



Lasqueti Island Local Trust Committee

Regular Meeting Agenda

Date: August 10, 2020
Time: 9:30 am
Location: Electronic Meeting

Pages

1. CALL TO ORDER 9:30 AM - 9:35 AM

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

2. APPROVAL OF AGENDA

3. CLOSED MEETING 9:45 AM - 9:55 AM

3.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (a), (d) and (f) for the purpose of considering Appointment of Advisory Planning Commission Members and Adoption of In-Camera Minutes dated February 24, 2020 and April 27, 2020, Bylaw Enforcement and that the recorder and staff attend the meeting.

3.2 Recall to Order

3.3 Rise and Report

4. TOWN HALL 9:55 AM - 10:05 AM

5. REPORTS 10:05 AM - 10:25 AM

5.1 Trustee Reports

5.2 Chair's Report

5.3 Electoral Area Director's Report

6. MINUTES 10:25 AM - 10:30 AM

6.1 Local Trust Committee Minutes dated June 22, 2020 - for adoption

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

4 - 12

7.	BUSINESS ARISING FROM MINUTES	10:30 AM - 10:50 AM	
7.1	Follow-up Action List dated July 30, 2020		13 - 14
8.	APPLICATIONS AND REFERRALS	10:50 AM - 11:50 AM	
8.1	LA-RZ-2020.1 (Carey Development LTD. - JE Anderson & Associates) - Staff Report		15 - 59
8.2	LA-RZ-2020.2 (Colette Mann - JE Anderson & Associates) - Staff Report		60 - 102
9.	LOCAL TRUST COMMITTEE PROJECTS	11:50 AM - 12:00 PM	
9.1	Official Community Plan (OCP) and Land Use Bylaw (LUB) Review - verbal update		
----- BREAK 12:00 PM TO 12:20 PM -----			
10.	DELEGATIONS - none		
11.	CORRESPONDENCE - none		
	<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>		
12.	NEW BUSINESS	12:20 PM - 12:45 PM	
12.1	Future Meetings Format - for discussion		
12.2	Model Radio Antenna Strategy - for discussion		
12.3	Attendance by Trustees at Union of BC Municipalities (UBCM) and Association of Vancouver Island and Coastal Communities (AVICC) Meetings - for discussion		
13.	REPORTS	12:45 PM - 1:00 PM	
13.1	Trust Conservancy Report dated July 14, 2020		103 - 104
13.2	Applications Report dated July 30, 2020		105 - 106
13.3	Trustee and Local Expense Report - none		
13.4	Adopted Policies and Standing Resolutions		107 - 108
13.5	Local Trust Committee Webpage		
14.	WORK PROGRAM	1:00 PM - 1:20 PM	
14.1	Top Priorities Report dated July 30, 2020		109 - 123
14.2	Projects List Report dated July 30, 2020		124 - 124

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Monday, October 5, 2020 at 11:00 am at -
Location to be determined

16. ADJOURNMENT

1:20 PM - 1:20 PM



Lasqueti Island Local Trust Committee Minutes of Regular Electronic Meeting

Date: June 22, 2020

Location: Electronic Meeting via Zoom

Members Present: Peter Luckham, Chair
Peter Johnston, Local Trustee
Timothy Peterson, Local Trustee

Staff Present: David Marlor, Director, Local Planning Services
Heather Kauer, Regional Planning Manager
William Shulba, Senior Fresh Water Specialist
Dave Olsen, Recorder

Others Present: Andrew Fall, qathet Regional Director
There were four (4) members of the public.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 11:04 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations and introduced the Trustees and staff present.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted as presented with the addition of the addendum.

3. TOWN HALL

No one wished to speak.

4. REPORTS

4.1 Trustee Reports

Trustee Peterson reported on the following:

- The first electronic Trust Council was held last week.
- Attended Trust Programs Committee and Local Planning Committee meetings electronically.

Trustee Johnston reported on the following:

- Received emails about the dock applications in Scotty Bay.
- Lasqueti Island Nature Conservancy has removed some invasive species from private property and the John Osland Nature Reserve.

4.2 Chair's Report

Chair Luckham reported on the following:

- Almost 130 participants attended the electronic Trust Council (TC).
- MP Paul Manly joined an electronic TC meeting session to discuss the issue of freighters.
- Next TC meeting in September on Saturna Island has been cancelled and will be held electronically instead.

4.3 Electoral Area Director's Report

Director Fall reported on the following:

- Regional operations and services have continued.
- Masks are required to travel on the ferry.
- qathet Regional District (qRD) recently adopted a new code of conduct.
- qRD is moving forward on policy to include social procurement for contracts.

5. MINUTES

5.1 Local Trust Committee Minutes dated April 27, 2020 - for adoption

Chair advised that minor clerical issues such as typos should be sent to staff in advance of meetings.

The following amendments to the minutes were presented for consideration:

On Page 1, the first sentence under 3.1 Trustee Reports, change archaeological "dig" to archaeological "project".

Chair Luckham noted that he would like these minutes to record for the record that the Ministry of Transportation and Infrastructure (MOTI) only refers applications to the Islands Trust for review and does not review the Official Community Plan (OCP) or Land Use Bylaws (LUB) themselves.

On Page 4, under 11.5, change "rolled out soon" to "rolled out in the Fall."

By general consent the minutes of February 25, 2019 were adopted as amended.

5.2 Section 26 Resolutions-Without-Meeting Report dated June 15, 2020

Received.

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated June 15, 2020

Received.

Chair Luckham recessed the meeting at 11:31 am and reconvened the meeting at 11:37 am.

6.2 David Marlor, Director Local Planning Services regarding Model Antenna Strategy - discussion

Staff noted that there were two requests for discussion.

The first is with respect to the Local Trust Committee's (LTC) support of community efforts to express community intent regarding broadcast and transmission towers in the current OCP Review Process.

The Model Antenna Strategy work was done in consultation with the Federal Government as well as industry and follows the process that the Federal Government requires. The LTC will want to make sure that this addresses community concerns but is also in keeping with what Industry Canada will consider, which generally has to do with the siting of the tower.

The following points were noted:

- Federal authorities do not need to abide by the local zoning process.
- This is really just the LTC making it clear to the proponents and the community about what kind of community consultation would be expected, with the focus on the actual tower.
- The OCP can be amended, but there are areas where Industry Canada will not take feedback; it is recommended to focus on areas where they will receive input in order to reflect local needs.

The second request is to ask TC to amend a draft motion to assess criteria and guidance in accordance with the Climate Change Emergency and the following was noted:

- Most Local Trust Area islands, except Lasqueti, are on the grid. It is totally within your right to amend the recommended policy because Lasqueti is not on the grid, and the LTC would want to discuss where the power for the proposed tower is coming from.
- Staff recommended that this not go to TC since it is unique to Lasqueti.
- Both of these issues could be addressed by making some changes to the model.
- The policy does not get into Electric and Magnetic Fields (EMF) Health Canada radiation issues.
- Industry Canada would only consider feedback regarding visual appearance and potential danger and related issues.

Staff noted that this is number three on the Top Priorities List. If the LTC is ready to adopt the strategy as is, it can be done quickly. If the LTC wishes to review the strategy and make amendments to it, staff does not have the capacity to do that at the moment.

LA-2020-009

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to draft amendments to the Model Cell Tower Strategy incorporating concerns regarding electrical supply.

CARRIED

LA-2020-010

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee request staff to investigate options for a more fulsome communication consultation process regarding the Model Cell Tower Strategy.

CARRIED

7. APPLICATIONS AND REFERRALS

Trustees noted that the two applications for Scotty Bay have not come up at today's meeting and that there is a great deal of concern on Lasqueti about them.

Staff advised that after the application came in, the fee was paid about two weeks later. Staff cannot start a project until all the parts of the application are received. It would be unusual to be able to have a report done within three weeks; staff advised that the report would likely be ready for the next meeting.

Trustees noted that the applications report states OCP & LUB amendments are required regarding private dock and questioned whether the OCP would require an amendment.

Staff advised that they would confirm this.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Official Community Plan (OCP) and Land Use Bylaw (LUB) Review - Staff Report

Staff gave a verbal update and the following was noted:

- That the Lasqueti Community Association Official Community Plan Review Steering Committee (LCA OCP SC) list of recommendations was incorporated into a draft OCP.
- Spoke with Colin Ewan to clarify the restructuring of the headings and sub-headings of the OCP.
- Some of the language within the draft OCP got moved to different sections.
- Spoke with Susan Morrison, Chair of Advisory Planning Commission (APC), to confirm that the APC does want to see this document.
- It might be somewhat off-putting to have it fully formed into a bylaw prior to the referral.
- Will likely need to do more formatting and renumbering so that it will be easier to read and allow it to flow better. It does include all of the recommendations from the LCA OCP SC.
- Staff recommends that this be referred to the APC.
- Current provincial legislation makes this referral problematic. An outdoor meeting would comply with the current restrictions. An alternative is to wait for the Ministry to allow APCs of the Islands Trust to meet electronically or in person.
- At the moment, our IT department only has the capacity for one webinar meeting at a time.
- Other meeting formats are not limited but managing public input is more difficult.
- There is also the option of having staff work on a bylaw for the next meeting, which could then be referred at that time.

Trustees noted that many of the policies are written in two or three voices with a good deal of repetition and that the LCA OCP SC is still working on a vision statement.

LA-2020-011

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee refer the June 2020 Staff Report and attachments regarding the Official Community Plan Review Project to the Lasqueti Island Advisory Planning Commission for comment on the Lasqueti Community Association

Official Community Plan Review Steering Committee Recommendations Report, dated January 31, 2020 and engagement strategy options to guide the project and that the Advisory Planning Commission indicate if there are omissions, additions or changes that they feel are necessary.

CARRIED

8.2 Lasqueti Freshwater Sustainability Strategy Project - verbal update

William Shulba, Senior Freshwater Specialist, provided a verbal update and the following was noted:

- For two years, he has been involved with the Pete's Lake Water Users Society (PLWUS) and their boil water advisory.
- In the last 6 months, PLWUS has made much progress in addressing some of the concerns that Island Health has been posing to the Society.
- Concerns exist regarding the style of treatment and regulatory pathways that Island Health has been requiring, such as centralized treatment, given PLWUS's limited access to power and restricted access to the land surrounding the water source.
- These have to be addressed, approached and planned for so that PLWUS is not at odds with the regulating authority.
- Interviews have been completed with Island Health, Ministry of Health, and academics and he has attended many meetings with PLWUS.
- Island Health recently imposed new requirements requesting more information than could reasonably be provided in the timeframe given; PLWUS has submitted a letter asking for an extension for the reply.
- Project Charter needs to be updated; this is turning into a multi-year project because it involves a core aspect of the sustainability of the community, not just for residents but also for most of the major service providers on Lasqueti Island.

Trustees acknowledged the importance of this work and expressed gratitude for the work and support given on this issue.

Staff advised that this project could also incorporate some mapping time and will include this in the next Project Charter.

9. DELEGATIONS - none

10. CORRESPONDENCE

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

10.1 June 9, 2020 email from Pete's Lake Water Users Society

Trustees advised that a response would be appropriate and that it would include an assurance that the project will continue.

By **general consent** the Trustees will reach out to the Pete's Lake Water Users Society and advise them of the ongoing support of the Local Trust Committee.

10.2 Letter dated February 12, 2020 from Trustee Johnston to Tla'amin Nation

Received.

11. NEW BUSINESS**11.1 Resolution regarding Restaurant Expansion during COVID Emergency Response - Staff Report**

Staff advised that the local businesses on Lasqueti that serve beer, wine and liquor will need to apply to the Liquor and Cannabis Regulation Branch to expand their footprint to accommodate the Provincial social distancing requirements. This resolution came about due to the Hotel's application.

Trustee Peterson recused himself at 12:36 pm.

Trustee Johnston stated that the Hotel is the only business that sells alcohol on the island and that he was sorry that the Hotel's letter is not in the agenda package.

The Chair advised that the recommendation has been crafted to not encumber the LTC and not inadvertently affect zoning regulations.

LA-2020-012

It was MOVED and SECONDED,

that the Lasqueti Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees in the Lasqueti Island Local Trust Area.

CARRIED

Trustee Peterson returned to the meeting at 12:45 pm.

11.2 Advisory Planning Commission Appointments - for decision

Staff reported that the LTC discussed the reappointment of five APC members in their last *in camera* meeting and that one person has responded to the recent advertisement. Staff advised that the advertising be extended.

Trustees asked why this is being done out of camera and noted that in the past it was done *in camera*.

Staff advised that the appointments would have been announced in the Rise and Report section in the past. If more people had applied and a discussion about the candidates was warranted, it would have taken place *in camera*.

Trustees asked about appointing the sixth person now; the Chair advised that it would be better to receive their expression of interest first.

LA-2020-013

It was MOVED and SECONDED,

that the following persons be reappointed to the Lasqueti Island Advisory Planning Commission for a term to begin June 22, 2020 and to expire June 22, 2022:

- Colin Ewan,
- Shelley Garside,

- Susan Morrison,
- Shoshanah Waxman, and
- Jordon Barton;

and that the Lasqueti Island Local Trust Committee advertise for further expressions of interest for membership to the Advisory Planning Commission.

Staff confirmed that the bylaw specifies a two-year term.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated May, 2020

Received.

12.2 Applications Report dated June 15, 2020

Received.

Trustees initiated a discussion regarding the two private dock applications and the following was noted:

- There is currently much contention in Scotty Bay but no one seems to be interested in taking on clearing up these issues.
- These two private dock applications will be difficult to process without dealing with some or all of the current issues.
- There is much current activity in the Bay that is not fully conforming.
- The current issues may be better served to go through the public process that is associated with these applications.
- To look at the bigger context, the LTC would need to put the applications on hold and start a new project.

The Chair noted the following:

- That the Conservation Officer called all members of the LTC regarding the current situation in Scotty Bay.
- That the Provincial regulatory issues in and around that Bay include liability and pollution.
- Cleaning up the Bay would not be a likely outcome of these applications.
- The LTC cannot affect a change outside the area of concern for the application, but the LTC certainly can assess the cumulative effects of the applications on the environment and on neighbours.

Staff advised the following:

- That these individual applications cannot deal with any other property.
- The decision will be setting a precedent; not in the legal sense, but the expectation in the Community is that future applications will be treated in a similar manner.
- Non-conforming issues are complaint-driven.
- One option is to proceed no further with these applications and use the OCP/LUB review process to look at the Bay as a whole.

- One legislated requirement is a Public Hearing when a zoning amendment passes First Reading. Islands Trust typically holds a Community Information Meeting prior to the Public Hearing.

12.3 Trustee and Local Expense Report dated May 2020

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

Trustees requested that the calendar portion be moved to the top part of the page.

13. WORK PROGRAM

13.1 Top Priorities Report dated June 15, 2020

Received.

13.2 Projects List Report dated June 15, 2020

Received.

14. CLOSED MEETING - none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Monday, August 10, 2020 at 11:00 am - location to be determined

LA-2020-014

It was MOVED and SECONDED

that if an electronic meeting is held in August 2020, that it begin at 9:30am.

CARRIED

Trustees asked David Slik to articulate his concerns with the current electronic meeting setup and process.

He responded and the following was noted:

- Allowing any participant to speak at appropriate times would address most of his written concerns.
- That electronic meetings are a poor substitute for in-person meetings.
- That normalising electronic meetings as they are currently structured is problematic.
- Islands Trust technical staff have done an admirable job of getting the current system into place in a short period time.
- The choice of technological tools can be used to increase or decrease participation in meetings; body language, being able to see who is participating, are just some of the important elements of meetings.
- For Lasqueti, something a little more relaxed and less constrained by technology could be considered.

The Chair noted that these comments are reflective of many other comments that the Islands Trust has received. He noted that electronic meetings are not a replacement for in-person meetings.

Staff advised that there is no timeline in place to make recordings of meetings available on the Islands Trust website.

16. ADJOURNMENT

By general consent the meeting was adjourned at 1:35pm.

Peter Luckham, Chair

Certified Correct:

Dave Olsen, Recorder



Follow Up Action Report

Lasqueti Island

15-Apr-2019

Activity	Responsibility	Dates	Status
1 Staff to coordinate a protocol meeting between the Lasqueti LTC and qathet RD. <i>Update Jan 17/20: electronic meeting to be scheduled based on progress of Lasqueti OCP</i>	Bronwyn Sawyer Heather Kauer Wil Cottingham		In Progress

30-Sep-2019

Activity	Responsibility	Dates	Status
1 Staff to review and provide comments on letter from D. and L. Slik dated September 2019 regarding request that Trust Council amend the Model Radio Antenna Strategy to include guidance on consistency with Trust Council's Climate Change Emergency Declaration.	David Marlor		Completed

28-Oct-2019

Activity	Responsibility	Dates	Status
1 Staff to update the Project Charter (PJ) for the Freshwater Sustainability Project with LTC endorsement Oct. 28, 2019 and bring back revisions to the PJ to include Ag Water Demand Model and groundwater recharge and availability assessment.	William Shulba		In Progress
2 Staff to include in the scope of the OCP/LUB project: exploration of subdivision regulations for the purposes of requiring proof of potable water, and ensuring foreshore access that is physically accessible.	Bronwyn Sawyer Heather Kauer		Completed



Follow Up Action Report

File No.: LA-RZ-2020.1
(Kyler)

DATE OF MEETING: August 10, 2020

TO: Lasqueti Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Proposed LUB amendments to permit a private dock in the adjacent marine area
Applicant: Ken Kyler, agent (on behalf of Carey Development Ltd.)
Location: Spring Bay Road
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 LA-RZ-2020.1.
2. That the Lasqueti Island Local Trust Committee request staff to advise the applicant that they may not re-apply to the Local Trust Committee with a similar proposal for at least one year from the date of this resolution, as per the Lasqueti Island Local Trust Committee Development Procedure Bylaw No. 35, 1992; and
3. That the Lasqueti Island Local Trust Committee request staff to issue a refund to the applicant in the amount of \$1,650 as per Lasqueti Island Local Trust Committee Fees Bylaw, 2009.

REPORT SUMMARY

The Lasqueti Island Local Trust Committee (LTC) is asked to consider an application to amend the Lasqueti Island Land Use Bylaw No. 78, 2005 (LUB) to permit a private dock within the adjacent marine area of the subject property.

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 adjacent to the subject property, fill placement within the foreshore, and the construction of a driveway providing access to the dock. The bylaw enforcement file is being held in abeyance while the rezoning application proceeds.

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. The applicant notes that since the time of adoption of the LUB (2006), there has been an increase in boat traffic to Lasqueti Island, resulting in increased difficulty in finding moorage or docking space. The applicant also notes there are few options for emergency access, specifically along the north-east* shore of Lasqueti Island, and has offered use of the proposed dock and access driveway during emergencies. (*Correction: this area is in the north-west shore of Lasqueti Island).

A comprehensive Site Context analysis and Policy Checklist are provided in Attachments 1 and 2. Supporting material for the application including a letter, site (sketch) plan and a copy of a marine environmental assessment by Aquaparian Environmental Consulting, dated August 6, 2019, are found in Attachments 3 through 5.

