



Islands Trust

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

EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE AGENDA

**Tuesday, July 26, 2011 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 May 10, 2011 LTC Business Meeting** **1**
(attached) – Decision
4. **RESOLUTIONS WITHOUT MEETING REPORT** (attached) **6**
Information
5. **FOLLOW UP ACTION LIST REPORT** (attached) – **7**
Information
6. **WORK PROGRAM**
 - 6.1 **Top Priorities** (attached) – Information **8**
 - 6.2 **Projects**
 - 6.2.1 **OCP/LUB Review Staff Report** (attached) **9**
7. **NEW BUSINESS**
 - 7.1 **Next Business Meeting: 10:00 a.m, Tuesday,
October 11 2011, Islands Trust Office, Victoria**
8. **ADJOURNMENT**

DRAFT

**MINUTES OF THE EXECUTIVE COMMITTEE
ACTING AS A LOCAL TRUST COMMITTEE MEETING
HELD ON TUESDAY, MAY 10, 2011, AT 10:00 AM
AT THE ISLANDS TRUST OFFICE, VICTORIA, B.C.**

PRESENT: Sheila Malcolmson Chair
Louise Bell LTC Member
Peter Luckham LTC Member
Gary Steeves LTC Member
Robert Kojima Regional Planning Manager
Alison Fox Planner 2
Sharon Lloyd-deRosario Planning Secretary/Recorder

REGRETS: None

There were no members of the public present.

1. CALL TO ORDER

The meeting was called to order 10:00 a.m.

Chair Malcolmson welcomed everyone, thanking Staff for their ongoing contributions and acknowledged that the meeting was being held in traditional Coast Salish territory.

2. APPROVAL OF AGENDA

2.1 Approval of Agenda

The agenda as presented was approved by consent.

3. PREVIOUS MINUTES

3.1 Minutes of February 1, 2011 LTC Business Meeting

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

- Removing the word "Proposed" on page 2, item 6.2.1; third line
- Adding the word "meeting" after "committee" in the third line of the second paragraph of item 6.2.1

The Executive Committee Acting as a Local Trust Committee meeting minutes of February 1, 2011, as amended were adopted by consent.

3.2 Minutes of March 29, 2011 LTC Special Meeting

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

- Replacing the words “wanted it known” with “acknowledged”, and adding “Coast” before “Salish First Nations” in item 1, second paragraph.
- Replacing “ie” with “eg” and delete “hold claim in that area” in page 4, paragraph prior to Recommendations.
- Correcting the spelling of Malcolmson to read, Malcolmson, in item 5.

The Executive Committee Acting as a Local Trust Committee meeting minutes of March 29, 2011, as amended were adopted by consent.

4. RESOLUTIONS WITHOUT MEETING

None

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.

6.2 Projects

6.2.1 OCP/LUB Review Staff Report

Planner Fox outlined the staff report highlighting the LTC recommended changes made and any action taken to change the Draft Official Community Plan (OCP) and Land Use Bylaw (LUB); advised that information packages were sent to First Nations and that responses were requested by May 31, 2011; advised that the OCP had been reviewed against the Islands Trust Policy Statement and that a Policy Statement Directives Only Checklist was attached to the report. Planner Fox reviewed the next steps to be taken, leading to consideration of First Reading by July 2011, and then reviewed the Staff recommendations.

Chair Malcolmson asked the members of the committee if they had any comments or questions regarding the Draft OCP and Draft LUB and the changes, made by Planner Fox. Through discussion with the Planner and RPM, the LTC's concerns were addressed.

Some suggested changes were made by section numbers as follows:

- 4.1.1 – Planner to look at Mudge and Decourcey OCP for language for GHG emissions reduction target that is 50% of the Canadian per capita average.
- 3.3(3) – After a brief discussion regarding the setback from the sea in relation to sea level rise, the LTC made the following motion.

Resolution EX-LTC-16-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to add language into the Official Community Plan to include a Development Permit Area designating a 30 meters upland of the natural boundary for construction only.

CARRIED

Draft OCP

Chair Malcolmson asked the committee members if they had any comments; they were addressed by section as follows:

- 3.8.9 – Remove the word “to” after “areas”.
- 3.8.9 c) – Remove the words “without endangering structures”
- 3.8.10 - Include language for clarity that natural process will not be disrupted
- 3.8.11 – a motion was put on the table

Resolution EX-LTC-17-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee ask staff to remove section 3.8.11 from the Draft OCP.

Discussion ensued and the motion was then voted on.

DEFEATED
1 IN FAVOUR
3 OPPOSED

- 3.10.4 – Staff to change wording so it is clear that landowners are responsible for ensuring that archaeological sites are not disturbed.
- 3.11.3 f) - move NAPTEP reference into section 3.11 e).

Resolution EX-LTC-18-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee ask staff to amend section 3.8.11 of the Draft OCP to read, "The LTC should not support ocean disposal applications within the Plan area."

CARRIED
1 OPPOSED

Chair Malcolmson

With the previous motion being carried, there was discussion regarding a policy to address artificial reefs, leading to the following decision.

Resolution EX-LTC-19-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee ask staff to create a new policy 3.8.12 within the Official Community Plan, whereas the Local Trust Committee should not support artificial reefs.

CARRIED
1 OPPOSED

Chair Malcolmson

Chair Malcolmson requested that Staff ensure that the Draft LUB reflect the discussion of today's minutes regarding the Draft OCP and foreshore erosion in DPAs.

DRAFT LUB

Chair Malcolmson asked if the members had any amendments or changes to discuss; they were addressed by section numbers as follows:

5.5 1) c) – Adding in the word "shellfish" before "aquaculture"

There being no further changes to the Draft LUB the LTC moved on to the recommendations.

Resolution EX-LTC-20-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to revise Draft Bylaws 27 and 28 as per the minutes of the May 10, 2011 meeting.

CARRIED

Resolution EX-LTC-21-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to refer Draft Bylaws 27 and 28 as amended to agencies.

CARRIED

Resolution EX-LTC-22-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee direct staff to schedule an additional meeting in June 2011, at which to consider First Reading for Draft Bylaws 27 and 28.

CARRIED

7. NEXT MEETING

7.1 Executive Islands Site Visit May 27, 2011

Planning Secretary Lloyd-deRosario, to finalize the details for travel for the site visit of the Executive Islands and then inform the LTC of the day's itinerary.

7.2 Next Meeting: 9:30 am, Tuesday, July 26, 2011, Islands Trust Office, Victoria

8. ADJOURNMENT

The Chair declared the meeting adjourned at 11:30 a.m.

