



# Lasqueti Island Local Trust Committee Regular Meeting Addendum

Date: February 15, 2016  
Time: 11:00 am  
Location: Lasqueti Island Arts Centre  
Main Road, Lasqueti Island, BC

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	<b>Pages</b>
12. LOCAL TRUST COMMITTEE PROJECTS	12:45 PM - 1:45 PM
12.2 Riparian Areas Regulation	
12.2.2 <i>Addition of Schedule "A" for Proposed Bylaw No. 90</i>	2 - 8

# PROPOSED

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## Lasqueti Island Local Trust Committee

### BYLAW NO. 90

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

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

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

READ A FIRST TIME THIS	8 <sup>th</sup>	DAY OF	OCTOBER	, 2015
PUBLIC HEARING HELD THIS		DAY OF		, 201x
READ A SECOND TIME THIS		DAY OF		, 201x
READ A THIRD TIME THIS		DAY OF		, 201x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 201x
ADOPTED THIS		DAY OF		, 201x

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SECRETARY

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CHAIRPERSON

**Lasqueti Island Local Trust Committee**

**Bylaw No. 90**

**Schedule 1**

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

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

**"3.5 Siting and Setback Provisions**

**(1) General**

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

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

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

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

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

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

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

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

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

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

- repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- (xii) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* (see Information Note below);
- (xiii) The construction of a fence if all of the following apply:
- does not require soil alteration (such as switchback fences);
  - no native trees are removed;
  - the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
- (xiv) The construction of a private trail if all of the following apply:
- The trail is one meter wide or less;
  - No native trees are removed;
  - The surface of the trail is pervious (for example, soil, gravel or wood chips);
  - The trail is designed to prevent soil erosion where slopes occur; and
  - Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream.
- (xv) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared;
- (xvi) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared;
- (xvii) Structures used to provide micro-hydro-electricity 10kw capacity or less (see Information Note below).

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

- (a) The minimum setback for buildings and structures for any other streams, creeks, lakes, wetlands, and watercourses is 30 metres, except for the following:
- (i) fence if does not require soil alteration (such as switchback fences), or access stairway if it is pervious and not chemically treated;
  - (ii) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;

- (iii) repair or replacement of a septic field on the same spot in accordance with provincial legislation governing onsite sewage disposal;
- (iv) emergency procedures to prevent, control or reduce immediate threats to life or property including:
  - emergency actions for flood-protection and erosion protection;
  - clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow; and
  - repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- (v) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared
- (vi) Structures used to provide micro-hydro-electricity 10kw capacity or less (see Information Note below).

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

(a) The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:

- (i) 5.0 metres (16.4 feet) for a boathouse;
- (ii) 15 metres (49.2 feet) for all other buildings and structures;
- (iii) despite Clause 3.5(4)(a)(ii), where the frontage on the sea is adequately protected from erosion by natural bedrock or works as certified by a professional engineer, buildings and structures may be sited as close as 7.5 metres (24.6 feet) from the natural boundary of the sea.

(b) The minimum allowable difference in elevation between the underside of the lowest floor in the building or structure and the elevation of the natural boundary of the sea must be 1.5 metres, except for a boathouse.

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

- (i) the minimum setback distance required shall be measured from the toe of the fill slope to the natural boundary of the sea; and
- (ii) the face of the fill slope must be protected against wave action from floodwaters.

*Information Notes:*

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

*For best management practices on building setback standards from watercourses and wetlands in farming areas, and on conservation of riparian habitat in agricultural areas, property owners should contact the British Columbia Ministry of Agriculture.*

*Micro-hydro-electrical projects may require a licence from the province.*

**(5) Setbacks and Screening from Nesting Trees**

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

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

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

Lasqueti Island Local Trust Committee

Bylaw No. 90

Schedule A