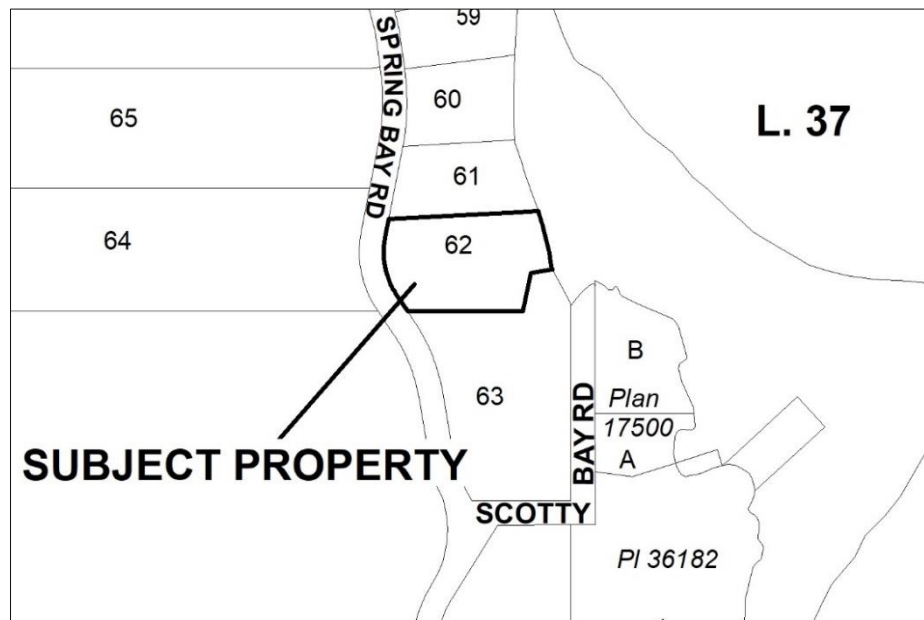


Figure 1. Subject property map



Figure 2. Orthophoto of subject property

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) states that OCPs and regulatory bylaws shall address planning for and regulation of development in coastal regions. The Lasqueti Island Official Community Plan (OCP) Bylaw No. 77, 2005 and the LUB contain policies and regulations that regulate development in the foreshore and marine coastal areas so as to retain the undeveloped character of marine coastal areas and to protect marine coastal habitats.

The ITPS also states that OCPs and regulatory bylaws shall address the protection of views, scenic areas and distinctive features. The Lasqueti Island OCP and the LUB contain policies and regulations that regulate development along the foreshore and protect scenic views and the undeveloped character of natural landscapes.

Staff note that an ITPS (Directives Only) Checklist will be completed to ensure consistency with the ITPS at the time that draft bylaw amendments are presented to the LTC.

Official Community Plan:

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

Staff consider the proposed development to not be consistent with OCP policies that encourage protection of rural marine landscapes and scenic views, and that encourage preservation and protection of the natural environment and undeveloped character of the foreshore and marine coastal areas, and to protect marine coastal habitats for conservation purposes.

OCP Policy 3.7.15 acknowledges that private docks may be considered on a site specific basis, provided environmental and social effects are addressed. There is support in the OCP for reducing the total number of private docks, either through private boat ramps in OCP Policy 3.7.16, or through communal facilities that may also be considered on a site specific basis.

Attachment 2 of this report provides a comprehensive overview of relevant OCP policies.

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.

Pursuant to Article 4.15(1)(c) of the LUB, there are ten (10) locations in the Lasqueti Island Local Trust Area where docks are permitted; six (6) of which are located on Lasqueti Island, and four (4) are located on Bull, Boho, Jenkins and Sangster Islands. [Schedule B](#) of the LUB identifies these 10 locations.

Amendments are required to the LUB to permit a private dock in the marine area adjacent to the subject property.

Issues and Opportunities

Bylaw Enforcement

The applicants met with Islands Trust planning staff in August 2019 to discuss whether a rezoning application was necessary to construct a private dock on the subject property and neighbouring lot to the north (Lot 61), the

subject of application LA-RZ-2020.2. At that time, planning staff informed the property owners that the LUB identifies specific locations on Lasqueti Island that are permitted private docks and that the two properties were not included in that list; therefore a rezoning application would be required to construct a private dock/s.

Islands Trust Bylaw Compliance & Enforcement were notified of land alteration and the construction of a dock within the adjacent foreshore and marine area of the subject property and the neighbouring property (Lot 61) in November 2019. At that time a dock had not been installed. The property owner was informed that a private dock is not permitted at this location, and a rezoning application would be required. Bylaw Enforcement staff requested a survey plan by a BC Land Surveyor (BCLS) to determine the extent of the fill and rock wall.

Bylaw Enforcement staff were again notified in March 2020 that construction had commenced, including placement of concrete blocks in the foreshore.

Staff at the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) visited the site in May 2020, and verified that a dock had been constructed, along with fill placement and a rock wall that appear to be located within the foreshore.

Photos have been provided to staff showing the completed works, including the dock.

Proposed Increase in Dock Density

There are ten (10) locations in Article 4.15(1)(c) of the LUB where private docks are permitted; six (6) on Lasqueti Island, and one each on Bull, Boho, Jenkins and Sangster Islands. Figure 3 identifies the dock locations as shown on Schedule B of the LUB.



Figure 3. Docks permitted in Section 4.15(1) of the LUB.

Staff note that this application, along with application LA-RZ-2020.2, would increase private dock locations on Lasqueti Island's shoreline by **33%**. While there is no specific OCP policy related to dock density, Section 3.7 of

the OCP encourages consideration of communal private docks and boat ramps on a site specific basis to reduce the overall number of private docks and boat ramps along the foreshore and to alleviate ecological damage that can be caused by the proliferation of private docks and boat ramps. OCP Policy 3.7.16 suggests private boat ramps may be considered on a site specific basis in the M2 zone as an alternative to private docks. In considering a private boat ramp versus a private dock, OCP Policy 3.7.16 notes that the alternative with the least environmental impact be chosen. A general theme of the OCP is in keeping with the rural character and existing low density land use and development on Lasqueti Island.

Access to Public Road

OCP Policy 3.4.6 recognizes that islands or islets within the Lasqueti Island Local Trust Area (LTA) and some waterfront lots on Lasqueti Island do not have access to public roads, and therefore do not have access to ferry service. In these situations, OCP Policy 3.4.6 determines that water access is needed and considered sufficient. This policy is supported by LUB regulation 4.13(1)(b), which provides,

(b) Despite any other provision of this Bylaw, one (1) dock per contiguous upland parcel that abuts the foreshore on Lasqueti Island is permitted where the dock is providing access to a parcel abutting the foreshore which parcel is not accessible by a dedicated public right-of-way or registered easement and where no valid tenure for a dock exists on the date of the enactment of this regulation; such docks shall be located in a manner that minimizes visual and environmental effects and does not restrict access to shellfish sites as shown on Schedule B structures shall not be sited or extended towards the sea beyond 37 metres from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.

Staff note that the subject property is on a public road (Spring Bay Road), which connects directly to Main Road and the ferry service provided in False Bay, therefore, a dock is not needed to access the property.

Environmental Impacts

When considering private docks on a site specific basis, OCP Policy 3.7.15 requires that environmental (and social) effects must be addressed. The OCP provides policies related to environmental management, including:

- OCP Policy 3.6.3 – which supports maintaining and protecting Lasqueti Island’s rural marine landscape and scenic views;
- OCP Policy 3.6.9 – which encourages retaining the native flora and fauna to protect natural habitats of local significance;
- OCP Policy 3.6.12 – which supports regulating the foreshore and marine coastal areas to preserve and protect the natural environment and character of the foreshore.

According to the “[Coastal Shore Stewardship: A Guide for Planners, Builders and Developers on Canada’s Pacific Coast](#)” (the “Guide”), docks can affect the coastal biophysical environment by increasing shading of intertidal and subtidal plant communities; disrupting shore drift patterns; increasing erosion and sedimentation by removing plants and disturbing soils; permanently alienating benthic habitat; and contributing to marine pollution (from spills and release of contaminants). The Guide also notes that shoreline modifications such as seawalls may alter shoreline processes by disrupting sediment deposit; reducing diversity of substrates; burying or eliminating habitat; and dislocating species.

The applicant has provided a copy of a preliminary marine environmental assessment (EA) report by Aquaparian Environmental Consulting, dated August 6, 2019. The intent of the EA report is to, “...provide a survey of the

substrate and marine habitat conditions within the sites where the docks will be installed.” The EA report notes that the proposal will include construction of two docks – one in the marine area adjacent to the subject property, and one in the marine area adjacent to the property to the north, which is the subject of application LA-RZ-2020.2; construction of a rock wall is also proposed along the Mean High Water Mark (MHW).

Staff note that Islands Trust mapping indicates the subject property contains a Mature Forest sensitive ecosystem, which is identified as a priority ecosystem for conservation. The EA report does not address impacts to the upland area, including impacts to riparian vegetation along the foreshore, and impacts from shoreline modification

In its site assessment, the EA report observed abandoned and sunken boats and boat parts, several live-aboard boats, and a marine habitat that appears to be impacted by uncontrolled moorage and discharge, resulting in marine habitat conditions deemed to be low quality with limited species abundance and diversity. The EA report states, “The installation of the proposed docks is not expected to have any measureable negative impact on the marine habitat over existing conditions; there is a very low diversity of marine flora and fauna in the subject site.” Recommendations are provided in the EA report for the construction of the proposed dock/s and rock wall.

At the time of the EA report, the proposed dock at this location had not been constructed; however, staff have since been provided with photos that show the dock installation, road and rock wall construction have been completed. For reference, Figure 4 illustrates the impact of the dock and rock wall to the rural landscape, and loss of riparian vegetation at the site.

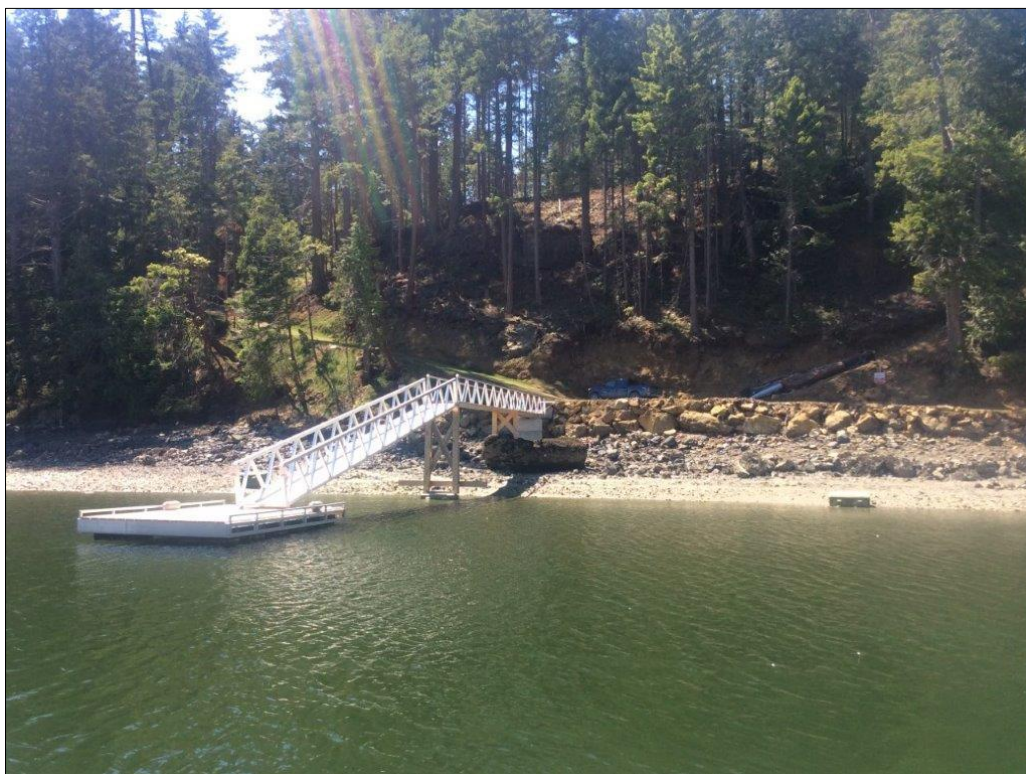


Figure 4. Photo of existing dock and rock wall (provided by FLNRORD staff).

In the absence of a post-construction assessment by a qualified professional (biologist), it is unclear whether the recommendations in the EA report were followed, and staff cannot determine whether any negative impacts to the upland, foreshore and marine area at this location have occurred as a result of the completed works. Further, a qualified coastal engineer could provide an assessment of the coastal and intertidal processes and make recommendations to mitigate any impacts.

In considering an application from an environmental perspective, staff are of the opinion that cumulative effects of development and use should be taken into consideration. Specifically, where an area has been identified as having low quality marine habitat conditions, further impacts to this area should be considered so as to not contribute further to such conditions.

Social Effects

OCP Policy 3.7.15 also requires that social effects of the proposed dock must be addressed. When considering the social effects, the impact on neighbouring properties, the Lasqueti Island community, and the public as a whole should be taken into consideration.

As noted in the EA report by Aquaparian Environmental Consulting, dated August 6, 2019, this area of Scottie Bay contains many derelict and sunken boats and live-aboard boats. Orthophotos dated from 2000 to 2015 indicate this area of Scottie Bay is well used by marine vessels. Staff note it is likely this area is heavily utilized for mooring vessels, as it is one of only a handful of areas around Lasqueti Island that is sheltered from high wave exposure.

Current zoning in the LUB does not permit a private dock within this area; however, there is a small area zoned Marine Industrial (M5) to the southeast of the subject property, which corresponds with an existing commercial lease and dock connected to a privately owned upland lot. It is staff's understanding the existing commercial dock is not available for public use. It is also noted that Islands Trust Mapping identifies additional docks within this area, where no dock is permitted; however, Orthophoto data is from the year 2015, and staff cannot confirm whether these docks still exist.

Given this is a small bay that appears to be well-used and at times clustered with marine traffic, consideration should be made to how one (or two) docks could impact the use of this area.

Crown Land

OCP Policy 3.6.13 requires that the use of the Crown foreshore and water areas must be authorized by the appropriate Provincial Ministry and comply with LTC bylaws. 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; meaning that an application with the Province is not required, as long as long as the dock is constructed in accordance with the terms and conditions set out in the General Permission.

Staff note that under the General Permission, non-compliance with local government bylaws will make the dock ineligible for General Permission. As well, under section 3.3 of the General Permission, "No new fill may be used in the construction or maintenance of a Dock."

From conversations with FLNRORD staff, it is staff's understanding that the dock at this location does not qualify for General Permission, and would require an application for Crown authorization. FLNRORD staff have stated that private dock owners are not permitted to modify the foreshore, and have noted that it appears the fill placement and rock wall are within the foreshore. As noted, a survey plan completed by a BC Land Surveyor (BCLS) would be needed to determine the extent of the fill.

Rationale for Recommendation

Staff consider the application to amend the LUB to permit a private dock to not be consistent with OCP policies that:

- Support water access (via private docks) on waterfront lots that do not have direct access to public roads or ferry service;

- Encourage Lasqueti Island's rural marine landscape and scenic views be maintained and protected;
- Support retaining native flora and fauna to protect natural habitats of local significance;
- Supports preserving and protecting the natural environmental and character of the foreshore by retaining the undeveloped character of the marine coastal area and protecting marine coastal habitats for conservation purposes.

Staff note that amending the LUB to permit additional private docks is in opposition to the OCP's general theme of low density development and protecting the undeveloped, rural marine landscape of Lasqueti Island.

While applications should be considered on their own merit, and approval of an application does not set a legal precedent from a regulatory perspective, staff is of the opinion that approval of this application could appear to set a precedent in the Lasqueti Island community with respect to their expectations regarding how future bylaw infractions and rezone applications are to be treated.

For this reason, staff are recommending that the LTC proceed no further with LA-RZ-2020.1. See staff's recommendation on Page 1 of this report.

ALTERNATIVES

1. Request further information; proceed with the application process

The LTC may proceed with the application. If selecting this alternative, staff would recommend the LTC request further information from the applicant prior to making a decision. Staff recommend requesting the following of the applicant:

- a. A copy of a survey plan by a BC Land Surveyor that identifies all existing and proposed development, including the extent of fill in relation to the natural boundary of the sea and adjacent foreshore;
- b. A copy of a post-construction impact assessment by a qualified biologist that addresses impacts and recommends mitigation measures to the upland area of the subject property and in the adjacent foreshore and marine areas;
- c. A copy of a report by a qualified coastal engineer that identifies the coastal processes at the site, develops a site design to minimize impacts to the shore, and recommends

Recommended wording for the resolution is as follows:

That the Lasqueti Island Local Trust Committee request staff to notify the applicant of LA-RZ-2020.1 that further consideration will be on condition of the applicant submitting the following:

[LTC to specify requested information].

NEXT STEPS

Should the LTC proceed with the staff recommendation, the file will be closed and the applicant will be reimbursed \$1,650 for the public hearing portion of the application fee as per Section 3.5 of the Lasqueti Island Local Trust Committee Fees Bylaw, 2009. Islands Trust Bylaw Compliance & Enforcement will resume enforcement action.

Submitted By:	Jaime Dubyna, Planner 2	July 23, 2020
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Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	July 24, 2020
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ATTACHMENTS

1. Site Context
2. OCP Policy Checklist
3. Application Supporting Letter
4. Site Plan (Sketch Plan), dated April 21, 2020
5. Marine Environmental Assessment, by Aquaparian Environmental Consulting, dated August 6, 2019

ATTACHMENT 1 – SITE CONTEXT

LA-RZ-2020.1 (KYLER, AGENT FOR CAREY DEVELOPMENTS LTD.)

LOCATION

Legal Description	LOT 62, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495
PID	002-917-475
Civic Address	Spring Bay Road
Lot Area	0.98 ha (2.42 acres)

LAND USE

Current Land Use	Undeveloped
Surrounding Land Use	Residential to the North and South; Undeveloped to the West; Marine to the East

HISTORICAL ACTIVITY

File No.	Purpose
none	

POLICY/REGULATORY

Official Community Plan Designations	Land Based (LB) Adjacent marine area (proposed lease area): Marine (M) See Attachment 2 for relevant OCP policies. There are no Development Permit Areas designated on or near this lot.
Land Use Bylaw	Land Based (LB) Adjacent marine area (proposed lease area): Marine General (M2) The Lasqueti Island Land Use Bylaw No. 78, 2005 provides the following definitions: <i>"dock" means a structure including ramps, floats, anchors and pilings which extend over the foreshore into the ocean and is fixed directly or indirectly to, or supported by, water or land for the purpose of providing access to and from boats, barges, and float planes which may be attached to the structure;</i> <i>"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;</i>

"structure" means a construction of any kind, whether fixed to, supported by, or sunk into land or water, including buildings, display signs, poles and towers, platforms, breakwaters, sheds, bins, stadia, tanks, but shall not include fences and walls;

4.13 MARINE BASED USES – GENERAL REGULATIONS

(1) General Regulations

The following general regulations shall apply in the following marine zones: M1, M2, M3, M4, M5, M6, M7, M8, and M9;

(b) Despite any other provision of this Bylaw, one (1) dock per contiguous upland parcel that abuts the foreshore on Lasqueti Island is permitted where the dock is providing access to a parcel abutting the foreshore which parcel is not accessible by a dedicated public right-of-way or registered easement and where no valid tenure for a dock exists on the date of the enactment of this regulation; such docks shall be located in a manner that minimizes visual and environmental effects and does not restrict access to shellfish sites as shown on Schedule B structures shall not be sited or extended towards the sea beyond 37 metres from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.

