



Lasqueti Island Local Trust Committee

Regular Meeting Agenda

Date: April 9, 2015
Time: 11:00 am
Location: Lasqueti Island Arts Centre
Main Road, Lasqueti Island, BC

Pages

- | | | | |
|-------|--|---------------------|---------|
| 1. | CALL TO ORDER | 11:00 AM - 11:05 AM | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | TOWN HALL AND QUESTIONS | 11:05 AM - 11:20 AM | |
| 4. | COMMUNITY INFORMATION MEETING - none | | |
| 5. | PUBLIC HEARING - none | | |
| 6. | MINUTES | 11:20 AM - 11:25 AM | |
| 6.1 | Local Trust Committee Minutes dated February 5, 2015 for adoption | | 4 - 12 |
| 6.2 | Local Trust Committee Special Meeting Minutes dated March 14, 2015 for adoption | | 13 - 19 |
| 6.3 | Section 26 Resolutions-without-meeting Report dated March 31, 2015 | | 20 - 20 |
| 6.4 | Advisory Planning Commission Minutes - none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 11:25 AM - 11:35 AM | |
| 7.1 | Follow-up Action List dated March 31, 2015 | | 21 - 22 |
| 7.2 | LTC Goal Setting Session Report | | |
| 7.2.1 | Memorandum dated February 26, 2015 | | 23 - 25 |
| 8. | DELEGATIONS | | |
| 9. | CORRESPONDENCE | | |
| | (Correspondence received concerning current applications or projects is posted to the LTC webpage) | | |
| 10. | APPLICATIONS AND REFERRALS | | |

11. LOCAL TRUST COMMITTEE PROJECTS

11:35 AM - 12:05 PM

11.1 Riparian Areas Regulation Implementation - for discussion

- 11.1.1 Email dated February 17, 2015 from Justin Lange, RPBio, Madrone Environmental Services Inc. 26 - 27
- 11.1.2 Email March 23, 2015 from Doug Hopwood 28 - 39

12. REPORTS

12:05 PM - 12:30 PM

12.1 Work Program Reports

- 12.1.1 Top Priorities Report dated March 31, 2015 40 - 40
- 12.1.2 Projects List Report dated March 31, 2015 41 - 41

12.2 Applications Report - none

12.3 Trustee and Local Expense Report dated March, 2015 42 - 42

12.4 Adopted Policies and Standing Resolutions 43 - 43

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Reports

12.8 Electoral Area Director's Report

12.9 Trust Fund Board Report

BREAK

13. NEW BUSINESS

1:00 PM - 2:00 PM

13.1 Electronic Meetings

- 13.1.1 Staff Report dated March 25, 2015 44 - 54

13.2 2014 Eelgrass Mapping

- 13.2.1 Memorandum dated March 26, 2015 from Kate Emmings, Ecosystems Specialist 55 - 60

13.3 Powell River Regional District - Request for Letter of Support 61 - 63

13.4 Andrew Fall for Lasqueti Residents Group - Request for Letter of Support to Powell River Regional District 64 - 72

13.5 Board of Variance

- 13.5.1 Staff Report dated February 2, 2015 73 - 78

14. UPCOMING MEETINGS

- 14.1 Next Regular Meeting Scheduled for Thursday, May 14, 2015 at 11:00 am at the Lasqueti Arts Centre, Main Road, Lasqueti Island, BC

15. TOWN HALL

2:00 PM - 2:10 PM

16. CLOSED MEETING

2:10 PM - 2:20 PM

- 16.1 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) for the purpose of considering Appointment of Advisory Planning Commission Members AND that the recorder and staff attend the meeting.

- 16.2 Recall to Order

- 16.3 Rise and Report

17. ADJOURNMENT

2:25 PM - 2:25 PM



Lasqueti Island Local Trust Committee Minutes of Regular Meeting

Date: February 5, 2015

Location: Lasqueti Island Arts Centre
Main Road, Lasqueti Island, BC

Members Present Laura Busheikin, Chair
Susan Morrison, Local Trustee
Timothy Peterson, Local Trustee

Staff Present Marnie Eggen, Planner 2
Courtney Simpson, Island Planner
Jaylene Scheible, Recorder

Others Present Merrick Anderson, Powell River Regional Director
Approximately twelve (12) members of the public in attendance in the AM. Approximately ten (10) members of the public in attendance in the PM.

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:06 am. She acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations. She introduced herself, the staff and the trustees.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- add item 13.4; Mapping Public Beach Access
- add item 14.2; LTC Meeting Schedule – for discussion
- add item 11.1.2; Letter from Doug Hopwood regarding Riparian Areas Regulation (RAR)

By general consent, the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Six (6) members of the public spoke and the following was recorded:

Tom Weinerth stated that Mount Trematon is not a power base, it is land that is held in trust, and should not be used as a site for the proposed 911 Repeater Tower. He said that there must be alternatives to the Powell River Regional District 911 proposal. He stated that Lasqueti has been promised an Official Community Plan (OCP) review, and this needs to be followed through by the LTC in this new term.

John O'Halloran asked Chair Busheikin how she plans to deal with people in meetings who do not conduct themselves in a respectful manner. He expressed concern about the schedule of meetings for the Advisory Planning Committee (APC). The meetings are

held on Tuesday evenings, a non-ferry day when there is very little traffic, making it inaccessible for people who do not drive.

Doug Hopwood spoke to the RAR, stating that he is a property owner on Lasqueti Island, and has concerns of what he feels is an imbalanced approach that is being enforced by the Province of BC. He expressed disappointment with the Madrone report regarding the assessment of fish bearing streams. He made note of several points within the report that are contrary to methodologies of science. He requested an amendment of the map of the watersheds due to improper assessment.

Sailor Johnson asked that his comment, "He asked if the whole island could be designated as a potential riparian area," as recorded in the minutes dated October 16, 2014 be clarified. He stated that this comment was not literal but said in a joking manner. He also stated for the record that the creek next to his house has had no history of being fish bearing for at least 100 years.

Wayne Bright expressed concern that the RAR would impede his ability to grow food on his land, which he farms but is not designated as such because there is no sale of the crops. He stated that he has spent his own money to dig ponds, restore salmon habitat and plant trees.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1. Local Trust Committee Adopted Minutes dated October 16, 2014

The adopted minutes of the Lasqueti Local Trust Committee Meeting of October 16, 2014 were received for information.

LA-LTC-2015-001

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee amend the comments made by Sailor Johnson in the minutes dated October 16, 2014 to include, "The area of Johnson's Lagoon has no fish, and has no history of being fish-bearing for the last 90-100 years."

CARRIED

LA-LTC-2015-002

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee rescind the amendment, as it is noted that the Local Trust Committee cannot make amendments to adopted minutes.

CARRIED

6.2. Local Trust Committee Public Hearing Record Dated October 16, 2014

The Lasqueti Local Trust Committee Public Hearing Notes of October 16, 2014 were received for information.

6.3. Section 26 Resolutions-without-meeting Report Dated January 27, 2015

Received for information.

6.4. Advisory Planning Commission Minutes

None.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List dated January 27, 2015

Peter Johnston asked the LTC to rescind the motion from July 3, 2014 or remove it. He stated that he wants past trustees added to the website.

It is noted that activity 1; orientation meeting with new Advisory Planning Committee (APC) members never occurred because there was no reason for the APC to meet. The LTC requested staff to change the target date.

Former trustee Tom Weinerth does not believe that the names of former trustees should be posted on the Islands Trust website. He indicates that he has asked for his name not to appear.

8. DELEGATIONS

None.

9. CORRESPONDENCE

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

9.1 Letter received from Doug Hopwood regarding RAR

LA-LTC-2015-003

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee move correspondence item 9.1 to follow 11.1.1 on the agenda.

CARRIED

10. APPLICATIONS AND REFERRALS – none

None

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Riparian Areas Regulation Implementation

11.1.1. Staff Report dated January 16, 2015

Trustee Morrison referred to a facility in Chilliwack that is storing hazardous wastes, including PCBs. She recommended staff to contact the municipality of Chilliwack and find out how they were able to rezone for this facility under the RAR.

She requested that a community information meeting be held in March, and that it include on-site riparian assessment.

Trustee Peterson acknowledged concerns from the public regarding RAR implementation. He asked staff if there was an appeal process for the RAR designation.

Sailor Johnson expressed concern for the approach that the LTC is choosing to take on RAR. He noted that different jurisdictions have chosen different ways to adopt the RAR regulations and asked for research regarding other ways that the LTC could implement RAR.

Trustee Peterson noted that the previous LTC used setbacks and screening as options for implementation. He asked staff to research and present other options for implementation that were offered by the provincial government.

Trustee Morrison suggested that a community information meeting would be an opportunity to clarify the process.

Planner Simpson noted that research regarding different options for RAR implementation were presented to the LTC in December 2013. She asked that the LTC request staff to present this research through resolution.

Sailor Johnson noted that there was a study done in 1992; the Water Allocation Plan Report, which was not mentioned in the report from Madrone. He expressed concerns with the report from Madrone.” There are two different reports from two different biologists.

Wayne Bright stated that if the report from Madrone is knowingly flawed, then we need to request accountability from Madrone by asking them to come back and reassess. This would allow more time for researching other options.

Planner Simpson responded by asking that all concerns be presented to Planner Eggen, who will present the concerns to Madrone for a response.

Doug Hopwood clarified that he has specific concerns about the report from Madrone. He noted that the authors of the report did make efforts to be professional, however there are shortcomings. Madrone did make changes to their report upon reassessment. Madrone was asked to visit the sites that were under assessment; however, several property owners would not allow Madrone access to their property. He has specific concerns with the report regarding Hadley Creek, as they did not properly assess the removability of the culvert. He points out that the biologists working on these assessments have been encouraged to be conservative by the provincial government; therefore their methodology has a bias.

Discussion ensued regarding a possible date for a community meeting(s).

LA-LTC-2015-004

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee adopt the Lasqueti Island Riparian Areas Regulation Compliance Project Charter.

CARRIED

LA-LTC-2015-005

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee requests staff to organize a community information meeting, to be held March 14, 2015 regarding Riparian Areas Regulation implementation and include the following information:

- 1992 Water Allocation Plan Report
- all reports from Madrone
- previous bylaw that was rescinded with addendum
- information regarding PCB facility in Chilliwack and other jurisdictions, including Port Alberni
- options for implementation of Riparian Areas Regulation

CARRIED

LA-LTC-2015-006

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to request a budget of \$5000 from the Financial Planning Committee for RAR implementation

CARRIED

11.1.2 Letter dated February 3, 2015 from Doug Hopwood regarding Riparian Areas Regulation (RAR).

Received.

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated January 27, 2015

Received.

LA-LTC-2015-007

It was MOVED and SECONDED,

That the Lasqueti Island Local Trust Committee request that staff remove item # three (3), "land use bylaw, parking as a home enterprise amendment" from the Top Priorities list, and replace it with "project to consider procedures bylaw amendment to allow the Local Trust Committee to hold electronic meetings when necessary."

CARRIED

12.1.2. Projects List Report Dated January 27, 2015

Received.

12.2. Applications Report Dated January 27, 2015

Received.

12.3. Trustee and Local Expense Reports

12.3.1. January, 2015

Received.

12.4. Adopted Policies and Standing Resolutions

There was discussion regarding a missing resolution dated October 16, 2014 that should be on the list. Staff will review and add updated list showing the missing resolution in the next agenda package.

12.5 Local Trust Committee Webpage

None.

12.6. Chair's Report

Chair Busheikin gave her report.

12.7. Trustee Reports

The trustees gave their reports.

12.8 Electoral Area Director's Report

Merrick Anderson gave his report.

12.9 Trust Fund Board Report

Trustee Morrison gave report.

13. NEW BUSINESS

13.1. Lasqueti Island Local Trust Committee Work Program - 2015

13.1.1. Staff Report Dated January 16, 2015

Report received.

13.1.2. Strategic Planning Session

Chair clarifies that there are three (3) items on the Top Priorities List. The chair facilitated a discussion about goals for the upcoming term.

13.2 Advisory Planning Commission Staff Report dated January 20, 2015

Planner Eggen presented the report.

LA-LTC-2015-008

It was MOVED and SECONDED

that the Lasqueti Island Local Trust Committee direct staff to advertise in the Isle & Times for expressions of interest for up to nine (9) vacant positions on the Lasqueti Island Advisory Planning Commission and send letters to those appointees whose terms have expired thanking them for their service and inviting them to submit expressions of interest if they wish to be re-appointed to the Lasqueti Island Advisory Planning Commission.

CARRIED

Staff noted that they would be the contact for the expressions of interest.

13.3. Mount Trematon Possible 911 Repeater Tower - for discussion

13.3.1. Trust Fund Board Resolution of January 21, 2015

Trustee Morrison spoke to the problems regarding placing a communications tower on Mount Trematon. Lasqueti Island Nature Conservancy (LINC) and Environment Canada would have to agree, and permission would need to be granted by the previous owner as well as the property being rezoned. The project would face too much opposition.

It was clarified that a re-zoning would be required to place a communications tower anywhere on the island.

Gordon Scott spoke as a representative from the board of LINC, and also as a first responder, aware of the need to provide emergency services. LINC specifically wrote a covenant to prevent a communications tower from being built on Mount Trematon. He stated that it is imperative to protect the culture of Mount Trematon and find a solution to update the essential services.

Peter Johnston suggested that it is not an issue for the LTC as there has been no application received to rezone.

Powell River Regional District (PRRD) Director Merrick Anderson noted that currently the first responders on Lasqueti are using a pager system provided by Telus. Telus will be discontinuing the pager service. He stated that Mount Trematon was chosen as it was viewed as the most economical and efficient place to put a tower. The PRRD has chosen to employ the 911 services offered by North Island 911, which are a non-profit organization that provides service to 50 local districts. The PRRD is under mandate from the Provincial Government to update all emergency services in preparation for response to "the big one." The

intention is to put in a small tower. It is now clear that Mount Trematon is not a possible site for the tower so other sites are being investigated.

13.3.2 Islands Trust Fund Letter Dated January 26, 2015 to North Island 9-1-1 Corporation

Received.

13.4 Mapping Public Beach Access

Staff noted that this can be pursued during the planned Official Community Plan review. It is noted that the LTC must consult with the Ministry of Transportation and Infrastructure (MOTI) to ensure that these beach accesses are indeed public.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting is Scheduled for Thursday, May 14, 2015 at 11:00 am at the Lasqueti Arts Centre, Main Road, Lasqueti Island, BC

14.2 LTC Meeting Schedule Discussion

The LTC discussed a tentative date for the next meeting of April 9 or 30, 2015. Staff and trustees will confirm.

15 TOWN HALL

None.

16. CLOSED MEETING

None.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 3:22 pm.

Laura Busheikin, Chair
Certified Correct:

Jaylene Scheible, Recorder



**Lasqueti Island Local Trust Committee Meeting
Minutes of Special Meeting
Community Information Meeting
Regarding
Riparian Areas Regulation and Implementation**

Date: March 14, 2015
Location: Lasqueti Island Community Hall
 Main Road, Lasqueti Island, BC

Members Present: Laura Busheikin, Chair
 Susan Morrison, Local Trustee
 Timothy Peterson, Local Trustee

Staff Present: Marnie Eggen, Planner 2
 Courtney Simpson, Island Planner
 Jaylene Scheible, Recorder

Media and Others Present: Approximately thirty-two (32) members of the public

1. CALL TO ORDER

Chair Busheikin called the meeting to order at 11:31 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA AND INTRODUCTIONS

The following additions to the agenda were presented for consideration:

- a lunch break following item 3.2

By general consent, the agenda was adopted as amended.

3. COMMUNITY INFORMATION SESSION - RIPARIAN AREAS REGULATION AND IMPLEMENTATION

3.1. Correspondence

3.1.1. Letter dated February 15, 2015 from Doug Hopwood

Received.

3.2. Presentation by Marnie Eggen, Planner 2

Planner Eggen advised that the purpose of the meeting is to present an overview of Riparian Areas and the Riparian Areas Regulation (RAR) and the work completed by the Lasqueti Local Trust Committee (LTC) to date:

- the process so far
- options for implementation considered by the LTC
- watershed mapping
- draft bylaw amendment

Planner Eggen went on to explain where and to what does the RAR apply, and when is a watercourse not a “stream” under the RAR.

Planner Eggen presented the information of the work done thus far by the LTC. She summarized the spectrum of implementation options. She noted that the assessment done by Madrone completed watershed mapping of 19 different watersheds to determine whether they possess fish habitat based on the RAR methodology. She explained a summary of methods.

Planner Eggen went on to summarize the current land use bylaws and what will change under the Draft Bylaw Amendment. She noted that the watershed mapping shows the whole watershed, and that the Draft Bylaw Amendment only affects land within 30 metres of a watercourse.

