



This is the 1st Affidavit
of Noba Anderson in this case
and was made on 25 MAR 2021

No. CAR-S-S-15139
Campbell River Registry

In the Supreme Court of British Columbia

Between

STRATHCONA REGIONAL DISTRICT

Petitioner

and

CONRAD JORDAN DOMBROWSKI, RYAN HARVEY, LOVENA HARVEY,
LUKASZ EMAIL BIELA, ALLISON PETRA GREGORY,
and NOBA ANDREA ANDERSON

Respondents

AFFIDAVIT

I, Noba Anderson, of 421 Whaletown Road, Cortes Island, British Columbia, Strathcona Regional District Director, SWEAR (OR AFFIRM) THAT:

1. I am a respondent in this matter, and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be on information and belief, in which case I verily believe them to be true.

The Property

2. Since 2007, I have lived at property on Cortes Island (the "Property") which I co-own with Connie Quayle, Ryan and Lovena Harvey, Lukasz Biela and Allison Gregory (the "Land Group").
3. The Property is located within Electoral Area "B" – Cortes Island of the Strathcona Regional District ("SRD"). The Property is 8.85 hectares in size.
4. Lovena and Ryan Harvey and Connie Quayle (known at that time as Conrad Dombrowski) and his wife at the time Sarah Downey, bought the Property in 2006. Lukasz Biela and Allison Gregory and I bought in approximately one year later.

5. When we purchased it there was one partially completed structure on the Property. The roof was on that building but it was not completed to lock-up, and it had no windows, electrical, insulation, drywall, bathroom or kitchen facilities. We turned this building into an accessory common space for our collective use. The Common Building is not self-contained or used as a dwelling-unit (the “Common Building”).
6. When we bought the Property, Luka and Ashe and family lived in a recreational vehicle, I lived in a motorhome, Lovena and Ryan Harvey lived in a trailer and small cabin and Sarah and Conrad lived in a yurt.
7. The Common Building was outfitted by the previous owner with 6 telephone lines and a buried 600 amp electrical service adjacent to the building. As we all lived in extremely cramped and underserviced spaces we all used the Common Building daily but did not use it as a residence.
8. The Common Building has four rooms downstairs which were, and still are, used for home business purposes, as well as common storage and freezer space. The upstairs main floor has been our meeting, gathering space, used by us and other community organizations as a meeting space. The third story little room was used as a home office workspace. The main room was also used as a homeschooling centre for land children as well as children from the community at large, until as recently as the fall of 2020.
9. Although the building has the bones to be a dwelling this is not its function, and is not used as such by our land group. It does not have a functional kitchen, beds or furniture.
10. Over time, we each built our family homes on the Property, which took many years. There are currently 4 family homes, or 3 single-family dwellings and one oversized cottage on the Property.
11. In addition, there are five other secondary buildings on the Property, excluding agricultural structures. Each of these five cabins are not self-contained units as none of them have either kitchen or bathroom facilities.
12. When my father moved in to live with me on the Property in 2012, I specifically consulted Mr. Russ Hotsenpillar, SRD’s Manager of Planning Services, about what constituted a ‘cottage’ and if non-self-contained cabins constituted a ‘cottage’ under the Zoning Bylaw. Mr. Hotsenpillar specifically advised me that a cabin that was not self-contained and that is dependent on another building was not a ‘cottage’ within the meaning of the Zoning Bylaw.
13. The existence of non-contained sleeping cabins on our Property is consistent with the common practice on Cortes Island whereby at least 100 and likely many more properties on Cortes Island have sleeping cabins similar to ours.

History of Revisions to Official Community Plan and Zoning Bylaw

14. In 2013 the SRD adopted a new Official Community Plan for Cortes Island (the “OCP”).
15. Throughout the duration of the OCP review leading up to adoption of the new OCP, two

distinct matters in the settlement section of the OCP were hotly contested by Cortes Islanders and ultimately not resolved. These two matters were the number of permitted houses on un-subdivided lots and the permissible size of a secondary cottage or suite. There was a very strong push from the public to increase the permitted cottage size and the number of allowable dwellings on subdivided lots, although others wanted to leave the density regulations as they were.

16. The Cortes Island community was told by SRD planning staff at the time that this level of regulatory specificity was better housed within the Zoning Bylaw, which is a regulatory document, rather than in the visionary and aspirational OCP Bylaw. We were clearly and repeatedly told that, when we got to the review of the Zoning Bylaw, which would follow immediately on the heels of the OCP review, that the SRD would nail down the number of permitted dwellings on un-subdivided lots and the size allowance for the cottage allocation.
17. That said, because the issue of density was such a hot one, the SRD Electoral Area Services Committee (the "EASC") was presented with an OCP draft by SRD Staff that included all public input with the exception of these settlement and density issues.
18. On June 13th, 2012, the EASC was presented with the draft OCP and a final amendment recommendations from staff, which addressed both the number of permitted houses and the size of secondary suites or cottages. Attached hereto and marked as **Exhibit "A"** to this Affidavit is a true copy of the June 8, 2012 staff report to the EASC without the attached maps.
19. Attached hereto and marked as **Exhibit "B"** to this Affidavit is a true copy of the minutes from the June 13, 2012 EASC meeting.
20. At this meeting the EASC removed the density language that was previously in the OCP. It was understood that an updated version of this language about density would be placed in the new zoning bylaw for Cortes Island, a process which would follow the adoption of the OCP.
21. It was because of this live issue that the OCP Bylaw was amended to specifically include the following language:

An important distinction is that regulatory bylaws, such as zoning bylaws, deal in detail with matters such as land uses, size and siting of buildings, and lot size standards. The community plan on the other hand, takes a broader, long-range view, which may take years to achieve.
22. Attached hereto and marked as **Exhibit "C"** to this Affidavit is a true copy of the SRD staff report to the Board, dated June 20, 2012.
23. On June 26, 2012, the SRD Board of Directors (the "Board") passed 1st and 2nd reading of the OCP bylaw, which included the new settlement language on number of houses on un-subdivided lots.

24. A public hearing was held on October 6, 2012 and the Board gave it final adoption to the new OCP on February 28, 2013.
25. Since at least 2013 the SRD has been in the process of developing a new zoning bylaw for Cortes Island. It has always been my understanding and expectation that the issues of the number of permitted houses on un-subdivided lots and the permissible size of the secondary cottage or suite on Cortes Island would be addressed in the new Cortes Island zoning bylaw.
26. Attached hereto and marked as **Exhibit "D"** to this Affidavit is a true copy of a letter I wrote to my constituents on September 27, 2016.
27. The Advisory Planning Commission for Cortes Island (the "Cortes Island APC") met for the first time to address the new zoning bylaw on October 4, 2016. Attached hereto and marked as **Exhibit "E"** to this Affidavit is a copy of the agenda for the October 4, 2016 meeting and the attached memorandum from SRD staff.
28. A public meeting was held on Cortes Island on December 1, 2016 to address the Cortes Zoning Bylaw Review. Between 85-100 people attended that meeting.
29. The Cortes Island APC met on December 12, 2016. Attached hereto and collectively marked as **Exhibit "F"** to this Affidavit is a true copy of the agenda for the December 12, 2016 meeting and the notes from the December 1, 2016 public meeting which were received by the Cortes Island APC. The portion of the staff report dealing with special events has not been included.
30. Attached hereto and marked as **Exhibit "G"** to this Affidavit is a true copy of notes from the December 12, 2016 meeting taken by the secretary of the Cortes Island APC.
31. The Cortes Island APC met on April 3, 2017 and October 4, 2017. Attached hereto and marked as **Exhibit "H"** to this Affidavit is a true copy of the agenda for the October 4, 2017 Cortes Island APC meeting, which includes the minutes from the April 3, 2017 meeting.
32. In May 2017 the SRD hosted two further public meetings on Cortes Island which were both well attended. One meeting focused on density, housing, forest lands and bylaw enforcement, and the other focused on aquaculture zoning.
33. Attached hereto and marked as **Exhibit "I"** to this Affidavit is a true copy of the unsigned meeting minutes for the October 4, 2017 Cortes Island APC meeting.
34. The Advisory Planning Committee for Cortes Island met again on November 29, 2017. Attached hereto and collectively marked as **Exhibit "J"** to this Affidavit is a true copy of the agenda for the November 29, 2017 meeting and a zoning bylaw discussion paper produced by SRD staff.
35. Attached hereto and marked as **Exhibit "K"** to this Affidavit is a true copy of the minutes from the November 29, 2017 meeting.

36. On February 10, 2018 the SRD held an open house which was attended by approximately 60 people. The SRD also published an online survey which received 152 responses and a questionnaire on maximum dwelling unit size in February and March 2018.
37. The Advisory Planning Committee for Cortes Island met again on February 28, 2018, at which the new zoning bylaw was again discussed. Attached hereto and marked as **Exhibit "L"** to this Affidavit is a true copy of the agenda for the February 28, 2018 meeting. At that meeting the APC considered the results of a community survey. Attached hereto and marked as **Exhibit "M"** to this Affidavit is a true copy of the results of the 2018 Input Survey.
38. Attached hereto and marked as **Exhibit "N"** to this Affidavit is a true copy of the SRD staff report, dated April 5, 2018, which was provided to the SRD Electoral Area Services Committee (EASC) at its April 11, 2018 meeting, without the enclosed draft Bylaw.
39. At the April 11, 2018 EASC meeting the EASC passed a resolution providing "THAT Bylaw No. 309, being Cortes Island Zoning Bylaw 2018, be forwarded to the Board for consideration of first reading.
40. The Cortes Island APC met again on April 25, 2018 and the zoning bylaw review was on the agenda. Attached hereto and marked as **Exhibit "O"** to this Affidavit is a true copy of the agenda for the April 25, 2018 meeting.
41. Attached hereto and marked as **Exhibit "P"** to this Affidavit is a true copy of the SRD staff report, dated April 19, 2018, which was received at the April 25, 2018 Cortes Island APC Meeting.
42. Attached hereto and marked as **Exhibit "Q"** to this Affidavit is a true copy of the minutes from the April 25, 2018 meeting.
43. On April 26, 2018 the SRD Board passed the following resolution:

THAT Bylaw No. 309, being a bylaw to regulate the use and subdivision of land within Electoral Area B (Cortes Island), be now introduced and read a first time.
44. The Cortes Island APC met again on April 30, 2018. Attached hereto and marked as **Exhibit "R"** to this Affidavit is a true copy of the minutes from this April 30, 2018 meeting.
45. The Cortes Island APC met on May 16, 2018. Attached hereto and marked as **Exhibit "S"** to this Affidavit is a true copy of the agenda from the May 16, 2018 meeting.
46. The EASC met on July 18, 2018. Attached hereto and marked as **Exhibit "T"** to this Affidavit is a true copy of the staff report, dated July 12, 2018, received by the EASC on July 18, without attached maps.
47. As the draft zoning bylaw had been substantially changed since it had received first reading, at its July 18, 2018 meeting the EASC adopted the following resolutions:

THAT the Committee recommend that first reading of Bylaw No. 309, Cortes Zoning Bylaw, be rescinded.

THAT the revised Bylaw No. 309 attached to the July 11, 2018 report from the Chief Administrative Officer be given first and second readings and authorized for a public hearing held on Cortes Island, on September 5, 2018.

THAT the Committee recommend to the Board that, subject to Bylaw No. 309 being adopted, that the Strathcona Regional District engage the Cortes community in education campaign to inform residents of the highlighted changes and key regulations.

48. At its August 15, 2018 Board meeting, the SRD Board accepted the recommendation of the EASC, and made the following resolutions:

THAT first reading of Bylaw No. 309, Cortes Zoning Bylaw, be rescinded.

THAT Bylaw No. 309, being a bylaw to amend the Cortes Zoning Bylaw, be now introduced and read a first time.

THAT Bylaw No. 309 be given second reading.

THAT a public hearing to consider Bylaw No. 309 be authorized to be held at 1:00 p.m. on Wednesday, September 5, 2018 at the Manson's Landing Hall located at 983 Beasley Road, Cortes Island, BC, and

THAT the hearing be delegated to the 4 electoral area directors with Director Anderson and Director Abram designated as the Chair and Vice Chair respectively for the public hearing.

49. In or about August 2018, the SRD published a Cortes Island Zoning Bylaw Changes update in relation to the upcoming Bylaw No. 309. Attached hereto and marked as **Exhibit "U"** to this Affidavit is a copy of that update.
50. A public hearing with respect to Bylaw No. 309 occurred on September 5, 2018. Attached hereto and marked as **Exhibit "V"** to this Affidavit is a true copy of the Public Hearing Report for the September 5, 2018 Public Hearing.
51. On October 10, 2018, the SRD Board received the public hearing record for the proposed Cortes Zoning Bylaw No. 309. The full public hearing record is 889 pages and has been posted online by the SRD at the following hyperlink:
<https://agenda.strathconard.ca/SRDAttachments/SRDBoard/Open/BRD/10-Oct-18/Public-Hearing-Binder---Bylaw-309-CI-Zoning-Bylaw-FINAL.PDF>
52. On October 10, 2018 the SRD Board passed the following resolutions:

THAT the report on the public hearing for Bylaw No. 309, together with all supporting documentation be received.

THAT given the objection by the public to Bylaw No. 309 as presented at the Public Hearing, THAT the Bylaw be held at second reading pending a full bylaw review by staff to include public consultation and agency referral to bring forward a new draft bylaw for the Board's consideration.

53. I was re-elected to my position as a director in October 2018. Since that time, the Board has taken no further steps to advance or address the new zoning bylaw for Cortes Island, and instead has spent much of its time focusing on the actions which are described at length in the affidavit I swore on June 30, 2020 filed in SCBC Campbell River Registry No. S15097.
54. Given that the recently updated OCP specifically removed the cap on number of permitted dwellings on un-subdivided lots, and given that during the OCP revision staff assured the community that the zoning bylaw must reflect the direction of the OCP, I, and indeed many members of the community, understood that some amendments were likely to be made to the zoning bylaw to address this issue.

2018 Conflict Allegations, Investigation and Subsequent Board Actions

55. In 2018 and 2019 I dealt with a number of attempts by individuals in the Regional District and on the Board to cause difficulty for me both personally and as a Director of the Board. In 2019 and 2020 I successfully defended a petition in BC Supreme Court to have me disqualified from the Board for voting in conflict of interest, was exonerated by an investigation commenced by the SRD into various allegations of conflict of interest and unlawful acceptance of gifts. In October 2019 I was censured by the Board for disclosing information to my lawyer to seek independent legal advice relating to Board matters which affected my personal interests.
56. These events are described at length in my affidavit I swore on June 30, 2020 and which was filed in SCBC Campbell River Registry No. S15097. I adopt that sworn evidence, incorporate it by reference, and intend to rely upon it and that affidavit in these proceedings.

Complaints about Compliance with Zoning and our Subdivision Application

57. In late January 2019 I was advised by SRD planning staff that a bylaw complaint had been filed against the Property a couple of days after the October 2018 election.
58. Attached hereto and marked as **Exhibit "W"** to this Affidavit is a true copy of an email I received from Ms. Aniko Nelson dated January 28, 2019.
59. On or about February 7, 2019, the owners of the Property designated Ms. Lovena Harvey to be our main contact person with the SRD with respect to the bylaw complaint.
60. On or about March 3, 2019, the Land Group met and made the group decision to apply to the SRD to rezone the Property.
61. Attached hereto and marked as **Exhibit "X"** to this Affidavit is a true copy of an email exchange I had with Mr. John Neill, dated March 8 and 9, 2019.

62. I reached out to two potential development consultants in early to mid-March 2019, neither of whom was available to work on our project at that time.
63. On March 29, 2019 I requested that Ms. Nelson advise if she had any recommended consultants, and Mr. Neill responded. Attached hereto and marked as **Exhibit "Y"** to this Affidavit is a true copy of that email.
64. Between April and July 2019 the Land Group met a number of times and were in regular communication about deciding whether to proceed with a rezoning application or submit a subdivision application.
65. On April 4, 2019 I reached out to Mr Colin Burridge, land-use planning consultant, to engage his services to assist us with our rezoning application.
66. On April 17, 2019 I exchanged emails with Mr. Morganne Franssen at the Ministry of Transportation and Infrastructure (MoTI) about receiving information for a subdivision application.
67. Ultimately, by July 30, 2019 the Land Group decided to pursue a subdivision for the Property as we did not have confidence that the SRD Board would exercise its discretion to grant a rezoning application to us. We also learned that one cannot submit a complete subdivision to MoTI without perc testing for septic which needs to be done in the wet weather window of the winter, so the subdivision application was then put on hold for a few months.
68. On February 4, 2020 I received an email from Ms. Mia Sonnenburg from VIHA with respect to the fees for our subdivision application.
69. On February 13, 2020 I requested that Mr. Neill direct me to the person at the SRD who would could provide us with a geo-referenced map of the Property, which was required for the subdivision application, which would have assisted our subdivision application preparation.
70. We submitted our 2-lot subdivision application to the Ministry of Transportation and Infrastructure on February 29, 2020 and subsequently paid all required fees to MoTI and VIHA. Attached hereto and marked as **Exhibit "Z"** to this Affidavit is a true copy of a map of the subdivision proposal at that time.
71. Attached hereto and marked as **Exhibit "AA"** to this Affidavit is a true copy of an email exchange with Ms. Sonnenburg, without attachments, dated February 4 – March 11, 2020.
72. On March 18, 2020 we were advised by VIHA that they had suspended all site visits. VIHA did not attend at the Property until June 18, 2020.
73. Attached hereto and marked as **Exhibit "BB"** to this Affidavit is a true copy of an email exchange with Ms. Sonnenburg, dated March 31, 2020.
74. Attached hereto and marked as **Exhibit "CC"** to this Affidavit is a true copy of an email I

received from Ms. Sonnenburg, dated June 8, 2020.

75. VIHA conducted their site visit of the Property and our material test holes and perc sites on June 8, 2020.
76. During the summer of 2020 we were in the middle of the COVID-19 public health emergency, and little was done by our Land Group or the third parties to advance our application during that time. Also during this time my father, who had lived with me for 8 years, passed away at the end of July.
77. I finally obtained all of the last remaining required documentation needed by MoTI and submitted that material on September 27, 2020.
78. In or about October 2020 the SRD received a referral of our subdivision application from MoTI. Attached hereto and marked as **Exhibit "DD"** to this Affidavit is a true copy of an email exchange between Mr. Neill, Ms. Harvey and myself from that period.
79. In October and December 2020 I exchanged a number of emails with Ms. Jennifer Dyer at MoTI in relation to our subdivision application. Attached hereto and marked as **Exhibit "EE"** to this Affidavit is a true copy of an email exchange between Ms. Dyer, Ms. Harvey, and myself.
80. At the same time, we were meeting with our consultant Mr. Burrige with respect to these issues.
81. Attached hereto and marked as **Exhibit "FF"** to this Affidavit is a true copy of an email exchange with Mr. Neill and Ms. Harvey, dated November 24, 2020.
82. In December 2020 the Land Group determined that we would likely have to amend our subdivision application and was advised that MoTI would have a call with us in January 2021 to go over our options. This direct and application specific information is what we had been seeking for almost two years at that point; that is, specific information from MoTI about what they would accept as far as road dedication for the Property. This information would inform the fundamental nature of what we would apply for; 2 lots vs 5 lots, strata vs fee simple.
83. Attached hereto and marked as **Exhibit "GG"** to this Affidavit is a true copy of an email exchange with Ms. Dyer leading up to the call on January 12, 2021.
84. On January 12, 2021 we had a call with the MoTI Provincial Approving Officer that was set up by Ms. Dyer. This conversation turned out to be so incredibly valuable and would have put us at least a year ahead of the game if it had been allowed earlier.
85. Our Property has little road frontage. It touches the main road at the north east corner and touches another very steep unmaintained road allowance further west. We did not know if that steep access would qualify as a formal access sufficient for subdivision nor if they would accept a panhandle or other creative lay-out configuration. We were trying to find a way of not building a bunch of internal roads to either strata or highway standards and were



This is Exhibit " A " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

STAFF REPORT

[Signature]
A Commissioner/Notary Public for the Province of British Columbia
FILE: 0540-04EASC

DATE: June 8, 2012
TO: Chair and Directors
Electoral Areas Services Committee
FROM: Brian Reardon
Chief Administrative Officer

RE: PROPOSED CORTES ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. XXXX, (FILE 3350-20-CORTES OCP 20120415, PJ 1B 09)

PURPOSE/PROBLEM

To consider a bylaw in support of a new Official Community Plan for Cortes Island.

POLICY ANALYSIS

Part 26 "Planning and Land Use Management" of the *Local Government Act (LGA)* addresses local governments' roles regarding OCP and zoning bylaws. Section 876 grants authority to local governments to adopt an official community plan (OCP) by bylaw. In addition, Section 890 of the *LGA* stipulates that a local government must not adopt an OCP or zoning bylaw without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

EXECUTIVE SUMMARY

In support of Regional Board direction and significant public process, a draft Official Community Plan has been developed for Cortes Island and is presented for consideration of first and second reading. The Cortes Island Official Community Plan review process was initiated in 2009 and has proceeded in three phases: a visioning phase, a public consultation phase and a final draft development stage. The final stage has concluded with the development of a draft Cortes Island OCP which will form the basis for repealing Bylaw No. 1740 and the adoption of a new OCP.

There has been an extensive public process associated with the development of the proposed OCP. The initial visioning stage saw the development of several key social, environmental and land use related reports, including a housing survey, water survey, Age Friendly community plan, a Greenhouse Gas Emission inventory, Climate Change report and a community vision process. There were also a series of issue oriented meetings around aquaculture, forestry, the environment, seniors and settlement that generated a large amount of public policy suggestions. These suggestions were incorporated into an initial draft and provided to the community. The first draft was wide ranging and contained a number of new policies and mapping changes. It generated significant discussion and some community backlash in terms of content and presentation. A second draft was prepared after a refinement of the objectives and policies in the Plan and a series of focused meetings was initiated to review the document in a comprehensive manner.

That community work concluded in early 2012 and a third draft was presented to the community. As the current OCP, Bylaw No. 1740, is generally viewed favourably, the proposed

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OCP offers a limited set of new policies and does not offer substantial changes to key land use elements such as settlement designations, settlement locations, commercial designations or development permit areas.

The proposed draft offers new policy in the areas of the environment, First Nations, foreshore designations, community amenities, sustainable development, agriculture and Manson's Landing land use policy. Some updates and amendments have also been provided with regard to new legislation, terminology, senior government titles and mapping. Two issues remain a topic of debate in the community with regard to the OCP: multiple dwellings on a property without subdivision and the size of the guest cabin in settlement designations. The proposed OCP leaves the number of dwellings allowed on a single property at the same level it is currently on Cortes, that being three dwellings for Residential, three for Rural Residential and five for Rural. The SRD has received several letters requesting that these values increase to five, five and five to allow for greater affordable housing opportunities. Further, the proposed OCP increases the size of the secondary guest cabin to 1000 sq ft from 645 sq ft for Rural Residential and Rural lands. The SRD has received some comments that this increase is not preferable and would change the nature of settlement density on the Island.

Agency referral responses were substantially supportive and required minor edits, with the exception of the Agricultural Land Commission and the Ministry of Agriculture. These agencies indicated that they could not support increasing dwelling density on individual parcels of land inside the Agricultural Land Reserve. The new Agricultural Land Stewardship designation in the proposed OCP had provided for an increase in dwelling units in support of affordable farming. The draft OCP has been amended to reflect the ALC comments.

A program of First Nations consultation has been undertaken as per Board direction. The Klahoose Band has indicated that they wish to meet to discuss elements of the plan. These discussions are scheduled for the 11th and 12th of June. Results of this consultation will be included in the proposed draft if appropriate and reported to the Board prior to first and second reading of the bylaw.

A draft of the OCP is attached for reference.

In support of previous board direction and the considerations outlined in this report, the following recommendations are offered for Committee consideration:

RECOMMENDATION(S)

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommends that a draft bylaw representing a new Cortes Island Official Community Plan, be forwarded to the Board for 1st and 2nd reading.
3. THAT a public hearing date be scheduled.

Respectfully:



Brian Reardon
Chief Administrative Officer

BACKGROUND/HISTORY

At the July 2011 meeting, the Regional Board approved a series of motions in support of the development of a draft Official Community Plan for Cortes Island. In support of Board direction a significant public process has been completed, First Nations consultation efforts have been undertaken, and referral agencies have provided comments, such that a draft Official Community Plan has been completed. Accordingly, a proposed bylaw is now provided to the Regional Board for consideration of First and Second Reading.

PLANNING SUMMARY

The Cortes Island Official Community Plan review was initiated in 2009 and has proceeded in three phases: a visioning phase, a public consultation phase and a final draft development stage. The initial visioning stage saw the development of several key social, environmental and land use related reports, including a housing survey, water survey, Age Friendly community plan, a Greenhouse Gas Emission inventory, a Climate Change report and a community vision process. There were also a series of issue oriented meetings around aquaculture, forestry, the environment, seniors and settlement that generated a large amount of public policy suggestions. These suggestions were incorporated into an initial draft and provided to the community. The initial draft was wide ranging and contained a large amount of new policy and mapping changes. It generated significant discussion and some backlash in terms of content and presentation. A second draft was prepared after a refinement of the objectives and policies in the Plan and a series of focused meetings was initiated to review the document in a comprehensive manner.

That community work concluded in early 2012 and a third draft was presented to the community. As the current OCP, Bylaw No. 1740, is generally viewed favourably, the proposed OCP offers a limited set of new policy but does not offer substantial changes to key land use elements such as settlement designations, settlement locations, commercial designations or development permit areas.

Bylaw No 1740, the current OCP, was adopted in 1995. There have been a total of 14 amendments to the OCP since that time, the majority of them being for residential development. There have been few instances where the efficacy of the OCP has been challenged or there has been substantial community conflict, with the exception of shellfish aquaculture applications. It is reasonable to conclude that the OCP has served the community well over the last seventeen years.

Nevertheless, after seventeen years the OCP required a comprehensive update and the goal of the review process was to have a broad and sustained public engagement in order to identify areas of change, to update and modernize the document, to address any land use issues, to ensure that the OCP reflects community values and to ensure compatibility with the current legislative framework.

The proposed OCP offers new policy in the following areas:

1. **First Nations:** The OCP lies within the traditional territory of the Klahoose, Sliammon and Xwemalkwu First Nations and a section has been included that provides this context. Included in the draft is some cooperative policy regarding forestry and business development. Map A-1 includes a new foreshore designation, Coastal First Nations that supports First Nations endeavors on the foreshore fronting their lands.
2. **Environment:** This section has been expanded to differentiate between sensitive ecosystems, habitat protection and wilderness protection; Riparian Areas Regulation requirements have been added and a Freshwater Conservancy designation has been added to Map A-1 to provide a measure of protection for drinking water supply
3. **Sustainable Development:** A climate change section has been added to the OCP including targets and policy to reduce greenhouse gas emissions. A section has been

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included that introduces coastal planning and sea level rise. Further, policy has been included throughout the OCP that reflects sustainable principles and goals for Cortes Island.

4. **Manson's Landing:** The OCP includes new policy that encourages some preparatory local planning for Manson's Landing as a primary social place on Cortes Island. Land use planning, waste management planning, environmental protection and an amenity list have been identified as key implementation projects in the future.
5. **Foreshore Designations:** Current OCP mapping within Bylaw 1740 does not include foreshore mapping designations. The proposed bylaw includes four new designations including Coastal Off-shore, Coastal Access, Coastal First Nations and Coastal Harbours. The intention of this change is to begin to provide some long range planning for the myriad of foreshore activities on Cortes, in order to lessen the potential for conflict in the future.
6. **Aquaculture:** Aquaculture management and land use has been a traditional source of conflict on Cortes. The OCP offers policy to address this situation including a list of criteria for aquaculture applications and direction to seek Map Reserve status for Gorge Harbour.
7. **Agricultural Land Stewardship (ALS):** A new agricultural designation has been included that provides for land sharing for farm operations. Similar in framework to Community Land Stewardship or Forest Land Stewardship, ALS allows for an increased number of dwellings on lands that farm in order to provide some economies of scale. This designation does not apply to ALR lands.
8. **Community Amenities:** The proposed OCP includes a list of community amenities that may be requested in the event that a proposed development requests increased density; these amenities provide for a less arbitrary and more transparent development process.

Planning Analysis

At the conclusion of the public process a limited number of issues remained outstanding for members of the community. Affordability was consistently identified as an issue of concern in the community, and in particular how affordability may be contributing to a reduction in young families and seniors living on the Island.

One of the mechanisms that Cortes has used to provide affordable housing is to allow multiple dwellings on a parcel without subdivision. Based upon community input, the first draft of the OCP increased this ability across Residential, Rural Residential and Rural designations. However as the public meeting process matured, it was generally agreed to retain the level of un-subdivided dwelling allowance as it is the currently on Cortes, that being up to 3 dwellings in Residential, 3 dwellings in Rural Residential and 5 dwellings in Rural. Support for this result is not unanimous on Cortes and we have received a number of written requests to increase this allowance. There have also been concerns expressed that by allowing too many dwellings on one property that issues could develop regarding sewage disposal, water quality and quantity, the siting of buildings and the development of unofficial subdivisions.

A further identified issue is the size of the secondary dwelling or cabin that is allowed in settlement zones. Increasing this size allowance is one mechanism to provide some affordable housing that specifically targets families and single family dwelling capacity. At present it is limited to 645 sq ft. The proposed bylaw increases this allowance to 1000 sq ft in Rural Residential and Rural designations, but retains the 645 sq ft size for Residential lots. There is a critique within the community that the increase in cabin size would change the initial intent in the OCP from the provision of guest accommodations to a predominantly full time residential use. A number of written comments have been received requesting that the cabin remain restricted

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to 645 sq ft. The Area B APC, upon referral, recommended that reference to a specific cabin size in all of the designations be removed and addressed during a zoning bylaw review.

The introduction of the Agriculture Land Stewardship designation was offered as a means of providing affordability for farmers and their families. The mechanism to achieve this was the allowance of multiple dwellings on a single lot beyond what is allowed under the common settlement designations. As this concept was presented to the community and discussed, it extended to lands within the ALR. Subsequent discussion with the Agricultural Land Commission has indicated that they are not in favour of increasing any settlement density upon ALR lands. Accordingly, the OCP Map Schedule A-1 has been amended to exclude ALR lands from the ALS designation.

A significant change in the proposed OCP is the inclusion of designations over the foreshore and marine environment. Foreshore uses, particularly with regard to aquaculture activity, has been a consistent source of land use planning conflict. Mapping was developed for a Coastal Resource foreshore designation which would have included preferred areas for aquaculture and marine commercial activity; however public sentiment was to not have this type of preplanning introduced in the OCP and to rely upon an application by application process for any new shellfish aquaculture proposals.

In more general terms, the public engagement process has indicated that, there are a variety of perspectives on how to deal with growth if it should occur on Cortes. There is a segment of the population that identifies rural life with low levels of infrastructure, low densities, and a development pattern based upon larger parcels. There exists an alternative view that some level of density around identified settlement areas will ultimately prove more accessible, affordable and sustainable. Admittedly the need to identify a single vision for growth management may not be required on Cortes at this time as development activity on the Island remains quite low. Since 1995 there have been 14 OCP amendment requests, 21 rezonings and 20 subdivision applications. As such, the proposed OCP does not offer fundamental changes to settlement location or density, but does provide measured support for some level of densification in the future or for consideration of a strong development proposal if one were to be advanced to the community.

PUBLIC CONSULTATION

The OCP process has provided the opportunity for a significant amount of public input in a variety of forms. Focus Corp was contracted to engage in a public engagement efforts which were provided in a variety of forms and resulted in Draft #1 of the OCP. In September of 2011 a second draft was provided to the community and a series of ten public meetings was initiated starting on October 8, 2011 and concluding on January 18, 2012. These sessions consisted of a section by section review of the document, including a meeting dedicated to mapping. Attendance fluctuated between 25 and 40 participants.

Upon generation of the third draft, a public meeting was held on April 10, 2012 and the draft was presented to the community. In general, there has been a level of community engagement such that new policy suggestions have substantially ceased and discussion centers upon variations on a given theme. It is reasonable to conclude that informal public engagement has concluded and that the more formal bylaw adoption process, including public hearing requirements, be initiated.

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FIRST NATIONS CONSULTATION

A consultation package was prepared as per Board direction and delivered to First Nations identified as having traditional territory in the area covered by the OCP. This process was initiated for the second draft of the OCP and repeated for the third draft and is detailed below:

March 2011	Letter received by SRD from Klahoose First Nation critiquing process and draft policies.
June 2011	Staff outreach to Klahoose administration, an email and a copy of the First Nations section of the draft OCP was provided for comment and discussion.
July 2011	Board authorization for consultation process obtained.
August 4, 2011	Formal request for consultation via letter to Klahoose, Homalco and Sliammon Bands. Copies of the draft OCP were provided. Request made for a meeting to discuss First Nations interests and the community planning process.
January 2012	Request made to Klahoose Band administration for a meeting to discuss OCP.
February 2012	Verbal request made from staff to Klahoose Band councillor for a meeting to discuss OCP
April 4, 2012	Request for consultation on OCP made to the three bands, several copies of Draft #3 sent with letter requesting a meeting with Klahoose First Nation. The letter outlined key policies and highlighted areas that may be of importance to any of the First Nations.

RESPONSES

Homalco Band	Comments not received.
Sliammon First Nation	Comments not received
Klahoose First Nation	The Klahoose First Nation has indicated that it has reviewed the draft OCP and wishes to discuss and seek clarification on a variety of issues. A meeting has been scheduled for June 11-12. The results of this meeting will be considered and amendments may be made to the OCP if appropriate. The amended bylaw will then be presented to the Regional Board at the June meeting.

AGENCY REFERRAL

As per Board direction referral of the draft OCP was made to the following agencies. Comments and subsequent actions are listed below.

Agency	Comments	Action
Agricultural Land Commission	<p>Significant comment received:</p> <ol style="list-style-type: none"> general comments requesting support for all agriculture as well as specifically local food production; request that residential development be discouraged in the goal section for ALR lands 	<p>These comments have lead to edits within the proposed draft OCP that substantially reflect the position of the Agricultural Land Commission.</p> <ol style="list-style-type: none"> The ALS designation has been removed from the proposed OCP bylaw. Encouragement policy has been included with regard pesticide

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	<p>3. <i>replace shall with 'encourage' pesticide use;</i></p> <p>4. <i>Policy 403, opposition voiced on the provision of additional dwellings on ALR land</i></p> <p>5. <i>Suggested reference to new Min of Ag Edge Planning buffering policy</i></p> <p>6. <i>Note that FLS and ALS designations should not be on ALR lands and that agricultural land on Cortes should have a separate designation.</i></p> <p>7. <i>Opposition to the ALS designation on ALR lands.</i></p> <p>8. <i>Request to exempt ALR lands from environmental DPs</i></p>	<p>use;</p> <p>3. A separate agricultural designation for ALR land has not been pursued at this time as the ALR land base is quite fractured and relatively minimal on Cortes and would not require a separate designation.</p> <p>4. The OCP will be re-referred to the ALC prior to any possible adoption of the bylaw.</p>
Advisory Planning Commission, Area B	<p>1) <i>That the settlement number sin Draft #3 being, 409.2.d.ii,409.2.d.ii, 409.3.c.i,409.3.c.ii,409.4.c.ii and 409.4.c.ii be removed and addressed in a zoning bylaw review process;</i></p> <p>2) <i>That the maximum number of dwellings permitted in CLS, FLS, and ALS, be reinstated in the 2012 Draft #3 OCP.</i></p>	<p>1. These comments relate to the proposed increase in size of cabin in Rural Residential and Rural designations from 645 sq ft to 1000 sq ft. This item has not been amended in the proposed plan. Further, this is a request to remove the ability to add dwellings in specific increments for the various designations. This item has not been amended in the draft plan, as this ability is currently allowed in the zoning bylaw.</p> <p>2. The proposed plan removes the limitation on the number of dwellings allowed on properties with these designations. This item has not been amended in the proposed plan.</p>
BC Assessment Authority	<i>No response</i>	
BC Ferries Corporation	<i>Recommends support subject to conditions. "401.2, indicated BC Ferries does not set fares, 402.2, Parks, indicated support provided BC Ferries does not maintain facilities, Appendix A, challenged ferry usage projections, Appendix D, supports hazardous waste goals of Plan.</i>	Items addressed in plan.
BC Parks	<i>Interests unaffected</i>	
Fisheries and Oceans Canada	<i>No objections provided.</i>	N/A

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	<i>Commentary as follows: as per siting of aquaculture operations, terms and conditions related to matter of noise impacts and setbacks are outside the jurisdictions of DFO and cannot become part of an aquaculture license., Recommends that the SRD participate through the IMAP Aquaculture Management Advisory Committees as means of effecting policy.</i>	
Environment Canada	<i>No response</i>	
Fire Department (Cortes)	<i>No response</i>	
Integrated Land Management Bureau (ILMB) (Ministry of Natural Resource Operations)	<i>No response</i>	
Ministry of Aboriginal Relations and Reconciliation	<i>No response</i>	
Ministry of Agriculture	<p><i>Significant comment similar to ALC.</i></p> <ol style="list-style-type: none"> <i>1. Indication that Health Canada regulates pesticide use;</i> <i>2. Requested change to policy that provides for multiple dwellings on farm or ALR lands;</i> <i>3. Request to add note 'requiring ALC approval' for policies that impact ALR lands;</i> <i>4. Requests that clarity be provided regarding genetically modified food and non-natural food policies;</i> <i>5. Recommendation to add 'agritourism to Economic Development policies;</i> 	Discussions on these matters were held with Jill Hatfield, District Agriculturalist. Edits were made to the proposed OCP, substantially in keeping with Ministry of Agriculture comments. The document will be re-referred prior to any possible adoption of the bylaw.
Ministry of Community, Sport and Cultural Development	<i>No response</i>	
Ministry of Energy and Mines	<i>No response</i>	
Ministry of Environment	<i>Comments provided, "satisfied that draft meets the requirements of the RAR and assists in environmental protection"</i>	
Ministry of Forests, Lands and Natural Resource Operations – Archaeology Branch	<i>No response</i>	N/A
Ministry of Forests, Lands and Natural Resource Operations – Forestry Campbell River	<i>Approval recommended subject to conditions: All Crown land on Cortes is subject to the same federal and provincial legislation and high</i>	

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	<i>level planning that other Crown Provincial Forest land is subject to, despite any community plan.</i>	
Ministry of Jobs, Tourism & Innovation	<i>Interests unaffected</i>	
Ministry of Transportation and Infrastructure	<i>No objections, provided comments as follows: 401.2.e, Ministry will endeavour to maintain Rural Road Standard as part of Letter of Agreement but in certain circumstances large grades and cuts may inhibit the standard; 402.g, pull off area requests should come from SD 72, 402.2.n, provision of public comment for beach access associated with subdivisions should be provided through the SRD.</i>	Items addressed in plan.
Powell River Regional District	<i>Interests unaffected.</i>	
School District No. 72 (Campbell River)	<i>In support. Requested that explanatory detail be corrected in Appendix C, requested increased opportunities to utilize the school.</i>	Items addressed in plan.
Transport Canada	<i>Approval recommended subject to conditions: 402.2, limiting the use of an identified waterway would require contacting Transport Canada, restrictions would be viewed under the Vessel Operating Restriction Regulations, as is for Hague and Gunflint Lake; 405.2.g placement of the buoys for the moorage basin will require a review and approval from TC; 415.3.1, Aquaculture, We cannot withhold issuance of approvals purely on the basis of the outcome of a rezoning process, we can coordinate the issuance of approvals,, 145.1.b, conditions of approval may required the placement of navigational aids to assist in mitigating its impacts on the waterway.</i>	Items addressed in plan.
VIHA	<i>In support, recommends a referral process be initiated for proposed developments."</i>	A referral process is an administrative matter which is not contemplated by OCP policy, such a process to be considered in the future as part of Implementation.
Public	<i>The SRD has received approximately 30 letters requesting that the ability to provide dwellings on settlement designations be increased to five dwellings for Residential, five for Rural Residential and to leave Rural at its original five dwellings.</i>	This amendment has not be included in the proposed plan at this time.

Staff Report – Cortes Island Official Community Plan, 2012 1st and 2nd Reading Page 10**FINANCIAL IMPLICATIONS**

The proposed new OCP bylaw has been developed within approved annual budgets and Five Year Financial Plans for 2009-2012. Implementation items identified within the OCP would require separate funding and approval of the Board. There is no obligation for the Regional Board to initiate any of the projects identified in the proposed OCP.

LEGAL IMPLICATIONS

Under Section 877 (1) of the Local Government Act an OCP must include statements and map designations for the area covered by the plan respecting the following:

1. the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
2. the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
3. the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
4. restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
5. the approximate location and phasing of any major road, sewer and water systems;
6. the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites;
7. other matters that may, in respect of any plan, be required or authorized by the minister.

Subsection (2) An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing, and,

Subsection (3) An official community plan must include targets for the reduction of greenhouse gas emissions in the area covered by the plan, and policies and actions of the local government proposed with respect to achieving those targets.

The proposed OCP bylaw is in compliance with the *Local Government Act* and Regional District bylaws.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

Under S. 879 of the *Local Government Act* a local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. As noted, the Regional Board has previously fulfilled this obligation by approving a First Nation consultation and agency referral processes.

CITIZEN/PUBLIC IMPLICATIONS

There have been a substantial number of public meetings on Cortes with ample public advertisement such that any organization, persons or group would have had access to the process and an opportunity for input. There have also been focused meetings on specific topics such as mapping, aquaculture, seniors within the community and the environment.

For lands contemplated for a change in map designation, a landowner outreach process was initiated. Approximately 15 written notifications and follow-up phone calls were made to affected individuals.

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INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Corporate Services staff has assisted in the development of the proposed bylaw.

Prepared by:

Russ Hotsenpiller



BYLAW NO. ____

**A BYLAW TO ADOPT AN OFFICIAL COMMUNITY PLAN FOR
ELECTORAL AREA B (CORTES ISLAND)**

WHEREAS the Comox-Strathcona Regional District has, by Bylaw No. 1740, adopted an Official Community Plan for Electoral Area B (Cortes Island);

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that applies within all or part of the area comprising the Strathcona Regional District remains in force as a bylaw of the Strathcona Regional District until amended or repealed;

AND WHEREAS the Regional Board wishes to adopt a new official community plan that better reflects its land use policies and objectives with respect to Cortes Island;

AND WHEREAS the Board has provided opportunities for consultation with first nations and others during the development of the official community plan;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Application

1. This bylaw applies to that portion of the Strathcona Regional District included within Electoral Area B (Cortes Island).

Official Community Plan

2. Schedules 'A', 'A-1' and 'A-2' attached hereto and forming part of this bylaw are hereby adopted as the Official Community Plan for the area to which this bylaw applies.

Repeal

3. Bylaw No. 1740, being Cortes Official Community Plan Bylaw, 1995 is repealed in its entirety.

BYLAW NO. ____

Citation

4. This bylaw may be cited for all purposes as "Bylaw No. ____, being Cortes Island Official Community Plan Bylaw 2012."

READ A FIRST TIME ON THE DAY OF , 2012

READ A SECOND TIME ON THE DAY OF , 2012

PUBLIC HEARING HELD ON THE DAY OF , 2012

READ A THIRD TIME ON THE DAY OF , 2012

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT ON THE DAY OF , 2012

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE DAY OF , 2012

Chair

Corporate Officer

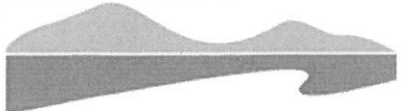


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APPENDIX "B" - AGRICULTURAL LAND RESERVE

APPENDIX "C" – COMMUNITY BACKGROUND

APPENDIX "D" – INFRASTRUCTURE, SERVICES AND PHYSICAL CONTEXT OF CORTES

FOREWORD

The 2011/2012 Official Community Plan (OCP) review, that resulted in the adoption of Bylaw No. XXXX, provided an opportunity for the community to update the 1995 Plan. The review took into consideration a number of social, political and environmental shifts on global and local levels that warranted reflection through a community planning process. The updated OCP includes elements of sustainable development, environmental protection, affordable housing, settlement, as well as any legislative requirements that have been introduced since the plan was last amended.

100 INTRODUCTION TO THE OFFICIAL COMMUNITY PLAN

The purpose of the Cortes Official Community Plan (OCP) is to establish guidance for the long-term development of Cortes Island. It is here that the intentions of the community for its future development shall be stated.

Section 875(1) of the *Local Government Act* states that a community plan is a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government.

An important distinction is that regulatory bylaws, such as zoning bylaws, deal in detail with matters such as land uses, size and siting of buildings, and lot size standards. The community plan on the other hand, takes a broader, long-range view, which may take years to achieve.

The plan should be regularly reviewed to keep pace with changing attitudes and legislative amendments.

101 FUNCTIONS OF THE OFFICIAL COMMUNITY PLAN

101.1 To define community aspirations and serve as a basis for community discussion

Securing a vision for the future requires a collective appreciation of community values and assets and a desire to protect and enhance them for future generations. Plan policies are linked to various courses of action to ensure that Cortes will continue to be a great place to live, work and play.

101.2 To inform the community

The Community Plan describes the history of planning on Cortes Island. This context enables residents to recognize how and why the community has come to be what it is today and how its planning initiatives have differed from other areas of the Regional District.

101.3 To guide those who wish to undertake land activity

For those who wish to rezone, develop land, operate a business, or engage in any other land use activity, the Official Community Plan is a critical informational and directional document. It indicates whether support exists for an idea or not. Of course, by the OCP amendment and rezoning process, new ideas or projects may seek to gain public and political assent.

101.4 To guide the Regional Board

This document is a statement of the Board's general intent with respect to matters directly under regional district jurisdiction. The plan provides the Board with a policy framework to review and assess development applications and serves as a basis for regional district bylaws that regulate development.

101.5 To meet legal requirements

According to the *Local Government Act*, a community plan shall be in writing and may include plans, maps, tables, or other graphic material. It must specify the approximate

location, amount, type, and density of proposed residential development anticipated to meet housing needs, and the approximate location, amount, type, and density of proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses. It must also designate areas for protection of the natural environment and heritage sites, areas with hazardous conditions, the location of sand and gravel deposits, transportation and infrastructure locations and location of public facilities. It may include policies of the local government respecting affordable housing, rental housing and special needs housing.

102 HOW TO USE THE PLAN

The Plan is guided by an overarching Principle Aim with supporting Principles, and further organized through the provision of Goals, Objectives and Policies across a range of land use and community issues. Any land use activity should be considered in light of all elements. In this document, Goals are presented with the Community Vision while the Objectives and Policies are grouped together.

102.1 Goals

Goals represent the generalized framework of the desires of Electoral Area 'B', for example, 'To protect the availability of existing food producing lands'. They are not prescriptive or technical in nature.

102.2 Objectives

Objectives are developed to more specifically define the intent in attaining these goals. A food security objective would be 'To support the Agricultural Land Reserve as an important measure of protection against the loss of agricultural land'.

102.3 Policies

The final step of the planning process is the establishment of policies. Policies are the action elements that are intended to provide results. A policy might be 'Promote local food production by requiring allotment gardens or backyard produce gardens for new developments'.

102.4 Plan Mapping

The mapping provided as part of the OCP is a graphic representation of land use designations which should demonstrate a consistency with written elements of the plan.

104 PLANNING AREA

Cortes Island lies at the northern end of the Strait of Georgia and comprises the main portion of Electoral Area "B" within the Strathcona Regional District. While Cortes Island is located closer to the British Columbia mainland than to Vancouver Island, its history has tended to tie it more closely to Vancouver Island.

Cortes Island extends 25.5 kilometres from north to south, and approximately 13.5 kilometres from east to west. The combined area of Cortes Island, the surrounding smaller islands (i.e. Marina, Twin, and Subtle) and neighbouring islets, is approximately 13,340 hectares. The Island is unique in that it straddles both northern and southern extents of different coastal sensitive area typologies. Sensitive Ecosystems Inventory (SEI) mapping indicates that Cortes is literally 'a sensitive area' as a variety of mapping polygons overlap across the Island.

2006 Census data indicated that Cortes Island has an average of 2.4 persons per household for which is slightly below the provincial average of 2.5 persons per household. This average is projected to decrease slightly in coming years as a result of changing family compositions, a declining birth rate and a larger percentage of seniors within the community. Senior residents on Cortes form the largest demographic accounting for 45% of the island population.

Table 1. Demographics and Key Indicators

Cortes Island Facts and Figures	2001	2006	2011	BC (2011)
Population	938	1042	1007	4,400,057
% change	6.0	11.1	-3.4	7.0
Total private dwellings	671	662	725	1,945,365
Dwellings occupied by usual resident		489	510	
Percentage rented dwellings	26	29	N/A	
Number of seasonal residents	432	361	538	433,748
Total land area (km ²)	135.44	135.44	135.44	924,815
Population density (per km ²)	6.9	7.7	7.4	4.7
Price of residential property	\$254,875	\$330,492	\$292,923	\$532,000
Median age of population	47	46.6	N/A	
Median household income	\$26,138	\$20,944	N/A	
Largest occupational sectors	Sales & Service Transport Primary Industry	Transportation, Primary Industry, Sales & Service	N/A	
Resource based employment (%)	12.4	11.9		

200 FIRST NATIONS

201 CONTEXT

The Coast Salish are part of the Salishan language family, forming a cultural continuum from the north end of the Strait of Georgia to the southern end of Puget Sound, covering coastal regions of British Columbia and Washington, including parts of Vancouver Island. The rich environment of the Northwest coast, including the expansive marine resources, provided for the development of North West Coast society. The various bands and nations of the area, including the Coast Salish, recognized their dependence on the land and sea and as such, many aspects of their lives and culture were tied to the environment. This relationship to the environment exists today and has become an important factor in land claims issues, environmental conservation and in attempts made by the First Nations to redefine their relationship with the state. All land claims in BC are now comprehensive; referring to land rights, resource rights, cultural traditions as well as political autonomy. ⁽¹⁾

The Cortes Official Community Plan area lies within the traditional territory of the Klahoose, Sliammon and Xwemalhkwa (Homalco) First Nations. These First Nations are in the treaty negotiation process with the provincial and federal governments and have made claims of rights and title over land and waters within the Official Community Plan area. ⁽²⁾

It is acknowledged that Aboriginal rights and title may be affected by both coastal and upland developments and they must be taken into account as part of the Strathcona Regional District's Official Community Plan review process. It is important that the Regional District seeks to accommodate First Nations' interests as part of the Plan's development and throughout the lifespan of the document, and further that consultation is respectful and meaningful to each First Nation. As the previous Chief of the Klahoose First Nation has indicated; "Klahoose is a distinct level of government with unique and distinct rights and interests that require a unique and distinct process of engagement." ⁽³⁾

The Cortes Island area has been traditionally used by First Nations for centuries and the use and health of the Island's resources remain vital to their cultural and economic well-being. Klahoose has a history of use, occupation and management of Cortes Island and surrounding areas that long predates the onset of European colonization. ⁽³⁾ Squirrel Cove was one of the summer places Klahoose had used prior to contact, where each spring they harvested shellfish and berries and planted and harvested gardens prior to returning to Toba in the Fall. In the late 1890's the Klahoose First Nation relocated from Toba Inlet to Squirrel Cove. ⁽⁴⁾

In recent years Klahoose has pursued a strong, regionally-based economic development strategy that encompasses sustainable forestry, shellfish aquaculture operations, a marina proposal adjacent to the Reserve, as well as on-reserve businesses. These initiatives provide local employment, tax revenues to local, provincial and federal governments, and resources critically important to meeting the First Nation community's growing needs. The reserve at Squirrel Cove is the primary residential reserve and is currently occupied by approximately 65 registered Band members.

The Sliammon First Nation, although having lands on the west coast of the Cortes Island, south of Manson's near Smelt Bay, has not re-established a settlement presence on the Island. Prior to the smallpox epidemic in 1862 that severely affected the Coast Salish people on the Island, the Sliammon First Nation lived in the Manson's/Hague Lake area. The Sliammon Community today resides on reserve lands located just north of Powell River opposite Harwood Island.

The Homalco, formerly occupying a village site at Church House near the entrance to Bute Inlet, now reside on reserve lands within the City of Campbell River and at the mouth of Sliammon Creek, north of Power River.

- (1) "The First Nations of the North West Coast – Coast Salish; Connections to the environment, involvement in conservation. With a Case Study of....."; Sarah C. Fletcher, April 17, 2000)
- (2) BC – Cortes Island Coastal Shellfish Plan
- (3) Correspondence dated March 9, 2011
- (4) "Manson's Landing – Community Design Charette: History of Manson's Landing" as prepared by Carol Tidler with assistance from Lynn Jordan and the archives of the Cortes Island Museum.

202 OBJECTIVES

To seek improved relations, partnerships, agreements for provision of appropriate community services, and to collaborate on the future of Cortes Island with First Nations.

203 POLICIES

- a. Strengthen the relationship between First Nations and the broader Island community; one which honours each others' traditions and provides the framework for respectful, productive working partnerships moving forward into the future;
- b. Actively acknowledge First Nations' history, archaeological resources, cultural influences and places of interest;
- c. Explore partnership opportunities with local private and public sectors and the Klahoose First Nation to achieve community improvements, business support, external investment and joint marketing initiatives;
- d. The community strongly supports the creation of a Community Forest, to be jointly managed with the Klahoose First Nation, including all Crown forest land, and possibly, all privately owned forest land, and,
- e. The Regional District shall seek cooperation and coordination with First Nations regarding the provision of BC Ambulance, fire services and emergency management services to reserve lands.

300 VISION AND GOALS

301 A SUSTAINABLE FUTURE.....

In order to understand the objectives of the Plan for Cortes Island, it is necessary to consider what Cortes Island has meant, and does mean, to its residents, and to reflect on those changes which would alter the character of the island. A major factor which has attracted people to Cortes Island has been the expectation of being able to exercise a greater degree of self-determination by selecting a lifestyle which has a degree of isolation from bureaucratic, economic, and social controls, as exemplified by the absence of building permits, building inspections, etc. It must be noted, however, that the absence of site and building permits places responsibility squarely on the person who builds on Cortes Island to understand the other land use bylaws and Provincial regulations that affect them (and their property) and to act within them.

In considering the future of Cortes Island as a desirable place to live, work, raise families and have the freedom to indulge in creative activities, neither interfering nor being interfered with by neighbours, it becomes clear that all residents have a responsibility to weigh their individual privileges against the rights of others. It is the intention of this community plan to make it possible for responsible, harmonious occupation of a physically limited space. Much of the attraction of Cortes Island lies in its natural beauty. In order to maintain the attractiveness of Cortes Island there must be as little deterioration of the natural environment as possible.

Community planning must also address challenges and contribute solutions in an uncertain future. Limited employment opportunities, housing stock and service levels have the potential to narrow the demographics of Cortes and alter the community fabric. Land values have proven prohibitive to an affordable life for some residents both in terms of ownership of land and in obtaining housing. The transportation network, both on-Island and off-Island, is an important factor in Island life. Reliance on the ferry system for goods and services, the limited road network and the lack of public transportation on Cortes contributes to transportation costs and the efficiency of travel. Creative solutions will be required in the future to increase transportation options.

Commercial development is supported on Cortes when it is tempered by societal and environmental values. Consistently there has been an expression of a desire for small scale economic development that 'fits.' The viability of this type of economy and its sustainability will be a central development for the Island in the future.

The notion of sustainability is not new to Cortes Island. The 1995 Official Community Plan contains policies that have contributed to economic, social and environmental aspects of life on the Island. The 2011/2012 OCP review builds upon that foundation through the application of current public opinion, the inclusion of climate change policy, a broadening of the tools to provide affordable housing, the inclusion of land use designations to the marine environment, the application of current environmental policy, the introduction of economic development policy and identification of preliminary planning policies for Manson's Landing.

302 PRINCIPAL AIM

To support an interdependent and cooperative community that holds high regard for an individual's choice of lifestyle while maintaining respect for neighbours and protecting the ecological integrity of the area.

303 PRINCIPLES

The OCP is based upon the following guiding principles.

- a. To provide for forms of development that are mindful of the capacity of the land to support development, and that do not disrupt the area's rural character;
- b. To maintain a reasonable supply of land for commercial development in suitable locations;
- c. To maintain a balance between the regulation of land use and the desire of local residents for a lifestyle that allows for a high degree of self-expression respecting their use of property;
- d. To promote a level of community services to ensure the safety, health, and welfare of community residents;
- e. To safeguard the Island's water supply for use by present and future users;
- f. To develop a transportation system that meets the needs of Island residents and visitors, yet does not detract from the area's rural Northern Gulf Island character;
- g. To promote the conservation or preservation of land with agricultural and forestry potential;
- h. To preserve Cortes' unique natural environment so that current users and future generations may continue to enjoy the area's scenic beauty and physical attributes;
- i. To safeguard the quality of the marine environment, given its importance to the economic and social well-being of the community;
- j. To emphasize our respect for all forms of life and the need to protect biodiversity and the health of the environment;
- k. To support food self-sufficiency and food security;
- l. To adopt strategies intended to limit climate change;
- m. To support Cortes Island as a Genetically Modified Organisms (GMO) free area;
- n. To value, preserve and protect significant wilderness areas.