4.15 MARINE GENERAL (M2) – Change Required

(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,

(c) Private docks of the sizes specified at the following locations only:

(i) A dock extending towards the sea not more than 26 metres (85.3 feet) from the natural boundary of the sea, including a float of not more than 65 square metres (700 square feet); all within an area of approximately 0.21 hectares (0.52 acres) commencing at a point approximately 710 metres (2330 feet) from the North West corner of Parcel 128, Bull Island on a bearing 116°, thence 47 metres (154 feet) on a bearing 90°, thence 38 metres (125 feet) on a bearing 180°, thence 95 metres (310 feet) on a bearing 270°, thence following the natural boundary of Bull Island in a northerly, then easterly, then northerly direction to the point of commencement (B.C. Lands File Number 1406897);

(ii) A dock extending towards the sea not more than 14.5 metres (48 feet) from the natural boundary of the sea, including a float of not more than 65 square metres (700 square feet); all within an area of approximately 0.06 hectares (0.15 acres) commencing at Hub 27 as shown on October 1919 Shoreline Traverse of Jenkins Island, Parcel 130, Nanaimo Land District thence 22.85 metres (75 feet) at 290°, thence 26.25 metres (86 feet) at 200°, thence 22.85 m (75 feet) at 110°, thence 26.25 metres (86 feet) at 20° (B.C. Lands File Number 1407233);

(iii) A dock extending towards the sea not more than 40 metres (132 feet) from the natural boundary of the sea, including a float of not more than 105 square metres (1130 square feet); all within an

	area of approximately 0.92 hectares (2.27 acres) commencing approximately 127 metres (417 feet) South/South West of the iron pin marking the North West corner of Parcel 1, Section 31, Plan 23625, Lasqueti Island, Nanaimo Land District, thence 50 metres (164 feet) at 313 °, thence 20 metres (67 feet) at 223 °, thence 42 metres (138 feet) at 133 °, thence approximately 25 metres (82 feet) along the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1407511); (iv) A dock extending towards the sea not more than 36 metres (118 feet) from the natural boundary of the sea, including a float of not more than 18 square metres (194 square feet); all within an area of approximately 0.06 hectares (0.14 acres) commencing 50 metres (164 feet) west of the North East corner of Parcel 1, Plan 20814, the fractional South East One Quarter of Section 13, Lasqueti Island, Nanaimo Land District, then 36 metres (118 feet) North, then 15 metres (49.2 feet) West, then 40 metres (131.2 feet) south, then 15 metres (49.2 feet) east to the point of commencement (B.C. Lands File Number 1407969); (v) A dock extending towards the sea not more than 36 metres (118 feet) from the natural boundary of the sea, including floats of not more than 70 square metres (750 square feet) with a covered boat docking area of 130 square metres (1400 square feet); all within an area of approximately 0.2 hectares (0.49 acres); that being an unsurveyed portion of Parcel 75, Nanaimo Land District, located adjacent to the South West shore of Boho Island, Parcel 134, Nanaimo Land District (B.C. Lands File Number 0272657); (vi) A dock extending towards the sea not more than 26 metres (85 feet) from the natural boundary of the sea, including a float of not more than 18 square metres (195 square feet); all within an area of approximately 0.11 hectares (0.27 acres) commencing at the South East corner of Parcel 1, Plan 9112, Lasqueti Island, Nanaimo Land District, thence 7.6 metres (25 feet) at 201 °, thence 61 metres (200 feet) at 270 °, thence 30.5 metres (100 feet) at 21 °, thence approximately 30.5 metres (100 feet) at 90 ° to the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1406481); (vii) A dock extending towards the sea not more than 20 metres (66 feet) from the natural boundary of the sea, including a float of 49 square metres (527 square feet); all within an area commencing at a post planted 590 metres (1936 feet) at 365' from the South West corner and 625 metres (2051 feet) at 42.5 ° from the South East corner of the Fractional North West One Quarter of Section 6, Lasqueti Island, Nanaimo Land District, then 26 metres (85.3 feet) at 344 °, then 20 metres (66 feet) at 74 °, then 26 metres (85.3 feet) at 164 °, then following the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1407276); (viii) A dock extending towards the sea not more than 32 metres (105 feet) from the natural boundary of the sea, including a float of not more than 60 square metres (646 square feet); all within an
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	area of approximately 544.4 square metres (5860 square feet) located approximately 3750 metres (12303 feet) east and 3250 metres (10663 feet) north of a survey marker located adjacent to the point where the West Boundary of Section 20, Lasqueti Island, Nanaimo Land District, intersects the natural boundary of the sea (B.C. Lands File Number 1405903); (ix) A dock extending towards the sea not more than 30 metres (98 feet) from the natural boundary of the sea; all within an area of approximately 0.4 hectares (0.99 acres) located adjacent to the northeast shore of Parcel 2, Section 29, Sangster Island, Nanaimo Land District, (B.C. Lands File Number 0354968); (x) A dock extending towards the sea not more than 42.7 metres (140 feet) from the natural boundary of the sea; including a float of not more than 30.5 square metres (328 square feet); all within an area of approximately 600 square metres (6458.6 square feet) that being an unsurveyed portion of the foreshore fronting the northerly boundary of the South West One Quarter of Section 31, Lasqueti Island, Nanaimo Land District, located approximately 3000 metres (9843 feet) East and 2500 metres (8202 feet) North of the point where the Southern boundary of the South West One Quarter of Section 31, Lasqueti Island, Nanaimo Land District, intersects the natural boundary of the sea (B.C. Lands File Number 1406022); and (xi) For certainty, the permitted dock use in this land use area does not include docks providing docking space only to members of a yacht club or similar organization. (2) Permitted Buildings and Structures (a) Moorage buoys and floats (c) Private docks only at the locations specified in Clause 4.15(1)(c);
Other Regulations	Lasqueti Island is within the provincial General Permission area for the use of Crown land for private moorage. An application is not required in the General Permission area, "As long as a person constructs and uses their dock in accordance with the terms and conditions contained in the General Permission they will be deemed authorized." The provincial General Permission checklist and interpretive guide notes, "An owner of a Dock must comply with all laws that apply to the installation and use of a Dock as contemplated by this permission." This includes compliance with local government bylaws or zoning. If a Dock does not meet the conditions and requirements stated in the General Permission, including non-compliance with local government bylaws or zoning, an application for a Specific Permission or lease is required.
Covenants	Building Scheme C92818
Bylaw Enforcement	LA-BE-2019.3 (Land Use)

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
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	property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Strategy	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MEDIUM on the subject property. The Lasqueti Island Local Trust Area has been identified as being a VERY HIGH priority for conservation based on ecosystem values, need for sensitive ecosystem protection and current levels of conservation.
Species at Risk	None mapped.
Sensitive Ecosystems	Ecosystem mapping indicates the presence of a Wetland (WN) Sensitive Ecosystem, subclass swamp (sp) on the subject property. Wetland (WN) ecosystems are defined as, “areas that are saturated or inundated with water for long enough periods of time to develop vegetation and biological activity adapted to wet environments. This may result from flooding, fluctuating water tables, tidal influences or poor drainage conditions.” The WN ecosystem corresponds with areas of a Mature Forest (MF) Sensitive Ecosystem. Mapping indicates the following ecological communities: red-listed Western redcedar – Indian-plum, and Douglas-fir – salal. Western redcedar – Indian-plum ecological communities are considered uncommon and are associated with both freshwater and marine areas, and within moist areas (i.e. swamp or wetland ecosystems).
Hazard Areas	None mapped. Contour mapping indicates a steep slope measured from the natural boundary of the sea upland approx. 30 meters.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not identify a known archaeological site at the area of application; however, RAAD mapping identifies known archaeological sites within 200 metres of the lot. 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	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	Eelgrass beds (Flat, Continuous and Flat, Patchy) mapped within Scottie Bay area. Forage Fish (Surf Smelt/Pacific Landlance) mapped within Scottie Bay area.

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
3.4 Community Stewardship		
Policy 6 It is recognized that islands and islets within the Lasqueti Island Local Trust Area, excepting Lasqueti Island, do not have direct access to public roads or ferry service and that some waterfront parcels on Lasqueti Island were created without access to public roads. In these situations access from the water is needed and should be considered sufficient.	No	The subject property is a waterfront parcel located on Lasqueti Island, with direct access to a public road.
3.6 Environmental Management		
Policy 3 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 at the foreshore, may impact the rural marine landscape and scenic views.
Policy 8 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.	TBD	Complaints received have identified works in the foreshore, including placement of fill (soil, rocks). According to the provincial Land Use Operational Policy: Private Moorage, "Proposals are not accepted for new foreshore fills, breakwaters or other non-moorage foreshore improvements (e.g. sun decks, boat houses) that may be included with plans for a private moorage facility." Rezoning process can identify additional requirements such as a survey plan by a BC Land Surveyor to show the extent of the fill, and site assessment by a qualified coastal engineer.
Policy 9 Native flora and fauna should be retained to protect natural habitats of local significance along the foreshore and in the intertidal areas.	LTC direction required.	Development of dock facilities, and works adjacent to the foreshore area such as placement of fill, may result in disruption and fragmentation of native flora and fauna along the foreshore and in the intertidal areas.

		Applicant has provided a baseline marine environmental assessment by Aquaparian Environmental Consulting, dated Aug. 6, 2019; that states there is a low diversity of marine flora and fauna at the site. Rezoning process can identify additional requirements such as an assessment by a professional biologist that indicates the presence and location of sensitive ecosystems, recommended mitigation measures to minimize impacts, and possible remediation if dock construction has already taken place.
Policy 10 The marine environment, including associated riparian areas, should be adequately protected from unreasonable adverse effects or inadequate mitigation measures resulting from development.	LTC direction required.	The marine environmental assessment by Aquaparian Environmental Consulting, dated Aug. 6, 2019, includes recommendations for the installation of a dock and proposed rock wall at the site. Rezoning process can identify additional requirements such as a site assessment by a qualified coastal engineer or biologist to address mitigation measures of the foreshore and marine area.
Policy 12 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: • to provide for access; • to protect existing mariculture uses; • to encourage low impact public uses on and along the foreshore; • to provide for public transportation services; • to maintain public access to shellfish; • to retain the undeveloped character of the marine coastal area; • to protect marine coastal habitats for conservation purposes; • to provide for commercial and industrial uses; and • to retain representative areas of natural foreshore.	No	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). As with much of Lasqueti Island's shoreline, the proposal area is generally undeveloped and retains natural foreshore features. Works completed to date at this location have altered the undeveloped character of the marine coastal area. The LTC is asked to consider permitting a private dock providing access to the adjacent upland. There is an additional rezoning application for a private dock on the adjacent lot to the north.
Policy 13 The type and use-level of foreshore and coastal water areas can	LTC direction required.	Current regulations in the Lasqueti Island Land Use Bylaw do not permit a dock at this

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.		location. The LTC is asked to consider a rezoning application to permit a private dock providing access to the adjacent upland. 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 <i>in accordance with</i> the terms and conditions in the General Permission. Under the General Permission, non-compliance with local government bylaws and modification of the foreshore (including placement of new fill) will make the dock ineligible for General Permission. An application is not required for “minor works” under the federal <i>Navigable Waters Protection Act</i>, if the works meet the requirements in the Minor Works Order. It is the property owner’s responsibility to comply with provincial and/or federal regulations.
3.7 Community Servicing and Utilities		
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.	LTC direction required.	Orthophoto mapping indicates this area of Scottie Bay to be well-used by other marine vessels, including the presence of four existing docks within the M2 zone in this area of Scottie Bay. There is a commercial dock within a Crown lease area to the southeast of the subject property, in an area zoned M5. There is an additional rezoning application for a private dock on the adjacent lot to the north. The marine environmental assessment by Aquaparian Environmental Consulting, dated Aug. 6, 2019, indicates there are many derelict and sunken boats, and live-aboard boats anchored in this area. The assessment notes that marine habitat appears to have been impacted by uncontrolled moorage and discharge of waste. Species observed indicate poor water quality in this area.

		Staff recommend that consideration be made for the cumulative impacts of all current and proposed uses in this area, including any impacts that may result from the construction of docks.
Policy 16 In order to reduce the overall number of docks located along the foreshore, and thereby alleviate the ecological damage that can be caused by the proliferation of docks, private boat ramps may be considered on a site specific basis in the Marine General (M2) zone. In considering an application for a boat ramp environmental and social effects must be addressed and the environmental effects of both private docks and boat ramps should be considered and the alternative with the least environmental impact chosen. Structures should not be sited or extended toward the sea more than 21 metres (70 feet) from the surveyed high water mark or where no plan exists, from the natural boundary of the sea. Applicants must submit proposals for construction of docks and boat ramps to the Department of Fisheries and Oceans Canada, as per the federal <i>Fisheries Act</i>, for review.	TBD	Application is for a private dock. There is an additional rezoning application for a private dock on the adjacent lot to the north. A separate rezoning application is required for a private boat ramp.
3.8 Crown Lands		
Policy 2 Development on Crown lands including, but not limited to, gravel extraction, road construction or community facilities must be compatible with overall conservation values.	TBD	For LTC consideration. Rezoning process can identify additional requirements including submission of a survey plan by a BC Land Surveyor to show the extent of the works along the shoreline, and to determine if development has occurred on Crown lands.
3.9 Climate Change Adaptation and Mitigation		
Policy 1 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,	TBD	For LTC consideration. Rezoning process can include consideration of provincial and federal standards and best practices for dock construction.

and the long term potential for the development to result in a decreased footprint on the landscape.		
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Lasqueti Island Local Trust Committee
700 North Road
Gabriola Island, BC
V0R 1X3

April 23, 2020
JEA File: 61580

RE: Application to Amend Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15

Dear Sirs,

John Carey of Carey Developments Ltd., owner of Lot 62, Section 29, Lasqueti Island, Nanaimo District, Plan 25495 on Spring Bay Road, has requested JE Anderson & Associates to assist in making an Application to Amend Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15, to permit a dock fronting Lot 62 in Scottie Bay.

The location of the dock is shown on **Sketch Plan Showing Proposed Dock and Lease** attached to the application, JEA File 61580-5. The foreshore lands fronting Lot 62 are Crown Land zoned Marine General (M2) under Bylaw 78.

Bylaw 78 was adopted in October 2006. Section 4.15 of the Bylaw permitted 10 existing private docks located within the Marine General (M2) zone in various locations around Lasqueti Island.

Since 2006, boat traffic to and from Lasqueti Island has increased, and moorage / docking space is becoming increasingly difficult to find.

The public docks at False Bay and at Squitty Bay are usually full, with boats rafted several deep. Finding suitable docking space is becoming more difficult for local residents and emergency responders, especially during the summer months. There are no docking facilities for emergency responders along the north-east shore of Lasqueti Island.

During July and August, the Lasqueti Island Ferry has three trips on Monday, Wednesday, Thursday and Saturday, two runs on Sunday, and no runs on Tuesday. From September to June, the ferry has three trips Monday, Thursday, Friday and Saturday, two runs on Sunday, and no runs on Tuesday and Wednesday. The ferry schedule and sailing times are very restrictive for people who commute regularly.

Therefore, it may be time to reassess the limitations of Section 4.15.

Mr. Carey was raised on Lasqueti and still maintains a home on the Island. He has an excavating / construction business based in Qualicum Beach, and regularly commutes to construction projects on Lasqueti. The Ferry schedules do not meet his commuting needs, and he too, is finding it increasingly difficult to find suitable docking space when commuting.

In considering options to construct a dock, Mr. Carey researched the Official Community Plan (OCP) and Bylaw 78, consulted with Fisheries and Oceans Canada (FOC), the Ministry of

Forests, Lands, Natural Resource Operations (FLNRO), and had a meeting with Bronwyn Sawyer & Marnie Eggen and the Islands Trust Gabriola office.

The research concluded that:

- Construction of a dock that meets the objectives of protecting natural habitats in the Marine Coastal Areas from unreasonable adverse effects is consistent with the OCP.
- Bylaw 78, Section 4.15, presently permits 10 existing private docks at designated locations. A Bylaw Amendment to amend Section 4.15 by adding one additional designated location is required to formalize a new dock fronting on Lot 62.
- There are numerous existing docks and floats in the Marine Coastal Areas that are not within one of the 10 permitted locations. Many of those docks are in poor repair, or not constructed in compliance with the objectives of protecting natural habitats in the Marine Coastal Areas.
- Construction of a dock fronting Lot 62 is consistent with the Provincial Crown Lands General Permit Guidelines.

In August 2019, Mr. Carey hired Sarah Bonar, B.Sc, R.P. Bio, of Aquaparian Environmental Consulting Ltd., to complete a Marine Environmental Assessment to assess the environmental impact of constructing a dock fronting Lot 62. The Assessment gives recommendations to protect the marine habitat, and concluded that the installation of a private dock is not expected to result in a negative impact on the marine habitat existing at the site.

Mr Carey consulted with property owners around Scottie Bay and received strong support for construction of a dock fronting Lot 62.

Mr. Carey designed a dock that complies with guidelines for construction within the Marine Coastal Area and does not impede the public use of the foreshore.

He also recognizes that emergency responders have very few options for access to boats along the north-east shore of Lasqueti Island, and is please to permit these responders to utilize the access driveway and dock during emergencies.

Sarah Bonar has been in continual communication with FOC and FLNRO during construction of the dock. These agencies were prepared to inspect the new dock in March to ensure conformity with their regulation; however, travel restrictions due to Covid 19 have delayed final inspections.

If you would like any additional information or clarification, please contact the undersigned.

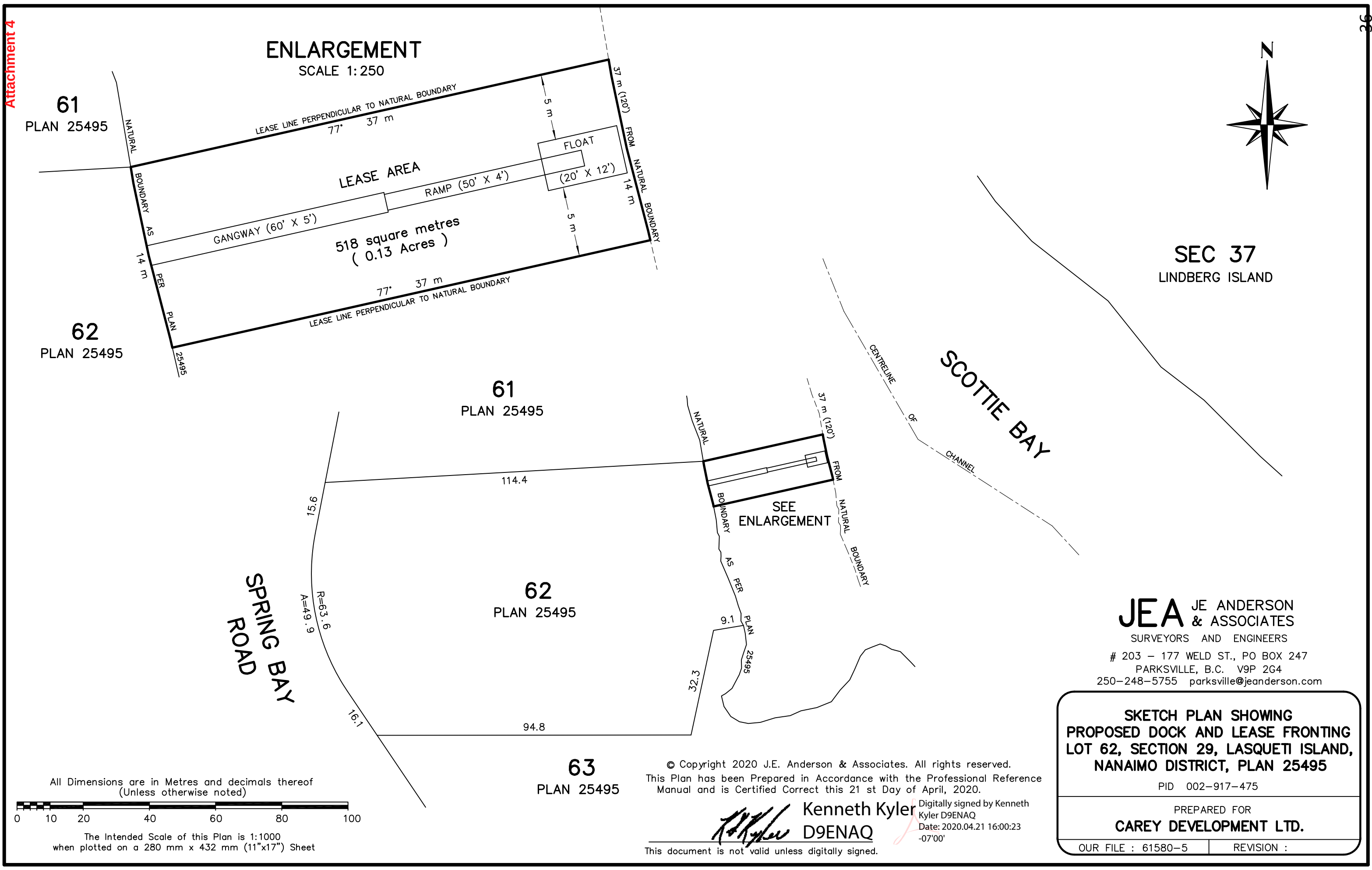
Yours truly,



Ken Kyler, BCLS
JE Anderson & Associates

Kenneth
Kyler
D9ENAAQ

Digitally signed
by Kenneth Kyler
D9ENAAQ
Date: 2020.04.23
13:36:59 -07'00'



JEA JE ANDERSON
& ASSOCIATES
SURVEYORS AND ENGINEERS

**SKETCH PLAN SHOWING
PROPOSED DOCK AND LEASE FRONTING
LOT 62, SECTION 29, LASQUETI ISLAND,
NANAIMO DISTRICT, PLAN 25495**

PID 002-917-475

PREPARED FOR
CAREY DEVELOPMENT LTD.

