



A NOTICE OF A BUSINESS MEETING OF **THE THETIS ISLAND LOCAL TRUST COMMITTEE**
to be held at 9:15 am on Wednesday, June 4, 2014 at Thetis Island Community Centre
(Forbes Hall Library) North Cove Road, Thetis Island, BC

AGENDA

	<i>Page No.</i>	<i>*Approx. Time*</i>
1. CALL TO ORDER		9:15 am
2. APPROVAL OF AGENDA		
2.1 Additions and Deletions		
2.2 Questions from the Public on Agenda Items		
3. TOWN HALL SESSION (10 MINUTES)		
4. MINUTES		
4.1 Local Trust Committee Meeting Minutes of April 16, 2014 - <i>for adoption - attached</i>	1-10	9:25 am
4.2 Section 26 Resolutions Without Meeting - <i>none</i>		
4.3 Advisory Planning Commission Meeting Minutes - <i>none</i>		
4.4 Ruxton Island Advisory Planning Commission Minutes - <i>none</i>		
5. BUSINESS ARISING FROM MINUTES		9:40 am
5.1 Follow-up Action List dated May 26, 2014- <i>attached</i>	11	
5.2 Advisory Planning Commission Bylaw Amendment Update		
5.2.1 Staff Report dated May 22, 2014 - <i>attached</i>	12-14	
6. DELEGATIONS – <i>none declared</i>		
7. CORRESPONDENCE - <i>none</i> <i>Correspondence specific to an active development application and/or project will be received by the Thetis Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
8. APPLICATIONS AND PERMITS - <i>none</i>		
9. LOCAL TRUST COMMITTEE PROJECTS	9:45	10:00 am
9.1 Associated Islands Official Community Plan and Land Use Bylaw		
9.1.1 Staff Report dated May 20, 2014 – <i>attached</i>	15-36	
9.2 Shoreline Protection – <i>for discussion</i>		

10.	REPORTS	11:00	11:30 am
10.1	Work Program Reports		
10.1.1	Top Priorities and Projects Report dated May 26, 2014- <i>attached</i>	37-39	
10.2	Applications Log		
10.2.1	Report dated May 26, 2014 - <i>attached</i>	40	
10.3	Trustee and Local Expenses		
10.3.1	Final Fiscal Year-End Expenditures to March 31, 2014 - <i>attached</i>	41	
10.4	Chair's Report		
10.5	Trustees' Report		
10.6	Advisory Planning Commission Report - <i>none</i>		
11.	NEW BUSINESS		11:50 am
11.1	New Federal Marihuana for Medical Purposes Regulation		
11.1.1	Staff Report dated April 28, 2014 - <i>attached</i>	42-65	
12.	BYLAWS		
13.	ISLANDS TRUST WEBSITE		
13.1	Thetis Pages – <i>for discussion</i>		
14.	TOWN HALL DISCUSSION (10 MINUTES – TIME PERMITTING)		
15.	NEXT MEETING DATE		
	Wednesday, July 23, 2014 at 9:15 am at Thetis Island Community Centre (Forbes Hall Library) North Cove Road, Thetis Island, BC		
16.	ADJOURNMENT		12:30 pm

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



Thetis Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Wednesday, April 16, 2014

Location: Thetis Island Community Centre, Forbes Hall Hunter Room
292 North Cover Road, Thetis Island, BC

Members Present: Ken Hancock, Chair
Peter Luckham, Local Trustee
Sue French, Local Trustee

Staff Present: Aleksandra Brzozowski, Planner
Jessie Sherk, Recorder

Media and Others Present: Four (4) members of the public were in attendance

1. CALL TO ORDER

Chair Hancock called the meeting to order at 9:30 am. Staff and trustees were introduced and the public was welcomed. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

2.1 Additions and Deletions

The following additions to the agenda were presented for consideration:

- 9.2 Change order of the agenda so that the Greenshores Scenarios Workshop follows item 4 - Minutes.
- 13.1 Change the order of the agenda so that the Gulf Islands Groundwater Protection – A Regulatory Toolkit, follows 9.2. Greenshores Scenarios Workshop

By general consent the agenda was approved, as amended.

2.2 Questions from the Public on Agenda Items - None

3. TOWN HALL SESSION - None

4. MINUTES

4.1 Local Trust Committee Meeting Minutes of March 19, 2014

- Page 2, 5.1, second paragraph be amended to read:
“Trustee Luckham gave an update on the November 5, 2013 item regarding the possible Community To Community grant application from the Union of British Columbia Municipalities for funding an opportunity to build relationships with Lyackson First Nation. He stated that they are continuing to communicate with the Lyackson First Nation.
- Page 3, first sentence at the top of the page, add the words “later in the meeting.” to the end of the sentence.
- Page 4, the title of 9.1.1 be amended to read:
Bylaw Provisions for Environmental Protection for the Thetis Associated Islands
- Page 4, the motion under 9.1.1 be amended read:
“It was MOVED and SECONDED,
that the Thetis Islands Local Trust Committee direct staff to include wetlands into Section 3.3 of the Thetis Associated Islands Land Use Bylaw No. 94.”
- Page 5, 11. RECALL TO ORDER, amend the resolution that was moved in the Closed Meeting to read:
“that the Thetis Island Local Trust Committee prioritize the expressions of interest for the Greenshores Scenarios Workshop as Lot 136 and Lot 300 (St. Margaret’s Cemetery) as Priority #1, and as Priority #2, Lot 25 Bella Vista.”
- Page 6, 12.1.1, amend the second paragraph to add the words “and stated that it was progressing.” to the end of the sentence.
- Page 7, 13.2, add the words “on Wednesdays” after the word “available” in the first sentence.

By general consent the minutes were adopted, as amended.

4.2 Section 26 Resolutions Without Meeting - None

4.3 Advisory Planning Commission Meeting Minutes – None

4.4 Ruxton Island Advisory Planning Commission Minutes – None

9.2 Green Shores Scenarios Workshop

9.2.1 Memorandum dated April 4, 2014

Planner Brzozowski presented the memorandum. She noted that June 13, 2014 is the date that has been agreed on as the workshop date. She drew attention to the event agenda and discussed the ferry schedule, costs of getting everyone over to the island, and times. She also noted that the facilitator would be Mike Richards and that he has already started looking at ways to adjust the agenda. The Trustees, Planner and members of the public discussed the workshop at great length.

The following points were noted:

- It would be helpful to have the backgrounds of the speakers in the package so the public knows who they are.
- Planner Brzozowski will circulate the package electronically so everyone has a chance to review it ahead of time.
- On page 2 of the Memorandum, an error was noted in the second bullet under "What". The words "the day" should replace the word "evening"
- Add the following people to the "Invite List":
 - Joe Knowles
 - Arthur Hunter
 - Steve Howard
 - Local Realtors -Deb Wilson, Joe Esquire and Janet Moore
- Invitations should be a one-page flyer that could be printed off or emailed.
- Trustee French will be connecting with Penny Hawley regarding catering.
- Trustees French and Luckham will send property owners contact info to Planner Brzozowski.
- It was agreed that having a videographer is desired.

13. NEW BUSINESS

13.1 Gulf Islands Groundwater Protection – A Regulatory Toolkit

13.1.1 Memorandum dated March 19, 2014

Planner Brzozowski presented the Memorandum noting that Trust Council passed a resolution that this toolkit be circulated to all Local Trust Committees. She stated that it was being presented for information.

The toolkit was discussed at great length with the members of the public in attendance.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated April 7, 2014

Planner Brzozowski provided updates on outstanding follow up action items.

Regarding the follow up item for Riparian Areas Regulation, Planner Brzozowski reported that a detailed assessment has been submitted and next steps would include staff determining what needs to be done with the covenant to match the regulation requirements.

