



Lasqueti Island Local Trust Committee Regular Meeting Addendum

Date: June 26, 2017
Time: 11:00 am
Location: Judith Fisher Centre
#1 China Cloud Bay Road
Lasqueti Island, BC

	Pages
9. CORRESPONDENCE - None	
9.1 Letter dated June 26, 2017 from D and L Slik regarding Aging at Home	
11. LOCAL TRUST COMMITTEE PROJECTS	12:05 PM - 1:25 PM
11.2 Shoreline Protection Project - Staff Memo	2 - 22
11.2.1 Shoreline Protection Presentation	23 - 46
13. REPORTS	1:40 PM - 2:10 PM
13.4 Trustee and Local Expense Report dated May, 2017	47 - 47



DATE OF MEETING: June 27, 2017
TO: Lasqueti Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Shoreline Protection Project Status update

PURPOSE

The purpose of this memo is to provide the Local Trust Committee (LTC) with an outline of the topics which will be presented by staff during the June 26, 2017 regular business meeting in consideration of next steps and recommended options pertaining to the shoreline protection project:

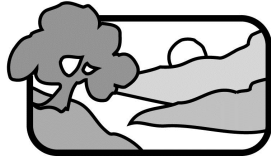
1. Recommended amendments to the Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations to enable formal shoreline protection measures;
2. Introduction of draft Development Permit Area (DPA) provisions for marine shoreline protection;
3. Introduction of draft subdivision regulations designed to limit fragmentation of the natural boundary of the sea without reducing subdivision potential;
4. Overview of consultation options;
5. Recommendations to move towards draft bylaw preparation.

The staff presentation slides and notes/recommendations will be an addendum to the June 26 agenda item for the above noted project file.

Submitted By:	Sonja Zupanec, RPP, Island Planner	June 14, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP, Regional Planning Manager	June 14, 2017

ATTACHMENTS

1. Attachment 1 – Table of proposed amendments to OCP and LUB (*to be distributed*)
2. Attachment 2 – Draft Development Permit Area Guidelines (*to be distributed*)
3. Attachment 3 – Draft Subdivision Regulations (*to be distributed*)



Islands Trust

Lasqueti Island Local Trust Committee

Table of Proposed OCP and LUB amendments to support Marine Shoreline Protection on Lasqueti Island

June 2017

LOW TO MEDIUM IMPACT PROTECTION TOOLS Proposed Policies – Lasqueti Official Community Plan			
#	OCP or LUB section	Proposed Amendments or Additions	Staff Comments
1	OCP Part 3.1 Residential Land Use <u>Objectives</u>	NEW Objective 7 To support conservation based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea. Objective 8 To limit the density of waterfront parcels by regulating subdivision of the foreshore and fragmentation of shoreline ecosystems. DELETE Policy 5 Subdivided parcels of land should be able to have a garden area and woodlot.	<i>Need supporting policy in OCP to enact regulations in LUB.</i> <i>Policy 5 too vague to give any direction to Approving Officer or subdivision referral staff.</i>

2	OCP Part 3.1 Residential Land Use <u>Policies</u>	Policy 8 Where access to the sea or a strip of Crown land contiguous to the sea is required at time of subdivision, such access should be located to provide physically convenient access to and from coastal areas for public uses such as barge ramps, boat ramps, recreation or slipways. Where roads are either not feasible nor desirable, public walking trails should be required as an acceptable substitute. Advocacy Policy 3 This plan supports public accesses, required at the time of subdivision, to the natural boundary of the sea and encourages the Approving Officer to consolidate access into one or more larger areas so as to protect sensitive coastal areas, archaeological resources and provide physically convenient public access by road or trails. DELETE Policy 6 Residential lots should have a source of fresh water and sufficient capacity for appropriate sewage disposal capability. Policy 10 Strata title subdivisions should provide sufficient individually or commonly owned land such that each owner has a sustainable living unit.	<i>Policy 8 too specific as Approving Officer has authority and OCP advocacy policy can inform decision.</i> <i>Policy 6 is a provincial requirement at the time of subdivision and not needed in the OCP.</i> <i>Policy 10 is too vague to give any direction to Approving Officer or referral staff.</i>
3	OCP Part 3.2 Enterprise and Resource: Commercial, Industrial, Agricultural and Forestry Land Use <u>Policies</u>	REVISE Policy 4 The siting of commercial and industrial buildings should be at reasonable distances from lot lines to ensure a degree of privacy and the quiet tranquility consistent with a rural environment. The zoning bylaw should regulate the siting of commercial and industrial buildings, storage of derelict vessels or gravel extraction to protect the natural boundary of the sea and crest of cliffs and ensure sufficient setbacks from adjacent land uses.	<i>Policy 4 can be strengthened to enact more restrictive regulations in the LUB.</i>

4	OCP Part 3.3 Heritage, Archaeologic and Historic Matters First Nations	DELETE OBJECTIVE 1, POLICY 1-6 and ADVOCACY POLICY 1-2 and REPLACE with NEW: The Lasqueti Island Trust Area lies wholly within the core territory of the Tla'amin, Snaw-naw-as and Qualicum First Nations and partially within the land and marine territories of the Snuneymuxw and Komoks First Nations. This Official Community Plan acknowledges the treaty and aboriginal rights and title of First Nations to harvest land and marine resources in the Local Trust Area for food, social and ceremonial purposes. The plan area contains many recorded and unrecorded archaeological sites which are protected through designation as Provincial heritage sites. Policy 1 The Lasqueti Island Local Trust Committee will endeavor to understand the First Nations' connections to the land and waters of the Lasqueti Trust Area, history and current issues from a First Nations' perspective in order to build a genuine and mutually respectful relationship with the First Nations. Policy 2 The Local Trust Committee acknowledges the diverse range of First Nations Douglas Treaty, modern treaty rights and Aboriginal rights and title in the Lasqueti Trust Area. Policy 3 The Local Trust Committee respects the First Nations interests in the Lasqueti Trust Area's land and marine areas and acknowledges their ability to exercise their traditional activities. Policy 4. Zoning regulations should protect marine shoreline function, integrity, ecological and resource values as well as archaeological resources and address cumulative impacts of development on Aboriginal interests.	<i>Existing First Nation references need to be updated to better reflect our understanding and efforts in moving forward with reconciliation while recognizing the role of the Official Community Plan and LTC jurisdiction.</i> <i>Suggest four new policies to address LTC recognition of rights and title; FN interests and ability of zoning to assist in protection of common values. SUBJECT TO CONSULTATION with all applicable First Nations.</i>
5	OCP Part 3.4 Community Stewardship Policies	DELETE Policy 6 It is recognized that islands and islets within the Lasqueti Island Local Trust Area, excepting Lasqueti Island, do not have direct access to public roads or ferry service and that some waterfront parcels were created without access to public roads. In these situations access from the water is needed and should be considered sufficient.	<i>Policy 6 is considered unnecessary as MOTI has water access only subdivision requirements and trend should be to move away from waterfront access only subdivisions on Lasqueti Island through enhanced subdivision regulations.</i>

6	OCP Part 3.6 Environmental Management <u>Objectives</u>	DELETE and REPLACE Objective 3 To encourage and promote the protection of foreshore and marine areas for public enjoyment, public access and conservation. preserve the integrity of coastal processes, maintain habitat diversity and function, and reduce cumulative impacts to the coastal environment. Objective 6 To promote a safe and healthy environment for all residents. To protect our terrestrial and coastal resources to ensure a balance is maintained between our economy, environment and lifestyles.	<i>Consider updating these two objectives to reflect the move towards progressive land use planning vs. relying on voluntary stewardship.</i>
7	OCP Part 3.6 Environmental Management <u>Policies</u>	REVISE Policy 1 The Lasqueti Island Local Trust Committee should undertake initiatives to identify enact regulations to protect environmentally sensitive and important ecosystems and flora and fauna to assist in future decision making and critical habitats from the impacts of fragmentation through subdivision and development. Policy 2 The Local Trust Committee will assist, when possible, the responsible Ministry in their encourage voluntary stewardship and formal protection efforts to establish and protect sites of ecological significance or value.	<i>Consider updating these two policies to clarify the role of the LTC in influencing voluntary stewardship and enacting regulatory protection.</i>