OUR FILE : 61580-5

REVISION :

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This Plan has been Prepared in Accordance with the Professional Reference
Manual and is Certified Correct this 21 st Day of April, 2020.

Kenneth Kyler
D9ENAG

Digitally signed by Kenneth
Kyler D9ENAG
Date: 2020.04.21 16:00:23
-07'00'

This document is not valid unless digitally signed.

All Dimensions are in Metres and decimals thereof
(Unless otherwise noted)



The Intended Scale of this Plan is 1:1000
when plotted on a 280 mm x 432 mm (11"x17") Sheet



August 6, 2019

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

Via Email: johncarey@shaw.ca
mimann@shaw.ca

**RE: MARINE ENVIRONMENTAL ASSESSMENT
SCOTTIE BAY, LASQUETI ISLAND**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete a Marine Habitat Assessment for two proposed docks associated with two adjacent waterfront lots in Scottie Bay, Lasqueti Island, BC. A site location map of Scottie Bay in relation to Lasqueti Island has been included as Figure 1. Figure 2 shows a close-up aerial view of Scottie Bay and the general location of the proposed docks. An address map indicating the subject lots (Lot 61, Lot 62) is included in Appendix B. Images of the site and the bay are included in Appendix A.

The intent of the assessment is to provide a survey of the substrate and marine habitat conditions within the sites where the docks will be installed. The proposed docks will provide private moorage for the landowners. As reported by the landowners, moorage is hard to secure on Lasqueti Island, as docks are 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.

2.0 LOCATION INFORMATION

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 by an unnamed dirt and gravel road.

The proposed docks will be designed to meet the Provincial Crown Lands General Permit Guidelines for private moorage so a crown lease will not be required. A road will be excavated

to provide access to the docks from the properties. There are no Development Permit Areas on Lasqueti Island, so a Development Permit is not required.

Scottie Bay is a sheltered bay that contains many derelict and sunken boats, as well as people living full-time in anchored boats. 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.

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 docks were constructed prior to this zoning implementation. Based on this information, any new docks in the M2 zone would require a zoning variance application.

3.0 PROJECT DESCRIPTION

As understood, each of the proposed docks will be prefabricated with a 75ft aluminum walkway attached directly to the upland top of slope, a 50ft ramp and a 40ft floating wooden dock. The docks will be anchored by cement blocks and cable; there are no plans to install piles. The walkways will be supported by aluminum legs sitting on preformed concrete pads. The gangways are expected to require small concrete pads poured in place at the top of the slope above the shoreline to anchor them. The docks will be within 60m of the Mean High Water Mark (MHW) and gangway will be elevated approximately 2m above the beach. Additionally, there will be a rock wall approximately 1m high constructed along the MHW to prevent erosion.

4.0 SITE ASSESSMENT

On July 31, 2019, Aquaparian completed an underwater assessment of the location for the proposed dock installations using a Vexilar Fish Phone (T-box) underwater Wifi video tow/drop camera system and an Apple I-pad tablet to record video and still imagery. The survey was completed between 10:00am and 11:00am following a falling tide between 1.0m and 0.4m. The lowest tide of the day was 0.3m at 12:00pm. A total of 5 underwater transects and 2 intertidal transects were surveyed. For the underwater transects, the drop camera was towed by the landowner's motorboat along three transects (T1, T2, T3) perpendicular to the shoreline extending from the two perimeters of the properties and the center boundary between them approximately 60m out into the bay. The camera was then towed along 2 transects (T4, T5) parallel to the shoreline, with T4 across the far ends of T1, T2 and T3 approximately 60m from the MHW at an average depth of approximately 5ft and T5 across T1, T2 and T3 approximately 30m from the MHW at an average depth of approximately 2-4ft. The water was

consistently shallow and the seafloor could be seen easily from the boat. The visibility for the drop camera was limited due to the disruption of the fine, silty mud bottom from both the boat propellers in the shallow water. Video of the sea floor was also captured from the surface. Aquaparian is confident that a representative coverage of the marine habitat existing in the site was captured despite intermittent turbidity.

The intertidal survey was completed by running a 20m transect starting from the toe of slope and extending towards the bay. The 20m transect ended approximately 5m short of the low tide line due to soft substrate conditions limiting access. The substrate composition and location of the banding patterns of species were recorded to delineate the MHWm and to create an inventory of the species present in the intertidal zone. T6 was more detailed and ran from the Lot 62 property pin (south property line) towards the bay. T7 was less detailed and is supplementary to T6, with similar zonation observed. T7 ran from half way through Lot 61 towards the bay.

Figure 3 shows the locations of the transects and was created using Google Earth and GPS coordinates recorded in the field from a Garmin GPSMAP64s handheld GPS. A selection of site photographs including still images from the underwater video footage has been included with this report as Appendix A and the video footage and intertidal observations are summarized in a table in Appendix C. The survey documented substrate conditions and the presence of marine flora (seaweeds and kelp), marine invertebrates and fish, which are described below.

The intertidal zone was comprised of (natural) angular boulders near the toe of slope, transitioning into cobble and gravel, and then into a mudflat towards the MLWM. The shoreline slope is a 91% grade incline and consists of fine, silty substrate with large boulders embedded throughout and is vegetated by Douglas fir, red cedar, arbutus and a few small grand firs. Along the toe of slope, Lyngby's sedge and sea asparagus grows between the boulders, with the sea asparagus extending towards the cobble approximately 6.9m from the toe of slope. The "splash zone" and barnacle band, is between 4.5m and 5.6m from the toe of slope and this represents the MHWm. A belt of rockweed (*Fucus* sp.) and Pacific oysters begins at approximately 7.8m from the toe of slope and extends to the MLWM.

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.

5.0 IMPACT ASSESSMENT

The installation of the proposed docks is not expected to have any measureable negative impact on the marine habitat over existing conditions; there is a very low diversity of marine flora and fauna in the subject site. The species observed are indicative of poor water quality and do not include any sensitive species. A review of Habitat Wizard shows that the nearest stream is Hadley Creek, south of the subject site, and does not flow near or into the bay. No eel grass beds were observed in the survey area. The proposed rock wall will likewise have no negative impact on the site as the shoreline in this area is very sheltered and is not exposed to high wave action; therefore adjacent erosion is not expected to occur.

The following recommendations are provided if this project is allowed to proceed:

- Removal of vegetation for the road is to be completed outside the migratory bird nesting season (March 1 – August 15th);
- Earth works for the road is to be completed during the dry season if possible, if not erosion and sediment controls will be required to prevent sediment discharge to the marine environment such as installation of silt fence, straw cover or bark mulch cover;
- Shoreline rock placement is to be conducted at low tide – no machinery is to become inundated. All heavy equipment is to have a spill kit on board. All spills to the marine environment from equipment failure such as oil or hydraulic fluid is to be reported to EBMC (1-800-663-3456);

- A small concrete pad is expected to be poured in place for the upland end of the walkway. Aquaparian assumes the concrete will be mixed on site due to access and supply difficulties. Concrete pouring is to occur in dry weather only; and
- Do not deposit, directly or indirectly, concrete, cement, mortars and other Portland cement or lime containing materials into the marine environment. Forms for the upland end of the walkway are to be tightly joined to prevent spills. Do not wash tools used for cement mixing near the shoreline.

6.0 CONCLUSION

Aquaparian Environmental Consulting Ltd was retained to complete a marine habitat survey and environmental assessment for two properties fronting Scottie Bay, Lasqueti Island, BC for the proposed installation of two private docks. Aquaparian has completed a marine survey with the use of drop camera footage and has described and documented the marine habitat in the site where the proposed docks will be installed. It is Aquaparian's professional opinion that the installation of two private docks are not expected to result in a negative impact on the marine habitat existing in the site.

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

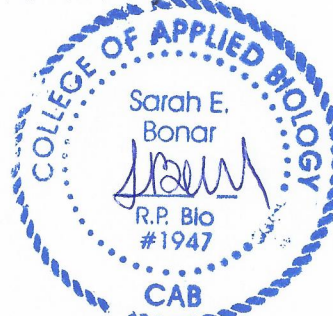
Prepared by:



Jeni Rowell, B.Sc.
Environmental Technologist

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Reviewed by:



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



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

7.0 REFERENCES

BC Ministry of Environment. Habitat Wizard Database Internet Website:
http://webmaps.gov.bc.ca/imf5/imf.jsp?site=moe_habwiz

Crown Lands Uses: Private Moorage. 2019. Website:
<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/crown-land-uses/residential-uses/private-moorage>

Fisheries and Oceans Canada. 2019. Bivalve shellfish contamination closures; website:
<https://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/index-eng.html>

FIGURE 1 & 2
SITE LOCATION MAP



FIGURE 1 & 2: SITE LOCATION



FIGURE 3
DROP CAMERA UNDERWATER TRANSECT LOCATIONS

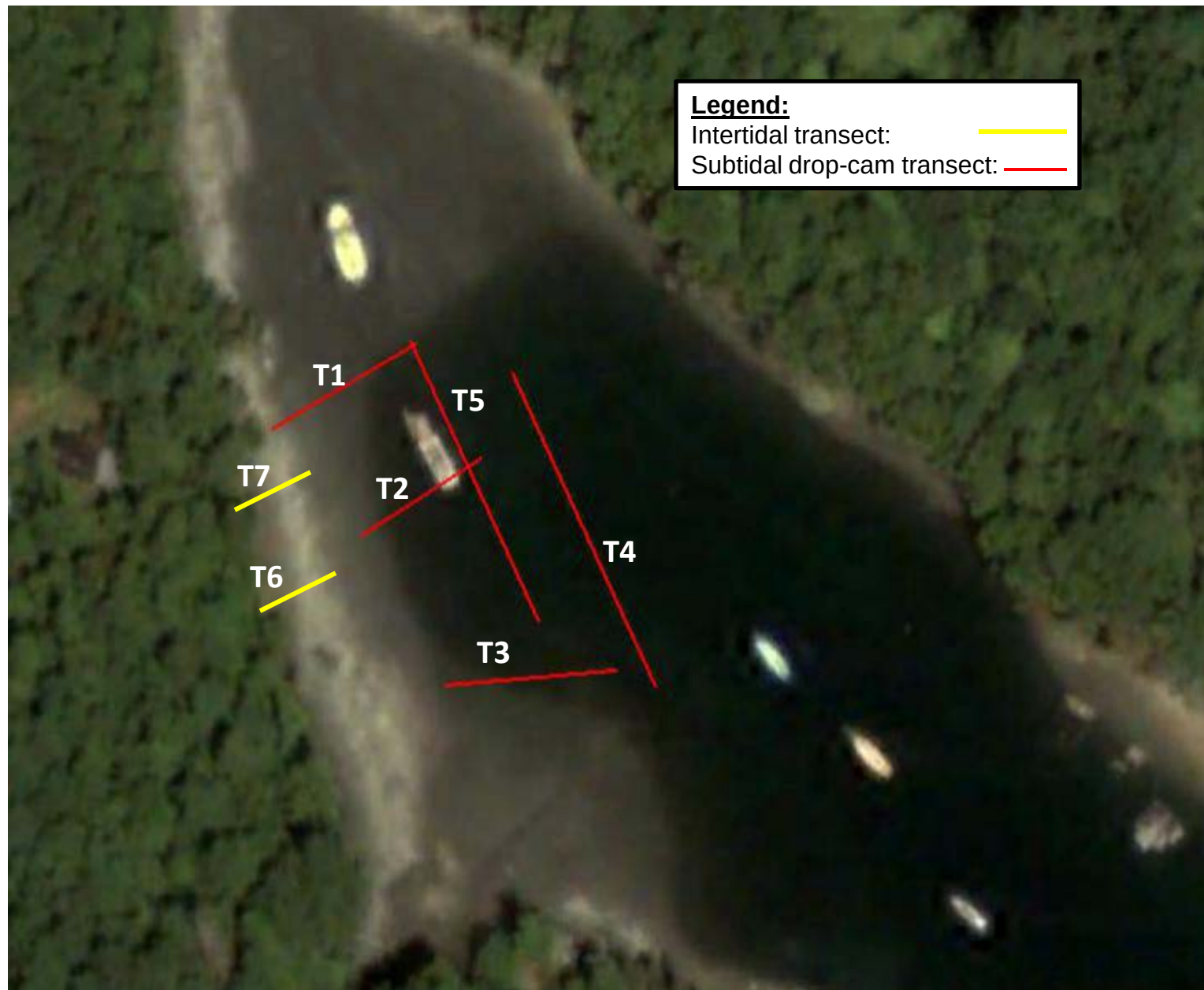


FIGURE 3: TRANSECT LOCATIONS

APPENDIX A

UPLAND AND UNDERWATER IMAGES

Photo sheet:



Photo 1: Intertidal zone



Photo 2: Scottie Bay



Photo 3: Transect 1 showing dense layer of *Cladophora* and *Ectocarpus*



Photo 4: Upland of proposed docks



Photo 5: Transect 2 showing *Ectocarpus*, *Cladophora* and some sticklebacks



Photo 6: Transect 2 showing dense layer of *Cladophora* and *Ectocarpus*

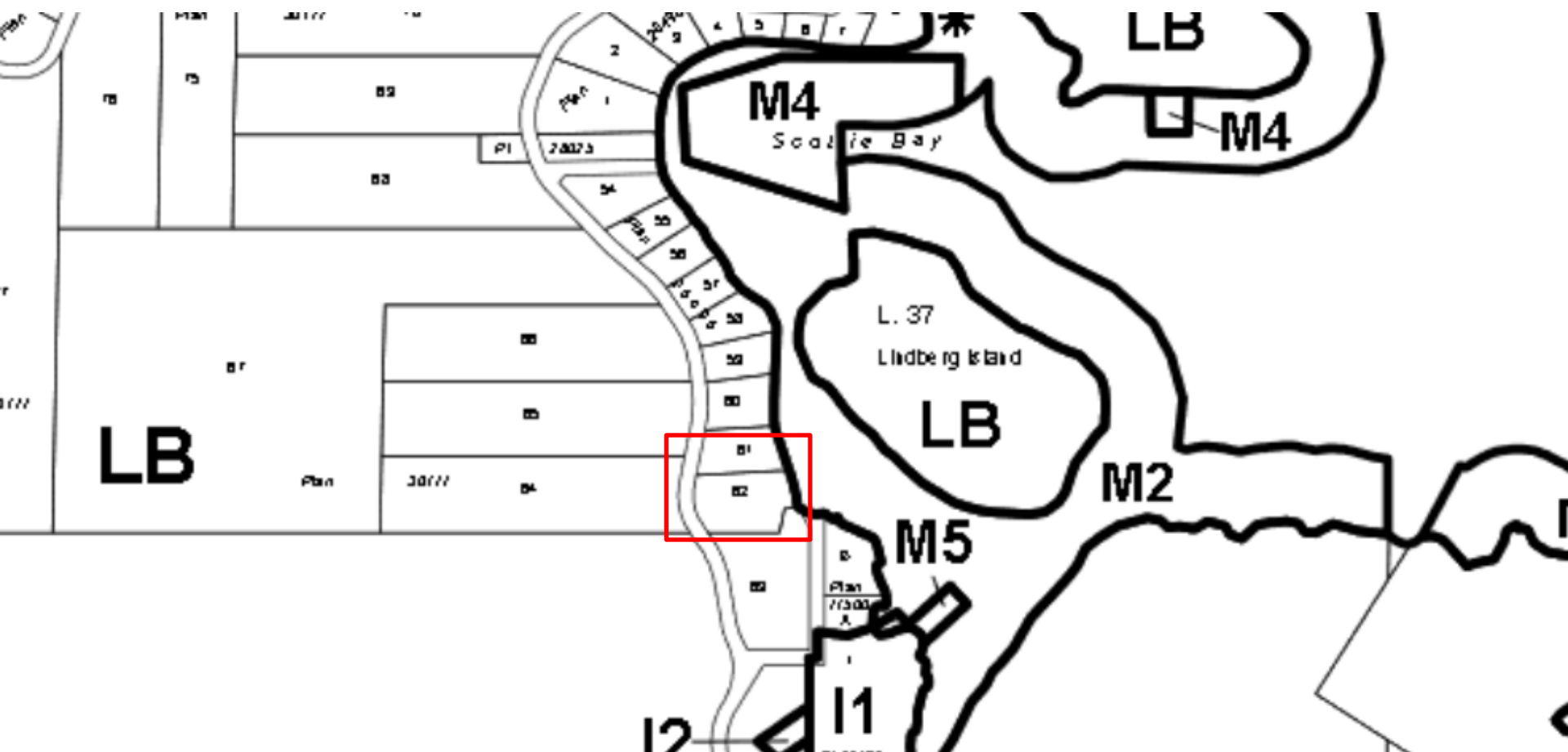


Photo 7: Transect 3 showing open muddy bottom



Photo 8: Transect 4 showing a bivalve hole and *Cladophora*

APPENDIX B
SITE DRAWING WITH ADDRESSES



APPENDIX C

SUMMARY OF UNDERWATER AND INTERTIDAL TRANSECT

SURVEY OBSERVATIONS

Appendix B

Underwater Marine Transects for Proposed Docks in Scottie Bay, Lasqueti Island, BC; July 31, 2019- Summary of Observations

Transect 1

Time: 10 am

Tidal height: 1.0 m

Description: N boundary of Lot 61, 30 m from Mean High Water Mark (MHW)

Coordinates: Finish: 49°30'53.2"N, 124°20'48.1"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (Chart Datum; feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:16	1.3	30	Mud, some rocks	Green tuft (<i>Cladophora</i> sp.)	H
0:36		35	Loose silty mud	Stickleback (Unconfirmed species*)	1
0:57	2.7	41	Loose silty mud	<i>Cladophora</i>	H
**1:56			Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	H
2:19			Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	H
				Siphon hole	1
				Stickleback (Unconfirmed species)	Small school
3:02			Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	H
				Stickleback (Unconfirmed species)	Small school
3:30	9.0	61	Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	

*Could not confirm species due to visibility

**Camera had to be lifted over a sunken boat at this point in the footage

Transect 2

Time: 10:15 am

Tidal height: ~1.0 m

Description: Property line between Lot 61 & Lot 60, 30 m from MHW

Coordinates: Finish: 49°30'52.1"N, 124°20'48.1"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:18	0.5	30	Loose silty mud	<i>Cladophora</i> <i>Ectocarpus</i>	L L
0:42			Loose silty mud, rocks, empty clam shells	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback (Unconfirmed species)	H H Small school
0:57	2.6	39	Loose silty mud, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	H H
1:33	5.0	46	Loose silty mud, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	H H
2:00			Loose silty mud, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	H H
2:26			Sandy/muddy bottom	<i>Cladophora</i> <i>Ectocarpus</i> Siphon hole	M M 1
2:48			Sandy/muddy bottom, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	M M
3:29	4.2	58	Sandy/muddy bottom	<i>Cladophora</i> <i>Ectocarpus</i>	M M

Transect 3

Time: 10:30 am

Tidal height: 0.7 m

Description: S boundary of Lot 62, 30 m from MHW

Coordinates: Finish: 49°30'51.3"N, 124°53'10.4"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:20	0.6	30	Sandy/muddy	<i>Cladophora</i> Siphon holes	L M
0:57			Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	L L
1:37			Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback (Unconfirmed species) Siphon holes	L L Several individuals H
1:51			Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	L L
2:26	3.3	64	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	L L

Transect 4

Time: 10:45 am

Tidal height: 0.4 m

Description: Parallel to shore across the far ends of T1,T2 & T3 approx. 60m from MHW

Coordinates: Start: 49°30'53.2"N, 124°20'48.1"W Finish: 49°30'51.0"N, 124°20'46.6"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:21-0:47	~4.6	60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i>	M M
1:05		60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i>	H H
1:20		60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	H H Small school
2:40		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	H H
3:30		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	M M
4:00		60	Mud, cobble	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	M M Small school
4:20		60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	H H Several
4:35		60	Silty mud	Sculpin (Unconfirmed species*)	1
5:50		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	M M
6:20		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Siphon hole	M M 1
6:55		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Siphon holes	M M M
7:02		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	L L Small school

7:50	~5.1	62	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	L L Small school
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*Low visibility and fast moving fish

Transect 5

Time: 11:00 am

Tidal height: 0.4 m

Description: Parallel to shore across T1,T2 & T3 approx. 30m from HWM. Footage filmed from above surface with iPad due to equipment failure.

