intent to introduce a RAR development permit area, Staff has prepared a draft Project Charter that scopes out deliverables and a general timeline for the RAR Implementation priority project (Attachment 1).

Considering the \$30,000 budget allotted for 2014/2015 will likely not be adequate for implementing RAR all at once, Staff presents a general project charter that introduces the

possibility of phasing out the implementation process. The project charter should be revised after review of the QEP proposals.

STAFF COMMENTS:

The main concern when implementing the RAR in the Gambier Local Trust Area is to do so efficiently and cost-effectively while providing enough clarity to property owners.

Because of its specificity, its clear exemptions and exclusions, and its assuredness as a regulatory approach that meets the RAR, Staff recommends a development permit area as the soundest option to pursue.

Staff advises that the first step to pursuing such an option would be to send a Request for Proposals out to Qualified Environmental Professionals to provide an outline and anticipated budget for mapping services for basic verification of RAR applicable watersheds and possibly mapping of RAR-applicable streams on Gambier Island.

RECOMMENDATIONS:

THAT the Local Trust Committee direct staff to prepare and advertise a Request for Proposals regarding mapping services for basic verification of RAR applicable watersheds and mapping of RAR-applicable streams on Gambier;

THAT the Local Trust Committee review and revise the draft Project Charter for Riparian Areas Regulation Implementation; and,

THAT the Local Trust Committee endorse the Project Charter for Riparian Areas Regulation Implementation.

Prepared and Submitted by:

Aleksandra Brzozowski

May 9, 2014

Island Planner

Date

Concurred in by:

Courtney Simpson

MAY 12, 2014

Courtney Simpson, RPP, MCIP,
Regional Planning Manager

Date

Attachment: Gambier LTA Riparian Areas Regulation project charter – draft dated May 9, 2014.

Riparian Areas Regulation Implementation - Project Charter

Gambier Island Local Trust Committee

Draft Date: May 9, 2014

Purpose This project will improve the protection of fish and fish habitat in the Gambier Local Trust Area (LTA) by improving stream mapping and amending the Official Community Plan and Land Use Bylaw to come into compliance with the Riparian Areas Regulation (RAR) of the provincial Fish Protection Act.

Background Strategy 1.3 of the Islands Trust Council's 2011-2014 Strategic Plan is to "Protect fish habitat by implementing Riparian Areas Regulation". All watersheds (~150) in the LTA are unverified for RAR applicability. Implementation of the provincial Riparian Areas Regulation (RAR) has been a priority project of the GMLTC work program for the 2011-2014 term, pending funding for mapping necessary to establish which

Objectives

- Improve the protection of riparian habitat on islands in the Gambier LTA
- Become compliant with the RAR
- Ongoing notification and effective engagement with property owners, residents and First Nations in the area.

Scope & Deliverables

- Determination of RAR applicability in areas of the Gambier Island LTA permitting residential, commercial, or industrial use.
- Community Information Meetings to communicate mapped data and next steps
- Community Information Meetings to present draft bylaws – on Gambier, Keats and Associated Islands
- Adoption of development permit areas to protect riparian areas in the Gambier, Keats, and Associated Islands OCPs.

Workplan Overview

Deliverable/Milestone	Date
Mapping of relevant watersheds and streams on Gambier	Summer / Fall 2014
Community information meeting for Gambier Island	Fall / Winter 2014
Draft regulation for Gambier Island RAR implementation	Spring 2015
Review of RAR implementation options for rest of LTA	Spring 2015
Draft regulation for remainder of LTA	Summer 2015
Public Hearing	Fall 2015
Bylaw adoption	Fall / Winter 2015

Project Team

Aleksandra Brzozowski, Island Planner	Project Manager
Marnie Eggen, Planner	RAR Advisor
Barb Dashwood, GIS Technician	Mapping support
Theresa Warren, Office Admin Assistant	Meeting Logistics
Lisa Webster-Gibson	Referrals and Public Hearing

RPM Approval:*Courtney Simpson***Date:****LTC Endorsement:**

Resolution #:

Date:

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Budget

Budget Source: Mapping — RAR project; Communications - LTC local expenses; Public Hearing—program

Fiscal	Item	Cost
14/15	RAR Mapping	\$30,000
14/15	Communications	\$1,500
15/16	Public Hearing	\$1,500
	Total	\$33,000



STAFF REPORT

Date: May 6, 2014

File No.: GM-DVP-2013.4

To: Gambier Island Local Trust Committee
For meeting to be held May 22, 2014

From: Linda Prowse, Planner

Cc: Courtney Simpson, Regional Planning Manager
Aleksandra Brzozowski, Island Planner
Grayson Stryda, Applicant
Colin Bates, Applicant
Farrokh Elmieh, Owner

**Re: Development Variance Permit – Block 7, District Lot 1297, Plan 2848 –
Gambier Island
PID 013-386-581**

Owner: Farrokh Elmieh
Applicant: Silverspan Trams Inc. (Grayson Stryda) and Colin Bates
Location: 1010 Take-Te Si Road, Gambier Island, BC

THE PROPOSAL:

This is an application to vary the setback from the natural boundary of the sea and interior side lot line to permit a series of existing decks and a tram.

Specifically, this application proposes:

1. a variance to Section 3.3(1) of the Gambier Island Local Trust Committee Land Use Bylaw No. 86 as follows (see attached site plan):
 - (a) Decks A and B as shown on the attached site plan be situated as close as 0 metres from the natural boundary of the sea;
 - (b) Deck C as shown on the attached site plan be situated as close as 3.77 metres from the natural boundary of the sea;
 - (c) Deck D as shown on the attached site plan be situated as close as 5.9 from the natural boundary of the sea;
 - (d) Deck E as shown on the attached site plan be situated as close as 10.49 metres from the natural boundary of the sea;
 - (e) Deck F as shown on the attached site plan be situated as close as 5.05 metres from the natural boundary of the sea;
 - (f) A tram structure be located as close as 0.25 metres from the natural boundary of the sea;

AND

2. a variance to Section 5.1(9)(b) of the Gambier Island Local Trust Committee Land Use Bylaw No. 86 as follows:

- (a) Deck F as shown on the attached site plan be situated as close as 2.14 metres from an interior side lot line;
- (b) The walkway from the tram as shown on the attached site plan be situated as close as 1.40 metres from an interior side lot line.
- (c) Deck G as shown on the attached site plan be situated as close as 2.25 metres from an interior side lot line.

All of the above are existing structures. Please see the site plan in the proposed permit - Attachment No. 2 to this report.

SITE CONTEXT:

The subject property is a waterfront property on the east side of the West Bay area of Gambier Island. The lot is approximately 0.48 ha (1.20 acres). The property has a slope with an approximate 12 metre drop. The house and decks are on a flat area of the property, while the walkway/stairs, landing decks and tram structure are on the slope portion. Neighbouring lots are developed.

