



Lasqueti Island Local Trust Committee

Regular Meeting Agenda

Date: November 26, 2018
Time: 11:00 am
Location: Judith Fisher Centre
#1 China Cloud Bay Road
Lasqueti Island, BC

Pages

- | | | |
|--|---------------------|-------|
| 1. CALL TO ORDER | 11:00 AM - 11:00 AM | |
| Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. ADOPTION OF AGENDA | 11:00 AM - 11:05 AM | |
| 3. MINUTES | 11:05 AM - 11:10 AM | |
| 3.1 Local Trust Committee Adopted Minutes - None | | |
| 3.2 Section 26 Resolutions-Without-Meeting Report dated November 19, 2018 | | 4 - 4 |
| 3.3 Advisory Planning Commission Minutes - None | | |
| 4. BUSINESS ARISING FROM MINUTES | 11:10 AM - 11:15 AM | |
| 4.1 Follow-up Action List dated November 19, 2018 | | 5 - 6 |
| 5. COMMUNITY INFORMATION MEETING | 11:15 AM - 11:25 AM | |
| 6. PUBLIC HEARING | 11:25 AM - 11:25 AM | |
| 6.1 Recess for Public Hearing - Proposed Bylaw No. 95 to amend the Lasqueti Island Land Use Bylaw subdivision requirements | | |
| 6.2 Recall to Order | | |
| 7. DELEGATIONS - None | | |
| 8. TOWN HALL | | |
| 9. APPLICATIONS AND REFERRALS - None | | |

10. LOCAL TRUST COMMITTEE PROJECTS

- | | | |
|------|---|--------|
| 10.1 | Subdivision Regulation Review - Bylaw No. 95 (for consideration of third reading) | 7 - 18 |
| 10.2 | Freshwater Workshop - for discussion | |

11. CORRESPONDENCE - None

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

12. NEW BUSINESS

- | | | |
|------|--|---------|
| 12.1 | Lasqueti Island Local Trust Committee and qathet Regional District Board Protocol Agreement - Memorandum | 19 - 35 |
| 12.2 | Notification of Federal Cannabis License Applications - Staff Report | 36 - 38 |
| 12.3 | Local Trust Committee (LTC) Meeting Schedule - 2019 - Memorandum | 39 - 40 |

13. REPORTS

- | | | |
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| 13.1 | Trustee Reports | |
| 13.2 | Chair's Report | |
| 13.3 | Islands Trust Conservancy Report dated September, 2018 | 41 - 42 |
| 13.4 | Electoral Area Director's Report | |
| 13.5 | Applications Report dated November 19, 2018 | 43 - 44 |
| 13.6 | Adopted Policies and Standing Resolutions | 45 - 45 |
| 13.7 | Trustee and Local Expense Report dated September, 2018 | 46 - 46 |
| 13.8 | Local Trust Committee Webpage | |

14. WORK PROGRAM

- | | | |
|------|------------------------|---------|
| 14.1 | List of Top Priorities | 47 - 47 |
| 14.2 | List of Projects | 48 - 49 |

15. CLOSED MEETING

15.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a), (c) and (d) to discuss Advisory Planning Commission appointments, employee relations and for the purpose of considering adoption of *In Camera* Minutes dated September 24, 2018 AND that the recorder and staff attend the meeting.

15.2 Recall to Order

15.3 Rise and Report

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for 2019 - TBA

17. ADJOURNMENT



Islands Trust

Print Date: November 19, 2018

Resolutions Without Meeting

Lasqueti Island

Resolution #	Action	Resolution Description	Resolution Date
2018-12	In Favour	"That the Lasqueti Island Local Trust Committee adopt the minutes of its regular business meeting of September 24, 2018."	02-Nov-2018
2018-13	In Favour	"That Lasqueti Island Local Trust Committee Bylaw No. 97, cited as "Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018, be adopted"	30-Oct-2018

Follow Up Action Report

Lasqueti Island

23-Jul-2018

Activity	Responsibility	Target Date	Status
Proposed Bylaw No. 95 (LUB) - given second reading as amended. Post to web - DONE. Schedule a CIM and PH late summer. PH may be tied to LTC meeting date. - PH and CIM now scheduled for November 26, 2018.	Becky McErlean Sonja Zupanec		Done
OCP/LUB Review Project: Charter endorsed as amended. Post to project website. Submit workplan for approval. Once budget approval confirmed, refer staff report and project charter to APC with aim to develop a communication and engagement strategy for LTC consideration in the new term.	Sonja Zupanec		On Going

24-Sep-2018

Activity	Responsibility	Target Date	Status
Proposed Bylaw No. 97 (Fees Bylaw) - given 1st, 2nd, 3rd reading and forward to EC for approval. Adopted and consolidated.	Becky McErlean Sonja Zupanec		Done
Staff to forward LA LTC resolution requesting EC review the model fees bylaw for consideration by Trust Council.	Sonja Zupanec		On Going
Staff to prepare a preliminary report for LTC consideration regarding suggested activities for a freshwater project.	Sonja Zupanec		On Going

Follow Up Action Report

Release up to \$300 from the special project budget for a follow up workshop on groundwater/freshwater with William Shulba	William Shulba	On Going
The LTC has endorsed the Top Priority and Project list for consideration by the incoming LTC.		On Going
The LTC forward the Regional Conservation Plan and briefing to the Lasqueti Community Association OCP Steering Committee and APC members for information and brought back to the LTC at their first meeting of the new term.	Sonja Zupanec Penny Hawley	On Going



Lasqueti Island Local Trust Committee Minutes of Regular Meeting & Community Information Meeting

Date: September 24, 2018

Location: Judith Fisher Centre
#1 China Cloud Bay Road
Lasqueti Island, BC

Members Present: Laura Busheikin, Chair
Susan Morrison, Local Trustee
Timothy Peterson, Local Trustee, arrived at 12:35

Staff Present: Ann Kjerulf, Regional Planning Manager
Sonja Zupanec, Island Planner (via telephone), license referrals
Dave Olsen, Recorder

Others Present: There were seven (7) members of the public in attendance.

1. CALL TO ORDER

Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Busheikin called the meeting to order at 11:07 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced the staff and Trustees present.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING (CIM)

3.1 Proposed Bylaw No. 95 to amend the Lasqueti Island Land Use Bylaw subdivision requirements

Staff noted that the inconsistency between the Land Use Bylaw and the Official Community Plan (OCP) was discovered during the Shoreline Protection Project. Staff described the process to date and identified the referral responses.

Chair Busheikin asked for questions from the public.

A member of the public cited Section 3.11 (5) and noted that the frontage on a highway was clearly stated but was followed by an information note that allows the Local Trust Committee (LTC) to override it. He asked what is in place to guide the LTC in making decisions in the future.

Staff responded that the *Local Government Act* does not provide these guidelines, but safety would be the priority. She noted that road and highway access is open for discussion and can be waived by the LTC according to the local conditions.

A member of the public asked where the letter of agreement with the Ministry of Transportation and Infrastructure (MOTI; cited under “Highway Standards”) could be found.

Staff responded that it is on the Islands Trust website under the Trust Council tab.

A member of the public asked if the new Schedule C is different than the previous one.

Staff responded that Plan 1 is intended to replace Schedule C completely; the text is clearer in the legend box and there is no change in actual lot boundaries.

A member of the public commented that he found the language regarding panhandle parcels confusing. He believes without clearer language, the panhandle could mean any of the points of contact.

Staff responded that the original Bylaw was silent on this and that a legal review was conducted. They are confident that it is sufficient.

A member of the public thanked the LTC for getting this Bylaw done in this term. He stated that prior to the formation of the Islands Trust, he found evidence to indicate that a 10-acre minimum was in effect. At some point the words were changed. The low attendance today shows that the public is in support; if they weren’t, they would be here.

Chair Busheikin commented that the main point of a community information meeting (CIM) is for the public to understand everything related to the Bylaw change, so that the next step at the Public Hearing, the decision to proceed or not can be easily made.

Staff advised that the LTC has already passed a resolution directing staff to set the Public Hearing date.

4. MINUTES

4.1 Local Trust Committee Minutes dated July 23, 2018, for Adoption

The following amendments to the minutes were presented for consideration:

On page 7, replace the second paragraph of 12.6 Chair’s Report with “Executive Committee met with the newly renamed Islands Trust Conservancy.”

On page 7, remove second and third paragraphs of Trustee Morrison’s Report under 12.7 and replace with “She was Acting Chair for Trust Council (TC) for two weeks. She went to Salt Spring Island and chaired a Public Hearing and LTC meeting.”

