



# Lasqueti Island Local Trust Committee

## Regular Meeting Agenda

Date: March 4, 2024  
Time: 11:00 am  
Location: Judith Fisher Centre  
#1 China Cloud Bay Road  
Lasqueti Island, BC

---

**Pages**

- |   |  |         |
|---|--|---------|
| <b>1. CALL TO ORDER</b>   | 11:00 AM - 11:05 AM  |         |
| Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change. |  |         |
| <b>2. APPROVAL OF AGENDA</b>  |  |         |
| <b>3. REPORTS</b>   | 11:05 AM - 11:20 AM  |         |
| 3.1   | Trustee Reports  |         |
| 3.2   | Chair's Report   |         |
| 3.3   | Electoral Area Director's Report                                     |         |
| <b>4. TOWN HALL</b>   | 11:20 AM - 11:35 AM  |         |
| <b>5. MINUTES</b>   | 11:35 AM - 11:40 AM  |         |
| 5.1   | Local Trust Committee Minutes dated December 11, 2023 - for adoption | 3 - 12  |
| 5.2   | Section 26 Resolutions-Without-Meeting Report - none                 |         |
| 5.3   | Advisory Planning Commission Minutes - none                          |         |
| <b>6. BUSINESS ARISING FROM MINUTES</b>   | 11:40 AM - 11:50 AM  |         |
| 6.1   | Follow-up Action List dated February 26, 2024                        | 13 - 15 |
| <b>7. APPLICATIONS AND REFERRALS</b>  | 11:50 AM - 12:05 PM  |         |
| 7.1   | LA-RZ-2023.1 (Carey) - Staff Report                                  | 16 - 57 |

~ BREAK 12:05 PM - 12:35 PM ~

<b>8.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	12:35 PM - 12:55 PM	
8.1	Minor Project: Official Community Plan Review - Staff Report		58 - 111
<b>9.</b>	<b>DELEGATIONS - none</b>		
<b>10.</b>	<b>CORRESPONDENCE</b>	12:55 PM - 1:10 PM	
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
10.1	Email dated October 20, 2023 from S. Morrison		112 - 112
10.2	Email dated February 13, 2024 from Snaw-Naw-As regarding Snaw Naw As Forest Stewardship Plan		113 - 114
<b>11.</b>	<b>NEW BUSINESS</b>	1:10 PM - 1:50 PM	
11.1	Review of the New Provincial Short Term Rental Accommodation Act for Lasqueti Island Local Trust Area - Memorandum		115 - 117
11.2	Housing Statute Changes to British Columbia Legislation - Memorandum		118 - 132
<b>12.</b>	<b>REPORTS</b>	1:50 PM - 2:15 PM	
12.1	Trust Conservancy Report - none		
12.2	Applications Report dated February 26, 2024		133 - 133
12.3	Trustee and Local Expense Report dated December, 2023		134 - 134
12.4	Adopted Policies and Standing Resolutions		135 - 137
12.5	First Nations Report		
12.6	Local Trust Committee Webpage		
<b>13.</b>	<b>WORK PROGRAM</b>	2:15 PM - 2:30 PM	
13.1	Active Projects Report dated February 26, 2024		138 - 138
13.2	Future Projects Report dated February 26, 2024		139 - 140
<b>14.</b>	<b>UPCOMING MEETINGS</b>		
14.1	Next Regular Meeting Scheduled for Monday, May 6, 2024 at 11:00 am at Judith Fisher Centre, #1 China Cloud Bay Road, Lasqueti Island, BC		
<b>15.</b>	<b>ADJOURNMENT</b>	2:30 PM - 2:30 PM	



## Lasqueti Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** December 11, 2023

**Location:** Electronic Meeting

**Members Present:** Tobi Elliott, Chair  
Timothy Peterson, Local Trustee  
Mikaila Lironi, Local Trustee

**Staff Present:** Wil Cottingham, Administrator and Meeting Host  
Stephen Baugh, Island Planner  
Katherine Vogt, Recorder

**Others Present:** Andrew Fall, Electoral Area Director, qathet Regional District  
There were approximately twelve (12) members of the public in attendance.

**1. CALL TO ORDER**

Chair Elliott called the meeting to order at 11:01 a.m. She acknowledged that the meeting was held in the territory of the Coast Salish First Nations. She introduced Trustees, Staff, and Recorder, and welcomed members of the public.

**2. APPROVAL OF AGENDA**

**By general consent** the agenda was adopted as presented.

Chair Elliott noted that Director Fall might be delayed in joining the meeting.

**3. REPORTS**

**3.1 Trustee Reports**

Trustee Peterson reported on the following:

- Condolences to Trustees who came down with COVID-19 after the last Trust Council meeting.
- Upcoming meetings this week on Galiano, Hornby, and Salt Spring Islands.

Trustee Lironi reported on the following:

- Attending the last Trust Council meeting electronically.
- Currently, road conditions on Lasqueti are more difficult for driving than usual.

### 3.2 Chair's Report

Chair Elliott reported on the following:

- The recent Trust Council meeting included such highlights as productive work on the Islands Trust vision statement; initial discussion of the draft budget; and consensus building.
  - Trustee Peterson added that a motion was passed regarding updating the procedure for the Chief Administrative Officer (CAO) Performance Review; and the Trust Programs Committee new draft of the updated Islands Trust Policy Statement should be available early in the new year.
- Electronic presentation at the recent Trust Council meeting by councillors of San Juan County, which the Trust has a transport agreement with. Marine advocacy and oil spill protection and prevention was discussed; their marine resources committee could be a good model for managing local foreshore issues; and their approach to housing through urban growth areas to support conservation was interesting.

### 3.3 Electoral Area Director's Report

Director Fall reported on the following:

- The qathet Regional District's (qRD) is updating its Regional Community Wildfire Resiliency Plan which will involve future public engagement hopefully before next summer, and maps showing areas of risk on Lasqueti. Half of Lasqueti Island is considered high-risk wildland urban interface.
- Recent significant sweeping, complicated provincial housing bills, especially bills 44 and 45, include new requirements for removing housing encampments; and alter traditional local government authority over housing. These bills may have implications related to secondary cabins on Lasqueti; and Housing Needs Assessments are now a requirement. Concerns have been expressed that the Province did not consult with local governments before passing the bills.

### 3.4 First Nations Engagement

Chair Elliott updated that the Islands Trust Snaw-naw-as First Nation Protocol Agreement was recently approved by the Minister of Municipal Affairs. The current Trust working group on First Nations' issues consists of Chair Luckham, Chair Elliott, Trustee Peterson, Trustee Lironi, and, possibly, another Trustee.

Trustee Peterson expressed positive regard that the protocol agreement had been finalized, and anticipated that there would be an opportunity soon for the working group to discuss with Snaw-nas-as First Nations their concerns with the proposed draft of the Official Community Plan (OCP).

## 4. TOWN HALL

Members of the public asked or noted the following:

- Appreciation that Trustee Peterson is arranging for a refrigeration unit so that locals may be buried on the island.
- Two Freedom of Information requests regarding a Trustee.
  - Chair Elliott advised that this was a private matter not for discussion at a Local Trust Committee (LTC) meeting.
  - The member of the public expressed that they would like to formally object to the Chair's ruling that the matter not be discussed and that this objection be recorded in the minutes.
  - The Planner read out a section from the Meeting Procedures Bylaw that relates to individual delegations at LTC meetings regarding points of order and items that should be excluded from discussion.
  - The member of the public noted that he had received an email from Deputy Secretary Nadine Mourao that included comments that anything they received from the Trust was considered public, which contradicts the Chair's assertion that such matters are private.
  - The Chair reiterated that private complaints are a matter for the Chief Administrative Officer (CAO) and not the LTC.
- We used to have a local minute taker, but we have had a foreign one for the past two years. Would Trustees please request that a search be conducted for a local minute taker that lives on Lasqueti Island so that some of the Trust money could benefit Lasqueti?
- A private dock privatizes a considerable area of public shorefront resource and is not a public amenity. Its possible use in an emergency brings up many questions. The Official Community Plan (OCP) does not support a proliferation of private docks. There are very few places on Lasqueti where docks can survive the winter. There will probably be an application coming soon for another private dock adjacent to the recently built private dock; and further applications could be expected in the future. If the LTC approves this recent private dock, what criteria will they use for future private dock applications? A public dock in Maple Bay is very feasible with cooperation.
- There are numerous anomalies regarding identifying members of the media in attendance at LTC meetings at various places in the agenda package.
- The latest LTC expense report shows no money spent in the budget recently.
- The Protocol Agreement between Islands Trust Council and Snaw-naw-as Nation, as explained in the letter document on page 45 of the agenda package, does not seem to include Lasqueti Island or any other local LTCs; will this further delay the OCP review?
  - Trustee Peterson responded that Local Governments are not able to enter into Protocol Agreements. It is Trust Council's authority to appoint local members of the Working Group, which for Lasqueti includes all current members of the LTC and Chair Luckham.
- Regarding the proposed LTC meeting schedule, the Islands Trust has omitted that July 1, 2024 falls on a Monday and is a statutory holiday.
- In the Meeting Procedures Bylaw up for adoption today, it states that the public participation period be limited to fifteen minutes, which may be extended by majority

vote; and that a member of the public may have three minutes to address the LTC, which may be extended by a unanimous vote, such that a single Trustee can shut down a speaker after three minutes; and, that delegations be limited to five minutes. I suggest that each speaker be given three minutes per topic, and note that the delegations and public participation periods are too restrictive.

- Trustee Peterson acknowledged previous concerns expressed regarding the three-minute individual time limit; and noted that, in practice, public comment periods often went well beyond the designated fifteen minutes.
- Chair Elliott advised that going back into the Meeting Procedures Bylaw would involve substantial time and energy for negligible benefit.
- The member of the public appreciated the extra time that the LTC has traditionally allowed for public comments.
- On page 35 of the agenda package, within the Islands Trust Policy Statement Directives Only Checklist, it states that the OCP must have greenhouse gas emission reduction targets, policies, and actions to achieve them. What are these greenhouse gases? This is a significant ask of the Trustees. What evidence-based science supports this directive? 95% of all greenhouse gasses are water vapor. How will the LTC reduce water vapor in the atmosphere?

## 5. MINUTES

### 5.1 Local Trust Committee Minutes dated October 23, 2023 - for adoption

Chair Elliott, in response to a member of the public's concern raised in Town Hall, did not find a discrepancy between the reference to media in attendance in the October 23, 2023 minutes and the new update directive from David Marlor Director Legislative Services, that Identifying media representatives is not necessary in the LTC meeting minutes; and it will be removed from the 'Others Present' section of the minutes template going forward.

The Planner noted that the traditional business meeting template for Lasqueti had included a statement to identify members of the media; but that other Trust areas have not been doing this. The Lasqueti template will be updated to remove reference to media presence.

**By general consent** the minutes of the Lasqueti Local Trust Committee Meeting of October 23, 2023 were adopted as presented.

**By general consent** the Lasqueti Local Trust Committee agreed to hear Item 9.1, the delegation of Karl Goodwin, immediately.

### 5.2 Section 26 Resolutions-Without-Meeting Report dated November 30, 2023 Received.

### 5.3 Advisory Planning Commission Minutes - none

**6. BUSINESS ARISING FROM MINUTES**

- 6.1 Follow-up Action List dated November 30, 2023**  
Received.

**7. APPLICATIONS AND REFERRALS**

Director Fall joined the meeting at 12:07 pm and left the meeting at 12:17 pm.

**8. LOCAL TRUST COMMITTEE PROJECTS**

- 8.1 Minor Project: Lasqueti Meeting Procedures Bylaw No. 102 - for Consideration of Adoption**

The Planner noted that the bylaw to update the previous Meeting Procedures Bylaw had received first, second, and third readings and been recently approved by Islands Trust Executive Committee.

**LA-LTC-2023-046**

**It was MOVED and SECONDED,**

that Lasqueti Island Local Trust Committee Bylaw No. 102 cited as "Lasqueti Island Local Trust Committee Meeting Procedure Bylaw, 2022, Amendment No. 1, 2023," be adopted.

**CARRIED**

Trustee Peterson noted that the Chair has been generous with granting members of the public time for speaking at local meetings; that time restrictions would be relevant for when there was a long queue of speakers; and that there may be upcoming consideration at Trust Council for a Trust-wide meeting procedures policy.

**By general consent** the meeting was recessed at 12:24 pm and reconvened at 12:28 pm.

- 8.2 Minor Project: Official Community Plan / Land Use Bylaw Review - Staff Report**

The Planner presented the staff report, contained on pages 18 to 40 of the agenda package, which provides a technical analysis of the status of the Lasqueti OCP/LUB Review Project for consistency with the Project Charter, the Islands Trust Policy Statement, and the Local Government Act.

Trustees discussed the staff report.

**By general consent** the meeting was recessed at 1:15pm and reconvened at 1:45pm.

**LA-LTC-2023-047**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee amend the proposed Project Charter version 6.0, for the Lasqueti Island OCP Review Project to include adjustment of the lot size number to 4.046 hectares.

**CARRIED**

**LA-LTC-2023-048**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee approve the Project Charter version 6.0, for the Lasqueti Island Official Community Plan OCP Review Project, as amended.

**CARRIED**

**LA-LTC-2023-049**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 98 cited as "Lasqueti Island Official Community Plan, 2020" so that the bylaw meets Islands Trust Policy Statement directive policies and to satisfy Local Government Act requirements.

**CARRIED**

**LA-LTC-2023-050**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee request staff to add the following to the future projects list:

- a. Land Use Bylaw review including subdivision regulations related to lot size; proof of water; public access to the foreshore; consideration of expanding the marine conservation zone; and housing, and
- b. Official Community Plan update in regard to consistency with the Regional Conservation Plan, Coastal Douglas-Fir Toolkit, housing, and subdivision regulations related to proof of water; and additional topics recommended by the Lasqueti Community Association Official Community Plan Steering Committee.

**CARRIED**

Trustee Peterson anticipated that the Official Community Plan (OCP) update could be rolled into a major project with a business case for the 2025/2026 fiscal year; and could be discussed at the regular Local Trust Committee business meeting in May 2024 at the latest; and that priority Land Use bylaw review items could be moved forward through minor projects.

**9. DELEGATIONS**

**9.1 Karl Darwin from Lasqueti Island Ratepayer's Association regarding Docks**

Karl Darwin, who has lived on the island for over 70 years and is a mariner, read out and spoke on the three-page letter, contained on pages 41 to 43 of the agenda package, recently submitted to the LTC from the Lasqueti Island Ratepayers Association (LIRA) regarding docks. He noted the following:

- LIRA recommends that the Land Use Bylaws 4.13 b and 4.15 be changed to allow private docks on properties that are accessible by public road. Currently, private docks are only permitted where there is no public road access.
- It is very difficult to find suitable sites for docks on Lasqueti due to weather and terrain. There are only nine suitable locations spread along 50 kilometers of shoreline.
- The public dock in False Bay cannot accommodate the growing number of residential boats due to fierce southwest gales; and the bay is too deep for a breakwater.
- The ferry may be inadequate in the future, if the local population continues to increase. Most islanders do not have boats and are completely dependent on the ferry.
- Evacuation routes for wildfire and other calamities need to be considered. Private boats would become the prime providers in such a situation.
- Private docks confer conveniences and benefits to the community and no serious risks to the environment, so they should be permitted.

Trustee Peterson asked or noted the following:

- The Lasqueti Community Association (LCA), in their many public engagement sessions and reports throughout the OCP review process, had not addressed changing current docks policies.
  - Karl Goodwin responded that he had wanted to push for a dock overhaul of the OCP while he was on the committee, but that he was away working while the committee was conducting their review, and none of the other people on the committee had boats or marine experience.
- Regarding the nine locations identified as suitable for docks, it would be helpful to know how many lots are next to these bays, and what public access to the foreshore may be available.
- Regarding establishing a public dock at one or more of these nine suitable areas, how much support would there be for such a project?
  - Karl Goodwin responded that most of the suitable multipurpose dock locations with public foreshore access are untenable, which is why LIRA has the court case in Tucker Bay. The Tucker Bay dock was the first government dock on Lasqueti; but the dock was taken out in the forties and the float in the fifties.
  - Karl Goodwin described various bays and their unsuitability for a public dock due to wind, siltation, steep terrain, or being surrounded by private property.
- Thank you to Karl Goodwin for raising the docks issue and a suggestion that maps would be helpful for further review.

Trustee Lironi thanked Karl Goodwin for his very thorough assessment.

## 10. CORRESPONDENCE

**10.1 Email dated October 14, 2023 from M. Laviolette regarding Private Dock at Scotty Bay**

Trustee Lironi reminded that a second item of correspondence from Susan Morrison, dated November 30, 2023, regarding the private dock at Scotty Bay, had not been included as late correspondence in the current agenda.

- The Planner added that the item of correspondence would be included in the applications section of the Islands Trust website.

**LA-LTC-2023-051**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee request that staff add the letter from Susan Morrison to correspondence for the next regular Local Trust Committee meeting.

**CARRIED**

**10.2 Letter dated November 2, 2023 from Ministry of Municipal Affairs regarding Protocol Agreement between Islands Trust Council and Snaw-naw-as Nation**  
Received.

**11. NEW BUSINESS - none**

**12. REPORTS**

**12.1 Trust Conservancy Report - none**

**12.2 Applications Report dated November 30, 2023**  
Received.

**12.3 Trustee and Local Expense Report dated October, 2023**

Chair Elliott clarified that there can be a delay of two months in updating the LTC expense reports, because they are updated on a quarterly basis.

**12.4 Adopted Policies and Standing Resolutions**

**12.5 Local Trust Committee Webpage**

**12.6 2024 LTC Meeting Schedule - Staff Report**

**LA-LTC-2023-052**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee schedule its regular business meetings on the following dates in 2024: March 4, May 6, July 15, October 21, and December 16.

**CARRIED**

Trustees expressed support for in-person meetings as being best for community engagement, while acknowledging that a meeting may need to be converted to electronic due to unforeseen circumstances.

**13. WORK PROGRAM**

**13.1 Active Projects Report dated November 30, 2023**  
Received.

**13.2 Future Projects Report dated November 30, 2023**  
Received.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled To Be Decided**

**15. CLOSED MEETING**

**15.1 Motion to Close the Meeting**

**LA-LTC-2023-053**

**It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(f) for the purpose of considering: (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; and that the Recorder and Staff attend the meeting.

**CARRIED**

The meeting was closed at 2:32 pm.

**15.2 Recall to Order**

Chair Elliott recalled the meeting to order at 2:52 pm. She reported that the In-Camera minutes of January 23, 2023 were adopted.

**16. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:53 p.m.

---

Tobi Elliott, Chair

Certified Correct:

---

Katherine Vogt, Recorder

DRAFT

## Follow Up Action Report

### Lasqueti Island

#### 11-Apr-2022

Activity	Responsibility	Dates	Status
<p>1 Referral of FLNRORD comments on the OCP to the APC to make a recommendation as to whether the policies of concern should be retained, removed, or amended.</p> <p>UPDATE: As of September 23, 2022 no response has been received by FLNRORD</p> <p>UPDATE: As of January 23, 2023 the LTC is deferring a referral to APC on this matter until FN consultation is completed.</p>			In Progress

#### 23-Jan-2023

Activity	Responsibility	Dates	Status
<p>1 The LTC request staff to clarify the LTCs responsibility to provide accommodation for persons with disabilities during public meetings.</p>	Renee Jamurat		In Progress

#### 08-May-2023

Activity	Responsibility	Dates	Status
<p>1 Schedule meeting between the LA LTC and Snaw-naw-as First Nation to discuss OCP Bylaw No. 98.</p>	Stephen Baugh		In Progress

#### 23-Oct-2023

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

## Follow Up Action Report

### Lasqueti Island

#### 23-Oct-2023

Activity	Responsibility	Dates	Status
<p>1 Request staff to prepare revisions to the Model Strategy for Antenna Systems in consideration of adoption by including the language used in standing resolution LA-LTC-2023-027. Add this to the active projects list. LTC would like this project prioritized over the OCP/LUB review, only if the OCP project is at a place that it can be easily put on hold without any significant delays. Staff to determine project management and the best way forward.</p>	Stephen Baugh		In Progress

#### 11-Dec-2023

Activity	Responsibility	Dates	Status
<p>1 Meeting Procedure Bylaw No. 102 adopted. Consolidate bylaw and update website.</p>	Nadine Mourao		Completed
<p>2 Project charter version 6.0 amended and approved. Update Project Charter document and upload to project webpage.</p>	Stephen Baugh		Completed
<p>3 Prepare amendments to proposed OCP Bylaw No. 98 so that the bylaw meets Islands Trust Policy Statement directive policies and to satisfy Local Government Act requirements.</p>	Stephen Baugh	Target: 04-Mar-2024	Completed

## Follow Up Action Report

### Lasqueti Island

#### 11-Dec-2023

Activity	Responsibility	Dates	Status
<p><b>4</b> Add the following to the future projects list:</p> <ul style="list-style-type: none"> <li>- LUB review including: subdivision Lot size, proof of water and public access to the foreshore, housing, and consideration of adding a Marine Conservation Zone; and</li> <li>- OCP update including: subdivision regulations related to proof of water, housing, update in regards to Consistency with the Regional Conservation Plan, Coastal Douglas-Fir Toolkit, and additional topics recommended by the Lasqueti Community Association Official Community Plan Steering Committee;</li> </ul>	Stephen Baugh		Completed
<p><b>5</b> Add Letter from S. Morrison to correspondence section of the agenda for the March 4, 2024 Lasqueti LTC meeting.</p>	Nadine Mourao		Completed
<p><b>6</b> That the Lasqueti Island Local Trust Committee schedule its regular business meetings on the following dates in 2024: March 4, May 6, July 15, October 21, and December 16.</p>	Wil Cottingham		Completed



File No.: LA-RZ-2023.1

DATE OF MEETING: March 4, 2024

TO: Lasqueti Island Local Trust Committee

FROM: Stephen Baugh, Island Planner  
Northern Team

COPY: Warren Dingman, Manager of Compliance and Enforcement

SUBJECT: Land Use Bylaw Amendment Application – LA-RZ-2023.1  
 Applicant: John Carey and Tracee Carey  
 Location: LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495  
 (PID: 002-917-475)

## RECOMMENDATION

- 1. That the Lasqueti Island Local Trust Committee proceed no further with land use bylaw amendment application LA-RZ-2023.1.**

## REPORT SUMMARY

The purpose of this report is to introduce an application for a Land Use Bylaw amendment to the Lasqueti Island Land Use Bylaw No. 78 in order to permit an existing private dock adjacent to the subject property. Staff recommend the application proceed no further as the proposed dock is not supported by OCP policies.

## BACKGROUND

This application is preceded by an open Bylaw Enforcement file (LA-BE-2019.3) concerning the unpermitted construction of a dock within the marine area for use by the upland property.

The application proposes to rezone the marine area adjacent to the subject property to permit a private dock for the use of the upland property owner. The applicant specifically requests that Section 4.15 in the LUB be amended to permit an additional dock in the Marine General (M2) zone. There was a previous bylaw amendment application considered by the Lasqueti Local Trust Committee (LTC) in 2020 for the same dock at this location. At that time, the LTC decided not to proceed with the application as it was not supported by Official Community Plan policies.

### **LA-2020-026**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee proceed no further with LA-RZ-2020.1.

The bylaw amendment request is the same in the current application as it was in the previous application, the applicant has provided a survey with this application showing that the material that was placed in the foreshore has been pulled back so that the only encroachment into crown lands is the dock and gangway. The applicant has also provided a Post Construction Impact Assessment related to the impact of the development on the life processes of fish.

A comprehensive Site Context analysis and Policy Checklist are provided in Attachments 1 and 2. Supporting material for the application including a letter from the applicants, survey plan and a copy of a Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020, and are found in Attachments 3 through 5.



*Figure 1 Subject property prior to dock being installed (Left) and image from google maps showing the dock (Right).*

A site visit was not conducted for this application, staff have looked at photos of the area including the following:



*Figure 2 Photo of the proposed dock from a 2020 Islands Trust Staff Report.*

## ANALYSIS

### **Islands Trust Policy Statement:**

Should the application advance to the bylaw drafting stage, staff will complete an Islands Trust Policy Statement (ITPS) directives checklist to ensure the bylaw is consistent with the ITPS.

### **Official Community Plan:**

The subject property is designated Land Based (LB) and the adjacent marine area is designated Marine (M) in the OCP.

The Lasqueti OCP contains a policy stating that private docks may be considered on a site specific basis in the Marine General (M2) zone and that environmental and social effects must be addressed. However, other OCP policies are not supportive of development on the shoreline. As a result, the application is inconsistent with OCP policies. In particular those policies that relate to the maintenance of scenic views, the retention of flora and fauna along the foreshore, protection of the marine riparian area, the retention of the undeveloped character of the coastal area, and development on crown lands being compatible with conservation values. A detailed analysis of this application with regards to the relevant OCP policies is provided in Attachment 2.

### **Land Use Bylaw:**

The upland area of the subject property is zoned Land Based (LB), and the adjacent marine area is zoned Marine General (M2). Permitted uses in the M2 zone include moorage for non-commercial purposes and slipways. The definition provided in the LUB for “moorage” excludes docks:

*“moorage” means the securing of a boat or vessel in a location by attachment to one or more anchors but specifically excludes the securing of a boat or vessel to a dock.*

The M2 zone does permit docks in ten specific locations, six of which are located on Lasqueti Island, and the remaining four are located on Bull, Boho, Jenkins and Sangster Islands. Schedule B of the LUB identifies these locations. LUB amendments are required to permit a private dock in the marine area adjacent to the subject property.

### **Environmental and Social Effects**

OCP Policy states that in consideration of an application for a private dock, both environmental and social effects of the proposed dock must be addressed. The Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd. concludes that there was not a negative impact to the marine habitat that would result in an impairment to the habitat’s capacity to support one or more life processes of fish. OCP policies regarding the protection of the environment go beyond the scope of the life processes of fish and are not met by the proposed development. This includes policies regarding the retention of flora and fauna, protection of the marine riparian area, the retention of the undeveloped character of the coastal area, and development on crown lands being compatible with conservation values.

Regarding the social effects, the OCP does not give guidance as to what could be considered as a social effect. The applicant states that there is insufficient public dock space, ferry service and cargo capacity to bring materials to Lasqueti Island, thus necessitating a private dock. Although, these may be legitimate concerns for individual property owners on Lasqueti, it is not clear whether this would constitute a social benefit. Some considerations of what social effects could be include:

- Scottie Bay, where the dock is proposed, is routinely used by many boats for moorage, which is permitted in the M2 zone as long as it is not commercial.

- The applicant has suggested that the proposed dock could be used for emergencies. Additional information would be needed to identify who would use the dock for emergencies (ie. Emergency response – fire, RCMP, Ambulance, Coast Guard) and to determine whether this is feasible for the proposed dock including the correct form of provincial lease for an emergency dock, how the use of the dock would be legally secured to ensure the benefit would be retained into the future, and an analysis of the access, location, and facilities to confirm the dock would be a benefit to the emergency services.

There may be other factors related to the social effects of a private dock in the M2 zone that have not been identified in this report.

### **Issues and Opportunities**

This application proposes to amend the Lasqueti Land Use Bylaw to permit an existing dock in the M2 zone. The Lasqueti OCP supports the consideration of applications on a site specific basis and states that environmental and social effects must be addressed. This application is not supported by other relevant OCP policies regarding the protection of the natural environment and scenic views, retention of flora and fauna along the foreshore, and the protection of marine riparian areas.

### **Rationale for Recommendation**

As a result of the application being inconsistent with OCP policies regarding environmental effects, Staff are recommending that the LTC proceed no further with the application and that the applicant be refunded 50% of the application fee in accordance with the Lasqueti Island Local Trust Committee Fees Bylaw, 2022.

