



A NOTICE OF A BUSINESS MEETING OF **THE LASQUETI ISLAND LOCAL TRUST COMMITTEE**
to be held at 11:00 am on Thursday, July 3, 2014 at the Anglican Church,
Main Road, Lasqueti Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		11:00 am
2.	APPROVAL OF AGENDA		
3.	TOWNHALL SESSION		
4.	MINUTES		11:15 am
4.1	Local Trust Committee Adopted Meeting Minutes of May 1, 2014 – <i>for information</i>	1-7	
4.2	Section 26 Resolutions Without Meeting Log dated June 24, 2014 – <i>for information</i>	8	
5.	BUSINESS ARISING FROM MINUTES		
5.1	Follow-up Action List dated June 24, 2014 - <i>attached</i>	9-10	
6.	DELEGATIONS		
7.	CORRESPONDENCE <i>Correspondence specific to an active development application and/or project will be received by the Lasqueti Island Local Trust Committee when that application and/or project is on the agenda for consideration</i>		
7.1	Letter received May 7, 2014 from Jack Barrett regarding comments on Hunting, Parking, Ferry and Ferry Wharf and Bed & Breakfast Kitchens - <i>attached</i>	11-12	
7.2	Letter received May 9, 2014 from Jack Barrett regarding Removal from Riparian Areas Regulation Applicable Watershed Area - <i>attached</i>	13	
7.3	Email dated May 22, 2014 from BC Assessment Authority regarding Review of Lasqueti Island and a Request to Receive a Copy of Islands Trust Orthophoto Layer for Lasqueti Island - <i>attached</i>	14	
8.	APPLICATIONS AND PERMITS		
	BREAK FOR LUNCH – Sometime During the Following Segment		
9.	LOCAL TRUST COMMITTEE PROJECTS		11:25 am
9.1	Parking as a Home Enterprise		
	9.1.1 False Bay Area Master Plan - Summary of Community Information Meetings Staff Report dated May 30, 2014 - <i>attached</i>	15-29	
	9.1.2 Parking Lot Home Enterprise – Draft Land Use Bylaw Amendment Staff Report dated June 10, 2014 – <i>attached</i>	30-39	

9.1.3	Community Consultation Plan - June 4, 2014 update - <i>attached</i>	40-41	
9.1.4	Project Charter - June 4, 2014 update - <i>attached</i>	42	
9.2	Riparian Areas Regulation (RAR)		
9.2.1	Riparian Areas Regulation – Draft Land Use Bylaw Amendment Staff Report dated June 11, 2014 – <i>attached</i>	43-53	
9.2.2	Draft Communication Materials (RAR) - <i>attached</i>	54-59	
9.2.3	Project Charter - June 5, 2014 Update - <i>attached</i>	60	
10.	REPORTS		2:30 pm
10.1	Work Program		
10.1.1	Top Priorities and Projects List dated June 24, 2014 - <i>attached</i>	61-62	
10.2	Applications Log		
10.2.1	Applications Log dated June 24, 2014 - <i>attached</i>	63	
10.3	Trustee and Local Expenses		
10.3.1	Expenses posted to end of May, 2014 – <i>attached</i>	64	
10.4	Adopted Policies and Standing Resolutions - <i>attached</i>	65	
10.5	Chair's Report		
10.6	Trustees' Report		
10.7	Trust Fund Board Report		
11.	NEW BUSINESS		2:40pm
11.1	Community Stewardship Award Procedure		
11.2	Official Community Plan/Land Use Bylaw Review consideration of 2015-2016 Funding – <i>for discussion</i>		
11.3	New Federal Marihuana for Medical Purposes Regulation		
11.3.1	Staff Report dated April 28, 2014 - <i>attached</i>	66-89	
11.4	Land Conservancy of BC and Squitty Bay Memorandum dated June 24, 2014 - <i>attached</i>	90	
12.	BYLAWS		
12.1	(Parking Lot Home Enterprise) Bylaw No. 89, cited as "Lasqueti Island Land Use Bylaw 78, 2005, Amendment No. 1, 2014" – <i>for consideration of first reading</i>	91-93	
12.2	(Riparian Areas Regulation) Bylaw No. 90, cited as "Lasqueti Island Land Use Bylaw 78, 2005, Amendment No. 2, 2014" – <i>for consideration of first reading</i>	94-99	
13.	ISLANDS TRUST WEBSITE		
13.1	Lasqueti Pages – <i>for discussion</i>		
14.	TOWN HALL SESSION		
15.	NEXT MEETING DATE Thursday, August 28, 2014 at 11:00 am at the Anglican Church, Main Road, Lasqueti Island, BC		
16.	ADJOURNMENT		3:15 pm

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



Lasqueti Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Thursday, May 1, 2014, 11:00 am

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

Members Present: David Graham, Chair
Peter Johnston, Local Trustee
Susan Morrison, Local Trustee

Staff Present: Linda Prowse, Planner 2
Marnie Eggen, Planner I
Melinda Auerbach, Recorder

Media and Others present: Approximately six (6) members of the public

1. CALL TO ORDER

Chair Graham called the meeting to order at 11:05 am. He welcomed the public and introduced himself, Local Trustees and the staff members. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 9.1.2 False Bay Master Plan; Compilation of Correspondence as of April 30, 2014
- 10.3.2 Trustee and Local Expenses; Final Fiscal Year-end Expenditures to March 31, 2014;

The following items were distributed at the beginning of the meeting to replace items in the agenda package:

- 4.3 Section 26 Resolutions Without Meeting Log to April 24, 2014
- 10.4 Adopted Policies and Standing Resolutions as at April 30, 2014

3. TOWN HALL SESSION

Two (2) members of the public spoke and the following summary was recorded:

John O'Halloran: Requested that his name be noted. He stated that at the last Local Trust Committee (LTC) business meeting he had been told that he could not speak at

Advisory Planning Commission (APC) meetings. Chair Graham clarified that it was the jurisdiction of the Chair of the APC who determined speakers during APC meetings. Chair Graham suggested that the public could review the *Local Government Act* and Roberts Rules of Order for a determination of procedure for APC meetings. Mr. O'Halloran spoke about his difficulty in getting to APC meetings held on Tuesday nights. He further stated that at the last LTC Community Information Meeting, there has been no consideration of climate change mitigation brought to the False Bay parking issue.

Tom Weinerth: Requested that his name be recorded. He began to speak to the False Bay Master Plan and was advised by the Chair that he could speak to that item when it came up during the meeting. He then asked Planner Prowse what the community consultation plan is about. Planner Prowse explained the Islands Trust process for community consultation on any LTC project. Mr. Weinerth then expressed his opinion that the issue of firearms safety in the False Bay area was dead and that no more staff time should be wasted on it. He then stated that he felt the issue of Bed and Breakfast (B&B) operations having two kitchens in the False Bay area should be expanded to include dwellings on the entire island having more than one kitchen. He further stated his opinion that the use of the church property for parking was an illegal use that has been allowed to exist with the active collusion of successive LTCs and that it has operated well for the past 15 to 20 years with no regulations in place for that use.

Trustee Morrison noted that at the July 3, 2014 LTC meeting, she would like staff to put an item on the agenda so that the LTC can discuss obtaining 2015-16 budget for an Official Community Plan/Land Use Bylaw review.

4. MINUTES

4.1 Local Trust Committee Adopted Meeting Minutes of February 27, 2014 – for information

The minutes of the Lasqueti Local Trust Committee of February 27, 2014 were received for information.

4.2 Local Trust Committee Draft Special Meeting Minutes of March 29, 2014

LA-2014-007

It was MOVED and SECONDED,

that the minutes of the Lasqueti Island Local Trust Committee Special Meeting of March 29, 2014 be adopted as presented.

CARRIED

4.3 Section 26 Resolutions Without Meeting Log dated April 24, 2014

The summary was received.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated April 24, 2014

The Follow-up Action List was reviewed and updates were provided.

LA-2014-008

It was MOVED and SECONDED,

that the first item on the list, that staff contact Ministry of Environment staff, be removed.

CARRIED

6. DELEGATIONS - None

7. CORRESPONDENCE

7.1 Letter dated March 5, 2014 from Captain Elgin G. McKillop, Marine Superintendent, Western Pacific Marine Ltd. Regarding communications and the refit of the Centurion VII

The letter was received.

8. APPLICATIONS AND PERMITS

Planner Prowse noted that there was one subdivision referral and that she would present a verbal summary of that referral under Item 10.2 Applications Log.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 False Bay Master Plan

9.1.1 Community Consultation Plan (Updated April 30, 2014)

LA-2014-009

It was MOVED and SECONDED,

that staff be directed to develop a Bylaw amendment which would allow parking as a permitted use in a home based business.

CARRIED

9.1.2 Compilation of Correspondence as at April 30, 2014

The Planner provided correspondence as at April 30, 2014 as a late agenda item. She advised the LTC that this correspondence would become part of the Public Hearing binder if there were a bylaw amendment process.

9.2 Riparian Areas Regulation

9.2.1 Staff Report dated April 23, 2014

Planner Prowse presented a staff report, dated April 23, 2014, to summarize:

- Watershed Assessment on Lasqueti Island;
- Outline the LTC Riparian Areas Regulation (RAR) Compliance Method;
- Proposed Land Use Bylaw (LUB) wording; and
- To recommend next steps.

LA-2014-010

It was MOVED and SECONDED,

that staff enter into a contract with Madrone Environmental to have a summer assessment done on Stonehouse Creek and Cocktail Cove, to determine if these two watersheds provide fish habitat making them Riparian Areas Regulation applicable; and to see if Hadley Lake could also be assessed during the 2014-2015 Riparian Areas Regulation budget.

CARRIED

LA-2014-0011

It was MOVED and SECONDED,

that staff draft a land use bylaw amendment using the setback and screening option to become compliant with the Riparian Areas Regulation excluding Stonehouse Creek, Cocktail Cove and Hadley Lake at this time.

CARRIED

9.2.2 Draft Community Information Meeting Materials

Planner Prowse presented some draft Community Consultation Meeting materials with respect to Riparian Areas Regulation compliance and it was noted that these materials would be further reviewed at the July 3, 2014 Local Trust Committee meeting and that a Community Information Meeting date would be discussed at that time.

9.2.3 Madrone Report dated March 27, 2104 regarding Mine Bay and Sam Creek

The report was presented for information.

10. REPORTS

10.1 Work Program

10.1.1 Top Priorities and Projects List dated April 24, 2014

LA-2014-012

It was MOVED and SECONDED,

that the second item on the list, False Bay Parking and Master Plan, be amended to read as "False Bay Parking Plan Land Use Bylaw Amendment".

CARRIED

LA-2014-013

It was MOVED and SECONDED,

that the following items on the Projects list be removed:

- Draft a protocol agreement with Sliammon First Nation;
- Lasqueti Crown Lands; and
- Enter into an informal discussion and take part in a cultural exchange with the Sliammon First Nation.

CARRIED

10.2 Applications Log

Planner Prowse provided a verbal report about a subdivision referral that has been received and responded to.

10.3 Trustee and Local Expenses

The Trustee and Local Expenses report to March 31, 2014 was presented for information.

10.4 Adopted Policies and Standing Resolutions

Planner Prowse provided a replacement Policies and Standing Resolutions report dated April 30, 2014 for information.

10.5 Chair's Report

Chair Graham gave his report.

10.6 Trustees' Reports

The Trustees gave their report.

10.7 Trust Fund Board Report

Trustee Morrison gave a report.

11. NEW BUSINESS

11.1 Local Trust Committee Submissions for 2013/2014 Annual Report

11.1.1 Memorandum dated April 16, 2014

Planner Prowse presented a Memorandum dated April 16, 2014 on this matter. The Local Trust Committee request that the following be added to the Annual Report submission:

“The Lasqueti Island Local Trust Committee hosted the September, 2013 Islands Trust Council meeting.”

LA-2014-013

It was MOVED and SECONDED,
that the Lasqueti Island Local Trust Committee approves the annual report submission in the memorandum dated April 16, 2014 as amended, to be included in the Islands Trust Annual Report for April 1, 2013 – March 31, 2014.

CARRIED

11.2 Gulf Islands Groundwater Protection – A Regulatory Toolkit

11.2.1 Memorandum dated March 19, 2014

Planner Prowse presented the Memorandum from the Local Planning Committee dated March 19, 2014 for information.

12. BYLAWS - None

13. ISLANDS TRUST WEBSITE

13.1 Lasqueti Pages

The LTC reviewed the content on the Lasqueti pages.

14. TOWN HALL SESSION

Tom Weinerth: Stated he was frustrated and looking for clarification that advertising for the False Bay Master Plan included secondary kitchens and B&Bs. What is preventing the LTC from putting secondary kitchens on their work program?

Richard Chesam: Stated that he heard people say they did not know there was a policy about secondary kitchens in the Land Use Bylaw and that if it were, there are a number of items that should possibly be reviewed.

John O'Halloran: Claimed that the LTC ignored climate change provisions in the bylaw. Are there any repercussions for not following the provisions? What are the targets and are they in the Official Community Plan?

15. NEXT MEETING DATE

The next meeting will take place on Thursday, July 3, 2014 at 11:00 am at the Anglican Church, Main Road, Lasqueti Island, BC.

16. ADJOURNMENT

Chair Graham adjourned the meeting at 1:44 pm.