RECORDER

CHAIR



Islands Trust

RWM From: May 11, 2011 To: July 12, 2011

Print Date: Jul-12-2011

"Executive Area" Islands

Resolution #	Action	Resolution Description	Resolution Date
2011-01	In Favour	THAT the Executive Committee Acting as a Local Trust Committee Special Meeting scheduled for June, 2011 be cancelled.	Jun 08, 2011



"Executive Area" Islands Mar-29-2011

No.	Activity	Responsibility	Target Date	Status
1	Staff to ask permission from the relevant First Nations to enter their traditional territory on May 27th.	Robert Kojima Sharon Lloyd-deRosario		Done
2	Staff to invite First Nations leaders on site visit on May 27th.	Robert Kojima Sharon Lloyd-deRosario		Done

May-10-2011

No.	Activity	Responsibility	Target Date	Status
3	Minutes of February 1, 2011 and March 29, 2011 adopted as amended.	Sharon Lloyd-deRosario		Done
4	Staff to include in the Draft OCP a DPA designating 30 metres upland of the natural boundary of the sea for construction only.	Robert Kojima		Done
5	Staff to revise Draft Bylaws 27 and 28 in accordance with the minutes of the May 10, 2011 business meeting.	Alison Fox		Done
6	Staff to refer the Draft Bylaws 27 and 28 to relevant agencies.	Alison Fox Kathy Jones Robert Kojima		Done



Islands Trust

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	Allison Fox		On Going



STAFF REPORT

Date: July 13, 2011

File No: EX/04

To: Executive Committee Acting as a Local Trust Committee
For the meeting of July 26, 2011

From: Robert Kojima
Regional Planning Manager

CC: Kaitlin Kazmierowski
Island Planner

Re: Executive Islands OCP/LUB

PURPOSE:

At the May 10, 2011 meeting, the Executive Committee acting as a Local Trust Committee (the LTC) reviewed drafts of an Official Community Plan (OCP) and Land Use Bylaw (LUB) for the Executive Islands Area and gave direction to staff to make changes. Following that meeting, the revised bylaws were referred to agencies, First Nations and owners for comment. Comments have also been provided individually by trustees, where these note corrections or minor changes, they have been incorporated into the current drafts. Potential policy or regulatory changes and more significant revisions are identified below for LTC direction. In addition, staff have reviewed the bylaws and minor errors or inconsistencies have been corrected and more significant potential changes identified below for LTC direction.

FIRST NATIONS CONSULTATION: Draft bylaws were referred to First Nations; at the time of drafting this report one comment have been received, from the Laich-Kwil-Tach Treaty Society indicating no concerns with the bylaws.

CONSISTENCY WITH ISLANDS TRUST POLICY STATEMENT: The bylaws have been reviewed for consistency with the Islands Trust Policy Statement. The directives policy checklist is attached to this report.

AGENCY REFERRAL: the bylaws were referred to agencies in early June, to date the following responses have been received. All agencies indicated that their interests are unaffected except the The Land Conservancy, whose comments concerning the cabin on South Winchelsea are addressed below.

Agency/LTC/FN	Comment	Staff Recommendation
Hornby - LTC	Interests unaffected	n/a
RDN – BI	Interests unaffected	n/a
Transport Canada	Interests unaffected	n/a
Lasqueti LTC	Interests unaffected	n/a
ALC	Interests unaffected	n/a
Denman LTC	Interests unaffected	n/a

City of Parksville	Interests unaffected	n/a
MFLNRO	General comments	n/a
TLC	Not recommended	Revisions to draft OCP and LUB to recognize short term vacation rental

POTENTIAL OCP REVISIONS

The following table identifies potential revisions to the OCP that would represent policy changes or significant wording changes, along with staff comments and recommendations.

	Policy	Potential Revision	Staff Comments
1.	1.7 Development Potential (pg 3) & 3.2.6 Subdivision potential (pg 6)	Limit future subdivision potential on the private islands (SM)	Comments: The draft zoning would allow for 1 dwelling per lot and 10 hectare minimum average lot area. Both private island owners have been contacted to date and one has responded informally. Owners may support site specific zoning on each island to allow a limited number of dwellings equivalent to lots with no subdivision potential. Subdivision is likely impractical in any event.
2.	3.2.7 Policy limiting accessory buildings to one per parcel	Remove from policy reference to a limit of one accessory building per parcel. (RK)	Comments: Specific number of accessory buildings should be limited by regulation rather than in an OCP policy. Policy wording that zoning should limit and regulate accessory buildings should be sufficient. Limit of one per parcel is also inconsistent with the draft LUB regulations (3.6(2)) which establish a maximum of two accessory buildings per lot. One accessory building per lot seems excessively restrictive for isolated private islands, and may render existing property non-conforming. Recommendation: that policy 3.2.7 be re-worded to state "The LTC should establish zoning regulations that limit the <u>number</u> , size and height of a accessory buildings.
3.	3.6.3 - water lines	Move to 3.15 (Service and Infrastructure) (RK) and revised to include reference to power lines (SM)	Revised in Draft 6 by staff.
4.	3.7 – Parks, Recreation and Conservation	Include policy reference to existing cabin on South Winchelsea (RK) (TLC)	Comments: the policies in Section 3.7 relate to lands designated "P" on the Land Use Schedule (C). These lands include South Winchelsea, which includes the cabin that is currently available for rent as tourist accommodation. Policy should establish that this land use be permitted in the zoning. Recommended policy: On South Winchelsea island, zoning may permit the use of one cabin for short term accommodation.

