



Islands Trust

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

EXECUTIVE COMMITTEE ACTING AS A LOCAL TRUST COMMITTEE SPECIAL MEETING AGENDA

**Tuesday, March 29, 2011 at 10:00 a.m.
Islands Trust Office – Victoria, BC**

Page No.

1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**
3. **ADOPTION OF MINUTES**
 - 3.1 **Minutes of February 16, 2011 Executive Committee
Acting as Local Trust Committee Special Meeting
(attached)** **1**
4. **PROJECTS** **4**
 - 4.1 **Review of Draft Official Community Plan and Draft
Land Use Bylaw (attached)**
 - 4.2 **Site Visit - discussion**
5. **ADJOURNMENT**

MINUTES OF THE EXECUTIVE COMMITTEE
ACTING AS A LOCAL TRUST COMMITTEE MEETING
HELD ON WEDNESDAY, FEBRUARY 16, 2011, AT 1:00 PM
AT THE ISLANDS TRUST OFFICE, VICTORIA, B.C.

PRESENT:

Sheila Malcolmson
Louise Bell
Peter Luckham
Gary Steeves
David Marlor

Chair
LTC Member
LTC Member
LTC Member
Regional Planning Manager / Recorder

DRAFT

ABSENT:

There were no members of the public present.

1. **CALL TO ORDER**

Chair Malcolmson called the meeting to order at 1:05 p.m.

2. **APPROVAL OF AGENDA**

2.1 **Approval of Agenda**

The agenda was amended by adding the following:

1. Emails from Louise Bell – suggestions on edits to the OCP document
2. Site Visit – PL

The agenda as amended was approved by consensus.

3. **PROJECTS**

3.1 **Review of Draft Official Community Plan**

Continuation of review of the draft Official Community Plan (OCP).

The following edits are in addition to edits made at the Feb 1st meeting.

- 3.1.1 Emails from Louise Bell – suggestions on edits to the OCP document

Resolution EX-LTC 02-11

It was Moved and Seconded that Executive Committee Acting as a Local Trust Committee instruct Staff to incorporate changes outlined in the February 7th email from Louise Bell in the draft Official Community Plan.

CARRIED

Resolution EX-LTC 03-11

It was Moved and Seconded that Executive Committee Acting as a Local Trust Committee replace 4.3.8 with a statement that that affordable and special needs housing was considered but not considered appropriate given the remote location.

CARRIED

Resolution EX-LTC 04-11

It was Moved and Seconded that Executive Committee Acting as a Local Trust Committee add additional language to policy 4.3.4 in February 11th email to reference size of islands and Islands Trust mandate.

CARRIED

Resolution EX-LTC 05-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee instruct Staff to amend 4.3.1 to indicate commercial use should not be allowed and add a phrase to reference Islands Trust mandate and size and nature of islands.

CARRIED

Resolution EX-LTC 06-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee instruct Staff to incorporate changes outlined in the February 11th email from Louise Bell in the draft Official Community Plan.

CARRIED

In relation to the original draft OCP, starting on Page 9 of the document:

Page 13 – Climate Change Section – change “residents” to “homeowners”

Page 14 – delete 4.4.1

Page 15 – deleting 4.4.6, 4.4.8 and 4.4.9

Page 16 – see resolution below

Resolution EX-LTC 07-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee instruct Staff to make appropriate changes to 5.2 for consistency with new Temporary Use Permit resolution and remove commercial and industrial language and prepare some ideas for the Executive Committee to consider at a future meeting.

CARRIED

Page 18 – section 7.5 – staff to review wording in 7.5 and ensure consistent with OCP and in plain language

4. **NEW BUSINESS**

4.1 **Next Business Meeting**

Resolution EX-LTC 08-11

It was Moved and Seconded that the Executive Committee Acting as a Local Trust Committee hold the next meeting on March 29, 2011.

CARRIED

4.2 **Site Visit**

Resolution EX-LTC 09-11

It was Moved and Second that the Executive Committee Acting as a Local Trust Committee request Staff bring a proposal to March 29, 2011 Executive Committee acting as a Local Trust Committee meeting for visiting the Executive Committee islands.

CARRIED

5. **ADJOURNMENT**

The meeting adjourned at 2:15 p.m.