304 COMMUNITY GOALS

The following goals are grouped in general themes which are more specifically developed in the objectives and policies found later in the plan.

304.1 A Sustainable Society

- a. To be a cooperative, resilient, self-reliant island community;
- b. To be an open-minded community diverse in heritage, economic status, age, sexual orientation, occupation and social background;
- c. To be an economically stable community through diversity of business activity that allows the community to be financially resilient;
- d. To lessen dependency upon traditional carbon culture, reduce green house gas emissions, and increase self-sufficiency in local energy needs through the production of non-fossil fuel sources of power;
- e. To encourage agricultural activities and land tenures, especially those which contribute to the supply of local food;
- f. To retain and enhance the community's distinct identity through the preservation of its history and to provide a sense of continuity between the past, present and future;
- g. To respect and preserve the environment of Cortes Island; and
- h. To engage a pattern of human activity which will sustain the natural environment.

304.2 A Liveable Physical Environment

- a. To educate the community about protection of the natural environment;
- b. To identify, preserve and protect archaeological sites located within the Plan area;
- c. To identify and protect environmentally sensitive areas, including water and air sheds, from inappropriate forms of development;
- d. To ensure that natural systems interconnectivity is maintained and enhanced and that wildlands are preserved;
- e. To protect coastal areas from development deemed to be inappropriate by reason of location, form, scale or density; and
- f. To support a level of regulation sufficient to ensure the use and enjoyment of property.

304.3 Residential Development

- a. To allow a variety of parcel sizes for residences, while remaining respectful of the area's rural character;
- b. To provide affordable housing alternatives in a variety of forms, tenures, and densities to ensure a broad based community that includes youth and seniors;

- c. To allow for the grouping of dwellings on one parcel, following appropriate zoning density and siting provisions, in order to provide for affordable housing while maintaining ecological integrity.

304.4 Commercial and Industrial Development

- a. To encourage, through the creation of specific designations, local commercial development that is suitably sited and maintains ecological integrity;
- b. To allow for increased tourist-recreational development provided it is complementary to the Island's way of life and will not result in environmental deterioration;
- c. To support a local viable aquaculture industry;
- d. To permit small-scale, industrial activities which are compatible with the Island environment;
- e. To develop a community based sustainable resource capacity with regard to forestry and aquaculture;
- f. To promote growth and expansion of value added agriculture, forestry, fishing and aquaculture;
- g. To encourage and support a positive environment for the arts and culture;
- h. To develop and support home based businesses on Cortes Island; and
- i. To encourage and support the implementation of clean/renewable energy initiatives.

304.5 A Balance Between Regulations and Lifestyle

- a. To keep regulations to a minimum other than to provide for health, safety, and the welfare of Island residents, land owners and visitors;
- b. To allow individuals a broad range of activities on private property provided they do not interfere with their neighbour's enjoyment of their property in the context of a rural environment;
- c. To encourage the senior levels of government to respect the unique character of Cortes Island and the lifestyle preferences of its residents in making decisions which may have an impact on the Island or the quality of life enjoyed there.

304.6 Community Services

- a. To strive for an effective level of ambulance, fire, police, and emergency preparedness protection throughout the planning area;
- b. To ensure the safe disposal of solid, liquid, and hazardous wastes;
- c. To encourage the provision of an adequate level of health, social and educational services to meet the needs of the Island's population, and
- d. To support access to high speed data services;

304.7 A Safe and Reliable Water Supply

- a. To work in conjunction with the Ministry of Environment to define and protect the Island's fresh water resources including groundwater recharge areas;
- b. To require new development to prove the availability of an adequate year-round potable water supply while ensuring water supply to existing users;
- c. To identify, manage and eliminate sources of pollution to surface and groundwater supplies;
- d. To protect water quality for domestic purposes, fisheries, and recreational uses by managing development and related uses on the foreshore and nearshore, and
- e. To protect essential watershed catchment and recharge areas from industrial activities that could impair the Island's fresh water supplies.

304.8 A Transportation System Which Meets Island Needs

- a. To support a ferry service that is appropriate to the needs of Cortes Island throughout the year;
- b. To maintain the network of public roads in good repair;
- c. To encourage the construction of local roads with regard for the natural landscape, the quality of the environment, and the rural character of Cortes; and
- d. To facilitate the use of alternative transportation by the provision of bicycle paths, foot paths, and ride share opportunities.

304.9 The Satisfaction of Recreational Demands

- a. To plan for and promote the creation of park space and maintenance of recreational facilities for public enjoyment;
- b. To meet the specific recreational needs of youth, seniors, and special needs;
- c. To encourage public beach access throughout the planning area;
- d. To allow for the sharing of the area's recreational opportunities with persons from off the Island, yet to defend these areas against overuse; and
- e. To recognize and maintain bays and harbours for the shared use of the public and recreational boaters.

304.10 A Time for Reflection

- a. To encourage local residents to express their comments on the Island's land use planning matters and the OCP's implementation;
- b. To review the plan periodically so that it may be adapted to changing social, economic, and environmental conditions, and
- c. To respect the wishes of landowners not to be subjected to continual land use regulatory change.

400 OBJECTIVES AND POLICIES

The following objectives and policies provide specific direction to achieve community goals. Land use planning alternatives are influenced by the area's existing development pattern, the carrying capacity of the Island's environment, and the quality of life residents wish to develop and maintain. The optimal land use configuration is one which maximizes the net benefits to area residents, while minimizing any negative impacts.

401 TRANSPORTATION

Electoral Area 'B' is an island community dependent upon water or air access to connect it with the rest of the province. This has had a significant impact on population density and the scale of development.

401.1 Objectives

- a. To promote the maintenance of roads by communicating with the Ministry of Transportation and Infrastructure and their contractors on an annual basis;
- b. To include transportation needs and connectivity considerations as part of the land use development process;
- c. To plan and develop transportation options for youth, seniors and those who are mobility challenged;
- d. To support the provision of an adequate ferry service to Cortes Island, and
- e. To recognize the ferry system and routes as part of the federal-provincial highway network.

401.2 Policies

- a. Liaise with the BC Ferry Commission and BC Ferries on a regular basis to maintain and develop an adequate and affordable ferry service;
- b. Encourage and support senior governments and the Harbour Authority of Cortes Island in maintaining wharves in good repair;
- c. The Ministry of Transportation and Infrastructure is encouraged to retain all local arterial roads at a suitable all weather standard capable of supporting the volume of traffic experienced on Cortes;
- d. It is strongly recommended that any roads that may be built into the peninsulas on the south side of Gorge Harbour be planned for and constructed in an environmentally sensitive manner;
- e. Maintain and revisit the Rural Road Standard Letter of Agreement between the Ministry of Transportation and Infrastructure and the Regional District to ensure that a rural road standard is maintained, that an ongoing consultative process is achieved, and to update road classifications as required;

- f. The Provincial Approving Officer, through the subdivision process, shall be encouraged to ensure access to the coastline or lakeshore;
- g. Ministry of Transportation and Infrastructure, in consultation with School District No. 72, shall be encouraged to plan for the provision of pull-off areas and turn-around points to meet future school transportation needs;
- h. Promote the use of public transit, including bus service, to and from Campbell River;
- i. Support the development of a Transportation Demand Management Plan;
- j. The community shall pursue alternative transportation initiatives, such as a community bicycle project, a car co-op, and application to various alternative energy pilot projects;
- k. Development of infrastructure to support the use of electric vehicles; and
- l. Creation of a "car-stop system" through the use of designated stations.

402 PARKS AND RECREATION

Parks and recreation are essential ingredients in any land use plan. Parkland may serve a variety of purposes and should be located to satisfy these differing needs. Cortes Island has long been a favourite recreation area. The policies which follow are intended to ensure that the Electoral Area's natural areas and significant recreational landscape features are retained and in some cases dedicated, for public recreational use, while protecting these sites from overuse.

The Regional District recognizes that certain lands identified as potential park interests may be subject to land claims and ultimately may not be available for use or acquisition by the Regional District for park purposes. Where common goals exist, the Regional District shall pursue partnerships to retain representative natural areas and significant recreational landscape features for future generations.

402.1 Objectives:

- a. To promote a park and trail system which recognizes sensitive environmental, recreational, historical, and cultural elements;
- b. To improve connectivity on the Island through the provision of trails to accommodate pedestrian and cycling use;
- c. To provide leisure, cultural and recreational opportunities to a diverse range of residents and visitors; and
- d. To sustain community well-being through leisure and recreation services and facilities.

402.2 Policies:

- a. Existing parks are designated and shown on the Plan map, Schedule A-1, as P.;
- b. Areas identified as being of possible interest to the community for future park purposes are identified on the Plan Map, Schedule A-1. The areas identified are not intended to reflect a comprehensive listing of all potential park sites, and other areas may be

- ultimately identified as per policy 402.2.f. Until such time as any identified lands, or portions thereof, have been secured for park purposes, existing land use designation policies and zoning provisions shall apply;
- c. Protection and acquisition of parkland and the development of trails and/or recreational facilities shall be accomplished through a variety of mechanisms such as, but not limited to, parkland dedication upon subdivision, partnering, donations, bequests, conservation covenants, licenses, grants, land purchases, density bonusing, and statutory rights-of-way;
 - d. Where an owner of land being subdivided must provide park land pursuant to the Local Government Act, the owner shall provide money unless the subject property contains land identified as an area of park/trail interest as outlined on Schedule A-1, or the Regional District identifies that the land has features which are attractive for park purposes, the land provides a significant viewpoint and can be reasonably utilized for public use and access, and/or there is an opportunity to expand or provide additional access to the shoreline or an existing or potential park/trail on an adjoining property;
 - e. A park use may be located in any land use designation in the community plan area without requiring a plan amendment;
 - f. The Regional District, the community and appropriate levels of Government shall work cooperatively to secure for park purposes, properties which exhibit high recreational capability, with emphasis placed on securing sites which provide good access to coastal and fresh water shorelines, significant natural landmarks and scenic upland viewpoints such as:
 - i. a dedicated public access to Carrington Bay Lagoon and Park;
 - ii. a dedicated public access to Kw'as Park Trails;
 - iii. additional waterfront property fronting on Hague Lake; and lands adjacent to Sutil Point and Smelt Bay Provincial Park; and lands adjacent to other park sites.
 - g. The securing of additional sites with particular emphasis on the acquisition of land in the Whaletown, Manson's Landing, and Squirrel Cove areas for use as active community recreation areas shall be pursued;
 - h. The acquisition of the property within the Whaletown area, known as Whaletown Commons, is encouraged; this property having been identified by the community as a desired area for park as well as providing a future land base for other possible community/public uses;
 - i. In conjunction with appropriate partners, to seek financial support to provide recreation opportunities and facilities to meet the changing needs of the community; with priority given to facilities and programs for youth, seniors and those with special needs;
 - j. Trail and recreational planning considerations, shall include establishment of an off-road bicycle network, as well as a shared-use trail network for pedestrians and cyclists that

connects existing neighbourhoods and provides access to parks and key destinations such as the ferry landing;

- k. The planning for, and eventual construction of, the following key trail connections/linkages is encouraged:
 - i. from Klahoose Village to the Squirrel Cove Store;
 - ii. within the Whaletown community (Olmstead / Whaletown Road); and
 - iii. within the Manson's Landing community and connecting southward to Siskin Park and Trails, Kw'as Park, Hank's Beach and Smelt Bay.
- l. The Regional District and appropriate levels of government shall work cooperatively to identify recreational water routes, and protect beach areas for public access and recreation, including beaches suitable for swimming and the recreational harvesting of oysters and/or clams;
- m. To work in partnership with senior levels of government to identify locations for marine park status;
- n. The Ministry of Transportation and Infrastructure shall be encouraged, as part of the subdivision application process for waterfront properties, to consider community input in the provision of public access routes, and to keep all existing rights-of-way which provide public access to the waterfront free of obstructions; and
- o. The prohibition or limitation of the operation of Seadoos, jet skis and other similar personal water craft on all lakes and surfaces of water within the Plan Area shall be investigated.

403 AGRICULTURE AND FOOD SECURITY

Areas of viable land, whether within or outside of the Agricultural Land Reserve (ALR), constitute a small portion of the Island and are consequently of great importance for food production. There is a potential on these lands for the production of a significant proportion of the food annually consumed on Cortes Island. The community wishes to see these lands protected from degradation, whether through subdivision or other factors. Additionally, the community supports land use regulations which increase accessibility to, and utilization of, food production from these lands.

403.1 Objectives

- a. To preserve and utilize viable agricultural lands to foster self-sufficiency, promote security of food production and improve economic diversity;
- b. To protect the ALR against the loss of agricultural land;
- c. To encourage local agricultural production and enhance the viability of farming operations through agri-tourism;
- d. To encourage sustainable food production on residential properties of all sizes;

- e. To encourage and support all residents of Cortes to have access to affordable and nutritious local food;
- f. To support local organic food production; and
- g. To provide for land tenures that support agriculture.

403.2 Policies

- a. Ensure that all uses of land within the ALR are in accordance with the Agricultural Land Commission Act, Subdivision and Procedure Regulations and General Orders;
- b. Local food production and processing is supported through such mechanisms as:
 - i. The development of a community garden ; and/or
 - ii. The creation of a local food grower's cooperative.
- c. The slaughter and direct farm gate sale of meat and poultry raised on the farm is supported and encouraged in accordance with Provincial regulation.
- d. Encourage "organic intensive" agriculture and other sustainable farming activities;
- e. Encourage the reduction or elimination of non-organic pesticides for farming and landscaping use on Cortes Island;
- f. In addition to the traditional model of one farming family operating on each parcel, development of productive lands, outside the ALR, shall be facilitated through an Agricultural Land Stewardship designation and zoning which allows for shared ownership and multiple residences on larger parcels;
- g. Encourage the clustering of buildings on agricultural lands in order to reduce the impact of development on the productive capability of the land;
- h. The agricultural use of Genetically Modified Organisms (GMOs) is strongly discouraged,
- i. Proposed development on non-agricultural lands adjacent to ALR or farm land shall be required to provide natural vegetation or buffering along property lines accordance with guidelines provided in "Guide to Edge Planning", Ministry of Agriculture, 2009.

404 CLIMATE CHANGE

Lessening a community's contribution to climate change is a central tenet to sustainable development. Significant planning has been done by the community through the Cortes Climate Action Team and its 'Final Report on Cortes Island Greenhouse Gas (GHG) Mitigation Options.' Recommendations from the report have been incorporated into the OCP. The main areas identified where Cortes can effect GHG reductions and climate change are transportation, food security, buildings and energy, and forestry. Success in this effort will require the establishment of baseline information, a program of monitoring and a regular pattern of adjustment of program delivery.

404.1 Objectives

- a. To support, in principle, the initiatives and recommendations outlined in the Cortes Island GHG Mitigation Options Final Report;
- b. To consider climate change impacts in land use decisions;
- c. To achieve legislated requirements for greenhouse gas reduction targets, policies and actions;
- d. To support the Strathcona Regional District, as a whole, in working towards the provincial goal of 33% reduction in GHG emissions by 2020;
- e. To support the "British Columbia Climate Action Charter" and the "Local Government Green Communities Act" (Bill 27);
- f. To establish the importance of energy efficiency, energy security, greenhouse gas emissions reduction, and carbon cycling in all aspects of land use, including site planning, building design and transportation;
- g. To promote the development and use of renewable energy; and
- h. To establish a coastal planning framework to respond to the impacts of climate change including sea level rise.

404.2 Policies

- a. Cortes Island shall strive to reduce GHG emissions through: efficient land use, energy and transportation planning; infrastructure design; Green procurement; building retrofits; water conservation; solid waste diversion; renewable energy; food security, and forest practises;
- b. Develop a comprehensive Transportation Demand Management (TDM) Strategy and a long term implementation plan;
- c. Participation in the Provincial Community Action on Energy and Emission program;
- d. Explore options to diversify the Cortes Island's energy supply via renewable energy options such as solar, photovoltaic, solar hot water, bio-fuel, and heat pumps;
- e. Initiate requirements/incentives for the installation of solar hot water panels for residential homes;

- f. Encourage low-energy upgrades to Manson's Hall and other residential low-energy upgrades through public and private initiatives;
- g. Encourage the creation of a neighbourhood energy utility using alternative energy;
- h. Establish or investigate the development of a Cortes Island Forest Carbon Reserve fund in order to develop a carbon offsets mechanism;
- i. Incorporate climate change, its potential impacts, and mitigation measures when reviewing new development applications and undertaking long-term planning initiatives;
- j. Consider energy efficiency in building design as a community amenity;
- k. All new residential developments are encouraged to achieve a minimum Energuide 80 rating;
- l. The reduction of GHG emissions 16% below 2007 levels by 2020, and 40% by 2050;
- m. Coastal Planning in Response to Climate Change:

The following policies provide future direction in response to the impact of climate change (sea level rise) on coastal shoreline processes and coastal settlement patterns:

- i. The community, individual property owners, the Regional District and appropriate Federal and Provincial agencies shall take into consideration sea level rise and related climate influences on ocean water levels and how these will impact coastal ecosystems, sedimentation processes and flood risk to property;
- ii. The Regional District and appropriate Ministries shall take steps to identify Sea Level Rise Planning Areas that are at risk of sea level rise inundation or erosion;
- iii. The Regional District shall give consideration to land use bylaw amendments which will enhance the Island's ability to respond or mitigate the impacts of climate change;
- iv. The Regional District shall refer to the BC Ministry of Environment "Guidelines for Management of Coastal Flood Hazard Land Use" for guidance in the consideration of applications for expansion of existing, or new land use developments;
- v. An Adaptive Risk Management Approach to sea level rise shall be given consideration; one which would plan how short term land uses and structures can be occupied with reasonable risk for their lifespan, but also recognize and allow that future sea level rise may require the redesign to a higher elevation or relocation of the next generation of land uses and structures at a given coastal site;
- vi. All new coastal development proposals shall demonstrate consideration of the coastal floodplain and the potential for sea level rise; including the potential impact on coastal wells (salinization); and

- vii. In response to coastal systems and in protecting of coastal property, landowners are encouraged to utilize the “Greenshores Program” which incorporates planning and design elements that recognize ecological features and shoreline functions.

405 ECONOMIC DEVELOPMENT

Cortes desires a diverse and efficient local economy that provides stability and sustainable value to the community.

405.1 Objectives

- a. To advocate for sustainable and appropriate economic opportunities, including employment, small business retention and expansion;
- b. To continue to support the traditional economic base of the resource and service sectors, but encourage a shift towards emerging sustainable resource management and “value-added” opportunities;
- c. To develop a business-friendly environment through streamlined approval processes, improved fee structures, open and responsive governance, efficient use of taxation resources and timely delivery of services;
- d. To encourage economic development opportunities and partnership opportunities with the Klahoose First Nation;
- e. To develop partnership opportunities with local private and public sector organizations, to achieve community improvements, external investment and joint marketing initiatives;
- f. To support sustainable aquaculture and forestry;
- g. To support aqua-tourism, eco-tourism, agri-tourism and cultural tourism initiatives; and
- h. To link food security and economic development initiatives.

405.2 Policies

- a. Create incentives for the development of new small scale, mixed use commercial development;
- b. Develop and promote a local light industrial area, including green, technological, sustainable industries and renewable energy opportunities;
- c. Investigate the feasibility of a local insurance initiative in partnership with financial institutions;
- d. Facilitate the implementation of wireless internet and communications infrastructure services to the community;
- e. Encourage access to a local economic development officer to further value-added initiatives and sustainable economic development opportunities;

- f. Encourage the creation of a Cortes Economic Development function in order to consolidate and focus tourism, assist in start-ups, and develop value added initiatives;
- g. Develop and implement a local buoy/moorage fee and collection system in order to finance local marine infrastructure and improvements;
- h. Promote the development of a local water taxi system on the Island;
- i. Support secondary, value added processing of agriculture, aquaculture, forestry and other products, both as a home occupation and at specialized facilities as appropriate;
- j. Develop a marketing co-operative for value added seafood processing, cultural tourism and other products; and
- k. Secure long-term timber access from Crown lands for sustainable eco-forestry.

406 ENVIRONMENT

The residents of Cortes Island have long enjoyed the natural beauty of land and sea, ecologically intact ecosystems and a low population density. Many residents also recognize that natural ecosystem services sustain a high quality of life, with several natural resources providing a local economy. It is also recognized that the environment has natural rights beyond those meeting humans needs. The protection of the natural environment of Cortes Island is therefore the over-riding concern of most of the Island's residents.

In this Community Plan, environmental considerations take the form of objectives and policies pertaining to:

- 1) the protection of significant environmental areas, including terrestrial sensitive ecosystems, wildlife corridors, marine habitats and the recognition of wilderness lands;
- 2) the protection of island watersheds; and
- 3) the suitable disposal of sewage effluent and other wastes.

In addition, certain areas are deemed to be of sufficient environmental importance as to warrant inclusion in a development permit area designation (Section 500 Development Permit Areas). It is recognized that there may be other areas of the Island, such as the following, with significant environmental values that may be considered eligible for a development permit designation in the future:

- a. South Point Reef.

406.1 Sensitive Ecosystems, Habitat Protection and Wilderness Recognition

a. Sensitive Ecosystems Protection

The Cortes land base is ecologically significant at the local, provincial and national levels. All classes of provincially designated sensitive ecosystems are well represented on Cortes Island: riparian, wetlands, herbaceous, woodland, and old-growth. The important ecosystem class, mature forest, is especially well represented and provides an extensive island base that buffers the more insular sensitive ecosystems. Sensitive ecosystems represent high biodiversity nodes and provides critical habitat for species and plant communities at risk. Intact, transitional ecosystems with high biodiversity and good linkages will be able to provide the most resilience and adaptability in changing climate scenarios.

b. Habitat Protection

Cortes Island demonstrates an extensive cross-island, biodiversity linkage system that provides critical wildlife corridors for healthy, large predator-prey relationships uncommon in islands of the Strait of Georgia. Cortes Island foreshore and nearshore marine environments support ecologically significant habitats: eelgrass beds, kelp beds, shallow mud lagoons and shallow rocky reefs.

c. Wilderness Protection

The community of Cortes Island values the protection and preservation of wilderness, and acknowledges ecological, cultural, spiritual and recreational values of natural spaces. Natural space, or wilderness, is defined as a place primarily for nature and protected for its inherent values. Human activity and land use considerations must have a 'light footprint.'

406.1.1 Objectives

- a. To promote environmental sustainability for the benefit of wildlife, natural ecosystems and humans;
- b. To support educational programs that create public awareness regarding Cortes' collective environmental stewardship responsibility; and
- c. To promote leading edge, best management practices in new development.

406.1.2 Policies:

- a. Sensitive Ecosystems Protection:
 - i. The Sensitive Ecosystems Inventory (SEI) (Technical Report) East Vancouver Island and Gulf Islands 1993-1997. Volume 1, Methodology, Ecological Description and Results, and Volume 2, 1993-1997(Conservation Manual), and all subsequent updates to the SEI inventory, form the resource for the identification of sensitive ecosystems in relation to land use activity for Cortes Island;
 - ii. Support the groundtruthing of identified Sensitive Ecosystem Inventory polygons;

- iii. Support the development of the Regional District's mapping capacity;
- iv. Particular effort shall be directed to ensure that marshlands, riparian zones, intertidal areas, lakes, important watershed areas and beaches receive adequate protection;
- v. The community shall seek appropriate partnerships to identify, inventory and protect provincially and federally listed species at risk;
- vi. To develop a comprehensive natural areas strategy for Cortes Island to help preserve and maintain the biodiversity of terrestrial and marine ecosystems;
- vii. Wherever possible the retention of large contiguous areas of undisturbed land, especially those areas identified as "mature forest" class, shall be encouraged in order to maintain the ecological health of the Island.

b. Habitat Protection

- i. The protection of biodiversity corridors shall be encouraged as part of all land use development;
- ii. Support the protection of watersheds, aquatic and marine ecosystems;
- iii. Identify and inventory natural watercourses, including tributaries, both fish-bearing and non-fish bearing, and maintain them in their natural state; and
- iv. Riparian Areas Regulation (RAR) requirements:
 In accordance with the provincial RAR, where development, as defined by RAR, is proposed to take place within 30.0 m of a stream connected to fish habitat, an assessment report, prepared by a qualified environmental professional (QEP) is required. Developments shall follow the Riparian Areas Regulation as determined by a qualified environmental professional and should include:
 - a. information regarding potential impacts of the proposed development, mitigation options and design alternatives;
 - b. evidence that the development will not result in Harmful Alteration, Disruption, or Destruction (HADD) of riparian areas; and
 - c. the identification of measures that will be required to maintain the integrity of the riparian area and eco-system.

c. Wilderness Protection

- i. To advocate for local tax-exemption programs to assist in keeping private lands forested;
- ii. The retention or the re-establishment of wildlife habitat areas shall be encouraged;
- iii. The community, in partnership with appropriate agencies, shall strive to create and promote a "Wildlife Smart" program and increase efforts to reduce wildlife and human conflict.

406.2 Watershed Protection and Water Supply

Recognizing that there is a finite supply of freshwater from surface and groundwater sources on Cortes, identification and protection of areas which recharge aquifers are a priority, particularly in areas of residential or commercial density. The following policies are applicable to all freshwater environments – groundwater, streams, wetlands, lakes, swamps, springs and other surface water areas found on the Island and surrounding islets.

406.2.1 Objectives

- a. To protect freshwater resources and to provide a planning framework for their sustainable use;
- b. To promote water conservation, proper waste disposal and the appropriate placement of human development as priorities in land use planning;
- c. To identify significant or vulnerable groundwater resources;
- d. To encourage the development of freshwater catchment systems on private properties.

406.2.2 Policies

- a. The Ministry of Environment shall be encouraged to monitor the quality and quantity of surface and groundwater resources on the Island;
- b. The use of all surface water sources, including, streams, lakes, wetlands, and springs, shall require appropriate authorization from Water Management Branch, (MOE);
- c. The Provincial Government is encouraged to undertake a study of the groundwater hydrology on Cortes;
- d. Encourage the protection of Crown lands as a groundwater recharge area and the development of tenure arrangements that enable local community stewardship of the resource;
- e. Zoning bylaw considerations shall include the identification of appropriate setback requirements in relation to aquatic environments, for both environmental protection and flood hazard purposes;
- f. Ensure that the quality and quantity of the groundwater is not compromised through human activity:
 - i. Bulk sale of Cortes water is strongly discouraged (tanker, pipeline, plastic bottle) outside the Cortes region;
 - ii. Setbacks of at least 100 metres from the marine environment should be observed when drilling or hydro-fracturing wells to prevent saltwater intrusion;
 - iii. The use of low-water appliances such as front end washers, low-flow or composting toilets and water efficient shower heads is encouraged; and
 - iv. Ditching of roads to be designed to maximize groundwater recharge and retention.
 - v. Property owners are encouraged to use rainwater catchment systems.

- g. Water purveyors shall have operating permits pursuant to the “Drinking Water Protection Regulation” and community water systems shall require approval for construction and operation under the Drinking Water Protection Regulation;
- h. A development permit area designation may be placed on lands deemed important for the protection of Cortes’ water resources;
- i. Road construction and other forms of development should be designed and executed in a manner which minimizes the risk of contamination and disruption to natural watercourses, overland runoff and the groundwater regime;
- j. The siting of docks, floats and rafts and other infrastructure in the Island’s lakes shall be non-toxic (including treated wood), and durable in aquatic environments;
- k. No waste water shall be discharged into the aquatic environment and land use activities are discouraged which would potentially impair the quality of surface or ground water resources;
- l. The protection of aquatic ecosystems and an associated contiguous land base is strongly encouraged, and landowners are encouraged to voluntarily protect these areas through a conservation covenant, ecological gift, and/or donation; and
- m. The surface of all freshwater lakes shall be placed in a water conservatory zone so as to preserve their tranquility and water quality.

406.2.3 Designations: Freshwater Conservancy

- a. All lakes and associated wetland areas are designated Freshwater Conservancy as shown on Map Schedule A-1;
- b. Land use development shall clearly demonstrate respectful consideration of aquatic resources for their recreation, ecosystem, and freshwater values; and
- c. Significant donation and/or protection of lands near Hague and Gunflint Lake that are instrumental in the protection of the drinking water supply may be considered as an amenity and shall be encouraged.

406.3 Liquid and Solid Waste Management

Within this plan waste management refers to the regulated disposal of all manner of liquid and solid wastes originating from the planning area. The purpose of the policies is to ensure that waste is disposed of safely in a manner which maintains the Island’s environmental integrity, protects the water supply, lessens the impact to landfills and identifies key indicators and monitoring priorities.

The Strathcona Regional District, including Electoral Area “B”, is participants in an inter-Regional Solid Waste Service which is administered by the Comox Valley Regional District. As the amount of solid waste directed to the Campbell River and Comox Valley Waste Management Centre’s has increased over the last ten years there is an urgency in extending waste diversion efforts including recycling, waste reduction and reuse. The Regional Waste Strategy is moving towards ‘zero-waste’ principle of practice which is defined as a philosophy

that views solid wastes as resources and recognizes the importance of putting waste materials back into the production cycle. Zero waste requires that products and processes be designed so that their components can be dismantled, repaired and recycled.

406.3.1 Objectives

- a. To encourage self-contained sewage systems, alternative sewage disposal methods and grey water systems;
- b. To provide a safe and efficient means of disposing of hazardous wastes;
- c. To support and educate the community in waste reduction, composting, waste diversion and recycling;
- d. To ensure that the regional solid waste function operates in a cost-effective and equitable manner; and
- e. To move towards a 'zero waste' standard for solid waste disposal on Cortes Island.

406.3.2 Policies

a. Liquid Waste:

- i. Senior levels of government shall be encouraged to require that all wastewater generated within the planning area shall be properly treated and disposed of by an appropriate means of land disposal;
- ii. The discharge of untreated effluent into the marine waters of Electoral Area 'B' from either a sewage outfall or faulty septic system shall be discouraged;
- iii. The senior levels of government shall be encouraged to bring forward appropriate legislation requiring the provision of effluent holding tanks or treatment systems on marine craft which ply the waters off Cortes Island;
- iv. The development of facilities to dispose of sewage from marine holding tanks and RV tanks is supported;
- v. Senior levels of government shall be encouraged to require sewage pump-out stations to service water craft;
- vi. Support development of a feasibility study for a community sewage system for the commercial and residential area of Manson's Landing; and
- vii. Setbacks for buildings and sewage disposal systems adjacent to watercourses, water bodies and ocean frontage, and the removal of vegetation from these areas shall reflect guidelines established by the Provincial and Federal Governments.

b. Hazardous & Special Waste:

- i. The storage for and disposal of poisons, toxic substances and hazardous wastes originating from off the Island is strongly discouraged, and further, Island residents should dispose of such in accordance with Regional District and appropriate government agency regulations;

- ii. Develop an on-island system to dispose of hazardous wastes;
- iii. Recognizing that leaks and spills of petroleum products are a significant source of groundwater pollution, derelict cars, trucks and machinery should be disposed of in an appropriate manner;
- iv. The spraying of pesticides, herbicides and dust suppression substances (including aerial means) is discouraged, especially in settled areas, water supply sites and environmentally sensitive areas; and
- v. Encourage that all unused pharmaceuticals should be returned to the Cortes Health Centre or a safe medical disposal centre;

c. Solid Waste:

- i. Support a 'zero waste' solid waste management strategy;
- ii. Support waste reduction strategies for solid waste management on Cortes Island;
- iii. Support creation of a site for waste-wood and debris from land-clearing in order to reduce unnecessary burning; and
- iv. Ensure that effective solid waste management services are implemented that include additional recycling options, and green technologies.

407 HEALTH AND QUALITY OF LIFE

People choose to live on Cortes to lead a healthy and independent life and wish to promote, enhance and maintain their physical, mental and social well-being as determined through socioeconomic, environmental and biological factors.

407.1 Objectives:

- a. To enhance the social infrastructure of Cortes;
- b. To promote logical, efficient, barrier-free building and site design and construction in order to increase the opportunities for local residents and visitors to make healthy lifestyle choices; and
- c. To collaborate with other levels of government, non-governmental agencies and health care providers to ensure a wide range of services is available that meets the needs of the community.

407.2 Policies

- a. In order to enhance the social infrastructure of Cortes, improvements to social support networks, education, employment conditions, social environments, physical environments, personal health practices, healthy child development, health services, gender and culture, shall be encouraged;
- b. In conjunction with local builders and the Province, create a local homecare renovation pilot project where provincial resources are allocated to renovate and improve senior's homes;
- c. Support the provision of primary healthcare services for the elderly;
- d. Encourage the implementation of barrier-free design in public spaces with respect to the elderly and mobility-challenged;
- e. Support the development of a multi-purpose centre for youth and seniors on Cortes;
- f. Respond to diverse community needs for affordable and appropriate recreation, leisure and cultural activities, programs and facilities;
- g. Provide for public safety through ambulance, fire, police, rescue and emergency services to the community;
- h. In support of the enjoyment of private property and community cooperation, to develop a bylaw that identifies and regulates nuisance;
- i. Develop a Cortes Island evacuation plan in event of emergency;
- j. Recognize that the existing and future arts and culture community is important to Cortes society; and
- k. Explore the feasibility of creating a permanent daycare facility.
- l. To work with School District 72 to utilize the school for mutual and community benefit.

408 ARCHAEOLOGICAL SITES & HERITAGE CONSERVATION AREAS

Cortes Island's heritage includes archaeological sites—the physical evidence of how and where people lived in the past. For 98% of the time people have lived in this area, no written records were made. Archaeological sites and oral tradition are the only vestiges of this rich history extending back many thousands of years. The physical manifestation of First Nations heritage occurs throughout Cortes and is exemplified by the petroglyphs found near the entrance to Gorge Harbour and the three metre long fish carved into a granite boulder on the shore between Manson's Landing and Smelt Bay. Further evidence can be found in the numerous shoreline shell middens and areas of settlement that represent an occupation of the Island from the distant past until the present.

With the arrival of the first Europeans, whaling became an important industry on Cortes, a station being established at present day Whaletown in 1869, which lasted only a few years before the industry declined. Later, in 1886, Michael Manson established a trading post which became known as Manson's Landing, where commodities were exchanged for natural resources. Animal husbandry, fruit growing and logging continue to be important historic activities on the island.

The plan area contains 77 recorded archaeological sites and has the potential to contain more. The Province protects these sites, whether known or unrecorded, through the *Heritage Conservation Act*. This protection applies to both private and Crown land.

408.1 Objectives

- a. To encourage and facilitate the identification, protection and conservation of archaeological sites within the Plan Area in accordance with Provincial Legislation; and
- b. To identify buildings and cultural landscapes for a heritage inventory and to promote protection of these assets.

408.2 Policies

- a. Protected archaeological sites may not be altered without a permit issued by the Minister responsible or designate. The appropriate levels of government are encouraged to draw upon legislative powers to ensure these heritage sites remain protected;
- b. Pursuant to Part 30 - *Heritage Conservation of the Local Government Act*, the Regional District shall investigate the application of appropriate protective measures for the following significant heritage site(s) within the Plan Area:
 1. The Entrance to Gorge Harbour: The entrance to the Gorge opening (along its east side) was in the past a First Nations village site. The cliff walls along the west side of the Gorge entrance are recognized as being an important site of ancient native pictographs. The unique heritage aspects of the Gorge entrance warrant protection. Development which would alter the significant heritage importance of

this site shall be discouraged, including the removal of trees and the defacing or removal of any rock or stone surface.

- c. Support is provided for the identification, protection and conservation of 'Heritage Trees' on Cortes, meaning those trees known to be First Growth and in excess of 200 years old.

409 SETTLEMENT

The principal land use mechanisms available to influence population growth and settlement patterns are through regulating zoning and parcel size. The Community Plan makes provision for four land use designations where settlement use is the primary land use activity permitted on a parcel. These designations are:

- 1) Residential;
- 2) Rural Residential;
- 3) Rural; and
- 4) Community Land Stewardship

Provision is also made for land designated as resource based lands which permit a degree of settlement, those being:

- 1) Forest Land Stewardship, and
- 2) Agricultural Land Stewardship

409.1 Settlement - General

The following policies are applicable with respect to all settlement designations in the planning area:

- a. All parcels shall have a suitable liquid waste disposal system, approved by the Ministry of Health or Ministry of Environment;
- b. Proof of an adequate supply of potable water shall be provided to the satisfaction of the Provincial Approving Officer in respect of all proposed parcels of land;
- c. The retention, protection, and enhancement of Agricultural Land Reserve (ALR) lands shall be encouraged;
- d. Where land is located within the Agricultural Land Reserve the minimum parcel size specified for any settlement designation shall only apply when that land is:
 - i. excluded from the ALR;
 - ii. approved for subdivision within the ALR pursuant to the *Agricultural Land Commission Act*, Regulations thereto, or Orders of the Commission; and
 - iii. exempted by the *Agricultural Land Commission Act*, Regulations thereto, or Orders of the Commission.
- e. Subject to the other policies of this plan (including the minimum parcel size provisions specified for each residential designation) and any limitations provided by the *Agricultural Land Commission Act*, subdivision for residential purposes may be designed on the basis of density averaging where it would permit the more efficient use of the amenities and features of a specific site;

In cases where density averaging is used:

- i. the maximum number of lots which may be created by a density averaging subdivision shall be determined by dividing the area of land remaining in the parent parcel, after dedication or transfer of land for roads, parks and/or schools, by the specified lot area for the zone;
 - ii. An Approving Officer may permit a subdivision under this section, which includes lots of less than the permitted minimum size, where the owner of the land to be subdivided has first caused to be registered in the Land Title Office, a covenant under Section 219 of the Land Title Act prohibiting or restricting further subdivision of any part of the land used to calculate the total area to be subdivided under subsection i;
 - iii. to help retain the rural character of the area, applicants utilizing density averaging or strata title developments shall be encouraged to cluster lots/units away from major public roads and shoreline areas.
- f. A professional practice, home craft/hobby activity and home occupational use shall be permitted in any designated settlement area;
 - g. A bed and breakfast use shall be permitted in any settlement designation subject to compliance with the conditions set out in the zoning bylaw;
 - h. So as to prevent crowding and a scale of residential development which is out of character with the rural nature of Cortes Island, the average parcel width within any designated settlement area shall be not less than 25% of the parcel's depth;
 - i. Secondary dwellings shall be permitted in any designated settlement area, subject to conditions set out in the zoning bylaw and applicable Provincial regulations;
 - j. Affordable and special needs housing on Cortes will be promoted in the following manner:
 - i. the allowance of secondary dwellings and suites;
 - ii. the allowance of a variety of tenures and housing forms;
 - iii. the allowance of density averaging in all zones to reduce the costs of subdivision;
 - iv. the establishment in the zoning bylaw of increased permissible densities in exchange for specified amenities or housing for special needs groups;
 - v. the allowance for the siting of additional dwellings on a property without subdivision, depending upon parcel size and provided certain conditions are met; and,
 - vi. the opportunity for property owners to enter into housing agreements for the provision of housing for special needs groups.
 - k. Development proponents are required to address potential impacts to archaeological resources during all phases of project planning, design, and implementation;
 - l. Density bonusing may be considered in any designated settlement area;

- m. If, as part of a development proposal, there is a request for increased density, the provision of one or more of the following public amenities is encouraged in order to ensure for the continued growth of a sustainable Island community:
- i. land or cash in lieu in support of a Land Trust;
 - ii. provision of affordable housing, seniors housing or special needs housing;
 - iii. the protection of environmentally sensitive areas, including biodiversity/wildlife corridors via covenant;
 - iv. lands suitable for park and/or trail purposes;
 - v. the provision of financial support, land and/or buildings to meet the changing recreational needs of the community; and/or
 - vi. energy efficient building design that exceeds the BC Building Code; or
 - vii. other amenities identified by the community.
- n. Manson's Landing

Manson's Landing is generally located at the crossroads of Sutil Point Road and Beasley Road and is the social and commercial center of Cortes Island. Its evolution should proceed in a sustainable, planned manner. The following policies represent an initial planning framework for future growth in terms of transportation, housing, social development and the environment.

Policies

- i. Development of the public common, including public space, park space, and increased safety and transportation elements is supported;
- ii. Environmental protection is a priority for Manson's Landing including stormwater management, the reduction of impermeable surfaces, natural landscaping and waste management policies;
- iii. The plan encourages the direction of density for residential and commercial uses to the Manson's Landing area;
- iv. Support for the creation of a plan to address liquid waste management issues within the Manson's Landing area;
- v. That a comprehensive planning process be undertaken for Manson's Landing to address matters of density, land use, public space and transportation;
- vi. Develop a groundwater protection plan for Manson's Landing and the inhabited areas of Hague Lake.;
- vii. Support is provided for the following transportation items:
 - a. processes to calm traffic flow;
 - b. the provision of crosswalks;
 - c. identification of a designated path network; and
 - d. the development of public transportation infrastructure.

- viii. In the event of a development proposal, in exchange for increased density, the following amenities are recommended in the Manson's Landing area.
 - a. the provision of parkland;
 - b. trailways;
 - c. a community garden site;
 - d. the provision of affordable housing; and/or,
 - e. the donation of land to a Land Trust for the purposes of affordable housing.

409.2 Residential

Small lot, residential settlement patterns are generally found in seven areas on the Island; these being:

1. in Whaletown;
2. along the north shore of Gorge Harbour;
3. at Squirrel Cove;
4. adjacent to Cortes Bay;
5. at Manson's Landing;
6. near Hague Lake; and
7. in the Smelt Bay area.

Of these seven areas, three are distinct established communities: Whaletown, Squirrel Cove and Manson's Landing, in that supporting land uses such as halls, retail services and/or schools form part of, and are integral to, the surrounding residential land base. It is in these three community nodes that future residential development is viewed as being appropriately accommodated. In addition to the General Settlement policies, the following policies are also applicable respecting the Residential land use designation.

- a. Designation of additional lands as Residential shall be considered in light of demand with a preference given to those lands in close proximity to established Cortes communities;
- b. Unless otherwise specified, lands designated Residential shall be restricted to a minimum parcel size of not less than 1.0 hectares; and
- c. Notwithstanding 409.2 b above, a minimum lot size of 8000 m², (1.98 ac) shall apply to those lands designated Residential where the lands being proposed for subdivision are serviced by an approved community sewer system;
- d. In order to allow for the ability to site a number of dwellings on a parcel without subdivision, on any lot designated Residential:
 - i. one single family dwelling and a secondary suite, or a cottage limited in size to 60 square metres (645.85 sq. ft.), shall be permitted;
 - ii. For each additional 1.0 ha (2.47 acres) in excess of the required minimum 1.0 ha lot area, one additional single family dwelling shall be permitted up to a total maximum of 3 residential dwelling units per lot (plus cottage or secondary suite);

- iii. Densities that exceed those described in (ii) may be considered in limited circumstances, on a site by site basis, where a ratio of 1 dwelling unit per 2.5 ac is maintained, and where community benefit is identified.

409.3 Rural Residential

In addition to the General Settlement policies, the following policies are also applicable respecting the Rural Residential land use designation:

- a. In order to provide an intermediate parcel size for residential purposes and based on the existing settlement pattern, proximity to current developed areas and existing special features, the Plan designates certain parts of Cortes Island as Rural Residential;
- b. Lands designated Rural Residential shall be restricted to a minimum parcel size of not less than 2.0 hectares; and
- c. In order to allow for the ability to site a number of dwellings on one parcel without subdivision, on any lot designated Rural Residential:
 - i. one single family dwelling and a secondary suite, or a cottage limited in size to 93 square metres (1000 sq. ft.), shall be permitted;
 - ii. For each additional 2.0 ha (4.94 acres) in excess of the required minimum 2.0 ha lot area) one additional single family dwelling shall be permitted up to a total maximum of 3 residential dwelling units per lot (plus cottage or secondary suite.)
 - iii. Densities that exceed those described in (ii) may be considered in limited circumstances, on a site by site basis, where a ratio of 1 dwelling unit per 5 ac is maintained, and where community benefit is identified.

409.4 Rural

In addition to the General Settlement policies, the following policies are also applicable respecting the Rural land use designation:

- a. The Rural land use designation is intended to permit a limited scale of residential development while protecting lands deemed to potentially be suitable for agricultural use or of importance to the surrounding area for watershed or habitat protection purposes;
- b. Lands designated Rural shall be restricted to a minimum parcel size of not less than 4.0 hectares; and
- c. In order to allow for the ability to site a number of dwellings on one parcel without subdivision, on any lot designated Rural outside the ALR:
 - i. one single family dwelling and a secondary suite, or a cottage limited in size to 93 square metres (1000 sq. ft.), shall be permitted;
 - ii. For each additional 4.0 ha (9.88 acres) in excess of the required minimum 4.0 ha lot area, one additional single family dwelling shall be permitted up to a maximum of 5 residential dwelling units per lot (plus cottage or secondary suite); and,

- iii. Densities that exceed those described in (ii) may be considered in limited circumstances, on a site by site basis, where a ratio of 1 dwelling unit per 10 ac is maintained, and where community benefit is identified.

409.5 Community Land Stewardship (CLS)

Consideration shall be given to applications which offer protection for sensitive natural areas, including the foreshore, safeguard significant forested areas and develop interior roads at a scale and design standard in keeping with the rural character of Cortes Island:

- a. On lands designated CLS a number of residential dwelling units shall be permitted subject to the parcel's density not being greater than one dwelling unit for every 4.0 hectares; inclusive of guest cabins, suites, and trailers,
- b. Applications for inclusion in the CLS designation shall be evaluated on individual merit and applicants may be required to provide details with respect to:
 - i. the proposed siting of buildings;
 - ii. access provided to the waterfront and lands beyond;
 - iii. the provision of services (water supply, sewage disposal and internal roads);
 - iv. the scale and nature of other uses, which are ancillary to the primary residential uses to be conducted on the parcel;
 - v. visual and environmental impact of development with respect to the foreshore;
 - vi. land use, tenure and asset disposition agreements which are associated with the subject property; and
 - vii. other details the Regional Board may consider appropriate in fully evaluating an application.
- c. Amenities or unique features of lands designated CLS may be protected, preserved or conserved by a Section 219 Covenant (*Land Title Act*);
- d. Lands designated CLS shall be restricted to a minimum parcel size of not less than 16 hectares;
- e. The owners of properties being considered for CLS designation shall be encouraged to form a corporation to hold and manage these properties to the benefit of the entire owner group;
- f. On properties designated CLS a Section 219 Covenant (*Land Title Act*) precluding future subdivision shall be registered against the property in favour of the Regional District; and
- g. Given the strata type development associated with CLS lands the provision of 5% parkland dedication or cash-in-lieu will be strongly encouraged for all parcels greater than 20 hectares in area at the time the subject lands are zoned to permit CLS.

409.6 Forest Land Stewardship (FLS)

The following policies are to address the transition between forestry lands and residential lands with an emphasis on forest conservation, selective logging, and clustered residential development. These policies shall be applicable to any land designated Forest Land Stewardship.

409.6.1 Forest Conservation Area

- a. Silviculture and forest conservation areas, amenities or environmentally sensitive areas shall be protected through conservation covenants;
- b. Innovative and sustainable forestry practices that preserve biological diversity and forest ecosystems are required;
- c. Forestry uses shall be practiced so that they conserve greenways, trails, parks, environmentally sensitive areas and residential areas and minimize scenic and vegetation disturbances;
- d. All forest management plans shall utilize and promote environmentally sound logging and avoid clear cutting of the land;
- e. Private forest holders are encouraged to actively consult with the residents of Cortes Island from the early stage in the development of their forest management plans, and regarding the implementation of forest management plans; and
- f. Where possible, forest management practice shall be oriented to encourage local economic benefit;
- g. Applications for FLS shall include the following elements:
 - i. an Ecosystem Based Management Plan for forestry activity that includes identification of sand and gravels, water resources and forest resources;
 - ii. land use, tenure and asset disposition agreements which are associated with the subject property;
 - iii. a siting plan for all proposed dwellings and structures;
 - iv. a site buffering plan.

409.6.2 Residential Use and Conservation Area

- a. On lands designated FLS, a number of residential dwelling units shall be permitted subject to the parcel's density not being greater than one dwelling unit for every 4.0 hectares; inclusive of guest cabins, suites, and trailers;
- b. A Section 219 Covenant (*Land Title Act*) precluding future subdivision shall be registered on the property;
- c. Residential development shall be clustered to maximize forest conservation areas, trails, greenways and parks; and

- d. The setback distance for all tree clearing, vegetation removal and structures adjacent to stream and wetlands, shall be in accordance with the Riparian Areas Regulation.

409.6.3 Public Trails and Parkland

- a. Trails and greenways shall form a continuous network of pathways throughout the designated lands;
- b. Trails and greenways shall be protected corridors of open space for land conservation and park planning by serving both recreational and conservation functions;
- c. Neighbourhood park areas, park lands, or cash-in-lieu of park land dedication shall be secured by the Regional District at the time of subdivision, and
- d. Private forest holders are encouraged to provide public trail access.
- e. Where increased density is desired and lands are not being subdivided, the provision of 5% parkland dedication or cash-in-lieu will be strongly encouraged for all parcels greater than 20 hectares in area at the time the subject lands are zoned to permit FLS.

409.7 Agricultural Land Stewardship (ALS)

The following policies are established to address the limited amount of viable farm land on Cortes Island, land costs, food production capabilities, marketing constraints and community desire to lessen its reliance on the importation of food. In addition to the traditional model of one farming family operating on each parcel the development of, larger, productive arable lands shall be facilitated through an Agricultural Land Stewardship designation and zoning which allows for shared ownership and multiple residences on suitable larger parcels. The ALS designation shall not apply to Agricultural Land Reserve lands.

- a. On lands designated ALS, a number of residential dwelling units shall be permitted subject to the parcel's density not being greater than one dwelling unit for every 4.0 hectares; inclusive of guest cabins, suites, and trailers;
- b. Applications for ALS shall include a Farm Plan that addresses the following elements:
 - i. A siting plan for all proposed dwellings and structures;
 - ii. An Environmental Farm Plan (BC Agricultural Council) that includes identification of sand and gravels, water resources and forest resources
 - iii. A farm production business plan and an operational plan including farm ownership, management and structure,
 - iv. Indication that, if required, a covenant be registered providing for no further subdivision of subject lands;
 - v. A site buffering plan.
- c. Wherever possible, the planning and development of ALS lands shall include consideration of public benefits such as:
 - i. Public education

- ii. Public access in the form of trails or leased community garden space;
- d. The location of residences shall be clustered as much as possible in order to reduce the impact of development on the productive capability of the parcel of land and to share infrastructure costs;
- e. Food producers shall be encouraged to farm sustainably and organically;
- f. Where an ALS zoning is established, a Section 219 Covenant (Land Title Act) precluding future subdivision shall be registered on the property;
- g. Support is provided for redesignation to ALS for those applications that have included forest management in their farm plans including retained forest cover on non-agricultural lands, a replanting schedule and a schedule of selective harvesting.
- h. Control or elimination genetically modified organisms is supported as part of proposed agricultural farm development applications;

410 HOUSING

The most recent Census data indicates that Cortes has an average of 2.4 persons per household, slightly below the provincial average. This value is projected to decrease slightly in the future as a result of changing family compositions, a declining birth rate and a larger percentage of seniors within the community.

There are over 450 residents over the age of 55 on Cortes. Senior residents form the largest demographic accounting for 45% of the island population, creating a current and future need for seniors housing and assisted living facilities. A trend towards an older population, combined with young people leaving the island for educational or employment reasons, is an ongoing challenge to social vibrancy.

Variable land tenures, housing typologies and levels of affordability for housing are factors that can assist in maintaining a wide societal base for the Island.

The common definition of housing affordability by the Canadian Mortgage and Housing Corporation is that the cost of shelter should not exceed 30% of household income. Results from the

2010 Cortes Housing Survey indicate that 25% of all full time residents currently pay more than 1/3 of income on housing, and that 60% of renters do not have reliable year round housing.

The current housing typology consists of a large percentage of single-detached homes. According to the 2006 Census data provided by Stats Can, of the 480 total housing units found

Housing Type	# of Dwellings	% of Housing Stock
Single-detached housing	445	89.9%
Semi-detached housing	0	0%
Row house	0	0%
Apartment, duplex	10	2%
Apartment (with 5 or more storey's)	0	0%
Apartment (under 5 storey's)	5	1%
Other single-attached house	0	0%
Moveable dwelling	20	4%

on Cortes, 89.9% (445 units) of those are single-detached houses. This is significantly higher than the provincial average of 49%.

410.1 Objectives

- a. To ensure provision of a range of housing types, tenures and densities, which meet the diverse needs of individuals and families of varying income levels;
- b. To provide affordable and attainable housing opportunities;
- c. To secure options for seniors housing, including independent living and special needs; and
- d. To adhere to a ratio of land to buildings (Single Family Dwellings) on a per acre value for density calculations within the zoning bylaw.

410.2 Policies

- a. Support the creation of local house construction initiatives;
- b. Support the use of secondary dwellings in residential, rural-residential and rural areas;
- c. Support the development of housing agreements to provide affordable housing;
- d. Support the provision of extra density in exchange for affordable housing or amenities that support affordable housing;
- e. Support the creation of a Cortes Housing Co-operative to promote alternative ownership;
- f. Allow for mixed commercial/residential development;
- g. Support the creation of a Land Trust in order to create a mechanism of alternative title ownership;
- h. Encourage partnerships with BC Housing, Canadian Mortgage and Housing Corporation, and the private sector to create affordable housing developments; and
- i. Multifamily and affordable housing units are strongly encouraged to contain a mix of sizes, tenure options and design elements, in particular, barrier-free design considerations.

411 COMMERCIAL

Owing to its rural character and low population density, there has been limited commercial activity on Cortes Island. Future expansion is expected to be accommodated in specific commercial designations adapted to the needs of particular applications, evaluated on individual merit.

411.1 Policies

The following policies are applicable respecting Commercial land use designations;

- a. The Local Service Commercial designation is applied to parcels which are intended for commercial activities which serve the needs of the local community;
- b. The Tourist-Recreational designation is applied to parcels which are intended to accommodate services and facilities catering to the needs of the vacationing public, including motels, campsites, marinas, lodges, restaurants, and related activities;
- c. The Resource-Commercial designation is applied to parcels which are intended for use in the processing of marine products, secondary and value-added forest products, as well as processing of other Island natural resources;
- d. All lands, except those lands identified for park purposes,, shall be designated as being eligible for consideration for the issuance of Temporary Use Permits. The issuance of such a permit shall be conditional on the applicant providing:
 - i. a detailed description of the proposed use and the duration of proposed activity;
 - ii. plans for mitigation of harmful impacts to the site, environment and the local community;
 - iii. a plan and a commitment on behalf of the applicant to rehabilitate the site upon cessation of the activity;
 - iv. provision of security to the local government to guarantee performance of the terms of the permit; and
 - v. other information that the Regional Board may require to fully evaluate the application.
- e. Applications to designate additional land for Commercial purposes shall be evaluated on the following criteria:
 - i. the use is in keeping with the character of the area in which it is located;
 - ii. the use shows regard for adjacent land and water uses;
 - iii. the use does not reduce or limit public access along the foreshore; and
 - iv. the use makes adequate provision for services (including land disposal of effluent, a potable water supply and adequate off-street parking).

- f. Depending on the nature of the proposal and its location, the Regional Board may choose to designate a commercial site as a development permit area in order to provide a greater degree of control over the form and character of the development.

412 INDUSTRIAL

With the exception of some small resource-based industrial uses on Cortes Island serving local needs, there is little industrial activity on Cortes Island. Further, due to the rural setting and concern for protection of the environment, the Plan does not pre-designate any additional sites for future industrial use.

412.1 Policies

The following policies are applicable to the Industrial land use designation:

- a. With the exception of the existing industrial sites identified on the Plan Map, Schedule A-1, the Community Plan, does not designate any undeveloped sites for future industrial use at this time;
- b. All lands, except those lands identified for park purposes and those designated Residential, shall be designated as being eligible for consideration for the issuance of Temporary Use permits. The issuance of such a permit shall be conditional on the applicant providing:
 - i. a detailed description of the proposed use and the duration of proposed activity;
 - ii. plans for mitigation of harmful impacts to the site, environment and the local community;
 - iii. a plan and a commitment on behalf of the applicant to rehabilitate the site upon cessation of the activity;
 - iv. provision of security to the local government to guarantee performance of the terms of the permit;
 - v. a plan for rehabilitation of the site following the discontinuance of the proposed temporary use; and
 - vi. other information that the Regional Board may require to fully evaluate the application.
- c. Applications to designate additional land for Industrial purposes shall be evaluated on the following criteria:
 - i. the use is in keeping with the character of the area in which it is located;
 - ii. the use shows due regard for adjacent land and water uses;
 - iii. the use does not reduce or limit public access along the foreshore; and
 - iv. the use makes adequate provision for services (including land disposal of effluent, a potable water supply and adequate off-street parking).