Picture 1 - House, decks, walkway, tram and dock



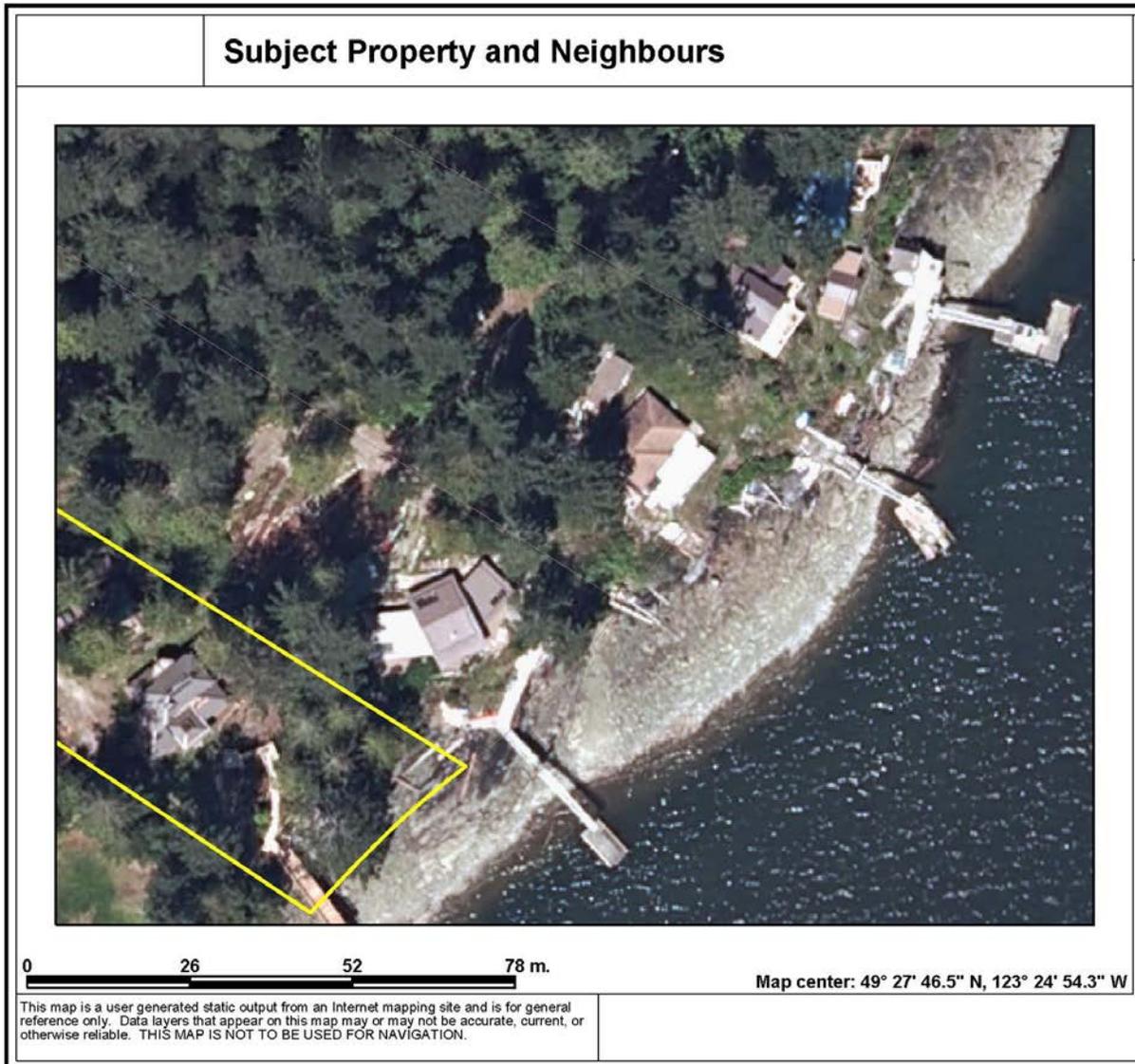
Picture 2 - Tram structure, walkway, and deck F requiring setback from sea and side lot line variance



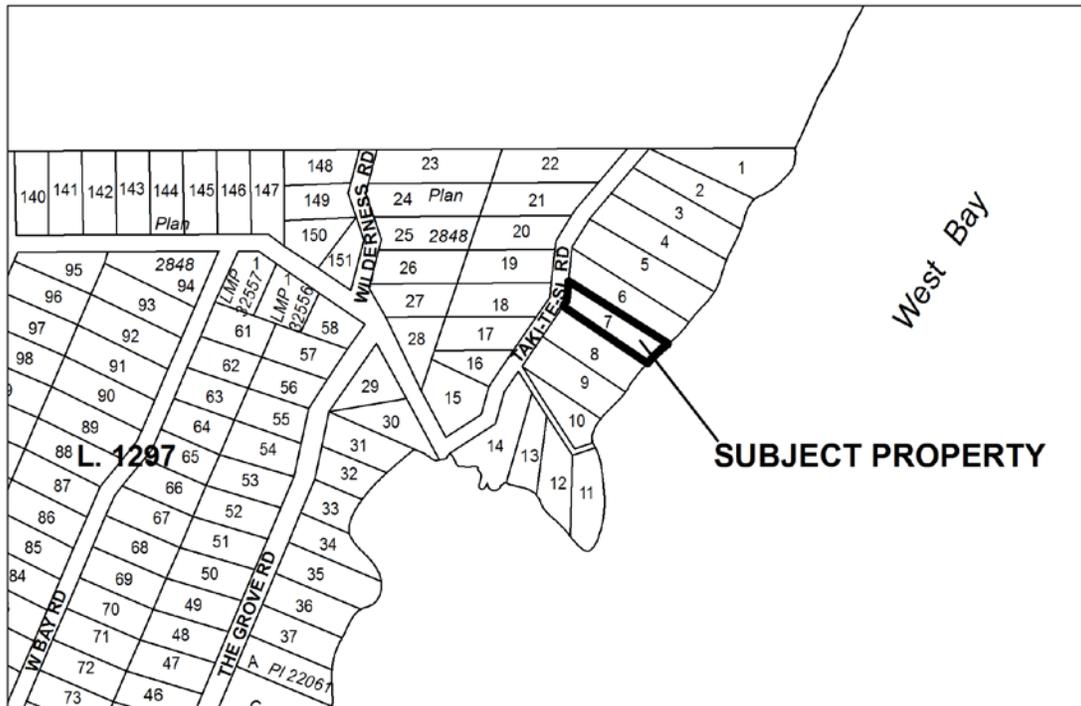
Picture 3 - Deck B requiring setback from sea variance (Note that Decks A, C, D and E are similar in proportion to Deck B)



Picture 4 - New decks and tram are not shown in this picture taken in 2011.



Map 1 - Subject property



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Island Trust Policy Statement:

The Islands Trust Policy Statement provides a number of policies respecting coastal land management, protection of sensitive coastal areas and flood management that are listed below. The Gambier Island Official Community Plan and Land Use Bylaw address these policies and further discussion regarding this application and those policies and regulations is addressed under those headings.