	Policy	Potential Revision	Staff Comments
5.	3.8.2 rezoning for aquaculture	<p>Include reference to no impact on foreshore and marine ecology (SM)</p> <p>Zone offshore waters so that areas with existing aquaculture tenures are permitted aquaculture as a use, but other areas would not and would require a successful rezoning (LB)</p>	<p>Comment: The policy as currently drafted is not consistent with the zoning, which allows "shellfish aquaculture" as an outright permitted use in the W1 and W2 zones. Staff require direction on the approach favoured by the LTC. A map of existing aquaculture tenures is attached for information. The options are as follows:</p> <ol style="list-style-type: none"> 1. Permit shellfish aquaculture outright in W1 and W2 zone (current draft LUB), and revise OCP policy accordingly. 2. Permit shellfish aquaculture in existing tenures through creation of an additional water zone and revise LUB zoning and the OCP policy wording accordingly. 3. Do not permit aquaculture as an outright permitted use, but only by rezoning application. Revise the LUB accordingly and add criteria to the OCP policy. <p>Options 2 and 3 above would require re-referral to the Aquaculture Branch.</p>
6.	3.8.5 Private docks	Should limit the number of private docks (SM)	Current draft policy allows docks accessory to residential uses and states that they should be regulated by zoning. Waters around Mistaken and South Winchelsea are zoned to permit docks only in the location where the docks are currently sited. No docks are currently permitted off West Ballenas. In effect the number of docks is limited by the zoning.
7.	3.8.10 – Shoreline modification	Policy would allow shoreline modification to support or protect a permitted or existing use or structure. There don't appear to be existing uses or structures near the shore on the private islands (SM)	Recommendation: that the draft policy be revised to state that hardening of the shoreline should not be permitted.
8.	3.9.3 Public beach access	Public beach access points should be identified to provide emergency access – not relevant given scale of islands (SM)	Recommendation: policy be deleted.
9.	3.11.5	Undertake mapping to implement RAR (RK)	<p>Comment: No RAR watersheds in plan area</p> <p>Recommendation: delete policy</p>

POTENTIAL LUB REVISIONS

The following table identifies potential revisions to the LUB that represent changes to regulations or significant wording changes, along with staff comments and recommendations.

	Policy	Potential Revision	Staff Comments
1.	Definitions	Revisions to definitions	<p>"Approving Officer" removed from definitions (does not appear in bylaw)</p> <p>"residence" wording revised based legal advice provided for Mayne LUB.</p>
2.	3.1 Permitted in all zones	Invasive species removal and ecological restoration	Comment: not a use subject to zoning, removed
3.	3.1 Permitted in all zones	3.1(3)water supply facilities – specify that this does not include desalinization (SM)	LTC direction
4.	3.1 Permitted in all zones	3.1(4) Electricity lines – do not permit outright (SM)	Comment: draft OCP policy would discourage additional power lines to islands. BC Hydro is immune from Local Government Act, but LTC may be able to regulate power lines on private land (e.g. require underground services).
5.	3.2(14) Prohibited in all zones	Short-term vacation accommodation	<p>Comment: currently an on-going use South Winchelsea. Should be permitted there, would not be permitted in other zones.</p> <p>Recommendation: delete 3.2(14), revise 5.3(1) (CN zone) to add "short term vacation accommodation" as a permitted use.</p>
6.	3.3(3) siting and setbacks	Fences and pump/utility houses shouldn't be permitted within the setback from the sea (SM)	LTC direction
7.	3.5(1) Fences	3 metres too high for fences (SM)	LTC direction
8.	3.6(3), 3.6(4)	Reference to building permits (RK)	Comment: not a building inspection area, reference to permits removed or altered
9.	5.2(4) Community Service Zone	Miniumum setback for farm buildings (RK)	Deleted – agriculture not a permitted use in the zone
10.	5.6 Marine Protection	Information note concerning Federal land being immune from zoning	Deleted – recent case law has been establishing that land is not immune, but the Crown is, along with aspects of activities under Crown jurisdiction
11.	5.7 Marine Park zone	Zoning as drafted not appropriate for area	<p>Comment: the Marine park zone designates the marine park off Rathtrevor Beach provincial park. There are no docks or wharves in this area and it is not an appropriate location.</p> <p>Recommendation: that the zone be revised to remove wharves, docks and ramps, etc as permitted uses.</p>
12.	Part 6 - Signs	Interpretive Signs	<p>Comments: the TLC has concerns with the limit of one sign per lot with respect to interpretive signs they may wish to erect on South Winchelsea.</p> <p>Recommendation: revise 6.3 (exempt signs) to include interpretive signs in the CN and P zones.</p>

	Policy	Potential Revision	Staff Comments
13.	Part 7 – Subdivision	Proof of potable water	Comment: there are currently no proof of potable water requirements in the bylaw. For in LTAs where bylaws do not have requirements, the Approving Officer requires proof of potability from applicants at the time of subdivision

NEXT STEPS:

The endorsed timeline is included below with status updates.

Target Date	Action	Status
Oct 2010	Initial letter to landowners and tenure holders advising of the project, including contact information, process and timeline information; development of mapping and collection of data on the existing situation.	Completed
Jan 2011	Initial staff report with recommended draft Official Community Plan policies and Land Use Bylaw regulations for consideration of the Executive Committee Acting as a Local Trust Committee.	Completed
Feb/Mar 2011	Referral to landowners, tenure holders, adjacent jurisdictions, First Nations, Provincial and Federal agencies and Trust Fund Board for comment. Allow 60-90 days for feedback and potential discussion of issues.	Completed – June
Apr 2011	Meeting with agencies to discuss issues that arise.	N/A – issues to date
Jul 2011	Draft final OCP and LUB for consideration of the Executive Committee Acting as a Local Trust Committee; consideration of 1 st Reading by the Executive Committee Acting as a Local Trust Committee. Schedule a Public Hearing.	LTC meeting Scheduled – July 26 th Public hearing to be scheduled following First Reading
Sep 2011	Public Hearing and forward to the Executive Committee and to the Minister (OCP only) for approval.	
Oct 2011	Consideration of adoption.	

RECOMMENDATIONS:

1. THAT the LTC direct staff to make revisions to draft Bylaws 27 and 28.
2. THAT the LTC direct staff to bring draft Bylaws 27 and 28 back to the next meeting for consideration of First Reading and scheduling of public hearing.

Prepared and Submitted by:

Robert Kojima

July 13, 2011

Date

Attachments:

Draft bylaws 27 and 28
Directives policy checklist
Referral response (TLC)
Draft Schedules (separate cover)
Map of existing Aquaculture Tenures (separate cover)

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 and the 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 AND RURAL DEVELOPMENT this	day of	, 201x
ADOPTED this	day of	, 201x