Chair Busheikin recessed the meeting for lunch at 12:15 pm and reconvened the meeting at 12:45 pm.

3.3 Questions and Answers Session

Planner Eggen addressed questions that had been received from residents thus far.

- I already have a garden within thirty (30) metres of a stream, will I need to get permission to keep gardening there?

She noted that the RAR will only apply to new commercial, residential and industrial development.

- I want to clear land to create a new garden within thirty (30) metres of a stream. Do I need to get permission for this?

It was indicated that you would need to apply for a variance and in that process a RAR assessment report conducted by a Qualified Environmental Professional would be required.

- I plan to dig a pond myself. Is this included under the RAR?

Planner Eggen advised that if the pond were connected to a RAR applicable stream it would be included under the RAR..

- Is there any way to appeal the designation of a stream as being applicable to the RAR?

It was noted that this process would require another assessment, and that the cost would have to be covered by the private land owner or the LTC depending on who was requesting the assessment. Conflicting reports would require resolution.

- Sue Kristinsson asked the trustees how they think the LTC should proceed with the implementation of RAR.

Trustee Peterson cautioned that if the LTC does not implement RAR that the Province of BC will impose a solution. He advised that the LTC take the time and consider more funding if needed to ensure that the mapping of the watersheds is accurate.

Trustee Morrison noted that the LTC made a request of \$5000 be added to the RAR budget to help continue the mapping process; the request had been approved.

Chair Busheikin cautioned against using up anymore of the taxpayers money to complete this project. She advised that the LTC focus on the problem areas in the mapping assessment, and that if necessary and deemed effective she would support more mapping.

- David Slick thanked the LTC and the staff for being forward and open with this process and allowing for feedback from the community. He remarked that much of the wording in the draft reflects this. He noted the fish types from the assessment methods project; game fish, which are defined federally, regionally significant fish and aquatic species that are endangered or threatened.
- Dave Rogers stated that he lives on and owns property that lies in the Boat Cove watershed. He has a covenant on his property. He asked if the RAR will put the provincial government in breach of this contract.

Planner Eggen indicated that both the covenant and the RAR apply, and that the most restrictive regulations of the two would apply.

- Lisa Johnson noted that she owns property that contains the unnamed stream. She asked how much an application for a variance costs, and if this fee includes the cost of an environmental assessment by a Qualified Environmental Professional (QEP).

Planner Simpson stated that an application for a variance for residential applicants costs \$440 and for commercial or industrial applicants the cost is \$715. She noted there is an exemption list of activities within the 30 metre reserve. The fee does not include the cost of a QEP.

- Lisa Johnson asked what is considered farmland under the RAR.

Planner Simpson noted that agricultural activities that are part of a farm business or produce income are defined under the Right to Farm Act. In order for farmland to be exempt from RAR one would need to have farm status or be designated as ALR.

- Andrew Fall stated that he along with many others are happy to protect functional riparian areas for the common good. He believed that the problem lies within what was being considered riparian and who has determined this. He noted that 30 metres does not allow for precision in determining the riparian areas. He proposed that the LTC continue work to identify functional riparian areas, as this is in the

interest of the commons, not the individual, and that the cost of this reassessment should be covered by a community fund.

- John O'Halloran asked how resource extraction is covered by RAR. He asked if commercial logging and mining is covered under RAR.

Planner Simpson explained that RAR is applicable for any new development of residential, commercial or industrial projects. It does not apply to commercial logging or mining.

- John O'Halloran noted that there is less and less funding for inspections, and that it is unlikely that there will be any re-inspection of these watersheds to ensure that RAR is being implemented. The compliance would fall under bylaw enforcement, which is complaint driven.
- Richard Ayres asked why we are imposing another bylaw, and notes that we are not compliant with RAR under provincial regulations. He asked the staff and trustees what would happen if the LTC chose not to adopt RAR.

Chair Busheikin responded by saying that they do not know what would happen, though the province could refuse to approve any new bylaws.

- Sailor Johnson stated that he agreed with comments and suggestions from Andrew Fall. He stated that the definition of a stream is the problem, and that he does not know how to identify what is a stream within the designated watersheds. He cautioned that choosing to implement the process in the middle of the spectrum puts the onus on the land owners. He asked that Johnson's Lagoon be removed from the RAR map as its' wrongful designation as a riparian area will affect all property owners within that watershed. He noted that the stream flow assessment methodology was not adhered to in the assessment of Johnson's Lagoon as the stream does not flow on a continuous basis for more than 6 months a year. The assessment done by Madrone could not address this, as it was not assessed over time. He asked how Westpoint Creek was exempt from the RAR designation as he believed this was the most promising creek. He suggested that the LTC use what resources are left to accurately address streams rather than watersheds.
- Peter Johnston noted that the RAR would apply for residential logging but that logging regulations would apply for commercial operations.
- Richard Bauer stated that the north end of Lasqueti Island is contaminated by coal dust from Texada Island, and that Chilliwack is dumping PCB's, and he wondered how this is allowed or addressed under the RAR.
- Marti Wendt stated that she felt that more specific mapping is required.
- Doug Hopwood explained that Madrone was asked to cross watersheds off the list. As part of the assessment they went to the mouth of a stream to determine if there were any natural barriers. The green and purple areas on the map are areas where the assessment had determined that fish may live. The problem with this method is that another biologist may have to contradict these findings. A more accurate report of these areas according to the assessment methods used would be to state "I don't know." He cautioned that the LTC was paying Madrone to give false information. He stated that the problem with the indeterminate watersheds is that they are still

RAR applicable. He suggested that if a QEP assessment found these streams to be indeterminate, than further QEP would not need to be contradictory. He expressed that he feels that the staff asked the wrong questions of Madrone.

Planner Simpson acknowledged that RAR ties the hands of the biologists as they were being asked to take a pre-cautionary approach.

- Lisa Johnson asked the staff to present information about how the other gulf islands have implemented RAR. She wondered how the provincial government thinks they will do a better job of protecting riparian areas than her family has done for the last 60 years.
- Sue Kristinsson noted that the local dump flows into a watershed. She asked the trustees how this would be addressed under RAR.

Trustee Peterson answered that the dump is at the top of a watershed that is not under RAR. He also clarified that the dump is under the direction of the regional district.

- Andrew Fall proposed that the LTC take a cautionary approach, as the white areas on the map may be seen as areas for development. He noted that the most important part of this process is to protect riparian areas, and that the LTC should undertake the long process to provide for functional riparian areas. He suggested that a recognition of precautionary principles be written into the bylaw, and allow for process within the bylaw of the long term goal of proper mapping and assessment, which could be triggered by development requests. He summarized that these watersheds do contain areas that are RAR applicable, and that the LTC continue to refine these areas so it can be determined exactly what we as a community want to protect.
- Richard Ayres asked how one can know what areas apply according to the maps, as it is not clearly defined. He commented that we are all at risk of breaking laws when it is unclear of what the laws are or what they apply to.
- David Slick advised that one should do a risk assessment if doing anything outside of the list of exemptions. He noted that a lot has to be taken into account as a proper assessment is quite technical. He advised to use common sense or judgement when determining if a QEP is needed.
- Wayne Bright asked if the RAR would impede his plans to dig more ponds to create salmon habitat on his property. He stated that he did extensive mapping, and received approval with the Department of Fisheries and Ocean (DFO) about 15 years ago. He commented that he believes he is protected under his permits from the DFO.
- Brennan Johnson asked the staff if a variance application would have to be made for every development.

Planner Eggen responded by saying that yes; however, you could apply for one variance that includes several developments. She further noted that a development variance permit is listed on the Title of Certificate of land.

- Dave Rogers stated that under his covenant, there is a 15 foot allowance around streams. He asked why his covenant will not be grandfathered in, as it seemed like the rules were being changed after his property was purchased.
- Craig McFeely noted that there are two (2) culverts in Hadley Creek, and asked that in the event that the culverts need to be replaced does a QEP need to be done.

Planner Eggen answered that work in a stream falls under the regulations of the Water Act and not under RAR.

- Sailor Johnson stated that the system that got the LTC to the current map is flawed, as it was aiming to divide and conquer. Madrone did not complete a flow stream assessment in their report, and expressed concern that the staff has driven this flawed process. He asked if it was a concern to staff that there was no flow stream assessment undertaken.

Planner Simpson responded by stating that the staff does not have an agenda. The role of the staff is to assist the LTC in becoming compliant with RAR.

Trustee Morrison stated that the suggestions and direction from the community will inform how the LTC will move forward with the implementation of RAR.

- Doug Hopwood clarified how Johnson's Lagoon received its designation in the report and expressed his concern that it was designated RAR applicable.
- Lisa Johnson suggested that the Advisory Planning Commission needs to be utilized more within this process. Richard Ayres stated that we are all stewards of the water as we all drink the water from the land on which we live. He commented that RAR is removing and adding requirements to land that has already been purchased. It was asked who gets the fees for variance application.

Planner Simpson responds that the fees are applied to the operations of Islands Trust and that the fee only covers a portion of the cost of processing an application.

- Richard Bauer suggested a topographical map could overlay the watershed map and show streams.
- David Slick noted that it would be helpful to understand the costs of the next level of mapping.

Planner Simpson responded by saying that the approximate cost is \$4000 per watershed, but may be more for larger watersheds. She stated that it would be helpful for the community to give prioritization of watersheds for this process. The approximate cost of a QEP is \$1500-2000.

- Andrew Fall suggested that there be a way to change the map as needed from time to time within the bylaw. He suggested two different maps; a map that defines the 30 metre reserve and a map of the RAR areas. He encouraged the LTC to create the bylaw to allow the community to incrementally work towards specific mapping.

4. UPCOMING MEETINGS

The next regular meeting is scheduled for Thursday April 9, 2015 at 11:00 am at the Lasqueti Arts Centre, Main Road, Lasqueti Island, BC.

5. ADJOURNMENT

By general consent, the meeting was adjourned at 3:13 pm.

Laura Busheikin, Chair

Certified Correct:

Jaylene Scheible, Recorder

RWM From: January 27, 2015 To: March 31, 2015

Lasqueti Island

Resolution #	Action	Resolution Description	Resolution Date
2015-03	In Favour	"That the Lasqueti Island Local Trust Committee schedule a Regular Business Meeting for April 9, 2015."	Mar 12, 2015
2015-02	In Favour	"THAT the Lasqueti Island Local Trust Committee approve an expenditure for up to \$150 for refreshments for the Community Information Meeting to be held on March 14, 2015 regarding the Riparian Areas Regulation Implementation Project."	Mar 03, 2015
2015-01	In Favour	THAT the Lasqueti Island Local Trust Committee approve an expenditure for up to \$150 for refreshments for the Community Information Meeting to be held on March 14, 2015 regarding the Riparian Areas Regulation Implementation Project."	Feb 13, 2015



Islands Trust

Print Date: Mar-31-2015

Follow Up Action Report w/ Target Date

Lasqueti Island

Oct-16-2014

No.	Activity	Responsibility	Target Date	Status
1	Update the News Page of the Lasqueti webpages and include links to NAPTEP and the Lasqueti Nature Conservancy	Marnie Eggen	Oct-31-2014	On Going

Feb-05-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff to request \$5000.00 for the RAR implementation budget for the 2015 - 16 fiscal year.	Marnie Eggen Courtney Simpson	Feb-27-2015	Done
1	Staff to arrange a RAR CIM (special meeting) on March 14th, to include, available local stream documents (e.g. Water Allocation Plan), all Madrone Reports, draft bylaw, PCB Chilliwack project info, other local gov't RAR implementation methods (including Port Alberni), other options previously considered by LTC. Advertised via Community Information Flyer along with all previously developed communication materials sent out to all property owners.	Marnie Eggen Theresa Warren	Mar-06-2015	Done
1	Staff to arrange an LTC business meeting April 9th.	Marnie Eggen Theresa Warren	Mar-12-2015	Done
1	Staff to advertise in the Isle and Times for expressions of interest for up to 9 positions on the APC, & send letters to those appointees whose terms have expired inviting them to submit expressions of interest. Planning staff to be the contact.	Becky McErlean Lisa Webster-Gibson	Mar-26-2015	Done
1	Staff will add list of past trustees to the Lasqueti website	Marnie Eggen	Apr-30-2015	On Going

1	Staff to arrange a future orientation session with the new APC members. This will take place at the first APC meeting when the new members are present.	Marnie Eggen	Dec-17-2015	On Going
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Feb-13-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff to write a letter to the Powell River Regional District, to be signed by the chair on behalf of the Local Trust Committee, indicating that the Local Trust Committee will consider the Powell River Regional District's request for support of their application for grant funding to the Building Canada Fund for the purposes of reconstructing the Lasqueti Island Fire Hall at their next regular business meeting.	Marnie Eggen	Feb-16-2015	Done



Memorandum

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Date February 26, 2015 File Number 6500-02 LTC Top
Priorities

To Lasqueti Island Local Trust Committee
For meeting of April 9, 2015

From Courtney Simpson
Regional Planning Manager
Northern Office

Re Lasqueti Local Trust Committee Strategic Planning Session

At the February 5, 2015 regular business meeting, the Lasqueti Local Trust Committee held a “strategic planning session” facilitated by the LTC Chair. The attached document is a record of the session.



OVERVIEW

The Lasqueti Island Local Trust Committee (LTC) held a 'Strategic Planning Session' on February 5, 2015, facilitated by the LTC Chair. The session took about an hour and comprised the following steps:

1. **Wishlist** - A brainstorming of what the three Trustees hoped to get out of the 2014-2018 term. The trustees completed this step independently using post-it notes and then shared their goals.
2. **What Else?** - A review of the current Top Priorities list, the Projects list, and any external requirements and considerations. The LTC identified certain topics and tasks they agreed should be added to the discussion. At this point, members of the public who attended also added their Wishlist and What Else items.
3. **Grouping and Filtering** - Reviewing all the individual goals and additional topics and tasks, similar goals and tasks were grouped. Synergies were also considered.
4. **The Goals List** - The LTC established goals for the term. Some were content-related, some were process-related.

The resulting list of goals for the 2014-2018 term represents the result of an initial conversation this LTC had at the start of their term about shared goals. This list can be referred to over time should the LTC find it useful during the course of their term, and can be further refined.

SUMMARY NOTES FROM FEBRUARY 5 SESSION

Trustee Responses to "Wish List" Brainstorm

- OCP LUB review
- First Nation engagement
- Finish RAR Implementation
- RAR completed with community consultation
- Improve Islands Trust image through communications
- Encourage private land conservation through NAPTEP and covenants
- Advocate for Salish Sea against threats Trust wide
- Find ways to enable you people to live in the community in the long term
- Consider affordable housing options
- Designate compassionate reason for non-compliant guest cabin occupation (e.g. health)
- Investigate widening the scope of home based businesses
- Support demographic diversity
- Look at bylaws that inhibit land owners from living here long term

- Map public beach accesses
- Use existing forage fish & eelgrass mapping as foreshore protection
- Encourage affordable housing
- Removing bylaw infractions which are unenforceable
- Incorporate coastal Douglas fir working group strategies into OCP

Public Input to “Wish List” Brainstorm

- Expeditious and full OCP and LUB review
- Prioritize work based on local interest
- Fulfill election promises

“What Else” List:

- Reviewing the priority projects, most current priorities aligned with goals that the trustees identified.
- Reviewing the projects list, some projects could be grouped with Wishlist goals, some remained on their own as additional considerations.

Draft Long-Range LTC Goals for the 2014-2018 Term

- Support demographic diversity
- Begin OCP/LUB review
- Complete RAR project
- Begin First Nations engagement
- Promote conservation and protection of land and sea
- Improve LTC visibility

NEXT STEPS

This list can be referred to in amending the LTC Work Program; the Top Priorities and Projects Lists. Weighing potential projects against identified goals can help set priorities.

The LTC can refer to this list of goals throughout the term, especially when projects are completed and a new project can be moved up to the Top Priorities list for staff to begin work on.