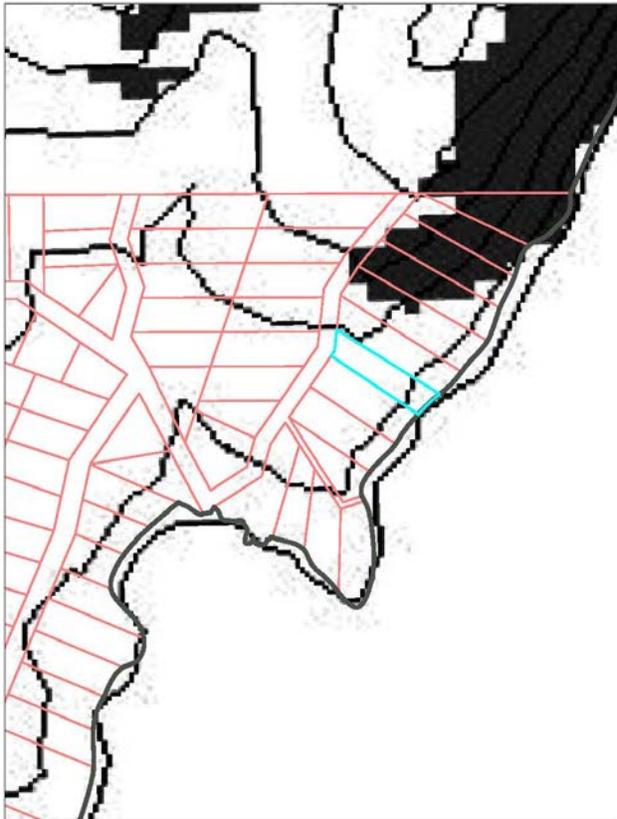
- 3.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
- 5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- 5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

Official Community Plan (OCP):

The property is designated Settlement Residential (SR) in the Gambier Island OCP Land Use Map Schedule B.

The OCP maps do not identify any significant environmental values on the property. The excerpt below is from OCP Schedule E Hazard Lands showing lands with a greater than 35% slope. Although the map does not identify the lot as being in a hazardous area having greater than a 35% slope, a site visit confirmed that parts of the slope down to the waterfront are greater than 35%.

Map 2 – Excerpt from Hazard Lands Map



The property is not subject to any development permit area requirements.

The following OCP Policies and Objectives apply to this application:

Policy 3.1 provides guidance on a number of factors that should be considered in a permit relating to land use development, including water, soils, protection of sensitive ecosystems, appearance, etc.

Policy 3.7 provides that setback regulations should, amongst other requirements, also protect buildings from floodwaters or coastal erosion and to maintain a view of the coastline that is rural in character and relatively pristine in appearance.

Policy 3.8 provides that development should be protected from hazardous conditions and should generally avoid locating below and on slopes.

Objective 4.5 restricts residential development from locating on sites which could be potentially hazardous due to excessive slope conditions or could negatively impact on ecologically unique features;

Objective 7.20 is to recognize the coastline's natural and scenic values as important in giving the Planning area its rural marine character.

All of these OCP objectives and policies provide that caution should be undertaken in any decision making regarding variances to the regulations.

Land Use / Zoning Bylaw:

Land use on Gambier Island is regulated by Gambier Island Land Use Bylaw No. 86. The subject property is located in the Settlement Residential (SR) Zone. The application is consistent with all regulations of the land use bylaw, except for **Sections 3.3(1) (setback from the sea being 15m) and 5.1(9)(b) (setback from interior side lot line which is 3 m)**. Note that the walkway joining the tram to the upper deck F is permitted to encroach 1 metre into this side lot line setback, but still requires a variance.

It is also worth noting that the bylaw permits stairs and/or walkways required for access to the foreshore or a permitted ramp associated with a dock may be sited within 15 metres of the natural boundary of the sea. The width of any ramp or walkway including handrails used to access a dock shall not exceed 2.4 metres in the W1 zone. The applicant has noted that the walkway/stair width is 1.29 metres which meets the bylaw requirements.

The maximum area that may be covered by a dock is 65 square metres, and the applicant has stated that the dock is 31.50 square metres.

Other:

Sunshine Coast Regional District Building Department

Islands Trust received a building permit referral from the Sunshine Coast Regional District on November 14, 2013.

If this variance is approved, the applicant must still obtain a building permit from the Sunshine Coast Regional District Building Department.

Right of Way 343745M

This is a Right of Way in the name of BC Hydro registered on title. The covenant gives BC Hydro staff the right to enter the property and to maintain the land or hydro structures. The right of way does not impact this application for a variance.

Archaeological Sites

A review of provincial records indicates that there are no archaeological sites recorded on or within 50 metres of the subject property.

Sensitive Ecosystems, Hazard Areas, and Riparian Areas:

There are no mapped endangered terrestrial or sensitive ecosystems, hazard areas or riparian areas. The property is not subject to the Riparian Areas Regulation.

Regional Conservation Plan

There are no identified interests in the immediate area pertaining to the Islands Trust Fund Regional Conservation Plan.

COMMUNITY INFORMATION MEETING(S):

A community information meeting is not required for a variance application.

RESULTS OF CIRCULATION:

The application will be circulated to neighbouring property owners within 100 metres of the subject property and the notification period runs from May 9, 2014 until May 21, 2014. Staff will bring any neighbour comments to the attention of the Local Trust Committee at the May 22, 2014 Local Trust Committee meeting. Note that the applicant has stated that he has spoken to the adjacent property owners and they do not have any concerns about this variance application.

STAFF COMMENTS:

A site visit to the property was conducted on February 17, 2014.

Application Chronology

October 1, 2013 - Planning staff received an enquiry from Silverspan Tram staff stating the intention of installing an outdoor hillside elevator to the upper deck, and asking if any approvals were required by the Islands Trust for this proposal. Planning staff requested further information from Silverspan staff.

October 3, 2013 – Planning staff advised Silverspan of the Land Use Bylaw regulations and that a DVP application would be required for the proposed tram to be built within the setback to the natural boundary of the sea. On the same day, Silverspan wrote back saying it was likely that a DVP would be required to vary the proposed tram location to be located with the 15 metre natural boundary of the sea setback.

October 4, 2013 - Planning Staff confirmed the need for a DVP and gave the Silverspan staff information on how to apply.

November 14, 2013 - The Islands Trust received a building permit referral from the Sunshine Coast Regional District.

November 18, 2013 - Islands Trust received a Development Variance Permit application. Also on November 18th, the Silverspan Tram staff noted that planning staff had requested the inclusion of the non-conforming decks into the site plan as well as the tram, and that measurements would be taken the following week.

On December 10, 2013, Islands Trust received an updated and complete DVP application which included the two upper decks in the variance. Staff sent out the acknowledgement letter to the applicant.

January, 2014 – April, 2014 – Planning staff worked on staff report and made further requests of the applicant to ensure that the site plan included ALL structures that require a variance from the setback of the sea (i.e. the decks that form part of the stairway).

Structures Subject to Variances

All of the structures subject to the variances are existing. Staff asked the applicant when decks, tram, stairs/walkways and dock were built, and received the following response:

“We’ve had some trouble finding out the answers to this question. According to Gord Steele, he said as far as he remembers, the stairs were there right from the beginning but always getting revamped. When they had the dock built in 2010, they got approval, and in a building disclosure statement they said they did everything with permit so we never questioned that. If we had to guess, by looking to the condition of the wood columns in the stairs, the stairs have been there for at least 10 years. The landings A – E (we think) were built with the dock in 2010.