SECRETARY

CHAIRPERSON



Islands Trust

EXECUTIVE ISLANDS AREA
OFFICIAL COMMUNITY PLAN
BYLAW No. 27, 2011

DRAFT FOR COMMENT

TABLE OF CONTENTS

Contents

SCHEDULE A – Policy Document.....	1
1. BACKGROUND.....	1
1.1 THE OBJECT OF THE ISLANDS TRUST.....	1
1.2 OFFICIAL COMMUNITY PLAN.....	1
1.3 THE EXECUTIVE ISLANDS PLANNING AREA.....	2
1.4 NATURAL FEATURES.....	3
1.5 ACCESS AND SERVICES.....	3
1.6 POPULATION AND SETTLEMENT PATTERNS.....	3
1.7 DEVELOPMENT POTENTIAL.....	3
2. PLAN GOALS.....	5
3. OBJECTIVES AND POLICIES.....	6
3.1 LAND USE OBJECTIVES.....	6
3.2 RESIDENTIAL LAND USE POLICIES.....	6
3.3 COMMERCIAL AND INDUSTRIAL LAND USE POLICIES.....	7
3.4 AGRICULTURAL POLICIES.....	7
3.5 FOREST LAND USE POLICIES.....	7
3.6 COMMUNITY AND PUBLIC SERVICE USE POLICIES.....	7
3.7 POLICIES FOR PARKS, RECREATION, AND CONSERVATION AREAS.....	8
3.8 POLICIES FOR MARINE AND SHORELINE USES.....	8
3.9 TRANSPORTATION POLICIES.....	10
3.10 CULTURE AND HERITAGE POLICIES.....	10
3.11 SENSITIVE ECOSYSTEM POLICIES.....	11
3.12 GROUNDWATER POLICIES.....	11
3.13 SOILS AND AGGREGATES POLICIES.....	12
3.14 NATURAL HAZARDS POLICIES.....	12
3.15 SERVICES AND INFRASTRUCTURE POLICIES.....	12
4. CLIMATE CHANGE ADAPTATION AND MITIGATION.....	13
4.1 TARGET.....	13
4.2 OBJECTIVES.....	13
4.3 POLICIES.....	14
4.4 ACTIONS.....	14
5. DEVELOPMENT PERMIT AREAS, TEMPORARY USE PERMITS AND DEVELOPMENT APPROVAL INFORMATION.....	16
5.1 DEVELOPMENT PERMIT AREAS.....	16
5.1.1 SHORELINE DEVELOPMENT PERMIT AREA.....	17
5.2 TEMPORARY USE PERMITS.....	21
5.3 DEVELOPMENT APPROVAL INFORMATION.....	22
6. ADMINISTRATION AND INTERPRETATION.....	23
6.1 PURPOSE.....	23
6.2 ISLANDS TRUST AUTHORITY.....	23
6.3 AREA OF JURISDICTION.....	23
6.4 ADVOCACY POLICIES.....	23
6.5 PUBLIC FACILITIES.....	24
6.6 IMPLEMENTATION.....	24

6.7 INTERPRETATION24
6.8 AMENDMENT PROCEDURE.....26
6.9 SEVERABILITY.....26
SCHEDULE B – Bylaw Area Map.....27
SCHEDULE C – Land Use Designations.....28

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 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.

1.3 THE EXECUTIVE ISLANDS PLANNING AREA

The Executive Islands Planning Area 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 Nanoose on Vancouver Island. This area was first settled by the Coastal Salish people. 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 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
- 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, Wei Wai Kai and Wei Wai Kum, and K’omoks First Nations.

Much of the land is currently held by the federal or provincial Crown and is therefore not under local government jurisdiction. Land use designations and applicable policies will only apply on these lands if the government sells or leases these lands to private individuals or organizations in the future.

Where the terms “Executive Islands Planning Area” or “planning 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.

1.4 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. Douglas-fir is common throughout the region with arbutus and Garry oak also present. 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. There are several occurrences of endangered species and ecosystems on these islands. 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 gravely 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

Very 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 existing subdivision regulations establish 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. Under the existing

regulations if subdivisions were approved the total number of potential additional lots could be 18, bringing the total number of lots to 38. However, seven of these additional lots would be on Crown land, and therefore the total number of lots which could potentially be created on privately held lands is 11 bringing the total number of privately owned lots to 31.

DRAFT FOR COMMENT

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 largely seasonal residential and recreational, and the LTC bylaw provisions should preserve the relatively low density residential 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 LTC bylaw provisions should ensure that uses customarily considered accessory to residential uses are permitted and regulated.
- 3.2.4 Commercial vacation rentals should not be permitted.
- 3.2.5 Density should be limited to one dwelling per lot.
- 3.2.6 Subdivision regulations should establish a minimum average lot size of 4 hectares (10 acres), consistent with the historic 4 hectare (10 acre) minimum lot size, while allowing for the clustering of lots in future subdivisions.
- 3.2.7 The LTC should establish zoning regulations that limit the size and height of accessory buildings on residential properties, and that limit the number of accessory buildings to one per property.
- 3.2.8 The LTC should support applications to rezone to permit the development of dwellings without subdividing, where the proposal would result in clustered development that minimizes the ecological and visual impacts of development and directs development away from hazardous areas.
- 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, 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.

Advocacy Policies

- 3.7.5 The LTC should discourage the regional district and provincial agencies from creating recreational facilities within the plan area, and, if they are proposed, should encourage the regional district or provincial agency to ensure that the location and type would not result in the degradation of environmentally sensitive areas, including sensitive marine or coastal areas.
- 3.7.6 The LTC should encourage the regional district and provincial and federal governments to identify and designate areas for low impact recreational activities 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 The LTC may consider rezoning applications for leases for aquaculture, other than finfish farms.
- 3.8.3 The LTC should recognize and support the marine dependent nature of land uses in the Executive Islands Area.
- 3.8.4 The LTC should consider permitting the construction and use of common, community, or communal docks where feasible in order to limit the need for multiple private dock development along the shoreline.
- 3.8.5 The LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning.
- 3.8.6 The LTC should not permit commercial marinas.
- 3.8.7 The LTC should use bylaw provisions to protect public access to, from and along the marine shoreline.
- 3.8.8 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.
- 3.8.9 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.
- 3.8.10 The LTC should only give consideration to permitting structural modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure, that all other alternatives to structural modification are not feasible, and that natural coastal processes will not be disrupted by such a modification. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilize banks, reduces erosion and provides habitat should be retained or enhanced.
- 3.8.11 The LTC should not support ocean disposal applications within the Plan area.

3.8.12 The LTC should not support the creation of artificial reefs within 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.

3.9.3 Public beach access points should be identified that provide appropriate routes in times of accident, emergency or medical evacuation.

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 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.

Advocacy Policies

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

3.10.7 Landowners are encouraged to contact and work with First Nations to protect archaeological and cultural sites.

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 where accurate mapping identifying sensitive ecosystems at an appropriate scale is available and where the administration of development permit areas is feasible;
- (c) acquisition of land by the Trust Fund Board, other conservancies, regional districts, and government agencies;
- (d) park dedication at the time of subdivision;
- (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; and
- (f) lot clustering and amenity zoning.