RECORDER

CHAIR



STAFF REPORT

Date: March 22, 2011

File No: EX/04

To: Executive Committee Acting as a Local Trust Committee

For the meeting of March 29, 2011

From: Alison Fox
Planner 2

CC: David Marlor
Regional Planning Manager

Re: OCP/LUB Status Report and Draft OCP and LUB provisions

PURPOSE:

At the February 16, 2011 meeting, the Executive Committee acting as a Local Trust Committee (the LTC) reviewed a first draft of an Official Community Plan (OCP) for the Executive Islands Area and made some recommendations for changes. Staff has made these changes and have also completed a first draft of a Land Use Bylaw (LUB). The purpose of this report is to highlight areas where staff requires further direction in the OCP and to provide an overview of the draft LUB. It will also update the LTC on next steps in the OCP and LUB process.

DRAFT OCP:

Changes to the draft OCP (Draft Bylaw No. 27) were made in line with the direction received from the LTC at the meeting on February 16, 2011. Some conflicting direction was received at the last two meetings as to whether or not bed and breakfast operations should be permitted. The use has been therefore provisionally added to policy 3.3.2 (home occupations), but staff requires further guidance as to whether or not this should remain.

The LTC asked for some suggestions regarding types of non-commercial or non-industrial uses that could be regulated by Temporary Use Permits (TUPs). It is difficult for staff to provide any examples of potential uses at this time, given that the ability to allow non-commercial and non-industrial temporary uses through TUPs is a relatively new power for local governments. However, staff recommends keeping the option to issue TUPs available in the OCP. Temporary Use Permits may or may not be issued at the discretion of the LTC, and therefore there is no harm in keeping the policies in the OCP. If the policies were removed, then the OCP would need to be amended if a proposal came forward that was reasonable for the area.

In addition, the LTC requested revised wording for section 6.5 – Public Facilities. A change has been made to this to try to make it clear. This section is required in order to ensure that the LTC is not committed to build any public facilities which may be mentioned in the plan or to compensate private property owners for any designations on private lands which relate to public facility policies. Staff will flag this policy during the legal review of the document to ensure that it is adequately worded.

DRAFT LUB:

Staff has drafted a LUB that is attached to this staff report as Draft Bylaw No. 28. The bylaw is consistent with the OCP. The bylaw introduces a lower minimum lot size in the R – Residential zone in order to encourage lot clustering, but keeps the historic 4.047 hectare (10 acre) minimum lot area as an average minimum lot area in order to maintain the density at existing levels. Cottages have been removed as a permitted use in all zones. Accessory buildings have been limited to one per lot as requested by the LTC, with a total floor area limitation of 70 square metres (750 square feet). Staff suggests some further consideration be given to the number of accessory buildings permitted, as often two small buildings may have less impact on rural character than one large building, and that restricting the total floor area of accessory buildings may be a more effective way of limiting the impact of these buildings. This would also allow situations where people would like to have a pumphouse or other utility shed separate from another accessory building on the property.

NEXT STEPS:

First Nations Consultation:

Staff has now been able to determine that the First Nations who may have an interest in the Executive Islands Area include:

- Nanoose First Nation
- K'omoks First Nation
- Laich-Kwil-Tach K'omoks Tlowitsis Council of Chiefs (which includes the communities of Kwiakah, Wei Wai Kai and Wei Wai Kum).

The information package that was sent out to private landowners on December 14, 2010 has been modified to send out to First Nations, and is attached to this staff report for review by the LTC. Once this package is accepted by the LTC, staff will send it out to make preliminary contact with First Nations. This will be followed up by referral of the draft bylaws and through scheduling a meeting with any interested First Nations to discuss any issues which may arise.

Agency referral: Once the LTC is satisfied with the draft bylaws (on or before the May 10, 2011 LTC meeting), staff will refer the bylaws out to relevant agencies as well as First Nations and private property owners. Meetings with agencies to discuss issues may not occur until late May or early June, but even with this change to the endorsed timeline, it will still be possible to schedule consideration of First Reading for July 2011.

The endorsed timeline is included below for information purposes.

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.
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.
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.
Apr 2011	Meeting with agencies to discuss issues that arise.
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.
Sep 2011	Public Hearing and forward to the Executive Committee and to the Minister (OCP only) for approval.
Oct 2011	Consideration of adoption.

RECOMMENDATIONS:

THAT the Executive Committee acting as a Local Trust Committee endorse the attached First Nations information package.