Water was shallow enough to see substrate and marine life.

Coordinates: Start: 49°30'53.2"N, 124°20'49.1"W Finish: 49°30'51.6"N, 124°20'47.6"W

Visibility: Low due to stirred up sediment

Depth (feet):	Approximate distance from MHWM (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
2-4 ft	35	Open mud bottom	Siphon holes Stickleback Small Dungeness crabs Sculpins Sand dollar (dead) <i>Cladophora</i> <i>Ectocarpus</i>	M Small schools 10 2 1 L-M L-M

Intertidal Transects for Proposed Docks in Scottie Bay, Lasqueti Island, BC; July 31, 2019- Summary of Observations

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	Lyngby'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

Transect 7

Time: 12:15 pm

Tidal height: 0.3 m (lowest tide)

Description: Half way through Lot 62. Note: this transect is less detailed than T6 and acts as a supplement to T6.

Coordinates: Start: 49°30'52.0"N, 124°20'50.6"W Finish: 49°30'52.6"N, 124°20'49.9"W

Distance along transect (upland towards water):	Substrate:	Species present:
Above transect (on slope)		Douglas fir Terrestrial grasses Arbutus Red cedar Small grand fir
0m	Rip rap boulders	
1.5m		Sea asparagus
5.0m		Barnacles start
6.0m		<i>Fucus</i> Oysters
9.3m	Boulders transition to mud and gravel	
14.6m	Wet mud	Siphon holes
20.0m	Mud	

File No.: LA-RZ-2020.2
(Kyler)

DATE OF MEETING: August 10, 2020

TO: Lasqueti Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Proposed LUB amendments to permit a private dock in the adjacent marine area
Applicant: Ken Kyler, agent (on behalf of Colette Mann)
Location: Spring Bay Road
LOT 61, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495
(PID 002-917-467)

RECOMMENDATION

1. That the Lasqueti Island Local Trust Committee proceed no further with LA-RZ-2020.2.
2. That the Lasqueti Island Local Trust Committee request staff to advise the applicant that they may not re-apply to the Local Trust Committee with a similar proposal for at least one year from the date of this resolution, as per the Lasqueti Island Local Trust Committee Development Procedure Bylaw No. 35, 1992; and
3. That the Lasqueti Island Local Trust Committee request staff to issue a refund to the applicant in the amount of \$1,650 as per Lasqueti Island Local Trust Committee Fees Bylaw, 2009.

REPORT SUMMARY

The Lasqueti Island Local Trust Committee (LTC) is asked to consider an application to amend the Lasqueti Island Land Use Bylaw No. 78, 2005 (LUB) to permit a private dock within the adjacent marine area of the subject property.

BACKGROUND

This application is preceded by an open Bylaw Enforcement file (LA-BE-2019.2) concerning road construction and land alteration to the shoreline. The bylaw enforcement file is being held in abeyance while the rezoning application proceeds.

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. The applicant notes that since the time of adoption of the LUB (2006), there has been an increase in boat traffic to Lasqueti Island, resulting in increased difficulty in finding moorage or docking space. The applicant also notes there are few options for emergency access, specifically along the north-east* shore of Lasqueti Island, and has offered use of the proposed dock and access driveway during emergencies. (*Correction: this area is in the north-west shore of Lasqueti Island).

A comprehensive Site Context analysis and Policy Checklist are provided in Attachments 1 and 2. Supporting material for the application including a letter, site (sketch) plan and a copy of a marine environmental assessment by Aquaparian Environmental Consulting, dated August 6, 2019, are found in Attachments 3 through 5.

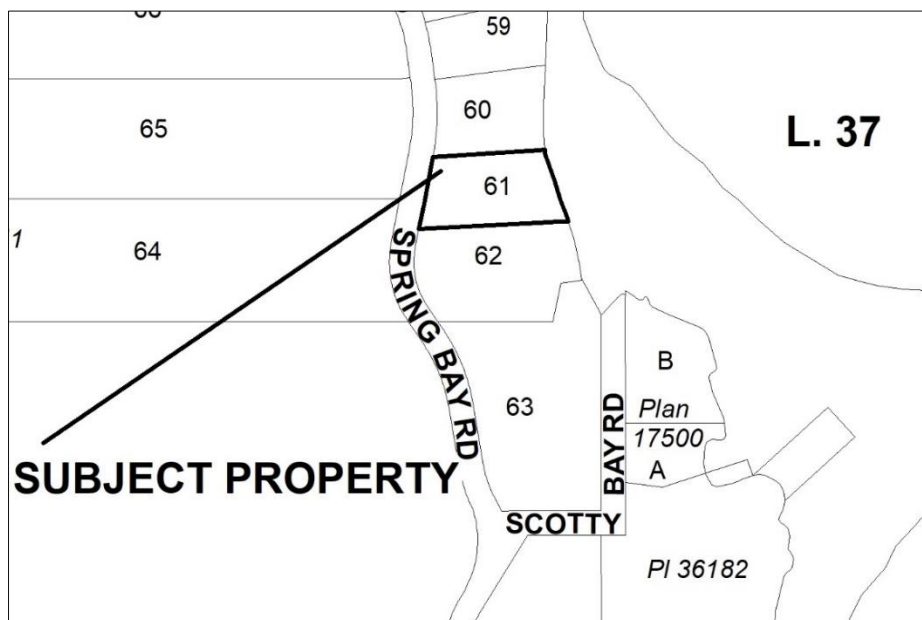


Figure 1. Subject property map



Figure 2. Orthophoto of subject property

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) states that OCPs and regulatory bylaws shall address planning for and regulation of development in coastal regions. The Lasqueti Island Official Community Plan (OCP) Bylaw No. 77,

2005 and the LUB contain policies and regulations that regulate development in the foreshore and marine coastal areas so as to retain the undeveloped character of marine coastal areas and to protect marine coastal habitats.

The ITPS also states that OCPs and regulatory bylaws shall address the protection of views, scenic areas and distinctive features. The Lasqueti Island OCP and the LUB contain policies and regulations that regulate development along the foreshore and protect scenic views and the undeveloped character of natural landscapes.

Staff note that an ITPS (Directives Only) Checklist will be completed to ensure consistency with the ITPS at the time that draft bylaw amendments are presented to the LTC.

Official Community Plan:

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

Staff consider the proposed development to not be consistent with OCP policies that encourage protection of rural marine landscapes and scenic views, and that encourage preservation and protection of the natural environment and undeveloped character of the foreshore and marine coastal areas, and to protect marine coastal habitats for conservation purposes.

OCP Policy 3.7.15 acknowledges that private docks may be considered on a site specific basis, provided environmental and social effects are addressed. There is support in the OCP for reducing the total number of private docks, either through private boat ramps in OCP Policy 3.7.16, or through communal facilities that may also be considered on a site specific basis.

Attachment 2 of this report provides a comprehensive overview of relevant OCP policies

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.

Pursuant to Article 4.15(1)(c) of the LUB, there are ten (10) locations in the Lasqueti Island Local Trust Area where docks are permitted; six (6) of which are located on Lasqueti Island, and four (4) are located on Bull, Boho, Jenkins and Sangster Islands. [Schedule B](#) of the LUB identifies these 10 locations.

Amendments are required to the LUB to permit a private dock in the marine area adjacent to the subject property.

Issues and Opportunities

Bylaw Enforcement

The applicants met with Islands Trust planning staff in August 2019 to discuss whether a rezoning application was necessary to construct a private dock on the subject property and neighbouring lot to the south (Lot 62), the subject of application LA-RZ-2020.1. At that time, planning staff informed the property owners that the LUB identifies specific locations on Lasqueti Island that are permitted private docks and that the two properties were not included in that list; therefore a rezoning application would be required to construct a private dock/s.

Islands Trust Bylaw Compliance & Enforcement were notified of land alteration within the adjacent foreshore and marine area of the subject property and the neighbouring property (Lot 61) in November 2019. Bylaw Enforcement

staff were again notified in March 2020 that construction had commenced, including placement of concrete blocks in the foreshore; however it is unclear if the placement of concrete blocks were in relation to the subject property, or to the neighbouring property (Lot 62).

Staff at the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) visited the site in May 2020, and verified that works that appear to be within the foreshore have occurred, specifically the placement of fill and a rock wall. A survey plan completed by a BC Land Surveyor (BCLS) could determine the extent of fill.

For reference, Figure 3 shows the works to date, including concrete block placement in the adjacent marine area.



Figure 3. Photo of works (provided by FLNRORD staff).

Proposed Increase in Dock Density

There are ten (10) locations in Article 4.15(1)(c) of the LUB where private docks are permitted; six (6) on Lasqueti Island, and one each on Bull, Boho, Jenkins and Sangster Islands. Figure 3 identifies the dock locations as shown on Schedule B of the LUB.



Figure 3. Docks permitted in Section 4.15(1) of the LUB.

Staff note that this application, along with application LA-RZ-2020.1, would increase private dock locations on Lasqueti Island's shoreline by **33%**. While there is no specific OCP policy related to dock density, Section 3.7 of the OCP encourages consideration of communal private docks and boat ramps on a site specific basis to reduce the overall number of private docks and boat ramps along the foreshore and to alleviate ecological damage that can be caused by the proliferation of private docks and boat ramps. OCP Policy 3.7.16 suggests private boat ramps may be considered on a site specific basis in the M2 zone as an alternative to private docks. In considering a private boat ramp versus a private dock, OCP Policy 3.7.16 notes that the alternative with the least environmental impact be chosen. A general theme of the OCP is in keeping with the rural character and existing low density land use and development on Lasqueti Island.

Access to Public Road

OCP Policy 3.4.6 recognizes that islands or islets within the Lasqueti Island Local Trust Area (LTA) and some waterfront lots on Lasqueti Island do not have access to public roads, and therefore do not have access to ferry service. In these situations, OCP Policy 3.4.6 determines that water access is needed and considered sufficient. This policy is supported by LUB regulation 4.13(1)(b), which provides,

(b) Despite any other provision of this Bylaw, one (1) dock per contiguous upland parcel that abuts the foreshore on Lasqueti Island is permitted where the dock is providing access to a parcel abutting the foreshore which parcel is not accessible by a dedicated public right-of-way or registered easement and where no valid tenure for a dock exists on the date of the enactment of this regulation; such docks shall be located in a manner that minimizes visual and environmental effects and does not restrict access to shellfish sites as shown on Schedule B structures shall not be sited or extended towards the sea beyond 37 metres from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.

Staff note that the subject property is on a public road (Spring Bay Road), which connects directly to Main Road and the ferry service provided in False Bay.

Environmental Impacts

When considering private docks on a site specific basis, OCP Policy 3.7.15 requires that environmental (and social) effects must be addressed. The OCP provides policies related to environmental management, including:

- OCP Policy 3.6.3 – which supports maintaining and protecting Lasqueti Island’s rural marine landscape and scenic views;
- OCP Policy 3.6.9 – which encourages retaining the native flora and fauna to protect natural habitats of local significance;
- OCP Policy 3.6.12 – which supports regulating the foreshore and marine coastal areas to preserve and protect the natural environment and character of the foreshore.

According to the [“Coastal Shore Stewardship: A Guide for Planners, Builders and Developers on Canada’s Pacific Coast”](#) (the “Guide”), docks can affect the coastal biophysical environment by increasing shading of intertidal and subtidal plant communities; disrupting shore drift patterns; increasing erosion and sedimentation by removing plants and disturbing soils; permanently alienating benthic habitat; and contributing to marine pollution (from spills and release of contaminants). The Guide also notes that shoreline modifications such as seawalls may alter shoreline processes by disrupting sediment deposit; reducing diversity of substrates; burying or eliminating habitat; and dislocating species.

The applicant has provided a copy of a preliminary marine environmental assessment (EA) report by Aquaparian Environmental Consulting, dated August 6, 2019. The intent of the EA report is to, “...provide a survey of the substrate and marine habitat conditions within the sites where the docks will be installed.” The EA report notes that the proposal will include construction of two docks – one in the marine area adjacent to the subject property, and one in the marine area adjacent to the property to the south, which is the subject of application LA-RZ-2020.1; construction of a rock wall is also proposed along the Mean High Water Mark (MHW). The EA report does not address impacts to the upland area, including impacts to riparian vegetation along the foreshore, and impacts from shoreline modification. Staff note that Islands Trust mapping indicates the subject property contains a Mature Forest sensitive ecosystem, which is identified as a priority ecosystem for conservation.

In its site assessment, the EA report observed abandoned and sunken boats and boat parts, several live-aboard boats, and a marine habitat that appears to be impacted by uncontrolled moorage and discharge, resulting in marine habitat conditions deemed to be low quality with limited species abundance and diversity. The EA report states, “The installation of the proposed docks is not expected to have any measureable negative impact on the marine habitat over existing conditions; there is a very low diversity of marine flora and fauna in the subject site.” Recommendations are provided in the EA report for the construction of the proposed dock/s and rock wall.

In considering an application from an environmental perspective, staff are of the opinion that cumulative effects of development and use should be taken into consideration. Specifically, where an area has been identified as having low quality marine habitat conditions, further impacts to this area should be considered so as to not contribute further to such conditions.

Social Effects

OCP Policy 3.7.15 also requires that social effects of the proposed dock must be addressed. When considering the social effects, the impact on neighbouring properties, the Lasqueti Island community, and the public as a whole should be taken into consideration.

As noted in the EA report by Aquaparian Environmental Consulting, dated August 6, 2019, this area of Scottie Bay contains many derelict and sunken boats and live-aboard boats. Orthophotos dated from 2000 to 2015 indicate this area of Scottie Bay is well used by marine vessels. Staff note it is likely this area is heavily utilized for mooring vessels, as it is one of only a handful of areas around Lasqueti Island that is sheltered from high wave exposure.

Current zoning in the LUB does not permit a private dock within this area; however, there is a small area zoned Marine Industrial (M5) to the southeast of the subject property, which corresponds with an existing commercial lease and dock connected to a privately owned upland lot. It is staff's understanding the existing commercial dock is not available for public use. It is also noted that Islands Trust Mapping identifies additional docks within this area, where no dock is permitted; however, Orthophoto data is from the year 2015, and staff cannot confirm whether these docks still exist.

Given this is a small bay that appears to be well-used and at times clustered with marine traffic, consideration should be made to how one (or two docks) could impact the use of this area.

Crown Land

OCP Policy 3.6.13 requires that the use of the Crown foreshore and water areas must be authorized by the appropriate Provincial Ministry and comply with LTC bylaws. 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; meaning that an application with the Province is not required, as long as the dock is constructed in accordance with the terms and conditions set out in the General Permission.

Staff note that under the General Permission, non-compliance with local government bylaws will make the dock ineligible for General Permission. As well, under section 3.3 of the General Permission, "No new fill may be used in the construction or maintenance of a Dock."

From conversations with FLNRORD staff, it is staff's understanding that the placement of fill and a rock wall in the foreshore requires Crown authorization through a Specific Permission. A survey plan completed by a BC Land Surveyor (BCLS) would be needed to determine the extent of the fill.

Rationale for Recommendation

Staff consider the application to amend the LUB to permit a private dock to not be consistent with OCP policies that:

- Support water access (via private docks) on waterfront lots that do not have direct access to public roads or ferry service;
- Encourage Lasqueti Island's rural marine landscape and scenic views be maintained and protected;
- Support retaining native flora and fauna to protect natural habitats of local significance;
- Supports preserving and protecting the natural environmental and character of the foreshore by retaining the undeveloped character of the marine coastal area and protecting marine coastal habitats for conservation purposes.

Staff note that amending the LUB to permit additional private docks is in opposition to the OCP's general theme of low density development and protecting the undeveloped, rural marine landscape of Lasqueti Island.

For this reason, staff are recommending that the LTC proceed no further with LA-RZ-2020.1. See staff's recommendation on Page 1 of this report.

ALTERNATIVES

1. Request further information; proceed with the application process

The LTC may proceed with the application. If selecting this alternative, staff would recommend the LTC request further information from the applicant prior to making a decision. Staff recommend requesting the following of the applicant:

- a. A copy of a survey plan by a BC Land Surveyor that identifies all existing and proposed development, including the extent of fill in relation to the natural boundary of the sea and adjacent foreshore;
- b. A copy of a post-construction impact assessment by a qualified biologist that addresses impacts and recommends mitigation measures to the upland area of the subject property and in the adjacent foreshore and marine areas;
- c. A copy of a report by a qualified coastal engineer that identifies the coastal processes at the site, develops a site design to minimize impacts to the shore, and recommends

Recommended wording for the resolution is as follows:

That the Lasqueti Island Local Trust Committee request staff to notify the applicant of LA-RZ-2020.1 that further consideration will be on condition of the applicant submitting the following:

[LTC to specify requested information].

NEXT STEPS

Should the LTC proceed with the staff recommendation, the file will be closed and the applicant will be reimbursed \$1,650 for the public hearing portion of the application fee as per Section 3.5 of the Lasqueti Island Local Trust Committee Fees Bylaw, 2009. Islands Trust Bylaw Compliance & Enforcement will resume enforcement action.

Submitted By:	Jaime Dubyna, Planner 2	July 23, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	July 24, 2020

ATTACHMENTS

1. Site Context
2. OCP Policy Checklist
3. Application Supporting Letter
4. Site Plan (Sketch Plan), dated April 21, 2020
5. Marine Environmental Assessment, by Aquaparian Environmental Consulting, dated August 6, 2019

ATTACHMENT 1 – SITE CONTEXT

LA-RZ-2020.2(KYLER, AGENT FOR MANN)

LOCATION

Legal Description	LOT 61, SECTION 29, LASQUETI ISLAND, NANAIMO DISTRICT, PLAN 25495
PID	002-917-467
Civic Address	Spring Bay Road
Lot Area	0.64 ha (1.58 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Undeveloped to the North and South; Undeveloped to the West; Marine to the East

HISTORICAL ACTIVITY

File No.	Purpose
none	

POLICY/REGULATORY

Official Community Plan Designations	Land Based (LB) Adjacent marine area (proposed lease area): Marine (M) See Attachment 2 for relevant OCP policies. There are no Development Permit Areas designated on or near this lot.
Land Use Bylaw	Land Based (LB) Adjacent marine area (proposed lease area): Marine General (M2) The Lasqueti Island Land Use Bylaw No. 78, 2005 provides the following definitions: <i>"dock" means a structure including ramps, floats, anchors and pilings which extend over the foreshore into the ocean and is fixed directly or indirectly to, or supported by, water or land for the purpose of providing access to and from boats, barges, and float planes which may be attached to the structure;</i> <i>"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;</i>

"structure" means a construction of any kind, whether fixed to, supported by, or sunk into land or water, including buildings, display signs, poles and towers, platforms, breakwaters, sheds, bins, stadia, tanks, but shall not include fences and walls;

4.13 MARINE BASED USES – GENERAL REGULATIONS

(1) General Regulations

The following general regulations shall apply in the following marine zones: M1, M2, M3, M4, M5, M6, M7, M8, and M9;

(b) Despite any other provision of this Bylaw, one (1) dock per contiguous upland parcel that abuts the foreshore on Lasqueti Island is permitted where the dock is providing access to a parcel abutting the foreshore which parcel is not accessible by a dedicated public right-of-way or registered easement and where no valid tenure for a dock exists on the date of the enactment of this regulation; such docks shall be located in a manner that minimizes visual and environmental effects and does not restrict access to shellfish sites as shown on Schedule B structures shall not be sited or extended towards the sea beyond 37 metres from the surveyed high water mark or where no plan exists, from the natural boundary of the sea.