By general consent the minutes were adopted as amended.

4.2 Section 26 Resolutions-Without-Meeting Report dated September 14, 2018

Trustee Morrison explained that “nuisance and noise” includes dogs, pubs, and rock crushers.

4.3 Advisory Planning Commission Minutes - None

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated September 14, 2018

Trustee Morrison advised that William Shulba is still planning to come to Lasqueti to give a talk regarding groundwater.

Chair Busheikin requested Staff to add the Advisory Planning Committee (APC) referral to the Follow up Action Report.

5.2 Lasqueti Island Local Trust Committee Fees Bylaw Amendment - Bylaw No. 97 - Staff Report

Staff introduced the report. This Bylaw introduces a fee of \$825 for Liquor and Cannabis Regulation Branch license referrals as well as a temporary license change fee of \$100, and asks Trust Council for a review of the model fees schedule.

A member of the public asked if this Bylaw would apply for license applications for private parties.

Staff explained that the fees apply to existing licensed facilities only.

LA-2018-045

It was MOVED and SECONDED

that Lasqueti Island Local Trust Committee Bylaw No. 97, cited as "Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018", be read a first time.

CARRIED

LA-2018-046

It was MOVED and SECONDED

that Lasqueti Island Local Trust Committee Bylaw No. 97, cited as "Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018", be read a second time.

CARRIED

LA-2018-047

It was MOVED and SECONDED

that Lasqueti Island Local Trust Committee Bylaw No. 97, cited as "Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018", be read a third time.

CARRIED

LA-2018-048

It was MOVED and SECONDED

that Lasqueti Island Local Trust Committee Bylaw No. 97, cited as "Lasqueti Island Local Trust Committee Fees Bylaw, 2009, Amendment No. 1, 2018", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

LA-2018-049

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee request that the Executive Committee review the Trust Council Model Fees Schedule in relation to Islands Trust Council Policy 5.6.i and current average application processing costs, and make recommendations to the Islands Trust Council to update Policy 5.6.i and the Model Fees Schedule.

CARRIED

6. DELEGATIONS

6.1 Lasqueti Community Association's (LCA) Community Plan Engagement Strategy

Shoshana Ray read the following presentation on behalf of the LCA's OCP Steering Committee:

At the Lasqueti Community Association's 2018 Annual General Meeting, a committee was struck to facilitate community involvement in the Official Community Plan Review. The committee is made up of nine community members of diverse backgrounds. The wish is to work in tandem with the Island's trustees and staff to ensure the accurate representation of Islanders' interests, and their active involvement in shaping the policies and vision statement that will guide our Island in the future. This committee has already met six times, and is proposing this community engagement format.

A series of public forums will be held on topic areas (draft) of:

1. Environmental stewardship & climate change mitigation;
2. Resource stewardship (forests, agricultural land, groundwater, crown lands);
3. Archaeology & human history/heritage;
4. Sustainable community stewardship (housing, local economy & tourism);
5. Community services (ferry, roads, health, utilities, waste management, fire dept.); and
6. Land & resource use.

One month before the date of each of these forums, a notice will be given to the community to send in their interests and concerns regarding (but not limited to) the forum topic. For example, the first forum to be held will be Environmental Stewardship, on Saturday, November 3 (to be confirmed). In October a mailer will be sent out to each household, an email sent to the community email list, and an article in the Isle and Times will outline the interests represented in the current OCP as well as other interests that have already been ascertained at previous community meetings, as well as an invitation for people to add their views via mail or email before the forum takes place.

At the forum, the collected interests will be reviewed and clarified, new interests sought, and then they will be consolidated, with conflicting and contentious interests given their own subsequent forum. The list of interests will be given over to a committee of passionate Islanders who, through consultation with the Trustees and Planner, would formulate them into objectives and policies. These policies would then be presented to the community for feedback.

At this point the LCA OCP Steering Committee would like to ask if the Islands Trust is interested in making this a collaborative effort. We would also like to ask for the participation of at least one Trustee at each forum to represent Islands Trust's interests and concerns. We are willing to schedule the public forums to ensure one or the other of the Trustees is able to attend.

The LCA OCP Steering Committee is currently comprised of Karl Darwin, Hilary Duinker, Andrew Fall, Kristos Seiler, Colin Ewan, Marti Wendt, Kathy Rodgers, Nadine Simpson and Shoshana Ray.

Chair Busheikin added that there is also a pending APC referral.

Trustees thanked the delegation.

Discussion ensued and the following comments from the public were noted:

- There are many non-resident property owners.
- A webpage could be setup so that there is an open opportunity to provide input at any time.
- It would be ideal to focus on the current forum's topic, but any input would be accepted.
- If a speakerphone is not feasible for the forums, we could make sure that people know that they can input before or after or have it read at the meeting.
- We could record the meetings and put it online.
- Written communication is only 5% as effective as in-person.
- Installing a landline at the Community Hall would allow off-islanders to participate.
- APC meetings are at the Judith Fisher Centre, so that could be the forum for the public to connect by telephone.

Chair Busheikin suggested that we could have an entirely online meeting and that we will try to have events in the summer. She thanked everyone for their input.

7. CORRESPONDENCE - None

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

8. APPLICATIONS AND REFERRALS - None

9. LOCAL TRUST COMMITTEE PROJECTS - None

10. REPORTS

10.1 Work Program Reports

10.1.1 Top Priorities Report dated September 14, 2018

LA-2018-050

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee request staff to remove the Community to Community Forum from the Top Priority List and place it on the Projects List and to add Freshwater Project to Top Priority List.

CARRIED

LA-2018-051

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee request staff to bring back a report suggesting activities for a Freshwater Project.

CARRIED

10.1.2 Projects List Report dated September 14, 2018

Received for information

10.2 Applications Report dated September 14, 2018

Received for information

10.3 Trustee and Local Expense Report dated July 2018**LA-2018-052****It was MOVED and SECONDED**

that the Lasqueti Island Local Trust Committee request staff to allocate up to \$300 for a follow up workshop with William Shulba.

CARRIED**10.4 Adopted Policies and Standing Resolutions**

Received for information

10.5 Local Trust Committee Webpage

No updates

10.6 Chair's Report

Chair Busheikin reported the following:

- At Trust Council, it was agreed to initiate a project to request the Province to amend the *Islands Trust Act*.
- She is looking forward to the last couple of months of being Trust Council Vice-Chair.
- She noted that every island is unique; there is power in acting together but need to leave space for individuality, too.
- She thanked the staff and public.

10.7 Trustee Reports

Trustee Morrison reported on the following:

- At the Union of British Columbia Municipalities (UBCM) Convention, she met with Scott Fraser and George Heyman; Scott Fraser noted that he was impressed with the Islands Trust (IT) First Nations relationships.
- IT is looking for backing from the Province for stopping the Trans Mountain Pipeline, reducing the number of large vessel anchorages and dealing with the increased pollution in the Salish Sea.
- Trust Council is pushing the government to take strong action on climate change.
- She talked to many people on-island about Pete's Lake and cannabis production.

10.8 Electoral Area Director's Report - None**10.9 Trust Conservancy Report dated July, 2018**

Chair Busheikin credited the new Provincial Government for making the name change so quickly.

Trustee Morrison reported that Linda Adams was appointed to the Board and that Lasqueti is working diligently on the Salish View acquisition campaign.

11. NEW BUSINESS**11.1 Local Trust Committee 2014 - 2018 Term Summary Report**

Chair Busheikin expressed appreciation to the staff for putting this together.

LA-2018-053**It was MOVED and SECONDED**

that the Lasqueti Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as amended on September 24, 2018, for further consideration by the incoming Local Trust Committee.

CARRIED**11.2 ALC Information Bulletin - Cannabis Production in the ALR**

Chair Busheikin confirmed with staff that this is the same issue that was discussed at the previous LTC meeting.

Comments from the public were noted:

- Greenhouses would allow the production of cannabis without generators
- Outdoor growing is allowed as of two months ago.
- Greenhouses can still need generators.

Trustee Peterson arrived at 12:35pm.

Staff advised that commercial cannabis has to be licensed. If you're growing for the purpose of selling, it must be zoned for that purpose. There are specific conditions, with the first step being having it licensed.

Members of the public noted the following:

- Growing commercial cannabis is currently considered farming; the ALC is considering removing it from the ALR.
- Rock crushing is included as a home-based business, so greenhouses must be included.
- There could be light-based pollution as well as noise pollution; perhaps there are other ways of addressing these.
- Farming is approved everywhere on Lasqueti.