THAT the Executive Committee acting as a Local Trust Committee direct staff to amend Draft Bylaw No. 27 as per the March 29, 2011 meeting minutes.

THAT the Executive Committee acting as a Local Trust Committee direct staff to amend Draft Bylaw No. 28 as per the March 29, 2011 meeting minutes.

THAT the Executive Committee acting as a Local Trust Committee direct staff to bring back amended Draft Bylaws No. 27 and 28 to the May 10, 2011 meeting for further consideration along with a draft agency referral package.

Prepared and Submitted by:



March 22, 2011

Planner 2

Date

Concurred in by:

David Marlor, MCIP

March 22, 2011

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

SCHEDULE "D" – **Lands Subdividable and Potentially Subject to Future Parkland Dedication**

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

DRAFT

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

TABLE OF 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	4
3. OBJECTIVES AND POLICIES	5
3.1 LAND USE OBJECTIVES	5
3.2 RESIDENTIAL LAND USE POLICIES	5
3.3 COMMERCIAL AND INDUSTRIAL LAND USE POLICIES	6
3.4 AGRICULTURAL POLICIES	6
3.5 FOREST LAND USE POLICIES	6
3.6 COMMUNITY AND PUBLIC SERVICE USE POLICIES	6
3.7 POLICIES FOR PARKS, RECREATION, AND CONSERVATION AREAS	7
3.8 POLICIES FOR MARINE AND SHORELINE USES	8
3.9 TRANSPORTATION POLICIES	9
3.10 CULTURE AND HERITAGE POLICIES	9
3.11 SENSITIVE ECOSYSTEM POLICIES	10
3.12 GROUNDWATER POLICIES	10
3.13 SOILS AND AGGREGATES POLICIES	11
3.14 NATURAL HAZARDS POLICIES	11
3.15 SERVICES AND INFRASTRUCTURE POLICIES	11
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
5.2 TEMPORARY USE PERMITS	16
5.3 DEVELOPMENT APPROVAL INFORMATION	16
6. ADMINISTRATION AND INTERPRETATION	17
6.1 PURPOSE	17
6.2 ISLANDS TRUST AUTHORITY	17
6.3 AREA OF JURISDICTION	17
6.4 ADVOCACY POLICIES	17
6.5 PUBLIC FACILITIES	18
6.6 IMPLEMENTATION	18
6.7 INTERPRETATION	18
6.8 AMENDMENT PROCEDURE	20
6.9 SEVERABILITY	20
SCHEDULE B – Bylaw Area Map	21
SCHEDULE C – Land Use Designation Key	22
SCHEDULE D – Lands Subdividable and Potentially Subject to Parkland Dedication	23

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 governmental, non profit and individual decisions, 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 Strait of Georgia 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)

Much of the area is 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 specific geographic references are 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 sandstone 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

Census population data from Statistics Canada are not adequate to determine the permanent populations as data have been aggregated with data from other locations. However, only three of the islands are under private ownership, with the remainder being held either by the provincial or federal Crown, and this likely 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 remainder. 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 are on Crown land, and therefore the total number of lots which could potentially be created on privately held lands is 11 or a total number of 31.

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.

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, rental and special needs housing is considered inappropriate for this area due to the remote nature of the islands.

Advocacy Policies

3.2.10 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. **Bed and breakfast operations should be included as permitted home occupations and should also 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. However, the LTC should consider favourably any applications to include land with farming potential into the Agricultural Land Reserve.

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 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 and public wharves.

- 3.6.3 As it is Trust Council policy that islands in the Trust Area should be self-sufficient in regard to their water supply, no water line connections to the mainland should be permitted other than those in place at the time of this Plan.
- 3.6.4 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

- 3.6.5 Residents in the Plan area are encouraged to be self-sufficient with regard to disposal of waste.
- 3.6.6 The RCMP, Canadian Coast Guard, fire protection, regional districts and search and rescue organizations 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 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 community 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 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 may 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 or to permitted docks.
- 3.8.9 The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas to:
 - (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, without endangering structures;
 - (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and
 - (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.
- 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. 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, reduce erosion and provide habitat should be retained or enhanced.

3.8.11 The LTC should not support ocean disposal applications within the Plan area for the purpose of creating artificial reefs.

