



## Islands Trust

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

### **EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE AGENDA**

**Tuesday, February 7, 2012 at 10:00 a.m.  
Islands Trust Office – Victoria, BC**

Page No.

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
  - 2.1 **Approval of Agenda**
3. **PREVIOUS MINUTES**
  - 3.1 **Minutes of November 1, 2011 LTC Business Meeting** (attached) – Decision **1**
4. **RESOLUTIONS WITHOUT MEETING REPORT** (attached) – Information **7**
5. **FOLLOW UP ACTION LIST REPORT** (attached) – Information **8**
6. **MOTION TO CLOSE MEETING**

THAT, pursuant to Section 90(1)(i) of the Community Charter, the Executive Committee Acting as a Local Trust Committee resolves to close the meeting to the public for the purpose of considering legal advice and further that Islands Trust Staff remain present.(distributed under separate cover)
7. **RECALL TO ORDER**
  - 7.1 **Rise and Report from Closed Meeting**
8. **WORK PROGRAM**
  - 8.1 **Top Priorities** (attached) – Information **9**
  - 8.2 **Projects**
    - 8.2.1 **Executive Islands (Ballenas-Winchelsea Group) Draft Official Community Plan Bylaw No. 27** (attached) **10**
    - 8.2.2 **Executive Islands (Ballenas-Winchelsea Group) Draft Land Use Bylaw No. 28 – (attached)** **48**
    - 8.2.3 **Discussion of Executive Islands Area name**

- 9. EXPENSE/BUDGET REPORTS**
  - 9.1 Trustee and Local Expenses** (attached) **89**
  - 9.2 Confirmation of 2012 – 2013 Budget Requirements**
- 10. NEW BUSINESS**
  - 10.1 Next Business Meeting: Tuesday, May 8, 2012,  
Islands Trust, Victoria Office**
- 11. ADJOURNMENT**

**MINUTES OF THE EXECUTIVE COMMITTEE  
ACTING AS A LOCAL TRUST COMMITTEE MEETING  
HELD ON TUESDAY, NOVEMBER 1, 2011, AT 1:00 PM  
AT THE ISLANDS TRUST OFFICE, VICTORIA, B.C.**

<b><u>PRESENT:</u></b>	Sheila Malcolmson	Chair
	Louise Bell	LTC Member
	Peter Luckham	LTC Member
	Gary Steeves	LTC Member
	Robert Kojima	Regional Planning Manager (RPM)
	Kaitlin Kazmierowski	Island Planner
	Sharon Lloyd-deRosario	Planning Secretary/Recorder

**REGRETS:** None

There were no members of the public present.

**1. CALL TO ORDER**

Chair Malcolmson called the meeting to order at 1:29 p.m.

**2. APPROVAL OF AGENDA**

**2.1 Approval of Agenda**

Chair Malcolmson asked if any of the members had additions or changes to the agenda: the following revision was made by:

- Adding under New Business: Late Item 9.2 - *Heritage Lighthouse Protection Act* (email/letter dated July 12, 2011.)

The agenda as amended was approved by consent.

**3. PREVIOUS MINUTES**

**3.1 Minutes of July 26, 2011 LTC Business Meeting**

Chair Malcolmson asked for any amendments to the minutes and the following revisions were made by:

- Changing the words “traditional Coast Salish territory.” to read, “traditional territory of the Coast Salish First Nations.” on page 1, item 1, 2<sup>nd</sup> sentence.
- Changing the word “reference” to “refer to” and the word “list” to “staff report” on page 2, item 6.1, 2<sup>nd</sup> sentence.
- Inserting “a” between the words –“request legislative” and change the words “to name” with “for the name of this local trust area”, on page 2, item 6.1, 3<sup>rd</sup> paragraph.

- Changing any reference in the minutes to “Winchelsea Ballenas” to read “Ballenas-Winchelsea”.
- Capitalizing the word “committee” and changing the word “to” to “on”, on page 2, item 6.2.1, 3<sup>rd</sup> line; and in the same section changing “referral as indicating” to read “referrals, which indicated” on the 4<sup>th</sup> line, and changing the word “commenting” to “comments” on the 5<sup>th</sup> line.
- Replacing all the words after “private” with the words “islands to allow for a limited number of dwellings but remove the subdivision potential and change the zoning of Crown Lands to Nature Protection with an OCP policy added indicating that rezoning could be considered if the islands were sold.” on page 3, item 1.

The Executive Committee Acting as a Local Trust Committee meeting minutes of July 26, 2011, as amended were adopted by consent.

4. **RESOLUTIONS WITHOUT MEETING**

Received for information

5. **FOLLOW UP ACTION LIST REPORT**

The Follow-up Action List was provided for information.

6. **WORK PROGRAM**

6.1 **Top Priorities**

The Top Priorities list was provided for information; no changes were made.

6.2 **Projects**

6.2.1 **OCP/LUB Review Staff Report**

Planner Kazmierowski referring to her staff report gave an update on the agency re-referrals to the First Nations and the Provincial Aquaculture Branch, stating that the Aquaculture Branch are sending in their comments, and which include the view that the policy amendment is too restrictive therefore they are not in support of it. Nanoose First Nations have also expressed concerns verbally with the proposed aquaculture policy amendments and have requested a meeting. She then reviewed the Draft OCP/LUB Revisions tables.

Chair Malcolmson asked the members if they had any comments or questions for Planner Kazmierowski.

There was a brief discussion regarding the timeline of completion of the Draft bylaws; LTC members indicated that they hoped the First Reading and obtaining Legal Review of the bylaws could occur within this fiscal year (re budget allocation).

It was determined that the Committee was on track to have the Draft bylaws complete by March 2012. The budget concerns are addressed in item 8.

### **OCP Revisions**

Chair Malcolmson invited the members to comment on the table of OCP revisions requested by the Committee at their July 26<sup>th</sup> 2011 LTC meeting.

After review of each amendment, the following revisions were suggested to the table and/or the Draft OCP:

- Sec. 1.4 – 2<sup>nd</sup> paragraph, 5<sup>th</sup> line, of the Draft OCP the word “Kinnichinnick” was incorrectly spelt.
- Sec. 1.4 - 3<sup>rd</sup> paragraph, replace the first three sentences with the following: “The islands of the Ballenas-Winchelsea Archipelago are known to have high biodiversity value. This is demonstrated through the area’s significant role as a nursery for marine life and as a breeding and nesting ground for many species of birds. As well, the islands support several occurrences of endangered species and ecosystems. Human presence is generally minimal, even though the area is of significance for sport and recreational fishing.”
- Sec. 3.7.9 – change “disposed or” to read “disposed of”.
- Sec. 3.8.2 – add a period (.) at the end of sentence.
- Sec. 3.10.5 – add additional wording to connect or draw attention to Sec. 3.10.7.

Regional Planning Manager Kojima was asked to seek legal advice regarding Aquaculture Policy and First Nation’s constitutional rights.

- Sec. 3.10.7 – move to follow 3.10.5
- Sec. 3.11.5 – capitalize “riparian areas regulation”, and “watershed” should be plural.
- Sec. 3.15.3 – change “shall” to “should”.
- Sec. 3.15.4 – add in “land base” after “small-scale”.
- Sec. 5.2.5 – create a new section about - the LTC requesting a security deposit when issuing a new TUP.

### **LUB Revisions**

Chair Malcolmson invited the members to comment on the table of LUB revisions requested by the Committee at their July 26<sup>th</sup> 2011 LTC meeting.

After review of the amendments, the following decisions were made:

- 3.1(3) – insert “buried or” between “and” and “above-ground”, and insert “use” between “land” and “zone”.
- 5.6(1)(e) – replace “(d)” with “(c)” and “(e)” with “(d)”.
- 5.6(2) – replace “(d)” with “(c)”.
- 5.6(11) – replace “(e)” with “(d)”.

- 6.1, 6.2, 6.3 – staff was requested to present simplified, less redundant language pertaining to permitted, prohibited and exempt signage.

Resolution EX-LTC-24-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to amend Draft Land Use Bylaw 28, Section 5.6 (6) by reducing the maximum area of all floats and piers from 93 square meters, to 40 square meters.

**CARRIED**

Resolution EX-LTC-25-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to amend Draft Land Use Bylaw 28, Section 5.6 (10) by deleting the words “in concrete or an equivalent material”.

**CARRIED**

Resolution EX-LTC-26-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to amend Draft Land Use Bylaw 28, by deleting Section 7.6, 7.7, 7.8 and 7.9

**CARRIED**

Chair Malcolmsen suggested that First Reading be deferred until consultation with First Nations has occurred.

At 2:50 pm, Chair Malcolmsen excused herself from the meeting briefly and appointed Trustee Steeves, Acting Chair until her return.

Acting Chair Steeves continued on with the LTC members reviewing the revisions.

Resolution EX-LTC-27-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to amend Draft Land Use Bylaw 28, Section 7.5 (1) by changing 8 hectares to 60 hectares with the equivalent imperial conversion.

**CARRIED**

At 2:55 pm, Chair Malcolmsen re-joined the meeting.

Chair Malcolmsen asked the members if they had any other suggested changes or concerns; there being none the following decisions were made.

Resolution EX-LTC-28-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee Draft Bylaw No. 27, cited as “Executive Islands Area Official Community Plan Bylaw, 2011” and Draft Bylaw No. 28, cited as “Executive Islands Area Land Use Bylaw No. 28, 2011” be amended as discussed in this meeting.

And that First Reading be deferred until consultation with First Nations has been completed.

**CARRIED**

Resolution EX-LTC-29-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee Draft Bylaw No. 27, cited as “Executive Islands Area Official Community Plan Bylaw, 2011” and Draft Bylaw No. 28, cited as “Executive Islands Area Land Use Bylaw No. 28, 2011” as amended be forwarded to Legal Counsel for review.

**CARRIED**

**7. LTC EXPENSE REPORT**

The report was presented for information, there was no discussion

**8. 2012-213 BUDGET REQUESTS**

Resolution EX-LTC-30-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee request that \$2500.00 from the budget be allocated to cover the costs of the completion of the Draft Official Community Plan and the Draft Land Use Bylaw.

**CARRIED**

**9. NEW BUSINESS**

**9.1 Next Business Meeting** (2012 meeting schedule to be determined)

Chair Malcolmson requested that one more meeting date be added to the annual LTC meetings schedule for 2012, and that the date of the next meeting which will be held in 2012, be considered via RWM.

Chair Malcolmson added that First Reading of the Draft Bylaws could take place via RWM and confirmed with staff that the Public Hearing would be in this fiscal year.

**9.2 Late Item – *Heritage Lighthouse Protection Act*** (July 12, 2011, email/letter and attachments)

Planner Kazmierowski presented an email sent to Linda Adams, July 12, 2011 regarding **Timelines for the *Heritage Lighthouse Protection Act (HLP)* Process** from Pam Copley, Community Heritage Planner from BC Heritage Branch of the Ministry of Forests, Lands and Natural Operations (FLNR); an attached (HLP) information letter dated June 30, 2011, from Norman Shields, Manager, Heritage Lighthouse Program; a briefing note dated September 30, 2011 prepared by Linda Adams, and a Questions and Answer sheet, all pertaining to the (HLP).

After discussion the Chair asked Planner Kazmierowski to contact the Regional District of Nanaimo to discuss their interest in this issue; Regional Planning Manager Kojima was asked to discuss with Local Planning Services Director Marlor, to inform him about this topic as well.

**11. ADJOURNMENT**

The Chair declared the meeting adjourned at 3:10 pm.