From: Justin Lange [<mailto:justin.lange@madrone.ca>]
Sent: Tuesday, February 17, 2015 1:43 PM
To: Doug Hopwood
Cc: Marnie Eggen; trystan.willmott@madrone.ca; dave.preikshot@madrone.ca
Subject: Lasqueti Island Letters

Doug,

I am writing in response to the letters that you wrote dated February 3rd and February 15th, 2015, regarding Bylaw #90 and the Riparian Areas Regulation (RAR) process. Below are some of the points that I would like to reiterate regarding the work that Madrone completed on Lasqueti Island:

- When we complete watershed-level assessments to determine applicability to the RAR, fish sampling is beyond the scope of work. If low-gradient habitat occurs below a barrier, we will default to potential habitat for anadromous species (fish habitat includes areas that may only be used for a limited portion of a fish's life history). To prove permanent non-fish presence in potential anadromous habitat below a barrier would take multiple assessments over several seasons.
- In your letter, the statement was made that the "RAR assessment report" methodology was not followed. An "assessment report" under the RAR methodology is completely different from the watershed assessments that we completed. An assessment report under the RAR is triggered by development within 30 m of a stream (as you know), whereas we completed overview assessments to determine whether the streams were applicable to the RAR process. In the report we clearly define the scope of our work as being associated with "watershed assessments." Based on our scope, it was clear that we never intended to complete "assessment reports" using RAR methodology triggered by actual on the ground development. A watershed assessment, as per our scope, is completely different to an assessment report completed as part of a development proposal, so I am unclear as to the reasoning of your argument on this particular point.
- The statement that our report may potentially limit a landowner's ability to develop a micro-hydro project is inaccurate. Whenever a property owner develops plans for a micro-hydro project, the proposal would be subject to a thorough review by the province, in particular the Water Stewardship Division. When landowners put in applications on "non-fish streams", it is the responsibility of the landowner to indeed prove that no fish exist in that stream. Even if Madrone were to classify potential fish habitat as being non-fish-bearing during an overview watershed RAR-applicability assessment, that designation would never be accepted as definitive by provincial staff responsible for reviewing micro-hydro applications.
- The statement related to farm-based activities being impacted by the RAR-stream designation is misleading. Under the RAR, "agricultural activities" on either ALR land or non-ALR land are exempt from the RAR process. Also, landowner's can continue to use their property as they have done in the past, prior to implementation of the RAR. Existing land uses are considered to be legally non-conforming.
- In the case of the culvert on Hadley Creek, a more detailed assessment would have only been required if we were trying to prove definitively that the barrier was permanent. We considered

the culvert to be non-permanent; therefore, there was no requirement to prove that it was permanent and that it could never be reasonably modified to allow fish passage. The classification of the barrier as temporary was made according to ministry of environment rules and guidelines; no responsible assessment would find otherwise. The default position of such assessments (mandated by government) is to protect existing habitat and encourage the re-establishment of pre-existing and/or potential fish habitat. If we were to step outside those mandated defaults, and wanted to justify calling the culvert “permanent”, that is when we would need to prove definitively that the culvert is a permanent barrier by following more detailed assessments. It is very unlikely that the culvert in question would ever be deemed “permanent”, even if more detailed assessments were applied, as it could potentially be removed or modified, allowing access for fish.

- The question of connectivity by surface flow between Hadley Creek and Hadley Lake was brought forward. At the outlet of the lake, water flows through dual culverts and over rip-rap boulders for approximately 10 m. Water will also flow between and under the boulders. It would not be acceptable to definitively state that Hadley Creek is not connected to Hadley Lake by surface flow, based on a short distance of 10 m where water flows over rip-rap.

I hope these points help to clarify our role in the determination of RAR-applicable watersheds on Lasqueti Island. Please let me know if you have any further questions or concerns.

Regards,

Justin

Justin Lange B.Sc., R.P.Bio.

Aquatic/Terrestrial Biologist

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From: Doug Hopwood

Sent: Monday, March 23, 2015 5:57 PM

To: Marnie Eggen; Courtney Simpson; Susan Morrison; Timothy Peterson; Laura Busheikin

Subject: Suggestions for Bylaw 90

Hello Marnie, Courtney, Susan, Tim & Laura

Please the attached document and cover letter for my input on Bylaw 90 following the March 14 meeting.

Thanks

Doug

Doug Hopwood
603 Hemlock Street
Qualicum Beach BC V9K 1H8 – Email: dhopwood@island.net

Marnie Eggen and Courtney Simpson
Planners, Lasqueti Island Local Trust Committee
200 1627 Fort Street
Victoria, BC V8R 1H8 - By email: meggen@islandstrust.bc.ca; csimpson@islandstrust.bc.ca

March 23, 2015

Hello Marnie and Courtney,

I am writing with further thoughts on RAR on Lasqueti following the meeting on March 14, 2015.

Madrone Report

In my letter to the LTC dated February 15, 2015 I took issue with the stream classifications completed by Madrone Environmental Services, stating “Madrone seem to have interpreted their task as being to definitively class each stream they surveyed as either having fish habitat (RAR-applicable) or lacking fish habitat (non-RAR-applicable), yet it is clear from reading Madrone’s reports that a third possibility exists. There are many streams about which it remains unknown whether or not fish are present and whether they are RAR-applicable.”

I understand from my conversation with Courtney on March 14 that in fact Islands Trust staff asked Madrone to classify all watercourses as either a “stream” or not a “stream” as defined under RAR. I want to suggest that staff made an error in this regard, and should have instructed Madrone to consider the third possibility, that the classification could remain undetermined pending further work such as sampling for fish presence. (Not that I am casting blame. RAR is very convoluted and it would be impossible to know in advance what course if any might lead through the maze.)

In any case, I still think it is important to distinguish between watercourses that are known to support fish (such as Boat Cove) watercourses that have been confirmed by a Qualified Environmental Professional (QEP) as not supporting fish (such as Sam Creek) and those about which further investigation by a QEP could lead to a final determination that might go either way. Therefore, I reiterate my suggestion that Islands Trust staff should contact Madrone and request a revision of their various reports making it clear that their assessments did not determine, one way or the other, whether the eleven watercourses that I listed would meet the definition of a stream under RAR, only that they were unable to exclude that possibility at this time. I understand the LTC is still obliged to include those streams in the setback and screening restrictions under Bylaw #90. However, the door should remain open for a QEP to determine those streams to be non-RAR-applicable after more detailed assessments.

A Second Opinion on Selected Streams

As was made clear at the meeting, there is ongoing concern in the community about Madrone’s designations of some watercourses as RAR-applicable streams. I suggest that LTC should hire an alternative consultant to review the designation of RAR applicability on selected watercourses as suggested in my letter of February 15, 2015 (such as Windy Bay and Mine Bay,) and other streams where local knowledge suggests the Madrone classification may be in error. Laurence Fisher spoke to me at the meeting and expressed surprise that the “Billdown Swamp” creek was considered RAR-applicable. I would strongly recommend another look at that stream.

Streams Not Yet Assessed

With respect to Johnson's and Hadley Creeks, I have an idea that may move things ahead. I suggest the LTC could contact the landowners in question and offer to cover the cost (up to a specified limit) of having a QEP look at those streams, to see if they can be determined non-RAR applicable, if the landowners hire the QEP and provide the final report to Islands Trust. That process might be more comfortable for the owners than having a QEP hired by Islands Trust come to their property. The landowners would get to have a QEP of their choosing (as others on Lasqueti have done) and they would be able to discuss any issues with the QEP prior to the site visit. I don't know if this idea would go anywhere, but I think it would be worth offering.

Bylaw #90 - Narrowing Down the Area

The approach taken in the current draft of Bylaw #90 is to use the 30-metre wide zone specified in the provincial RAR as the default width for the screening and setback buffer. However, an assessment by a QEP, in conjunction with a development variance permit application, may result in designating a Streamside Protection and Enhancement Area (SPEA) that is significantly narrower than the full 30 metres in many cases. Unfortunately, the cost of that process is almost certain to be over \$2000.00 even for the most basic and small-scale sort of development on Lasqueti. Therefore, it is very desirable to narrow down the area that falls under the screening and setback restriction of Bylaw #90 as much as possible. For example, I note the Salt Spring Island has a RAR-compatible bylaw that places a 30-metre Development Permit Area (DPA) only on a few lakes, wetlands and major streams, while most streams have a 15-metre DPA and ditches have a 5-metre DPA.

I suggest it might work well in Bylaw # 90 to use a hybrid of the detailed stream-level mapping approach used on Salt Spring (but using setbacks and screening rather than a DPA) and the more general watershed-level mapping as in the current draft of Bylaw 90. The idea is to use stream mapping below fish barriers and watershed mapping above. This hybrid approach would be much cheaper than the full-on stream mapping done on Salt Spring, but it would provide a lot more clarity and "narrowing down" than the current draft of Bylaw #90.

To determine what widths of screening and setback buffers should be applied on Lasqueti, I undertook a review of the various types of streams that we have on Lasqueti, in the context of the actual patterns of land use that we have on Lasqueti, and in relation to the science of the specific roles that riparian vegetation performs relative to fish habitat. I also reviewed how development in riparian areas is regulated for activities that are not subject to RAR, such as agricultural activities and forest management on Crown and private land. Based on these reviews, I have recommended a set of screening and setback widths that I believe would be reasonable for implementing RAR on Lasqueti. Please see the attached paper "Suggested Riparian Setbacks and Screening Widths for Lasqueti Island".

At the risk of becoming tedious, I want to reiterate that it is critically important to leave the door open within the bylaw to watersheds being eliminated from regulation under RAR if future QEP reports should find the primary watercourse is not a "stream" under RAR.

I hope you find these suggestions helpful. Please feel free to contact me if you have any questions.

Sincerely,



Suggested Riparian Setbacks and Screening Widths for Lasqueti Island

DRAFT - Doug Hopwood - March 2015

1. Introduction

The approach taken in the current draft of Lasqueti Bylaw #90 is to use the 30-metre wide zone specified in the provincial RAR as the default width for the screening and setback buffer. However, at the March 14 public meeting, several members of the public suggested it would be desirable to narrow down the area that falls under the screening and setback restriction of Bylaw #90 as much as possible. In this paper I have suggested setback and screening widths for Bylaw #90 based on:

- the science of the specific roles that riparian vegetation performs relative to fish habitat, with regards to the kinds of streams that we have on Lasqueti and in the context of the patterns of land use that we have on Lasqueti, and,
- consistency with how riparian areas are regulated for agriculture and forestry activities.

2. Riparian Science

Stream Characteristics

The setbacks and screening required to protect fish habitat in streams depend on the following attributes of the particular stream segment:

- **Established as “Not RAR-Applicable”**. Different riparian restrictions are warranted depending on whether the stream is considered RAR-applicable. Although the current bylaw amendment is primarily about compliance with RAR, Bylaw 90 includes proposed setbacks (but not screening) for streams that are not RAR-applicable, and these should be subject to logical rational consideration as well. There is a valid argument that such streams provide habitat for species other than fish and contribute to a supply of good quality water for a range of human uses. (Note that a stream being designate RAR-applicable does not necessarily mean that fish habitat is present and it is a “stream” under RAR. It simply means that, at this time, it has not been established as being “not RAR-applicable”.)
- **Fish Barriers**. Different riparian restrictions are warranted depending on whether the stream segment is above or below a barrier to fish. For example, large fallen logs help to create pool habitat that is important for the segment of the stream actually inhabited by fish, but not important in segments that are not accessible to fish. The fish barriers on Lasqueti are mostly fairly close to the mouth and were already noted by Madrone so they should be quite cheap and easy to map.
- **Seasonality of Flow**. Different riparian restrictions are warranted depending on whether the stream flows year-round or in the winter only. A year-round stream may be capable of supporting resident fish (e.g., cutthroat trout) or anadromous fish that rear for a year in the stream (e.g., coho or steelhead), whereas a stream that flows in the winter only can only support anadromous fish whose smolts migrate out of the stream within a few months of spawning (e.g., chum). In the former case, stream shading may be needed to avoid high water temperatures in summer, but not in the latter. The Lasqueti Water Allocation Plan states that all Lasqueti streams “have no flow and therefore do not support fish naturally during the summer months”. Among the streams classed as RAR-applicable by Madrone, the only streams that reliably flow year-round are Boat Cove Creek (due to the lakes) and Wamer Creek (due to the human-made ponds).

- **Size of the Stream.** Different riparian restrictions are warranted depending on the size of the stream. In general, narrower riparian buffers are required on narrower streams, as discussed in more detail below under “Functions of Riparian Vegetation”. Most streams on Lasqueti are smaller than most streams known to support salmonid fish in coastal BC. All streams on Lasqueti are less than 3 m wide except for a few very short segments and many are less than 1.5 m wide. In general, narrower riparian buffers are required on narrower streams.

For the purpose of the setback and screening requirements within Bylaw #90, I suggest recognizing four categories of streams, defined on the basis of the above attributes.

Stream Type	Designated RAR-applicable	Above or Below Fish Barrier	Seasonality of Flow	Typical Width
1	RAR-applicable	Below	Year-round	< 3.0 m
2	RAR-applicable	Below	Seasonal	< 1.5 m
3	RAR-applicable	Above	Seasonal	< 1.5 m
4	Not RAR-applicable	Above or Below	Year-round or Seasonal	< 3.0 m

Proportion of the Stream Affected

The impact of alteration in the riparian zone depends on how much of the riparian zone of a given stream is affected. This is the scientific basis for what has been called the “budget” approach to delineating riparian reserves in forest management. The concept is that rather than setting mandatory riparian reserve zones of a fixed, pre-determined width along the entire length of a stream, there is a “budget” for the acceptable amount of alteration and the required amount of retention within the riparian zone of a given stream segment. Examples include the Hydroriparian Planning Guide (developed as part of Ecosystem-Based Management in BC’s Central Coast) the Forest Stewardship Council Standards for forest certification, and the Managed Forest Land Council Regulations.

Figure 2.1 of Riparian Area Regulation Assessment Methods shows a segment of Millstone Creek flowing through the densely urbanized landscape of the City of Nanaimo. The area of forest in the lower portion of aerial image is one of the few remaining patches of riparian forest in the entire lower portion of Millstone Creek. This example is unlike any situation that could ever arise on Lasqueti Island. Lasqueti has 10 acre minimum lot size so there is no plausible likelihood of small-lot residential development stretched out along a stream. There is never going to be a city built around any of the streams on Lasqueti.

My point is that if a stream is flowing mainly through undisturbed forest, as is the case with every stream on Lasqueti, alteration or removal of vegetation along a short segment of the stream is unlikely to have a significant harmful impact, whereas if a high proportion of the riparian zone has been or is likely to be converted to residential, commercial or industrial use, then it makes sense to retain as much of the remaining natural riparian vegetation as possible. A 30-metre screening and setback zone in Bylaw #90 could be appropriate for a stream in downtown Nanaimo, but it is overkill for Lasqueti.

Severity of Alteration

The impact of alteration in the riparian zone also depends on how severely the riparian zone is altered from the natural vegetation. Pavement is a much more severe alteration than simply clearing the land of forest. When landowners on Lasqueti remove the forest, the land invariably becomes quickly re-vegetated, whether by forest, brush, lawns, orchards, gardens, etc. Except for a short stretch of road in False Bay, pavement is unknown on Lasqueti. Again, the 30-metre screening and setback zone may make sense for urban settings where the alternative to natural forest may be pavement, but it is overkill for Lasqueti.

Functions of Riparian Vegetation

Vegetation in a riparian area contributes to fish habitat in a number of ways:

- **Stream Bank Stability.** Large streams need the big roots associated with mature trees, but for streams less than 3 m wide the fine roots systems associated with small trees, shrubs and herbaceous vegetation are fully adequate. For streams 1.5 to 3 m wide, a vegetation buffer of 15 m is fully adequate to protect bank stability while for streams less than 1.5 m wide a 10 m buffer is fully adequate.
- **Sediment Filtration.** Vegetation within the riparian zone is important to filter out fine sediment from the water, but large trees are not necessarily ideal. (Dense vegetation on the ground is the best, and large trees tend to shade out that kind of cover.) For streams 1.5 to 3 m wide, a vegetation buffer of 15 m is fully adequate for sediment filtration while for streams less than 1.5 m wide a 10 m buffer is fully adequate.
- **Shading.** Shading is necessary to protect fish from high water temperatures, but only in streams that may support fish in the summer (i.e., only Boat Cove and Wamer Creeks). For year-round streams less than 3 m wide, a vegetation buffer of 10 m is fully adequate to provide shading. Water temperature is not an issue in winter-only streams.
- **Shelter from Predators.** Dense vegetation overhanging the stream helps fish to hide from predators. Shrubby vegetation and deciduous species are in many ways better than mature conifers. For all streams on Lasqueti, a vegetation buffer of 10 m is fully adequate to provide shelter from predators.
- **Nutrients.** Riparian vegetation can provide a source of nutrient to the stream, in the form of leaf litter, insects, bird droppings, etc. Vegetation overhanging or immediately adjacent to the stream is the main source of such nutrient inputs. For all streams on Lasqueti, a vegetation buffer of 10 m is fully adequate to provide nutrient inputs.
- **Source of Large Fallen Trees.** Large fallen trees help to create pools in streams. Mature trees that were rooted as much as 30 m from the actual stream can fall and reach into the stream. However, for smaller streams, smaller trees are adequate. For fish-accessible stream reaches 1.5 to 3 m wide, a vegetation buffer of 20 m is fully adequate to ensure a source of fallen logs, while for fish-accessible stream reaches less than 1.5 m wide a 15 m buffer is fully adequate. For stream reaches that are inaccessible to fish, a supply of large fallen logs in the stream is of little importance.
- **Connectivity.** Riparian ecosystems provide movement pathways for various organisms throughout the landscape. However, this function is usually associated with the riparian zones of watercourses significantly larger than occur on Lasqueti. For example, Roosevelt elk and black bear use the riparian areas of major rivers as movement corridors, but viable populations of these species do not occur on Lasqueti. The main species on Lasqueti that might tend to disperse along riparian corridors is the non-native American bullfrog. The

native amphibians (red-legged frog, chorus frog, rough-skinned newt) are able to move through a landscape of mesic or sub-hygic forest, and are not obligate users of riparian forest. River otter sometimes move inland along stream corridors, but these movements are mostly undertaken in pursuit of domestic fowl to prey on. Raccoon also use stream corridors sometime, and again, mainly in search of food such as compost or fruit found near human settlement. Neither of these species are obligate users of riparian corridors; both are frequently seen using roads. In any event, their main habitat around Lasqueti is near the ocean. For streams on Lasqueti more than 3 metres wide a vegetation buffer of 20 m is fully adequate for connectivity purposes, while for streams less than 1.5 metres wide a 10 metre buffer is fully adequate.