David Graham, Chair

CERTIFIED CORRECT:

Melinda Auerbach, Recorder

**Islands Trust****RWM From: April 24, 2014 To: June 24, 2014**

Lasqueti Island

Resolution #	Action	Resolution Description	Resolution Date
2014-02	In Favour	That the Lasqueti Island Local Trust Committee adopt the minutes of its special meeting (Community Information Meeting) of April 26, 2014 and its regular business meeting of May 1, 2014.	Jun 04, 2014



Islands Trust

Follow Up Action Report w/ Target Date

Lasqueti Island Feb-27-2014

No.	Activity	Responsibility	Target Date	Status
1	Staff to arrange a future orientation session with the new APC members.	Linda Prowse	Apr-17-2014	On Going

May-01-2014

No.	Activity	Responsibility	Target Date	Status
1	The second Top Priority in the Workplan have its name changed to, 'Land Use Bylaw Parking Amendment'.	Linda Prowse	May-20-2014	Done
1	Staff add that Lasqueti hosted the September 2013 Trust Council meeting in the Annual Report submission and that the submission in the April 16/14 memo, as amended, be included in the 2013 annual report.	Linda Prowse	May-21-2014	Done
1	That staff remove the following items from the LTC Projects List: 1. Draft protocol agreement with Sliammon 2. Lasqueti Crown Lands work 3. Enter into discussion and cultural exchange with Sliammon	Linda Prowse	May-22-2014	Done
1	RAR Compliance - Staff enter into a contract with Madrone to have assessment done on Stonehouse Creek, Cocktail Cove watersheds in September/14 and also Hadley Lake.	Linda Prowse	May-27-2014	Done

1	Local Trustees will advertise for expressions of interest for possible candidates for the 2014 Lasqueti Environmental and Community Stewardship award (presented annually and allows maximum of TWO awards to show public recognition).	Peter Johnston Susan Morrison	May-29-2014	On Going
1	Planner to submit report to July 3, 2014 LTC meeting giving a summary/synopsis of the two Community Information Meetings relating to the False Bay Master Plan.	Linda Prowse	May-29-2014	Done
1	Staff to put 'Official Community Plan/Land Use Bylaw Review - Discussion of consideration of 2015-2016 funding' onto the July 3, 2014 LTC meeting agenda.	Becky McErlean	May-29-2014	Done
1	Staff develop a draft bylaw amendment making parking a permitted use as a home based business.	Linda Prowse	Jun-03-2014	On Going
1	Riparian Areas Regulation Compliance 1. LTC will consider a CIM date at the July 3/14 business meeting. Also, LTC will consider CIM Communication materials at the July 3/14 meeting. 2. Staff to draft a land use bylaw amendment using the setback and screening option to become RAR compliant, excluding Stonehouse Creek, Cocktail Cove and Hadley Lake.	Linda Prowse	Jun-17-2014	On Going

May-02-2014

No.	Activity	Responsibility	Target Date	Status
1	CIM special meeting minutes of March 29, 2014 be adopted as written and be posted on the Lasqueti page of the Islands Trust website.	Penny Hawley	May-22-2014	Done

Peter Johnson
Island Trustee

Jack Barnett
938 Main Rd
Lasqueti BC
V0R2J5
May 7/14

Dear Peter

Here are my opinions on recent topics

Parking The crux of enforcement is the need for an impound lot for offending vehicles.

Solution: There is an impound lot in Parksville, Keith Morrison has a tow truck and Barge. Cost recovery includes the owners payment of the export costs when reclaiming their vehicle.

Hunting A synopsis of regulations in the paper would educate the public. Details like no shooting from vehicles, road allowances, near Buildings etc. Hunting on private land is by owners permission - that leaves the largely inaccessible crown land. This won't stop the irresponsible but would give locals the info they need to confront abusers.

B+B Kitchens: No, none! My guests don't cook, I feed them. B+B implies the hosts providing meals. No second kitchens in primary residences. No use of Guest cottages by land owners when primary residence is rented. No short term rentals.

Ferry wharf False Bay. If ownership of the wharf were transferred to the Lowell River Regional District, use would be controlled locally.

Western Pacific Marine owns the lot at the corner. The house is in bad shape. Replacing the house with a modern ~~and~~ mobile home at the back of the lot would free up the front for a parking lot right where it's needed and provide revenue for WPM.

Ferry What do you think of a return prepaid ticket, purchased at sailing? Take the 8 AM, buy your 5:30 ticket, Same day only. Confirm your presence by 5:00 PM. Unused ticket seats resold (WPM profits). Apply to appropriate sailings. More work for the crew? Not much. Better service for the public? What do you think?

P.S. The view from the back seat is good. I like making comments. Best of luck with Mr. O'Halloran!!

Jack Barrett

re RAR

Peter

My land is mapped fish potential. It is not, having an ephemeral stream that runs through a culvert under main road and disappearing into the ground.

How do I get my designation changed?

Jack



From: [Morgan, Isaac BCA:EX](#)
To: [Mark Van Bakel](#)
Cc: [Linda Prowse](#)
Subject: Islands Trust Orthophotos for Lasqueti Island
Date: May-22-14 4:27:36 PM

Hi Mark,

BC Assessment is conducting a review of Lasqueti Island to identify buildings that are not valued on the Assessment Roll.

Phase 1 of this review is now underway and involves using orthophotos in the Island Trust's MapIT web map to locate and catalogue any significant missing buildings. In the review of the first 100 properties more than 20 missing buildings were found, but there are still over 300 properties yet to review.

Phase 2 of this review will occur in later in 2014, and will involve sending appraisers to the island to inspect and measure the missing buildings and add them to the Assessment Roll.

To support our organization in completing this review most efficiently, I would like to request the Islands Trust provide a copy of its orthophoto layer for Lasqueti Island, for use in our mapping system. (BCA uses ESRI's ARCMap software and mapping is based on BCAlbers, NAD 1983. Orthophotos in the MrSID format work well in our system).

In 2013, the RDN and the CVRD both provided BCA with orthophotos for their respective geographic areas. This has enhanced our ability to produce an accurate Assessment Roll for these jurisdictions.

Thank you for your assistance in this matter. Please contact me if you have any questions or concerns.

Regards,

Isaac Morgan, BA, RI

Acting Senior Appraiser, BC Assessment
300 - 125 Wallace St, Nanaimo BC V9R 5B2
isaac.morgan@bcassessment.ca | www.bcassessment.ca
Tel: 1-866-825-8322 local 04255



STAFF REPORT

Date: May 30, 2014

File No: 6500-20

False Bay Master
Plan

To: Lasqueti Island Local Trust Committee
For the meeting of July 3, 2014

From: Linda Prowse, Planner

CC: Courtney Simpson, Regional Planning Manager
Marnie Eggen, Planner

**Re: False Bay Area Master Plan – Summary of March 29, 2014 and April 26, 2014
Community Information Meetings**

At the May 1, 2014 Lasqueti Local Trust Committee meeting, the Local Trust Committee (LTC) requested that staff provide a summary of the two recent Community Information meetings regarding the False Bay Master Plan.

The False Bay Master Plan was proposed to be a document to set out the community's long-term vision and strategy for guiding future planning and land use in the False Bay Area, with a focus on four targeted topics as follows:

- | | |
|--|--|
| 1. Parking | 3. Density and Land Use |
| 2. Hunting Regulation Awareness | 4. Bed and Breakfast (secondary kitchens) |

A. MARCH 29, 2014 Meeting – Density and Land Use/Bed and Breakfast

1. Density and Land Use

It was generally agreed that the Local Trust Committee should not focus on False Bay as a special area. There was general opposition to segregation of any area on the island when it comes to proposed Official Community Plan changes. Commercial and retail and tourist accommodation uses should be considered throughout the island which would assist in creating jobs for young people, and a retirement based community is not desirable. There should be no further industrial use in False Bay.

It was generally agreed that it was important to keep the rural aspect of Lasqueti. Some felt that if there is higher density permitted, there must be enough water, firewood, energy independence, sewage disposal, etc. to live independently.

A ten acre minimum lot size, which is the status quo, is important to preserve forests, larger tracts of land, and the rural nature of the island.

Short and long term rental of guest cabins continues to be an ongoing issue. If rental was permitted, it would help to keep the young people and families on the island since current land costs make owning land prohibitive. Some fear density increase. Many felt that the need for young people and the elderly to rent guest cabins to stay on the island supersedes the fear of density increase. Also it was mentioned that that density increase is partially controlled by the passenger only ferry running over rough waters plus a lack of hydroelectric power on Lasqueti.

The prospect of opening up the Official Community Plan for a full review was mentioned.

2. B & B having Secondary Kitchens

Generally, the feeling was that secondary kitchens should be permitted in all B & B's and again, not to single out the False Bay area. There was also discussion, generally positive, about allowing dwellings and accessory buildings to have secondary kitchens.

For a complete record of the meeting in which Density/Land Use and B & B's having secondary kitchens were the topics, please refer to Attachment No. 1 of this report.

B. APRIL 26, 2014 Meeting – Parking and Hunting regulations

1. Parking

Given that there is no assistance or action being taken by the Ministry of Transportation and Infrastructure or the RCMP in regards to the over-abundance of parked cars on False Bay hill, the only island-wide solution for the Local Trust Committee to take is to allow the option for private land owners to park cars from the general public on their properties (i.e. allowing a parking lot home enterprise business). This option should be made as easy as possible for the land owner in that regulations for these parking lots should be limited. Owners taking part in this option should have the responsibility of policing the condition of their parking lots and the cars parked on the lots (controlling pollution). This could be done through a bond and/or contract with the people using the parking lot and the parking lot owner; and also using oil pans/mats to soak up oil. Also Environment Canada can enforce polluters.

There was general support for a land use bylaw amendment with regulations to limit the risks on and off the property that is permitted to have the parking lot. Some of these regulations could include limits on the size of operation, number of vehicles parked, minimum area of lot, etc. The Church on Main Road currently allows parking and could be used as a model.

2. Hunting

There are already substantial regulations from other agencies in place relating to hunting, and while there have been recent concerns about the use of firearms in False Bay, it was generally agreed that firearms regulations should be addressed at a different venue (e.g. the Lasqueti Community Association meetings).

For a complete record of the meeting held in which Parking and Hunting regulations were the topics, please refer to Attachment No. 2 of this report.

C. Overall Summary

Generally, it was felt that there should not be a False Bay Master Plan, and that “parking” is the only issue that needs to be addressed by the Local Trust Committee. In response to this, at the May 1, 2014 Lasqueti Island Local Trust Committee meeting, the Local Trust Committee resolved as follows:

LA-2014-009

It was MOVED and SECONDED,

That staff be directed to develop a Bylaw amendment which would allow parking as a permitted use in a home based business.

CARRIED

This draft amendment bylaw will be presented to the Local Trust Committee at the July 3, 2014 business meeting.

Prepared and Submitted by:

Linda Prowse

Planner 2

May 30, 2014

Date

Concurred in by:

Courtney Simpson

Courtney Simpson, RPP, MCIP,
Acting Regional Planning Manager

June 2, 2014

Date

Attachments: No. 1 – CIM minutes of March 29, 2014

No. 2 – CIM minutes of April 26, 2014



Lasqueti Island Local Trust Committee Minutes of a Special Business Meeting to hold a Community Information Meeting

Date of Meeting: Saturday, March 29, 2014, 11:30 am
Location: Lasqueti Island Community Hall
Main Road, Lasqueti Island, BC

Members Present: Peter Johnston, Acting Chair, Local Trustee
Susan Morrison, Local Trustee

Regrets: David Graham, Chair

Staff Present: Linda Prowse, Island Planner
Jaylene Scheible, Recorder

Media And Others Present: Approximately 40 members of the public in attendance in am
Approximately 35 members of the public in attendance in pm

1. CALL TO ORDER

Acting Chair Johnston, called the meeting to order at 11:35 am. He introduced himself as the Acting Chair, filling in for Chair Graham who could not attend the meeting. He welcomed the public and introduced the Local Trustees and staff.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- Add to Section 3.3: Town Hall Session
- Add scheduled break for lunch at 12:30pm
- Add coffee break at 2:00 pm

By general consent the agenda was approved, as amended.

3. COMMUNITY INFORMATION SESSION REGARDING: FALSE BAY MASTER PLAN – LANDUSE/DENSITY AND B&B POLICIES

3.1 Presentation by Planner and Trustees

Acting Chair Johnston reviewed the reason for the Community Information Meeting and provided a brief history of the Lasqueti Island Land Use Bylaw (LUB) and the False Bay Master Plan project.

Trustee Morrison spoke to the matter of the Ministry of Transportation and Infrastructure stating that they would not assist with the removal of derelict and abandoned vehicles from the road in False Bay unless Lasqueti Island had a False Bay Master Plan.

Planner Prowse explained that the Official Community Plan (OCP) should be reviewed every five to ten years. The OCP is an overview of how the community envisions the way the island will develop in the future. The OCP consists of goals, objectives and policies to help to achieve the community's vision. The LUB consists of regulations that help put the OCP's long term goals into place.

The False Bay Master Plan is a targeted OCP review of four subjects being:

- Density and land use;
- Bed and breakfasts (B&Bs) having secondary kitchens;
- Parking; and
- Hunting.

She noted that the subjects of today's Community Information Meeting (CIM) are land use/density and Bed and Breakfast (B&B) secondary kitchens. She further noted that the subjects of the CIM being held on April 26, 2014, would be parking and hunting.

Planner Prowse explained that she would collect input and feedback from the CIMs and create a report for the Local Trust Committee. .