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.

3.11.5 The LTC should undertake an initiative to map and identify potentially fish-bearing watercourses and implement provincial riparian area regulations through the use of development permit areas or zoning regulations.

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 or mining activity 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 As islands in the plan area are mostly self sufficient with respect to power, water and septic disposal, the LTC shall recognize the challenges associated with providing services on the islands, and LTC bylaw provisions should support the provision of power through small-scale, passive means such as solar collectors and wind generation

- 3.15.3 LTC bylaw provisions should permit small-scale geo-thermal heating for individual dwellings.

- 3.15.4 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

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

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, measured from a baseline when an inventory is completed. 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 Trust Fund Board 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.

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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.

Development Permit Area Objective

1. To consider the establishment of additional development permit areas on a category specific basis as a subsequent amendment to this official community plan.

Development Permit Area Policy

1. In the considerations leading to establishment of development permit area designations in this official community plan, priority should be given to permit area designations for the protection of the natural environment and for protection of development from hazardous conditions.

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 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.

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 adapt to the anticipated effects of climate change.
4. 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 proposed within the Shoreline DPA. A development permit is required for construction of, addition to, or alteration of a building or structure, 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 is 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 (a building permit may still be required).
5. Land alteration that does not involve construction of any building or structure.
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.
8. 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; and
 - The total area of the accessory building is less than 10 m².
9. 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 or impede public access.
2. New upland shoreline structures or additions 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. Shore protection measures that will cause erosion or other physical damage to adjacent or down-current properties shall not be supported.
7. Shore protection measures should not be allowed for the purpose of providing a sufficient setback to meet zoning requirements.
8. 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.

9. 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.
10. Shore protection measures should not be allowed for the purpose of providing space for additions to existing structures or new outbuildings.

Guidelines for Subdivisions:

11. All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures being needed for the permitted level of development.

Guidelines for Specific Shoreline Types:

12. 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 said structure.
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.

Guidelines for Construction Practices:

Erosion Control

14. 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

15. 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:

16. Existing, native vegetation should be retained wherever possible to minimize disruption to habitat and to protect against erosion and slope failure.
17. 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.
18. 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.
19. 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.
20. 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:

21. 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.
22. 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.

5.3 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.

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.

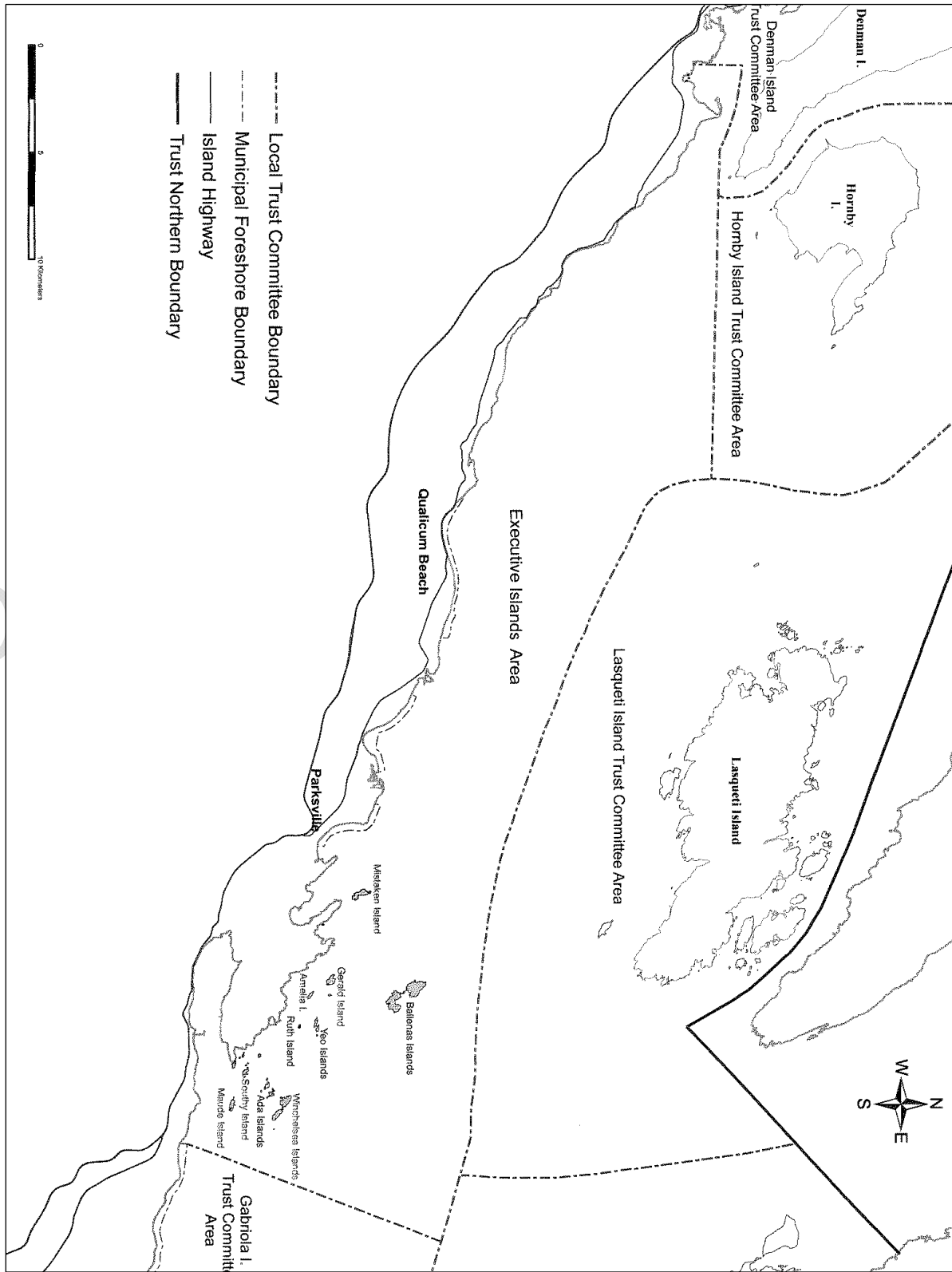
6.8 AMENDMENT PROCEDURE

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.