3.9 TRANSPORTATION POLICIES

3.9.1 In its bylaw provisions and decision-making, the LTC should recognize the challenges associated with accessing, living on and constructing on the islands in the plan area.

3.9.2 Zoning may provide for facilities for float plane and emergency helicopter access in appropriate locations.

Advocacy Policies

3.9.3 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.

3.9.4 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 should support initiatives to identify lands and structures of natural, historic, archaeological, cultural, aesthetic, educational or scientific heritage value or character.

3.10.2 The LTC may amend this plan to designate any real property as a heritage conservation area under Part 27 of *Local Government Act*.

3.10.3 All development applications 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.

3.10.4 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.

3.10.5 The LTC will cooperate with First Nations to identify significant archaeological or cultural sites in the planning area.

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
- (f) the use of incentives such as the Natural Area Protection Tax Exemption Program, lot clustering, and amenity zoning.

3.11.4 The LTC should, in its bylaw provisions and in considering 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 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.

3.15.2 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 a reduction in greenhouse gas emissions by 20% by 2020 and 85% by 2050 from 2007 levels. 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 executive islands 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.

- 4.4.5 Zoning regulations should support small scale residential solar and wind power generation on residential lots.

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

5.1 DEVELOPMENT PERMIT AREAS

The designation of Development Permit Areas and establishment of objectives and guidelines for the issuance of development permits will be incorporated into the Official Community Plan when supportive mapping of the Plan Area is available.

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 Park 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 and Rural 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 does not reflect a commitment or 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 of the sea 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.

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.