3.2 Questions & Answers

Approximately 25 people spoke and the following summary of comments was recorded:

- A number of people wanted to discuss the issue of parking in the False Bay area. Trustee Morrison clarified that the Ministry of Transportation and Infrastructure required a False Bay Master Plan in order to deal with abandoned vehicles. Since then it has become clear that abandoned vehicles are the jurisdiction of the RCMP and that the RCMP cannot remove vehicles as there is no impound lot on Lasqueti.

- False Bay should not be designated as a special area. Official Community Plan (OCP) policies for these four subjects being reviewed should apply to the whole island.
- Commercial uses such as post offices, banks, credit unions, liquor stores, libraries and retail stores should not be exclusive to the False Bay Area. Historically, the “village core” of Lasqueti has moved, and there should not be a concentration of business uses in False Bay only. This is very important as having business uses outside False Bay helps to create jobs for our children. We do not want a retirement-based community. False Bay’s primary use is for the ferry landing and for the sale of gasoline.
- Parking should be encouraged on private property by allowing paid parking to be a home enterprise. There should be no expansion of industrial use in False Bay as there is concern of pollution and excessive noise by existing industry.
- On-road parking and walking pathways in the False Bay area are matters under the jurisdiction of the Ministry of Transportation and Infrastructure.
- The parking issue in False Bay should be the main focus of the Local Trust Committee this term.
- B&Bs should be permitted anywhere on the island, and secondary kitchens for B&Bs should be permitted. However, B&Bs are governed by Provincial regulations which should be looked into. On Lasqueti, B&B operations are permitted anywhere. However, a responding rezoning application costing \$1650 would be required if a person wished to rezone to allow for Tourist Accommodation, which is a different zoning than B&B.
- Anything that supports keeping people in the community and keeping the community healthy should be supported.
- Homes and workshops should be permitted to have secondary kitchens.
- It makes sense to increase the density around False Bay, however, we want to maintain the rural nature of Lasqueti Island. If we have higher density, we need to make sure we have enough water, firewood and sewage disposal so that we can live independently.
- There are good reasons to limit density and kitchens. There is also a difference between vacation rentals vs. guest cabins.
- Bylaws were put into place to control density. There is a fear of density and it has now overtaken the need to create space for the young people. Density should not be feared on Lasqueti Island as it is mainly controlled by a passenger only ferry that runs over rough waters, plus a lack of hydroelectric power. We need some permanent lower priced rentals for the elderly and young families and it makes sense to increase the density around False Bay.
- Guest cabins and tourist accommodation that are illegal should be legalized. Bylaw enforcement does not seem to exist on Lasqueti Island.

- Acting Chair Johnston gave a brief history about bylaw enforcement on Lasqueti Island and how there are relatively few complaints.
- When parking regulations are amended, also change so that dwellings can have more than one kitchen.
- The existing uses in False Bay regarding B&Bs having two kitchens should be legitimized. We should restrict cabin rentals to cabins on 10 acres or more but should be able to do long or short term rentals. We should freeze any more industrial use of land in False Bay.
- There is a need for more options for renters and other non-land owners, perhaps allowing for some areas of increased density, example given of rezoning on Galiano Island. It was much less expensive to buy land on Lasqueti Island 30 years ago. The current cost of land is prohibitive to young people and families.
- The current LUB was put into place to control density. There is fear of the gentrification of the island, therefore it is necessary to take some risks to create space for more young people.
- We must maintain reasonable density ensuring access to water, sewage disposal and ability to be energy independent.
- There could be a rezoning application or temporary commercial use permit that would allow for more density on certain lots to allow for long term rentals. We can make these accessible by lowering application fees.
- Definitions of B&B's, tourist accommodations, and long term rentals should be included in the OCP.
- It is important to many to maintain the rural character of the island. Each person must be able to be energy independent, have access to water, and maintain sewage disposal.
- All existing guest cabins should be "grandfathered", however anyone who subdivides in the future should not be able to build guest cabins.
- According to the 2011 census, there were 245 dwellings on Lasqueti Island at that time. There is a difference between actual population and potential density. Not everyone is willing or capable of living on Lasqueti Island, and this controls density.
- Density and growth must be allowed. It takes at least 800 people to create a healthy and sustainable local economy, and Lasqueti Island has a population of 425.
- Objection to the word "Village" for False Bay, as this misrepresents what we want False Bay to become. Please consider the amount of noise already in the False Bay Area.
- Opposition to the segregation of any area on the island when it comes to OCP changes. Parking is the existing problem and should be dealt with. We need to find solutions outside of changing the OCP.
- The fees for Rezoning and Temporary Use Permits should be lessened.
- Would like to permit the rental of guest cabins to long term, however, people should have to pay to do this and neighbours should have a say in this matter.

- Anyone should be able to have a parking lot on their property. The parking lot will only be used where it is needed.
- If we change density to less than 10 acres, we would lose our forests and rural nature. There should be appreciation of the larger lots as people on the smaller lots benefit from them. Even 10 acre parcels are too small if all the lots on the island were divided into this size.
- The other issues should be left alone and parking should be dealt with. Consciousness raising in the community and talking to neighbours about the parking issue helps and we should deal with this issue ourselves.
- We already have a simple OCP and LUB in place. We should not have any regulations about renting guest cabins, but keep the guest cabin size regulated. Young people are needed on this island and need to live in the cabins.
- Young people want to come back to Lasqueti Island to live permanently and it is very hard for young people right now to live and work on the island.
- We should open up the OCP for a full review. Trustee Morrison noted that this would need to be an initiative of the Local Trust Committee and funding would need to be requested for this in the next fiscal year.
- Discussions about future changes to the OCP could begin within the community and this would cost nothing.

3.3 Town Hall Session

As the discussion regarding land use/density and B&B secondary kitchens in False Bay ballooned into discussion of other related subjects (parking, guest cabins) the Town Hall session was not necessary

4. NEXT MEETING DATE

4.1 Community Information Meeting

Saturday, April 26, 2014 at 11:30 am at Lasqueti Island Community Hall,
Main Road, Lasqueti Island, BC

Regarding: False Bay Master Plan - Parking, Hunting and General Policies

4.2 Regular Business Meeting:

Thursday, May 1, 2014 at 11:00 am at the Lasqueti Island Arts Centre,
Main Road, Lasqueti Island, BC

5. ADJOURNMENT

By general consent the meeting adjourned at 2:33 pm.

Peter Johnston, Chair

CERTIFIED CORRECT:

Jaylene Scheible, Recorder



**Lasqueti Island
Local Trust Committee
Minutes of a Special Meeting
to hold a Community Information Meeting**

Date of Meeting: Saturday, April 26, 2014, 11:30 am
Location: Lasqueti Island Community Hall
Main Road, Lasqueti Island, BC

Members Present: David Graham, Chair
Peter Johnston, Local Trustee
Susan Morrison, Local Trustee

Staff Present: Linda Prowse, Planner 2
Marnie Eggen, Planner I
Melinda Auerbach, Recorder

Media and Others Present: There were approximately twenty-eight (28) members of the public

1. CALL TO ORDER

Chair Graham called the meeting to order at 11:35 am. He welcomed the public.

Chair Graham introduced himself, Local Trustee and the staff members.

2. APPROVAL OF AGENDA AND INTRODUCTIONS

By general consent the agenda was approved.

3. COMMUNITY INFORMATION SESSION REGARDING: PARKING AND HUNTING POLICIES

Chair Graham explained that the purpose of this special meeting was to solicit comments and to answer questions on the draft False Bay Masterplan regarding parking and hunting policies. He introduced Planner Prowse, Planner Eggen, and Trustees Morrison and Johnston for presentation of the particulars of the draft revisions.

3.1 Linda Prowse, Islands Trust Lasqueti Island Planner and Local Trustees

Planner Prowse explained that printed information was available for participants, if they wished to have it. She also advised that the public could send in comments about this matter through email or regular postal service to the Islands Trust office.

Trustee Johnston gave background on the parking issue specifically at False Bay. More than three years ago action was taken with respect to the parking situation in the False Bay area of Lasqueti. Those actions included multiple discussions and meetings with both the RCMP and the Ministry of Transportation and Infrastructure (the Ministry) with the eventual result that parking of vehicles on the road allowance was solely within the jurisdiction of the Ministry; not local governments. Therefore, today's meeting is about actions that the Local Trust Committee (LTC) can take with respect to private land. The discussion today will mainly center on potential bylaw amendments to allow vehicle parking lots as a permitted home enterprise.

Trustee Morrison recounted the numerous meetings with both the RCMP and the Ministry that were frustrating and inconclusive. The Trustees decided that their only tool for this situation was to consider amending the Land Use Bylaw to allow parking as a permitted use. While this may help with vehicles that are used by seasonal residents it does not address the issue of derelict vehicles left on the road allowance for many years.

3.2 Questions and Answers

PARKING

The following is a summary of the comments made during the meeting:

- Rumours have been circulating that the Powell River Regional District (PRRD) was planning to purchase a property behind the Arts Centre for a public parking lot and if that is the case why have this meeting;
- Trustee Johnston had spoken with the Regional Director about this specific rumour and PRRD has no interest in that proposal;
- Parking in the False Bay area is an issue that will not go away and the many stop gap solutions proposed over the years have not worked so allowing parking as a home enterprise, anywhere on the island should help;
- In answer to a question about how derelict vehicles could be removed from the False Bay area, Trustee Morrison clarified that there is no impound lot on Lasqueti Island;
- Is it not possible to clear a road adjacent to the Arts Centre so that vehicles could park there? The Ministry told Trustee Morrison that they would not allow vehicles to park there for long periods of time;
- The only island wide solution for part of the parking issue would be to allow private parking lots as a home enterprise, however, there should be limited regulations regarding screening, set backs, etc.;
- There were numerous comments of support for the foregoing comments;
- The situation now is an unsafe, unsightly mess which could be made better if allowed on private land;
- There is often not much difference between a parking lot or a vehicle junk yard so some regulations are necessary and personal liability and environmental degradation have to be addressed by the private land owner;
- Numerous comments were made about how the landowner would need to police the condition of the parked vehicles and make provision for any potential pollution from the vehicles; and that there would be a need for a contractual agreement between the landowner and the vehicle owner;

- While there is the ability to have commercial enterprises on private land there are also responsibilities, so a permitted use for parking lots should have regulations like there are for the current industrial and commercial uses, there should be a bond required of the landowner for clean up of land, the onus needs to be on the landowner not the car owner;
- The parking and derelict vehicles at False Bay have been a problem for many years and now there is a good alternative to help to alleviate the problem, however, if there are onerous regulations, landowners will not do this;
- The idea of a bond is a good one; perhaps a bond could come from vehicle owners when a vehicle is brought to the island and this money could be used by the community if the vehicle is not taken off the island;
- There are divergent views on how many derelict vehicles there are in the False Bay area, if a landowner is willing to put these vehicles on their land that would free up parking spaces in the False Bay area;
- In response to this suggestion, many people reiterated that the RCMP had advised that the legal owner of the vehicle had to be contacted to give permission to move the vehicle;
- The Trustees reminded the audience that the Islands Trust is the entity to introduce Land Use Bylaw amendments, not remove derelict vehicles; removal of derelict vehicles in prior years has occurred through the Regional District and private individuals;
- Fines can be issued to the registered owners of derelict vehicles and residents can help to make this happen by providing as much vehicle information to the RCMP as possible;
- In response to a question, Planner Prowse provided information on the current zoning for industrial uses and the regulations in place with respect to them;
- There are no regulations for industrial zones addressing pollution controls; so allowing a permitted use change could also include pollution regulations;
- The False Bay hill should only be used for temporary parking and long term parking should occur elsewhere; contracts for parking can cover all of the issues brought up at this meeting; there is runoff from vehicles that goes into False Bay and there needs to be a way to control this;
- There needs to be an Official Community Plan (OCP) review because there is no discussion of climate change occurring; stop talking about cars;
- The need to discuss climate change is an important point;
- Someone suggested that oil pans be made to go under vehicles that leak fluids and someone else said there are oil mats, in False Bay now that can be used for that;
- There is a lot of interest to allow for a bylaw amendment to go forward on this issue with a minimum of regulations; would the LTC be able to provide an information sheet to interested landowners about the liabilities and responsibilities involved;
- Islands Trust does not make those types of information sheets;
- General support for the development of the bylaw amendment with regulations to limit the risks on and off the zoned property;
- Having come to the meeting with the idea that there should be no limits or restrictions on a parking lot zone, can now see the value to limits on size of operation, number of vehicles, and area of lot; should be an industrial zone;
- There will always be derelict vehicles as there is no incentive to move them;

- If landowners, with parking lot zoning, create messy sites Environment Canada can enforce on them quickly, perhaps call this use a warehouse facility not industrial so that if a vehicle owner does not pay rent, a warehouse lien can be applied;
- A landowner who currently has three parking spots on their property observed that the strongest comments about the parking situation in False Bay comes from seasonal residents, and she also has contracts with the vehicles owners which cover all of the issues brought up;
- Islands Trust should talk to Environment Canada to put pressure on the Ministry to clean up the roadway;
- There is no need for the Islands Trust to be involved in a contract between a landowner and vehicle owner;
- When contacting government authorities it is better if there are a large number of calls;
- The cause of the parking problem is the owners of derelict vehicles;
- Because there are threats to health from pollution problems, the community has the right to make some regulations for owners of parking lots to adhere to;
- People have legitimate concerns about junkyards next door, however, they are ignoring the junkyard at False Bay now; once a bylaw amendment is made it can be amended if problems arise, don't try to cover all contingencies from the beginning;
- All of the comments today are about providing space for temporary parking spots at False Bay, what incentives are there for long term parking in a private lot, if your vehicle is insured and not causing pollution problems;
- There are vehicles that get taken off the island and this needs to be publicized more so that more people will do the same;
- How can more vehicles be moved off the hill at False Bay which makes a major safety hazard, how to create an incentive to have fewer vehicles parked on the hill, who can the LTC lobby for removing vehicles from the hill;
- Since there is parking allowed on the Church lot there must be some model for a private land parking lot use;
- With respect to derelict vehicles parked on the hill, a possible solution is for the Local Trust Committee to create an amendment to the Land Use Bylaw to allow parking lots on private property as a home enterprise, thus, alleviating the issue of parked cars on the roadway in False Bay.
- The Trustees reiterated that the Ministry of Transportation requested that the LTC provide a Parking Masterplan so that the Ministry could confirm what it was the community wanted; and if a Master Plan was provided to the Ministry, the Ministry said that it could perhaps hand jurisdiction of parking on the roadway to the Powell River Regional District. However, the Ministry has since reversed its position and has declined allowing the Regional District to take control over roadway parking on Lasqueti.
- Can this community decide where the parking zones are and hire someone to ticket vehicles in violation;
- Not while roads are under the jurisdiction of the Ministry;
- The most that the LTC can do is amend the bylaw to allow parking lot use;
- The Church parking lot shows that such use is needed and used; also, that the three day parking limit on the hill is abided by;
- Further comments in support of allowing parking lots as a permitted use; suggestion of 4 or 5 is an appropriate number for home enterprise use;

- 90% of people do not respect rules, don't agree with pay for parking;
- Provide a clear definition of parking lot;
- Parking is an allowed use in the garage zone only.