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**RECORDER**

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**CHAIR**



**Islands Trust**

Print Date: Jan-27-2012

## **RWM From: November 24, 2011 To: January 27, 2012**

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### **"Executive Area" Islands**

<b>Resolution #</b>	<b>Action</b>	<b>Resolution Description</b>	<b>Resolution Date</b>
2012-01	In Favour	THAT the regular meetings of the Executive Committee Acting as Local Trust Committee for 2012, be scheduled at 10:00 a.m., February 7th , May 8th and October 30th.	Jan 04, 2012



**"Executive Area" Islands**

- 1 Staff to put in LTC request for \$2500 budget submission in order to compete the OCP and LUB project for the Executive Islands.

Kaitlin Kazmierowski

Done

**Nov-01-2011**

No.	Activity	Responsibility	Target Date	Status
1	Adopt minutes of July 26, 2011 meeting as amended	Sharon Lloyd-deRosario	Dec-30-2011	Done
1	Staff directed to make all amendments to the draft OCP and LUB as discussed, defer first reading until further consultation with First Nations has been carried out, and send draft bylaws for legal review.	Kaitlin Kazmierowski	Dec-30-2011	Done



**Islands Trust**

Print Date: Jan-27-2012

## Top Priorities

### "Executive Area" Islands

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Development of an Official Community Plan and Land Use Bylaw		Oct-23-2007	Robert Kojima		On Going
2	Consider adopting relevant administrative bylaws following adoption of OCP and LUB		Jul-26-2011			On Going

# DRAFT

## ISLANDS TRUST EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE BYLAW NO. 27

### A BYLAW TO ADOPT AN OFFICIAL COMMUNITY PLAN FOR THE EXECUTIVE ISLANDS AREA

WHEREAS Section 29 of the *Islands Trust Act* gives the Islands Trust Executive Committee Acting as a Local Trust Committee the same power and authority of a Regional District under Part 26 except sections 932 to 937 and 939 of the *Local Government Act*;

AND WHEREAS the Islands Trust Executive Committee Acting as a Local Trust Committee wishes to adopt an Official Community Plan;

AND WHEREAS the Islands Trust Executive Committee Acting as a Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Islands Trust Executive Committee Acting as a Local Trust Committee enacts as follows:

1. TITLE

This Bylaw may be cited for all purposes as the "Executive Islands Area Official Community Plan Bylaw, 2011".

2. APPLICATION

The Plan applies to the land, the water on the land, the bed of the sea, the water column, and surface of the sea adjacent to the land in the Executive Islands Area as shown on Schedule "B" of this Bylaw.

3. SCHEDULES

The following schedules attached to and forming part of this Bylaw, are adopted as "Executive Islands Area Official Community Plan Bylaw 2011":

SCHEDULE "A" – Official Community Plan Policy Document

SCHEDULE "B" – Bylaw Area Map

SCHEDULE "C" – Land Use Designations

READ A FIRST TIME this	day of	, 201x
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
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this	day of	, 201x
ADOPTED this	day of	, 201x

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIRPERSON



Islands Trust

EXECUTIVE ISLANDS AREA  
("Ballenas-Winchelsea Group")  
OFFICIAL COMMUNITY PLAN  
BYLAW No. 27, 2011

DRAFT FOR COMMENT

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DRAFT FOR COMMENT

SCHEDULE A – Policy Document

1. BACKGROUND

1.1 THE OBJECT OF THE ISLANDS TRUST

The Islands Trust has responsibility for conservation through land use planning and regulation and for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area. The Islands Trust seeks to integrate ecosystem preservation and protection, sustainable communities and stewardship of resources.

The *Islands Trust Act* provides the following definition of the purpose of the Islands Trust, which is referred to in legislation as its “object”:

**“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia.”**



1.2 THE EXECUTIVE ISLANDS PLANNING AREA

The Executive Islands Planning Area (also known as the “Ballenas-Winchelsea Group”) encompasses over 19 islands and numerous other islets and rocks that make up the Ballenas-Winchelsea archipelago located in the waters of the Salish Sea adjacent to the Nanoose peninsula on Vancouver Island. This unique area was first settled by the Coast Salish people, and remains largely undisturbed today. Several islands in the Plan Area are

nationally recognized for significant biological diversity, important habitat and rare plant species. All of the islands are jurisdictionally part of the Executive Islands Area of the Islands Trust. Additionally, all of the islands fall within Electoral Area E of the Regional District of Nanaimo.

The majority of the islands in Executive Islands area are owned by the Crown. The northern group of the Winchelsea Islands is Crown leased to the department of National Defence, which also owns and manages East Ballenas Island. The northern tip of West Ballenas is owned by the Federal Government for the operation of the Ballenas Island light station. In addition, Gerald Island is a Provincial Park, and south Winchelsea Island has been acquired by The Land Conservancy.

The area covered by the Plan is shown on “Schedule B - Bylaw Area Map”, and includes the following land and water areas:

- Ada Islands (East)
- Ada Islands (North)
- Ada Islands (West)
- Amelia Island
- Ballenas Island (West)
- Ballenas Island (South)
- Douglas Island
- Gerald Island
- Maude Island
- Mistaken Island
- Ruth Island
- Southey Island
- Wallis Island
- Winchelsea Island
- Winchelsea Islands A,B,C and D
- Yeo Island (West)
- Yeo Island (East)

These islands are within the traditional territory of the Nanoose First Nation. Water areas within the Executive Islands Planning Area are within the traditional territories of Nanoose, Kwiakah, We Wai Kai and K’omoks First Nations.

Much of the land in the planning area is held by the federal or provincial Crown. The use and development of this land will generally not be subject to the land use designations and policies in this Plan, unless the Crown licenses, leases or transfers the land to private individuals or organizations.

Where the terms “Executive Islands Planning Area”, “planning area”, “Plan area”, or “Executive Islands Area” are used in this Plan, these terms shall be interpreted to mean the area covered by this Plan. Where a specific geographical reference is made (e.g. Gerald Island), that reference shall be interpreted to mean the specific geographic area.

### 1.3 OFFICIAL COMMUNITY PLAN

The purpose of the Executive Islands Area Official Community Plan (hereafter referred to as the “Plan”) is to provide direction for decisions of government, non-profit organizations and individuals, regarding management of the Executive Islands Area. The Plan is a statement of objectives and policies to guide decisions on planning and land use management and should provide direction to resolve existing and possible future conflicts within the island communities.

The Plan is a document prepared and adopted, in accordance with the *Local Government Act* and the *Islands Trust Act*, by the Islands Trust Executive Committee acting as a Local Trust Committee (LTC) being the land use authority for the Executive Islands Area.

Once the Plan has been adopted, all bylaws enacted or works undertaken by the LTC must be consistent with it. The Plan can be amended on the initiative of the LTC or on application by an outside party subject to LTC approval. All amendments require consultation with persons, organizations and authorities that the LTC considers will be affected.

The Plan must include statements and map designations related to the following topics:

- The location, type and density of residential development;
- Restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- Agricultural, recreational, commercial, industrial, institutional, and public utility uses;
- Affordable, special needs and rental housing;
- The location and phasing of roads, sewer and water systems;
- Targets for the reduction of greenhouse gas emissions and policies and actions of the local government proposed with respect to achieving those targets;
- The location of public facilities, including schools, parks and waste treatment sites; and
- Sand and gravel deposits suitable for extraction.

The Plan may include policies related to social needs, social well-being and social development, the maintenance and enhancement of farming and the regulation of the preservation, protection, restoration and enhancement of the natural environment, its ecosystems and biological diversity.



#### 1.4 NATURAL FEATURES

The islands are part of the coastal Douglas-fir biogeoclimatic or ecological zone, which results from a rainshadow effect of the Vancouver Island and Olympic mountains. This zone is characterized by coniferous forests and open meadows and woodlands that are adapted to conditions that are drier than most other coastal regions of British Columbia. The climate of this area is considered temperate with mild wet winters and relatively cool but dry summers.

The islands have seen minimal disturbance, and display little evidence of invasion by exotic species, making them a rarity on the east coast of Vancouver Island. Douglas-fir is common throughout the region with the red-listed Garry Oak-Arbutus community also well represented. An undisturbed ecosystem type known as the Shore Pine – Cladina – Kinnikinnick plant community also exists here, and the very rare Water-plantain buttercup has been identified on East Ballenas Island. Rocky outcrops and coastal bluff habitat are also predominant on the islands in this region.

The islands of the Ballenas-Winchelsea Archipelago are known to have high biodiversity value. This is demonstrated through the area's significant role as a nursery for marine life and as a breeding and nesting ground for many species of birds. As well, the islands support several occurrences of endangered species and ecosystems. Human presence is generally minimal, even though the area is of significance for sport and recreational fishing. The islands are part of the Nanaimo Lowland physiographic region, which is bounded by the Georgia Depression to the east and the Vancouver Island Mountains to the west. Soils tend to be gravelly and sandy and are very shallow with significant amounts of exposed bedrock.

## 1.5 ACCESS AND SERVICES

The islands are not served by power, water or telephone land-lines. There are no stores or commercial visitor accommodation facilities in the area, and no garbage pickup or publicly-funded fire protection services on these islands.

Landowners are required to provide water and sewage disposal on-site. To date, the use of the islands has been largely seasonal and recreational. There are no ferries, no paved roads, and limited year-round moorage. Access to the islands is by private boat, water taxi or float plane.

## 1.6 POPULATION AND SETTLEMENT PATTERNS

Few if any of the islands have permanent residents. Census population data from Statistics Canada are not adequate to determine the permanent populations as data have been aggregated with data from other locations. Only three of the islands are under private ownership, with the remainder being held either by the provincial or federal Crown, and this has a curtailing effect on the overall population of the area.

## 1.7 DEVELOPMENT POTENTIAL

The previous subdivision regulations established a minimum lot size of 4 hectares (10 acres) on most islands. As of 2011, none of the islands had been subdivided, with the exception of West Ballenas which contains a federal Crown lot for the lighthouse on the northern end in addition to the privately held southern portion. The number of lots in the Executive Islands Area therefore nearly corresponds with the number of islands and islets. Apart from structures associated with the National Department of Defence, residential buildings exist on inhabited Mistaken Island, and there is a cabin on South Winchelsea, owned by the Land Conservancy of British Columbia.

## 2. PLAN GOALS

- 2.1 To preserve and protect the ecosystems, habitat, and natural resources of the Executive Islands Planning Area.
- 2.2 To ensure that human activities and the scale, rate and type of development contribute to the preservation of the ecological attributes and character of the Executive Islands Planning Area.
- 2.3 To work cooperatively with other local governments, the federal and provincial governments and their agencies and First Nations to advance the mandate of the Islands Trust and the Goals and Objectives of this Plan.

DRAFT FOR COMMENT

### 3. OBJECTIVES AND POLICIES

#### 3.1 LAND USE OBJECTIVES

- 3.1.1 To limit growth and development in order to protect sensitive ecosystems, encourage sustainability, and minimize the potential effects of climate change.
- 3.1.2 To accommodate a limited number of residents and visitors in order to preserve ecosystem integrity and the unique scenic character of the area.
- 3.1.3 To manage any development in a manner that minimizes hazards and avoids impacts to the environment.
- 3.1.4 To guide and regulate growth and development in a manner that puts protection of the natural environment first and that builds on existing physical and social infrastructure where possible.