- d. Depending on the nature of the proposal and its location, the Regional Board may choose to designate an industrial site as a development permit area in order to provide a greater degree of control over the form and character of the development.

413 INSTITUTIONAL/PUBLIC ASSEMBLY

Institutional/Public Assembly uses refer to the provision of public community service functions intended to serve the needs of the overall community.

413.1 Policy

- a. Institutional/Public Assembly uses may be located in any land use designation in the planning area;
- b. Notwithstanding 413.1 a, Public Assembly and Institutional uses are encouraged to site in close proximity to established communities.

414 FORESTRY

Forestry is the most extensive land use in the planning area. Approximately 60% of Cortes Island is in some form of forest tenure, either Crown Forest Land or privately owned managed forest land. The community strongly desires that all activities performed on all forest tenure lands on Cortes Island be governed by an Ecosystem-Based Management Plan approach, tailored to Cortes Island, but similar to that put in place for the Great Bear rainforest on the Central Mountain Coast of British Columbia by agreement of government, industry, First Nations and environmental Non-Governmental Organizations. The community strongly supports the creation of a Community Forest, to be jointly managed with the Klahoose First Nation, which includes all Crown forest land.

The community further desires that the moderate level of harvesting of timber under an Environmental Best Management Practice (EBMP) regime be performed reasonably evenly and on an annual basis in order to foster the growth of a viable, stable and sustainable forest based economy for Cortes, encompassing harvesting, silviculture, processing, value-added and marketing components.

414.1 Objectives

- a. To maintain a non-declining forest inventory of all age classes on Forest parcels, through ecosystem-based forestry, for the long-term protection of humans and native species at risk;
- b. To follow the Management Recommendations of the BC Ministry of Environment's Sunshine Coast Sensitive Ecosystem Inventory in all forestry, land use planning and development activities;
- c. To develop a community forest, on Crown forest lands;
- d. To develop a Cortes 'value-added' forest economy of cottage industries which directly benefits the local economy; and
- e. To use alternative forest management practices that avoid the use of pesticides and herbicides on all forest lands, but especially in watersheds that contain water licensees,

species at risk, and fish habitat.

414.2 Policies

The following policies are applicable to the Forestry land use designation;

- a. Except where specifically prohibited by other policies contained in this Plan or the policies of the Provincial Government, forestry-related uses shall be given priority in this land use designation;
- b. That owners of forested property in the Forestry land use designation be encouraged to manage the forest under the principles of an Ecosystem-Based Management Plan (EBMP);
- c. Any outdoor recreation, education, or wildcrafting potential that exists in within the designated areas should be included in the applicable EBMP;
- d. In addition to forestry and silviculture uses, lands in the Forest land use designation shall permit:
 - i. two (2) single family dwellings per legal parcel;
 - ii. agricultural use; and
 - iii. the production of lumber from trees originating on that legal parcel.
- e. Owners of forested land within the Forestry designation, intending to undertake logging operations, are encouraged to discuss their timber harvest plans with the neighbouring property owners ninety days prior to the commencement of logging activities;
- f. Forest road networks should be planned and constructed in a manner which minimizes the impact to the environment; and
- g. The minimum parcel size in the Forestry designation, (for subdivision purposes) shall not be less than 40.0 hectares. For those subdivisions on Forestry designated lands which are undertaken pursuant to Section 946 of the *Local Government Act*, the Approving Officer is encouraged to reject any subdivision where the new parcel or the remaining residual piece of the original parent parcel would be less than 40.0 hectares.

415 COASTAL WATERS

As Cortes is an Island community, protection and conservation of the Island's marine environment must meet, or exceed, that of the land environment. Cortes foreshore and near-shore environments possess ecologically significant habitats; eelgrass beds, kelp beds, shallow mud lagoons and shallow reef systems. As a fluid environment, the marine ecosystems add additional levels of complexity to our attempts to understand the Island's dynamic ecosystem and the impact our human footprint has on it – we must therefore invoke the precautionary principle at all times. Further, as shoreline living is extensive on Cortes; protection of residential values must be maintained.

The following objectives, policies and designations act as guidelines for foreshore and water-based uses and corresponding zoning and lease/license application requirements.

415.1 Objectives:

- a. To preserve the integrity of coastal processes, maintain habitat diversity and function, and reduce cumulative impacts to the coastal environment;
- b. To protect our coastal resources and provide a planning framework for their sustainable use;
- c. To provide for specific marine designations within the Cortes Official Community Plan area;
- d. To ensure that the balance is maintained between our coastal economy, environment, and lifestyles;
- e. To maintain access for marine traffic to safe harbours and secure moorage/anchorages;
- f. To allow for sustainable co-existence of the aquaculture industry and other users of coastal waters, the foreshore, nearshore, and the adjacent upland; and
- g. To acknowledge First Nations' heritage, traditional territory and land claim interests in relation to the marine environment.

415.2 General Policies

The following general policies are applicable to all coastal land use considerations.

- a. All coastal land uses shall be carried out in accordance with the policies identified within this Official Community Plan, zoning bylaws, federal and provincial laws, and terms and conditions of applicable tenure documents and licenses;
- b. The importance of the coastal marine environment to First Nations, in terms of archaeological values, traditional territory, economic opportunity and land claims shall be acknowledged;
- c. The foreshore, nearshore and coastal waters of Cortes Island are to be protected from activities which would disturb or pollute marine life and the environment;
- d. Forms of permanent marine residences, such as float homes, shall be prohibited, except when sited in accordance with zoning bylaw provisions, and when outfitted with an approved on-board liquid waste management system, and/or where liquid wastes are disposed of in a land-based, Provincial Agency approved sewerage system;
- e. That the designation of Carrington Bay, Cortes Bay, Manson's Landing, Squirrel Cove and Gorge Harbour be maintained as "no sewage discharge" areas under the Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals Act. ;
- f. Whaletown Bay is recommended for designation as a "no sewage discharge" area under the Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals Act.
- g. Senior levels of government are strongly encouraged to provide approved pump-out stations and bring forward regulations prohibiting the dumping of effluent from all vessels except at approved pump-out facilities;

- h. Clam beaches shall be protected against indiscriminate forms of development which may threaten their continued harvest on a sustained yield basis. The Provincial and Federal Governments are encouraged to develop appropriate clam management policies which perpetuate clam production from intertidal sources and support access for local residents to the fishery;
- i. Public access to the foreshore shall be maintained and enhanced to enable residents and visitors the use and enjoyment of the coastal areas of the Island and the inclusion of public access considerations shall be demonstrated as part of all new commercial coastal development applications;
- j. All coastal land uses, both foreshore and upland, shall clearly demonstrate environmentally responsible standards of operation; such as the prevention of discharge of waste water into coastal waters, the protection of sensitive marine and coastal vegetation, the elimination of debris at the source, and removal of debris from tenures and adjacent areas;
- k. Wherever possible, the siting, use, scale and form and character of the coastal development should:
 - i. not interfere with navigation, or create land use conflicts with recreational boaters, swimmers, or pedestrians;
 - ii. be compatible and lend continuity to the surrounding foreshore and upland areas;
 - iii. provide for respectful siting considerations, or avoid locating marine-dependent operations, in front of established residential homes;
 - iv. limit heights and large-scale infrastructure in residential or recreational areas to minimize visual and noise disturbance; and
 - v. avoid locating operations so as to conflict with eco-tourism or pre-existing local area businesses that rely on coastal resources.
- l. In evaluating applications for foreshore or nearshore leases and/or the rezoning of these sites, including applications for land-based coastal development, the Regional Board shall recognize and give due regard to historic uses, and to the interests of upland owners, nearby owners, and existing tenure holders; and
- m. In order to eliminate, or mitigate, the impact of development on the coastal environment, all land uses shall include the following development, operation and management requirements:
 - i. Docks, floats and rafts and other marine infrastructure shall be non-toxic (including treated wood), disposed of properly, and be durable in marine environments;
 - ii. Avoid causing damage to beach environment and organisms by driving vehicles on beaches, or by using heavy equipment;

- iii. Avoid impact on sensitive marine eco-zones, habitats and their vicinities, especially those with eelgrass, and populations of native fauna;
- iv. Not introduce exotic species that have potentials to become invasive or to drive local species to extinction;
- v. Site structures and related infrastructure, including roads, septic disposal systems, and walkways and landscaping (other than native species) in accordance with required setbacks and in consideration of the marine environment; and
- vi. Not use or remove rock, gravel and sand from the foreshore beaches.

415.3 Coastal Planning for Aquaculture

The coastal waters of Cortes Island are of key importance to the aquaculture industry and of economic importance to the community as a whole. Over time, the industry has evolved from one characterized by its small scale beach operations to its current profile, which reflects a diversity of aquaculture operations, including raft (long line) and ocean bottom culture with new and ever-changing operational needs, including structures and machinery. The growth and evolution of the industry, where sited in close proximity to upland residential land uses, has resulted in a number of land use conflicts with respect to such matters as noise, viewscales (heights of structures), and environmental concerns. The multi-jurisdictional nature of the approval regime for aquaculture uses presents a further challenge for the community and industry stakeholders alike.

415.3.1 Policies:

The following policies are intended to assist in the guidance of future land use decisions related to the siting of aquaculture operations, as well as present specific policy considerations for Federal and Provincial agencies.

- a. Resource based aquaculture activities will be considered in any coastal designation on a case by case basis, and new applications or expansion of operations for existing operations, shall be accompanied by, and given consideration on the basis of, but not limited to, the following information:
 - i. a management plan;
 - ii. confirmation and acknowledgement of compliance with Provincial tenure and Federal aquaculture license conditions;
 - iii. an operational plan, including measures to limit the impact to the environment, any impacts to upland occupants or land owners, a commitment to best management practises as outlined, but not limited, to the British Columbia Shellfish Farming Industry's "Environmental Management System Code of Practise" and,
 - iv. evidence that the proposed activity will not impact or displace public interest areas, such as beach accesses, park areas, and recreational foreshore areas.

- b. Provincial and Federal Governments shall be requested to consider new Crown Land tenures and fisheries (aquaculture) license applications, as well as the transfer or assumption of same, in light of the policies and guidelines contained within Cortes Official Community Plan, the Cortes Island Coastal Plan for Shellfish Aquaculture and the British Columbia Shellfish Farming Industry's "Environmental Management System Code of Practice;"
- c. Federal and Provincial agencies are encouraged to include community-based terms and conditions as part of the Land Act tenure and fisheries licensing process for aquaculture uses; examples of these conditions related to such matters as noise abatement and permitted decibel levels and enhanced setback considerations from upland properties;
- d. Federal and Provincial agencies are encouraged to withhold issuance of tenures and fisheries (aquaculture) licenses, pending the outcome of associated local government land use rezoning processes;
- e. Provincial and Federal Governments are encouraged to respect the aquaculture guidelines, including the identified cap on the number of rafts to be permitted within Gorge Harbour, as outlined in the Cortes Island Coastal Plan for Shellfish Aquaculture;
- f. The Provincial Government is encouraged to give consideration to a map reserve designation for Gorge Harbour, which would withdraw Crown Land from disposition by tenure and offer opportunity for affected stakeholders to undertake detailed planning for Gorge Harbour;
- g. Steps shall be taken to implement the official community plan's coastal policy direction within the zoning bylaw, of key importance being the updating of aquaculture definitions and zoning provisions in order to provide regulatory clarity and stability for industry stakeholders and residents alike.

415.4 Coastal Designations:

A number of designations have been identified for the marine waters surrounding Cortes and its peripheral islets:

- 1) Coastal Off-Shore
- 2) Coastal Access
- 3) Coastal First Nations
- 4) Coastal Harbours

These coastal designations are intended to provide a comprehensive planning framework to guide property owners, tenure holders, the community, and Regional District, Provincial and Federal Agencies with respect to the establishment of future coastal land uses.

415.4.1 Coastal Off-Shore

The application of this designation is intended to reflect those deep-water, off-shore coastal areas largely devoted to navigation:

- a. All areas designated coastal off-shore are identified on Map Schedule A-1;

- b. Land uses within the Coastal Off-Shore designation shall allow for navigation and navigational aids as regulated by Transport Canada; and
- c. Deepwater shellfish (geoduck) aquaculture operations, which do not interfere with navigation, may be suitable in coastal off-shore areas.

415.4.2 Coastal Access

Key areas of significance to the Island community and its coastal residents for public and private access purposes are designated as Coastal Access. This designation also captures certain areas viewed as being unsuitable for coastal resource operations due to steepness or exposure.

- a. The recognition of public access, being of key significance in the Coastal Access designation, shall be complimented through the zoning bylaw in the identification of specific access zone(s) and mapping;
- b. The Coastal Access designation is viewed as being most appropriate for marine dependent uses such as beach aquaculture; and residential, public and/or commercial moorage in conjunction with an appropriately designated and zoned upland land use;
- c. Notwithstanding the aforementioned, a certain number of deep-water aquaculture uses and other marine dependent resource uses, are located within the Coastal Access designation and these historic uses shall be recognized.
- d. Applications for expansion of existing uses or establishment of new deep-water aquaculture uses and other marine dependent resource uses, shall be considered on a case-by-case basis and evaluated against the criteria established in Section 415.3.1.a.

415.4.3 Coastal First Nations

Marine areas fronting reserve lands are acknowledged for their cultural and heritage values, as well as being integral to First Nations' communities for existing and future community use purposes. The coastal areas fronting IR 3 (Paukeanum), IR 7(Tork) and IR 8(Squirrel Cove) are designated Coastal First Nations.

- a. Those areas designated as Coastal First Nations, and shown on the Map Schedule A-1, are viewed as being appropriate for a range of uses, such as but not limited to heritage, cultural resource and community land use purposes.

415.5.4 Coastal Harbours

A specific Coastal Harbours designation has been identified for five historic anchorages on Cortes Island – Whaletown Bay, Manson's Landing, Cortes Bay, Squirrel Cove and Gorge Harbour. Beyond their historic role in the development of the Island's communities, these areas remain of importance today in terms of their environmental, social and economic values. These areas are characterized by many, if not all, of the following traits:

- i. currently accommodate, or offer potential to accommodate, a variety of coastal land uses which in turn can lead to land use conflicts due to the siting of incompatible uses, or competing interests;
- ii. possess high environmental, recreational, resource and settlement values;

- iii. are of cultural and historic significance;
 - iv. support existing residential settlement patterns; and/or
 - v. are of potential risk to the impact of sea level rise.
- a. The existing zoning footprint shall provide the baseline planning framework for these areas and all new coastal development proposed in these areas shall be considered on an application by application basis.
 - b. Pursuant to Sections 920.01 and 920.1 of the Local Government Act, the following areas outlined below and as identified on Map Schedule A-1, are designated as development approval information areas.
 - c. Justification: The following areas are designated as development approval information areas due to their importance to the community and to ensure coastal land use respects identified values and interests:
 - i. Whaletown Bay: This area, being the location of the ferry terminal, acts as the gateway to the Island and is recognized by the community for its significance in terms of its history and heritage values, the moorage, harbourage and transportation link it offers as well as its coastal resource areas for beach aquaculture.
 - ii. Manson's Landing: This area has significant historical, recreational and environmental significance to the Island, being the site of Manson's Landing Marine Park, as well as offering moorage and the coastal viewscape fronting both residential and rural upland properties.
 - iii. Cortes Bay: This area is a popular destination, offering a safe anchorage to the boating public and residents alike. The Bay is characterized by a residentially zoned upland, with water uses including private and recreational moorage, an outstation, and public boat ramp. Sensitive ecosystems, including a known archaeological site also characterize portions of the Bay's shoreline.
 - iv. Squirrel Cove: The Squirrel Cove area is recognized as an established community on Cortes, serving as the marine gateway to Desolation Sound. The presence a government dock and the safe anchorage offered by the protected waters to the north offers significant value to recreational and resource-based user groups. Similar to Whaletown and Cortes Bay, the Squirrel Cove area is characterized by a residentially zoned upland. The Squirrel Cove community is located to the south, within walking distance of Tork, the Klahoose First Nation's community.
 - v. Gorge Harbour: The Gorge Harbour area is recognized for the significant environmental, social and economic values it offers to the community. The area is characterized by its mixed uses; namely recreation, including a commercial marina, aquaculture and upland residential land development. The entry to the Gorge is of cultural significance to First Nations.

- d. Unless otherwise identified, the designated development approval information boundaries shall include the mapped surface of the water as shown on Map A-1 and the 50 metre area extending upland from the natural boundary;
- e. Pursuant to Section 920.1 of the Local Government Act, applications received within the development approval information area for an amendment to the zoning bylaw, development permit or temporary use permit, shall be accompanied by information as to how the proposed coastal land use adheres to the policies, objectives and guidelines of the Community plan, as well as provide information as to the anticipated impact of the proposed activity or development. Application information requirements shall include, but not be limited, to the following:
 - i. For aquaculture and other water-based resource uses: site selection criteria and justification; siting considerations with respect to mitigating impacts of proposed development on upland owners and adjacent tenure holders; mitigative measures to limit operational and viewscape impacts (noise, heights, storage, etc).
 - ii. For upland residential, commercial and industrial uses: site layout, viewscape and public access considerations; vegetation management plan, shoreline and coastal process considerations related to floodplain/sea level rise, erosion control, etc.

500 DEVELOPMENT PERMIT AREAS

501 AUTHORITY TO ESTABLISH DEVELOPMENT PERMITS

The purpose in establishing Development Permit areas is not to preclude development on designated parcels, but to provide notice that the area possesses unique characteristics which warrant further review and special considerations before development proceeds. The authority for local governments to establish DPA's is set out in the Local Government Act, Sections 919.1 and 920.

An official community plan may designate development permit areas for one or more of the following purposes:

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

Designation of Development Permit Areas

All lands designated development permit areas are identified on Map Schedule A-2. Unless otherwise specified, land must not be altered, developed, subdivided or the construction of, addition to, or alteration of a building or other structure must not be started until the owner first obtains a Development Permit.

Exemptions

A Development Permit will not be required for:

1. Subdivision of land, unless otherwise specified under the Provincial Riparian Areas Regulation (RAR);
2. Agricultural activities on ALR lands;
3. Planting or replanting of native trees, shrubs or ground cover for slope and soil stabilization, habitat improvement, erosion control and beautification;
4. Structural alteration of legal or legal non-conforming buildings and structures within the existing footprint;

5. Construction within a building that does not require exterior alterations;
6. New construction which does not exceed a footprint of more than 10.0 square metres (110 square feet) in size.
7. Replacement of exterior finishes;
8. Emergency procedures to prevent, control or reduce erosion or other immediate threats to life and property including:
 - a. Emergency actions for flood protection and erosion protection;
 - b. Removal of hazard trees (as determined by a qualified professional);
9. The use of land for outdoor recreational purposes and does not include buildings and structures other than fencing or nets.

Policy 501.1 Environmentally Sensitive Areas Development Permit I – VI:

The following sites as shown on Map Schedule A-2, I through VI, shall be designated as development permit areas for purposes of ensuring the protection of the natural environment, its ecosystems and biological diversity:

i. Anvil Lake

Justification: The lake and associated wetland area are an important breeding ground for waterfowl, aquatic mammals and other wildlife. It is also rich in plants and insects. Development in this area would have a highly deleterious effect on a significant part of Island wildlife.

Map Reference: That area shown outlined on Schedule A-2, where the boundary depicted is drawn 30 metres from the mapped boundary of Anvil Lake and wetland area extending from Anvil Lake to Gorge Harbour. All topographic features and measured distances taken from map reference; M.O.E., 1:5000, 92K.006.3.3

ii. Carrington Lagoon

Justification: A license of occupation has been received allowing for the development of regional park trails and picnic sites at Carrington Bay. The area contiguous to the proposed Carrington Bay Park and surrounding the lagoon should be protected from development that is unsuitable to or uncoordinated with the purposes and character of a park. A productive salmon stream runs into Carrington Lagoon from this area. There is also a heritage component in the old homestead lands of the area that must be respected.

Map Reference: That area of the Carrington Bay Lagoon as outlined on Schedule A-2 commencing at the northern boundary of the Northeast ¼ of Section 38 following the 30 metre contour line along Carrington Bay a distance of 350 m at which point the boundary is drawn across the river valley to the point of intersection between the 30m contour and western boundary of the Northwest ¼ of Section 39, thence along the 30m contour line along the west side of the Bay and Lagoon to a point 110m south of the intersection point between the 30m contour line and the southern boundary of the NW ¼ of Sec. 39 at which point the boundary is drawn across the valley to the 30m contour line on the southeasterly side of the Lagoon at which point the boundary continues to follow the 30m contour line along the east side of the Lagoon and Bay to the point of termination where the 30m contour line intersects with the northern

boundary of the Northwest $\frac{1}{4}$ of Sec.39. Topographic map references: M.O.E., 1:5000, 92K.15.2.2., 15.2.4., 16.1.1., and 16.1.3.

iii. **Easter Bluff**

Justification: This is a high open area, with an unparalleled view across Desolation Sound and the south end of Cortes Island. It is a popular, relatively unspoiled destination of easy access for hikers, photographers, and naturalists.

Map Reference: That area as shown on Schedule A-2, commencing at the bottom Southwest corner of the Southwest $\frac{1}{4}$ of Section 14 extending west 500 metres to the centerline of the roadway and following the centerline of the roadway northwards to the intersection point of the common boundary of the Southwest $\frac{1}{4}$ of Section 14 and the Southeast $\frac{1}{4}$ of Section 15, thence extending 500 metres along the northern boundary of the Southwest $\frac{1}{4}$ of Section 14, thence south a distance of 800 metres to the southern boundary of the Southwest $\frac{1}{4}$ of Section 14, thence westerly along the section line to the point of commencement.

iv. **Green Mountain**

Justification: From Green Mountain, spectacular views can be obtained in all directions over Cortes, surrounding Islands and the mainland. It bears varied ecosystems: old growth, second growth of various ages, swamps, Nutshell Lake, etc. It is a major recreational destination for residents and tourists who wish to see the diversity of environments in the Northern Gulf Islands.

Map Reference: That area as shown outlined on Schedule A-2, more particularly described as the Southeast $\frac{1}{4}$ of Section 39 and the Northeast $\frac{1}{4}$ of Section 32 and that area known as Nutshell Lake; where the DPA boundary is drawn 30 metres from the mapped wetland edge surrounding Nutshell Lake. Topographic Map Reference: M.O.E., 1:5000, 92K.016.1.1.

v. **Marina Island south point and reef**

Justification: Marina Reef is a well-known breeding and resting place for harbour seals. The adjacent south point of Marina Island is an upland buffer to the reef and its seal population. The south point itself bears notable, old, broadleaf maple trees. Such areas with their forests and wildlife form an integral part of the character of Electoral Area "B". There are also middens in this area.

Map Reference: That area as shown outlined on Schedule A-2, being the foreshore or reef area outlined, as well as an upland area, defined by a boundary drawn eastward and westward a distance of 500 metres from the southern tip of Marina Island at a distance inland of 100 metres from the natural boundary of the sea. Topographic Map Reference: M.O.E. 1:5,000, 92K.005.4.1, 92K.005.4.2.

vi. **Red Granite Point**

Justification: This area refers to the granitic southern headland of Cortes Bay. Due to its rugged terrain and thin soil horizons exceptional care will be required if access, water supply and sewage disposal services are to be provided on the property without destroying the site's unique aesthetic appeal and the environmental quality of it and the surrounding area (including the marine waters).

Map Reference: That area as shown outlined on Schedule A-2, more particularly described as those properties within Sayward Land District legally described as follows: Lot 1, Plan 12035, Lot A, Plan 15458, Lot 1, Plan 18122 and that property described as (District Lot 307, Except Plans 12035, 15458, & 18122).

Guidelines

In order to ensure the protection of the environmentally significant areas identified in Policy 501.1 above, the following guidelines shall apply:

- a) The lakes, wetlands, lagoon, foreshore and stream areas identified shall be protected and maintained as part of development considerations as per appropriate Federal and Provincial land development guidelines.
- b) Wildlife and/or fish habitat enhancement projects shall be encouraged in all development proposals.
- c) Potential for adverse impacts on water quality and quantity shall be minimized during all phases of development and/or land use through the application of appropriate Federal and Provincial land development guidelines.
- d) Information regarding potential impacts of the proposed development, mitigation options and design alternatives shall be provided;
- e) Evidence that the development will not result in Harmful Alteration, Disruption, or Destruction (HADD) of water bodies, watersheds and riparian areas shall be provided;
- f) Measures required to maintain the integrity of the foreshore and riparian areas shall be identified.
- g) Where required under the Riparian Areas Regulation, a Qualified Environmental Professional (QEP) report shall be completed, which includes a re-vegetation plan if the proposed area to be developed was previously cleared of native vegetation, or is cleared during the process of development. Conditions and requirements respecting implementation of the vegetation management may be specified in a development permit. Vegetation species used in replanting, restoration and enhancement shall be selected to suit the soil, light and groundwater conditions of the site. On undeveloped properties, existing trees and native vegetation within the riparian assessment area are to be retained to the fullest extent as much as possible.
- h) An archaeological impact assessment shall be required for all proposed development within any area where archaeological values are known to exist, or where there is a high potential for their occurrence as identified by the Archaeology Branch or First Nations.

Policy 501.2 Hazardous Conditions Development Permit VII

The following site as shown on Map Schedule A-2 as VII, shall be designated as a development permit area for the purposes of ensuring the protection of development from hazardous conditions and the protection of the natural environment.

- i. **The north shore of Marina Island, including Shark Spit**

Justification: Shark Spit is a unique marine feature which is revealed at low tide as an elongated expanse of sand and mud flats. This is a favourite area with visitors and local residents alike for clam digging, collecting flotsam, bird watching, beachcombing and carrying out other recreational-based activities. Shark Spit has been formed by the continual erosion of the sandy-clay bluff of the adjoining upland portion of the north end of Marina Island. As a result, land in close proximity to the bluffs is considered to be unstable and ill-suited for development purposes. Furthermore, structural attempts to retard the erosional effects of nature on the bluffs would potentially negatively affect the condition of Shark Spit. This area should be protected from forms of development which would alter the activities of nature in this area.

Guidelines

In order to ensure the protection of development from hazardous conditions referred to in Policy 502.1 above, the guidelines referred to in Policy 501.1 shall apply, as well as the following additional guidelines:

- a) For any new development, unless otherwise exempted as per the 'Exemptions' in 501 above, the applicant shall be required to submit for the Regional Board's review an Engineer's report, carried out at the land owners expense, which confirms that the proposed development will not impact adversely on the stability of the slopes/bluffs and further that areas proposed for the siting of buildings will not be subject to failure.
- b) Removal of vegetation shall be restricted to that which is in accordance with the Engineer's report, and recommendations shall be provided with respect to remedial replanting programs and similar measures to control erosion.
- c) Development proposals shall demonstrate site and design considerations which minimize the potential for surface water to impact on slope stability.

600 IMPLEMENTATION

601 INTRODUCTION AND ADMINISTRATION

The adoption of the Community Plan by the Regional Board will form the initial, but very important step in the long term realization of the future planning objectives for Electoral Area 'B'. Adoption of the community plan, however, will not ensure that its vision or policies are realized. Implementation of the plan will require conscious and continuous effort, creative solutions and regular monitoring of progress.

Please note the following excerpts from Section 884 of the *Local Government Act*:

“An official community plan does not commit or authorize a municipality, regional district (includes Local Trust Committee pursuant to Section 27 of the Island 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 Island 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.”

An implementation program identifies key policies and goals in the community plan that need to be initiated through a variety of means. Some policies will require changes to the existing local government bylaws that control development while others will require the cooperation of government agencies such as the Ministry of Transportation and Infrastructure, or the Ministry of Forests Lands and Natural Resource Operations. The OCP also contains policy recommendations, that in order to be implemented, will primarily require independent community or citizen action.

602 ACTIONS & PLANS

The following plans and actions are identified for action in the OCP or are required in order to achieve the vision of the OCP:

1. To maintain and revisit the Rural Road Standard Letter of Agreement between the Ministry of Transportation and Infrastructure and the Regional District to develop an ongoing consultative process in order to ensure a rural road standard is maintained for Cortes Island, and further, to update road classifications as required;
2. To support local food production and processing through:
 - i. development of a community garden;
 - ii. creation of a “local food growers” cooperative.
3. Develop a comprehensive Transportation Demand Management (TDM) Strategy and a comprehensive long term implementation plan;

4. To establish a Cortes Island Forest Carbon Reserve fund, along with associated community forest land and protection areas, in order to develop an international monetary carbon offsets mechanism;
5. To undertake a comprehensive hydrology study for Cortes Island;
6. To develop a system to dispose of hazardous waste;
7. Development of a Cortes Island evacuation plan;
8. Support the creation of a plan to address liquid waste management issues within the Manson's Landing area;
9. That a comprehensive planning process be undertaken for Manson's Landing to address matters of density, land use, public space and transportation;
10. Development of a groundwater protection plan for Manson's Landing and the inhabited areas of Hague Lake;
11. That the Regional District apply for map reserve status for Gorge Harbour;
12. That the Cortes Zoning bylaw be updated, including a review of aquaculture definitions and zoning provisions;
13. That a regulatory bylaw to address matters of nuisance and enjoyment of property be developed and adopted;
14. The preparation of performance benchmarks in order to monitor the successful implementation of plan policies and climate change policies;
15. Consultation be initiated the with Ministry of Forests Lands and Natural Resource Operations regarding aquaculture lease locations and consistency with OCP plan policies;
16. The provision of an annual report on the status of the Official Community Plan;
17. That a formal review of the official community plan be undertaken in ten years.

603 CORTES ZONING BYLAW

Bylaw No. 2455, being the Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002, regulates land use on Cortes Island. The zoning bylaw will require amendments in order to reflect policies that have been developed through the adoption of the Official Community Plan.

604 FINANCE AND FUNDING PROGRAM OPTIONS

The following financial sources may be considered, along with other sources, as a means of funding, implementing or resourcing implementation items.

1. Strathcona Regional District 5 Year Financial Plan

Though the annual budget process, specific budgets for operational and capital projects are funded on a service by service basis. There are a variety of means of raising funds,

through the establishment of parcel taxes, fees and charges, or other appropriate mechanisms.

2. Community Gas Tax Funding Program;
3. Grants, including the Local Government Grant Programs, Towns for Tomorrow, Building Canada Funds, Infrastructure Funding, and BC Climate Action Charter Incentive Programs;
4. Donations, gifting; volunteer funding.

605 THE PLAN MAPS

The Plan maps are an integral part of the official community plan and are intended to guide land use and development in the planning area over the next ten to fifteen years. The time frame will be flexible due to various unknown factors such as water supply, future pressures to respond to various forms of development (and the community's response to those pressures), and the area's sewage disposal capability.

The Land Use Designation Map (Map Schedule A-1) identifies the location of the main land use categories including: residential, commercial, industrial and forestry. The boundaries indicated on the Plan Map Schedule are to be considered approximations, except where they correspond to major physical features such as a road, water or similar features. Where the general intent of the Plan is maintained, minor adjustments will not require an amendment to this plan.

The Development Permit Map (Map Schedule A-2) identifies the location of those lands designated as development permit areas. Although not directly incorporated into the Plan Maps, policies relating to such things as environmental management, coastal and freshwater resources are equally applicable with respect to the realization of the Community Plan's objectives and policies.

606 PLAN AMENDMENT

From time to time amendments to the Official Community Plan may be required as a result of changing circumstances. The plan amendment process will serve to maintain the Plan as a current document pertaining to land uses and general settlement development within the planning area.

An Official Community Plan review process will be undertaken every 10 years.

APPENDIX "A" B.C. FERRIES

Heriot Bay to Whaletown

CORTES ISLAND FERRY TRAFFIC			
Fiscal Year	Total Vehicles	% Change	Passengers
2001	25,737		50,359
2002	26,345	2.40	51,349
2003	28,028	6.40	52,781
2004	29,327	4.60	56,159
2005	28,531	-2.70	54,177
2006	28,218	-1.10	53,298
2007	27,160	-3.70	51,871
2008	27,728	2.10	53,030
2009	26,944	-2.80	51,946
2010	28,715	6.60	53,369
2011	26,765	-6.79	50,330

The table provides information on the volume of ferry traffic from Heriot Bay (Quadra East) to Whaletown (Cortes Island). In the first five years (2001-2005) traffic grew by 10.9%. During the next five years (2006-2010), the increase was 1.8%. From 2001-2010, the average annual growth in ridership was 1.2%. In 2011 there was the largest decrease in ridership in ten years. , The volume of ferry traffic certainly indicates the popularity of Cortes Island as a destination, though it is not possible to distinguish between residents and visitors in the passenger data provided.

Data was provided by British Columbia Ferry Services Inc.

APPENDIX "B" AGRICULTURAL LAND RESERVE

The Provincial Agricultural Land Commission (ALC) is an independent Provincial agency responsible for the administration of the *Agricultural Land Commission Act*. The purpose of the Agricultural Land Commission is:

1. to preserve agricultural land;
2. to encourage farming on agricultural land in collaboration with other communities of interest;
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The cornerstone of the agricultural land preservation program is the Agricultural Land Reserve (ALR), which covers approximately 4.7 million hectares of land within the Province. The Reserve can be thought of as a provincial land use zone in favour of agriculture in which non-agricultural uses are regulated and farm activities are encouraged. It includes private and public lands that may be farmed, forested or vacant land. Some ALR blocks cover thousands of hectares while others are small pockets of only a few hectares.

While the Commission is responsible for the administration of the ALR, local government land use planning has an important role. Bylaws, plans and policies that ensure farm use of agricultural land are essential complimentary components helping to achieve the objectives of the provincial government's agriculture reserve program. The Agricultural Land Reserve takes precedence over, but does not replace other legislation and bylaws that may apply to the land. Local and regional governments, as well as other provincial agencies, are expected to plan in accordance with the provincial policy of preserving agricultural land.

There are a number of statutory requirements that enable local governments and the Commission to collaborate in planning processes involving ALR lands.

- The *Agricultural Land Commission Act* mandates the Commission to work with local governments to accommodate, support and encourage farming on ALR lands. The Act also requires local governments to ensure its bylaws (Growth Strategies, OCPs and zoning bylaws, etc.) are consistent with the Act, failing which they are of no force and effect.
- The *Local Government Act* requires community plans affecting the ALR be forwarded to the Commission for review and comment after first reading to ensure consistency with the *ALCA*.
- Local governments also have the ability stop applications from proceeding to the Commission in certain instances where a proposal is contrary to local land use planning. The *Agricultural Land Commission Act* provides that if an application applies to land that is zoned for agricultural or farm use or requires an amendment to a plan or bylaw, the application may not proceed unless it is authorized by the local government.

APPENDIX "C" COMMUNITY BACKGROUND

Community Profile/Community Groups and Associations

Bee Islets Growers Corporation (BIG) is incorporated as a not-for-profit company. They own an aquaculture lease in the Gorge Harbour which is held in trust by the company for shellfish growers to use as sole proprietors.

Cortes Carbon Solutions Society (CCSS) actively seeks ways to reduce the island's carbon footprint by supporting projects through Strathcona Regional District Gas Tax grants.

Cortes Community Forest Cooperative (named yet to be confirmed), incorporated in 2011. The Co-op is born out of Cortes' long-standing interest in locally controlled responsible forestry management both for the Crown and private industrial forest lands on the island. The Cortes Island Forest Committee started in the late 1980s, followed by the incorporation of the Cortes Ecoforestry Society in 1999 which gave way to the Community Forest Advisory Group in 2010. The Advisory Group, on behalf of the Cortes Island Aboriginal and non-aboriginal communities, received an invitation from the Minister of Forests to apply for a Community Forest Agreement with the Province of BC on all unallocated Cortes Crown land. It is hoped that this agreement will be in place by the end of 2011, giving the two communities an equal partnership control of all the Crown Forest lands on Cortes Island and equal sharing in the forthcoming benefits.

Cortes Community Health Association (CCHA) operates the Health Care Centre, providing space for a full-time medical doctor, nurse practitioner and other health care providers. Emergency service (first aid and ambulance) is provided by the BC Emergency Health Service. CCHA also supports many other health related services and programs. There has been a full-time medical doctor resident on Cortes Island only since early 1994. Local initiative attracted the doctor to the island. Prior to that time, a doctor from Campbell River operated a clinic on the island one day every two weeks. There is ancillary medical service available through individuals with special training. Emergency service (first aid and ambulance) is provided by the BC Emergency Health Service (EHS), successor to the Cortes Emergency First Aid Service (CEFAS), which was a local voluntary organization. CEFAS provided assistance to Cortes Islanders for several years, responding to 50-100 calls each year.

Cortes Community Radio Society is responsible for broadcasting throughout the Discovery Islands, diverse programs, local news, and emergency communications.

Cortes Craft Shop Co-op is a society that operates the Craft Shop near Squirrel Cove General Store from May through September as a venue for local artisans to sell their crafts and artworks.

Cortes Housing Initiative (CHI), a project of FOCI, focuses on promoting affordable housing options for year-round residents.

Cortes Island Car Co-op offers shared vehicles between members.

Cortes Island Firefighting Association (CIFA) was organized in 1985 and incorporated in 1989. It provides voluntary firefighting service for most road-accessible homes on Cortes Island. Fire hall #1 was completed with voluntary labour in the Manson's Landing area during the summer of

1992 and Fire hall #2 in Whaletown followed. It is supported through a Strathcona Regional District tax levy on properties within the fire protection service area.

Cortes Island Library operates under the Vancouver Island Regional Library (VIRL).

Cortes Island Museum & Archives Society (CIMAS) is dedicated to the collection, cataloguing and preservation of the island's history. It presents permanent and changing exhibits and tourist/visitor information along with educational and archival programs. This society is registered (since 1998) with charitable status. CIMAS owns the Museum building (old store at Manson's Landing dock) that sits on a corner of Fire hall No. 1 property. It is operated by dedicated volunteers.

Cortes Island Seafood Association (CISA) was formed during the fall of 1990, in response to a perceived threat to production of seafood from contamination of surrounding waters by toxins in pulp mill effluents. The testing for dioxin and furan levels in shellfish (on Island beaches and foreshore) was initiated at the insistence of the CISA. Although nearby waters have been closed, waters around Cortes Island remain open for shellfish harvesting.

The activities of CISA, working with other provincial groups, have been effective in bringing public and government attention to the danger of producing chlorine-bleached paper, which has led to the introduction of the strongest pulp mill effluent discharge regulations in the world. CISA has co-operated with other island organizations on other environmental concerns: "Reach for the Unbleached", a FOICI initiative that has had a widespread response; petitioning against bulk water export; continued examination of the effect of pulp mill effluent on the seafood industry; waste-dumping from boats; etc.

Cortes Island Seniors Society (CISS) is a registered, non-profit, charitable society whose purpose is to provide residential housing for seniors and to carry on social activities incidental to that purpose. The society is active in community affairs, with social events, food booths and other activities designed to raise money for the development of senior housing. The Seniors Helping Seniors program is an initiative of the CISS with the objective, to promote the ongoing involvement of seniors in our community and to reduce unwanted social isolation. With the overarching goal of keeping elderly seniors healthy and active, the CISS offers volunteers to provide: company, transportation, social outings, respite care, weekly lunches, and accompaniment to community activities, reading for those who are visually challenged, education afternoons and practical assistance.

Cortes Natural Food Co-op (CNFC) provides affordable organic food and a venue for island farmers to sell locally grown food.

Desolation Sound Salmonid Enhancement operates to monitor salmon streams.

Friends of Cortes Island (FOCI) first established in the early '80s, then revitalized in 1991, is a registered charitable organization, dedicated to the protection of the island's environment through education, particularly by raising public awareness of the complexity of ecological systems and the effects of human activity on them.

Harbour Authority of Cortes Island (HACI), incorporated in 1999, works under contract with the Federal Department of Fisheries and Oceans to operate their docks on Cortes Island including

the docks at Manson's Landing, Squirrel Cove, Gorge Harbour and Cortes Bay. HACI owns the Whaletown dock, (formerly Department of Transport) for which they received repair and operating funding under an agreement which expires in Feb. 2012, after which they will assume responsibility for the dock. The objective to entering these agreements is to maintain and improve where possible the dock facilities available to the fisheries and shellfish industries, while recognizing the necessity of these facilities to our community. We aim to manage the facilities at the minimum possible cost to our community. There are as many as 200 members of the HACI.

Island Women has long been active on Cortes Island, organizing social and educational meetings and raising money for community needs. Schools and libraries have especially benefitted. The Whaletown Women's Institute was established in 1922, whereas the Manson's Landing chapter was organized in 1924. Back then, road transportation between the two settlements was difficult, hence the two separate chapters. The two chapters of the Woman's Institute on Cortes Island were united in 1984, now called "Island Women."

Linnaea Farm offers programs in ecological gardening and permaculture (integrated agriculture) design. The garden programme has been offered since 1987 and provides a thorough understanding pertaining to organic gardening and small-scale farming through a full growing season. For 23 years, until the 2010-2011 enrollment year, the school offered a rich programs and alternative learning for students. Linnaea now has the opportunity to offer new programs and educational models to emerge from the facility.

The farm became a land trust in 1978-79, administered by Turtle Island Land Stewards of Vancouver. It is incorporated as a distinct non-profit society (Linnaea Farm Society). This society oversees that management of the projects and activities taking place on Linnaea Farm land Trust. Its land holding of 127 ha is under ecological covenant, which requires that it be managed according to organic principles. Twenty-four hectares are in ecological reserve.

Other voluntary services include local residents and Klahoose Band member monitoring salmon-bearing streams on Cortes Island and undertaking stock enhancement through stream improvement and the planting of salmon eggs.

Parent Advisory Committee (PAC) Cortes Island provides support to Kindergarten to Grade 9 inclusive with provincial government funding.

Southern Cortes Community Association (SCCA) is a society with registered charitable status with the purpose of operating the Manson's Community Hall, recreation programs, and space for essential services, such as: Post Office, radio station, Reel Youth, seniors activities, meetings, café, library, Thrift Shop, pottery studio, skate park, and playschool.

Watershed Sentinel operates under the FOCI umbrella to research water quality issues and published reports in magazine. Promoting "Reach for Unbleached" to reduce chlorine, dioxin and furan pollution from pulp mill effluent. Watching issues of water bottling, ground water contamination, etc.

Whaletown Commons Society (WCC) has the goal to help raise funds for the purchase of the lands known as 'Whaletown Commons' such that this land becomes a new community park.

Whaletown Community Club (WCC) is a social organization dedicated to providing the Cortes Island Community with cultural events and programs for all ages. The Whaletown Community Club is responsible for the Gorge Hall, the Old School House Gallery, the Whaletown Louisa Tooker Library, the Whaletown Cemetery and the Gorge Harbour Park.

Wifi Society's mission is to provide the benefits of public high speed internet access, equipment, instruction and services through access to public wifi locations.

Wild We Stands Society (WWSS), incorporated in 2011, has three objectives: to advocate for the ecological integrity and sustainable community use of the forest lands of Cortes Island; to work with and support other groups which further this objective, as resources allow; and to promote educational activities in support of this objective, as resources allow.

Education

Schooling on the island is centered in the Cortes Island Elementary Junior Secondary School on Beasley Road. It provides Kindergarten to Grade 10 inclusive. To complete high school, students must leave the island. There is also a significant amount of home schooling, chiefly through the Ministry of Education's correspondence courses.

Cortes Island Playschool operates under the Southern Cortes Community Association (SCCA), offering childcare and children's programs for 0-5 year olds.

Hollyhock Farm is a non-profit foundation located at the south end of the island, Hollyhock is Canada's lifelong learning centre, offering a broad range of educational training programs, conferences and online learning. Hollyhock's curriculum nurtures educational diversity, consciousness and wisdom studies, social dialogue and sustainable solutions. Hollyhock's mission is to inspire, nourish and support people who are making the world better.

Recycling, as a community project on Cortes Island, started in 1982, with voluntary collection of glass containers at the old Whaletown school. A Recycling Committee was established in 1984 to consider all aspects of waste disposal on the island, particularly with respect to a rapidly filling landfill site. As provincial regulations become more stringent, the problems of waste management become sharper, so that the control of waste and the development of recycling has necessitated close co-operation between the residents of the island, represented by the Recycling Committee, and the Regional District (which has overall responsibility for solid waste disposal in the electoral area). Emphasis is being placed on local responsibility; residents are encouraged to refuse, reuse or recycle. The generation of waste is of such magnitude that there is constant pressure to increase the fees to support its disposal.

The Recycling Society was formed to raise funds in order to begin promoting the concept of recycling to reduce the rapidly filling landfill. The Recycling Society went to the Regional District after the community expressed its willingness to get on the recycling bandwagon and convince the Regional District to create a position or adjunct to the landfill managers contract to cover recycling. The first emended contract was awarded in January of 1993. The Society was highly supportive and helpful in that first year before disbanding in 1994.

The Regional Districts support with the creation of said position has reduced the volume of landfill generated by removing any and all recycling material from the waste stream. Over the years the level of recycling has increased to the point where in 2003, 50% of the total volume was recycling. The numbers have remained consistent since then.

APPENDIX "D"

PLANNING HISTORY, INFRASTRUCTURE, SERVICES AND THE PHYSICAL CONTEXT OF CORTES

Detailed planning work on Cortes Island commenced as early as 1969 when fear of a population influx due to new ferry connections led to a request for a joint planning study to be prepared by Regional District staff and the then Provincial Department of Municipal Affairs. The planning study (with the assistance of Cortes residents) was completed in 1970 and included draft zoning and subdivision regulations. The more immediate effect of zoning and subdivision regulations led to an emphasis away from the overall plan to a direct concern with the proposed regulations.

The first Cortes Zoning Bylaw for the Island was adopted by the Regional Board in October 1970, followed a month later by the Subdivision Bylaw. While the regulatory bylaws closely reflected the draft proposals in the planning study, they did not constitute a plan. Nonetheless, the local and regional interest in adopting a community plan waned with the finalization of the Zoning and Subdivision Bylaw, and planning emphasis shifted to other areas of the region in need of work.

In the mid-1970's, following sporadic interest on work to see a community plan prepared, the emphasis on completing a plan for Cortes Island became a priority of the local Regional Director and members of the Advisory Planning Commission (APC). This interest manifested itself in a locally prepared and tabulated survey, plus a series of island meetings where an attempt was made to reach a consensus on a variety of planning issues.

Due to priorities assigned by the Regional Board to complete other planning tasks, active planning staff involvement in the Cortes plan did not occur until the latter part of 1977. At that point local island residents by way of a committee had already prepared a series of drafts for a possible community plan. The provincial government during 1977 also enacted legislation amending the *Municipal Act* which provided more comprehensive requirements for local plans to be known in the future as Official Settlement Plans. Due to the more detailed requirements for Official Settlement Plans, Regional District planning staff provided advice wherever necessary to allow completion of the plan, however, the basic framework and philosophy was that expressed by the islanders themselves working through the local planning committee. The Official Settlement Plan for Cortes (Electoral Area "I") was adopted by the Comox-Strathcona Regional Board on May 28, 1979. The name of the plan changed from Official Settlement Plan (OSP) to Official Community Plan (OCP) with a revision of the *Municipal Act* in 1985.

The 1970 zoning bylaws should have been amended soon after the adoption of the OSP (in 1979); however, no effective action was taken in that direction until a controversial bare land strata development on Cortes Island was proposed in 1982. The zoning bylaw did not specifically address the issue, but, at that time, land developments were required to comply with Official Settlement Plans. In the minds of many in the community, this development proposal did not comply with the intent of the plan. A B.C. Supreme Court judge agreed with local residents and in July 1983 disallowed the proposed development.

During the winter of 1983 and the spring of 1984, the APC and other community volunteers proceeded to assess the current community feelings concerning zoning regulations through an

extensive questionnaire, including the tabulation and reporting of the results to the community, conducting seven question and answer evenings in homes throughout the island and offering a series of six consecutive public Sunday meetings. This led to a zoning bylaw draft revision being presented to the Regional Board for action.

Initially, the Regional Board would not act on the community's request for zoning bylaw revision on the grounds that the court decision of 1983 was under appeal. The appeal was denied in June 1984, a major victory for the community, which had fought hard to have its OSP upheld. Unfortunately, the community energy available for the planning process was dashed by the announcement that, just prior to the appeal hearing, a Provincial Order-in-Council was passed which removed the requirement that developments must comply with the requirement of an OSP. That decision remains in effect today. The residents of Electoral Area 'I' felt strongly that the land developments proposals must be made to comply with the community's OSP/OCP. In keeping with this sentiment, the community was of the opinion that the zoning and subdivision bylaws must be amended to reflect the revised OCP, once it is adopted.

A later request that the Regional Board revise the 1970 zoning bylaws met with the response that, due to the passage of time, there must first be a review of the OSP, but this could not be undertaken as planning for other parts of the region had become a priority.

The explosion of finfish farming on the B.C. coast in the mid-80's so concerned the community that it was aroused to express its concern over the lack of regulations governing the location and management of finfish farming operations. In November, 1986, the APC expressed concern to the Regional Board regarding the lack of an aquaculture policy for Cortes Island. The extent of the problem was brought to the attention of island residents by proposed large scale finfish farms in the near-shore areas of Manson's Landing, Plunger Pass and Bullock Bluff. Concerns focused not only on the scale of the proposed finfish farms, but also the impact that such operations would have on the existing oyster culture industry and the environment.

Islanders were growing frustrated with what appeared to be inconsistent handling of individual applications for foreshore leases for aquaculture purposes and a failure to reflect the interests and views of the local community and upland owners. These developments prompted islanders to develop an aquaculture policy and related zoning. Representatives from the oyster growers, clam diggers, finfish industry, commercial fishermen, local marinas, upland owners, environmentalists, the local First Nation and loggers took part in formulating these policies. There was widespread involvement of island residents in public meetings. By January, 1988, a draft of the Coastal Resource Policy and related zones had been completed. The wording continued to be improved until aquaculture zoning bylaws were passed in May, 1988.

During 1991 and 1992, the APC, supported by the Planning Department of the Regional District, began to review the 1979 OSP. A series of public meetings, extending from the spring of 1991, through the summer of 1992 explored the interests of Cortes residents. The 1979 OSP was examined in detail. By means of special working groups, each led by a convener, development policies for proposed land use designations were drafted for further discussion. Eventually, a draft OCP was presented to the Regional Board for its approval and the formal steps for passage of an Official Community Plan were undertaken.

Subsequent to adoption of OCP in 1995 – a number of zoning bylaw amendments to Zoning Bylaw No. 41 were considered, these being of a mixed nature, i.e. Richard Lawton (Ru – R-1), density averaging provisions, public assembly, community land stewardship, aquaculture, etc.. A proposal for a summer youth camp (Camp Nor'Wester) was not supported by the community.

In July 2003 the Cortes Island Coastal Plan for Shellfish Aquaculture was published. The Regional District provided technical advice and comment on the development of the plan. The purpose of the plan “intended to guide decisions on land tenure applications for new or expanded shellfish aquaculture development, inform related local government zoning and clarify the provincial and local government mechanisms to address issues with the existing industry. It also attempted to respect and accommodate the interests and traditional uses of First Nations, while reinforcing participation of First Nations in economic activities.” (p.3 – Coastal Plan).

On October 27th, 2003, the Regional District adopted Bylaw No. 2455 – “Electoral Area ‘I’ (Cortes Island) Zoning Bylaw, 2002’.

There was an attempt to redress aquaculture zoning via bylaw development from 2004 to 2005 in order to address limitations in the aquaculture zones relative to modernization of aquaculture practices. The draft amendment Bylaw No. 2734 ultimately was not adopted after strong public comment on the proposed bylaw changes.

Subsequent to adoption of new zoning bylaw a number of zoning bylaw amendments have been considered such as a Forest Land Stewardship application, several aquaculture proposals, and a number of amendments for residential and commercial purposes.

In fall 2005, Cortes Island was the site of a grassroots, community-based charrette to plan for the future of Manson’s Landing. Dedicated citizens proactively envisioned the future of their community. On September 20 – October 2, 2005, Smart Growth BC staff joined experts from the Regional District and CMHC to facilitate the 2 ½ day design event. “The intensive community design charrette generated many excellent short and long term ideas to address current issues and to guide the future growth of the village of Manson’s Landing.” (Cortes Tideline General News 20th Jan 2006 – Norberto Rodriguez)

On February 15, 2008 as a result of a ministerial order to restructure the Comox Strathcona Regional District, the Strathcona Regional District (SRD) became British Columbia’s newest regional district. The participants in the new SRD are Campbell River, Gold River, Sayward, Tahsis, Zeballos, Kyuquot-Nootka/Sayward (Electoral Area A), Cortes Island (Electoral Area B), Discovery Islands-Mainland Inlets (Area C), and Oyster Bay-Buttle Lake (Area D).

In 2009 a comprehensive review of Bylaw No. 1740 being the 1995 Official Community Plan was initiated. The process was divided into phases: Phase 1 consisted of the collection of relevant public, environmental and social studies in order to form a strong foundation for the policy review process. Products of Phase 1 were an OCP Seniors study, a water survey, an affordable housing survey and report, a ‘blue-sky’ visioning event, and a report by the Cortes Island Climate Action Team that included a set of recommendations to address climate change.

Phase 2 was the more formal public engagement and policy development process. The OCP public process included a variety of events which culminated during the fall of 2011, with a

series of 10 focused policy meetings. Throughout the process key issues were identified as be relevant to life on Cortes, those being the development of affordable housing policies, the provision of coastal and freshwater designations, the refinement of aquaculture siting criteria, a deepening of environmental policy, direction on how to manage growth in the future and consideration of some initial local planning for Manson's Landing.

The community of Area 'B' should be extremely proud of the participatory manner in which it has played an active role in formulating its own regulations. Area 'B' had the first, and for a long time, the only active APC in the Regional District. The Electoral Area 'B' APC has been in operation since the inception of the Regional District and has acted as a conscientious and valuable interpreter between the community and the Regional Director. There has always been a full effort made to involve as many community members, and their opinions, as possible in the regulatory process. Most importantly, there has been and continues to be a very significant proportion of the community who are prepared to invest their time and energy in the planning for the betterment of its community.

1. Septic Systems/Treatment & Disposal

The vast majority of sewerage needs on Cortes Island are met by on-site sewer systems, primarily septic field systems. There are no public community based sewerage systems on the Island. There are currently no sanitary or storm sewers available to service new developments. It is the responsibility of owners building new housing units to install a septic field or treatment system of their choice. The installation of a collection system at a housing site and connection to the community disposal system is the responsibility of the stakeholder. All sewage disposal systems must be approved by the Vancouver Island Health Authority. Designated sewage areas include Carrington Bay, Cortes Bay, Manson's Landing And Squirrel Cove

Marine sewage regulations are in effect on Cortes Island highlighting minimum equipment requirements, documentation, sewage discharges and designated areas. This is an important issue and there is the general perception that there is excessive waste disposal to the marine environment from boats.

2. Solid Waste

Cortes Island currently is a participant in the Regional Solid Waste Management service. This service is a remnant of the former Comox-Strathcona Regional District waste service. Through the Supplementary Letters Patent that created the Comox Valley Regional District and the Strathcona Regional District, the CVRD has remained the service provider for solid waste. The CVRD operates the Campbell River Waste Management Center and the Pidgeon Lake Waste Management Centre.

In 1995, the landfill on Cortes was closed down and replaced by a three-bay transfer station. Due to growth in recent years in 2008 a fourth bin was added to accommodate the accumulating amount of solid waste on the island, primarily due to construction waste. Collection and transportation of solid waste however is a local responsibility and a Regional District service exists to satisfy this need. Waste collection is provided by a local company. The

waste is transported to Campbell River Waste Management Centre for disposal in 40-yard containers.

There is currently no comprehensive means of dealing with hazardous waste on Cortes Island, with the public basically required to transport any hazardous wastes by their own means via the ferry over the Campbell River. There is a belief that this important function should be covered under the Regional Solid Waste Management Plan and efforts are being made to achieve this goal. The draft of the new Solid Waste Management Plan of the CVRD indicates that this issue will be addressed under the new management plan.

3. Recycling

The Cortes Island Recycling Centre located in Squirrel Cove services the Island and operates under the Regional Solid Waste service. The mission of the Centre is, "to promote the three R's, reducing, reusing and recycling. Our goal is to educate, encourage and provide examples on how to incorporate the 3 R's into everyday life. Our aim is a cleaner greener island and our hope is to spread this message world-wide." The centre relies on 4 paid employees and numerous volunteers for operation. The centre recycles paper, cardboard, glass, metal, plastics and scrap metal; autos are subject to a \$40 fee and fridges/freezers containing Freon coolant are subject to a \$15 freon removal fee. Government docks accept sorted, clean separately bagged recyclables. The fee for garbage ranges between \$2 and \$10 depending on size. This service is available for moorage customers only.