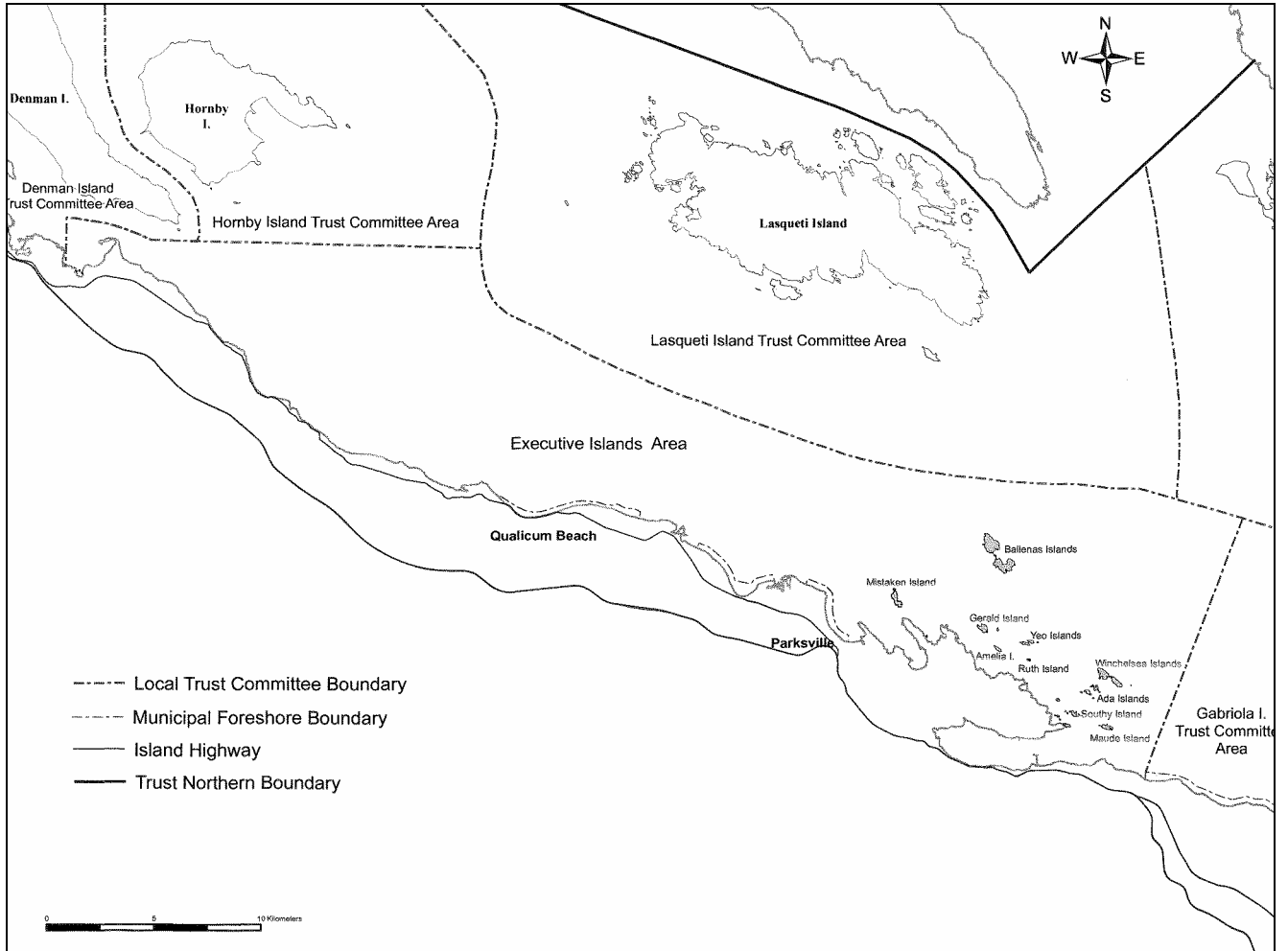
6.8 AMENDMENT PROCEDURE

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.