#### 3.2 RESIDENTIAL LAND USE POLICIES

- 3.2.1 The traditional land use in the plan area has been minimal and the LTC bylaw provisions should preserve the character of the area.
- 3.2.2 The LTC should continue to permit single family residential uses as the principal use on privately held lands.
- 3.2.3 The LTC may consider implementing siting and use permits for all new construction or use on privately held lands.
- 3.2.4 LTC bylaw provisions should ensure that uses customarily considered accessory to residential uses are permitted and regulated.
- 3.2.5 Commercial vacation rentals should not be permitted.
- 3.2.6 Density should be limited to one dwelling per 4 hectares (10 acres).
- 3.2.7 Subdivision regulations should not permit subdivision without rezoning.
- 3.2.8 The LTC should establish zoning regulations that limit the number, size and height of accessory buildings on residential properties.
- 3.2.9 Affordable and special needs housing is considered inappropriate for this area due to the remote nature of the islands.
- 3.2.10 Rental housing other than single family housing is considered inappropriate for this area due to the remote nature of the islands.

Advocacy Policies

3.2.11 The Regional District of Nanaimo and the Vancouver Island Health Authority are encouraged to implement sustainable building standard initiatives as appropriate for the low density rural nature of development in the Plan area.

3.3 COMMERCIAL AND INDUSTRIAL LAND USE POLICIES

3.3.1 There are currently no locations in which commercial and industrial uses are a permitted principal use. Given the remoteness, small size and pristine nature of the islands, and the mandate of Islands Trust to preserve and protect the unique amenities and environment of the area, commercial and industrial uses are not considered appropriate in the Plan area.

3.3.2 Home occupations should be permitted as a use accessory to residential uses and should be regulated to minimize impacts.

3.4 AGRICULTURAL POLICIES

3.4.1 There is currently no land identified as having agricultural potential on the islands.

3.5 FOREST LAND USE POLICIES

3.5.1 The LTC should identify significant unfragmented forest ecosystems within the planning area and consider establishing zoning to limit inappropriate development in these areas and to cluster development elsewhere.

Advocacy Policies

3.5.2 The LTC encourages other agencies and levels of government to designate, acquire, or establish forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.

3.5.3 The LTC encourages landowners to protect sensitive forest ecosystems through donation, conservation covenants, the use of incentives such as the Natural Area Protection Tax Exemption Program (NAPTEP), or careful management.



### 3.6 COMMUNITY AND PUBLIC SERVICE USE POLICIES

- 3.6.1 The LTC may establish zoning within this designation, or within the residential designation, to permit and regulate local community services such as meeting halls, infrastructure, and emergency service facilities.
- 3.6.2 Zoning should recognize existing public uses, such as light stations.
- 3.6.3 Given the limited development on the islands in the Plan area, there is no demand for school facilities. A need to designate land for future school use is not anticipated.

#### Advocacy Policies

- 3.6.4 Residents in the Plan area are encouraged to be self-sufficient with regard to disposal of waste.
- 3.6.5 The RCMP, Canadian Coast Guard, fire protection, regional districts, search and rescue organizations, and the Provincial Emergency Program are requested to be responsive to the planning area needs and to assist residents in setting up adequate safety, protection and communication mechanisms.



### 3.7 POLICIES FOR PARKS, RECREATION, AND CONSERVATION AREAS

- 3.7.1 The LTC should support the preservation of ecologically sensitive areas through land use regulation, conservation covenants, park land dedication, or voluntary conveyance to conservation agencies.
- 3.7.2 The LTC is encouraged to require dedication of land, rather than cash-in-lieu, where parkland dedication is required at the time of subdivision, as authorized by the *Local Government Act*.
- 3.7.3 The LTC may undertake or support initiatives to identify locations that are a priority for the creation of safe public access to beaches, areas of recreational significance, linear parks and trails, and public anchorages, in cooperation with other agencies and groups.
- 3.7.4 The LTC should, in cooperation with conservation groups and other agencies, undertake planning for the establishment and maintenance of a network of protected areas.
- 3.7.5 The LTC should permit through zoning, the use of one cabin for short term accommodation or custodial residential uses on South Winchelsea Island.
- 3.7.6 Most Crown islands and islets are included in this land use designation and should be zoned for Nature Protection
- 3.7.7 Rezoning of any Crown islands that are transferred to private ownership for residential uses may be considered through application.

Advocacy Policies

- 3.7.8 The LTC should strongly encourage the Federal and Provincial Crown to only consider disposition of land for ecological conservation purposes, and to consult with the LTC to ensure that any dispositions are in accordance with this Plan.
- 3.7.9 The LTC should strongly encourage the regional district, the Islands Trust Fund and other conservation organizations to investigate the acquisition, purchase and secured protection of any future lands disposed of by the Crown or privately sold.
- 3.7.10 The LTC should encourage the regional district and provincial and federal governments to identify and designate areas for low impact recreational activities that reflect the undisturbed nature of the area and discourage facilities and opportunities for high impact recreational activities in the planning area.



**3.8 POLICIES FOR MARINE AND SHORELINE USES**

- 3.8.1 The LTC should identify and consider protecting ecologically sensitive marine areas.
- 3.8.2 Zoning should permit shellfish aquaculture within existing tenures.
- 3.8.3 The LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms.

- 3.8.4 The LTC should recognize and support the marine dependent nature of land uses in the Executive Islands Area.
- 3.8.5 The LTC should permit one (1) dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline.
- 3.8.6 The LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning.
- 3.8.7 The LTC should not permit commercial marinas.
- 3.8.8 The LTC should use bylaw provisions to protect public access to, from and along the marine shoreline.
- 3.8.9 The LTC should use bylaw provisions to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore.
- 3.8.10 The LTC should, through zoning, the use of setbacks and the use of development permit areas:
- (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes;
  - (b) discourage uses that disrupt natural features and processes;
  - (c) allow for natural erosion and accretion processes;
  - (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and
  - (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials.
- 3.8.11 The LTC should not permit the hardening of the shoreline.
- 3.8.12 The LTC should not support ocean disposal applications within the Plan area.
- 3.8.13 The LTC should not support the creation of artificial reefs within the Plan area.

Advocacy Policies

- 3.8.14 The LTC should support the protection of the planning area as part of any provincial or federal marine protection/ conservation initiative.
- 3.8.15 The LTC should support and encourage new and existing Rockfish Conservation areas in the Plan area.

3.9 TRANSPORTATION POLICIES

- 3.9.1 Zoning may provide for facilities for emergency helicopter access in appropriate locations.

Advocacy Policies

- 3.9.2 The LTC should support efforts by residents, local governments and agencies to ensure that reasonable access including safe passage and moorage is provided to the plan area from adjacent regional districts and municipalities.

3.10 CULTURE AND HERITAGE POLICIES

- 3.10.1 The LTC will work to establish government-to-government relationships with First Nations that have an interest in the Executive Islands Area, in order to identify and assist in protecting significant archaeological or cultural sites in the planning area.
- 3.10.2 The LTC should support initiatives to identify lands and structures of natural, historic, archaeological, cultural, aesthetic, educational or scientific heritage value or character.
- 3.10.3 The LTC may amend this plan to designate any real property as a designated heritage site or heritage conservation area under Part 27 of *Local Government Act*.
- 3.10.4 All development applications received by Islands Trust will be reviewed by planning staff for the presence of known and recorded archaeological sites. Applicants will be notified if the site includes a known, protected archaeological site. Notification may include direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts. In cases where no application is required for development, the landowner is responsible for ensuring that archaeological sites are not disturbed.
- 3.10.5 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities. Landowners are encouraged to contact and work with First Nations to protect archaeological and cultural sites.

Advocacy Policies

- 3.10.6 The LTC may advocate for the designation and protection of eligible heritage sites under the *Heritage Conservation Act*.



### 3.11 SENSITIVE ECOSYSTEM POLICIES

3.11.1 The LTC should support and undertake initiatives to identify environmentally sensitive areas and significant natural sites, features and landforms in the planning area.

3.11.2 The LTC should support and undertake initiatives to plan, establish, and maintain a network of protected areas that preserves the representative ecosystems of the area and maintains its ecological integrity.

3.11.3 The LTC should protect environmentally sensitive areas, significant natural sites, features, views, scenic areas and landforms in the planning area through:

- (a) zoning regulations that encourage the siting and clustering of new development away from sensitive areas for the islands with development potential;
- (b) the implementation of development permit areas ;
- (c) acquisition of land by the Islands Trust Fund, other conservancies, regional districts, and government agencies;
- (d) park dedication at the time of subdivision; and
- (e) encouragement of voluntary stewardship including the use of tools such as conservation covenants and the use of incentives such as the Natural Area Protection Tax Exemption Program.

- 3.11.4 The LTC should, in its bylaw provisions and applications, consider the cumulative effects of any proposed development on sensitive ecosystems and groundwater supplies.

Advocacy Policies

- 3.11.5 Despite there being no identified Riparian Areas Regulation (RAR) watersheds in the Plan Area, the LTC should support the protection of freshwater and riparian habitat.

3.12 GROUNDWATER POLICIES

- 3.12.1 Land use designations, zoning, subdivision regulations and other planning tools should be used to ensure that neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater.

- 3.12.2 The LTC, in its bylaw provisions and in considering applications, should ensure that water quality is maintained, that existing, anticipated and seasonal demands for water are considered and addressed, and that new uses do not affect water availability to the detriment of existing uses.

- 3.12.3 The precautionary principle should be applied with respect to the planning, utilization and protection of potable water supplies, so that property owners, developers and government agencies act with a conservative approach regarding the impacts of land use on island water supplies.

3.13 SOILS AND AGGREGATES POLICIES

- 3.13.1 The LTC should use zoning and other applicable planning tools to protect identified areas of productive soil.

- 3.13.2 There are no known deposits of aggregates suitable for extraction in the Plan area. Mineral extraction is regulated under provincial acts and statutes and is not affected by policies contained within the OCP.

3.14 NATURAL HAZARDS POLICIES

- 3.14.1 The LTC should undertake initiatives to identify areas that are hazardous to development, including areas subject to flooding, erosion or slope instability.

- 3.14.2 The LTC should use appropriate tools, including setbacks and development permit area designations, to restrict and manage development in areas known to be subject to hazardous conditions.

3.15 SERVICES AND INFRASTRUCTURE POLICIES

- 3.15.1 No water line or power connections to the mainland should be permitted other than those in place and in use at the time of adoption of this Plan.

- 3.15.2 The construction of new power lines should be discouraged.
- 3.15.3 As islands in the plan area are mostly self sufficient with respect to power, water and septic disposal, the LTC should recognize the challenges associated with providing services on the islands, and LTC bylaw provisions should support the provision of power through renewable small-scale, passive means such as solar collectors and wind generation
- 3.15.4 LTC bylaw provisions should permit small-scale, land-based geo-thermal heating for individual dwellings.
- 3.15.5 The use of alternative technology to the traditional septic field, and the safe recycling of grey water, is supported by the LTC if methods can provide effective non-polluting and energy efficient means to treat and dispose of effluent and are in compliance with all other government regulations.

Advocacy Policies

- 3.15.6 Landowners undertaking new construction are encouraged to install rainwater catchment systems.

DRAFT FOR COMMENT

## 4. CLIMATE CHANGE ADAPTATION AND MITIGATION

### Background:

Climate change is the result of increasing concentration of heat-trapping greenhouse gases (GHGs) in the atmosphere as the result of human activities; primarily the burning of fossil fuels and large-scale deforestation made possible through advances in technology and industrialization. The amount of GHGs in the atmosphere has increased in the last 200 years, and has caused a rise in average temperature of air and ocean water. Around the world, people interested in reducing GHG emissions are finding ways to reduce their carbon footprint and decrease or reverse the rate of temperature rise.