### **ALTERNATIVES**

The LTC may consider the following alternatives to the staff recommendation:

#### **1. Proceed with the application; request additional information**

The LTC may proceed with consideration of the bylaw amendment application and request staff to draft an amendment bylaw for consideration of first reading. If the LTC selects this alternative, staff recommend that the LTC request the applicant to confirm whether the proposed dock is proposed for emergency use and provide information as to how the emergency use and access to the dock will be secured in perpetuity, confirm the correct form of tenure for an emergency dock, and obtain confirmation from emergency services stating that the dock location, access and facilities are sufficient for their use. Staff also recommend the LTC consider whether to hold a Public Hearing for the bylaw. Recommended wording for the resolutions are as follows:

1. *That the Lasqueti Island Local Trust Committee requests that the applicant for LA-RZ-2023.1 provide planning staff with the following prior to the Local Trust Committee considering first reading of draft bylaws:*
  - a. *Information on how land and water access to the dock will be legally secured in perpetuity for emergency services;*
  - b. *Confirmation from the provincial approving authority of the correct crown lease tenure for an emergency dock; and*
  - c. *Confirmation that the dock is sufficient for all emergency service providers who are proposed to use the dock.*

2. *That the Lasqueti Island Local Trust Committee request staff to draft amendments to the Lasqueti Island Land Use Bylaw for consideration of first reading to permit a private dock at the adjacent marine area of LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495.*

Only if LTC determines a Public Hearing is not necessary:

3. *That the Lasqueti Island Local Trust Committee request staff to give notice of first reading, in accordance with section 467 of the Local Government Act, of the proposed Bylaw No. 103 cited as "Lasqueti Island Land Use Bylaw No. 78, 2005, Amendment No. 1, 2024".*

**NEXT STEPS**

Should the LTC proceed with the staff recommendation, the file will be closed and the applicant will be reimbursed a portion of the application fee. Islands Trust Bylaw Compliance & Enforcement will resume enforcement action.

Submitted By:	Stephen Baugh, Island Planner	February 13, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 20, 2024

**ATTACHMENTS**

1. Site Context
2. OCP Policies
3. Information Letter From Applicant
4. Legal Survey
5. Report from Aquaparian Environmental Consulting Ltd.

# ATTACHMENT 1 – SITE CONTEXT

## LOCATION

Legal Description	LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495
PID	002-917-475
Civic Address	Lot 62 Spring Bay Rd, Lasqueti Island

## LAND USE

Current Land Use	Upland lot vacant, dock adjacent to lot.
Surrounding Land Use	Residential, Marine to the East.

## HISTORICAL ACTIVITY

File No.	Purpose
LA-RZ-2020.1	LUB amendment application to permit a dock.

## POLICY/REGULATORY

Official Community Plan Designations	Upland: Land Based (LB) Water: Marine (M) There are no Development Permit Areas designated on or near this lot.  A full analysis of the applicable OCP policies is provided in Attachment 2.
Land Use Bylaw	Upland: Land Based (LB) Water: <b>4.15. MARINE GENERAL (M2)</b> (1) Permitted Uses The uses permitted in Section 4.14 plus the following uses and no others are permitted in the Marine General zone: (a) Moorage for non-commercial purposes, (b) Slipways, (c) Private docks of the sizes specified at the following locations only:  Application proposes to amend LUB by adding the dock’s location under 4.15(1)(c).
Other Regulations	<a href="#">Fisheries Act</a> – Development may not result in a harm to fish or fish habitat.  BC Crown Lands General Permission for private moorage: <a href="#">General Permission Checklist and Interpretive Guide</a> applies to docks constructed under the General Permission rules, this includes the requirement that all docks constructed under the General Permission meet local government bylaws.
Covenants	None

Bylaw Enforcement	LA-BE-2019.3 – Regarding the construction of a non-permitted dock in the M2 zone.
-------------------	---

**SITE INFLUENCES**

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) –owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not required.
Species at Risk	None mapped
Sensitive Ecosystems	<u>Upland</u> : Secondary Class Mature Forest, Tertiary Class Wetland <u>Marine</u> : Eelgrass beds (Flat, Continuous and Flat, Patchy) mapped within Scottie Bay area, Forage Fish (Surf Smelt/Pacific Landlance) mapped within Scottie Bay area.
Hazard Areas	None mapped
Archaeological Sites	RAAD mapping does not indicate an archaeological site. There is a registered archaeological site mapped within 200m of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	Boulder/Cobble Beach

**ISLANDS TRUST POLICY STATEMENT**

To be reviewed at the time that draft bylaw amendments are presented to the LTC.

**LASQUETI ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 77, 2005**

OCP Objective/Policy	Complies	Planner Comments
<b>3.6 Environmental Management</b>		
<b>Policy 3</b> Lasqueti Island's rural marine landscape and scenic views should be maintained and protected.	No	Development of the foreshore, including dock facilities, associated land clearing and placement of fill near the foreshore, may impact the rural marine landscape and scenic views.
<b>Policy 8</b> When fill or debris is placed on land in such a way that it could lead to discharge of deleterious material into a water course, adequate mitigative design and construction measures are required acceptable to Fisheries and Oceans Canada, Ministry of Sustainable Resource Management, and the Ministry of Water, Land and Air Protection.	Unknown	This application is retroactive and it is uncertain whether material discharged into the water, and if mitigative design and construction measures were used. A survey has been provided showing that the fill and retaining wall have been moved so that they no longer encroach into the foreshore.
<b>Policy 9</b> Native flora and fauna should be retained to protect natural habitats of local significance along the foreshore and in the intertidal areas.	No	Applicant has provided a Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020 that states some areas impacted by development "...had been sparsely populated by sea asparagus which is expected to recolonize from adjacent areas and root material in the disturbed area." The report also states, "Marine habitat conditions are deemed to be low quality with limited species abundance and diversity."
<b>Policy 10</b> The marine environment, including associated riparian areas, should be adequately protected from unreasonable adverse effects or inadequate mitigation measures resulting from development.	No	The Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020 states the, "...installation of the dock and dirt access have not resulted in a negative impact to marine habitat that would result in an impairment to the habitat's capacity to support one or more life processes of fish." Impacts beyond the

		<p>habitat capacity to support the life process of fish are beyond the scope of the Aquaparian report.</p> <p>The marine riparian area adjacent to the foreshore has been cleared and fill has been placed in order to allow for an access road.</p>
<p><b>Policy 12</b> Designation and regulation of the foreshore and marine coastal areas should be designed to preserve and protect the natural environment and character and should recognize the need to dedicate areas of the foreshore for the following purposes:</p> <ul style="list-style-type: none"> <li>• to provide for access;</li> <li>• to protect existing mariculture uses;</li> <li>• to encourage low impact public uses on and along the foreshore;</li> <li>• to provide for public transportation services;</li> <li>• to maintain public access to shellfish;</li> <li>• to retain the undeveloped character of the marine coastal area;</li> <li>• to protect marine coastal habitats for conservation purposes;</li> <li>• to provide for commercial and industrial uses; and</li> <li>• to retain representative areas of natural foreshore.</li> </ul>	<p>No</p>	<p>The LUB currently permits private docks in the M2 zone at 10 locations; 6 of which are located on Lasqueti Island (the other 4 docks being on Bull, Boho, Jenkins and Sangster Islands).</p> <p>Works completed to date at this location have provided for private access and altered the undeveloped character of the marine coastal area.</p> <p>The LTC is asked to consider permitting a private dock providing access to the adjacent upland.</p>
<p><b>Policy 13</b> The type and use-level of foreshore and coastal water areas can significantly influence the rural/marine character of Lasqueti Island. Uses of Crown foreshore and water areas must be authorized by the appropriate Provincial Ministry, comply with the provisions of the <i>Navigable Waters Protection Act</i> administered by the Coast Guard, and also comply with the bylaws of the Local Trust Committee.</p>	<p>TBD</p>	<p>The LTC is asked to consider a rezoning application to permit a private dock providing access to the adjacent upland as current regulations in the Lasqueti Island Land Use Bylaw do not permit a dock at this location.</p> <p>The Lasqueti Island Local Trust Area is not within a designated application-only area, and is subject to the provincial General Permission for the use of Crown land for private moorage. A Crown land application is not required provided a dock is constructed in accordance with the terms and conditions in the General Permission. Under the <a href="#">General Permission</a>, non-compliance with local government bylaws and modification of the foreshore (including placement of new fill) would make the dock ineligible for General Permission. However,</p>

		<p>Provincial staff have stated that since a survey confirms the fill does not extend beyond the natural boundary of the sea the dock could be considered under the general permission guidelines should the appropriate zoning be in place.</p> <p>It is the property owner’s responsibility to comply with provincial and/or federal regulations.</p>
<b>3.7 Community Servicing and Utilities</b>		
<p><b>Policy 15</b> 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.</p>	<p>LTC direction required</p>	<p>Aerial photos indicate this area of Scottie Bay to be well-used by other marine vessels, including the presence of other existing docks within the M2 zone in this area of Scottie Bay.</p> <p>There is a commercial dock within a Crown lease area to the southeast of the subject property, in an area zoned M5.</p> <p>The Post Construction Impact Assessment by Aquaparian Environmental Consulting Ltd., dated November 10, 2020, indicates there are many boats anchored or moored together in Scottie Bay as it is a natural harbour. The assessment also notes that the habitat conditions were found to be relatively low likely as a result of the enclosed nature of the bay and the large number of moored boats.</p> <p>The effects of the dock are not consistent with other OCP policies regarding the environment including the protection of scenic views, retention of flora and fauna along the foreshore, and the protection of marine riparian areas.</p> <p>It is uncertain what the social effects of the proposed dock are and how they will be addressed.</p> <p>The existing dock does not extend towards the sea beyond 37 metres.</p>
<p><b>Policy 16</b> 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</p>	<p>TBD</p>	<p>Application is for a private dock.</p> <p>Applicant has provided a report confirming the installation of the dock has “...not resulted in a negative impact to marine habitat that</p>

<p>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.</p>		<p>would result in an impairment to the habitat’s capacity to support one or more life processes of fish.”</p>
<p><b>3.8 Crown Lands</b></p>		
<p><b>Policy 2</b> Development on Crown lands including, but not limited to, gravel extraction, road construction or community facilities must be compatible with overall conservation values.</p>	<p>No</p>	<p>The fill that was placed on the shoreline, beyond the natural boundary of the sea, has now been removed from the foreshore. Applicant has submitted a Survey showing that the road construction or fill no longer encroaches beyond the natural boundary of the sea. The dock and ramp encroach into Crown Lands.</p> <p>Lasqueti OCP Goals include conservation of foreshore areas and the following objective is stated in Section 3.6 regarding the conservation of foreshore areas: “to encourage and promote the protection of foreshore and marine areas for public enjoyment, public access and conservation.”</p>
<p><b>3.9 Climate Change Adaptation and Mitigation</b></p>		
<p><b>Policy 1</b> The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation. This criteria will address issues such as the impact of the density proposed on reducing GHG emissions, land use and the form of the development, use of building materials and construction methods, energy efficiency and sources,</p>	<p>N/A</p>	<p>For LTC information, this criteria has not been developed.</p>

and the long term potential for the development to result in a decreased footprint on the landscape.		
--	--	--

Lasqueti Island Local Trust Committee  
700 North Road  
Gabriola Island, BC  
V0R 1X3

**RE: Supporting Information to the Application to Amend Lasqueti Island Local Trust Committee Land Use Bylaw**

To the committee members, administration and staff.

We are the owners of Lot 62 Section 29, Lasqueti Island, Nanaimo District, Plan 25495 on Spring Bay Road and we wish to make application to Amend: ***Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15***, to add this location to the list of permitted docks.

We have completed the installation of a dock under the guidance and supervision of both our Biologist and BC land surveyor.

We had hired the biologist to study the bay, specifically the area that our dock was going to be installed to ensure the environmental impact would be as minimal as possible and to oversee the process and materials use to be acceptable. The surveyor was hired to ensure us of the exact location of the present natural boundary to the sea and make sure that we had kept within that space. The specifications of the dock are compliant with the size restrictions and parameters of the local bylaw as well as compliant with the General Permission Requirements set out by the Province of BC.

All steps were taken to ensure that the marine environment was protected from damage.

We feel that the addition of our dock to the allowable docks stated within Section 4.15 would prove to be a benefit to the island and contribute to the community and help preserve the infrastructure and integrity of the island as it is today.

To date it has had very little, to no impact on nature and wildlife on the island or in the marine environment and has contributed to the well being of several residents and has likely improved the health of the bay. The shoreline has been cleaned up and rid of derelict vessels, garbage and fallen trees that both had made the shoreline impassable. Light in the bay has generated a lot of growth in the marine environment and the water looks cleaner.

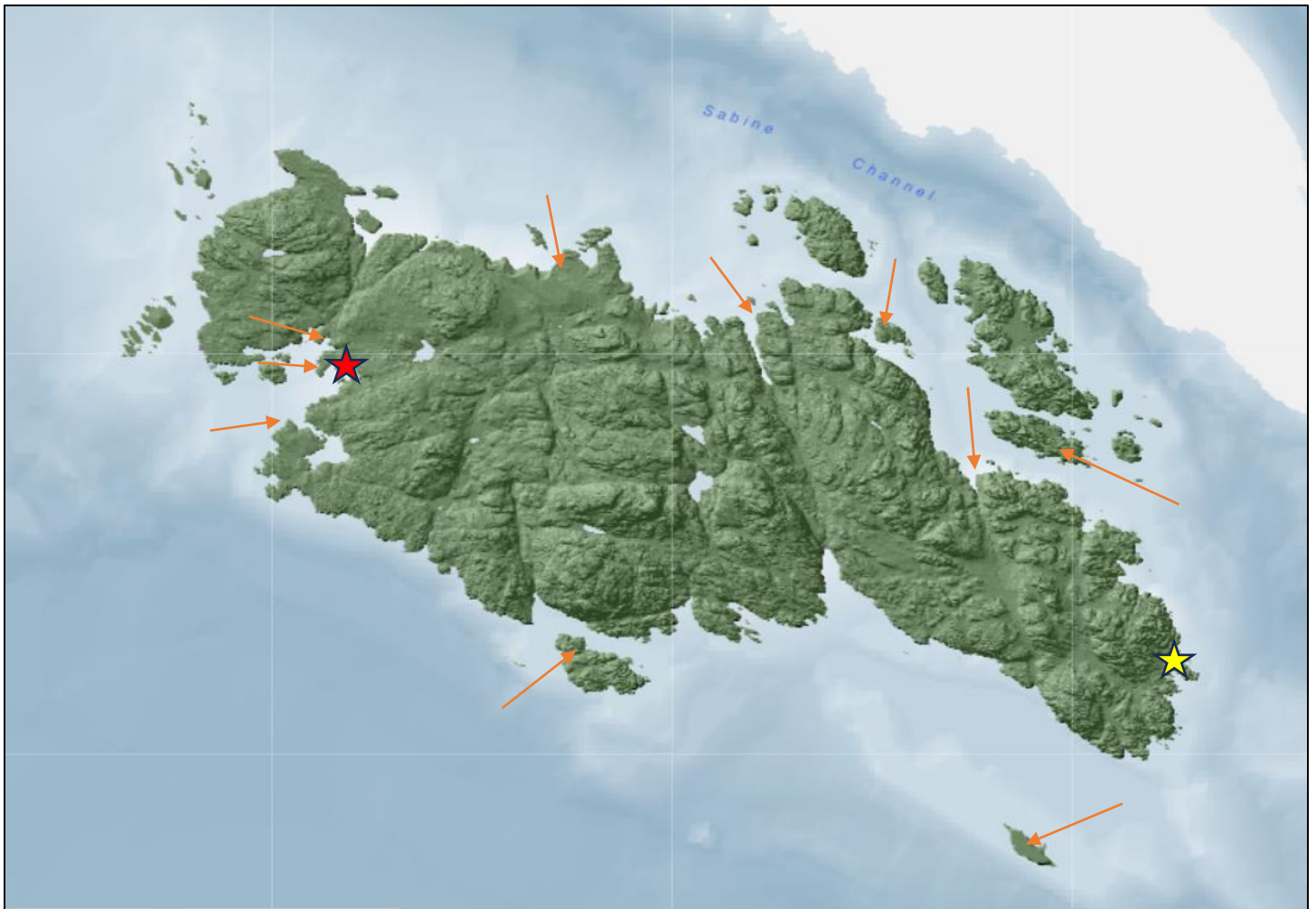
A dock at our location allows us and others to maintain a self-sufficient life on Lasqueti Island, helps others with their need to access the water and allows for emergency access on the northeast location of the Island, all of which helps to prevent an added burden to the 2 public docks locations and to the ferry services for both passengers and freight. We have had discussions with many members of the community and have a lot of support for the dock.

Although the Official Community Plan has been written to try stop the proliferation of docks in the Marine environment, research shows that the likelihood for this to occur is not possible given a great number of factors such as; the location of Lasqueti Island in the open ocean; lack of protected bays from all wind directions; topographical complexities of many areas being sheer bluff water front; many bays that go dry on a low tide; protected forage fish habitats; mariculture designation; established kelp beds and eel grass locations.

Bylaw 78, Section 4.15 currently permits ten existing private docks located within the Marine General (M2) zone in various locations in and around Lasqueti Island. Six of the ten docks listed in Section 4.15 of the Bylaw 78 are located and are attached to Lasqueti island, the other 4 are located on separate Islands, these are:

- Jenkins Island,
- Sangster Island,
- Boho Island and
- Bull Island

**Current approved dock approximate locations:**



Lasquesti Island has 2 public docks. The largest one is located at the northwest end of the Island in False Bay (red star) and the second dock is located at the southeast end of the Island in Squitty Bay (yellow star).

**The False Bay dock** which has reserved space for the ferry service and float plane with the remaining space for unsupervised public tie up. The false bay dock is used by locals as well as visitors to the island. Visitors to the island can come via Ferry, private boat or chartered float plane service to enjoy the pub, restaurants or local market during the summer months.

The dock has a crane and freight shed and gangway wide enough to accommodate vehicles to drive to the top of the ramp to load and unload cargo from the ferry or private boat.

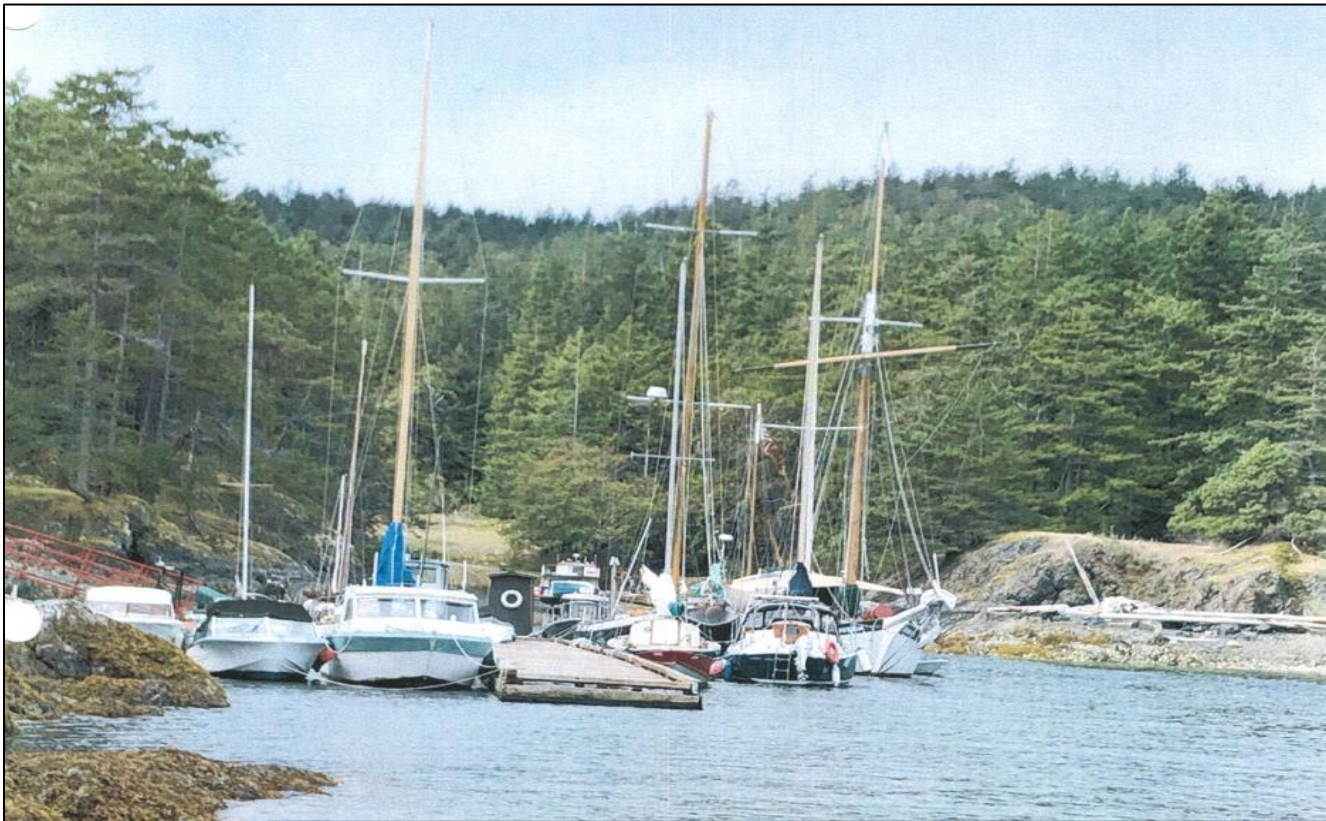
Tie up is not always available so rafting several boats deep is not uncommon.

However, the bay is not completely protected from all wind directions and is subject to harsh condition should the west wind come up, so reliable year-round time up is not always suitable for this location.

**False Bay Public Dock**

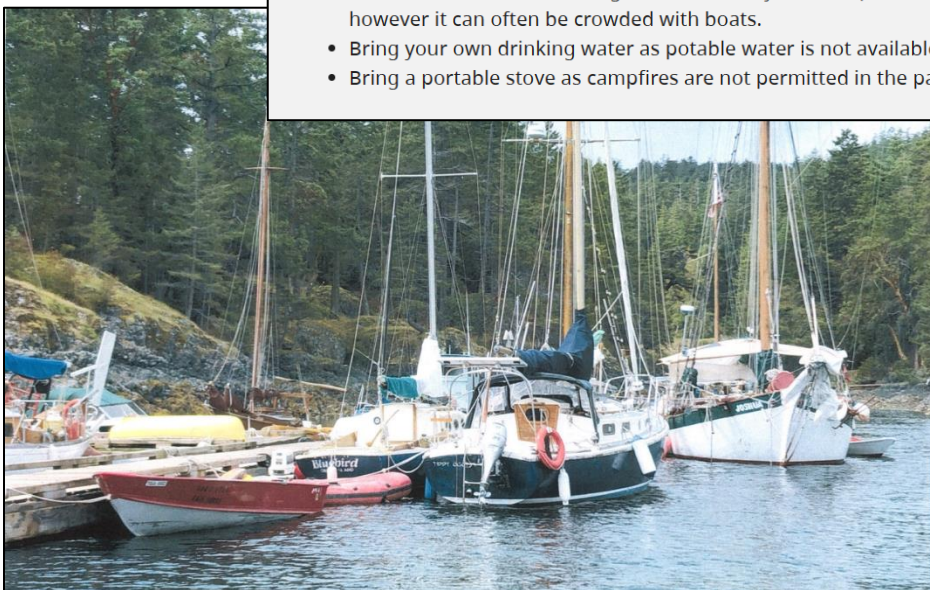


**Squitty Bay Dock** is a much smaller bay with even less dock space for tie up. This dock hosts several boats year-round. Space on the is dock is also well used and rafted boats are also common at this location however the bay is very skinny and rafting usually more than 2 boats deep is not possible without either blocking the water or running aground. Similarly, the Squitty Bay dock is also not a completely protected space and does experience troubling winds from the south that blow into the bay. (excerpt from BC Parks website)



### Safety info

- Several rocks obstruct the entrance to the bay. The safest passage by boat is along the south shore when entering. There is limited maneuvering room in the bay and no space for anchorage. A small federal dock is available to tie up, however it can often be crowded with boats.
- Bring your own drinking water as potable water is not available in the park.
- Bring a portable stove as campfires are not permitted in the park.



## ISLAND DESCRIPTION

Lasqueti Island has a restaurant, pub, hotel, community hall, church, post office, café and small convenience store, a recycle depot, garbage dump and fire department with 2 locations and a large variety of services offer by residents. Food sources on the island are limited to seasonal gardens, raised meat, poultry and dairy, hunting, fishing but mainly grocery delivery or pickup. There are a few farm stands that offer fruits, vegetables and baking for sale occasionally as well as a small used items free store. Most of the items people consume are brought over from Vancouver Island.

The Community context information from the date of Bylaw 77's adoption (October 25, 2006) (pg 7) shows the number of homes on the Island at 185. (excerpt below)


Statistics Canada Data for the year 2021 shows total private dwellings at 506 (an increase of 321 over the past 20 years).

The data also shows that of the 506 current homes on Lasqueti, only 294 are occupied by usual residents – that is a substantial number of seasonal visitors that impact the public docks and other facilities.

The bylaw and OCP may have been suitable at the time and for that population, however with such an increase to the number of residents, it may not be completely appropriate in all aspects any longer and some concessions may have to be made.

Lasqueti is 68 square kilometers in area, 5 km wide and 21 km long. The ferry does not provide vehicle service, which therefore requires barging over of vehicles and other large items. For additional information Appendix B – Measuring Our Progress Report is attached for information purposes.

	1991	1996	2001
Population	326	374	367
Number of Dwellings		180	185
Owner Occupied			140
Rented Dwellings			55
Average Rent of Tenant Household			\$320
Average Value of Dwelling			\$180,817

Characteristic	Lasqueti Island Trust Area, Island trust (IST) 	
	British Columbia [Designated place]	
	Counts	Rates
	Total	Total
<b>Population and dwellings</b>		
Population, 2021 <sup>1</sup>	498	...
Population, 2016 <sup>1</sup>	399	...
Population percentage change, 2016 to 2021	24.8	24.8
Total private dwellings <sup>2</sup>	506	...
Private dwellings occupied by usual residents <sup>3</sup>	294	...
Population density per square kilometre	6.8	6.8
Land area in square kilometres	73.32	...

## **FERRY SERVICE**

The Lasqueti Island Ferry has scheduled passenger service as well as small amounts of freight transport as follows:

Sunday – 2 returns trips

Mondays, Thursday, Friday and Saturday – 3 return trips

Tuesday and Wednesday (after labour day in September to last Wednesday in June)- NO FERRY SERVICE

Wednesday (July, August only) 3 return trips

The ferry transports passengers, pets, freight (including groceries, furniture, small building materials, gardening supplies, animal feed, car parts, bicycles, Canada Post mail and parcels, medications etc).

Hazardous materials such as gasoline, diesel, propane etc are not permitted on the ferry so these things must be acquired from on Island businesses or brought over on private boats or barge rentals. Even small engines are typically restricted from being transported across on the ferry, so chain-saws, outboard engines, gas powered tools, generators and motor bikes so if an of those items need to be transported (at the discretion of the captain or crew), then they must be put on a paid barge or personal boat or chartered boat.

During the summer months the ferry is usually close to capacity for passengers and freight, overloads are a common especially on long weekends.

The Island itself is not protected from the weather and is surrounded by vast expanses of open water. The crossing for the ferry can be cancelled by weather which is a common occurrence in the fall & winter months and can also occur in the spring. There is no vehicle Ferry to Lasqueti Island. Access to the island is by Ferry, private vessel or chartered plane or boat.

## **SCOTTIE BAY**

Scottie bay is located on the North end of the island. The access to the bay is from the east and the bay cuts off in the northwest direction, making it one of Lasqueti's safest anchoring locations.

In the past Scottie Bay was used for a logging operation and marine transport of logs off the island. Now one large piece of land is operating as a Shipyard, and at full capacity as safe harbour for a fleet of commercial fish boats. The owners of this working dock and shipyard are all residents and landowners on Lasqueti Island. For decades the shipyard has been, a source of employment for many locals and continues to this day under the support of the community.