The following Table summarizes the width of riparian buffer needed to ensure riparian area ecological functions of the four different stream types found on Lasqueti, with respect to the seven ecological functions of riparian vegetation discussed above. The two columns at the far right show my suggested setbacks and screenings for Bylaw # 90, that I believe will be adequate to maintain fish habitat in streams.

Lasqueti Stream Type	Bank Stability	Sediment Filtration	Shading	Predator Screening	Source of Nutrients	Fallen Trees	Connectivity	Setback recommended for Bylaw #90	Screening recommended for Bylaw #90
1. RAR-applicable, below barrier, permanent flow, < 3.0 m wide	15 m	15 m	10 m	10 m	10 m	20 m	20 m	20 m	20 m
2. RAR-applicable, below barrier, seasonal flow, < 1.5 m wide	10 m	10 m	N.A.	N.A.	10 m	15 m	10 m	15 m	15 m
3. RAR-applicable, above barrier, seasonal flow, < 1.5 m wide	10 m	10 m	N.A.	N.A.	10 m	N.A.	10 m	15 m	10 m
4. Not RAR-applicable permanent or seasonal < 3m wide	10 m	10 m	N.A.	N.A.	10 m	N.A.	10 m	15 m	5 m

3. Consistency with Forestry and Farming Regulations

Forestry and farming activities are not covered under RAR, but these activities are common on Lasqueti and undoubtedly are responsible for more alteration of riparian areas than residential, commercial or industrial use. Many streams on Lasqueti flow through Crown and private land, and through ALR and non-ALR land. It would make sense for the relevant riparian regulations to be as consistent as possible between the different applicable regulatory systems.

- **Crown Land Logging** - Riparian area regulations related to forest operations on Crown land (or private land included in a Crown tenure) are contained in the *Forest Planning and Practices Regulation* (FPPR) under the *Forest and Range Practices Act* (FRPA). There are six stream classes (S1 through S6) but only S3, S4 and S6 occur on Lasqueti. Each stream class has a Riparian Reserve Zone (RRZ, essentially a no-touch area) and a Riparian Management Zone (RMZ, in which full tree removal is allowable).

FPPR Stream Class	Criteria	Riparian Reserve Zone width (m)	Riparian Management Zone width (m)
S3	Fish, 1.5m to 5.0 m wide	20	20
S4	Fish, < 1.5m wide	0	30
S6	No fish, < 3 m wide	0	20

- **Managed Forest Land Logging** - Riparian area regulations related to forest operations on private land classed as Managed Forest are contained in the *Private Managed Forest Land Council Regulation* (PMFLCR) under the *Private Managed Forest Land Act* (PMFLA). These regulations are somewhat less restrictive than those under FPPR applying to Crown land, and are also more complex. There are five classes of streams that support fish (A through E) but only classes C, D, and E occur on Lasqueti, as well as non-fish streams. Each class has a required 10 meter wide buffer in which non-commercial vegetation must be retained. Classes A, B and C have an additional requirement for retention of a minimum number of trees above a specified diameter at breast height (dbh) that must be retained for every 100 m of stream length, preferably within 10 m of the stream. Roads must be set back a specified minimum distance from all fish streams where practicable. (Logging on private land that is not Managed Forest is exempt from both the MFLCR and from RAR. This gap in the regulatory system creates a “loop-hole” in the screening restrictions of RAR for most potential land uses on Lasqueti that involve removing the forest and other vegetation without siting any roads or structures within 30 m of a stream. For example, a landowner who wants to clear the forest for a garden or just to let in more light can simply call it “logging” and then proceed to replant the logged area with grass or gardens in place of forest.)

MFLCR Stream Class	Criteria (fish presence; width)	Minimum road setback	Tree retention (minimum per 100 m of stream; minimum dbh)	Non-commercial tree and brush retention (width of zone)
C	Fish; 1.5 m to 3 m	10 metres	15 trees; 20 cm dbh	10 metres
D	Fish; < 1.5 m	10 metres	0	10 metres
E	Direct tributary to fish; ≥ 1.5 m	10 metres	0	10 metres

- **Agriculture** - There are no mandatory setbacks or screening restrictions within riparian areas that apply to pasture grazing or land clearing for agriculture. Setbacks of agricultural buildings and facilities from streams are regulated (in part) by the *Agricultural Waste Control Regulation* (AWCR) under the *Environmental Management Act* (EMA) and are summarized in the publication AGRICULTURAL BUILDING SETBACKS FROM WATERCOURSES IN FARMING AREAS (BC Ministry of Agriculture, Riparian Fact Sheet, February, 2011). “Natural Streams” require a 15-metre setback for all but high pollution risk facilities (e.g., feed pens or manure storage for more than 2 weeks) which require a 30-metre setback. A 5-metre setback from ditches is allowed for certain lower-risk facilities.

Based on the above discussion of the riparian regulations affecting logging and farming, the following table illustrates that my proposed setback and screening widths are reasonably consistent with these other regulatory systems (with the exception of logging on non-Managed Forest private land, which is unregulated).

Lasqueti Stream Type	FPPR Stream Class RRZ width (m) RMZ width (m)	BC Managed Forest Stream Class Road setback Vegetation retention width (m)	Agriculture Stream Class Building Setback	Setback recommended for Bylaw #90	Screening recommended for Bylaw #90
1. RAR-applicable, below barrier, permanent flow, < 3.0 m wide	"S3" 20 m RRZ, 20 m RMZ	"C" 10 m road setback, 10 m vegetation retention	"Natural Stream" 15 m building setback	20 m	20 m
2. RAR-applicable, below barrier, seasonal flow, < 1.5 m wide	"S4" No RRZ, 30 m RMZ	"D" 10 m road setback, 10 m vegetation retention	"Natural Stream" 15 m building setback	15 m	15 m
3. RAR-applicable, above barrier, seasonal flow, < 1.5 m wide	"S6" No RRZ, 20 m RMZ	"E" 10 m road setback, 10 m vegetation retention	"Natural Stream" 15 m building setback	15 m	10 m
4. Not RAR-applicable permanent or seasonal < 3m wide	"S6" No RRZ, 20 m RMZ	N.A.	"Natural Stream" 15 m building setback	15 m	5 m

4. Lakes and Wetlands

The connection between riparian vegetation and fish habitat is much less strong for lakes and wetlands than it is for streams, especially for lakes and wetlands that are not inhabited by fish. For example, riparian vegetation plays a key role in moderating the temperature of a stream, but does not significantly affect the temperature of a lake or wetland over 1 ha in area, since most of the lake or wetland surface is exposed to the sun anyway. A similar point could be made about each of the seven "Function of Riparian Vegetation" that I discussed previously. This weak connection between fish habitat and the riparian zones of lakes and wetlands is probably the reason why riparian buffers are not required on lakes and wetlands on private Managed Forest land, and no setbacks are specified for agricultural facilities. Forestry activities in the riparian zones of lakes and wetland on Crown land are regulated under the Forest Planning and Practices Regulation (FPPR) but those regulations apply equally whether fish are present or not, presumably because there is a strong connection between lake and wetland riparian vegetation and habitat for a wide range of wildlife species, though not fish. Under FPPR, lakes and wetlands on Lasqueti would be classed as follows.

- **Lakes.** There are three lakes over 5 ha on Lasqueti (Lambert, Ogden and Hadley Lakes) which would be classed as "L1-B" under FPPR and subject to a 20-metre Riparian Management Zone but no Riparian Reserve Zone. Trematon Lake, between 1 and 5 ha, would be classed as "L2" and subject to a 20-metre Riparian Management Zone and a 10-metre Riparian Reserve Zone. All four of these lakes are within watersheds currently considered RAR-applicable, but are well above barriers to fish migration and do not have resident fish populations.

- **Wetlands over 5 ha.** There are several wetlands over 5 ha on Lasqueti, such as “Oben Swamp” and “Weldon Swamp”, for example, which would be classed as “W1” under FPPR and subject to a 40-metre Riparian Management Zone and a 10-metre Riparian Reserve Zone. As it happens, these wetlands are within watersheds not considered RAR-applicable due to absence of fish habitat. (Under FRRP, the absence of fish habitat would make no difference.)
- **Wetlands 1 to 5 ha.** Wetlands between 1 and 5 ha in area, such as the “Schumach Swamp” and “Fisher’s Swamp”, which are within a watershed currently considered RAR-applicable, although well above fish barriers, would be classed as “W2” under FPPR and subject to a 20-metre Riparian Management Zone and a 10-metre Riparian Reserve Zone.
- **Wetlands 0.25 to 1 ha.** Wetlands between 0.25 and 1 ha, of which there are many on Lasqueti, would be classed as “W4” under FPPR and subject to a 40-metre Riparian Management Zone but no Riparian Reserve Zone. Riparian areas of wetlands under 0.25 ha, of which there are also many on Lasqueti, are not regulated under FPPR.

In considering what width of riparian setbacks and screening on lakes and wetlands would be appropriate for a RAR implementation bylaw on Lasqueti, I would consider the following points:

- The functional connection between fish habitat and the riparian zones of lakes and wetlands, especially above fish barriers, is weak.
- All four of the lakes on Lasqueti are situated a significant distance upstream of barriers to fish. There are no fish in the lakes. The function of the lakes, relative to fish, is a source of water for habitat further downstream. The key consideration is water quality.
- Most wetlands on Lasqueti are situated upstream of barriers to fish. Exceptions would be human-made ponds on Wamer Creek, Tucker Brook and Powder Flask Cove which presumably might be classed as wetlands. Again, water quality is the key consideration for fish.
- Riparian vegetation plays some role of sediment filtration around lakes and wetlands, but less so than adjacent to streams. Lakes and even more so wetlands function naturally as settling ponds, allowing suspended sediment to settle out.
- With respect to water quality in lakes and wetlands a more significant consideration than riparian vegetation is the potential for polluting run-off to enter the water if human uses such as roads, housing, agricultural fields, etc. are located too close to the lake.

A 10-metre vegetation buffer around lakes on Lasqueti is fully adequate to protect water quality in terms of sediment filtration. A 15-metre setback for roads and buildings would generally be adequate to protect water quality in lakes from the kinds of polluting run-off likely to occur on Lasqueti. (Without doubt, some possible uses might provide sources of polluting run-off at much greater distances than 15 m, or even 30 m for that matter. Examples might include an auto repair shop, septic fields, agricultural areas subject to application of fertilizer and pesticides, etc. However, a blanket riparian area setback would be a very blunt instrument to limit the risks of these point sources of pollution .)

There is no strong scientific basis for requiring different buffers on the riparian areas of lakes and wetlands above fish barriers depending on the presence or absence of fish downstream. Logically, the same setbacks and screenings should be applied to all lakes and wetlands that are not inhabited by fish. But RAR is not logical, so to be consistent with my suggested riparian buffers for streams, I would suggest a 10 metre wide screening buffer and a 15 meter wide setback for all lakes and wetlands above fish barriers in RAR watersheds and a 5 metre wide screening buffer and a 15 meter wide setback for all lakes and wetlands in non-RAR watersheds. As per FPPR, I suggest exempting wetlands less than 0.25 ha in area in non-RAR watersheds.

5. Ditches

Table 3.7 in the RAR Assessment Methods indicates that the Streamside Protection and Enhancement Area (SPEA) for ditches that are accessible to fish should be twice the width of the ditch with a minimum of 5 metres. It is very unlikely that any ditches on Lasqueti would be more than 2.5 metres wide, so the 5 metre minimum could apply to all ditches accessible to fish. For ditches above a fish barrier, the recommended SPEA is 2 metres. Those SPEA widths seem clear and simple enough to incorporate directly into the screening and setback requirements of Bylaw 90.

6. Steps to Implement Suggested Setbacks and Screening Widths for Bylaw 90

- Map RAR-applicable streams up to a definitive fish barrier, distinguishing between streams less and more than 1.5 m wide.
- Designate mapped screening and setback areas on RAR streams up to the first fish barrier as follows:
 - Streams > 1.5 m (Type 1): 20 m screening and 20 m setback
 - Streams < 1.5 m (Type 2): 15 m screening and 15 m setback
 - Lakes and wetlands: 15 m screening and 15 m setback
 - Ditches (if any occur): 5 m screening and 5 m setback
- Designate un-mapped screening and setbacks on streams, ditches, lakes and wetlands above fish barriers in RAR-applicable watersheds as follows:
 - Streams, any width (Type 3): 10 m screening and 15 m setback
 - Lakes and wetlands: 10 m screening and 15 m setback
 - Ditches: 2 m screening and 2 m setback
- Designate un-mapped screening and setbacks on all streams, lakes and wetlands (not ditches) in non-RAR-applicable watersheds as follows:
 - Streams, any width (Type 4): 5 m screening and 15 m setback
 - Lakes and wetlands > 0.25 ha: 5 m screening and 15 m setback
- Include wording in the Bylaw to allow for future re-classification of streams based on a QEP report. (e.g., from Type 1, 2, or 3 to Type 4).



Islands Trust

Print Date: Mar-31-2015

Top Priorities

Lasqueti Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Riparian Areas Regulation Compliance . Watershed Assessment and Bylaw Enactment		Aug-17-2011	Marnie Eggen		On Going
1	Lasqueti Official Community Plan and Land Use Bylaw review		Sep-13-2014	Marnie Eggen		On Going
1	Consider Procedures Bylaw amendment to allow the Local Trust Committee to hold electronic meetings when needed.		Feb-05-2015	Carmen Thiel	Aug-31-2015	On Going



Projects

Lasqueti Island

No.	Description	Activity	Received/Initiated	Status
1	Update the Lasqueti Official Community Plan by: 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 LTC's) 3. Update with Intertidal zone policies using specific recommendations from the Forage Fish team and the Greenshores and Eelgrass Project			On Going
1	Update Official Community Plan and Land Use Bylaw to include provisions for food security. (Direction from Trust Council - December, 2010)		Mar-03-2011	On Going

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending March 2015

640 Lasqueti	Invoices posted to Month ending March 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-640	LTC "Trustee Expenses"	700.00	199.04	500.96
LTC Local				
65200-640	LTC - Local Exp - LTC Meeting Expenses	500.00	613.71	-113.71
65210-640	LTC - Local Exp - APC Meeting Expenses	500.00	10.00	490.00
65220-640	LTC - Local Exp - Communications	300.00	187.00	113.00
65230-640	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>2,050.00</u>	<u>810.71</u>	<u>1,239.29</u>
Projects				
73001-640-2014	Lasqueti False Bay OCP/LUB	2,500.00	1,159.86	1,340.14
73001-640-3004	Lasqueti RAR	6,500.00	4,895.00	1,605.00
		<u>9,000.00</u>	<u>6,054.86</u>	<u>2,945.14</u>

Lasqueti Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	July 11, 2013	LA-020-2013	APC member Agenda Package	It was MOVED and SECONDED , that on request by an Advisory Planning Commission member, that they receive a Lasqueti Island Local Trust Committee Agenda package at no charge.

STAFF REPORT

Date: March 25, 2015
To: Lasqueti Island Local Trust Committee
For meeting of April 9, 2015
From: Carmen Thiel, Legislative Services Manager, Executive Services
CC: Marnie Eggen, Planner 2
Re: **Amendments to Lasqueti Island Local Trust Committee Procedure Bylaw No. 74**

PURPOSE

The purpose of this report is to provide a draft option for consideration of inclusion in the Lasqueti Island Local Trust Committee (LALTC) Procedure Bylaw to allow for electronic participation by members at a Local Trust Committee meeting and to further clarify who can chair a meeting, including an electronic meeting.