HUNTING

Chair Graham introduced the second part of the meeting and invited the Trustees and Planner to speak to the issue of hunting.

Trustee Morrison explained that the Islands Trust has no jurisdiction regarding hunting or the discharge of firearms, those regulations fall under the Provincial Ministry of Environment (the Ministry).

Planner Prowse advised that the LTC could add policies to the OCP to encourage the Ministry to enforce their regulations on Lasqueti.

Comments from the audience included:

- The Ministry has no authority to prohibit shooting, they make regulations about hunting, communities have to go elsewhere for no shooting regulations;
- Advocacy policies about shooting should not apply to the False Bay area only; they need to be applied to the whole island. This topic should be a community forum sponsored by the Lasqueti Community Association (LCA);
- While there are recent concerns about the use of firearms in the False Bay area there was general agreement that any regulations about firearms need to be addressed at a different venue, e.g. LCA community forum;
- There are already substantive rules about hunting and this meeting is not the place to introduce more regulations which would have no effect;
- There are rules in place and incidents continue to occur, who should people make their complaints to;
- More signage on property would be helpful, it should be made clear that this community expects the existing rules to be followed, hunting is a highly regulated activity;
- Do bow hunters fall under the same regulations;

OTHER ISSUES

Chair Graham opened up the discussion to any other topics the participants wanted to bring forward.

- The Regional District should have been here today to speak to the parking issue;
- One participant told of her attempt to use a small vehicle (top speed 30 KM per hour) and that she was unable to get insurance because the RCMP would not allow them on Lasqueti roads which are posted at 50 KM per hour;
- Municipalities are able to regulate slow moving vehicles and regional districts may also be able to;
- There was a request that the LTC provide assistance to allow for slow moving vehicles on Lasqueti;
- The Centurion VII will be returning to the island the first week in May;

- For general information, the barge operator is willing to take any vehicle off island, if it can roll, without charge.

4. NEXT MEETING DATE

The next meeting will take place on Thursday, May 1, 2014 at 11:00 am at the Lasqueti Island Arts Centre, Main Road, Lasqueti Island, BC.

5. ADJOURNMENT

By general consent the meeting adjourned the meeting at 2:07 pm.

David Graham, Chair

CERTIFIED CORRECT:

Melinda Auerbach, Recorder



STAFF REPORT

Date: June 10, 2014

File No: 6500-20
LUB Amendment –
Parking Lot Home
Enterprise

To: Lasqueti Island Local Trust Committee
For the meeting of July 3, 2014

From: Linda Prowse, Planner 2

CC: Courtney Simpson, Regional Planning Manager
Marnie Eggen, Planner 2

Re: Parking Lot Home Enterprise – Draft Land Use Bylaw Amendment

PURPOSE:

The purpose of this staff report is to introduce a draft amendment to the Land Use Bylaw (LUB) allowing parking as a home enterprise based on discussion to date by the Lasqueti community and the Local Trust Committee.

BACKGROUND:

At the May 1, 2014 Local Trust Committee (LTC) meeting, staff received direction via Resolution LA-2014-009 to proceed with a draft LUB amendment to allow parking as a home enterprise. The draft bylaw (attached) represents community verbal comments from two recent community information meetings, plus written comments received by the public to date, and LTC comments.

PUBLIC INPUT:

The LTC hosted two recent community information meetings. Although “parking” was not the subject of the March 29, 2014 meeting in which approximately 40 members of the public attended, comments relating to parking were recorded. “Parking” was one of the subjects of the April 26, 2014 community information meeting in which approximately 28 members of the public were in attendance.

CURRENT BYLAWS

1. Current Official Community Plan (OCP) Policies

A. Residential Areas

The OCP currently allows Home Enterprise in residential areas, and the following objective and policy applies:

In the Residential Land Use designation:

The Lasqueti community wants to ensure that the existing patterns of low density land use and sustainable self-sufficient lifestyle continues.

Objective 3 - To support the establishment of low scale, low intensity home based enterprises.

Policy 4 - Home enterprises may be conducted on any parcel but should not cause pervasive intrusions on the peaceful enjoyment of nearby properties that exceed or differ from what would otherwise be experienced if the property was used for rural residential purposes.

B. Enterprise and Resource Areas

Although parking as a home enterprise will only take place in the residential designated areas, it is worth mentioning the current OCP policies that relate to parking in the Enterprise and Resource areas.

In the Enterprise and Resource: Commercial, Industrial, Agricultural and Forestry Land Use Designation:

Rural character and scale, low site coverage, adequate setbacks and the provision of off-street parking are important considerations in maintaining an acceptable scale and rural nature of development.

Policy 8 Existing established businesses which do not have adequate off-street parking at the adoption date of this Bylaw may continue to operate without the provision of such parking facilities; any expansion of such a business must conform to the parking standards of this Bylaw.

Policy 14 In recognition of the need for a place to park vehicles, a commercial parking lot may be considered on a site specific basis and should be subject to designation and regulation after a community process has considered implications; when considering an application for a commercial parking lot the following criteria should be considered: setbacks from all property lines; protection from runoff of vehicle fluids, and environmental and social effects.

2. **Current Land Use Bylaw (LUB) Regulations**

Current LUB regulations relevant to parking include the following:

"Definitions:

*"public service" means a use, building or structure providing for community functions and services and includes public schools, fire halls, community halls, **parking areas**, public boat launching ramp, telephone facilities, outpatient clinics and seniors facilities but not including nursing homes;*

3.3 Parking Requirements

(1) Location

- (a) All required off-road parking spaces must be located on the parcel on which the use, building or structure being served is located, or on an adjoining parcel that constitutes a part of the same site or premises and is in the same zone. Parking spaces located on a highway must not be taken into account in determining compliance with the standards in Subsection 3.3 (4) (a) Table 1.*
- (b) All parking for disabled persons must be located adjacent to a main entrance of the building for which the parking is required and marked with a sign or symbol identifying each space reserved for such parking.*

(2) Design Standards

- (a) Parking spaces must be at least 2.75 metres (9.0 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2.0 metres (6.6 feet).*
- (b) Parking spaces for disabled persons must be a minimum of 3.7 metres (12.1 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2 metres (6.6 feet).*
- (c) Parallel parking spaces must, despite the foregoing, have a length of 7.5 metres (24.6 feet).*

(3) Calculation

- (a) In calculating parking spaces required in Article 3.3 (4)(a) Table 1, one additional space must be provided in respect of any fractional floor area, number of seats or berths or other unit of measurement, and the requirements for sites on which more than one use occurs are cumulative.*

(4) Number of Off-Street Parking Spaces

(a) Every owner of land must provide and maintain on the parcel off-road motor vehicle parking spaces in accordance with the provisions of Table 1:

Table 1 Number of Off-Street Parking Spaces		
Use of Building or Parcel	Minimum Number of Parking Spaces Required	Minimum Number of Parking Spaces Required for Disabled Persons
<i>Retail Stores</i>	<i>1 per 23.2 square metres (250 square feet) of floor area</i>	<i>Greater of 1 or 1 per 20 parking stalls</i>
<i>Restaurants, Lounges</i>	<i>1 per four (4) seats</i>	<i>Greater of 1 or 1 per 20 parking stalls</i>
<i>Health Centre, Assisted Living Housing</i>	<i>1.0 per bedroom, plus one per employee</i>	<i>Greater of 1 or 1 per 5 parking stalls</i>

STAFF COMMENTS:

The main objective of allowing parking as a home enterprise is to make an effort to alleviate the number of vehicles that are parked on Main Street on False Bay hill. There is public support for allowing parking as a home enterprise, and additionally, there is also a call for encouraging a minimum of regulations thereby encouraging and making it easier for land owners to consider this endeavor.

In keeping with the current OCP policies, when drafting regulations, it is important to consider social and environmental effects, as well as impact on nearby properties, of a parking lot being conducted as a home enterprise. The following should be considered:

1. Define "Parking Lot Home Enterprise"

Rationale – It is important to define specific uses to provide certainty and clarity when interpreting the bylaw meaning.

Proposed:

"parking lot home enterprise" means a parking lot containing an open area for one or more motor vehicles to accommodate clients, customers or residents of the private lot, which has adjacent access to permit ingress or egress of motor vehicles to a street by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted"

2. Define the different types of lot lines

Rationale – It will be suggested that setbacks and screening provisions be established between the parking area and lot lines, therefore it is necessary to define lot lines.

Proposed:

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or the boundary of a lot as otherwise described under the *Land Title Act*; and

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan.

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line.

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line.

3. Set the **lot size** that is permitted to have parking as a home enterprise, AND the **number of cars permitted** up to a maximum in a parking area depending upon the lot size.

Rationale – This is required to meet the OCP policy of considering impact on nearby neighbours.

4. Impose **setbacks and screening** from property lines.

Rationale - This is required to meet the OCP policy of considering impact on nearby neighbours. Note that there are already screening provisions in the LUB that will apply, and they are as follows:

“3.2 Landscape Screening

(1) Where a landscape screen is required by this Bylaw, it must be provided in the form of:

- (a) existing vegetation of the required height that provides a continuous, permanent visual screen between the uses being separated; or
- (b) a row of drought-tolerant evergreen plants that, at maturity, will attain the required height and provide a continuous, permanent visual screen between the uses being separated;
- (c) the landscape screen must be unbroken except for access drives or walks; and
- (d) in the case of Subsection 3.2 (b), a screen in the form of a fence shall be sited to mask between the uses being separated until vegetation has matured and provides a permanent visual screen.”

5. Determine the surface required to protect the environment from runoff of vehicle fluids; and determine the size of the parking stalls.

Rationale – This is required to meet the OCP policy of considering environmental effects.

Proposed:

3.6 Home Enterprise Provisions

- (c) The following regulations apply to Parking Lot home enterprise:

- (i) parking lot home enterprise must only be located on lots 1 acre (.40 hectare) or larger;
- (ii) no part of the parking area may be a paved surface;
- (ii) parking spaces will be limited to a maximum of 15 vehicles;
- (iii) the entirety of the parking area must be screened from adjacent views by a landscape screen as required in Section 3.2 and must be setback as follows:
 - 3 metres from interior side and rear lot lines;
 - 3 metres from front and exterior lot lines;
 - 30 metres from a watercourse;
 - 30 metres from the natural boundary of the sea.
- (iv) Notwithstanding Section 3.3 of this bylaw, only the following design standards apply to home enterprise parking spaces:
 - Parking spaces must be at least 2.75 metres (9.0 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2.0 metres (6.6 feet).
 - Parking spaces for disabled persons must be a minimum of 3.7 metres (12.1 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2 metres (6.6 feet).

Anglican Church, Arts Centre, and Vacant lots

It is worth mentioning that the scope of this project is for an amendment to be made to the LUB to allow Parking Lot Home Enterprise use. The LUB currently allows Home Enterprise use in the Land Based (LB) zone and the home enterprise must be accessory to the principal residential use of the property. Thus, the LUB does NOT permit home enterprise (including the proposed parking lot home enterprise use) on vacant lots or on properties such as the Anglican Church or Arts Centre, even if these lots are zoned as "Land Based". Again, in a nutshell, the current Home Enterprise provisions in the LUB necessitate that a home enterprise must be accessory to a principal residential use of the property and that home enterprise use must be conducted by a minimum of one resident. To allow a commercial parking lot on vacant lots or on lots in the LB zone in which a residential use is not taking place would require either a Temporary Use Permit or rezoning to allow a commercial parking lot.

NEXT STEPS:

Once the attached draft bylaw is considered and revised to reflect any changes, the LTC can consider first reading, referral to agencies, and set a public hearing date.

RECOMMENDATIONS:

THAT the Lasqueti Island Local Trust Committee:

1. Give First Reading to Bylaw No. 89, cited as "Lasqueti Island Land Use Bylaw 78, 2005, Amendment No. 1, 2014";
2. Direct staff to refer Bylaw No. 89 to the Advisory Planning Commission, First Nations, the Ministry of Transportation and Infrastructure, Ministry of Environment, BC Ferries, and the Powell River Regional District; and
3. Direct staff to arrange for a special meeting and public hearing to be held in September, 2014.