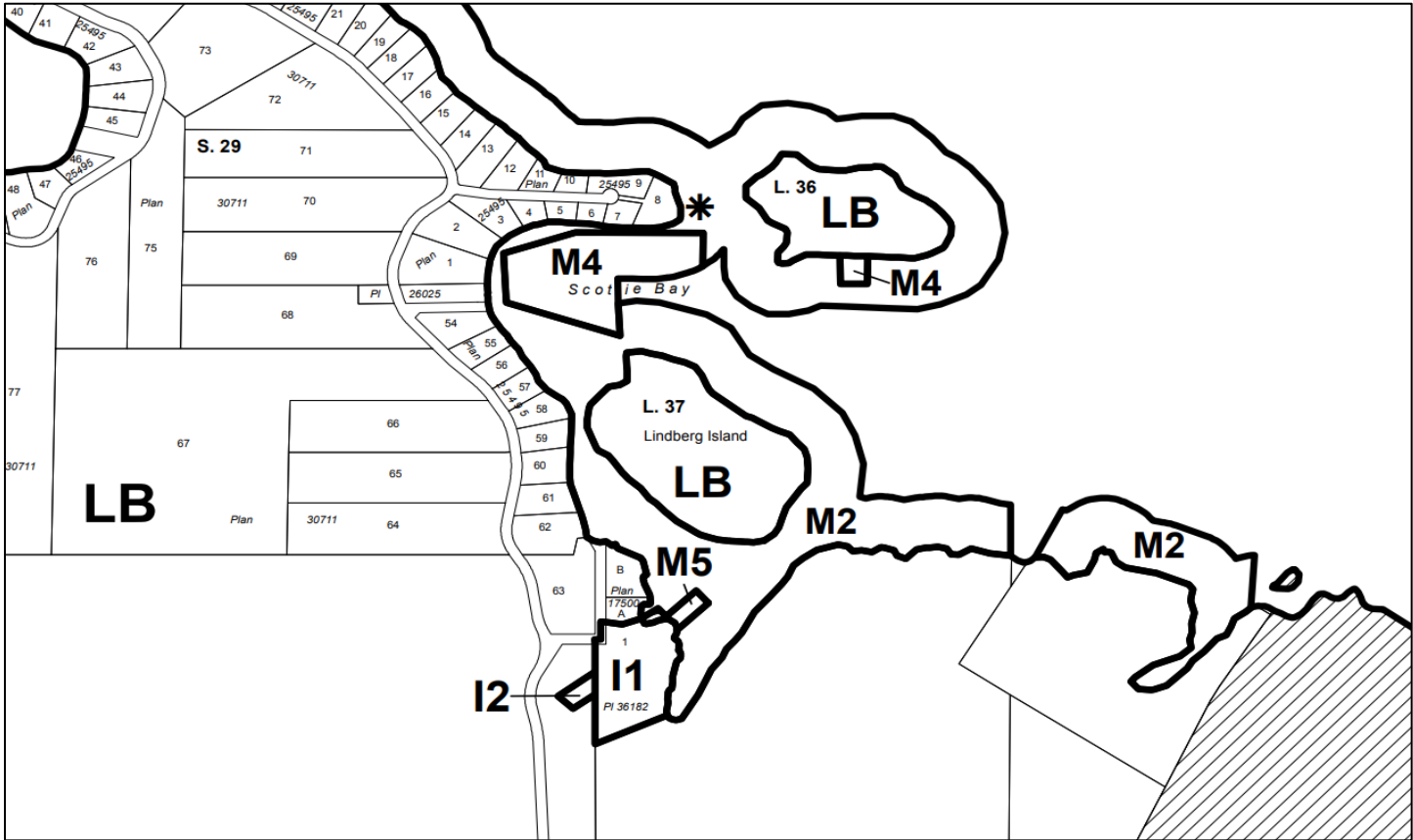
The bay is a safe spot to anchor sail boats, power boats and live-a-boards year-round.

The bay only has one small public beach access that many residents use to get to their boats however the access location is very steep, rocky and slippery at times and there is no float or flat safe space for easy access to transport goods to and from their boats. The access is at the end of a narrow residential road and a dirt path leads to the shoreline. Several residents keep their row boats pulled up on rock bluffs out of the tide so that they can row out to their boats when they would like to use or work on them.



The Bay's zoning is listed as M2 (marine general) and M5 (marine industrial) and is the only Bay on the Island with zoning for marine industrial use (see LASQUETI ISLAND Schedule B, Land Use Zoning Bylaw 78)

**Marine Zoning – Scottie Bay and surrounding areas:**

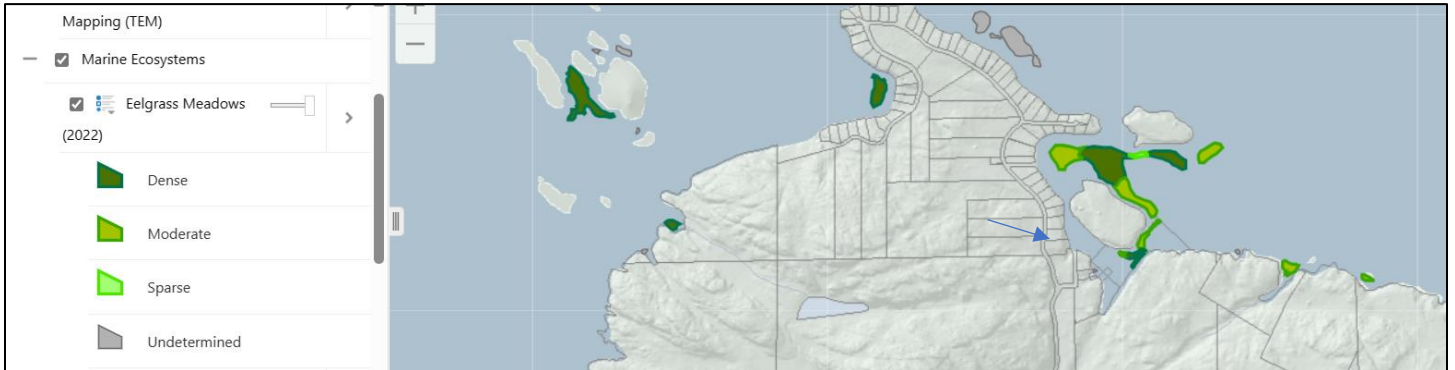


## DOCK LOCATION

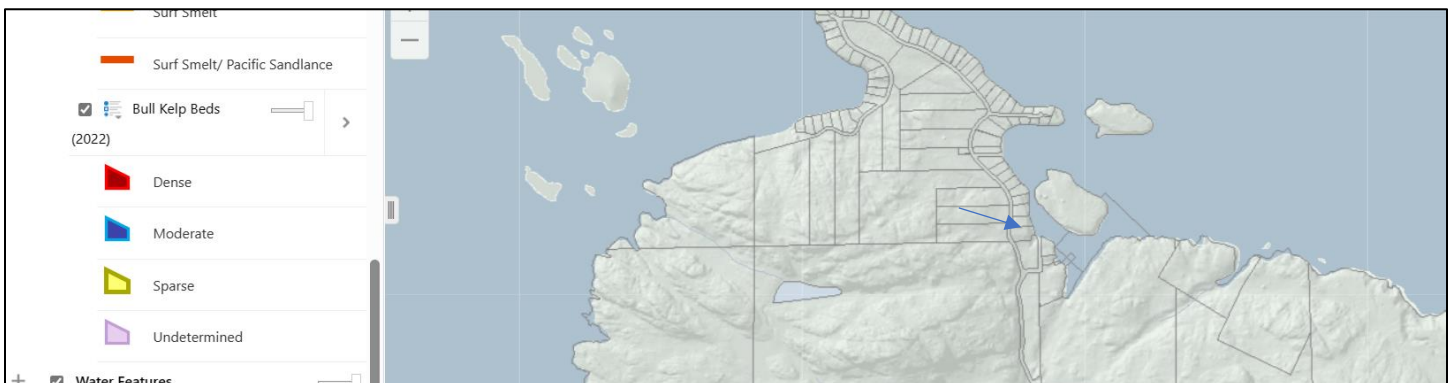
Lot 62 is located 3 properties to the North of the M5 zoned area referred to as the Shipyard. This lot is one of the last lots that has water in front of it during a low tide event. Somewhere in vicinity of lot 60, the tide recedes leaving only mud flats. The dock does not block safe passage to bay nor access to any other landowner.

Lasqueti Island has several beaches, bays and shore areas that host Eelgrass beds and fish habitats. Scottie Bay is not a productive area for either of those nor is it an area where kelp grows therefore the dock would not have a significant impact on the survival of any of those habitats, but to the contrary as the dock hosts quite a substantial variety of ocean life growing underneath it.

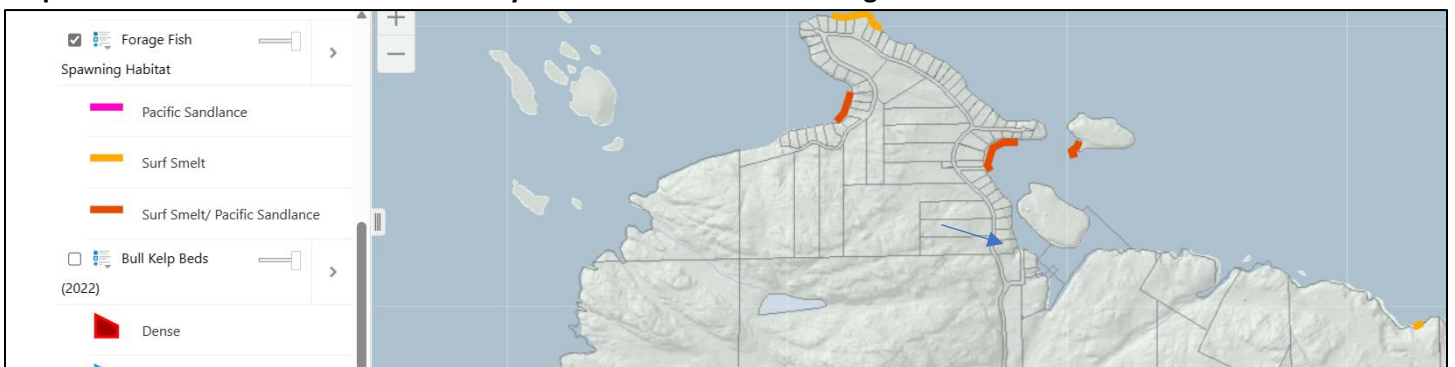
### **MapIt – Screen shot of Lot 62 in Scottie Bay shows no indication of Eelgrass beds.**



### **MapIt – Screen shot of Lot 62 in Scottie Bay shows no indication of Kelp beds.**



### **MapIt - Screen shot of Lot 62 in Scottie Bay shows no indication of Forage Fish habitat.**



## SUMMARY

We spend 60 % of our time on Lasqueti Island throughout the year. John works in the community using vehicles and heavy-duty equipment that require servicing materials, construction materials and fuel that can not be transported on the ferry. (large sized, high volume, frequent trips, tight schedule and hazardous materials)

Acceptance of our application and an amendment to the bylaw would not amount to a proliferation of docks since there are so few locations that are viable due to wind exposure issues, mud flats, sheer bluffs, large acreages, eel grass areas, protected fish habitats, mariculture areas and other restriction set out by different levels of government.

Being self sufficient and not using public services such as ferry/food supplies, fuel supplies and garbage/recycling disposals alleviates the strain added to the Island's resources and minimizing that preserves and aids other residents. With several residents and visitors that have used the dock over the last few years, this also helps preserve the island and its infrastructure.

Reviewing the Official Community Plan we find that our application can be considered as a bylaw change and not a change to the OCP as it already has language to support this change to the current bylaw.

Official Community Plan (bylaw 77) Part 3. Section 3.7 COMMUNITY SERVICING, **Boats and Maritime Vessels:**

**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.**

As there is no longer an application for a dock to the provincial or federal government, the installation allowance falls under either Specific Permission or General Permission based on the area of desired installation and protected areas.

Scottie Bay falls under the General Permission category as such, all the requirements of the "GENERAL PERMISSION REQUIREMENTS CHECKLIST" are satisfied to the best of our knowledge.

Our goal is to have the Local Trust Committee use the existing language within Bylaw 77 and amend Bylaw 78 4.15 (MARINE GENERAL) to include the Lot 62 location.

The Official Community Plan Approach states:

*"The Bylaw's approach to land use and development growth is one of consideration and caution. It is hoped that by laying out a pattern of low density land use, adopting a cautious approach to development, and fostering a cooperative relationship among the local community, Islands Trust and other government agencies, needed and reasonable land use and development will take place without requiring complex and expensive facilities and services, thereby maintaining the island's unique character as a place where the human community live in and with nature."*

Furthermore, by spreading out the access to the Island, the current spaces that are used to access the island will receive less of an impact.

As such we can suggest that the following language be suitable for this application's consideration:

Amendment to Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15. Marine General (M2), Subsection (1) (c), by adding after Subsection (1)(c)(x), **Subsection (1)(c)(xi)**;

***A dock extending towards the sea not more than 37m (120 feet) from the natural boundary of the sea, including a float of not more than 23 square metres (245 square feet), all within an area of approximately 518 square metres (.13 acres), commencing at the North East corner of Lot 62, Section 29, Lasqueti Island, Nanaimo District, Plan 25495; thence 37m (120 feet) at 77°, then 14m (46 feet) at 167°, then 37m (120 feet) at 257°, then following the natural boundary of the sea to the point of commencement.***

As it states in 3.7 Community Servicing and Utilities – Policy 7 (page 20 bylaw 77 OCP)

*“A precautionary approach should be used when considering additional and more sophisticated service facilities as they typically have significant associated costs.”*

Allowing private docks would aid in reducing the strain on the services of the island. As time passes and population increases, those strains could force the need for such facility changes that may not be affordable to the island in the future.

Thank you for your time and consideration,

John Carey  
250.954.8672  
[johncarey@shaw.ca](mailto:johncarey@shaw.ca)

Tracee Carey  
250.954.8673  
[traceecarey@shaw.ca](mailto:traceecarey@shaw.ca)

61  
PLAN 25495

62  
PLAN 25495

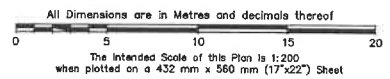
63  
PLAN 25495

SCOTTIE BAY



The Present Natural Boundary (PNB) is no longer visible along the Bottom of the Rock Wall on Lot 62. The Elevation of the PNB has been determined by observations of the PNB where visible to the north and to the south of the Rock Wall, and by observation of the line of the higher high water mark on the concrete block support structure. The Elevation of the Present Natural Boundary has been determined at Orthometric Elevation 2.1 m. It has been determined that the Bottom of the Rock Wall has been placed at the PNB of Lot 62.

ELEVATIONS:  
Orthometric Elevations are to CGVD288C Geodetic Datum and are derived from Dual Frequency GNSS ties to the Nanose Bay Active Control Station GCM 816868.



© Copyright 2020 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory. This Plan has been Prepared in Accordance with the Professional Reference Manual and is Certified Correct this 6<sup>th</sup> Day of November, 2020.

*Kenneth Kyler*  
Kenneth Kyler  
D9ENAO  
Date: 2020.11.06  
09:02:16 -08'00'

This document is not valid unless digitally signed.

**JEA** JE ANDERSON & ASSOCIATES  
SURVEYORS AND ENGINEERS  
# 203 - 177 WELD ST., PO BOX 247  
PARKSVILLE, B.C. V9P 2G4  
250-248-5755 parkville@jeanderson.com

TOPOGRAPHIC SURVEY	
LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495. PID 002-917-475	
PREPARED FOR <b>JOHN CAREY</b>	
OUR FILE : 61580-8	REVISION :



November 10, 2020

Attn: John Carey & Merle Mann  
Lot 61 & 62 Scottie Bay,  
Lasqueti Island, BC

**Via Email:** [johncarey@shaw.ca](mailto:johncarey@shaw.ca); [mimann@shaw.ca](mailto:mimann@shaw.ca)  
[Cc: Boone.Barber@dfo-mpo-ca](mailto:Boone.Barber@dfo-mpo-ca)  
[Cc: ken@jeanderson.com](mailto:ken@jeanderson.com)

**RE: POST CONSTRUCTION IMPACT ASSESSMENT  
SCOTTIE BAY, LASQUETI ISLAND**

## **1.0 INTRODUCTION AND BACKGROUND**

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete a post construction Impact Assessment for two adjacent waterfront lots in Scottie Bay, Lasqueti Island, BC. The intent of the assessment is to determine if the upland construction encroached past the natural boundary of the shoreline. A site location map of Scottie Bay has been included as Figure 1. Figure 2 shows a close-up aerial view of Scottie Bay and the general location of the parcels. This assessment includes an as-built survey by J.E. Anderson and Associates which has been included as Figure 3. Images of the site showing before and after construction and general shots of the bay are included in Appendix A.

This report is being forwarded by Aquaparian to Fisheries and Oceans Canada, Fish and Fish Habitat Protection Program (Boon Barber, R.P.Bio, Senior Biologist) for inclusion in an investigative file resulting from a complaint submitted by a neighbour of the subject properties during construction. This report is also to be forwarded by the property owners (John Carey and Merle Mann) to the Island's Trust to be included in their files resulting from a complaint and an application for a zoning bylaw amendment submitted by the property owners.

On July 31, 2019, Aquaparian completed a marine habitat assessment by drop camera for two proposed small, private docks to determine if the docks were likely to result in a negative impact to the marine environment as defined by the *Fisheries Act 2012* which was in force at the time of the assessment. At that time, the *Fisheries Act* prohibited Serious Harm to Commercial, Recreational or Aboriginal Fisheries, or to fish that support such a fishery without an Authorization. This *Act* also included a self assessment process to determine if an Authorization would be required, or to submit a request for review if it was unclear.

203-321 Wallace St. Nanaimo, BC V9R 5B6, 250-591-2258  
Cell SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

As understood prior to construction, the dock designed was intended to meet the BC Crown Lands General Permit criteria for private moorage. The design and materials were selected to minimize marine impacts by utilizing steel grating for the gangway to allow maximum light penetration. The small wood dock is held in place by anchor blocks and chains. The moorage is comprised of the following components starting at the shoreline:

- 1m wide x 4m long ramp supported on stacked lock blocks at the shore end and the dock at the other end;
- 1.37m wide x 18.29m long aluminum grate dock supported at 3 locations (1: stacked concrete blocks, 2: support posts on native bedrock, 3: support posts on concrete block).
- 1.37m wide x 15.2m long aluminum grate ramp supported on the 3<sup>rd</sup> dock support at one end and overlaps the wood float at the other end;
- 3.6m wide x 6.1m long floating wood dock anchored by chain and sub-tidal anchor blocks.
- The total length, excluding overlaps, from the PNB to the end of the floating dock is 40.7m. The crown lands General Permission allows for a total length of 60m from the PNB.

The intent for constructing the private docks as reported by the landowners, is that moorage is hard to secure on Lasqueti Island, as existing dock space is very limited and the most reliable way to access the island is by private boat. The ferry that runs between French Creek and Lasqueti Island is privately operated and open to foot passengers only, with a limited, irregular schedule. There is no government dock on the island and the public dock is over capacity typically with several boats moored up side by side. As further reported, it is unsafe to attempt to access the island without proper moorage due to the steep rocky shoreline. As a result, many boats are anchored or moored and rafted together in Scottie Bay as it is a sheltered natural harbour. Some of these boats are live-aboard with two moorings that include small sections of dock with small buildings constructed on them. These boats are not within crown water leases. Some boats have become derelict and left to decompose in the intertidal zone along with other marine related waste. Reportedly, the bay is subject to raw sewage discharge and is closed to fisheries due to the resulting poor water quality. According to Fisheries and Oceans Canada, Scottie Bay is subject to both sanitary and biotoxin contamination closures for shellfish.

The pre-construction marine habitat assessment was completed on July 31, 2019 with the report completed on August 6, 2019. Habitat conditions were found to be relatively low during the summer assessment likely resulting from the enclosed nature of the bay and a large number of moored boats, some of which are live-aboard and tied to old sections of docks. Aquaparian determined based on the existing marine habitat conditions and the dock design that the docks would not result in a negative impact to the marine environment. The assessment was limited to the dock alignment. Information regarding the upland access to the dock was very limited as



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

the plan was not determined at the time of the assessment and there are no upland permitting requirements on Laqueti Island.

On August 28, 2019, fish and fish habitat protection provisions under the new *Fisheries Act*, as well as some of the regulations that support these provisions, officially came into force. The new prohibitions include the following:

- No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish; and,
- No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat (HADD). The definition of harmful alteration, disruption or destruction of fish habitat is any temporary or permanent change to fish habitat that directly or indirectly impairs the habitat's capacity to support one or more life processes of fish.

Projects that were assessed prior to the new *Act* coming into force were not required to undergo a re-assessment if a HADD was not expected to result. Based on the existing conditions of the bay and the proposed dock design, a HADD was not expected.

Mr. Carey proceeded to construct his dock fronting Lot 62. In addition, a dirt access road was cut across the slope to access the bottom of the slope and the dock location from the upland portion of the property. The access road levels off at the bottom of the slope above the shoreline to form a narrow flat bench cut into the toe of the slope to access the dock and Mr. Mann's waterfront (Lot 61). Armour rock was placed to retain the soils and crushed shale forming the upland bench. The soil and shale is native material excavated from the upland area of the property near the top of slope. The second dock was not constructed by Mr. Mann but two additional subtidal anchor blocks were placed; the other two chains could be attached to Mr. Cary's anchor blocks.

This report documents the construction impact near the shoreline of both parcels. Any future assessments required will be completed as separate reports for each parcel.

## 2.0 LOCAL BYLAWS

The subject properties are located on the northwestern end of Lasqueti Island fronting Scottie Bay. Lot 61 and Lot 62 are adjacent, with Lot 61 situated north of Lot 62. The properties are accessible in the upland by an unnamed dirt and gravel road.

There are no Development Permit Areas on Lasqueti Island, so a Development Permit is not required for any upland development or vegetation removal.



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

A review of the Lasqueti Island zoning map shows the project area is zoned Marine General M2 which identifies no other uses are permitted in the marine general zone except for Moorage for non-commercial purposes, slipways and 10 private docks listed by location which all have a provincial lease. As understood, these identified docks were constructed prior to this zoning implementation and so were grandfathered to make them conforming. Based on this information, any new docks in the M2 zone would require a zoning variance application or an amendment to the zoning bylaw. As a result, the owners applied to the Island's Trust for a zoning bylaw amendment to allow for their proposed docks. Following a lengthy process, this request was denied by the Island's Trust meeting in early October 2020. The work was completed prior to the Island's Trust decision.

The Island's Trust requested that an assessment be completed to determine if the upland work had extended beyond the original shoreline and onto the crown foreshore (Present Natural Boundary). Fisheries and Oceans Canada also requested documentation of the construction. J.E. Anderson & Associates completed an initial survey of the site which identified the elevation of the high tide line (Present Natural Boundary) from the adjacent shorelines north and south of the subject parcels and projected it to the construction area. The elevation of the PNB was determined at Orthometric Elevation of 2.1m. It was determined that the lower level of the retaining rock had extended approximately 2.5m past the PNB. Mr. Carey then removed and pulled back the installed material to the PNB flagged by the surveyors as being the original PNB location. The result is a more vertical rock stack retaining wall; the top of the wall did not substantially change location.

### **3.0 IMPACT ASSESSMENT**

#### **3.1 PRE-CONSTRUCTION ASSESSMENT**

The constructed dock is located close to Transect 6 identified in the original marine habitat assessment. The Transect 6 alignment started (0m) at the toe of slope upland of the high-water mark. The upper shore had a band of relatively level rocky substrate sparsely populated with sea asparagus and Lingby's sedge which typically occupy the high high intertidal and splash zone in areas suitable for its growth. The barnacle band and fucus zone started at 4.5m along the transect representing the typical or mean high tide line. The following transect data and subtidal description below are from the original assessment:



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**Transect 6**

Time: 12:00 pm  
 Tidal height: 0.3 m (lowest tide)  
 Description: From Lot 62 property pin towards water  
 Coordinates: Start: 49°30'51.6"N, 124°20'50.7"W; Finish: 49°30'52.0"N, 124°20'49.8"W

Distance along transect (upland towards water):	Substrate (% composition):	Species present:
Above transect (on slope)	91% grade slope with silty soil and boulders, vegetation	Douglas fir, Terrestrial grasses Arbutus, Red cedar, Small grand fir
0m	Rip rap boulders	
3.7m	40% Boulder, 50% Cobble, 10% Gravel	Lynxby's sedge, Sea asparagus
4.5m		"Splash zone": sparse barnacles start
5.6m		Barnacle band starts
6.9m		Sea asparagus ends
7.8m	20% Boulder, 30% Cobble, 40% Gravel 10% Sand	<i>Fucus</i> Oysters
11.4m	Mud starts	Cladophora starts
13.0m	15% Boulder, 15% Cobble, 10% Gravel, 60% Mud	
14.0m		Siphon holes
19.0m-20.0m		Oysters end

The subtidal substrate is comprised of a loose, silty mud bottom occasionally scattered with cobble and empty shells. The marine flora (Seaweed and Kelp) is dominated by moderate to high densities of brown tuft algae (*Ectocarpus* sp.) and green tuft algae (*Cladophora* sp.), which cover the sea floor almost completely. Observations of invertebrates were limited to several small Dungeness crabs (*Cancer magister*) and a low to moderate abundance of bivalve siphon holes in the mud. Several small schools of sticklebacks were observed, but the exact species of stickleback was not identified due to limited visibility. Likewise, two sculpins were observed but could not be identified to species. Abandoned boats on the shoreline and sunken boats and boat parts were observed on the sea floor and along the shore. There are several live-aboard boats moored within the bay reportedly discharging effluent. Based on observations, marine habitat within this area appears to have been impacted by uncontrolled moorage and discharge of waste material and waste water. Marine habitat conditions are deemed to be low quality with limited species abundance and diversity.

**3.2 POST CONSTRUCTION ASSESSMENT**

Aquaparian's Biologist (Sarah Bonar R.P.Bio), completed a post construction impact assessment of the project area on October 22, 2020. The intent of the assessment was to document what was constructed at the site including the dock and the upland road and compare it to the pre-construction site conditions. The assessment was completed concurrently with an as-built survey by J.E. Anderson and Associates. The as-built survey is included as Figure 3.



203-321 Wallace St, Nanaimo, BC V9R 5B6  
 SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

A ~4m wide dirt access road was cut into the steep slope to a level bench above the shoreline to access the new dock from the upland portion of the property. The bench is approximately 8m wide by 10m long near the dock then narrows to 4m wide for the remaining 30m length northward of the dock. The soils appear to be stable with a high shale content. Disturbed soils beside the road have been seeded with grass which has germinated. The lower bench is slightly sloped back toward the excavated toe of slope to prevent rainwater flowing across the bench toward the shore during storm events. The slope excavation required the removal of a few coniferous trees which can be seen in the attached photo appendix comparing before and after photos of the site. The remainder of the steep slope remains forested with a mature second growth canopy and sparse understory. The understory is sparse due to the slope and soil condition which is rocky. There are areas of exposed bedrock on the near vertical slope.

The lower bench is supported by stacked rock. The toe of the rock was confirmed by survey to be located on the pre-construction PNB with the exception of a 15m long section that slightly encroaches past the PNB by 0.2 to 0.4m and one boulder that is ~0.5m past the PNB. These rocks are located close to the high high tide line with the lowest elevation at 1.73m. As previously discussed, the rock had to be moved back by approximately 2.5m to the PNB. Moving the rock material back recovered a strip of high high intertidal zone. Based on this assessment, this zone had previously been sparsely populated with sea asparagus which is expected to recolonize from adjacent areas and root material in the disturbed area.

The dock ramp and float are consistent with typical small private dock systems. The structure is narrow and oriented east-west. The dock and ramp are aluminum grating which allow light penetration. The small size and solar angle are not expected to result in any shade impact on the sea floor. Pre-construction conditions were found to be low due to poor flushing, derelict boats and other waste as well as several live-aboard boats (two with shacks on sections of old dock) in the bay. The remainder of the shoreline around the bay is forested. Due to the near vertical slope above the subject parcel's shoreline, leaf litter and large woody debris from the upper slope are expected to still drop into the foreshore in time. The shoreline is directly east facing and is therefore exposed to sunlight through the mornings and is shaded through the afternoons as a result of the topography rather than the tree canopy. The tree removal does not appear to have affected shade along this section of shoreline.

#### 4.0 CONCLUSION

Aquaparian Environmental Consulting Ltd was retained to complete a post construction impact assessment for two properties fronting Scottie Bay, Lasqueti Island, BC for the installation of one private dock and an access road within the upland.