Trustee Luckham gave an update on the Community to Community (C2C) funding application action item (second item under November 20). He stated that the Lyackson First Nation was unable to respond in time to meet the funding application deadline. He noted that he is still pursuing building the relationship between the Valdes property owners and the Lyackson First Nation.

5.2 Local Trust Committee Request for Chronology Leading up to Drafting of Covenant for Dayman Island

5.2.1 Memorandum dated March 24, 2014

Trustee Luckham expressed his thanks to Islands Trust staff for clarifying the information.

6. DELEGATIONS - None

7. CORRESPONDENCE - None

8. APPLICATIONS AND PERMITS - None

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Associated Islands Official Community Plan and Land Use Bylaw

9.1.1 Staff Report dated March 24, 2014

Planner Brzozowski summarized the staff report noting that she had an early legal review and as a result, a stronger Official Community Plan and Land Use Bylaw are presented for First Reading.

The suggested revision to Temporary Use Permits in the Official Community Plan, and Medical Marijuana classification and Permitted Structures in Parks in the Land Use Bylaw were discussed. It was agreed that the Committee was satisfied with the recommendations.

The planner summarized the recommendation for Parking Requirements in the Land Use Bylaw. Discussion ensued.

TH-2014-028

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee amend the parking regulations section of the Thetis and Associated Islands Land Use Bylaw No. 94, Section 3.10, Subsection (1) by adding to the last sentence: boats and trailers.

CARRIED

The staff recommendation under “Permitted Home Occupations” was discussed.

The Committee took a short break from discussing the staff report to allow Ian Ralston and Ernie Hunter the opportunity to discuss an idea they had about the Green Shores Scenarios Workshop. They proposed the idea that they could organize a get-together with the contractors prior to the workshop, to catch them up on all the information. They stated that this would save time at the workshop. It was noted that the next Local Trust Committee meeting is June 4, 2014 and that that might be a good opportunity for Ernie and Ian to organize the event. Trustees supported the idea.

The Committee then returned to the staff report to discuss the Water Supply Requirements to Protect Groundwater. Trustees agreed with the staff recommendation.

Trustees and staff then discussed at great length an email regarding the provision of emergency services structures on vacant residential land on Ruxton Island.

TH-2014-029

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee amend Thetis Associated Islands Official Community Plan Bylaw No. 93 by adding 13.2.6 Local Trust Committee Bylaw provisions should permit structures for the storage of equipment for basic emergency service to the community and 13.2.7 the Local Trust Committee should support rezoning applications that enable the establishment of community service buildings.

CARRIED

TH-2014-030

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee amend the Thetis Associated Islands Land Use Bylaw No. 94 by adding under “Definitions”, “emergency services” means the provision of fire protection and medical services to the community.

DRAFT

CARRIED

TH-2014-031

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee amend the Thetis Associated Islands Land Use Bylaw No. 94, Part 5.1 (R1) Permitted Use, subsection (1) by adding (c) structures for storage of emergency service equipment.

CARRIED

TH-2014-032

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee amend the Thetis Associated Islands Land Use Bylaw No. 94 Part 5.1 (R1) "Siting and Size" a new subsection (7) For emergency service equipment storage, a maximum height of 6 meters and no more than 20 square meters in size.

CARRIED

There was an error noted on page 112 where the definition of "structure" was exactly the same under "Previous Text" and "Recommended Revisions". The correct previous text was looked up and compared. Trustees agreed with the recommended revision.

The policy statement checklist was reviewed.

TH-2014-033

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee give first reading to Draft Bylaw No. 93, cited as the Thetis Associated Island Official Community Plan Bylaw 2014" as revised.

CARRIED

TH-2014-034

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee give first reading to Draft Bylaw No. 94 cited as the "Thetis Associated Islands Land Use Bylaw 2014" as revised.

CARRIED

TH-2014-035

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee direct staff to refer Proposed Bylaw No. 93 cited as the “Thetis Associated Islands Official Community Plan Bylaw 2014” and Proposed Bylaw No. 94 cited as the “Thetis Associated Islands Land Use Bylaw 2014” to the following agencies and First Nations:

- Stz’uminus First Nation
- Cowichan Tribes
- Halalt First Nation
- Hul’qumi’num Treaty Group
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelekut Tribe
- Snuneymuxw First Nation
- Semiahmoo First Nation
- BC Assessment Authority
- BC Parks
- Cowichan Valley Regional District
- Department of Fisheries and Oceans
- Islands Health
- Islands Trust Bylaw Enforcement
- Islands Trust Fund
- Ministry of Environment
- Ministry of Forests, Lands and Natural Resource Operations
- Ministry of Transportation and Infrastructure
- Transport Canada
- Gabriola Island Local Trust Committee
- Salt Spring Island Local Trust Committee

CARRIED

TH-2014-036

It was MOVED and SECONDED,

that the Thetis Island Local Trust Committee advise the Executive Committee that it has reviewed the Directives Only Policies and determined that Bylaws No. 93 and No. 94 are not contrary to or at variance with the Islands Trust Policy Statement and post the new revised versions of the bylaws to the Thetis webpage of the Islands Trust website.

CARRIED

10. CLOSED MEETING - None

11. RECALL TO ORDER - None

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities and Projects Report dated April 7, 2014

The Top Priorities list was reviewed, no changes were reported.

12.2 Applications Log

12.2.1 Report dated April 7, 2014

No updates reported.

12.3 Trustee and Local Expenses

12.3.1 Expenses posted to March, 2014

Reviewed for information.

12.4 Chair's Report

Chair Hancock reported that there were great workshops at the Association of Vancouver Island and Coastal Communities Convention that he attended last weekend. He stated that the convention adopted a preliminary economic development impact study on BC Ferries fare increases and service cuts. He noted that there will be more comprehensive studies done to look deeper as well and that there was a wide consensus that the Province should be paying for the study to measure the impacts of the decisions. Lastly, he reported that he is getting ready, as a member of the Executive Council, for June Trust Council where they will be dealing with the Department of Fisheries and Oceans.

12.5 Trustees' Reports

Trustee Luckham reported that he had conversation with the Lyackson First Nation and will be following up again to see if there are any other opportunities they might be able to take advantage of. He also stated that he attended a Columbia Institute Center for Civic Governments session in Vancouver where he focused on the issues of climate change and engaging and catalyzing communities to take action. Lastly, he reported that he also attended the Association of Vancouver Island and Coastal Communities Convention where his bid for director at large was defeated.

Trustee French reported that she is very pleased that the contractors in the community, Ernie Hunter and Ian Ralston, are getting involved and putting together a pre-meeting for the Greenshores Scenarios Workshop.

12.6 Advisory Planning Commission Report – None

13. NEW BUSINESS

13.2 Local Trust Committee Submission for 2013.2014 Annual Report

13.2.1 Memorandum dated April 31, 2014

The Local Trust Committee discussed some changes to the wording of the submission including:

- An error on the last line – Riparian should not be plural
- The end of the very last sentence, delete the words “will continue” and replace with “is expected to be completed”
- Third line down, delete the words “for a number of the small associated islands in the Thetis Island Local Trust Area:” and replace with “for the Thetis Island Trust Areas associated islands, nine small islands that had limited or no regulatory mechanisms for their preservation and protection pursuant to the Islands Trust Mandate.” And then a new sentence starts with “These two bylaws....”

14. BYLAWS

14.1 Draft Bylaw No. 93 (OCP) cited as “Thetis Associated Islands Official Community Plan Bylaw, 2014” – for consideration of first reading

14.2 Draft Bylaw No. 94 (LUB) cited as “Thetis Associated Islands Land Use Bylaw, 2014” – for consideration of first reading

15. ISLANDS TRUST WEBSITE

15.1 Thetis Pages

Trustee French stated that she found the posting of the minutes and the Greenshores for Homes jurisdiction pieces very helpful.

Trustee Luckham stated that in some documents it says there are eight islands and in others it says there are nine. He also noted that it would be helpful if there were a cover page on the Finalized Project Goals for Associated Islands Community Plan document.