Prepared and Submitted by:

Linda Prowse

June 10, 2014

Linda Prowse, Planner

Date

Concurred in by:

Courtney Simpson

June 20, 2014

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. Draft Land Use Bylaw Amendment

Lasqueti Island Local Trust Committee

BYLAW NO. 89

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

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

1. Bylaw No. 78, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Lasqueti Island Land Use Bylaw 78, 2005, Amendment No. 1, 2014”

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

SECRETARY

CHAIRPERSON

Lasqueti Island Local Trust Committee

Bylaw No. 89

Schedule 1

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

a) To Part 3, Section 3.6 Home Enterprise Provisions insert a new article 3.6(c) as follows:

"3.6 Home Enterprise Provisions

c) the following regulations apply to Parking Lot home enterprise:

- (i) parking lot home enterprise may only be located on lots 0.4 ha (1 acre) or larger;
- (ii) no part of the parking lot area may be a paved surface;
- (iii) parking spaces will be limited to 5 spaces per 1 acre of lot area to a maximum of 15 vehicles;
- (iv) the entirety of the parking area must be screened from adjacent views by a landscape screen as required in Section 3.2 and must be setback as follows:
 - 3 metres from interior side and rear lot lines;
 - 3 metres from front and exterior lot lines;
 - 30 metres from a watercourse;
 - 30 metres from the natural boundary of the sea.
- (v) Notwithstanding Section 3.3 of this bylaw, only the following design standards apply to home enterprise parking spaces:
 - Parking spaces must be at least 2.75 metres (9.0 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2.0 metres (6.6 feet).
 - Parking spaces for disabled persons must be a minimum of 3.7 metres (12.1 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2 metres (6.6 feet).

b) To part 1.1 Definitions:

i. add a new definition "parking lot home enterprise" in alphabetical order as follows:

"parking lot home enterprise" means a parking lot containing an open area for two or more motor vehicles to accommodate clients, customers or residents of the private lot, which has adjacent access to permit ingress or egress of motor vehicles to a street by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted;"

ii. add a new definition of "lot line" in alphabetical order as follows:

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or the boundary of a lot as otherwise described under the *Land Title Act*; and

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan.

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line.

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line."

PARKING AS A HOME ENTERPRISE - BYLAW NO. 89****COMMUNITY CONSULTATION PLAN****GOALS of Project COMMUNITY Communication**

- *To describe the process, timeline and opportunities for input to property owners*
- *To empower property owners and residents to have their say and demonstrate that they are being heard and their comments are valued*
- *To provide accurate, balanced and objective information*
- *To obtain feedback, ideas and advice on the topic area and incorporate this in the decision making process as much as possible*

Communication Action Plan – Updated June 4, 2014

Method	Key content / purpose	Cost	Target Date
<i>Website updates</i>	All project documents and meeting notices to website for community information	\$0	ongoing
<i>Newsletter #1 (send with a summary of the Staff Report dated October 1, 2013)</i>	Description of the timeline, process and topic areas, and request for preliminary comments on the four topic areas	\$400	November, 2013
<i>Ongoing articles in the Our Isle and Times from Local Trustees</i>	Up to 6 monthly trustee reports giving description of the timeline and process and providing updates. Solicit further comments and ideas from community.	\$300	Winter 2013-2014
<i>LTC and staff receive preliminary comments over the winter</i>	Gather preliminary comments, advice and ideas from the public on the four topic areas via mail and e-mail and telephone	\$0	Winter 2013-2014
<i>Newsletter #2 inviting public to CIM #1 to discuss General False Bay Policies, Density and Bed and Breakfast policies</i>	Update on project and request community attendance at CIM – Density, Bed and Breakfast, and General False Bay Area policies	\$350	Island mail drop and mail to off island property owners
<i>Hold CIM #1 Density/Bed and Breakfast and general False Bay policies</i>	Consultation with community to obtain input to be considered for incorporation into draft Master Plan – density, bed and breakfast, and general False Bay Area Policies	\$350	Hold March 29, 2014
<i>Newsletter #3 inviting public to CIM #2 to discuss Hunting and Parking and general False Bay policies</i>	Update on project and request community attendance at CIM – Parking, Hunting and General False Bay Area policies	\$400	Island Mail drop and mail to off island property owners and advertise in Our Isle and Times April, 2014 edition

Method	Key content / purpose	Cost	Target Date
<i>Hold CIM #2 – Hunting and Parking</i>	Consultation with community to obtain input to be considered for incorporation into draft Master Plan - parking and hunting and general False Bay Area policies	\$350	Hold April 26, 2014
<i>Staff report summarizing CIM's</i>	LTC receive report	\$0	July 3, 2014
<i>Draft staff report and Parking LUB amendment for LTC review and possible First Reading, referral to First Nations and agencies and Advisory Planning Commission, and set public hearing date</i>	LTC reviews the draft bylaw and gives First Reading. Legislated process of sending out a proposed bylaw for comment commences. Public hearing can be scheduled 30 days after agency comment deadline (e.g. agencies have until August 10 to give comments, then public hearing can be scheduled 30 days after the August 10 response deadline	\$0	July 3, 2014
<i>Bring agency comments to the Local Trust Committee</i>	Bring agency comments to Local Trust Committee for any possible amendments to the proposed bylaw.	\$0	August 28, 2014
<i>Advertise public hearing, send out public notification, and Hold Public hearing</i>	Need to hold special meeting to have this public hearing. Legislated public hearing process	\$1550	September, 2014
<i>LTC Considers 2nd and 3rd readings and referral to Executive Committee</i>	Legislated process	\$0	October 16, 2014
<i>The LTC considers adopting bylaw</i>	Bylaw adopted by resolution without meeting	\$0	End of October, 2014
<i>Land Use bylaw amendment consolidated into the Land Use Bylaw</i>	Post updated land use bylaw to the website and send hard copies to the LTC members and the APC members	\$0	November, 2014

**** NOTE:** At the May 3, 2014 LTC meeting, it was established that the project would change so that "Parking as a Home Enterprise Bylaw Amendment" would be the only topic being considered.

Lasqueti Parking as a Home Enterprise– BL No. 89 Project Charter Date: June 4, 2014

Purpose This project will enact new Land Use Bylaw (LUB) regulations to allow parking as a home enterprise, thereby potentially improving the safety and aesthetic appearance of False Bay Hill by having less, or ideally no cars parked illegally.

Background This project was previously named "False Bay Master Plan", but the project changed and is now strictly to be for a regulation change to allow parking as a home enterprise. The False Bay Parking review was initiated because the Powell River Regional District requested assistance on improving the parking issues on the road right of way in the False Bay Area.

Objectives

- Develop an amendment to the land use bylaw to allow parking as a home enterprise
- Adoption of LUB parking amendment bylaw in late 2014 that is consistent with the Islands Trust Policy Statement.
- Consultation with property owners and residents

Scope & Deliverables

- Parking becoming a permitted use (home enterprise) Regulation (LUB) Review
- Inform/notify community via newsletter(s), neighbourhood meetings; and community information meeting(s) and public hearing

Workplan Overview

Deliverable/Milestone	Date
Report with Draft Bylaw No. 89 to Local Trust Committee. Direction to give bylaw First Reading and refer bylaw to First Nations, APC and agencies and set public hearing date.	July 3, 2014
Hold special meeting and public hearing in September, 2014	September, 2014
Consider 2nd, and 3rd readings and referral to the Executive Committee	October 16 2014
Consideration of Adoption by Resolution without meeting	October, 2014
Consolidate amendment into Land Use Bylaw	November, 2014

RPM Approval:

Courtney Simpson

Date:

LTC Endorsement:

Resolution #:

Date:

Project Team

Lasqueti Island LTC	
Marnie Eggen, Planner	Project Manager

Budget

Budget Source: RAR Project

Item	Cost
Public Consultation (2 meetings and 3 mailouts)	1800
Public Hearing Legislative Process	1550
Printing	
Total	3350



STAFF REPORT

Date: June 11, 2014

File Number 6500-02 – RAR
Compliance

To: Lasqueti Island Local Trust Committee
For meeting of July 3, 2014

From: Linda Prowse, Planner 2

CC: Courtney Simpson, Regional Planning Manager
Marnie Eggen, Planner 2

Re: Riparian Areas Regulation (RAR) – Draft Land Use Bylaw Amendment

PURPOSE:

Riparian Areas Regulation (RAR) compliance is the top priority on the Lasqueti Island Local Trust Committee work program. At the May 1, 2014 Local Trust Committee meeting, the following relevant resolutions were passed:

LA-2014-010

It was MOVED and SECONDED,

that staff enter into a contract with Madrone Environmental to have a summer assessment done on Stonehouse Creek and Cocktail Cove, to determine if these two watersheds provide fish habitat making them Riparian Areas Regulation applicable; and to see if Hadley Lake could also be assessed during the 2014-2015 Riparian Areas Regulation budget.

CARRIED

LA-2014-0011

It was MOVED and SECONDED,

that staff draft a land use bylaw amendment using the setback and screening option to become compliant with the Riparian Areas Regulation excluding Stonehouse Creek, Cocktail Cove and Hadley Lake at this time.

CARRIED

The purpose of this report is to:

1. update the Local Trust Committee on the recent contract with Madrone Environmental;
2. introduce the draft RAR Land Use Bylaw Amendment using setbacks and screening to become RAR compliant; and
3. suggest a community information meeting date and possible meeting materials.

BACKGROUND:

The staff report dated April 23, 2014 and presented at the May 1, 2014 Local Trust Committee meeting gives substantial background information on this project.

STAFF COMMENTS

1. Contract with Madrone Environmental

The purpose of the Lasqueti Island watershed assessments being undertaken by Madrone Environmental is to determine watersheds that are applicable to the provincial RAR process. By determining RAR applicability, appropriate development setbacks and measures can be applied in order to preserve the integrity of riparian habitats on the island.

Madrone Environmental has been contracted to do summer assessments of Stonehouse Creek and Cocktail Cove to see if there is potential for resident fish populations to exist. In addition, Madrone will assess Hadley Lake which has been identified by the Ministry of Forests, Lands and Natural Resource Operations as being applicable to the RAR process. Madrone has been requested to provide a report on these assessments prior to September 15, 2014. The cost of this will be approximately \$5000.

2. Land Use Bylaw Amendment Using Setback and Screening Regulations for RAR Compliance

The Lasqueti Island Local Trust Committee has endorsed a setback and screening regulation for streamside protection in RAR-applicable watersheds as Lasqueti Island's preferred option to comply with the Riparian Areas Regulation.

Attached is a draft bylaw which includes provisions for definitions, setbacks, and land use activities that would be permitted within the RAR setbacks. There is also a map attached showing the Lasqueti watersheds that are RAR applicable. Note that as per the LTC's direction, Stonehouse, Hadley and Cocktail Cove watersheds are noted on the map as "currently being assessed". Once the assessment report for these watersheds is received in September 2014, the map can be updated along with any further updates requested by the Local Trust Committee at later meetings.

In regards to process, if it is important to the Local Trust Committee to expedite processing this bylaw, First Reading could be given to the bylaw at the July 3, 2014 meeting.

3. Community Information Meeting Date and Materials

The LTC should decide on a community information meeting date to obtain input from the community and make potential changes to the draft RAR bylaw. There are draft community information meeting materials, including an information flier, being brought to the July 3rd meeting for the LTC's consideration.

The attached Communications Plan suggests that this community meeting be held at the end of September. This could coincide with the suggested September public hearing date for the Parking Lot Home Enterprise bylaw.

RECOMMENDATIONS

- (1) THAT the Lasqueti Island Local Trust Committee instruct staff to arrange a Riparian Areas Regulation Community Information Meeting for a date in September, 2014.

Prepared and Submitted by:

Linda Prowse

June 11, 2014

Linda Prowse, Planner 2

Date

Concurred in by:

Courtney Simpson

June 20, 2014

Courtney Simpson, MCIP, RPP
Regional Planning Manager

Date

Attachments

1. Draft Riparian Areas Regulation Compliance LUB Amendment Bylaw No. 90
2. Riparian Areas Regulation Communication Plan dated June 11, 2014

DRAFT

Lasqueti Island Local Trust Committee

BYLAW NO. 90

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

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

1. Bylaw No. 78, cited as "Lasqueti Island Land Use Bylaw No. 78, 2005" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Lasqueti Island Land Use Bylaw 78, 2005, Amendment No. 2, 2014"

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

SECRETARY

CHAIRPERSON

Lasqueti Island Local Trust Committee

Bylaw No. 90

Schedule 1

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

- A. Delete Section 3.5 in its entirety and replace it with the following:

"3.5 Siting and Setback Provisions

(1) General

- (a) All building and structure setbacks and spatial separation requirements must be measured on the horizontal plane from the exterior finished façade of the building or structure to the natural boundary, parcel line or other point specified in this Bylaw.

**(2) Setbacks and Screening for Streams as Defined in the British Columbia
*Riparian Areas Regulation***

- (a) Terms used in Section 3.5(2) that are defined in the provincial *Riparian Areas Regulation* have the same meaning as the definition given in the Regulation, as it may be amended from time to time;

- (b) The following freshwater features, located on properties designated as 'RAR Applicable' as noted on Schedule A, being:

- (i) a watercourse, whether it usually contains water or not;
- (ii) a pond, lake, river, creek or brook;
- (iii) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (i) or (ii),

must be screened from development as defined in the British Columbia *Riparian Areas Regulation*, through the retention of all existing vegetation ONLY, in the form of:

- a 30 metre strip on both sides of the stream, measured from the high water mark;
- for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank; and
- for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank;

- (c) Applications to vary 3.5(2)(b) above will require a report from a qualified environmental professional conducted according to the *Riparian Areas Regulation* methodology.