The Province of British Columbia, in response to public interest in reducing GHG emissions, adopted Bill 27, the Local Government (Green Communities) Statutes Amendment Act. The intent of the Act is to reduce GHGs, conserve energy, and create more sustainable communities. Most significantly, Bill 27 amended the Local Government Act, requiring that all local governments include GHG emission reduction targets, and policies and actions to achieve those targets, in their Official Community Plans.

The Executive Islands Area is unique in that, given the challenges found in living and recreating on the Islands, residents and seasonal visitors typically attempt to live lightly on the landscape. Homeowners may already use solar or other alternative energy sources, and seasonal occupancy of most homes and cottages means no emissions are produced for significant portions of the year. Reducing GHG emissions in this Plan Area takes on a different meaning when the fact that emissions are considerably lower than would be found in highly developed communities with readily accessible services is taken into consideration.

The following target, objectives, policies and actions are the first step to ensuring that the reduction of GHG emissions specifically and the impact of climate change in general become part of the evaluation process for land use planning in the Executive Islands Plan Area.

### 4.1 TARGET

- 4.1.1 This plan commits to achieve by 2020 and 2050 resident per capita emission levels of 50% or less than the Canadian per capita average for 2020 and 2050, respectively. Within the planning area, this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

### 4.2 OBJECTIVES

- 4.2.1 To consider the impacts of climate change as a central factor in land use decision-making.
- 4.2.2 To support actions to minimize greenhouse gas emissions.
- 4.2.3 To recognize the importance of forested lands and unfragmented natural ecosystems in removing carbon dioxide from the atmosphere.

### 4.3 POLICIES

- 4.3.1 The LTC should, in its bylaw provisions and review of development applications, consider the potential impacts on global climate change and GHG reduction targets.
- 4.3.2 The LTC should investigate new methods of measuring GHG emissions that are relevant to the plan area.
- 4.3.3 The LTC should work with other government agencies, stakeholders and the residents of the Executive Islands to achieve energy conservation and emissions reduction goals.
- 4.3.4 The LTC should identify significant unfragmented forest and non-forest ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental and carbon sequestration value.
- 4.3.5 When considering transportation options by air, water or land, both residents and agencies with jurisdiction over services and infrastructure are encouraged to:
  - (a) Reduce fuel requirements;
  - (b) Reduce the extent of infrastructure (for example, through the development of common docks or road/trail construction that minimizes the right of way); and
  - (c) Limit the impact on the natural environment.

### 4.4 ACTIONS

- 4.4.1 The LTC should work with the Islands Trust Fund and other conservation organizations to promote the conservation of forested land as a cost effective and important climate change mitigation strategy.
- 4.4.2 Residents are encouraged to:
  - (a) Incorporate high energy efficiency into building design and construction and use carbon-efficient materials in new construction;
  - (b) Limit the use of fossil-fuel burning engines or generators and use alternative energy sources where possible; and
  - (c) Limit the burning of refuse.
- 4.4.3 Government agencies, when considering changes to infrastructure on the Islands, are strongly encouraged to mitigate impacts on the natural environment for any proposals for park, trail, road, ferry, dock, or infrastructure development.

- 4.4.4 The importation of bulk water adds to GHG emissions through the transportation of water by boat or barge. The LTC encourages alternative methods of increasing water self-sufficiency on the Islands.

DRAFT FOR COMMENT

5. DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION

5.1 DEVELOPMENT PERMIT AREAS

Background

Pursuant to Section 919.1 of the Local Government Act a community plan may designate development permit areas for one or more of the following:

- a. protection of the natural environment, its ecosystems and biological diversity;
- b. protection of development from hazardous conditions;
- c. protection of farming;
- d. revitalization of an area in which a commercial use is permitted;
- e. establishment of objectives for the form and character of intensive residential development;
- f. establishment of objectives and the provision of guidelines for the form and character of commercial, industrial or multi-family residential development;
- g. in relation to an area in a resort region, establishment of objectives for the form and character of development in the resort region.
- h. establishment of objectives to promote energy conservation;
- i. establishment of objectives to promote water conservation; and
- j. establishment of objectives to promote the reduction of greenhouse gas emissions.

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### 5.1.1 SHORELINE DEVELOPMENT PERMIT AREA

#### Designation:

The Shoreline Development Permit Area includes all land 30 m upland of the natural boundary of the sea.

#### Authority:

The Shoreline Development Permit Area is designated a development permit area pursuant to Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity, and Section 919.1(1)(b) for the protection of development from hazardous conditions.

#### Special Conditions and Objectives That Justify the Designation:

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is Provincial legislation in Section 877(1)(d) of the Local Government Act that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development.

It is policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp and eel grass beds and that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;

Shorelines within the Executive Islands Area have high ecological values. Due to their physical and biological characteristics and relatively undeveloped state, they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. In addition, sea level rise, storm surges, increased storm intensity and other anticipated effects of climate change as well as steep slope hazard areas may exert negative effects on potential development.

The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To balance development opportunities with the ecological conservation of the shoreline environment.
3. To minimize the disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
4. To adapt to the anticipated effects of climate change.
5. To protect development from hazardous conditions.

Development Approval Information:

The area is also designated an area for which development approval information (DAI) may be required according to Section 920.01(1)(c) of the Local Government Act. The designation of these areas as DAI is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impacts of the proposed activity or development.

Applicability:

This Development Permit Area applies to all construction and land alteration proposed within the Shoreline DPA. A development permit is required for construction of, addition to, alteration of a building or structure, and land alteration, including vegetation removal except where such activities are specifically exempt.

Exemptions:

The following activities are exempt from any requirement for a development permit:

1. For certainty, construction occurring outside of the Development Permit Area.
2. The placement of impermanent structures such as benches, tables and garden ornaments.
3. Development on land where a conservation covenant under section 219 of the Land Title Act registered against title is granted to the Local Trust Committee or a recognized conservancy and includes provisions which protect shoreline ecosystems in a manner consistent with the applicable DPA guidelines.
4. Repair, maintenance, alteration or reconstruction of existing legal buildings, structures or utilities, including those that are legal non-conforming.
5. The removal of invasive non-native plants.

6. Farm operations as defined in the Farm Practices Protection (Right to Farm) Act and farm uses as defined in Section 2(2), (3), (4) and (5) of the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation.
7. Construction of a fence so long as no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence.
8. Gardening and yard maintenance activities within an existing landscaped area, such as lawn mowing, tree and shrub pruning, vegetation planting and minor soil disturbance that do not alter the general contours of the land.
9. The pruning or limbing of trees provided it cannot reasonably be expected to result in the death or removal of the tree.
10. The removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property.
11. The construction of a small accessory building such as a pump house, gazebo, garden shed or play house if all the following apply;
  - The building is located a minimum of 15 metres from the natural boundary of sea
  - No native trees are removed; and
  - The total area of the accessory building is less than 10 m<sup>2</sup>.
12. Emergency actions required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property including:
  - Forest fire, flood and erosion protection works;
  - Protection, repair or replacement of public facilities;
  - Clearing of an obstruction from a bridge, culvert, dock wharf or stream; or
  - Bridge repairs.

Guidelines:

General Guidelines:

1. In general, development of the shoreline area should be limited and minimize impacts on the ecological health of the immediate area.
2. New upland shoreline structures, additions or land alteration should be located and designed to avoid the need for shore protection works.
3. Sea level rise, storm surges, increased storm intensity and other anticipated effects of climate change should be addressed in all applications.
4. The LTC may consider variances to subdivision or building and structure siting or size regulations to meet the objectives of the development permit area.

5. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bluff to ensure that shore protection measures will not be necessary during the life of the structure, as demonstrated by a geotechnical analysis for the site.
6. Alteration of natural drainage systems that disrupt the natural hydrological cycle shall not be permitted.
7. Soil removal and deposit, as well as areas cleared and disturbed for development should be minimized.
8. Shore protection measures that will cause erosion or other physical damage to adjacent or down-current areas shall not be supported.
9. Shore protection measures should not be allowed for the purpose of providing a sufficient setback to meet zoning requirements.
10. New septic systems should not be located in the development permit area. If such a location cannot be avoided, the encroachment into the development permit area must be minimized, and the design and construction of the septic system be supervised by a qualified professional to ensure that the objectives and guidelines of the development permit area are met as conditions of the permit.
11. Where this development permit area includes native plant species or plant communities dependent on a marine shoreline habitat that are identified locally, provincially, or federally as sensitive, rare, threatened or endangered, or have been identified by a qualified professional as worthy of particular protection, their habitat areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation / compensation measures shall be undertaken only under the supervision of a qualified professional with advice from applicable senior environmental agencies.
12. Shore protection measures should not be allowed for the purpose of providing space for additions to existing structures or new outbuildings.

Guidelines for Specific Shoreline Types:

13. New development on steep slopes or bluffs shall be set back sufficiently from the top of the bank to ensure that the effects of wind shear are minimized.
14. Removal of trees or other vegetation from steep slopes or bluffs should only be allowed where necessary and where replacement vegetation / erosion control measures are established. If possible, stumps should be left in place to provide some soil stabilizing influence until replacement vegetation is established. Plans delineating extent of vegetation / tree removal (location, species and diameter of trees) and location of proposed construction, excavation and / or blasting, may be required.

Guidelines for Construction Practices:

Erosion Control

15. All development within this development permit area should be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.

Monitoring

16. A development permit may require monitoring of the implementation of required environmental mitigation, restoration or enhancement planting or measures approved under a development permit by a qualified professional until all such measures have been completed and the professional has provided a report confirming completion to a standard acceptable to the Local Trust Committee.

Guidelines for Vegetation Management, Restoration and Enhancement:

17. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.
18. Existing trees and shrubs to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
19. If the area has been previously cleared of native vegetation, or is cleared during the process of development, replanting should be required in accordance with these guidelines or requirements specified in the development permit. Areas of undisturbed bedrock exposed to the surface of natural sparsely vegetated areas should not require planting.
20. Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should preferably be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. Suitably adapted, non-invasive, non-native vegetation may also be considered acceptable.
21. All replanting should be maintained by the property owner for a minimum of 2 years from the date of completion of the planting. This may require removal of invasive, non-native weeds (e.g., Himalayan blackberry, Scotch broom, English ivy) and irrigation. Unhealthy, dying or dead stock should be replaced at the owner's expense within that time in the next regular planting season.

Guidelines for the Construction and Replacement of Boat Launch Facilities:

22. Boat launch ramps are the least desirable of all water access structures and will be considered only if they can be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is necessary. Ramps should be kept flush with the slope of the foreshore to minimize interruption of natural geo-hydraulic processes.
23. Construction of a private ramp on an individual residential lot or parcel is discouraged. Owners are urged to seek alternatives.

## 5.2 TEMPORARY USE PERMITS

An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may, notwithstanding a zoning bylaw, allow a use, permit the construction or use of buildings or structures to accommodate persons who work at the temporary enterprise for which the permit is issued and specify conditions under which a temporary use may be carried on. A permit may be issued for a period of up to three years and may be renewed only once. The issuance of a temporary use permit should be conditional on compliance with the following guidelines:

- 5.2.1 Temporary Use Permits may be issued for any area covered by this plan, except for areas designated Parks, Recreation or Conservation on Schedule C.
- 5.2.2 Temporary Use Permits should only be issued for activities that are of short and fixed duration.
- 5.2.3 An application for a Temporary Use Permit should only be considered if the proposal can be demonstrated to have minimal negative impact on the environment of the Executive Islands Area.
- 5.2.4 In issuing a Temporary Use permit, the LTC should specify conditions under which the use may be carried on that would mitigate any impacts of the use, including restoration of land upon completion of the permit.
- 5.2.5 In issuing a Temporary Use Permit, the LTC may consider requiring a security deposit for works required to mitigate any impacts of the use, including restoration of land upon completion of the permit.