16. TOWN HALL SESSION - None

17. NEXT MEETING:

The next meeting will take place on Wednesday, June 4, 2014 at 9:15 am at Thetis Island Community Centre (Forbes Hall Library) North Cove Road, Thetis Island, BC.

18. ADJOURNMENT

TH-2014-037

It was **MOVED** and **SECONDED**,
that the Thetis Island Local Trust Committee meeting be adjourned at 1:03 pm.

CARRIED

Ken Hancock, Chair

CERTIFIED CORRECT:

Jessie Sherk, Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Thetis Island

Feb-08-2012

No.	Activity	Responsibility	Target Date	Status
1	Develop recommendations for a joint proactive enforcement strategy with the CVRD.	Miles Drew	Jun-30-2013	On Going

May-23-2012

No.	Activity	Responsibility	Target Date	Status
1	Report to LTC on use of neighbourhood mediation on Thetis.	Miles Drew	Jun-30-2013	On Going

Mar-19-2014

No.	Activity	Responsibility	Target Date	Status
1	Staff and trustees to create property profiles for the scenarios workshop.	Aleksandra Brzozowski Sue French Peter Luckham	Apr-16-2014	On Going
1	Amend APC admin bylaw to eliminate 1-year terms and instead have rotating 2-year terms.	Aleksandra Brzozowski Lisa Webster-Gibson	Jun-04-2014	On Going



STAFF REPORT

Date: May 22 , 2014

File No.: 3050-20-05 (Thetis)

To: Thetis Island Local Trust Committee
For meeting of June 4, 2014

From: Lisa Webster-Gibson, Legislative Clerk

CC: A. Brzozowski, Island Planner; B. McErlean, Planning Team Assistant

Re: Thetis Island Advisory Planning Commission Appointments and Terms

BACKGROUND:

During the March 19, 2014 Regular Business Meeting of the Local Trust Committee (LTC), staff informed the LTC that several members of Thetis Advisory Planning Commission (APC) were coming to the ends of their terms.

The APC currently has seven members. Two appointments have expired (May 23, 2014) and two appointments will expire on July 25, 2014. The remaining appointments have a two year term ending June 5, 2014. (See attached summary).

Further to discussion at that meeting the following resolution (TH-2014-26) was made:
"It was MOVED and SECONDED, that the Thetis Island Local Trust Committee request staff to bring back the Thetis Island Advisory Planning Commission Bylaw for review."

In particular, the LTC expressed that they would like to increase all terms to a two year term and to move to a mix of two-year terms that straddle years (eg. 2014-2016, 2015-2017, etc).

Currently, membership requirements under Bylaw 91 are:

2. Appointment of Members

a) Advisory Planning Commission

- i) *The Advisory Planning Commission consists of a minimum of five and a maximum of seven members.*
- ii) *The Local Trust Committee may, by resolution, appoint up to two members for a two-year term, and appoint the remaining members for a one-year term.*

A Bylaw amendment is required to change this section of the Bylaw. If the LTC wishes to proceed with amending the bylaw, the soonest it could be adopted is mid August. By the end of July only two members of the APC will have active terms. If the LTC anticipates having a referral for the APC prior to their September 17th meeting, the LTC can advertise for and appoint members under the current bylaw. If no referral is anticipated, staff recommends new appointments are not made until after the bylaw amendments have been adopted.

STAFF COMMENTS

Appointments are much easier to manage and track by staff if they are a consistent length, and staff has no concerns with changing the length of term to be 2 years for all members.

The staggering of terms however, requires more staff time to manage and can lead to erroneous appointments if the appointment mechanism or language of the bylaw is not well understood.

Staggered terms also require greater advertisement expenditures, for example, a consistent length of a two year term requires one advertisement every two years, however, staggering terms of two years each would require an advertisement every year for membership.

RECOMMENDATIONS:

1. **THAT** Thetis Island Local Trust Committee amend Bylaw 91, cited as "Thetis Island Local Trust Committee Advisory Planning Commission Bylaw, 2012" to change all terms for members to two year terms.
2. **THAT** the Thetis Island Local Trust Committee direct staff on whether or not to proceed with filling APC vacancies at this time and if so, whether the LTC requests staff to a) to contact current members of the Advisory Planning Commission for continued interest and / or b) to advertise for expressions of interest to fill those positions of the Advisory Planning Commission that have expired or will expire prior to August 2014.

Prepared and Submitted by:

Lisa Webster-Gibson

May 26, 2014

Legislative Clerk

Date

Concurred in by:

Courtney Simpson

May 26, 2014

Courtney Simpson, RPP MCIP
Regional Planning Manager

Date

Attachments:

Attachment 1.

Thetis Island Advisory Planning Commission - Membership

<u>Name</u>	<u>Start Date</u>	<u>End Date</u>
Mary Forbes	July 25, 2013	July 25, 2014
Steve Frankel	July 25, 2013	July 25, 2014
Anne Marie Koeppen	May 23, 2012	May 23, 2014 *
Laurel March	June 5, 2013	June 5, 2015
Patrick Mooney	June 5, 2013	June 5, 2015
Wif Scheur	May 23, 2012	May 23, 2014 *
David Steen	June 5, 2013	June 5, 2014

* - expired



STAFF REPORT

Date: May 20, 2014

File No.: TH 6500-20 (Thetis Associated Islands Official Community Plan and Land Use Bylaw)

To: Thetis Island Local Trust Committee
For meeting of June 4, 2014

From: Aleksandra Brzozowski
Island Planner
Northern Team

Copy: Courtney Simpson, Regional Planning Manager, Northern Team

Re: Proposed Bylaws No. 93 and No. 94, 2014 - Thetis Associated Islands Official Community Plan and Land Use Bylaw

BACKGROUND:

The purpose of this staff report is to review agency referral and community responses received to date regarding proposed Bylaws No. 93 and No. 94, and to recommend that the Thetis Local Trust Committee (LTC) revise the bylaw prior to advertisement of the Community Information Meeting and Public Hearing either through special meeting or by Resolution Without Meeting.

REFERRAL RESPONSES:

Several referral responses from agencies and First Nations have been received to date. Copies of referral responses are attached. Additional responses received after report preparation will be brought to the June 4, 2014 LTC meeting for discussion.

Stz'uminus First Nation has initially responded to notify Planning Staff of aquaculture tenures in process and that comments on the issue will follow.

Hal'alt First Nation has initially responded that they will defer comment to the locally impacted First Nations.

Cowichan Valley Regional District – Planning and Parks will meet with Islands Trust planning staff to discuss the proposed bylaw and referrals in general. This meeting is scheduled for May 21, 2014. Follow up will be presented to the LTC during the regular meeting.

Cowichan Valley Regional District – Bylaw Enforcement recommends approval of the Bylaws.

Ministry of Forests, Lands, and Natural Resource Operations – Water Protection offered written comments on the topic of surface water and groundwater policies (see attached).

Ministry of Forests, Lands, and Natural Resource Operations – Ecosystems recommends approval of the Bylaws.

Ministry of Forests, Lands, and Natural Resource Operations – Natural Resource Operations spoke with planning staff on May 16, 2014 regarding the discussion of fill in foreshore policies, and requesting a clarification that seawall policies refer to land above the natural boundary of the sea. Written comments are to follow.

Fisheries and Oceans Canada recommends approval of Bylaw 93 and recommends approval of Bylaw 94 subject to conditions outlined in the response (see attached). A telephone conversation is scheduled for May 27, 2014 to discuss these issues further.

Island Health met with Planning Staff on April 28, 2014. Minor changes to wording of advocacy policies were recommended. Written comments and the official referral response are to follow.

Ministry of Transportation and Infrastructure replied that their interests are unaffected by the Bylaws.

School District #79 replied that their interests are unaffected by the Bylaws.