8	OCP Part 3.7 Boats and Maritime Vessels Policies	DELETE Policy 15-17 and REPLACE with: Policy 15 Community docks, boat ramps and slipways should only be permitted on site specific basis subject to a development permit. Private docks are discouraged. Policy 15 Private docks may be considered on a site specific basis in the Marine General (M-2) zone. In considering an application for a dock, environmental and social effects must be addressed. Structures should not be sited or extended towards the sea beyond 37 metres (120 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea. Policy 16 In order to reduce the overall number of docks located along the foreshore, and thereby alleviate the ecological damage that can be caused by the proliferation of docks, private boat ramps may be considered on a site specific basis in the Marine General (M2) zone. In considering an application for a boat ramp environmental and social effects must be addressed and the environmental effects of both private docks and boat ramps should be considered and the alternative with the least environmental impact chosen. Structures should not be sited or extended toward the sea more than 21 metres (70 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea. Applicants must submit proposals for construction of docks and boat ramps to the Department of Fisheries and Oceans Canada, as per the federal <i>Fisheries Act</i>, for review. Policy 17 Installation of a breakwater should be subject to designation and regulation to allow the community an opportunity to consider all effects. In considering an application for a breakwater, the following criteria must be satisfied: the breakwater must not reduce the area available to the public for mooring buoys and/or anchorage; the breakwater must not close off public access to the affected bay; the applicant addresses environmental and social effects; an environmental impact assessment is completed for the proposed breakwater; and a qualified registered engineer attests to the design of the breakwater.	<i>Policy 15, 16 and 17 written as regulation and not policy. Replace with general support for enhanced regulations for new shoreline structures subject to specific criteria in a shoreline DPA.</i> <i>Breakwaters not a permitted use – would require a rezoning and be subject to DP guidelines.</i>
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9	OCP Part 3.8 Crown Lands General Advocacy Policies	DELETE Advocacy Policy 1-2 Advocacy Policy 1 Land and Water BC is requested to add provisions in any approved license of occupation for boat, barge and multi-purpose ramps that certain hours of operation be specifically mentioned and adhered to. Advocacy Policy 2 Land and Water BC is requested to offer the community first opportunity to acquire Crown land parcels prior to them being sold to private interests.	<i>Policy 1 no longer relevant as applications no longer being administered.</i> <i>Policy 2 inconsistent with efforts to recognize Aboriginal rights and title.</i>
10	NEW OCP Part 3.10	NEW (see draft DPA attachment 2) 3.10 Development Permit Areas Development Permit for Protection of the Natural Environment DP-1 Marine Shoreline Protection: Justification Authority Objectives Development Approval Information (DAI) Applicability, Exemptions and Guidelines (proposed to be in LUB)	<i>OCP must state justification and objectives for a new DPA</i> <i>Applicability, exemptions and guidelines are all proposed to be within the LUB for ease of future amendments if needed.</i>
HIGH IMPACT PROTECTION TOOLS Proposed Regulations – Lasqueti Land Use Bylaw			
11	LUB Section 1.1 Definitions	DELETE “means” prefacing each definition. REVISE definition of ‘structure’ to exclude the words ‘breakwaters’ ‘stadia’ and ‘walls’	<i>Current standard is not to use the word “means” in definitions</i> <i>Or replace with more standard definition used in LUB’s “a construction of any kind that is fixed to, supported by or sunk into land or water but does not include a fence.”</i>

12	LUB Section 3.5 (4) Minimum Setback for Buildings and Structures from the Natural Boundary of the Sea	REVISE (4)(a) The minimum setback from the natural boundary of the sea for buildings and structures is 15.0 metres (49.2 feet) for all other buildings and structures. (i) 5.0 metres (16.4 feet) for a boathouse. (iii) despite Clause 3.5(4)(a)(ii), 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. (a) 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.	<i>Consider maintaining 15 m setback for all buildings and structures unless DP/DVP issued with supporting rationale through information received through a DAI.</i> <i>Alternative is to increase setback to 30 m for all new construction. As properties redevelop in the future, new setback would apply.</i>
13	LUB Section 3.11 Subdivision Regulations	DELETE and REPLACE WITH NEW draft Section 3.11	<i>See Attachment 3</i> <i>Re-write of subdivision regulations to clearly regulate minimum parcel area (not lot yield).</i>
14	LUB Section 4.2 Land Based Zone Regulations	DELETE 4.2 (1)(f) from list of 'Permitted Uses': (1) Permitted Uses Except where otherwise regulated in this Bylaw, the following uses and no others shall be permitted on any parcel of land: (a) Residential; (b) Agriculture; (c) Forestry; (d) Mariculture facilities; (e) Home enterprise, subject to Subsection 3.6; (f) Slipways.	<i>Remove slipways as a 'permitted use' in the LB zone.</i> <i>This is a structure (not a use) that should only be permitted by DVP/DP application on a case by case basis, not an outright permitted use.</i>
15	LUB Section 4.13 Marine Based Uses General Regulations	DELETE General Regulations (1)	<i>General regs not required if site specific marine zoning is applied in conjunction with DP area.</i>

16	LUB Section 4.14 – 4.22 Marine Zone Regulations	DELETE and replace with revised zones for: -Marine Conservation (M1) -Marine General (M2) -Marine Mariculture (M4) -Marine Industrial (M5)	<i>Overhaul of marine zone regulations to provide clarity of those locations of permitted docks and applicable regulations</i>
17	NEW Part 5 Development Permit Areas Development Permit Area for the Protection of the Natural Environment, Ecosystems and Biodiversity and Protection of Development from Hazardous conditions	Consider establishing objectives in OCP and guidelines in LUB for a new development permit area.	<i>See Attachment 2</i>



Islands Trust

Lasqueti Island Local Trust Committee

Attachment #2

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Marine Shoreline Protection Development Permit Area

June 2017

Marine Shoreline Protection Development Permit Area Additions to Official Community Plan			
#	OCP Section	Proposed Text	Staff Comments
	NEW SECTION 3.10 Development Approval Information	The development permit area designated in this Section is also designated as an area in which development approval information may be required pursuant to s. 485(1) of the Local Government Act. The special conditions and objectives that justify the designation of the development permit area, together with the object of the Islands Trust Act and Islands Trust Council Policy Statements dealing with the protection of sensitive ecosystems, justify the imposition of special requirements for the thorough assessment of development impacts in the context of development permit applications. Development approval information requirements are imposed under Islands Trust Council Bylaw No. XX, 2017 by means of a resolution of the Lasqueti Island Local Trust Committee or its delegate.	<i>Standard OCP text to designation an "Development Approval Information" area and require additional information from applicants to assess development impacts.</i> <i>Draft DAI bylaw approved by Trust Council required to enact this.</i>
1	NEW SECTION 3.11 Development Permit Areas	Background Pursuant to Section 488 (1) of the Local Government Act an official community plan may designate development permit areas for protection of the natural environment, its ecosystems and biological diversity, and protection of development from hazardous conditions. An official community plan must describe the special conditions and objectives that justify the designation and the guidelines by which the objectives will be addressed.	<i>Standard background in an OCP for a new Development Permit Area citing Local Government Act Authority.</i>

2	Marine Shoreline Protection Development Permit Area	Designation The marine shoreline protection development permit area includes all parcels of land that abut the present natural boundary of the sea and to the foreshore area within the 30 m horizontal distance seaward of the present natural boundary of the sea, for all islands and islets in the Lasqueti Island Local Trust Area as shown on Schedule C Marine Shoreline Protection Development Permit Area Map. It is policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp and eel grass beds and that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: • the protection of sensitive coastal areas; • the planning for and regulation of development in coastal regions to protect natural coastal processes. The Lasqueti Island Local Trust Area shorelines are environmentally sensitive areas designated as the Marine Shoreline Protection Development Permit Area for the protection of the environment, its ecosystems and biodiversity and for the protection of development from hazardous conditions. (a) As of 2017 there were over 214 individual parcels fronting the natural boundary of the sea in the Lasqueti Island Local Trust Area. The subdivision and development of these parcels may, cumulatively, have a detrimental impact on the 170 km of shoreline habitat and function. (b) The shoreline areas include rare and ecologically sensitive terrestrial and marine ecosystems. The marine shoreline areas of the Local Trust Area have environmental significance for forage fish, eelgrass, shorebirds and shellfish, seals, sea otters and many marine organisms as well as resources that define the character of the Lasqueti Island community. (c) Due to the sensitivity of these ecosystems and their fragmentation by human activities, land use management measures are required to protect these areas from activities that degrade their ecological value and integrity, and to maintain opportunities for these areas to expand by natural processes. (d) 86% of the Lasqueti Island Trust Area shoreline is less than 5m above sea level within 15 metres of the natural boundary of the sea and vulnerable to storm surges and potential sea level rise.	<i>OCP must clearly state the DP area that is to be designated and reference the map schedule. See presentation slides for DP options. Staff suggesting 30 m seaward is insufficient to address extent of development impacts.</i> <i>Reference Islands Trust Council policy that supports the DP area.</i> <i>Reference Lasqueti Local Trust Area specific justification for the DP area.</i>
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3		Objectives The Objectives of the development permit area are: 1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity, ecological and marine resource values of shorelines; 2. To balance development opportunities with the ecological conservation of the shoreline and marine environment. 3. To minimize the disruption and fragmentation of natural features and processes and to retain natural vegetation and natural features. 4. To adapt to the anticipated effects of climate change. 5. To protect development from storm surges and potential sea level rise.	<i>OCP must clearly describe the objectives of the DPA.</i>
Marine Shoreline Protection Development Permit Area Additions to Land Use Bylaw			
#	LUB Section	Proposed Text	Staff Comments
1	NEW SECTION Part 5 Development Permit Area		<i>NEW section required to enact the DPA which is designated by the OCP</i>
2	5.1 Marine Shoreline Protection DPA Applicability	Applicability: The Marine Shoreline Protection Development Permit Area applies to subdivision, all construction of buildings and structures and land alteration within the DPA. A development permit is required for any construction of, addition to, or alteration of a building or structure on the land or within the marine area, for land alteration, including vegetation removal, and for subdivision of land, except where such activities are specifically exempt.	<i>LUB must clarify under what circumstances a DP is triggered.</i>