- (d) Notwithstanding 3.5(2)(b) above, the following land use activities are permitted in the stream screening area:

- (i) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- (ii) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- (iii) repair or replacement of a septic field on the same spot;
- (iv) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- (v) With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- (vi) gardening and yard maintenance activities within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- (vii) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- (viii) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (ix) ecological restoration or enhancement projects undertaken or authorized by a public body;
- (xj) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- (xi) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- (xii) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
- (xiii) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;

- (xiv) The construction of a private trail if all of the following apply;
 - The trail is one meter wide or less;
 - No native trees are removed;
 - The surface of the trail is pervious (for example, soil, gravel or wood chips);
 - The trail is designed to prevent soil erosion where slopes occur; and
 - Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream.
- (xv) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared;
- (xvi) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared;
- (xvii) Structures used to provide micro-hydro-electricity for residential use.

(3) Setbacks for Other Streams, Creeks, Lakes, Wetlands, and Watercourses

(a) The minimum setback for buildings and structures for any other streams, creeks, lakes, wetlands, and watercourses is 30 metres, except for the following:

- (i) fence or access stairway;
- (ii) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- (iii) repair or replacement of a septic field on the same spot;
- (iv) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- (v) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared
- (vi) Structures used to provide micro-hydro-electricity for residential use.

(4) Minimum Setback for Buildings and Structures from the Natural Boundary of the Sea

- (a) The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:
 - (i) 5.0 metres (16.4 feet) for a boathouse;
 - (ii) 15 metres (49.2 feet) for all other buildings and structures;
 - (iii) despite Clause 3.5(6)(a), where the frontage on the sea is adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings and structures may be sited as close as 7.5 metres (24.6 feet) from the natural boundary of the sea.
- (b) The minimum allowable difference in elevation between the underside of the lowest floor in the building or structure and the elevation of the natural boundary of the sea must be 1.5 metres, except for a boathouse.
- (c) Where fill is used to attain the elevation required in this section:
 - (i) the minimum setback distance required shall be measured from the toe of the fill slope to the natural boundary of the sea; and
 - (ii) the face of the fill slope must be protected against wave action from floodwaters.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

(5) Setbacks and Screening from Nesting Trees

- (a) A protective screen of natural vegetation must be retained within a 30 metres (98.4 feet) radius of the trunk of a tree bearing nests of herons, eagles, ospreys, vultures, falcons, hawks and owls."

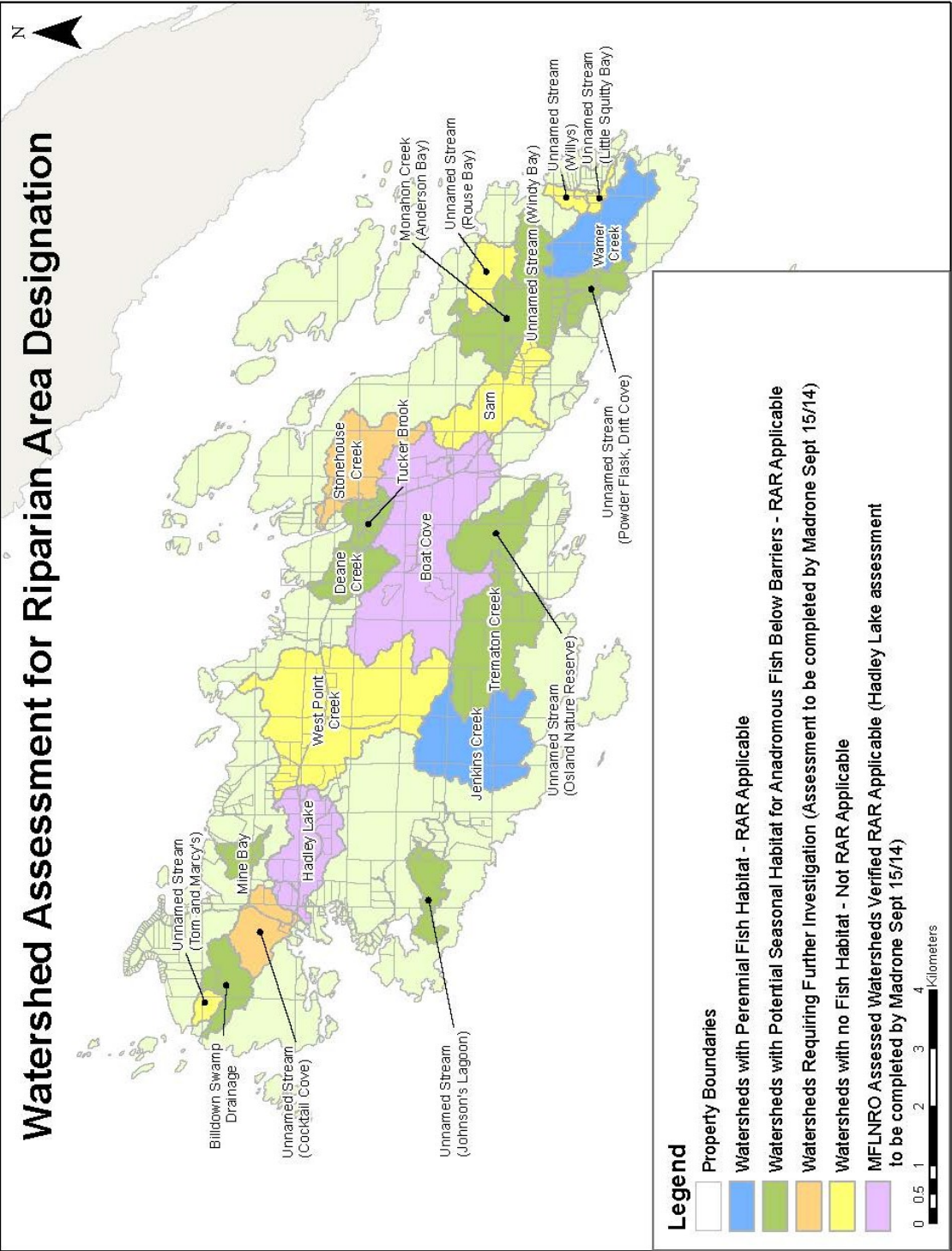
B. To current "Part 1.1 – Definitions" insert the following new definition in alphabetical order:

"landscaped area" means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete;"

Lasqueti Island Local Trust Committee

Bylaw No. 90

Schedule A



Attachment No. 2 – Consultation Plan updated June 11, 2014

RIPARIAN AREAS REGULATION COMPLIANCE – Bylaw No. 90

(Setback and Screening Land Use Bylaw Amendment)

COMMUNITY CONSULTATION PLAN

GOALS of Project Community Consultation Plan

- To describe the process, timeline and opportunities for input to property owners;
- To empower property owners to have their say and demonstrate that they are being heard and their comments are valued;
- To provide accurate, balanced and objective information;
- To obtain feedback and ideas and incorporate this in the decision making process as much as possible.

Communication Action Plan – Updated June 11, 2014

Method	Key content / purpose	Cost	Target Date
<i>Website updates</i>	All project documents and meeting notices to website for community information	\$0	ongoing
<i>Local Trustees Conduct Neighbourhood meetings</i>	Educational outreach to the community and obtaining preliminary comments	\$0	Winter 2013/2014
<i>Ongoing articles in the Our Isle and Times from Local Trustees</i>	Use monthly trustee reports giving description of the timeline and process and providing updates. Solicit further comments and ideas from community.	\$300	Winter 2013-2014
<i>Staff presents project charter, communications plan, and draft CIM flier and CIM handouts</i>	Project Charter and communications plan keep everyone on track, and information flier informs the community about the project and upcoming CIM.	\$0	February 27, 2014
<i>Madrone conducts further assessments of watersheds to establish RAR applicability</i>	The March 31/13 Madrone report notes some watersheds require further investigation to establish RAR applicability. Madrone provides a second report giving further information about RAR applicability to two other watersheds.	\$2000	March 25, 2014
<i>Staff presents staff report and recommends that a CIM be prepared for Summer, 2014 and that staff draft an LUB amendment</i>	Staff to present the March 25, 2014 Madrone report and a summary staff report recommending staff prepare for a summer CIM.	\$0	May 1, 2014
<i>Staff presents staff report along with draft LUB amendment</i>	Draft bylaw can be taken to the CIM (along with other explanatory documents) for community comments.	\$0	July 3, 2014
<i>Hold CIM via a Special</i>	Consultation with community to obtain input	\$25	September,

Method	Key content / purpose	Cost	Target Date
<i>LTC meeting</i>	to be considered and potential changes to draft bylaw.		2014
<i>Madrone conduct field assessment of Cocktail Cove and Stonehouse Creek and Hadley Lake watersheds</i>	This will determine if these three watersheds are RAR applicable. Madrone contracted to provide this report by September 15, 2014	\$5000	September 15, 2014
<i>Amend Bylaw No. 90 map per Madrone report if needed, then consider giving bylaw First Reading.</i>	The bylaw map showing RAR applicable watersheds can be amended to reflect Madrone report findings regarding watershed applicability to RAR.	\$0	October 16, 2014
<i>Bylaw Referral, Public hearing and consideration of additional bylaw readings</i>	It is recommended that any further work on this project be conducted after the 2014 Local Trustee election	\$1200	March, 2015

LASQUETI COMMUNITY MEETING RIPARIAN AREAS REGULATION

9.2.2

A Community Meeting has been scheduled for Lasqueti residents and property owners to comment and ask questions about potential changes to the Lasqueti Island Land Use Bylaw to comply with the Riparian Areas Regulation. If you cannot attend the meeting in person, please submit comments by regular mail (700 North Road, Gabriola Island, BC VOR 1X3), email (lasqueti@islandstrust.bc.ca) or call your local trustees (Peter 333-8785; Susan 333-8589).

COMMUNITY MEETING

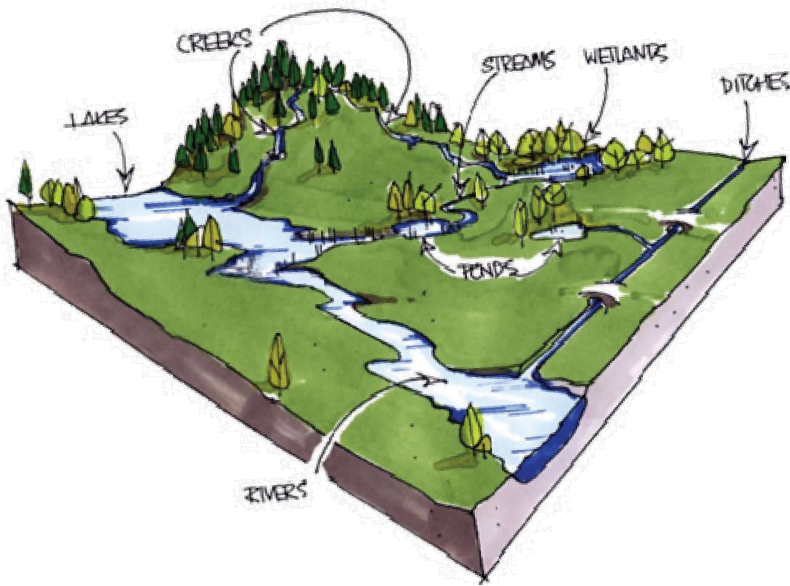
(Date)

Start time: 11:30 am

Lasqueti Community Hall

On the reverse and attached is general information about the Provincial Riparian Areas Regulation that all local governments, including the Lasqueti Island Local Trust Committee, are required to follow.

Developing Near . . . Riparian Areas



RIPARIAN AREAS are the areas adjacent to streams, lakes and wetlands. These areas support many plants and animals, provide important refuges and migration routes for birds and wildlife, and, most critically, provide fish habitat.

These ecosystems are extremely sensitive to disturbances and development. Even modest changes in water flow may result in significant changes to the physical and biological functioning of these ecosystems.

In addition, riparian areas play a key role in maintaining the natural hydrologic cycle of a watershed by stabilizing stream channels, reducing erosion, filtering sediment, capturing runoff and precipitation, and recharging aquifers that store groundwater.

The Development Variance Permit Process

Lasqueti Island Local Trust Committee is considering using setback and screening regulations to meet its obligations under the *Riparian Areas Regulation*. This approach means that if you are undertaking a “development” activity (*defined in the legislation*) within 30 metres of a water feature (e.g. stream, wetland) within a watershed assessed as “RAR Applicable”, you will be expected to submit a development variance permit application to the Islands Trust. A permit to vary the setback and screening regulations around a water feature will require submission of a report from a Qualified Environmental Professional (QEP) that assesses the potential impact of the proposed activity on the riparian area and determines the size of a Streamside Protection Enhancement Area (SPEA). The QEP will detail any conditions to which development is expected to adhere for protection of the subject water feature and these will be made conditions of the permit. The permit is granted at the discretion of the Local Trust Committee.

The Lasqueti Island Local Trust Committee is required to adhere to the provincial Riparian Areas Regulation. This means amending its land use bylaw to ensure development within 30 metres of fish habitat—as defined by the Riparian Areas Regulation—is controlled. Using setback and screening regulations is the approach endorsed by the Lasqueti Local Trust Committee to bring the island’s Land Use Bylaw into compliance.