BACKGROUND

The Lasqueti Island Local Trust Committee, at its meeting on February 5, 2015, identified as a top priority an amendment to the Procedure Bylaw to allow the Local Trust Committee to hold electronic meetings when needed.

- Appendix 1: draft proposed amendments to the LALTC Procedure Bylaw No. 74: 1) to address electronic meetings; and 2) to clarify and provide for all possibilities regarding who can chair a meeting;
- Appendix 2: copy of the Islands Trust Electronic Meetings Regulation;
- Appendix 3: excerpts from the *Local Government Act* and the *Community Charter* which apply to local trust committees regarding topics referenced in Appendix 1, e.g. notice of special meetings and electronic meetings; and
- Appendix 4: sample Special Electronic Meeting Notice which must be given when a "special" local trust committee is being conducted entirely by electronic means.

The proposed draft wording in Appendix 1, regarding electronic meetings, comes from review of the following example procedures bylaws: Islands Trust Council, and Model Bylaw from the Ministry of Community, Sport and Cultural Development, and is in accordance with the Islands Trust Electronic Meetings Regulation and related legislation. To date, both the Salt Spring Island and Gambier Island Local Trust Committee Procedure Bylaws have been amended to provide for electronic meetings and who can chair a meeting using wording comparable to that in Appendix 1.

On the matter of who can chair a meeting, including an electronic meeting, there is currently no mention in the Local Trust Committee (LTC) procedures bylaw about the alternate chair. Advice was received that this section should cover all possibilities and amendments to all LTC procedures bylaws were recommended to clarify who can chair and what happens when both the chair and alternate chair are absent.

LEGISLATIVE CONTEXT:

1. ISLANDS TRUST ELECTRONIC MEETINGS REGULATION

The definition for a "trust body" in the Regulation includes a local trust committee.

Section 2, provides that:

- (1) If the requirements in subsection (2) are met,
- (a) a special meeting of a trust body may be conducted by means of electronic or other communication facilities, or
 - (b) a member of a trust body who is unable to attend at a meeting of the trust body may participate in the meeting by means of electronic or other communication facilities.

The following conditions are required under Section 2(2) of the Regulation:

- Where any meeting participant 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.
- Where any meeting participant 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.
- 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. For clarification "a designated staff member" could be the contract minute taker.

Section 3 states that members of a local trust committee who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

LOCAL GOVERNMENT ACT

Section 794 (1) and (2) establish general requirements for what must be included in procedures bylaws and state that at least 5 days' notice in advance of a meeting must be given to trustees where a procedures bylaw amendment is being introduced.

COMMUNITY CHARTER

Section 127(2) sets out how notice of special meeting must be given and applies to notice of special *electronic* meetings as well. Sections 6 and 7 of LALTC Bylaw No. 74 provide details on how such notice must be given.

STAFF COMMENTS:

This report presents an option for draft wording to address the LALTC's request to make provision for electronic meetings. Staff are seeking consideration from the LALTC on proposed amendments to the LTC's procedure bylaw as presented in this report.

RECOMMENDATIONS:

1. THAT the Lasqueti Island Local Trust Committee direct staff to prepare a draft bylaw to amend "Lasqueti Island Local Trust Committee Meeting Procedure Bylaw No. 74, 2004" in order to incorporate requested amendments as presented.
- 2.

Prepared and Submitted by:

Carmen Thiel

March 26, 2015

Carmen Thiel,
Legislative Services Manager

Date

Concurred in by:

Courtney Simpson

March 30, 2015

Courtney Simpson, RPP MCIP
Regional Planning Manager

Date

Attachments:

Appendices:

- Appendix 1: Option - Draft Wording for Amending LALTC Procedure Bylaw
- Appendix 2: Islands Trust Electronic Meetings Regulation
- Appendix 3: Applicable Sections of the *Local Government Act* and the *Community Charter* – bolded sections apply to Local Trust Committees
- Appendix 4: Sample of Notice of Special Meeting

Link to LALTC Bylaw No. 74:

<http://www.islandstrust.bc.ca/media/247383/LA-BL-74-%20Meeting%20Procedures-%20Adopted.pdf>

APPENDIX 1 – OPTION

DRAFT

MEETINGS AND NOTICE OF MEETINGS

- **Existing section 10 of Bylaw 74** contains the following clause:
 10. In the event that the Chairperson is not 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.
- **The following wording is recommended to replace the existing section**, in order to clarify and reflect all possibilities about the Chair/Alternate Chair of the Local Trust Committee:
 10. In the event that neither the Chairperson nor any alternate member of the local trust committee appointed by the Executive Committee 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.

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 Lasqueti 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.

APPENDIX 2

B.C. Reg. 283/2009

Deposited November 27, 2009

O.C. 620/2009

Islands Trust Act

ISLANDS TRUST ELECTRONIC MEETINGS REGULATION

Definitions

1 In this regulation:

"special meeting" means a meeting other than a regular meeting or an adjourned meeting;

"trust body" means the trust council, the executive committee, a local trust committee and the trust fund board.

Electronic meetings authorized

2 (1) If the requirements in subsection (2) are met,

(a) a special meeting of a trust body may be conducted by means of electronic or other communication facilities, or

(b) a member of a trust body who is unable to attend at a meeting of the trust body may participate in the meeting by means of electronic or other communication facilities.

(2) The following apply in relation to a meeting of a trust body referred to in subsection (1):

(a) a procedure bylaw under section 794 (1) (a) and (b) [procedure bylaws] of the Local Government Act, as that section applies to the trust body, must authorize the matters set out in subsection (1) (a) or (b) of this section;

(b) the meeting must be conducted in accordance with the applicable procedure bylaw;

- (c) the facilities must enable the meeting's participants to hear, or watch and hear, each other;
- (d) for a special meeting referred to in subsection (1) (a),
 - (i) the notice under section 127 (2) [*notice of council meetings*] of the *Community Charter*, as that section applies to the trust body, must include notice of the way in which the meeting is to be conducted and the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public, and
 - (ii) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the specified place, and an officer or employee designated by the trust body must be in attendance at the specified place;
- (e) for a meeting referred to in subsection (1) (b), except for any part of the meeting closed to the public, the facilities must enable the public to hear, or watch and hear, the member participating by means of electronic or other communications facilities.

(3) Section 128 (3) [*participants deemed present*] of the *Community Charter* applies in relation to a trust body.

[Provisions of the *Islands Trust Act*, R.S.B.C. 1996, c. 239, relevant to the enactment of this regulation: sections 53 and 54]

APPENDIX 3

Excerpt from the *Local Government Act*, which applies to Local Trust Committees (bolded sections apply to Local Trust Committees):

Procedure, bylaws and enforcement

794 (1) A board must, by bylaw, do the following:

- (a) establish the general procedures to be followed by the board and by board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;**
- (b) provide for advance public notice respecting the time, place and date of board and board committee meetings and establish the procedures for giving that notice;**
- (c) identify places that are to be public notice posting places for the purposes of the application of section 94 [*requirements for public notice*] of the *Community Charter* to the regional district.

(2) A procedure bylaw must not be amended unless notice of the proposed amendment is mailed to each director, at the address given by the director to the corporate officer for that purpose, at least 5 days before the meeting at which the amendment is to be introduced.

Excerpts from the *Community Charter*, which apply to Local Trust Committees (bolded sections apply to Local Trust Committees):

Notice of council meetings

127 (1) A council must

- (a) make available to the public a schedule of the date, time and place of regular council meetings, and
- (b) give notice of the availability of the schedule in accordance with section 94 [*public notice*] at least once a year.

(2) Subject to subsection (4), notice of a special council meeting must be given at least 24 hours before the time of meeting by

(a) posting a copy of the notice at the regular council meeting place,

(b) posting a copy of the notice at the public notice posting places, and

(c) leaving one copy for each council member at the place to which the member has directed notices be sent.

(3) The notice under subsection (2) must include the date, time and place of the meeting, describe in general terms the purpose of meeting and be signed by the mayor or the corporate officer.

(4) Notice of a special council meeting may be waived by unanimous vote of all council members.

Electronic meetings and participation by members

128 (1) If this is authorized by procedure bylaw and the requirements of subsection (2) are met,

(a) a special council meeting may be conducted by means of electronic or other communication facilities, or

(b) a member of council or a council committee who is unable to attend at a council meeting or a council committee meeting, as applicable, may participate in the meeting by means of electronic or other communication facilities.

(2) The following rules apply in relation to a meeting referred to in subsection (1):

(a) the meeting must be conducted in accordance with the applicable procedure bylaw;

(b) the facilities must enable the meeting's participants to hear, or watch and hear, each other;

(c) for a special council meeting referred to in subsection (1) (a),

(i) the notice under section 127 (2) [*notice of special meetings*] must include notice of the way in which the meeting is to be conducted and the place where the public

may attend to hear the proceedings that are open to the public, and

(ii) except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the meeting at the specified place, and a designated municipal officer must be in attendance at the specified place;

(d) for a meeting referred to in subsection (1) (b), except for any part of the meeting that is closed to the public, the facilities must enable the public to hear, or watch and hear, the participation of the member.

(3) Members of council or a council committee who are participating under this section in a meeting conducted in accordance with this section are deemed to be present at the meeting.

APPENDIX 4**S A M P L E**

**Islands Trust Council
Financial Planning Committee
Notice of Special Electronic Meeting
(Preliminary Discussions – Budget 2010-2011)**

Notice is hereby given that the Financial Planning Committee of the Islands Trust Council will hold a special electronic meeting to consider further recommendations regarding the Islands Trust Council's draft budget for the 2015-2016 fiscal year.

Members of the Financial Planning Committee will participate in the meeting by means of a teleconference call which will occur on (day, date, at time).

Members of the public who wish to listen to the electronic committee meeting may do so by attending the Islands Trust office at 1627 Fort Street, Victoria, BC at the time noted above.

For further information on the meeting, please contact _____ at 250 405-5150.

Signed by the Chair or Deputy Secretary



Memorandum

200 1627 Fort Street, BC V8R 1H8

Telephone 250. 405.5186 FAX: 250. 405.5151

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

Elsewhere in BC 1.800.663.7867

itfmail@islandstrust.bc.ca

www.islandstrust.bc.ca

www.islandstrustfund.bc.ca

Date: March 26, 2015

To: Lasqueti Island Local Trust Committee

From: Islands Trust Fund

Re: Islands Trust/Islands Trust Fund Eelgrass Mapping

Eelgrass Mapping for the Lasqueti Island Local Trust Area

Eelgrass Mapping for the Lasqueti Island Local Trust Area was completed in December 2014 by SeaChange Marine Conservation Society under contract with the Islands Trust (see attached report). Fieldwork for Lasqueti Island was completed July 17-19, 2012 and fieldwork for the Lasqueti Associated Islands was completed between August 19 and October 8, 2014. Surveys for the Lasqueti Island Local Trust Area found that:

- Eelgrass was found along 15.3% of the shorelines surveyed: 13.8% of Lasqueti Island shorelines have eelgrass and 16.5% of Lasqueti Associated Islands' shorelines have eelgrass. Other local trust area coverage ranged from 8.5% to 33.2% and the Islands Trust area had eelgrass along 16.3% of its shorelines (excluding some Parks Canada areas).
- The majority of eelgrass beds surveyed in the Lasqueti Island Local Trust Areas were classified as "flat" (expansive beds covering large areas, such as tidal flats), "dense" and "continuous" (not patchy) and are valuable marine habitat.
- Most of the shoreline and backshore was natural, with little development.
- Large eelgrass beds were noted off of the Fegan Islands and Jelina Island.
- No eelgrass was observed off of Paul Island, Circle Island, Bo Ho Island, Rabbit Island, Sangster Island, Sea Egg Rocks or the Sheer Islands.
- Large numbers of Green Sea Urchins were noted off of Bull Island, Circle Island, Sangster Island and Rabbit Island and may be impacting eelgrass growth as they feed on eelgrass.
- Human-caused impacts to eelgrass were primarily from boat usage near shore (including boat moorings, buoys, anchoring, docks, etc.), grazing from Canada Geese, historical damage from log booms, hardened shorelines and aquaculture.
- False Bay was suggested as a location for more detailed eelgrass inventory as it is possible that mooring buoys could be impacting eelgrass beds. Mooring buoy chains can impact eelgrass beds at low tides by dragging along the ocean floor and thereby scouring eelgrass habitat. There are 'best practices' for mooring buoys that can help to minimize their impacts on eelgrass beds.
- Lasqueti and its associated islands were noted as being likely to contain the least impacted eelgrass habitat of all the islands in the Islands Trust Area.
- No potential eelgrass restoration sites were noted in the Lasqueti Island Local Trust Area.¹

¹ Note that the Islands Trust and Islands Trust Fund do not have a mandate to restore marine ecosystems and the information about potential restoration sites is provided for potential community use.

About Eelgrass

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

Report Recommendations

The 2012-2014 Nearshore Eelgrass Inventory Report contains several recommendations. Some of the relevant recommendations for local trust committees are:

- Create setbacks from the shoreline in regulatory bylaws.
- Prevent construction of docks in eelgrass beds. Where dock construction cannot be avoided, ensure that docks are built to allow light to pass through to eelgrass beds below and that they are constructed from materials that have a minimum impact on water quality.
- Require removal of illegal shoreline modifications and habitat restoration where appropriate.
- Support education of the boating community and shoreline landowners regarding the importance of eelgrass beds and natural shorelines.
- Encourage the boating community not to locate mooring buoys in eelgrass beds and not to anchor in eelgrass beds. Where mooring buoys are located in eelgrass beds, encourage the use of line floats to keep chains and lines off of the sea floor where they can drag and scour the bottom, removing eelgrass habitat and killing species.
- Encourage dock owners to replace dock materials with light penetrable materials.
- For Lasqueti Island, the local trust committee may wish to commission a further inventory of False Bay eelgrass to determine if mooring buoys are having an impact. If they are, there are best practices for mooring buoys that may reduce their impact on the sea bed.

Next Steps

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

Local trust committees may wish to direct staff to highlight maps and recommendations specific to their local trust area on their own webpage.

Attachment Report: 2012-2014 Nearshore Eelgrass Inventory
 Map 5a: Eelgrass Presence, Lasqueti Island Local Trust Area Associated Islands - East
 Map 5b: Eelgrass Presence, Lasqueti Island Local Trust Area Associated Islands - West

Background

The Islands Trust Policy Statement, section 3.4.4, states:

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

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

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

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

Mapping Partnership:

Mapping was completed by SeaChange Marine Conservation Society through a partnership with the Seagrass Conservation Working Group and the Islands Trust Fund. The Mayne Island Conservation Society provided eelgrass mapping for Mayne Island free of charge. The total project budget was \$155,610 (over three years) and the Islands Trust/Islands Trust Fund contributed 54% of the total amount.