COMMUNITY RESPONSES:

The following responses have been received to date from property owners in the Plan area.

Ruxton Island - Attached are comments from Ruxton Island property owners.

Hudson Island – Comments have been received by one property owner. Staff notes that a change to the zoning designations on Schedule C will be recommended in response to these comments. Email correspondence with another property owner indicates that further responses may be received.

Reid Island – Attached are comments from one Reid Island property owner. In addition, the primary contact for South Reid Retreats spoke with planning staff on April 10, 2014 and noted that written comments may follow.

NEXT STEPS:

Considering the comments regarding water zoning and aquaculture use, Staff advises amending the Proposed Bylaw following the end of the referral period and revising proposed Bylaws No. 93 and No. 94 in advance of advertising a Public Hearing. Staff recommendations for specific revisions are not available in this report due to time constraints with many of these responses being received shortly before this report had to be completed to meet the agenda deadline, and follow up meetings with referral agencies scheduled for dates after the agenda deadline. Staff needs more time to prepare detailed recommendations for the LTC.

There are two procedural options for making revisions to the bylaws:

1. Give first reading again to a revised bylaw distributed by resolution without meeting before the next scheduled LTC meeting; or
2. Schedule a Special Meeting to consider either second reading or first reading a second time to revised bylaws.

Second reading cannot be given by resolution without meeting. Giving second reading as opposed to giving first reading a second time is a valid procedural step; second reading can be given either before or after the public hearing. All input received up until the close of a public hearing will be considered by the LTC prior to consideration of third reading.

The following consultation schedule and project timeline is proposed to advance the proposed bylaw:

June 2014 – Consideration of amendments based on input received up until the end of the referral period; bylaw revised.

July 2014 – Community information meeting (CIM) and public hearing held in the Chemainus area. Consideration of amendments based on input received up until the close of the public hearing; third readings and bylaw forwarded to Islands Trust Executive Committee for approval.

September 2014 - Final consideration and adoption (pending OCP approval by the Minister of Community Sport and Cultural Development).

RECOMMENDATIONS:

THAT the Thetis Island Local Trust Committee:

- 1) Receive the referral comments on proposed Bylaws Nos. 93 and 94 received to date;
- 2) Request staff draft revisions to proposed Bylaws Nos. 93 and 94 to address concerns expressed by referral agencies and the community regarding:
 - a. Pending aquaculture tenures in the Plan area;
 - b. Wording around aquaculture zoning in the Plan area;
 - c. Existing docks on Hudson Island;
 - d. Setbacks from Lot 11 on Hudson Island; and,
 - e. Groundwater and surface water policies.
- 3) Consider revisions to proposed Bylaws Nos. 93 and 94 prior to advertising for the public hearing and direct staff as to how these revisions will be considered; by resolution without meeting or at a special meeting.

Prepared and Submitted by:

Aleksandra Brzozowski

Aleksandra Brzozowski
Island Planner

May 20, 2014

Date

Concurred in by:

Courtney Simpson

Courtney Simpson, MCIP, RPP
Regional Planning Manager

May 23, 2014

Date

Attachment:

1. Agency and First Nation Referral Responses to May 20, 2014

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

The Ministry's interests are unaffected by this bylaw.

Jordan Wagner
District Development Technician
Ministry of Transportation and Infrastructure
3rd Floor - 2100 Labieux Road
Nanaimo, B.C. V9T 6E9
Phone 250-751-7090
Fax 250-751-3289

Thetis Island Local Trust Area

(Island)

88

(Bylaw Number)

(Name)

(Signature)

(Title)

(Agency)

May 8, 2014

(Date)

(Phone Number)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

Robert A. Harper, CGA
Secretary-Treasurer
SD#79 (Cowichan Valley)

(Title)

April 29, 2014

(Date)

~~89~~ 93
(Bylaw Number)

(Signature)

(Agency)

(Phone Number)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

~~86~~ 94
(Bylaw Number)

(Name)

Robert A. Harper, CGA
Secretary-Treasurer
SD#79 (Cowichan Valley)

(Signature)

(Title)

(Agency)

(Date)

April 29, 2014

(Phone Number)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

(Name)

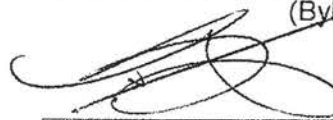
(Title)

(Date)

93

88

(Bylaw Number)

 B. DUNCAN

(Signature)

C.V.R.D.

(Agency)

(250)-746-2625

(Phone Number)

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thetis Island Local Trust Area

(Island)

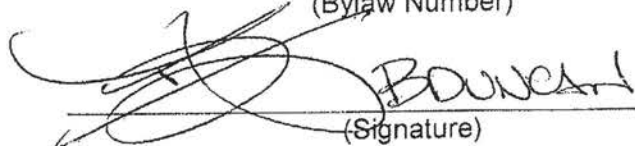
(Name)

(Title)

(Date)

94

(Bylaw Number)

B. Bouché

(Signature)

C.V.P.D.

(Agency)

(250) 746-2625

(Phone Number)

BYLAW REFERRAL FORM RESPONSE SUMMARY



Approval Recommended for Reasons Outlined Below



Approval Recommended Subject to Conditions Outlined Below



Interests Unaffected by Bylaw



Approval Not Recommended Due to Reason Outlined Below

THE OFFICIAL COMMUNITY PLAN WILL HELP MAINTAIN
THE BIODIVERSITY AND PROTECT THE NATURAL
ENVIRONMENT OF THE ISLANDS COVERED BY
THE PLAN.

Thetis Island Local Trust Area

(Island)

89 93 794

(Bylaw Number)

DR. GRANT BRACHER

(Name)

Dr. Grant Bracher

(Signature)

ECOSYSTEMS BIOLOGIST

(Title)

BC MINISTRY OF FORESTS, LANDS AND
NATURAL RESOURCES OPERATIONS

(Agency)

MAY 1, 2014

(Date)

250-751-3221

(Phone Number)

Aleksandra Brzozowski

From: Lisa Webster-Gibson
Sent: May-18-14 6:37 PM
To: Aleksandra Brzozowski
Subject: FW: Thetis OCP

Categories: AIOCP

FYI

From: Harvey, Mark FLNR:EX [Mark.Harvey@gov.bc.ca]
Sent: Friday, May 16, 2014 2:52 PM
To: Lisa Webster-Gibson
Subject: FW: Thetis OCP

Hello Lisa,

I am forwarding comments from Pat Lapcevic, Water Protection (250-751-3149) and will contact you or Alexandra Brzozowski next week regarding subjects relating to Crown land use (foreshore-fill, deposits, removal of materials, seawalls-docks).
Regards

Mark Harvey P.Ag.
Land Officer
Natural Resource Operations
Suite 142-2080 Labieux Road
Nanaimo BC V9T 6J9
Phone: (250) 751-7257
Fax: (250) 751-7224
email: mark.harvey@gov.bc.ca

From: Lapcevic, Pat FLNR:EX
Sent: Thursday, May 15, 2014 12:14 PM
To: Harvey, Mark FLNR:EX
Cc: Barroso, Sylvia L FLNR:EX; Baldwin, John FLNR:EX
Subject: RE: Thetis OCP

Hi Mark,

I reviewed the draft Thetis OCP and offer the following comments:

1. Why is there no section on Surface Water? We know that there are active surface water licenses in the Plan Area and so there should be some acknowledgement and discussion of protection of those resources.
2. Under section 10.2 pg. 15 I would suggest adding a couple more policies. One should recognize the bedrock aquifer in a coastal environment as a particularly vulnerable environment to saltwater intrusion into the freshwater resources and role that well operators/owners have in ensuring their pumping does not cause or exacerbate the issue. A second policy should

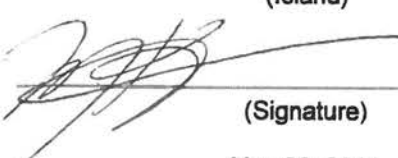
- ☐ Approval Recommended for Reasons Outlined Below
- ☒ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Thank you for the opportunity to consider your proposed Bylaws, Numbers 93 and 94 within the Thetis Association Islands in the Cowichan Valley Regional District. The OCP does not appear to conflict with federal jurisdiction, however, the Land Use Bylaw may have some zoning contrary to existing aquaculture uses.