FACT SHEET

Riparian Areas Regulation



Islands Trust

Some key facts about the RAR

- The RAR is a provincial regulation and there is not a choice in whether it gets implemented; only in how this is done.
- Setback and screening regulations can be included in the Land Use Bylaw to obtain RAR compliance.
- The RAR applies to the riparian areas generally defined as being within 30 m of a watercourse that is deemed to have fish habitat.
- There does not need to be fish present in a stream for the RAR to apply, only fish habitat.
- Any development beyond 30 m from a stream would be exempt from RAR.
- There are a number of development exceptions when the RAR does not apply
- RAR applies only to residential, commercial or industrial activities and ancillary activities within a RAR applicable area.

What is the Riparian Areas Regulation?

The Riparian Areas Regulation is a provincial regulation, enacted under s. 12 of the Fish Protection Act, which requires local governments to protect riparian areas. Riparian areas are the areas bordering on streams, lakes and wetlands that link water to land. The RAR applies to new residential, commercial and industrial development on land under local government jurisdiction. The regulations prohibit a local government from approving or allowing a development to proceed in a riparian assessment area (RAA) unless the local government is notified by the province that the developer has provided an assessment report by a qualified environmental professional (QEP). The QEP report certifies that the development can be carried out without damaging fish habitat.

Who is a Qualified Environmental Professional (QEP)?

A Qualified Environmental Professional is an applied scientist or technologist. He or she must be registered and in good standing in British Columbia with an appropriate professional organization, acting under the association's code of ethics and subject to disciplinary action by that association. The applicable professionals are Professional Biologists, Geoscientists, Foresters, Agrologists, and Technicians in the ASTTBC. To be able to certify that they are qualified to conduct the assessment methodology, the individuals must detail their area of expertise in the report, and their expertise must be relevant to the content of the report. The individual is considered a Qualified Environmental Professional only for that portion of the assessment that is within their area of expertise.

Where does the RAR apply and how is it interpreted?

The RAR applies to a “Riparian Assessment Area” (RAA), which is defined in the RAR to mean any area within 30 metres of a “stream”. A “stream” is defined in RAR to include a watercourse, whether it usually contains water year round or not, that provides fish habitat. Watercourses include ponds, lakes, rivers, creeks and brooks as well as some ditches, springs, and wetlands if they are connected by surface flow to fish habitat.

Local governments may allow development within 30 m of the stream provided the prescribed riparian assessment methods are followed. The riparian assessment method requires a QEP to provide an opinion in an Assessment Report. In the assessment, the QEP will establish, on a site specific basis, which areas within the 30 m RAA can be developed. The QEP will also provide recommendations on mitigation or enhancement measures specific to the development proposal. Remaining areas that may not be developed are identified as a Streamside Protection and Enhancement Area (SPEA).

What type of development is subject to the RAR?

The types of development that are subject to a riparian area assessment are residential, commercial and industrial. Development is not limited to buildings; for example, land clearing within 30 meters of a stream for a driveway or for a trail that requires a development permit should not occur prior to submission of an Assessment Report.

Development **not** subject to RAR includes: permits issued for repair or reconstruction of existing structures, pre-existing buildings or structures, agricultural activities, mining activities, hydroelectric facilities and forestry, parks, institutional development, and development on federal and First Nations lands. Note that mining activities, hydroelectric facilities and forestry, parks, institutional development, and development on federal and First Nations lands are regulated by other federal and provincial regulations and all such land uses are still subject to the Federal Fisheries Act.

The RAR DOES apply to the following activities:

- Construction of buildings and structures;
- Creation of non-structural impervious or semi-pervious surfaces (e.g. parking lots, patios);
- Removal, alteration, disruption or destruction of vegetation;
- Disturbance of soils;
- Development of some recreational facilities (e.g. parks, trails, golf courses); and,
- Development of new services (e.g. roads).

The RAR does NOT apply to the following activities:

- Development outside a riparian assessment area;
- Faming activities (ALR or zoned) or institutional development;
- Existing permanent structures, roads, and other development;
- Reconstruction or repair of permanent structures if the structure remains on its existing foundation; and
- Developments that have been approved but not yet built.

Do local governments have any new powers under the RAR?

The Regulation does not give local governments any additional powers for streamside protection. Rather, it requires local governments to use their existing land use planning and management powers under the *Local Government Act* to improve the protection of fish habitat.



Islands Trust

“DEVELOPMENT” EXEMPTIONS

Riparian Areas Regulation

Besides activities that are already exempt from the RAR (see RAR Fact Sheet), the Lasqueti Local Trust Committee is considering the following activities to be exempt from the proposed setback and screening regulations:

- o for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- o interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- o repair or replacement of a septic field on the same spot;
- o the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- o with the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- o gardening and yard maintenance activities within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- o manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- o pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- o ecological restoration or enhancement projects undertaken or authorized by a public body;
- o work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- o emergency procedures to prevent, control or reduce immediate threats to life or property including:

- emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- o farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
 - o the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
 - o the construction of a private trail if all of the following apply;
 - the trail is one meter wide or less;
 - no native trees are removed;
 - the surface of the trail is pervious (for example, soil, gravel or wood chips);
 - the trail is designed to prevent soil erosion where slopes occur; and
 - where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream.
 - o Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared;
 - o The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared;
 - o Structures used to provide micro-hydro-electricity for residential use.

Lasqueti Island Riparian Areas Regulation Compliance Project Charter

Date: June 11, 2014

Purpose To amend the Lasqueti Island Land Use Bylaw with setback and screening regulations to implement the provincial *Riparian Areas Regulation*.

Background In 2013, Madrone Environmental Services Ltd. was contracted to assess Lasqueti watersheds to determine which watersheds are subject to the provincial *Riparian Areas Regulation*. The March 31, 2013 report broke down the watersheds into the following categories: (1) Watersheds with perennial Fish habitat; (2) Watersheds with Potential Seasonal Habitat for Anadromous Fish below barriers; (3) Watersheds Requiring Further Investigation; (4) Watersheds with no Fish Habitat. Further assessment of three watersheds is required in the 2013-14 fiscal year, and an additional assessment of THREE watersheds in the 2014-15 fiscal year. In addition, at the October 17, 2013 LTC meeting, the LTC decided to endorse the setback/screening method of coming into RAR compliance rather than going the Development Permit Area route.

Objectives

- Have all Lasqueti watersheds assessed to determine RAR applicability
- Ongoing notification and effective engagement with property owners and residents

Scope & Deliverables

- Review all Lasqueti watersheds to determine RAR applicability
- Review setback and screening option and draft bylaw amendment implementing this option to become RAR compliant
- Inform/notify community via newsletters, neighbourhood meetings; and community information meetings and public hearing

Workplan Overview

Deliverable/Milestone	Date
General education with community via neighbourhood meetings	Winter/13-14
LTC directs staff to draft an LUB amendment	May 1, 2014
Staff report presented with draft LUB amendment. Firm up CIM date and time and place	July 3, 2014
CIM takes place at special meeting to be held in September (same date as Parking PH) .	Sept, 2014
Madrone completes assessment of remaining 3 watersheds.	Sept 15, 2014
Staff presents report summarizing CIM and presenting draft bylaw for possible changes, LTC considers 1st reading and referrals	Oct 16, 2014

RPM Approval:

Courtney Simpson

Date:

LTC Endorsement:

Resolution #:

Date:

Project Team

Lasqueti Island LTC	
Marnie Eggen, Planner	Project Manager

Budget

Budget Source: RAR Project (

Item	Cost
Assessment-2 watersheds	2000 (done 13/14)
Assessment-remaining 3 watersheds	5000 (14-15 fiscal)
Legislative process	1200 (14-15 fiscal)
Total	10,000



Islands Trust

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	Linda Prowse		On Going
2	Land Use Bylaw Parking as a Home Enterprise Amendment		Jun-30-2011	Linda Prowse		On Going
3	Update Official Community Plan with Intertidal zone policies using specific recommendations from the Forage Fish team and the Greenshores and Eelgrass Project		Jan-12-2012	Linda Prowse	Dec-13-2012	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)			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
1	Consider Procedures Bylaw amendment to allow the Local Trust Committee to hold electronic meetings when needed.		Feb-28-2013	On Going
1	Non-conforming housing.		Feb-28-2013	On Going



Applications w/ Status - Lasqueti Island Status: Open

Applications

Subdivision

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

Planning Status

Status Date: Apr-23-2014

Applicant advised that her application was going to be changed "substantially". Staff advised Ministry of Transportation and Infrastructure to please re-refer the revised application so that staff can do another referral report on the revised application.

Status Date: Apr-11-2014

Subdivision referral response sent to the Ministry of Transportation and Infrastructure

Islands Trust
LTC EXP SUMMARY REPORT F2015
Invoices posted to Month ending May 2014

10.3.1

640 Lasqueti	Invoices posted to Month ending May 2014	Budget	Spent	Balance
65000-640	LTC "Trustee Expenses"	700.00	0.00	700.00
LTC Local				
65200-640	LTC - Local Exp - LTC Meeting Expenses	500.00	149.59	350.41
65210-640	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-640	LTC - Local Exp - Communications	300.00	50.00	250.00
65230-640	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>2,050.00</u>	<u>199.59</u>	<u>1,850.41</u>
Projects				
73001-640-2014	Lasqueti False Bay OCP /LUB	2,500.00	270.96	2,229.04
73001-640-3004	Lasqueti RAR	6,500.00	0.00	6,500.00
TOTAL Project Expenses		<u>9,000.00</u>	<u>270.96</u>	<u>8,729.04</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.
2.	February 27, 2014	LA-2014-004	Annual Lasqueti Stewardship Award	It was MOVED and SECONDED That the Lasqueti Local Trust Committee establishes a standing resolution for an "Annual Lasqueti Environmental and Community Stewardship Award" to be presented annually by way of voluntary nominations up to a maximum of two (2) awards to show public recognition.



STAFF REPORT

Date: April 28, 2014

File No.: 6500 -20

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

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

From: Marnie Eggen, Planner 1

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

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

THE PROPOSAL:

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

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

BACKGROUND:

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

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

The federal government has indicated the following:

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

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

Health Canada

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

As defined within the Regulation,

“local government” includes the government of

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

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

Agricultural Land Commission

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

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

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

The Information Bulletin may be found at:

http://www.alc.gov.bc.ca/publications/ALC_Info_Bulletin_Marijuana_Amended_Jan_2014.pdf

Union of BC Municipalities

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

Notice of intent to Local Governments

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

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

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

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

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

Local Government Development and Servicing Regulations

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

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

Islands Trust Policy Statement

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

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

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

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

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

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

STAFF COMMENTS:

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

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

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

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

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

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

Executive Committee Local Trust Area (Ballenas – Winchelsea Islands)

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

Denman Island Local Trust Area

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

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

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

Gabriola Island Local Trust Area

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

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

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

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

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

Gambier Island Local Trust Area

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

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

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

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

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

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

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

Hornby Island Local Trust Area

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

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

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

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

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

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

Lasqueti Island Local Trust Area

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

Thetis Island Local Trust Area

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

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

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

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

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

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

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

SUMMARY OF OPTIONS:

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

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

RECOMMENDATIONS:

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

OR

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

OR

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

Prepared and Submitted by:

<u><i>Marnie Eggen</i></u>	<u>April 28, 2014</u>
Marnie Eggen, Planner 1	Date

Concurred in by:

<u><i>Courtney Simpson</i></u>	<u>May 6, 2014</u>
Courtney Simpson, Regional Planning Manager	Date

Attachments:

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

Attachment 1

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

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

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

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

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Permitted in all zones	• Commercial production only permitted as a Home Occupation under Residential (R) zoning, where floor area limitation (700 sq. ft. max) would likely preclude this industrial use.

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

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

Attachment 2

Table 2: Denman Island LUB No. 186

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

And

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

Zones Where Permitted Provisions limiting the extent of the use

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

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

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

Attachment 3

Table 3: Gabriola Island LUB No. 177

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

Zones Where

Permitted

Provisions limiting the extent of the use

Residential: - SRR on lots over 2 ha; - LRR lots over 2 ha	20% lot coverage for SRR; 10% for LRR; - On lots 1 ha or larger, 10 m setback; - Setback for greenhouses > 46 sq. m. floor area in size is 20 m from any lot line.
Agriculture: AG (ALR)	- Lot coverage: - outside ALR - 35%; - on ALR - 35% excluding greenhouses; - on ALR - 75% total; 20 m setback for agricultural buildings; 7.5 m setback for greenhouses in ALR; 20 m setback for greenhouses > 46 sq. m. in size outside of ALR.
Resource: - R; - RR1	- On both R and RR1, 10% lot coverage; - On R, lots 1 ha or more, 10 m setback from all lot lines and on lots < 1 ha, setbacks are: 6.0 m from the front lot line; 4.5 m from exterior side lot line; 1.5 m from interior lot line. - On RR1, lots less than 2 ha, 6 m setback from all lot lines and lots 2 ha and larger, 10 m setback from all lot lines; - Setback for greenhouses > 46 sq. m. floor area in size is 20 m from any lot line.
As Per Draft Bylaw Amendment No. 275 (17/04/14): F	10% lot coverage; - On lots 1 ha or more, 10 m setback from all lot lines and on lots < 1 ha, setbacks are: 6.0 m from the front lot line; 4.5 m from exterior side lot line; 1.5 m from interior lot line - Setback for greenhouses > 46 sq. m. floor area in size is 20 m from any lot line.