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

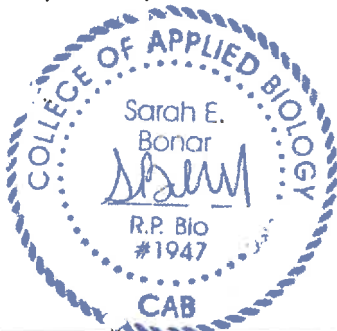
It is Aquaparian's professional opinion that the installation of the dock and dirt access road have not resulted in a negative impact to marine habitat that would result in an impairment to the habitat's capacity to support one or more life processes of fish.

Findings and recommendations provided are based on known site conditions and past project experience with working in and near marine environments and in accordance with generally accepted practices within the profession of biology and natural resource management. No other warranty is made, either expressed or implied.

Any questions regarding this report or its findings, please contact the undersigned. Aquaparian trusts that the information provided in this report meets your requirements.

### **AQUAPARIAN ENVIRONMENTAL CONSULTING LTD**

Prepared by:



Sarah Bonar, B.Sc., R.P.Bio  
Principal/Senior Biologist

Y:\Projects\Projects\N535 Scottie Bay, Lasqueti Island\Post construction impact sssessment\Scottie Bay Post Construction Assessment.docx



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**FIGURE 1 & 2**  
**SITE LOCATION MAP**



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864



**FIGURE 1 & 2: SITE LOCATION**



**FIGURE 3**  
**AS-BUILT SURVEY**  
**J. E. ANDERSON & ASSOCIATES**



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

60  
PLAN 25495

61  
PLAN 25495

62  
PLAN 25495

63  
PLAN 25495

SCOTTIE BAY



The Present Natural Boundary (PNB) is no longer stable along the bottom of the Rock Wall on Lots 61 & 62. The Elevation of the PNB has been determined by observations of the PNB where visible to the north and to the south of the Rock Wall, and by observation of the line of the higher high water marks on the concrete block support structure.

The Elevation of the Present Natural Boundary has been determined of Ordnance Datum 2.1 m. It has been determined that the bottom of the Rock Wall has been placed at the PNB of Lot 61; however a large boulder and several small boulders extend past the PNB as noted.

**ELEVATIONS:**  
Ordnance Elevations are to GDS/2000 Geospatial Datum and are derived from Dual Frequency GNSS Data to the Nanaimo Bay Active Control Station 054 09000.

All Dimensions are in Metres and decimal thereof  
0 5 10 15 20  
The intended Scale of this Plan is 1:200 when plotted on a 432 mm x 560 mm (17"x22") Sheet

© Copyright 2020 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or alter this document, in whole or in part without the consent of the signatory. This Plan has been Prepared in Accordance with the Professional Reference Manual and is Certified Correct 8th Day of November, 2020.

*J.E. Anderson*  
This document is not valid unless digitally signed.  
**JEA** JE ANDERSON & ASSOCIATES  
SURVEYORS AND ENGINEERS  
# 203 - 177 WELD ST., PO BOX 247  
PARKSVILLE, B.C. V0P 2S4  
250-248-5750 jea@jeaanderson.com

TOPOGRAPHIC SURVEY	
LOTS 61 & 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495	
PID 002-917-475	
PREPARED FOR <b>JOHN CAREY</b>	
OUR FILE : 01560-9	REVISION :

**APPENDIX A**  
**SITE PHOTOGRAPHS – BEFORE AND AFTER**



203-321 Wallace St, Nanaimo, BC V9R 5B6  
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

**SCOTTY BAY LASQUETI ISLAND POST CONSTRUCTION OCTOBER 22, 2020**  
**Photo Sheet 1**



Photo 1. Showing the shoreline taken at low tide in July 31, 2020 10:00am at a 0.7m tide prior to construction. Note the location of the house at the top of slope to compare to Photo 2 below and red arrows indicating the high tide line and the same Douglas fir for comparison between photo angles. The black dashed arrow indicates the approximate property line between Lots 61 and 62.



Photo 2. Showing the shoreline taken October 22, 2020 at 9:00am at a 3.6m tide post construction. The rock retaining wall was recently pulled back approximately 2.5m at the toe as it was determined to have encroached past the original Present Natural Boundary of the shoreline. Approximate property line between the two affected parcels is indicated by the black dashed line.

## Photo Sheet 2

Photo 3. Showing the shoreline in front of Mr. Merl Mann's parcel prior to construction July 31, 2020 during a low tide 0.7m. Note the location of the same reference Douglas fir tree for comparison to post construction in photo 2. This is the approximate location of T7 in the original assessment.



Photo 4. Showing the shoreline in front of Mr. John Carey's parcel prior to construction July 31, 2020 during a low tide 0.7m. A narrow band of sea asparagus (*Sarcocornia pacifica*) was present in the high intertidal zone during the peak growing season.

**Photo Sheet 3**

Photo 5. Looking the other direction at Mr. Carey's parcel during the initial construction of the road prior to the initial retaining rock placement. The retaining rocks and soil were subsequently moved back at the toe to make a more vertical wall to remove the bottom row of rocks back to the original high water mark.



Photo 6. Showing the shoreline in front of Mr. John Carey's parcel post construction October 22, 2020 during a rising tide 3.6m. The narrow band of sea asparagus is still visible but slightly impacted by the initial rock placement that was pulled back to the surveyed high tide line (PNB). This area is expected to regenerate naturally.



Photo Sheet 4



Photo 7-9. Showing the same section of shoreline post construction at a 3.6m tide looking across Mr. John Carey's shoreline and dock where the slope cut was further back into the slope to create the road. The property line (black dashed line) is approximately at the front of the pick-up truck.

**Photo Sheet 5**



Photo10 & 11. Showing the new dock fronting Mr. Carey's parcel. The shoreline ramp and the end of the dock is supported on lock blocks. The second pier is on a natural bedrock with small wood piers. The third support is lock blocks. The dock is held in place by anchor chains to lock blocks.



Photo Sheet 6



Photo 12 & 13. Taken each side of the dock Oct 22, 2020 showing the edge of disturbance and water clarity showing the start of the fucus zone at a 3.6m tide. The narrow band of sparse sea asparagus (*Sarcocornia pacifica*) is still visible left of the disturbed area of that band above the tide line in the photo. It is turning slightly yellow due to the time of year – its an annual salt tolerant plant.

Photo Sheet 7



Photo 14. Looking into Scottie Bay from the entrance toward the parcels showing many boats tied anchored or tied to single point moorings in the bay without legal tenures, some of which are live-aboard. The only legal dock (centre left) has fishing boats tied up and becomes over-used due to lack of docks on the island. A total of 16 boats were counted on moorings or anchors.



Photo 15 & 16. Looking back across the bay from in front of the subject parcels showing several boats tied together in groups. Some had small floating buildings on sections of old docks.





File No.: Lasqueti OCP Review  
Project  
6500 LTC Work Program

DATE OF MEETING: March 4, 2024  
TO: Lasqueti Island Local Trust Committee  
FROM: Stephen Baugh, Island Planner  
Northern Team  
SUBJECT: Lasqueti OCP Project – Proposed Changes to Bylaw

## RECOMMENDATION

1. That the Lasqueti Island Local Trust Committee endorse the proposed changes to Lasqueti Island Official Community Plan, 2020.

## REPORT SUMMARY

This report presents further amendments to proposed Bylaw No. 98, Lasqueti Island Official Community Plan, 2020, to the Lasqueti Island LTC. The amendments are intended to ensure the proposed bylaw meets Island Trust Policy Statement directive policies and the requirements of the *Local Government Act*. Staff are presenting the draft bylaw amendments for information and are recommending the LTC endorse the proposed changes to the bylaw. The proposed bylaw will be brought to the LTC for bylaw readings after discussions with Snaw-naw-as Nation have occurred and the referrals are completed which may lead to additional recommended amendments to the proposed bylaw.

## BACKGROUND

At the Lasqueti Island Local Trust Committee meeting of December 11, 2023, the LTC made the following motion related to the proposed Bylaw No. 98:

**LA-LTC-2023-049**

**It was MOVED and SECONDED,**

that the Lasqueti Island Local Trust Committee request staff to prepare amendments to proposed Bylaw No. 98 cited as “Lasqueti Island Official Community Plan, 2020” so that the bylaw meets Islands Trust Policy Statement directive policies and to satisfy Local Government Act requirements.

Staff have prepared the bylaw amendments and a track changes version of the bylaw is attached highlighting the proposed amendments to the bylaw.

## ANALYSIS

### ***Islands Trust Policy Statement:***

Staff are recommending amendments to proposed Bylaw No. 98 so that the bylaw is consistent with the Islands Trust Policy Statement (ITPS) directive policies. In particular, the following amendments are recommended:

- Add the following policy to address ITPS policy 4.1.6:
  - 5.1.5(v) The use of properties adjacent to agricultural land should not result in adverse impacts on agricultural land.
- Add the following policy to address ITPS policy 4.1.9:
  - 5.4.2(e) The use of Crown lands for agricultural leases should not result in conflicts with sensitive ecosystems or species at risk.
- Add the following introductory language under the “Housing” subsection:
  - There is a lack of reliable housing related data on Lasqueti Island. The 2018 Housing Needs Assessment for Lasqueti Island states, “...there are many statistics that are not tabulated or are not considered reliable for Lasqueti Island.” However, on the basis of, “...anecdotal and qualitative evidence. It appears that there is a need for more affordable housing.”
- Add the following underlined wording to article 4.3.7(b) to address ITPS policy 5.8.6:
  - To support affordability and availability of long-term rental accommodations to meet current and anticipated population changes.
- Add the following underlined wording to article 4.4.2(b) to address ITPS policy 5.8.6:
  - Community facilities and services, including educational, institutional, medical, cultural, and recreational, should be provided at a level and be conducted in a manner appropriate to the Island's needs.

An updated Islands Trust Policy Statement directives checklist is included as Attachment 2 for information.

**Local Government Act:**

Staff are recommending amendments to proposed Bylaw No. 98 so that the bylaw is consistent with the *Local Government Act*. In particular, the following amendments are recommended:

- Add the following objectives as article 4.1.7(e) and 4.1.7(f) to address *LGA s. 473(3)* which requires an OCP to include targets for the reduction of greenhouse gas emissions in the area covered by the plan:
  - To maintain a lower than average rate of greenhouse gas emissions and seek out new means of further reducing greenhouse gas emissions.
  - Greenhouse gas emissions should reach and remain below 50% of the Canadian per capita average rate in the Lasqueti Island Local Trust Area.

These targets for greenhouse gas emission reduction are adapted from the existing OCP Bylaw No. 77, specifically Objective 2 of Section 3.9.

- Amend article 4.2.3(h) in order to meet *LGA s. 474(2)* which states an OCP may only state the broad objective of the local government when a matter is not within the jurisdiction of the local government:
  - Protecting land through formal and/or legal agreements is an objective throughout the Lasqueti Local Trust area, including on unencumbered Crown land.
- Insert new policy below as article 4.4.3(f) to replace existing articles 4.4.3(f), 4.4.3(h), and 4.4.3(i) in order to meet *LGA s. 474(2)*
  - The qathet Regional District and Electoral Area Director representing Lasqueti Island are requested to consult with residents of the Lasqueti Island Local Trust Area prior to undertaking initiatives that directly impact regional services on Lasqueti Island. For certainty, this includes initiating, withdrawing or amending service establishment bylaws or regional services.

- Amend Schedule B to show the location of the school and update the parks land use designation to meet LGA s. 473(1)(f) which requires map designations of schools and parks to be included in an OCP.

**Subdivision Lot Size:**

Amendments are proposed, consistent with the project charter, to state that the minimum parcel size should be 4.046 ha (10.00 acres) in Subdivision District A. Subdivision District A currently has a minimum lot size of 8 ha (19.77 acres) and staff are seeking clarity regarding whether or not the LTC desires to increase the minimum lot size in Subdivision District B to 8.092 ha (20.00 acres) from 8 hectares which is equal to 19.77 acres because of the direction given to change the minimum lot size for Subdivision District A to 10.00 acres.

**Editorial Improvements:**

Editorial improvements have been made throughout the bylaw including edits to:

- Improve formatting (eg. move some articles from policies to objectives section);
- Fix errors (eg. correcting “three land use designations” to state “four land use designations”);
- Update information (eg. Include recent census data);
- Improve sentence structure (eg. removing redundant words that do not add meaning)

All proposed amendments to the bylaw are highlighted for convenience in the track changes version of the bylaw (Attachment 1).

**Consultation**

The Islands Trust is working with Snaw-naw-as Nation to finalize a protocol agreement and work is ongoing to arrange working group meetings. It is anticipated that the proposed Bylaw No. 98 will be among the initial topics of discussion at these meetings.

Additionally, the LTC has requested that a referral to the Advisory Planning Commission, regarding the referral comments received from a provincial ministry, be deferred until First Nations consultation is completed. Other referrals may also be sent to agencies who are impacted by the bylaw changes.

**NEXT STEPS**

Staff are arranging a working group meeting with Snaw-naw-as Nation. Following this, the bylaw amendments will be finalized and the amended bylaw will be brought back for bylaw readings and referrals.

Submitted By:	Stephen Baugh, Island Planner	February 8, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 15, 2024

**ATTACHMENTS**

1. OCP Bylaw No. 98 with Proposed Amendments Track Changes
2. Islands Trust Policy Statement Directive Policies

## PROPOSED

Version Control Table

Version	Date	Description
1.0	Nov. 30, 2020	First Reading
1.1	April 26, 2021	Proposed amendments based on Comments received during referral period after 1 <sup>st</sup> reading
1.2	June 21, 2021	Version 1.1 plus: the addition of a Parks and Protected Areas land use designation with accompanying policy changes, FN Acknowledgement, log handling, and ALR recommendations according to LTC resolution.
2.0	June 21, 2021	Second Reading (rescinded August 13, 2021)
2.1	August 13, 2021	Second Reading, as amended (clean)
2.2	October 4, 2021	Version 2.1 + proposed numbering format + renaming part 3 from "Official Community Plan" to "Background" + removing Crown Lands Objective 4 + FLNRORD policy removal + "livestock" definition (track changes)
<del>2.3</del>	October 4, 2021	Second reading, as amended
<u>2.5</u>	<u>March 4, 2024</u>	<u>Propose amendments so that the bylaw meets Islands Trust Policy Statement directive policies and Local Government Act requirements. Editorial amendments.</u>

PROPOSED



Islands Trust

**Lasqueti Island  
Local Trust Committee  
Official Community Plan  
Bylaw No. 98, 2020**

*Preserving **Island** communities, culture and environment*

# PROPOSED

[Back of front cover]

# PROPOSED

## CONSOLIDATED BYLAW TEXT AND MAP AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only**:

Table of Amendments			
Bylaw No.	Amendment Number	Date of Adoption	Date of Bylaw Consolidation

# PROPOSED

This page intentionally left blank

# PROPOSED

## LASQUETI ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 98

---

### A BYLAW TO ADOPT AN OFFICIAL COMMUNITY PLAN FOR THE LASQUETI ISLAND LOCAL TRUST AREA

---

WHEREAS Section 29 of the *Islands Trust Act* gives the Lasqueti Local Trust Committee the same power and authority as a Regional District under Section 298(l)(j) and 327 of the *Local Government Act* and Part 14 of that *Act*, except Divisions 19 and 20 of that Part and except Section 507; and

WHEREAS Section 471 of Division (4) of Part 14 of the *Local Government Act* applies to the Committee and authorises it to adopt an Official Community Plan and outlines procedures for developing and adopting such plans including a public hearing and Ministerial approval; and

WHEREAS Section 27 of the *Islands Trust Act* requires that the Executive Committee of the Islands Trust must approve an Official Community Plan prior to adoption; and

WHEREAS Section 473 of the *Local Government Act* lists the subjects that must be addressed in a Plan; and

WHEREAS Section 478(2) requires that all bylaws enacted, permits issued, and works undertaken by the Lasqueti Local Trust Committee be consistent with the Official Community Plan;

NOW THEREFORE the Lasqueti Local Trust Committee being the Trust Committee having jurisdiction on and in respect of Lasqueti Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

#### 1. CITATION

This Bylaw may be cited for all purposes as “Lasqueti Island Official Community Plan, 2020”.

#### 2. BYLAW REPEAL

1. Bylaw No. 77 cited as “Lasqueti Island Official Community Plan, 1986” and all of its amendments are repealed.

#### 3. SCHEDULES

The following Schedules, attached to and forming part of this Bylaw, are adopted as “Lasqueti Island Official Community Plan Bylaw, 2020”:

- Schedule A – Official Community Plan
- Schedule B – Land Use Designation Map

## PROPOSED

READ A FIRST TIME THIS 30<sup>TH</sup> DAY OF NOVEMBER , 2020

READ A SECOND TIME THIS ~~4<sup>th</sup>~~ DAY OF ~~OCTOBER~~ , 2021-202X

PUBLIC HEARING HELD THIS DAY OF , 202X

READ A THIRD TIME THIS DAY OF , 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS DAY OF , 202X

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS DAY OF , 20XX

ADOPTED THIS DAY OF , 20XX

---

SECRETARY

---

CHAIRPERSON

# PROPOSED

## TABLE OF CONTENTS

	Page Number
<b>PART 1 - PREAMBLE</b>	<b>1</b>
1.1 OFFICIAL COMMUNITY PLAN .....	1
1.2 LOCAL GOVERNMENT .....	1
1.3 INTERGOVERNMENTAL AND CORPORATE MATTERS .....	1
1.4 ISLAND CONCERNS AND ISSUES .....	2
1.5 CONSULTATION .....	2
1.6 LEGAL BASIS.....	2
<b>PART 2 – ADMINISTRATION</b>	<b>3</b>
2.1 ADVOCACY POLICIES AND INFORMATION NOTES.....	3
2.2 AREA OF JURISDICTION .....	3
2.3 SEVERABILITY.....	3
2.4 UNITS OF MEASUREMENT .....	3
2.5 NUMBERING.....	3
2.6 COVENANTS .....	3
2.7 AMENDMENT PROCEDURE .....	4
2.8 INTERPRETATION.....	4
2.9 COMPLIANCE.....	<u>54</u>
2.10 OWNERS COSTS.....	5
2.11 DEFINITIONS.....	5
<b>PART 3 – BACKGROUND</b>	<b>7</b>
3.1 INTRODUCTION .....	7
3.2 COMMUNITY CONTEXT .....	7
3.3 WHAT IS AN OFFICIAL COMMUNITY PLAN?.....	8
3.4 GOALS .....	9
3.5 APPROACH .....	10
<b>PART 4 OBJECTIVES AND POLICIES</b>	<b>11</b>
4.1 ENVIRONMENTAL STEWARDSHIP.....	11
4.2 RESOURCE STEWARDSHIP.....	14
4.3 COMMUNITY STEWARDSHIP .....	<u>2019</u>
4.4 COMMUNITY SERVICES.....	<u>2322</u>
<b>PART 5 LAND USE</b>	<b><u>2928</u></b>
5.1 LAND BASE (LB).....	<u>2928</u>
5.2 MARINE (M).....	<u>3433</u>
5.3 PARKS AND PROTECTED AREAS (PPA) .....	<u>3533</u>
5.4 CROWN LANDS (CL) .....	<u>3534</u>
SCHEDULE B LAND USE DESIGNATION MAP	<u>3837</u>

# PROPOSED

---

## SCHEDULE A – OFFICIAL COMMUNITY PLAN

---

### PART 1 - PREAMBLE

#### 1.1 Official Community Plan

The purpose of this official community plan bylaw is to further the object of the Islands Trust Act through long-range land use policy for the Lasqueti Island Trust Committee Area. This Bylaw contains the statements of community goals, objectives and policies for present and future land use and development. These policies are designed to direct and guide future actions of the Lasqueti Island Local Trust Committee and inform other levels of government and the general public of the community's expectations for the use and development of the Area.

#### 1.2 Local Government

As a designated island within the Islands Trust, Lasqueti has two locally elected Trustees who along with a chairperson (an Islands Trust Executive Committee Member) constitute the three member Lasqueti Island Local Trust Committee, which is responsible for land use planning within the Lasqueti Island Local Trust Area.

The responsibility of local planning is vested in this Local Trust Committee. The Local Trust Committee may appoint an Advisory Planning Commission for the purpose of providing advice on local planning matters.

The Island is also represented on the qathet Regional Board by a locally elected Electoral Area Director. The Regional Board is responsible for provision and administration of services authorized in the *Local Government Act* and opted for by voters in the Lasqueti Electoral Area.

#### 1.3 Intergovernmental and Corporate Matters

Attainment of certain land use and development objectives set forth in this bylaw and the balance among them is influenced by the manner, in which the natural resources of Lasqueti Island and its surrounding islets and waters are managed, and the type and level of services provided by other government agencies and corporations.

Jurisdictional responsibility for resource management lies with agencies of the Provincial Government and certain Federal Ministries, not with the Lasqueti Island Local Trust Committee. Similarly, the regulation of matters such as sewage and garbage disposal, protection of water supplies, control of pollution, provision of highways, ferry service, and public utilities is not within the jurisdiction of the Local Trust Committee. However, their regulation or management can significantly influence achievement of this bylaw's land use and development objectives.

Recognizing and accepting such circumstances, the Local Trust Committee presents objectives on these matters as expressions of its concerns and interests. The Committee will cooperate with and seek the assistance of the agencies with jurisdictional responsibilities in order to effect management and regulation

## PROPOSED

which brings benefits to the Lasqueti Island community and the Province generally, while retaining the inherent capacity of the Island's resources.

Where agencies of other levels of government are themselves developing or regulating aspects of development in the Local Trust Area, it is the objective of the Local Trust Committee to liaise and cooperate with such agencies to encourage development or implementation of development regulations which assist in the realization of the Local Trust Committee's objectives.

### 1.4 Island Concerns and Issues

Lasqueti Island is a rural island community whose philosophy towards its future is keyed to minimizing adverse environmental and social impacts of increased population and development upon the Island and its surrounding waters. There are concerns regarding the:

- 1 Preservation and maintenance of a rural island community;
- 2 Maintenance of privacy and freedom of the Island's people;
- 3 Conservation of agricultural lands, forest lands, fresh water supplies, and foreshore areas;
- 4 Encouragement of local employment consistent with protection of the community and natural environment.

Relevant land use and development issues centre on the type of land uses, compatibility of land uses, density of development, management of natural resources, maintenance of fresh and marine water quality, transportation, and levels of community services.

### 1.5 Consultation

The Lasqueti community has a long tradition of addressing difficult and complex issues through a process of community dialogue. Such a process allows all views to be heard and respected, common ground identified, and agreement built out of a shared vision, despite divergent views. To these ends, promotion of a healthy, democratic political atmosphere can be accomplished through the use of a broad range of consensus building tools including but not limited to meetings, questionnaires, task groups and formal advisory polls by secret ballot.

Due to fair, equitable, and good governance practices, it needs to be noted, that the Lasqueti Island Local Trust Committee must keep an open mind and refrain from making a final decision until the adoption or the enactment of any bylaw is considered.

### 1.6 Legal Basis

The *Islands Trust Act* gives the Islands Trust (including the Lasqueti Island Local Trust Committee) the power and authority of a Regional District under Part 14 except sections 558 to 581 and 507 and 508 of the *Local Government Act*.

Section 478(2) of Part 14 of the *Local Government Act* requires that all bylaws enacted or works undertaken by the Islands Trust or a Regional District must be consistent with this Official Community Plan.

# PROPOSED

## PART 2 – ADMINISTRATION

### 2.1 Advocacy Policies ~~and Information Notes~~

*Where a paragraph or sentence in this Bylaw is written in italics and is preceded by the words “Information Note”, the contents of the paragraph or sentence are provided as reference information only to assist in understanding the Bylaw.*

Where matters are outside the jurisdiction of the Local Trust Committee, this Plan contains broad community objectives in the form of Advocacy Policies. These policies show where the Local Trust Committee encourages others to take actions to further the objectives of the Plan. This Plan cannot and does not represent a commitment from other agencies to act according to community objectives.

**Commented [SB1]:** There are no information notes contained in the proposed bylaw, the inclusion of information notes is not generally considered best practice for bylaw drafting.

### 2.2 Area of Jurisdiction

This bylaw is applicable to the Lasqueti Island Local Trust Area as described in Schedule B, attached to and forming part of this bylaw.

### 2.3 Severability

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision should not affect the validity of the remaining portions of this bylaw.

### 2.4 Units of Measurement

Metric dimensions are used in this Bylaw. Imperial equivalents, shown in parentheses ( ), are approximate, and provided for convenience only.

### 2.5 Numbering

The reference system used in this Bylaw is:

- Part: 1
- Section: 1.1
- Subsection 1.1.1
- Article: a
- Clause: (i)

### 2.6 Covenants

Where under this Bylaw an owner of land is required or authorized to grant any covenant, the covenant shall be granted to the Lasqueti Island Local Trust Committee (Local Trust Committee) in priority to all financial charges and all other covenants and easements (whether registered or not) and delivered in registerable form, satisfactory to the Local Trust Committee, prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant shall indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

# PROPOSED

## 2.7 Amendment Procedure

This Bylaw may be amended by the Trust Committee at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Trust Committee that addresses fees and procedures. All amendments to this Plan shall be in keeping with the goals and objectives of this Plan.

## 2.8 Interpretation

The final interpretation as to the precise location of boundaries of any designation or symbol contained in the map schedules, shall be legally defined by the appropriate land use bylaws enacted over time by the Trust Committee or by site survey, as required. The precise boundaries of the land use designations are shown on Schedule B. In interpreting the objectives and policies of the Plan, the term “shall” is used to denote that the indicated measure “must” be taken or applied. The term “should” or “may” indicates that the suggestion is intended as a guideline to apply or implement by the authority having jurisdiction.

The Islands Trust Conservancy, the conservation branch of the Islands Trust, has the authority to acquire land donations, financial donations, as well as holding covenants for the purposes of preserving and protecting the environment; the **Kwel Nature Sanctuary on Lasqueti Island, shown right**, is an example of a property donated to the Islands Trust Conservancy.

Covenants provide protection of the environment, while allowing the land owner to maintain ownership of the property.



Formatted Table

# PROPOSED

## 2.9 Compliance

### 2.9.1 Conformity

- a. No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- b. No person may construct, reconstruct, place, alter, extend or maintain any building, structure and sign except as permitted by this Bylaw.
- c. Nothing contained in the bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- d. The use of land, buildings or structures that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of this Bylaw, shall be considered as "legal non-conforming", and continued subject to the provisions of Sections 528 through 534 of the *Local Government Act*.

### 2.9.2 Inspection

- a. Islands Trust staff, including the Bylaw Investigations Officer and any other officer who may be appointed in that capacity, is authorized, after making efforts to make contact with the property owners or occupant or in response to any second or additional complaint, to enter upon any property subject to the provisions of this Bylaw, to ascertain whether the regulations of the Bylaw are being or have been complied with; for clarity elected trustees do not conduct investigations or have the authority provided to act as the Bylaw Investigations Officer.

### 2.9.3 Enforcement

#### a. Violation

- (i) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have violated the provisions of this Bylaw.

#### b. Penalty

- (i) Any person who violates any of the provisions of this Bylaw is, upon summary conviction by a court of competent jurisdiction, liable to a penalty of not more than five thousand dollars (\$5000) and the cost of prosecution. Each day that such violation continues, or is allowed to continue, constitutes a separate offence.

## 2.10 Owners Costs

If any provision of this Bylaw requires a report, study or plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs; the community rate payer will not cover costs associated with a private initiative.

## 2.11.9 Definitions

- **Adequate:** as much or as good as necessary for some requirement or purpose; fully sufficient, suitable, or fit.
- **Affordable:** within reasonable financial means of a person or group to access a service or good.

**Commented [SB2]:** The provisions are not appropriate for the OCP because the OCP is not a regulatory bylaw; it's a policy document.