In 2008, the Cortes Island Recycling Centre implemented a new website (insert URL) as a resource for community residents and visitors and includes a recycling guide, locations of recycling drop-off stations, a map page and information on the Cortes Free Store.

4. Water Infrastructure

The Hague-Gunflint water system contributes to a small watershed on Cortes Island. Hague Lake, a multi-use lake on Cortes Island, is located on the southern portion of the island adjacent to Manson's Landing Provincial Park. The lake is actively used for recreation, the Provincial Park and community beach. Residential lots border the lake and Manson's Landing resides 300m from the shoreline. The residencies are on septic fields; local residents draw domestic water either by stand-alone pipes or an unofficial water system servicing 4-5 properties. There are currently 8 known water licenses (6 for residential volumes) and the remainder utilizes well water, which may source from the lake. Results indicate varying levels of fecal contamination which may stem from livestock, septic fields or wildlife. Hague Lake is inhibited by populations of Aleutian Sculpin, Coho salmon, cutthroat and Stickleback.

Gunflint Lake is substantially smaller than Hague Lake containing 4 residential properties on the shorefront as noted in the Water Quality Study. All sewage in the area is handled by private septic fields. To the west of the lake is Kwas Park and to the north are residential and rural lots. East of the lake, on the Agricultural Land Reserve, is Linnaea Farms which operates as a multi-use property for education, commercial activity, a campsite and housing for people attending workshops and programs. A beaver dam and cattle (via feeder streams) may be a source of

contamination for the lake. Water tests and sampling have been administered by the Ministry of Environment, Provincial Park Service and residents.

In 2003, a Water Quality Study and Potability Analysis were completed for Hague and Gunflint lakes. The study acts as a supporting mechanism for previous intermittent data collected over the last 15 years and a tool for future watershed planning and management. Study findings revealed fecal coliforms present in both lakes at all test locations and sites during the testing cycle.

5. Resource Extraction

The location and extent of known Gravel Deposits within the Plan Area are as delineated on Schedule A-1. It is anticipated that commercially viable gravel deposits may be found at other locations within the Plan area.

Gravel extraction is recognized as a permitted use in all areas except those lands identified for park purposes and those designated for Residential use. It is further recognized that the Regional District does not have direct jurisdiction over gravel extraction activities.

The appropriate senior levels of government are encouraged to work with the Regional District to ensure that *Mines Act* standards are met for bonding, reclamation, health, and safety on sand and gravel operations permitted under the *Mines Act*, and to continue to refer proposals for sand and gravel operations to the Regional District for review and comment. Resource extraction is encouraged from existing pits rather than opening new pits.

In order to maintain the visual quality of the landscape of the Plan Area, it is the policy of the Regional District to encourage gravel pit owners and operators to maintain a vegetative buffer of not less than 30 metres (98.4 feet) around their pits, and to reclaim exhausted or unused gravel pits through planting and landscaping, and to incrementally reclaim exhausted portions of gravel pits which are still in use. The appropriate Provincial agencies are encouraged to specify security/bonding requirements as part of any application process seeking approvals for operation of a sand and gravel pit.

6. Transportation

Cortes Island is located on the northern end of the Strait of Georgia and comprises the main portion of Electoral Area "B" within the Strathcona Regional District. Cortes Island is located closer to the British Columbia mainland than to Vancouver Island. Cortes Island can be reached via a 40-minute ferry ride from Quadra Island.

To provide a link from Cortes Island and Vancouver Island various methods of transportation have been implemented. BC Ferries provides a regularly scheduled daily service, via Quadra Island, which is the most utilized method for residents and visitors alike. There is also the Discovery Launch Water Taxi which provides a connection between the two islands.

Other existing transportation methods include Island link Bus Services Ltd. and the Cortes Connection which provide public pick-up and drop-off services.

Rideshare programs include the Hollyhock Rideshare Board and Cortes Ride Share. The Cortes Natural Food Coop sponsors this Ride Share Board in the hope that people will share a ride for natural and environmental reasons.

Seaplane flights can be booked to Manson's Landing on the southwest corner of Cortes Island or to Cortes Bay/Government Dock on the southeast corner from Kenmore, Lake Washington in North Seattle. Flights to Manson's Landing on Cortes are available during the summer months from Vancouver (1 hr.) and Seattle (2 hrs.).

7. Emergency Services:

Cortes Island is a participant in the regional Strathcona Emergency Program service (SEP). The service is regionally administered to ensure that each participants plans are standardized so that response and recovery can transcend geographic and political borders. The SEP includes Campbell River, Sayward, Gold River, Tahsis, Zeballos, Kyuquot-Nootka/Sayward (Electoral Area 'A'), Cortes Island (Electoral Area 'B'), Discovery Islands-Mainland Inlets (Electoral Area 'C'), and Oyster Bay-Buttle Lake (Electoral Area 'D').

The SEP is responsible for the emergency preparedness, mitigation, response and recovery for their respective communities. The Strathcona Emergency Program works with and supports the following agencies: Canadian Coast Guard, police, fire, BC Ambulance, Red Cross, forestry, BC Hydro, local, provincial and federal governments.

There is RCMP service to the Island, the detachment located on neighbouring Quadra Island. Ambulance and Fire services are present are both present on the Island. The Cortes Volunteer Fire Department services the two fire halls located on Cortes. The Cortes Island Firefighting Association (CIFA), organized in 1985 and incorporated in 1989, administer fire operations in the area. Ambulance service is provided by the B.C. Ambulance Service with trained attendants on duty 24 hours a day. This service is part of the Provincial Emergency Program.

**Strathcona
Regional District**

ELECTORAL AREAS SERVICES COMMITTEE

Wednesday, June 13, 2012

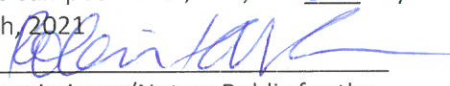
Minutes of the regular meeting of the Electoral Areas Services Committee held on Wednesday, June 13, 2012 at the Strathcona Regional District office located at #301 - 990 Cedar Street, Campbell River, B.C.

A quorum having been confirmed, the Chair called the meeting to order at 9:30 am with the following directors in attendance:

MINUTES

- Chair:** J. Abram Electoral Area C (Discovery Islands - Mainland Inlets)
- Vice-Chair:** B. Leigh Electoral Area D (Oyster Bay - Buttle Lake)
- Directors:** N. Anderson Electoral Area B (Cortes Island)
- G. Whalley Electoral Area A (Kyuquot/Nootka-Sayward)

This is Exhibit " B " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021


A Commissioner/Notary Public for the Province of British Columbia

ADOPTION OF PUBLIC AGENDA

Leigh/Whalley: EASC 60/12

THAT the agenda for the June 13, 2012 regular meeting of the Electoral Areas Services Committee be adopted as presented.

Leigh/Whalley: EASC 61/12

THAT the agenda be amended to include presentations from speakers Tom Hall and Jon Ackroyd immediately prior to item I(3)(c).

CARRIED

N. Anderson/Whalley: EASC 62/12

THAT the agenda be adopted as amended.

CARRIED

ADOPTION OF PREVIOUS MEETING MINUTES

Whalley/N. Anderson: EASC 63/12

THAT the minutes of the May 9, 2012 regular meeting of the Electoral Areas Services

Committee be adopted.

CARRIED

BUSINESS ARISING FROM THE MINUTES

Cortes Island Library Update

Director Leigh provided a verbal update on the Cortes Island Library.

STAFF REPORTS

Development Variance Permit Application DV 1C 12 - Maddison (588 Green Road)

Whalley/Leigh: EASC 64/12

THAT the report from the Chief Administrative Officer be received.

CARRIED

Whalley/Leigh: EASC 65/12

THAT the June 5, 2012 and June 8, 2012 correspondence from Doug and Cate Woroschuk be received.

The Chair called for speakers from the gallery.

A member of the public spoke on the application.

At the invitation of the Chair, the applicant spoke on the application.

Whalley/Leigh: EASC 66/12

THAT the Committee recommend that development variance permit DV 1C 12 (Maddison) be approved.

Leigh/Whalley: EASC 67/12

THAT the motion be amended to add the following "subject to inclusion of noise abatement regarding the fan as offered by the applicant."

CARRIED

A vote was held on the motion as amended and it was...

CARRIED

Development Variance Permit Application DV 2C 12 - Lagrandeur (1204 Dawnray Road)

Leigh/Whalley: EASC 68/12

THAT the report from the Chief Administrative Officer be received.

CARRIED

Leigh/Whalley: EASC 69/12

THAT the Committee recommend that development variance permit DV 2C 12 (Lagrandeur) be approved subject to removal of the walkway encroachment.

CARRIED

Leigh/Whalley: EASC 70/12

THAT the June 4, 2012 correspondence from Steve Moore and Danielle Girard be received.

The Chair called for speakers from the gallery.

A member of the public spoke on the application.

At the invitation of the Chair, the agent for the owner spoke on the application.

Leigh/Whalley: EASC 71/12

THAT the Committee recommend that development variance permit DV 2C 12 (Lagrandeur) be approved.

CARRIED

Development Permit Application DP 4D 12 - Rutledge/Oviatt (4343 South Island Highway)

Leigh/Whalley: EASC 72/12

THAT the report from the Chief Administrative Officer be received.

CARRIED

Leigh/Whalley: EASC 73/12

THAT the following items of correspondence be received:

i) June 5, 2012 correspondence from Tom Hall, Chair, Electoral Area D Advisory Planning

Commission;

ii) June 7, 2012 correspondence from Jon Ackroyd.

CARRIED

At the invitation of the Chair, Mr. Tom Hall, Chair of the Electoral Area D Advisory Planning Commission spoke on the application.

At the invitation of the Chair, Mr. Jon Ackroyd spoke on the application.

Leigh/N. Anderson: EASC 74/12

THAT the verbal submissions be received.

CARRIED

At the invitation of the Chair, agents for the owners spoke on the application.

Leigh/Whalley: EASC 75/12

THAT the Committee recommend that the matter of environmentally sensitive areas development permit DP 4D 12 (Rutledge-Oviatt) be deferred pending a delegation from the Ministry of Transportation and Infrastructure Approving Officer.

CARRIED

Flood Relief Application FR 1D 12 - Jones/Trepanier (2315 Glenmore Road)

Whalley/N. Anderson: EASC 76/12

THAT the report from the Chief Administrative Officer be received.

CARRIED

Leigh/Whalley: EASC 77/12

THAT the Committee recommend that a site specific exemption to Section 303 (1)(a) of Bylaw No. 2782, being the "Floodplain Management Bylaw, 2005" be granted for application FR 1D 12 (Jones & Trepanier) to allow for the siting of a deck to 18 metres from the natural boundary of the Oyster River.

CARRIED

Environmentally Sensitive Areas Development Permit Application DP 3D 12 - Jones/Trepanier (2315 Glenmore Road)

Leigh/Whalley: EASC 78/12

THAT the report from the Chief Administrative Officer be received.

CARRIED

Leigh/Whalley: EASC 79/12

THAT the Committee recommend that environmentally sensitive areas development permit DP 3D 12 (Jones & Trepanier) be approved.

CARRIED

Frontage Relief Application FrR 1D 12 - Isis Land Corp. (Highway 28/Cedar Creek Road)

Whalley/Leigh: EASC 80/12

THAT the report from the Chief Administrative Officer be received.

CARRIED

At the invitation of the Chair, the agent for the applicant spoke on the application.

Leigh/Whalley: EASC 81/12

THAT the Committee recommend that the matter of the frontage relief application FrR 1D 12 (Isis Land Corp.) be referred to the next meeting of the Electoral Area D Advisory Planning Commission.

CARRIED

Cortes Island Official Community Plan

Whalley/N. Anderson: EASC 82/12

THAT the report from the Chief Administrative Officer be received.

CARRIED

N. Anderson/Whalley: EASC 83/12

THAT the Committee recommend that the Board give two readings to a bylaw to adopt an official community plan for Electoral Area B (Cortes Island) and that a public hearing date be scheduled and that the bylaw be amended as follows:

409.2 (d) (i) one single family dwelling and a secondary suite or a cottage shall be permitted;

409.2 (d) (ii) additional single family dwellings shall be permitted on lots in excess of the required minimum 1.0 ha (2.47 acres) lot area providing a ratio of 1 primary single family dwelling unit per 1.0 ha is not exceeded. See zoning bylaw for details;

409.2 (e) (iii) Densities that exceed those described in the Cortes Zoning Bylaw may be

considered in limited circumstances, on a site by site basis, where a ratio of one dwelling unit per 1.0 ha is maintained, and where community benefit is identified.

409.3 (c) (i) one single family dwelling and a secondary suite or a cottage shall be permitted;

409.3 (c) (ii) additional single family dwellings shall be permitted on lots in excess of the required minimum 2.0 ha (4.94 acres) lot area providing a ratio of 1 primary single family dwelling unit per 2.0 ha is not exceeded. See zoning bylaw for details;

409.3 (c) (iii) Densities that exceed those described in the Cortes Zoning Bylaw may be considered in limited circumstances, on a site by site basis, where a ratio of one dwelling unit per 2.0 ha is maintained, and where community benefit is identified.

409.4 (c) (i) one single family dwelling and a secondary suite or a cottage shall be permitted;

409.4 (c) (ii) additional single family dwellings shall be permitted on lots in excess of the required minimum 4.0 ha (9.88 acres) lot area providing a ratio of 1 primary single family dwelling unit per 4.0 ha is not exceeded. See zoning bylaw for details;

409.4 (c) (iii) Densities that exceed those described in the Cortes Zoning Bylaw may be considered in limited circumstances, on a site by site basis, where a ratio of one dwelling unit per 4.0 ha is maintained, and where community benefit is identified.

Leigh/Whalley: EASC 84/12

THAT the motion be amended to further amend the bylaw to include library services as a desired service on Cortes Island.

CARRIED

A vote was held on the motion as amended and it was...

CARRIED

TERMINATION

Whalley/N. Anderson: EASC 85/12

THAT the June 13, 2012 regular meeting of the Electoral Areas Services Committee be terminated.

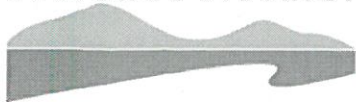
CARRIED

Time: 12:11 p.m.

Certified:


Corporate Officer

J. Abram
Chair



This is Exhibit " C " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.

STAFF REPORT


A Commissioner/Notary Public for the Province of British Columbia

FILE: 0550-04 Board/Cortes OCP

DATE: June 20, 2012.

TO: Chair and Directors,
Regional Board

FROM: Brian Reardon
Chief Administrative Officer

RE: **PROPOSED BYLAW NO. 139 - CORTES ISLAND OFFICIAL
COMMUNITY PLAN BYLAW 2012**

PURPOSE/PROBLEM

To inform the Regional Board on the status of proposed Bylaw No. 139, being Cortes Island Official Community Plan Bylaw 2012.

POLICY ANALYSIS

Part 26 "Planning and Land Use Management Section 879 of the *Local Government Act (LGA)* addresses local governments' role regarding official community plans and zoning bylaws. Section 890 of the LGA stipulates that a local government must not adopt an OCP or zoning bylaw without holding a public hearing on the bylaw. Section 879 of the LGA states that during the development of an official community plan, and prior to the statutory public hearing on a new OCP, the Regional District must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected. The legislation specifically requires the local government to consider whether to consult with the following:

- a) the board of any regional district that is adjacent to the area covered by the plan,
- b) the council of any municipality that is adjacent to the area covered by the plan,
- c) First Nations,
- d) school district boards, greater boards and improvement district boards, and
- e) the provincial and federal governments and their agencies.

EXECUTIVE SUMMARY

At the June 13th EASC meeting a recommendation was made to the Regional Board to proceed to 1st and 2nd reading, pending the outcome of a number of amendments to the proposed Official Community Plan. These amendments include changes to selected settlement provisions in Section 400 of the OCP and the inclusion of policy language regarding a desire for library service on Cortes Island. Staff is working on incorporating these changes as well as identifying any legislative implications to the amendments as proposed.


Further, as outlined in the staff report dated June 8, 2012, there is the outstanding matter of consultation with First Nations, specifically the Klahoose First Nation. To date, there has been substantive engagement between the parties such that a number of policy comments have been advanced by the Klahoose First Nation. As these discussions may lead to amendment of the proposed OCP, further engagement is required prior to advancing the OCP to the Regional Board for further action.

It is anticipated that any amendments to the OCP will be complete within a month and that consultation with First Nations will have progressed to a point such that the proposed OCP will be forwarded to the Regional Board for consideration of First and Second readings in July.

RECOMMENDATION(S)

THAT the report from the Chief Administrative Officer be received.

Respectfully:

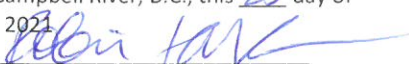


Brian Reardon
Chief Administrative Officer

Report prepared by

Russ Hotsenpiller
Manager, Community Services

This is Exhibit " D " to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021.



A Commissioner/Notary Public for the
Province of British Columbia

Zoning Bylaw Review, Park Sale? SCCA Gas Tax \$ and more...

Noba Anderson

Hello all and happy fall!

This morning I am heading off to Co-Chair a meeting of the Strathcona Community Health Network (see last month's article), meet with my staff about the upcoming zoning bylaw review and then head down to Victoria for the annual Union of BC Municipalities convention where we will be debating issues of importance put forward by local governments from around the province. I will write a report about that shortly, but have a few local things to share with you before I get engulfed in that provincial world.

Re: Review of Cortes Island Zoning Bylaw, 2002 (#2455) (Electoral Area B)

This fall, it truly looks as though we are going to review the Cortes zoning bylaw! There is only caution in my voice because I have been promising this for a few years, but now the pieces are truly lining up. I approach this both with some trepidation but also knowing that it is quite important to get it right and bring it up to date, including having the zoning bylaw better reflect our recently revised Official Community Plan.

What is the Zoning Bylaw and What does it do? The opening line from the current document states; "It is the intention of the Cortes Island Zoning Bylaw to reflect in simple day-to-day rules, the character of the Cortes Official Community Plan, 1995 and in so doing, provide for a fair, spacious and comfortable life in a rural environment." The zoning bylaw regulates what may, and may not, legally occur on both land and water on and around Cortes from a land-use perspective. It regulates things such as the size of residential lots, how many houses, cabins and outbuildings can be built on each, how far back structures must be placed from lot lines, what activities may and may not occur on commercial lands and which lands are reserved for forestry use. It regulates some aspects of the aquaculture industry as well as private and public docks including location and permitted structures. It regulates signs and parking and home business use. It provides set-backs from streams, limits the location of sawmills, and will be in alignment with the more visionary Community Plan that looks to how we want to be as a community into the future.

So back to the imminent review... Next week, I will be asking advice of my Advisory Planning Commission how to proceed with this review in the best way for the island and I anticipate that the initial community consultation portion of this review will happen between late October and early December. I believe that most of the terrestrial zones serve us well and don't need much modification (most residential, commercial, forestry etc.) although I could stand corrected.

I will be putting forward some edgy ideas for your consideration such as establishing setbacks from the ocean and imposing maximum house sizes. I want us to think hard about the kind of future we want for this community. As much as we hate rules, they can really protect us, and the environment, against the kind of development we do not want to see and encourage land use that we support. Our zoning bylaw can be part of supporting affordable housing, or making it increasingly difficult for a diverse range of people to be here. Think about communities that are a joy to be in and those that are a nightmare maze, and I bet that some of that is a result of good (or poor) planning. One of my favourite local examples of this is Qualicum Beach. Local government can't outright ban fast food chains from a town, but Qualicum Beach limits sign size, height and illumination and prohibits drive-throughs... and to date no fast food chain has set up shop!

There are three areas that I foresee will need more attention and community discussion than others during the review of the Cortes Zoning Bylaw.

1. We truly need an overhaul of most of the aquaculture zones that were not updated during the last review in 2002. We will work together to try and find a solution to the issues that works best for all parties.
2. We did not find good resolution during the Community Plan review about the number of permitted houses on un-subdivided lots and the permissible size of the secondary cabin or suite. There is some very clear language in the Community Plan that supports increasing this density, but if this is done across the board or on an application basis only is an issue where we will need to find some resolution.
3. Finally, I anticipate needing some good thought regarding the provisions to regulate 'nuisance.' There is some strong and clear language in our current zoning bylaw that speaks to disallowing 'nuisance' including the number of junked cars on a lot, general unsightliness, etc. Since the adoption of this bylaw in 2002, the courts have declared that we need to have these kinds of provisions in a separate 'nuisance bylaw,' so we will need to decide if we want to go this route and if so, whether we want to include the same kinds of general prohibitions that currently exist. Related to this nuisance issue, we will need to decide if we want a 'special events' permit for large outdoor gatherings that would set some standards for safety and sanitation.

We will be holding some public meetings, likely on specific topic areas, and will also encourage input through other avenues. If all goes well this fall, I expect that a draft would come back for community comment in the new year with final adoption opening sometime late spring. How is that for optimistic? I would encourage anyone interested to read through the existing Cortes Island Zoning Bylaw, 2002 (#2455) (Electoral Area B) and think about how to improve it. You can find it here. On the same page you can also find the 2012 Cortes Official Community Plan which may offer some inspiration in your thinking. The zoning bylaw update is an opportunity to shape land use, growth and density and protect environmental values on Cortes – something that directly impacts all of us. Thanks in advance for your participation.

Sutil Point Park – Unethical or Wise to Sell a Park?

Cortes has only one small, inactive park which is on Sutil Road that I expect very few of you know anything about. It is ½ an acre in size and located immediately before the beginning of Smelt Bay Provincial Park as you head south on Sutil Road. It is forested, has no trails, signage, nothing, and being in the ‘inactive’ category the Regional District does nothing with it other than insure it and include it on our parks map (if you look closely you will see it, but at the Cortes-wide scale it is completely lost). This park was created in 1991 as part of a subdivision, and to my knowledge has never really been used. The neighbourhood is well served by Smelt Bay Park and I don’t see this park being an attraction beyond the most local users. Is this park worth keeping? If so, should we develop it for local use in some manner? If not, should we sell it? If we sell it, the funds would go into a Cortes-specific reserve to purchase future parklands, and possibly in part help with the last debt payment in 2019 for the Whaletown Commons. We could consider selling it to one of the two adjacent property owners whereby they would absorb it into their existing lot. It is estimated that we would likely get about \$30,000 for this kind of sale. If we were to put it on the open market for sale as a stand-alone lot, we would likely receive over \$100,000, although a formal appraisal has yet to be completed. The ironic and possibly unfair thing about the SRD selling such a small lot is that we would not allow a lot of this size to be created, although there are many other historical lots this small on Cortes. So the question is, what is more valuable and of greater benefit to the community: this piece of land as public/green space or the funds from its sale that could contribute toward the purchase of a park with greater value?

To proceed with a sale in any way, we would need your formal permission. This is your park, your funds, your decision. There are two ways to seek this formal approval. The first is an ‘alternative approval process’ whereby we say that it is our intent to sell unless 10% of you object. This was the recommendation in the Regional District staff report found here. This process could be done quickly, allowing the funds to be available sooner for use, but gives voice only to the negative. The other option that I may support would be to have a referendum question on the ballot at the next local government election in two years. I would only recommend moving in this direction after hearing from you. Is this worth the effort? Is this park of good public value? I am open to hearing your thoughts about how to engage in this matter; tours, meetings, a survey?

Cortes Advisory Planning Commission

We are very blessed to have such a great, diverse and cooperative group that serve Cortes as the Advisory Planning Commission advising me and the Regional District board on land-use planning matters. As noted above, we will be meeting next week to discuss the best way to proceed with the review of the Cortes Zoning Bylaw. I would like to thank the following four people for their service on the Commission and acknowledge their generous contribution over the years. Julia Rendall, Susanna Bonner, Mary Clare Preston and Leah Seltzer have all stepped down due to changes in their life circumstances. Joining us this fall is Carrie Saxifrage and Corry Dow and I have a couple other expressions of interest that I will be considering and invite other suggestions as well. Members staying on include Mike Manson, Ester Strijbos, Rod Lee, Kristen Scholfield-Sweet and Frances Guthrie.

SCCA Gas Tax Fund Application

The Regional District Board has agreed in principle to support a Gas Tax application from the Southern Cortes Community Association for \$86,000, and we are awaiting the final staff report and contract before this becomes final.

The first portion is a requested \$35,000 to complete the community kitchen renovations which has an overall budget of \$169,300. This kitchen was closed by Island Health three years ago. What really stands out is the \$134,300 they have raised through local contributions and larger government grants to not only replace the kitchen but improve it substantially with the intention of making it more open for community use than ever before.

The second project centers around upgrades to increase the hall’s accessibility - mostly through improvements to the entry way – and is requesting \$21,000 of gas tax funds. Of note, they have raised \$49,000 toward these upgrades including a \$40,000 Federal Enabling Accessibility grant that requires our \$21,000 matching funds to retain the \$40,000 in hand.

The third project component, at the request of the Cortes Gas Tax Advisory Committee, is up to \$30,000 for a new generator back-up power system to run the hall’s essentials when the power is out – which is a regular occurrence. This generator will allow community events to continue when the power is out and also will much better equip the hall to be of assistance to the whole community in emergency situations.

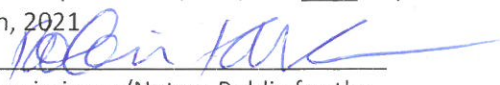
An earlier version of this application came to the Cortes Gas Tax Advisory Committee in June and has been notably revised based on their input, including a reduction in both the kitchen and accessibility budgets and associated Gas Tax contributions as well as the inclusion of the generator project. This revised application has received their support and I was therefore quite happy to advance it at the Regional District board. To see the full application please [click here](#)

That's all for now. Many thanks for the opportunity to serve.

Noba Anderson,
Regional Director, Cortes Island
director(at)cortesisland.com, 250-935-0320



This is Exhibit " E " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021


A Commissioner/Notary Public for the Province of British Columbia

AGENDA

File: 0360-20/ Area B APC

Notice of meeting of the
CORTES (AREA 'B')
ADVISORY PLANNING COMMISSION
Tuesday, October 4, 2016
To be held at #1 Cortes Island Fire Hall,
959 Beasley Road, Manson's Landing, Cortes Island, BC
Commencing at 3:00 p.m.

1. Receipt of the minutes of the Wednesday, May 27, 2015 Cortes (Electoral Area 'B') Advisory Planning Commission meeting.
2. Letter from Director Noba Anderson, re: Review of Cortes Island Zoning Bylaw, 2002 (#2455) (Electoral Area 'B').
3. Memorandum from Karin Albert, Planner dated September 28, 2016 regarding the community consultation process design for the review of Bylaw no. 2455 'Cortes Island Zoning Bylaw, 2002'.
4. Next meeting date (to be determined).

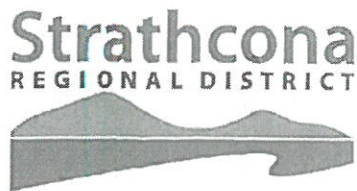
DISTRIBUTION

Full: (7)

Rod Lee
Frances Guthrie
Ester Strijbos
Mike Manson
Kristen Scholfield-Sweet
Carrie Saxifrage
Corry Dow

Electronic

Manager of Community Services
Parks and Planning Manager
Planners
Noba Anderson, Director, Electoral Area 'B'
Mary Lavelle - Alternate
File copy
Cover Page:
Reception notice board
SRD website



Memo

File: 3360-01

Date: September 28, 2016

To: Advisory Planning Commission
Electoral Area 'B'

From: Karin Albert, Planner

Re: BYLAW No. 2455 'CORTES ISLAND ZONING BYLAW, 2002' REVIEW

Bylaw No. 2455, 'Cortes Island Zoning bylaw, 2002' has not been updated in a number of years. Given the age of the document, a full review of the bylaw is required to ensure it is compliant with legislation and is in line with the vision, goals, objectives and policies of the Cortes Island Official Community Plan which was adopted by the Strathcona Regional District (SRD) Board in early 2013.

The SRD is seeking input from the Area B APC regarding key areas for consideration as part of the zoning bylaw review, as well as the public consultation process.

Some of the areas for consideration include:

- Aquaculture zones
- Permitted densities (i.e. number of permitted dwellings and secondary suites)
- Environmental protection through setbacks to the foreshore, riparian areas, siting of buildings, wells and septic systems
- Legal requirements to remove nuisance regulations from zoning bylaw

We will confirm this list at our meeting and also identify other issues that need to be explored with the public during the consultations.

As part of developing the consultation process your input on how best to get the word out about the review and encourage participation from a broad range of residents is requested. Your input will help determine what background information would be helpful, format and number of public events/meetings and the overall time line for the process.

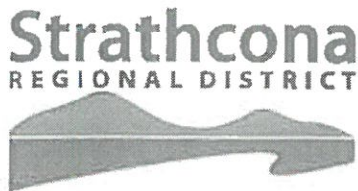
The SRD is committed to one public meeting to provide an overview of the zoning bylaw review and provide for public input. In addition to this, the *Local Government Act* requires the SRD board to conduct a public hearing prior to adoption of a zoning bylaw. Public hearings are held after first reading and before third reading of the bylaw. The bylaw is adopted by the Board following fourth hearing. The SRD expects to present a draft bylaw to the board after the first round of public consultation on Cortes Island and make the draft available for a final public review prior to the public hearing and prior to third reading.

Your input is requested.

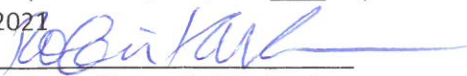
Sincerely,

K. ALBERT

Karin Albert
Planner



This is Exhibit " F " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021


 A Commissioner/Notary Public for the Province of British Columbia

AGENDA

File: 0360-20/ Area B APC

Notice of meeting of the
CORTES (AREA 'B')
ADVISORY PLANNING COMMISSION
 Monday, December 12, 2016
 To be held at #1 Cortes Island Fire Hall,
 959 Beasley Road, Manson's Landing, Cortes Island, BC
 Commencing at 3:00 p.m.

1. Receipt of the minutes of the Tuesday, October 4, 2016 Cortes (Electoral Area 'B') Advisory Planning Commission meeting.
2. Cortes Island Zoning Bylaw Review
3. Special Events Bylaw
4. Next meeting date (to be determined).

DISTRIBUTION

Full: (7)

Rod Lee
 Frances Guthrie
 Ester Strijbos
 Mike Manson
 Kristen Scholfield-Sweet
 Carrie Saxifrage
 Corry Dow

Electronic

Manager of Community Services
 Parks and Planning Manager
 Planners
 Noba Anderson, Director, Electoral Area 'B'
 Mary Lavelle - Alternate
 File copy
Cover Page:
 Reception notice board
 SRD website



Minutes of the meeting of the Electoral Area 'B' (Cortes) Advisory Planning Commission of the Strathcona Regional District held on Tuesday, October 4, 2016 at #1 Cortes Island Fire Hall, Cortes Island, BC, commencing at 3:00 p.m.

PRESENT:	Acting Chair	Corry Dow
	Members	Frances Guthrie Mike Manson Carrie Saxifrage Corry Dow
ABSENT:	Members	Kristen Scholfield-Sweet Ester Strijbos Rod Lee
ALSO PRESENT:	Electoral Area 'B' Director Alternate Director	Noba Anderson Mary Lavelle
	SRD Planning Staff	Karin Albert John Neill

CALL TO ORDER:

The Chairman called the meeting to order at 3:13 p.m.

AGENDA ITEMS

Minutes of Advisory Planning Commission Meeting

GUTHRIE / MANSON: THAT the minutes of the Electoral Area 'B' (Cortes) advisory planning commission meeting held on Wednesday, May 27, 2015 be adopted.

CARRIED

DOW / SAXIFRAGE: That the Cortes (Area 'B') advisory planning commission receive the letter from Director Noba Anderson dated September 26, 2016, 'Review of Cortes Island Zoning Bylaw, 2002 (#2455) (Electoral Area B) as presented.

CARRIED

DOW / SAXIFRAGE: That the Cortes (Area 'B') advisory planning commission receive the memorandum from Karin Albert, Planner dated September 28, 2016, 'Bylaw No. 2455 'Cortes Island Zoning Bylaw, 2002' review as presented.

CARRIED

NEXT MEETING DATE

The next Electoral Area 'B' (Cortes) advisory planning commission meeting is scheduled for Tuesday, November 29, 2016 at (location to be determined.)

NEW BUSINESS

TERMINATION

DOW / GUTHRIE: THAT the meeting terminate.

CARRIED

Time: 5:10 p.m.

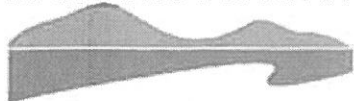
Recording Secretary:

Carrie Saxifrage

Acting Chair:

Corry Dow

Strathcona
REGIONAL DISTRICT



Memo

File: 3360-01

Date: December 8, 2016
To: Advisory Planning Commission
Electoral Area 'B', Cortes Island
From: Karin Albert, Planner
Re: Bylaw No. 2245, Cortes Island Zoning Bylaw, 2002 Review

Strathcona Regional District staff conducted a meeting at the Klahoose Hall on Thursday, December 1, 2016 to formally introduce the review of the Cortes Island Zoning Bylaw. An estimated 80 to 100 Cortes residents participated in the meeting.

The focus of the meeting was to provide residents the opportunity to share topics and issues that are of concern and that they wish to be addressed as part of the zoning bylaw review. The topic that came up most frequently was density and the permitted number of dwellings in residential zones. Other topics of interest were aquaculture, affordable housing, year round housing and protection of water quality and the environment. Also discussed was the potential for the creation and implementation of a nuisance bylaw and bylaw enforcement.

The notes from the meeting are attached.

Sincerely,

A handwritten signature in black ink that reads "K. Albert".

Karin Albert
Planner

Attachment:

Notes, Public Meeting, Cortes Zoning Bylaw Review, December 2016



File: 0360-20???: Area B

NOTES

Public Meeting, Cortes Zoning Bylaw Review
Thursday, December 1, 2016 2:30 – 4:30 p.m.
Klahoose Hall, Cortes Island

Attendance: 85-100 participants

The meeting started with 30 minutes of participants reviewing poster boards that provided background information, followed by 1.5 hours of open discussion. During the discussions, participants brought up key issues for consideration during the zoning bylaw review.

Flipchart notes organized by theme below.

(Note: Questions are prefaced with a "Q", answers provided by SRD staff with an "A".)

LAND USE AND DENSITY

- Rural land use and density – existing zoning out of touch with existing use, lots of informal land use. Affordability is key.
- Need clarity/definition on what affordable housing is.
- Standard definition of affordable housing is when less than 30% of household income goes toward housing costs. Cortes has an income issue as much as an affordability issue. Average income is low.
- Don't equate affordability with diversity.
- Apply CLS (community land stewardship) zone rules, that is, density and clustering to all zones.
- CLS zone – clustering leaves large parts of land undeveloped.
- Get rid of up to a maximum of 5 dwellings. Remove cap, e.g. 1 dwelling per 4 ha
- How will density affect services, e.g. ferry capacity.
- Density changes need to consider infrastructure.
- Need to be aware of potential social problems as a result of increased density.
- Need a definition for tiny homes and their use and zone.
- Need for a distinction between affordable to rent and affordable to own. Both are important.
- Age diversity and our future – we need a diversity of options.
- Don't turn Cortes into a place for wealthy people.
- We have people living in the woods - trailer parks might be a low cost housing option for them.
- Lack of housing affects young people. There are few rental options. Low vacancy rates.
- Support creation of more rentals.
- Research is needed on vacancy rates and rents.

- Pro-active planning needed so can keep young people – need low income housing – clustering with state of art septic systems needed to minimize impact on environment.
- Ensure there is housing for people who already live here.
- There are tax implications from not subdividing – per hectare land values are lower for larger lots.

Q: If there is no subdivision, the SRD cannot ask for 5% parkland dedication of parent parcel or cash in lieu?

A: *Landowners have to provide parkland or cash in lieu only if creating three or more additional lots that are 1 ha or smaller in size. 1 hectare is minimum lot size on Cortes now – a provincial requirement if there is no sewerage system or community water system.*

- Need to consider tax implications of zoning bylaw updates – more regulations, more taxes.

YEAR ROUND HOUSING

There is an imbalance between seasonal and year round housing. How can we encourage/allow for more year round housing?

Q: Can one put tax on homes empty for 6 months or more?

A: *The SRD does not have the ability to do this. Vancouver got special legislative powers from the Province to be able to do so. Could explore a short-term rental bylaw which would be separate from the zoning bylaw.*

DENSITY AND PROTECTION OF WATER

- Groundwater protection has to be considered.
 - An increase in dwellings increases load on water system
 - Can wells be shared? Monitoring needed to show how increased density will affect water quality and quantity.
- Increased density and impact on lakes.
- What should be requirements for septic systems if density is increased.
- Grey water recycling versus septic – can reduce impact on water quality through grey water recycling and compost toilets.
- Find septic alternatives.
- Provincial grey water system regulation has been promised for 12 years.

ENVIRONMENTAL PROTECTION

Q: Need to deal with impact of log dump on marine ecology in Gorge Harbour. Can that be rezoned?

A: *Can't use zoning to change a currently conforming use. Zoning can only regulate future use.*

- Cortes Island does not have a siting permit requirement for dwellings. This limits what can be regulated. SRD is not in a position to know number of dwellings and siting on lots.

EMPLOYMENT

- There is a lack of employment for young people. How about more commercial zoning? More support/broader definition for home based business in zoning bylaw.
- Need better internet service.

AQUACULTURE

- Do not put more restrictive zoning on aquaculture.
- We're for responsible aquaculture.
- Need to address need of both shellfish farmers and upland residents.
- Distinguish between oyster and mussel growing – very different.

NUISANCE BYLAW

- Nuisance bylaw needed – what recourse do we have if, for example, neighbour is contaminating surface or ground water?
- Have noise bylaw to regulate noise from shellfish farmers and other industry and land uses.
- Regulate boaters (management of their waste) and seaplanes (noise).

Q: Can the SRD be legally required to enforce a nuisance bylaw?

A: *Enforcement is complaint driven. How far to go with enforcement if there is no compliance depends on severity of infraction and resources available.*

BYLAW ENFORCEMENT

- Bylaws need to be enforceable
- Styrofoam on foreshore at Gorge – need more regulations for industry.

BYLAW REVIEW PROCESS

- Who can change zones and how? What is the process to discuss changes?
- Zoning bylaw review provides an opportunity to catch up with reality/land use on the ground.
- Info needed on what *Local Government Act* says on zoning and individual rights.
- Questions on whether the review should go through the bylaw page by page.
- Inquiries regarding whether the review should go through the bylaw zone by zone.
- Suggestions to 'chunk it down' by topic area.
- Send out agenda ahead of time.
- SRD staff to go through bylaw, make suggestions and bring it back to community.
- Suggestions to put out an on-line questionnaire.
- Residents suggested that the community could run their own meetings and provide a summary to the SRD.
- Use the *Tideline* to communicate about meetings.

Detailed Notes: Advisory Planning Commission Meeting December 12, 2016

PRESENT:	Acting Chair	Rod Lee	
	Secretary	Carrie Saxifrage	
	Members	Mike Manson	This is Exhibit " G " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this <u>25</u> day of March, 2021
		Frances Guthrie	
		Esther Strijbos	
		Mike Manson	
		Chris Dragseth	
		Corry Dow	
		Kim Christensen	A Commissioner/Notary Public for the Province of British Columbia

ABSENT: Kristen Schofield-Sweet
Mary Lavelle

ALSO PRESENT:	Electoral Area 'B' Director	Noba Anderson
	SRD Planning Staff	John Neill
	SRD Planning Staff	Karin Albert

AGENDA ITEMS

Chair of meeting: GUTHRIE/STRIJBOS: THAT Rod Lee act as chair.

CARRIED

Minutes of Advisory Planning Commission Meeting of October 3, 2016

Due to a misunderstanding, the complete meeting minutes were not sent to APC members. They will be sent out prior to the next meeting for review. The short version of the minutes presented by staff should reflect that Corry Dow was appointed chair of that meeting, Mary Lavelle was not present and Carrie Saxifrage was appointed Secretary for the remainder of the year. Approval of minutes deferred.

Cortes Island Zoning By Law Review – Public Meeting December 1, 2016, Klahoose Hall

Incorporated by reference: Karin Albert's notes regarding this meeting sent to the APC by email on December 9.

Karin Albert's verbal summary presented to APC:

1. The purpose of this meeting was to get input on topics to be included in the zoning by-law review.
2. 85-100 people in attendance. Surprised by high level of interest. Some positive discussion of issues occurred.
3. Issues raised:
 - a. the cap on the number of dwellings on larger parcels

- b. consequences of increased density
 - c. affordability: both rental and land purchase
 - d. need for more year round housing
 - e. water impacts of increased density
 - f. better wi fi
 - g. restrictions on part time home occupation
 - h. aquaculture: employment/economy vs noise and enviro impacts.
 - i. nuisance by-law: enforcement questions to which RD will respond.
4. Process
- a. How to review the bylaws: page by page, zone by zone, topic by topic.
 - b. If SRD can't provide enough meetings, residents may need more and can fill in.
5. APC comments:
- a. The public didn't know the purpose of the meeting: to identify issues rather than make decisions. There must be clearer declarations to public re process and purpose prior to future meetings.
 - b. Public needs clarity re limits of zoning bylaw power – what can and cannot be done as part of this process.
 - c. One member questioned whether APC's involvement in the bylaw's revision is appropriate. Clear response from members and Noba that this is part of APC's essential role in providing advice re zoning. Some difference among members whether APC should weigh in on substance as well as process. Noba summarized: APC providing input on process during early stages as we are gathering input from Cortes residents, but will review draft bylaw as would review any bylaw and provide substantive input at that stage.

Aquaculture Invitational Meeting: an invitational professionally facilitated meeting was held for stakeholders to clarify issues between aquaculture lease holders and upland owners. Invitees: Island Sea Farms, Gorge Marina, Harbour Authority, small shellfish operators and four upland owners.

1. Public info: Noba will post update in Tideline following APC meeting to allay public confusion regarding an invitational meeting. Request from APC members that even invitational meetings be publicized for clarity regarding who is participating and why. Otherwise APC members have to field questions for which they are not prepared. Noba clarified for the APC that this meeting was in addition to, not instead of a public meeting. The intent with the smaller separate meeting was to allow issues to be explored in greater depth and de-escalate some of existing conflicts. She takes responsibility for any complaints it generated. There will be a public aquaculture meeting.
2. The meeting: Noba: impressive degree of listening and desire to find common ground at the meeting. Will meet again in spring.

Public process for bylaw revision:

1. Noba will provide mail circular in January regarding bylaw revision purposes, limitations, past meetings and next steps.

2. Survey on issues planned for new year – both on-line and paper with easy drop-off as discussed in October meeting.
3. Idea to have two issue based meetings. Enforceability will be discussed at each meeting:
 - a. Density: whether to retain density cap in specific zones and do we want provisions for tiny homes
 - b. Nuisance by-law and aquaculture zoning
4. Enforceability:
 - a. clarity on this needs to be a part of all discussions.
 - b. islanders want to know what is currently enforced, what is not.
 - c. How do we change bylaws if we want more enforcement?
 - d. Noba: RD does have funds for enforcement but there isn't much enforcement because there aren't many complaints. More money would be available if people wanted it and 3 other electoral area directors supported it.
 - e. Karin: enforcement is tied to number of other regulations – in the current situation of no siting permits, there is no way to know how many dwellings per lot, where they are sited relative to creeks etc.
 - f. APC: islanders need clear info that bylaws are enforceable but complaint driven.
 - g. Example cited of zoning infringements that RD knew about because complaint was lodged but the bylaws were not enforced. Fines can be levied only for illegal home occupations. Otherwise, SRD needs to seek a court injunction.
 - h. Noba: island can bring in municipal ticketing and a broader range of ticketable violations that includes violations of the zoning bylaw. Right now the RD board must pursue legal enforcement action. This is expensive and cumbersome.
5. Discussion: will two meetings be enough? Finding the best balance between needing to make time for every issue and limited RD resources.
 - a. Noba: community interest in process will far exceed RD's ability to be here. RD should ID how many times they can be here so community can conduct meetings on their own – with quick info back to RD. For the last bylaw revision a respected group made recommendations. But they didn't get a lot of direction so a lot of their ideas weren't reflected in by-laws.
 - b. Karin: SRD committed at this point to two issue specific meetings, an on-line questionnaire, and two meetings to review draft bylaw.
 - c. APC:
 - i. If staff isn't at meeting people get off on tangents that aren't addressed in bylaw. RD staff can clarify what is outside of the purview of what we are discussing.
 - ii. Without clarity regarding what is on the table at the meeting, participants get frustrated
 - d. List for info that RD should prepare for dissemination to the community, to prepare citizens for realistic discussions:
 - i. Enforceability (see above)

- ii. Maps that show potential density at present and the implications of suggestions that would increase density.
 - iii. Definition of tiny home: not RV or house. Is it caught in our zoning? What do other jurisdictions do?
 - iv. What is a kitchen and so what qualifies as a house?
 - v. Are vacation rentals commercial or residential use?
 - vi. Septic and water are Island Health's authority, not zoning bylaw jurisdiction, unless we want a site permit which ensures these are in place
 - vii. What is the scope of this exercise?
6. Questions:
- a. Can new zones be created? Noba: we can't create a new zone that doesn't exist on the land but we can draft zones as appendix for zoning by-laws as encouragement that people apply for them. Eg, a tiny home zone.
 - b. Can we change zones on map? John Neill: yes, if they accord with the OCP land use designations and reflect actual current use.
 - i. Noba: We need a crystal clear answer on this from RD staff. Other regional and municipal districts say this can be done, eg residential zoning near Whistler downgraded to decrease density.
 - c. What is the scope of our bylaw capacity to change zones and parcels? Eg former church next to Mansons Hall is zoned for Public Assembly. Would it be prudent housekeeping to turn it into residential? Can we change zones on specific zones?
 - i. John Neill: Martha Abelson provided a list of properties that don't conform to land use designation in OCP. Bylaw revision process can include housekeeping to make properties conform to OCP land use designations.
7. Plan:
- a. **Make copies of current bylaws in public places to review – library, (co-op? other?)**
 - b. **Survey in January, on-line and paper as discussed in Oct. APC meeting. This will inform next APC meeting at the end of January.**
 - c. **Noba will send January update to community.**
 - d. **Information to go out from RD staff including points raised in Section 5.d. above.**
 - e. **Density/tiny homes meeting in February or March.**
 - f. **Nuisance/aquaculture two weeks later.**
 - g. **APC will decide next steps after those two meetings and plan more public meetings if any issues have been short-changed of meaningful discussion**

Special Events By law

1) Background:

- a) This proposed bylaw arose out of a situation on Area D south of Campbell River and was presented to the Regional District Board in November. Each area can decide whether or not it wants this bylaw.
- b) Noba: Would like APC guidance on whether this is over-regulation or needed protection. All areas of the SRD, including Cortes Island, have a special events bylaw for events over 1000

people even though we never have events that large. This is a “best practices” version. It exempts Cortes Day, weddings, Friday markets, SCCA events such as Sand Castle Day. WCC could be exempted as well. It would pertain to situations that have not yet occurred on Cortes.

- c) Karin: It would apply to Carrington and other parks, unless a separate parks bylaw creates an exception. Could apply to Sea Fest, anything happening in parks, raves on residential property.

2) APC discussion

- a) Is it enforceable? Yes, RCMP would be made aware of the event. But this is not necessarily helpful because already RCMP can get called as needed. SRD can prohibit event in consultation with fire chiefs in case of extreme or high fire risk. Could also shut event down if security, safety risks or issues affecting human health and sanitation are identified.
- b) Benefit of deflecting interest in Cortes as site for huge events. Off-island organizers would choose a different island with less oversight. Good to deter people during fire season.
- c) From the emergency preparedness angle, this requires a very helpful thinking process.
- d) Security deposit seem prohibitive (\$3K-\$10K depending on # of participants). A zero should be knocked off to put fees in the hundreds rather than thousands. Access to that amount of money should not be precondition to hosting special event. Ticket sales could cover the fee but tickets probably wouldn't be sold until after permit was granted. Karin clarified that security deposit is refunded after event if no damage was created. Security deposit only applies to events over 500 participants or if event is on SRD land. The higher amount, \$10,000 applies to events of 1,000 participants or more since greater potential for damage to property.

Motion to set next meeting date: STRIJBOS/MANSON: THAT the APC reconvene January 30, 2017 3 pm.


CARRIED

Motion to adjourn: DOW/MANSON: THAT the meeting adjourn.

CARRIED



This is Exhibit " H " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.


A Commissioner/Notary Public for the Province of British Columbia

AGENDA

File: 0360-20/ Area B APC

Notice of meeting of the
CORTES (AREA 'B')
ADVISORY PLANNING COMMISSION
Wednesday, October 4, 2017
To be held at Manson's Hall (Pioneer Room)
983 Beasley Road, Manson's Landing, Cortes Island, B.C.
Commencing at 3:00 p.m.

1. Call to Order.
2. Receipt of the minutes of the Monday, April 3, 2017 Cortes (Electoral Area 'B') Advisory Planning Commission meeting.
3. Bylaw No. 2455 Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002 – update discussion.
4. Next meeting date (to be determined).

DISTRIBUTION

Rod Lee
Frances Guthrie
Ester Strijbos
Mike Manson
Kristen Scholfield-Sweet
Carrie Saxifrage
Corry Dow
Chris Dragseth
Kim Christensen

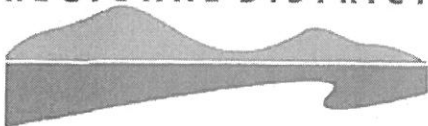
ELECTRONIC

Manager of Community Services
Parks and Planning Supervisor
Planners
Noba Anderson, Director, Electoral Area 'B'
Mary Lavelle - Alternate

Cover Page:
Reception notice board
SRD website

Strathcona

REGIONAL DISTRICT



Minutes of the Meeting of the Cortes Electrical Area 'B' Advisory Planning Commission of the Strathcona Regional District held on Monday, April 3, 2017 at Manson's Landing Hall, 983 Beasley Road, Manson's Landing, Cortes Island, B.C. commencing at 3:00 p.m.

PRESENT:

Chairperson	Rod Lee
Members	Kim Christensen
	Mike Manson
	Chris Dragseth
	Kristen Scholfield-Sweet

ABSENT:

Secretary	Carrie Saxifrage
	Frances Guthrie
	Ester Strijbos
	Corry Dow

ALSO PRESENT:

Electoral Area 'B' Director	Noba Anderson
Alternate Director	Mary Lavelle
SRD Planning Staff	Karin Albert

CALL TO ORDER

Karin Albert called the meeting to order at 3:10 p.m.

AGENDA ITEMS

SCHOLFIELD-SWEET / CHRISTENSEN: THAT Rod Lee be nominated for the APC Chair. There were no further nominations. R. LEE declared Chair by acclamation.

CARRIED

Discussion confirmed that CARRIE SAXIFRAGE be elected APC Secretary.

Adoption of Public Agenda

SCHOLFIELD-SWEET / M. MANSON: THAT the agenda be adopted as presented.

CARRIED

Minutes of the Advisory Planning Commission Meetings held on October 4, 2016 and December 12, 2016.

MANSON / CHRISTENSEN: THAT the minutes of the Cortes Electoral Area 'B' Advisory Planning Commission meetings held on October 4, 2016 and December 12, 2016 be adopted.

CARRIED

Appointment of new members to the Cortes Electoral Area 'B' Advisory Planning Commission

MANSON / SCHOLFIELD-SWEET: THAT Chris Dragseth and Kim Christensen be appointed as new members of the Cortes Electoral Area 'B' Advisory Planning Commission. Information on appointments to be forwarded for completion to the Strathcona Regional District Office, Corporate Services Department.

CARRIED

Discussion / Review of CI Zoning Bylaw Questionnaire

Action Items

- Q1: More refining re: What is "close to established communities?" and how does "pre-zoning" Work?
- Q3: Clarify difference between tiny home and second cabin.
How to structure compliance with VIHA sewage regulations?
How to protect against overcrowding?
How to define tiny homes other than by size?
What is "existing non-conforming" as a compliance strategy?
Alternative strategies regarding alternative sewage.
- Q5: What constitutes "forest cover?"
- Q7: ...is not a particularly helpful question.
- Q8: What constitutes a buffer? This question needs further clarity. Creates a compliance issue in the zoning process that reinforces a complaint-driven process.
- Q11: More valuable to write a water QUALITY conservancy zone.
- Q12: Increase education regarding conservation value of proper siting.
- Q14: Might be poorly understood by the public. The Regional District needs compliance strategies in the bylaw planning and rewriting.

NEXT MEETING DATE

The next Cortes Electoral Area 'B' Advisory Planning Commission meeting is scheduled for Monday, April 24, 2017.

TERMINATION

CHRISTENSEN / SCHOLFIELD-SWEET: THAT the meeting terminate.

Time: 5:10 p.m.

Recording Secretary:

Kim Christensen

Chair:

Rod Lee



Minutes of the Meeting of the Cortes Electoral Area 'B' Advisory Planning Commission of the Strathcona Regional District held on October 4, 2017 at Mansons Landing Hall, 983 Beasley Road, Mansons Landing, Cortes Island, B.C.

Present:	Chairperson	Rod Lee
	Secretary	Carrie Saxifrage
	Members	Kim Christensen
		Mike Manson
		Frances Guthrie
		Kristen Schofield-Sweet

Absent:	Chris Dragseth	This is Exhibit " <u>I</u> " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this <u>25</u> day of March, 2021.
	Ester Strijbos	
	Corry Dow	

Also Present:	Electoral Area 'B' Director	Noba Anderson	 A Commissioner/Notary Public for the Province of British Columbia
	Electoral Area 'B' Alternate	Mary Lavelle	
	SRD Planning Staff	Karin Albert	
		Mary Jo Van Order	

Guests: Janet Forsyth, Wendy Legare

CALL TO ORDER

Karin Albert called the meeting to order at 3:10 p.m.

AGENDA ITEMS

Adoption of Public Agenda

SAXIFRAGE/SCHOLFIELD-SWEET: THAT the agenda be adopted as presented.

CARRIED

Minutes of the Advisory Planning Commission Meeting held on April 3, 2017.

SCHOLFIELD-SWEET/LAVELLE: THAT the minutes of the Cortes Electoral Area 'B' Advisory Planning Commission meeting held on April 3, 2017 be adopted.

CARRIED

Update and Discussion of Bylaw No. 2455 Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002.

Document incorporated by reference: Cortes Island Zoning Bylaw Discussion Paper provided by Karin Albert.

Process 1) A second APC meeting on October 18 at 3 pm; 2) Early November mailing /tideline information of discussion points and public displays at the halls; 3) Late November public meeting for further discussion.

Preliminary Issue Purpose of By-Law Review: ALBERT: 1) to comply with new provincial requirements for nuisance by-laws; 2) comply with new ALR by-laws; 3) reflect changes to the OCP as of 2012.

Home Occupation / Domestic Business

Domestic businesses are not currently defined.

- Provides income for seller and convenience for buyer – good for island economy.
- Clarity is required for fairness: types of allowed retail are not defined. Some people will do only what it is listed in the by-laws while others do more.
- If retail stores are allowed in residential zones, commercial zoned properties lose value.
- Impact on neighbors: define quiet use vs storefront.
- Every home occupation business must have permit from SRD. But they don't because the permit requires septic system certification which is a disincentive.
- No current enforcement by ticketing.

Action: Define home occupation and commercial uses – clarify that commercial uses not permitted within residential zones.

Tiny Homes

If a tiny home is on wheels, it is an RV and provincial law prohibits permanent residence. If a tiny home is not on wheels, it must be on a foundation under the provincial building code and comply with other provisions as well. Generally, they don't.

- Septic and well considerations are the problem. A tiny home zone that doesn't deal with these up front will worsen the island's water problems over time.
- Tiny home size limits can be a community amenity for purposes of rezones if well and septic issues are dealt with up front.
- Draft zone could address septic and wells up front.

Action: Clarify building code provisions for tiny homes. Karin will send out national report on building code.

Permitted number of dwellings (density)

Planning staff: majority of responses want to keep maximum density cap so that septic and well issues can be dealt with during rezone process.

- Fundamental problem with removing density cap: there would be no incentive to separate dwellings to minimum required by VIHA – one dwelling per hectare to ensure water supply and effective septic disposal. Homes could be positioned side by side with inadequate room for septic fields and without a shared system that can handle the load.
- Removing density cap is attempt to allow greater density without subdivision fees which are prohibitive for islanders. Subdivision costs are high but the rules ensure septic capacity.
- Requirement that houses need to be centered on hectare would require site permits which Cortes isn't currently geared for.
- Increased density doesn't mean increased affordability.