## 5.3 DEVELOPMENT APPROVAL INFORMATION

- 5.3.1 The area subject to this bylaw is designated as an area under which development approval information may be required for the purpose of obtaining consistent and comprehensive information on the impacts of proposed development.

- 5.3.2 Trust Council may consider adoption of a development approval information bylaw pursuant to s. 920.1 of the Local Government Act.

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## 6. ADMINISTRATION AND INTERPRETATION

### 6.1 PURPOSE

The purpose of this official community plan bylaw is to further the object of the Islands Trust Act through long-range land use policy for the Executive Islands Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the Islands Trust Executive Committee acting as a Local Trust Committee, government agencies, organizations and the public regarding the existing and proposed land use and development in the Executive Islands Area.

### 6.2 ISLANDS TRUST AUTHORITY

The Islands Trust Act gives the Islands Trust, through its Local Trust Committees, the same land use planning authority as a regional district board under the Local Government Act. Bylaws must be approved by the Islands Trust Executive Committee and, in the case of Official Community Plans, also by the Minister of Community Sport and Cultural Development before adoption by the Local Trust Committee.

The Islands Trust Executive Committee acting as a Local Trust Committee has the responsibility for land use planning and regulations within the Executive Islands Area. This committee has four members who are elected in other Local Trust Areas and who have been elected by Trust Council as chairperson and vice chairpersons of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees is to carry out the object of the Islands Trust, which is:

To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. Local trust committees employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

### 6.3 AREA OF JURISDICTION

The provisions of this Bylaw apply to the Executive Islands Area as shown on Schedule "B", which forms part of this bylaw.

### 6.4 ADVOCACY POLICIES

Community goals and objectives included in this bylaw that address matters that are outside the jurisdiction of the Islands Trust Executive Committee acting as a Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the local trust committee believes would contribute to the goals and objectives

of the plan. This bylaw cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

## 6.5 PUBLIC FACILITIES

Any designation or policy for proposed public facilities on private lands shall be deemed to be a broad community goal of this bylaw and is not a commitment of the LTC and does not have a regulatory effect on private properties. These facilities may include, but are not limited to, roads, parks, trails, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation, and which are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility.

## 6.6 IMPLEMENTATION

Section 884 of the Local Government Act specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a local trust committee pursuant to Section 27 of the Islands Trust Act) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a local trust committee pursuant to Section 27 of the Islands Trust Act), or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan."

## 6.7 INTERPRETATION

6.7.1 In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the three digit numbers policies and the lower case letters articles:

Part:	1
Section:	1.1
Policy:	1.1.1
Subsection:	(a)

6.7.2 The final interpretation as to the precise location of boundaries on any map schedule shall be defined by:

- (a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
- (b) Where a boundary is shown as following any highway, right of way or stream, the centre line of such highway, right of way, or stream the centreline of that feature is the boundary
- (c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered

in the Land Title Office, and where there is no such plan the natural boundary is the common boundary.

- (d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.

6.7.3 In interpreting the objectives and policies of the Plan, the term "shall" or "will" denotes that the indicated measure must be taken or applied. The term "should" or "may" indicates that the suggestion is intended as a guideline.

6.7.4 Throughout this Plan, the words listed below shall be defined as follows:

Conservation – actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or area of human heritage value or character.

Ecosystem – a complete system of living organisms interacting with the soil, land, water, and nutrients that make up their environment. An ecosystem is the home of living things, including humans. An ecosystem can be any size—a log, pond, field, forest, or the earth's biosphere—but it always functions as a whole unit. Ecosystems are commonly described according to the major type of vegetation—for example, old-growth forest or grassland ecosystem.

Environmentally Sensitive Area - places that have special environmental attributes worthy of retention or special care. These areas are critical to the maintenance of productive and diverse plant and wildlife populations. Examples include rare ecosystems, habitats for species at risk and areas that are easily disturbed by human activities. Some of these environmentally sensitive areas are home to species which are nationally or provincially significant, others are important in a more local context. They range in size from small patches to extensive landscape features, and can include rare and common habitats, plants and animals.

Foreshore - the area between the high and low water mark of tidal water.

Local Trust Committee (LTC) - The Executive Committee acting as a Local Trust Committee.

Natural Boundary - means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

Official Community Plan (OCP) - A community plan adopted pursuant to Part 26, Division (2), Section 876 of the Local Government Act.

Park - Park land acquired through dedication of land at time of subdivision, donation or by purchase through a community parks function of a regional district unless otherwise specified in this Bylaw.

Plan - An Official Community Plan adopted by the Executive Committee Acting As A Local Trust Committee.

Precautionary Principle – the recognition that when an activity raises threats of harm to the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.

Preserve – to maintain a given condition. Preservation often requires maintaining the processes that generate the desired condition.

Protect – to maintain over the long-term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Sensitive Ecosystem – ecosystems which are fragile and/or rare, or those ecosystems which are ecologically important because of the diversity of species they support.

Stewardship – voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

Sustainable – capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

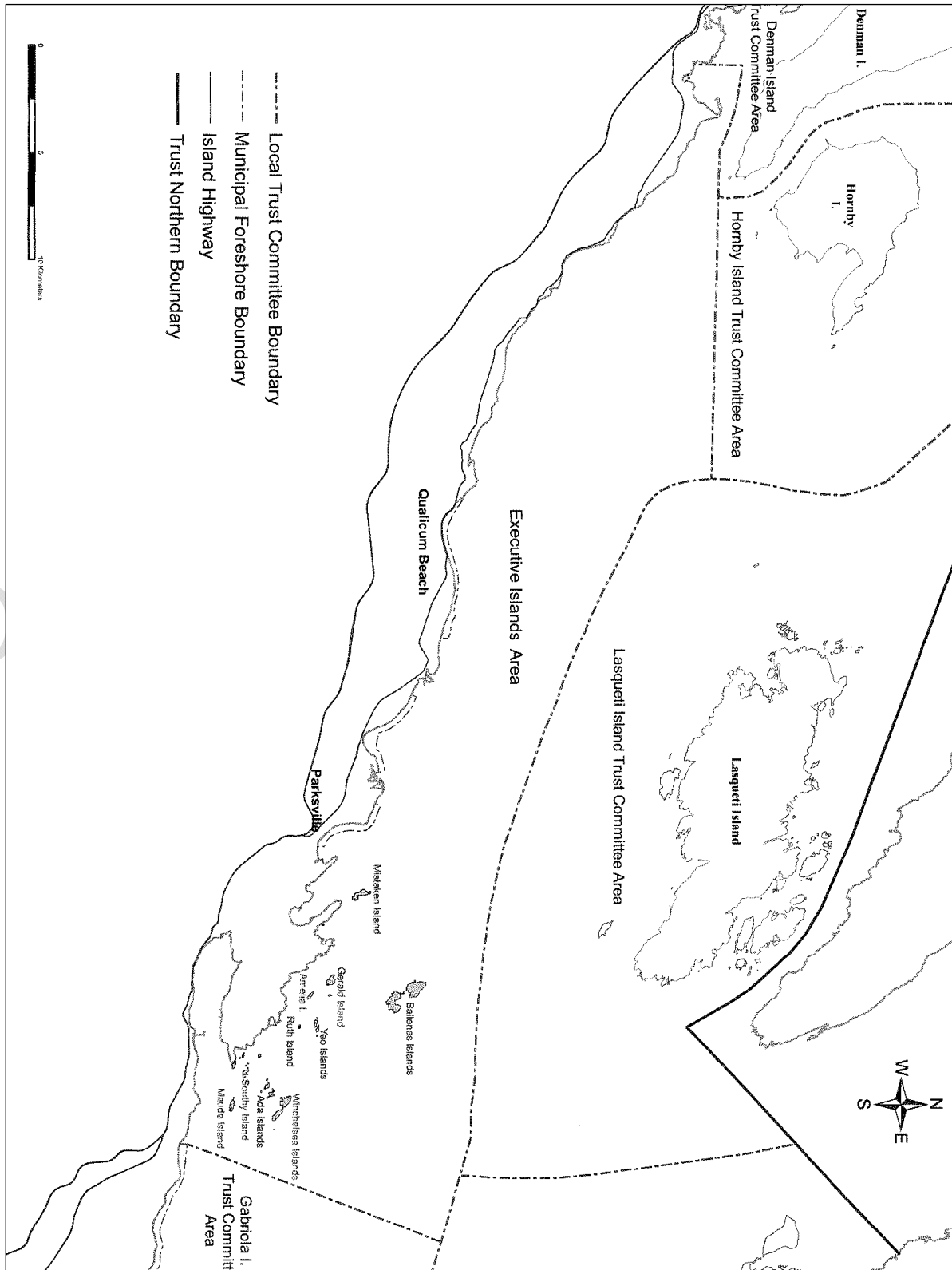
## 6.8 AMENDMENT PROCEDURE

This Bylaw may be amended by the Islands Trust Executive Committee acting as a Local Trust Committee, at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Local Trust Committee that address fees and procedures.

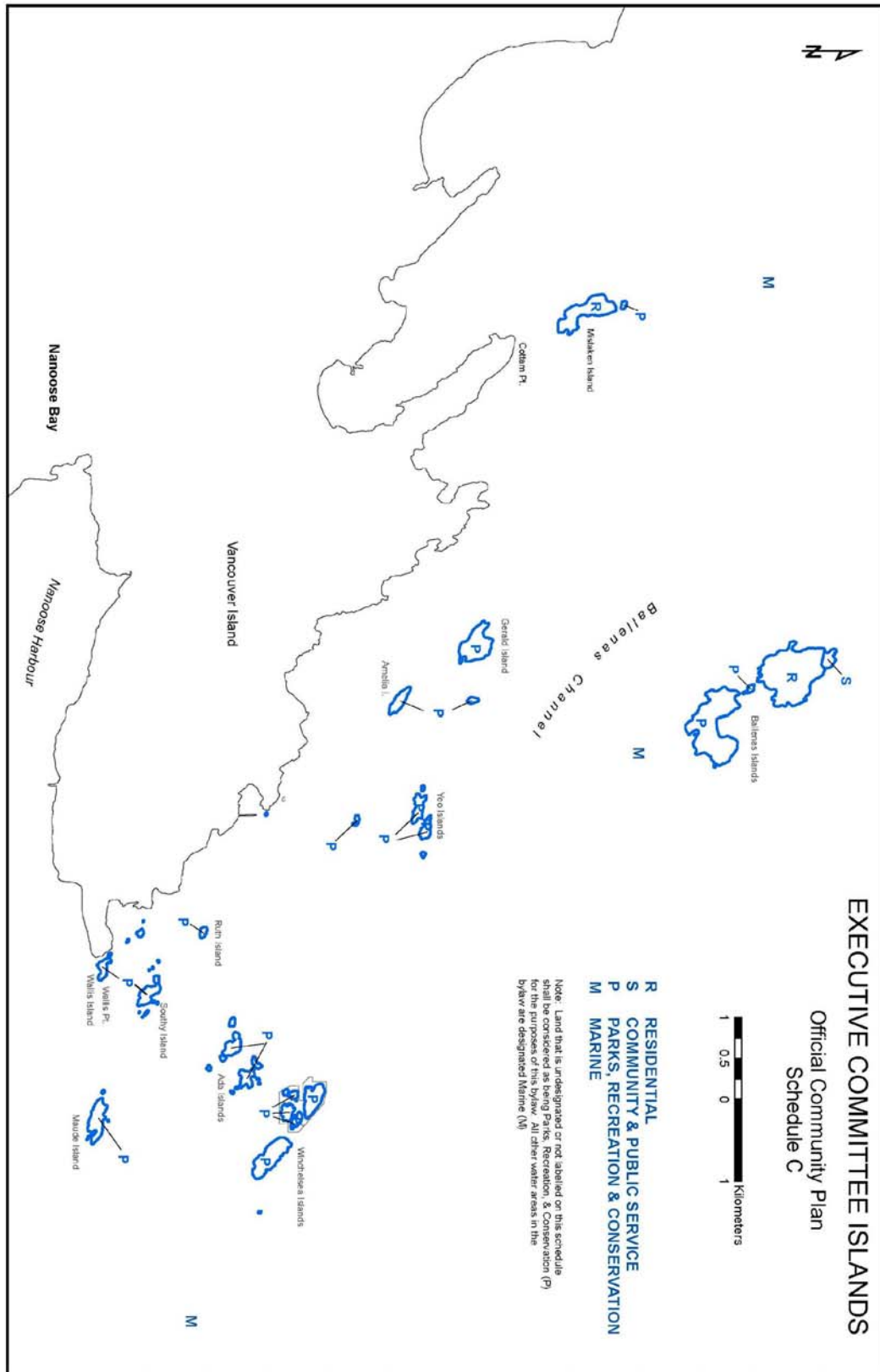
## 6.9 SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