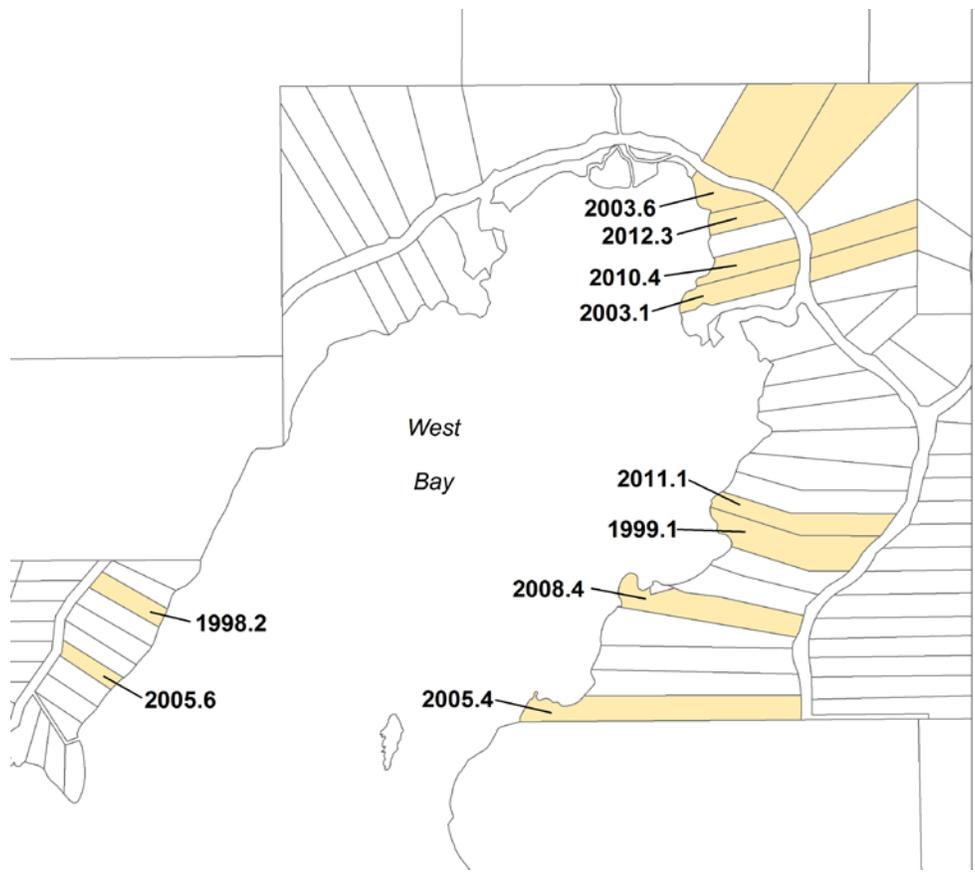
The tram installation took place December, 2014 with the completion date being December 21, 2013.”

Neighbourhood Siting

There has been a number of approved development variance permits issued within West Bay, mainly to build dwellings within the required 15 metre setback from the natural boundary of the sea. All of these variances were for new residential construction and the minimum approved setback was 7.5 metres. Two of the approved variances were for similarly sited lots located on the west side of West Bay (i.e. same side as this application). Each variance application is considered based on site specific circumstances; while previous approvals are not considered to set precedent for future applications, reviewing previous variances to the setback from the sea nearby helps understand the development character of the area and helps to adjudicate the visual impact of this proposed variance.

Below is a summary of the approved setback from sea variances in West Bay to date, and a map showing their various locations.

Lot Number	Proposal	Approved Setback	Area within West Bay
Block 6	Rebuild Dwelling GM-DVP-2005.6	7.5 metres	East side of West bay (Immediate neighbour to North)
Block 3	New Dwelling GM-DVP-1998.2	11 metres	East side of West Bay
Lot 14	New Dwelling GM-DVP-2011.1	10.0 metres	West side of West Bay
Lot 15	New Dwelling GM-DVP-1999.1	7.5 metres	West side of West Bay
Lot 22	New Dwelling and attached deck and garage GM-DVP-2005.4	13.0 metres	West side of West Bay
Lot 1	New Dwelling GM-DVP-2008.4	7.5 metres	West side of West Bay
Lot 5	New Dwelling GM-DVP-2003.1	8 metres	East side head of the bay
Lot 4	New Dwelling GM-DVP-2010.4	7.5 metres	East side head of the bay
Lot 2	New Dwelling GM-DVP-2012.3	7.5 metres	East side head of the bay
Lot 1	New Dwelling GM-DVP-2003.6	9 metres	East side head of the bay



Visual Qualities and Shoreline Access

In analyzing this application, both Trust Policy and the Gambier Island OCP raise the issue of visual quality and scenic value of coastline areas. Previously approved variances to waterfront siting within the same subdivision, across the bay and at the head of the bay, suggests that such siting might be acceptable. A 7.5 metre setback from the sea has not been an uncommon siting regulation in other jurisdictions or elsewhere within the Islands Trust, however, in this application, all of the subject structures except for stair deck E require less than a 7.5 metre setback to the sea.

Although the structures are sited closer to the natural boundary of the sea than permitted, access along the shore can still be realized and is not fully restricted.

Owner's/Applicants' Reasons for Requiring Variance

The applicant's request for the reduction in the 15 metre setback for various structures is as follows:

"The deck improvements in question were designed to maximize the safety of our property. Cliffs run along the front of our lot and the previous owner built the house close to the edge of these cliffs, presumably to maximize the view. The installation of our decks was initiated because of this close proximity of the pre-existing house to the cliffs; we were concerned for the safety of the children and grandchildren in the family. The installation of decks and railings has substantially reduced the potential for dangerous or deadly falls off the cliffs.

The specific height and placement of the deck edges were designed to (a) fit the contours and limitations of the existing cliff face, and (b) to maximize the ultimate safety and durability of these structures. The elevation of greater than 0.6 metres above grade was necessary because of the availability of suitable places to anchor the deck posts (which can be challenging on a cliff; but we were able to take advantage of some ledges). Overall, the current design was chosen to maximize the strength, longevity, and seismic resilience of the deck while accommodating the limitations of the building site.

The proposed upper landing incursion into the side-yard setback is necessary (a) to accommodate the lift system that will carry elderly and infirm members of our family, and (b) to work with limited locations for anchoring the walkway and track supports. Again, the contours of the cliff face, location of suitable bedrock for anchoring the track, and considerations for disembarking the tram all contribute to the current placement of the decking.

All of these improvements were initiated in consultation with neighbours from both sides of our property; both sides were supportive of the design and installation."

In addition, in regards to the applicant's comments about the tram structure being required for assisting elderly and infirm members of the family to the cabin, staff notes that "walkways" providing access to a dock are exempt from the setback to the sea, and it could be regarded that a tram structure is a "walkway" for people with mobility issues.

General

The impact of the variance is in general terms somewhat minor given that the property is not in an environmentally sensitive area, and also that the comment has been made that neighbouring property owners are not concerned about the structures requiring a variance. Since the property is not in a Development Permit Area, the Islands Trust does not require a geotechnical report for building on this lot, however, staff did enquire as to the existence of such a report. The applicant responded that they did not do a geotechnical inspection of the cliffs because they were told that the previous owner had one done and no issues were identified. They do not have an electronic copy of this pre-existing geotechnical report, but offered to try to obtain a hard copy the next time they are on Gambier.

Staff recognize that a variance process is intended to allow for consideration of extenuating circumstances, and that could be the case with this variance with need and location of the tram lift and walkway to the upper decks and dwelling. It could be argued that the "stair decks" are excessive (i.e. view impacts from the sea and across the bay) and should be removed, however, those decks were in place before the applicant bought the property, and so it might be considered unfair to ask the current owner to remove these stair decks if there has been no public opposition to them.

Finally, the public notification period for this application begins after the writing of this staff report. If there are any public concerns from neighbours, these concerns will be brought forward to the Local Trust Committee on May 22nd, and should be taken into account and addressed at that time.