3	Exemptions	Exemptions: The following activities are exempt from any requirement for a development permit: • Repair and maintenance of existing buildings, structures or utilities. • The removal of invasive non-native plants. • Within the Agricultural Land Reserve, farm operations as defined in the Farm Practices Protection (Right to Farm) Act and farm uses as defined in the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation. • Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence. • Gardening and property maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land. • The pruning or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree. • The removal of trees that have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified to pose an immediate threat to life or property. • A subdivision that does not create a new parcel boundary intersecting the natural boundary of the sea or within 100 m of the natural boundary of the sea. • Construction of, addition to, or alteration of a building or structure on the land or land alteration, including vegetation removal setback 30 m upland from the natural boundary of the sea.	<i>LUB must clearly stipulate under what circumstances a DP is NOT required.</i>
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4	General Guidelines	General Guidelines: • In general, development of the shoreline area should be limited and minimize impacts on the ecological health of the foreshore area within 30 m upland and 30 m seaward of the natural boundary of the sea. • New upland shoreline structures, additions and land alteration should be located and designed to avoid the need for shoreline protection works such as riprap and other types of armouring. • Sea level rise, storm surges, increased storm intensity and other anticipated effects of climate change should be addressed in all permit applications. • New development on slopes or bluffs should be set back sufficiently from the natural boundary to ensure, as demonstrated by a geotechnical analysis and recommendations for the site, that shoreline protection measures will not likely be necessary during the life of the structure. • Soil removal and deposit and land clearing for development should be minimized within 30 m upland of the natural boundary. • Shoreline protection measures that will cause or contribute to erosion or other physical damage to adjacent or down-current shoreline areas are discouraged. • New septic disposal fields or drilled wells should not be located within 30 m upland of the natural boundary of the sea.	<i>General guidelines would apply to a broad range of applications.</i> <i>30 metres upland is strongly recommended. 30 m seaward is not considered sufficient. Presentation addresses option for seaward boundary to reflect the 10m bathymetry contour.</i> <i>Environmental protection objective is strong therefore the LUB setbacks to the NBS should not retain a lesser setback. In appropriate circumstances, a DP could allow a lesser setback but presumably there would be a good reason for it, including a rationale based on DAI. If there is a lesser setback in the LUB the onus will shift to the LTC to demonstrate that a DP should impose a more onerous condition.</i> <i>Health Authority regs stipulate a minimum 30.5 metre setback for septic disposal fields and FLNRO typically discourages drilled wells within 20-90 m of the NBS depending on aquifer conditions.</i>
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4	General Guidelines Continued	• All development should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application. • Where the development site contains habitat for species or ecosystems that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures should be undertaken under the supervision of a qualified professional with advice from senior environmental agencies having relevant jurisdiction or expertise.	<i>This bullet is about siltation and so it is appropriate that it apply throughout the DP area, defined by the parcel boundaries. Sediment etc. damaging the marine environment can originate anywhere upland, not just within 15-30 metres.</i> <i>This bullet is about disturbance of federally protected critical habitat and applies to the actual area of the parcel that could be potentially disturbed.</i>
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5	Guidelines for Subdivision	Guidelines for Subdivision: • Land should not be subdivided so as to create new parcel boundaries intersecting the natural boundary of the sea or within 100 m of the natural boundary, unless the boundary is being created for an ecological reserve under the Ecological Reserve Act for dedication to the Crown. • If it is necessary to avoid creating a parcel boundary within 100 m upland of the natural boundary, the minimum parcel area specified in the Lasqueti Island Land Use Bylaw may be varied by development permit to enable the owner to create from the parent parcel the maximum number of parcels that the Land Use Bylaw would otherwise allow, but not so as to create any parcel boundary that intersects the natural boundary or any parcel zoned for a residential use that has an area of less than 1 ha. In cases where such a subdivision creates the maximum number of parcels that the Land Use Bylaw allows, the development permit must specify that no new parcel that the Land Use Bylaw would allow to be further subdivided may be so subdivided, and the owner must grant a covenant to the Local Trust Committee that prohibits the further subdivision of any such parcel, to be registered concurrently with the subdivision plan. • In situations where the creation of a new parcel boundary within 100 m upland of the natural boundary cannot be avoided without preventing the owner from creating from the parent parcel the maximum number of parcels that the Land Use Bylaw would otherwise allow, the areas of new parcels lying within 100 m upland of the natural boundary should be designated in the development permit as areas that must remain free of development, and in which the land must not be altered. • Land should not be subdivided so as to create a new parcel boundary that divides an environmentally sensitive area identified on Schedule D of this plan, or a critical habitat that has been identified under the Species at Risk Act (Canada), unless development approval information provided to the Local Trust Committee or its delegate indicates that such dedication or construction will not measurably impact the area or habitat. • No subdivision plan should indicate the dedication or construction of a highway, driveway, access route or utility corridor of any kind within an environmentally sensitive area identified on Schedule D of this plan or within a critical habitat that has been identified under the Species at Risk Act (Canada), unless development approval information provided to the Local Trust Committee or its delegate indicates that such dedication or construction will not measurably impact the area or habitat.	<i>Prohibits further parcelization of the NBS.</i> <i>DP may vary the minimum lot area to as small as 1ha to allow for NBS to not be parcelized and still maintain subdivision potential.</i> <i>A “no further subdivision” covenant registered on title will prevent the LTSA from accepting a subdivision plan in the future that contravenes the LUB.</i> <i>There may be some properties where fragmentation cannot be avoided, and 100m buffer will be created stipulating it is to remain free of development or land alterations.</i> <i>New Schedule D required showing ESA’s. Critical habitat not proposed to be mapped as new habitats are intended to be added in the future and would require LUB amendment each time.</i> <i>New dedicated roads cannot be within an ESA or critical habitat. Encourages thoughtful subdivision layout or information to demonstrate no measureable adverse impacts.</i>
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6	Guidelines for the Construction and Replacement of Docks, Ramps and Slipways	Guidelines for Docks, Ramps and Slipways: • New boat launch ramps, docks, floats and slipways should be limited in use by multiple parties or used for commercial purposes and located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary, and may be prohibited if a geotechnical engineer does not certify that the structure will not likely be damaged by erosion during its ordinary lifespan. • Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes. • Docks, floats, ramps and slipways should be sited to avoid sensitive ecosystem areas such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. • Construction details such as design, materials, methods, timing of construction and access should be provided at the time of permit application; • Dock design should permit public access along the shore below the high water mark. • Dock and float design should allow light penetration to the submerged land underneath. Light penetration is important and can be facilitated by spacing the decking surface of the dock; incorporating grating and minimizing the width of the structure. North/south dock alignments are encouraged whenever possible to allow light penetration. • Dock and float design should allow the free flow of water beneath it and unprotected expanded polystyrene (EPS) foam should not be used in the construction of docks or floats. • Access ramps, walkways and stairs should not exceed a maximum width of 1.5 metres.	<i>These guidelines would only apply for construction of new or replacement docks, ramps, floats and slipways. Breakwaters are not permitted by zoning.</i> <i>Intent is to not allow new individual docks due to significant impacts on natural and cultural resources.</i> <i>Ensure DP application (authorized by Bylaw 35) requires this level of detail for all applications.</i>
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7	Guidelines for Vegetation Management, Restoration and enhancement	• Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure. • A development permit for this area may require the removal of invasive, non-native vegetation such as Himalayan blackberry, Scotch broom, and English ivy. • Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at or beyond the drip line to protect them during clearing, grading and other development activities. • If the development area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. The Local Trust Committee or its delegate may require the applicant to provide security to be used to fulfil the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so. • Vegetation species used in replanting, restoration or enhancement should suit the soil, light and water conditions of the site While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable. • All replanting should be maintained by the property owner for a minimum of 3 years from the date of completion of the planting. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season.	<i>These guidelines would apply to a broad range of applications where any shoreline or marine vegetation alterations would be proposed to occur.</i>
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**SCHEDULE C
MARINE SHORELINE PROTECTION
DEVELOPMENT PERMIT AREA**



DRAFT

Lasqueti Island Land Use Bylaw

Part 4 Section 3.11 Subdivision Regulations

Parcel Area and Frontage

3.11(1) The minimum area of a parcel that is created by subdivision wholly or partially within the Agricultural Land Reserve is 8 hectares.

Comment [SZ1]: NEW minimum parcel size for lands in the ALR consistent with provincial guidelines to preserve larger contiguous ALR parcels to support diversity in agricultural uses.

3.11(2) The minimum area of a parcel that is created by subdivision outside of the Agricultural Land Reserve is:

Comment [SZ2]: NEW wording to regulate minimum parcel area (not lot yield) in each subdivision district.

(a) in Subdivision District A designated in Schedule C: 4 hectares.

(b) in Subdivision District B designated in Schedule C: 8 hectares.

(c) in Subdivision District C designated in Schedule C: 65 hectares.