Fisheries and Oceans Canada has the jurisdictional mandate to regulate the fisheries aspects of aquaculture activities, and recommends that other governments do not regulate within federal jurisdiction. Specifically, it is advised that bylaws not restrict aquaculture activities where they are managed through existing conditions of licence for aquaculture. These conditions are available online at: <http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/index-eng.html>

The Department manages aquaculture in British Columbia under the authority of the *Fisheries Act*, and the regulations made thereunder, particularly the *Pacific Aquaculture Regulations*. The Department has a comprehensive aquaculture management program in place, including regulatory measures for a number of the specific activities. In addition, the Department has a number of program staff both within our Conservation and Protection Program, and within our Aquaculture Environmental Operations Program, assessing and addressing compliance with those regulatory measures.

We understand from reading a number of reports developed or commissioned by the Islands Trust in relation to aquaculture that some community members believe that the management of these activities needs further improvement. The Department is interested in continued dialogue with the Islands Trust on these issues to ensure concerns are being considered in the refinement of our management measures and approaches.

Thetis Island Local Trust Area (Island)  (Signature) May 28, 2014	93 and 94 (Bylaw Number) March Klaver Regional Manager, Aquaculture Resource Management (Title) Fisheries and Oceans Canada
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Aleksandra Brzozowski

From: Kevan Tisshaw <ktisshaw@gmail.com>
Sent: April-24-14 9:09 AM
To: Aleksandra Brzozowski
Subject: Re: Associated Islands OCP and LUB, ready for the next step
Categories: AIOCP

Hi Aleksandra,

Just got back into the office today from a long weekend on Reid. Thank you for the documents. I have asked Barrie to forward him t anyone on his email list.

I just started reading the Reid history. You mention Chinese pioneers. Were not most of the non-native pioneers (excluding P Joe), Japanese? I never knew about Chinese pioneers. Interesting.

I will get back to you after a more thorough read,

Kevan

On Mon, Apr 14, 2014 at 5:15 PM, Aleksandra Brzozowski <abrzozowski@islandstrust.bc.ca> wrote:

Hi Kevan,

Hope the new year has been treating you well. I also hope you are able to take part in the big Easter weekend on Reid that Barrie told me about when I visited Reid in November.

On that note, I wanted to let you know that the LTC will likely give 1st reading to the draft Associated Islands OCP and Land Use Bylaw on Wednesday, which means that the bylaws will be officially out for community input and agency referral. I've attached the drafts that are going to the meeting, and after the meeting we will post the proposed bylaws on our website (including any changes the LTC might make at the meeting).

Please encourage anyone that is interested to pass on their comments to me over the next six weeks so we can address them and make any needed revisions before 2nd reading and the public hearing.

Happy Easter!

Aleksandra.

Aleksandra Brzozowski

From: Judy Shaw <questshaw@hotmail.com>
Sent: April-21-14 1:05 PM
To: Aleksandra Brzozowski
Subject: Draft 1.3 Associated Islands Land Use Bylaw

Hi Aleks,

Just had a look back at the 1984 Bylaw and I was struck by how assessible and easy to use the old bylaw was. These bylaws need a handbook for land owners of each island. Please do not change the setback on Ruxton (10m from the sea), increase the maximum coverage of a lot (now 20%), mention outhouses

My comments on Draft 1.3.

1. Glad to see the absense of docks in the draft but I lean towards the option of a community to cover the possibility of a dock in the future if enough neighbours agree. Such a measure would make end run measure to other government levels(to avoid the no dock rule) less likely to get approval.

2. 2.8 (1) p.12 - Is this where an existing dwelling is damaged or destroyed and the owner wishes to rebuild, they would not need to get an expensive development permit/survey?? If so could this not be made explicit and clear?

3. 3.2 (1) What - outhouses are to be banned!?? I know this is likely unenforceable but will created acrimony on the island.

3.2 (4) Definition of permanent residence? If the vessel is used as a cabin for 3 months of the year but moored year round, would that be okay? Why even raise the question by including in the bylaws? I know of two cases on Ruxton where a boat was used as a home while the owners were building their cabins.

4. 3.3 (3) (b) 30 metre setback from a natural watercourse would eliminate our house and all those in our peninsula if the seasonal swamp/stream behind our cabins was considered a natural watercourse. Similarly the outlet stream from the central swamp into Naylor Bay could be difficult for adjacent lots.

5. 5.1 (6). I have not heard any discussion, comment, or complaints regarding the height of an accessory building. Why muddy the waters. Simplicity please. In the absense of a strong need to regulate, please do nothing.

5.1(3) The density on Ruxton was in Bylaw 13 less than 20% of the lot. I would not want to see this expanded. See my following comment.

5.1 (8) Perhaps 1ha lots would be nice on Ruxton but that is not the structure of Ruxton. By encouraging larger lots, all we will do limit the purchase of property on Ruxton even higher income individuals or families. Rather limit the size of development on a lot so that the wild elements remain.

8. 5.5 (3) No limit to the number of buildings as long as they are not a residence.

9. 5.6 Would the Ruxton wetland be classified as a Park?

Aleksandra Brzozowski

From: Judy Shaw <questshaw@hotmail.com>
Sent: April-21-14 1:41 PM
To: Aleksandra Brzozowski
Subject: RE: Associated Islands OCP and LUB, ready for the next step!

Hi Aleks,

I made it back from Australia and survived my solo flights. Yihaa!!

Glad to see in the revised draft bylaw 94 that the setback from the sea is reduced back to 10m but disappointed to see the maximum lot coverage at 25%. Personally I'd rather see it reduced from 20% to 15% .

Noise restriction on home occupation will be very difficult for many business to comply.

Are there any Ruxton planning group meetings coming up?

Thanks for the heads up,

Judy

From: abrzozowski@islandstrust.bc.ca
To: questshaw@hotmail.com
Date: Mon, 14 Apr 2014 16:58:46 -0700
Subject: Associated Islands OCP and LUB, ready for the next step! xton

Hi Judy!

Hope the new year has been treating you well. Are you back in Canada now?

Don't worry, this is just for your information only, but on Wednesday, the LTC will (hopefully) give 1st reading to the Associated Islands OCP and Land Use Bylaw and I thought you might appreciate the update. The LTC agenda is huge, so I'm attaching just the final drafts and my staff report. Please encourage anyone that is interested to pass on their comments to me over the next six weeks so we can address them and make any needed revisions before 2nd reading and the public hearing. I did get Russ Irish's news about the Crown Lot application, and will be talking with the LTC on Wednesday about how best to help with that situation on our end.

Happy Easter!

RECEIVED

APR 29 2014

ISLANDS TRUST
NORTHERN OFFICE

Olaf Knezevic

From: Olaf Knezevic [lknezevic@telus.net]
Sent: April-21-14 11:41 PM
To: Lynda Knezevic
Subject: FW: April 21, 2014 Comment on Proposed Ruxton By laws
Attachments: Thetis-Assoc-Islands-LUB-Proposed-Bylaw-94.pdf; April 21, 2014 Comment on Proposed Ruxton Land Use By laws given first reading April 16, 2014.doc

Dear **Peter** and Sue

We noticed the Thetis Local Trust has on April 16, 2014 given first reading to Land USE BYLAW for Thetis Associated Islands No. 94, 2014. This bylaw covers Ruxton as well as other Islands.

We assume the development of this bylaw will follow normal trust procedure and you are inviting public comment. The comment you receive will help you to determine whether these bylaws will proceed or what if anything will change.