Trustee Morrison noted that one can sell your excess to the Liquor and Cannabis Regulation Branch, but there are still more regulations to come.

11.3 Islands Trust Conservancy - Regional Conservation Plan – Briefing**LA-2018-054****It was MOVED and SECONDED**

that the Lasqueti Island Local Trust Committee request staff to forward the regional conservation plan briefing to the Lasqueti Committee Association's Official Community Plan Steering Committee.

CARRIED**LA-2018-055****It was MOVED and SECONDED**

that the Lasqueti Island Local Trust Committee request staff to forward the regional conservation plan briefing to the Lasqueti Island Advisory Planning Commission (APC).

CARRIED

Staff asked for clarification regarding any feedback required from the APC.

Trustees explained that this is intended to provide background information.

LA-2018-056

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee request staff to include the regional conservation plan briefing in the agenda package for the next term's first meeting.

CARRIED

12. UPCOMING MEETINGS

12.1 Next Regular Meeting Scheduled for Monday, November 26, 2018 at 11:00 am at the Judith Fisher Centre, #1 China Cloud Bay Road, Lasqueti Island, BC

13. TOWN HALL

Members of the public thanked the Trustees and Chair for their work during the past term.

Chair Busheikin thanked Trustees Morrison and Peterson.

Trustee Peterson thanked Chair Busheikin for her work in chairing the committee.

Trustee Morrison concurred and thanked Planner Zupanec for her work.

14. CLOSED MEETING

14.1 Motion to Close the Meeting

LA-2018-057

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the purpose of considering adoption of In-camera Meeting Minutes dated June 4, 2018 and July 23, 2018 AND that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 12:49pm

14.2 Recall to Order

By general consent the meeting was recalled to order at 12:51pm.

15. ADJOURNMENT

By general consent the meeting was adjourned at 12:51pm.

Laura Busheikin, Chair

Certified Correct:

Dave Olsen, Recorder

PROPOSED

LASQUETI ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 95

A BYLAW TO AMEND LASQUETI ISLAND LAND USE BYLAW NO. 78, 2005

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

1. Citation:

This bylaw may be cited for all purposes as “Lasqueti Island Land Use Bylaw No. 78, 2005, Amendment No. 1, 2017”.

2. Lasqueti Island Local Trust Committee Bylaw No. 78, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is amended as shown on Schedule 1, attached to and forming part of this bylaw:

READ A FIRST TIME THIS 10TH DAY OF MAY , 2018

READ A SECOND TIME THIS 23rd DAY OF JULY , 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 2018

READ A THIRD TIME THIS _____ DAY OF _____ , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 201X

ADOPTED THIS _____ DAY OF _____ , 201X

Chair

Secretary

Lasqueti Island Local Trust Committee

Bylaw No. 95

Schedule 1

1. Schedule “A” of Lasqueti Island Land Use Bylaw No. 78 cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is amended as follows:

- a. Part 3 – GENERAL PROVISIONS, Section 3.11 SUBDIVISION REGULATIONS, is deleted in its entirety and replaced with:

“3.11 Subdivision Regulations

INFORMATION NOTE: *Subdivision of land in the Agricultural Land Reserve (ALR) in any subdivision district is subject to approval by the provincial Agricultural Land Commission.*

Parcel Area and Frontage

- (1) The minimum area of a parcel that is created by subdivision is:

- (a) in Subdivision District A designated in Schedule C: 4 hectares.
 - (b) in Subdivision District B designated in Schedule C: 8 hectares.
 - (c) in Subdivision District C designated in Schedule C: 65 hectares.

- (2) The minimum parcel areas specified in 3.11(1) do not apply:

- (a) to the consolidation of two or more parcels into a single parcel;
 - (b) to a subdivision that adjusts the boundary between two parcels, and if a boundary adjustment subdivision would increase the area of any parcel to the point where the new parcels created could, taken together, be subdivided into more parcels than would be permitted under this Bylaw without the boundary adjustment, the applicant must grant a covenant complying with Section 2.6 in respect of every such parcel, prohibiting further subdivision of the parcel;
 - (c) if the parcel is being dedicated to the Crown or designated as an ecological reserve under the Ecological Reserve Act; or
 - (d) if the parcel being created is to be used as a park; for ambulance or fire protection facilities; or solely for the unattended equipment necessary for the operation of a community water system or a community sewer system, and the applicant grants a covenant complying with Section 2.6 limiting the use of the parcel to the specific use that makes it eligible for this exception.

- (3) No *parcel* having an area less than 4 hectares may be subdivided under Section 514 of the *Local Government Act* to provide a *residence* for a relative of the owner.

- (5) The frontage on a highway of any parcel created by subdivision must be at least 10 percent of its perimeter, and in no case may the frontage be less than 20 metres.

Information Note: *The Local Trust Committee has jurisdiction to exempt a lot or a subdivision from the minimum highway frontage requirement.*

Highway Standards

Information Note: For information on the standards for roads in new subdivisions, see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996.

Parcel Shape

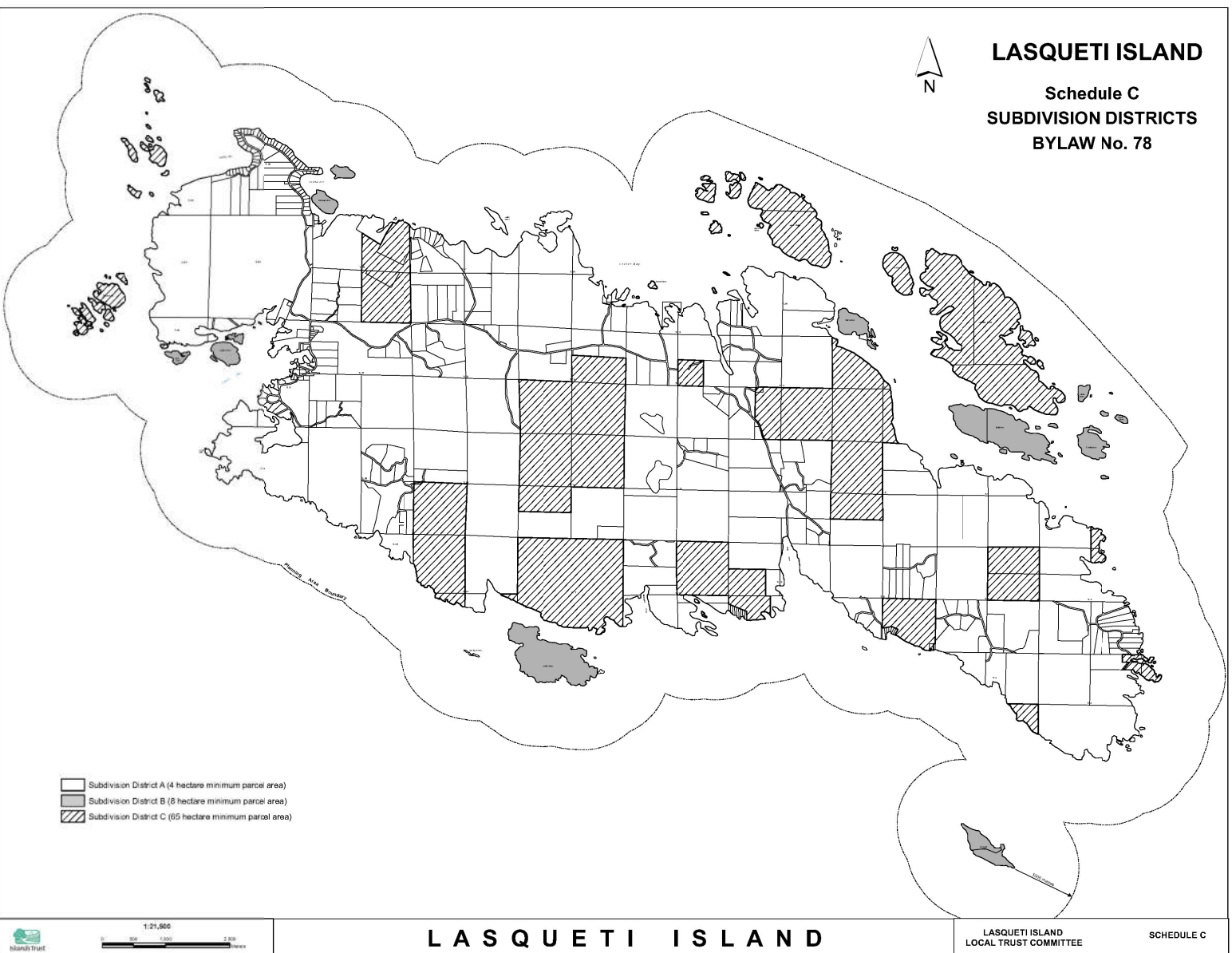
(6) No parcel having a depth greater than five times its width may be created by subdivision, and for this purpose the width of a panhandle parcel shall be measured at the point where the panhandle connects with the main portion of the parcel.