3.11(3) The minimum parcel areas specified in 3.11(2) do not apply:

Comment [SZ3]: Standard exclusions to minimum parcel areas.

(a) to the consolidation of two or more parcels into a single parcel;

(b) to a subdivision that adjusts the boundary between two parcels, and if a boundary adjustment subdivision would increase the area of any parcel to the point where the new parcels created could, taken together, be subdivided into more parcels than would be permitted under this Bylaw without the boundary adjustment, the applicant must grant a covenant complying with **Section X** in respect of every such parcel, prohibiting further subdivision of the parcel;

(c) if the parcel is being dedicated to the Crown or designated as an ecological reserve under the Ecological Reserve Act; or

(d) if the parcel being created is to be used as a park; for ambulance or fire protection facilities; or solely for the unattended equipment necessary for the operation of a community water system or a community sewer system, and the applicant grants a covenant complying with **Section X** limiting the use of the parcel to the specific use that makes it eligible for this exception.

Information Note: The minimum parcel areas in 3.11.2 may be varied by development permit in order to comply with development permit guidelines applicable to subdivision, but not so as to increase the number of parcels that may be created by subdivision of any parent parcel; see **section XX** of the Lasqueti Island Official Community Plan.

3.11(4) No parcel outside of the Agricultural Land Reserve having an area less than 4 hectares may be subdivided under Section 514 of the *Local Government Act* to provide a residence for a relative of the owner.

3.11(5) The frontage on a highway of any parcel created by subdivision must be at least 10 percent of its perimeter, and in no case may the frontage be less than 20 metres.

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

DRAFT

Lasqueti Island Land Use Bylaw

Highway Standards

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

Parcel Shape

3.11(6) No parcel having a depth greater than three times its width may be created by subdivision, and for this purpose the width of a panhandle parcel shall be measured at the point where the panhandle connects with the main portion of the parcel.

Boundary Adjustment Subdivisions

3.11(7) A subdivision that adjusts the boundary between two parcels and thereby creates a *parcel* lying in two or more *zones* is prohibited.

Comment [SZ4]: NEW parcel shape requirement prevents creation of long, skinny waterfront lots (current is depth greater than five times its width).



Lasqueti Island
Local Trust Committee

Shoreline Protection Project

Proposed Amendments to the Official Community Plan
and Land Use Bylaw

June 26, 2017

Presentation Outline

- Overview of Project
- Status of shoreline protection
- Overview of existing policies and regulations
- Overview of options for OCP and LUB amendments
- Proposed Consultation and Engagement Plan
- Next Steps



Overview of Project

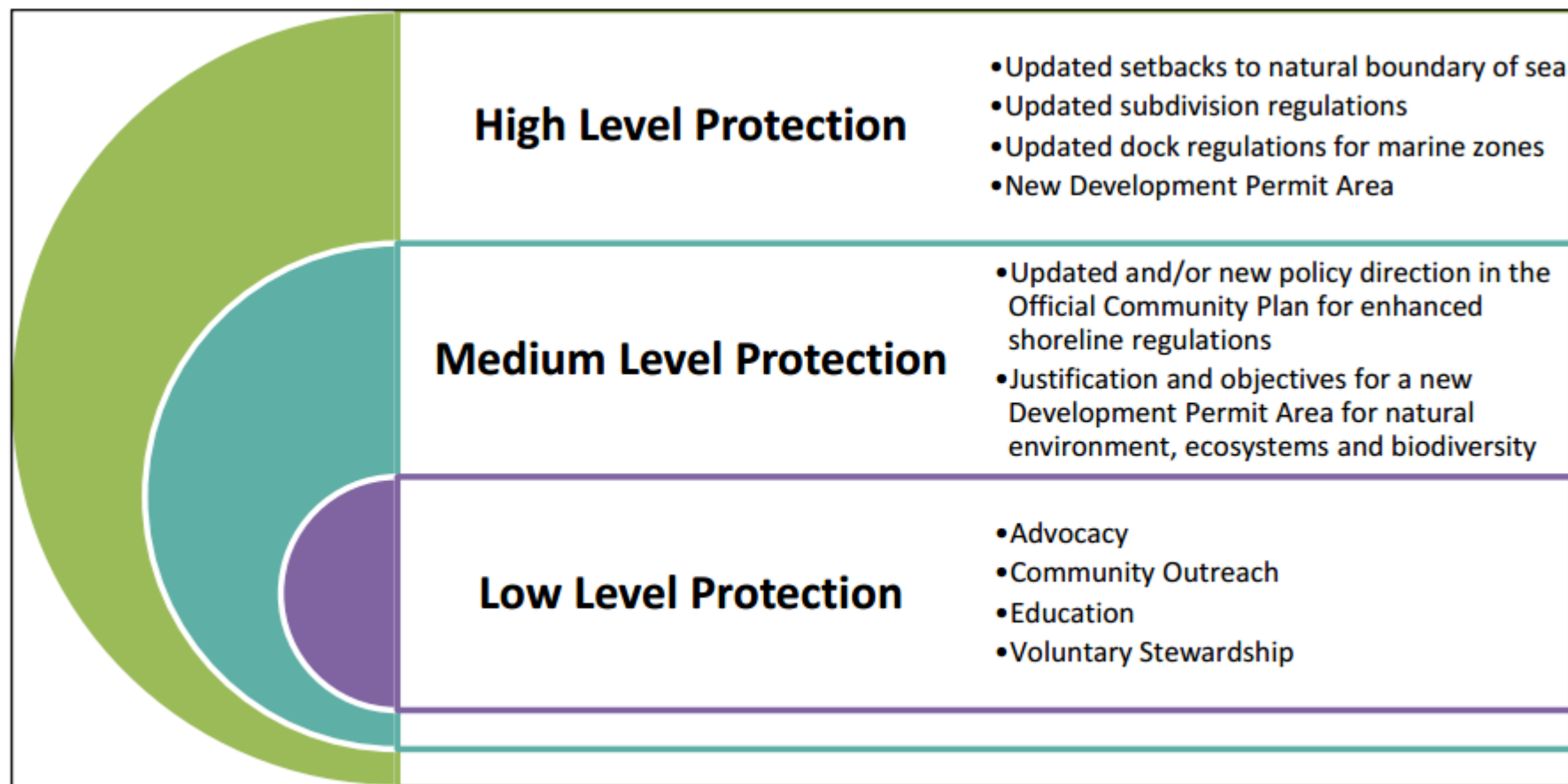


Figure 1. Categories of Shoreline Protection measures available to the LTC.



Lasqueti Island
Local Trust Committee

Project Charter

Lasqueti OCP/LUB Review Project—Shoreline Protection- Charter v 1.0

Lasqueti Island Local Trust Committee

Date: February 2017

Purpose To increase opportunities for shoreline and marine protection on Lasqueti Island by a review and update of relevant Official Community Plan (OCP) policies and Land Use Bylaw (LUB) regulations.

Background The LTC identified eelgrass and forage fish habitat protection as a top priority in 2016. Trust Council supports greater marine shoreline protection that includes strategic First Nations engagement. This project is strongly aligned with Trust Council direction and the LTC's ability to implement best management practices in land use planning for the protection of sensitive ecosystems, critical habitat and species at risk.

Project Charter

Objectives

Review targeted OCP policies and LUB regulations in a project to support the protection of critical habitats, sensitive ecosystems, shoreline integrity/function and First Nations cultural values along the Lasqueti marine, upland and shoreline areas.

In Scope

1. Review:

- relevant OCP policies for marine and land based areas;
- LUB setback and dock regulations;
- LUB subdivision regulations and Sch 'C' map.
- Provisions for a new biodiversity DP Area

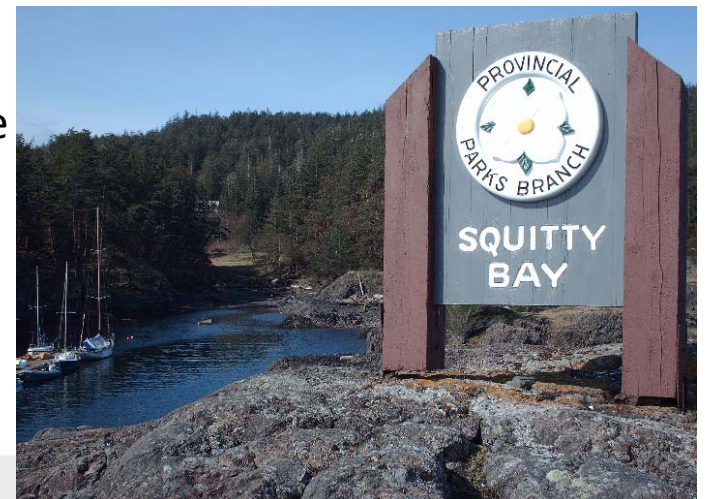
2. Community Shoreline Event with First Nations, Trust Fund, residents and LINC; and

3. Pilot rigorous First Nations and community engagement at a strategic level for cultural and ecological purposes.



Current Status of Conservation

- Less than 10% (78 ha) of island is protected from development.
- Few opportunities for additional parkland acquisition.
- Small portion of 10% is representative of the sensitive ecosystems of the island.
- Last remaining old forests (>250yrs old) and mature forests (80-250 yrs old) and associated sensitive ecosystems are found on Lasqueti Island.
- 5000 ha classified “unprotected high relative biodiversity composition value” identified as high conservation focus.
- Mapped sensitive ecosystems, eelgrass and forage fish habitats, critical habitat – all currently unprotected.
- No privately held conservation covenants in the LTA.
- 85% of Lasqueti’s shorelines (within 15 m of the NBS) are within 0- 5 meters above sea level.