We state we assume because to date we have sent you two lengthy submissions identifying where previous drafts had problems and offering specific suggestions for revised wording or deletions. This has taken considerable commitment and effort on our part. Unfortunately there has been no acknowledgement from you of having received let alone having looked at our submissions. Furthermore subsequent drafts seem to by and large have ignored our input. For us this raises the question are you serious about accepting public input? To date we have heard your talk but failed to see your action.

A copy of this submission will also be sent to you by registered mail as it includes an important alert of impending liability the trust will be incurring due to the continued prohibition of safe access to Ruxton.

Since the Ruxton access issue has been considered by the Trust and if subsequent bylaws prohibit landowners from providing safe access for all including the young, the elderly, the handicapped and the less physically capable are passed the Trust which also has responsibility for ensuring their bylaws do not create avoidable risk may well be held negligent should the forced unsafe access be a contributing factor in an injury or death. Therefore should prohibition of safe access remain in the bylaw, I encourage anyone who is injured in accessing their property due to your prohibition of safe access to do what is necessary to hold you and the Islands Trust accountable.

We have reviewed the Draft bylaws covering Ruxton Island and submit our comment in the attachment above.

In summary we conclude the draft bylaws;

1. Fail to lift the prohibition of safe access to Ruxton and therefore subject the Trust to significant liability.
2. Fail to relax the setback from the sea
3. Make it impossible for an island resident involved in commercial enterprise on Ruxton to make a living should any noise from the enterprise be audible at any time beyond their property line.

These bylaws seem to further an agenda of the Trust at the expense of the property owners they govern.

We urge you to reject the draft bylaws covering Ruxton (No. 94, 2014) given first reading April 16, 2014, as they create many more problems than they solve.

April 21, 2014

Re: **Proposed Bylaws for Ruxton Island** LAND USE BYLAW for Thetis Associated Islands No. 94, 2014 First read April 16, 2014

Dear Trustees

The old Bylaw depending what you count, was a 5-6-page document. The proposed draft is 33 pages. Where are the specific islanders complaints that justify the additional 27 or so pages these bylaws are intend to address? Are these bylaws furthering the Trust's Agenda or as promised, meeting the needs of the property owners?

Here are some of my specific comments based on my reading of the draft Bylaws first read April 16, 2014

1.1 Definitions

Building -The definition too broad. As written it could be a tent, a doghouse, gazebo or even a bandstand. Add something like permanent structure with roof and walls.

Commercial-The definition is too broad. As written the definition seems to capture card games for money, renting your cottage, or providing water taxi service which are activities currently carried out on the Island and could be threatened by these bylaws. Reword to avoid destroying current low key acceptable activities. **Or better yet delete.**

Commercial visitor accommodation- Seems the trust wants to treat folks who occasionally provide bed and breakfast like full time motels that have live in caretakers. Seems like the trust wants to ban short term vacation rentals without proper resident consultation. Do not thru the back door of definitions ban the right of property owners to provide short term vacation rentals

Emergency services-Add police protection.

Floor area-The present definition counts a screened in porch as floor area. That is unreasonable. Restrict floor area to the area enclosed by walls, windows and a roof. Screening a porch with screen, canvas or plants (other materials) should not be classified by the trust as increasing floor area.

Landscape Screen-Do not recall seeing this in the restrictions. **If not referred to, delete.**

Ocean geothermal loop-here there is a requirement to meet a CSA Standard "as amended from time to time. **Delete the "as amended from time to time"** as it is the local trust committee after appropriate consideration and public input that determines bylaw changes not a CSA Committee somewhere in Toronto.

with an outhouse that complies with this. This seems to prohibit even urinating behind a tree on a remote gulf island in the Thetis Trust area.

On Ruxton, most people have outhouses. These outhouses do not have permits. One person on the island has a legal septic system. Others who are dumping into outhouses with no permits have harassed that person for having a septic system. Pets will pee where they must. Ever succeeded in picking up pet pee (waste) from porous ground? It does not work!

Please reword this section to reflect the reality of all life.

Siting and Setback Regulations

3.3(2)

This section prevents a structure that through bylaw change has become nonconforming from in case of damage, being reconstructed. That is an unjustified erosion of a grandfather protection. It is unfair to the landowner. **Delete the term reconstructed** from this section.

3.3(3)

Due to the topography and small lots on Ruxton, the setbacks from the sea in this section are excessive.

The current setback on Ruxton is 10 meters. Many existing structures encroach on the 10-meter setback confirming that the minimum setback from the sea should be REDUCED, not stay the same.

The bylaws should reflect reality, the wishes and actions of those who have invested their time sweat and savings.

Reduce the minimum setback from the sea to 5 meters here and in 5.1 Residential One- (R1) specifically for Ruxton Island Siting. That way most of the existing development on Ruxton will be compliant and the proposed bylaw will actually meet the needs of the property owners. Also **remove the term reconstructed** as this term prohibits the many owners of nonconforming structures from repairing porches, stairs, railings and other structures could become a hazard to themselves and others.

Accessory Uses, Buildings and Structures

3.5(2)

According to a Trust planner, an outhouse is a structure. The proposal prohibits an outhouse on your property before construction of a principle building or principle use. Should you not be permitted to have an outhouse when all you are doing is camping on your recreational property on Ruxton? Does the Trust still permit camping without having a building permit?

Include a provision for an outhouse or two without the requirement for a principal building permit or principle use.

3.5(3)

This restriction prohibits the building of an outhouse before the issuance of a principle building permit. Write the regulation to permit outhouses without the requirement for other building permits.

Make provision in the regulation to permit short term vacation rentals and some of the more benign forms of visitor accommodation that can supplement a land owner's income.

Siting and Setback

5.1(4)

This restriction states the minimum setback for any building or structure is 5 meters from any lot line. This bylaw definition of structure includes gates and fences. (Gates and fences are commonly found along the property line.) Therefore this by law requires on Ruxton Island, gates and fences must be set back 5 meters from any lot line. **Please fix this ridiculous restriction.**

5.1(4)

Since there is no setback from the sea specified here, the default is the 10 meter specified in 3.3(3)(a) which is not reasonable for Ruxton.

The setbacks from the sea of 3.3(3)(a) do not reflect the siting of buildings currently built on Ruxton. The small lots and difficult terrain on the island make it extremely onerous for the community to comply with the 10 meter setback.

Many of the existing waterfront development on the island are presently nonconforming. That confirms the present and Draft bylaw requirement of a 10 meter setback from the sea is excessive and does not reflect the wishes nor needs of the community.

For example, my property, a peninsula, is 110 feet at its widest. A 10-meter setback leaves me a maximum conforming development triangle from 0 to 50 feet wide. In order to squeeze something in there and comply with this restriction I would have had to remove Garry Oak, arbutus, incense cedar and end up with an ugly structure with proportions fit for a weasel.

Alternatively the proposed setbacks would require I apply for a variance (\$2,000?), have the place surveyed (\$2,000?) and maybe even have an environmental study to confirm for the trust my development will not adversely or minimally interfere with any of the trust's pet flora, fauna or aquatic life (\$5,000?). All this cost, perhaps \$9,000 plus a two to three year delay before all approvals are obtained.

Why such madness? This is a needless waste of resources in order to comply with an arbitrary setback from the sea to satisfy the ruling jurisdiction's concept of foreshore aesthetics. Where is the scientific proof provided by the trust to justify the proposed setbacks? Provide proof, applicable to the geography of Ruxton based facts rather than what is fashionable today. Proof based on cost effectiveness for lightly used recreational property. Provide proof that a 10-meter setback from the sea is justified for Ruxton Island. Please do not hide behind island trust policy, which is not law but rather a vision conceived by and agreed to by trustees from islands with much larger lots.