RECOMMENDATION:

It is recommended that the Gambier Island Local Trust Committee issue a Development Variance Permit for GM-DVP-2013.4

Respectfully submitted by:

Linda Prowse

May 6, 2014

Planner

Date

Reviewed by:

Courtney Simpson

May 7, 2014

Courtney Simpson,
Regional Planning Manager

Date

Attachments:

1. Permit Notice
2. Proposed Permit

Permit Notice

**NOTICE
GM-DVP-2013.3
GAMBIER ISLAND LOCAL TRUST COMMITTEE**

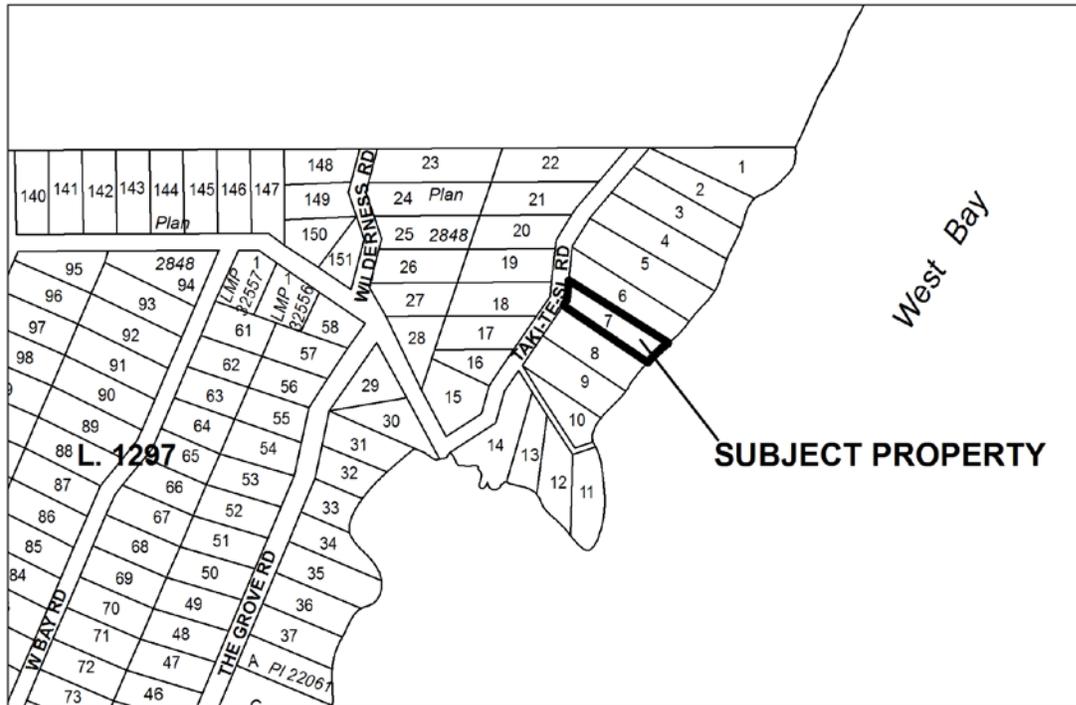
Notice is hereby given that the Gambier Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 922 of the *Local Government Act*, varying the Gambier Island Local Trust Committee Land Use Bylaw No. 86 as follows:

- a) Section 3.3 (1) "Siting and Setback Regulations" is varied to reduce the setback from the natural boundary of the sea, of 15 metres, as follows:
 - (1) Decks A and B as shown on the attached site plan, Schedule A, be situated as close as 0 metres from the natural boundary of the sea;
 - (2) Deck C as shown on the attached site plan, Schedule A, be situated as close as 3.77 metres from the natural boundary of the sea;
 - (3) Deck D as shown on the attached site plan, Schedule A, be situated as close as 5.9 metres from the natural boundary of the sea;
 - (4) Deck E as shown on the attached site plan, Schedule A, be situated as close as 10.49 from the natural boundary of the sea;
 - (5) Deck F as shown on the attached site plan, Schedule A, be situated as close as 5.05 metres from the natural boundary of the sea;
 - (6) A tram structure be located as close as 0.25 metres from the natural boundary of the sea; AND

- (b) A variance to Section 5.1(9)(b) "Minimum setback for any building or structure from any interior side lot line" of the Gambier Island Local Trust Committee Land Use Bylaw No. 86 as follows:
 - (1) Deck F as shown on the attached site plan, Schedule A, be situated as close as 2.14 metres from an interior side lot line;
 - (2) The walkway from the tram as shown on the attached site plan, Schedule A, be situated as close as 1.40 metres from an interior side lot line.
 - (3) Deck G as shown on the attached site plan, Schedule A, be situated as close as 2.25 metres from an interior side lot line.

In general terms, the purpose of the proposed permit is to authorize the reduction of the minimum setback requirement to the setback from the sea and side lot lines to **accommodate existing structures on the property legally described as Block 7, District Lot 1297, Plan 2848 (PID 013-386-581)– Gambier Island (1010 Taki-Te-Se Road, Gambier Island, BC.**

The subject property is located as shown in the sketch below:



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3 between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing May 9, 2014 and continuing up to and including May 21, 2014. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed permit, please submit them before 4:00pm, May 21, 2014 to:

Mail: Islands Trust,
700 North Road,
Gabriola Island, BC,
V0R 1X3
Fax: 250- 247-7514
Email: lprowse@islandstrust.bc.ca
Phone: Linda Prowse, Planner 2 at 250-247-2200; Toll-free via Enquiry BC in
Vancouver: 604-660-2421; elsewhere in BC: 1-800-663-7867

Following the end of the notice period, the Gambier Island Local Trust Committee may consider issuance of the proposed Permit at its meeting to be held at 10:30 am on May 22, 2014 at the Gibsons Library, 470 South Fletcher Road, Gibsons, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Lisa Webster-Gibson
Deputy Secretary

Proposed Permit

 <p data-bbox="224 449 477 491">Islands Trust</p>	<p data-bbox="630 327 1341 359">GAMBIER ISLAND LOCAL TRUST COMMITTEE</p> <p data-bbox="711 380 1256 411">DEVELOPMENT VARIANCE PERMIT</p> <p data-bbox="792 432 1175 464">GM-DVP-2013.4 (ELMIEH)</p>
--	--

PROPOSED

TO: Farrokh Elmieh

1. This Development Variance Permit applies to the land described below:

Block 7, District Lot 1297, Plan 2848 – Gambier Island
PID 013-386-581

2. Pursuant to Section 922 of the *Local Government Act*, the *Gambier Island Land Use Bylaw No. 86, 2004* is varied as follows:

- a) Section 3.3 (1) “Siting and Setback Regulations” is varied to reduce the setback from the natural boundary of the sea, of 15 metres, as follows:

- (1) Decks A and B as shown on the attached site plan, Schedule A, be situated as close as 0 metres from the natural boundary of the sea;
- (2) Deck C as shown on the attached site plan, Schedule A, be situated as close as 3.77 metres from the natural boundary of the sea;
- (3) Deck D as shown on the attached site plan, Schedule A, be situated as close as 5.9 metres from the natural boundary of the sea;
- (4) Deck E as shown on the attached site plan, Schedule A, be situated as close as 10.49 from the natural boundary of the sea;
- (5) Deck F as shown on the attached site plan, Schedule A, be situated as close as 5.05 metres from the natural boundary of the sea;
- (6) A tram structure be located as close as .25 metres from the natural boundary of the sea; AND

- b) A variance to Section 5.1(9)(b) “Minimum setback for any building or structure from an interior side lot line” of the Gambier Island Local Trust Committee Land Use Bylaw No. 86 as follows:

- (1) Deck F as shown on the attached site plan, Schedule A, be situated as close as 2.14 metres from an interior side lot line;

- (2) The walkway from the tram as shown on the attached site plan, Schedule A, be situated as close as 1.40 metres from an interior side lot line.
- (3) Deck G as shown on the attached site plan, Schedule A, be situated as close as 2.25 metres from an interior side lot line.