## PROPOSED

- **Appropriate access:** adequate and sensible.
- **Cultural resources:** physical evidence or place of past human activity: site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.
- **Density:** the number of dwelling units allowed on a lot based on the zoning and the lot size.
- **Encourage:** to promote, advance, foster and inspire with confidence.
- **Ensure:** to make something certain to be or come to be.
- **Foster:** to promote the growth and development of.
- **Guest Cabin:** means a stand-alone, detached building used for the accommodation of non-paying guests of the occupants of a dwelling on the same parcel.
- **Health:** having, showing or encouraging good positive health, integrity of balance the mental, physical, or social condition of someone or something.
- **Livestock:** means cattle, goats, horses, sheep, swine and game and includes any other animal designated by regulation.
- **Long-term rentals:** dwellings designated for rental arrangements longer than 1 month.
- **Low risk:** unlikely to result in loss, failure or harm.
- **Natural:** existing in or formed by nature.
- **Positive:** giving or being of hope, confidence, a sense of alignment.
- **Promote:** to encourage, further or advance in rank, dignity or position.
- **Renewable resource:** a natural resource that can regenerate after use.
- **Resource:** a stock or supply of natural or human assets that can be drawn on by, and to benefit, a person or organization.
- **Rural:** of, relating to, or characteristic of the country, country life, or country people.
- **Rural values:** values and interests pertaining to a lifestyle connected to a predominately natural environment.
- **Short-term vacation rentals:** means a cabin or residence that is rented as a single unit for commercial purposes for periods of less than 30 days to accommodate tourists, visitors and the travelling public.
- **Stewardship:** the careful and responsible management of something entrusted to one's care.
- **Support:** to sustain, endure or hold up.
- **Sustainable:** pertaining to a system that maintains its own viability by using techniques that allow for continual reuse. Includes practices that do not deplete the resource base and requires an attitude of stewardship and balance.
- **Watershed:** The area or region of land that collects and stores precipitation eventually overflowing through streams, creeks, rivers, and lakes eventually to the sea.

# PROPOSED

## PART 3 – BACKGROUND

### 3.1 Introduction

The Lasqueti Island Local Trust Committee has authority through its plans and regulations to address use and the servicing requirements of land and surface waters within its Trust Area. The purpose of this Plan is to outline the goals of the community, the objectives relating to matters of Local Trust Committee authority and policies that provide guidance as to how to implement those objectives. Advocacy policies are included to encourage and guide decision makers with matters outside of the authority of the Local Trust Committee.

Responsibility for certain matters lies outside the authority of the Lasqueti Island Local Trust committee and is instead the responsibility of individual property owners, residents, the Provincial Government, the Federal Government, Coast Salish First Nations or the qathet Regional District. In some instances there may be overlapping authority of more than one person or agency. In particular the objectives and policies set forth in the Bylaw and the balance among them is influenced by the manner in which the natural resources of Lasqueti Island and its surrounding islets and waters are managed, and the type and level of services provided by other government agencies and corporations.

The Local Trust Committee seeks to work cooperatively with and seek the assistance of the public and government agencies to ensure orderly and effective management and regulation of the Lasqueti Trust Area and its resources to the mutual benefit of all.

In the case of objectives that are within the authority of other agencies or persons, such agencies or persons are requested to:

- regard such objectives as stated desires of the Lasqueti Island Local Trust Committee; and
- ~~to~~ take such objectives into consideration in making decisions concerning their own land use decision making with respect to the Lasqueti ~~island~~ Island Local Trust Committee area.

Schedule B designates ~~three-four~~ areas of the Lasqueti Island Planning Area. All land areas above the high water mark that are not Crown Land or Parks and Protected Areas are within the Land Based (LB) designation. All the marine areas up to the high water line, including the intertidal zone are within the Marine (M) designation. All Crown lands are within the Crown Land (CL) designation, and all Islands Trust Conservancy protected lands are within the Parks and Protected Areas (PP) designation. The objectives and policies below apply to any or all -of these four designations.

### 3.2 Community Context

Coast Salish Peoples, including the Tla’amin, have lived and resided on or near Lasqueti Island since time immemorial.

The history of Coast Salish Peoples is sustained in the language, place names, village sites, cultural and sacred sites that encompass the whole of the Islands Trust Area. Coast Salish Peoples have seen and lived the transformation of their lands and waters since contact. – This tide of change has greatly impacted the eco-system that sustained them, and the cultural heritage of the first peoples of the Salish Sea. –Coast Salish Peoples have and will continue to be a thriving people, government, and community, connected to the lands and waters through spiritual, cultural, and traditional knowledge for generations to come.

## PROPOSED

The Tla’amin Peoples speak a language called Sliammon, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the Tla’amin Peoples is enriched with history, place names, village sites, cultural sites, and sacred sites and the islands and waters form the basis of their language, culture, and spiritual life within the Salish Sea.

The importance and inherent rights and jurisdiction that this area holds to the Tla’amin Peoples continues now and into the future and the stewardship of these lands and waters for their children’s children endures.

The Tla’amin (Sliammon) people referred to Lasqueti ~~island~~ Island as Kweh et ey (means Yew Tree). In 1791 the Island became known as Lasqueti, named after Juan Maria Lasqueti, a prominent Spanish naval officer.

Lasqueti is 68 square ~~kilometers~~ kilometres in area, 5 km wide and 21 km long. The ferry does not provide vehicle service, which therefore requires barging over of vehicles and other large items.

	1991	1996	2001	2006	2011	2016	2021
Population	326	374	367	359	425	399	498
Number of Dwellings		180	185	298	290	407	506

Formatted Table

Since 1974, the inception of the Islands Trust, the community of Lasqueti Island has been empowered to elect their own representatives to make independent and local decisions, while remaining within a federation of other island communities. The following individuals have served as Local Trustees for Lasqueti Island:

1977 - 1978	Kevin Monahan, Mike Humphries
1978 - 1980	Laurence Fisher, Mike Humphries
1980 - 1982	Laurence Fisher, Mike Humphries
1982 - 1984	Jack Barrett, Mike Humphries
1984 – 1986	Jack Barrett, Mike Humphries
1986 - 1988	Melinda Auerbach, Barry Kurland
1988 - 1990	Melinda Auerbach, Barry Kurland
1990 - 1993	Janice McMillan, Barry Kurland/Chris Ferris
1993 - 1996	Melinda Auerbach, Chris Ferris
1996 - 1999	Melinda Auerbach, Eric O'Higgins
1999 - 2002	Eric O'Higgins, Tom Weinerth
2002 - 2005	Bronwyn Preece, Rose Willow
2005 – 2008	Bronwyn Preece, Rose Willow
2008 – 2011	Jen Gobby, Susan Morrison
2011 – 2014	Susan Morrison, Peter Johnston
2014 – 2018	Tim Peterson, Susan Morrison
2018 – 2022	Tim Peterson, Peter Johnston
<u>2022 – Present</u>	<u>Tim Peterson, Mikaila Lironi</u>

### 3.3 What is an Official Community Plan?

An Official Community Plan is a general statement outlining the planning goals of a community and the policies that will help the community to reach those goals. The intent of an Official Community Plan is to provide a framework that will guide the elected officials and members of the community in future

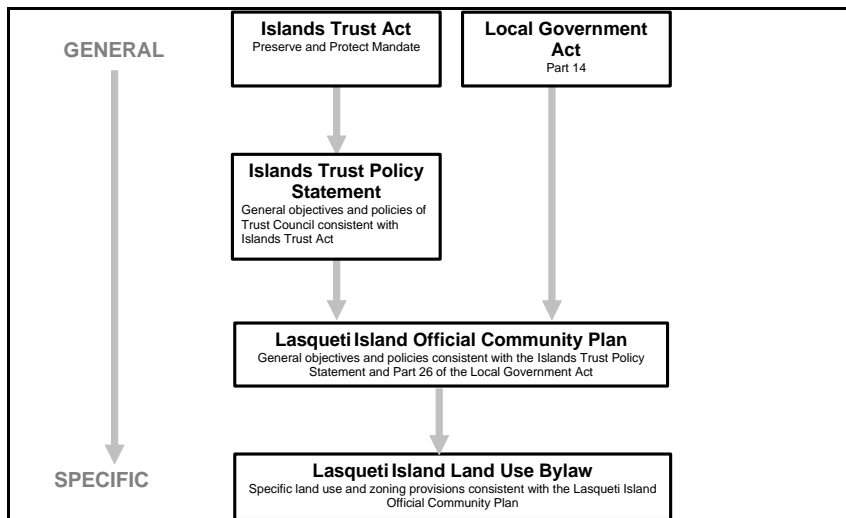
## PROPOSED

development and conservation initiatives. Once adopted by Bylaw, the Lasqueti Island Official Community Plan restricts the Lasqueti Island Local Trust Committee to only enact any other bylaw that is consistent with the Official Community Plan.

A Local Trust Committee is authorized to adopt an Official Community Plan by the *Islands Trust Act* and the *Local Government Act*. In the Islands Trust Area, an Official Community Plan must be consistent with the Islands Trust Policy Statement, which furthers the Object of the Islands Trust, as stated in Section 3 of the *Islands Trust Act*:

*The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organisations and the government of the Province.*

An Official Community Plan must also address the Provincial Interest as defined in the *Local Government Act*. The graphic below shows how an Official Community Plan fits into the overall planning framework of the Islands Trust.



As a true representative document, a community plan states the values of the community that participates in its creation. As a community changes, so too can a community plan. As unforeseen issues arise, a community plan can be amended to keep pace with these issues. Amendments can occur from time to time, based upon community process and input, with final decisions made by the officials elected from the Lasqueti Island community itself.

### 3.4 Goals

To maintain a rural island community where the Island people’s privacy and freedom are preserved; the integrity of the island ecosystem is maintained; conservation of agricultural lands, forest land, fresh water supplies, and foreshore areas are protected; [and](#) local employment, consistent with the protection of the community and natural environment, is provided.

# PROPOSED

## 3.5 Approach

The Bylaw's approach to land use and development growth is one of consideration and caution. It is hoped that by laying out a pattern of low density land use, adopting a cautious approach to development, and fostering a cooperative relationship among the local community, Islands Trust and other governmental agencies, needed and reasonable land use and development will take place without requiring complex and expensive facilities and services, thereby maintaining the Island's unique character as a place where the human community lives in and with nature. The LTC will use the precautionary principle when making land use decisions.

# PROPOSED

## PART 4 OBJECTIVES AND POLICIES

### 4.1 Environmental Stewardship

Where agencies of other levels of government are themselves managing natural resources or regulating the management practices of other agencies or the private sector, it is the Local Trust Committees objective to liaise and cooperate with such agencies to encourage management practices and regulatory provisions which help to preserve and protect the natural environment.

The following section is divided into ~~three~~ four areas: General, Conservation, Consumption and Pollution, and Climate Change.

#### General

##### 4.1.1 General Objectives

- a. To support and assist with the establishment and maintenance of protected areas, including (and not limited to) ecological reserves, parks, nature reserves, conservation covenants and marine protected areas.
- b. To avoid contamination of fresh and salt water.
- c. To support human use and management of land that retains native flora and fauna and conserves natural ecosystems.
- d. To protect and restore a diverse, productive, native forest understory with abundant natural regeneration of trees and other native species.
- e. To support the protection and restoration of abundant and productive native ecological communities in the terrestrial, freshwater, and marine ecosystems on and adjacent to Lasqueti.
- f. To promote a safe and healthy environment for all residents.
- g. To achieve low risk of loss to ecological integrity and biodiversity, supported by the best scientific understanding of ecosystems in the Lasqueti Local Trust area.
- h. To formally protect a sufficient proportion of the land and marine base of the Lasqueti Local Trust Area to help achieve low risk to ecological values, and that includes representation of all ecosystems and over-representation of rare or special areas.

##### 4.1.2 General Policies

The natural environment of Lasqueti is being altered and under constant pressure to be developed further. The community of Lasqueti resides on a finite island where resources must be used in a sustainable manner.

- a. The Lasqueti Island Local Trust Committee should undertake initiatives to identify environmentally sensitive and important ecosystems and flora and fauna to assist in future decision making.
- b. The Local Trust Committee will assist with any efforts to protect sites of ecological significance or value, prioritizing conservation of the full range of terrestrial and aquatic/marine ecosystems in the local trust area.

## PROPOSED

- c. Lasqueti Island's rural marine landscape and scenic views should be maintained and protected.
- d. The inherent resiliency of the Island's eco-systems should be maintained in conjunction with resource stewardship.
- e. Native flora and fauna should be retained to protect natural habitats of local significance.
- f. Measures to avoid and minimize the use of herbicides and other biocides should be undertaken.
- g. Domestic pets and livestock should be kept under control.
- h. When fill or debris is placed on land in such a way that it could lead to discharge of deleterious material into a water course, adequate ~~mitigative~~ design and construction measures ~~to mitigate impacts~~ are required in order to be acceptable to Fisheries and Oceans Canada and appropriate Provincial Ministries.
- i. The Lasqueti Local Trust Committee should support community-based environmental clean-up initiatives.
- j. The Lasqueti Local Trust Committee should ~~support~~ initiatives to reduce pollution from vehicles, wood burning, power generation, waste, and any other sources.
- k. The Lasqueti Local Trust Committee should ~~support~~ efforts that minimize consumption and maximize local self sufficiency.
- l. The Lasqueti Local Trust Committee should support maintaining a high level of forest connectivity on Lasqueti.
- m. The Lasqueti Local Trust Committee should support the preservation of quiet and darkness.

**Commented [SB3]:** Changed wording, for clarity.

### 4.1.3 General Advocacy Policies

- a. Residents, businesses and other agencies are encouraged to become informed and educated about appropriate human waste disposal methods.
- b. Community groups and other agencies are encouraged to develop educational material on environmentally sensitive living.

## Conservation

### 4.1.4 Conservation Objectives

- a. To prioritize conservation of the full range of terrestrial and aquatic/marine ecosystems in the local trust area.
- b. To minimize deforestation (permanent removal of forest) and encourage forest management that optimizes the carbon sequestration ~~and storageeco~~ value of forests ~~provide~~.
- c. To maintain a high level of ecosystem connectivity, including forest connectivity.

**Commented [SB4]:** "storageeco" is not a word. "Sequestration" encapsulates both the absorption and deposition of carbon.

## Consumption and Pollution

### 4.1.5 Consumption and Pollution Objectives

- a. To support initiatives to reduce pollution from vehicles, wood burning, power generation, waste, and any other sources

## PROPOSED

- b. To encourage site planning and building design that minimize energy consumption and negative impacts on natural ecosystem.
- c. To encourage local self-sufficiency and low levels of consumption.

### 4.1.6 Consumption and Pollution Policies

- a. To support initiatives to clean up public areas, such as shorelines.

## Climate Change

### 4.1.7 Climate Change Objectives

- a. To consider both climate change adaptation and mitigation in all land use decisions.
- b. To support individual and community-based initiatives that reduce greenhouse gas emissions.
- c. To reduce reliance on fossil fuels and move towards eliminating fossil fuel use.
- d. To encourage residents to minimize energy use, incorporate high energy efficiency into building design and construction and to use local, non-toxic, carbon efficient materials.
- e. [To maintain a lower than average rate of greenhouse gas emissions and seek out new means of further reducing greenhouse gas emissions.](#)
- f. [Greenhouse gas emissions should reach and remain below 50% of the Canadian per capita average rate in the Lasqueti Island Local Trust Area.](#)

### 4.1.8 Climate Change Policies

Climate change refers to the increasing concentration of heat-trapping greenhouse gases (GHGs) in the atmosphere as the result of human activities— primarily the burning of fossil fuels and large-scale deforestation. A 2007 report from the Intergovernmental Panel on Climate Change reveals that between 1970 and 2004, GHG emissions have increased by 70%. This dramatic rise in atmospheric GHG concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise 1.1° to 6.4° C over the next century. Although seemingly slight, these temperature changes will have dramatic and negative impact on ecological systems around the globe.

In response to climate change issues, the provincial government gave Royal Assent to Bill 27 [*Local Government (Green Communities) Statutes Amendment Act, 2008*] on May 29, 2008. Bill 27 amended the *Local Government Act* and other Provincial regulations to provide new tools for local governments. Most significantly, Bill 27 required that all local governments include GHG emission reduction targets—and policies and actions to achieve those targets— in their Official Community Plans.

The Islands Trust Council identified Climate Change and the implementation of Bill 27 as the top strategic plan priority in 2009 and early 2010. The Lasqueti Island Local Trust Committee supported this direction, as did community members who attended a special community meeting on reducing GHG emissions in November 2009.

The following targets, policies and actions are proposed to ensure that the reduction of GHG emissions specifically and the impact of climate change in general become part of the planning process for Lasqueti Island.

**Commented [SB5]:** To meet LGA 473(3). Adapted from policies in existing OCP bylaw No. 77.

## PROPOSED

- a. The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation. These criteria will address issues such as the impact of the density proposed on reducing GHG emissions, land use and the form of the development, use of building materials and construction methods, energy efficiency and sources, and the long term potential for the development to result in a decreased carbon footprint on the landscape.
- b. The Local Trust Committee should support community efforts to record and measure the use of fossil fuels and GHG emissions through an annual inventory.
- c. The development of cycling and walking trails to facilitate non-automobile based forms of travel is **strongly** encouraged, separated from the road grade where possible.
- ~~d. The community is encouraged to consider options to purchase lands to protect ecosystems and the character of Lasqueti Island.~~
- ~~e-d.~~ The implementation of energy conserving buildings is **strongly** encouraged including the use of local materials and “small footprints”.
- ~~e.~~ The Local Trust Committee, government agencies, and Island residents are **strongly** encouraged to consider alternatives to slash burning.

**Commented [SB6]:** Moved to advocacy policies section.

### 4.1.9 Climate Change Advocacy Policies

- a. Provincial agencies, when considering changes to infrastructure on the Islands, are **strongly** encouraged to take a “small footprint” approach to any proposals for public infrastructure development, ~~and t~~ The investigation of opportunities to share resources or develop common facilities is ~~also~~**strongly** encouraged.
- b. The Province is **strongly** encouraged to support water conservation, rainwater catchment, and a wider range of options for sewage treatment for dwelling units.
- ~~c.~~ The community is encouraged to build on the community inventory completed in 2009 by developing a method (provided at no charge to each household) for continuing the collection of data on an ongoing basis. The inventory could collect data both on fuel use and estimated GHG emissions, and also record actions that are being taken to reduce GHG emissions, such as the installation of energy efficient stoves, windows, or improved insulation
- ~~d.~~ The community is encouraged to consider options to purchase lands to protect ecosystems and the character of Lasqueti Island.
- ~~e-e.~~ The implementation of fuel saving measures at public and community buildings should be investigated by a team of island residents, and new methods proposed to reduce GHG emissions through the use of alternative energy sources.
- ~~d-f.~~ Education is recognized as ~~the most~~ powerful tool in reducing energy use, and Islanders are **strongly** encouraged to share their knowledge and assist other levels of government, agencies and Lasqueti Islanders in meeting the goals of this Plan.

## 4.2 Resource Stewardship

# PROPOSED

## Natural Resources

### 4.2.1 General Objectives

- a. To conserve forest lands, fresh water supplies, wetlands, foreshore areas, historic and archaeological cultural heritage, and existing agricultural lands.
- b. To ensure wild food resources are harvested sustainably.
- c. To protect access to wild food and other resources of the land and marine environments.
- d. While recognizing that some exotic species may have value to the community as a source of local food, to minimize the impacts of invasive exotic species on native fauna and flora.
- e. To preserve and support balanced control of the local feral/heritage sheep which are a valued part of the community and its history.

### 4.2.2 General Policies

- a. ~~The Local Trust Committee supports regular reporting of Assess and report at least every 5 years~~—the amount of land and marine area in the Lasqueti Trust Area that is in protected status, including a breakdown of the types of protected status, a map of protected areas, and the distribution of ecosystem types under protection relative to their overall abundance in the Lasqueti Trust Area.
- b. ~~The Local Trust Committee supports regular reporting of Assess and report at least every 10 years~~—the status of land outside of formal protected status in relation to its potential for contributing to conservation objectives outside of protected areas.
- c. Conservation strategies between land, foreshore and sea shall be integrated where feasible.
- d. Initiatives to improve mapping ~~are supported, including the mapping of sensitive ecosystems, rare ecosystems, and threatened ecosystems, arable land, and hazardous land, etc.~~ are supported.

### 4.2.3 General Advocacy Policies

- a. The Lasqueti Community Association is encouraged to develop a guide for residents on best local practices for stewardship of environmental, historic, archaeological and heritage values.
- b. Scientifically rigorous surveys of important exotic species, in particular feral sheep, are encouraged to estimate population size and to assess local ecological impacts.
- c. Encourage a community-led process to identify ~~a~~ scientifically-based land and marine conservation targets that meet habitat needs for all species.
- d. Ongoing community monitoring of the status of invasive species and of native species potentially at risk is supported.
- e. Private landowners are encouraged to undertake stewardship of their land to maintain natural and semi-natural ecosystems and restore any areas of degraded habitat.
- f. Private landowners are encouraged to take stewardship actions on their land to reduce populations of undesirable invasive species and enhance native species.
- g. Private landowners are encouraged to place conservation covenants on areas with high conservation values.

## PROPOSED

- h. ~~The Province is requested to designate all~~Protecting land through formal and/or legal agreements is an objective throughout the Lasqueti Local Trust area, including on unencumbered Crown land ~~on Lasqueti in a formal protected status.~~
- i. A community-led process to identify a locally-meaningful definition and designation of agricultural land is encouraged.
- j. Hydrological watershed planning to protect water supplies and ecosystems is encouraged.

**Commented [SB7]:** Amended to state as a broad objective to meet LGA s. 474(2)

### Marine Coastal Areas

The intertidal area is that area from the high water mark to the lowest extremes of low tide. The water area is that area from the lowest extremes of low tide to a point 1,000 metres off-shore. Both of these marine coastal areas could be vulnerable to pollution from sewage and industrial wastes. Being highly valued for water-based mariculture, marinas, and other marine commercial enterprises, marine coastal areas are or will be subject to demands which, without compatible land use and sensitive development, could impair the visual and environmental qualities which provide the rural marine atmosphere of the Island. With these factors in mind, policies applicable are:

#### 4.2.4 Marine Coastal Policies

- a. Native flora and fauna should be retained to protect natural habitats of local significance along the foreshore and in the intertidal areas.
- b. The marine environment, including associated riparian areas, should be adequately protected from unreasonable adverse effects or inadequate mitigation measures resulting from development.
- c. Special consideration should be taken to eliminate the possibility of pollution from sewage or from commercial and industrial wastes.
- d. Designation and regulation of the foreshore and marine coastal areas should be designed to preserve and protect the natural environment and character and should recognize the need to dedicate areas of the foreshore for the following purposes:
  - (i) to provide for access;
  - (ii) to protect existing mariculture uses;
  - (iii) to encourage low impact public uses on and along the foreshore;
  - (iv) to provide for public transportation services;
  - (v) to maintain public access to shellfish;
  - (vi) to retain the undeveloped character of the marine coastal area;
  - (vii) to protect marine coastal habitats for conservation purposes with priority given to protection of threatened, rare and high value habitats such as eelgrass beds and other areas that support forage fish ;
  - (viii) to provide for appropriate commercial and industrial uses; and
  - (ix) to retain representative areas of natural foreshore.
- e. The type and use-level of foreshore and coastal water areas can significantly influence the rural/marine character of Lasqueti Island. Uses of Crown foreshore and water areas must be authorized by the appropriate Provincial Ministry, comply with the provisions of the *Navigable Waters Protection Act* administered by the Coast Guard, and also comply with the bylaws of the Local Trust Committee.

## PROPOSED

### 4.2.5 Marine Coastal Advocacy Policies

- a. The Coast Guard and other relevant government ministries are encouraged to regulate uses such that:
  - (i) marinas relate to the rural environment and are of small scale, providing appropriate sanitary facilities (and sewage pump-out facilities for boats) for shore and water-based patrons;
  - (ii) marinas are situated away from existing mariculture areas,
  - (iii) mariculture does not take precedence over those areas traditionally used as year round moorage for local vessels; and,
  - (iv) site-specific non-discharge zones are located in the waters surrounding Lasqueti.

### **Water Source Area**

#### 4.2.6 Water Source Policies

Water source areas are those areas drained by lakes and streams, which provide or potentially could provide fresh water for human consumption and use.

Although no adequate studies have been made of the capacity of the Island to store fresh water, it is apparent that in the natural state the potential is limited; most streams and many wells dry up in the summer. It is doubtful that the existing lakes could supply much more than they do now without impairing the present ecological balance. Until the necessary studies have been completed the following policies should apply:

- a. Watersheds and catchment areas should be protected from contamination and degradation.
- b. Fresh and salt water purity and quality should be protected from contamination and degradation.
- c. The Lasqueti Island Local Trust Committee supports initiatives to monitor groundwater and surface water resources and the related watersheds and catchment areas to assist in future decision making.
- d. Suitable surface water creeks should be identified with the intention of establishing salmon enhancement programs on Lasqueti Island.
- e. Provision of water should be done in ways that minimize environmental degradation. Development of water sources should evaluate all options - dug ponds, rainwater catchment, shallow or deep wellsk and choose the option involving the least long-term environmental degradation.
- f. Where possible, the Local Trust Committee encourages salmonid enhancement programs to identify and develop measures to protect fishery resources and to assist in restoration efforts.
- g. When applications to log Crown land are referred to the Lasqueti Island Local Trust Committee, the Local Trust Committee should consider examination of the impact of the proposal on water supplies.
- ~~h. Particular care should be taken to ensure that contamination of the fresh water supply does not occur.~~
- ~~h.~~ Access to or along significant sources of fresh water should be by trail only, except as may be required for purposes of firefighting.

**Commented [SB8]:** Redundant, see 4.2.6(b)

## PROPOSED

- j.i. Land development adjacent to sources of fresh water should include an environmental impact assessment prepared by the proponent.
- k.i. When fill or debris is placed on land in such a way that it could lead to discharge of deleterious material into a water course, adequate mitigative design and construction measures should be required acceptable to the appropriate Federal and Provincial Ministries.

### Water Resources

Both ground and surface freshwater supplies are limited and subject to fluctuation.

#### 4.2.7 Water Resources Advocacy Policy

- a. The Local Trust Committee encourages the appropriate Provincial Ministry to:
  - (i) evaluate and monitor the Island's water resources prior to issuing surface water rights;
  - (ii) establish ground and surface water monitoring programs;
  - (iii) re-evaluate the requirement for drilled well regulations;
  - (iv) encourage surface water and catchments systems as an alternative to drilled wells provided such systems do not degrade the environment;
  - (v) ~~encourage the Ministry to~~ support microhydro electrical systems, including run-of-stream systems, recognizing that such systems are a viable and sustainable source of domestic electric power.
- b. The Local Trust Committee supports watershed planning to protect water supplies and ecosystems.

Commented [SB9]: Redundant wording

### Recreational Resources

#### 4.2.8 Recreational Resources Objectives

- a. To encourage the creation of parks and recreation areas that are designed and located to provide recreational opportunities in addition to meeting conservation protection objectives.
- b. To promote trail systems throughout the island.
- c. To support the creation of a public trail network throughout the Island.

#### 4.2.9 Recreational Resources Policies

- a. ~~The p~~rovision of varied recreation use areas throughout the island that focus on the natural aspects of Lasqueti ~~is supported.~~
- ~~b. a. The development of a comprehensive recreation plan should be undertaken that indicates provincial, regional, and community parks as well as trails, public shellfish reserves, and marine and land based recreation areas.~~
- e.b. The Local Trust Committee supports the use of tax incentives that encourage landowners to dedicate trails, parks, and other types of protected areas.

Commented [SB10]: Moved below to advocacy policy section (4.2.10).

#### 4.2.10 Recreational Resources Advocacy Policies

- a. The appropriate Provincial Ministries with responsibilities and programs for recreation should regulate and maintain recreational activities that are compatible with the Island's rural nature, and provide facilities and supervision where needed to protect from adverse effects.

## PROPOSED

- b. The Local Trust Committee should request that the Regional District consider conducting regional park studies.
- c. The Local Trust Committee should request the Ministry of Transportation and the qathet Regional District to support the establishment of public outhouses and picnic tables on a site specific basis on public accesses to the foreshore.
- d. The Lasqueti Community Association is encouraged to establish a trails committee to explore options for trail development and maintenance that respects concerns regarding trails on or near private property, and to assemble information on options, risks, and mitigative actions regarding trails on private land.
- e. The development of a comprehensive recreation plan should be undertaken that indicates provincial, regional, and community parks as well as trails, public shellfish reserves, and marine and land-based recreation areas.