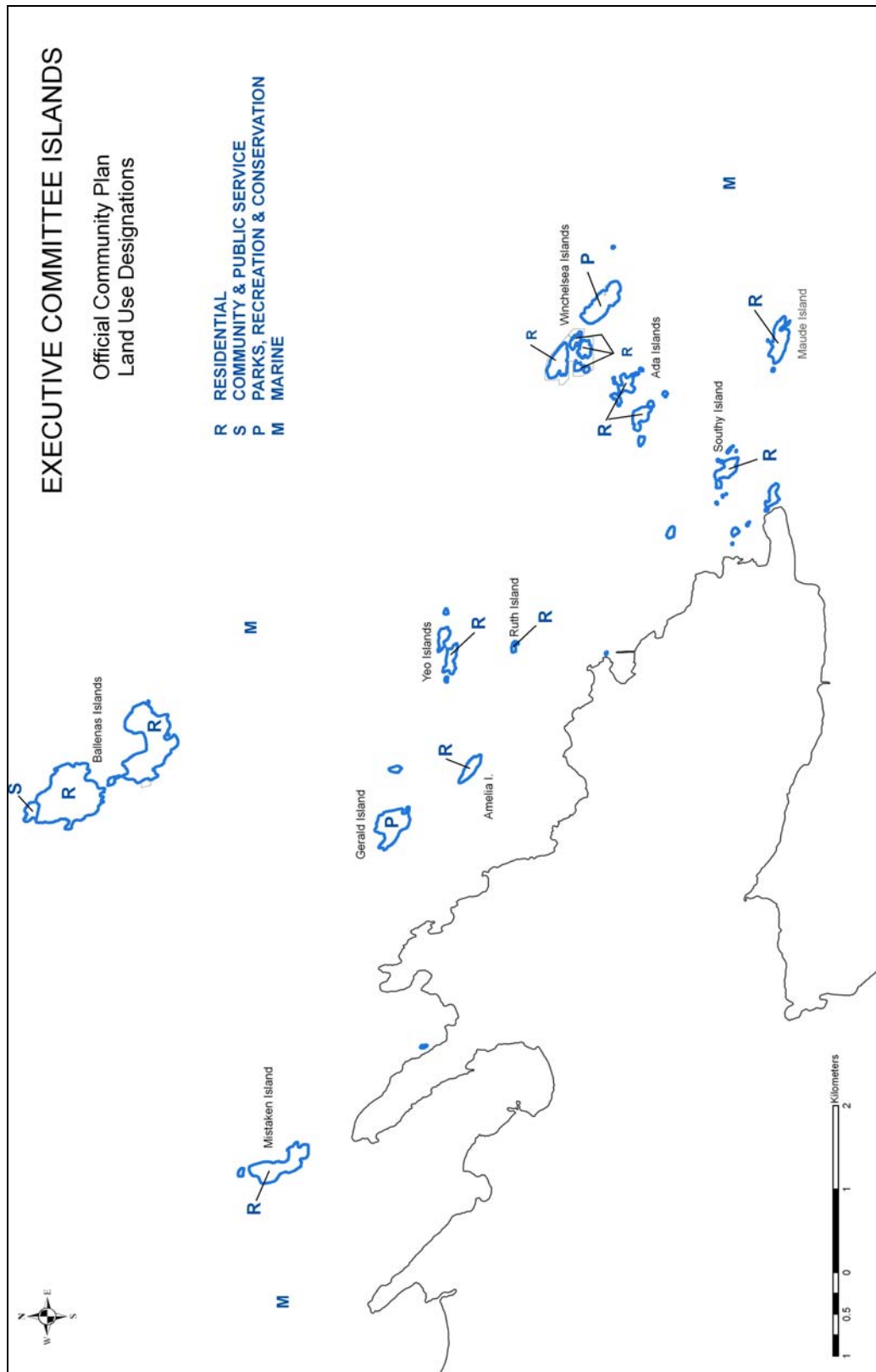
6.9 SEVERABILITY

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 Designation Key



SCHEDULE D – Lands Subdividable and Potentially Subject to Parkland Dedication

DRAFT

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

Back of front cover

Table of Amendments

Bylaw No.	Date of Adoption	Date of Bylaw Consolidation

This page intentionally left blank

ADOPTED this

day of

, 20

SECRETARY

CHAIRPERSON

SCHEDULE A

TABLE OF 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	15

PART 4 ESTABLISHMENT OF ZONES	16
4.1 Division into Zones	16
4.2 Zone Boundaries	16
PART 5 ZONE REGULATIONS	17
5.1 Residential (R)	17
5.2 Community Service (S)	18
5.3 Conservation (CN)	19
5.4 Park (P)	20
5.5 Marine General (W1)	21
5.6 Marine Protection (W2)	23
5.7 Marine Park (W3)	24
PART 6 SIGN REGULATIONS	25
6.1 Permitted Signs	25
6.2 Prohibited Signs	25
6.3 Exempt Signs	25
6.4 Height	25
6.5 Obsolete Signs	25
6.6 Sign Number and Area	25
PART 7 SUBDIVISION REGULATIONS	26
7.1 Lot Area Calculations	26
7.2 Exemptions from Minimum and Average Lot Area Requirements	26
7.3 Covenants Prohibiting Further Subdivision and Development	26
7.4 Boundary Adjustment Subdivisions	27
7.5 Section 946 subdivisions (Residence for a Relative)	27
7.6 Lot Frontage and Lot Shape	27
7.7 Split Zoned Lots	28
7.8 Split or Hooked Lots	28

7.9	Double Frontage Lots	28
7.10	Highway Standards	28
	SCHEDULE B (ZONING MAP)	29
	SCHEDULE C (BYLAW AREA MAP)	30

This page intentionally left blank

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.

"Approving Officer" means the Approving Officer for the Executive Islands Area appointed pursuant to the *Land Title Act*.

"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

"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 the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark.

"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 home, abode or place where a household is actually living at a specific point in time.

"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 one month 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) Invasive species removal and ecological restoration.
- (3) 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.
- (4) 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.
- (5) Electrical substations for the purposes of supplying service on an individual island.
- (6) Solar collectors in any land zone for the purposes of supplying power to the island on which the structure is located.
- (7) Wind generators in any land zone for the purposes of supplying power to the island on which the structure is located.
- (8) Fences in any land zone, subject to regulations established in Section 3.5.
- (9) Hiking and bicycle trails.
- (10) Signs, subject to regulations established in Part 6.
- (11) Pump/utility houses.
- (12) Sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*.
- (13) Horticulture.
- (14) 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 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.
- (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 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, farm silos and grain bins 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 3.5(4).
- (2) Accessory buildings are limited to one per lot and the total floor area of an accessory building may not exceed 70 square metres (750 square feet).
- (3) An accessory building may be constructed or placed on a lot prior to the construction of a principal building or the commencement of a principal use on the same lot, provided that a valid building permit has been issued for any principal building 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) issuance of a building permit for the temporary dwelling;
 - (b) the issuance and maintenance of a building permit for a principal dwelling on the same lot;
 - (c) the provision of sewage disposal facilities for which a sewage disposal permit has been issued under the *Health Act*;
 - (d) the provision of a domestic water supply;

- (e) compliance with the use, density and siting requirements of this Bylaw for accessory buildings; and
 - (f) 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.