Action: Create a draft zone as suggested on page 4 of discussion document, with different grades of community land stewardship. Professional engineer should sign off on well and septic. Rezone process will provide oversight with regard to wells and septic with lesser fee than subdivision.

Short term rental units

By-law for zones that allow more than one dwelling (most R zones allow cottage and house) that requires one dwelling unit to be occupied by tenant or owner while other is used for short term vacation rental (less than 30 days).

Planning staff: this has been done in other jurisdictions eg Hornby, Tofino. Salt Spring stopped vacation rentals entirely – B&B only.

Upsides:

- Lots of talk re helping people find year-round homes, here is one of the rare tools that could actually make it happen.
- Could limit summer vacation capacity. Cortes was over capacity for tourists this summer – stores couldn't remain stocked, degradation of parks and lakes, etc.
- A way to direct our tourist capacity to the greatest good for year-round residents.
- Incentive for non-residential home owners to support the community that makes Cortes attractive to them.

Downsides:

- Hardship to vacation home owners and secondary businesses (cleaners, vacation rental services).
- Unenforceable so unfair: some will comply, others won't.
- Telling people what to do on their own private land.
- Less housing stock if people don't do winter rentals. (But, why can't they?)
- Less tourism income.
- Might create more problems than it solves.

Action: Planning staff will float this idea for community consideration.

Aquaculture

Legal advice: RD can restrict what is done but not how it is done.

Best hope is stakeholders current process to define best practices which would be enforceable in the future.

Action: further discussion of increasing setbacks as we did not reach this issue.

Nuisance bylaw

Action: SRD will draft a separate bylaw to regulate nuisances for review by APC.

Forestry zones

Action: Proposed language had strong (76%) community support and will be included in the new bylaws.

Enforcement

Straw poll: 75% of APC supports RD ability to ticket and fine. Community questionnaire: 44% yes, 47% no.

Action: APC will read ombudsman document distributed by Mike Manson before next meeting to strengthen our discussion about enforcement options.

Other

Permit agri-tourism in ALR and ALS-1 zones: Should refer only to ALR because ALS is specific to Linnaea Farm. Provincial ALR allows 10 hospitality units like cabins or yurts if related to the agricultural operation. Zoning bylaw allows 3 B&B rooms. This increase in capacity wasn't clear in the question to the public. Difficult to implement since the ALR does not coincide with property boundaries on Cortes. **Action: RD will clarify in future documents.**

TERMINATION

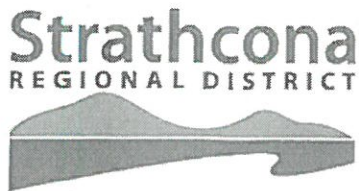
SCHOLFIELD-SWEET/CHRISTENSEN: THAT the meeting terminate.

CARRIED


Time: 5:07 PM

Recording Secretary:
Carrie Saxifrage

Chair:
Rod Lee



This is Exhibit " J " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.


A Commissioner/Notary Public for the Province of British Columbia

AGENDA

File: 0360-20/ Area B APC

Notice of meeting of the
CORTES (AREA 'B')
ADVISORY PLANNING COMMISSION
 Wednesday, November 29, 2017
 To be held at Manson's Hall (Pioneer Room)
 983 Beasley Road, Manson's Landing, Cortes Island, B.C.
 Commencing at 3:00 p.m.

1. Call to Order.
2. Receipt of the minutes of the Wednesday, October 4, 2017 Cortes (Electoral Area 'B') Advisory Planning Commission meeting.
3. Bylaw No. 2455 Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002 – review.
4. Next meeting date (to be determined).

DISTRIBUTION

Rod Lee
 Frances Guthrie
 Ester Strijbos
 Mike Manson
 Kristen Scholfield-Sweet
 Carrie Saxifrage
 Corry Dow
 Chris Dragseth
 Kim Christensen

ELECTRONIC

Manager of Community Services
 Parks and Planning Supervisor
 Planners
 Noba Anderson, Director, Electoral Area 'B'
 Mary Lavelle - Alternate

Cover Page:
 Reception notice board
 SRD website

CORTES ISLAND ZBLR DISCUSSION DOCUMENT Density Increase

Contents

Community Input
OCP Policy
Current Regulations
Summary of Issue
Background, Research and Examples
Discussion and Options
Recommendations

Community Input

Cortes islanders seem to be divided evenly on this issue. 46% of questionnaire respondents wanted to see higher densities permitted close to established communities. 54% did not want properties to be zoned to permit higher densities but require property owners who want higher density to go through a rezoning process.

In comments in the questionnaire and discussions at the May 2017 meeting on housing and density, some wanted to see higher densities permitted further away from established communities, on RU-1 properties. Several reasoned that subdivision increases development costs (survey fees, road construction costs, etc.) and caps on the total number of dwellings should be removed in all zones to encourage more lower cost housing to be built. Others expressed their concern about adequate treatment of sewerage and impacts on potable water if density is increased.

Summary of Issues

1. The key goal of permitting higher density seems to be to increase housing affordability.
2. Density increase in two forms
 - a. distributed: increase cap on # units/lot
 - b. focused: increase density around villages

OCP Policy

Designation of additional lands as residential shall be considered primarily for those lands in close proximity to established communities (Whaletown, Squirrel Cove and Manson's Landing).

Additional density in the residential, rural residential and rural zones may be considered, in limited circumstances, on a site by site basis, where a ratio of one dwelling unit per hectare is maintained, and where community benefit is identified.

Current Regulations

The zoning bylaw has a cap of a maximum of 3 dwellings and one secondary suite or cottage in the Rural Residential One (RR-1) and Residential One (R-1) zones and a cap of 5 dwellings and a secondary suite or cottage in the Rural One (RU-1) zone. However, additional dwellings are only permitted for each additional 1 ha (2.47 acres) of land area on a lot in the R-1 zone, for

CORTES ISLAND ZBLR DISCUSSION DOCUMENT

Density Increase

each additional 2 ha (4.94 acres) in the RR-1 zone and for each additional 4 ha (9.88 acres) in the RU-1 zone.

Landowners can apply for a rezoning to allow additional density if a community benefit is identified.

Background, Research and Examples

From previous discussion document:

There is a significant amount of unrealized density within the three residential zones on Cortes Island that landowners are not using to build more small-size affordable homes. It is uncertain whether increasing permitted density further would change this situation.

The OCP policies allow for additional residential use close to established communities and potentially elsewhere, if a community amenity can be identified.

Property owners who wish to add dwellings on their properties can apply to rezone.

Statistics

Note that additional economic data to be released November 29, 2017.

Table & Chart ID	Key insight (SEE SEPARATE PDF DOCUMENT 'Copy of Compiled Censuses' FOR DATA TABLES AND CHARTS REFERRED TO)
A, B	population increase of 2.8% 2011-2016
C	population density higher than Canada, B.C. and SRD (?)
D	median age higher than Canada, B.C. and SRD
E	number persons per private household dropping
F	number person > 65 in private household increasing and higher than Canada, B.C. and SRD 2011 & 2016
G	% of total number private dwellings constructed after 2001 higher than Canada, B.C. and SRD 2011, 2016
H	a) percent occupied private dwelling of structural form 'movable' higher than Canada, B.C. and SRD 2016 b) less structural form diversity than Canada, B.C. and SRD
I	a) vacancy of private dwellings 30.9% 2011, 31.9% 2016 b) growth number private dwellings 8.7% 2011-2016 (while population increase is 2.8% over same period)
J	owner and tenant household spending > 30% household income on shelter costs significantly higher 2011-2016
K	% tenant households spending > 30% household income on shelter costs significantly higher 2011-2016
L	median shelter costs for rented and owned dwellings increased more for rented 2011-2016
M	a) median value of dwellings close that of SRD but average climbing b) significantly fewer mortgages held

CORTES ISLAND ZBLR DISCUSSION DOCUMENT Density Increase

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Cortes islanders seem to be divided evenly on this issue. 46% of questionnaire respondents wanted to see higher densities permitted close to established communities. 54% did not want properties to be zoned to permit higher densities but require property owners who want higher density to go through a rezoning process.

In comments in the questionnaire and discussions at the May 2017 meeting on housing and density, some wanted to see higher densities permitted further away from established communities, on RU-1 properties. Several reasoned that subdivision increases development costs (survey fees, road construction costs, etc.) and caps on the total number of dwellings should be removed in all zones to encourage more lower cost housing to be built. Others expressed their concern about adequate treatment of sewerage and impacts on potable water if density is increased.

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CORTES ISLAND ZBLR DISCUSSION DOCUMENT
Density Increase

each additional 2 ha (4.94 acres) in the RR-1 zone and for each additional 4 ha (9.88 acres) in the RU-1 zone.

Landowners can apply for a rezoning to allow additional density if a community benefit is identified.

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There is a significant amount of unrealized density within the three residential zones on Cortes Island that landowners are not using to build more small-size affordable homes. It is uncertain whether increasing permitted density further would change this situation.

The OCP policies allow for additional residential use close to established communities and potentially elsewhere, if a community amenity can be identified.

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**CORTES ISLAND ZBLR DISCUSSION DOCUMENT
Density Increase**

CI Zoning History of Density and Shared Ownership
-possibly this started before Strata Title was commonly used?

Distributed Density: Ratio of Dwelling Units/Lot
Note that data below is from SRD GIS system and 'dwellings' are actually 'address points' that may or may not have a dwelling associated with it.

R-1

	Existing parcel distribution	Unused Dwelling Capacity Current System	Unused Dwelling Capacity No Cap System	
R-1	All lots	63	254	
	0 - 3.9 ha	14	14	
	4.0 - 7.9 ha	21	29	Cap of 3+1 kicks in at 4+ ha
	8.0 - 15.9+ ha	21	98	
	16.0+ ha	7	113	

Distribution of parcels zoned R-1 in increments of 1 ha:

Count of R-1 Size Category	(blank)	<0.9 ha	1-1.9 ha	2-2.9 ha	3-3.9 ha	4-4.9 ha	5-5.9 ha	6-6.9 ha	7-7.9 ha	8-8.9 ha	9-9.9 ha	10-10.9 ha	11-11.9 ha	12 to 3827 ha	Grand Total
		222	89	33	13	8	3	1	1	2	3	4	3	6	388

RR-1

	Existing parcel distribution	Unused Dwelling Capacity Current System	Unused Dwelling Capacity No Cap System	
RR-1	All lots	0	0	
	0 - 7.9 ha	0	0	
	8.0+ ha	no lots	no lots	Cap of 3+1 does not kick in - existing lots too small

Distribution of parcels zoned RR-1 in increments of 2 ha:

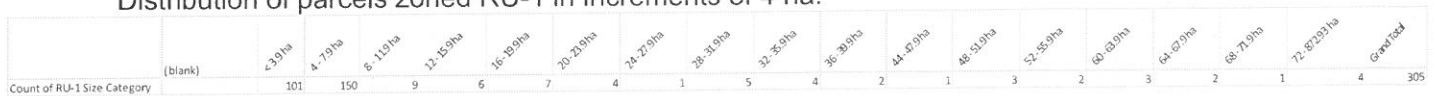
Count of RR-1 Size Category	(blank)	<1.9 ha	2-3.9 ha	4-5.9 ha	6-7.9 ha	Grand Total
		2	7	1	2	12

CORTES ISLAND ZBLR DISCUSSION DOCUMENT
Density Increase

RU-1

	Existing parcel distribution	Unused Dwelling Capacity Current System	Unused Dwelling Capacity No Cap System	
RU-1	All lots	26	440	
	0 - 7.9 ha	-2	-2	
	8.0 - 15.9 ha	0	0	
	16 - 23.9 ha	-1	-1	
	24.0+ ha	29	443	Cap of 5+1 kicks in at 24+ ha

Distribution of parcels zoned RU-1 in increments of 4 ha:



Focused Density: Increase Density In and Around Villages

Discussion and Options

From previous discussion document:

As per the Tiny Home section, the zoning bylaw could include a draft zone for small home cluster developments close to the three established communities of Whaletown, Manson's Landing and Squirrel Cove, permitting up to 10 dwellings, each no larger than 500 sq ft in size (with the proviso that the minimum of 1 ha (2.5 acres) of land per dwelling if on a well or 0.2 ha (0.5 acres) if on a community septic system would need to be observed to meet Island Health requirements).

All residential zones could permit up to one additional tiny home (400 sq ft maximum) beyond the established cap.

Recommendations

1. Separate affordable housing study?
2. Separate density study?



This is Exhibit " K " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.

Robin Mc...
A Commissioner/Notary Public for the Province of British Columbia

Minutes of the Meeting of the Cortes Electoral Area `B` Advisory Planning Commission of the Strathcona Regional District held on November 29, 2017 at Mansons Hall (Pioneer Room) 983 Beasley Road, Mansons Landing, Cortes Island, B.C.

APC Members present:

Chair:

Rod Lee

Secretary:

Carrie Saxifrage

Members:

Francis Guthrie

Mike Manson

Kim Christensen

Absent:

Chris Dragseth

Kirsten Schofield-Sweet

Corry Dow

Ester Strijbos

Electoral Area `B` Director:

Noba Anderson

Electoral Area `B` Alternate:

Mary Lavelle

SRD Staff:

Karin Albert

Mary Jo Van Order

CALL TO ORDER

The chairperson, Rod Lee, called the meeting to order at 3:10 p.m.

AGENDA ITEMS

Adoption of Public Agenda

SAXIFRAGE/MANSON: THAT the agenda be adopted as presented.

CARRIED

Minutes of the Advisory Planning Commission held on October 4, 2017.

SAXIFRAGE/MANSON: THAT the minutes of the Cortes Electoral Area `B` Advisory Planning Commission meeting held on October 4, 2017 be adopted as amended.

CARRIED

Minutes of the Advisory Planning Commission held on April 3, 2017

Discussion: Although there was a discussion regarding new APC members, it is beyond the APC's jurisdiction to appoint new members. This is done by the SRD Board.

GUTHRIE/CHRISTENSEN: THAT that minutes of April 3rd, 2017 - Appointment page 2, be amended to omit reference to APC appointment of new members.

APC Communication and Process

APC members can meet informally and email each other to discuss upcoming items so long as there is no quorum. If there is a quorum, it should be a public meeting. The group discussed holding longer meetings when in-depth discussions are required such as for the Cortes zoning bylaw review, e.g. from 2 p.m. – 5 p.m. Attendees confirmed they were available one hour earlier in the day to meet. Staff will confirm with the entire APC and hold a longer meeting in the new year.

Oceanfront Setback Discussion:

Request for consideration that ocean setback be 15 meters in all cases. It is currently 15 meters on soil and 7.5 meters on bedrock with the result of a varying setback which impacts the aesthetics of the shoreline as viewed from the beach and sea.

- Possible wording: Oceanfront setbacks should be 15 meters notwithstanding the general exemptions of the floodplain by-law no. 2782, Section 402(2)(i).
- **Action:** Karin will include this in zoning by-laws for public discussion.

Tiny Homes and Secondary Suites

Incorporate by reference hand out Cortes Island ZBLR Discussion Document, Tiny Homes and Secondary Suites.

- The zoning bylaw can allow things but you can't depend on the market to build what you would like to see.
- Need to clarify definitions because historical uses in current circumstances are confusing.
 - Mobile home: could mean a home on wheels for seasonal use or a manufactured home brought on to island and placed on a foundation for year-round use
 - Cottage: original intention was a detached seasonal dwelling; a tiny home, if on a foundation, can be considered a cottage
 - Secondary suite: attached to a dwelling, potentially year-round living quarters with kitchen
 - Old by-laws distinguish between primary use and secondary use, but is this useful now?
 - Different safety-based codes for seasonal and permanent use.

- **Tiny homes:**
 - Often self-built and don't meet building code
 - To require them to meet code would make them safer and less affordable
 - In other jurisdictions, development permits, building codes and occupancy permits would provide guidance to tiny home builders/buyers/dwellers and assurance to community that codes are being met
 - tiny homes were discussed as a way to increase density. But it is questionable if it is appropriate for zoning to allow primary residence, secondary dwelling/cabin AND a tiny home.
 - Not appropriate if the septic tank and field are at design capacity, unless tiny home has its own septic
 - Request RD to explore and draft a tiny home/mobile home year-round residence zone (distinct from short term campground)
 - Two ways to go: ask community if it wants a new zone that allows multiple clustered tiny homes or mobile home park or both
 - This may require shared sewage infrastructure
 - Water supply issues in Manson's Village
 - Not clear if this draft zone would be commercial or residential – depends on land tenure arrangement (strata or lease – seems likely to be lease if affordability is incentive).

Short term rentals: (incorporate by reference **Cortes Island Zoning Bylaw Discussion Paper**)

- Under current by-laws, residential zones exclude tourist accommodation except for BnBs. Enforcement is complaint driven.
 - Vacation rentals not a permitted use (see sec. 102)
- Mary Jo: 30% vacant homes on Cortes but data is flawed / seasonal aspect not reflected.
- Proposal in discussion paper: "On any residential lot, one dwelling unit only may be occupied by paying guests at any time. All other units on the same lot must be owner or tenant occupied."
 - Doesn't advance goal to substantially increase affordable housing
 - Need public education about / response to Tofino-style by-law: "No person shall operate a Bed and Breakfast, or Short-Term Rental, commercial guesthouse or any other form of room rental from a dwelling unit that rents rooms, suites, or any other combination of rooms for temporary accommodation unless they are resident upon the property"
 - Would this type of by-law provide incentive for property owners to allow tiny homes on their land to increase options for year-round residents?
- If short term rentals are determined to be a "home occupation", they will require a home occupation license.
 - This can be enforced under SRD's current ticket by-law

- Right now, on Cortes, there are few people with home occupation license although many existing endeavours fall within the definition
- If some type of licensing is required, it will provide opportunity to check septic capacity / function. Opportunity to inspect septic will help protect lakes from algae blooms and water quality generally **because healthy lakes and good water are at the heart of our tourist economy.**
- Vacation rentals are a crucial topic for environmental / economic reasons and will probably require a separate APC and public meeting.
- **Go back to wording in discussion document reviewed in October:**
- "On any lot permitted two or more dwelling units, one dwelling unit may be occupied by paying guests at any time, provided that an owner or tenant is resident in a second lawful dwelling on the lot during the vacation home rental occupancy."

Forestry Zone: Request for clarification: the proposed language means that forest cover aged 60 years or older will be required for a forest zoned parcel to be considered for rezone?

- Yes. Current language slightly ambiguous (a condition to be considered, or a condition as in a prerequisite?) needs clarification.
- APC discussion not in favor of linking affordable housing with forestry rezones.
- Compare original proposal received: "Rezoning will not be allowed on any parcel in which significant logging has occurred in recent years."

Dwelling Cap on Existing Zones (Cortes Island ZBLR Discussion Document – Density Increase incorporated by reference)

- OCP Policy that designation of additional lands as residential shall be considered for lands in *close proximity* to established communities (emphasis added).
 - Can "close proximity" be given numerical value for clarity?
 - Could use "walkability" standards.
 - Could create a village map with boundaries to indicate areas suitable for increased density.
- Discussion paper shows significant unused dwelling capacity on Cortes: R-1 =63; RR-1=0 (Francis knows of 12 – Mary Jo limited by poor data with which to work); RU-1=26.
- At public meeting in May, a significant number of participants wanted to see the cap removed. But questionnaire responses showed Cortes islanders are divided on issue of whether to allow additional density without requirement of rezoning. 46% of respondents wanted to see higher densities permitted close to established communities. 54% did not want properties to be zoned to permit higher densities but require property owners who want higher density to go through a rezoning process.
- Density = Sewage: Septic tank issue because houses can cluster without shared septic infrastructure.

- Spell out for each zone one dwelling per hectare to meet provincial septic standards?
- Installers sign off on septic – it is up to them to make sure Island Health requirements are met. (do they?)
- RD staff: Removing cap is not supported by the OCP. OCP states higher density would be considered close to established communities on a case by case basis where a community benefit can be identified. The only mechanism for examining a proposal for higher density on a case by case basis and identify a community benefit is through a rezoning process.
 - Rezoning allows community to consider siting issues (re septic) and identify community amenities
 - Cost of a rezoning is about \$2 K, plus \$1.5 K for a public hearing. Given the increase in property values from a rezoning, this is a reasonable fee
 - Strata development is also an option, applicants can explore. Putting a scenario of no caps on density before the community at an upcoming public meeting would be misleading and suggest this is possible within the existing language of the OCP. This would raise expectations
 - Need for public education re: advantages to community to require rezoning applications for higher density.
- One idea put forward to the public was the increase of cottage size but questionnaire responses showed no clear preference for this increase.

Process: Some frustration that APC does not have time to cover all issues – important ones. Discussion of half day meeting in early January. SRD staff states it received great value from the discussions with the APC and reflections on a broad range of issues and feels comfortable preparing for public meeting with information garnered.

TERMINATION

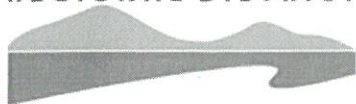
SCHOLFIELD-SWEET/CHRISTENSEN: THAT the meeting terminate.

CARRIED

Time: 5:07 PM

Recording Secretary:
Carrie Saxifrage

Chair:
Rod Lee



This is Exhibit " L " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 28 day of March, 2021.

[Signature]
A Commissioner/Notary Public for the Province of British Columbia

AGENDA

File: 0360-20/ Area B APC

Notice of meeting of the
CORTES (AREA 'B')
ADVISORY PLANNING COMMISSION
Wednesday, February 28, 2018
To be held at Manson's Hall (**Studio Room**)
983 Beasley Road, Manson's Landing, Cortes Island, B.C.
Commencing at 2:30 p.m.

1. Call to Order.
2. Election of Cortes (Area 'B') Advisory Planning Commission Chairperson for 2018, as per Section 5 of Bylaw No. 2861, being the "Advisory Planning Commission Bylaw, 2006" which requires the Advisory Planning Commission to choose at the first meeting in each and every calendar year, a Chairperson from among its appointed members.
3. Election of Cortes (Area 'B') Advisory Planning Commission Secretary for 2018, as per Section 5 of Bylaw No. 2861, being the "Advisory Planning Commission Bylaw, 2006" which requires the Advisory Planning Commission to choose at the first meeting in each and every calendar year, a Secretary from among its appointed members.
4. Adoption of Public Agenda.
5. Receipt of the minutes of the Wednesday, November 29, 2017 Cortes (Electoral Area 'B') Advisory Planning Commission meeting.
6. Bylaw No. 2455 Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002 – review of public input received and discussions.
7. Next meeting date (to be determined).

DISTRIBUTION

Carrie Saxifrage
Chris Dragseth
Frances Guthrie
Kim Christensen
Kristen Scholfield-Sweet
Mike Manson
Rod Lee
Sam Mayer

ELECTRONIC

Manager of Community Services
Parks and Planning Supervisor
Planners
Noba Anderson, Director, Electoral Area 'B'
Mary Lavelle – Alternate Director

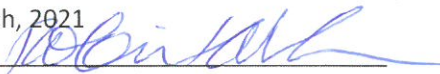
Cover Page:
Reception notice board
SRD website

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

Data is from the online questionnaire (SurveyMonkey) from 152 responses completed between 02FEB18 and 26FEB18 (noon), from 4 hard-copy surveys SRD received, from comments on the 'recommendation sheets' at the open house held 10FEB18 and from a supplementary survey on dwelling size limit with 47 responses completed between 23FEB18 and 09MAR18. (The data from the main questionnaire and the open house were compiled separately so the results are presented as a range.)

1 Growth Management	1 The dwelling(s)-per-parcel limits should not be changed as there is still capacity even without rezoning.	Q2 Continue to enable rezoning to raise the limit on dwelling(s)-per-lot where a community benefit can be identified.
Answer choices	Responses (N=88, 12)	Responses (N=84, 13)
ok with this	78% - 92%	81% - 77%
can't live with it	16% - 8%	17% - 23%
no opinion/don't know	6% - 0%	2% - 0%
blank	0%	0%
comments generated	19% - 25%	18% - 38%
Interpretation	FAVoured	FAVoured
Discussion		Consider each rezoning request on a case-by-case basis with review of community amenity with proponent and community as outlined in the OCP Section 409.1.
Recommendation	No change to dwelling(s)-per-lot limits	No change to rezoning requirement to raise dwelling(s)-per-lot limit.

This is Exhibit " M " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021



A Commissioner/Notary Public for the Province of British Columbia

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

2 Housing	Q3 Existing RM-1 and CS-1 zones support clustered small home development, as shown on panels Growth Management 7 and Housing 5. To further increase zoning diversity to support affordable housing provision, a draft small-home pad park could be developed.	Q4 Regulate the use of accessory dwelling units by differentiating a) residential use and tourist accommodation use b) short-term rental, seasonal rental and year-round use (see the Dwelling Uses panels).	Q5 Clarify zoning bylaw support for OCP Policy 410.2.c (housing agreements).
Answer choices	Responses (N=75, 9)	Responses (N=74, 7)	Responses (N=72, 6)
ok with this	72% - 44%	57% - 71%	46% - 0%
can't live with it	17% - 33%	35% - 29%	11% - 33%
no opinion/don't know	9% - 11%	8% - 0%	41% - 34%
blank	1% - 11%	0%	3% - 33%
comments generated	20% - 67%	32% - 43%	17% - 100%
Interpretation	NO CLEAR PREFERENCE	NO CLEAR PREFERENCE	REJECTED
Discussion	Legal advice is to not use a 'draft zone' (Buholzer). In the absence of any permit requirements, SRD can't regulate a small home pad park.	Concerns were expressed about too much regulation.	There may have been some confusion over this question.
Recommendation	Develop guidelines, particularly addressing design and servicing.	Refine the definitions. Consult further on this issue through a separate process in 2019, in combination with Issues 9, 18 and 19.	Clarify what is a housing agreement and that they are voluntary.

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

3 Dwelling Units	Q6 No change to floor area maximum for accessory dwelling units.
Answer choices	Responses (N=72, 14)
ok with this	82% - 93%
can't live with it	15% - 7%
no opinion/don't know	3% - 0%
blank	0%
comments generated	18% - 21%
Interpretation	FAVORED
Discussion	More important than size may be environmental impacts. Having one small unit may mean more affordability. (A supplementary online questionnaire asked if there should there be a floor size limit on dwellings - see last table).
Recommendation	Do not change size (area) limit on accessory dwelling units.

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

4 Dwelling Use	Q7 Require Home Occupation Permits for occupancy of dwellings for rentals of less than one month.	Q8 Clarify the difference between tourist recreational commercial, tourist accommodation and residential use in the definition section.	Q9 On any residential lot, one dwelling unit only may be used as a short-term vacation rental at any given time. All other units on the same lot must be occupied by a permanent resident, whether it be the owner or a long-term renter.
Answer choices	Responses (N=71, 14)	Responses (N=67, 9)	Responses (N=69, 9)
ok with this	40% - 21%	61% - 88%	62% - 78%
can't live with it	35% - 79%	25% - 11%	29% - 11%
no opinion/don't know	21% - 0%	13% - 0%	7% - 11%
blank	3% - 0%	0%	1% - 0%
comments generated	34% - 43%	15% - 33%	23% - 22%
Interpretation	REJECTED	OKAY	OKAY
Discussion	Some lack of clarity about what a Home Occupancy Permit (HOP) is. Perhaps of interest to a smaller number of residents. HOPs are required under <i>Bylaw No. 5 Planning Procedures and Fees</i> . If Issue 10 Recommendation is implemented (municipal ticket information), lacking an HOP for short-term rentals could be ticketable.		Negative concerns expressed over regulation.
Recommendation	Refine the definitions related to HOPs ('accessory home businesses'). Revise Bylaws No. 5 and 119.	Refine definitions.	Consult further on this issue through a separate process in 2019, in combination with Issues 4, 18 and 19.

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

5 Enforcement 6 Environmental Protection	Q10 Add fines for actions contrary to permitted use in the zoning bylaw.	Q11 Institute use of a siting approval system for new development on Cortes Island.
Answer choices	Responses (N=67, 12)	Responses (N=69, 11)
ok with this	59% - 58%	46% - 27%
can't live with it	27% - 25%	46% - 73%
no opinion/don't know	8% - 8%	7% - 0%
blank	4% - 8%	0%
comments generated	25% - 50%	36% - 82%
Interpretation	NO CLEAR PREFERENCE	REJECTED
Discussion	Although generally a lukewarm response, there was some acceptance in the comments. A tool is needed if harm is being done. This can be implemented such that voluntary compliance is sought first.	
Recommendation	Revise <i>Bylaw Contravention Ticket Information System Bylaw No. 119, 2012</i> to include a fine for zoning bylaw contravention.	Do not implement a siting approval requirement. Improve ticketing ability for severe violations (Issue 10 Recommendation).

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

7 Updates	Q12 Clarify that commercial uses are not permitted within residential zones and improve definitions. Responses (N=68, 10)	Q13 Make conditions for Home Occupation Permits more appropriate to the proposed use (i.e., based on public or employee use of premises). Responses (N=68, 8)	Q14 Permit marijuana production facilities in the RU-1 zone on lots larger than 4 ha (9.88 ac) with requirements for mitigation of impacts on surrounding properties. Responses (N=68, 10)
Answer choices			
ok with this	61% - 60%	45% - 36%	61% - 70%
can't live with it	26% - 10%	22% - 13%	25% - 30%
no opinion/don't know	11% - 30%	31% - 38%	13% - 0%
blank	1% - 0%	1% - 13%	1% - 0%
comments generated	26% - 40%	19% - 25%	32% - 50%
Interpretation	OKAY	REJECTED	FAVOURED
Discussion	Perhaps of interest to a smaller number of residents.	This did not seem to be well understood. Perhaps of interest to a smaller number of residents. This recommendation was intended to 'deregulate' - remove requirement for site plan, survey, septic system sign-off for all HOPs - which generally is supported.	There seemed to be some confusion with this question.
Recommendation	Refine definitions, differentiating accessory home business from retail and commercial without being too restrictive.	Refine requirements with enforcement and deregulation in mind: revise Bylaw No. 5 (see also Issue 7 Recommendation).	Refine definitions: personal vs commercial production and differentiate agriculture, green house production types. Consult further on this issue through a separate process in 2019. Wait for provincial and federal legislation to settle out. For now, require rezoning to 'light industrial' use for potential commercial growers.

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

7 Updates (continued)	Q15 Include retention of forest cover as a condition for rezoning to residential use.	Q16 Define forest cover as 60% of the parcel tree-covered, which is consistent with the conditions for the Forest Land Stewardship (FLS-1) zone.	Q17 Change the setback of buildings on rocky outcrops from 7.5 m (24.6 ft) to 15 m (49.2 ft) from the natural boundary of the sea.
Answer choices	Responses (N=67, 9)	Responses (N=67, 7)	Responses (N=67, 9)
ok with this	76% - 44%	74% - 43%	66% - 33%
can't live with it	19% - 44%	16% - 43%	27% - 56%
no opinion/don't know	4% - 11%	8% - 14%	7% - 0%
blank	0%	0%	0% - 11%
comments generated	18% - 56%	19% - 57%	33% - 67%
Interpretation	NO CLEAR PREFERENCE	NO CLEAR PREFERENCE	NO CLEAR PREFERENCE
	There was a large discrepancy between survey responses and open house comments.		Unfortunately, a typo (corrected above) impacted the results somewhat: 15% (10 respondents) commented on the typo.
Discussion	There are different perspectives on this issue: a. lots cost less if trees cut (increases affordability) b. easier to build on if cleared (increases affordability) c. trees near structures are a fire threat d. the challenges in implementing tree retention in FLS-1 is a caution e. difficulties with measuring 'forest cover' f. not a value supported by all: some want open space with sunlight	There was a large discrepancy between survey responses and open house comments. See Issue 15 Discussion.	Support is low for this. Existing setback situations would become legally non-conforming. If there are no rocky bluffs, the setback is 15 metres (49.2 ft). Rocky properties may need the flexibility.
Recommendation	Include a preference statement rather than a condition.	See Issue 15 Recommendation.	No change.

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

7 Updates (continued)	Q18 Add agri-tourism accommodation as a permitted accessory use in the Agricultural Land Stewardship One (ALS-1) zone.	Q19 Do not permit agri-tourism accommodation units on Agricultural Land Reserve (ALR) land.
Answer choices	Responses (N=67, 12)	Responses (N=67, 11)
ok with this	68% - 33%	43% - 45%
can't live with it	18% - 42%	34% - 27%
no opinion/don't know	13% - 25%	21% - 18%
blank	0%	1% - 9%
comments generated	19% - 50%	27% - 64%
Interpretation	NO CLEAR PREFERENCE	REJECTED
Discussion	Concern was expressed about RV parks on ALR farms.	See Issue 18 Discussion. SRD could instead limit the building footprint on ALR land. Enforcement is difficult as ALR boundaries do not align with property boundaries.
Recommendation	Clarify agri-tourism in definitions, differentiating it from other forms of accommodation. Consider enforcement. Consult further on this issue through a separate process in 2019, in combination with Issues 4, 9, and 19.	Consult further on this issue through a separate process in 2019, in combination with Issues 4, 9, and 18.

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

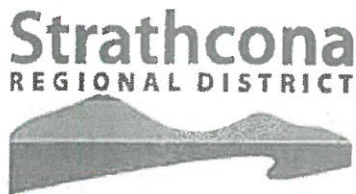
<p>8 Aquaculture</p>	<p>Q20 Continue to prohibit processing within all aquaculture zones.</p>	<p>Q21 In the AQ-2, AQ-2A and AQ3 zones, permit enclosed structures up to a height of 3.5 m (11.5 ft) and an area of 25 m2 (270 sq ft), with a setback of 100 metres (328.1 ft) from land zoned residential.</p>	<p>Q22 In AQ-2, AQ-2A and AQ-3, limit the height of all other structures to 1.5 m (4.9 ft).</p>
<p>Answer choices</p> <p>ok with this</p> <p>can't live with it</p> <p>no opinion/don't know</p> <p>blank</p> <p>comments generated</p>	<p>Responses (N=66, 13)</p> <p>66% - 100%</p> <p>14% - 0%</p> <p>20% - 0%</p> <p>0%</p> <p>5% - 0%</p> <p>OKAY</p>	<p>Responses (N=64, 8)</p> <p>58% - 88%</p> <p>8% - 13%</p> <p>33% - 0%</p> <p>2% - 0%</p> <p>9% - 0%</p> <p>OKAY</p>	<p>Responses (N=64, 9)</p> <p>46% - 89%</p> <p>11% - 11%</p> <p>42% - 0%</p> <p>0%</p> <p>9% - 0%</p> <p>NO CLEAR PREFERENCE</p>
<p>Interpretation</p>	<p>There are relatively few aquaculture operators, therefore no surprise that their comments may be a minority. Need to weigh this when considering outcomes.</p>	<p>Not rejected but somewhat limited interest, most likely because the aquaculture community is small.</p> <p>Setback would reduce the aesthetic impact of tall structures on rafts.</p> <p>Need to explore if can tie enclosed structure to specifications for noise reduction and, possibly, worker shelter. Need to be clear that the enclosure is not to be a dwelling.</p> <p>Actual use of AQ-3 is for shellfish, not finfish as anticipated when the zone was created.</p>	<p>This issue is of interest mainly to the aquaculture community and upland owners.</p> <p>There was some confusion that this applies to all other structures other than the one enclosure.</p> <p>Height limits matter largely for aesthetic reasons. 1.5 metres is an increase from 1 m limit in the AQ-2 zone; the AQ-2A zone already permits up to 1.5 m in height.</p>
<p>Discussion</p>	<p>No change in regulation. Can be considered as part of a rezoning application which is an option open to aquaculture operators.</p>	<p>Merge the current AQ-2A and AQ-3 zones into AQ-3. The new AQ-3 will have the same uses and permitted structures as the old AQ-2A zone but permit a larger single enclosed structure.</p> <p>Reduce overall area of the new AQ-3 zone to include active and inactive tenure areas.</p> <p>Remainder zoned AC-1.</p>	<p>As presented, limit the height of all other structures, except the permitted enclosure in AQ-3, to 1.5 metres.</p>
<p>Recommendation</p>			

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

8 Aquaculture	Q23 Continue to prohibit structures in AQ-1 (beach aquaculture) and AQ-4 (deep water shellfish/geoduck).
Answer choices	Responses (N=65, 10)
ok with this	69% - 90%
can't live with it	8% - 10%
no opinion/don't know	23% - 0%
blank	0%
comments generated	9% - 0%
Interpretation	FAVOURED
Discussion	<p>Respondents that identified an interest in AQ zone (s) would like structures. But because the aquaculture community is small, there were few such comments. Non-operators favour this action, but it affects long-term industry viability. A discussion with one operator disclosed that racks are key to reducing losses from predators. This improves production volume and quality, making the farms more viable.</p> <p>Some concerns about public access to the foreshore. AQ-1 zone is large in area but total tenure area is relatively small in comparison. Not known where conflict over access may exist.</p>
Recommendation	<p>Change AQ-1 zone to allow structures up to 1 m high to accommodate racks. Require public access to the foreshore be maintained. Convert non-tenured areas in AQ-1 to AC-1, requiring rezoning for new tenure areas. At that time, can review if they would unduly restrict public access.</p>

Cortes Island Zoning Bylaw: Spring 2018 Input Summary

Maximum Home Size	Q1 Do you support a maximum floor area limit for single family homes in the zones that permit residential use?	Q2 If you answered yes, what should the maximum floor area for single family homes be:
Answer choices	Responses (N=71)	Answer choices
Yes	56.3%	232 sq m (2500 sq ft)
No	31%	279 sq m (3000 sq ft)
This needs more discussion	12.7%	325 sq m (3500 sq ft)
No opinion	0%	372 sq m (4000 sq ft)
		418 sq m (4500 sq ft)
		Other (please specify): 750 sq ft; 1500 sq ft; 4000 sq ft; 2500 sq ft for main home & 1500 for 2 nd home; 2000 sq ft; 800 sq ft; under 8000 sq ft; we do not need more regulation
Interpretation	OKAY	Interpretation
Discussion	There was moderate support for this issue, with some interest in further discussion. What about accessory structures; commercial and industrial structures?	Discussion
Recommendation	Establish a maximum floor area at the upper limit (415 m ² /4467 sq ft) queried with residents to capture all who supported the question.	Recommendation
		Responses (N=47)
		23.4%
		27.7%
		17.0%
		2.1%
		8.5%
		21.3%
		MOST FAVOURED UNDER 279 SQ M (3003 SQ FT)
		No single position on this issue.
		Note: EII covenant area limits (CLS-1) for dwelling, outbuildings and garden are Area 1: 232.3 sq m (2500 sq ft) Area 2: 464.5 sq m (5000 sq ft) Area 3: 325.2 sq m (3500 sq ft)
		Consult further on this issue through a separate process in 2019, in combination with Issues 4, 9, 18 and 19, to check if a lower maximum floor area restriction is supported and where.



This is Exhibit " N " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2018.

Robin [Signature]
A Commissioner/Notary Public for the Province of British Columbia

STAFF REPORT

DATE: April 5, 2018 **FILE:** 0550-04 Board

TO: Chair and Directors,
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: BYLAW NO. 309 - CORTES ISLAND ZONING BYLAW REVIEW

PURPOSE

To consider Bylaw No. 309, being Cortes Zoning Bylaw 2018, which is proposed as a replacement for Bylaw No. 2455 adopted by the Comox-Strathcona Regional District in 2003.

POLICY ANALYSIS

The existing Bylaw No. 2455, Electoral Area 'I' (Cortes Island Zoning Bylaw), 2002 was adopted by the former Comox-Strathcona Regional District to regulate the use of land, the surface of the water, and buildings and structures on Cortes Island.

Bylaw No. 139, the Cortes Island Official Community Plan (OCP), was adopted in February 2013. Bylaw No. 309, the proposed updated Cortes Island zoning bylaw, reflects the objectives and policies of the 2013 Cortes Island OCP and the feedback gathered through community consultations. In addition, references to provincial legislation governing land use as well as Strathcona Regional District (SRD) bylaws enacted since 2002 have been updated in the new bylaw.

Unlike OCP amendments, the *Local Government Act* does not require the Regional Board to approve the first nation and agency referral list for zoning bylaw amendments.

EXECUTIVE SUMMARY

The updated Cortes Island zoning bylaw presented to the Electoral Areas Services Committee for first reading follows extensive consultations with Cortes Island residents between December 2016 and March 2018.

The new bylaw includes additional and clearer definitions, particularly in relation to accessory home businesses, mobile homes, manufactured homes and RVs, tourist accommodations and vacation rentals. Each zone now includes a statement of intent. In addition, the aquaculture zones were amended, one tourist commercial zone was deleted as it was not used and community-based fish hatcheries, previously a permitted use in all zones, was limited to rural residential, parks, forestry and agricultural land stewardship zones. In recognition of the SRD's lack of jurisdiction when it comes to the regulation of normal farm practices, references to restrictions on powered equipment in any of the aquaculture zones were deleted. Another key change is a maximum floor area limit for principal dwellings in all zones.

Finally, the zoning bylaw map was updated. Updates include changing the zoning of Crown land parcels that are part of the community forest to a forestry zone, reducing the number of split-zoned lots, changing the zoning for Carrington Bay, Hanks Beach and Whaletown Commons to Park One (P-1) and reducing the coastal area zoned Aquaculture One (AQ-1) to allow for an

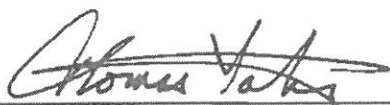
intensified use of the existing AQ-1 tenures without potentially impacting a large area of the coast line.

Most of the permitted uses in existing zones were not changed. The changes that were made are expected to have no to minimal impact on existing residents and businesses.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 309, being Cortes Island Zoning Bylaw 2018, be forwarded to the Board for consideration of first reading.

Respectfully:



for Dave Leitch
Chief Administrative Officer

BACKGROUND

The existing Cortes Island Zoning Bylaw dates back to 2002. An update is needed to ensure the bylaw is compliant with changes in provincial legislation and with other SRD bylaws. Updates are also needed so that the bylaw reflects the vision, goals and policies of the Cortes Island Official Community Plan (OCP) which was developed with the community between 2010 and 2012.

The SRD hosted several community meetings and posted two on-line surveys, one early in the process and a second one recently, to gather input from Cortes Island residents. The new bylaw reflects the input received through those consultations.

CONSULTATION PROCESS

December 2016 public meeting

The SRD held its first initial public meeting on the Cortes Zoning bylaw on December 1, 2016. The meeting provided Cortes residents an opportunity to voice their concerns regarding zoning related matters within their community. Between 90 and 100 Cortes residents worked with SRD staff to identify the following issues for further discussion:

- Density and related topics (maximum number of dwellings, caps on dwellings, affordability, tiny homes)
- Environmental protection (personal responsibility vs. siting permits, water quality and quantity, marine ecology)
- Aquaculture
- Nuisance bylaw
- Bylaw enforcement

January 2017 questionnaire

In January 2017, the SRD posted an online questionnaire to learn where Cortes residents stood on the above and other related issues.

May 2017 public meetings

The SRD hosted two further public meetings in May 2017. One meeting focused on density, housing, forest lands and bylaw enforcement, the other on aquaculture zoning.

February 2018 open house and online questionnaire

Based on the input received through previous consultations, staff presented specific recommendations for zoning bylaw updates to the Cortes community for feedback at an open house on February 10, 2018. The same recommendations were also available through an online survey for those who could not make it to the open house.

Advisory Planning Commission (APC) meetings

SRD staff met several times throughout the process with the Area B APC to review public input, hear their reflections on zoning issues facing Cortes Island and discuss possible solutions that could be offered by changes to the zoning bylaw.

Further consultations

The draft bylaw has been referred to government agencies and First Nations for comment and posted online for public review. Comments received will be considered for incorporation into the draft bylaw before presenting the bylaw to the Regional Board for second reading. A public hearing on the bylaw will be scheduled after the bylaw received second reading.

FIRST NATIONS CONSULTATION AND AGENCY REFERRAL

The SRD is committed to early and on-going First Nations consultation. While the *Local Government Act* does not specifically require referral of a zoning bylaw, it is good practice to provide the bylaw to First Nations and agencies for review and comment. The draft bylaw was sent to the following agencies and First Nations, the latter having been sourced from the Province of BC's Consultative Areas Database:

First Nation Referral List

√	Xwémalhkwa (Homalco) First Nation	√	Nanwakolas Council
√	Tla'amin First Nation	√	Cowichan Tribes
√	Klahoose First Nation	√	Stz'uminus First Nation
√	K'ómoks First Nation	√	Halalt First Nation
√	Lake Cowichan First Nation	√	We Wai Kai (Cape Mudge Band)
√	Laich-Kwil-Tach Treaty Society	√	We Wai Kum (Campbell River Band)
√	Lyackson First Nation	√	Penelakut Tribe

Agency Referral List

√	Agricultural Land Commission	√	Ministry of Agriculture
√	Advisory Planning Commission (APC)	√	Ministry of Municipal Affairs and Housing
√	BC Assessment Authority	√	Ministry of Energy & Mines
√	BC Ferries Corporation	√	Ministry of Environment
√	BC Parks	√	Ministry of Forests, Lands & Natural Resource Operations
√	Powell River Regional District (PRRD)	√	Ministry of Transportation and Infrastructure
√	Fisheries and Oceans Canada (General) Fisheries and Oceans Canada (Aquaculture: Finfish) / (Aquaculture: Shellfish)	√	Ministry of Jobs, Tourism & Innovation
√	Environment Canada	√	School District No. 72 (Campbell River)
√	Fire Department (Cortes Island)	√	Transport Canada Navigable Waters
√	Ministry of Aboriginal Relations & Reconciliation	√	Vancouver Island Health Authority (VIHA)

KEY BYLAW CHANGES

Following are the proposed key changes to the existing Cortes Island zoning bylaw:

- Updated references to provincial acts and regulations and to other SRD bylaws.
- Updated definitions, particularly accessory home businesses, mobile homes, manufactured homes and RVs, tourist accommodations and vacation rentals, and active aquaculture.
- Statements of intent for each zone.
- Reduced size of the Aquaculture-One (AQ-1) zone but addition of permitted structures up to one metre in height to allow existing tenure holders to use growing racks to reduce predation and achieve a higher-grade product.
- Consolidation of the existing Aquaculture Two A (AQ-2A) and Aquaculture Three (AQ-3) zones into Aquaculture Three (AQ-3) with the permitted uses of the former AQ-2A zone. This better reflects the actual use of the current AQ-3 zone. Originally, the AQ-3 zone was intended for finfish aquaculture but is being used for shellfish aquaculture.
- Omission of references that prohibit powered equipment in aquaculture zones since the SRD cannot restrict powered equipment if used to carry out normal farm practices.
- Maximum floor size limit for principal dwellings.

SRD staff explored instituting siting permits to allow for the addressing of new homes and to ensure that new developments respect riparian setbacks as well as front, rear and side yard setbacks. A majority of the community did not support siting permits. Consequently, this proposal was dropped.

Bylaw enforcement, or the perceived lack thereof, was a concern to many residents. To enable the SRD to implement a more graduated bylaw enforcement regime, SRD staff will bring forward a proposed update to Bylaw No. 119, the *Bylaw Contravention Ticket Information System Bylaw*, in 2019 to allow the bylaw enforcement officer to fine for uses that are contrary to the zoning bylaw.

There is a need for further research and community discussion on two complex issues that could not be adequately researched and discussed as part of this zoning bylaw update. These issues are short-term vacation rentals – their importance to the local economy and, at the same time, their impact on the rental housing market – and zoning for cannabis production. SRD staff is proposing to engage Cortes residents in focused discussions on those two topics in 2019 and, depending on the feedback received, amend the zoning bylaw accordingly.

Toward the end of the consultation process, the suggestion to restrict the maximum floor area of single family dwellings was raised. A few other jurisdictions, most notably Whistler and the Squamish Lillooet Regional District, set maximum floor area limits to retain the rural character of the region, keep property improvement values from escalating, and reduce building impacts on the environment. SRD staff issued a supplementary questionnaire to test support for this suggestion. One hundred and one residents responded. Of those, 61 percent supported a maximum floor area limit, while 29 percent opposed it. Ten percent felt the question needs further discussion. Staff recommends setting the maximum floor area at one of the upper limits that was checked with residents through the questionnaire and refer the question to the 2019 consultations to further discuss whether the floor area limit should vary in different zones and/or whether the limit should be adjusted down or up.

OPTIONS FOR THE COMMITTEE TO CONSIDER

- a) To give first reading to the Cortes Zoning bylaw.
- b) To request changes to the bylaw prior to first reading.
- c) To not proceed with the zoning bylaw update.

First reading is recommended to allow accommodation of referral input and further adjustments to the zoning bylaw prior to second reading and the scheduling of a public hearing.

FINANCIAL IMPLICATIONS

Costs for the bylaw review process and the public hearing have been included in the 2018 financial plan.

LEGAL IMPLICATIONS

The SRD will seek a legal review of key aspects of the bylaw prior to presenting it for second reading.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

There are no intergovernmental/regional implications.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The public consultation events on the zoning bylaw update were well attended. The first meeting in December 2016 saw close to 100 in attendance, the first on-line questionnaire received 156 responses, each of the May meetings and the February 2018 meeting was attended by about 60 residents. The second on-line questionnaire received 101 responses. The supplementary questionnaire was completed by 105.

On some issues, most respondents agreed, on other issues, opinions were polarized. The draft zoning bylaw seeks to strike a balance between the opposing viewpoints while closely following related Official Community Plan (OCP) policy and sustainable development principles.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Community Services staff resources will be required in the preparation of consultation and referral materials.

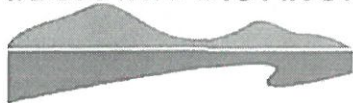
Submitted by:



Ralda Hansen
Community Services Manager

Prepared by: *K. Albert, Parks and Planning Supervisor and Mary Jo Van Order, Planner II*

Attachments: Draft Bylaw No. 309, Cortes Zoning Bylaw



This is Exhibit " 0 " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.

Robin Lavelle
A Commissioner/Notary Public for the Province of British Columbia

AGENDA

File: 0360-20/ Area B APC

Notice of meeting of the
CORTES (AREA 'B')
ADVISORY PLANNING COMMISSION
Wednesday, April 25, 2018
To be held at Manson's Firehall #1
#2 – 959 Beasley Road, Manson's Landing, Cortes Island, B.C.
Commencing at 2:30 p.m.

1. Call to Order.
2. Election of Cortes (Area 'B') Advisory Planning Commission Chairperson for 2018, as per Section 5 of Bylaw No. 2861, being the "Advisory Planning Commission Bylaw, 2006" which requires the Advisory Planning Commission to choose at the first meeting in each and every calendar year, a Chairperson from among its appointed members.
3. Election of Cortes (Area 'B') Advisory Planning Commission Secretary for 2018, as per Section 5 of Bylaw No. 2861, being the "Advisory Planning Commission Bylaw, 2006" which requires the Advisory Planning Commission to choose at the first meeting in each and every calendar year, a Secretary from among its appointed members.
4. Adoption of Public Agenda.
5. Receipt of the minutes of the Wednesday, November 29, 2017 Cortes (Electoral Area 'B') Advisory Planning Commission meeting.
6. Staff Memo – Bylaws No. 311 and 312 - CP 2B 18 / RZ 2B 18 (Cortes Island Seniors' Society).
7. Crown Land Referral – File No. 3020-20/1411185 B 18 – Pacific Shellfish Aquaculture Amendment Application.
8. Bylaw No. 2455 Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002.
9. Next meeting date (to be determined).

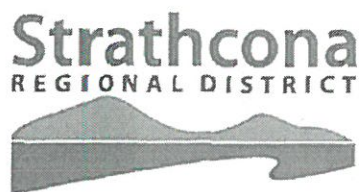
DISTRIBUTION

Carrie Saxifrage
Chris Dragseth
Frances Guthrie
Kim Christensen
Kristen Scholfield-Sweet
Mike Manson
Rod Lee
Sam Mayer

ELECTRONIC

Manager of Community Services
Parks and Planning Supervisor
Planners
Noba Anderson, Director, Electoral Area 'B'
Mary Lavelle – Alternate Director

Cover Page:
Reception notice board
SRD website



This is Exhibit " P " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

MEMO

[Signature]
A Commissioner/Notary Public for the Province of British Columbia

DATE: April 19, 2018

FILE: PJ 1B 18

TO: Advisory Planning Commission,
Electoral Area 'B' (Cortes Island)

FROM: Karin Albert, Supervisor of Parks and Planning and Mary Jo Van Order, Planner

RE: CORTES ISLAND ZONING BYLAW REVIEW

PURPOSE

To review the draft Cortes Zoning Bylaw, Bylaw No. 309.

BACKGROUND

The existing bylaw, No. 2455, Electoral Area 'I' (Cortes Island Zoning Bylaw), 2002 was adopted by the former Comox Strathcona Regional District to regulate the use of land, the surface of the water, and buildings and structures on Cortes Island. An update is needed to ensure the bylaw is compliant with changes in provincial legislation and with other SRD bylaws, as well as to reflect the objectives and policies of the 2013 Cortes Island Official Community Plan (OCP), Bylaw No. 139, which was adopted in February 2013.

The draft Bylaw No. 309 follows extensive consultations with Cortes Island residents between December 2016 and March 2018. Most of the permitted uses in existing zones were not changed. The changes that were made are expected to have zero to minimal impact on existing residents and businesses. On some issues, most respondents agreed, on other issues, opinions were polarized.

The draft zoning bylaw seeks to strike a balance between the opposing viewpoints while closely following related Official Community Plan (OCP) policy and sustainable development principles.

CONSULTATION PROCESS

The SRD hosted several community meetings and posted two on-line surveys, one early in the process and a second one recently, to gather input from Cortes Island residents. These are summarized below.

December 2016 public meeting

The SRD held its first initial public meeting on the Cortes Zoning bylaw on December 1, 2016. The meeting provided Cortes residents an opportunity to voice their concerns regarding zoning related matters within their community. Between 90 and 100 Cortes residents worked with SRD staff to identify the following issues for further discussion:

- Density and related topics (maximum number of dwellings, caps on dwellings, affordability, tiny homes)
- Environmental protection (personal responsibility vs. siting permits, water quality and quantity, marine ecology)
- Aquaculture
- Nuisance bylaw
- Bylaw enforcement

January 2017 questionnaire

In January 2017, the SRD posted an online questionnaire to learn where Cortes residents stood on the above and other related issues. It received 156 responses.

May 2017 public meetings

The SRD hosted two further public meetings in May 2017, each attended by about 60 people. One meeting focused on density, housing, forest lands and bylaw enforcement, the other on aquaculture zoning.

February 2018 open house and online questionnaires

Based on the input received through previous consultations, staff presented specific recommendations for zoning bylaw updates to the Cortes community for feedback at an open house on February 10, 2018, attended by about 60 people. These recommendations were also available through an online survey for those who could not make it to the open house. It received 152 responses at the time it was analyzed (noon, February 26). A supplementary questionnaire on maximum dwelling unit size was available starting February 23 and analyzed March 9th.

Advisory Planning Commission (APC) meetings

SRD staff met several times throughout the process with the Area 'B' APC to review public input, hear their reflections on zoning issues facing Cortes Island and discuss possible solutions that could be offered by changes to the zoning bylaw.

Further consultations

In April, the draft bylaw was referred to government agencies and First Nations for comment and posted online for public review. Comments received will be considered for incorporation into the draft bylaw before presenting the bylaw to the Regional Board for second reading. A public hearing on the bylaw will be scheduled after the bylaw receives second reading.

KEY BYLAW CHANGES

Following are the proposed key changes to the existing Cortes Island zoning bylaw:

- Updated references to provincial acts and regulations and to other SRD bylaws.
- Updated definitions, such as accessory home businesses, mobile homes, manufactured homes and RVs, tourist accommodations and vacation rentals, and active aquaculture.
- Statements of intent for each zone.
- Community-based fish hatcheries, previously a permitted use in all upland zones, was limited to Rural Residential, Parks, Forestry and Agricultural Land Stewardship zones.
- Deleted TRC-1A (Tourist Recreational Commercial 1A) as it did not exist on the ground.
- Adjusted Aquaculture-One (AQ-1) zone with the addition of permitted structures up to one metre in height to allow existing tenure holders to use growing racks to reduce predation and achieve a higher-grade product.
- Consolidated the existing Aquaculture Two A (AQ-2A) and Aquaculture Three (AQ-3) zones into Aquaculture Three (AQ-3) with the permitted uses of the former AQ-2A zone. This better reflects the actual use of the current AQ-3 zone. Originally, the AQ-3 zone was intended for finfish aquaculture but is being used for shellfish aquaculture.
- Omitted references that prohibit powered equipment in aquaculture zones since the SRD cannot restrict powered equipment if used to carry out normal farm practices.
- Established a maximum floor size limit for dwelling units.