### Cultural Resources

#### 4.2.11 Cultural Resources Objectives

- a. To ensure respectful treatment, fairness, and equity to past, present and future generations that have and will share and contribute to the environmental and cultural fabric of the Lasqueti Local Trust Area.
- b. To recognize the cultural and historical significance the Coast Salish First Nations in the Lasqueti Island Local Trust Area.
- c. To support mutual respect for interests by proactively consulting with local First Nations regarding changes to land-use, zoning designations, and protection of heritage and archaeological resources.
- d. To foster protection and stewardship of archaeological, historic and heritage sites

Formatted: Font: Italic, No underline

#### 4.2.12 Cultural Resources Policies

- ~~a. To recognize the cultural and historical significance the Coast Salish First Nations in the Lasqueti Island Local Trust Area.~~
- ~~b. To support mutual respect for interests by proactively consulting with local First Nations regarding changes to land use, zoning designations, and protection of heritage and archaeological resources.~~
- ~~c. To foster protection and stewardship of archaeological, historic and heritage sites.~~
- d-a. The Local Trust Committee will assist, when possible, the responsible Ministry in their efforts to establish and protect sites of archaeological or heritage significance or value.
- e-b. The Local Trust Committee recognizes that treaty negotiations with First Nations continue to be unresolved and until the resolution of First Nation interests within the Lasqueti Planning Area relationship building and cooperation between the Local Trust Committee and other First Nations may be developed over time.
- f-c. Avoid or minimize destruction of archaeological sites on Lasqueti Island by:
  - (i) educating the community about Lasqueti's archaeological heritage and making information available about best practices for heritage stewardship;

Commented [SB11]: Phrased as objectives, moved to the Cultural Resources Objectives above (4.2.11)

Formatted: Indent: Left: 0.5", Hanging: 0.25", No bullets or numbering

## PROPOSED

- (ii) ensuring property sales inform new owners of all existing information about archaeological heritage on their property; and
- (iii) encouraging landowners and builders to assess the presence and extent of archaeological heritage prior to establishing building plans or other developments, and modify development plans accordingly and/or, where damage is unavoidable, mitigate impacts by supporting the recovery of as much information as possible.

### 4.2.13 Cultural Resources Advocacy Policies

- a. The Local Trust Committee encourages and will assist the Coast Salish First Nations, the responsible Provincial and Federal agencies and the public generally, in their efforts to establish and protect sites designated or valued for heritage and historical significance.
- b. The Lasqueti Island Local Trust Committee encourages both the Federal and Provincial Governments to assist the local community and the Coast Salish First Nations with accurate and comprehensive First Nation assessments within the Lasqueti Island Local Trust Area.
- c. The Local Trust Committee encourages learning about and respecting Indigenous rights to, and uses and management of, land, sea, and resources (past and present).
- d. Community groups and other agencies are encouraged to develop educational material on First Nations rights to, and uses and management of, land, sea, and resources (past and present)

## 4.3 Community Stewardship

The small size of resident and visitor populations, significant areas of vacant Crown land, and the generally undeveloped nature of the Island provide for a variety of land and water-based recreation opportunities. Most recreational activities compatible with the Island's rural nature are not yet at levels of use where formal facilities are required or planning and regulatory management is needed to ensure retention of recreational quality that avoids user conflicts.

### General

#### 4.3.1 General Objectives

- a. To discourage pervasive and excessive light, noise and air pollution created by residential, commercial or industrial uses, both on land and waters surrounding Lasqueti.
- b. To foster an environment that encourages owners to keep their dogs, domestic pets and livestock under direct control.
- c. To encourage a supportive, healing place to live.
- d. To support sustainable, independent, alternative and affordable lifestyles.

#### 4.3.2 General Policies

- a. The Local Trust Committee should support initiatives that benefit the community wellbeing, its safety, security and comfort.
- b. Public accesses, required as dedication at time of subdivision, may be consolidated to make larger more usable areas and in some cases a trail may be sufficient access to a development. Public access to the foreshore is encouraged to be identified by signs located on the public roads.

#### 4.3.3 Advocacy Policies

## PROPOSED

- a. ~~The residents of the Lasqueti Island Planning Area prohibit the storage or generation of nuclear materials, nuclear weapons, or nuclear energy~~ is not supported in the Lasqueti Local Planning Trust Area.
- b. ~~The residents of the Lasqueti Island Planning Area oppose~~ Genetically Modified Organisms in the Planning Area, including propagation, cultivation, and raising of genetically engineered plants and animals by persons, firms, or corporations is not supported in the Lasqueti Local Trust Area.
- c. ~~Further to Transport Canada's recognition that Lasqueti Island and its surrounding area have sensitive habitats for birds and other animals; the community asks that Low flying aircraft over the Lasqueti Local Trust Area do not fly low over the Lasqueti Planning Area and the islands within it are discouraged.~~
- d. ~~Low Flying aircraft over residential areas of the island are considered intrusive and generate excessive noise that affect residents, the traveling public, and the environmentally sensitive areas of the island; air traffic should be kept at a reasonable height of no less than 610 metres (2000 feet).~~
- e.d. ~~To foster an environment that encourages o~~wners are encouraged to keep their dogs, domestic pets and livestock under direct control.
- f. ~~To explore the establishment of a local land trust for multiple uses, including housing services, industry, recreation and conservation.~~
- g.e. The ~~community~~ Lasqueti Local Trust Committee supports the exploration of the establishment of a local land trust for multiple uses, including housing services, industry, recreation and conservation.
- h.f. The Lasqueti Community Association, in cooperation with other agencies as appropriate, is encouraged to develop local, public education about community vision & objectives, emergency preparedness, including forest fire preparedness, regulations, etc.
- i.g. The Lasqueti Community Association is encouraged to develop methods for a community-driven dispute resolution process to handle concerns regarding bylaw noncompliance.
- j.h. The establishment of a monthly- food market / food swap is encouraged.

**Commented [SB12]:** Stated as broad objective. Outright prohibition is ultra vires.

**Commented [SB13]:** Repetitive, see recommended wording in 4.3.3(c)

**Commented [SB14]:** Redundant, see 4.3.3(e) below

### Human Resources

#### 4.3.4 Human Resources Objectives

- a. To foster sharing of community wisdom and locally-applied solutions.
- b. To ensure a positive environment for children.
- c. To ensure that both a physical building dedicated to education and educational opportunities remain on-island.
- d. To encourage and foster volunteerism.
- e. To encourage education and skills development of residents.

#### 4.3.5 Human Resources Advocacy Policies

- a. To foster education about community vision & objectives, personal safety, agreements, and regulations, etc.

**Commented [SB15]:** Deleted to reduce ambiguity.

# PROPOSED

## Resilience

### 4.3.6 Resilience Objectives

- a. To support cooperative ventures for community services.
- b. To support community-driven dispute resolution to handle concerns regarding bylaw non-compliance.

## Housing

There is a lack of reliable housing related data on Lasqueti Island. The 2018 Housing Needs Assessment for Lasqueti Island states, "...there are many statistics that are not tabulated or are not considered reliable for Lasqueti Island." However, on the basis of, "...anecdotal and qualitative evidence. It appears that there is a need for more affordable housing."

Commented [SB16]: Policy statement 5.8.6.

### 4.3.7 Housing Objectives

- a. To encourage the establishment of long-term rental housing, affordable housing, special needs housing and opportunities for Island seniors to age-in-place.
- b. To support affordability and availability of long-term rental accommodations to meet current and anticipated population changes.
- c. To foster the ability of younger people, and people with low and modest incomes, to live on the island.
- d. To encourage resource efficiency of homes (e.g. heating, energy use, water use).

Commented [SB17]: Policy statement 5.8.6.

## Food

### 4.3.8 Food Objectives

- a. To encourage local food production, including shared use of arable land, organic methods, and seed saving and sharing.
- b. To support community gardens and local markets.
- c. To support food sharing and food banks.
- d. To encourage opportunities for collaborative food processing and preserving (e.g. dehydrating, canning, smoking, cold cellar).

### 4.3.9 Food Policies

- a. ~~Policy 4~~ The Lasqueti Local Trust Committee should encourage local food production as a significant step to reducing food transportation costs and ~~reducing~~ GHG emissions created by food transport.

### 4.3.10 Food Advocacy Policies

- a. ~~To~~ The Lasqueti Local Trust Committee supports the establishment of a monthly winter food market ~~and/or~~ food swap.

## Economy

### 4.3.11 Economy Objectives

- a. To foster a sustainable local economy that allows people to make a living on the island.
- b. To limit the negative impacts of tourism.

### 4.3.12 Economy Policies

## PROPOSED

- a. In recognition of the importance of mariculture to the economy of Lasqueti Island, existing mariculture tenure areas may be designated as a permitted use. No new areas may be designated for long-line mariculture. New mariculture tenure areas will be subject to designation and regulation, based upon the following criteria: the proposed tenure must not have the effect of closing off access to the affected bay; the proposed tenure would not affect shellfish sites, ~~as shown on Schedule B~~, public shellfish reserves, or access to such sites or reserves; and the tenure application addresses environmental and social effects.

**Commented [SB18]:** No shellfish tenure sites are shown on Schedule B of the OCP

### 4.4 Community Services

Lasqueti has developed the level of services required to support its small resident and visitor population. Regional service provision, including Waste Management, is subject to the qathet Regional District Purchasing Bylaw and purchasing requirements.

#### General

##### 4.4.1 General Objectives

- a. To encourage the provision of adequate and appropriate services and amenities on the island.
- b. To maintain infrastructure at a reasonable level consistent with a rural community.
- c. To create new and maintain existing walkable public access to foreshore.

##### 4.4.2 General Policies

- a. The road system of Lasqueti Island should be safe and in keeping with the rural nature of the community.
- b. Community facilities and services, including educational, institutional, medical, cultural, and recreational, should be provided at a level and be conducted in a manner appropriate to the Island's needs.
- c. Minimum parcel size regulations should not apply to community service lands.
- d. A precautionary approach should be used when considering additional and more sophisticated service facilities as they typically have significant associated costs.
- e. Public outhouses and picnic tables should be established on a site specific basis.
- f. The Trust Committee shall consult on an annual basis with School District #69.
- g. Sites on Lasqueti Island should be identified and established as emergency helicopter landing pads.

**Commented [SB19]:** Policy statement 5.8.6

##### 4.4.3 General Advocacy Policies

- a. Residents are encouraged to remove their own derelict vehicles.
- b. The abandonment of vehicles on public right of ways or Crown Land is acknowledged as a socially irresponsible action and not endorsed by the community.
- c. The Local Trust Committee, Ministry of Transportation, Regional District, RCMP, businesses and residents should combine efforts to coordinate the removal of unwanted and derelict vehicles on a regular basis.
- d. The Ministry of Transportation is requested to assist with temporarily moving and storing of vehicles prior to transportation off island.

## PROPOSED

- e. Residents are requested to keep their derelict vehicles on their property until an opportunity to remove them from the island occurs.
- ~~e-f. The gathet Regional District and Electoral Area Director representing Lasqueti Island are requested to consult with residents of the Lasqueti Island Local Trust Area prior to undertaking initiatives that directly impact regional services on Lasqueti Island. For certainty, this includes initiating, withdrawing or amending service establishment bylaws or regional services.~~
- ~~f. The gathet Regional District will adopt, amend, or repeal regional service establishment bylaws, or initiate withdrawal of a service, only with full consultation and support of the Community.~~
- g. The Lasqueti Internet Access Society should engage with the public on a site-specific basis around the erection of new local communication towers.
- ~~h. The gathet Regional District Electoral Area Director representing Lasqueti Island should only consent on behalf of the electors to approval of a new regional service, or to significant modification or amendment of a regional service, if there is evidence of a clear majority of community support to justify not seeking approval via a referendum or an alternative approval process.~~
- ~~i. The gathet Regional District Electoral Area Director representing Lasqueti Island should only initiate withdrawal of a regional service if there is evidence of a clear majority of community support for such withdrawal.~~

**Commented [SB20]:** Inserted as a replacement for f., h. and i. below. To state as a broad objective to meet LGA s. 474(2),

### Transportation

#### 4.4.4 General Transportation Objectives

- a. To maintain a foot passenger only ferry system.
- b. To ensure that the road system is designed, built and maintained in keeping with the rural character of the island.
- c. To reduce dangerous driving and speeding.
- d. To reduce dust created by vehicle traffic.
- e. To increase human powered transport including bicycling and walking.
- f. To support electric vehicle charging stations.
- g. To support a plan for short- and long-term parking in False Bay.
- h. To support local public and shared transportation options.
- i. To support the public ownership and maintenance of roads and trails.
- j. To provide appropriate public access to beaches and public water bodies.
- k. To support establishment of public access to marine foreshore and fresh water lakes.

#### 4.4.5 General Transportation Policies

- a. 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 on Lasqueti Island were created without access to public roads. In these situations access from the water is needed and should be considered sufficient.

## PROPOSED

- b. The community recognizes that the existing foot passenger type of ferry system has partly contributed to the rural character of the community and should remain as foot passenger only in the future.
- c. Car-pooling, communal, and other alternative forms of transportation should be used by the community and visitors to reduce the overall number of vehicles and traffic on the island.
- d. Business should be supported to provide and maintain an adequate and appropriate regular marine freight service.

### Docks, Boats, Wharves, and Boat Ramps

#### 4.4.6 Objectives

- a. To ensure continued government ownership and environmentally-sound upkeep of public docks.
- b. To encourage the communal use of docks and boat ramps and to limit the number of private docks and boat ramps located along the foreshore in order to alleviate cumulative ecological damage.

### Boats and Maritime Vessels

#### 4.4.7 Boats and Maritime Vessel Policies

~~In order to reduce the overall number of private docks and boat ramps located along the foreshore and alleviate the ecological damage that can be caused by the proliferation of private docks and boat ramps, communal private docks and boat ramps are encouraged and may be considered on a site-specific basis. The development of regulations to permit such joint co-operative facilities should ensure that the communal facilities would not have the effect of closing off access to any one bay and that environmental and social effects would be addressed.~~

Commented [SB21]: Drafted as an article: 4.4.7(a).

~~a. In order to reduce the overall number of private docks and boat ramps located along the foreshore and alleviate the ecological damage that can be caused by the proliferation of private docks and boat ramps, communal private docks and boat ramps are encouraged and may be considered on a site specific basis. The development of regulations to permit such joint co-operative facilities should ensure that the communal facilities would not have the effect of closing off access to any one bay and that environmental and social effects would be addressed.~~

~~a-b.~~ In order to ensure that supplies reach Lasqueti Island, the development of barge, boat, and multi-use ramps accessible to all barge operators may be considered on a site specific basis. Because barge service is essential to the community, the Local Trust Committee should hold community discussions to explore possible locations and means to establish a public barge ramp.

~~b-c.~~ Development of additional barge ramps accessible to all barge, boat, and multi-use operators should be subject to designation and regulation. In considering an application for a barge ramp, environmental and social effects should be addressed.

~~c-d.~~ Hours of operations should be included in barge ramp Crown lease referrals.

~~d-e.~~ In recognition of the importance of providing suitable boat access for all residents, public boat ramps may be considered on a site specific basis through zoning. Development of public boat

## PROPOSED

ramps should be subject to designation and regulation. In considering an application for a public boat ramp, environmental and social effects should be addressed.

e-f. 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.

f-g. 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 *Fisheries Act*, for review.

g-h. 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.

### Ferry Service

#### 4.4.8 Ferry Service Advocacy Policy

- a. The Local Trust Committee encourages that the appropriate Ferry Corporation, its agents, and private operators:
  - (i) maintain foot passenger service on a five/six days per week schedule;
  - (ii) expand the freight capacity;
  - (iii) continue to work with the locally established ferry committee;
  - (iv) Hold public meetings on Lasqueti to discuss any major proposed changes in ferry service.

### Road System

#### 4.4.9 Road System Advocacy Policy

The road system and the standards to which it is constructed and maintained are key elements in preserving the rural character of Lasqueti Island.

- a. The Local Trust Committee encourages the appropriate Provincial Ministry to utilize road standards which reinforce the rural character of the Island, by:
  - (i) following the Letter of Agreement for Road Standards between the Islands Trust and the Ministry of Transportation;
  - (ii) employing road designs conforming with topography in order to minimize cutting and filling;

## PROPOSED

- (iii) protecting or maintaining natural vegetation alongside roads, excepting that which directly obstructs user visibility;
- (iv) consulting with the Local Trust Committee before commencing any major road construction or improvements;
- (v) encouraging the Ministry of Transportation to ensure that gravel extracted from Crown lands is used for local roads;
- (vi) identifying foreshore accesses by locating signs on the public roads;
- (vii) ensuring that any applications for new roads across Crown lands be referred to the community through the Local Trust Committee;
- (viii) ensuring all road maintenance contract crews consist of local residents.

### Communications

#### 4.4.10 Communications Objectives

- a. To ensure that all commercial broadcast towers are built only with community consultation and approval.
- b. To support basic local infrastructure and services such as fire department and local communication systems.
- c. To ensure community control over the management of local services and communication system.

#### 4.4.11 Communications Advocacy Policies

- a. The establishment of broadcast and transmission towers and facilities within the Lasqueti Island Planning Area is not supported without consultation and accommodation of community interests by the appropriate government, through a rezoning process of lands in question.
- b. Communication companies should ~~continue undertake~~ the practice of placing telephone wires underground or at grade and ~~should follow the same practice~~ the same practice should be followed for electrical wires in the event that electrical service is extended to Island properties.

### Health Care

#### 4.4.12 Health Care Objectives

- a. To support provision of appropriate health care services only with full consultation of the community.

### Garbage Disposal

#### 4.4.13 Garbage Disposal Objectives

- a. To ensure waste disposal meets or exceeds ministry requirements.
- b. To manage services locally as much as possible with service provision by, and employment of, local residents.
- c. To establish, modify, provide, and withdraw services, including regional services, only with full consultation of the community.

## PROPOSED

- d. To ensure services have high value relative to cost.
- e. To emphasize educational efforts that support Lasqueti moving towards zero-waste.
- f. To support initiatives that help people take responsibility for removing large waste items such as derelict cars and boats, appliances, etc.

#### 4.4.14 Garbage Disposal Advocacy Policies

- a. The Local Trust Committee encourages the appropriate Provincial Ministry and the qathet Regional District to:
  - (i) ensure regulatory compliance occurs; and
  - (ii) promote recycling.
- b. The Freestore should be kept open and maintained as part of the qathet Regional District Waste Management service consistent with the qathet Regional District Solid Waste Management Plan.
- c. The qathet Regional District, in cooperation with the community, should create a comprehensive educational plan that encourages reduced consumption and net solid waste, maximizes reuse, repurposing and recycling and ensures waste and recycling reach appropriate destinations consistent with the qathet Regional District Solid Waste Management Plan.

### **Sewage Disposal**

#### 4.4.15 Sewage Disposal Advocacy Policies

- a. The Local Trust Committee encourages the appropriate Provincial Ministries to:
  - (i) prohibit outfalls of untreated sewage;
  - (ii) consider the cumulative effects of many septic tanks in one area;
  - (iii) examine and encourage alternate approaches to sewage treatment and disposal;
  - (iv) develop and implement monitoring and testing programs for all existing septic systems; and
  - (v) ~~encourage improved~~provide information and education about appropriate human waste disposal methods.

### **Utilities**

#### 4.4.16 Utilities Advocacy Policies

- a. The Local Trust Committee encourages:
  - (i) the appropriate Provincial Ministry and any company to avoid routings on Lasqueti for high tension electrical transmission lines and pipelines intended for large scale movement of fuels.

# PROPOSED

## PART 5 LAND USE

### 5.1 Land Base (LB)

Lands within the Land Based designation can include agricultural, residential, commercial, or industrial uses.

#### Residential Land Use

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

##### 5.1.1 Objectives

- a. To ensure that subdivided parcels provide adequate resources, including but, not limited to: (firewood, freshwater/potable water, soil, etc.), waste assimilation and sewage disposal capacity (e.g. greywater), and
- a-b. To ensure that subdivided parcels are capable of supporting a variety of possible sustainable lifestyles.
- b-c. To maintain existing low-density subdivision and land use rules in order to protect and preserve our natural environment.
- c-d. To maintain and encourage a pattern of low-density, low-impact land-use that supports sustainable, self-sufficient lifestyles.
- d-e. To encourage the establishment of owner-operated, small-scale, low intensity home based enterprises that prioritize having minimal impacts on neighbours, shared infrastructure, and environment.
- e-f. To ensure residential development is self-sufficient in terms of freshwater and self-contained sewage disposal.
- f-g. To ensure appropriate access to parcels is provided, taking into account special features such as water courses, old-growth trees, wildlife and topography, and existing trails and roads.
- g-h. To ensure home enterprises are in harmony with the rural residential neighbourhoods.

##### 5.1.2 Policies

- a. A pattern of low density residential land use should apply. Parcels should be at least 4.046 hectares (9.8810.00 acres) in Subdivision District A, at least 8 hectares in Subdivision District B (19.77 acres), and at least 65 hectares (160.61-62 acres) in Subdivision District C as indicated on Schedule C of the Lasqueti Land Use Bylaw.
- b. Dwellings are meant for long term residential use occupied by the owner or a renter on a long term basis.
- c. Guest cabins and short-term vacation rentals are not intended to be used for long term residential purposes.
- d. Home enterprise 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.

Commented [SB22]: For LTC direction

Commented [SB23]: Typographical error

## PROPOSED

- e. Subdivided parcels of land should be able to have a garden area and woodlot.
- f. Residential lots should have a source of fresh water and sufficient capacity for appropriate sewage disposal.
- g. Surface water and catchments are encouraged as an alternative to drilled wells, provided that such systems do not degrade the environment.
- h. 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 or desirable, public walking trails should be required as an acceptable substitute.
- i. For each dwelling permitted, normally associated accessory buildings and structures plus a guest cabin should be permitted.
- j. Strata title subdivisions should provide sufficient individually or commonly owned land such that each owner has a sustainable living unit.
- k. The Lasqueti Island Local Trust Committee will seek to ensure that the subdivision of properties that border public water bodies requires provision of public highway access that is appropriately located to meet the objectives of the Lasqueti Island OCP.

### 5.1.3 Advocacy Policies

- a. All levels of government are encouraged to assist interested land owners and residents with enhancing resource management practices and conserving natural areas on their holdings.
- b. Other government agencies with responsibilities and expertise in the resource management disciplines and in the taxation or economic regulatory sections are encouraged to assist private land owners interested in implementing environmentally sensitive, long term economic resource management practices; all levels of government are encouraged to implement tax incentives for voluntary conservation on private lands.

### **Commercial and Industrial**

It is unlikely that major commercial development on Lasqueti and its surrounding islands and waters will occur due to the limited local market. Nevertheless, some local commercial development exists and there could be additional development to serve the day-to-day needs of residents and visitors. Existing commercial enterprises vary in their use on a parcel of land from a low density to high density, such as exists at the hotel site located at False Bay. ~~With regard to the existing hotel site density, only new land use proposals of a reduced density will be considered. Furthermore, one existing retail commercial enterprise has two residences located on the same parcel of land. In this case the residential density is considered an exception; new commercial enterprises should not be given that same zone.~~

**Commented [SB24]:** Moved to article 5.1.4(u)

**Commented [SB25]:** Moved to article 5.1.4(t)

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.

# PROPOSED

## 5.1.4 Objectives

- a. While recognizing the benefits, to minimize the negative environmental and social impacts of agriculture, forestry, mariculture, and other industry;
- b. To encourage agriculture, forestry, mariculture, and industry are practised in a sustainable manner;
- c. To promote use and development of the land that is in sympathy with the landscape and that makes the most of each site's natural characteristics;
- d. To ensure appropriate industrial and commercial ventures are permitted that are respectful of the residents of Lasqueti Island (e.g. noise, light, air quality, traffic).
- e. To encourage ecologically based stewardship and sustainable use of renewable resources.

## 5.1.5 Policies

- a. Economic and industrial undertakings should have limitations and development control on the Island in such a way that existing ecosystems are maintained for the benefit of future generations.
- b. Economic activities should provide adequate sewage disposal systems that prevent contamination or degradation the environment.
- c. Hazardous industries including the transportation, handling, storage and use of radioactive materials or other dangerous or toxic materials in bulk are prohibited in the Lasqueti Island Local Trust Area; bulk storage of gasoline, kerosene, diesel fuel, propane, and similar fuels intended for utilization by the residents and visitors are accepted.
- d. The siting of commercial and industrial buildings should be at reasonable distances from lot lines to ensure a degree of privacy and the quiet tranquillity consistent with a rural environment.
- e. Alternatives to drilled wells are encouraged to provide freshwater.
- f. Rezoning procedures for commercial and industrial application proposals are contained in the development procedure bylaw of the Lasqueti Island Local Trust Committee; such proposals should be referred to the Advisory Planning Commission for review prior to final consideration by the Lasqueti Island Local Trust Committee.
- g. A range of commercial and industrial activities are permitted as home enterprise. The scale of home enterprises should be regulated to control impact.
- ~~h. 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.~~
- ~~h.~~ The owner or operator of an existing home enterprise who proposes to expand a business beyond the scale of a home enterprise should apply for a rezoning or a Temporary Use Permit.
- ~~j.i.~~ In the review of commercial and industrial zoning applications the applicant should provide:
  - (i) adequate off-street vehicle, motorcycle and bicycle parking;
  - (ii) adequate fire protection measures;
  - (iii) adequate proof of sewage disposal capability;
  - (iv) adequate potable water supply and water conservation measures;
  - (v) a plan showing:
    - o location and size of all buildings;

**Commented [SB26]:** Not necessary, legal non-conformity is already covered in the LGA

## PROPOSED

- the extent of the clearing of the area proposed to be zoned;
  - that rural character is retained: setbacks of buildings, structures, parking, septic fields, sewage, sink waste or any other waste disposal system from lot lines;
  - road rights of way;
  - proposed and existing screening;
  - location of outhouse/toilet facilities for public use, if appropriate;
  - locations planned for sources of power generation;
  - location of waste disposal specifying provisions for organic, inorganic and toxic wastes;
  - high tide marks, lakes, watercourses, springs, swamps or sources of potable water;
- (vi) A narrative document describing:
- how the rural character, scale, and density of development is in keeping with the character of the surrounding properties;
  - measures to reduce noise levels;
  - planned hours and days of operation (in particular any noise-making sources, e.g. cars, generators, machinery);
  - consideration of effect on island and neighbourhood services, ferry, phone, water sources, roads and traffic noise, and visual impact; and
  - how the proposal is compatible with objectives of this Bylaw.

k.j. In recognition of the need for a place to store derelict vehicles that accumulate in the Local Trust Area, a vehicle holding compound may be considered on a site specific basis and will be subject to designation and regulation to allow the community an opportunity to consider all effects. When considering an application the following criteria must be satisfied: a screened buffer, appropriate setbacks from all property lines; protection from runoff of vehicle fluids; cost/benefit considerations; and environmental and social effects.

k.k. In recognition of the need for gravel for residence, gravel extraction is allowed. Extraction beyond 3823 cubic metres (5,000 cubic yards) within a three-year period should be discouraged unless permitted in a commercial or industrial zone; gravel extraction activities and applications should be consistent with [Policy 10](#) [Policy 5.1.5\(i\)](#) of this Section.

m.l. The Local Trust Committee supports small-scale, organic and natural or low-input farming agriculture that contributes to the Island by developing local sources of farm products, maintaining the rural landscape and providing opportunity for development of individual initiative and self-reliance for the betterment of the community as a whole.

m.m. 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.

n.n. Commercial and industrial activity should support forestry that utilizes practices sensitive to aesthetic, environmental, and social values, can contribute a modest source of revenue to private land owners while retaining land values, enhancing forest productivity, and supplying on-site fuel wood and other forest-related benefits.

p.o. The Local Trust Committee should support proper utilization of marine resources in the Lasqueti Trust Area for mariculture that provides employment and other economic benefits to the community while retaining traditional resident and visitor access to marine resources and year round moorage.

**Commented [SB27]:** Reference corrected, there is no Policy 10.

## PROPOSED

- ~~q-p.~~ Commercial and industrial undertakings often may not require or need long term zoning provisions; as such Temporary Use Permits may be considered in the Land Use Bylaw.
- ~~r-q.~~ This plan does not support the establishment of destination gaming facilities such as casinos and commercial bingo halls.
- ~~s-r.~~ The zoning bylaw may provide a zone in which short-term vacation rentals may be used for short-term visitor and tourist accommodation on a commercial basis.
- s. When rezoning to allow for short-term vacation rentals the Trust Committee should consider at a minimum matters of density on individual lots, water and sewage capacity available for tourist accommodation and the affect such a rezoning may have on the adjacent neighbourhood and the Island overall.
- t. Commercial enterprises should only be permitted a maximum of one residence as an accessory use on the same parcel.
- u. With regard to the following land within the Commercial 1 zone (C1), LOT E, SECTION 31, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 9259, only new land use proposals of a reduced density are supported.
- ~~t-v.~~ The use of properties adjacent to agricultural land should not result in adverse impacts on agricultural land.