4.15 MARINE GENERAL (M2) – Change Required

(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,

(c) Private docks of the sizes specified at the following locations only:

(i) A dock extending towards the sea not more than 26 metres (85.3 feet) from the natural boundary of the sea, including a float of not more than 65 square metres (700 square feet); all within an area of approximately 0.21 hectares (0.52 acres) commencing at a point approximately 710 metres (2330 feet) from the North West corner of Parcel 128, Bull Island on a bearing 116°, thence 47 metres (154 feet) on a bearing 90°, thence 38 metres (125 feet) on a bearing 180°, thence 95 metres (310 feet) on a bearing 270°, thence following the natural boundary of Bull Island in a northerly, then easterly, then northerly direction to the point of commencement (B.C. Lands File Number 1406897);

(ii) A dock extending towards the sea not more than 14.5 metres (48 feet) from the natural boundary of the sea, including a float of not more than 65 square metres (700 square feet); all within an area of approximately 0.06 hectares (0.15 acres) commencing at Hub 27 as shown on October 1919 Shoreline Traverse of Jenkins Island, Parcel 130, Nanaimo Land District thence 22.85 metres (75 feet) at 290°, thence 26.25 metres (86 feet) at 200°, thence 22.85 m (75 feet) at 110°, thence 26.25 metres (86 feet) at 20° (B.C. Lands File Number 1407233);

(iii) A dock extending towards the sea not more than 40 metres (132 feet) from the natural boundary of the sea, including a float of

	not more than 105 square metres (1130 square feet); all within an area of approximately 0.92 hectares (2.27 acres) commencing approximately 127 metres (417 feet) South/South West of the iron pin marking the North West corner of Parcel 1, Section 31, Plan 23625, Lasqueti Island, Nanaimo Land District, thence 50 metres (164 feet) at 313 °, thence 20 metres (67 feet) at 223 °, thence 42 metres (138 feet) at 133 °, thence approximately 25 metres (82 feet) along the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1407511); (iv) A dock extending towards the sea not more than 36 metres (118 feet) from the natural boundary of the sea, including a float of not more than 18 square metres (194 square feet); all within an area of approximately 0.06 hectares (0.14 acres) commencing 50 metres (164 feet) west of the North East corner of Parcel 1, Plan 20814, the fractional South East One Quarter of Section 13, Lasqueti Island, Nanaimo Land District, then 36 metres (118 feet) North, then 15 metres (49.2 feet) West, then 40 metres (131.2 feet) south, then 15 metres (49.2 feet) east to the point of commencement (B.C. Lands File Number 1407969); (v) A dock extending towards the sea not more than 36 metres (118 feet) from the natural boundary of the sea, including floats of not more than 70 square metres (750 square feet) with a covered boat docking area of 130 square metres (1400 square feet); all within an area of approximately 0.2 hectares (0.49 acres); that being an unsurveyed portion of Parcel 75, Nanaimo Land District, located adjacent to the South West shore of Boho Island, Parcel 134, Nanaimo Land District (B.C. Lands File Number 0272657); (vi) A dock extending towards the sea not more than 26 metres (85 feet) from the natural boundary of the sea, including a float of not more than 18 square metres (195 square feet); all within an area of approximately 0.11 hectares (0.27 acres) commencing at the South East corner of Parcel 1, Plan 9112, Lasqueti Island, Nanaimo Land District, thence 7.6 metres (25 feet) at 201 °, thence 61 metres (200 feet) at 270 °, thence 30.5 metres (100 feet) at 21 °, thence approximately 30.5 metres (100 feet) at 90 ° to the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1406481); (vii) A dock extending towards the sea not more than 20 metres (66 feet) from the natural boundary of the sea, including a float of 49 square metres (527 square feet); all within an area commencing at a post planted 590 metres (1936 feet) at 365' from the South West corner and 625 metres (2051 feet) at 42.5 ° from the South East corner of the Fractional North West One Quarter of Section 6, Lasqueti Island, Nanaimo Land District, then 26 metres (85.3 feet) at 344 °, then 20 metres (66 feet) at 74 °, then 26 metres (85.3 feet) at 164 °, then following the natural boundary of the sea to the point of commencement (B.C. Lands File Number 1407276); (viii) A dock extending towards the sea not more than 32 metres (105 feet) from the natural boundary of the sea, including a float of
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	not more than 60 square metres (646 square feet); all within an area of approximately 544.4 square metres (5860 square feet) located approximately 3750 metres (12303 feet) east and 3250 metres (10663 feet) north of a survey marker located adjacent to the point where the West Boundary of Section 20, Lasqueti Island, Nanaimo Land District, intersects the natural boundary of the sea (B.C. Lands File Number 1405903); (ix) A dock extending towards the sea not more than 30 metres (98 feet) from the natural boundary of the sea; all within an area of approximately 0.4 hectares (0.99 acres) located adjacent to the northeast shore of Parcel 2, Section 29, Sangster Island, Nanaimo Land District, (B.C. Lands File Number 0354968); (x) A dock extending towards the sea not more than 42.7 metres (140 feet) from the natural boundary of the sea; including a float of not more than 30.5 square metres (328 square feet); all within an area of approximately 600 square metres (6458.6 square feet) that being an unsurveyed portion of the foreshore fronting the northerly boundary of the South West One Quarter of Section 31, Lasqueti Island, Nanaimo Land District, located approximately 3000 metres (9843 feet) East and 2500 metres (8202 feet) North of the point where the Southern boundary of the South West One Quarter of Section 31, Lasqueti Island, Nanaimo Land District, intersects the natural boundary of the sea (B.C. Lands File Number 1406022); and (xi) For certainty, the permitted dock use in this land use area does not include docks providing docking space only to members of a yacht club or similar organization. (2) Permitted Buildings and Structures (a) Moorage buoys and floats (c) Private docks only at the locations specified in Clause 4.15(1)(c);
Other Regulations	Lasqueti Island is within the provincial General Permission area for the use of Crown land for private moorage. An application is not required in the General Permission area, "As long as a person constructs and uses their dock in accordance with the terms and conditions contained in the General Permission they will be deemed authorized." The provincial General Permission checklist and interpretive guide notes, "An owner of a Dock must comply with all laws that apply to the installation and use of a Dock as contemplated by this permission." This includes compliance with local government bylaws or zoning. If a Dock does not meet the conditions and requirements stated in the General Permission, including non-compliance with local government bylaws or zoning, an application for a Specific Permission or lease is required.
Covenants	Building Scheme C92818
Bylaw Enforcement	LA-BE-2019.2 (Land Use)

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.
Regional Conservation Strategy	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MEDIUM on the subject property. The Lasqueti Island Local Trust Area has been identified as being a VERY HIGH priority for conservation based on ecosystem values, need for sensitive ecosystem protection and current levels of conservation.
Species at Risk	None mapped.
Sensitive Ecosystems	Ecosystem mapping indicates the presence of a Wetland (WN) Sensitive Ecosystem, subclass swamp (sp) on the subject property. Wetland (WN) ecosystems are defined as, “areas that are saturated or inundated with water for long enough periods of time to develop vegetation and biological activity adapted to wet environments. This may result from flooding, fluctuating water tables, tidal influences or poor drainage conditions.” The WN ecosystem corresponds with areas of a Mature Forest (MF) Sensitive Ecosystem. Mapping indicates the following ecological communities: red-listed Western redcedar – Indian-plum, and Douglas-fir – salal. Western redcedar – Indian-plum ecological communities are considered uncommon and are associated with both freshwater and marine areas, and within moist areas (i.e. swamp or wetland ecosystems).
Hazard Areas	None mapped. Contour mapping indicates a steep slope measured from the natural boundary of the sea upland approx. 25 meters.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not identify a known archaeological site at the area of application; however, RAAD mapping identifies known archaeological sites within 150 metres of the lot. 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	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	Eelgrass beds (Flat, Continuous and Flat, Patchy) mapped within Scottie Bay area. Forage Fish (Surf Smelt/Pacific Landlance) mapped within Scottie Bay area.

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
3.4 Community Stewardship		
Policy 6 It is recognized that islands and islets within the Lasqueti Island Local Trust Area, excepting Lasqueti Island, do not have direct access to public roads or ferry service and that some waterfront parcels on Lasqueti Island were created without access to public roads. In these situations access from the water is needed and should be considered sufficient.	No	The subject property is a waterfront parcel located on Lasqueti Island, with direct access to a public road.
3.6 Environmental Management		
Policy 3 Lasqueti Island's rural marine landscape and scenic views should be maintained and protected.	No	Development of the foreshore, including dock facilities and associated land clearing, may impact the rural marine landscape and scenic views at this location.
Policy 9 Native flora and fauna should be retained to protect natural habitats of local significance along the foreshore and in the intertidal areas.	No	Development of dock facilities, and works adjacent to the foreshore area, may result in disruption and fragmentation of native flora and fauna along the foreshore and in the intertidal areas. Islands Trust mapping indicates the subject property contains a Mature Forest sensitive ecosystem, which is identified as a priority ecosystem for conservation Applicant has provided a baseline marine environmental assessment by Aquaparian Environmental Consulting, dated Aug. 6, 2019: that states there is a low diversity of marine flora and fauna at the site. Rezoning process can identify options to protect or enhance natural habitats, or mitigate impacts, through an assessment by a professional biologist that indicates the presence and location of sensitive ecosystems,

		recommended mitigation measures to minimize impacts, and possible remediation if land alteration has already taken place.
Policy 10 The marine environment, including associated riparian areas, should be adequately protected from unreasonable adverse effects or inadequate mitigation measures resulting from development.	LTC direction required.	The marine environmental assessment by Aquaparian Environmental Consulting, dated Aug. 6, 2019, includes recommendations for the installation of a dock and proposed rock wall at the site. Rezoning process can identify additional requirements such as a site assessment by a qualified coastal engineer or biologist, to address mitigation measures of the foreshore and marine area.
Policy 12 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: • to provide for access; • to protect existing mariculture uses; • to encourage low impact public uses on and along the foreshore; • to provide for public transportation services; • to maintain public access to shellfish; • to retain the undeveloped character of the marine coastal area; • to protect marine coastal habitats for conservation purposes; • to provide for commercial and industrial uses; and • to retain representative areas of natural foreshore.	No	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). As with much of Lasqueti Island's shoreline, the proposal area is generally undeveloped and retains natural foreshore features. The LTC is asked to consider permitting a private dock providing access to the adjacent upland. There is an additional rezoning application for a private dock on the adjacent lot to the south.
Policy 13 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.	No	Current regulations in the Lasqueti Island Land Use Bylaw do not permit a dock at this location. The LTC is asked to consider a rezoning application to permit a private dock providing access to the adjacent upland. 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 <u>in accordance with</u> the terms and conditions in the General

		Permission. Under the General Permission, non-compliance with local government bylaws will make the dock ineligible for general permission. An application is not required for “minor works” under the <i>Navigable Waters Protection Act</i>, if the works meet the requirements in the Minor Works Order. It is the property owner’s responsibility to comply with provincial and/or federal regulations.
3.7 Community Servicing and Utilities		
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.	LTC direction required.	Orthophoto mapping indicates this area of Scottie Bay to be well-used by other marine vessels, including the presence of four existing docks within the M2 zone in this area of Scottie Bay. There is a commercial dock within a Crown lease area to the southeast of the subject property, in an area zoned M5. There is an additional rezoning application for a private dock on the adjacent lot to the south. The marine environmental assessment by Aquaparian Environmental Consulting, dated Aug. 6, 2019, indicates there are many derelict and sunken boats, and live-aboard boats anchored in this area. The assessment notes that marine habitat appears to have been impacted by uncontrolled moorage and discharge of waste. Species observed indicate poor water quality in this area. Staff recommend that consideration be made for the cumulative impacts of all current and proposed uses in this area, including and impacts that may result from the construction of docks.
Policy 16 In order to reduce the overall number of docks located along the foreshore, and thereby alleviate the ecological damage that can be caused by the proliferation of docks, private boat ramps may be considered on a site specific basis in the Marine General (M2) zone. In considering an application for a boat ramp	TBD	Application is for a private dock. There is an additional rezoning application for a private dock on the adjacent lot to the south. A separate rezoning application is required for a private 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.		
3.9 Climate Change Adaptation and Mitigation		
Policy 1 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, and the long term potential for the development to result in a decreased footprint on the landscape.	TBD	For LTC consideration. Rezoning process can include consideration of provincial and federal standards and best practices for dock construction.

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

April 23, 2020
JEA File: 61580

RE: Application to Amend Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15

Dear Sirs,

Colette Mann, owner of Lot 61, Section 29, Lasqueti Island, Nanaimo District, Plan 25495 on Spring Bay Road, has requested JE Anderson & Associates to assist in making an Application to Amend Lasqueti Island Local Trust Committee Land Use Bylaw No. 78, 2005, Section 4.15, to permit a dock fronting Lot 61 in Scottie Bay.

The location of the dock is shown on **Sketch Plan Showing Proposed Dock and Lease** attached to the application, JEA File 61580-6. The foreshore lands fronting Lot 61 are Crown Land zoned Marine General (M2) under Bylaw 78.

Bylaw 78 was adopted in October 2006. Section 4.15 of the Bylaw permitted 10 existing private docks located within the Marine General (M2) zone in various locations around Lasqueti Island.

Since 2006, boat traffic to and from Lasqueti Island has increased, and moorage / docking space is becoming increasingly difficult to find.

The public docks at False Bay and at Squitty Bay are usually full, with boats rafted several deep. Finding suitable docking space is becoming more difficult for local residents and emergency responders, especially during the summer months. There are no docking facilities for emergency responders along the north-east shore of Lasqueti Island.

During July and August, the Lasqueti Island Ferry has three trips on Monday, Wednesday, Thursday and Saturday, two runs on Sunday, and no runs on Tuesday. From September to June, the ferry has three trips Monday, Thursday, Friday and Saturday, two runs on Sunday, and no runs on Tuesday and Wednesday. The ferry schedule and sailing times are very restrictive for people who commute regularly.

Therefore, it may be time to reassess the limitations of Section 4.15.

Mr. Mann was raised on Lasqueti and the family maintains a home on Lot 61. They regularly commute to Lasqueti and are also finding it increasingly difficult to find suitable docking space.

In considering options to construct a dock, the Manns researched the Official Community Plan (OCP) and Bylaw 78, consulted with Fisheries and Oceans Canada (FOC), and the Ministry of Forests, Lands, Natural Resource Operations (FLNRO). Mr. Mann had a meeting with Bronwyn Sawyer & Marnie Eggen and the Islands Trust Gabriola office.

The research concluded that:

- Construction of a dock that meets the objectives of protecting natural habitats in the Marine Coastal Areas from unreasonable adverse effects is consistent with the OCP.
- Bylaw 78, Section 4.15, presently permits 10 existing private docks at designated locations. A Bylaw Amendment to amend Section 4.15 by adding one additional designated location is required to formalize a new dock fronting on Lot 61.
- There are numerous existing docks and floats in the Marine Coastal Areas that are not within one of the 10 permitted locations. Many of those docks are in poor repair, or not constructed in compliance with the objectives of protecting natural habitats in the Marine Coastal Areas.
- Construction of a dock fronting Lot 61 is consistent with the Provincial Crown Lands General Permit Guidelines.

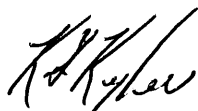
In August 2019, the Manns hired Sarah Bonar, B.Sc, R.P. Bio, of Aquaparian Environmental Consulting Ltd., to complete a Marine Environmental Assessment to assess the environmental impact of constructing a dock fronting Lot 61. The Assessment gives recommendations to protect the marine habitat, and concluded that the installation of a private dock is not expected to result in a negative impact on the marine habitat existing at the site.

The Manns consulted with property owners around Scottie Bay and received strong support for construction of a dock fronting Lot 61.

They also recognize that emergency responders have very few options for access to boats along the north-east shore of Lasqueti Island, and would be please to permit these responders to utilize the access driveway and dock during emergencies.

If you would like any additional information or clarification, please contact the undersigned.

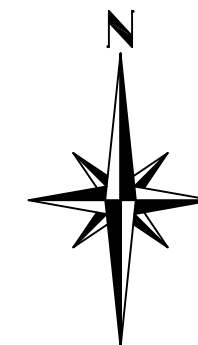
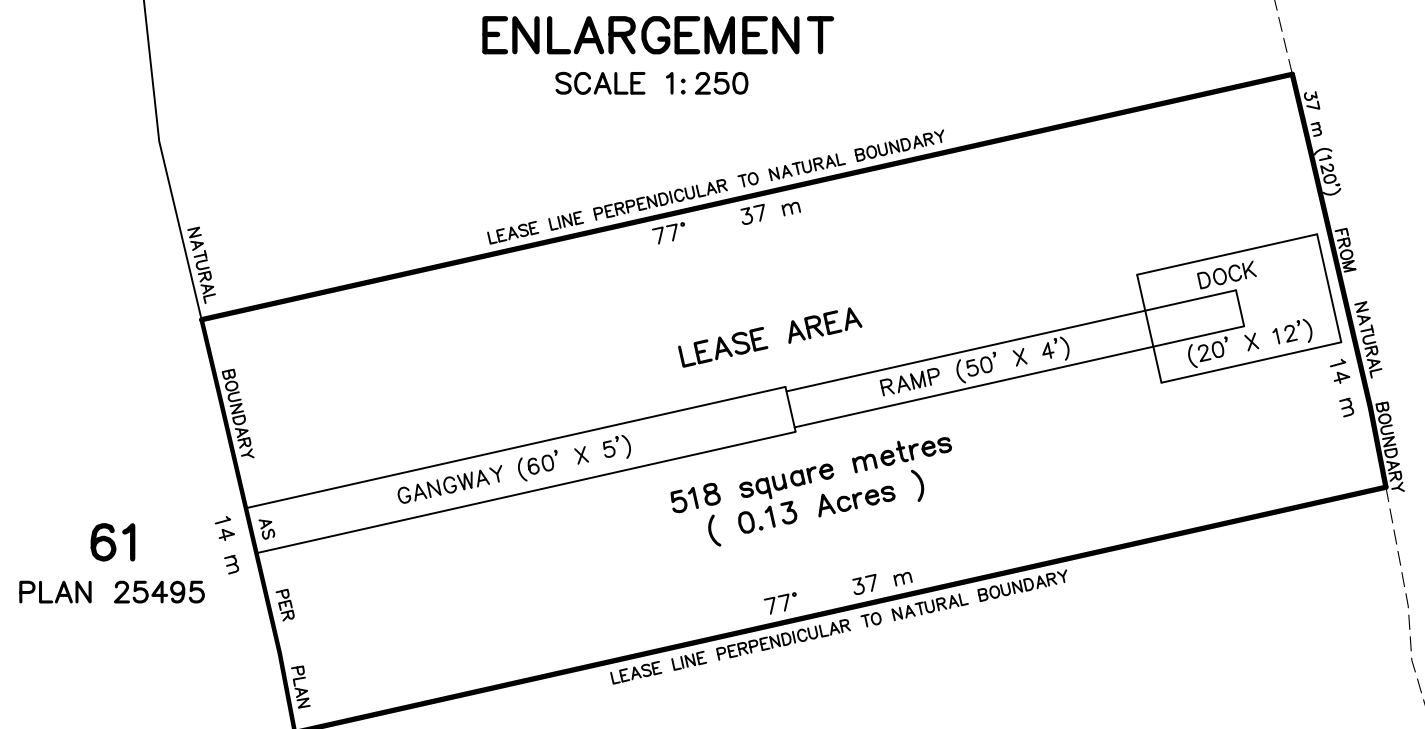
Yours truly,



**Kenneth
Kyler
D9ENAQ**

Digitally signed
by Kenneth Kyler
D9ENAQ
Date: 2020.04.23
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Ken Kyler, BCLS
JE Anderson & Associates



SEC 37
LINDBERG ISLAND

SPRING BAY ROAD

60
PLAN 25495

61
PLAN 25495

62
PLAN 25495

SEE ENLARGEMENT

SCOTTIE BAY

JEA JE ANDERSON & ASSOCIATES

SURVEYORS AND ENGINEERS

203 - 177 WELD ST., PO BOX 247

PARKSVILLE, B.C. V9P 2G4

250-248-5755 parksville@jeanderson.com

**SKETCH PLAN SHOWING
PROPOSED DOCK AND LEASE FRONTING
LOT 61, SECTION 29, LASQUETI ISLAND,
NANAIMO DISTRICT, PLAN 25495**

PID 002-917-467

PREPARED FOR
COLETTE MANN

OUR FILE : 61580-6

REVISION :

All Dimensions are in Metres and decimals thereof
(Unless otherwise noted)



The Intended Scale of this Plan is 1:1000
when plotted on a 280 mm x 432 mm (11"x17") Sheet

© Copyright 2020 J.E. Anderson & Associates. All rights reserved.
This Plan has been Prepared in Accordance with the Professional Reference
Manual and is Certified Correct this 23 rd Day of April, 2020.