The proposed setback appears to be geared to create a visual space to please the passerby who has no interest in seeing interesting cottages and who has no commitment to Ruxton (i.e. taxes, developments). Ruxton is not a public park. It is a collection of privately owned and cared for properties where a 10 meter setback does not work.

We request the setback from the sea be reduced to 5 meters thereby reflecting the demonstrated needs of the community. In 5.1(4) add *The minimum setback for any building or structure except a fence, utility shed, boathouse, platform with maximum area of 5 square meters, stairs and boat ramps is 5 meters from the sea.*

This seems to prohibit benches, platforms and outhouses as these are structures and since they are not mentioned, they are prohibited in this bylaw here. Delete “**and all other structures are prohibited**”

Siting and Size

5.8(3)

The setbacks should be at least as restrictive as they are for residences. **Set at 5 not 4.5 meters.**

Marine General (W1)

5.9(1)

There is a list of permitted uses and a statement that “all other uses are prohibited”. This restriction leads to the prohibition of for example, water sports, mooring a float plane, fishing, wading kayaking, gunk holing, crabbing, gathering clams or oysters etc. Since these are activities treasured by most who have property on these islands that controlling restriction is unreasonable and therefore “**all other activities are prohibited**” **should be struck.**

5.9(3)

There is no scientific reason provided to justify limiting docks to 37 square meters. Many sailboats and powerboats require larger docks for proper moorage.

Strike this unjustified arbitrary size restriction.

Conditions of Use

5.9(6)

This prohibits the mooring, docking or other storage of derelict or abandoned floats, ramps, or walkways. Think about the issue a little more. If these items are not moored or stored somewhere, they can become navigational hazards and damage boats. If the Islands Trust refuses to remove them, permit us to at least confine these items the best we can to reduce the hazard they pose.

Remove this restriction as it promotes unrestrained navigational hazards.

Marine Service (W2)

5.10(1)

Again the term all other uses are prohibited should be struck as it prohibits other common uses such as salvage, beachcombing, swimming, fishing, rowing, kayaking etc.

Remove “all other uses are prohibited.”

Conditions of Use

5.10(5)

This prohibits the mooring, docking or other storage of derelict or abandoned floats, ramps, or walkways. If these items are not moored or stored somewhere, they can become navigational hazards and damage boats. If the Islands Trust refuses to remove them permit us to at least confine these items to reduce the hazard they pose.

Remove this restriction as it promotes unrestrained navigational hazards.

Summary

This Draft if implemented without major revision will result in significant restrictions on private property.

The Draft does not reflect the reality and limitations the small lots on the island create for the owners.

The Draft Bylaw fails to resolve the three main issues with the existing regulations namely

1. The Trust's Prohibition of safe access to properties on the island.
2. The setbacks from the sea being too restrictive.
3. The prohibition for folks to earn a living on the island.

Instead the proposed Bylaw threatens the community with pages and pages of unwanted regulation addressing many things that are not problem issues and creates problem issues not already existing. The proposed Draft Bylaw erodes rather than improves the quality of life for most property owners on Ruxton.

The Draft bylaws are unacceptable for Ruxton Island. They strip private property rights, fix little and create problems where none existed.

It seems that the proposed bylaws are designed to further The Islands Trust's agenda at the expense of the landowners.

Do you remember your promise that the bylaws would reflect the needs of the folks on Ruxton? **Has that promise been kept?**



Olaf Knezevic and Lynda Knezevic 2949 W 45 Ave. Vancouver, BC, V6N3L6

From: [Alex Roethe](#)
To: [Aleksandra Brzozowski](#)
Subject: Land use bylaw and Hudson Island
Date: May-20-14 4:25:27 PM

Dear Ms. Brzozowski,

I would like to follow up on our telephone conversation of today. I have concerns with three items mentioned in the proposed bylaw.

1. Hudson Island is in the R5 residential zone. The existing draft sets out a "minimum setback for any building or structure of 15.25 meters from any lot line.

As discussed I am the owner of lots 7 & 8, both of which are approximately 450 feet wide, but only 100 feet deep (from the waterside to lot 11). The original deed restriction on Hudson called for side setbacks of 50 feet, 10 feet(?) from the water, and no setback from lot 11.

I have no difficulty with a ten meter setback from the water, and 15.25 meters from either side lot line, but I would like to see the setback from the boundary to lot 11 limited to 5 meters, not 15.25 meters. That would then leave room for a reasonably sized and reasonably sited house, without crowding the setbacks.

2. The water area around Hudson Island is proposed to be zoned W2, permitting community docks and mooring buoys, but not private docks. There currently are three private, permitted, and water lot licensed docks fronting lots 3, 4, 10. These docks would obviously not fit with a W2 zone. I suggest that the W1 zoning be used for Hudson Island waters. This would permit private docks, but would also allow us to put back the original community dock, that existed previously at the North end of the runway. I would expect that if permission could be obtained the owners of lots 1, 5, 6, 7,8 and 9 would all come in on such a communal dock, because none of these lots lend themselves to secure docks, except at very great expense.

3. Section 2.5 proposes a fine of \$ 10,000 for an offence against the bylaw, and proposes that each day of such offence be a separate offence. This seems extremely heavy handed. In any event we don't need Islands Trust collecting fines, what we would really like is that our neighbours comply with reasonable rules on the use of their property. I related to you my unhappy experience with a neighbour many years ago on DeCourcy, who erected a tower that far exceeded permissible height restrictions, but who was left to do as he pleased. Islands Trust fining the man would have been of no use to me. What I wanted was that the offending structure be removed.

I would urge you to completely remove section 2.5.

Yours truly, Alex Roethe



Islands Trust

Top Priorities

Thetis Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Associated Islands OCP and LUB Creation	Develop new OCP and LUB to replace Ruxton Island Zoning Bylaw, 1982, CVRD Bylaw 110, and to include other islands with no zoning. Scope does not include Valdes Island.	Sep-07-2011	Aleksandra Brzozowski	Nov-15-2014	On Going
2	Shoreline Protection	Serving as the Pilot Local Trust Area for the Green Shores for homes draft credit rating system.	Sep-07-2011	Aleksandra Brzozowski	Sep-01-2014	On Going
3	Riparian Areas Regulation Implementation	Ensure protection of freshwater ecosystems in the Ralston Creek watershed through review of current regulation and covenants, and possible bylaw amendment.	Sep-07-2011	Aleksandra Brzozowski	Nov-15-2014	On Going



Projects

Thetis Island

No.	Description	Activity	Received/Initiated	Status
1	Protocol Agreement or Memorandum of Understanding with Penelakut First Nation	Sent letter to newly elected Chief and Council to see if they are interested in continuing the work on a protocol that was started with former Chief Lisa Shaver.	Feb-06-2009	On Going
1	Joint proactive enforcement with CVRD		Jul-28-2010	On Going
1	Revise Protocol Agreement with Lyackson First Nation	As of August, 2010 draft with Lyackson for review by their community.	Feb-06-2009	On Going
1	Development Approval Information Bylaw		May-25-2011	On Going
1	Potential LUB amendments:	- short-term vacation rentals of principle dwellings in the R-2 zone - rainwater storage requirements	Sep-07-2011	On Going
1	Sustainability Guidelines for Thetis Island	Discuss collaboration with Cowichan Valley Regional District Building Department, finalize draft, and make a plan for distribution. Update April 2013: brochures have been distributed; requires ongoing check-ins with CVRD that they have a sufficient supply of brochures.	Sep-07-2011	On Going
1	Housekeeping Amendmends to LUB	4.3(d) amend to say: In addition to s. 4.3(a), (b), and (c)...	May-24-2012	On Going
1	Housekeeping amendments to the OCP	- objectives and policies re sea level rise (was resolution to include in draft but did not make it in to adopted OCP)	Oct-03-2012	On Going
1	Island-wide watershed protection	TBD	Nov-21-2012	On Going
1	OCP/LUB amendments to potentially permit ocean loop geothermal exchange systems.		Apr-17-2013	On Going

1	Pilkey Point / Marina Drive Slough: Support for habitat restoration.		Nov-20-2013	On Going
1	Education and engagement re: sensitive ecosystems.	Environmental education and engagement efforts, in particular with owners on the Associated Islands, to explore ways to protect sensitive ecosystems in the Area.	Mar-19-2014	On Going



Applications w/ Status - Thetis Island Status: Open

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
TH-SUB-1998.1	TRAX DEVELOPMENT LTD C/O WRIGHT FOCUS ENGINEERING LTD Planner: Aleksandra Brzozowski	Sep-25-1998	Phased Strata Subdivision "Meadow Valley Properties" phased strata to create 21 strata lots from 4 parent parcels

Planning Status

Status Date: Nov-20-2013

Applicant pursuing a detailed assessment to address RAR issues on site.