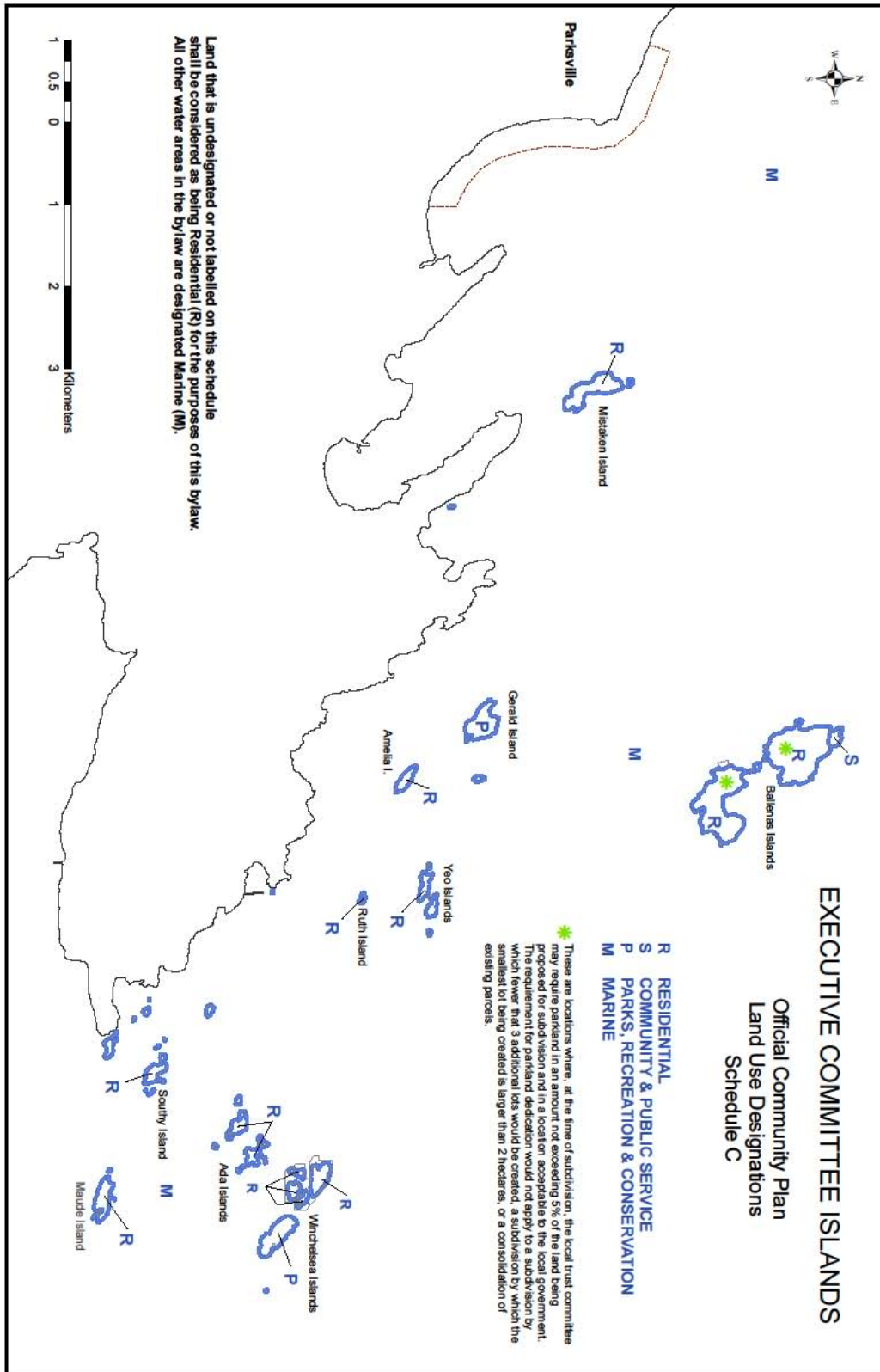
6.9 SEVERABILITY

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



DR

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**EXECUTIVE ISLANDS AREA
LAND USE BYLAW No. 28, 2011**

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Back of front cover

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Table of Amendments

Bylaw No.	Date of Adoption	Date of Bylaw Consolidation

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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

SECRETARY

CHAIRPERSON

DRAFT FOR COMMENT

SCHEDULE A

TABLE OF CONTENTS

Contents

SCHEDULE A	1
PART 1 INTERPRETATION	5
1.1 Definitions	5
1.2 Referencing	9
1.3 Units of Measure	9
1.4 Information Notes	9
PART 2 ADMINISTRATION	10
2.1 Application	10
2.2 Conformity	10
2.3 Inspection	10
2.4 Violation	10
2.5 Penalty	10
2.6 Covenants	11
2.7 Owner’s Cost	11
2.8 Enforcement of Siting Regulations	11
PART 3 GENERAL REGULATIONS	12
3.1 Permitted in All Zones	12
3.2 Prohibited in All Zones	12
3.3 Siting and Setback Regulations	13
3.4 Height Regulations	14
3.5 Fences	14

3.6	Accessory Uses, Buildings and Structures	14
3.7	Home Occupations	15
3.8	Use of Common Property	16
PART 4 ESTABLISHMENT OF ZONES		17
4.1	Division into Zones	17
4.2	Zone Boundaries	17
PART 5 ZONE REGULATIONS		18
5.1	Residential (R)	18
5.2	Community Service (S)	19
5.3	Conservation (CN)	20
5.4	Park (P)	21
5.5	Marine General (W1)	22
5.6	Marine Protection (W2)	24
5.7	Marine Park (W3)	25
PART 6 SIGN REGULATIONS		26
6.1	Permitted Signs	26
6.2	Prohibited Signs	26
6.3	Exempt Signs	26
6.4	Height	26
6.5	Obsolete Signs	26
6.6	Sign Number and Area	26
PART 7 SUBDIVISION REGULATIONS		27
7.1	Lot Area Calculations	27
7.2	Exemptions from Minimum and Average Lot Area Requirements	27
7.3	Covenants Prohibiting Further Subdivision and Development	27
7.4	Boundary Adjustment Subdivisions	28

7.5 Section 946 subdivisions (Residence for a Relative) _____ 28

7.6 Lot Frontage and Lot Shape _____ 28

7.7 Split Zoned Lots _____ 29

7.8 Split or Hooked Lots _____ 29

7.9 Double Frontage Lots _____ 29

7.10 Highway Standards _____ 29

SCHEDULE B (ZONING MAP) _____ 30

SCHEDULE C (BYLAW AREA MAP) _____ 31

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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.