Kenneth Kyler
D9ENAQ

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Date: 2020.04.23
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This document is not valid unless digitally signed.



August 6, 2019

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

Via Email: johncarey@shaw.ca
mimann@shaw.ca

**RE: MARINE ENVIRONMENTAL ASSESSMENT
SCOTTIE BAY, LASQUETI ISLAND**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained to complete a Marine Habitat Assessment for two proposed docks associated with two adjacent waterfront lots in Scottie Bay, Lasqueti Island, BC. A site location map of Scottie Bay in relation to Lasqueti Island has been included as Figure 1. Figure 2 shows a close-up aerial view of Scottie Bay and the general location of the proposed docks. An address map indicating the subject lots (Lot 61, Lot 62) is included in Appendix B. Images of the site and the bay are included in Appendix A.

The intent of the assessment is to provide a survey of the substrate and marine habitat conditions within the sites where the docks will be installed. The proposed docks will provide private moorage for the landowners. As reported by the landowners, moorage is hard to secure on Lasqueti Island, as docks are 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.

2.0 LOCATION INFORMATION

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 by an unnamed dirt and gravel road.

The proposed docks will be designed to meet the Provincial Crown Lands General Permit Guidelines for private moorage so a crown lease will not be required. A road will be excavated

to provide access to the docks from the properties. There are no Development Permit Areas on Lasqueti Island, so a Development Permit is not required.

Scottie Bay is a sheltered bay that contains many derelict and sunken boats, as well as people living full-time in anchored boats. 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.

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 docks were constructed prior to this zoning implementation. Based on this information, any new docks in the M2 zone would require a zoning variance application.

3.0 PROJECT DESCRIPTION

As understood, each of the proposed docks will be prefabricated with a 75ft aluminum walkway attached directly to the upland top of slope, a 50ft ramp and a 40ft floating wooden dock. The docks will be anchored by cement blocks and cable; there are no plans to install piles. The walkways will be supported by aluminum legs sitting on preformed concrete pads. The gangways are expected to require small concrete pads poured in place at the top of the slope above the shoreline to anchor them. The docks will be within 60m of the Mean High Water Mark (MHW) and gangway will be elevated approximately 2m above the beach. Additionally, there will be a rock wall approximately 1m high constructed along the MHW to prevent erosion.

4.0 SITE ASSESSMENT

On July 31, 2019, Aquaparian completed an underwater assessment of the location for the proposed dock installations using a Vexilar Fish Phone (T-box) underwater Wifi video tow/drop camera system and an Apple I-pad tablet to record video and still imagery. The survey was completed between 10:00am and 11:00am following a falling tide between 1.0m and 0.4m. The lowest tide of the day was 0.3m at 12:00pm. A total of 5 underwater transects and 2 intertidal transects were surveyed. For the underwater transects, the drop camera was towed by the landowner's motorboat along three transects (T1, T2, T3) perpendicular to the shoreline extending from the two perimeters of the properties and the center boundary between them approximately 60m out into the bay. The camera was then towed along 2 transects (T4, T5) parallel to the shoreline, with T4 across the far ends of T1, T2 and T3 approximately 60m from the MHW at an average depth of approximately 5ft and T5 across T1, T2 and T3 approximately 30m from the MHW at an average depth of approximately 2-4ft. The water was

consistently shallow and the seafloor could be seen easily from the boat. The visibility for the drop camera was limited due to the disruption of the fine, silty mud bottom from both the boat propellers in the shallow water. Video of the sea floor was also captured from the surface. Aquaparian is confident that a representative coverage of the marine habitat existing in the site was captured despite intermittent turbidity.

The intertidal survey was completed by running a 20m transect starting from the toe of slope and extending towards the bay. The 20m transect ended approximately 5m short of the low tide line due to soft substrate conditions limiting access. The substrate composition and location of the banding patterns of species were recorded to delineate the MHWm and to create an inventory of the species present in the intertidal zone. T6 was more detailed and ran from the Lot 62 property pin (south property line) towards the bay. T7 was less detailed and is supplementary to T6, with similar zonation observed. T7 ran from half way through Lot 61 towards the bay.

Figure 3 shows the locations of the transects and was created using Google Earth and GPS coordinates recorded in the field from a Garmin GPSMAP64s handheld GPS. A selection of site photographs including still images from the underwater video footage has been included with this report as Appendix A and the video footage and intertidal observations are summarized in a table in Appendix C. The survey documented substrate conditions and the presence of marine flora (seaweeds and kelp), marine invertebrates and fish, which are described below.

The intertidal zone was comprised of (natural) angular boulders near the toe of slope, transitioning into cobble and gravel, and then into a mudflat towards the MLWM. The shoreline slope is a 91% grade incline and consists of fine, silty substrate with large boulders embedded throughout and is vegetated by Douglas fir, red cedar, arbutus and a few small grand firs. Along the toe of slope, Lyngby's sedge and sea asparagus grows between the boulders, with the sea asparagus extending towards the cobble approximately 6.9m from the toe of slope. The "splash zone" and barnacle band, is between 4.5m and 5.6m from the toe of slope and this represents the MHWm. A belt of rockweed (*Fucus* sp.) and Pacific oysters begins at approximately 7.8m from the toe of slope and extends to the MLWM.

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.

5.0 IMPACT ASSESSMENT

The installation of the proposed docks is not expected to have any measureable negative impact on the marine habitat over existing conditions; there is a very low diversity of marine flora and fauna in the subject site. The species observed are indicative of poor water quality and do not include any sensitive species. A review of Habitat Wizard shows that the nearest stream is Hadley Creek, south of the subject site, and does not flow near or into the bay. No eel grass beds were observed in the survey area. The proposed rock wall will likewise have no negative impact on the site as the shoreline in this area is very sheltered and is not exposed to high wave action; therefore adjacent erosion is not expected to occur.

The following recommendations are provided if this project is allowed to proceed:

- Removal of vegetation for the road is to be completed outside the migratory bird nesting season (March 1 – August 15th);
- Earth works for the road is to be completed during the dry season if possible, if not erosion and sediment controls will be required to prevent sediment discharge to the marine environment such as installation of silt fence, straw cover or bark mulch cover;
- Shoreline rock placement is to be conducted at low tide – no machinery is to become inundated. All heavy equipment is to have a spill kit on board. All spills to the marine environment from equipment failure such as oil or hydraulic fluid is to be reported to EBMC (1-800-663-3456);

- A small concrete pad is expected to be poured in place for the upland end of the walkway. Aquaparian assumes the concrete will be mixed on site due to access and supply difficulties. Concrete pouring is to occur in dry weather only; and
- Do not deposit, directly or indirectly, concrete, cement, mortars and other Portland cement or lime containing materials into the marine environment. Forms for the upland end of the walkway are to be tightly joined to prevent spills. Do not wash tools used for cement mixing near the shoreline.

6.0 CONCLUSION

Aquaparian Environmental Consulting Ltd was retained to complete a marine habitat survey and environmental assessment for two properties fronting Scottie Bay, Lasqueti Island, BC for the proposed installation of two private docks. Aquaparian has completed a marine survey with the use of drop camera footage and has described and documented the marine habitat in the site where the proposed docks will be installed. It is Aquaparian's professional opinion that the installation of two private docks are not expected to result in a negative impact on the marine habitat existing in the site.

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

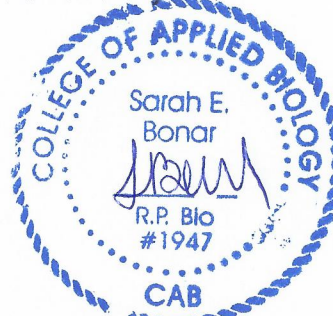
Prepared by:



Jeni Rowell, B.Sc.
Environmental Technologist

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Reviewed by:



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



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

7.0 REFERENCES

BC Ministry of Environment. Habitat Wizard Database Internet Website:
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Crown Lands Uses: Private Moorage. 2019. Website:
<https://www2.gov.bc.ca/gov/content/industry/crown-land-water/crown-land/uses/residential-uses/private-moorage>

Fisheries and Oceans Canada. 2019. Bivalve shellfish contamination closures; website:
<https://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/index-eng.html>

FIGURE 1 & 2
SITE LOCATION MAP



FIGURE 1 & 2: SITE LOCATION



FIGURE 3
DROP CAMERA UNDERWATER TRANSECT LOCATIONS

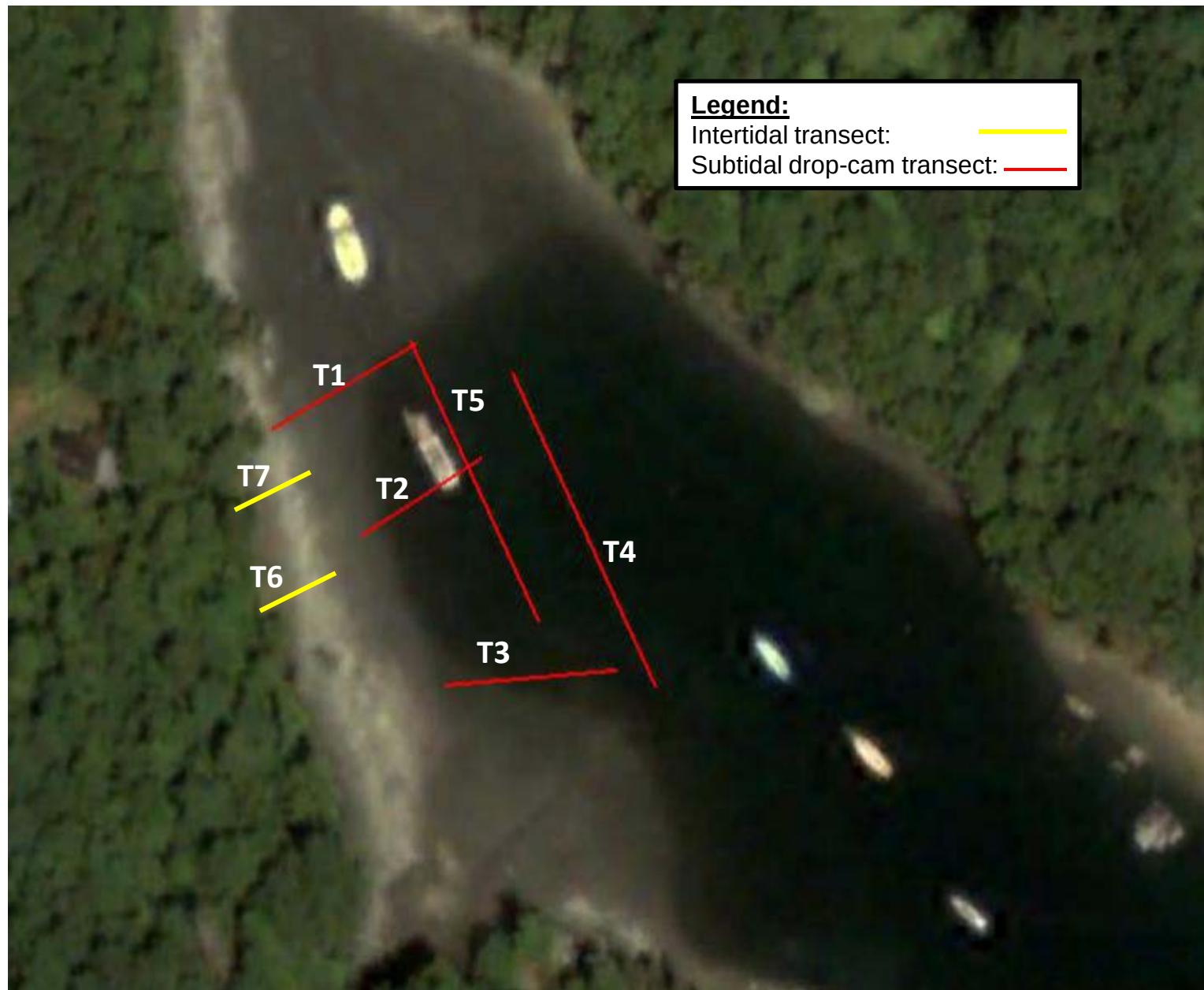


FIGURE 3: TRANSECT LOCATIONS

APPENDIX A

UPLAND AND UNDERWATER IMAGES

Photo sheet:



Photo 1: Intertidal zone



Photo 2: Scottie Bay



Photo 3: Transect 1 showing dense layer of *Cladophora* and *Ectocarpus*



Photo 4: Upland of proposed docks



Photo 5: Transect 2 showing *Ectocarpus*, *Cladophora* and some sticklebacks



Photo 6: Transect 2 showing dense layer of *Cladophora* and *Ectocarpus*

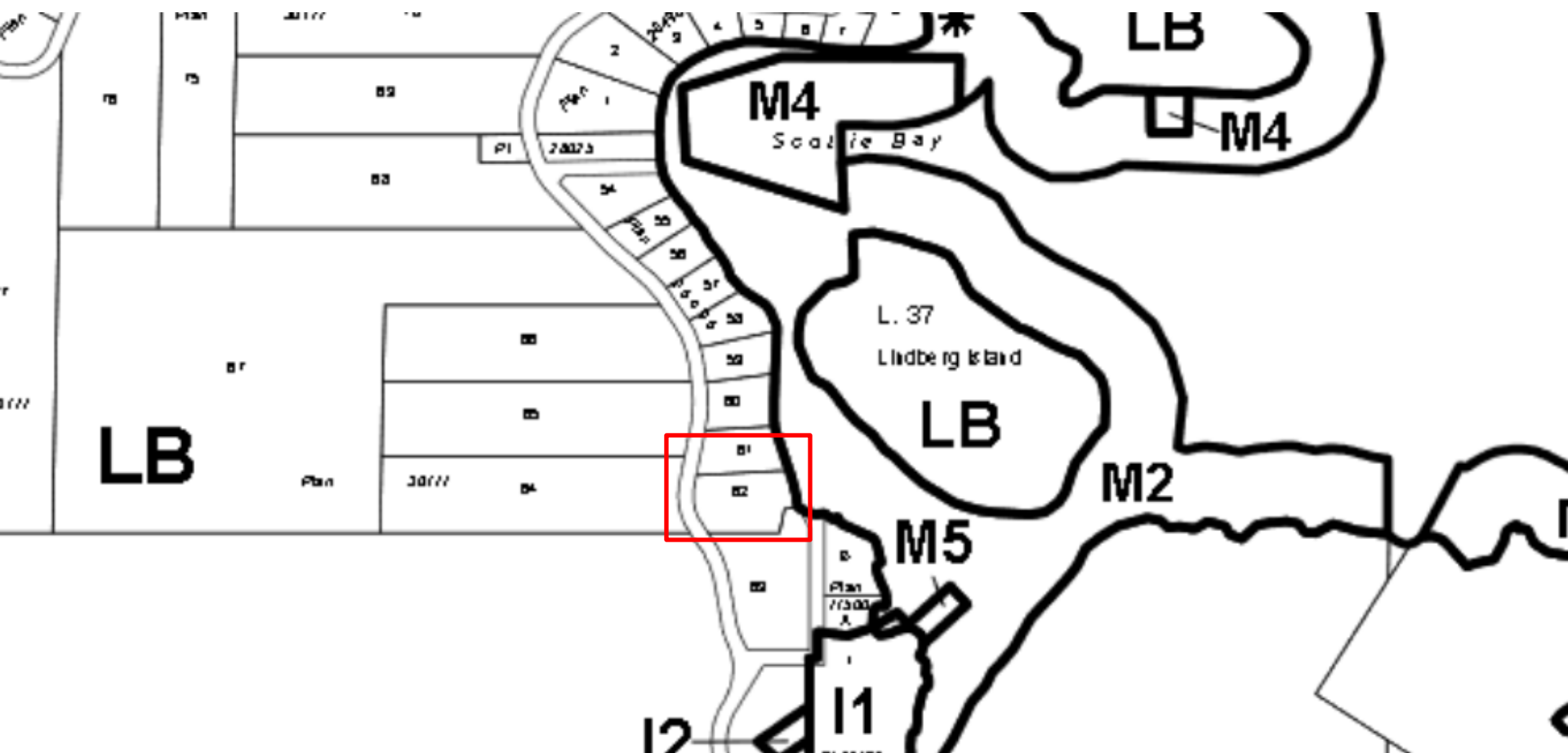


Photo 7: Transect 3 showing open muddy bottom



Photo 8: Transect 4 showing a bivalve hole and *Cladophora*

APPENDIX B
SITE DRAWING WITH ADDRESSES



APPENDIX C

SUMMARY OF UNDERWATER AND INTERTIDAL TRANSECT

SURVEY OBSERVATIONS

Appendix B

Underwater Marine Transects for Proposed Docks in Scottie Bay, Lasqueti Island, BC; July 31, 2019- Summary of Observations

Transect 1

Time: 10 am

Tidal height: 1.0 m

Description: N boundary of Lot 61, 30 m from Mean High Water Mark (MHW)

Coordinates: Finish: 49°30'53.2"N, 124°20'48.1"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (Chart Datum; feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:16	1.3	30	Mud, some rocks	Green tuft (<i>Cladophora</i> sp.)	H
0:36		35	Loose silty mud	Stickleback (Unconfirmed species*)	1
0:57	2.7	41	Loose silty mud	<i>Cladophora</i>	H
**1:56			Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	H
2:19			Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	H
				Siphon hole	1
				Stickleback (Unconfirmed species)	Small school
3:02			Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	H
				Stickleback (Unconfirmed species)	Small school
3:30	9.0	61	Loose silty mud	<i>Cladophora</i>	H
				<i>Ectocarpus</i>	

*Could not confirm species due to visibility

**Camera had to be lifted over a sunken boat at this point in the footage

Transect 2

Time: 10:15 am

Tidal height: ~1.0 m

Description: Property line between Lot 61 & Lot 60, 30 m from MHW

Coordinates: Finish: 49°30'52.1"N, 124°20'48.1"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:18	0.5	30	Loose silty mud	<i>Cladophora</i> <i>Ectocarpus</i>	L L
0:42			Loose silty mud, rocks, empty clam shells	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback (Unconfirmed species)	H H Small school
0:57	2.6	39	Loose silty mud, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	H H
1:33	5.0	46	Loose silty mud, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	H H
2:00			Loose silty mud, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	H H
2:26			Sandy/muddy bottom	<i>Cladophora</i> <i>Ectocarpus</i> Siphon hole	M M 1
2:48			Sandy/muddy bottom, rocks	<i>Cladophora</i> <i>Ectocarpus</i>	M M
3:29	4.2	58	Sandy/muddy bottom	<i>Cladophora</i> <i>Ectocarpus</i>	M M

Transect 3

Time: 10:30 am

Tidal height: 0.7 m

Description: S boundary of Lot 62, 30 m from MHW

Coordinates: Finish: 49°30'51.3"N, 124°53'10.4"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:20	0.6	30	Sandy/muddy	<i>Cladophora</i> Siphon holes	L M
0:57			Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	L L
1:37			Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback (Unconfirmed species) Siphon holes	L L Several individuals H
1:51			Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	L L
2:26	3.3	64	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	L L

Transect 4

Time: 10:45 am

Tidal height: 0.4 m

Description: Parallel to shore across the far ends of T1,T2 & T3 approx. 60m from MHW

Coordinates: Start: 49°30'53.2"N, 124°20'48.1"W Finish: 49°30'51.0"N, 124°20'46.6"W

Visibility: Low due to stirred up sediment

Video time (min:sec):	Depth (feet):	Approximate distance from MHW (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
0:21-0:47	~4.6	60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i>	M M
1:05		60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i>	H H
1:20		60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	H H Small school
2:40		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	H H
3:30		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	M M
4:00		60	Mud, cobble	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	M M Small school
4:20		60	Silty mud	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	H H Several
4:35		60	Silty mud	Sculpin (Unconfirmed species*)	1
5:50		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i>	M M
6:20		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Siphon hole	M M 1
6:55		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Siphon holes	M M M
7:02		60	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	L L Small school

7:50	~5.1	62	Open mud bottom	<i>Cladophora</i> <i>Ectocarpus</i> Stickleback	L L Small school
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*Low visibility and fast moving fish

Transect 5

Time: 11:00 am

Tidal height: 0.4 m

Description: Parallel to shore across T1,T2 & T3 approx. 30m from HWM. Footage filmed from above surface with iPad due to equipment failure.