Status Date: Jul-08-2011

PLA extended to June 8 2012

Status Date: Jun-23-2011

Indicated RAR requirement in response to request for PLA extension

Islands Trust
LTC EXP SUMMARY REPORT F2014
Invoices posted to Month ending March 2014

10.3.1

670 Thetis	Invoices posted to Month ending March 2014	Budget	Spent	Balance
65000-670	LTC "Trustee Expenses"	1,100.00	149.32	950.68
LTC Local				
65200-670	LTC - Local Exp - LTC Meeting Expenses	1,500.00	2,204.93	-704.93
65210-670	LTC - Local Exp - APC Meeting Expenses	500.00	50.00	450.00
65220-670	LTC - Local Exp - Communications	500.00	70.00	430.00
65230-670	LTC - Local Exp - Special Projects	2,000.00	3,055.00	-1,055.00
65240-670	LTC - Local Exp - Miscellaneous	250.00	0.00	250.00
TOTAL LTC Local Expense		<u>4,750.00</u>	<u>5,379.93</u>	<u>-629.93</u>
Projects				
73001-670-2010	Thetis (Ruxton Island) Associated OCP/LUB	<u>11,700.00</u>	<u>10,406.60</u>	<u>1,293.40</u>
TOTAL Project Expenses		<u>11,700.00</u>	<u>10,406.60</u>	<u>1,293.40</u>



STAFF REPORT

Date: April 28, 2014

File No.: 6500 -20

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

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

From: Marnie Eggen, Planner 1

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

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

THE PROPOSAL:

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

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

BACKGROUND:

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

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

The federal government has indicated the following:

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

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

Health Canada

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

As defined within the Regulation,

“local government” includes the government of

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

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

Agricultural Land Commission

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

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

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

The Information Bulletin may be found at:

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

Union of BC Municipalities

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

Notice of intent to Local Governments

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

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

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

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

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

Local Government Development and Servicing Regulations

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

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

Islands Trust Policy Statement

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

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

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

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

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

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

STAFF COMMENTS:

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

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

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

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

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

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

Executive Committee Local Trust Area (Ballenas – Winchelsea Islands)

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

Denman Island Local Trust Area

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

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

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

Gabriola Island Local Trust Area

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

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

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

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

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

Gambier Island Local Trust Area

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

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

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

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

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

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

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

Hornby Island Local Trust Area

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

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

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

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

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

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

Lasqueti Island Local Trust Area

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

Thetis Island Local Trust Area

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

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

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

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

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

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

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

SUMMARY OF OPTIONS:

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

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

RECOMMENDATIONS:

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

OR

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

OR

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

Prepared and Submitted by:

Marnie Eggen

Marnie Eggen, Planner 1

April 28, 2014

Date

Concurred in by:

Courtney Simpson

Courtney Simpson, Regional Planning
Manager

May 6, 2014

Date

Attachments:

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

Attachment 1

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

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

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

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

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

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

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

Attachment 2

Table 2: Denman Island LUB No. 186

AGRICULTURE means the use of land, buildings or structures for any of the following activities: growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals; Storage, processing or direct marketing by a farmer of farm products And HORTICULTURE means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the land owners on their lot.

Zones Where Permitted Provisions limiting the extent of the use

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

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

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

Attachment 3

Table 3: Gabriola Island LUB No. 177

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

Zones Where

Permitted

Provisions limiting the extent of the use

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

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

Zones Where

Permitted

Provisions limiting the extent of the use

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

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

Zones Where

Permitted

Provisions limiting the extent of the use

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

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

Zones Where

Permitted

Provisions limiting the extent of the use

Industrial - Light(I) not requiring sanitary sewer for disposal of industrial wastes	• 50% lot coverage; • Max. floor area ratio is 0.35; • 10 m setback from all lot lines; • Max. of two industrial buildings.
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The indoor production of medical marihuana is not permitted in the following zones on Gabriola Island as per LUB No. 177 and proposed bylaw amendment No. 275:

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

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

Table 4: Mudge Island LUB No. 228

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

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

- Park and Institutional (PI)

Table 5: Decourcy Island Zoning Bylaw No. 44

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

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

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

Attachment 4

Table 6: Gambier Island LUB No. 86

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

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

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

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

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

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

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

Table 7: Keats Island LUB No. 78

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

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

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

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

Table 8: Gambier Associated Islands LUB No. 120

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

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

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

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

Attachment 5

Table 9: Hornby Island LUB No. 86

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

Zones Where

Permitted

Provisions limiting the extent of the use

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

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

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

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

Table 10: Proposed Hornby Land Use Bylaw No. 150

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

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

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

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

Attachment 6

Table 11: Lasqueti Island LUB No. 78

AGRICULTURE means: on non-Agricultural Land Reserve areas, means the use of land, buildings or structures for the growing, rearing, producing or harvesting of crops, livestock, poultry and other animals subject to Provincial Regulation and includes the processing and sale of products harvested, reared or produced on that parcel and the storage of machinery, implements and supplies for use by the agricultural operation; and on land within the Agriculture Land Reserve, in addition to the above, means the use of land for activities designated as farm use in terms of the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> and the use of land for farm operation, as defined in the <i>Farm Practices Protection (Right to Farm) Act</i>; and agricultural uses include the processing of farm products grown off the farm where at least 50% (by volume) of the inputs for the processed farm products are grown or reared on the farm;	
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Zones Where Permitted	Provisions limiting the extent of the use
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Land Based (LB)	- No lot coverage regulations; - No setback regulations.
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The indoor production of medical marihuana is not permitted in the following zones on Lasqueti Island:

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

Attachment 7

Table 12: Thetis Island LUB No. 89

AGRICULTURE means the use of land for the rearing of plants and animals. NOTE: This bylaw defines "intensive agriculture as below in Section 915 of the <i>Local Government Act</i>. Section 215 <i>Local Government Act</i>: In this section, "intensive agriculture" means the use of land, buildings and other structures by a commercial enterprise or an institution for (a) the confinement of poultry, livestock or fur bearing animals, or (b) the growing of mushrooms. (2) Despite a zoning bylaw, if land is located in an agricultural land reserve under the <i>Agricultural Land Commission Act</i> and that land is not subject to section 23 (1) of that Act, intensive agriculture is permitted as a use. (3) Subsections (1) and (2) cease to have effect in an area after a zoning bylaw for that area is approved under section 903 (5). Indoor production of medical marihuana would NOT be permitted under the above definitions; however, regardless, the use is permitted on ALR lands.
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<i>Zones Where Permitted</i>	<i>Provisions limiting the extent of the use</i>
Agriculture (A-1) ALR Lands	• Lot coverage is 10%; • Setbacks: • Buildings and structures for agriculture use, not intensive agriculture must be sited not less than: • 10 metres from front and exterior side lot lines; • 4.5 metres from rear or side lot lines; and • 4.5 metres from all wells and streams. • All other buildings and structures must not be sited less than: • 7.5 metres from front, rear and exterior lot lines; • 3.0 metres from an interior side lot line.

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

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

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

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

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

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

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