SCHEDULE B – Bylaw Area Map



SCHEDULE C – Land Use Designations



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**EXECUTIVE ISLANDS AREA  
("Ballenas-Winchelsea Group")  
LAND USE BYLAW No. 28, 2011**

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**Table of Amendments**

<b>Bylaw No.</b>	<b>Date of Adoption</b>	<b>Date of Bylaw Consolidation</b>

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**ISLANDS TRUST EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST  
COMMITTEE  
EXECUTIVE ISLANDS AREA LAND USE BYLAW No. 28, 2011**

---

A Bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, landscaping and the subdivision of land within the Executive Islands Area.

---

WHEREAS the Islands Trust Executive Committee Acting as a Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Executive Islands Area, pursuant to the Islands Trust Act;

AND WHEREAS the Islands Trust Executive Committee Acting as a Local Trust Committee wishes to adopt a Land Use bylaw and other development regulations and to show by map the boundaries of the zones;

AND WHEREAS the Islands Trust Executive Committee Acting as a Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Islands Trust Executive Committee Acting as a Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited for all purposes as the "Executive Islands Area Land Use Bylaw No. 28, 2011."
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the Executive Islands Area as shown on Schedule C:
  - (1) Schedule A (Land Use Bylaw Text)
  - (2) Schedule B (Zoning Map)
  - (3) Schedule C (Bylaw Area Map)
3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20

PUBLIC HEARING HELD this \_\_\_\_\_ day of \_\_\_\_\_, 20

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 20

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this \_\_\_\_\_ day of \_\_\_\_\_, 20

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20

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**SECRETARY**

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**CHAIRPERSON**

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## PART 1 INTERPRETATION

### 1.1 Definitions

"accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

"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.

"aquaculture" means the growing and cultivation of aquatic plants or animals for commercial purposes, in any water environment, or in human-made containers of water, and includes the growing and cultivation of shellfish on, in or under the foreshore or in the water column.

"building" means a roofed structure, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.

"custodial residential" means the residential use of a dwelling for a full or part-time on site custodian of land and amenities.

"dock" means a structure or set of structures, accessory to the residential or agricultural use of an upland lot, typically consisting of a pier, ramp, and float, constructed on or over the water that is connected to the shore and that is used as a landing or mooring place for private marine transport or for private recreational purposes.

"dwelling, single family" means a building used as a residence by a single household, containing sleeping and living areas and a single set of facilities for food preparation and eating, and includes a mobile home and a park model recreational vehicle.

"ecological reserve" means an area of land or water established as an ecological reserve under the *Ecological Reserves Act*.

"ecotourism" means low impact, nature-based tourism that involves education and interpretation of the natural environment, or that provides direct financial benefits to conservation through the raising of funds for environmental protection, research and education, and that is managed to be ecologically sustainable.

"Executive Islands Area" means that portion of the Islands Trust Area shown on Schedule C of this Bylaw.

"fence" means a structure used as a barrier to separate, prevent escape or intrusion or mark a boundary and may include a gate, screen or freestanding wall.

"float" means a floating non-roofed structure that is used as a landing or moorage place for marine transport or for recreational purposes and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea bed.

"floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection, and exclusive of any space where a floor and the ceiling above it are less than 1.5 metres (5 feet) apart.

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of buildings and structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure. In the case of a fence, height means the vertical distance between the top of the fence and the grade at any point along the fence.

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home occupation" means a commercial use that is accessory to a permitted principal residential use on the same lot.

"horticulture" means the use of land for the rearing of plants.

"island" means land surrounded by water, and includes islets and rocks exposed in any tidal conditions.

"Local Trust Committee (LTC)" means the Islands Trust Executive Committee acting as a Local Trust Committee.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and the common property of a bare land strata plan is deemed to be a lot for the application of the lot coverage regulations in Part 5 if the common property is used for accessory buildings or structures.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, and

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

"marina" means the commercial use of a water area for the temporary moorage or storage of boats, and includes any floats, piers, wharves, breakwaters, ramps and walkways associated with such use.

"mobile home" means a dwelling designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.

"moorage" means the tying or securing of a vessel to a fixed structure or mooring buoy.

"natural boundary" means the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

"natural watercourse" means a naturally formed depression or similar landscape feature that perennially or periodically contains surface water, including a lake, river, creek, spring, ravine, swamp, salt water marsh, and bog, but does not include a constructed ditch or surface drain.

"park" means a publicly owned lot which is used or intended to be used for conservation or the recreation and enjoyment of the public and which may be developed with recreational facilities.

"personal watercraft" means a vessel typically less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

"pier" means a fixed structure constructed over the foreshore and the water and that abuts the shoreline, is generally perpendicular to the shoreline, and is used to provide access to a float or as a landing or moorage place for marine transport or for recreational purposes.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

"pump/utility house" means an accessory building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.

"recreational uses" means leisure activities, performed either individually or collectively, through forms of play, amusement, or relaxation, and may include structures such as picnic benches, shelters, storage buildings, and washroom facilities.

"residence" means a dwelling unit used for the domicile or home life of a person or persons, or the occasional or seasonal occupancy of a dwelling unit by an owner, or by a tenant under a residential tenancy agreement, who has a permanent domicile elsewhere or by non-paying guests of such an owner; and for certainty, residential use does not include short term vacation rental, bed and breakfast use, the keeping of boarders or lodgers, or any occupancy of a dwelling unit by persons entitled to such an occupancy under a time share plan as defined in the *Real Estate Development Marketing Act* or successor legislation.

"setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.

"sign" means any device or medium including its supporting structure, visible from the sea, any highway or lot other than the one on which it is located, and which is used to attract attention for advertising, information or identification purposes.

"short-term vacation accommodation" means the use or provision for non-commercial gain of temporary accommodation for persons or households who maintain a permanent residence elsewhere, for periods of less than 30 days at a time.

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes landscaping, septic tanks and fields, and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures less than 1.2 metres (4 feet) in height.

"third party sign" means a sign conveying information not pertaining to the lot on which it is located.

"use" means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities established or licensed by a government, or government agency, excluding private radio or television antennae, and includes navigational aids.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, swamps and bogs.

"zone" means a zone established by Part 5 of this Bylaw.

## 1.2 Referencing

- (1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

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

## 1.3 Units of Measure

- (1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses, are approximate, are provided for convenience only, and do not form part of this Bylaw.

## 1.4 Information Notes

- (1) Where a paragraph or sentence in this Bylaw is preceded by the words "Information Note", the contents of the paragraph or sentence are provided only to assist in understanding of the bylaw and do not form a part of it.

## PART 2 ADMINISTRATION

### 2.1 Application

- (1) This Bylaw shall apply to the Executive Islands Area (also known as the “Ballenas-Winchelsea Group”), being that part of the Islands Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, the surface and bed of the sea and the water column, and all air space above all such land and water areas.

### 2.2 Conformity

- (1) No person may use or occupy or permit any land, water, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- (4) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

### 2.3 Inspection

- (1) Pursuant to Section 268 of the *Local Government Act*, the Islands Trust Bylaw Enforcement Officer or any other person designated by the Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.

### 2.4 Violation

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

### 2.5 Penalty

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act*. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

## 2.6 Covenants

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

## 2.7 Owner's Cost

- (1) If any provision of this Bylaw requires a report, study, covenant, plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs.

## 2.8 Enforcement of Siting Regulations

- (1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the lot of all existing and proposed buildings, structures and sewage absorption fields in relation to lot and zone boundaries, watercourses, wells and the sea, and in relation to other buildings on the lot, unless the Local Trust Committee determines that the provision of such a plan is not reasonably necessary to establish whether the proposed buildings, structures or sewage absorption fields comply with the siting requirements of this or any other Bylaw.

## PART 3 GENERAL REGULATIONS

### 3.1 Permitted in All Zones

The following uses, buildings and structures are permitted in any zone, except where specified, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

- (1) Conservation areas, including ecological reserves and other habitat reserves, and parks, but excluding playgrounds and playing fields.
- (2) Water supply facilities, for an individual lot or as a community service, in any land zone for the purposes of supplying potable water on an individual island, including reservoirs, pipes, treatment facilities, storage facilities and pumping and intake structures, but not including desalination facilities.
- (3) Buried or submerged electricity lines for the distribution of electrical power on private residential zoned property, and buried or above-ground lines in any other land use zone.
- (4) Electrical substations for the purposes of supplying electrical power on an individual island.
- (5) Solar collectors in any land zone for the purposes of supplying electrical power to the island on which the structure is located.
- (6) Wind generators in any land zone for the purposes of supplying electrical power to the island on which the structure is located.
- (7) Fences in any land zone, subject to regulations established in Section 3.5.
- (8) Hiking and bicycle trails.
- (9) Signs, subject to regulations established in Part 6.
- (10) Pump/utility houses.
- (11) Sewage disposal facilities for which all required filings have been made in accordance with the Sewerage System Regulation under the *Public Health Act*.
- (12) Horticulture.
- (13) Buildings or structures used for an office or shelter for construction or maintenance crews, or for storage of materials to be used for the erection, construction or maintenance of any building, structure or public utility installation for which a valid building permit has been obtained, provided that such a temporary structure or building is removed within 30 days of completion of the public utility, building or structure.