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 minimum setback for any building or structure shall be 6 metres (20 feet) from any lot line.
- (5) Despite Subsection 5.1(4), 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

- (6) No lot having an area less than 0.8 hectares (2 acres) shall be created by subdivision in the R Zone.
- (7) 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 and structures 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.
- (4) The minimum setback for any building, structure or enclosure housing farm animals and poultry shall be 15 metres (50 feet) from any edge lot line.

Subdivision

- (5) 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.

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.

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 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) 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.

5.6 Marine Protection (W2)

Information Note: Land, including submerged land, held by the Federal Crown is immune from local government regulations, including zoning.

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) aquaculture;
 - (d) Buoys delineating 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.

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 residential use of an upland lot, or lots, and shall provide access to that lot or lots by the residents 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 1.2 square metres (13 square feet).
- (4) Signs erected and maintained by a public agency.

6.4 Height

- (1) The maximum height for any sign is 6 metres (20 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	1.2 square metres (13 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 a 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.

SCHEDULE B (ZONING MAP)

SCHEDULE C (BYLAW AREA MAP)



Suite 200 - 1627 Fort Street, Victoria BC, BC V8R 1H8

Telephone **(250) 405-5151** Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

March , 2011

Dear :

As you may be aware, part of your traditional territory is under the land use jurisdiction of the Islands Trust Area, and is included in an area we refer to as the Executive Islands Area (see the attached map). This area is subject to land use regulations under the Islands Trust Act and the Local Services Act.

The Islands Trust Executive Committee is responsible for land use planning and regulation for this area, and is undertaking a review of land use regulations for the Executive Islands Area. The intention of this review is to develop an Official Community Plan (OCP) and a Land Use Bylaw (LUB) for the Area. This information package is provided to assist you in understanding the process and to start you thinking about your part in maintaining the unique amenities of the islands.

An OCP is a bylaw adopted by a local government which outlines goals, objectives and policies for the future direction of land use and development within a jurisdiction. We welcome your input and believe that a better vision for these islands and set of policies and regulations will be created as a result. Thank you for taking the time and effort to assist in developing something that will be workable and relevant.

Sincerely,

Sheila Malcolmson

Chair

Islands Trust Council

Louise Bell

Vice Chair

Executive Committee

Peter Luckham

Vice Chair

Executive Committee

Gary Steeves

Vice Chair

Executive Committee



EXECUTIVE ISLANDS OFFICIAL COMMUNITY PLAN & LAND USE BYLAW DEVELOPMENT

What is an Official Community Plan?

An Official Community Plan is a visionary document developed by residents, property owners, and other community stakeholders, which states general objectives and detailed policies for land use planning. Its purpose is to provide a guide to those with land use, development and natural resource decision making authority on Islands, including the Executive Committee and the public. An Official Community Plan is a legal bylaw. All other local government bylaws must be consistent with the Official Community Plan.

The Plan offers a vision for the future and proposes a level of acceptable growth and rural preservation. The Plan also suggests ways in which government agencies can co-ordinate their responsibilities with the wishes of the island owners and residents. All Official Community Plans within the Islands Trust must agree with the Islands Trust 'preserve and protect' mandate and Trust Policy Statement.

The Executive Islands Area has not adopted an Official Community Plan to date. As development pressure increases overall in the Islands Trust Area, the necessity for having a vision of how the islands and the area will develop in the future is becoming clear. It is from this vision that regulatory bylaws can be developed.

It is now time to reflect on the existing development controls within the context of a changing environment, development challenges and opportunities, addressing existing issues and anticipating future needs.

What is a Land Use Bylaw?

A Land Use Bylaw is a legal document intended to help maintain the character of the islands through land use regulations and provisions while supporting island living, private property rights and the public good.

A Land Use Bylaw typically includes regulations and requirements respecting the use of land, including the surface of water, and the placement of buildings and structures on the land. Subdivision regulations are also included. All provisions of a Land Use Bylaw must be consistent with the adopted Official Community Plan and Islands Trust Policy Statement. The Executive Islands Area has not had a Land Use Bylaw to date, and instead land use has been regulated through provincial legislation such as Section 32 of the Islands Trust Act, the Islands Trust Regulation 119/90, and the Local Services Act.

Contact Information: Executive Committee Acting as a Local Trust Committee

Islands Trust, Victoria Office

Fax: 250-405-5155

200 – 1627 Fort Street, Victoria BC, V0R 1X3

Phone: 250-405-5151

Islands Trust Website: www.islandstrust.bc.ca

Email: info@islandstrust.bc.ca

Executive Islands Webpage: <http://islandstrust.bc.ca/ltc/exe/default.cfm>

How is the Land Regulated Now?