Current Status of Conservation

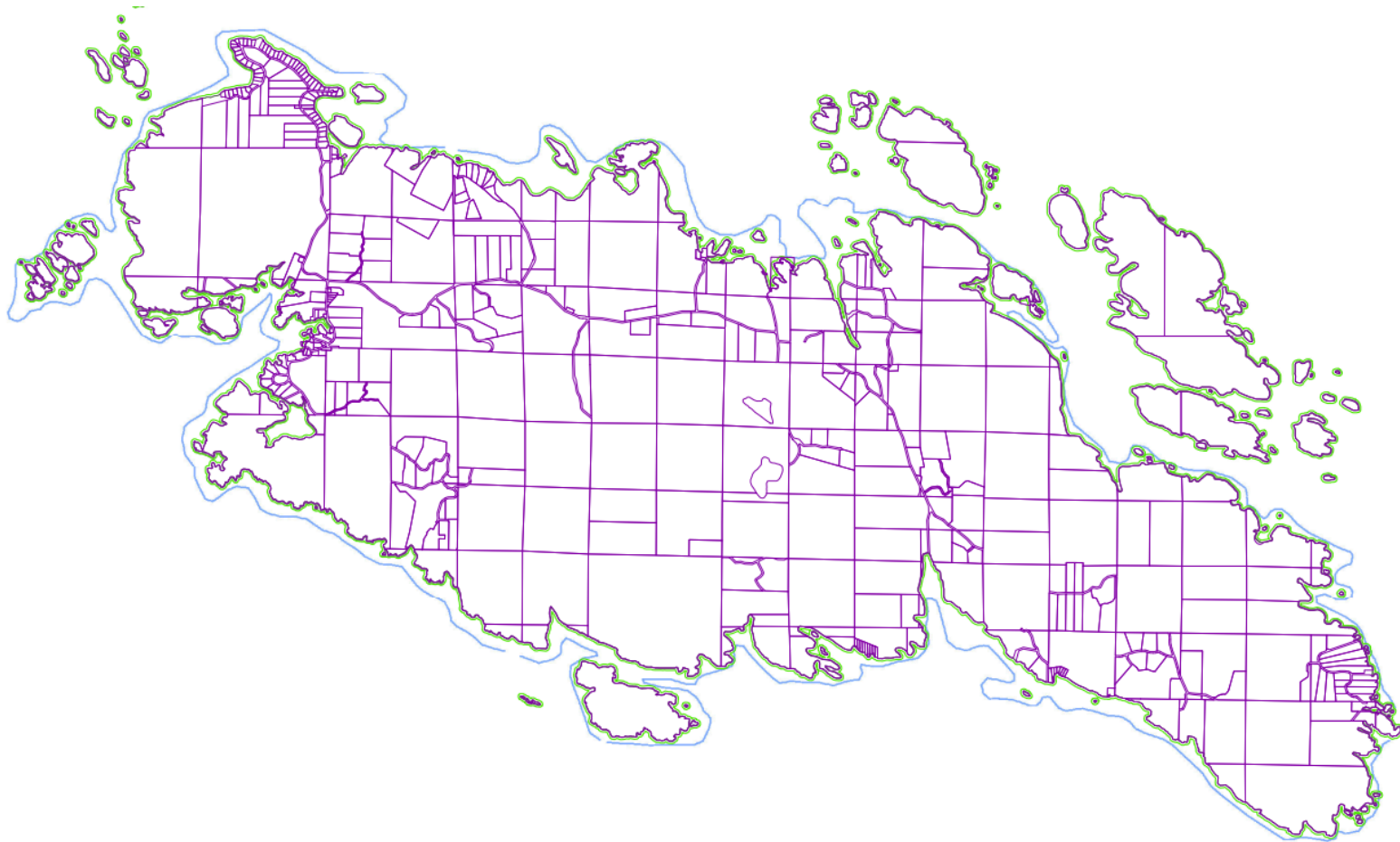


In the amended Act, "serious harm to fish" is defined as: "the death of fish or the permanent alteration to, or destruction of, fish habitat," with fish habitat defined as "spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes."

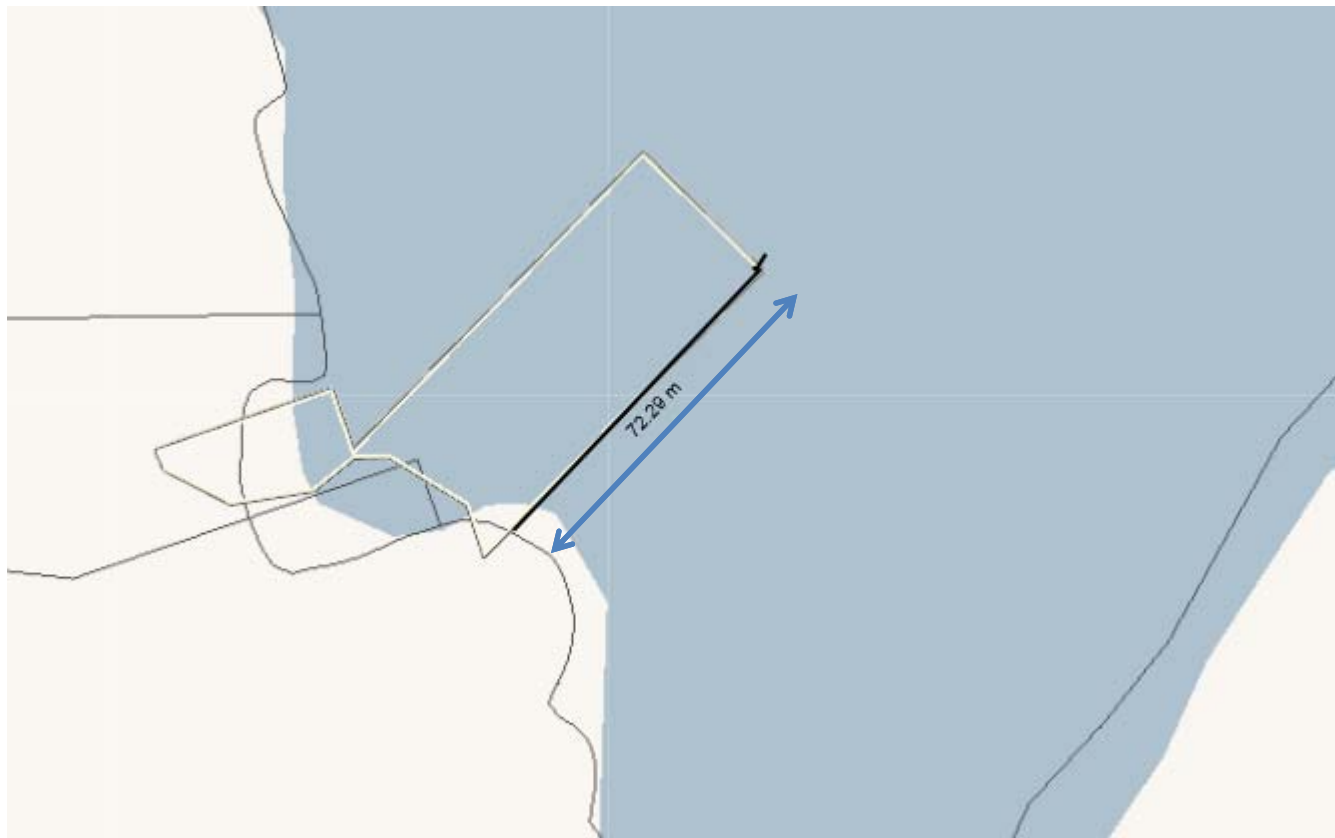


Photo Credits: left: heron eating (E. Marshall)
centre: surf smelt spawn (R. de Graaf)
right: krill on Lasqueti beach (B. Dorner)
Map below - courtesy of A. Sperling
front cover - images by B. Dorner except
salmon at Adams River - by C. Haist