Commented [SB28]: Policy statement 4.1.6

### 5.1.6 Advocacy Policies

- a. The Lasqueti Island Local Trust Committee encourages Islands Trust Council to develop a protocol agreement with the appropriate Ministry to ensure ~~Ministry of Energy and Mines such that~~ the Ministry does not grant permits for the manufacture of gravel without community input.
- b. The Lasqueti Island Local Trust Committee encourages the Ministry of Energy and Mines to require any applicant requesting a permit for extraction or processing of 3,823 cubic metres (5,000 cubic yards) or more gravel to have commercial or industrial zoning at the site of the proposed gravel operation, and that an adequate monitoring program be in place to ensure that extraction or processing permits are diligently adhered to; processing includes the manufacturing of gravel by means of rock crushing, blasting and sorting.
- c. The Local Trust Committee does not support the extraction of gravel for any use outside of the Lasqueti Island Local Trust Area.
- d. The Local Trust Committee supports the promotion and maintenance of appropriate preservation and protection of agricultural programs, as well as the Province's creation and administration of the Agricultural Land Reserve ~~—~~mandated to protect and preserve agricultural land.
- e. The Lasqueti Local Trust Committee encourages the Agricultural Land Commission and Ministry of Agriculture to revise existing Agricultural Land Reserve (ALR) boundaries to reflect actual agricultural capability, considering factors such as slope, aspect, drainage, and soil texture and depth.

~~f.~~

- ~~g-f.~~ The Lasqueti Local Trust Committee encourages the Agricultural Land Commission and Ministry of Agriculture to recognize conservation of ecosystems as an important and valid use of Agricultural Land Reserve lands on Lasqueti Island and to support the establishment of

Formatted: Indent: Left: 0.75", No bullets or numbering

## PROPOSED

nature reserves and the registration of conservation covenants on ALR lands with high conservation value

h.g. The Lasqueti Local Trust Committee encourages the Agricultural Land Commission and Ministry of Agriculture to recognise that large-scale commercial agriculture is not necessarily the most productive use of ALR land on Lasqueti Island, and that successful food-production on Lasqueti Island is labour-intensive and often involves areas of 0.5 to 5 ha under cultivation. Restrictions on parcel sizes and residential density within ALR land on Lasqueti Island should be based on consideration of the benefits of small-scale farming and homesteading.

h.h. The Local Trust Committee encourages the appropriate Ministry to promote the implementation of forestry practices which preserves land quality and the forest base for future generations.

h.i. The Local Trust Committee encourages the appropriate Ministries to only support mariculture that:

- (i) avoids displacement of local vessels from traditional year round moorage areas;
- (ii) retains public access to beaches and natural marine resources;
- (iii) establishes public shellfish reserve areas;
- (iv) minimizes conflict with other land uses;
- (v) allows for the monitoring of impacts on other marine resources.

k.i. ~~To consider~~ Short-term vacation rentals should be considered as commercial activities, and as distinct from long-term rentals.

### Hazardous Conditions

The low density of development should help avoid the necessity for developing in hazardous areas by creating parcels of sufficient size to afford alternate building sites within the parcel.

#### 5.1.7 Objectives

- a. To limit development in areas subject to hazardous conditions.

#### 5.1.8 Policies

- a. Development on lands known or suspected to be subject to flooding, landslide, avalanche or other hazardous conditions should be limited, unless protective measures are taken to prevent any detrimental consequences such as damage to property or risks to inhabitants.
- b. If the need arises for further identification or more precise delineation of hazardous areas, studies will be requested from the appropriate agencies or initiated by the Lasqueti Island Local Trust Committee.

### 5.2 Marine (M)

The complex geography and geology of Lasqueti Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity.

## PROPOSED

The Marine land use designation is intended to implement the Objectives and Policies related to Marine Coastal Areas.

### 5.3 Parks and Protected Areas (PPA)

Scenic qualities provide a rural setting and pleasant pastoral views throughout Lasqueti Island. Voluntary stewardship of land is the primary means by which this feature of island living is maintained. Protection of environmentally sensitive areas and at-risk species and their habitats and significant natural sites is a fundamental Islands Trust policy.

The Protected Areas land use designation is intended to implement the Objectives and Policies related to Conservation and Recreation.

### 5.4 Crown Lands (CL)

The Lasqueti Island Local Trust Area lies within the Coastal Douglas-fir (CDF) biogeoclimatic zone, one of the most heavily modified of the 14 biogeoclimatic zones in British Columbia. Approximately half of the CDF zone has been converted to uses such as agriculture and residential development that permanently remove the natural ecosystems. Less than two percent of the CDF zone is in a protected area and only about one percent of the original extent of the old growth forest.

The Lasqueti Island Local Trust Area has significant areas of Crown land, including some of the largest undeveloped and unroaded blocks of land remaining in the CDF. Some areas have never been logged and others, with mature second growth, have good potential to develop into old growth. The Crown lands on Lasqueti Island have very high conservation value because they can contribute to conservation of provincially significant rare and uncommon ecosystems including Douglas-fir old growth forests; Douglas-fir/Arbutus forests and other ecosystems that are under-represented in the British Columbia's protected area system.

The Lasqueti community believes that the public of British Columbia realizes the greatest benefit from these Crown lands is as large parcels with low density and minimal development.

Among other strongly expressed reports and forums, the Crown Land Task Force presented a report in 1991 to the Lasqueti Island Local Trust Committee containing recommendations for the use of Crown lands in the Lasqueti Local Trust Area. The Local Trust Committee refers to this report as an indication of the community's desires concerning the use of Crown land before making any recommendations to the Ministry responsible for Crown lands.

The following section is divided into two areas: General and Access On and Across Crown Land.

#### 5.4.1 Objectives

- a. To preserve Crown lands for public enjoyment and community use.
- b. To take into account the conservation values on Crown Lands as the primary consideration in decision making.
- c. To retain Crown Lands as intact large parcels with limited, low impact, and low risk development.

## PROPOSED

- d. To take into account the conservation values on Crown Lands as the primary consideration in decision making.

### General

#### 5.4.2 General Policies

- a. Increasing net density of Subdivision District C lands should not be permitted.
- b. Development on Crown lands including, but not limited to, gravel extraction, road construction or community facilities must be compatible with overall conservation values.
- c. Crown land parcels should remain largely undeveloped to ensure maintenance of a greenbelt.
- d. Upon receipt of Crown land referrals, the Local Trust Committee should hold community discussions to allow for comment on the referral.

~~e.~~ The use of Crown lands for agricultural leases should not result in conflicts with sensitive ecosystems or species at risk.

Commented [SB29]: Policy statement 4.1.9.

#### 5.4.3 General Advocacy Policies

- a. 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.
- b. 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.
- c. Public access to the foreshore should be identified by signs located on the public roads.

### Access On and Across Crown Land

Applications for permission to construct a road across Crown land where no road currently exists, or to upgrade an existing road not currently in regular vehicle use, must be made to the appropriate Provincial Ministry prior to any construction.

Several types of roads occur on Crown land. Some roads are currently in regular use for vehicle access to private lands or as access to timber. While some unused roads are noted on official Crown land maps, many old logging roads, skid trails, and footpaths are not noted on the same maps.

#### 5.4.4 Access On and Across Crown Land Policies

- a. Where an existing road on Crown land is currently in regular use for vehicle access to private lands and where no other legal land access exists, the community supports the granting of secure, long-term permission for landowners to continue such use and to maintain the road in drivable condition. Landowners should continue to maintain such roads in a condition that is compatible with conservation and community values.
- b. It is recognized that in some instances the only road access to private lands is across Crown land. Access to the private land is important for fire prevention, personal safety, as well as enjoyment of the private property by the resident; however, where these accesses are used they should be compatible with conservation and community values.

## PROPOSED

- c. Where permission for road access across Crown land is granted, such roads should generally follow the routes of any existing roads, except as necessary to avoid sensitive terrain and ecosystems, in order to prevent the environmental impact of creating new routes.
- d. Trails and unused roads on Crown land should remain as foot trails where they are compatible with conservation and community values.
- e. The Local Trust Committee shall consider the need to maintain community values, including conservation values and the interests of the land locked landowners, when providing input to the appropriate jurisdiction on applications for access across Crown land.

### 5.4.5 Access On and Across Crown Land Advocacy Policies

- a. The Local Trust Committee encourages Land and Water BC to maintain the current greenbelt function that exists on Crown Lands by accommodating a variety of land uses and ensuring their regulations are adhered to.
- b. The Local Trust Committee requests that Land and Water BC seek input from the community prior to changing uses on Crown Land.
- c. Land and Water BC and other appropriate Provincial Ministries should keep trails and disused roads located on Crown land to remain as foot trails.

# PROPOSED

## SCHEDULE B LAND USE DESIGNATION MAP




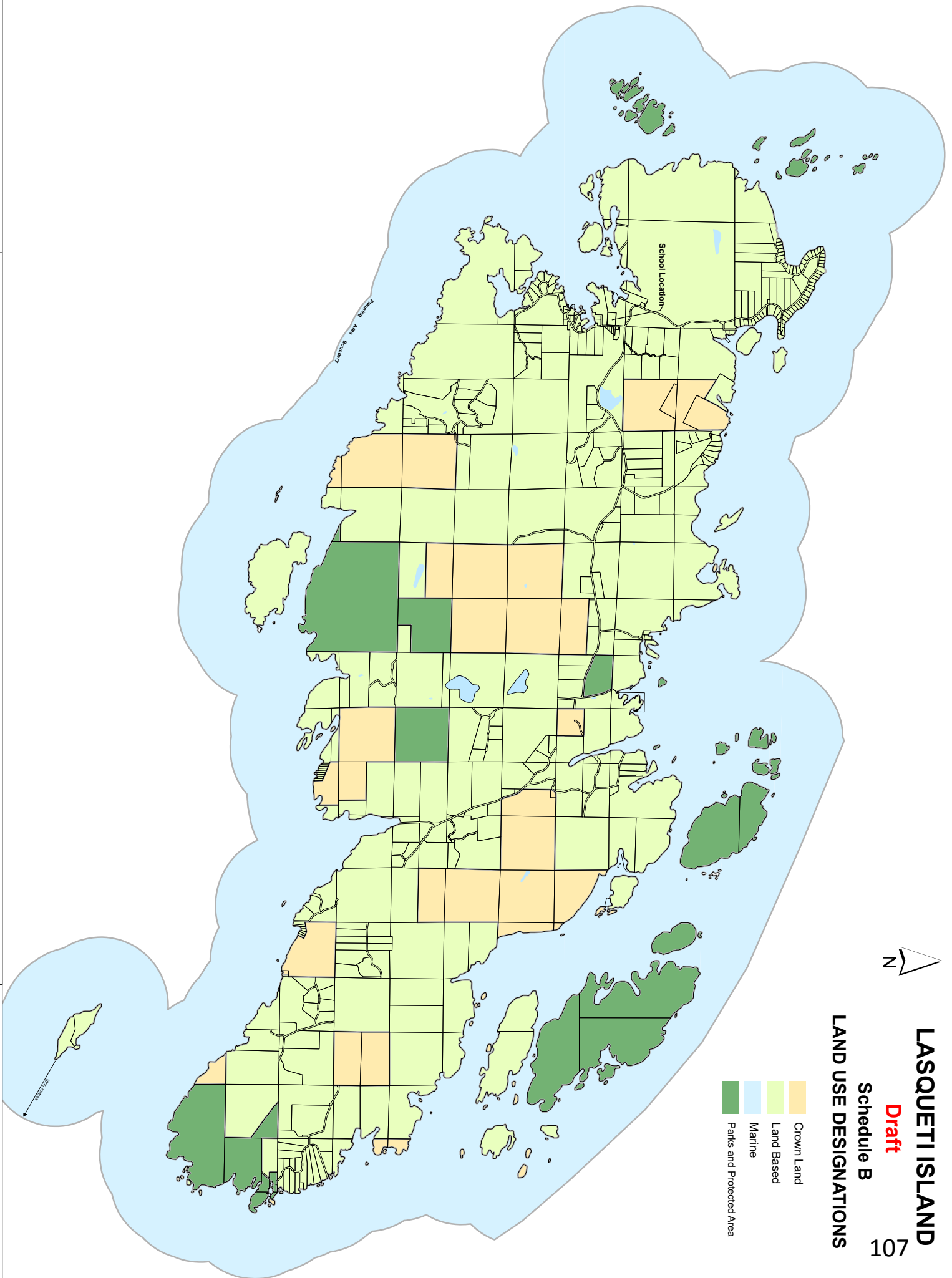
# LASQUETI ISLAND

**Draft**

Schedule B

## LAND USE DESIGNATIONS

-  Crown Land
-  Land Based
-  Marine
-  Parks and Protected Area



1:21,500



0 500 1,000 2,000 Meters

# LASQUETI ISLAND

LASQUETI ISLAND  
LOCAL TRUST COMMITTEE

SCHEDULE B



**PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

**POLICY STATEMENT**

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council’s guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council’s position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

**DIRECTIVES ONLY CHECKLIST**

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

### PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
✓	<b>3.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	<b>3.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	<b>3.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	<b>3.2</b>	<b>Forest Ecosystems</b>
✓	<b>3.2.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
✓	<b>3.3.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
✓	<b>3.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	<b>3.4.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

### PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
✓	<b>4.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	<b>4.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	<b>4.1.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	<b>4.1.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	<b>4.1.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
✓	<b>4.1.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	<b>4.2</b>	<b>Forests</b>
✓	<b>4.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
✓	<b>4.2.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
✓	<b>4.2.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	<b>4.2.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	<b>4.3</b>	<b>Wildlife and Vegetation</b>
	<b>4.4</b>	<b>Freshwater Resources</b>
✓	<b>4.4.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	<b>4.4.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	<b>4.5</b>	<b>Coastal Areas and Marine Shorelands</b>
✓	<b>4.5.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓	<b>4.5.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	<b>4.5.10</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
✓	<b>4.5.11</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	<b>4.6</b>	<b>Soils and Other Resources</b>
✓	<b>4.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

## PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	<b>5.1</b>	<b>Aesthetic Qualities</b>
✓	<b>5.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	<b>5.2</b>	<b>Growth and Development</b>
✓	<b>5.2.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	<b>5.2.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	<b>5.2.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	<b>5.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	<b>5.3</b>	<b>Transportation and Utilities</b>
✓	<b>5.3.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
✓	<b>5.3.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
✓	<b>5.3.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	<b>5.3.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	<b>5.4</b>	<b>Disposal of Waste</b>
✓	<b>5.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	<b>5.5</b>	<b>Recreation</b>
✓	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
✓	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
✓	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
✓	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	<b>POLICY STATEMENT COMPLIANCE</b>
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

**From:** Susan Morrison [REDACTED]  
**Sent:** November 30, 2023 6:39 AM  
**To:** Mikaila Lironi; Timothy Peterson  
**Subject:** Dock application

I am writing this in opposition to the current dock application that the LTC received. To my knowledge there has been no change to our bylaws since you chose to not move forward with the previous application by these land owners.

This application, after the dock has been built, is disrespectful to all the community work that goes into development of our OCP and bylaws. The latest OCP review mentions in several places the desire for the community to reduce its carbon footprint. Private docks promote increased motor boat traffic as well as damage the ecosystems in and around the foreshore. The LTC has an obligation to uphold the mandate of the Trust which is to preserve and protect the unique amenities of the Trust area for future British Columbians. Docks are not a unique amenity.

The precedent that would be set by allowing this application to proceed would be very difficult to step back from should more individuals decide to do what is not sanctioned and then ask for forgiveness after the fact.

Thank you for taking the time to consider this letter .  
Susan Morrison

**From:** Snaw-Naw-As FS FSP <[snawnawasfsp@meridianforest.ca](mailto:snawnawasfsp@meridianforest.ca)>  
**Sent:** Tuesday, February 13, 2024 12:25 PM  
**To:** Timothy Peterson <[tpeterson@islandstrust.bc.ca](mailto:tpeterson@islandstrust.bc.ca)>  
**Cc:** Lasqueti Island Local Trust Committee <[LasquetiIslandLocalTrustCommittee@islandstrust.bc.ca](mailto:LasquetiIslandLocalTrustCommittee@islandstrust.bc.ca)>  
**Subject:** RE: Snaw Naw As Forest Stewardship Plan

Hello Tim,

Thank you for this email address. I have put it on the contact list for contact going forward. Should anything happen in this area, you will be contacted.

The general information that I have been sending any stakeholder who gets in touch with me has been:

*Thank you for expressing an interest in viewing the Snaw Naw As Forest Services Ltd Forest Stewardship Plan (FSP). Your comments, insights, and questions are greatly desired, and we appreciate you reaching out.*

*Let me provide clarity on the reason why you have been approached. The Snaw Naw As Forest Services Ltd (FSL) has been appointed Crown land parcels that are within 1km of your water license. On these parcels of land, the Snaw Naw As FSL are permitted the opportunity to harvest wood. However, prior to planning any harvesting activities, a forest licensee must demonstrate how they will meet the government's rules and regulations appointed through Acts, Orders, Plans, and Notices. The Forest Stewardship Plan (FSP) highlights all of these requirements and indicates how a licensee intends to meet the laws through Results or Strategies. The proposed Draft FSP can be viewed here: <https://www.nedmlp.com/snaw-naw-as-forestry>. For those who have contacted me regarding proposed logging activity on Lasqueti Island, I would like to highlight FSP section 4.0 as it pertains to logging in that area. Due to the legal and sensitive nature of the document, it is read only and therefore cannot be downloaded from the website. It is currently going through Ministry review and once finalized will be made available on this same webpage.*

*The Draft FSP document is being advertised to the applicable stakeholders to show how we intend to meet these laws. At this point in time, no proposed logging is planned in any of these land parcels, also known as the Forest Development Unit (FDU) shape. Therefore, since no logging is proposed at this time, there have been no watershed assessments conducted to determine the effect of water within any of the watersheds. This has been a question from many of the stakeholders.*

*With your feedback received and contact between us now being established, I will place your name, number and/or email address on a stakeholder consultation list so that in the future, should any logging be proposed in the land parcel close to your water license, you will be notified at the early stages of planning. At this stage we welcome your thoughts, concerns, and ideas, and being open and transparent in sharing information both ways.*

*If you have any additional questions or would like additional clarity, please respond to [snawnawasfsp@meridianforest.ca](mailto:snawnawasfsp@meridianforest.ca).*

Please let me know if you have any questions. Thanks.

Kate Roth, RPF

**From:** Timothy Peterson <[tpeterson@islandstrust.bc.ca](mailto:tpeterson@islandstrust.bc.ca)>  
**Sent:** Thursday, February 8, 2024 12:00 PM  
**To:** Snaw-Naw-As FS FSP <[snawnawasfsp@meridianforest.ca](mailto:snawnawasfsp@meridianforest.ca)>  
**Cc:** Lasqueti Island Local Trust Committee <[LasquetiIslandLocalTrustCommittee@islandstrust.bc.ca](mailto:LasquetiIslandLocalTrustCommittee@islandstrust.bc.ca)>  
**Subject:** Snaw Naw As Forest Stewardship Plan

Hello Ms. Roth,

As per our conversation, I am sending you the email address for the Lasqueti Island Local Trust Committee, so that we can be apprised of any notifications about the Snaw Naw As Forest Stewardship Plan. Since we have received a number of enquires, it seems like it could be useful for us to have the information to help answer questions arising from local residents and landowners on Lasqueti. I have cc'd the committee on this email, so that trustees and staff are aware of this communication.

The email is:

[LasquetiIslandLocalTrustCommittee@islandstrust.bc.ca](mailto:LasquetiIslandLocalTrustCommittee@islandstrust.bc.ca)

Regards,

Tim Peterson

Lasqueti Island Local Trustee



DATE OF MEETING: March 4, 2024

TO: Lasqueti Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner  
Northern Office

SUBJECT: Review of the new provincial *Short Term Rental Accommodation Act* for the Lasqueti Island Local Trust Area

## SUMMARY

The purpose of this memo is to present the Lasqueti Island Local Trust Committee (LTC) with an overview of the possible implications of the new provincial [Short-Term Rental Accommodation Act](#), and identify any opportunities in considering its implementation in the Lasqueti Island Local Trust Area (LTA). All LTCs are being asked to consider whether they wish to opt-in to the new principal residence requirement by the first annual deadline of March 31 as per S.15 of the *Act*. Staff suggest that the LTC receive this memo for information only at this time as it appears the Lasqueti Land Use Bylaw (LUB) regulations align with new provincial legislation.

## BACKGROUND

The Provincial Government has advised local governments in BC to **not** grant zoning (or other permission) to short-term rental hosts, where inconsistent with (or more permissive than) the new provincial *Short-Term Rental Accommodations Act*. Local governments are being asked to review their bylaws and consider whether any updates may be warranted in light of the new provincial rules. What follows is a brief staff review of the Lasqueti LTA bylaws to highlight any intersection with the new provincial legislation that the LTC may wish to consider.

## CONSISTENCY WITH NEW PROVINCIAL LEGISLATION

The province has released a comprehensive overview of the [provincial policy guidance](#) for local governments for the *Short-Term Rental Accommodations Act*. The following Table 1 illustrates the five key elements of the provincial legislation and the possible implications for the Lasqueti LTA.

**Table 1. Opportunities and Implications of Provincial Legislation**

New Provincial Legislation Overview	Potential Opportunities	Lasqueti Local Trust Area Implications
<b>Regional District Business Licensing for short term accommodation rentals</b>	Work in cooperation with qathet Regional District (qRD) to determine capacity and interest to pursue licensing for any	<ul style="list-style-type: none"> <li>▪ Islands Trust does not currently have authority to issue business licenses.</li> <li>▪ qRD would need to prioritize this action and administer for Lasqueti.</li> </ul>

New Provincial Legislation Overview	Potential Opportunities	Lasqueti Local Trust Area Implications
	commercial rentals in the Electoral Area.	<ul style="list-style-type: none"> <li>▪ Significant financial resources are anticipated. No direction yet to pursue this approach.</li> </ul>
<b>Increased Fines for non-compliant vacation rentals</b>	Increase fines up to \$3,000 / day	<ul style="list-style-type: none"> <li>▪ Does not currently apply to Lasqueti Island Enforcement Notification (BEN) Bylaws.</li> </ul>
<b>Principal residence requirement</b> (vacation rental can only be in host’s principal residence or secondary suite/secondary dwelling unit on the same property)	<ul style="list-style-type: none"> <li>▪ LTCs may opt in by March 31<sup>st</sup> each year to take effect by November 1<sup>st</sup> of the same year.</li> <li>▪ Province would enforce principle residence requirement and registry requirement.</li> <li>▪ Supersedes local government zoning and temporary use permit regulations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Still unclear whether host must be on site while the vacation rental use is in place.</li> <li>▪ Lasqueti bed and breakfast regulations require activity to take place in principal residence of host.</li> <li>▪ Lasqueti regulations currently do not permit use of guest cottages for commercial use.</li> <li>▪ ‘Commercial 3’ Zone permits tourist accommodation.</li> <li>▪ Opt-in to principal residence requirement = bylaw enforcement would be conducted by Province vs. Islands Trust.</li> </ul>
<b>End of legal non-conforming status for all existing vacation rentals</b>	Need to educate public and enforce after May 31, 2024.	<ul style="list-style-type: none"> <li>▪ Current # of non-conforming short term rentals in LTA is unknown. These properties will need to comply with both local and provincial regulations, including the provincial principal residence requirement, if the LTC opts in at a future date.</li> </ul>
<b>Provincial Registry</b>	<ul style="list-style-type: none"> <li>▪ Province will share data when system is created.</li> <li>▪ Accessible central database. Provincial enforcement against website hosts.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Will apply to any short term accommodation host on Lasqueti Island regardless of whether the local government has opted in or not. Does not appear to be for bed and breakfast use.</li> <li>▪ Timing of enacting the registry system is currently unknown but anticipated in 2024.</li> </ul>
<b>Provincial Enforcement</b>	Province only enforcing its legislation – not local bylaws. Does not apply to use of RVs, tents or	<ul style="list-style-type: none"> <li>▪ No provincial enforcement of the principal residence requirement unless LTC opts in.</li> </ul>

New Provincial Legislation Overview	Potential Opportunities	Lasqueti Local Trust Area Implications
	other types of shelters being used for short term vacation rentals.	<ul style="list-style-type: none"> <li>▪ Province will enforce registry requirement regardless of opt-in.</li> </ul>

**OPTIONS**

The preliminary staff review of the new legislation, policy guidance and Lasqueti LTA regulations concludes that there are no bylaw changes that the LTC may wish to consider to strengthen local regulations to be more aligned with provincial mandate to return short term rental housing to the residential housing stock.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	February 8, 2024
Concurred By:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	February 8, 2024



File No.: 400-30  
12-RPT-HSNG

DATE OF MEETING: January or February 2024  
 TO: All Local Trust Committees  
 FROM: Stefan Cermak, Director  
 Planning Service  
 SUBJECT: **Housing Statute Changes to British Columbia Legislation**

## PURPOSE

The purpose of this memorandum is for Local Trust Committee’s to receive a copy of the Housing Statues and Regulation Changes to BC Legislation briefings received at Trust Council December 7, 2023 and subsequently updated at Executive Committee December 20, 2023. The Executive Committee recommends that Local Trust Committees consider requesting to opt-in to the provincial’s principal residence requirement for short term rental accommodations.

## BACKGROUND

On December 7, 2023, Trust Council received a briefing: Housing Statue Changes to British Columbia (Attachment 1). The briefing provided an update and speaking notes on:

- The Short Term Rental Accommodation Act (Bill 35)
- The Housing Statutes (Residential Development) Amendment Act (Bill 44)
- Housing Statutes (Development Financing) Amendment Act (Bill 46)
- Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)
- Speculation and Vacancy Tax Act

On December 20, 2023, the Executive Committee received an update (Attachment 2) to the above briefing as provincial regulations were adopted the same day Trust Council considered the original briefing. After consideration, the Executive Committee carried the following resolution:

“That Executive Committee request staff to forward the housing statues and regulation changes of BC legislation to local trust committees with a recommended consideration of request for opting in to the short term accommodation regulation for the 2025 intake.” CARRIED

As per the attached briefing:

A sample Local Trust Committee resolution to opt-in to the provincial principle residence requirement may read:

That the [\_\_\_\_] Local Trust Committee request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [\_\_\_\_] Local Trust Area and that the [\_\_\_\_] Local Trust Area be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024. If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

**NEXT STEPS**

All Local Trust Committees, to the exception of Ballenas-Winchelsea, meet before the 2024 March Trust Council meeting. Staff will respond to the ministry in one letter that contains all opt-in resolutions immediately following Trust Council in March 2024. Staff will provide the appropriate background information that describes the area and jurisdiction.

Submitted By:	Stefan Cermak Director, Planning Services	January 18, 2024
---------------	--	------------------

**ATTACHMENTS**

- 1. Attachment 1 - Trust Council Housing Statue Changes to British Columbia Briefing for the meeting December 7, 2023
- 2. Attachment 2 – Executive Committee Housing Statue Changes to British Columbia Briefing Update for the meeting December 20, 2023



### ***The Short-Term Rental Accommodation Act.***

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area. Staff understands that the regulations that bring the Act into force will include the ability for any municipality, regional district electoral area or local trust committee area, that are currently not included in the principal residence requirement for a short-term vacation rental, to opt-in. The regulation should address whether opting-out (once in) is something that could be considered, and if so, what the mechanism would be. Staff will know more about this once the regulations are released in December 2023.

The Act requires that platforms that advertise short-term rental accommodations to be registered with the Province. This may help with bylaw enforcement if the Province shares that information with local governments (the Act authorizes disclosure of personal information collected by the province under the authority of the legislation to be disclosed to local governments to support bylaw enforcement).

The Act also allows regional districts to issue business licenses for short-term rental accommodations, and where a business license scheme is in place, that a business license be required for advertising on platforms. The option for business licenses is not open to local trust committees, only regional districts.