Boundary Adjustment Subdivisions

(7) A subdivision that adjusts the boundary between two parcels and thereby creates a *parcel* lying in two or more *zones* is prohibited.”

2. Schedule “C” of Lasqueti Island Land Use Bylaw No. 78 cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is deleted and replaced with Plan 1 attached to and forming part of this Bylaw.

Lasqueti Island Local Trust Committee
Bylaw No. 95
Plan 1



MEMORANDUM

File No.: 3070-50 (qRD)
(Government to Government)

DATE OF MEETING: November 26, 2018
TO: Lasqueti Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Lasqueti Island Local Trust Committee and qathet Regional District Board Protocol Agreement

RECOMMENDATION

1. That the Lasqueti Island Local Trust Committee endorse the draft Protocol Agreement between the Lasqueti Island Local Trust Committee and qathet Regional District Board, dated September 19, 2018, in principle [*and request the following amendments prior to execution (list any requested changes)*].

PURPOSE

The Lasqueti Island Local Trust Committee (LTC) is asked to consider the attached draft Protocol Agreement between the Lasqueti Island LTC and qathet Regional District (qRD) Board and to pass a resolution to endorse the agreement as presented, or to request further revisions prior to consideration of endorsement.

Staff advise that the protocol agreement should maintain sufficient flexibility to ensure that it can be readily implemented. Implementation of the agreement, containing more detailed information, may occur through a staff-to-staff letter of understanding (draft attached).

NEXT STEPS

Staff will advise the qRD of the LTC's recommendation and request endorsement from the qRD Board on any requested changes to the draft agreement. The LTC may wish to consider a revised draft at a subsequent business meeting. Once both parties have agreed in principle to all required changes, the agreement may be formally endorsed via resolution.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 19, 2018
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ATTACHMENTS

1. Lasqueti Island Local Trust Committee & qathet Regional District Board DRAFT Protocol Agreement
2. Lasqueti Island Local Trust Committee & qathet Regional District DRAFT Letter of Understanding

REGIONAL DISTRICT BOARD / LOCAL TRUST COMMITTEE PROTOCOL AGREEMENT

This Protocol Agreement ("Agreement") amended for reference ~~November 20, 1998~~September 19, 2018 is
AMONG:

LASQUETI ISLAND LOCAL TRUST COMMITTEE
("Local Trust Committee")

AND:

~~POWELL RIVER~~qathet **REGIONAL DISTRICT BOARD**
("Regional District Board")

(Referred to as the "Parties")

WHEREAS:

- A. Under Section 22(2) of the *Islands Trust Act*, a local trust committee may enter into an agreement with municipalities, regional districts and boards of school trustees respecting the coordination of activities in a local trust area;
- B. The Lasqueti Island Local Trust Committee is a local trust committee established under s.21 of the *Islands Trust Act* for the purpose of preserving and protecting the Lasqueti Island Local Trust Area and has the authority to regulate the development and use of land in this local trust area;
- C. The ~~Powell River~~qathet Regional District is a regional district established by letters patent, dated the 19th day of December, 1967 and continued under s. 41 (4) (b) s.767 of the Local Government Act, R.S.B.C. 2015, c. 1~~Municipal Act, R.S.B.C. 1979, c. 290~~, and has the authority to provide services in this local trust area; and
- D. The Parties met to discuss respective areas of responsibility and to develop principles, processes and conditions for the coordination of activities within the Lasqueti Island Local Trust Area.

NOW THEREFORE, the Local Trust Committee and the Regional District Board agree as follows:

1.0 PRINCIPLES

The Local Trust Committee and Regional District Board agree to the following principles regarding interagency relations:

- | 1.1 Recognition of each others' jurisdictions and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and communication initiatives;
- | 1.2 Coordination of planning, servicing and growth management activities that is responsive to the needs of the local trust area and the electoral area of which they are a part;
- | 1.3 Respect for the ~~legislated 'preserve and protect'~~ object of the Islands Trust, the servicing function of the Regional District Board and the respective land use planning authority of both Parties;
- | 1.4 Cooperation through sharing of information and notification of significant initiatives that may impact the other Party and through regular liaison.

2.0 COOPERATION

- | 2.1 The Parties agree to cooperate with respect to the implementation, coordination and administration of each Party's legislative authority that may impact the other Party.
- | 2.2 The Parties agree to coordinate the following activities:
 - (a) community planning;
 - (b) parkland and school site acquisition;
 - (c) servicing arrangements; and
 - (d) administrative arrangements.
- | 2.3 It is the intent of the Parties to formalize their cooperation by way of letters of understanding as required for specific matters.
- | 2.4 Both Parties agree to notify and consult the other Party on legislative, municipal incorporation and boundary restructure initiatives.

3.0 COMMUNICATIONS

- | 3.1 The Parties agree to schedule regular meetings of the regional director, the local trustee committee and appropriate staff to review the implementation of the protocol agreement and letter of understanding.

- ~~3.2-~~ Neither Party is obligated to convey information to the other Party that is protected from disclosure under the *Freedom of Information and Protection of Privacy Act*, any other legislation protecting information from disclosure, or that is subject to solicitor-client privilege.
- ~~3.3-~~ Both Parties agree to pursue alternate methods of dispute resolution before initiating legal proceedings directed at the other Party.

4.0 CONDITIONS

- ~~4.1-~~ Nothing in this Agreement shall be construed so as to fetter the legislative discretion of either of the Parties within their respective areas of jurisdiction or, without limiting the generality of the foregoing, to oblige either of the Parties to adopt or prevent either of the Parties from adopting any bylaw or resolution.
- ~~4.2-~~ The interpretation of terms used in this Agreement shall be governed by the interpretation provisions of the *Islands Trust Act* and the ~~*Municipal Act*~~*Local Government Act*.
- ~~4.3-~~ This Agreement may be amended by agreement in writing between the Regional District Board and the Local Trust Committee.
- ~~4.4-~~ Any Party to this Agreement may terminate this Agreement at any time by delivering three months' written notice to the other Party.
- ~~4.5-~~ Information and notification pertinent to this Agreement shall be delivered to:

<u>Lasqueti Island</u> Local Trust Committee and Islands Trust Council:	200 -1627 Fort Street Victoria, BC V8R 1H8 Attention: Executive Director
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<u>gathet</u> Regional District Board:	<u>#202-4675 Marine Avenue</u> <u>Powell River, BC V8A 2L2</u> <u>Attention: Chief Administrative Officer</u>5776- <u>Marine Avenue</u> <u>Powell River, BC V8A 2M4</u> <u>Attention: Secretary-Treasurer</u>
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- ~~4.6-~~ The officials of each Party who shall be responsible for the notices and the administration of this Agreement are:

Lasqueti Island Local Trust Committee: ~~the~~ Executive Director ~~of the Islands Trust~~;
and

~~Powell Rivergathet~~ Regional District Board: Chief Administrative Officer ~~the~~
~~Administrator of the Regional District~~

As evidence of their agreement to the above terms, the Local Trust Committee and the Regional District Board have executed this Agreement as set out below:

John Money <u>Peter Luckham</u> , Chair person Lasqueti Island Local Land Trust <u>Committee</u>	Gordon McIntosh <u>Russ Hotsenpiller</u> , Executive Director <u>Chief Administrative Officer</u> , Islands Trust
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Stan Gisborne <u>Patrick Brabazon</u> , Chair person Powell Rivergathet Regional District	Frances Ladret <u>Al Radke</u> , <u>Chief Administrative</u> <u>Officer</u> Secretary-Treasurer , Powell Rivergathet Regional District
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LETTER OF UNDERSTANDING

between staff for the

THE LASQUETI ISLAND LOCAL TRUST COMMITTEE

and the

~~POWELL RIVER REGIONAL DISTRICT~~ Gaithet REGIONAL DISTRICT BOARD

SUBJECTS:

- I. PURPOSE
- II. PRINCIPLES
- III. CONSULTATIVE PROCESS
- IV. IMPLEMENTATION

- 1 Community Planning
 - 1.1 ~~Official~~ Community Plans
 - ~~1.2~~ Land Use Bylaws
 - 1.23 Bylaw Enforcement
- 2 Parkland and School Site Acquisition
 - 2.1 Park Planning
 - 2.2. Parkland Acquisition
 - 2.3 School Site Acquisition
 - 2.4 Parks and Recreation Commission
- 3 Servicing
 - 3.1 Service Delivery
 - 3.2 Regional Growth Strategy
 - ~~3.3~~ Service Coordination Agreements
- 4 Administrative Arrangements
 - 4.1 Interagency Agreements
 - ~~4.2~~ Information Sharing
 - 4.32 Legislative Initiatives
 - 4.34 Conduct of Elections

Comment [JD1]: Sections re-numbered for clarity

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Updated: ~~May 13, 1999~~ September 19, 2018

LETTER OF UNDERSTANDING

This Letter of Understanding ("Agreement") dated for reference ~~November 24, 1998~~September 19, 2018 is:

AMONG:

LASQUETI ISLAND LOCAL TRUST COMMITTEE

("Local Trust Committee")

AND:

~~POWELL RIVER REGIONAL DISTRICT~~gathet REGIONAL DISTRICT BOARD

("Regional District Board")

(Referred to as the "Parties")

I) PURPOSE

The purpose of this Agreement is to delineate how the Regional District Board and the Local Trust Committee will implement the principles stated in the Protocol Agreement dated November 20, 1998 between the Lasqueti Island Local Trust Committee for the Lasqueti Island Local Trust Area ("local trust area") and the ~~Powell River Regional District~~gathet Regional District Board for Electoral Area E ("electoral area").

II) PRINCIPLES

The Local Trust Committee and Regional District Board agree to the following principles regarding interagency relations:

1. Recognition of each others' jurisdiction and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and communication initiatives;
2. Coordination of planning, servicing and growth management activities that is responsive to the needs of the local trust area and the electoral area of which they are a part;
3. Respect for the ~~legislated 'preserve and protect'~~ object of the Islands Trust; the servicing function of the Regional District Board, and the respective land use planning authority of both Parties; and
4. Co-operation through sharing of information and notification of significant initiatives that may impact the other Party and through regular liaison.

III) CONSULTATIVE PROCESS

1. The Parties agree to the establishment of a regular consultative process to foster understanding among respective staff and elected officials.
2. The intent of this Agreement is for both Parties to use best effort to achieve interagency co-operation within mutually agreeable terms and time-frames.
3. Responsibility for the coordination of this Agreement by the respective Parties is assigned to the ~~Secretary-Treasurer~~ Chief Administrative Officer of the Regional District Board and the Executive Director of the Islands Trust.
4. An annual meeting of respective staff and elected officials will be established by the Chief Administrative Officer ~~Secretary-Treasurer~~ and the Executive Director.
5. A meeting of respective staff and elected officials to review any current issues or Agreement matters may be arranged at the request of either the ~~Secretary-Treasurer~~ Chief Administrative Officer or Executive Director.
6. Where anything is required or permitted to be delivered, or otherwise sent to the Parties or the Islands Trust Council, it shall be delivered to:

<u>Lasqueti Island</u> Local Trust	200 -1627 Fort Street
Committee	Victoria, BC V8R 1H8
and Islands Trust Council:	Attention: Executive Director
 Regional District Board:	 5776-#202-4675 Marine Avenue
	Powell River, BC V8A 2M42L2
	Attention: <u>Chief Administrative</u>
	<u>Officer</u> Secretary-Treasurer
7. Both Parties will bear the full cost of their own requirements to implement this Agreement unless otherwise provided for in this Agreement or otherwise agreed to, in writing, by both Parties.
8. This Agreement may be amended by agreement, in writing, by the Regional District Board and Local Trust Committee.

IV IMPLEMENTATION

1.0 COMMUNITY PLANNING

1.1 Community Plans

- 1.1.1 For the purpose of this agreement, a ~~Official Community community Plan-plan~~ refers to an Official Community Plan, ~~ora~~ Zoning Bylaw and/or a Rural Land Use Bylaw for Lasqueti Island.
- 1.1.2 Both Parties shall provide the other Party with the opportunity for input regarding ~~Official Community Plancommunity plan~~ reviews and updates relevant to the local trust area/electoral area to promote the effective coordination of servicing and planning functions of the respective Parties.
- 1.1.3 Where an Official Community Plan being prepared by either Party affects the local trust area/electoral area, the Party coordinating the Official Community Plan initiative shall deliver the following to the other Party:
- Notice of Intent- indicating the aims and time-frames of the Official Community Plan initiative; and
 - Consultation Schedule - providing opportunities for interagency liaison and technical or political discussions.
- 1.1.4 Where an Official Community Plan being prepared by either Party affects the local trust area/electoral area, the Party coordinating the Official Community Plan initiative shall deliver a draft copy of the Official Community Plan to the other Party 30 days prior to first reading.
- 1.1.5 Either Party may give written notice requesting that a consultation meeting be conducted by the Party coordinating the Official Community Plan initiative within 10 days of receipt of the draft Official Community Plan.
- 1.1.6 The obligations referred to in this section are in addition to any statutory obligations (s. ~~948-475~~ of the ~~Municipal Act~~ Local Government Act) that the Parties may have respecting the referral of Official Community Plan bylaws.
- 1.1.7 Either Party shall provide a copy of any adopted Official Community

Plan bylaws as soon as practicable after adoption.

- 1.1.8 Either Party should consult with the other party before providing comment on agency referrals if staff have questions on bylaw interpretation or if they will be providing comment that may be in conflict with the other party.

1.2 Bylaw Enforcement

- 1.2.1 Where information is received by one Party that it considers a potential contravention of a bylaw of the other Party, that Party shall promptly convey that information to the other Party.
- 1.2.2 Either Party may initiate interagency arrangements whereby one Party may conduct bylaw investigations on behalf of the other Party and at the request of the other Party subject to written conditions agreed to by the signatories of this Agreement.

2.0 PARKLAND AND SCHOOL SITE ACQUISITION

2.1 Parks Planning

- 2.1.1. The Regional District Board shall provide the Local Trust Committee with the opportunity for input regarding a parks planning initiative in the local trust area/electoral area by providing the following to the Local Trust Committee:
 - Notice of Intent- indicating the aims and time frames of the Parks Plan; and
 - Consultation Schedule - providing opportunities for interagency liaison and technical or political discussions.
- 2.1.2. Where a Parks Plan being prepared by the Regional District Board affects the local trust area/electoral area, the Regional District Board shall deliver a draft copy of the Parks Plan to the Local Trust Committee 30 days prior to first reading.
- 2.1.3. The Local Trust Committee may give written notice requesting that a consultation meeting be conducted by the Regional District Board within 10 days of receipt of the draft Parks Plan.
- 2.1.4. The Regional District Board shall provide a copy of any Parks Plan bylaws including maps designating areas within the local trust area/electoral area considered to be areas - in which parkland

preservation, acquisition or development is desirable.

2.2 Parkland Acquisition

2.2.1 The Parties wish to coordinate their activities with respect to the identification of land suitable for parkland, and the acquisition, development, operation and maintenance of parkland in a manner that promotes the object of the Islands Trust, [Lasqueti Island Local Trust Committee Official Community Plan policies](#), and the parks system plan of the Regional District Board.

2.2.2 Both Parties acknowledge that:

- (a) The Local Trust Committee has the authority under s. 27 of the *Islands Trust Act* to determine whether an owner of land being subdivided on the local trust area/electoral area shall provide parkland under s. ~~992510~~(1)(~~aa~~) of the [Local Government Act](#) ~~Municipal Act~~ or money under s. ~~992510~~(1)(~~bb~~).
- (b) The Regional District Board is entitled to any money required to be provided under s. ~~992-510 of the Local Government Act~~ in respect of land being subdivided in the local trust area/electoral area; and
- (c) The Regional District Board is entitled to any land in the local trust area/electoral area that is required to be provided under s. ~~992510 of the Local Government Act~~.

2.2.3 The Local Trust Committee shall consider any planning statements that the Regional District Board may deliver to the Local Trust Committee respecting parkland to the local trust area/electoral area with a view to determining whether they should be incorporated in or otherwise reflected the parks policy component of an Official Community Plan bylaw initiative or plans.

2.2.4. Where a subdivision application in respect of which s. ~~992510~~(1) of the [Local Government Act](#) ~~Municipal Act~~ is applicable is referred to the Local Trust Committee, the Local Trust Committee shall, within 7 days of receiving the referral of that application, send a copy of the application to the Regional District Board for review.

Comment [JD2]: Is this still relevant?