- Siting permits were proposed to allow for the addressing of new homes and to ensure that new developments respect riparian, property and infrastructure setbacks. A majority of the community did not support siting permits, consequently, this proposal was dropped.

The zoning bylaw map was updated, to include:

- changing the zoning of Crown land parcels that are part of the community forest to a forestry zone
- reducing the number of split-zoned lots
- changing the zoning for Carrington Bay, Hanks Beach and Whaletown Commons to Park One (P-1)
- reducing the coastal area zoned Aquaculture One (AQ-1) to allow for an intensified use of the existing AQ-1 tenures without potentially impacting a large area of the coast line. (Remainder was changed to Access One (AC-1))

RELATED WORK

A nuisance bylaw will be prepared.

The lack of bylaw enforcement was a concern to many residents. To enable the SRD to implement a more graduated bylaw enforcement regime, SRD staff will bring forward a proposed update to Bylaw No. 119, the *Bylaw Contravention Ticket Information System Bylaw*, in 2019 to allow the bylaw enforcement officer to fine for uses that are contrary to the zoning bylaw.

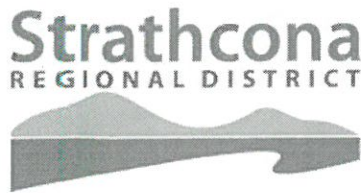
A review of the Home Occupation Permit requirements in *Bylaw No. 5, Planning Procedures and Fees* to make it more sensitive to the type of accessory home business as servicing is not always an issue. This might require amendments to the zoning bylaw too.

Subdivision regulation needs to be moved from the zoning bylaw to *Bylaw No. 64, Subdivision Standards, 2010*, such as:

- permission to subdivide along zone boundaries on split-zone lots
- standard 'residential lot size minimum'
- subdividing on ALR boundaries

There is a need for further research and community discussion on two complex issues that could not be adequately researched and discussed as part of this zoning bylaw update. These issues are short-term vacation rentals – their importance to the local economy and, at the same time, their impact on the rental housing market – and zoning for cannabis production. SRD staff is proposing to engage Cortes residents in focused discussions on those two topics in 2019 and, depending on the feedback received, amend the zoning bylaw accordingly.

Toward the end of the consultation process, it was suggested to restrict the maximum floor area of dwelling units. A few other jurisdictions, most notably Resort Municipality of Whistler and the Squamish Lillooet Regional District, set maximum floor area limits to retain the rural character of the region, keep property improvement values from escalating, and reduce building impacts on the environment. SRD staff issued a supplementary questionnaire to test support for this suggestion. 56 percent supported a maximum floor area limit, while 31 percent opposed it. Thirteen percent felt the question needs further discussion. Staff recommends setting the maximum floor area at one of the upper limits that was checked with residents through the questionnaire and refer the question to the 2019 consultations to further discuss whether the floor area limit should vary in different zones and/or whether the limit should be adjusted down or up.



This is Exhibit " Q " to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021

Robin Lee
A Commissioner/Notary Public for the
Province of British Columbia

Minutes of the Meeting of the Cortes Electoral Area 'B' Advisory Planning Commission of the Strathcona Regional District held on Wednesday, April 25, 2018 at Firehall #1, 959 Beasley Road, Manson's Landing, Cortes Island, B.C.

APC Members present:	Chair:	Rod Lee
	Secretary:	Carrie Saxifrage
	Members:	Brittany Baxter Chris Dragseth Francis Guthrie Mike Manson Kirsten Schofield-Sweet Sam Mayer
Absent:		Kim Christensen
Also present:		
Electoral Area 'B' Director:		Noba Anderson
SRD Staff (arrived at 2:45)		Karin Albert Mary Jo Van Order

CALL TO ORDER

The Chairperson, Rod Lee called the meeting to order at 2:40 pm.

AGENDA ITEMS

Adoption of Public Agenda

SCHOFIELD-SWEET/MANSON: THAT the agenda be adopted as amended (addition of letter regarding light industry zoning from Green Mountain Neighborhood).

CARRIED

Minutes of the Advisory Planning Commission held on April 25, 2018

SAXIFRAGE/MANSON: THAT the minutes of the Cortes Electoral Area 'B' Advisory Planning Commission meeting held on November 29, 2017 be adopted as amended.

CARRIED

Elections of Chair and Secretary

Rod Lee was elected as Chairperson. Carrie Saxifrage was elected as Secretary.

Cortes Island Senior Society – Senior housing expansion

Staff Memos re: proposal incorporated by reference

- John Neill, dated April 17, 2018, Re OCP Amendment – 961 Beasley Road, etc.
- David Leitch, dated April 3, 2017, Re By-laws 311 and 312 CP 2B 18 etc.

Staff memos presented the APC with a new OCP land designation: Multiple Residential/Community Service with density of up to 10 units per hectare, minimum 1 hectare parcel. By re-designating the CISS housing and four-plex on Gregg road to this new land designation, those parcels would be brought into compliance with zoning and the OCP.

CISS Request presented by David Rousseau:

- Seniors village was built 6 years ago within the CS zoning which permits up to 6 dwellings. Septic capacity for additional units pre-built.
- Open site plan. Proposed structures cover less than 10% of the lot.
- Amend CS-1 zone to allow 10 dwellings CS-1.
- Clarified during discussion that CISS is not seeking to create a new OCP designation. It seeks a change in the community service zone to allow 10 dwellings.

Discussion:

- APC questions why staff memo includes four-plex on Gregg Road as it does not provide community services as mentioned in MR/CS zone.
 - Staff: this is housekeeping to conform OCP designation to actual zoning and use,

- OCP designation, not a rezone. Owner would have to apply for rezone to increase number of units,
- it can be treated separately.
- APC questions why staff memo proposes a new OCP designation MR/CS.
 - Staff: OCP has statements re affordable or senior housing, etc. but this is not reflected in any zone. This zone would reflect OCP values. Every zone has OCP designation.
- The decision to seek amendment to CS-1 zone will push back process for CISS. September funding deadline may mean that it has to wait another year.

SAXIFRAGE/MANSON: APC recommendation to RD and Staff that the Gregg Road four-plex proposal for re-designation be treated as a separate matter from the CISS housing proposal.

CARRIED

GUTHRIE/MANSON: APC Recommendation to RD and Staff that the CS-1 zone be amended to allow 10 units.

CARRIED

GUTHRIE/DRAGSETH: Recommendation to RD and Staff to create an OCP land use designation that will match the CS-1 zoning by-law.

CARRIED

APC REQUESTS PLANNING STAFF TO NOTE: APC does not support density potential of MR/CS OCP designation as proposed. Prefers parcels with potential for community services and multiple residences have separate designation those with potential only for multiple residences.

APC REQUESTS PLANNING STAFF TO NOTE: MR/CS allows 10 units per hectare – very high density. APC members not comfortable with that density jump in an OCP designation without public due process.

Green Mountain Homeowners Request – Presented by Jessica Towers

Letter from Jessica Towers et. Al dated April 22, 2018 incorporated by reference.

Jessica Towers: Island Sea Farms through representative Ron Francis withdrew intention to purchase residential property in Green Mountain neighborhood with plan to rezone it to light industry. Green Mountain homeowners, appreciative of this consideration, request community process to identify light industry zones on the island away from residential areas as this will enhance local economic opportunity and clarify a way forward for companies such as ISF.

- Director Anderson: community chose to not predesignate industrial zones so it could respond to each application on its merits during a rezone. This handicaps businesses who don't know what community will decide until after they have made a significant investment.
- Light industry zoning would support community forest goals for value-added wood processing.
- This is a topic for residents, needs public process.

SCHOFIELD-SWEET/MAYER: Recommendation to RD and Staff that it initiate a public process to review possible industrial land use designations in OCP.

CARRIED
GUTHRIE abstains

Crown Land Referral: Pacific Shellfish Aquaculture Amendment Application

Referral document dated April 5, 2018 from John Neil to Director Anderson incorporated by reference.

- Director Anderson: Background: Klahoose First Nation applied to province for lease amendment. Province referred application to RD. If acceptance is recommended, Klahoose First Nation will need to apply for rezoning to advance their proposal further.
- Presented by Klahoose First Nation Chief Kevin Peacey and Kathy Francis: This proposal would amend an existing shellfish tenure.
 - Geoduck farm,
 - Overall size reduction so they don't have to pay for unusable parts of tenure,
 - Extend tenure in length to include point to the north and follow bottom contours viable for geoduck growth – this will require rezone of northern portion to AQ-4,
 - Amendment supported by DFO and province,
 - In response to general questions: Klahoose acquired lease in 2010. Regular maintenance to remove predators and driftwood and minimize marine garbage. Provides employment in seeding and deck work.
 - Geoduck harvested with stingers – water blasters. Lease extension won't restrict boat traffic. Extension area not suitable for dock use by upland owners. Klahoose works to accommodate upland owners. On site 2.5 weeks (non-continuous) total within a year.
 - Provides employment in seeding and deck work.

GUTHRIE/SCHOFIELD-SWEET: APC recommends RD support of this referral.

CARRIED

By-law No. 2455 Electoral Area 1

Staff Report dated April 5, 2010 from David Leitch re By-law Number 309 Cortes Island Zoning By-law Review incorporated by reference. Received by APC email April 19, 2018.

Staff: By-Law revision should be completed this summer.

Director Anderson: Concurs with staff time frame. Would like to complete it prior to RD elections in the fall.

Staff: Check list with issues on which staff would like APC recommendations. This list was provided at, not prior to, meeting. Request vote on support, not support, abstain re each listed item. First, address questions raised by APC in emails.

APC: Need more time to review the 98 page by-law draft in addition to other agenda items.

Vacation Rentals:

APC:

- With exception of B&Bs (which require Home Occupation Permit), by-laws have been silent in the past on whether vacations rentals are an allowed commercial use in a residential area. Revised definitions explicitly allow vacation rentals as a commercial use in residential area. Zoning by-laws should remain silent on this until the public process occurs in 2019.
- Too many accommodation definitions. Need to simplify.
- To remain silent on vacation rentals, draft provisions on page 42 (2.1, 2.3) should be removed.

STAFF:

- Vacation rentals are a subset of commercial use to be regulated through Home Occupation Permits (HOPs).
- New definitions appear to approve vacation rentals. This should be left until 2019 public process as planned.

SAXIFRAGE/GUTHRIE: Recommend that draft by-law remain silent on vacation rentals until the 2019 public process provides guidance on this issue.

CARRIED

Accessory Dwelling Units

APC:

- Section 2.4.3.2 page 41.
- Size limitation at draft page 41 correlates accessory dwelling unit size to house size (40%) or 640 sq. ft. This appears to require the smaller of the two sizes.
- Same provision applies to cottages.
- Result is unnecessarily restrictive for owners who built small house.

STAFF: Will remove the 40% of house size limitation from draft by-laws.

Agritourism

APC:

- New by-laws allow up to 10 units in ALR designated properties.
- Current by-laws permit 3 units, like all island B&Bs. This is more restrictive than ALC regulations.
- ALC regs do not require this density for agri-tourism zoning.
- Because this is a significant change in units, it should be left as is (3 B&B units only) until public review of vacation rentals planned for 2019.

STAFF: Agreed.

Maximum Lot Coverage

APC:

- Lot coverage limitations for principal and accessory units repeat themselves in charts.
- The lot coverage values in current by-laws indicate a combined maximum for entire lot.
- Proposed change suggests that the values are additive, thereby doubling maximum lot coverage.
- This change is repeated in all of the zones.

STAFF:

- Will look into it and revise to remain same maximum lot coverage for entire parcel as in current by-laws.

TC-1

APC:

- Page 70 has incongruent language re TC-1. TC-1 zoning is not limited to resorts and lodges anymore. Current uses also include campground and RV.
- TC-1 is an historical zone. Most people are now hosted outside of commercial zones in residential vacation rentals and B&Bs.
- Ambiguous language could apply to all island zones or TC-1 (thereby excluding current uses of campground and RV parking).

ACTION ITEM: Mary Jo and Frances Guthrie will clarify language in separate phone conversation.

The Staff's Checklist

Staff presented a checklist of zoning proposals on which they request guidance. Due to limited time, staff proposed that APC vote to support, not support or abstain on these proposals.

- Statements of intent
 - Many, not all, jurisdictions have adopted statements of intent for zones.
 - Pro: Statements incorporate policies of OCP. Good signal of whether desired rezone will be congruent with OCP. Intent of zones are otherwise hard to discern.
 - Con: statements indicate a tone of permission.
 - Staff will obtain legal review of statements of intent. Not open to case by case revision.
 - APC vote: seven support statements. One abstention.
- Limitation of fish hatcheries in dense residential zones
 - Handout has a mistake in it. It is intended to prohibit hatcheries only in dense residential zones.
 - Con: why limit fish hatcheries when we want more fish? This is a very hypothetical problem. Hatchery proponent would have to apply for rezone and appropriateness of site can be addressed in that process.
 - Pro: if you have worked in a fish hatchery, you know the problems with smell and waste. No one would want to live close to one.
 - Vote: Seven oppose any restriction on fish hatcheries. One supports prohibition in dense residential zones.
- Aquaculture zones (related items #4 and #5)
 - #4 proposes permission for shellfish racks, a permanent beach structure.
 - Staff: Input from industry-related community members indicates these racks increase ease of harvest, reduce predation and result in better product. Need to balance community majority (against structures) with

need for economic development and requests of most affected community members. OCP supports viable aquaculture policy and local economy.

- Aquaculture zones (related items #4 and #5)
 - #4 proposes permission for shellfish racks, a permanent beach structure.
 - Staff: Input from industry-related community members indicates these racks increase ease of harvest, reduce predation and result in better product. Need to balance community majority (against structures) with need for economic development and requests of most affected community members. OCP supports viable aquaculture policy and local economy.
 - #5 proposes rezoning AQ 1 zones without current tenures to AC-1.
 - Unleased AQ-1 tenures under current by-law is huge, about 1/3 of entire Cortes coastline.
 - #4 and #5 combined result in more intensive AQ-1 for existing leases and downzoning the remainder of the zone.
 - APC:
 - No map of existing tenures available. APC could not find one on RD site. On Gator site, tenure maps are shown individually and not all existing leases show up. This makes it impossible to understand the reach of the proposed changes.
 - Staff: existing tenures, a very small percentage of shoreline,
 - Shellfish industry used to be very dominant. Used to be 35 small, independent growers. Now there are 4. Rafts have largely replaced beach culture.
 - Many leases are above homes. Homeowners probably don't want permanent beach structures.
 - Public survey showed strong support for continuing prohibition of structures on beach.
 - Concern that downzoning will create a higher bar for new shellfish farmers because they will have to apply for rezone.
 - People have supported industry in the past but due to lack of consideration (noise and beach garbage) that support no longer exists.
 - Derelict rafts and plastic oyster growing garbage washing up on shoreline decreases public support.
 - Plastic affects health of marine organisms, puts it in everyone's food chain.
 - Industry as practiced has large externalized impacts.
 - Staff: no enforcement possible to keep shellfish farmers from creating beach garbage.

- Permanent structures on beach impact public enjoyment and understanding of legal right to access below the high tide line.
- No vote taken on this issue. Further issues to discuss/resolve.

[RD Director Anderson left at 5:10]

Process Discussion:

APC: needs further opportunity to review and comment on draft by-law. How will first reading of draft by-law for RD Board (scheduled for April 26) affect this?

STAFF: by-laws will be presented for first reading as a draft with understanding that there will be more time for APC and possibly public review. May not be ready for second reading in May. If second reading happens in June, public hearing will be in July.

TERMINATION

SCHOFIELD-SWEET/GUTHRIE: THAT the meeting terminate.

CARRIED

Time: 5:15 pm.

Recording Secretary:
Carrie Saxifrage

Chair:
Rod Lee



This is Exhibit " R " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.

Robin Hall
 A Commissioner/Notary Public for the Province of British Columbia

Minutes of the Meeting of the Cortes Electoral Area 'B' Advisory Planning Commission of the Strathcona Regional District held by teleconference on Monday, April 30, 2018 at Firehall #1, 959 Beasley Road, Manson's Landing, Cortes Island, B.C.

Present:	Chair:	Rod Lee
	Secretary:	Carrie Saxifrage
	Members:	Brittany Baxter Mike Manson Francis Guthrie
Absent:		Kim Christensen Sam Mayer Kirsten Schofield-Sweet Chris Dragseth
Also present:		
Electoral Area 'B' Director		Noba Anderson
SRD Staff, by phone:		Karin Albert Mary Jo Van Order
Public:		John Drew Wendy La Gare

CALL TO ORDER

The Chairperson, Rod Lee called the meeting to order at 3:15 pm.

AGENDA ITEMS

By-law No. 2455 Electoral Area 1

Aquaculture zones:

- APC discussed allowing shellfish racks in AQ-1
 - PRO: helps shellfish growers
 - CON: concern for visual impacts for beach walkers, upland owners. Also, increase in plastic trash. Diminishment of valued public amenity: the shoreline.

- Already exists illegally in some places.
- Keep all AQ-1 zones so new independent oyster farmers have lower bar to entry.
- If growers want to do more than seed and harvest from beaches, public deserves input by way of rezone process.

MANSON/GUTHRIE: APC recommends that proposed amendment to AQ-1 structure be dropped and status quo be retained.

CARRIED

Question: Does RD have tools to reduce marine plastic garbage from aquaculture operations?

- require labelling of garbage as part of license provision?
 - No, license is provincial jurisdiction.
- Staff: Nuisance by-law re unsightly garbage may apply.

Forestry: 2.4.6 no significant logging prior to rezone of F zoned parcels

- This language had 70+% support in public survey.
- Boggled down re defining "significant".
- Karin: This language may be entering the policy realm and it would be more appropriate for an OCP than a zoning bylaw. As part of the legal review of the bylaw, is checking with lawyer what language can be used.
- Carrie: 2.4.6 language "not completely clear cut" should read "no significant logging." Intent is to put potential purchaser/developer on notice re community desire for standing trees so they can retain their options. "Significant" can pertain to ecological value (eg old growth recruitment) as well as quantity.
- If not appropriate as by-law, can it be stated as intent?

SAXIFRAGE/GUTHRIE: APC recommends removal of "completely clear cut" in section 2.4.6 and replace with "significantly cut".

Requirement to build main residence before accessory building 2.4.2.2

- Contravenes Cortes tradition of building shop first then the house.
- Staff: applies to all zones, not just residential. Might never build main building.
- Should have to live on parcel if using outbuilding for accessory use.

MANSON/SAXIFRAGE: APC recommends removal of proposed section 2.4.2.2 which pertains to no accessory building prior to a residential use.

CARRIED

Cottage or suite being secondary to primary building.

- Throughout document, cottages and suites are referred to as accessory or secondary to primary building.
- In reality, large properties with multiple residences use cabins as dwellings that are not accessory to any of the larger residences.
- For clarity and to better reflect reality, cottages should not be referred to as secondary.
- Noba: consider changing size restriction,
 - PRO: can become a burden over time to those in cabins,
 - CON: cabin size restriction justifies a more affordable price,
- Tiny houses fit this discussion. Can be part of 2019 review.

SAXIFRAGE/BAXTER: APC recommends that cottages and suites be determined by their size and language referring to secondary or accessory status relative to a main dwelling be removed.

CARRIED

Max dwelling size 2.7.4.1:

- Staff used 4500 sq feet to capture all who supported some kind of size restriction in on-line survey.
- Of the 57% of those who support a maximum dwelling size in the on-line survey, 66% were comfortable with 3500 or smaller.
- Issues: how does architect figure out what applies? What if house is centered in big parcel? They bring tax dollars, why force them through a process?
- Purpose: Cortes doesn't want to be a community of huge homes.

Sleeping cabins

- Are sleeping cabins a permitted accessory use?
- What defines a residence/habitation? Does it require a kitchen?
- Septic issues: can you have 10 sleeping cabins without having commensurate septic capacity?
 - Staff: septic is approved by VIHA. But one could potentially get approval for a residence and add sleeping cabins later.
- If it is no longer a prohibited use, we need siting permits.
 - Siting permits lacked public support in the consultations
- Sleeping cabins can be part of next year's conversation on housing / vacation and long-term rentals.

Setbacks:

- Floodplain by-law is stand alone. If you have soil, minimum setback is 15 meters. If on bedrock, 7.5 meters. Houses on shoreline bedrock stick out/dominate.
- Same setback as soil-based houses would solve this.
- Hypothetical: grandfathered house burns, new setback applies, nowhere to build if parcel is small
 - Can get variance ahead of time. This runs with land.
 - Staff can define reasonable building envelope – eg 9 meters. This will guarantee variance so burned building can be replaced.

MANSON/BAXTER: APC recommends that, notwithstanding the floodplain by-law, in all cases the minimum ocean setback shall be 15 meters

CARRIED

Medical cannabis 2.4.1.2

- Staff: current language is permitted to not allow commercial cannabis production until federal and provincial legislation are clear. But small growers for medical use are allowed.
- Staff: permitted in ALR. ALC doesn't distinguish cannabis from other plants.
- Anticipated problems from large scale growing include: run-off from heavy fertilizer use, pesticides, smells, heavy water use.

SAXIFRAGE/MANSON: APC recommends that 2.4.1.2 is amended to prohibit all commercial and all non-medicinal production.

CARRIED

Accessory home business

- With proposed definition of accessory home business, garden stands will remain illegal.
- Legal to grow and sell plants, not legal to bring them in to sell.
- If we allowed broader definition, every lot could have a store. We don't want this. Better that these home businesses operate due to good will of neighbours'.

Dock Size

- Catalyzed by application submitted to the Province, for dock with 190 foot dock floats, for float plane and private use. Any restriction will not apply to this one. But do we want more?

- The Province refers applications for docks to RD for comment. RD reviews with respect to compliance with zoning and other by-laws. Cannot restrict size unless there is a size restriction on docks in the zoning bylaw.
- Guthrie: The Province is changing approval process for docks. If you own waterfront, you can just check that you are meeting their requirements, rather than apply for permit.
- Do big docks build local economy?
- Are float planes "water craft"? They have bigger noise impact.
- Considerations: massive docks clog shared waterway. Public access must remain open under provincial policy. According to the provincial permission requirements, docks cannot extend beyond 60 meters from the shoreline. One dock per parcel is allowed.
- Docks are allowed in all water zones in the Cortes Zoning bylaw.
- We have commercial zones for huge boats and float planes, away from our public beach areas
- Potentially positive regulations of dock float:
 - Restrict by % cover of water in small bays
 - One finger
 - Max 60 feet in length

Principal/Secondary uses:

- Secondary uses only permitted on a property if the principle use is also there. Freezes property until you live there.
- Should this be struck?
- People can build in whatever order they want, but residential use must be active before accessory use.

Accessory uses listed with principle uses

- This should be removed. Ex. CLS doesn't differentiate between saw mill, retail, residence, although this is a residential zone.
- Another example: ALS used to have 4 principle uses now it has 7. These should be separated out.
- Staff explained that the existing zoning bylaw, under general provisions, identifies that park, community hatchery, utility, forestry, agriculture use, and home occupation accessory to residential use are permitted in all zones. Those uses were taken out of general provisions and, where appropriate, moved into each zone.

- PA-1: halls, churches, firehalls, cemetery, schools, where people don't live. (the exception – church with vicarage - doesn't exist here). This should be zoned to exclude residential use which is now an accessory use. Some of these parcels are being used primarily as residences. These would be grandfathered in.
 - Some are too small for adequate septic.
- Commercial uses need to be secondary in residential zones.
- Park: residential accessory use makes sense.
- Firearms range should not permit residential.
- If land owner wants to do something new, there is always the mechanism available to rezone.

SAXIFRAGE/LEE: APC recommends that residence be removed from permitted uses in PA-1.

CARRIED

SAXIFRAGE/LEE: APC recommends that residential use be removed from firearm range zone.

CARRIED

Sawmills

- Sawmills are permitted on lots over 4 acres, regardless of zone. (Page 25 (l) of old by-laws)
- 30 meter setback.
- No action on this.

B&B meals 2.4.4.2.2.c.

- Breakfasts only. But what if no restaurant options are available?
- Need to know VIHA requirements

Upland zones:

- Smaller lot sizes allowed if connected to sewer OR water. Under current by-laws, this reads AND.
- Community septic might be required.
- Staff will check on this in.

Active Mariculture (page 19-20)

- Remaining issues:
 - "Active" means feed and chemicals in old definition. Should not include manmade structures.
 - No longer need zone for fish farm pens. Only AQ-3 zone is Quartz Bay. Farmer just growing shellfish but may want finfish in future so does not support downzone.
 - No community support for finfish farms on island.
 - We can legally downzone because not currently used for fin fish.
 - Waters too warm for finfish in that bay.
 - AQ-2 and 3 definitions muddled.
 - Need clearer map for marine commercial zone. Poor resolution of current one.

Process:

Noba: Staff will integrate comments to fullest legal extent, take to electoral area services committee and then to board.

TERMINATION

MANSON / SAXIFRAGE: That the meeting terminate.

CARRIED


Time: 6:10 pm.

Recording Secretary:
Carrie Saxifrage

Chair:
Rod Lee



This is Exhibit " S " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021


A Commissioner/Notary Public for the Province of British Columbia

AGENDA

File: 0360-20/ Area B APC

Notice of meeting of the
CORTES (AREA 'B')
ADVISORY PLANNING COMMISSION
Wednesday, May 16, 2018
To be held at Manson's Hall, Playschool Room
983 Beasley Road, Manson's Landing, Cortes Island, B.C.
Commencing at 2:30 p.m.

1. Call to Order.
2. Adoption of Public Agenda.
3. Receipt of the minutes of the Wednesday, April 25, 2018 and the Monday, April 30, 2018 Cortes (Electoral Area 'B') Advisory Planning Commission meetings.
4. Cortes Island Zoning Bylaw review:
 - Aquaculture One (AQ-1) zone regulations
 - New zones based on referral comments: Agriculture One (AG-1), Marine Park (P-1)
 - Draft zoning bylaw map
 - Size restrictions for private docks
5. Next meeting date (to be determined).

DISTRIBUTION

Brittany Baxter
Carrie Saxifrage
Chris Dragseth
Frances Guthrie
Kim Christensen
Kristen Scholfield-Sweet
Mike Manson
Rod Lee
Sam Mayer

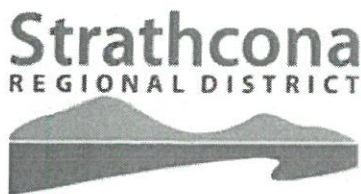
ELECTRONIC

Manager of Community Services
Parks and Planning Supervisor
Planners

Noba Anderson, Director, Electoral Area 'B'
Mary Lavelle – Alternate Director

Cover Page:

Reception notice board
SRD website



This is Exhibit " T " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

[Signature]
A Commissioner/Notary Public for the Province of British Columbia

STAFF REPORT

DATE: July 12, 2018

FILE: 0550-04EASC

TO: Chair and Directors,
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: CORTES ISLAND ZONING BYLAW REVIEW

PURPOSE

To consider the proposed new Cortes Island Zoning Bylaw, bylaw no. 333, for first and second reading and public hearing.

POLICY ANALYSIS

The existing bylaw no. 2455, Electoral Area 'I' (Cortes Island Zoning Bylaw), 2002 was adopted by the former Comox Strathcona Regional District to regulate the use of land, the surface of the water, and buildings and structures on Cortes Island.

Bylaw no. 139, the Cortes Island Official Community Plan (OCP), was adopted in February 2013.

Bylaw no. 333, the proposed updated Cortes Island zoning bylaw, reflects the objectives and policies of the 2013 Cortes Island OCP and the feedback gathered through community consultations. In addition, references to provincial legislation governing land use as well as Strathcona Regional District (SRD) bylaws enacted since 2002 have been updated in the new bylaw.

EXECUTIVE SUMMARY

The updated Cortes Island Zoning bylaw presented to the Electoral Areas Services Committee for first and second reading follows extensive consultations with Cortes Island residents between December 2016 and March 2018, an agency referral process in April 2018, a review of the bylaw with the Area B Advisory Planning Commission in May 2018 and a legal review.

The new bylaw includes additional and clearer definitions than the existing one, particularly in relation to accessory home businesses, mobile homes, manufactured homes and RVs and tourist accommodations. In addition, two aquaculture zones were consolidated, one aquaculture zone and a tourist commercial zone were deleted since they were not in use.

On request of the provincial Agricultural Land Commission, an Agriculture One (AG-1) zone was added to correspond to the boundaries of the Agricultural Land Reserve. A Marine Park One (MP-1) zone was added to cover those marine areas that are within provincial or regional parks or under another protected area status. Further, a second Public Assembly Two (PA-2) zone was added that does not allow for residential use to protect properties in that zone for public use.

Utility and park use continue to be permitted in all zones.

In recognition of the SRD's lack of jurisdiction when it comes to the regulation of normal farm practices, references to restrictions on powered equipment in the aquaculture zones were deleted. The new bylaw also clarifies the difference between structures and gear. Another key

change is a maximum floor area limit for principal dwellings in all zones to retain the rural character of the island.

Finally, the zoning bylaw map was updated. Updates include adding the new zones identified above, changing the zoning of Crown land parcels that are designated Forestry in the Cortes Island Official Community Plan to a forestry zone, changing the zoning for Carrington Bay, Hanks Beach and Whaletown Commons to Park One (P-1) and reducing the coastal area zoned Aquaculture One (AQ-1) to only include existing tenures and areas with beach aquaculture potential.

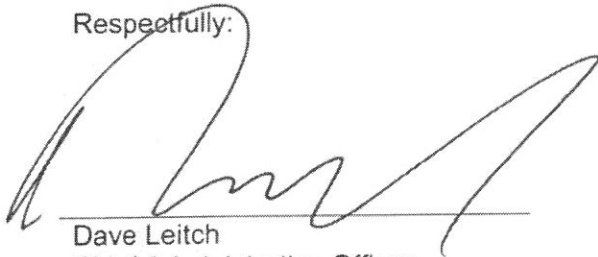
Most of the permitted uses in existing zones were not changed. The changes that were made are expected to have no to minimal impact on existing residents and businesses since uses existing prior to any changes are legally non-conforming and are permitted to be continued.

Due to the updates required as a result of the legal review and consequent changes made to Bylaw No. 309, Cortes Zoning Bylaw, which was introduced for first reading in April 2018, it is recommended that first reading be rescinded and the updated Bylaw No. 309 be reintroduced for first and second reading.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that first reading of Bylaw No. 309, the Cortes Zoning Bylaw, be rescinded, and
3. THAT the revised Bylaw No. 309 attached to the July 11, 2018 report from the Chief Administrative Officer be given first and second readings and authorized for a public hearing held at ____ p.m., located at _____, on _____, 2018.

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

The existing Cortes Island Zoning Bylaw dates back to 2002. An update is needed to ensure the bylaw is compliant with changes in provincial legislation and with other SRD bylaws. Updates are also needed so that the bylaw reflects the vision, goals and policies of the Cortes Island Official Community Plan (OCP) which was developed with the community between 2010 and 2012.

For the update of the zoning bylaw, the SRD hosted three community meetings: one in December 2016 and two in May 2017, and a public open house which identified a series of recommendations. The SRD also posted two on-line surveys, one in January 2017 and a second one in January 2018, to gather input from Cortes Island residents. SRD staff met several times throughout the process with the Area B APC to review public input, hear APC member reflections on zoning issues facing Cortes Island and discuss workable solutions that could be offered by changes to the zoning bylaw.

Bylaw no. 309, the Cortes Island Zoning Bylaw, was presented to the Electoral Area Services Committee and the Regional Board for first reading this past April. The bylaw was then referred

to other government agencies, First Nations and the Area B Advisory Planning Commission (APC) for comment. It was also sent out for legal review. As a result of the referral comments and legal review, a number of updates had to be made to that bylaw. In order to be able to accept those changes, first reading has to be rescinded and the updated bylaw no. 309 be reintroduced for first and second reading.

Following is a summary of agency referral comments.

AGENCY REFERRALS

Agency	Comments
Agricultural Land Commission (ALC):	The ALC requested the creation of an agriculture zone that corresponds to the Agricultural Land Reserve (ALR) on Cortes Island, clarified that home-based businesses in the ALR have to be approved by the ALC, and identified a number of restrictions that exist within the ALR.
BC Assessment Authority:	No response.
BC Ferries Corporation:	No response.
BC Parks:	The marine components of the provincial parks are not clearly outlined. This makes it unclear for the public where the provincial parks begin and where they end.
Environment Canada:	No response.
Fire Department – Cortes Island:	No response.
Fisheries and Oceans Canada (DFO):	No concerns. The Cortes Island Zoning Bylaws 2018 does not directly propose works, undertakings or activities that may result in serious harm to fish.
Ministry of Aboriginal Relations and Reconciliation:	No response.
Ministry of Agriculture:	Provided edits to definitions that relate to agriculture, screening and buffering between residential development and the ALR, clarified riparian setbacks in the ALR and requested a separate zone that corresponds to the ALR.
Ministry of Environment:	No concerns – provided any subsequent development follows Best Management Practices in the 2014 edition of <i>Develop with Care</i> , including an erosion and sediment control plan before the start of construction.
Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRD):	Riparian Area Regulations (RAR) reports should be uploaded to the RAR Notification system for review by FLNRD.

Ministry of Municipal Affairs and Housing:	No response.
Ministry of Transportation and Infrastructure:	No response.
Powell River Regional District:	No response.
School District 72 (Campbell River):	No response.
Transport Canada, Navigable Waters:	No concerns.
Vancouver Island Health Authority (VIHA):	No response.
First Nation	Comments
Cowichan Tribes:	No response.
Halalt First Nation:	No response.
Homalco First Nation (Xwemalhkwu):	No response.
Klahoose First Nation:	No response.
Lake Cowichan First Nation:	No response.
Laich-Kwil-Tach Treaty Society:	No response.
Lyackson First Nation:	No response.
Nanwakolas Council:	No response.
Penelakut Tribe:	No response.
Stz'uminus First Nation:	No response.
Tla'min Nation:	No response.
We Wai Kai Nation:	No response.
Wei Wai Kum Nation:	No response.

BYLAW CHANGES IN RESPONSE TO REFERRAL COMMENTS

In response to the referral comments, the following changes were made to the Cortes Zoning Bylaw:

- Creation of an Agriculture One (AG-1) zone that corresponds to the Agricultural Land Reserve (ALR) boundaries and permitted uses that are in compliance with the provincial *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.
- Clarifications of ALR regulations under Part 2: General Compliance, Prohibitions and Regulations of bylaw no. 309.

- Creation of a Marine Park One (MP-1) zone that corresponds to provincial and regional protected areas that extend over marine areas.
- Clarification that Riparian Area Regulation reports be uploaded to the RAR notification system.

SUMMARY OF BYLAW CHANGES

Based on discussions with the public, the APC and the legal review, bylaw no. 309 reflects the following changes that were made to the existing zoning bylaw:

Modernization for clarity, administration and compliance with the Local Government Act:

- Updated references to provincial acts and regulations and to other SRD bylaws.
- Updated definitions, including the following terms: accessory home business, dwelling unit, mobile home, manufactured home and RV, moorage, structure and gear/equipment.
- Addition of new definitions including accommodation, accommodation unit, aggregate processing, body of water, cannabis production, caretaker's residence, community garden, density benefit, fish habitat, hotel-style accommodation, landscape screen, mariculture, outdoor shooting range, flood hazard setback, lot-size averaging (rather than 'density averaging'), medical marihuana production facility, transient moorage.
- Simplified development regulations such as maximum heights, setbacks, maximum lot coverage and maximum floor areas.
- Based on legal advice, changes to the CLS-1, FLS-1 and ALS-1 zones to convert the requirement for registration of a section 219 covenant to a density benefit which is supported in the *Local Government Act* section 482.

Restrictions on the production and sale of cannabis

- Limiting the production and sale of non-medicinal cannabis to ALR lands (as permitted by the Province) to allow time to review the implications of the new federal legislation on cannabis with the Cortes community in 2019 and seek input on where non-medicinal cannabis production and sale should be permitted and what the conditions of that permitted use should be.

Changes to existing zones

- Reduction in area covered by the Aquaculture-One (AQ-1) zone, which is intended for beach aquaculture, to correspond to existing tenure areas as well as foreshore with beach aquaculture potential.
- Consolidation of the existing Aquaculture Two (AQ-2) and Aquaculture Two A (AQ-2A) zones into Aquaculture Two (AQ-2). Deletion of the Aquaculture Three (AQ-3) zone which was meant for finfish aquaculture but is not used as such and renaming of the Aquaculture Four (AQ-4) zone to AQ-3.
- Omission of references that prohibit powered equipment in aquaculture zones since the SRD cannot restrict powered equipment if used to carry out normal farm practices.
- Change in zoning for Carrington Bay, Hanks Beach and Whaletown Commons to Park One (P-1) to recognize their use as park.
- Addition of community gardens as a permitted use in most zones. It was not clear previously whether they were a permitted use or not.
- Omission of community-based fish hatcheries as a permitted use from the R-1 zone due to the smaller lot sizes in that zone and difficulty controlling odours from fish hatcheries affecting neighbouring properties.
- Omission of moorage as a permitted use in the Water Conservancy One (WC-1) zone. This change would not affect existing docks but would limit new ones. This change was made after

discussions with the Electoral Area B Advisory Planning Commission in an effort to reduce impacts on the shorelines of Cortes Island's lakes.

- Reduction of the minimum lot size in the Agriculture Land Stewardship One (ALS-1) zone from 130 ha to 66 ha in recognition that lands designated as Agriculture Land Stewardship in the Official Community Plan (OCP) are smaller than 130 ha.

New zones

- Addition of a Public Assembly Two (PA-2) zone that does not permit residential use. The intent of this change is to retain properties zoned PA-2 for public use and prevent conversion to a private residential use in the future.
- Addition of a Marine Park One (MP-1) water zone to cover those marine areas that are within provincial or regional parks or under another protected area status, with the provision that docks will only be permitted with park use permit by the agency who has jurisdiction in those zones.
- On request of the Agricultural Land Commission, addition of an Agriculture One (AG-1) zone to correspond to the Agricultural Land Reserve for ease of administering the regulations of the Commission.

Deletion and renaming of zones

- Deletion of the Tourist Recreational Commercial One A (TRC-1A) since it was not in use and there cannot be a zone in the zoning bylaw that is not in actual use.
- Renaming of Tourist Recreational Commercial One, Two and Three, (TRC-1, TRC-2, TRC-3) to Tourist Commercial One, Two and Three (TR-1, TR-2, TR-3).

Maximum floor area and Maximum lot coverage

- A new maximum floor area limit of 415 square metres for principal dwellings in order to retain the rural character of the island and avoid the creation of an estate community.
- A new maximum floor area of 160 square metres of the units in the residential multiple zone and a maximum floor area limit of 120 square metres of rental units in the Community Services One (CS-1) zone in order to ensure long term affordability of rental units.
- Combined maximum floor area limit for uses other than residential in the Tourist Commercial zones.
- Clarification in section 2.6 that combined floor areas cannot exceed maximum lot coverage.

Setbacks

- Inclusion of setbacks from water bodies, previously found only under General Regulations of the bylaw, in the General Compliance, Prohibitions and Regulations section as well as under the individual zones.
- Addition of setbacks from an abutting ALR boundary, as requested by Agricultural Land Commission staff in their review of the bylaw.

No siting permit

As part of the public consultation process, SRD staff explored instituting siting permits to allow for the addressing of new homes and to ensure that new developments respect riparian setbacks as well as front, rear and side yard setbacks. A majority of the community did not support siting permits but wished to continue to rely on personal responsibility. Consequently, this proposal was dropped.

Overall, the revised zoning bylaw does not add any new onerous regulations.

FOLLOW-UP WORK TO BE COMPLETED

Bylaw enforcement, or the perceived lack thereof, was a concern to many residents during the consultations. To enable the SRD to implement a more graduated bylaw enforcement regime than what is currently the case, in 2019 SRD staff will bring forward a proposed update to Bylaw No. 119, the *Bylaw Contravention Ticket Information System Bylaw*, to allow the bylaw compliance officer to fine for uses that are contrary to the zoning bylaw.

The nuisance provision can no longer form part of zoning bylaws but requires a stand-alone bylaw. During the consultations, Cortes Islanders expressed support for a separate nuisance / unsightly premises bylaw. SRD staff is introducing a draft unsightly premises bylaw for discussion at the July 2018 EASC meeting.

There is a need for further research and community discussion on two complex issues that could not be adequately researched and discussed as part of this zoning bylaw update. These issues are:

- Short-term vacation rentals – their importance to the local economy and, at the same time, their impact on the rental housing market; and
- Zoning for non-medicinal cannabis production.

In 2019, SRD staff will engage Cortes residents in focused discussions on those two topics and, depending on the feedback received, amend the zoning bylaw accordingly.

OPTIONS FOR THE COMMITTEE TO CONSIDER

- a) Rescind first reading of Bylaw No. 309 and give the revised Bylaw No. 309 first and second reading and schedule a public hearing.
- b) Rescind first reading of Bylaw No. 309 and request further changes to the bylaw prior to giving it first and second reading.
- c) Not proceed with the zoning bylaw update.

Option one is recommended to allow the bylaw to move forward to public hearing.

FINANCIAL IMPLICATIONS

Costs for the bylaw review process and the public hearing has been included in the 2018 financial plan.

LEGAL IMPLICATIONS

The bylaw has received a legal review to ensure its provisions are lawful and legally accurate.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

As discussed above, government agencies and First Nations were consulted as part of the bylaw review and their comments were incorporated into the revised bylaw.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

The public consultation events on the zoning bylaw update were well attended. The first meeting in December 2016 saw close to 100 in attendance, the first on-line questionnaire received 156 responses, each of the May meetings and the February 2018 open house were attended by about 60 residents. The second on-line questionnaire received 101 responses. The supplementary questionnaire was completed with 105 responses.

On some issues, most respondents agreed, on other issues, opinions were polarized. The zoning bylaw seeks to strike a balance between the opposing viewpoints while closely following related Official Community Plan (OCP) policy and sustainable development principles.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Community Services and Corporate Services staff resources will be required to hold the public hearing and guide the final adoption process of the bylaw.

Submitted by:

A handwritten signature in black ink, appearing to read "R Hansen", with a horizontal line drawn through the middle of the signature.

Ralda Hansen
Community Services Manager

Prepared by: *K. Albert, Parks and Planning Supervisor and Mary Jo Van Order, Planner II*

APPENDIX A: Bylaw No. 309, Schedule A: Cortes Zoning Bylaw

APPENDIX B: Bylaw No. 309, Schedule B: Cortes Zoning Map



CORTES ZONING BYLAW, 2018

Date: August 2018

SCHEDULE A 'Cortes Zoning Bylaw'

Part of Bylaw No. 309 being the "Electoral Area 'B' (Cortes Island) Zoning Bylaw, 2018"

SCHEDULE B 'Cortes Zoning Map' is also part of this bylaw

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PART 1 ADMINISTRATION**1.1 APPLICATION**

1. This bylaw shall apply to all land, including the surface of the water, within Electoral Area B of Strathcona Regional District as shown in this bylaw's Schedule B 'Cortes Zoning Map'.

1.2 VIOLATION

1. A person who is an owner or occupier of land commits an offense under this bylaw if the person does any of the following:
 - a. uses land or a building or structure other than for a purpose specified for the zone in which the land, building or structure is located;
 - b. constructs, reconstructs, alters, moves, or extends a building or structure so that the building or structure contravenes the provisions of this bylaw;
 - c. constructs or places on a parcel buildings or structures which exceed the density permitted by the zone in which the parcel is located;
 - d. causes or permits any act or thing to be done in contravention of any provision of this bylaw;
 - e. fails to comply with an order, direction or notice given under this bylaw or prevents or obstructs a person authorized under subsection 1.4.1 of this bylaw from entering onto the property.
2. Nothing in this bylaw shall exempt any person from complying with the applicable requirements of any other bylaws of the Regional District, or any enactment of the federal or provincial government.

1.3 PENALTY

1. Any person who:
 - a. contravenes, violates or fails to comply with any provision of this bylaw;
 - b. suffers or permits any act or thing to be done in contravention or violation of this bylaw; or
 - c. fails to do anything required by this bylaw;commits an offence and each day that such offence continues shall be deemed to be a separate and distinct offence.
2. Any person who commits an offence as described in subsection 1.3.1 of this bylaw shall be liable, upon summary conviction, to

BYLAW 309 SCHEDULE 'Cortes Zoning Bylaw'

- a. any combination of a minimum fine of \$200 to a maximum fine of \$2,000 and imprisonment for no more than 30 days as specified in the B.C. *Offence Act* and *Community Charter*; and
 - b. the fine imposed under *Bylaw 119, Bylaw Contravention Ticket Information System Bylaw 2012*; and
 - c. the costs of prosecution and any other penalty or order imposed pursuant to the *Local Government Act* or the *Offence Act* and their amendments and regulations under these Acts.
3. Upon conviction, the presiding authority may direct that no prosecution under subsection 1.3.1 may be made, with respect to the continuance of the violation, for such period of time as they direct.
 4. Nothing in this bylaw limits Strathcona Regional District from utilizing any other provision of this bylaw or remedy available by law.

1.4 ENFORCEMENT

1. The Community Services Manager, Parks and Planning Manager, Building Official and Bylaw Compliance Officer, Planner, Planner II, Parks and Facilities Technician, Corporate Services Manager, and the Chief Administrative Officer are hereby appointed by the Regional Board pursuant to Sections 225 and 419 of the *Local Government Act* to administer this bylaw.
2. Persons referred to under subsection 1.4.1 of this bylaw may enter at all times reasonable to the Regional District onto any property that is subject to this bylaw to ascertain whether the requirements of the bylaw are being met or the regulations are being observed.

1.5 INTERPRETATION

1. Where two or more regulations within this bylaw conflict, the more restrictive regulation shall apply.
2. All dimensions and measurements in this bylaw are expressed in the Standard International Units (metric) system. For the purposes of this bylaw, the following units of measures shall be abbreviated as specified in brackets:
 - square metre or square metres (sq m)
 - hectare or hectares (ha)
3. The format of this bylaw follows a simple layout intended to facilitate its use. Major divisions within the bylaw are called "Parts" and major divisions within Parts are called "Sections". Each Section is further divided into subsections.

1.6 DEFINITIONS

The following definitions shall be used to interpret this bylaw.

AAAA

Accessory Home Business means the conduct of a business or occupation that is accessory to a permitted principal residential use and

1. does not change the residential character or appearance of the dwelling unit, building or lot;
2. does not include a retail store or wholesale;
3. satisfies the requirements of subsection 2.3.3 (Accessory Home Business) of this bylaw; and
4. for which the resident has submitted the application called 'Application for a Home Occupation or Domestic Industrial Use' and received approval as outlined in the *Planning Procedures and Fee Bylaw No. 5, 2008*.

Accessory Use means a use that is customarily incidental to the permitted principal use of the land, building or structure that is located on the same lot, or that is located on common property within the same strata plan.

Accommodation means the use of any part of a building or a structure for the sleeping and living activities of a person or household that is not a permanent or seasonal residential use.

Accommodation, Hotel-style means commercial accommodation provided in a single building, such as a hotel, lodge, or motel, but shall not include a hostel, resort, recreation vehicle, campground, manufactured home, or residential use. Hotel-style accommodation may include accessory office and lobby space and where permitted in this zoning bylaw, public areas for a restaurant, retail sales, recreational facilities and meeting rooms.

Accommodation Unit means any part of a building or structure, such as a room or group of rooms, used to provide accommodation to a person or household. It may, or may not, include sanitary and/or cooking facilities and does not include residential use. See also Household.

Aggregate Processing see Processing, Aggregate.

Agriculture means the use of land to grow, rear, produce, harvest and process of agricultural products, including livestock, and can also include the marketing of products grown, reared, produced, harvested or processed on these lands and the storage and repair of implements and machinery used for these purposes. It does not include the growing or processing of cannabis.

Agricultural Land Reserve means a reserve of land established and regulated by the *Agricultural Land Commission Act* and subject to the associated regulations.

BYLAW 309 SCHEDULE 'Cortes Zoning Bylaw'

Agricultural Products means commodities or goods derived from the cultivation and husbandry of land, plants, and animals.

ALR means Agricultural Land Reserve.

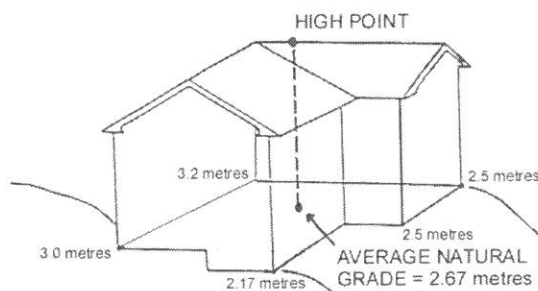
Approval means approval in writing from the authority having jurisdiction.

Aquaculture means the farming of fish, shellfish or aquatic plant in either fresh or saltwater, or both. See also Mariculture.

Automobile Body Shop means the use of any part of land, building or a structure for the repair and replacement of body parts, and painting of automobiles.

Automobile Service Station means the use of any part of land, building or a structure for the selling and dispensing of vehicular fuels or automotive parts and accessories, as well as the washing or servicing and repair of vehicles excluding body repairs.

Average Natural Grade on uplands means the elevation (height) of the footprint of the building or structure calculated by averaging the Natural Grade of four corners of a rectangular perimeter enclosing the entire building or structure footprint. In the case of structures on the surface of water, it means the Natural Boundary of the bed of the body of water to which a building or structure is fixed and the waterline of any floating building or structure. (See example in Figure 1.)



BBBB

Bed and Breakfast means the use of a portion of a dwelling unit to provide commercial accommodation for the public as an accessory home business under the conditions of subsection 2.3.3 (Accessory Home Business) of this bylaw.

Body of Water means any natural lake, pond, spring, watercourse, wetland, salt water or other similar body of fresh or salt water.

Building means a structure used or intended for supporting or sheltering any use or occupancy and has the same meaning as in the *BC Building Code*.

Building Height see Height, Building or Structure.

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Building or Structure, Principal means one or more buildings and structures on a parcel used for the principal use of that parcel.

Bulk Storage means the storage of chemicals, petroleum products, or other materials in above-ground or below-ground containers or buildings for subsequent resale to distributors, retail dealers or outlets.

CCCC

Campground means an area of land comprised of two or more individual campsites intended for, occupied by, maintained for, or used for the commercial accommodation of a person or household, which may or may not have accessory sanitary, laundry, office and recreation facilities, for the sole use of the occupants of the campground but excludes hotel-style accommodation, resort, manufactured home park, dwelling unit and residential use.

Campsite means an area of land, which may or may not be in a campground, that is used for the accommodation of a person or household and may or may not be commercial.

Cannabis has the same meaning as in the *Cannabis Control and Licensing Act* (British Columbia).

Cannabis Plant see Cannabis.

Cannabis Production has the same meaning as 'produce' in the *Cannabis Control and Licensing Act* (British Columbia).

Caretaker's Residence means an accessory dwelling unit occupied by a person employed to look after the principal use on the same lot and is limited in floor area to 100 square metres.

Common Facility means buildings, structures, equipment, recreational facilities or other physical improvements provided as an amenity for the common use and benefit of the residents, or guests, in a development and can exclude public use.

Community-Based Fish Hatchery means a non-commercial production facility for salmon enhancement operated by a community group with a valid aquaculture licence.

Community Garden see Garden, Community.

Community Health Facility means one or more buildings specifically designed as clinical facilities for medical treatment, i.e. a medical clinic.

Community Sanitary Sewerage System means a system of sewage collection, treatment and disposal as defined in *Subdivision Servicing Standards Bylaw No. 64, 2010*.

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Community Water System means a system of waterworks as defined in *Subdivision Servicing Standards Bylaw No. 64, 2010*.

Cottage means a free-standing single dwelling unit. For the purposes of this bylaw, a cottage is limited to a maximum floor area of 60 square metres unless the zone identifies a smaller maximum floor area.

DDDD

Density has the same meaning as the *Local Government Act*, section 455, calculated by lot area divided by the number of units permitted for that lot based on the zoning in effect and rounding off fractions of 0.50 or greater to the next highest whole number and fractions of less than 0.50 to the next lowest number.

Density Benefit means, as outlined in the *Local Government Act* section 482, different density rules for a zone, one generally applicable for the zone, considered a base density, and the other or others to apply if specified conditions are met related to amenities, affordable and special needs housing and housing agreements, considered the bonus density.

Density Limit means the maximum density permitted on a lot as permitted in Part 3 of this bylaw.

Derelict Vehicle means part of any wrecked vehicle or all or part of any motor vehicle which is not validly registered and licensed in accordance with the *Motor Vehicle Act*, and which is not housed in garage or carport.

Dock means a marine-based structure, or set of structures, generally consisting of a pier or wharf, and may include a ramp, float, and supporting structures, which is used for the mooring of watercraft in association with the permitted use.

Dwelling Unit means one or more rooms in a building that are used for, intended to be used for or constructed to be capable of being used for, the residence of a single household and containing a common access, one kitchen, and eating, sleeping and living areas and not available for commercial accommodation unless specifically permitted in this bylaw. It does not include a recreation vehicle but does include a manufactured home. The sanitary facility may be outhouse facilities where permitted by Ministry of Health or Ministry of Environment and Climate Change Strategy. Where an accessory home business, such as a bed and breakfast, involving food products is permitted under this bylaw, a second kitchen and cooking facility may be permitted where required by a provincial health agency.

Dwelling Unit, Detached means a free-standing single dwelling unit or single dwelling unit with permitted secondary suite. For the purposes of this bylaw, detached dwelling units are limited

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to a maximum floor area of 415 square metres, including a secondary suite if any, unless a smaller maximum floor area is identified elsewhere in this bylaw.

EEEE

FFFF

Fabricating means assembling from parts.

Farm Product means a commodity that is produced from an agricultural use as classified within the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

Firearms Range see Shooting Range, Outdoor.

Fish Habitat has the same meaning as 'stream' in the *BC Riparian Area Regulation*.

Fish Hatchery, Community-Based see Community-Based Fish Hatchery.

Float Home means a structure built on a floatation system anchored or moored, which is used for, or intended to be used for, residential use or as an accommodation unit and is not used for or intended to be used for navigation, or useable as a navigable craft.

Flood Hazard Setback has the same meaning as 'Floodplain Setback' in *Bylaw No. 2782, Floodplain Management Bylaw, 2005* as amended from time to time. See example illustration in Figure 3.

Floor Area means the sum of the horizontal area of all storeys of a building or structure measured to the exterior surface of the perimeter walls and windows including the area occupied by interior walls and partitions. For this purpose, all areas of a building having a floor and a ceiling at least 1.8 m apart constitute a storey and the horizontal area of all buildings where more than 60 per cent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of floor area.

Forestry means the science, art and practice of managing and using the natural resources that occur on and in association with forest lands including log handling, silviculture and the conservation and management of forests and forest resources including wildcrafting guided by, but not necessarily limited to, the rules, regulations and policies of federal and provincial agencies.

Front Lot Line see Lot Line, Front.

Front Yard see Yard, Front.

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Frontage means the length of the front lot line and is subject to Section 2.6 (Number, Size and Dimensions of Uses, Buildings and Other Structures) of this bylaw.

GGGG

Garden, Community means the use of public or private land for the growing of food, flowers, native and ornamental plants, edible berries and food perennials.

HHHH

Handling, Shellfish and Marine Plant means the growing and harvesting of shellfish or marine plants in the water, attached to artificial supports or on the bottom of the sea, from the natural low watermark on the foreshore into deeper water.

Height, Building or Structure means the vertical distance at any point between the highest point of the building or structure and the Average Natural Grade. (See example in Figure 1.)

High Water Mark see Natural Boundary.

Home Occupation see Accessory Home Business

Hostel means a building providing dormitory-style commercial accommodation and can include shared facilities for washrooms and cooking but shall not include resort, campground, manufactured home park, or residential use.

Hotel-style Accommodation see Accommodation, Hotel-style

Houseboat means a boat that is, or can be, moored for use as a dwelling unit or accommodation unit.

Household means one or more persons related by blood, marriage, adoption or foster parenthood or not more than five unrelated persons in common occupation sharing a dwelling unit, accommodation unit, recreation vehicle or tent structure.

Housing Agreement means, as outlined in the *Local Government Act* section 483, an agreement entered into by a local government by bylaw that is filed on title and contains terms and conditions regarding the occupancy of the dwelling units identified in the agreement (usually regarding affordability or special needs) and may be part of a density benefit development.

IIII

Immediate Family has the same meaning as in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

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Industrial means processing, fabricating, testing, assembling, service, repairs, manufacturing, or maintenance of goods or materials and can include activities such as a sawmill, log handling, resource processing and aggregate processing.