Section 32 of the Islands Trust Act and the Islands Trust Regulation 119/90 allow the construction of one dwelling unit, a cottage of less than 400 square feet, and buildings accessory to a dwelling or cottage for each legal lot. All other proposed buildings and structures require the approval of the Islands Trust Executive Committee. The Gulf Islands Subdivision Regulation under the Local Services Act stipulates a minimum lot size of 4.047 hectares (10 acres), unless otherwise specified by a local government. There are currently no regulations in place regarding the use of the surface of the water, or for the siting of buildings and structures on the land in the Executive Islands Area.

The adoption of an Official Community Plan will lead into the formulation of a Land Use Bylaw. Land Use Bylaw provisions and regulations will be prepared that support the OCP goals, objectives and policies.

What is the Executive Islands Official Community Plan and Land Use Bylaw Development Project?

The Executive Committee is undertaking a new project to develop an Official Community Plan and Land Use Bylaw. The mandate of the Islands 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 the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia.” In order to fulfill this mandate, this new OCP and LUB are considered priorities on the Islands Trust Strategic Plan. In addition, recently new information has become available which will allow completion of the project. This includes information about sensitive ecosystems, and mapping information. In addition, provincial requirements such as the protection of sensitive ecosystems and greenhouse gas emission reductions have increased pressure to conduct this work.

This project could take a year to complete. The Executive Committee has instructed staff to gather information, prepare map data, and conduct background research. The Executive Committee and staff will consult the community, identify issues and work through challenges.

What is involved in the OCP and Land Use Bylaw Process?

First, issues are identified, research conducted and public discussion commenced. For example, are sensitive ecosystems sufficiently mapped? Are there special activities like shellfish aquaculture that should be identified? During this part of the process several versions of a draft bylaw may be prepared and, depending on the complexity of the issues, several public meetings might be held.

When the Executive Committee considers that it is ready to move forward from these less formal stages, then the legislated process is initiated. The move into the formal, legislated process occurs when the Executive Committee gives a bylaw first reading.

The public is invited to submit comments throughout the entire process and can be actively consulted through a variety of methods including: one or more public meetings, email, island mail outs, surveys and so on. All submissions become part of the public record.



EXECUTIVE ISLANDS OFFICIAL COMMUNITY PLAN & LAND USE BYLAW DEVELOPMENT

Proposed bylaws are referred to appropriate First Nations, Federal, Provincial and Regional District government agencies for comment. In cases of site specific rezoning, notification is also sent to neighbouring property owners and residents.

In accordance with the *Local Government Act*, after first reading, a bylaw goes to public hearing. A public hearing is a formal assembly in which elected officials are restricted from entering into discussions and talking to the public about the bylaws at the public hearing. Instead, the public hearing is meant to be a forum in which the trustees hear what the public has to say about what is proposed.

After the close of the public hearing, the Executive Committee will decide to either amend, advance, or defeat the proposed bylaws. If the bylaws advance, there's another step to confirm that each bylaw conforms to the legislated "preserve and protect" objective, and the Islands Trust Policy Statement. The Official Community Plan must also receive approval from the Minister of Community, Sport and Cultural Development. If these approvals are given, Final Adoption may be considered by the Executive Committee.

How Can You Stay Involved?

Notices of public meetings will be mailed to this address. If you would like to receive your notice at a different address, please contact the Islands Trust office in Victoria. Meetings will also be advertised in the Nanaimo Daily News newspaper. Updates, including relevant reports and maps, will be posted as the process proceeds on the Executive Islands webpage at: <http://islandstrust.bc.ca/ltc/exe/default.cfm>

For information, or if you have any concerns, please contact Planner Alison Fox at (250) 405-5194 or by email at afox@islandstrust.bc.ca.

Contact Information: Executive Committee Acting as a Local Trust Committee

Islands Trust, Victoria Office

Fax: 250-405-5155

200 – 1627 Fort Street, Victoria BC, V0R 1X3

Phone: 250-405-5151

Islands Trust Website: www.islandstrust.bc.ca

Email: info@islandstrust.bc.ca

Executive Islands Webpage: <http://islandstrust.bc.ca/ltc/exe/default.cfm>