Mapping is now complete for the entire Islands Trust Area. Islands were mapped over three years as follows:

2012:

- Gambier Island
- Lasqueti Island
- Mayne Island Local Trust Area (information courtesy of Mayne Island Conservation Society)
- North Pender Island
- South Pender Island
- Thetis Island Local Trust Area (excluding Valdes)

2013:

- Ballenas-Winchelsea (Executive Islands) Local Trust Area
- Bowen Municipality
- Denman Island Local Trust Area
- Gabriola Island Local Trust Area
- Galiano Island Local Trust Area
- Hornby Island Local Trust Area
- Gambier Associated Islands except those off of the Sunshine Coast (e.g. the Thormanbys)
- Valdes Island
- Cufra Inlet (Thetis Island)

2014:

- North Pender Associated Islands
- Islands off the Sunshine Coast (e.g. the Thormanby Islands)
- Lasqueti Associated Islands
- Saturna Island Local Trust Area
- Salt Spring Island Local Trust Area

Resources for local trust committees

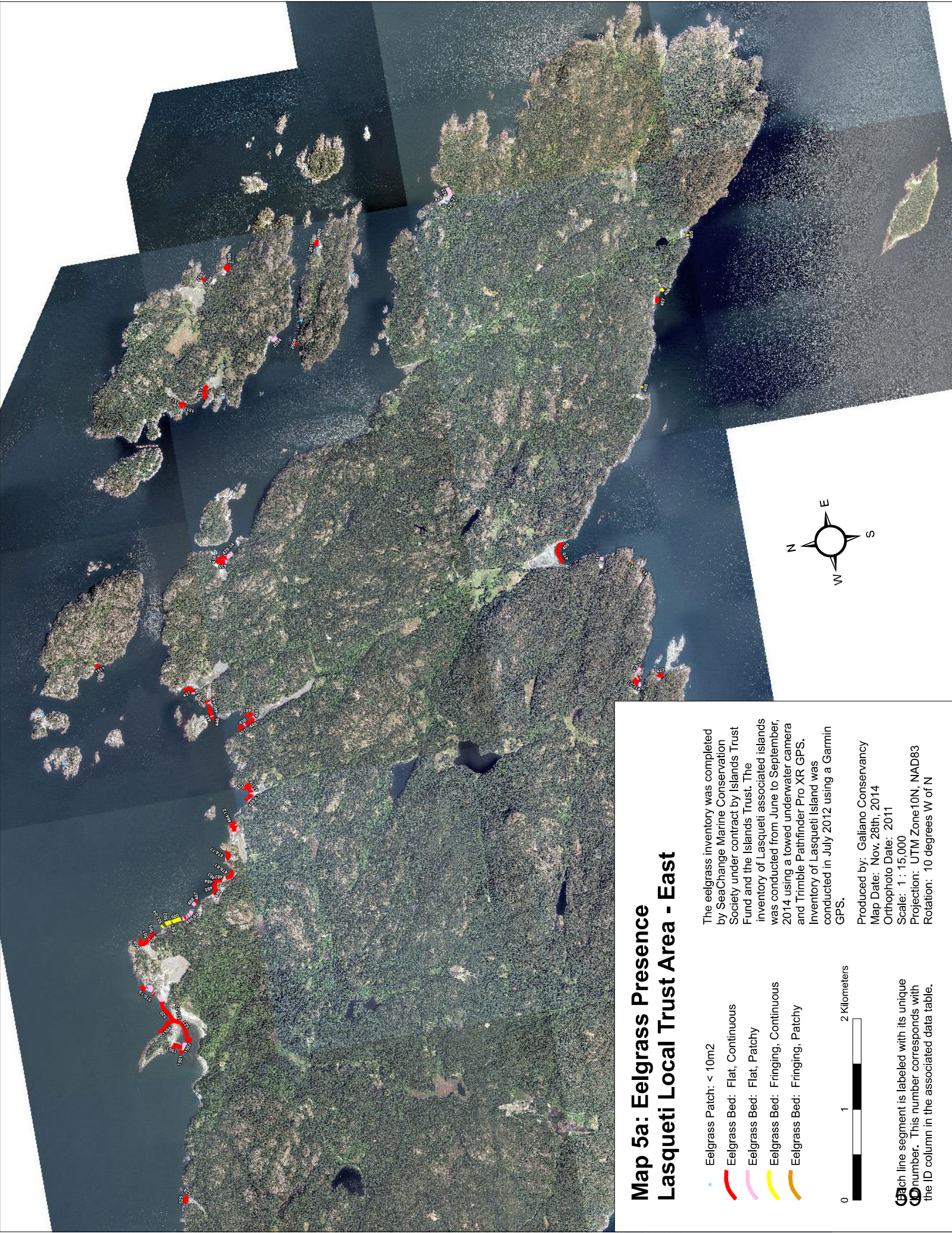
The following are some resources for local trust committees. Please see references in the attached report for a more complete list.

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

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

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

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



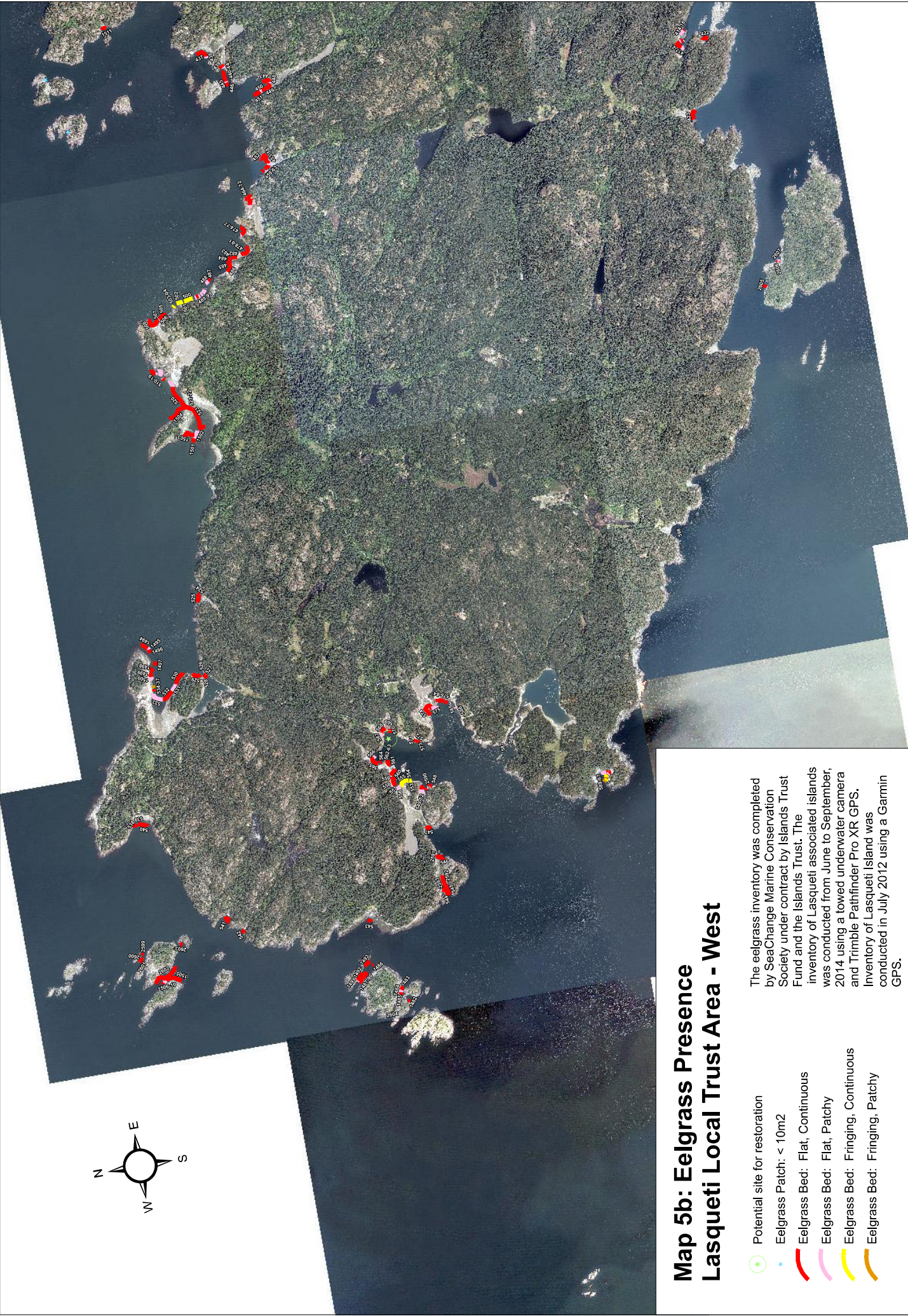
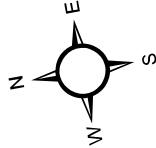
Map 5a: Eelgrass Presence Lasqueti Local Trust Area - East

The eelgrass inventory was completed by SeaChange Marine Conservation Society under contract by Islands Trust Fund and the Islands Trust. The inventory of Lasqueti associated islands was conducted from June to September, 2014 using a towed underwater camera and Trimble Pathfinder Pro XR GPS. Inventory of Lasqueti Island was conducted in July 2012 using a Garmin GPS.

Produced by: Galliano Conservancy
Map Date: Nov. 28th, 2014
Orthophoto Date: 2011
Scale: 1 : 15,000
Projection: UTM Zone10N, NAD83
Rotation: 10 degrees W of N

- Eelgrass Patch: < 10m2
- Eelgrass Bed: Flat, Continuous
- Eelgrass Bed: Flat, Patchy
- Eelgrass Bed: Fringing, Continuous
- Eelgrass Bed: Fringing, Patchy

Each line segment is labeled with its unique ID number. This number corresponds with the ID column in the associated data table.



**Map 5b: Eelgrass Presence
Lasqueti Local Trust Area - West**

The eelgrass inventory was completed by SeaChange Marine Conservation Society under contract by Islands Trust Fund and the Islands Trust. The inventory of Lasqueti associated islands was conducted from June to September, 2014 using a towed underwater camera and Trimble Pathfinder Pro XR GPS. Inventory of Lasqueti Island was conducted in July 2012 using a Garmin GPS.

Produced by: Galliano Conservancy
Map Date: Nov. 28th, 2014
Orthophoto Date: 2011
Scale: 1 : 15,000
Projection: UTM Zone10N, NAD83
Rotation: 10 degrees W of N

- Potential site for restoration
- Eelgrass Patch: < 10m²
- Eelgrass Bed: Flat, Continuous
- Eelgrass Bed: Flat, Patchy
- Eelgrass Bed: Fringing, Continuous
- Eelgrass Bed: Fringing, Patchy



Each line segment is labeled with its unique ID number. This number corresponds with the ID column in the associated data table.

From: Mike Wall [mike.wall@powellriverrd.bc.ca]
Sent: Wednesday, February 11, 2015 4:32 PM
To: Susan Morrison; Tim Peterson, Ross Thompson

Subject: letter of support request

Hi Tim and Susan.
Hi Ross

The Powell River Regional District is applying for Grant Funding through the Building Canada Fund for four separate initiatives in 2015.

On behalf of the Regional District and the communities these projects positively affect I would like to request your written support for one of the grant applications.

Lasqueti Fire Hall

This project meets the goals of the Small Communities Fund's Disaster Mitigation Infrastructure objectives by reconstructing the community's most important public emergency asset – the main fire hall. All residents and visitors on Lasqueti will benefit from this project by improved emergency response. The Lasqueti Volunteer Fire Department (LVFD) provides fire protection, rescue, first responder medical services, and is the community's only local emergency service as there is no police or ambulance service on the island. Given the island's isolation the construction of an adequate fire hall will contribute toward building a stronger, more resilient community.

If you have any questions please call or email me. The timing for the letter of support as the deadline for grant application is early next week and I would require the letter digitally by this Friday afternoon. The letter can be reflective of the description above and any other comments you may have. Thank you in advance and I apologize for the very short timeline.

Thank you

Mike Wall, RFT
Manager of Community Services



**POWELL RIVER
REGIONAL DISTRICT**

CALL US WE ARE YOUR LOCAL GOVERNMENT

Powell River Regional District
#202 – 4675 Marine Avenue
Powell River, BC V8A 2L2

T. 604.485.2260
C. 604.414.8922
F. 604.485.2216
www.powellriverrd.bc.ca

From: Mike Wall [mailto:mike.wall@powellriverrd.bc.ca]
Sent: Thursday, February 12, 2015 12:24 PM
To: Marnie Eggen
Subject: RE: letter of support request

The importance of letters of support to these Building Canada Fund Application was just recently made apparent to us and we are doing our best to secure some from influential government bodies and officials.

As discussed

- This project is not affordable to the community without grant funding.
- The total cost identified in the application for the project is approximately \$1,000,000 and the grant will provide 2/3 rds of the funding with the remainder being supplied through the regional service budget
- The new building is planned for the existing site after the recycling and fire store have been moved and the old hall has been taken down (with repurposing of materials a priority)
- The proposed new fire hall is planned at 70 feet by 40 feet with a floor plan taking up 2800 sq feet. The plan has a half loft area of 1400 sq feet. The plan has accommodation for fire response vehicles and emergency response vehicle, related equipment, Personal protective equipment, change room, bathroom and training area. The new plan additionally accounts for off grid power, water and sewer per regulations and the building will be constructed to code.
- The current facility is virtually a shed with an old outhouse out back in the brush and is not an acceptable Fire Department facility for the current standards, training expectations, equipment compliment required to meet this regional Volunteer Fire Department's needs.
- The Fire Underwriters Survey 2008 addresses that this service requires either a significantly upgraded facility or a new one to provide the service level expected, training requirements and general morale for dedicated volunteers.
- The current situation is unacceptable and threatens public safety with shared access of an emergency services facility and recycling depot.
- This emergency service is the only service on the island with no full time ambulance or police.

I was the chief of the Savary Island Volunteer Fire Department a few years ago and can't stress enough that this is a worth-while opportunity to pursue for Lasqueti Island.

I hope this helps paint the picture of the importance in doing our best to get this grant.

Thanks very much

Mike Wall, RFT
Manager of Community Services



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C. 604.414.8922
F. 604.485.2216
www.powellriverrd.bc.ca

From: Mike Wall [mailto:mike.wall@powellriverrd.bc.ca]
Sent: Thursday, February 12, 2015 2:47 PM
To: Marnie Eggen; Timothy Peterson
Subject: letter of Support

Tim

Answer to your questions re taxes and funding requirements outside of the grant funding (the 1/3 rd from regional service)

Implications if successful and project proceeds are

Approx. \$19 / 100,000 of assessed value increase
\$13 parcel tax increase

If you own a house and property worth \$300,000.00 your total increase if project goes ahead will be \$71.00 and your total tax would go up to \$237.00 inclusive of the \$71.00

This obligation is for 30 years.

It is my understanding that the Manager of Emergency Services received positive public comments at the fire dept. picnic this past year regarding this and that the Director is in support of this. If the support wasn't there he would not be spending the time to make application for the Grant Funding.

Thanks

Mike Wall, RFT
Manager of Community Services



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From: Andrew Fall [<mailto:andrew@gowlland.ca>]
Sent: Saturday, March 14, 2015 10:52 PM
To: Lasqueti Island Local Trust Committee
Subject: Request for support for Lasqueti delegation to Powell River RD

Hello Laura, Susan and Tim,

As you likely know (ok, perhaps Laura doesn't know), I am heading a delegation of concerned Lasqueti residents to address the Powell River Regional District (PRRD) Board at their next Committee of the Whole meeting (March 19).

I would like to ask the Lasqueti Local Trust Committee to support the delegation request (see below).

The topic concerns the process that the PRRD has followed to establish two new services for Lasqueti (911 and house numbering). The fundamental problem is not about the services per se, but the process followed:

- (a) There has been no public consultation (the public was only notified about these new services after 3rd readings of the related bylaws, and after the Inspector of Municipalities had already approved them), despite the Ministry stipulating that public consultation should occur.
- (b) The 911 service is has no option for withdrawal (according to a provincial regulation that excludes the option to withdraw from 4 specific services). This information was not provided to the public nor to the Board. It only came to light when I stumbled across the provincial regulation by accident.
- (c) The public sent a petition (over 100 names in just a couple of days) asking for public input. The Board, PRRD staff and our regional director have all acknowledged lack of meaningful public input, but without changing course to allow public input.

There are a number of other similarly large issues, presented in a letter to the PRRD from the delegation. I would be happy to provide a copy of the letter if you wish.

The Lasqueti delegation is simply asking for the opportunity for input to decisions that affect us. The only way to allow this at present is if the Board postpones its impending adoption of the 911 and house numbering service amendment bylaws on Lasqueti (scheduled for March 26). The request of the delegation is:

"We ask that the Board postpone the decision on final adoption of Bylaws 317.1 and 350.1 for 1 year, until after a public process that includes consultation has occurred on Lasqueti. Please do not vote in favour of final adoption of these bylaws at the March board meeting."

I believe that support from the LTC for the delegation request would help the PRRD Board realize the importance of public consultation, and to help to ensure that it takes place.

If you would like more information about this issue, or my request, please do not hesitate to ask.

Sincerely,
Andrew Fall
Lasqueti Island

Request to PRRD Board to Postpone Decision on Final Adoption of Bylaws 317.1 and 350.1

From Lasqueti Residents Concerned about Public Process

As you are aware, many Lasqueti residents have concerns about the process in which the 911 and house numbering services have been decided without public consultation or any opportunity for meaningful input, despite being required by the Ministry. You are also aware that many Lasqueti residents have requested public consultation, but that this has not been forthcoming to date.

This letter is from a group of concerned Lasqueti residents to make the following request to the PRRD board:

We ask that the Board postpone the decision on final adoption of Bylaws 317.1 and 350.1 for 1 year, until after a public process that includes consultation has occurred on Lasqueti. Please do not vote in favour of final adoption of these bylaws at the March board meeting.

Since we are addressing the Committee of the Whole, we more specifically ask the Committee to make the following, or similar, resolution:

THAT the Committee of the Whole recommend to the Board to postpone the decision on final adoption of Bylaw No. 317.1 and Bylaw No. 350.1 for 1 year

We also ask the Board to accept that recommendation at the next Board meeting.

Note: this is not a petition under the Local Government Act. It is a request supported by many, and likely a majority of the Lasqueti community: full and part-time residents, young and old people, land-owners and tenants.