### 3.2 Prohibited in All Zones

Only the uses, buildings and structures expressly permitted in Section 3.1 and Part 5 of this Bylaw are permitted in the relevant zones. Without limiting the generality of the

foregoing and for purposes of clarity, the following uses, buildings and structures are prohibited in all zones:

- (1) Junkyards, auto-wrecking and the storage of derelict vehicles outside of a permitted and enclosed structure.
- (2) The disposal and storage of hazardous or toxic waste.
- (3) The rental, sale and commercial storage of personal watercraft.
- (4) The use of a vessel anchored, moored, or secured as a permanent residence.
- (5) Fin fish aquaculture in any water zone.
- (6) Bridges, causeways and tunnels connecting any one island to another island or the mainland.
- (7) Water utility lines connecting any island to another island or the mainland.
- (8) Marinas.
- (9) Wind generators in any water zone and wind generators intended to provide power to an island other than the island on which the structures are located.
- (10) Dog breeding and boarding kennels.
- (11) Storage of unusable, stripped, non-functional or abandoned vehicles, vessels, trailers or campers.
- (12) Commercial uses except home occupations where permitted by the regulations in Part 5 of this Bylaw.
- (13) Industrial Uses.

### 3.3 Siting and Setback Regulations

- (1) All siting measurements must be made on a horizontal plane from the natural boundary, lot line or other feature specified in this Bylaw to the nearest portion of the building or structure in question.
- (2) Buildings or structures, except a fence, utility line, navigational aid, driveway or path, or pump/utility house, shall not be sited within the setback areas established in the regulations in Part 5 of this Bylaw.
- (3) Buildings or structures, including a fence, or a pump/utility house, shall not be sited within 15 metres (50 feet) of the natural boundary of the sea. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.

*Information Note: All construction within 30 metres (100 feet) of the natural boundary of the sea requires a Development Permit under the Shoreline Development Permit Area in the Executive Islands Area Official Community Plan.*

- (4) Buildings or structures, except a fence or pump/utility house, shall not be sited within 30 metres (100 feet) of the natural boundary of any natural watercourse or wetland. Septic fields, septic tanks, absorption fields and related appurtenances below ground, concrete and asphalt paving or similar surfacing of the land, and retaining structures are considered structures for the purposes of this subsection.
- (5) Steps, eaves, gutters, cornices, sills, chimneys, balconies, decks and sunshades and similar features attached to buildings, and retaining walls, may project into a required setback area, except a setback from the natural boundary of the sea, a natural watercourse or a wetland, provided they do not project more than 1.0 metre (3 feet) into the required setback area.

### 3.4 Height Regulations

Except as otherwise provided for in this Part, or Part 5, the following regulations apply:

- (1) No single family dwelling may exceed 9.0 metres (29 feet) in height, except for single family dwellings within 30 meters of the natural boundary of the sea which may not exceed 8.0 metres (26 feet) in height.
- (2) No accessory building or structure may exceed 5.0 metres (16 feet) in height.
- (3) The height regulations for buildings and structures specified in Subsection 3.4(1) and (2) and elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas and towers, light stations, chimneys, flag poles, lightning poles, fire and hose towers, utility poles, attic vents, solar collectors, wind generators and water storage tanks.
- (4) All height measurements to determine compliance with this bylaw shall be taken from the average of the natural grade levels at the midpoints of all walls (or sides) of the building or structure in question, to the highest point of the building or structure.

### 3.5 Fences

- (1) The height of fences shall not exceed 3 metres (10 feet).

### 3.6 Accessory Uses, Buildings and Structures

- (1) A building or structure accessory to a dwelling may not be used for human habitation except as permitted by Subsection 3.6(4).
- (2) Accessory buildings are limited to two per lot and the total floor area of all accessory buildings may not exceed 80 square metres (860 square feet).
- (3) One non-residential building may be constructed or placed on a lot prior to the construction of a dwelling or the commencement of a residential use on the same lot.

- (4) An accessory building may be constructed or placed on a lot prior to the construction of a single family dwelling on the same lot and occupied as a temporary dwelling prior to the construction of a permitted single family dwelling on the same lot, subject to:
  - (a) the provision of sewage disposal facilities for which all required filings have been made in accordance with the Sewerage System Regulation under the *Public Health Act* ;
  - (b) the provision of a domestic water supply;
  - (c) compliance with the use, density and siting requirements of this Bylaw for accessory buildings; and
  - (d) cessation of the residential occupancy of the accessory building prior to the occupancy of the principal dwelling on the property and removal from the accessory building of all facilities for food preparation and eating.
- (5) Unless a building or structure, excluding an attached deck and patio, is structurally attached to a principal building by a structure having walls, a roof, and a floor, it is for the purposes of this Bylaw, deemed not to be part of the principal building, but is deemed to be an accessory building or structure.

### 3.7 Home Occupations

- (1) Permitted accessory home occupations include any home craft, repairing of goods, professional practice, service to a client, or creation of a product, but do not include the rental of visitor accommodation (including, but not limited to, bed and breakfasts, short-term vacation accommodation and commercial campgrounds), vessel or aircraft rentals or charters, food service or the retail or wholesale sale of goods or products unless the goods or products are produced, processed or repaired as part of the home business.
- (2) Home occupations must be conducted entirely within a dwelling or a permitted accessory building on a lot where there is a permitted principal residential use.
- (3) The combined floor area used in all home occupations on a lot must not exceed 65 square metres (700 square feet).
- (4) The operator or at least one of the employees of a home occupation must reside on the property.
- (5) Not more than one person per property may be employed in any home occupation in addition to any residents of the premises in which such business is carried on.
- (6) No storage of materials, commodities or finished products is permitted in connection with the operation of a home occupation other than within a permitted building.
- (7) One sign, consistent with the regulations established in Part 6, is permitted in conjunction with all home occupations on each lot.

- (8) No noise resulting from any home occupation may be produced so as to be heard at a lot line or at the natural boundary of the sea.

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**PART 4 ESTABLISHMENT OF ZONES**

**4.1 Division into Zones**

- (1) The Executive Islands Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "B" that forms part of this Bylaw:

<u>Zone Name</u>	<u>Zone Abbreviation</u>
Residential	R
Community Services	S
Conservation	CN
Park	P
Nature Protection	NP
Marine General	W1
Marine Protection	W2
Marine Park	W3
Shellfish Aquaculture	W4

**4.2 Zone Boundaries**

- (1) Where zone boundaries on Schedule "B" coincide with lot lines, the zone boundaries are the lot lines.
- (2) Where a zone boundary is shown on Schedule "B" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.
- (3) Where land based and water based zone boundaries shown on Schedule "B" coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.
- (4) Where a zone boundary shown on Schedule "B" does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule "B" and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

## PART 5 ZONE REGULATIONS

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### 5.1 Residential (R)

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#### Permitted Uses

- (1) The following uses, buildings and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Single family dwelling;
  - (b) Agriculture;
  - (c) Home occupations, subject to Section 3.7;
  - (d) Accessory uses, buildings and structures.

#### Density

- (2) One (1) single family dwelling is permitted per 4.047 hectares (10 acres) of lot area.
- (3) The lot coverage of all buildings, structures and paving shall not exceed 10 percent.

#### Siting and Size

- (4) The total floor area of a single family dwelling may not exceed 300 square metres (3200 square feet).
- (5) The minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.
- (6) Despite Subsection 5.1(5), the minimum setback for any building, structure or enclosure housing farm animals shall be 7.6 metres (25 feet) from any lot line.

#### Subdivision Lot Size Requirements

- (7) No subdivision plan shall be approved in the R zone unless the lots created by the subdivision have a lot area of at least 20.2 hectares (49.9 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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## 5.2 Community Service (S)

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### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Community recreational uses;
  - (b) Light stations.

### Density

- (2) The combined lot coverage of all buildings, structures and paving shall not exceed 25 percent.

### Siting and Size

- (3) The minimum setback for any building or structure shall be 10 metres (33 feet) from any lot line.

### Subdivision

- (4) No subdivision plan shall be approved in the S zone unless the lots created by the subdivision have a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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### 5.3 Conservation (CN)

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#### Permitted Uses

- (1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:
  - (a) Ecotourism;
  - (b) Short term vacation accommodation;
  - (c) Custodial residential;
  - (d) Informational signs and interpretive structures.

#### Density

- (2) One (1) dwelling for ecotourism, short term vacation accommodation, or custodial residential uses is permitted per lot.
- (3) The lot coverage of all buildings, structures and paving shall not exceed 10 percent.

#### Subdivision

- (4) No subdivision plan shall be approved in the CN zone unless the lots created by the subdivision have a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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**5.4 Park (P)**

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**Permitted Uses**

- (1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:
- (a) Trails, stairs and walkways;
  - (b) Informational signs and interpretive structures;
  - (c) Wilderness camping;
  - (d) Accessory uses, buildings and structures.

**Subdivision**

- (2) No subdivision plan shall be approved in the P zone unless the lots created by the subdivision have a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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**5.5 Nature Protection (NP)**

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**Permitted Uses**

- (1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:
- (a) Ecological reserves, nature conservancies and parks;
  - (b) Research and educational activities;
  - (c) Trails, stairs and walkways;
  - (d) Wilderness camping; and
  - (e) Informational signs and interpretive structures.

**Subdivision**

- (2) No subdivision plan shall be approved in the NP zone unless the lots created by the subdivision have an average a lot area of at least 65 hectares (160 acres), except where, pursuant to subsection 7.2(1)(b), the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown.

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## 5.6 Marine General (W1)

### Permitted Uses

- (1) The following uses and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Marine navigational aids;
  - (b) Mooring buoys for the mooring of a private vessel accessory to a residential or agricultural use of an upland lot;
  - (c) Docks, accessory to a residential or agricultural use of an upland lot or lots and providing access for the residents of the upland lot or lots;
  - (d) Barge ramps and marine railways;
  - (e) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.6(1)(c) and (d).

### Density

- (2) Docks permitted by article 5.6(1)(c) shall be limited to one (1) per island.

### Siting and Size

- (3) No structure shall be located within 3 metres (10 feet) of the seaward projection of any side lot line of an abutting upland lot.
- (4) All mooring buoys permitted by 5.6(1)(b) shall be located within 100 metres (328 feet) of the upland lot to which they are accessory.
- (5) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.
- (6) The maximum area of all floats and piers, excluding ramps and walkways, adjacent to any one island may not exceed 40 square metres (430.6 square feet).
- (7) Storage structures constructed on any part of a dock shall have a maximum height of 1 metre (3 feet) and a maximum total area of 10 square metres (107 square feet).

### Conditions of Use

- (8) No building or structure shall be sited, placed or erected on any float, dock, pier or breakwater in the W1 zone except:
  - (a) storage structures;
  - (b) railings;
  - (c) lights.
- (9) No dock shall be constructed with foam flotation devices that are not completely encapsulated.

- (10) Barge ramps and marine railways permitted by article 5.6(1)(d) shall be accessory to the residential use of an abutting upland lot, or adjacent upland lots, and shall provide access to that lot or lots for the resident(s) of an upland lot on the island.

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**5.7 Marine Protection (W2)**

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**Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
- (a) Marine navigational aids;
  - (b) Mooring buoys for the mooring of a private vessel accessory to the residential use of an upland lot;

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**5.8 Marine Park (W3)**

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**Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
- (a) Marine navigational aids;
  - (b) Mooring buoys for the mooring of a private vessel associated with a marine park use;

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**5.9 Shellfish Aquaculture (W4)**

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**Permitted Uses**

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
  - (a) Shellfish aquaculture;
  - (b) Marker buoys delineating shellfish aquaculture tenure boundaries.

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**PART 6 SIGN REGULATIONS**

**6.1 Exempt Signs**

The following signs and no others are exempt from the regulations in this part:

- (a) Directional, traffic control, safety, interpretive, address and navigational signs.
- (b) Signs of candidates for public office, who are recognized as candidates by the government in which they seek office, provided they are removed within 14 days of the date of election.
- (c) Signs pertaining to the lease, sale, name of owner or property, or the use or status of a lot or building, provided no sign exceeds a total area of 0.3 square metres (3 square feet).
- (d) Signs erected and maintained by a public agency.
- (e) Interpretive signs associated with permitted uses in Conservation (CN), Nature Protection (NP) and Parks (P) zones.