3. All buildings and structures shall be consistent with Schedule “A” which is attached to and forms part of this permit. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of Gambier Island Land Use Bylaw No. 86, 2004, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

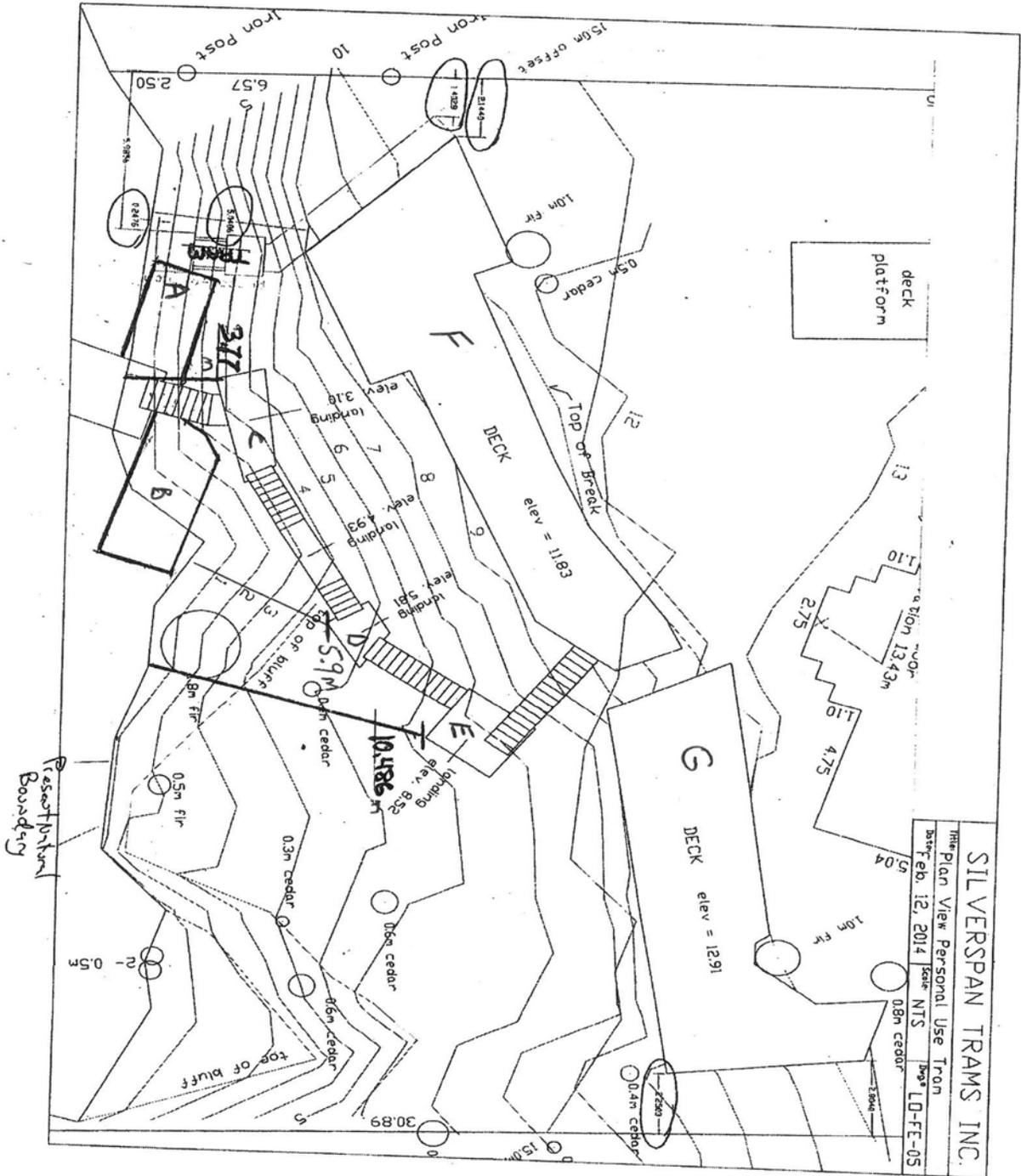
AUTHORIZING RESOLUTION PASSED BY THE GAMBIER ISLAND LOCAL TRUST COMMITTEE THIS ___ DAY OF _____.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE _____ DAY OF _____, THIS PERMIT AUTOMATICALLY LAPSES.

GAMBIER ISLAND LOCAL TRUST COMMITTEE
GM-DVP-2013.4
Schedule A – Site Plan



GAMBIER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 127

**A Bylaw to Amend the Gambier Island Local Trust Committee
Meeting Procedure Bylaw**

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

1. Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004, is amended as follows:

1.1 By deleting section 10 in its entirety and replacing it with the following:

"10. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson."

1.2 By adding the following new sections after section 16, and by renumbering section 17 and section 18 to become section 30 and section 31 respectively:

"ELECTRONIC MEETINGS

17. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio and visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

18. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio and visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

19. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.

20. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee.

21. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.

22. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.

23. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.

- 24. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.
- 25. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.
- 26. For the duration of an electronic meeting that is open to the public, a designated staff member must attend at the place specified in the meeting notice for the public to hear, or watch and hear, the participants.
- 27. Cell phone or satellite connections may be used for open Local Trust Committee meetings.
- 28. If communication is lost to one or more electronic participants during a meeting:
 - 28.1 the participant affected will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting and this will be recorded in the minutes;
 - 28.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and
 - 28.3 if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next agenda.
- 29. The costs of electronic participation in a Local Trust Committee meeting will be borne by the Gambier Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has received the approval of the majority of Local Trust Committee members."

2. This bylaw may be cited as "Gambier Island Local Trust Committee Meeting Procedure Bylaw No. 87, 2004, Amendment Bylaw No. 1, 2014".