Why do we make this request?

1. The process to date is flawed due to lack of public consultation and meaningful public input
 - (a) Notification does not constitute consultation: There has been a complete lack of public consultation in this process to date. The public information and communications that have occurred do not meet minimum standards of consultation:

According to the OECD Background Document on Public Consultation [OECD]:

Notification is when the governing body simply informs the public of decisions made on their behalf. **Consultation** is when there is a two way flow of information, in which there is meaningful opportunity for public input to a decision.

Clearly the Feb 13, 2015 meeting held on Lasqueti was *notification* because, not only had the bylaws already passed 3rd reading (Dec 17, 2014 and Jan 22, 2015), but the Inspector of Municipalities had already approved them (Feb 5, 2015). See Appendix 1.

- (b) Consultation is important: Public consultation is an integral part of the process by which new services are adopted and implemented for new participating electoral areas. When the Ministry of Community, Sports and Cultural Development permitted the Board to authorize participating area approval by our regional director, M. Anderson, *on behalf of the electors* (in accordance with Section 801.5(2) of the Local Government Act), the Ministry stipulated “**Although assent of the electors is not required to make these amendments the Ministry will want to see that a process of public consultation has taken place**”.

Despite this stipulation, there has been no process of public consultation, and the process of the district is in direct contravention of the requirements of the Ministry. District staff came to Lasqueti after the prepared bylaws passed 3rd reading, and after the Provincial Inspector of Municipalities had approved the bylaws. At that time, the bylaws could not be changed. That is known as notification, and does not meet the minimum standards for public consultation.

We also note that the process followed on Texada Island, for the house numbering service, provided a public consultation meeting *before* bylaws were even drafted, let alone passed (Appendix 1). This demonstrates that the Regional District is capable of following proper process.

- (c) Petition indicates level of concern: A significant percentage of the Lasqueti community signed a non-binding petition asking our regional director to put a motion on the agenda of a board meeting to rescind 3rd readings of the bylaws. This was not done. Instead, adoption of the bylaws was postponed for one month.
- (d) Regional District has acknowledged problems with process: Our regional director has apologized for this process at a community meeting Feb 23. On the Lasqueti email list (Feb 28), our regional director wrote “The Board received the petition, heard your concerns, acknowledged and apologized for poor communication”. At a community meeting Mar 2, our regional director stated that staff were apologetic for the process.

Hence, there is a clear acknowledgement of a flawed process by the PRRD. Yet, to date, there has been nothing done to change the process to include public consultation or any opportunity for meaningful input.

- (e) The problem is the process: The majority of concerns are not about 911 *per se*, in part because we have not been given the dignity of consultation, and the ability to examine and compare alternate systems.
- (f) Public was not notified that the 911 service is exempt from withdrawal: According to the Regional District Service Withdrawal Regulation [BCREG398/2000], “*an emergency telephone system, including an emergency 911 system*” is “*exempted from withdrawal under Division 4.5 [Dispute Resolution in relation to Services] of Part 24 of the Local Government Act*”. This is put in layman’s terms on page 3 of the provincial report “Reaching Agreement on Regional Service Reviews and Withdrawal Disputes” [CSCD2001c], in which a box on “When Service Withdrawal is Not an Option” includes emergency telephone systems. Put simply: if the 911 service is adopted for Lasqueti, then Lasqueti has no option to withdraw at a later date.

The public was not informed of this “feature” of the proposed 911 service. The option to withdraw from regional services (under Division 4.5 of the Local Government Act) provides some confidence that if, in the future, an electoral area no longer wants or needs to participate in a regional service, that there is a process for withdrawal from the service.

The four services exempted by BC Reg. 398/2000 are: emergency telephone systems, transit, regional parks, and waste/recycling. These types of services warrant extra care and due diligence to ensure public consultation and documented community support *before* one of these services is adopted by an electoral area (or imposed upon the electoral area). It is unconscionable for Powell River Regional District to try to impose a service on Lasqueti with no public consultation, from which Lasqueti has no option to withdraw, and without even notifying residents that withdrawal is not a future option.

- 2. The need for a replacement of Telus pagers is the only documented rationale for change
 - (a) The origin of the current situation is the discontinuation of the Telus pager system, scheduled for the end of March, 2015. Telus first formally notified the Regional District in June 2014.
 - (b) Documented meeting agendas, minutes and staff reports since June 2014, consistently state that the reason for the proposed change in emergency communications for Lasqueti is because the Telus pager system is being cancelled on March 31, 2015. This is the reason provided to the public in the notice for the public notification meeting Feb 13, 2015.

In 2012, the regional district conducted a Fire Services Review [PRRD2012]. This review covered a wide range of aspects of Regional Fire Services, and identified risks and priorities for each Fire Service Area. For Lasqueti, there was no mention of any risk related to dispatch, although the report clearly describes the Telus-based pager dispatch system. Likewise, there was no mention of the need to shift to 911, or risks of continuing with the same system. As a recent Regional Service Review, this document should form the basis for discussions about needs and priorities for improvements to the Fire Service. Proposed service changes not consistent with the Fire Service Review imply that the Service Review is incomplete, in which case it would seem more appropriate to focus on updating this Service Review in order to have a transparent and well-documented list of risks and priorities, and a solid basis upon which to take action for service improvement.

- (c) PRRD Bylaw No. 391 (Lasqueti Island Volunteer Fire Department (LIVFD) Operations) includes in the list of LIVFD Administrative Responsibilities (Schedule “D”), that the LIVFD shall be responsible for “Preparation of specifications for new communication systems and additions to existing communication systems which are compatible with NI911 dispatch services.” This bylaw only requires preparation of specifications. This does not require, nor obligate the PRRD to provide or mandate communication systems that are compatible with NI911 dispatch services (see Appendix 2).
 - (d) Given the lack of documentation to the contrary, in the 2012 Fire Services Review or in the recent process for Bylaws 317.1 and 350.1, the only publicly documented rationale that a change is needed for emergency communications on Lasqueti is because the Telus pager system is ending.
3. The most prudent interim replacement for the Telus pagers are Rogers or Radioworks pagers
- (a) Given the short time left before the Telus paging system is ended, the most prudent step would be to go with an interim communication system that requires the minimum change to our current system. That would be simply to replace the existing Telus pagers with Rogers or Radioworks pagers.

As both Rogers and Radioworks pagers provide a comparable level of service to the Telus pagers, *with no last-minute training or changes in operations needed*, there is no documented rationale that using Rogers or Radioworks pagers as an interim system poses any increased risks from the current system.

More details on this are provided below.

- (b) The specified 911 communications system cannot be implemented immediately due to the requirement to construct a new repeater tower on Texada Island in order to obtain sufficient coverage of Lasqueti Island. PRRD and NI911 staff have stated that their proposed interim radio communication system has sub-standard coverage compared to the existing Telus (and hence Rogers) pager services, and will require temporary changes to communication operations procedures for the LIVFD until such time as full services are available.

Using Rogers or Radioworks pagers is a lower risk option for interim emergency communications on Lasqueti, and is consistent with the status quo of the current Fire Service, as represented by the establishing bylaw and Fire Service Review.

Proposed interim system: Rogers or Radioworks pagers

The Rogers paging system has been tested on Lasqueti by sending a page every two minutes from a fixed telephone to a pager in a mobile truck. The truck was driven the full length of all major roads, including Main Road, Grant Road, Fletcher-Gline Road, Tucker Bay Road, Lake Road, Spring Bay Road, Conn Road, and Weldon Road. In areas of higher population density or lower coverage, pages were sent every minute.

Testing of Radioworks pagers is underway, using similar methods as for the Rogers pagers.

Coverage: The results of the Rogers pager testing showed that coverage is good, at least on par with the current Telus pagers, with identified “dark areas”. Of particular importance, coverage is better than the proposed interim communication system for 911 dispatch, using a tower on Vancouver Island.

Costs: Rogers pager rental cost is about \$11 a month, in line with the current Telus pagers. No long-term contract or purchase is required.

Availability: Rogers pagers are available for purchase or rental on request, with no significant waiting times.

Funding: Pager costs are low enough that operations costs could be covered by the existing Fire Department budget.

Training: The pagers would function *identically* to the existing Telus pagers. The only change required for continuity of service is a change to the published community emergency phone number. This contrasts significantly with the proposed interim system for 911, which would require LIVFD re-training for a new system and operational protocols. Given the lack of time before the Telus paging system is terminated, and the lack of time for properly testing and training for a new system, it is clearly prudent to continue with the current paging system as an interim solution (and simply change paging service provider).

Selection of pager service provider: The Rogers testing shows that there exists at least one viable option. Once testing of the Radioworks pagers is complete, the Lasqueti Fire Department can choose either Rogers or Radioworks as the more suitable service.

4. A cooperative service exploration and arrangement process would be best to serve all interests
 - (a) We want to cooperate to seek solutions using an interest-based approach that seeks mutual agreement. In part, the conflict arising from the process to date is because it has followed a position-based approach that has curtailed public input.
 - (b) The process we propose is consistent with the service arrangement and review processes recommended by the province [CSCD2001a, CSCD2001b]. Steps would include defining the problem, describing the present service, developing options, evaluating options, deciding on an option, and documenting results. Because a number of Lasqueti residents have the capability and motivation to explore options, this process will not cost anything. Naturally, the systems proposed in bylaws 317.1 and 350.1 would be included as options.

In summary

What concerned Lasqueti residents are asking for is very straight-forward: we are asking the Regional Board to postpone the decision on adoption of the bylaws for 1 year. Accepting a resolution to postpone the decision on these bylaws would require an interim system that ensures that the existing service level provided by the LIVFD is not degraded. The Rogers pagers fit this requirement, and Radioworks testing will be completed very soon. These pagers can be ordered and funded by the Fire Department on Lasqueti, with no Board decision needed.

Postponing the decision on adoption of these bylaws will enable a process to follow:

- through which the Lasqueti community can work with the PRRD to establish the consultation many have asked for, and that is required by the Ministry;
- that will allow exploration, comparison and selection of potential long-term emergency communications systems;
- that will keep liability at a minimum by avoiding a significant change to fire services without adequate time for testing and training;
- that will allow for a proper review of the emergency communication service requirements that best meet the interests of both the region and our unique community; and
- that will restore relations between the Lasqueti public and the Regional District.

Appendix 1: Decision process to date

The list below summarizes the steps in the process to date. Note the timing of the public *notification* meeting.

- (a) June, 2014: PRRD received official notification that Telus will cancel its paging system at the end of March 2015.
- (b) Sept 11, 2014: A PRRD staff report on NI 911 service for Lasqueti was submitted, stating: “Public consultation: Once the implementation costs are fully understood the Regional District will need to engage with the Lasqueti public to explain costs and benefits of inclusion in the NI 911 service.”
- (c) Sept 17, 2014: Board directed staff to explore Lasqueti joining 911 service.
- (d) Dec 11, 2014: A staff report was submitted, explaining: To add Lasqueti to 911 and house numbering services requires an amendment to the establishing bylaws of these two services, which requires consent from Lasqueti (*the proposed electoral participating area*). Staff spoke with the Ministry of Community, Sports and Cultural Development, who advised that consent may be made on behalf of Lasqueti electors by the regional director and that “Although assent of the electors is not required to make these amendments, the Ministry will want to see that a process of public consultation has taken place.”
- (e) Dec 17, 2014: Board decided to add Lasqueti as a participant in the 911 and house numbering services AND passed 1st, 2nd and 3rd readings to bylaws 317.1 (911 service amendment) and 350.1 (house numbering service amendment).
- (f) Jan 22, 2015: Board meeting: The 3rd reading of house numbering bylaw 350.1 was rescinded, and an amended version given 3rd reading.
- (g) Feb 5, 2015: Bylaws 317.1 and 350.1 approved by the Inspector of Municipalities
- (h) **Feb 13, 2015: information meeting on Lasqueti to notify public about decisions that were made.**

The lack of public consultation and opportunity for meaningful community input is highlighted by contrasting with the process followed on Texada Island for the house numbering service:

- (a) Nov 8, 2012: Public meeting scheduled “in an effort to review this issue with the Texada Island residents” and a staff report submitted, stating “if there is community support for proceeding with this proposal, staff will develop an implementation plan to roll out the new numbering”.
- (b) Nov 14, 2012: public consultation meeting.**
- (c) Nov 22, 2012: Board meeting: report by Texada regional director on the public meeting.
- (d) Dec 12, 2012: A staff report on the public meeting recommended renumbering.
- (f) Dec 19, 2012: Board decision to proceed with renumbering system.

Appendix 2: Lasqueti PRRD Fire Service Establishment (2005) and Fire Service Review (2012)

The Lasqueti Island Fire Protection Area was established by Bylaw 50, 1976. In 2005, Bylaw 391 was passed [PRRD2005], establishing the Lasqueti Island Volunteer Fire Department (LIVFD). In *Authority of the Fire Chief*, Section 12 states “The Fire Chief has responsibility for ensuring that the items listed in Schedule ‘D’ to this bylaw are included as regular administrative functions for the Fire Department”. Schedule D (Fire Department Administrative Responsibilities) includes 23 items. In the Communications section, one of the items is "Preparation of specifications for new communication systems and additions to existing communication systems which are compatible with NI911 dispatch services." Note that this is about “the Fire Chief ensuring that communications specifications are prepared”, and does not compel the Regional District to adopt the NI911 system for Lasqueti.

References

- [BCREG398/2000] Regional District Service Withdrawal Regulation 398/2000. Available online at: http://www.bclaws.ca/civix/document/id/complete/statreg/398_2000
- [CSCD2001a] BC Ministry of Community, Sport and Cultural Development. 2001. Guide to Regional Service Arrangements and Service Reviews. 65pp. Available online at: http://www.cscd.gov.bc.ca/lgd/intergov_relations/library/regional_service_arrangement-review_guide.pdf
- [CSCD2001b] BC Ministry of Community, Sport and Cultural Development. Regional Service Reviews: an Introduction. 12pp. Available online at: http://www.cscd.gov.bc.ca/lgd/intergov_relations/library/regional_service_reviews_intro.pdf
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- [PRRD2012] MJ (Jack) Blair Services. 2012. Powell River Regional District Fire Services Review. July 2012. 66pp. Available online at: <http://www.powellriverrrd.bc.ca/wp-content/uploads/Powell-River-Fire-Services-Review-2012.pdf>.
- [PRRD2005] Powell River Regional District Bylaw No. 391. 2005. Bylaw to provide for the operation of the Lasqueti Island Volunteer Fire Department.
- [OECD] Rodrigo, D. and Andrés Amo, P. Undated. Organization for Economic Cooperation and Development. Background Document on Public Consultation. 9pp. Available on-line at <http://www.oecd.org/mena/governance/36785341.pdf>

Date: February 2, 2015

File No.: 3060-01

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: Lisa Webster-Gibson, Legislative Clerk

CC: Courtney Simpson, Regional Planning Manager

Re: Board of Variance

Preliminary Report

The purpose of this report is to present background information related to appointments to the Board of Variance (BOV) for Local Trust Committees (LTC) in the Northern Region, including appointments to a joint BOV, and what might be required of LTCs in relation to this initiative.

Project Objectives

The objective of this project is to ensure that each LTC has a current Board of Variance (BOV) in place as per the requirements of the Local Government Act (LGA), Islands Trust Act and other relevant legislation and policy.

Project Background

Under sec. 899 of the LGA, a local government that has adopted a zoning bylaw must, by bylaw, establish a BOV. A person may apply to the BOV for a minor variance if they feel compliance with the bylaw would cause them a hardship. For example, if a big rock in their yard made it a hardship to site the house in conformity with the normal setbacks, then that person could apply for a minor variance. The BOV may grant a variance if they have considered the following factors and are of the opinion that the variance does not result in inappropriate development of the site; adversely affect the natural environment; substantially affect the use and enjoyment of the adjacent land; or vary the permitted uses and densities or defeat the intent of the bylaw.

The BOV focuses primarily on hardship relating to matters such as siting, dimensions and size of buildings. A BOV order cannot conflict with other matters such as Land Title Act covenants, permits or land use contracts or floodplain bylaw specifications.

Of seven LTCs within the Northern Region of the Islands Trust, six LTCs (Denman, Gabriola, Gambier, Hornby, Lasqueti and Thetis) have adopted "*Board of Variance Establishment and Procedure Bylaws*" that are identical and allow for either the establishment of a BOV for each individual LTC or for a joint Board. The Executive Committee Acting as a Local Trust Committee (Ballenas – Winchelsea Islands) (EC as LTC (B-W)) has a much older bylaw and it is not consistent with the other bylaws. This bylaw does not allow for a joint BOV.