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

Zones Where

Permitted

Provisions limiting the extent of the use

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

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

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

Zones Where

Permitted

Provisions limiting the extent of the use

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

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

Zones Where

Permitted

Provisions limiting the extent of the use

Industrial - Light(I) not requiring sanitary sewer for disposal of industrial wastes	• 50% lot coverage; • Max. floor area ratio is 0.35; • 10 m setback from all lot lines; • Max. of two industrial buildings.
--	--

The indoor production of medical marihuana is not permitted in the following zones on Gabriola Island as per LUB No. 177 and proposed bylaw amendment No. 275:

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

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

Table 4: Mudge Island LUB No. 228

Agriculture – (no definition)	
Zones Where Permitted	Provisions limiting the extent of the use
Rural Residential (RR)	• On lots 0.4 ha or less setbacks are: • 6 m from front or rear lot line; • 1.5 m from interior lot lines; • m from any exterior side lot line. • On lots 0.4 ha or larger, 10 m setback to all lot lines.

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

- Park and Institutional (PI)

Table 5: Decourcy Island Zoning Bylaw No. 44

“AGRICULTURE” means the growing, harvesting, processing, storage, and selling of crops, livestock, and poultry originating on the site, and includes the storage, repair, and servicing of farm machinery and implements used on that site, and includes accessory buildings and structures, excluding those used for human habitation, necessary for farm operations	
Zones Where Permitted	Provisions limiting the extent of the use
Rural Zone	• 10% lot coverage; • 15 m height max. for buildings; • 30 m setback from any lot line.

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

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

Attachment 4

Table 6: Gambier Island LUB No. 86

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

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

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

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

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

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

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

Table 7: Keats Island LUB No. 78

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

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

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

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

Table 8: Gambier Associated Islands LUB No. 120

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

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Rural Residential (RR1), Anvil Island, North and South Thormanby Islands, Turnagain Island, Jack Tolmie Island, Echo Island, Tiki Island, Grant Island, North, East, South and West Trail Islands, Surrey Islets, Bertha Islet, Merry Island, Franklin Island, Woolridge Island, Popham Islands, Mickey Island, Ragged Island, New (Silver) Island and Hermit Island.	• 25% lot coverage; • 7.5 m setback from any lot line.

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

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

Attachment 5

Table 9: Hornby Island LUB No. 86

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

Zones Where

Permitted

Provisions limiting the extent of the use

Rural Residential (R3) Zone and R3(a) (Agriculture as an accessory use)	• 10% lot coverage on lots 1 ha or larger • 15% lot coverage on lots less than 1 ha • Setbacks: • 8 m from a front lot line; • 8 m from a rear lot line, and on lots less than 1 ac, 6 m; • 6 m from an interior side lot line, and on lots less than 1 ac, 3 m; • 8 m from an exterior side lot line, and on lots less than 1 ac, 6 m.
Large Lot Residential/Water Resource Protection (LR/WSPA) Zone	• 10% lot coverage on lots 1 ha or larger; • 15% lot coverage on lots less than 1 ha; • Setbacks: • 8 m from a front and rear lot line; • 8 m from the interior side lot line adjacent to lot 3 of Plan 48077, and at least 6 metres from any other interior side lot line; • 8 m from an exterior side lot line.
Agricultural (AG) Zone	• 10% lot coverage; • 8 m setback from all lot lines;
Upland (UP) Zone	• 5% lot coverage; • 8 m setback from all lot lines.
Land Cooperative 1 (LC 1) Zone	• 10% lot coverage; • Setbacks: • 8 m setback from front, rear and exterior lot lines; • 6 m setback from interior lot lines.

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

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

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

Table 10: Proposed Hornby Land Use Bylaw No. 150

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

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

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

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

Attachment 6

Table 11: Lasqueti Island LUB No. 78

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

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

Land Based (LB)	- No lot coverage regulations; - No setback regulations.
------------------------	---

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

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

Attachment 7

Table 12: Thetis Island LUB No. 89

AGRICULTURE means the use of land for the rearing of plants and animals. NOTE: This bylaw defines "intensive agriculture as below in Section 915 of the <i>Local Government Act</i>. Section 215 <i>Local Government Act</i>: In this section, "intensive agriculture" means the use of land, buildings and other structures by a commercial enterprise or an institution for (a) the confinement of poultry, livestock or fur bearing animals, or (b) the growing of mushrooms. (2) Despite a zoning bylaw, if land is located in an agricultural land reserve under the <i>Agricultural Land Commission Act</i> and that land is not subject to section 23 (1) of that Act, intensive agriculture is permitted as a use. (3) Subsections (1) and (2) cease to have effect in an area after a zoning bylaw for that area is approved under section 903 (5). Indoor production of medical marihuana would NOT be permitted under the above definitions; however, regardless, the use is permitted on ALR lands.
--

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

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

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

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

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

<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Rural 1, 2 (R1,R2)	• Agriculture permitted in Rural 1 and 2 zones; • Lot coverage is 5%; • No building shall be located within 3 metres (9.8 feet) of any lot line or within 4.5 metres (14.8 feet) of front and exterior lot lines.

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

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



Memorandum

700 North Road Gabriola Island BC V0R 1X3

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

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

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

Date June 24, 2014

File Number 5690 - 20

To Lasqueti Local Trust Committee
From Marnie Eggen, Planner 2

Re The Land Conservancy of BC and Squitty Bay Provincial Park

Staff would like to let the LTC know of a potential change in ownership of Squitty Bay Provincial Park. It is currently owned jointly by BC Parks, The Nature Trust of BC and The Land Conservancy of BC (TLC). Last year the TLC announced that it would be seeking creditor protection. Since then, it obtained an order protecting it from creditors so that it could restructure, with the primary goal of selling many of its properties in order to pay back debts and mortgages that it could not meet. TLC owns a small percentage of Squitty Bay and has earmarked its share for private sale. The Trust Fund Board is aware of the listing and advises that likely the TLC will sell its share to one of the other owners, and that the process is expected to unfold slowly. The Trust Fund Board has made TLC aware that they are interested in receiving, but not purchasing conservation lands in our region.

pc Courtney Simpson, Regional Planning Manager
Jennifer Eliason, Manager, Islands Trust Fund

DRAFT

Lasqueti Island Local Trust Committee
BYLAW NO. 89

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

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

- 1. Bylaw No. 78, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
- 2. This bylaw may be cited as “Lasqueti Island Land Use Bylaw 78, 2005, Amendment No. 1, 2014”

READ A FIRST TIME THIS	^h	DAY OF	, 20
PUBLIC HEARING HELD THIS		DAY OF	, 201x
READ A SECOND TIME THIS		DAY OF	, 201x
READ A THIRD TIME THIS		DAY OF	, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST			
THIS		DAY OF	, 201x
ADOPTED THIS		DAY OF	, 201x

SECRETARY

CHAIRPERSON

Lasqueti Island Local Trust Committee

Bylaw No. 89

Schedule 1

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

a) To Part 3, Section 3.6 Home Enterprise Provisions insert a new article 3.6(c) as follows:

"3.6 Home Enterprise Provisions

c) the following regulations apply to Parking Lot home enterprise:

- (i) parking lot home enterprise may only be located on lots 0.4 ha (1 acre) or larger;
- (ii) no part of the parking lot area may be a paved surface;
- (iii) parking spaces will be limited to 5 spaces per 1 acre of lot area to a maximum of 15 vehicles;
- (iv) the entirety of the parking area must be screened from adjacent views by a landscape screen as required in Section 3.2 and must be setback as follows:
 - 3 metres from interior side and rear lot lines;
 - 3 metres from front and exterior lot lines;
 - 30 metres from a watercourse;
 - 30 metres from the natural boundary of the sea.
- (v) Notwithstanding Section 3.3 of this bylaw, only the following design standards apply to home enterprise parking spaces:
 - Parking spaces must be at least 2.75 metres (9.0 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2.0 metres (6.6 feet).
 - Parking spaces for disabled persons must be a minimum of 3.7 metres (12.1 feet) in width and 6.25 metres (20.5 feet) in length, exclusive of maneuvering aisles, and have an unobstructed vertical clearance of at least 2 metres (6.6 feet).

b) To part 1.1 Definitions:

i. add a new definition "parking lot home enterprise" in alphabetical order as follows:

"parking lot home enterprise" means a parking lot containing an open area for two or more motor vehicles to accommodate clients, customers or residents of the private lot, which has adjacent access to permit ingress or egress of motor vehicles to a street by means of driveways, aisles or maneuvering areas where no parking or storage of motor vehicles is permitted;"

ii. add a new definition of "lot line" in alphabetical order as follows:

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office or the boundary of a lot as otherwise described under the *Land Title Act*; and

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan.

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line.

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line."

DRAFT

Lasqueti Island Local Trust Committee
BYLAW NO. 90

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

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

- 1. Bylaw No. 78, cited as “Lasqueti Island Land Use Bylaw No. 78, 2005” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
- 2. This bylaw may be cited as “Lasqueti Island Land Use Bylaw 78, 2005, Amendment No. 2, 2014”

READ A FIRST TIME THIS	^h	DAY OF	, 20
PUBLIC HEARING HELD THIS		DAY OF	, 201x
READ A SECOND TIME THIS		DAY OF	, 201x
READ A THIRD TIME THIS		DAY OF	, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST			
THIS		DAY OF	, 201x
ADOPTED THIS		DAY OF	, 201x

SECRETARY

CHAIRPERSON

Lasqueti Island Local Trust Committee

Bylaw No. 90

Schedule 1

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

- A. Delete Section 3.5 in its entirety and replace it with the following:

"3.5 Siting and Setback Provisions

(1) General

- (a) All building and structure setbacks and spatial separation requirements must be measured on the horizontal plane from the exterior finished façade of the building or structure to the natural boundary, parcel line or other point specified in this Bylaw.

**(2) Setbacks and Screening for Streams as Defined in the British Columbia
*Riparian Areas Regulation***

- (a) Terms used in Section 3.5(2) that are defined in the provincial *Riparian Areas Regulation* have the same meaning as the definition given in the Regulation, as it may be amended from time to time;

- (b) The following freshwater features, located on properties designated as 'RAR Applicable' as noted on Schedule A, being:

- (i) a watercourse, whether it usually contains water or not;
- (ii) a pond, lake, river, creek or brook;
- (iii) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (i) or (ii),

must be screened from development as defined in the British Columbia *Riparian Areas Regulation*, through the retention of all existing vegetation ONLY, in the form of:

- a 30 metre strip on both sides of the stream, measured from the high water mark;
- for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 meters beyond the top of the ravine bank; and
- for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 meters beyond the top of the ravine bank;

- (c) Applications to vary 3.5(2)(b) above will require a report from a qualified environmental professional conducted according to the *Riparian Areas Regulation* methodology.

- (d) Notwithstanding 3.5(2)(b) above, the following land use activities are permitted in the stream screening area:

- (i) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- (ii) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- (iii) repair or replacement of a septic field on the same spot;
- (iv) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- (v) With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- (vi) gardening and yard maintenance activities within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- (vii) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- (viii) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- (ix) ecological restoration or enhancement projects undertaken or authorized by a public body;
- (xj) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- (xi) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- (xii) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
- (xiii) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;

- (xiv) The construction of a private trail if all of the following apply;
 - The trail is one meter wide or less;
 - No native trees are removed;
 - The surface of the trail is pervious (for example, soil, gravel or wood chips);
 - The trail is designed to prevent soil erosion where slopes occur; and
 - Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream.
- (xv) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared;
- (xvi) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared;
- (xvii) Structures used to provide micro-hydro-electricity for residential use.

(3) Setbacks for Other Streams, Creeks, Lakes, Wetlands, and Watercourses

- (a) The minimum setback for buildings and structures for any other streams, creeks, lakes, wetlands, and watercourses is 30 metres, except for the following:

- (i) fence or access stairway;
- (ii) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- (iii) repair or replacement of a septic field on the same spot;
- (iv) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - emergency actions for flood-protection and erosion protection;
 - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
 - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- (v) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared
- (vi) Structures used to provide micro-hydro-electricity for residential use.

(4) Minimum Setback for Buildings and Structures from the Natural Boundary of the Sea

- (a) The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:
 - (i) 5.0 metres (16.4 feet) for a boathouse;
 - (ii) 15 metres (49.2 feet) for all other buildings and structures;
 - (iii) despite Clause 3.5(6)(a), where the frontage on the sea is adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings and structures may be sited as close as 7.5 metres (24.6 feet) from the natural boundary of the sea.
- (b) The minimum allowable difference in elevation between the underside of the lowest floor in the building or structure and the elevation of the natural boundary of the sea must be 1.5 metres, except for a boathouse.
- (c) Where fill is used to attain the elevation required in this section:
 - (i) the minimum setback distance required shall be measured from the toe of the fill slope to the natural boundary of the sea; and
 - (ii) the face of the fill slope must be protected against wave action from floodwaters.

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

(5) Setbacks and Screening from Nesting Trees

- (a) A protective screen of natural vegetation must be retained within a 30 metres (98.4 feet) radius of the trunk of a tree bearing nests of herons, eagles, ospreys, vultures, falcons, hawks and owls."

B. To current "Part 1.1 – Definitions" insert the following new definition in alphabetical order:

"landscaped area" means an area significantly altered by human activity where there is the continuous maintenance of no vegetation, cultivated vegetation and/or landscape materials, including but not limited to stones, boulders, cobbles, pavers and decorative concrete;"

Lasqueti Island Local Trust Committee
Bylaw No. 90
Schedule A