2.2.5. The Regional District shall, within ~~10-30~~ days of receiving the application, deliver to the Local Trust Committee a written notice that either:

Comment [JD3]: Is this still relevant?

- (a) states that the Regional District Board makes no comment or recommendation;
- (b) comments on, or makes recommendations respecting the exercise by the Local Trust Committee of the Local Trust Committee's powers under s. ~~510~~992 of the Local Government Act~~Municipal Act~~; or
- (c) request for more time to obtain the Regional District Board's comments which the Island Local Trust Committee will forward to the Provincial Approval Officer.

2.2.6. In exercising its powers, the Local Trust Committee shall consider any comments or recommendations received from the Regional District Board and shall not make a determination that is in direct conflict with a recommendation received from the Regional District Board unless it has first given the Regional District Board at least 5 days written notice of its intention to do so.

2.2.7. Where, in respect of land being subdivided in the local trust area/electoral area, the Regional District Board receives money under s. ~~992~~510 of the Local Government Act~~Municipal Act~~, it shall:

- (a) use that money only for the acquisition of parkland in the local trust area/electoral area; and
- (b) not obligate itself to use that money for the acquisition of specific parkland, unless it has first consulted with the Local Trust Committee regarding the proposed acquisition.

2.2.8. Where, in respect of land being subdivided in the local trust area/electoral area, the owner is required to provide parkland under s. ~~992~~510(1)(a) of the Local Government Act~~Municipal Act~~ the area of land to be provided shall be acceptable to both parties.

2.2.9. Where a planning statement delivered to the Local Trust Committee by the Regional District Board includes maps designating areas considered by the Regional District Board to be areas in which parkland preservation, acquisition or development is desirable, the Local Trust Committee shall deliver a copy of any application for rezoning or a permit under Division ~~5-6~~ of Part ~~29-14~~ of the Municipal-Local Government Act to the Regional District Board if the application pertains to those areas.

2.2.10 Within ~~10~~30 days of receiving the application referred to in section 10, the Regional District Board may deliver to the Local Trust Committee any comments or recommendations of the Regional District Board concerning the impact of the proposed rezoning or development on the Regional District Board's ability to preserve, acquire or develop parkland in the area, and the Local Trust Committee shall consider any comments or recommendations received under this section during its consideration of the application to which the Regional District Board's comments or recommendations relate.

Comment [JD4]: Where is "section 10"?

2.3 School Site Acquisition

- 2.3.1 Both Parties share an interest in coordinating activities related to the planning and acquisition of school sites within the local trust area/electoral area and either Party shall notify the other Party of initiatives in this regard with the School Board.
- 2.3.2 The Parties agree that both Parties shall be involved in any processes related to the planning and acquisition of school sites within the local trust area/electoral area.

2.4 Parks and Recreation Commission

- 2.4.1 The Regional District Board will consult with the Local Trust Committee before initiating the formation of a Parks and Recreation Commission for the local trust area/electoral area.
- 2.4.2 The Regional District Board may deliver to the Local Trust Committee a notice in writing directing the Local Trust Committee to deal directly with the Commission in the exercise of its rights and obligations of the Parkland Acquisition section of this Agreement.
- 2.4.3 Where the Regional District Board has delegated part or all of its powers respecting parks to a Parks and Recreation Commission, the Local Trust Committee shall consult regularly with that Commission.

3.0 SERVICING

3.1 Service Delivery

- 3.1.1. The Parties agree that the provision of services in the local trust area/electoral area by the Regional District Board and that land use planning relating to the provision of such services are matters of great importance to the residents of the local trust area/electoral area, and

the Parties agree that extensive consultation on such matters, including consultation-engagement with the public and stakeholders, is to be encouraged.

- 3.1.2. The Regional District Board shall notify the Local Trust Committee that the Regional District Board is considering providing a service in the local trust area/electoral area that has not been formerly or significantly extending an existing service.
- 3.1.3. The Local Trust Committee may prepare and deliver to the Regional District Board a written notice requesting the Regional District Board to consider providing a local or extended service in one or more areas of the local trust area/electoral area, and stating the reason for the request.
- 3.1.4. The Regional District Board shall consider the request referred to in Section 1.3, and shall, within 60 days of receiving the request, deliver to the Local Trust Committee a notice in writing stating its position with respect to the request.
- 3.1.5. The Regional District Board shall submit a consultation-engagement process involving the public and the Local Trust Committee within 60 days of a notice being provided under Section 3.1.2 or 3.1.4.
- 3.1.6. The Regional District Board shall advise the Local Trust Committee before deciding whether to provide or extend the service.

3.2 Regional Growth Strategy

- 3.2.1 Both Parties acknowledge that a Regional Growth Strategy initiative of the Regional District Board shall not apply to the Local Trust Area (Islands Trust Act, Section 33.3), however, the Regional District should consult with the Local Trust Committee as if it were an affected local government as defined in Section 942-1433 of the Local Government Act/Municipal Act.

3.3 ~~Service Coordination Agreements~~

- ~~3.3.1 The Local Trust Committee in co-operation with the Regional District Board may recommend that the Islands Trust Council enter into a Service Coordination Agreement respecting the coordination of Official Community Plans of the Local Trust Committee, the Islands Trust Policy Statement Bylaw of the Islands Trust Council and with the services to be provided within the local trust area/electoral area by the Regional~~

District Board (Islands Trust Act, Section 33.1 (1)).

4.0. ADMINISTRATIVE ARRANGEMENTS

4.1 Interagency Agreements

- 4.1.1 Both Parties will endeavour to provide opportunities for the other Party to provide input to or involvement in interagency initiatives with other organizations that impact the activities of the other Party within the local trust area/electoral area.
- 4.1.2 Either Party will refer interagency agreements or initiatives with other organizations that impact the activities of the other Party within the local trust area/electoral area for comment before concluding such an interagency agreement.
- 4.1.3 Either Party will provide copies to the other Party of interagency agreements or terms of reference for interagency projects relevant to the local trust area/electoral area.

4.2 ~~Information Sharing~~

- ~~4.2.1 Agendas and minutes for regular meetings of the Regional District Board and the Local Trust Committee will be provided on a regular basis to the designate staff.~~
- ~~4.2.2 Either Party receiving an inquiry or complaint relating to a matter which is within the jurisdiction of or may reasonably be of interest to the other Party, shall forward the appropriate information to the other Party.~~
- ~~4.2.3 Copies of studies, plans, reports and other documents prepared or received by one Party, which may reasonably be of interest to the other Party, will be forwarded to the other Party through the designate staff.~~

4.32 Legislative Initiatives

- 4.32.1 Either Party shall provide notice to the other Party respecting requests for the Federal or Provincial Governments to enact legislation that it considers may affect the activities of the other Party within the local trust area/electoral area.

4.4.3 Conduct of Elections

4.4.3.1 The Islands Trust Council may request in writing that the Regional District Board conduct either a trustee election for the local trust area in conjunction with the Regional District Board's triennial election or a by-election for the Local Trust Committee.

4.4.3.2 The Regional District Board will consider the Islands Trust Council's request and the ~~Secretary-Treasurer-Chief~~ Administrative Officer shall advise the Executive Director of the Board's decision.

4.4.3.3 If the Regional District Board agrees to the Islands Trust Council request, the Executive Director and the ~~Secretary-Treasurer-Chief~~ Administrative Officer shall establish a separate agreement setting out procedures and cost sharing for the Regional District Board to conduct the trustee election proceedings.

Therefore, both Parties commit to respect this Letter of Understanding, dated this

_____ day of _____, 2018.

1. Approved by the **Lasqueti Island Local Trust Committee** this

_____ day of _____, 2018.

Russ Hotsenpiller, Chief
Administrative Officer,
Islands Trust

2. Approved by the ~~Powell River Regional District~~ qathet Regional District **Board** this

_____ day of _____, 2018.

Al Radke
Chief Administrative Officer
qathet Regional District

File No.: 3442-10
(Cannabis Notification)

DATE OF MEETING: November 26, 2018
TO: Lasqueti Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Notification of Federal Cannabis License Applications

RECOMMENDATIONS

1. That the Lasqueti Island Local Trust Committee adopt the following standing resolution:
That the Lasqueti Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.
2. That the Lasqueti Island Local Trust Committee place Regulation of Cannabis Production Facilities on the Top Priorities List and remove [specify item to be removed].
3. That the Lasqueti Island Local Trust Committee request staff to draft a bylaw to amend the Lasqueti Island Land Use Bylaw to include definitions related to cannabis and federally licensed cannabis production and to specify the applicable zones, minimum lot sizes, maximum building dimensions, minimum setbacks and other land use regulations applicable to federally licensed cannabis production, which are consistent with federal and provincial regulations and can serve as an interim regulatory framework until such time as the Minister's Bylaw Standards have been updated.