READ A FIRST TIME THIS	10th	DAY OF	APRIL	, 2014
READ A SECOND TIME THIS	10th	DAY OF	APRIL	, 2014
READ A THIRD TIME THIS	10th	DAY OF	APRIL	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	6th	DAY OF	MAY	, 2014
ADOPTED THIS		DAY OF		, 2014

CHAIRPERSON

SECRETARY



Islands Trust

Top Priorities

Gambier Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Foreshore protection/stewardship and clarity; implementation of Development Approval Information Bylaw (DAI) or Development Permit Areas (DPA's).	Investigate and recommend options for protection/stewardship within the local trust area through the use of existing land use planning tools.	Jan-31-2012	Aleksandra Brzozowski	Nov-27-2014	On Going
2	OCP advocacy policies - implementation & support	Work related to supporting the advocacy policies stated in the Gambier, Keats, and Associated Islands OCPs and in the IT Strategic Plan. Ex. Woodlots, industrial facilities, cross-jurisdictional management of Howe Sound	Oct-24-2013	Aleksandra Brzozowski	Nov-03-2014	On Going
3	Riparian Areas Regulation Implementation Project for Gambier Island Local Trust Area.		Oct-26-2011	Aleksandra Brzozowski	Dec-31-2012	On Going



Gambier Island

No.	Description	Activity	Received/Initiated	Status
1	Keats Island OCP Map Amendment - add trail map used during public process developing OCP.		Mar-08-2007	On Going
1	Staff to prepare an issues outline with respect to Gambier Island Comprehensive Land Use Planning Project. (Address community planning and environmental protection issues) Gambier dp and comprehensive planning - subject to alternate funding and resources. To include: 1. Road issues - road network, and parking issues 2. Gambier forest tenure and reallocation - Gambier Island Crown lands. Gambier LUB follow-up: Definition of recreation in Area 3, CD1 Zone. Subdivision and use of common property in a bare land strata plan. Legal non-conforming - information note. ssociated secondary dwelling - definition and use. Potable water requirements.		Jun-23-2010	On Going
1	Consider a mechanism to recognize authorizations of additional dwellings as permitted by s. 4.4.10 of Keats LUB		Aug-04-2010	On Going
1	GHG Emissions - examine as part of next OCP reviews more proactive approaches to plan for GHG reductions especially in relation to Policies 6.1 and 6.2 in consultation with SCRD. Initiative arises from recommendation of SCRD in comments about bylaws 111 & 112.		Oct-06-2010	On Going
1	Food Security: Based on the November 2010 'Exploring Food Security in the Islands Trust Area' - explore opportunities to implement policies and regulations to address food security in the Gambier Trust Area.	Please make note to consider Objectives 6.1 & 6.2 in the new Agricultural Area Plan for the Sunshine Coast Regional District.		On Going

1	Development Approval Information Bylaw	Develop and adopt a D.A.I bylaw for the Gambier Trust Area.		On Going
1	Consultation with Squamish First Nation	Scope interim strategies pending completion of a possible protocol agreement to address protection of archaeological and heritage resources.	Jan-31-2012	On Going
1	Strategic Planning Review for Howe Sound		Jan-31-2012	On Going
1	REVIEWING KEATS AND GAMBIER LUBS FOR ACCOMMODATION of OCEAN LOOP GEO-EXCHANGE SYSTEMS		Apr-11-2013	On Going
1	Allow electronic meetings of the Gambier LTC	Amend the meeting procedures bylaw	May-23-2013	On Going



Applications w/ Status - Gambier Island Status: Open

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2002.1	Land Plan Group Inc. Planner: Sonja Zupanec	Jan-24-2002	PID: 014-385-694 Keats Island - Keats Camp cottage lots - siting variances DL 696

Planning Status

Status Date: Apr-10-2008

still on hold pending rezoning

Status Date: Aug-13-2007

on hold pending rezoning application

Status Date: May-16-2006

Met with applicant. Outstanding items forwarded for attention. May be add'l fees.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2011.2	Elena and France Corin and Larouche Planner: Marnie Eggen	Mar-22-2011	PID: 024-212-041 1250 Taki-Te-Si Road, Gambier Island vary the setback to the natural boundary of the sea for retaining wall

Planning Status

Status Date: May-07-2014

no change

Status Date: Mar-28-2014

no change

Status Date: Jan-17-2014

no change

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2013.2	Jim Green	Apr-08-2013	027-998-967 Jim Green (Reel 17 Investments) Gambier Island A variance to site a rock retaining wall and to authorize additional width for a walkway pier

Planner: Aleksandra Brzozowski

Planning Status

Status Date: Oct-25-2013

Staff advised applicant of outstanding information required for application.

Status Date: Aug-14-2013

Applicant submitted application and some supplemental information.

File Number	Applicant Name	Date Received	Purpose
GM-DVP-2013.4	Silverspan Trams Inc. (Grayson Syryda)	Dec-10-2013	013-386-581 1010 Taki-Te-Si Road (Gambier Island - Farrokh Elmieh) Variance for setbacks and in order to bring lift down to dock level. One pre-existing deck included in this variance.

Planner: Linda Prowse

Planning Status

Status Date: May-08-2014

Notice mailed / posted.

Status Date: Mar-28-2014

Site visit has been conducted. Staff working on staff report and public notification. Working to submit report for May LTC meeting.

Forest Land Reserve

File Number	Applicant Name	Date Received	Purpose
GM-FLR-2013.1			

Planner:

Planning Status

Rezoning

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2004.1	LandPlan Group Inc.	Jun-16-2004	PID: 014-385-694 Keats Island - Keats Camp rezoning application DL 696

Planner: Sonja Zupanec

Planning Status

Status Date: Mar-13-2014

Teleconference with applicant regarding next steps.

Status Date: Jan-20-2014

File transferred to S. Zupanec - staff in contact with applicant to ensure timely review of their consultation strategy and cost recovery deposit for 2014 planning work.

Status Date: Oct-08-2013

Applicant wishes to continue with contract planner until Dec 2013

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2013.1	Rob Langford	Mar-20-2013	007-041-616 Trident Foreshore Lands (Burrard Yacht Club) to rezone from P3 to YCO to allw the placement of two floating breakwaters to protect our existing facilities at Ekins Point from storm damage

Planner: Marnie Eggen

Planning Status

Status Date: Mar-14-2014

Squamish FN concerns addressed; CIM

Status Date: Nov-15-2013

Applicant working with Squamish FN to address concerns

Status Date: Sep-26-2013

First Reading given

File Number	Applicant Name	Date Received	Purpose
GM-RZ-2013.2	Lynn Roxburch	May-23-2013	Strata Lots 1-33 & Common Prop. Gambier Island Sea Ranch Strata Lot 1 PID: 005-188-016 Amendment of the Gambier Island Sea Ranch Comprehensive Develop. Zone of the Gambier LUB

Planner: Sonja Zupanec

Planning Status

Status Date: May-01-2014

Referral response from ITF suggests conservation covenant in tandem with SRW. For further discussion with applicant and LTC.

Status Date: Apr-24-2014

Referral response for ALC indicates exclusion for non-farm use for portion of SRW may be required. ALC staff on holiday until May 12. Follow up required.

Status Date: Apr-11-2014

First Reading given; referrals sent and CIM/PH scheduled for July

Subdivision

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2000.1	LANDPLAN GROUP INC.	May-04-2000	PID: 014-385-694 Keats Island - 111 bare land strata subdivision, 2 camp lots, and remainder(Keats Camp); nature reserve, park dedication, parking lot. DL 696

Planner: Sonja Zupanec

Planning Status

Status Date: Jun-06-2007

On hold pending rezoning application.

Status Date: May-16-2006

Met with applicant - revised plan to come based on LUC. May be add'l fees.

Status Date: Dec-21-2005

MOT issues Prelim Layout NOT APPROVED with conditions.

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2010.1	Venture Management Ltd	May-25-2010	PID: 015-980-324 7 residential lots

Planner: Sonja Zupanec

Planning Status

Status Date: Jan-06-2012

No further action until applicant finalizes final plan of subdivision.

Status Date: Mar-16-2011

Comments sent to MoTI. Depth to width information was received.

Status Date: Feb-23-2011

Waiting for applicant to confirm that lots comply with depth to width ratio. Revised comments to be sent to MoTI.