JJJJ

Junkyard means an area of land where old articles, waste or discarded material including but not limited to rubber tires, metal, plastics, plastic containers, glass, papers, sacks, wire, ropes, rags, machinery, cans, any other scrap or salvage including 3 or more derelict vehicles per lot, are stored or kept, for private or commercial purposes, or as part of a trade or calling, including motor vehicle salvage yard.

KKKK

Kitchen means a room or area of a building used for the preparation or cooking of food and which contains cooking, washing and food cold storage facilities with cabinetry and ventilation for the cooking facilities.

LLLL

Landscape Screen means a continuous fence, wall, berm, compact evergreen hedge or other landscape planting or combination thereof, of sufficient height to visually shield or obscure one abutting structure, building or lot from another and is broken only by access drives and walks.

Livestock means any vertebrate animals used for agricultural purposes, which are used or the products of which are used for eventual consumption and in addition includes animals for work, or that are capable of work, such as horses, donkeys or mules.

Log Handling means the industrial activities of log dumping, storage, sorting, booming, barging and all related industrial activities.

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*, or a legally recorded lease or license of occupation issued by the Province of British Columbia but excludes a highway.

Lot Area means the area of land within the boundaries of the Lot.

Lot Coverage means the total horizontal area covered by buildings and structures expressed as a percentage of the total lot area. The horizontal area of buildings shall be determined by measuring to the outside of the exterior walls and for structures with no defined exterior wall measured to the drip line of the roof or in the case of decks and porches, includes the horizontal flooring area.

Lot Depth means the horizontal distance between the front lot line and rear lot line and where these are not parallel, lot depth is the length of a line joining the mid-points of the front lot line

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and rear lot line and in the case of a double frontage, the front lot line on the water shall be used as the rear lot line.

Lot Line means the boundary of a lot.

Lot Line, Exterior Side means a lot line that is not a front or rear lot line and that is common to the lot and an abutting road allowance.

Lot Line, Front means the lot line or lines common to a lot and adjoining a road allowance, and in the case of lots having more than one such line, the shorter line that is at least 20 metres is considered the front lot line. In the case of a hooked lot, the lot line that adjoins the larger portion of the parcel is considered the front lot line. In the case of a panhandle lot, the line that is generally parallel to the road allowance and perpendicular to the lot lines that form the access strip is also considered the front lot line. In the case of a lot with water access only, the lot line adjoining the natural boundary of the body of water shall be the front lot line.

Lot Line, Rear means the lot line opposite to and most distant from the front line and where the rear portion of a lot is bounded by intersecting lot lines, the point of intersection is deemed to be the rear lot line.

Lot Line, Interior Side means a lot line connecting the front and rear lot lines and common to the lot and an abutting lot or a lane.

Lot, Panhandle means a lot a portion of which is a panhandle that extends along a side lot line. See example in Figure 2.

Lot-Size-Averaging means the method of calculating the number of lots when subdividing outlined in Section 2.1.2 of this bylaw that allows, when permitted in Part 3 of this bylaw, for the creation of parcels of varying sizes, some of which may be smaller than the specified minimum lot size for the zone.

Low-Impact Recreation means non-motorized recreation requiring minimal infrastructure and that has a minimum impact on the natural environment.

MMMM

Manufactured Home means a dwelling unit designed to be moved from time to time, which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on foundation supports, connections of public utility services, and some incidental assembly, and meets or exceeds Canadian Standards Associations Z-240 MH Standards, but specifically excludes a recreational vehicle.

Manufacturing see Processing.

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Mariculture is a specialized branch of aquaculture involving the cultivation of marine organisms for food and other products in the open sea, an enclosed section of the sea, or in tanks, ponds or raceways which are filled with seawater.

Mariculture, Passive means mariculture that does not involve the administration of feed or chemical products.

Marina means a system of structures for berthing, launching, mooring, securing, servicing and storing powered and unpowered watercraft and may include accessory uses where permitted in Part 3 of this bylaw. Marina use includes yacht clubs and structures commonly associated with marine moorage but excludes residential uses.

Medical Clinic a diagnostic and treatment center, with office, examination and treatment space for medical practitioners and auxiliary health services, but specifically excludes dispensing of cannabis other than for medical reasons.

Medical Marihuana Production Facility means premises licensed under Part 1 of the *Access to Cannabis for Medical Purposes Regulation (Canada)*, including related accessory activities such as processing, testing, research and development, packaging and storage functions.

Mobile Home see Manufactured Home.

Manufactured Home Park means the use of land for the provision of spaces for two or more manufactured homes on land zoned for manufactured home park use and for imposing a charge or rental for the use of such space.

Moorage or Moored or Moor means to secure a watercraft to a fixed structure, float, dock, pier, or mooring buoy. Unless expressly permitted in a zone, moorage excludes buildings such as boathouses, boat shelters, and sheds for storage and maintenance, permanent or indefinite moorage, and residential or accommodation uses.

Moorage, Commercial means moorage which is used as the principal location for the operation of a business or commercial service, or where a fee is charged or collected to moor or berth.

Moorage, Industrial means moorage which is used as the principal location for the operation of an industrial business or service.

Moorage, Recreational Club means moorage associated with private yacht, boating or similar recreational clubs.

Moorage, Temporary means moorage for a period from 5 days up to 30 days.

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Moorage, Transient means a watercraft with moorage for a short amount of time, typically for the day or overnight, up to 4 days (96 hours) consecutively. Longer stays are considered residential or accommodation uses.

Motor Vehicle Salvage Yard means an area of land where 3 or more derelict vehicles are stored, kept, wholly or partially disassembled or repaired or crushed and where parts from derelict vehicles may be salvaged, purchased, or reused or where vehicles not in operable condition or used parts of motor vehicles are stored or kept.

NNNN

Natural Boundary has the same meaning as in *Bylaw No. 2782, Floodplain Management Bylaw, 2005*.

Natural Grade means the undisturbed ground elevation (height) prior to site preparation. Site preparation includes the placement of fill and excavation activities. For this purpose, Natural Grade shall mean the original condition of the ground surface as it existed prior to mechanical grading, filling or disturbance. Where the original condition of the ground surface cannot be determined, the Manager of Community Services or the Manager of Parks and Planning may approve a topographic survey of the property prepared by a registered civil engineer or licensed land surveyor indicating the approximate original condition of the ground surface of the site as can best be determined from record and survey data. (See example in Figure 1.)

Navigational Aid means any sort of marker which aids the traveler in navigation, usually nautical or aviation travel.

OOOO

Outdoor Storage see Storage, Outdoor.

PPPP

Panhandle Lot see Lot, Panhandle.

Panhandle means a strip of land not less than 6.0 metres in width and not exceeding 20.0 metres in width which provides the access to a parcel, and which forms part of that parcel. See example in Figure 2.

Parcel see Lot.

Park Use means any area of land or water which is open to the general population and reserved for outdoor recreational, scenic or conservation purposes.

Parking Space means area of land used for the parking of one vehicle but does not include streets or driveways or areas providing access to a parking space.

Passive Mariculture see Mariculture, Passive

Portable Sawmill means a portable mill designed to be towed from site to site and is used to produce lumber from trees grown on the site on which it is located or if on ALR, at least 50% of the volume of timber is harvested from the farm or parcel on which the sawmill is located, as outlined in the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation*.

Potable Water means water which is approved for drinking purposes by the agency having jurisdiction.

Principal Building see Building, Principal.

Principal Use means the main purpose for which land, buildings or structures are used.

Processing means mechanical or chemical transformation of materials or substances into new or value-added products not necessarily intended for sale or consumption.

Processing, Aggregate means the extraction and processing of aggregates.

Processing, Resource means the processing of forest and marine resources such as trees, salal, mushrooms, molluscs, crustaceans, marine plants and organisms and includes wood and seafood processing but specifically excludes aggregate processing and cannabis production.

Processing, Seafood means the processing of water organisms for food after it is harvested, such as, but not limited to, gutting of fin-fish, the shucking of molluscs or crustaceans, the freezing, salting, drying, smoking or packaging of these items.

Processing, Wood means the processing of wood items such as moldings, shakes, fencing, furniture, doors, windows and other wood products.

Public means is available for the use and benefit of all people but is not offered for commercial gain.

Public Assembly Uses means the use of land, buildings or structures for civic uses such as religious institutions, cemeteries, clubs, hospitals, health care and emergency services, community care facilities, libraries, government offices, daycare centres, schools, museums, community halls, auditoriums, and public recreation facilities.

Public Utility Service means a use of land or of unoccupied works and structures, such as pipes, wires, and poles, for the provision of electricity, natural gas, water, fire protection, sewage collection, drainage, recycling and transfer station services, telecommunication services and similar services to the public of the island on which it is located; or the use of land or

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unoccupied structures for navigational aids. Public utility service specifically excludes transmission towers.

QQQQ

RRRR

Rear Lot Line see Lot Line, Rear.

Rear Yard see Yard, Rear.

Recreation Facility means one or more facilities used and equipped for the conduct of sports, leisure and entertainment activities which may include instructional courses, equipment rentals, showers and storage but specifically excludes a golf course.

Recreation Vehicle means any structure, trailer, or vehicle used, intended to be use or designed to be used for accommodation and which is used, designed or intended to be mobile on land, whether self-propelled or not, but specifically excludes manufactured homes and park model trailers. Such a structure must be licensed for the current year.

Residence means the residential use of a specific dwelling unit by a household as their home.

Residential Footprint means the portion of a lot that includes all permitted buildings and structures associated with residential use.

Residential Use means the use of a dwelling unit for the permanent or seasonal sleeping, living and home life of a household.

Resort means commercial accommodation provided in a single building or in separate accommodation units or in a combination of both single building and separate accommodation units. A resort shall not include a hostel, hotel-style accommodation, recreation vehicle, campground, tent structure, manufactured home, or residential use; may include accessory office and lobby space; and where permitted in this bylaw, public areas for a restaurant, retail sales, recreational facilities and meeting rooms.

Resource Processing see Processing, Resource.

Restaurant means the use of a building or structure to sell prepared foods and beverages but specifically excludes neighbourhood pubs.

Retail Sales means the sale of goods to the public and the accessory maintenance and repair of goods sold, but specifically excludes automobile service stations and the sale of fuel.

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Retail Sales Area means the horizontal area on which retail sales are taking place, including areas used for retail purposes inside buildings (indoors) and areas outside buildings (outdoors). The indoor retail sales area is the total horizontal area of every enclosed floor and mezzanine used exclusively for the retail sales and is measured from the exterior face of the exterior wall and the inside of an interior partition wall that separates the use, including projections such as balconies or porches. The total horizontal area does not include cisterns, vertical service space that pierces a storey (such as elevators or stairwells), parking, driveways, office space, washrooms or areas for processing or farm product storage. When the retail sales area is outdoors, the retail sales area is the total of the horizontal area used exclusively for the retail.

Retail Store means a dedicated building or structure used for retail sales.

Riparian Area has the same meaning as in the *Riparian Area Regulation*.

Riparian Assessment Area has the same meaning as in the *Riparian Area Regulation*.

RV see Recreational Vehicle

SSSSS

Sawmill means a permanent facility in which logs are sawn into dimensional sizes. Unless expressly prohibited elsewhere in this bylaw, a sawmill may include a planer mill and other equipment normally associated with the production of finished lumber products, including a wood drying kiln, as accessory uses.

Sawmill, Portable see Portable Sawmill.

Seafood Processing see Processing, Seafood.

Seasonal means a length of time that fluctuates according to one or more seasons (spring, summer, fall and winter) but not all seasons; or at a specific time of the year.

Secondary Suite means a separate dwelling unit located within a single building which is used for permitted residential use and which contains only one other dwelling unit.

Service Establishment means an establishment where professional or personal services are provided and goods, wares, merchandise, articles or things accessory to the provision of such services are sold. Without restricting the generality of this definition, service establishments may include barber shops, beauty salons, catering, dry cleaning, engineering, health care, animal care, launderette, legal offices, photographic studios, and shoe repair, but specifically excludes automobile repair.

Setback means the minimum horizontal distance specified in this bylaw that a building, structure or use must be sited from a lot line, building, body of water or other feature as may be identified elsewhere in this bylaw.

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Shellfish means molluscs, crustaceans, echinoderms and other aquatic invertebrates.

Shellfish and Marine Plant Handling see Handling, Shellfish and Marine Plant.

Shellfish Growing Racks means steel racks or trays placed in the intertidal area to grow shellfish and is considered equipment in mariculture practice.

Shooting Range, Outdoor means any area of land that is used for organized outdoor shooting events or practice using any instrument designed for that purpose, including, but not limited to, archery equipment, rifles, shotguns and pistols.

Side Lot Line see Lot Line, Exterior Side and Lot Line, Interior Side.

Side Yard see Yard, Side.

Sign means any object, device, display, structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, service, event or location by any means including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images. See subsection 2.9.1 (Signs).

Sign, Real Estate means a sign indicating the parcel or structure where the sign is located is for lease, rent or sale.

Storage, Outdoor means the keeping, in the open or a roofed area with unenclosed sides, of any goods, material, merchandise or vehicles associated with a permitted principal use, in the same place for more than twenty-four hours.

Strata Lot see Lot, Strata.

Structure means any combination of materials in any combination of constructed, erected, fixed to, supported by, or sunk into land or water for use, occupancy or ornamentation and includes camping spaces, mobile home spaces, but specifically excludes retaining walls, fences, shoreline protection devices, rack and bag oyster culture growing equipment, landscaping, paving improvements and signs unless otherwise noted in this bylaw.

Structure Height see Height, Building or Structure.

Sustainable Forestry means forestry that seeks to mimic natural patterns of disturbance and regeneration and maintains forest biodiversity, productivity, and regeneration capacity now and into the future.

TTTT

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Temporary Sawmill see Portable Sawmill.

Tent Campsite means a campsite used exclusively for tents.

Tent Structure means a temporary accessory structure that has a fabric-covered frame that is either attached to the ground or a foundation and is in place.

UUUU

VVVV

WWWW

Warehousing means the storage of commercial, industrial, household, freight, or private goods and includes the storage of goods by a distributor or supplier who markets goods for retail sales conducted at other locations.

Watercourse means a brook, creek, stream, or man-made water channel.

Watercraft means a boat, ship, or other similar watercraft that is designed, used, or capable of being used for navigation in, on, through, or immediately above water, whether human-powered, motorized, or unpowered, including power boats, sail boats, personal watercraft, float plane, paddleboats, watercycles, sailboards, kiteboards, canoes, kayaks, rowboats, rowing shells, and other similar human-powered, motorized or unpowered watercraft.

Wetland has the same meaning as in *Bylaw No. 2785, Floodplain Management Bylaw, 2005*.

Wharf see Dock.

Wholesale means the activity of selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers and includes the maintenance and repair of such goods that are sold.

Wood Processing see Processing, Wood.

XXXX

YYYY

Yacht Club, Outstation means the use of land, buildings and structure for the establishment of shore-based facilities for use by yacht club members and guests for recreational purposes.

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Buildings and structures may include a clubhouse, accommodation units and shared amenities such as a kitchen, laundry room and showers. Use of the accommodation units shall be restricted to temporary occupancy by yacht club members and their guests and shall exclude residential use.

Yard, Front means the area from the front lot line to a line drawn parallel to the front lot line equal to the minimum required building setback from the front lot line. See example in Figure 2.

Yard, Rear means the area from the rear lot line to a line drawn parallel to the rear lot line equal to the minimum required building setback from the rear lot line. See example in Figure 2.

Yard, Side means the area from the side lot line to a line drawn parallel to the side lot line equal to the minimum required building setback from the side lot line excluding the Front yard and Rear Yard. See example in Figure 2.

ZZZZ

Figure 1 Building Height Illustration

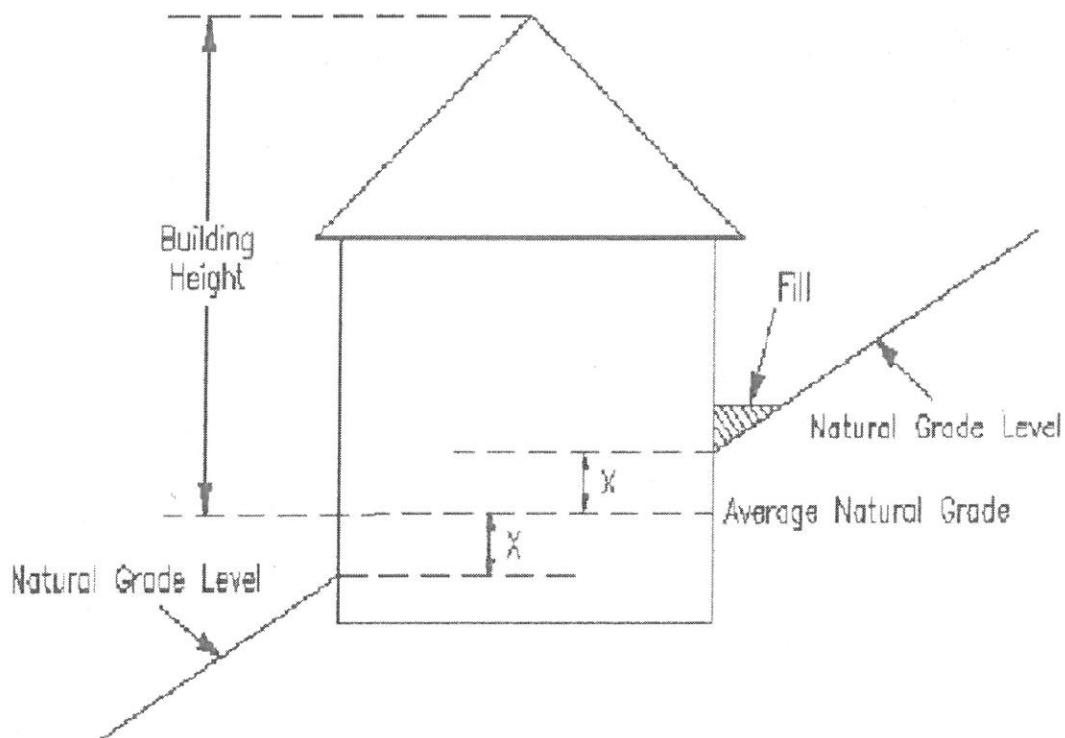


Figure 2 Setback Illustrations

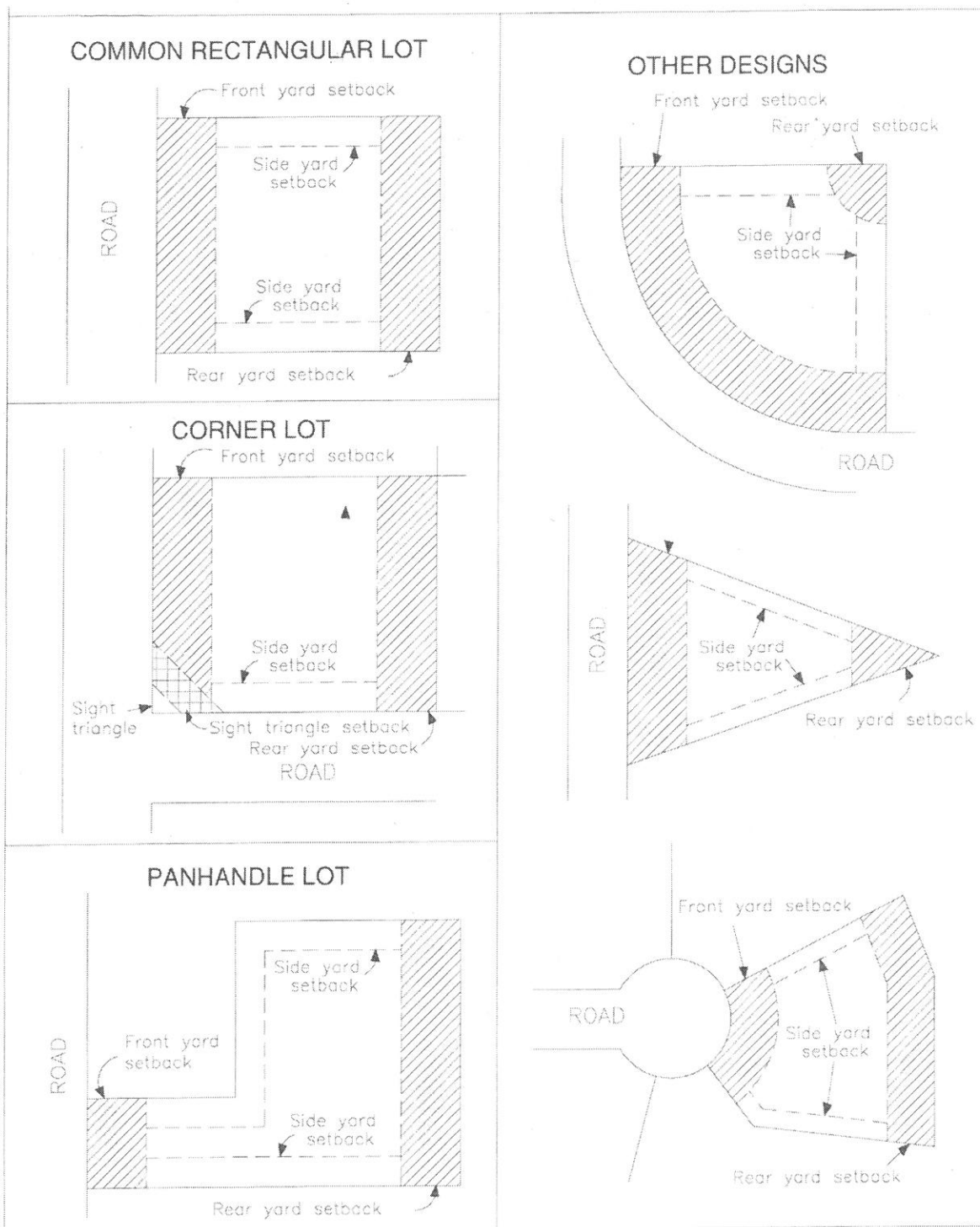
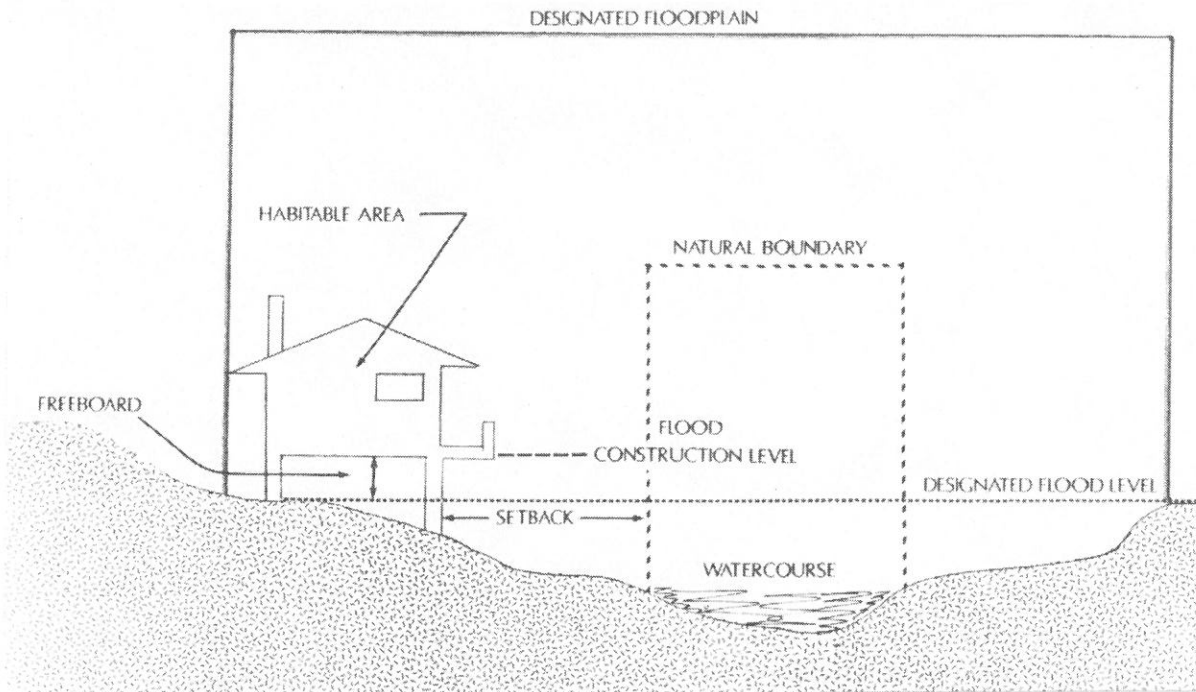


Figure 3 Illustration of Watercourse and Flood Hazard Setback Terms



PART 2 GENERAL COMPLIANCE, PROHIBITIONS AND REGULATIONS**2.1 GENERAL COMPLIANCE**

1. No person shall use, occupy or permit any person to use or occupy any land or building in contravention of this bylaw.
2. Nothing contained in this bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to that use, activity or other matter regulated under this bylaw.
3. Every use of land, building and structure permitted in each zone shall conform to all the regulations of the applicable zone and all other regulations of this bylaw.

2.2 GENERAL PROHIBITIONS

1. No land, building or structure may be used or occupied, or left with no use, except in conformity with this bylaw.
2. No building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged:
 - a. except in conformity with this bylaw; or
 - b. to cause any existing building or structure on the same lot to violate the provisions of this bylaw.
3. No subdivision may be approved:
 - a. except in conformity with this bylaw; or
 - b. to cause any existing building or structure to violate the provisions of this bylaw.

2.3 PERMITTED AND PROHIBITED USES

2.3.1 PERMITTED AND PROHIBITED USES IN GENERAL

1. Any use not specifically permitted in a zone is prohibited from that zone.
2. Any use not expressly permitted in this bylaw is prohibited in Electoral Area B.
3. Where a use is expressly permitted in one zone, such use is prohibited in every zone where it is not expressly permitted.

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4. No land, building or structure may be used for a use that is not specifically listed under the heading 'Permitted Uses' in the zone that the land, building or structure is located, and no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged for any use other than a specifically permitted use in that zone. Furthermore,
 - a. A use is only permitted if lawfully established and ongoing in accordance with:
 - i. any applicable condition of use regulations in each zone, which may not be varied except by rezoning unless a condition pertains exclusively to siting or dimensions of height; and
 - ii. such further general regulations applicable to the use, as identified throughout this bylaw, some of which may be varied in accordance with *Local Government Act* authority of the Board of Variance, or the Regional District Board via development variance permit or variance within a development permit, as applicable.
5. Uses permitted in all land zones: the following uses are permitted in all land zones, in accordance with any conditions noted in this section or otherwise in the applicable zone:
 - a. Public Utility Service,
 - b. Park Use,
 - c. Accessory buildings and structures,
 - d. Accessory Home Business where residential use is permitted and subject to subsection 2.3.3. (Accessory Home Business), and
 - e. Where not otherwise prohibited in this bylaw, portable sawmills are permitted, where the sawmill is a portable mill designed to be towed from site to site and is used to produce lumber from trees grown on the site on which it is located.
6. Uses permitted in all water zones: non-commercial transient moorage.
7. Uses prohibited in all land zones: the following uses are prohibited in all land zones, in accordance with any conditions noted in this section or otherwise in the applicable zone:
 - a. Residential use of an accessory building or structure that is not a dwelling unit, cottage or secondary suite;
 - b. Manufactured home park;
 - c. Marihuana dispensaries, compassion clubs, and all other premises in which any cannabis product is kept or offered for sale or consumption on the premises, other than a licensed pharmacy, residential premises in which cannabis is produced pursuant to an authorization under Part 2 of the *Access to Cannabis for Medical Purposes Regulations*, and a medical marihuana production facility;
 - d. The keeping or offering for sale of bong or pipes designed or intended to be used for the smoking or other consumption of a substance the possession of which is subject to the *Controlled Drugs and Substances Act (Canada)*;
 - e. Cannabis production for non-medicinal use except within the ALR or for personal use privately as outlined in the *Cannabis Act (Canada)* and relevant provincial legislation.

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- f. Helipads, except where accessory to a permitted facility for police, fire fighting, ambulance or hospital;
 - g. The wrecking or storage of more than two derelict vehicles outside of a permitted junkyard or motor vehicle salvage yard;
 - h. The disposal of toxic wastes, except where authorized by the provincial authority having jurisdiction.
8. Uses prohibited in all water zones: the following uses are prohibited in all water zones, in accordance with any conditions noted in this section or otherwise in the applicable zone:
- a. Residential or accommodation uses on the water, such as in a houseboat or float home, except in accordance with transient moorage use,
 - b. Accessory Home Business, and
 - c. The disposal of toxic wastes, except where authorized by the provincial authority having jurisdiction.
9. Where a zone includes a 'Minimum Lot Size', 'Minimum Lot Frontage', 'Minimum Lot Depth' or 'Minimum Lot Width', then a lot that does not satisfy all minimum requirements for the regulated use may be used for the permitted uses as specified in the site-specific zone, subject to compliance with other provisions identified in this bylaw.

2.3.2 AGRICULTURAL LAND RESERVE

- 1. Lots in the Agricultural Land Reserve (ALR) are subject to the *Agricultural Land Commission Act* and orders of the Agricultural Land Commission. Approval from the Agricultural Land Commission may be required to use ALR parcels as permitted in this bylaw.
- 2. Unless an activity is explicitly designated farm use or permitted by this bylaw pursuant to the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation*, the use is prohibited unless approval has been granted by the ALC for a non-farm use or is subject to Section 23(1) of the *Agricultural Land Commission Act*, and the non-farm use is permitted by this bylaw.

2.3.3 ACCESSORY HOME BUSINESS

- 1. Accessory home business to a permitted residential use requires an application approved by the Regional District.
- 2. Permitted as accessory home business:
 - a. a mail order business;
 - b. the provision of commercial accommodation in dwelling units only in the form of a bed and breakfast, provided

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- i. no more than 3 bedrooms in a permitted dwelling unit are used for the commercial accommodation,
 - ii. meals, if provided, are provided only to customers of the bed and breakfast,
 - iii. customers are provided one daily breakfast meal and no other served meals on the premises,
 - iv. there are no cooking facilities beyond the one set allowed per dwelling unit except where provincial health agency requirements differ, and
 - c. retail sales where 80% of the goods sold must be produced on the same lot and up to 20% of goods sold that are not produced or manufactured on the same lot must be incidental to the accessory home business.
3. Not permitted as accessory home business:
 - a. motor vehicle salvage yard,
 - b. scrap salvage,
 - c. bulk storage, and
 - d. a planer mill.
4. On **lots less than or equal to 1.0 hectare**, accessory home businesses, other than bed and breakfasts, shall not exceed 90 square metres, including storage, processing, retail sales area or wholesale.
5. On **lots greater than 1.0 hectare**, accessory home businesses, other than bed and breakfasts, shall not exceed 1% of the lot area, and in any case shall not exceed 464.5 square metres, including storage (internal and outdoor) and retail sales area.
6. Only on **lots 4.0 hectares or larger**, accessory home businesses that operate the following shall be permitted. All buildings and structures for these operations, including storage, parking and outdoor work areas, shall be subject to a setback of 30.0 metres from all property lines.
 - a. sawmills (excluding planer mills),
 - b. outdoor Automobile Body Shop,
 - c. animal clinics,
 - d. kennels, or
 - e. veterinary services (other than mobile services).
7. More than one accessory home business may operate from any lot, subject to compliance with all other conditions of this section, including not exceeding the limits imposed for a single accessory home business.
8. No external indication shall exist that any lot is utilized for any purpose other than normally associated with residential use of a property except for a single sign not exceeding 1.5 square metre in total area and located on the lot where the accessory home business is operated. Furthermore,

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- a. Where more than one accessory home business is carried out on a lot, one additional sign only, not exceeding 1.5 square metre in total area, shall be permitted on each lot; and
 - b. Signage shall not be internally illuminated, but may be accented by subdued, exterior lighting, and shall also comply with subsection 2.9.1. (Signs).
9. No use shall create any off-site parking, nor shall it become or create a nuisance to the surrounding residents or public by reasons of unsightliness, odour emission, liquid effluent, dust, vibration, noise, electrical interference, fumes, smoke or glare.
 10. Any accessory home business which is not housed within a building and which creates external noise shall be restricted to the following hours and days of operation: 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding statutory holidays.
 11. Outdoor storage of materials, equipment, containers of finished products and designated work areas must be visually screened from public roads, adjacent parcels and the waterfront by a landscape screen.
 12. A maximum of 5 persons, including at least one person who resides on the lot on which the accessory home business is carried out, may be employed in connection with an accessory home business.
 13. Accessory home business work areas are not permitted in any required front, rear, or side yard setback areas.

2.4 DENSITY REGULATIONS

1. Where a zone includes a maximum density regulation:
 - a. if an absolute number of units figure is specified, no lot may be subdivided, and no lot may be developed, with more than the number of lots or units specified for the zone in which the lot is located;
 - b. with a units/hectare figure is specified, no lot may be subdivided, and no lot may be developed, with more than the number of lots or units per hectare as determined by applying the figure specified for the zone in which the lot is located to the area of the lot; and
 - c. with a square metre (sq m or m²) figure is specified, no lot may be developed with more than the area specified for the zone in which the lot is located to the area of the lot.
2. For certainty, where more than one of the above density regulations apply to any particular lot, the most restrictive governs but all remain applicable.
3. An additional dwelling unit, secondary suite or cottage, where permitted by this Bylaw, does not carry with it the privileges of separate ownership in fee simple and further, permission

for an additional dwelling unit, secondary suite or cottage is not to be construed in any way as a justification for future subdivision or change in land use designation.

2.5 SETBACKS, SITING AND LOCATION OF USES, BUILDINGS AND OTHER STRUCTURES

1. Where a zone includes a regulation entitled 'Minimum Setbacks', no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged nearer to the lot line than the distance specified for the zone in which the building or structure is located, and for certainty:
 - a. Setbacks may vary according to any combination of use, building, structure or location within a zone or adjacent zone, or by lot dimensions, or to a specific highway, and the provisions of this bylaw must be interpreted accordingly;
 - b. Any portion of a building or structure located below finished grade is subject to all setbacks for the zone in which the building or structure is located.

2. In addition to minimum setback requirements of other parts of this bylaw:
 - a. Where development, as defined in the *Riparian Areas Regulation*, is proposed to take place within 30.0 metres of Fish Habitat, the *Riparian Area Regulation* (RAR) requires that an assessment report prepared by the Qualified Environmental Professional (QEP) who has carried out the assessment as outlined in the RAR.
 - b. Riparian assessment area reports should be submitted to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development via the Riparian Area Regulations Notification System (RARNS) for review and commentary.
 - c. Notwithstanding the QEP's assessment report, no building or structure shall be sited closer than 15 m or the Flood Hazard Setback, whichever is larger, regardless of whether it is, or is not, Fish Habitat from the natural boundary of any body of water.
 - d. Any building used to accommodate animals (livestock), other than household pets, shall be sited no less than 50.0 metres from the natural boundary of any body of water.

3. Despite subsection 2.5.2 above, the following are permitted despite minimum setback requirements:
 - a. Where bay windows, chimneys, cornices, gutters, leaders, ornamental features, pilasters, automobile service station canopies, sills, or steps project beyond the face of a building, the setback for the projecting feature may be reduced by not more than 0.6 metres.
 - b. Where eaves and sunlight controls project beyond the face of a building, the setback may be reduced for the projecting feature by not more than 50% of such distance up to a maximum of 2.0 metres.
 - c. Antennas, boat ramps, docks, flagpoles, freestanding lighting poles, pools, retaining walls less than 2.0 metres in height, signs, shoreline protection devices, utility service, warning devices, wharves and wires, and accessory buildings less than 4.0 square metres in size and less than 3.7 metres in height may be sited on any portion of a lot.

2.6 NUMBER, SIZE AND DIMENSIONS OF USES, BUILDINGS AND OTHER STRUCTURES

1. Not more than one principal building may be sited on one lot, except as expressly otherwise specified in a definition of a zone.
2. Where a zone includes a regulation entitled 'Maximum Lot Coverage', the lot coverage of all buildings and structures on the lot must not exceed the percentage specified for the zone in which the lot is located.
3. Combined floor area totals cannot exceed maximum lot coverage.
4. Greenhouses used in conjunction with permitted agriculture and forestry uses on lands located within the Agricultural Land Reserve shall be exempt from lot coverage requirements of the specific zone.
5. Where a zone includes a regulation entitled 'Maximum Number' in relation to a building or structure, no lot may contain more buildings and structures (combined) than the number specified for the zone in which the lot is located.
6. Where a zone includes a regulation entitled 'Maximum Height', no building or structure may be placed, constructed, sunk into, erected, moved, sited, altered or enlarged in a manner that exceeds the height specified for the zone in which the building or structure is located. For certainty, maximum height in a zone may vary according to the use of the building or structure, as specified in the zone.
7. Unless otherwise specified, the following shall not be subject to the height requirements of this bylaw: antennas, church spires, belfries, farm buildings including silos, public utility service flagpoles, monuments, transmission towers, warning devices, water tanks, chimneys, ventilation machinery and elevators.
8. The minimum frontage required on a road allowance for subdivision shall be equal to or greater than 10% of the perimeter of the lot unless specified otherwise elsewhere in this bylaw. In the case of a corner lot, the cut corner intended to provide visual clearance at an intersection shall be excluded from the frontage calculation. See Figure 2 for an example illustration.
9. Waterfront lots shall meet the minimum frontage requirement for that portion of the lot fronting on the water, and in those cases where the lot fronts a road allowance, the minimum frontage requirement shall also apply to that portion of the lot fronting on a road allowance. Furthermore, in the case of a double frontage, the front lot line on a road allowance shall be used for front yard setback measurement.

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10. Notwithstanding the above, the minimum frontage requirements may be reduced by applying for a development variance in the following situations provided that, at the decreased size, all other applicable requirements of this bylaw can be satisfied:
 - a. where a lot features unusual terrain or configuration;
 - b. where additional road dedication is required above and beyond the roads necessary to serve the proposed lots;
 - c. where the required road dedication would prohibit a subdivision otherwise permitted by the specified minimum lot area; or
 - d. where the provision of a linear parkway requested by the Regional District would leave the proposed lots below the specified minimum lot area.
11. The creation of panhandle lots are prohibited and may be considered by applying for a development variance in the following situations provided that all other applicable requirements of this bylaw can be satisfied:
 - a. where a lot features unusual terrain or configuration; or
 - b. where the proposed lots would allow for more efficient land use.
12. A secondary suite is not permitted in buildings containing child care facilities.
13. Certain dwelling units are limited as follows:
 - a. A detached dwelling unit or an accessory detached dwelling unit (which does not include a cottage) is limited to a floor area of 415 square metres;
 - b. A cottage or secondary suite is limited to a floor area of 60 square metres;
 - c. A secondary suite must be within the floor area limit for the detached dwelling unit building it is a part of; and
 - d. If a building is attached in any way to a principal building, whether by a breezeway, a trellis, a covered walkway or any other structural connection, it shall be part of the principal building for the purposes of all provisions of this bylaw.

2.7 SUBDIVISION OF LOTS

1. Where a zone includes a regulation entitled 'Minimum Lot Size', no lot may be created by subdivision that has an area less than the figure specified for the zone in which the lot is located.
2. Where a zone includes a regulation entitled 'Minimum Lot Frontage', then no lot for that use may be created by subdivision that has a frontage less than the figure specified for that use within the zone.
3. No subdivision to provide residence for a relative shall be permitted pursuant to Section 514 of the *Local Government Act* on lands outside the Agricultural Land Reserve, unless the parent lot is at least two times the minimum lot area required within the applicable zone.

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4. Subdivision along the Agricultural Land Reserve (ALR) boundary is permitted provided that the minimum lot areas of the zone in which it is located can be achieved on the non-ALR portion, the proposed parcel is large enough for the use intended once setbacks and other regulations are applied and considering servicing requirements and requires a letter in support from the Agricultural Land Commission for registration of the new parcels with the BC Land Title Office.
5. All new parcels created through subdivision outside of the ALR that are to be serviced by an on-site sewage disposal system must maintain a minimum one-hectare parcel size requirement.
6. For lots that are not within the ALR and where permitted by zoning or land use bylaw, minimum lot area requirements may be reduced by 5% per lot, provided that at the decreased size, all other applicable requirements can be satisfied.
7. Existing parcels which are smaller than permitted in these regulations may be considered for any combination of consolidation and lot line adjustment provided that
 - a. all parts of all new parcels are contiguous,
 - b. no additional parcels are created, and
 - c. the degree of compliance with the area and frontage requirements of these regulations is not lessened on any new parcel.
8. The creation of panhandle lots will only be considered and permitted where not otherwise regulated by this bylaw or where permitted by this bylaw and at the discretion of one of the SRD officers in the following situations provided that all other applicable requirements of this bylaw can be satisfied:
 - a. where a parcel features unusual terrain or configuration; or
 - b. where the proposed lots would allow for more efficient land use.
9. Notwithstanding the minimum lot frontage requirements as specified by this bylaw, where panhandles are permitted and created as an integral part of a parcel, the frontage shall not be the panhandle portion fronting on the highway but shall be the width of the lot area fronting on the extension of the panhandle.
10. Pursuant to the requirements of Section 510 of the *Local Government Act*, subdivision may trigger the provision of parkland to the SRD.
11. No minimum lot area shall apply where a portion of the existing parcel is physically separated from the remainder of a parcel by a highway provided that the proposed parcel is large enough for the use intended once setbacks and other regulations are applied and considering servicing requirements, except for parcels zoned Forestry One (F-1), Forestry Two (F-2) and Forestry Land Stewardship One (FLS-1) or areas marked "Return to Crown" as indicated on a registered plan. In such cases, each severed parcel may become a separate lot upon approval of subdivision by the Ministry of Transportation and Infrastructure.

12. No subdivision which creates new severed lots where a portion of the parcel is physically separated by a highway shall be permitted except by approved variance of this provision.
9. For lot-size-averaging for subdivision into fee-simple lots, the average lot size may be smaller than the minimum lot size subject to the following:
 - a. The maximum number of lots which may be created by a lot-size-averaging subdivision shall be determined by dividing the area of land remaining after dedication or transfer of land required by the *Local Government Act* (such as for roads, parks, schools) by the specified minimum lot area for the zone.
 - b. Notwithstanding subsection a. above, no more than 25% of the lots created by means of this section shall be less than the minimum lot area as specified in the zone regulations of Part 3.
 - c. The smallest lot created under this section shall be not less than 75% of the minimum lot area for the applicable zone.
 - d. Lot configurations and areas must be adequate to accommodate the buildings and structures to be constructed, appropriate to the permitted use on each parcel in compliance with this bylaw.
 - e. The owner of the land to be subdivided has first caused to be registered in the Land Title Office a covenant under Section 219 of the *Land Title Act* prohibiting or restricting further subdivision of any part of the land used to calculate the total area to be subdivided.
 - f. All lots created using lot-size-averaging shall satisfy all other requirements of this bylaw.

2.8 ZONE BOUNDARIES

1. The Electoral Area 'B' of Strathcona Regional District is divided into the zones contained in this bylaw. The extent of each zone is shown on Schedule B 'Cortes Zoning Map' which is attached to and forms part of this bylaw.
2. Except as shown on the zoning map,
 - a. where a zone boundary is designated as following a highway or a natural watercourse the centreline of the highway or the natural watercourse is the zone boundary;
 - b. where a zone boundary does not follow a legally defined line, and where distances are not specifically indicated, the location of the boundary is determined by the electronic version of the zoning map to the centre of each zoning line; and
 - c. Where Land and Water Zone boundaries shown on Schedule B 'Cortes Zoning Map' abut, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the body of water is the zone boundary.

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- d. Where a zone boundary has frontage on the body of water, such zoning discontinues at the natural boundary of the body of water and the foreshore zone for the adjacent area commences.
3. Where a lot is divided by a zone boundary, the areas created by such division are deemed to be separate lots for determining the regulations and requirements of this bylaw, except that setbacks between the zones are not required unless the lot is capable of being subdivided along the zone boundary.
4. The table below are the Land Zones of this bylaw.

Section	Zone Long Name	Zone Short Name
3.1.1	Residential One	R-1
3.1.2	Rural Residential One	RR-1
3.1.3	Rural One	RU-1
3.1.4	Community Land Stewardship One	CLS-1
3.1.5	Forest Land Stewardship One	FLS-1
3.1.6	Agriculture Land Stewardship One	ALS-1
3.1.7	Residential Multiple One	RM-1
3.1.8	Community Services One	CS-1
3.1.9	Firearms Range One	FR-1
3.1.10	Public Assembly One	PA-1
3.1.11	Public Assembly Two	PA-2
3.1.12	Agriculture One	AG-1
3.1.13	Forestry One	F-1
3.1.14	Forestry Two	F-2
3.1.15	Service Commercial One	SC-1
3.1.16	Resource Commercial One	RC-1
3.1.17	Tourist Commercial One	TRC-1
3.1.18	Tourist Commercial Two	TRC-2
3.1.19	Tourist Commercial Three	TRC-3
3.1.20	Park One	P-1
3.1.21	Industrial One	I-1

5. The table below are the Water Zones of this bylaw.

Section	Zone Long Name	Zone Short Name
3.2.22	Aquaculture One	AQ-1
3.2.23	Aquaculture Two	AQ -2
3.2.24	Aquaculture Three	AQ -3
3.2.25	Access One	AC-1
3.2.26	Access Two	AC-2
3.2.27	Marine Commercial One	MC-1

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Section	Zone Long Name	Zone Short Name
3.2.28	Marine Commercial Two	MC-2
3.2.29	Marine Industrial One	MI-1
3.2.30	Recreational Moorage One	RecM-1
3.2.31	Water Conservancy One	WC-1
3.2.32	Marine Park One	MP-1

2.9 SIGNS, PARKING AND LANDSCAPE SCREENS

2.9.1 SIGNS

1. Unless otherwise exempted, signs advertising a business, product or service, accessory home business, and bed and breakfast operations, shall be permitted on any lot with written permission of the current owner.
2. Signs for accessory home businesses shall be subject to the conditions outlined in subsection 2.3.3. (Accessory Home Business).
3. Roof-top, flashing, or internally illuminated signs are not permitted on any building, structure or site to maintain the rural character.
4. Where allowed by Ministry of Transportation and Infrastructure, directional signage not more than 0.2 square metres in size may be posted at road junctions or key intersections.
5. Public utility service and community announcement signage shall be permitted on any lot with written permission of the current owner.
6. Temporary on-site real estate signs not exceeding 1.0 square metre in size per frontage of property presented to a road, or waterfront, are permitted in all zones provided that the signs are removed within two weeks of completion of the sale of the advertised property.
7. For every property zoned Service Commercial One, Resource Commercial One, Tourist Commercial One, Tourist Commercial Two, Tourist Commercial Three, Industrial One, Marine Commercial One, Marine Commercial Two, Marine Industrial One, the following conditions shall apply:
 - a. One single freestanding sign, not exceeding the dimensions specified in subsection 2.9.1.7.b. below, which advertises the services or products offered on the listed zones, may be placed on an off-site location.
 - b. Signs for a business on the listed zones are subject to the following conditions:
 - i. Fascia signage shall not project beyond the roof line of any building.
 - ii. Freestanding signs shall not exceed 3.0 metres in height.

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- iii. The maximum total area of all freestanding sign faces on a parcel shall be 2.97 square metres for each frontage of property presented to a road or to the waterfront.

2.9.2 OFF-STREET PARKING

1. No uses shall result in on-street parking.
2. For certainty, all dwelling and accommodation units shall be allocated at least one off-street parking area on the same lot, in addition to any parking requirements for other uses (if any) on the lot.

2.9.3 LANDSCAPE SCREENS

1. Where residential or commercial use is developed adjacent to or abutting an existing industrial zone, any landscape screen required between these uses and the industrial use shall be provided on the lot or lots where residential or commercial use is being established.
2. Where an industrial use is developed adjacent to or abutting an existing residential or commercial zone, any landscape screen required between the industrial use and these uses shall be provided on the lot or lots where the industrial use is being established.
3. Where residential or commercial or industrial use is developed adjacent to or abutting ALR, any buffers or screening required between these uses and the ALR shall be provided on the lot or lots where residential or commercial or industrial use is being established.
4. On property zoned Community Services One (CS-1), Service Commercial One (SC-1), Resource Commercial One (RC-1), and Industrial (I-1) outdoor storage shall have a landscape screen between the storage area and abutting property.

PART 3 ZONE REGULATIONS

3.1 RESIDENTIAL ONE (R-1)

3.1.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential
 - b. Agriculture
 - c. Community Garden

3.1.2 DENSITY OF THE USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. On lots less than or equal to the R-1 minimum lot area, residential use is limited to one detached dwelling unit and either one secondary suite or one cottage;
2. For each additional 1.0 hectare of land area of the total parcel over the R-1 minimum lot area, residential use is limited to one additional detached dwelling unit up to a maximum of three (3) detached dwelling units per lot in total, in addition to the single secondary suite or single cottage permitted, for a combined total of four (4) dwelling units per lot.

3.1.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage:
 - a. on lots less than or equal to 1.0 ha: 20%
 - b. on lots greater than 1.0 ha: 10%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Residential One zone shall be as set out in the table below.

R-1 Setback type	Setback	
	Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines:		
Where R-1 lot is less than or equal to 1.0 ha	4.5 m	4.5 m
Where R-1 lot is greater than 1.0 ha	7.5 m	7.5 m

R-1 Setback type	Setback	
	Residential use	All other permitted use
Setback from natural boundary of any body of water	15.0 m	

3.1.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Except where otherwise specified, the minimum lot area within the Residential One zone shall be as set out in the table below.

Sanitary Sewage Service to Lot	Minimum Lot Area
Approved on-site sewage disposal system	1.0 hectare (10,000 square metres)
Approved community sanitary sewer system	0.8 hectare (8,000 square metres)

End • R-1

3.2 RURAL RESIDENTIAL ONE (RR-1)

3.2.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential
 - b. Agriculture
 - c. Community Garden

3.2.2 DENSITY OF THE USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. On lots less than or equal to the RR-1 minimum lot area, residential use is limited to one detached dwelling unit and either one secondary suite or one cottage;
2. For each additional 2.0 hectares of land area of the total parcel over the RR-1 minimum lot area, residential use is limited to one additional detached dwelling unit up to a maximum of three (3) detached dwelling units per lot in total, in addition to the single secondary suite or single cottage permitted, for a combined total of four (4) dwelling units per lot.

3.2.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 5%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Rural Residential One zone shall be as set out in the table below.

RR-1 Setback type	Setback	
	Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines	7.5 m	7.5 m
Setback from natural boundary of any body of water	15.0 m	

3.2.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 2.0 hectares

End • RR-1

3.3 RURAL ONE (RU-1)

3.3.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential
 - b. Forestry
 - c. Agriculture
 - d. Community Garden
 - e. Community-Based Fish Hatchery

3.3.2 DENSITY OF THE USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. On lots less than or equal to the RU-1 minimum lot area, residential use is limited to one detached dwelling unit and either one secondary suite or one cottage;
2. For each additional 4.0 hectares of land area of the total parcel over the RU-1 minimum lot area, residential use is limited to one additional detached dwelling unit up to a maximum of five (5) detached dwelling units per lot in total, in addition to the single secondary suite or single cottage permitted for a combined total of six (6) dwelling units per lot.

3.3.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 5%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Rural One zone shall be as set out in the table below.

RU-1 Setback type	Setback	
	Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines	7.5 m	7.5 m
Setback from natural boundary of any body of water	15.0 m	

3.3.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE
CREATED BY SUBDIVISION

1. Minimum Lot Area: 4.0 hectares

End • RU-1

3.4 COMMUNITY LAND STEWARDSHIP ONE (CLS-1)

3.4.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential
 - b. Agriculture
 - c. Forestry
 - d. Community Garden
 - e. Community-Based Fish Hatchery
 - f. Accessory Retail Sales
 - g. Accessory Sawmill
 - h. Accessory Wood processing
 - i. Accessory Metal fabricating
 - j. Accessory Common facility
-

3.4.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. BASE DENSITY:
 - a. Residential use is limited a maximum of two dwelling units per lot.
 2. BONUS DENSITY:
 - a. With registration of a Section 219 Covenant on a portion of the lot that precludes future subdivision and preserves, protects, restores and enhances the natural environment, the remaining portion being the residential use area:
 - i. all buildings and structures in the residential use area shall be clustered to provide maximum conservation and protection;
 - ii. up to fifteen (15) dwelling units, subject to the density not being greater than one dwelling unit for each 4.0 hectares of land, shall be permitted on the residential use area; and
 - iii. one additional secondary suite or cottage shall be permitted on the residential use area.
-

3.4.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
 2. Maximum Lot Coverage:
 - a. Metal fabricating, sawmill and wood processing use (including vehicle parking, sorting and storage areas): 3%
 - b. All uses combined: 6%
 3. Maximum Area:
 - a. Detached dwelling unit floor area: 415 sq m each unit
 - b. Secondary suite floor area: 60 sq m
-

- c. Cottage floor area: 60 sq m
 - d. Retail Sales Area: 200 sq m
4. Setbacks within the Community Land Stewardship zone shall be as set out in the table below.

CLS-1 Setback type	Setback			
	Residential use	Metal fabricating, sawmill and wood processing use	Retail sales use	All other permitted use
Setback from abutting ALR boundary	30.0 m	30.0 m	15.0 m	15.0 m
Setback from all property lines	7.5 m	30.0 m	15.0 m	7.5 m
Setback from natural boundary of any body of water	15.0 m			

5. Location of outdoor storage or parking areas shall not be located in any Front, Rear, Interior Side or Exterior Side Yards.

3.4.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 16.0 hectares.

End • CLS-1

3.5 FOREST LAND STEWARDSHIP ONE (FLS-1)

3.5.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential
 - b. Forestry
 - c. Agriculture
 - d. Community Garden
 - e. Community-Based Fish Hatchery

3.5.2 DENSITY OF THE USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. BASE DENSITY:
 - a. Residential use is limited to a maximum of two dwelling units per lot.
2. BONUS DENSITY:
 - a. With registration of a Section 219 Covenant on a minimum of 60% of the parent lot that precludes future subdivision and preserves, protects, restores and enhances the natural environment and includes sustainable forestry and with registration of a Section 219 Covenant on 25% of the residential use area, which is the remaining portion up to a maximum of 40% of the parent lot, that precludes future subdivision and preserves and protects the natural environment on that 25% of the residential use area:
 - i. the remainder portion of the residential use area (up to a maximum of 30% of the parent lot) shall be the residential footprint;
 - ii. all buildings and structures shall be located on the residential footprint and shall be clustered to provide maximum conservation and forest protection;
 - iii. up to twenty-five (25) dwelling units per parent lot, subject to the parent lot density not being greater than one dwelling unit for each 4.0-hectares of land, shall be permitted on the residential footprint; and
 - iv. one additional secondary suite or cottage shall be permitted on the residential footprint.

3.5.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 6% of the residential use area
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Forest Land Stewardship zone shall be as set out in the table below.

FLS-1 Setback type	Setback	
	Residential Use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from property lines of all other abutting	15.0 m	15.0 m
Setback from natural boundary of any body of water	15.0 m	

5. Accessory buildings and structures are limited to within the residential footprint only.

3.5.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISIONS

1. Minimum lot area of the parent lot shall be 5.0 hectares and the minimum residential use area shall be 2.0 hectares.

End • FLS-1

3.6 AGRICULTURE LAND STEWARDSHIP ONE (ALS-1)

3.6.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential
 - b. Educational facility
 - c. Library
 - d. Agriculture
 - e. Community Garden
 - f. Forestry
 - g. Accessory to Educational facility: Campsites
 - h. Accessory Retail Sales
 - i. Accessory Common facility
 - j. Accessory Low-Impact Recreation
2. Conditions of Use:
 - a. Retail sales use is restricted to the display and sale of products grown, harvested, reared, produced or manufactured on site.

3.6.2 DENSITY OF THE USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. BASE DENSITY:
 - a. Residential use is limited to a maximum of two dwelling units per lot.
2. BONUS DENSITY:
 - a. With registration of a Section 219 Covenant on a portion of the lot that precludes future subdivision and preserves, protects, restores and enhances the natural environment and the remaining portion being the residential use area:
 - i. all buildings and structures shall be located on the residential use area and shall be clustered to provide maximum conservation and protection;
 - ii. up to eleven (11) dwelling units per lot, subject to the lot density not being greater than one dwelling unit for each 4.0-hectares of land, shall be permitted on the residential use area; and
 - iii. one additional secondary suite or cottage shall be permitted on the residential use area.
3. Accessory campsites are limited to a maximum of 75 persons for a maximum 3-week period per year.

3.6.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m

2. Maximum Lot Coverage: 2% of the parent lot
3. Maximum Area:
 - a. Detached dwelling unit floor area: 415 sq m each unit
 - b. Secondary suite floor area: 60 sq m
 - c. Cottage floor area: 60 sq m
 - d. Retail Sales Area: 200 sq m
4. Setbacks within the Agriculture Land Stewardship One zone shall be as set out in the table below.