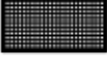
Current Status of Conservation

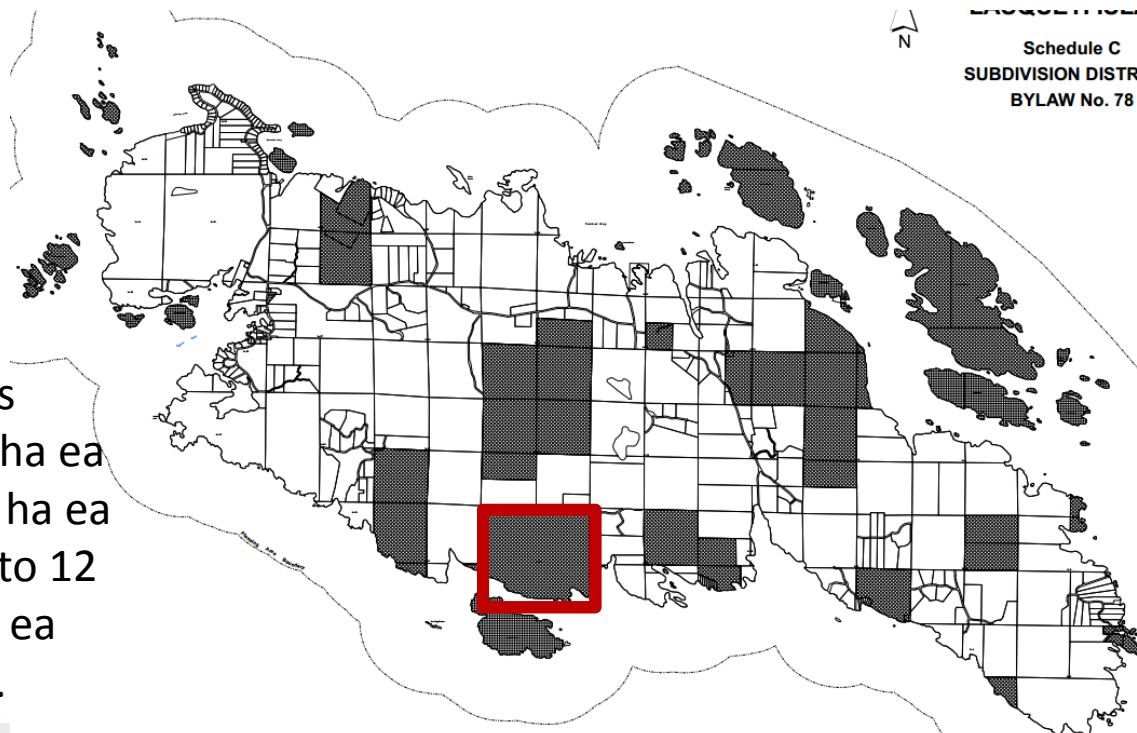


Current Status of Conservation



Existing Subdivision Regulations

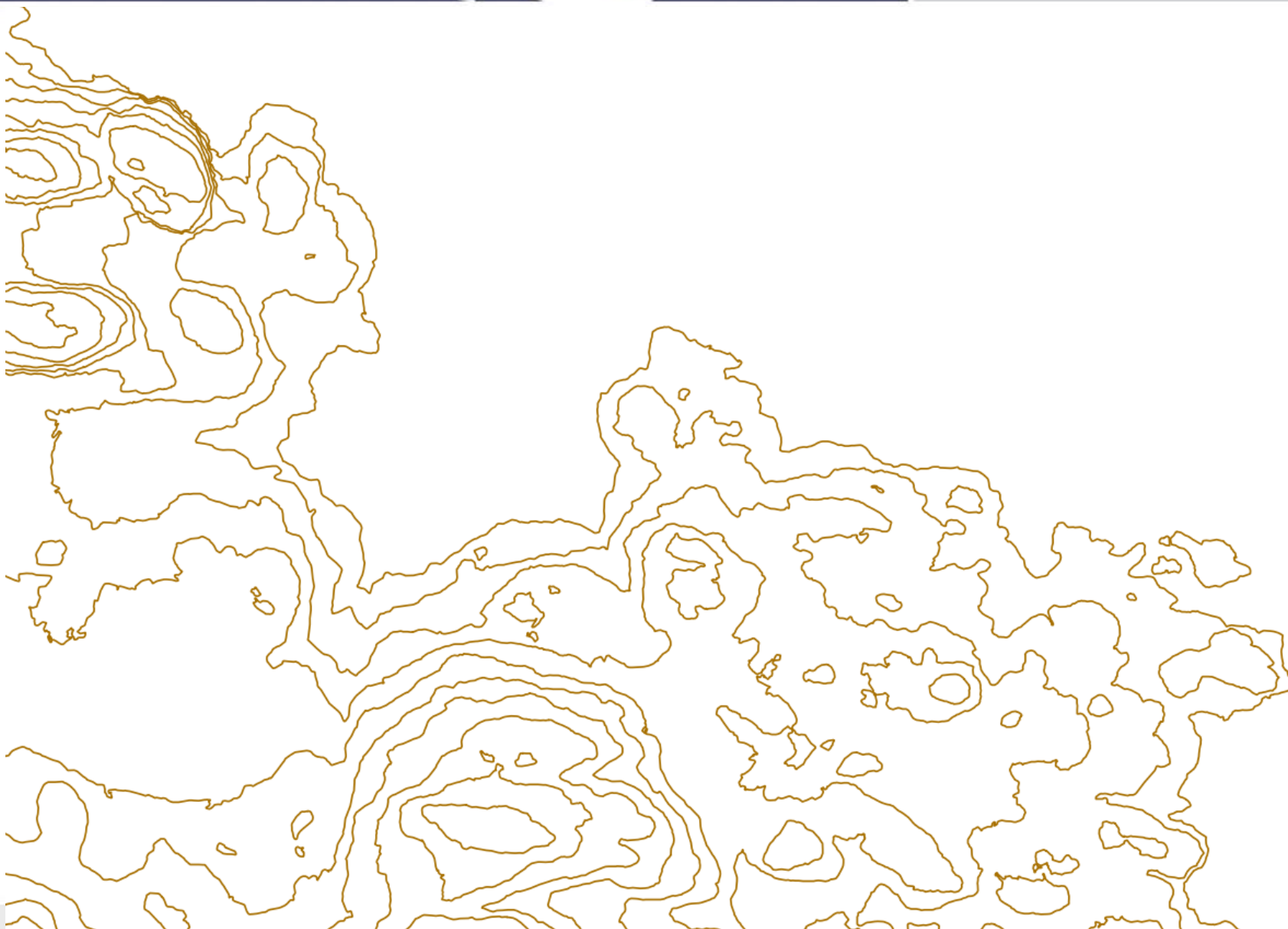
-  Subdivision District A (1 parcel per 4 ha. (9.88 acres) of land)
-  Subdivision District B (1 parcel per 8 ha. (19.77 acres) of land)
-  Subdivision District C (1 parcel per 65 ha. (160.61 acres) of land)