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2011.2	EDWARD TRAFF	Jul-21-2011	014-111-888 and 014-111-896 Lot Line adjustment on Gambier Island

Planner: Marnie Eggen

Planning Status

Status Date: May-07-2014

no change

Status Date: Mar-28-2014

no change

Status Date: Jan-17-2014

no change

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2012.2	Reel 17 Investments Ltd. Planner: Aleksandra Brzozowski	Jun-29-2012	4 lot subdivision

Planning Status

Status Date: Oct-03-2012

Referral response sent to MOTI and applicant

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2013.1	Creus Engineering Planner: Sonja Zupanec	Dec-09-2013	PID: 014-385-694 The Convention of Baptist Churches of BC Keats Island 9 Lot Subdivision

Planning Status

Status Date: Mar-28-2014

Under review by planner

File Number	Applicant Name	Date Received	Purpose
GM-SUB-2014.1	Mary & Richard Potter Planner: Linda Prowse	Jan-16-2014	028-117-000 & 012-825-034 (2220 Maple Rd, Gambier Is) Boundary adjustment

Planning Status

Islands Trust

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

630 Gambier	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-630	LTC "Trustee Expenses"	1,200.00	3,121.28	-1,921.28
LTC Local				
65200-630	LTC - Local Exp - LTC Meeting Expenses	3,000.00	4,138.75	-1,138.75
65210-630	LTC - Local Exp - APC Meeting Expenses	1,000.00	147.00	853.00
65220-630	LTC - Local Exp - Communications	500.00	0.00	500.00
65230-630	LTC - Local Exp - Special Projects	2,000.00	1,352.00	648.00
65240-630	LTC - Local Exp - Miscellaneous	250.00	0.00	250.00
TOTAL LTC Local Expense		<u>6,750.00</u>	<u>5,637.75</u>	<u>1,112.25</u>
Projects				
73001-630-2003	Gambier Associated OCP /LUB	2,000.00	2,698.32	-698.32
73001-630-4024	Gambier Foreshore Protection and Stewardship	0.00	1,599.85	-1,599.85
TOTAL Project Expenses		<u>2,000.00</u>	<u>4,298.17</u>	<u>-2,298.17</u>



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.

Zones Where Permitted	Provisions limiting the extent of the use
Residential (R)	<ul style="list-style-type: none"> • 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

Zones Where Permitted	Provisions limiting the extent of the use
Permitted in all zones	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • 25% lot coverage in R1 and R2, and not applicable in R3; • 8m setback in R1 and R2 zones; • Setbacks: <ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • Lot coverage including greenhouses: <ul style="list-style-type: none"> • Agriculture = 75%; • Forest = 5%; • Resource = 10%; • Lot coverage excluding greenhouses: <ul style="list-style-type: none"> • Agriculture = 35%; • Forest = 5%; • Resource = 10%; • Setbacks for buildings and structures other than residential: <ul style="list-style-type: none"> • 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

<p>Residential:</p> <ul style="list-style-type: none"> • SRR on lots over 2 ha; • LRR lots over 2 ha 	<ul style="list-style-type: none"> • 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.
<p>Agriculture:</p> <ul style="list-style-type: none"> • AG (ALR) 	<ul style="list-style-type: none"> • Lot coverage: <ul style="list-style-type: none"> • 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.
<p>Resource:</p> <ul style="list-style-type: none"> • R; • RR1 	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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.
<p>As Per Draft Bylaw Amendment No. 275 (17/04/14):</p> <ul style="list-style-type: none"> • F 	<ul style="list-style-type: none"> • 10% lot coverage; • On lots 1 ha or more, 10 m setback from all lot lines and on lots < 1 ha, setbacks are: <ul style="list-style-type: none"> • 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

<p>Residential:</p> <ul style="list-style-type: none"> • SRR including the sale of 	<ul style="list-style-type: none"> • See above.
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products	
Resource: • RR1	<ul style="list-style-type: none"> • See above
Per Draft Bylaw Amendment No. 275 (17/04/14): • SSN	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 50% lot coverage; • Max. floor area ratio is 0.35; • 10 m setback from all lot lines; • Max. of two industrial buildings.
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The indoor production of medical marihuana is not permitted in the following zones on Gabriola Island as per LUB No. 177 and proposed bylaw amendment No. 275:

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

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

Table 4: Mudge Island LUB No. 228

Agriculture – (no definition)	
Zones Where Permitted	Provisions limiting the extent of the use
Rural Residential (RR)	<ul style="list-style-type: none"> • On lots 0.4 ha or less setbacks are: <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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.)

Zones Where Permitted	Provisions limiting the extent of the use
<p>Settlement Residential (SR), agriculture permitted on lots 2 ha or larger</p> <p>Rural Residential (RR) agriculture is permitted on lots 1 ha or larger</p>	<ul style="list-style-type: none"> • Lot coverage for SR AND RR: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • 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"	<ul style="list-style-type: none"> • 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.

Zones Where Permitted	Provisions limiting the extent of the use
Rural Residential (RR), agriculture permitted on lots larger than 2 ha Rural Comprehensive (RC), agriculture permitted on lots larger than 2 ha	<ul style="list-style-type: none"> • Lot coverage for RR is 25% & 20% for RC; • Setbacks for RR and RC zones: <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Lot coverage is 5%; • Setbacks: <ul style="list-style-type: none"> • 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.

Zones Where Permitted	Provisions limiting the extent of the use
Rural Residential (RR1), Anvil Island, North and South Thormanby Islands, Turnagain Island, Jack Tolmie Island, Echo Island, Tiki Island, Grant Island, North, East, South and West Trail Islands, Surrey Islets, Bertha Islet, Merry Island, Franklin Island, Woolridge Island, Popham Islands, Mickey Island, Ragged Island, New (Silver) Island and Hermit Island.	<ul style="list-style-type: none"> • 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)	<ul style="list-style-type: none"> • 10% lot coverage on lots 1 ha or larger • 15% lot coverage on lots less than 1 ha • Setbacks: <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 10% lot coverage on lots 1 ha or larger; • 15% lot coverage on lots less than 1 ha; • Setbacks: <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 10% lot coverage; • 8 m setback from all lot lines;
Upland (UP) Zone	<ul style="list-style-type: none"> • 5% lot coverage; • 8 m setback from all lot lines.
Land Cooperative 1 (LC 1) Zone	<ul style="list-style-type: none"> • 10% lot coverage; • Setbacks: <ul style="list-style-type: none"> • 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.

Zones Where Permitted	Provisions limiting the extent of the use
Residential 2 – Large Lot (R2) Zone, agriculture permitted on lots 2 ha and larger	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Lot coverage is 5%; • 8 m setback from all lot lines.
Agriculture 1 (A1) Zone	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and the use of land for farm operation, as defined in the *Farm Practices Protection (Right to Farm) Act*; and
 agricultural uses include the processing of farm products grown off the farm where at least 50% (by volume) of the inputs for the processed farm products are grown or reared on the farm;

Zones Where Permitted	Provisions limiting the extent of the use
Land Based (LB)	<ul style="list-style-type: none"> • 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 *Local Government Act*.

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

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

Zones Where Permitted	Provisions limiting the extent of the use
Agriculture (A-1) ALR Lands	<ul style="list-style-type: none"> • Lot coverage is 10%; • Setbacks: <ul style="list-style-type: none"> • Buildings and structures for agriculture use, not intensive agriculture must be sited not less than: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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.

Zones Where Permitted	Provisions limiting the extent of the use
Rural 1, 2 (R1,R2)	<ul style="list-style-type: none">• 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)