In the recent past a BOV was established for each of the Northern Local Trust Areas (LTA), with several of the appointments consisting of the same individuals to several Islands' BOVs. All member terms have expired. Under the LGA, sec 899(6), an appointment to a board is for the later of a) 3 years or b) if no successor has been appointed at the end of the 3 year period, until the time that a successor is appointed. However, some individuals are no longer available, nor interested in serving on the BOV. See attached table.

The seventh LTC, the EC as LTC (B-W) will need to establish a new bylaw as the current bylaws are outdated. A draft was proposed in 2010 but not adopted.

During the period 1993 until 2007, the Northern Region, received 17 applications to BOVs. These applications are broken down as follows: Denman Island – 4; Gabriola Island – 9; Gambier Island – 3; Hornby Island – 2 and Thetis Island – 1. From 2007 until 2014, no further applications to any BOV have been received.

Although there are very few applications to any of the BOVs, establishment of a BOV is a mandatory requirement of the LGA, as noted above.

As per the requirements of Section 899 of the LGA and the relevant "*Board of Variance Establishment and Procedure Bylaws*" a BOV must consist of three members and appointees must not be members of advisory planning commissions for the LTA and must not be an officer or employee of the Islands Trust. The LTC has a duty to appoint a new board under s. 899(5.1) of the LGA. Should any LTCs receive an application to their BOV at this time, a significant delay, at minimum, three months, would be experienced by the applicant as a result of an outdated BOV. This delay is anticipated based on the length of time required to advertise or recruit for Board members, evaluate applicants, and train those applicants selected. The LGA recognizes the burden this duty places on local governments and also indicates that a LTC could establish a joint BOV with any municipality, regional district, or with another LTC. In the past, the Islands Trust has established three BOV's – Northern, Southern, and Salt Spring Island.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

N/A

Islands Trust Policy Statement

All administrative procedure bylaws are considered to be in compliance with the policy statement and the object of the Islands Trust.

Official Community Plan

N/A

Land Use Bylaw

A BOV is a mandatory requirement of any local government who has a zoning bylaw.

Islands Trust Fund

N/A

Bylaw Enforcement

N/A

Climate Change Mitigation and Adaptation

N/A

Analysis

LTCs are requested to discuss and decide whether they wish to pursue a joint BOV or to pursue an independent BOV for their LTA.

It can be quite a job to recruit and appoint members and manage BOVs for each island, especially those with a very small population. Finding three interested people and maintaining their interest when applications may be few is a challenge.

An issue that has arisen with the BOV system where each LTC has its own BOV is that there are an insufficient number of applications on most islands to permit board members to become familiar with the bylaws, the issues and the process. Establishing a joint board would allow members to become more experienced and effective. At the same time, a joint board can provide a degree of greater independence and objectivity in comparison to five separate boards appointed for each local trust area by each LTC.

The main challenge with establishing a joint board is in achieving consensus in appointments among the five LTCs.

Project Scope and Timeline

The scope of the project is as defined in the attached Project Charter. The timeline of the project is dependent on staff resources and requirement to adopt any potential bylaws or bylaw amendments that may be required. The proposed timeline is attached in the Project Charter; however, it is anticipated that members to a BOV could be appointed as soon as May / June 2015.

Resources and Roles

This initiative will be led by the Northern Office Legislative Clerk in conjunction with the Regional Planning Manager and Island Planners.

Outside of staff time, the only resources that may be required would fund advertisements intended to recruit new appointees.

Communications

Past members of each BOV will be contacted to thank them for their past service and to canvas them for interest in re-appointment.

Should advertisements be required they will be placed in relevant newspapers and posted at the Islands Trust notice locations on the Islands.

Project Charter

A Project Charter has been attached for endorsement.

Next Steps

Upon endorsement of the Project Charter, Staff will action the completion of this Staff Report, and the attached Project Charter.

Summary of Staff Recommendations

LTCs are requested to discuss and decide whether they wish to pursue a joint BOV or to pursue an independent BOV for their LTA. Staff recommends that LTC's agree to pursue a joint BOV in order to realize:

- efficiency of staff time in recruiting and monitoring membership;
- greater success in filling positions on the BOV; and
- greater effectiveness of the BOV as it will receive more applications as a joint board and will develop experience.

RECOMMENDATIONS:

That the _____ Local Trust Committee direct staff to advertise for membership in a Board of Variance appointed jointly with other local trust committees in the Northern Region.

Prepared and Submitted by:

Lisa Webster-Gibson

February 17, 2015

Lisa Webster-Gibson, Legislative
Clerk

Date

Concurred in by:

Courtney Simpson

February 17, 2015

Courtney Simpson, RPP MCIP,
Regional Planning Manager

Date

Attachments:

1. Board of Variance Membership Northern Region

Northern Region Board of Variance Membership

Report dated February 17, 2015

Local Trust Area	Member Name	Home Address	Member Term
Denman, Hornby & Lasqueti	George Buvyer	Hornby Island	2005-2008
	Leagh Farrell	Hornby Island	2005-2008
	Gillian Rambold	Victoria	2005-2008
Gabriola	George Buvyer	Hornby Island	2006-2009
	Gail Lund	Gabriola Island	2006-2009
	Barbara Williamson	Gabriola Island	2006-2009
Gambier	Ken White	Gibsons	2008-2011
	Wolf Wiedermann	Gambier Island	2008-2011
	Glen Young	Vancouver	2008-2011
Thetis	Roland Cook	Salt Spring Island	2006-2009
	Steve Frankel	Thetis Island	2006-2009
	Jack Woodward	Salt Spring Island	2006-2009



BRIEFING

To: Trust Council

For the Meeting of: March 10-12, 2015

From: Miles Drew, Bylaw Enforcement Manager

Date : February 17, 2015

SUBJECT: BYLAW ENFORCEMENT REPORT

DESCRIPTION OF ISSUE:

A report on the number of enforcement files; organized by local trust area, and by the type of enforcement. Also included are reports on the status of open files and the length of time current files have been open.

BACKGROUND:

Attached are four tables and two pie charts that provide information on bylaw enforcement activity.

Table 1 shows the total number of bylaw enforcement files for each local trust area by fiscal year and the number of files remaining open at the end of the fiscal year. Information is provided for the 2012/13, 2013/14 and 2014/15 Fiscal years. For the current fiscal year the information is broken down by Quarter, in addition to providing a total for the 2014/15 Fiscal year.

Chart 1 shows the number of files open at the end of the most recent reporting Quarter.

Table 2 shows the number of open files by violation type. The table includes the more common categories of enforcement types. The "Other Land Use" column includes a mix of enforcement types that do not fit in the larger categories.

Chart 2 shows the percentage of open files by type.

Table 3 shows the status of open files as well as the numbers of new and closed files during the most recent reporting Quarter.

Table 4 shows how long current bylaw enforcement files have been open.

COMMENT:

Since December 2013 there has been a small decrease (3% of total files) in the number of files open longer than five years.

There was a large reduction in the number of open files in the Gabriola Island Local Trust Area, dropping from 45 open files to 28 open files. This was due to a

comprehensive review of existing files by a Bylaw Enforcement Officer who discovered that many files had been resolved but not formally closed.

No files were formally closed in the Salt Spring Island Local Trust Area during this quarter; however, the report to June 2015 Trust Council will reflect the work that has been recently done reviewing old files.

The number of on hold files in the Galiano Island Local Trust Area will drop next quarter because the short-term vacation rental bylaw amendments are complete and enforcement work can now resume.

The bylaw enforcement officers' primary goal in the next quarter is to develop and implement procedures for taking contested Bylaw Violation Notices through the adjudication process.

ATTACHMENT(S):

Bylaw Enforcement - File Volume
Bylaw Enforcement - Violation Type
Bylaw Enforcement - Status of Open Files
Bylaw Enforcement - Length of Time Files Have Been Open

AVAILABLE OPTIONS:

1. Receive for information.
2. Request additional information to be presented in the report.

FOLLOW-UP:

Reports will be updated and presented every quarter to Trust Council.

Prepared By: Miles Drew, Bylaw Enforcement Manager

Reviewed By/Date: David Marlor, Director, Local Planning Services/
February 17, 2015

Executive Committee/ February 25, 2015

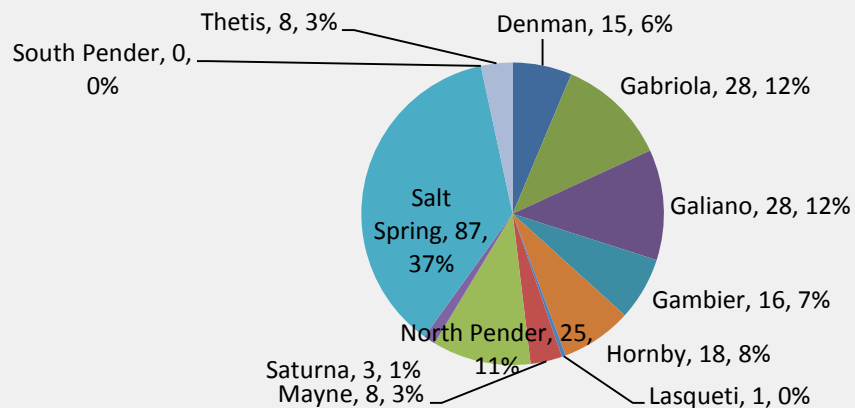
Chief Administrative Officer

Bylaw Enforcement - File Volume

TABLE 1

LTC	Fiscal 2012/13				Fiscal 2013/14				Fiscal 2014/15							
	Total	%	Open	%	Total	%	Open	%	Q1	Q2	Q3	Q4	YTD Total	YTD %	T Open	%
Denman	19	6%	18	6%	21	7%	14	6%	14	13	15		3	5%	15	6%
Executive	0	0%	0	0%	0	0%	0	0%	0	0	0		0	0%	0	0%
Gabriola	40	13%	40	14%	60	20%	51	20%	45	43	28		8	13%	28	12%
Galiano	25	8%	25	9%	32	11%	30	12%	28	24	28		4	7%	28	12%
Gambier	16	5%	16	6%	18	6%	17	7%	17	15	16		1	2%	16	7%
Hornby	17	6%	16	6%	16	5%	15	6%	16	15	18		3	5%	18	8%
Lasqueti	1	0%	1	0%	1	0%	1	0%	1	1	1		0	0%	1	0%
Mayne	8	3%	5	2%	10	3%	9	4%	12	6	8		3	5%	8	3%
North Pender	43	14%	40	14%	45	15%	36	14%	35	31	25		2	3%	25	11%
Saturna	8	3%	6	2%	6	2%	3	1%	3	4	3		1	2%	3	1%
Salt Spring	112	37%	104	37%	81	27%	66	26%	78	72	87		32	53%	87	37%
South Pender	1	0%	1	0%	1	0%	0	0%	0	0	0		0	0%	0	0%
Thetis	12	4%	10	4%	11	4%	8	3%	9	8	8		3	5%	8	3%
TOTAL	302	100%	282	100%	302	100%	250	100%	258	232	237	0	60	100%	237	100%

Chart 1: Open Files to Dec 31, 2014



LEGEND

YTD Total = Total number of open files year to date, including open files carried over from the previous quarter and files opened during the current reporting period.

T Open = Total number of files remaining open at the end of the current reporting period

Q1 = April 1 to June 30 - reported to September Trust Council

Q2 = July 1 to September 30, Report to December Trust Council

Q3 = October 1 to December 31, Reported to March Trust Council

Q4 = January 1 to March 31, Reported to June Trust Council

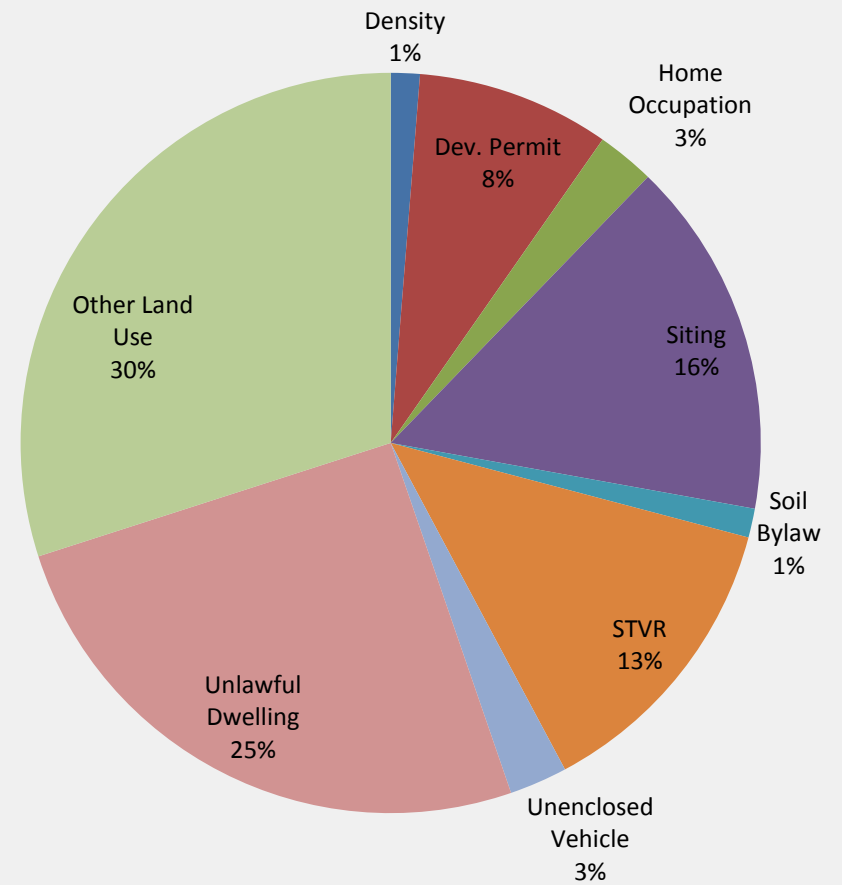
The numbers for each quarter are a running total of all open and closed files in the period.

Bylaw Enforcement - Violation Type

Table 2

LTC	Violation Type										
	Density	Dev. Permit	Home Occupation	Siting	Soil Bylaw	STVR	Unenclosed Vehicle	Unlawful Dwelling	Other Land Use	TOTALS	Percentage
Denman		6				1		4	4	15	6%
Executive										0	0%
Gabriola	2	1	1	5		5		8	6	28	12%
Galiano		1	1	7		3	2	6	8	28	12%
Gambier				6				1	9	16	7%
Hornby	1	1	1	4		2		6	3	18	8%
Lasqueti								1		1	0%
Mayne				1		4			3	8	3%
North Pender				4		8	1	5	7	25	11%
Saturna				2		1				3	1%
South Pender										0	0%
Salt Spring		11	3	4	3	7	3	28	28	87	37%
Thetis				4				1	3	8	3%
TOTALS	3	20	6	37	3	31	6	60	71	237	100%
%	1%	8%	3%	16%	1%	13%	3%	25%	30%	100%	

Chart 2: Open Files by Type



Bylaw Enforcement - Status of Open Files

Table 3

Local Trust Area	2014/2015 3rd Quarter (Oct 1 - Dec 31)				Proceeding to Compliance	On Hold			Litigation	TOTAL
	OPEN Start of Quarter	NEW	CLOSED	OPEN End of Quarter		Application in to LTC	LTC Direction	Staff Direction*		
Denman	15	0	0	15	10		3	1	1	15
Executive	0			0						0
Gabriola	43	0	15	28	28					28
Galiano	24	4		28	14	2		10	2	28
Gambier	15	1		16	8		5	1	2	16
Hornby	15	3		18	11		6	1		18
Lasqueti	1			1	1					1
Mayne	6	2		8	7	1				8
North Pender	31		6	25	10	1		11	3	25
Saturna	4		1	3	2		1			3
Salt Spring	72	15	0	87	65		16	5	1	87
South Pender	0			0						0
Thetis	7	1		8	8					8
Total	233	26	22	237	164	4	31	29	9	237
Percentage					69%	2%	13%	12%	4%	100%

* "Staff Direction" refers to files that Staff have decided not to pursue at this time for a variety of reasons, such as waiting for a court decision or for bylaw amendments that could alter the need for enforcement.

Bylaw Enforcement - Length of Time Files Have Been Open

Table 4

Local Trust Area	<1 year	1-5 Years	> 5 years	Total Open Files
Denman	2	11	2	15
Executive				0
Gabriola	11	16	1	28
Galiano	2	13	13	28
Gambier	2	14		16
Hornby	1	14	3	18
Lasqueti		1		1
Mayne	2	6		8
North Pender	4	20	1	25
Saturna	1	1	1	3
South Pender				0
Salt Spring	34	36	17	87
Thetis	3	4	1	8
TOTAL	62	136	39	237
PERCENTAGE	26%	57%	16%	