The Act also removes legal non-conforming protection for short-term rental accommodation uses.

**Action** for the Islands Trust is for each local trust committee to consider whether or not it wants to opt-in. Opting-in would mean the Provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).

### **The Housing Statutes (Residential Development) Amendment Act**

The attached Speaking Notes” provides an overview of the Act and how it applies in the Islands Trust Area.

#### *Residential Density Requirements*

The Islands Trust Area is excluded by an amendment to the *Islands Trust Act* from the provincially mandated minimum density requirements. Ministerial regulation will establish to which municipalities the minimum density requirements will apply (staff understands that this will be all municipalities over 5,000 population).

The Act also allows the Minister by regulation to add an electoral area to the list on request of a regional district board. It is important to note that local trust committee areas could never be included in the density requirement without an amendment to the *Islands Trust Act*. However, Bowen Island Municipality could be included by Ministerial regulation either by virtue of its population (if the population goes over 5,000 Bowen may be automatically included), or on request of Bowen Island Municipal Council. The Act excludes land that is not on a municipal water or sewer system, is protected or are lots over a certain size.

There is no action required on this for local trust committees.

#### *Housing Needs Reports Amendments*

Housing Needs Reports now must include housing needs for 20 years (previously it was 5 years), and the first report is due by December 2028. Transitional provisions in the Act require that an interim report be received before a date to be prescribed by Ministerial regulation, or existing reports be updated by the

prescribed date to reflect the new 20 year horizon and a few other changes to housing needs content requirements.

These reports must then be published as soon as possible to the Islands Trust website, and the requirement to consider them in official community plans is continued. It appears that the mandatory requirement to adopt an official community plan and land use bylaw to reflect the housing needs report does not apply to local trust committees (this appears to apply only to municipal councils). This is a point that needs clarification with Ministry staff.

**Action** for Islands Trust is to ensure resources and funding is in place to update existing housing needs reports to meet the new requirements so they qualify as transitional, and then plan budget and resources to commission updates to the housing needs reports starting in 2028 and then every five years after that. While it is not mandatory for local trust committees, there should also be a program to ensure that all 20 official community plans are kept up to date reflecting the housing needs reports findings.

### Public Hearing Changes

The Act now prohibits public hearings being held for land use bylaw amendments that are consistent with the official community plan and exclusively, or at least 50 per cent, residential. The intent is to allow public comment at the policy level (amendments to official community plans still require public hearings) and to streamline the approval process. There is nothing in the legislation that would prohibit less formal discussions between the local trust committees and Bowen Municipal Council and the community, such as open houses, surveys and community information meetings.

**Action** for Islands Trust is a change in process for local trust committees when considering land use bylaw amendments that are consistent with the Official Community Plan for residential rezonings, or land use bylaw amendments that contains at least a 50 per cent component of residential. Note that if there is a Official Community Plan amendment as part of the land use bylaw amendment, then a public hearing is required for the amendment to the Official Community Plan.

## **Housing Statutes (Development Financing) Amendment Act**

### Amenity Cost Charges

The Act adds a new section to the *Local Government Act* regulating how local governments develop and levy amenity cost charges (ACC), and makes changes to development cost charges and development cost levies (in the Vancouver Charter). The new system provides a framework and regulation on what may be considered as an amenity, who may be required to pay them and who may be exempted, the process to develop an amenity cost charges bylaw, and a reporting requirement. Amenity cost charges are charged at time of subdivision or issuance of a building permit.

Local trust committees are excluded by an amendment to the *Islands Trust Act* from the new ability of local government to levy amenity cost charges. Local trust committees are already exempt from the ability to levy development cost charges. The reason for the exemption is that both of these tools are intended to fund infrastructure improvements related to development, and local trust committee are not responsible for infrastructure.

The new legislation appears to apply to regional districts, and regional districts could, by bylaw, determine to collect amenity cost charges for new construction in the Islands Trust Area.

## **Housing Statutes (Transit Oriented Areas) Amendment Act**

The Act adds a new section to the *Local Government Act* establishing minimum density and height requirements around prescribed transit stations and major bus stops. Regulations will establish which transit stops are included (likely in larger cities) and establish the distance around the stop and the minimum height requirements.

While local trust committees are excluded by an amendment to the *Islands Trust Act*, this is included here to complete the currently known legislative updates to the local government planning legislation.

**ATTACHMENT(S):**

Speaking Notes – Bill 35 (Short-term Vacation Accommodation) and Bill 44 (Housing Statutes).

**FOLLOW-UP:**

As requested by the Regional Planning Committee.

As this is new information, staff will update as more information on regulations becomes available. This should be forwarded to Trust Council and all trustees for information and to assist with answering public questions.

---

**Prepared By:** David Marlor, Director, Legislative Services

**Reviewed By/Date:** Robert Kojima, Regional Planning Manager  
Stefan Cermak, Director, Planning Services/ November 8, 2023



## Backgrounder/Speaking Notes

**Bill 44** - Housing Statutes (Residential Development) Amendment Act, 2023 (First Reading version)

**Bill 35** - 2023 Short-Term Rental Accommodations Act (Royal Assent)

---

November 9, 2023

### [Bill 44 Housing Statutes \(Residential Development\) Amendment Act, 2023](#)

- The first reading of Bill 44 – 2023 Housing Statutes (Residential Development) Amendment Act, 2023 was on November 1.
- In this Act, "housing unit" means a self-contained dwelling unit
- "local government" includes a local trust committee as defined in section 1 of the *Islands Trust Act*

### Minimum Density Requirements

The new provincially mandated minimum residential density requirements added to the planning section (Part 14) of the Local Government Act do not apply to local trust committees by a consequential amendment to the Islands Trust Act. Staff understanding is that this section will also not apply to municipalities under a certain population. The BC Government news release suggests most municipalities with a population under 5,000 people will be exempt; however this will be implemented by regulation. Likely this section will not apply to Bowen Island Municipality based on population. And if it does, would only apply where lots are connected to municipal water and sewage and the legislation excludes specified protected lots or large lots. Staff will need to wait for the regulation to know for sure.

### Housing Needs Reports

Changes to the Housing Needs Reports requirements apply to local trust committees and Bowen Island Municipality as follows:

- Housing needs report must be received by December 31, 2028, and then by December 31<sup>st</sup> every five years after that. A transitional provision in the legislation requires that existing housing needs reports are updated to reflect the new requirements by a prescribed date – that date will be in the forthcoming regulations and will likely be by the end of 2024 or early 2025.
- Housing needs reports must consider five-year and 20-year timelines for expected housing requirements (previously only five years required).
- When developing or amending an Official Community Plan (OCP), the governing body must consider the most recent housing needs report and the OCP must include statements and map designations. The housing needs report should include approximate location, amount, type, and density of residential development that is required to meet anticipated housing needs over a period of 20 years.
- An OCP must now include provisions for 20 years of housing as determined in the housing needs report
- OCPs must be updated within a time period to be prescribed by regulation following receipt of an updated housing report (which will be required once every five years).
- The minimum requirements for housing must be permitted outright in the OCP, not conditional (i.e. cannot require conditions (such as provision of amenities) for the housing to be provided).

---

***Preserving and protecting over 450 islands and surrounding waters in the Salish Sea***

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

## Public Hearing for Housing Rezoning

The following changes to the public hearing requirements for housing rezoning apply to local trust committees and Bowen Island Municipality:

- Public hearings on proposed zoning bylaws must **not** be held if:
  - an official community plan is in place for that area
  - the bylaw is consistent with the official community plan
  - the purpose of the bylaw is to permit a residential development
  - the residential component of the development accounts for at least half of the floor area of all proposed structures in the development
- Note that notice must be given if a public hearing is not held.

## Official Community Plan Adoption

Previously, the decision to adopt an official community plan was discretionary. **Now it is mandatory.** This appears to not apply to the Islands Trust as it states municipal council and a prescribed class of regional districts. This needs to be clarified with Ministry staff but will be obvious once the regulation has been released.

- All municipal councils, board of a regional district, or a board in a prescribed class of regional districts must adopt one or more OCPs.

## [Bill 35: 2023 Short-Term Rental Accommodations Act](#)

- **Royal Assent October 26, 2023**– will be brought into force by regulation, which is expected in December 2023.

### Registration of Short Term Rental Platforms

- Requires that all platforms advertising short-term rentals must be registered with the Province

### Restrictions on Homes that can be used for Short Term Rentals

- For those lands not exempted, legislation requires that the short term rental occurs in the host's residence, or in not more than one accessory dwelling unit.
- Local trust committees are exempted; municipalities under a certain size will be exempted, unless adjacent to a major municipality that is not exempted. Staff not sure if Bowen Municipality will be included or exempted given its proximity to Metro Vancouver.
- Provincial staff have advised that local trust committees will be able to opt-in so that the residence restriction applies. How this happens will be determined by regulation; however, it is likely a resolution of the local trust committee requesting to be removed from the exempted list. The regulation will also indicate how a local trust committees that chooses to opt-in can opt-out in the future.

## No Legal Non-Conforming Status

- The legislation removes legal non-conforming status for short-term rentals. This means that if there are any short-term rentals operating and the bylaws change to prohibit them, those short-term rentals cannot continue to operate. Non-conforming use protection will continue to exist for other land uses.

## **Business Licenses**

- The legislation now allows regional districts to require business licenses for short term rentals. This option is not available to local trust committees.

## **Focus of the Legislation**

- The legislation focuses on three key areas:
  - Increasing fines for Municipal Ticket Information (MTI), and strengthening tools for local governments. This is not applicable in all local trust areas, since only three LTCs have MTI bylaws (though those that don't can adopt an MTI bylaw). Bylaw Enforcement Notification ticketing can continue to be used to enforce.
  - Returning more short-term rentals to long-term homes
  - Establishing provincial rules and enforcement
- This proposed legislation will not apply to:
  - Hotels and motels
  - Additional types of properties, for example, timeshares and fishing lodges
  - Communities on First Nations reserve land
  - Modern Treaty Nations will also be exempt but will be able to opt into the legislation, if desired
  - Resort municipalities and mountain resort areas
  - Regional district electoral areas
  - Municipalities of less than 10,000 population, unless adjacent to a larger municipality that is under the regulation (but not an electoral area close to one)

## **Islands Trust Background:**

- Islands Trust is a special-purpose government mandated to preserve and protect over 450 Islands and surrounding waters in the Salish Sea in cooperation with other levels of government
  - Poorly managed growth could threaten the preservation and protection of the Trust Area
- The Islands Trust Council has declared that a housing equity and workforce shortage crisis exists on many of the islands within the Islands Trust Area
  - Strengthening housing affordability is an Islands Trust Council priority
  - Lack of available workforce housing impacts the viability of island businesses, the ability to deliver services, and other aspects of community life such as volunteerism
- Short Term Vacation Rentals (STVR) have been a long standing concern for Islands Trust
  - In 2012, the Salt Spring Island Local Trust Committee was unsuccessful at seeking an injunction via the Supreme Court of British Columbia to restrain a company from using or offering residentially-zoned properties for commercial guest accommodation rather than on individual property owners
- It is recognized that STVRs likely have a positive economic impact on the islands
- While some STVRs are operated legally and responsibly, many are completely unlawful

- The funds generated through the rental of STVRs are also, in many cases, vital to the financial well-being and solvency of the property owner
- Primary concerns with STVRs are around impacts on availability of long-term rental housing, as well as the effect on limited groundwater resources
- Other negative impacts which are frequently mentioned are:
  - Increased noise, traffic and parking concerns
  - Increased fire risk
  - Increased consumption of disposable goods, production of solid waste, and sewage
  - Impacts to community character and cohesiveness
  - Lack of a fair playing field between legal and non-legal STVR operators, as well as regular commercial accommodation such as hotels and motels

### Existing Islands Trust Regulations

- Local trust committees have taken a variety of approaches consistent with its each island's individual culture, history, and intensity of tourist use
- The main tools available to LTAs under the *Islands Trust Act* are modifications to the official community plans (OCP) and associated land use bylaws (LUB) to include STVR-specific provisions
  - Within the LUBs, this generally takes the form of home occupation regulations or zoning that specifically permits STVR use, and places limits upon their operations.
- The OCP allows Temporary Use Permits to be issued for limited periods of time, and several islands have created specific guidelines
  - Bowen Island Municipality issues business licenses to operate a Residential Guest Accommodation, as it is incorporated as an island municipality and has more powers than local trust areas
  - There is interest from some islands in advocating to regional districts to institute business licenses for STVRs

### Current Islands Trust Enforcement

- Since the 2012 Islands Trust loss in the Supreme Court of BC of a case that would have restrained a rental agent from using or facilitating the use of residential homes for STVRs on Salt Spring Island, Islands Trust has continuously found that accommodation platforms are not cooperative or assistive to bylaw enforcement efforts. In the 2012 case the judge found that the activities of the rental agent did not, on their own, constitute a breach of the land use bylaw.
- Currently, 204 open bylaw enforcement files, with the majority on Salt Spring Island
- There may be 500+ advertisements at any given time for all local trust areas, which must be continually vetted to ensure compliance
- Bylaw staff regularly review and update a database for the known operators
  - Co-op planning students have, at times, reviewed the listings
    - Since 2005, 532 STVR enforcement files have been closed

- During the peak summer season, the majority of bylaw staff resources are for STVRs
- Seven local trust areas have directed proactive bylaw enforcement on STVRs because of concerns about diminishing housing supply
- Bylaw notices (tickets) are issued when contraventions are confirmed. There is a mixed response to ticketing:
  - Some are disputed and there is a good response to negotiating compliance agreements to ensure a cease of unlawful operations
  - For those that have proceeded to adjudication, 90 percent of the tickets are upheld by an adjudicator
  - However, with a \$500.00 limit on bylaw notices penalties, the upscale operations charging \$500-700 per night can treat the penalties as the cost of doing business and makes court action, the next step in enforcement, an expensive choice.
- Enforcement staff note that the clear bylaw language in the Gabriola Island Land Use Bylaw has resulted in less complications and conflicts than have occurred in other local trust areas.
  - The Gabriola Island Land Use Bylaw also explicitly states that you cannot operate without that permit:
    - *B.6.3 Commercial Vacation Rentals*
    - B.6.3.1 All dwelling units, including secondary suites, are for residential use and any use for overnight accommodation on less than a monthly basis for monetary gain is prohibited except where a temporary use permit has been issued by the Local Trust Committee*
- There is currently a trend towards “glamping” operations on larger lots in an effort to maximize the number of rentals:
  - These operations are considered non-permitted campgrounds and it appears to be the next trend for STVRs, as it offers a lower cost for guests
  - These non-permitted campgrounds create a unique challenge because of the risks of improper sewage disposal for a large number of customers, and the threat to neighboring wells

## Provincial Statistics

- In British Columbia in June 2023, there was an average of 28,510 short-term rental listings active each day (a year-over-year increase of 17.8%)\*
- While the province’s STVR market is dominated by commercial operators\*, this may not be the case for the Islands Trust Area
- The top 10% of hosts earned 48.8% of revenue\*
- Listings operated by hosts with multiple listings were 48.4% of active listings and 51.7% of total host revenue in June 2023\*
- In June 2023, 16,810 housing units were taken off BC’s long-term and shifting to the STVR market\*

*\*Data from The Housing Impacts of Short-Terms Rentals in British Columbia’s Regions. A report prepared by researchers from the Urban Politics and Governance research group, School of Urban Planning, McGill University*

---

**To:** Executive Committee                      **For the Meeting of:** December 20, 2023

**From:** Stefan Cermak, Director,  
Planning Services                      **Date Prepared:** December 14, 2023

**SUBJECT:** Housing Statute and Regulation Changes to British Columbia Legislation

---

**PURPOSE:**

To provide the Executive Committee with an update on recent and upcoming legislative and regulatory changes regarding provision of housing in British Columbia, and how the changes may affect the Islands Trust area and local trust committees.

Key Takeaways:

- A draft resolution is provided for local trust committees to opt-in to the principal residence requirement for Short Term Rental. Such a resolution needs to be made by March 31, 2024 to take effect by November 1, 2024.
- Local Trust Committees with MTI Bylaws (Gabriola, North Pender, Salt Spring, and Thetis) may amend the penalty fees to \$3,000 per infraction per day. Other LTCs would require MTI bylaws if seeking the extra short term rental disincentive.
- Housing Need Reports Regulations have not been adopted at time of drafting this briefing.

**BACKGROUND:**

On December 7, 2023, the Islands Trust Council was briefed on five recent and upcoming provincial legislative changes designed to increase housing supply throughout BC. On the same day, the province adopted Orders-In-Council (Regulations) for Bills 35 and 44 (Short Term Rental Accommodation and Housing Statutes (Residential Development) respectively) and released policy documents to assist local governments implement the changes.

1. **The Short Term Rental Accommodation Act (Bill 35)**
  - Received Royal Assent on October 26, 2023
  - NEW regulations (Order in Council) adopted December 7, 2023
2. **The Housing Statutes (Residential Development) Amendment Act (Bill 44)**
  - Received Royal Assent on November 30, 2023
  - NEW regulations (Order in Council) adopted December 7, 2023
3. **Housing Statutes (Development Financing) Amendment Act (Bill 46)**
  - Received Royal Assent on November 30, 2023
  - Does not apply to Local Trust Committees; applies to Bowen Island Municipality
4. **Housing Statutes (Transit Oriented Areas) Amendment Act (Bill 47)**
  - Received Royal Assent on November 30, 2023

- Does not apply to Local Trust Committees; applies to Bowen Island Municipality
5. **Speculation and Vacancy Tax Act**
- Came into force in on November 27, 2018
  - The *Speculation and Vacancy Tax Regulation* was last amended November 16, 2023
  - Does not apply to properties in the Islands Trust area

**The Short-Term Rental Accommodation Act and Regulations.**

Materials pertaining to [Bill 35](#) - *Short-Term Rental Accommodation Act* include:

- Order in Council [679](#) – bringing into force specific provisions of the *Short-Term Rental Accommodation Act*, and making a regulation that addresses various details including interpretation, changes to exempt land, and general and specific exemptions.
- A policy guidance [document](#) for local governments detailing the new short-term rental framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement responsibilities.
- Properties in the Islands Trust Area are exempt from the principal residence requirement. A local trust committee or Bowen Island Municipality needs a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting-in would mean the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee has enacted (where there is a collision between them).
- A sample LTC resolution to opt-in may read:
  - That the [XX Local Trust Committee] request that the Minister of Housing, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the *Short-Term Rental Accommodation Act*.
  - Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, 2024, and the prescribed period of time starts on November 1, 2024.
  - If the Province grants a change to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.
- Order in Council [680](#) - increases possible maximum bylaw ticketing fine from \$1,000 to \$3,000 (amends BC Reg 425/2003).
  - The maximum fine that a local trust committee may set for a bylaw ticket has been increased to \$3,000 per infraction per day in accordance with the Community Charter Bylaw Enforcement Ticket Regulation. Note that this has been implemented via “Municipal Ticket Information System Bylaws” (MTI Bylaw) within the Islands Trust Area. The following local trust committees have MTI Bylaws: Gabriola, North Pender, Salt Spring, and Thetis (Table 1).
  - MTI Bylaws have been generally replaced in favour of Bylaw Enforcement Notification (BEN) Bylaws. The maximum Local Trust Committee bylaw notices penalty of \$500 under the Local Government Bylaw Notice Enforcement Act (Bylaw Enforcement Notification (BEN) Bylaws) is overseen by the Ministry of Attorney General and remains unchanged (Table 1).

Table 1 LTCs Enforcement Bylaws and Associated Maximum Permitted Penalty

Local Trust Committee	MTI Bylaw (max: \$3,000 penalty)	BEN Bylaw (max: \$500 penalty)
Ballenas-Winchelsea	N/A	✓
Denman	N/A	✓
Gabriola	✓	✓
Galiano	N/A	✓
Gambier	N/A	✓
Hornby	N/A	✓
Lasqueti	N/A	N/A
Mayne	N/A	✓
North Pender	✓	✓
Salt Spring	✓	✓
Saturna	N/A	N/A
South Pender	N/A	✓
Thetis	✓	✓

- Effective May 1, 2024, the *Short-Term Rental Accommodation Act* removes legal non-conforming protection for short-term rental accommodation uses.

Bill 35, Order in Council 679, and the policy guidance document for local governments will be forwarded to the Regional Planning Committee as per the December 7, 2023 [draft] Islands Trust Council resolution:

“THAT Trust Council request the Regional Planning Committee to evaluate the Short Term Rental Accommodation Act to identify opportunities and challenges for implementation of the act on the management of short term rentals in the Trust Area.”

### The Housing Statutes (Residential Development) Amendment Act

Materials pertaining to [Bill 44](#) – *Housing Statutes (Residential Development) Amendment Act* include:

- A Policy [Manual](#) & Site Standards document to guide updates to zoning bylaws, other regulatory bylaws, and policies undertaken to comply with Small Scale Multi-Unit Housing (SSMUH) legislation. In preparing, amending, or adopting a zoning bylaw to permit the use and density required by the SSMUH legislation, a local government must consider any applicable guidelines for SSMUH, including this Policy Manual.
- Order in Council [673](#) – bringing into force specific provisions of the *Housing Statutes (Residential Development) Amendment Act* and making a Local Government Zoning Bylaw Regulation that among other things, prescribes: minimum densities, distances and parcel sizes. The regulation also provides additional details on what constitutes a bus stop, and details exemptions from small-scale multi-family housing requirements. Does not apply to local trust committees.

### ATTACHMENT(S):

- Hyperlinks provided to Orders In Council and Policy Manuals

**FOLLOW-UP:**

Staff will update as more information on regulations becomes available (ex: Housing Needs Reports). Staff may forward to Local Trust Committees for consideration of opting to the principal residence regulations.

---

**Prepared By:** Stefan Cermak, Director, Planning Services

**Reviewed By/Date:**



**Rezoning**

File Number	Applicant Name	Date Received	Purpose
LA-RZ-2023.1	Carey, John & Tracee	19-Oct-2023	PID: 002-917-475 requesting an amendment to Bylaw no.78 to permit a dock fronting Lot 62 in Scottie Bay, Lasqueti Island.

**Planner:** Stephen Baugh

**Planning Status**

**Status Date:**

**Subdivision**

File Number	Applicant Name	Date Received	Purpose
LA-SUB-2019.1	KGL Freight Services Ltd. (T.G. Hoyt)	25-Jun-2019	PIDs: 025-448-811 and 005-600-081. Parcel line adjustment. Lasqueti Island Hotel, Weldon Road, Lasqueti Island, BC.

**Planner:** Sonja Zupanec

**Planning Status**

**Status Date:** 23-Jul-2019

Referral response sent to MOTI

# Islands Trust

LTC EXP SUMMARY REPORT F2024

Invoices posted to Month ending December 2023

640 Lasqueti	Invoices posted to Month ending December 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-640	LTC "Trustee Expenses"	59.00	0.00	59.00
LTC Local				
65200-640	LTC - Local Exp - LTC Meeting Expenses	392.00	1,781.25	-1,389.25
65210-640	LTC - Local Exp - APC Meeting Expenses	333.00	248.65	84.35
65220-640	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-640	LTC - Local Exp - Special Projects	271.00	0.00	271.00
TOTAL LTC Local Expense		<u>1,246.00</u>	<u>2,029.90</u>	<u>-783.90</u>
Projects				
73001-640-2015	Lasqueti OCP/LUB	4,000.00	0.00	4,000.00
		<u>4,000.00</u>	<u>0.00</u>	<u>4,000.00</u>

## Lasqueti Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	July 11, 2013	LA-2013-020	APC member Agenda Package	It was <b>MOVED</b> and <b>SECONDED</b> , that on request by an Advisory Planning Commission member, that they receive a Lasqueti Local Trust Committee Agenda package at no charge.
2.	February 28, 2017	LA-2017-006	APC to also act as TAC	<b>It was MOVED and SECONDED</b> , that the Lasqueti Island Local Trust Committee make a Standing Resolution to request the APC to undertake the function of a Transportation Advisory Committee.
3.	July 23, 2018	LA-2018-040	Non-medical cannabis retail applications	<p><b>It was MOVED and SECONDED</b> that the Lasqueti Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> <li>• Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.</li> <li>• The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.</li> <li>• The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>• However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> <li>○ Name of the applicant and a description of the proposal in general terms</li> <li>○ The location of the proposed establishment and the subject site.</li> <li>○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.</li> <li>○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application.</li> <li>○ How public comments may be submitted to the local trust committee.</li> </ul> </li> </ul>
4.	December 17, 2018	LA-2018-062	Notice of Intention to Apply for Federal Cannabis License	<b>It was MOVED and SECONDED</b> that the Lasqueti Island Local Trust Committee adopt the following standing resolution: that the Lasqueti Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.

No	Meeting Date	Resolution No.	Issue	Policy
5.	February 25, 2019	LA-2019-IC-003	Staff & Trustee at APC meetings	<p><b>It was MOVED and SECONDED</b> that the Lasqueti Island Local Trust Committee adopt the following standing resolution: that all Advisory Planning Committee meetings will include a staff member and a Trustee.</p>
6.	February 24, 2020	LA-2020-003	First Nations Reconciliation	<p><b>It was MOVED and SECONDED,</b> that the Lasqueti Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> <li>a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, community education on Coast Salish and local First Nations’ cultural heritage and history;</li> <li>d) Work with First Nation governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;</li> <li>e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations’ traditional territories within the Islands Trust Area.</li> </ul>
7.	July 26, 2023	LA-2023-027	First Nations Consultation	<p>that the Lasqueti Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the “Strategy for Antenna Systems” in the Local Trust Area:</p> <ul style="list-style-type: none"> <li>a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;</li> <li>b. The proponent is recommended to undertake consultation during the pre-</li> </ul>

No	Meeting Date	Resolution No.	Issue	Policy
				<p>consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites;</p> <p>c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act;</p> <p>d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site of cultural/sacred site identified by a First Nations cultural knowledge holder; and</p> <p>e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase.</p>

## Active Projects Report

### Lasqueti Island

#### 1. *Minor Project - Official Community Plan Review*

**Responsible**

**Dates**

To review and update the Lasqueti Official Community Plan (OCP) policies regulations in three phases which supports community participation, the Object of the Islands Trust, strengthens relations with First Nations and addresses community land use planning priorities.

Stephen Baugh

Rec'd: 08-Jan-2018

#### 2. *Minor Project - Amend the Meeting Procedures Bylaw*

**Responsible**

**Dates**

Administrative bylaw.

Amend Meeting Procedures Bylaw 100 by adding language on notification of changes in meeting dates, times, and venues, consistent with the standing resolution, and by amending Section 21 regarding delegations.

Updated August 29, 2022: Staff to bring a report back on options for submission for delegation materials and meeting notice for new meetings consistent with standing resolution 2022-022 in the meeting procedure bylaw. (Submission of documents before agenda package is published or at the meeting.)

Stephen Baugh

Rec'd: 06-Jun-2022

# Future Projects Report

## Lasqueti Island

### 1. *Advocacy and Communications*

Responsible

Date Received

Apply for Community to Community grant funding to support a relationship-building event with First Nations with interests in the Lasqueti Local Trust Area.

29-Aug-2022

### 2. *LUB*

Responsible

Date Received

- Subdivision regulations including: lot size, proof of water and public access to the foreshore,
- Housing,
- Consideration of adding a Marine Conservation Zone

### 3. *OCP*

Responsible

Date Received

- Subdivision policies related to proof of water,
- Housing,
- Update in regards to consistency with the Regional Conservation Plan,
- Update in regards to consistency with the Coastal Douglas-Fir Toolkit,
- Update in regards to consistency with additional topics recommended by the Lasqueti Community Association Official Community Plan Steering Committee in their Recommendations Report dated January 31, 2020: Feral Sheep, Conservation Target, Climate Change, Short-term Vacation Rentals and Tourism, and Cluster Housing and Density Transfer.

## Future Projects Report

### Lasqueti Island

#### 4. *OCP & LUB*

Responsible

Date Received

Shoreline Management Plan:

29-Aug-2022

- Develop a plan for managing mooring buoys and road access to the shoreline in Scottie

Bay;

- Community mapping of values along the shorelines of Lasqueti Island.

#### 5. *Administrative*

Responsible

Date Received

#### 6. *Bylaw Enforcement*

Responsible

Date Received