Water was shallow enough to see substrate and marine life.

Coordinates: Start: 49°30'53.2"N, 124°20'49.1"W Finish: 49°30'51.6"N, 124°20'47.6"W

Visibility: Low due to stirred up sediment

Depth (feet):	Approximate distance from MHWM (m):	Bottom substrate:	Species present:	Density (High, H; Moderate, M; or Low, L)/number of individuals:
2-4 ft	35	Open mud bottom	Siphon holes Stickleback Small Dungeness crabs Sculpins Sand dollar (dead) <i>Cladophora</i> <i>Ectocarpus</i>	M Small schools 10 2 1 L-M L-M

Intertidal Transects for Proposed Docks in Scottie Bay, Lasqueti Island, BC; July 31, 2019- Summary of Observations

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	Lyngby'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

Transect 7

Time: 12:15 pm

Tidal height: 0.3 m (lowest tide)

Description: Half way through Lot 62. Note: this transect is less detailed than T6 and acts as a supplement to T6.

Coordinates: Start: 49°30'52.0"N, 124°20'50.6"W Finish: 49°30'52.6"N, 124°20'49.9"W

Distance along transect (upland towards water):	Substrate:	Species present:
Above transect (on slope)		Douglas fir Terrestrial grasses Arbutus Red cedar Small grand fir
0m	Rip rap boulders	
1.5m		Sea asparagus
5.0m		Barnacles start
6.0m		<i>Fucus</i> Oysters
9.3m	Boulders transition to mud and gravel	
14.6m	Wet mud	Siphon holes
20.0m	Mud	



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality July 14, 2020

Islands Trust Conservancy Board News

The Islands Trust Conservancy Board endorsed proposed adjustments to the 2020 annual monitoring program for nature reserves and conservation covenants due to the COVID-19 pandemic.

The Board and the Executive Committee shared a liaison meeting, July 14, 2020 and discussed:

- Working with the Province, including potential changes to Natural Area Protection Tax Exemption Program (NAPTEP) legislation and a Provincial funding request
- Working with Trust Council, including work associated with the Climate Change Emergency Declaration, ITC Budgets and ITC work towards a strategic charitable giving program
- Other items as per the agenda at <http://www.islandstrustconservancy.ca/about-us/meetings/>

The liaison meeting occurs annually as per Islands Trust policy.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

Islands Trust Acting Senior Policy Advisor presented a brief overview of the Climate Action Plan (CAP) currently in development by the Climate Policy Working Group (CPWG). The CPWG supports joint collaboration and communication between Trust Area Services, Local Planning Services and ITC for incorporating climate change into policy guidance. Resources will be used from both Trust Area Services and Islands Trust Conservancy.

Goal 2 – Strong relationships with First Nations

The ITC Board considered ways to advance engagement with First Nations through considerations in all of its land management and acquisition decisions.

Goal 3 – Protection of core conservation areas

Property Management

Staff are conducting a reduced monitoring season to accommodate travel restrictions due to COVID-19.

The ITC Board approved conservation covenant management plans for Winter Wren Wood on Denman Island (see island updates below).

Land Acquisition and Covenants

The ITC Board approved the transfer of 3.4 ha of land on Keats Island which will become the Sandy Beach Nature Reserve. This will be the ITC's 30th Nature Reserve and was a requirement of rezoning as directed by the Gambier Island Local Trust Committee.

The ITC approved a small covenant on Salt Spring Island which will provide a buffer area for the Lower Mount Erskine Nature Reserve which is managed by the ITC.

Goal 4 – A strong voice for nature conservation

The Board directed staff to prepare a histogram showing the size distribution of Island Trust Conservancy nature reserves and covenants.

Activities by Local Trust Area/Island Municipality

Denman – The Board approved the Denman Conservancy Association's update of the Management Plan for Winter Wren Wood dated April 18, 2020 with the recommendation that the Denman Conservancy seek assistance from ITC staff or First Nations such that the property management becomes inclusive of climate change and reconciliation.

Gambier – The Board directed the Chair to sign the Transfer Agreement, between the Convention of Baptist Churches of British Columbia and the Islands Trust Conservancy, for the transfer of Sandy Beach. The Board directed staff to bring recommendations to the Board regarding the use of the required \$12,000 contribution from the Convention of Baptist Churches.

Salt Spring – The Board authorized the Chair to sign a conservation covenant over a small area adjacent to the Lower Mount Erskine Nature Reserve which is managed by ITC.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
LA-RZ-2020.1	Carey Development Ltd. (Kyler)	01-May-2020	PID: 002-917-475 OCP & LUB amendments required regarding private dock. Civic address: Lot 62, Spring Bay Road, Lasqueti Island, BC.
Planner: Jaime Dubyna			
Planning Status			
<u>Status Date:</u> 26-May-2020 Planner reviewing file.			
<u>Status Date:</u> 07-May-2020 File opened and assigned.			

File Number	Applicant Name	Date Received	Purpose
LA-RZ-2020.2	Ken Kyler	01-May-2020	PID: 002-917-467 OCP & LUB amendments required regarding private dock. Civic address: Lot 61 Spring Bay Road, Lasqueti Island, BC.
Planner: Jaime Dubyna			
Planning Status			
<u>Status Date:</u> 26-May-2020 Planner reviewing file.			
<u>Status Date:</u> 07-May-2020 File opened & assigned.			

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			
<u>Status Date:</u> 23-Jul-2019 Referral response sent to MOTI			



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
LA-TUP-2020.1	KGL Freight Services Ltd.	17-Jul-2020	PID: 005-600-081 Fuel station/hardware store combination/fuel storage & residence. Civic address: 1 Weldon Road, Lasqueti island, BC
Planner: Sonja Zupanec			
Planning Status			
Status Date: 23-Jul-2020			
File opened & assigned.			

Lasqueti Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy
1.	July 11, 2013	LA-2013-020	APC member Agenda Package	It was MOVED and SECONDED , that on request by an Advisory Planning Commission member, that they receive a Lasqueti Local Trust Committee Agenda package at no charge.
2.	February 28, 2017	LA-2017-006	APC to also act as TAC	It was MOVED and SECONDED , that the Lasqueti Island Local Trust Committee make a Standing Resolution to request the APC to undertake the function of a Transportation Advisory Committee.
3.	July 23, 2018	LA-2018-040	Non-medical cannabis retail applications	It was MOVED and SECONDED that the Lasqueti Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the local trust committee after initial review of the proposal. • However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: ○ Name of the applicant and a description of the proposal in general terms ○ The location of the proposed establishment and the subject site. ○ The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. ○ How public comments may be submitted to the local trust committee.
4.	December 17, 2018	LA-2018-062	Notice of Intention to Apply for Federal Cannabis License	It was MOVED and SECONDED 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	It was MOVED and SECONDED 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.
6.	February 24, 2020	LA-2020-003	First Nations Reconciliation	It was MOVED and SECONDED, that the Lasqueti Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: 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: 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; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; 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; 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; 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.

Top Priorities Report

Ballenas-Winchelsea Islands

1. *Advocacy for the protection and appropriate use of Crown islets.*

Responsible

Dates

To work with Nanoose First Nation, provincial agencies and other agencies to facilitate appropriate public use of the islands.

Rec'd: 19-May-2015

- Coordinate a boat tour of the BW islands and islets inviting FN representatives, MABR members and Regional District Electoral Area representative.

2. *Nanoose First Nation Relationship Building.*

Responsible

Dates

- Coordinate BW meeting rotation at Nanoose FN meeting facility

Rec'd: 26-Jul-2011

3. *Implement the Protection of Coastal Douglas fir and Associated Ecosystems toolkit and Islands Trust Conservancy Regional Conservation Plan.*

Responsible

Dates

Review the OCP and LUB.

Rec'd: 12-Dec-2018

Top Priorities Report

Denman Island

1. *Denman Island Farm Plan Implementation*

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)

Responsible

Marnie Eggen
Sonja Zupanec

Dates

2. *Signage at Ferry Terminal*

Responsible

Lisa Wilcox
Marnie Eggen

Dates

Rec'd: 21-Jan-2020

3. *Cannabis Land Use Regulation*

Review of land use regulations with respect to cannabis production and retail sales.

Responsible

Heather Kauer

Dates

Rec'd: 20-Nov-2018

Top Priorities Report

Gabriola Island

1. *Housing Options and Impacts Review Project*

Responsible

Dates

Develop an Engagement and Communication Strategy;
Strengthen relationships with Snuneymuxw First Nation and incorporate First Nation perspectives into policy/regulatory options;
Explore opportunities to foster affordable, rental, special needs and seniors housing and associated services;
Develop a strategy to address all housing continuum gaps;
Ensure policy/regulatory changes are consistent with the Object of the Islands Trust, the ITPS, with focus on water protection/conservation and ecological footprints.

Sonja Zupanec

Rec'd: 22-Nov-2018

2. *Cannabis Production and Retail Sales*

Responsible

Dates

Proposed Bylaw 303 introduced to amend the Gabriola Land Use Bylaw provisions pertaining to cannabis regulations, definitions, lot setbacks and building size.

Heather Kauer

Rec'd: 22-Nov-2018

3. *Develop an Ecological Protection Zone*

Responsible

Dates

Research and develop a new ecological protection zone as part of the Parks (P) OCP designation. Update zoning of Coats Marsh and Burren's Acres Nature Reserve properties.

Ian Cox

Rec'd: 22-Nov-2018

Top Priorities Report

Galiano Island

1. Affordable Housing Strategy - STVR Review

Phase 1: STVR review

Responsible

Brad Smith

Dates

Rec'd: 04-Mar-2019
Target: 31-Dec-2020

2. Groundwater Sustainability

Phase 1: mapping and data analysis

Responsible

William Shulba

Dates

Rec'd: 02-Apr-2019
Target: 01-Apr-2020

3. Land Use Bylaw amendments

To review LUB for: any technical/administrative bylaw amendments (e.g. definition references and numbering), shoreline zoning wording, crown lot rezonings, and review park zoning (specifically to allow stairs in setbacks).

Responsible

Brad Smith

Dates

Rec'd: 28-Apr-2020
Target: 31-Mar-2021

Top Priorities Report

Gambier Island

1. *Riparian Areas Regulation*

Implement RAR and protect all watercourses across the Gambier Island Local Trust Area

Responsible

Marnie Eggen

Dates

Rec'd: 26-Oct-2011

2. *Gambier OCP Comprehensive Review*

Revised Project Charter scope Dec. 2018

Responsible

Jaime Dubyna

Dates

Rec'd: 12-Feb-2015

3. *Keats Island Shoreline Protection Project - Phase 2*

Review of OCP and LUB to implement shoreline protection measures.

Responsible

Jaime Dubyna
Marnie Eggen

Dates

Rec'd: 31-Jan-2019

4. *OCP Advocacy Policies - Implementation & Support*

Supporting the advocacy policies of the Gambier, Keats, and Associated Islands
OCPs, and Islands Trust Strategic Plan (e.g. woodlots, industrial facilities, Howe Sound)

Responsible

Dan Rogers
Kate-Louise
Stamford

Dates

Rec'd: 24-Oct-2013

Top Priorities Report

Hornby Island

1. *Consideration of a rezone of 5040 Central Road to R3A.*

Responsible

Dates

Consideration of an LUB bylaw amendment to change the zoning of 5040 Central Road from R3 to R3A.

Rec'd: 01-May-2020

2. *Watershed Protection and Groundwater Preservation*

Responsible

Dates

Project charter, work plan and budget; consolidation of existing information; required research to address key knowledge gaps; workshop to explain the model; suggestions for next steps including finding potential funding, advocacy/education/coordination with other agencies etc. Review approaches to ground water protection and water conservation on Hornby Island including consideration of the Gulf Islands Ground Water Protection Regulatory Tool Kit and the possible use of Development Permit areas for water conservation

William Shulba

Rec'd: 08-Jun-2018



Top Priorities Report

Lasqueti Island

1. OCP/LUB Review

A comprehensive review of the Lasqueti Island Official Community Plan and Land Use Bylaw.

Implementation of Coastal Douglas-fir and Associated Ecosystems Toolkit added to Project Charter (Dec.22, 2018)

LTC endorsed the OCP/LUB Review Project Charter v.2 (May 27, 2019).

LTC endorsed revised OCP/LUB Review Project Charter v.4.4 (April, 2020).

Responsible

Bronwyn Sawyer
Heather Kauer

Dates

Rec'd: 08-Jan-2018

2. Freshwater Project

LTC endorsed the v.1 freshwater sustainability strategy project charter (May 27, 2019).

Responsible

William Shulba

Dates

Rec'd: 24-Sep-2018

3. Model Cell Tower Strategy

LA-2020-009

It was MOVED and SECONDED,?

that the Lasqueti Island Local Trust Committee request staff to draft amendments to the Model Cell Tower Strategy incorporating concerns regarding electrical supply.

CARRIED

LA-2020-010

It was MOVED and SECONDED,?

Responsible

Dates

Rec'd: 28-Oct-2019

Top Priorities Report

Lasqueti Island

that the Lasqueti Island Local Trust Committee request staff to investigate options for a more fulsome communication consultation process regarding the Model Cell Tower Strategy.

CARRIED

Top Priorities Report

Mayne Island

1. Land Use Bylaw Technical Amendments

Responsible

Dates

Draft Bylaw with technical amendments prepared for June 29, 2020 LTC agenda.
Through First reading at June 29 meeting, referrals sent, public hearing is being scheduled for September 2020.

Narrisa Chadwick

Rec'd: 23-Sep-2019

2. Housing Regulations and Policy Review (tiny home initiative)

Responsible

Dates

Initial staff report prepared for Oct 28, 2019 LTC meeting
Further staff report prepared for January 27, 2020 LTC Meeting
Report brought back to July 27, 2020 LTC meeting

Brad Smith
Narrisa Chadwick

Rec'd: 26-Nov-2018

3. Groundwater Sustainability Project

Responsible

Dates

Update LTC with status of project at July 27, 2020 LTC Meeting.

Narrisa Chadwick
William Shulba

Rec'd: 27-May-2019

Top Priorities Report

North Pender Island

1. STVR review

to review the policies, regulations and impacts of STVRs

Responsible

Narrisa Chadwick

Dates

Rec'd: 05-Sep-2019
Target: 01-Jul-2021

2. Climate Change Adaptation, Mitigation and Resilience

Phase 1: Groundwater Sustainability Mapping Project (2019-2020)

Phase 2: Sea level rise adaptation (2020-21)

Responsible

William Shulba

Dates

Rec'd: 29-Nov-2018
Target: 31-Mar-2020

3. LUB Review

To consider potential LUB amendments to implement OCP policies, and to make technical amendments

Responsible

Kim Stockdill
Robert Kojima

Dates

Rec'd: 07-Nov-2019
Target: 01-Jan-2022



Top Priorities Report

Salt Spring Island

1. *Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection***Responsible****Dates**

Consultation - SSIWPA supports ongoing well and lake monitoring post pilot monitoring stage.

Jason Youmans
William Shulba

Rec'd: 07-Jun-2012

Analysis - Master project charter update for consideration. Proposal to consider sub project charter.

Legislative - Direction to develop bylaw to update LUB proof of water requirements at time of subdivision

2. *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)***Responsible****Dates**

Project Initiation - Amending proposed Project Charter as per LTC resolution

Jason Youmans

Rec'd: 17-Dec-2019
Target: 31-Dec-2021

3. *Ganges Village Planning***Responsible****Dates**

Draft a Project Charter for consideration of budget needs and inclusion in Trust Council budget decisions for 2021/2022.

Jason Youmans
Stefan Cermak

Rec'd: 08-Jun-2020
Target: 31-Mar-2022

4. *Regulate Cannabis Production***Responsible****Dates**

Legislative - Bylaw 518. First Reading given. Referred out.

Rec'd: 01-Oct-2019
Target: 31-Mar-2021



Top Priorities Report

Salt Spring Island

5. Industrial Land Uses - update OCP and LUB

Legislative - Bylaw 488 given ministerial approval June 16, 2020. Bylaws 488, 489 and 490 to return to LTC table for adoption at earliest opportunity.

Responsible

Jason Youmans

Dates

Rec'd: 07-Jun-2012
Target: 31-Jul-2020

5. TUPs for Residential Uses

Designated as a Special Project Dec. 6, 2018.

Legislative - Bylaw 471 given second reading. Community Meeting held. Requires Public Hearing.

Responsible

Jason Youmans

Dates

Target: 31-Dec-2020

Top Priorities Report

Saturna Island

1. *First Nations Relationship Building*

Responsible

Dates

Review of OCP to include references to First Nations.
 Project Charter endorsed July 18, 2019
 Letter Sent to First Nations as per Project Charter
 Update to be given at February 14, 2020 LTC meeting.
 Staff to continue working with First Nations.

Rec'd: 16-Sep-2016

2. *Groundwater Sustainability Project*

Responsible

Dates

Phase 1: Mapping and data analysis
 update to be given at February 14, 2020 LTC meeting

William Shulba

Rec'd: 09-May-2019
 Target: 31-Mar-2020

3. *Review and amendment of Zoning and OCP Designations on National Park Reserve Lands*

Responsible

Dates

Prepare OCP and LUB amendments for the LTCs consideration of first reading

Brad Smith

Rec'd: 24-Oct-2019

Top Priorities Report

South Pender Island

1. *Groundwater Sustainability project*

Phase 1: to undertake analysis of groundwater resources

Responsible

William Shulba

Dates

Rec'd: 05-Apr-2019
Target: 30-Sep-2020

2. *STVR Review*

Review of STVR regulations, as per project charter

Responsible

Narrisa Chadwick

Dates

Rec'd: 06-Sep-2019
Target: 31-Mar-2021

3. *Alternative Housing*

Review regulations relating to recreational vehicles and consider tiny homes and secondary dwellings.

Responsible

Narrisa Chadwick

Dates

Rec'd: 31-Jan-2020
Target: 31-Mar-2021

Top Priorities Report

Thetis Island

1. *Riparian Areas Regulation Implementation*

Ensure protection of freshwater ecosystems in the Ralston Creek watershed through implementation of a development permit area.

Responsible

Marnie Eggen

Dates

Rec'd: 07-Sep-2011
Target: 15-Nov-2014

2. *Coastal Shoreline Protection*

LTC to review the Coastal Douglas Fir and Associated Islands Toolkit and CVRD's Bylaw 2500, Section 20.3 Ocean Shoreline Protection Development Permit Area.

Responsible

Marnie Eggen

Dates

Rec'd: 19-Nov-2019

3. *Relationship Building with Local First Nations*

Potential topics to explore:
Bylaw referrals; Land & marine use on & around Lyackson Island; Shared Narrative of Place; Co-governance/co-management; follow up from Associated OCP/LUB review:land use considerations for clam gardens; explore private docks as a permitted use; potential impacts of ocean geothermal loops; switchback fencing in setback to the sea

Responsible

Marnie Eggen

Dates

Rec'd: 27-Feb-2018

Projects Report

Lasqueti Island

1. *Community to Community Forum*

Responsible

Date Received

Establish relationships with First Nations with interests in the Lasqueti Local Trust Area.

24-Sep-2018

2. *Subdivision Review Project*

Responsible

Date Received

Staff to prepare a draft project charter for a subdivision review project to review conservation based and cluster subdivision options.

3. *Review permitted uses upland to barge ramp*

Responsible

Date Received

Staff to research and report back on options to make the current uses associated with the barge ramp legal.