**6.2 Prohibited Signs**

(1) The following signs are prohibited:

- (a) Any sign that is internally illuminated;
- (b) Any sign with moving parts;
- (c) Any sign hung from, or in any way affixed to, any other sign;
- (d) Any noise-making sign;
- (e) Third party signs.

**6.3 Height**

(1) The maximum height for any sign is 3 metres (10 feet).

**6.4 Obsolete Signs**

(1) Any sign which has become obsolete because of the discontinuance of the business, service or activity which it advertises must be removed from the premises within thirty days after the sign becomes obsolete

**6.5 Sign Number and Area**

<b>Table 6.1: Sign Number and Area</b>		
<b>Zone/Use</b>	<b>Number of Signs Permitted for each Lot, Premise or Use</b>	<b>Maximum Total Sign Area Permitted for Each Lot, Premise or Use</b>
All zones	1 per lot	0.3 square metres (3 square feet) in area

## PART 7 SUBDIVISION REGULATIONS

### 7.1 Exemptions from Minimum Lot Area Requirements

- (1) The minimum lot sizes specified in Part 5 do not apply if:
  - (a) the lot being created is to be used solely for unattended equipment necessary for the operation of facilities referred to in Section 3.1, a community sewer or water system, electrical and telecommunication utilities, telephone receiving antenna, radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation, and the owner grants to the Local Trust Committee a Section 219 covenant under the *Land Title Act* restricting the use of the lot to one of these uses;
  - (b) the lot being created is for a public park, a conservation area, an ecological reserve or dedication to the Crown;
  - (c) the lot being created results from the consolidation of two or more lots, provided the area of the consolidated lot could not be subdivided into more lots than would be permitted under this bylaw without the consolidation; or
  - (d) to the adjustment of boundaries between lots, provided the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment.
- (2) If the approval of a bare land strata plan would create common property in the same zone as the strata lots, and this bylaw would permit the construction of a dwelling on the common property if it were a lot, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of the common property prohibiting the further subdivision of the common property, the construction of any residential dwelling unit on the common property, and the disposition of the common property separately from the strata lots.

### 7.4 Boundary Adjustment Subdivisions

- (1) A boundary adjustment subdivision that would result in the increase of the area of any lot to the point where the new lots created could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment is prohibited.
- (2) A boundary adjustment subdivision resulting in an additional lot lying in two or more zones is prohibited.

### 7.5 Section 946 subdivisions (Residence for a Relative)

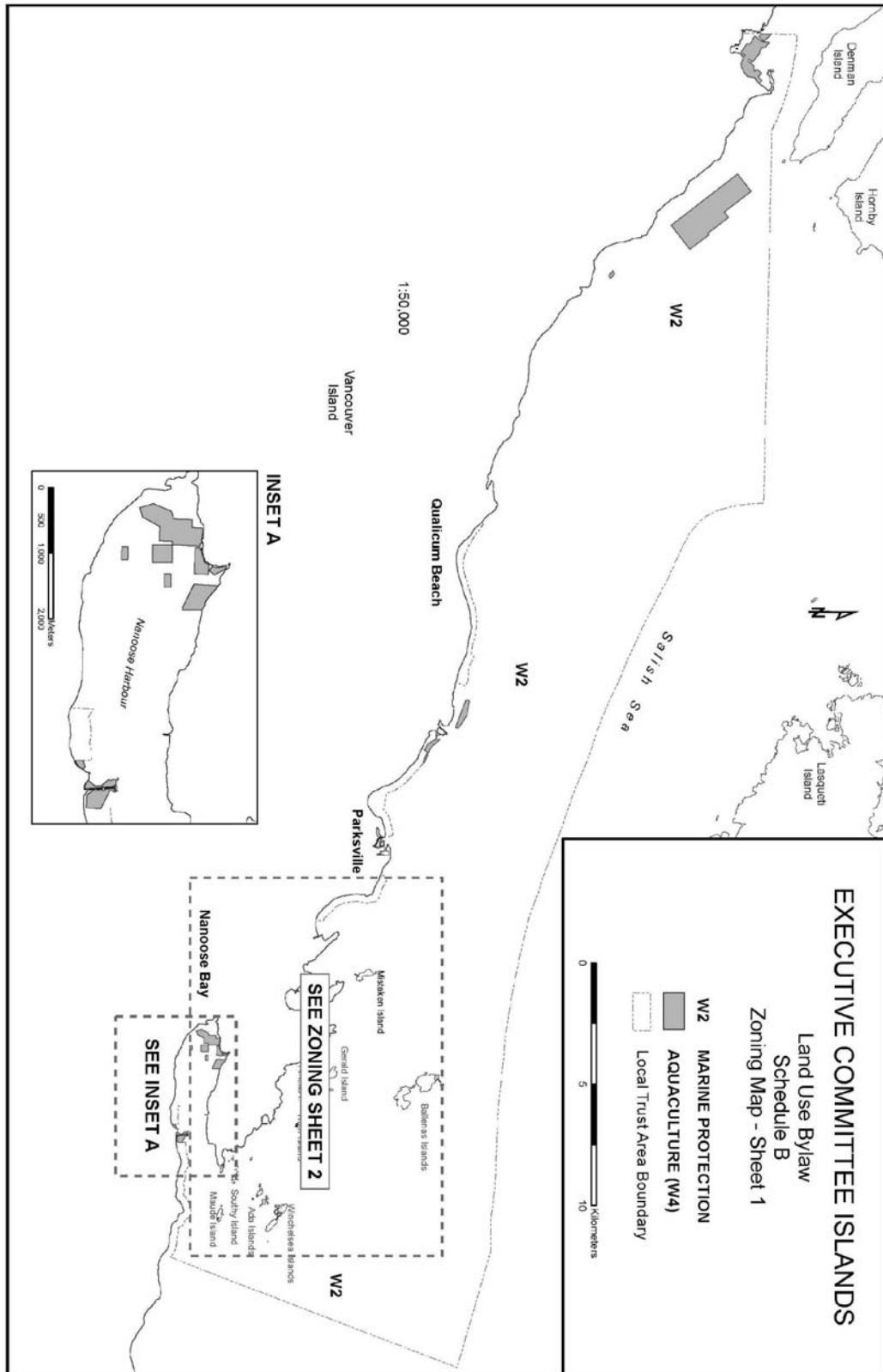
- (1) No lot having an area less than 60 hectares (148.3 acres) may be subdivided under Section 946 of the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

## 7.6 Highway Standards

**Information Note:** For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996, and as may be subsequently amended.

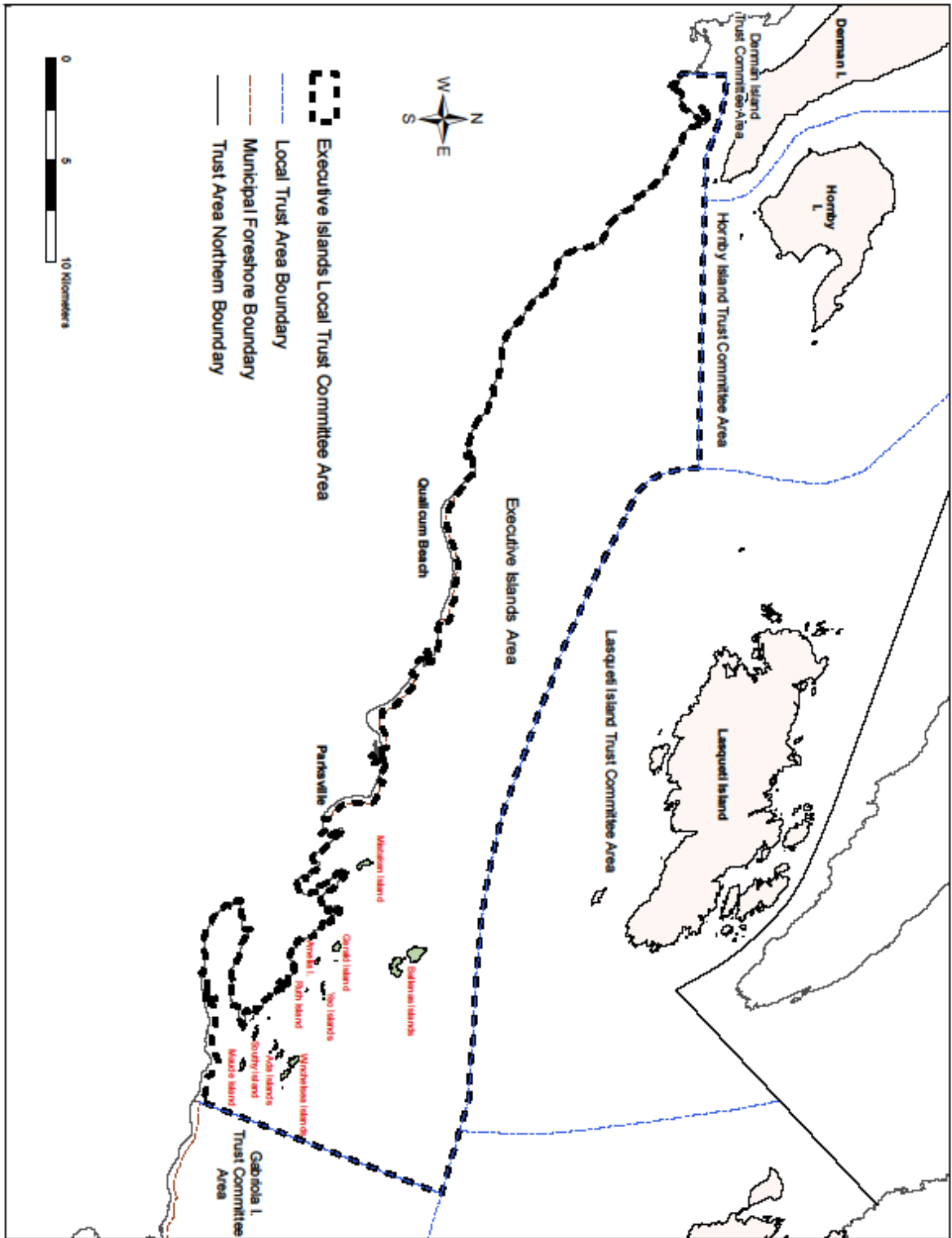
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SCHEDULE B (ZONING MAP SHEET 1)





SCHEDULE C (BYLAW AREA MAP)



## Kathy Jones

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**From:** Nancy Roggers  
**Sent:** January-25-12 7:44 AM  
**To:** Sheila Malcolmson; Ken Hancock; David Graham; Peter Luckham; Robert Kojima; Kathy Jones; Sharon Lloyd-deRosario  
**Cc:** Cindy Shelest; Craig Elder  
**Subject:** Executive Islands Expense Report - Jan/12

		<b>Budget</b>	<b>Spent</b>	<b>Balance</b>
<b>Invoices posted to JAN 23, 2012</b>				
610 Exec Islands	72300 OCP/LUB Expense	5,000.00	2,721.19	2,278.81

Thanks!

Nancy Roggers  
Finance Officer

Islands Trust  
 #200 1627 Fort Street  
 Victoria, B.C. V8R 1H8  
 Phone: (250) 405-5154  
 Fax: (250) 405-5155  
[www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

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