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

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

"dock" means a structure or set of structures, generally consisting of a pier, ramp(s), and float(s), 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. For this purpose, a dock is accessory to the residential or agricultural use of an upland lot.

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

"ecological reserve" means an area of land (or water) established as an ecological reserve under *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.

"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 floor.

"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 a ceiling are less than 1.5 metres (5 feet) apart.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

"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 above the natural boundary of the sea.

"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. The common property of a bare land strata plan is considered a lot for this purpose.

"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 the installation of floats, piers, wharves, breakwaters, ramps and walkways, but does not include community and public wharves and other non-commercial boat docking and storage facilities.

"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 place 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.

"panhandle lot" means a lot that fronts on a highway by means of a strip of land that is narrower than the main portion of the lot.

"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 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 singly 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 who has a permanent domicile elsewhere or by non-paying guests of such an owner; and for certainty, residential use does not include tourist accommodation use, commercial vacation rental, 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 Act* or successor legislation. For the purpose of this definition, owner includes a tenant under a residential tenancy agreement

"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 commercial use or provision of a single family dwelling as temporary accommodation, for periods of less than 30 days at a time, for households who maintain a permanent residence elsewhere.

"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 fields, septic tanks, absorption 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 towers) and includes navigation 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.

"wharf" means a structure, usually consisting of a pier, ramp(s), and float(s), which is connected to an upland lot by a ramp or walkway. For this purpose, it is accessory to the public or park use of an upland lot.

"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, 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, and the seabed, and also all surface waters and air spaces.

2.2 Conformity

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw. No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw. 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. The use of land, buildings or structures that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of this Bylaw, may be considered as “lawful non-conforming”, and continued subject to the provisions of Section 911 of the *Local Government Act*.
- (2) 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.
- (3) 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 noted, and all buildings and structures are subject to siting and size regulations established elsewhere in this bylaw:

- (1) Conservation areas, including ecological reserves, conservation covenants 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, lines, treatment facilities, storage facilities and pumping and intake structures.
- (3) Buried or submerged electricity lines for the distribution of service within the Executive Islands Area in any zone and above-ground lines in any land zone.
- (4) Electrical substations for the purposes of supplying service on an individual island.
- (5) Solar collectors in any land zone for the purposes of supplying power to the island on which the structure is located.
- (6) Wind generators in any land zone for the purposes of supplying 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 a sewage disposal permit has been issued under the *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 or 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 or tunnels connecting any one island to another island or the mainland.
- (7) Water utility lines connecting any one island to another island or the mainland.
- (8) Marinas.
- (9) Wind generators in any water zone or 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.
- (14) Short-term vacation accommodation.

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, are not to be sited within the setback areas established in the regulations in Part 5 of this Bylaw.
- (3) Buildings or structures, except a fence, or a pump/utility house, are not to 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, are not to 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, retaining walls, balconies, decks and sunshades or similar features 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 a sewage disposal permit has been issued under the *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) the residential occupancy of the accessory building ceases prior to the occupancy of the principal dwelling on the property and all facilities for food preparation and eating are removed.
- (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), 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 owner 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 heard at a lot line or the natural boundary of the sea.

3.8 Use of Common Property

- (1) Land comprising the common property in a strata plan is not a lot for the purposes of the density regulations but, where the strata lots and common property are in the same zone, may be used for permitted uses accessory to principal uses located on strata lots in the same strata plan.

DRAFT FOR COMMENT

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
Marine General	W1
Marine Protection	W2
Marine Park	W3

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

5.1 Residential (R)

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 lot.
- (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 lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the R Zone.
- (8) No subdivision plan shall be approved unless the lots created by the subdivision have an average lot area of at least 4.047 hectares (10 acres).

5.2 Community Service (S)

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 an average and minimum 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.

5.3 Conservation (CN)

Permitted Uses

- (1) The following uses, buildings and structures are permitted and all other uses, buildings and structures are prohibited:
 - (a) Ecotourism;
 - (b) Informational signs and interpretive structures.

Density

- (2) One (1) building for ecotourism 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 an average and minimum 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.

DRAFT FOR COMMENT

5.4 Park (P)

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 an average and minimum 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 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;
 - (c) Buoys delineating shellfish aquaculture tenure boundaries;
 - (d) Docks;
 - (e) Barge ramps and marine railways;
 - (f) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.5(1)(d) and (e) above;
 - (g) Shellfish aquaculture.

Siting and Size

- (2) No structure shall be located within 3 metres (10 feet) of the seaward projection of any side lot line of an abutting upland lot.
- (3) All mooring buoys permitted by 5.5(1)(b) above shall be located within 100 metres (328 feet) of the R zone.
- (4) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.
- (5) The maximum area of all floats and piers, excluding ramps and walkways, adjacent to any one island may not exceed 93 square metres (1001 square feet).
- (6) 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

- (7) Mooring buoys permitted by article 5.5(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.
- (8) Docks permitted by article 5.5(1)(d) above shall be accessory to a residential or agricultural use of an upland lot, or lots, and shall provide access to that lot or lots for the residents of an upland lot.
- (9) 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.

- (10) No dock shall use foam floatation devices that are not completely encapsulated in concrete or an equivalent material.
- (11) Barge ramps and marine railways permitted by article 5.5(1)(e) above 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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5.6 Marine Protection (W2)

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;
 - (c) Shellfish aquaculture;
 - (d) Buoys delineating shellfish aquaculture tenure boundaries.

Conditions of Use

- (3) Mooring buoys permitted by article 5.6(1)(b) above shall only be used for the purpose of mooring a private vessel accessory to the residential use of an upland lot.

DRAFT FOR COMMENT

5.7 Marine Park (W3)

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;
 - (c) Wharves;
 - (d) Docks;
 - (e) Ramps, walkways, footings and pilings necessary for the establishment and maintenance of the uses permitted in article 5.7(1)(c) and (d) above;

Siting and Size

- (2) Ramps, piers and walkways accessing a dock shall not exceed 3 metres (10 feet) in width.
- (3) The maximum area of all dock floats and piers adjacent to any one island permitted by article 5.7(1)(d) above may not exceed 93 square metres (1001 square feet), exclusive of ramps and walkways.
- (4) Storage structures constructed on any part of a dock permitted by article 5.7(1)(d) above 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

- (5) Docks permitted by Article 5.7(1)(d) above shall be accessory to an established principal use of an upland lot, or lots, and shall provide access to that lot or lots for the permitted principal use of an upland lot on the island abutting the water area in which the dock is located.
- (6) Wharves permitted by Article 5.7(1)(c) shall be used to provide access to land in the P zone.
- (7) No building or structure may be sited, placed or erected on any wharf, dock or breakwater in the W3 zone except:
 - (a) storage structures;
 - (b) lift cranes;
 - (c) railings;
 - (d) lights.
- (8) No dock or wharf shall use foam floatation devices that are not completely encapsulated in concrete or similar materials.