REPORT SUMMARY

The Lasqueti Island Local Trust Committee (LTC) is asked to consider adopting a standing resolution with respect to Notices of Intention to Apply for a Cannabis License under the Federal *Cannabis Act* and *Cannabis Regulations*. The recommended resolution is intended to ensure that the LTC is informed of proposed licensed cannabis activities within the Local Trust Area.

BACKGROUND

The new *Cannabis Act and Cannabis Regulations (2018)* set a framework for controlling the production, distribution, sale and possession of cannabis for medical and recreational purposes in Canada.

Prior to submitting an application to the federal government (Health Canada), applicants requesting to be a license holder under the *Cannabis Act* and *Cannabis Regulations* must provide a written notice to local authorities to inform them of their proposal. The notice must be addressed to a senior official and sent to the following authorities:

- the local government;
- the local fire authority; and
- the local police force or the Royal Canadian Mounted Police detachment that is responsible for providing policing services to that area.

The notice must contain the following information:

- the name of the applicant;
- the date on which the applicant will submit the application to the Minister of Health;
- the type of licence being sought and the activities for which the licence is being sought, while specifying that the activities are to be conducted in relation to cannabis; and
- the address of the site and, if applicable, of each building within the site where the applicant proposes to conduct those activities.

Applicants are required to include a copy of the actual written notices in their application to the federal government. Applicants must indicate the date of each notice, and the name, title and address of the senior official to whom it was addressed.

Current Procedures

At the current time, when staff receive notices from proponents applying for cannabis licences, staff respond to the proponents to confirm applicable land use regulations. Staff would provide information on the process to amend bylaws or apply for variances or permits, if required.

ANALYSIS

Issues and Opportunities

1. **Approval Authority** – Applicants and approved cannabis licence holders are responsible for compliance with the *Cannabis Act* and *Cannabis Regulations* as well as compliance with other applicable federal, provincial and territorial legislation, and local government bylaws. However, the Islands Trust is not an approval authority for cannabis licenses. Applicants are required only to provide notification to local governments, local fire departments and law enforcement of their intent to pursue licensing. Notification is not considered confirmation that an application has been submitted or authorized by Health Canada.
2. **Procedures for reporting to the LTC** – The *Cannabis Act* and *Cannabis Regulations* do not address if and how local elected officials are to be advised of notices to local authorities received from proponents applying for cannabis licenses. In relation to the Islands Trust, notices need to be submitted to a ‘senior official’ of the local government. Staff note, that both the Local Trust Committee and Regional District are *local* governments, with albeit different responsibilities. As part of their application package to Health Canada, applicants need to advise the federal government of the name, title and address of the senior official to whom the notice was addressed.

If the LTC wishes to be notified of all cannabis-related notices received, staff recommend adopting a standing resolution. Staff advise against publication of notices in LTC agendas or on the website as the LTC is not the approving authority and disclosure of information provided in the notice may be contrary to the *Freedom of Information and Protection of Privacy Act* (s. 21 Disclosure harmful to business interests of a third party or s. 19 Disclosure harmful to individual or public safety).

3. **Regulation of Licensed Cannabis Activities** – On July 23, 2018, the LTC adopted a standing resolution to provide a public consultation framework to address potential referrals from the Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail license applications. The staff report discussed at that meeting noted that the LTC may wish to pursue amendments to its Official Community Plan (OCP) and Land Use Bylaw (LUB). This would require that a project to be added to the projects list or top priorities list and for the project to be scoped and funded.

The LTC could, alternatively, consider incorporating this review into the broader OCP review project which was recently initiated. Staff note that the Lasqueti LUB is very permissive with respect to regulations for both non-medical cannabis retail and licensed cannabis production activities as agriculture is a permitted use across most of the island and regulations for home-based businesses are liberal. The LTC should evaluate the potential risks to permissive regulations from the perspective of potential land use conflicts on the island. Notwithstanding, it is recommended that the LTC to amend its bylaws to align with federal and provincial legislation including the regulations applicable to cannabis production within the Agricultural Land Reserve, which were recently adopted by the Agricultural Land Commission. Furthermore, Ministry of Agriculture staff have noted that the Minister's Bylaw Standards¹ are in the process of being updated and will provide guidance to local governments with respect to adoption of land use regulations regarding cannabis production on agricultural land (e.g. minimum lot size, setbacks, etc.).

Rationale for Recommendation

Staff recommend adopting the standing resolution to ensure the LTC is notified of proposed licensed cannabis activities on Lasqueti Island, and that staff be directed to prepare an amendment bylaw to provide land use regulations for federally licensed cannabis production facilities. Currently, the Lasqueti Island LUB does not clearly align with senior government legislation and recommend that the LUB be amended, even as an interim measure until such time as the OCP review has been completed and/or Minister's Bylaw Standards have been updated.

ALTERNATIVES

1. Include Notices in LTC Agendas

The LTC may consider requesting that notices of proposed federal cannabis licenses be included in LTC agendas. If this alternative is selected, staff will consult with legal counsel to determine whether or not the notices can be provided in open meeting or if they would need to be provided in closed meeting.

That the Lasqueti Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.

2. Include Cannabis Production and Retail Sales in the OCP Review

That the Lasqueti Island Local Trust Committee requests staff to include a review of cannabis production and retail sales activities in the OCP Review Project.

NEXT STEPS

If the LTC concurs with staff's recommendation, the Standing Resolutions list will be updated.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 15, 2018
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¹ Province of BC. Minister's Bylaw Standards. <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>

MEMORANDUM

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: November 26, 2018
TO: Lasqueti Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: 2019 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Lasqueti Island Local Trust Committee schedule its regular business meetings on the following dates in 2019: February 25, April 8, May 27, June 6, July 22, September 30, and October 28.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2019. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 15, 2018
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ATTACHMENT

1. Tentative 2019 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2019 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	- February 7 March 7 April 4 - June 6 July 4 - - October 3 November 7 -	January 24 February 28 - April 11 May 16 June 27 July 11 - September 12 October 24 November 28 -	January 31 - March TBD - May 2 June TBD July TBD - - October TBD November TBD -	- February 8 - April 5 - June 14 July 12 - September 13 - November 8 -	- February 25 - April 8 May 27 - July 22 - September 30 October 28 - -	- February 19 - April 16 - June 25 July 16 - - October 8 - -	- - March 6 - - - July 1 - - October 16 - -
Total	7	9	7	6	6	5	3
Day	Thursday	Thursday	Thursday	Friday	Monday	Tuesday	Wednesday
Time	9:30 am	10:15 am	10:30 am	11:30 am	11:00 am	9:30 am	10:00 am
Location	Denman Activity Centre	Gabriola Arts & Heritage Ctr	Various	Room to Grow	Judith Fisher Centre	Thetis Community Centre	Various

Key Dates

Stat Holidays	Jan. 1; Feb.18; Apr 19, 22; May 20; July 1; Aug.5; Sept.2; Oct.14; Nov.11; Dec.25, 26
Trust Council	Jan. 15-16 (Nanaimo), Mar. 12-14 (Galiano), June 18-20 (Gabriola), Sept 17-19 (Bowen), Dec. 3-5 (Victoria)
Executive Committee (TENTATIVE)	Jan. 2, 5, 30; Feb. 13, 27; Mar. 6, 12, 27; Apr. 17; May 8; June 5, 18; July 3, 10, 16, 24; Aug. 14; Sept. 4, 17; Oct. 2, 16, 30; Nov. 27; Dec. 3, 18
Financial Planning Committee (TENTATIVE)	Jan. 21; Feb. 20; May 22; Aug. 28; Oct. 23; Nov. 20
Trust Fund Board	TBD
Trust Programs Committee (TENTATIVE)	Jan. 23; May 13; Aug. 19; Oct. 21
Local Planning Committee (TENTATIVE)	Feb. 27; May 23; Aug. 22; Oct. 10
SD 79 (Cowichan) Spring Break	Mar 11-22
SD 46 (Sunshine Coast) Spring Break	Mar 18-29
SD 68 (Nanaimo) Spring Break	Mar 18-29
SD 71(Comox) Spring Break	Mar 18-29
LGLA Conference	February 12-14 or 13-15
Salish Sea Ecosystem Conference	N/A
AVICC Conference	April 12-14
LGMA Conference	June 11-13
PIBC Conference	May 8-10
CIP Conference	July 3-6
UBCM Conference	Sept. 23-27



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality September 2018

Islands Trust Conservancy Staff Changes

Kate Emmings stepped into the role of acting Manager for the Islands Trust Conservancy, filling in for Jennifer Eliason, who is on a temporary assignment with BC Parks until the end of March 2019. Nuala Murphy stepped into the role of acting Ecosystem Protection Specialist, backfilling for Kate Emmings until the end of February 2019. The role of Property Management Specialist is currently vacant and will hopefully be filled by the end of the year. ITC administrative assistant Corlynn Strachan took a temporary assignment with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; filling in for her until April 2019 is Alexandra Trifonidis.