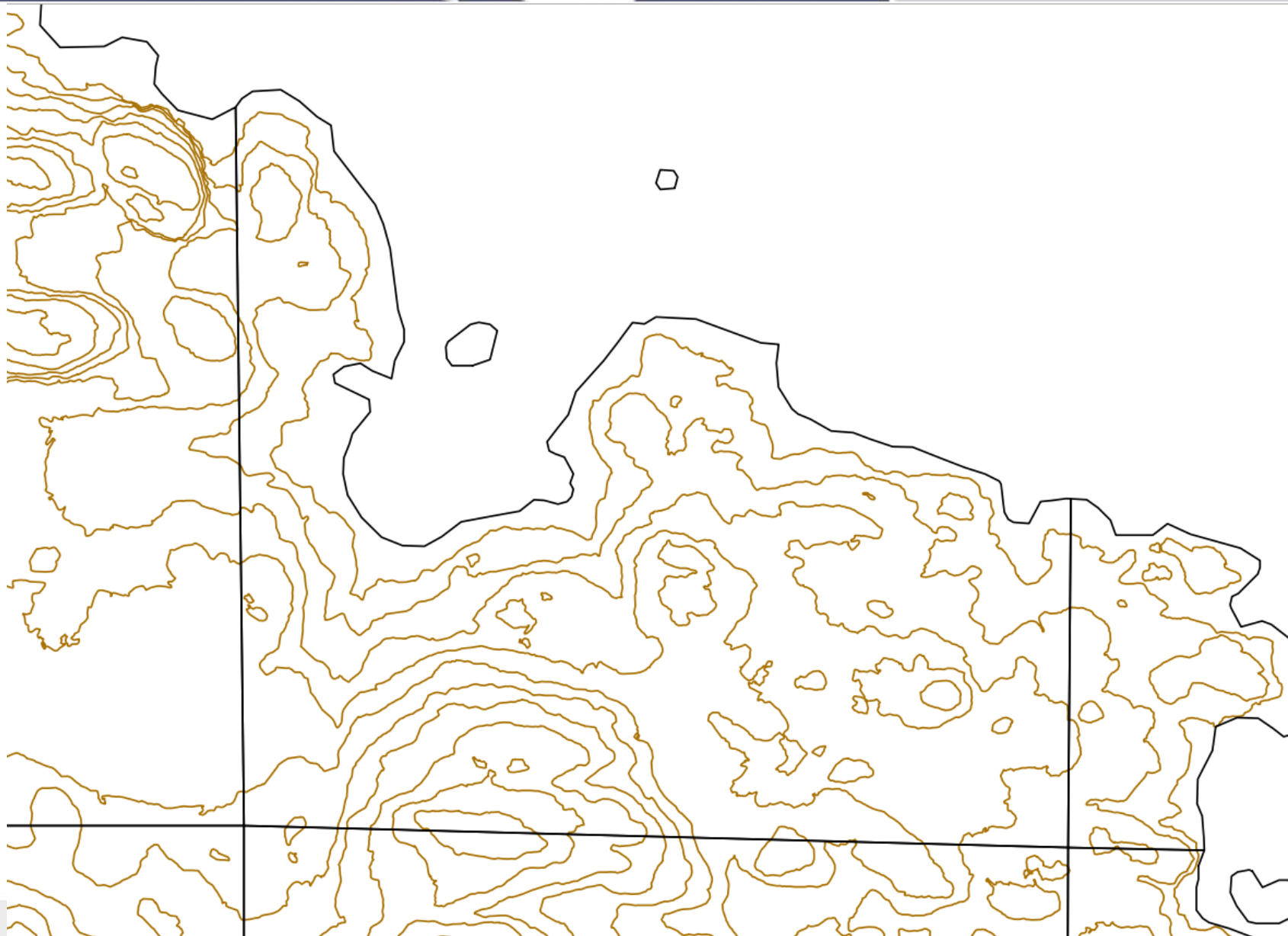


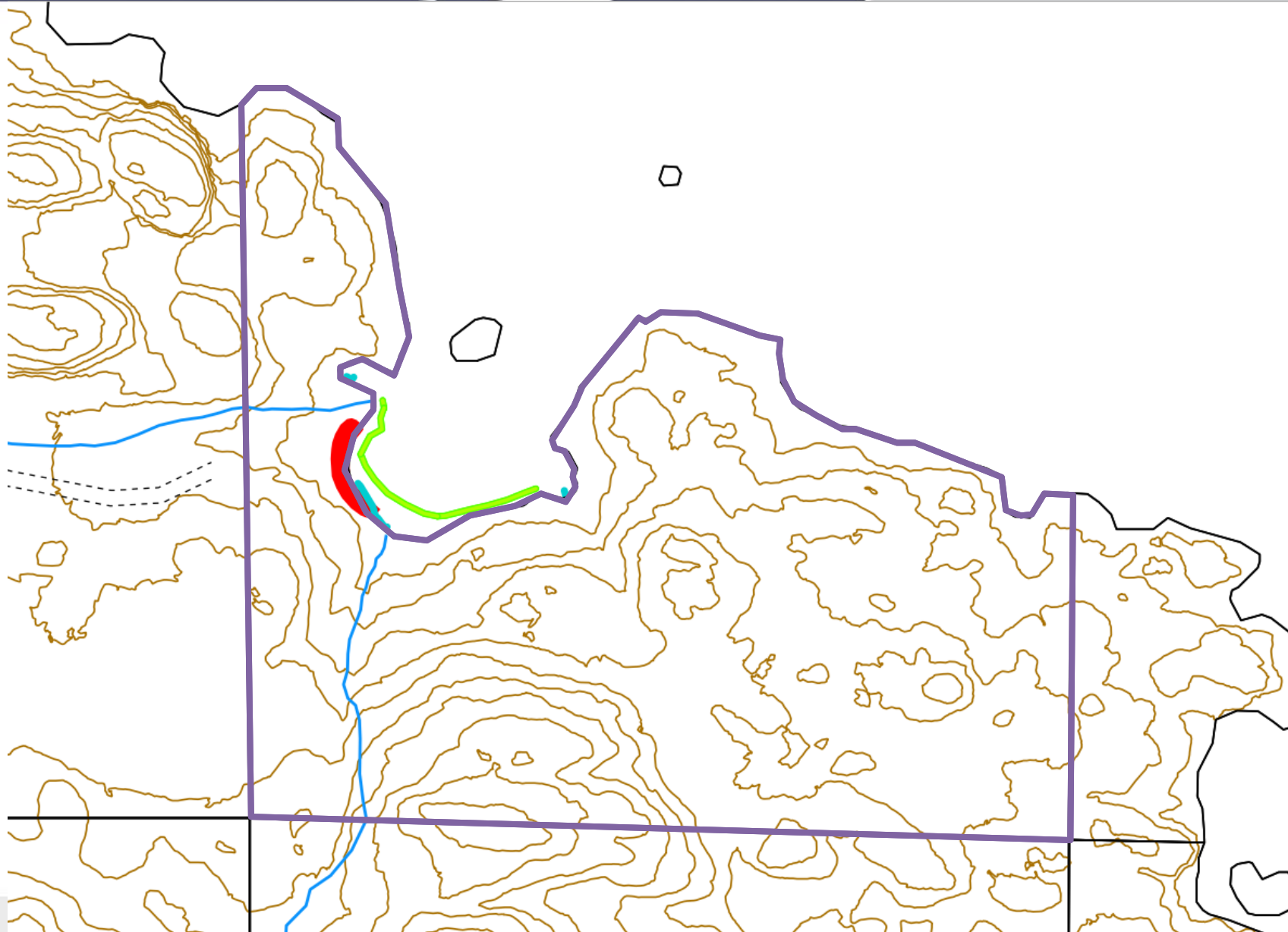
- ~132 ha
- Max 34 lots
- 32 lots @ 1ha ea
- 2 lots at 50 ha ea
- 50 ha lot into 12 lots @ 4 ha ea
- And so on...

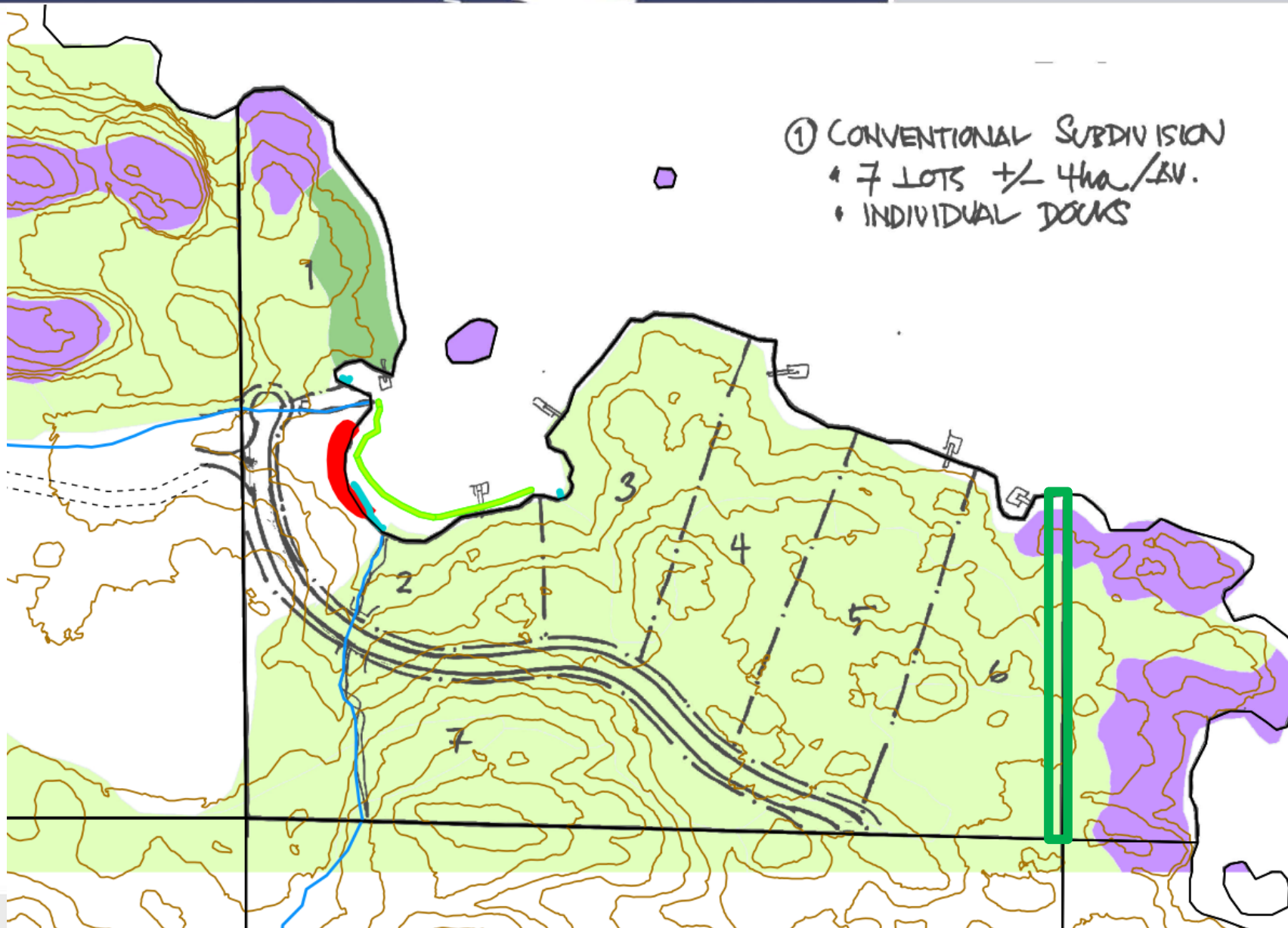


Lasqueti Island Local Trust Committee











Existing Setback Regulations to the Natural Boundary of the Sea

(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:

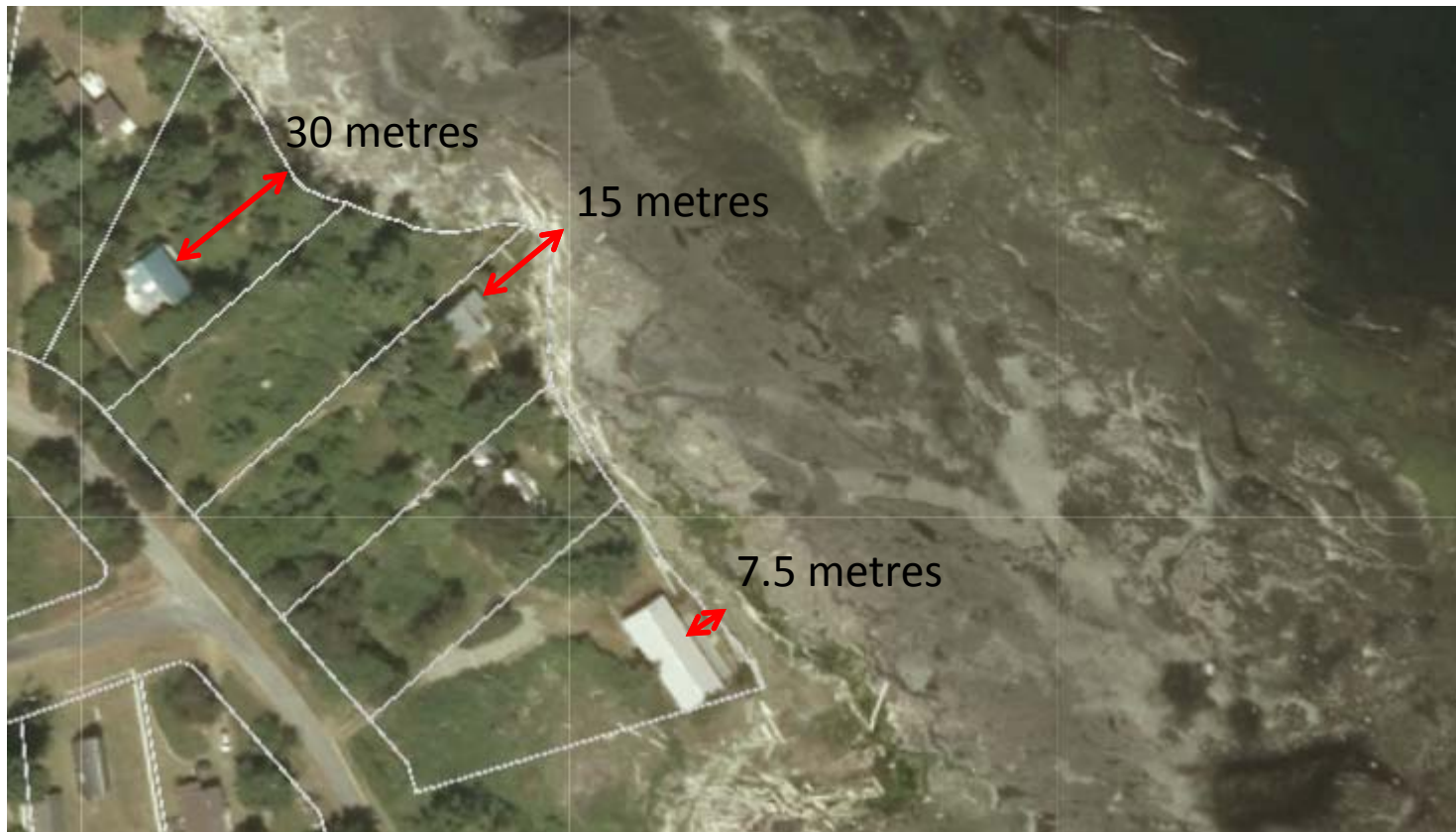
- (i) 5.0 metres (16.4 feet) for a boathouse;
- (ii) 15 metres (49.2 feet) for all other buildings and structures;
- (iii) despite Clause 3.5(4)(a)(ii), where the frontage on the sea is adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings and 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.

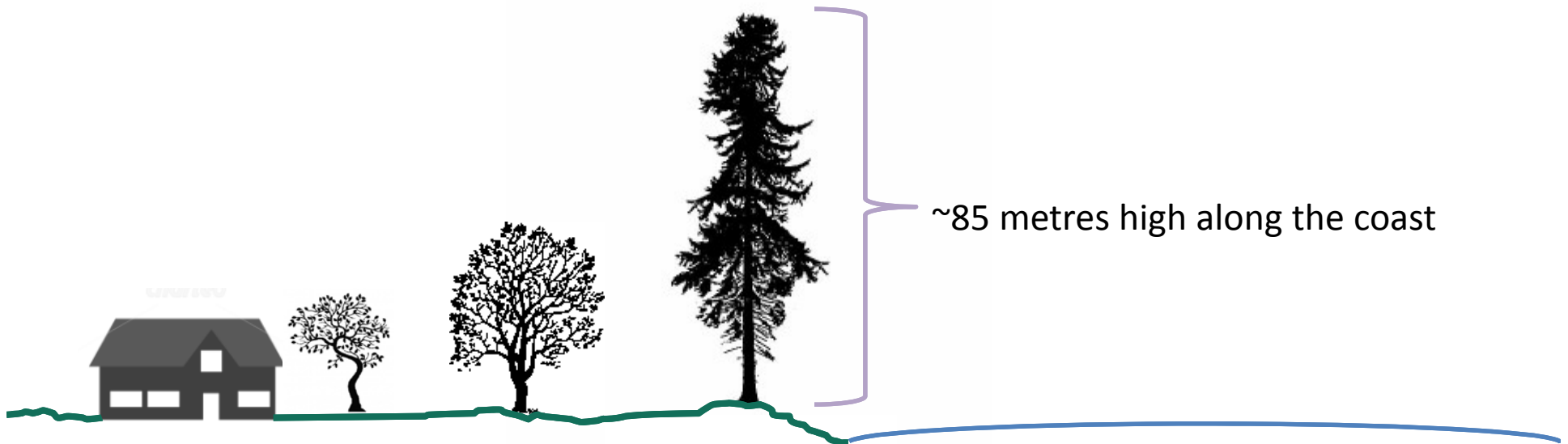
(c) Where fill is used to attain the elevation required in this section:

- (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.

Existing Setback Regulations to the Natural Boundary of the Sea



Existing Setback Regulations to the Natural Boundary of the Sea



Presentation Outline

- Overview of Project
- Status of shoreline protection
- Overview of existing policies and regulations
- **Overview of options for OCP and LUB amendments**
- Proposed Consultation and Engagement Plan
- Next Steps





Lasqueti Island
Local Trust Committee

Potential OCP and LUB Amendments

SEE ATTACHMENT #1



Lasqueti Island
Local Trust Committee

Potential Development Permit Area Guidelines

SEE ATTACHMENT #2



Lasqueti Island
Local Trust Committee

Potential Subdivision Regulations Amendments

SEE ATTACHMENT #3

Proposed Consultation and Engagement Plan

- LTC direction to staff to prepare amending bylaws based on preferred scope of options.
- Mail out notification to property owners on project status.
- APC and early First Nation/agency referral July/August.
- CIM on draft changes, early referral responses and solicit public input September 18, 2017.
- LTC consideration of any changes to draft.
- Consideration of first reading ~November 2017.
- Formal First Nations and agency referrals.
- Legislative process (CIM, public hearing) ~Jan – March 2018.

Next Steps

1. LTC direction to staff to prepare amending bylaws for community consultation and early referrals that generally reflect:
 - a) Changes to the OCP and LUB as per Attachments 1;
 - b) Introduction of a new marine shoreline development permit area as per Attachment 2 and;
 - c) Updated subdivision Regulations as per Attachment 3.
2. Mail out to all property owners/residents regarding status of the project, scope of policy/regulatory changes, where to access project information and opportunities for input.
3. Prepare a comprehensive early referral package for the Advisory Planning Commission, First Nations, Ministry of Agriculture, and Agriculture Land Commission.
4. Schedule a CIM for September 2017.

Islands Trust
LTC EXP SUMMARY REPORT F2018
Invoices posted to Month ending May 2017

640 Lasqueti	Invoices posted to Month ending May 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-640	LTC "Trustee Expenses"	750.00	0.00	750.00
LTC Local				
65200-640	LTC - Local Exp - LTC Meeting Expenses	1,250.00	30.00	1,220.00
65210-640	LTC - Local Exp - APC Meeting Expenses	500.00	0.00	500.00
65220-640	LTC - Local Exp - Communications	1,000.00	0.00	1,000.00
65230-640	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,250.00</u>	<u>30.00</u>	<u>3,220.00</u>
Projects				
73001-640-2015	Lasqueti OCP/LUB	7,000.00	77.30	6,922.70
73001-640-4085	Lasqueti First Nations Relations	1,000.00	0.00	1,000.00
		<u>8,000.00</u>	<u>77.30</u>	<u>7,922.70</u>