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

- (1) All types of signs, except those prohibited in Section 6.2 are permitted

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 Exempt Signs

The following signs are exempt from the regulations in this part:

- (1) Directional, traffic control, safety, interpretive, address and navigational signs.
- (2) Signs of candidates for public office, who are recognized as candidates by the public agency in which they seek office, provided they are removed within 14 days of the date of election.
- (3) Signs pertaining to the lease, sale, name of owner or property, or the use or status of a lot or building are permitted, provided no one sign exceeds a total area of 0.3 square metres (3 square feet).
- (4) Signs erected and maintained by a public agency.

6.4 Height

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

6.5 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.

6.6 Sign Number and Area

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

PART 7 SUBDIVISION REGULATIONS

7.1 Lot Area Calculations

- (1) Subdivisions shall comply with the minimum and average lot area regulations set out in Part 5. For the purposes of this bylaw, the average lot area is the sum of the areas of the proposed lots divided by the number of proposed lots.
- (2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average lot area regulations set out in Part 5, be included in the total area of lots being created, and the park or parks are deemed not to be lots.

7.2 Exemptions from Minimum and Average Lot Area Requirements

- (1) The average and 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.

7.3 Covenants Prohibiting Further Subdivision and Development

- (1) If a proposed subdivision is to yield the maximum number of lots permitted by the applicable minimum and average lot areas specified in Part 5, and one or more of the lots being created has an area equal to or greater than twice the applicable average lot size, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every such lot, prohibiting further subdivision of the lot and prohibiting construction, erection, or occupancy on the lot of more than the applicable zone's permitted number of single family dwellings.

- (2) If a subdivision is proposed that will yield fewer than the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw, and:
 - (a) one or more of the lots being created has an area equal to or greater than twice the applicable average lot size; and
 - (b) one or more of the lots being created has an area less than the applicable average lot size;

the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every lot prohibiting the subdivision of the lot so as to create a greater total number of lots by subdivision and re-subdivision of the original lot than would have been created had the first subdivision created the maximum number of lots permitted by the applicable minimum and average lot sizes specified by this bylaw; and

- (3) 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 8 hectares (20 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 Lot Frontage and Lot Shape

- (1) The frontage of any lot in a proposed subdivision must not be less than 20 metres (66 feet).

Information Note: Section 944 of the *Local Government Act* establishes that the minimum frontage on a highway must be the greater of 10% of the perimeter of the lot and the minimum frontage established by bylaw; however, the requirement for 10% lot frontage may be exempted by resolution of the Local Trust Committee.

- (2) No lot in a proposed subdivision may have a depth greater than three times its width, exclusive of any panhandle access strip.
- (3) If a proposed panhandle lot is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 10 metres (33 feet).
- (4) If a proposed panhandle lot is capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point must be 20 metres (66 feet).

7.7 Split Zoned Lots

- (1) A subdivision resulting in the creation of a new lot lying in two or more zones is prohibited.

7.8 Split or Hooked Lots

- (1) No lot which is divided into two or more portions by a highway or another lot may be created by subdivision.

7.9 Double Frontage Lots

- (1) No lot having frontage on more than one highway other than a corner lot may be created by subdivision.

7.10 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.



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Executive Islands Bylaws No. 27 and 28

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECK LIST

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

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

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

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓ 3.11.1 & 3.11.3	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓ 3.11.2	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓ 3.11.5	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the

		use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
✓ 3.5.1	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓ 3.12.1	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓ 3.12.2	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
✓ 3.8.2, 3.8.3	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
✓ 3.8.6	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓ 3.8.8	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

✓ 3.8.4	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
✓ 3.13.1	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1 3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓ 3.14.1, 3.14.2	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
✓ 3.9.1	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste

✓ 3.6.5	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
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CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
✓ 3.3.1	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓ 3.7.5	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓ 3.7.3	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓ 3.7.6	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓ 3.7.3	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓ 3.10	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓ 3.10	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

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K:\LTC\Executive Islands\Bylaws\Draft OCP and LUB\Policy Statement Directives Only Checklist Form.doc

July 13, 2011

Robert Kojima, Regional Planning Manager
Islands Trust
Suite 200 – 1627 Fort Street
Victoria, BC, V8R 1H8

Dear Mr. Kojima,

Thank-you for the opportunity to comment on the proposed OCP and land use bylaw for the Executive Islands Area, in which our South Winchelsea Island property lies. We have two concerns specifically regarding our property, some questions, and a few general comments.

Both the proposed OCP and land use bylaw do not permit short-term vacation accommodation. We are pleased that within the Conservation Zone proposed for South Winchelsea, ecotourism is one of the permitted uses; however, we wish short-term vacation rentals to be allowed within our ecotourism operations. We have one residence on South Winchelsea which does not have a permanent resident, but we do wish to continue renting it on a short term basis. The conservation covenant registered with the Islands Trust Fund and the Nanaimo Area Land Trust permits this use by a limited number of people.

We do also have a concern regarding the limit of one sign per lot (Land Use Bylaw Part 6). We would not want this to limit our ability in the future to have more ecological interpretive signage on the property. The conservation zone does specifically permit interpretive signage, perhaps this means that we could have more than one sign?

The other use that is not mentioned within the conservation zone is research; we do sometimes permit Garry Oak ecosystem researchers to reside in our building during research activities. Perhaps ecological research could be a permitted use within the entire area.

We were pleased to see a Development Permit Area proposed for the Shoreline Area.; however, the OCP does not propose a Development Permit Area for any upland sensitive ecosystems. This is certainly a concern for the important sensitive ecosystems, particularly on West Ballenas Island.

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Page No. 90

Please address further communication on this process to Dennis Kangasniemi, Area Manager, Vancouver Island Coast Region. We will look for further notice on the public hearing and further opportunity to comment on the proposed OCP and land use bylaw.

Sincerely,



Christina Waddle
Regional Manager

cc. Nick Morley, Ecotourism Manager, TLC
Dennis Kangasniemi, Area Manager, TLC
Kathleen Sheppard, Director of Operations, TLC
Nuala Murphy, Ecosystem Protection Specialist, Islands Trust Fund

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Page No. 91