New Islands Trust Conservancy Board Member

The Islands Trust Conservancy (ITC) board is thrilled to welcome Linda Adams, former Islands Trust Chief Administrative Officer, as a newly appointed board member. Appointed members are selected by the Crown Agency and Board Resourcing Office.

2018-2019 Budget Request

The ITC board considered a business case for ITC staffing and recommended to the Islands Trust Council that the 2019-2020 budget include funding for one new auxiliary Covenant Monitoring and Outreach Specialist position and that financial planning for the 2020-2021 budget include a vision for a new fundraising position.

Approval of Lasqueti Islands Nature Conservancy (LINC) Opportunity Fund Grant

The ITC board awarded a \$4,500 Opportunity Fund grant to LINC for a matching fundraising campaign for the purchase of Salish View on Lasqueti Island. The campaign is set to close in December and approximately \$90,000 is required to complete the protection of 11.61 ha of Coastal Douglas-fir forest.

Regional Conservation Plan Reporting

The ITC board discussed ways to communicate the Regional Conservation Plan to local trust committees, Executive Committee and the Trust Council after the October 2018 election.

New Name: Islands Trust Conservancy

ITC staff provided a verbal update about the Islands Trust Conservancy name change. The new website is active at www.islandstrustconservancy.ca and staff are updating print publications.

Summary of Current Island-by-Island Activities

The ITC board reviewed information and approved the annual covenant and nature reserve monitoring reports.

Denman

Staff finalized the revised management plan for Morrison Marsh Nature Reserve. Invasive species removal and trail clearing, sign installation, and tree caging for forest restoration continue at three ITC nature reserves on Denman.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The ITC board granted LINC a \$4,500 Opportunity Fund grant for a matching fundraising campaign.

Link Island (Gabriola Island Local Trust Area)

The ITC board authorized the Chair to sign a NAPTEP covenant with the landowner and the Nanaimo & Area Land Trust Society for the creation of a new NAPTEP covenant. The 19.3 ha covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

North Pender Island

The ITC board approved a request from the landholder of the Wallace Point NAPTEP Covenant to widen the driveway to allow for the safe passage of large vehicles.

South Pender Island

The ITC board approved a request from Pender Islands Parks and Recreation Commission to grant a covenant waiver to create new trail sections and close other trail sections to reduce overall trail length. The waiver also permits maintenance of a waterfall viewing platform.

Thetis

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area and a public open house will be held on Thetis Island October 13, 2018.

Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca



Islands Trust

Subdivision

Print Date: November 19, 2018

Applications

File Number	Applicant Name	Date Received	Purpose
LA-SUB-2014.1	Collings, Aileen	18-Mar-2014	Boundary Adjustment and then a 9 lot strata subdivision

Planner:

Planning Status

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 14-Sep-2018

Revised PLA from MOTI. Waiting for final plan of subdivision before issuing a final confirmation letter.

Status Date: 09-Aug-2018

Revised PLA received from MOTI

File Number	Applicant Name	Date Received	Purpose
LA-SUB-2016.1	Mystic Ridge Farm	29-Feb-2016	PID: 004-248-163 Create three residential lots

Planner: Sonja Zupanec

Planning Status

Status Date: 10-Jan-2017

Final approval letter sent on August 23, 2016.

Status Date: 09-May-2016

Email to MOTI to confirm that applicant has submitted confirmation that conditions re: ALC and sewage have been met and non-conformity siting demonstrated on sketched plan. Waiting for final plan of subdivision prior to letter from IT that application meets Lasqueti bylaws.

Status Date: 18-Mar-2016

Referral response sent to MOTI; copied to LTC and applicant/owner. Waiting for final plan of subdivision and confirmation of conditions met prior to final approval letter.

File Number	Applicant Name	Date Received	Purpose
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Islands Trust

Print Date: November 19, 2018

Applications

LA-SUB-2018.1 Fern Road Consulting 02-Jan-2018 PIDs: 017-115-736 (Cash)
Civic address 2 Grant Road, Lasqueti Island BC
017-312-183 (Ross)
Lot line adjustment

Planner: Sonja Zupanec

Planning Status

Status Date: 01-Aug-2018

File transferred to Planner Zupanec for processing.

Status Date: 18-Jun-2018

DVP approved by LA LTC June 4 - awaiting PLR (Preliminary Layout Review - formerly PLA)

Status Date: 04-Jun-2018

LTC must approve DVP for lot depth/width ratio before SUB can proceed.

Lasqueti Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	July 11, 2013	LA-2013-020	APC member Agenda Package	It was MOVED and SECONDED , that on request by an Advisory Planning Commission member, that they receive a Lasqueti Local Trust Committee Agenda package at no charge.
2.	February 28, 2017	LA-2017-006	APC to also act as TAC	It was MOVED and SECONDED , that the Lasqueti Island Local Trust Committee make a Standing Resolution to request the APC to undertake the function of a Transportation Advisory Committee.
3.	July 23, 2018	LA-2018-040	Non-medical cannabis retail applications	It was MOVED and SECONDED that the Lasqueti Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the local trust committee after initial review of the proposal. • However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site. ○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. ○ How public comments may be submitted to the local trust committee.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending September 2018

640 Lasqueti	Invoices posted to Month ending September 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-640	LTC "Trustee Expenses"	750.00	18.90	731.10
LTC Local				
65200-640	LTC - Local Exp - LTC Meeting Expenses	1,250.00	1,475.51	-225.51
65210-640	LTC - Local Exp - APC Meeting Expenses	500.00	110.91	389.09
65220-640	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-640	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>2,500.00</u>	<u>1,586.42</u>	<u>913.58</u>
Projects				
73001-640-2015	Lasqueti OCP/LUB	2,500.00	1,014.87	1,485.13
73001-640-4095	Lasqueti Subdivision regulation review	1,500.00	0.00	1,500.00
		<u>4,000.00</u>	<u>1,014.87</u>	<u>2,985.13</u>



Islands Trust

Print Date: November 19, 2018

Top Priorities

Lasqueti Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Review of Lasqueti subdivision regulations	-review minimum and minimum average parcel size regulations for each subdivision district	23-Oct-2017	Sonja Zupanec	
2	OCP/LUB Review	A comprehensive review of the Lasqueti Island Official Community Plan and Land Use Bylaw.	08-Jan-2018	Sonja Zupanec	
3	Freshwater Project	Scope and activities to be determined.	24-Sep-2018		

**Lasqueti Island**

Description	Activity	R/Initiated
Lasqueti OCP Update	1. adding policy requiring all marinas applying for rezoning or a development permit to provide pump out facilities; and 2. adding advocacy policy encouraging neighbouring local governments to require that marinas servicing vessels traveling within the Trust Area install pump-out facilities when applying for rezoning or a development permit (Recommendations from Trust Council to all LTCs) 3. Update with Intertidal zone policies using specific recommendations from the Greenshores Project 4. Update with policies and applicable regulations to support Food Security (Trust Council 2010)	
Aging at home implementation project	-targeted OCP and LUB review -review options to implement Aging at Home on Lasqueti report recommendations #3, 4,5,6,7,9, and 11. -on projects list pending completion of Northern Housing Needs Assessment (spring 2018)	23-Oct-2017
Marine Shoreline Protection Project	Targeted OCP/LUB review and First Nations engagement; Review policies and regulations to support eelgrass and forage fish habitat protection; Work with Coastal Douglas-fir Conservation Partnership to draft recommendations regarding land use planning tools that will effectively conserve Coastal Douglas-fir forest ecosystems	08-Jan-2018
Upland to barge ramp permitted uses	Â,Â research and report back on options to make the current uses associated with the barge ramp legal.	04-Jun-2018
Community to Community Forum	Establish relationships with First Nations with interests in the Lasqueti Local Trust Area.	24-Sep-2018

Projects

Lasqueti Island

Description	Activity	R/Initiated
Subdivision Review Project	Staff to prepare a draft project charter for a subdivision review project to review conservation based and cluster subdivision options.	