ALS-1 Setback type	Setback			
	Residential use	Campsite use	Retail sales use	All other permitted use
Setback from abutting ALR boundary	30.0 m	30.0 m	15.0 m	15.0 m
Setback from all property lines	7.5 m			
Setback from natural boundary of any lake	38.0 m			
Setback from natural boundary of any other body of water	15.0 m			

5. Location: Accessory campsites shall be located on the residential use area.

3.6.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISIONS

1. Minimum Lot Area for the parent lot shall be 66.0 hectares.

End • ALS-1

3.7 RESIDENTIAL MULTIPLE ONE (RM-1)

3.7.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential
 - b. Community Garden

3.7.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to a maximum of six (6) dwelling units per lot.

3.7.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 40%
3. Maximum Floor Area:
 - a. Dwelling unit: 160 sq m
4. Setbacks within the Residential Multiple One zone shall be as set out in the table below.

RM-1 Setback type	Setback	
	Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines	7.5 m	
Setback from natural boundary of any body of water	15.0 m	

3.7.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. The average lot area shall work out to the Minimum Lot Area within the Residential Multiple One zone as set out in the table below.

Sanitary Sewage Service to Lot	Minimum Lot Area
Approved on-site sewage disposal system	1.0 hectare (10,000 square metres)
Approved community sanitary sewer system	0.8 hectare (8,000 square metres)

End • RM-1

3.8 COMMUNITY SERVICES ONE (CS-1)

3.8.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Residential Use limited to Seniors' housing
 - b. Community Health Facility
 - c. Community Garden
2. Conditions of Use:
 - a. All outdoor storage shall be screened from any abutting property.
 - b. For every building or structure parking is to be located on the subject property.

3.8.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to a maximum of ten (10) dwelling units per lot.

3.8.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 40%
3. Maximum Floor Area:
 - a. Dwelling unit: 120 sq m
4. Setbacks within the Community Services One zone shall be as set out in the table below.

CS-1 Setback type	Setback		
	Residential use	Parking, loading or outdoor storage area	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m	15.0 m
Setback from all property lines	7.5 m		7.5 m
abutting R-1, RR-1, RU-1		4.5 m	
abutting all remaining zones		1.5 m	
Setback from natural boundary of any body of water	15.0 m		

3.8.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

- 1. The Minimum Lot Area within the Community Services One zone shall be as set out in the table below.

Sanitary Sewage Service to Lot in CS-1	Minimum Lot Area
Approved on-site sewage disposal system	1.0 hectare (10,000 square metres)
Approved community sanitary sewer system	0.8 hectare (8,000 square metres)

End • CS-1

3.9 FIREARMS RANGE ONE (FR-1)

3.9.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Outdoor Shooting Range
 - b. Agriculture
 - c. Forestry

3.9.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. No residential use permitted.

3.9.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 1%
3. Maximum Floor Area: not applicable
4. Setbacks within the Firearms Range One zone shall be as set out in the table below.

FR-1	Setback
Setback type	Permitted use
Setback from abutting ALR boundary	30.0 m
Setback from all property lines	30.0 m
Setback from natural boundary of any body of water	15.0 m

3.9.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 8.0 hectares

End • FR-1

3.10 PUBLIC ASSEMBLY ONE (PA-1)

3.10.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses:
 - a. Public Assembly Use
 - b. Residential

3.10.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to a maximum of one dwelling unit per lot.

3.10.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height:
 - a. Accessory Residential Use: 10.0 m
 - b. All other permitted uses: 12.0 m
2. Maximum Lot Coverage: 40%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
4. Setbacks within the Public Assembly One zone shall be as set out in the table below.

PA-1 Setback type	Setback	
	Accessory Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines	7.5 m	
Setback from natural boundary of any body of water	15.0 m	

3.10.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. The Minimum Lot Area within the Public Assembly One zone shall be as set out in the table below.

Sanitary Sewage Service to Lot in PA-1	Minimum Lot Area
Approved on-site sewage disposal system	1.0 hectare (10,000 square metres)
Approved community sanitary sewer system	0.8 hectare (8,000 square metres)

End • PA-1

3.11 PUBLIC ASSEMBLY TWO (PA-2)

3.11.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Public Assembly Use

3.11.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is not permitted.

3.11.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 12.0 m
2. Maximum Lot Coverage: 40%
3. Setbacks within the Public Assembly Two zone shall be as set out in the table below.

PA-2	Setback
Setback type	Public Assembly Use
Setback from abutting ALR boundary	15.0 m
Setback from all property lines	7.5 m
Setback from natural boundary of any body of water	15.0 m

3.11.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. The Minimum Lot Area within the Public Assembly Two zone shall be as set out in the table below.

Sanitary Sewage Service to Lot in PA-2	Minimum Lot Area
Approved on-site sewage disposal system	1.0 hectare (10,000 square metres)
Approved community sanitary sewer system	0.8 hectare (8,000 square metres)

End • PA-2

3.12 AGRICULTURE ONE (AG-1)

3.12.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Residential
 - b. Farm Use as defined in the *Agricultural Land Commission Act*
 - c. With approval of the Agricultural Land Commission, the following non-farm uses as outlined in the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation* section 3 (1), (2), and (3):
 - i. Additional dwelling unit as outlined in 3.12.2.1 below
 - ii. Accessory Home Business as limited by 3.12.3.3.c below
 - iii. Portable sawmill
 - iv. Aggregate Extraction as outlined in the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation* section 3 (1) (k) and 3 (3)
 - v. Community-Based Fish Hatchery
 - vi. Biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes
 - vii. Open land park
 - viii. Breeding pets or operating a kennel or boarding facility located on a lot that is 4.0 hectares or larger
 - ix. Education and research
 - x. Uses listed in subsections (l) to (t) of the *Agricultural Land Reserve Land Use, Subdivision and Procedure Regulation* section 3 (1)

3.12.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. On lots 1.0 hectare or larger, residential use is limited to one detached dwelling unit and either
 - a. one secondary suite or
 - b. one manufactured home up to 9 m in width, for use by a member of the owner's immediate family, as regulated by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

3.12.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height:
 - a. Residential Footprint: 12.0 m
 - b. Wood processing and sawmill use: Excluded

- c. Farm Use: Excluded
- 2. Maximum Lot Coverage:
 - a. Residential Footprint: 1% or up to 1,000 sq m whichever is smaller
 - b. Wood processing and sawmill use: 1% or up to 1,000 sq m whichever is smaller
 - c. Farm Use: 35% for Farm Buildings and Structures excluding Greenhouses
- 3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Accessory Home Business: 100 sq m
- 4. Setbacks within the Agriculture One zone shall be as set out in the table below.

AG-1		Setback	
Setback type	Residential footprint	Wood processing and sawmill use	Farm use
Setback from all property lines	7.5 m from front lot line (see 3.12.3.5. below)	30.0 m	As recommended in the <i>Guide for Bylaw Development in Farming Areas</i> , Ministry of Agriculture, Revised May 2015
Setback from natural boundary of any body of water	15.0 m		

- 5. Location of residential footprint: As outlined in the *Guide for Bylaw Development in Farming Areas*, Ministry of Agriculture, Revised May 2015. For example, from that document, Section 2.4.6.5.1 Maximum Road Setbacks (Siting): the farm residential footprint is to be located close to the public road, either at the front lot line or at the exterior lot line if it is a corner lot.

3.12.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

- 1. Minimum lot area: 66.0 hectares.

End • AG-1

3.13 FORESTRY ONE (F-1)

3.13.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Forestry
 - b. Log Handling and Storage
 - c. Residential
 - d. Sawmill where lot is greater than 10.0 ha
 - e. Agriculture
 - f. Accessory to forestry or sawmill use: Wood Processing

3.13.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

2. Residential use is limited to a maximum of two dwelling units per lot.

3.13.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 1% or up to 1,000 sq m whichever is smaller
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Forestry One zone shall be as set out in the table below.

F-1 Setback type	Setback		
	Residential use	Wood processing and sawmill use	All other permitted use
Setback from abutting ALR boundary	30.0 m	30.0 m	15.0 m
Setback from all property lines	7.5 m	30.0 m	7.5 m
Setback from natural boundary of any body of water	15.0 m		

3.13.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 40.0 hectares

End • F-1

3.14 FORESTRY TWO (F-2)

3.14.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Forestry
 - b. Log Handling and Storage
 - c. Residential
 - d. Agriculture

3.14.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to a maximum of two dwelling units per lot.

3.14.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height:
 - a. Residential use: 10.0 m
2. Maximum Lot Coverage: 1% or up to 1,000 sq m whichever is smaller
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Forestry Two zone shall be as set out in the table below.

F-1 Setback type	Setback	
	Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines	7.5 m	7.5 m
Setback from natural boundary of any body of water	15.0 m	

3.14.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 40.0 hectares

End • F-2

3.15 SERVICE COMMERCIAL ONE (SC-1)

3.15.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Service Establishment
 - b. Retail Sales
 - c. Wholesale
 - d. Business and Professional Office
 - e. Automobile Service Station
 - f. Restaurant
 - g. Community Garden
 - h. Marina
 - i. Public Assembly
 - j. Hotel-style Accommodation
 - k. Hostel
 - l. Agriculture
 - m. Accessory Residential

2. Conditions of Use
 - a. All outdoor storage shall have a landscape screen on any abutting property.

3.15.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Accessory residential use is limited to one detached dwelling unit and either one secondary suite or one cottage.

3.15.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage:
 - a. On lots less than or equal to 0.4 ha (4,000 sq m): 50%
 - b. On lots greater than 0.4 ha (4,000 sq m): 30%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Service Commercial One zone shall be as set out in the table below.

SC-1 Setback type	Setback			
	Accessory Residential use	Parking, loading or outdoor storage area	Fuel pumps or pump islands	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m	15.0 m	15.0 m
Setback from all property lines:				
abutting R-1 zone	7.5 m	4.5 m	7.5 m	7.5 m
abutting RR-1, RU-1	7.5 m	4.5 m	7.5 m	4.5 m
abutting all remaining zones	4.5 m	1.5 m	7.5 m	4.5
Setback from natural boundary of any body of water	15.0 m			

3.15.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. The Minimum Lot Area within the Service Commercial One zone shall be as set out in the table below.

Sanitary Sewage Service to Lot in SC-1	Minimum Lot Area
Approved on-site sewage disposal system	1.0 hectare (10,000 square metres)
Approved community sanitary sewer system	0.8 hectare (8,000 square metres)

End • SC-1

3.16 RESOURCE COMMERCIAL ONE (RC-1)

3.16.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Resource Processing
 - b. Business and Professional Office
 - c. Warehousing
 - d. Wholesale
 - e. Agriculture
 - f. Accessory Residential
 - g. Accessory Retail Sales

2. Conditions of Use
 - a. All outdoor storage shall have a landscape screen along any abutting property.
 - b. The minimum lot area requirement for resource processing uses, including storage and supply areas, not fully housed within an enclosed structure, shall be 4.0 ha.

3.16.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to one detached dwelling unit and either one secondary suite or one cottage.

3.16.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage:
 - a. On lots less than or equal to 0.4 ha (4,000 sq m): 50%
 - b. On lots greater than 0.4 ha (4,000 sq m): 15%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Resource Commercial One zone shall be as set out in the table below.

RC-1 Setback type	Setback		
	Accessory Residential use	Parking, loading or outdoor storage area	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m	

RC-1 Setback type	Setback		
	Accessory Residential use	Parking, loading or outdoor storage area	All other permitted use
Setback from all property lines:			
Residential use	7.5 m	7.5 m	7.5 m
All other uses	15.0 m	7.5 m	15.0 m
Setback from natural boundary of any body of water	15.0 m		

3.16.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 4.0 hectares

End • RC-1

3.17 TOURIST COMMERCIAL ONE (TC-1)

3.17.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Resort
 - b. Campground
 - c. Restaurant
 - d. Accessory Residential
 - e. Accessory Retail Sales

3.17.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to one detached dwelling unit and either one secondary suite or one cottage.
2. On lots up to and equal to the TC-1 minimum lot area, resort and campground use shall not exceed 12 accommodation units and campsites in combined total.
3. For each additional hectare of land over the TC-1 minimum lot area, resort and campground use shall not exceed 6 additional accommodation units and campsites in combined total to a maximum of 24 accommodation units and campsites in combined total on any lot.

3.17.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 30%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
 - d. All other permitted use in combined total: 600 sq m
4. Setbacks within the Tourist Commercial One zone shall be as set out in the table below.

TC-1 Setback type	Setback	
	Accessory Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines	7.5 m	
Setback from natural boundary of any body of water	15.0 m	

3.17.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE
CREATED BY SUBDIVISION

1. Minimum Lot Area: 2.0 hectares

End • TC-1

3.18 TOURIST COMMERCIAL TWO (TC-2)

3.18.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Hotel-style Accommodation
 - b. Campground
 - c. Restaurant
 - d. Marina
 - e. Yacht Club Outstation
 - f. Fuel Sales only on this lot:
 - i. Lot 2, Plan 29368, Section 21, Sayward Land District, PID 000-011-291
 - g. Accessory Residential
 - h. Accessory to Hotel-style Accommodation, Campground, Restaurant or Marina: Retail Sales

3.18.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to one detached dwelling unit and either one secondary suite or one cottage.

3.18.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 30%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
 - d. All other permitted use in combined total: 600 sq m
4. Setbacks within the Tourist Commercial Two zone shall be as set out in the table below.

TC-2 Setback type	Setback	
	Accessory Residential use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m
Setback from all property lines	7.5 m	
Setback from natural boundary of any body of water	15.0 m	

3.18.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE
CREATED BY SUBDIVISION

1. Minimum Lot Area: 2.0 hectares

End • TC-2

3.19 TOURIST COMMERCIAL THREE (TC-3)

3.19.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Hotel-style accommodation
 - b. Resort
 - c. Hostel
 - d. Restaurant
 - e. Accessory Residential
 - f. Accessory to hotel-style accommodation, resort or hostel: Retail sales
 - g. Accessory to hotel-style accommodation, resort or hostel: Campsites

3.19.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to one detached dwelling unit and either one secondary suite or one cottage.
2. Accessory Campsites shall be limited to a total of 20 per lot.
3. Hotel-style Accommodation and Resort use shall not exceed 50 accommodation units and campsites in combined total.

3.19.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 15%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
 - d. All other use in combined total: 900 sq m
4. Setbacks within the Tourist Commercial Three zone shall be as set out in the table below.

TC-3 Setback type	Setback		
	Accessory Residential use	Campground use	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m	
Setback from all property lines	7.5 m	15.0 m	7.5 m

TC-3	Setback		
Setback type	Accessory Residential use	Campground use	All other permitted use
Setback from natural boundary of any body of water	15.0 m		

3.19.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 8.0 hectares

End • TC-3

3.20 PARK ONE (P-1)

3.20.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Park
 - b. Community Garden
 - c. Community-Based Fish Hatchery
 - d. Accessory Residential Use: Caretaker's Residence

3.20.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to a maximum of one accessory caretaker's residence per lot.

3.20.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 1%
3. Maximum Floor Area:
 - a. Accessory caretaker's residence: 100 sq m
 - b. All other permitted use in combined total: 20 sq m
4. Setbacks within the Park One zone shall be as set out in the table below.

P-1 Setback type	Setback	
	Accessory Residential Use	All other permitted use
Setback from abutting ALR boundary other than for walkways	30.0 m	15.0 m
Walkways from abutting ALR boundary	Not applicable	3.0 m
Setback from all property lines	7.5 m	
Setback from natural boundary of any body of water	15.0 m	

3.20.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: No minimum lot area shall apply

End • P-1

3.21 INDUSTRIAL ONE (I-1)

3.21.1 USE OF LAND, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Industrial
 - b. Resource processing
 - c. Aggregate processing
 - d. Warehousing
 - e. Outdoor Storage
 - f. Junkyard
 - g. Sawmill
 - h. Accessory Business and Professional Office
 - i. Accessory Residential
 - j. Accessory Retail Sales

2. Conditions of use
 - a. All outdoor storage shall have a landscape screen along any lot line that abuts a lot zoned residential.
 - b. The minimum lot area requirement for resource processing uses, including storage and supply areas, not fully housed within an enclosed structure, shall be 4.0 hectare.
 - c. The minimum lot area requirements for sawmill, aggregate processing, dryland log dump and sort, junk yards, including auto wrecking uses, shall be 4.0 hectares.

3.21.2 DENSITY OF THE USE OF LAND, BUILDINGS AND STRUCTURES

1. Residential use is limited to a maximum of two dwelling units per lot.

3.21.3 SITING, SIZE AND DIMENSIONS

1. Maximum Height: 10.0 m
2. Maximum Lot Coverage: 40%
3. Maximum Floor Area:
 - a. Detached dwelling unit: 415 sq m each unit
 - b. Secondary Suite: 60 sq m
 - c. Cottage: 60 sq m
4. Setbacks within the Industrial One zone shall be as set out in the table below.

I-1 Setback type	Setback			
	Accessory Residential use	Accessory parking, loading or outdoor storage use	Sawmill, aggregate processing, dryland log dump and sort, junk yards including auto wrecking uses	All other permitted use
Setback from abutting ALR boundary	30.0 m	15.0 m		
Setback from all property lines	7.5 m	7.5 m	30.0 m	15.0 m
Setback from natural boundary of any body of water	15.0 m			

3.21.4 SHAPE, DIMENSIONS AND AREA OF ALL PARCELS OF LAND THAT MAY BE CREATED BY SUBDIVISION

1. Minimum Lot Area: 4.0 hectares

End • I-1

3.22 AQUACULTURE ONE (AQ-1)

3.22.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Passive mariculture limited to shellfish and marine plants
 - b. Navigational Aids
 - c. Accessory to passive mariculture: sorting, grading and storage facilities but no seafood processing
2. Conditions of Use
 - a. Public access to water and along beaches shall be maintained at all times.

3.22.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the jurisdiction having authority.

End • AQ-1

3.23 AQUACULTURE TWO (AQ-2)

3.23.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Passive mariculture limited to shellfish and marine plants
 - b. Navigational Aids
 - c. Accessory raft, float, dock, wharf or ramp
 - d. Accessory to passive mariculture: sorting, grading and storage facilities but no seafood processing
 - e. Accessory buildings and structures
2. Conditions of use
 - a. One floating enclosed building or structure not exceeding 25.0 square metres in floor area and not exceeding 3.5 metres in height is permitted as a structure for storage, sorting or grading, and soundproofing generators, excluding wharves or docks. Furthermore, any other structures, excluding wharves, shall be under 1.5 metre in height above the waterline of the supporting floating structure at any point in time.
 - b. Outdoor storage shall not exceed 1.5 metres above the surface of the raft and shall not exceed 20 square metres in total area.

3.23.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the jurisdiction having authority.
2. Setback of the permitted floating enclosed building or structure from all property lines: 100 metres from land zoned:
 - a. Residential One (R-1),
 - b. Rural Residential One (RR-1),
 - c. Rural One (RU-1),
 - d. Tourist Commercial One (TC-1),
 - e. Tourist Commercial Two (TC-2), and
 - f. Tourist Commercial Three (TC-3).

End • AQ-2

3.24 AQUACULTURE THREE (AQ-3)

3.24.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Mariculture limited to deep-water shellfish
 - b. Navigational aids
 - c. Accessory shellfish and marine plant handling but no seafood processing
 - d. Accessory buildings and structures

2. Conditions of use
 - a. Structures are limited to the sea floor and shall not extend more than 2.0 metres in height above the bed of the sea.
 - b. Tenure boundaries shall be marked by buoys.

3.24.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the jurisdiction having authority.
2. Setback from the natural boundary of the sea: 34 m

3.24.3 ADDITIONAL REGULATIONS

End • AQ-3

3.25 ACCESS ONE (AC-1)

3.25.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Navigational Aids

3.25.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the authority having jurisdiction.

End • AC-1

3.26 ACCESS TWO (AC-2)

3.26.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Navigational aids

3.26.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: No minimum lot area shall apply.
2. Setback from all property lines: not applicable.

End • AC-2

3.27 MARINE COMMERCIAL ONE (MC-1)

3.27.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Commercial Moorage
 - b. Navigational Aids

3.27.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the authority having jurisdiction.
2. Setback from all property lines: not applicable.

End • MC-1

3.28 MARINE COMMERCIAL TWO (MC-2)

3.28.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Commercial Moorage
 - b. Recreational club moorage
 - c. Marina
 - d. Navigational Aids
 - e. Accessory buildings and structures

3.28.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the authority having jurisdiction.
2. Setback from all property lines: not applicable.

End • MC-2

3.29 MARINE INDUSTRIAL ONE (MI-1)

3.29.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Industrial Moorage
 - b. Log dumping, booming and storage
 - c. Navigational Aids
 - d. Accessory buildings and structures
-

3.29.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the authority having jurisdiction.
2. Setback from all property lines: not applicable.

End • MI-1

3.30 RECREATIONAL MOORAGE ONE (RECM-1)

3.30.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Recreational Club Moorage
 - b. Navigational Aids
 - c. Accessory buildings and structures
-

3.30.2 SITING, SIZE AND DIMENSION LIMITS

1. Lot Area: Shall be in accordance with the site license of occupation or lease issued by the authority having jurisdiction.
2. Setback from all property lines: not applicable.

End • RecM-1

3.31 WATER CONSERVANCY ONE (WC-1)

3.31.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Low-impact recreation
2. Conditions of use
 - a. No moorage including non-commercial

End • WC-1


3.32 MARINE PARK ONE (MP-1)

3.32.1 USE OF WATER, BUILDINGS AND OTHER STRUCTURES

1. Permitted Principal and Accessory Uses
 - a. Low-impact recreation
 - b. Navigational Aids
 - c. Non-commercial moorage by permit issued by the authority having jurisdiction

End • MP-1

This is Exhibit "U" to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021.



A Commissioner/Notary Public for the
Province of British Columbia

Cortes Island Zoning Bylaw Changes August 2018

The Cortes Island Zoning Bylaw is in the final stages of being updated. The existing *Bylaw No. 2455, Electoral Area 'I' (Cortes Island) Zoning Bylaw, 2002*, was adopted by the former Comox Strathcona Regional District in 2003 and *Bylaw No. 139, Cortes Island Official Community Plan Bylaw, 2012*, (OCP), was adopted by the Strathcona Regional District in 2013. The proposed update, Bylaw 309,

- reflects the objectives and policies of the more recent OCP (2013),
- incorporates feedback gathered through community consultations,
- has updated references to provincial legislation and SRD bylaws enacted after the approval of the earlier zoning bylaw (i.e., since 2002),
- accommodates feedback from referral to other government bodies and
- has been refreshed by a legal review.

Key Changes

- In recognition of the SRD's lack of jurisdiction when it comes to the regulation of normal farm practices, restrictions on powered equipment in the aquaculture zones were deleted.
- A maximum floor area limit for principal dwellings in all zones is given to retain the rural character of the island.
- Restrictions on the production and sale of non-medicinal cannabis outside the ALR.

Bylaw Changes in Response to Referral Comments

In response to the referral comments, the following changes were made:

- Creation of an Agriculture One (AG-1) zone that corresponds to the Agricultural Land Reserve (ALR) boundaries.
- Clarifications of Agricultural Land Reserve regulations.
- Creation of a Marine Park One (MP-1) zone that corresponds to provincial and regional protected areas that extend over marine areas.
- Clarification that Riparian Area Regulation reports are to be uploaded to the RAR notification system.

Definitions

Bylaw 309 includes additional and clearer definitions, particularly in relation to accessory home businesses, mobile homes, manufactured homes, RVs and tourist accommodations.

Zones

Utility and park use continue to be permitted in all zones. Some zone revisions were made:

- Two aquaculture zones were consolidated.
- One aquaculture zone and a tourist commercial zone were deleted since they were not in use.
- Coastal area zoned Aquaculture One (AQ-1) was reduced to include only existing tenures and areas with beach aquaculture potential.
- A second Public Assembly Two (PA-2) zone was added that does not allow residential use to protect properties in that zone for public use.
- Carrington Bay, Hanks Beach and Whaletown Commons were changed to Park One (P-1) zone.

Uses

Most of the permitted uses in existing zones were not changed. The changes that were made are expected to have no to minimal impact on existing residents and businesses since uses existing prior to any changes are legally non-conforming and are permitted to be continued.

Zoning Map

Updates to the zoning map include the following:

- The zone changes.
- Crown land parcels that are designated Forestry in the Cortes Island Official Community Plan were changed to a forestry zone.

Follow Up Work

Two complex issues that could not be adequately researched and discussed as part of this zoning bylaw update are:

- a. Short-term vacation rentals – their importance to the local economy as well as their impact on the rental housing market; and
- b. Zoning for non-medicinal cannabis production and sales.

There is a need for further research and community discussion on these topics. It is planned that in 2019, SRD staff will engage Cortes residents in focused discussions on those two topics. Depending on the feedback received, additional amendments to the zoning bylaw may be made.



PUBLIC HEARING REPORT Bylaw No. 309

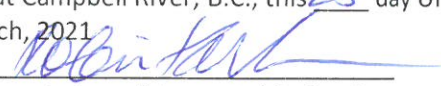
Report on the public hearing held on September 5, 2018 at Mansons Landing Hall, 983 Beasley Road, Mansons Landing, B.C., to consider Bylaw No. 309, being Cortes Island Zoning Bylaw 2018.

PRESENT:

Chair:	N. Anderson	Cortes Island (Electoral Area B)
Directors:	J. Abram	Discovery Islands–Mainland Inlets (Electoral Area C)
	B. Leigh	Oyster Bay – Buttle Lake (Electoral Area D)
	G. Whalley	Kyuquot/Nootka-Sayward (Electoral Area A)

Staff:	R. Hansen	Community Services Manager
	J. Neill	Planner
	M. Van Order	Planner II
	B. Bryant	Property Services Representative
	E. Watson	Senior Executive Assistant (Recording Secretary)

This is Exhibit " V " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021


A Commissioner/Notary Public for the Province of British Columbia

Chair Anderson provided a brief explanation regarding the history and development of Bylaw No. 309 and requested that constructive input be brought forward for consideration of inclusion into the Bylaw.

Chair Anderson called the public hearing to order at 1:13 p.m., welcomed all those present and introduced the Board representatives and the staff present.

Chair Anderson read a prepared statement regarding the public hearing procedure and called for those wishing to speak to sign the speakers list. The Chair further advised that any written submissions must be brought forward before the close of the public hearing and that supporting documentation was available for viewing in the public hearing binder located at the reception table. The Chair confirmed that all presentations and submissions received at the public hearing would form part of the public hearing record and that any submissions received after the close of the public hearing would neither be read nor considered by the Board.

R. Hansen, Community Services Manager, provided a brief overview of proposed Bylaw No. 309, being Cortes Island Zoning Bylaw, 2018 to update the Cortes Island Zoning Bylaw to ensure the bylaw is compliant with changes in provincial legislation and with other SRD bylaws and to reflect the objectives and policies of the Official Community Plan. Ms. Hansen further advised that extensive public consultation has been obtained through public sessions, on-line surveys, Advisory Planning Commission consultation, open house sessions with Cortes Island residents and First Nations consultation. Furthermore, a legal review of the bylaw was obtained.

Chair Anderson proceeded to call for speakers.

Garry Heathcote, of Carrington Bay Road, spoke in opposition of the bylaw, stating that the regulatory legal jargon contained in the zoning bylaw was an obstacle to him being able to fully review the document and that in his opinion streetlights and sidewalk regulations are not appealing to him

Karen Jones, of Yakka Way, spoke in opposition of the bylaw stating concerns with home business regulations and cannabis prohibition.

Chair Anderson advised that staff have committed to an in-depth review of cannabis legislation and vacation rental matters.

Richard Godfrey, a 29-year resident of Gorge Harbour, spoke in opposition to the bylaw stating concerns regarding the removal of the prohibition of power equipment in aquaculture zones. In his opinion if this prohibition is removed there is no regulation to control the noise of power equipment if needed.

Alex Nicholl, a 40+ year resident of Cortes Island, requested clarification concerning the Marine Park (MP-1) zoning and the allowance of docks or moorage and the Access One (AC-1) zoning and the allowance of docks or moorage.

Chair Anderson advised that a number of concerns have been raised regarding the Access One zoning and the matter of allowable private moorage is being reviewed.

Ron Kroeker, of Talbot Way, spoke in opposition of the bylaw stating concerns with leaseholder compliance with the current zoning requirements of the Regional District, including the noise being created from the power generators currently being used by those leaseholders.

Joanna Karman, of Talbot Way, spoke in opposition of the bylaw stating concerns with leaseholders who were previously turned down by the public and the Regional District for zoning changes who would now be given that zoning as a result of the bylaw. She further stated that she would like a revision to the zoning bylaw that would take out rules that do not pertain to Cortes residents

Lloyd Yendall, of Mansons Landing, spoke in opposition of the bylaw stating concerns with the access provisions for bylaw enforcement officials. He further stated that he would like to see the access provisions returned to what they were in the previous version of the bylaw.

George Sirk, of Sutil Point Road, spoke in opposition of Bylaw 309 stating that in his opinion the bylaw contains errors, omissions and removes property owners' rights without consultation and removes Cortes Islander's ability to have docks which in his opinion is a requirement of living on

an island. He stated that compared to the existing Zoning Bylaw, Bylaw 309 is restrictive and requires comprehensive revision.

Vern Kemp, 40-year land owner in Gorge Harbour, spoke in opposition of the bylaw stating concerns with water lease provisions and the long-term vision of aquaculture on Cortes Island. He stated that he would like the AQ-2 zone to contain a permitted uses clause that would state if it isn't authorized it isn't allowed. He further stated that the current aquaculture activity in the Gorge is not allowed under the current bylaw.

Richard Lawton, of Whaletown, spoke in opposition of the bylaw, stating that in his opinion the entire first section of the bylaw is offensive, intimidating and negative. He further stated that the penalties are excessive and in his opinion the bylaw needs to be completely rewritten.

Theresa Hargrave, of Mansons Landing, spoke in opposition to the bylaw in its current form stating that in her opinion there was a lack of time allowed for review of such a comprehensive document that directly affects the lives and livelihood of Cortes residents. In her opinion there was a lack of paper copies of the document available for residents and the mid-day timing of the public hearing made it impossible for many to be in attendance. She further stated that many items in the bylaw were never introduced during the public meetings that she attended.

Gillian Fast, of Whaletown Road, spoke in opposition to the bylaw stating that her property is zoned Service Commercial, Bylaw 309 downzones that property residence from principal residence to accessory which jeopardizes any future purchaser of that property being able to secure a mortgage. She further stated that in her opinion the zoning provisions that are in place on that property should be maintained.

Rick Boas, 25-year resident of Cortes Island, spoke in opposition to the bylaw stating that in his opinion Bylaw 309 needs repair and needs to be postponed until the flaws contained in the bylaw are corrected. In addition, he stated that there has not been adequate public consultation conducted with the community at large. He further stated that the bylaw splits his property between zone R1 and SC1 even though he never applied for commercial enterprise zoning which will negatively affects his right to legal and peaceful enjoyment of his property.

John Drew, of North-Central Gorge Harbour, spoke in opposition to Bylaw 309 stating that in his opinion the SRD Board has given this Bylaw first and second reading based on a concept. Further, in his opinion due to the lack of substance contained in this bylaw that it not proceed any further and that first and second reading be rescinded.

Director Leigh advised that the Directors may vote to deny the Bylaw based on the public input.

Chair Anderson clarified that one reading of this Bylaw has been rescinded by the Board in the spring 2018 and further direction of rescinding this bylaw will be at the discretion of the Board.

David Shipway, of Mansons Landing, spoke in opposition stating concerns with moorings and dock provisions. In addition, he stated concerns with the ALR land use designations and zoning.

Christine Robinson, of Whaletown and representing Cortes Streamkeepers, requested a bylaw revision to exclude instream incubation of salmonids from not permitting community-based fish hatcheries in R-1.

Adam Schick, of Linnaea, spoke in opposition to the bylaw stating that the language is complicated, and it is difficult to understand. He further stated that the timing of the public hearing was not ideal for Cortes residents and he expressed disappointment that economic issues regarding the island were not addressed.

Martin Dean, 10-year Cortes Island resident, spoke in opposition of the bylaw stating concerns with zoning changes to property, down zoning and complicated terms. He stated that his attraction to Cortes Island was the lack of regulations.

Gabriel Dinim, of the Gorge, spoke in opposition to the bylaw stating concerns of regulations that in his opinion are not necessary. He requested that as regulations be removed completely unless they are absolutely necessary.

John MacDonald, of Mansons Landing, spoke in opposition of the bylaw stating concerns regarding the bylaw crushing economic opportunity and lifting a prohibition that would lead way to allowing mechanical harvesting.

Andy Ellingsen, of Whaletown, spoke in opposition of the bylaw stating that in his opinion the bylaw contains many errors and deficiencies. He further stated that the bylaw is not clearly written, does not clearly indicate the changes being brought forward or the reasons for those changes.

Rod Lee, of Whaletown and Chairman of the APC, spoke in opposition to the bylaw stating that section 3.19.2.3 wording changes increases density without rezoning, APC discussion or public consultation. In his opinion, first and second reading must be rescinded.

Chair Anderson advised that second reading has been rescinded once and further that this matter will be coming back to the residents of Cortes.

Diane Manson, of Mansons Landing, spoke in opposition stating concerns with vacation rentals among various other mistakes and not enough public consultation. In her opinion the bylaw should be dropped.

Chair Anderson clarified the vacation rental zoning by stating that commercial use of residential property has never been permitted. There has been no change in the bylaw that speaks to vacation rentals.

Lisa Hoover, of Coulter Bay, advised that her property is directly above one of the water leases and she indicated that she finds the activity intrusive and disruptive. In her opinion if the zoning of the bay area is changed to AQ-2 it would drastically change the character of the community.

Cathy Fletcher, of Gorge Harbour, spoke in opposition of the bylaw stating that there is no definition of the term 'rural' and in her opinion rural character should be defined in the bylaw. Further, she stated concerns with short term rental matters and lack of enforcement of the rules.

Andy Ducasse, of Cortes Island, spoke in opposition stating concerns about Cortes Island demographic changes resulting in social and geographical changes that are affecting the lives of Cortes Islanders. He further stated that in his opinion it is the responsibility of the area director to keep the residents advised of changes and it is the voters' responsibility to vote on these matters which is the final outcome of the process.

Becky Knutson, of Whaletown, spoke in opposition of the bylaw stating concerns with section 2.3.3 (Accessory Home Business), in her opinion the regulation is restrictive and will affect the economic viability of current and future home business on the island.

Amanda Glickman, of Gorge Harbour, spoke in opposition of the bylaw stating in her opinion people live on Cortes Island because of the lack of rules. She further expressed concerns about dock restrictions and the effect of those restrictions on evacuation plans should an emergency situation occur.

Luke Latieu, of Cortes Island, stated concerns that the PA-2 zoning as stated in the bylaw will affect his ability to have a residential dwelling on the property.

Chair Anderson advised that his property would be grandfathered and the zoning as it is permitted today would remain in place.

Manda Aufochs Gillespie, of Cortes Bay, suggested that performance-based zoning be considered similar to that being used in some places in Europe and the US.

Chair Anderson recessed the meeting at 2:33 p.m.

Chair Anderson reconvened the meeting at 2:39 p.m.

Chair Anderson called for second time speakers.

Richard Lawton, of Whaletown, stated that in his opinion Cortes Island residents are the experts of their area and that regulations be kept to a minimum. Further, he stated that the MP-1 zoning denies a fundamental right to access to property. In his opinion docks must be permitted in MP-1 freely along the shoreline of private property.

Frances Guthrie, of Cortes Island, spoke in opposition to the bylaw stating that in her opinion this bylaw imposes significant changes without public consultation, contains typo's and removes provisions that affect the visual appearance of Cortes Island from the water. Further, she stated that in her opinion the provisions of the bylaw will create mortgage and insurance hardships.

Daphne Roubini, of Cortes Island, spoke in opposition of the bylaw stating that in her opinion residents were not given enough time to review this complex 86-page document, much more consultation is needed. Further, in her opinion the panel scenario is very intimidating. She stated that she would like to see a better and less intimidating layout for the speakers to address the panel and that in her opinion greater distribution and notification of the meeting needs to be addressed.

Samual Mayer, of Cortes Island, acknowledged that this meeting is taking place on the unceded territory of the Holmalco and Klahoose First Nations. Mr. Mayer spoke in opposition of the bylaw stating concerns with affordable housing and as a current APC member he does not feel that he has enough time to review the document.

John Townley, of Talbot Way, stated concerns regarding the aquaculture lease near his residence. In his opinion that lease would substantially increase in value if zoning is changed from AQ-1 to AQ-2 which may substantially increase operations. He also expressed concerns with zoning being granted to illegal aquaculture operations.

Chair Anderson advised attendees to hand in their comment sheets.

Andy Ellingsen, of Whaletown and Secretary of the local Whaletown Harbour Authority, spoke regarding his concerns of the lack of zoning on the Mansons Landing dock and impacts that lack of zoning will have on future potential ownership of that dock by the Harbour Authority. Further, he expressed concerns with the regulations being imposed on people who live on their boats at the dock and the impacts this will have.

Chair Anderson advised that in the past and currently there has been no provision of zoning for those people who live on their boats parked at the dock. She confirmed that the request is to reconsider this provision.

Andy Ellingsen advised that yes that was the intent and further stated concerns regarding the MP-1 zoning near Sharkspit and the maps contained within the bylaw.

John Drew, of North-Central Gorge Harbour, stated that in his opinion zoning development changes be reasonable and that a full-time planner be allocated to the development of this bylaw. Further, he stated concerns with setbacks from the ocean and the potential impacts these setbacks have and Community Forest road access. In his opinion the language of Bill-14 should be removed from the next draft of the bylaw.

Chair Anderson advised for clarification that while the Electoral Areas Service Committee drive the process, the content is provided by staff.

Julie Keith, of Mansons Landing, stated concerns with Air B&B's on residential property on Cortes Island and the impacts that this has on the infrastructure.

Chair Anderson provided clarification regarding the vacation rental zoning by stating that commercial use of residential property has never been permitted. There has been no change in the bylaw that speaks to vacation rentals.

Richard Lawton, of Whaletown, stated concerns regarding aquaculture matters between shellfish operators and upland owners. In his opinion this matter needs a complete rework by the community. Further, he stated concerns with the AG-1 zoning, dwelling allowances and ALR land designations and mapping.

Andy Ellingsen, of Whaletown, requested that the area director direct staff to request ALR or ALC representatives to have consultation with Cortes Island residents about changes to ALR land designations. Further he stated concerns regarding funding and enforcement of ALR related matters.

Wendy Legare, a resident of Whaletown for over 30 years, stated concerns regarding maximum dwelling size in relation to lot size and the impact on the rural character of Cortes Island. Further, she requested that the map included in the proposed bylaw be displayed large enough for the audience to see.

Cathy Fletcher, of Gorge Harbour, requested clarification regarding tourist zoning.

Chair Anderson advised that there are no new tourist zones, any tourist zone was pre-existing, as with commercial and industrial, and absorbed into the zoning.

Sandy Hoffman, of Cortes Island, stated that further public consultation is needed and asked if any opportunities would be provided.

Chair Anderson advised that she will be recommending further open house discussions and possibly another public hearing next year.

Chair Anderson called a third and final time for speakers.

Karen Jones, of Yakka Way, requested that in addition to the new zoning map being displayed for the public as previously mentioned, the old zoning map with changes identified be displayed. Further, she requested that any information be distributed in ample time for the general public to have time to review those materials.

Richard Lawton, of Whaletown, stated that a public hearing indicates the end of the process and public meeting indicates ongoing consultation.

Chair Anderson advised that this is the last call for any comment sheets to be handed into the blue box.

David Shipway, of Mansons Landing, stated that in his opinion the MP-1 zoning was created without public consultation and requested clarification on the status and intent of the Shark Spit park at this time.

Chair Anderson advised that she was unsure of the status of Shark Spit park at this time.

Chair Anderson called a final time for speakers and, hearing none, declared the Public Hearing to be closed at 3:29 p.m.


At the time of closing of the Public Hearing forty-six (46) written submissions had been received at the public hearing and forty-seven (47) written submission had been received prior to the Public Hearing.

The undersigned hereby certify and declare the foregoing to be a fair and accurate report of the Public Hearing for Bylaw No. 309, being Cortes Island Zoning Bylaw, 2018.

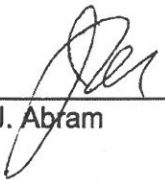


E. Watson, Recording Secretary

The undersigned hereby certify and declare the foregoing to be a fair and accurate report of the Public Hearing for Bylaw No. 309, being Cortes Island Zoning Bylaw, 2018.



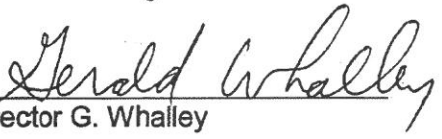
Director N. Anderson, Chair



Director J. Abram



Director B. Leigh



Director G. Whalley



Noba Anderson <director@cortesisland.com>

Bylaw Enforcement

9 messages

Aniko Nelson <ANelson@srd.ca>

Mon, Jan 28, 2019 at 11:12 AM

To: Noba Anderson <director@cortesisland.com>

Cc: Ralda Hansen <RHansen@srd.ca>, Jordan Hargrave <JHargrave@srd.ca>

Director Anderson,

Please be advised that the SRD is in receipt of a bylaw complaint regarding the current density associated with your property.

I would kindly ask that you designate a current owner of the property that is unrelated to you to act as the agent for this file. Once an agent has been designated please have that agent contact Jordan Hargrave at 250-830-6716 or jhargrave@srd.ca to arrange a site visit with SRD and Island Health staff.

Thank you in advance.

This is Exhibit " W " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

Robin Hall
A Commissioner/Notary Public for the Province of British Columbia



Aniko Nelson

Parks, Planning, Building & Bylaw Enforcement Manager

301 – 990 Cedar Street, Campbell River, BC V9W 7Z8

e. anelson@srd.ca | t. 250.830.6708 | toll free: 1.877.830.2990

Jordan Hargrave <JHargrave@srd.ca>

Mon, Jan 28, 2019 at 11:25 AM

To: Noba Anderson <director@cortesisland.com>

Cc: Ralda Hansen <RHansen@srd.ca>, Aniko Nelson <ANelson@srd.ca>

Quick correction to the phone number: 250-830-6713



Jordan Hargrave

Building Official

Bylaw Compliance Officer

301 - 990 Cedar Street, Campbell River, BC V9W 7Z8

e. jhargrave@srd.ca | t. 250.830.6713 | f. 250.830.6710



Noba Anderson <nobaanderson@gmail.com>

Fwd: Rezoning fees

3 messages


Noba Anderson <director@cortesisland.com>
To: Noba Anderson <nobaanderson@gmail.com>

Sat, Mar 9, 2019 at 10:32 AM

----- Forwarded message -----

From: **John Neill** <JNeill@srd.ca>
Date: Fri, Mar 8, 2019 at 3:16 PM
Subject: Rezoning fees
To: Noba Anderson <director@cortesisland.com>

This is Exhibit " X " to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021


A Commissioner/Notary Public for the
Province of British Columbia

Hi Noba,

The fee for amending the zoning bylaw would be \$2000, plus a \$1500 public hearing fee. There should be no need to amend the OCP, as it allows for higher densities than existing in the R-1 zone, provided the base density of one dwelling per hectare is not exceeded. I've attached some documentation for you. Jordan is preparing a detailed letter which will soon be sent to all the property owners on the parcel, outlining the options available to you.

Best regards,

John



John W. Neill MCIP MRTPI

Planner



301-990 Cedar Street, Campbell River, BC V9W 7Z8

t. 250.830.6706 | 1877.830.2990

--
Director, Noba Anderson
Cortes Island, Area B
Strathcona Regional District
director@cortesisland.com
Tel: 250-935-0320

Cortes OCP Residential density and rezoning fees.pdf

 166K

Noba Anderson <nobaanderson@gmail.com>
To: JNeill@srd.ca

Sat, Mar 9, 2019 at 10:37 AM

Thanks for this John

Please when communicating about this matter, which is a personal one rather than one in my RD role, use my personal email address here.

I would respectfully disagree about the need to apply for an OCP amendment - as we went through this on Quadra - and then again with the Cortes Senior's application. Although the OCP text strongly supports the kind of rezoning we would apply for the map does not, and I strongly believe that we would need to update the OCP map layer concurrently to stay out of the sticky situations that we have been in - and almost been in - recently.


Looking forward to Jordan's report.

Warmly, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320

 **Cortes OCP Residential density and rezoning fees.pdf**
166K

John Neill <JNeill@srd.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Mon, Mar 11, 2019 at 11:05 AM

Acknowledged – thanks, Noba!

Regards,

John

[Quoted text hidden]



Noba Anderson <nobaanderson@gmail.com>

RE: Planning Consultants

1 message

John Neill <JNeill@srd.ca>
To: Noba Anderson <nobaanderson@gmail.com>
Cc: Aniko Nelson <ANelson@srd.ca>

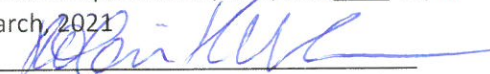
Fri, Mar 29, 2019 at 12:50 PM

Hi Noba,

Here are some land use planning consultants, based in Campbell River and further afield:

J E Anderson & Associates (250) 287-4865 www.jeanderson.com CR
McElhanney (250) 287-7799 www.mcelhanney.com CR
Current Environmental (250) 871-1944 info@currentenv.ca Courtenay
MacDonald Gray (no tel# given) macdonaldgray.ca Parksville
Lanarc Consultants (778) 762-4800 info@lanarcconsultants.ca Nanaimo

This is Exhibit " Y " to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021


A Commissioner/Notary Public for the
Province of British Columbia

Regards,

John

From: Aniko Nelson <ANelson@srd.ca>
Sent: Friday, March 29, 2019 12:17
To: John Neill <JNeill@srd.ca>
Cc: Noba Anderson <nanderson@srd.ca>; Noba Anderson <director@cortesisland.com>
Subject: Planning Consultants

John,

Director Anderson has asked for some options for planning consultants to assist with bringing her property into compliance. Can you please add any consultants that may be able to assist and provide the appropriate contact information as I am out of the office and do not have the information available:

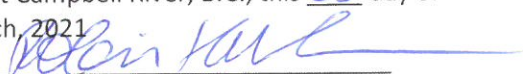
Colin Burrige

McElhaney

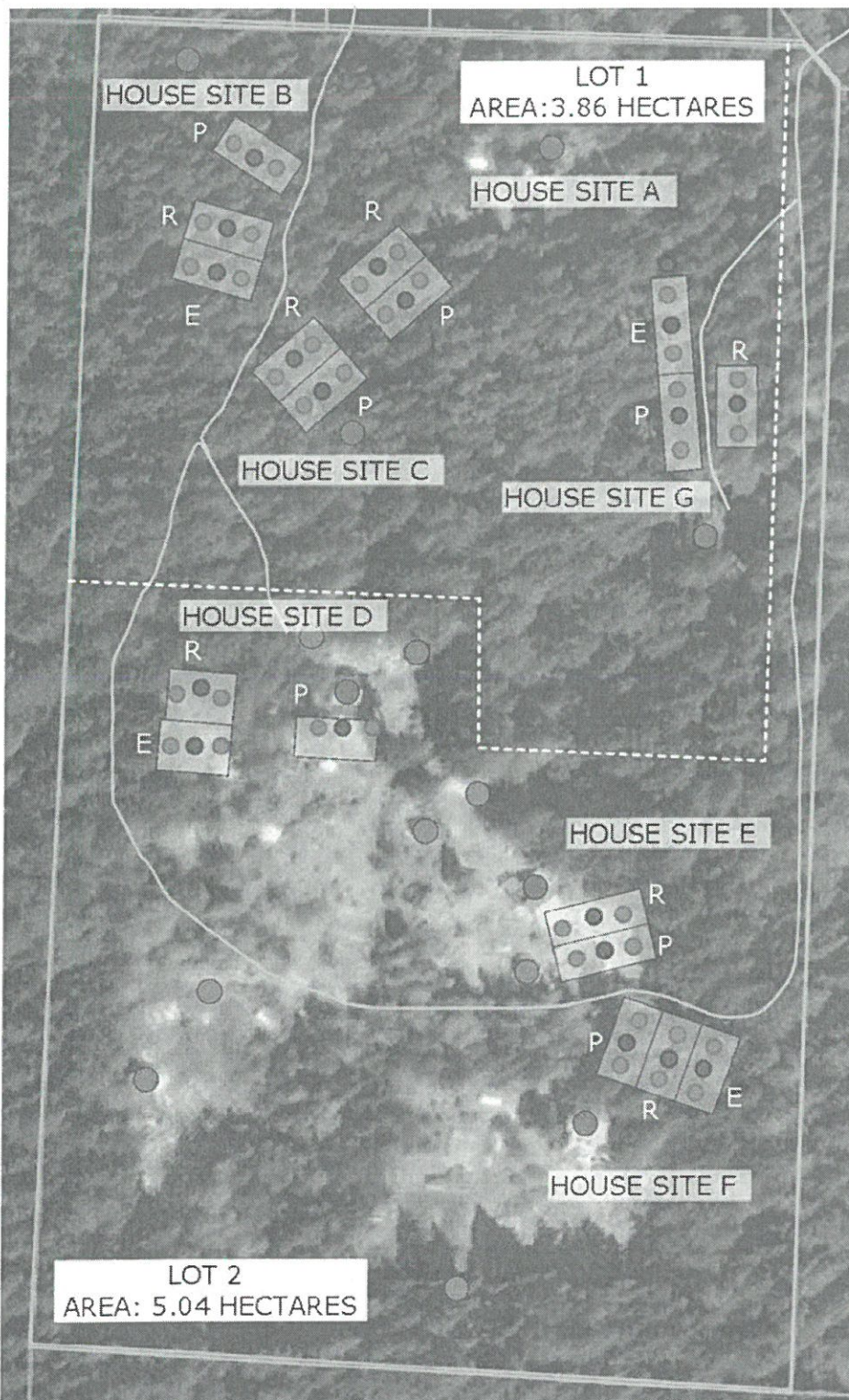
Thank you.

A.

This is Exhibit "Z" to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, ~~2021~~



A Commissioner/Notary Public for the
Province of British Columbia



OPTION 2

**421, 423,
425, & 427
WHALE TOWN RD
CORTES ISLAND BC**

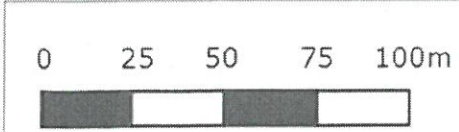
**SEPTIC FIELD
LAYOUT
&
PROPOSED NEW
PROPERTY LINES**

**OPTION 2
TWO LOTS**

**SUBDIVISION
APPLICATION**

LEGEND:

- DRIVEWAY
- PROPERTY LINE
- PROPOSED NEW PROPERTY LINE
- HOUSE SITE
- OUTBUILDING
- MATERIAL TEST HOLE
- PERCOLATION TEST HOLE
- SEPTIC FIELD AREA
- P** PRIMARY SEPTIC
- R** RESERVE SEPTIC
- E** EXTRA SEPTIC



SCALE
1:1200



MAP CREATED BY: MIRANDA CROSS
MC ECOLOGICAL LANDSCAPE CONSULTING
FEBRUARY 26TH, 2020
GPS DATA COLLECTED BY: NOBA ANDERSON
MAP IMAGE: EARTHSTAR GEOGRAPHICS ISO
SRD LMAP IT APPLICATION



Noba Anderson <nobaanderson@gmail.com>

Subdivision Standards and information and Water System information

9 messages

Sonnenburg, Mia <Mia.Sonnenburg@viha.ca>
To: "nobaanderson@gmail.com" <nobaanderson@gmail.com>

Tue, Feb 4, 2020 at 2:21 PM

Hi Noba,

Please see attached the Subdivision Standards, as per our phone call. My apologies, I had quoted the Island Health subdivision fee incorrectly to you. The non-refundable base fee is \$250, plus \$100 per each lot. I realize you aren't sure how many lots you'll be subdividing the parcel into, but I think we should be able to figure out the final fee as we go along.

Here are a couple of links to Island Health's Sewerage and Subdivision information and to information on the drinking water system approval process (if you go about half way down the page, you'll see the Water System Approval Process heading).

<https://www.islandhealth.ca/learn-about-health/environment/sewerage-subdivision>

<https://www.islandhealth.ca/learn-about-health/drinking-water/drinking-water-legislation-approval>

I hope this is helpful - please let me know if you have any questions.

Cheers,

Mia

Mia Sonnenburg, B. Tech, CPHI(C)

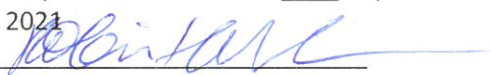
Environmental Health Officer

Health Protection and Environmental Services

#200-1100 Island Highway, Campbell River, BC V9W 8C6

E: Mia.Sonnenburg@viha.ca | T: 250.850.2108 | F: 250.850.2455

This is Exhibit " AA " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021.


A Commissioner/Notary Public for the Province of British Columbia



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provisions of the Freedom of Information and Protection of Privacy Act. If you receive this in error, please contact me immediately and delete all copies of this e-mail and any attachments.

 **VIHA Subdivision Standards.pdf**
653K

Noba Anderson <nobaanderson@gmail.com>

Thu, Mar 5, 2020 at 11:18 AM

To: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>

Cc: Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>

Mia

Well... we finally have a subdivision application submitted to MoTI - it took a good bit of site planning and hole digging etc.

But I am happy here now to submit to you an initial application - please see the multiple documents attached. And please advise how we can submit payment.

You had said that you would be able to come assess in this March weather window, which would be so excellent so that we could fill in the 60 or so holes littering our property before too long.

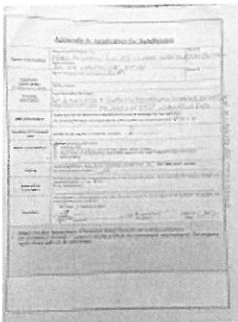
Please call me at your earliest convenience. I am also copying Ryan Harvey, my land partner, who would also be available to walk the property with you if I am unable. In an unimaginably perfect world you would come this coming Tuesday... otherwise I may be away for a while at which point Ryan can walk it with you. Our ROWP Rob Driediger would also like to be present.

Thanks, Noba

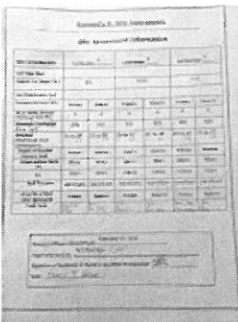
[Quoted text hidden]

Noba Anderson
250-935-0320

14 attachments

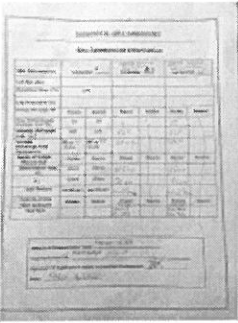
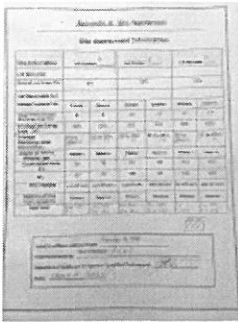


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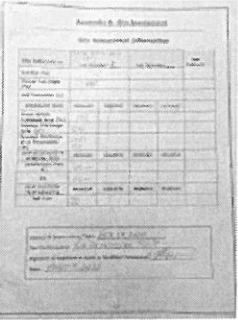


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IMG_4311.JPG
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IMG_4313.JPG
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SUBDIVISION APPLICATION MAPS FEB 28TH_04.jpg
282K



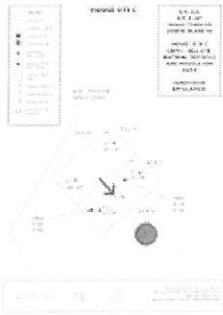
SUBDIVISION APPLICATION MAPS FEB 28TH_06.jpg
135K



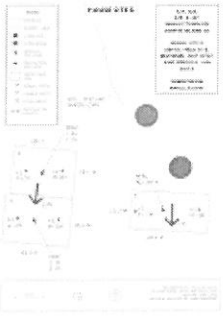
SUBDIVISION APPLICATION MAPS FEB 28TH_07.jpg
153K



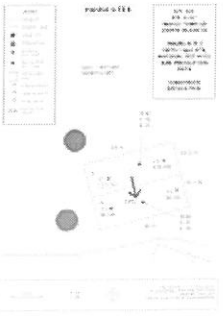
SUBDIVISION APPLICATION MAPS FEB 28TH_08.jpg
138K



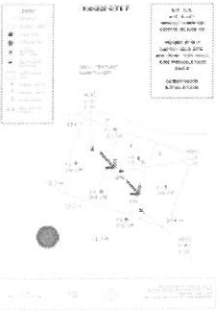
SUBDIVISION APPLICATION MAPS FEB 28TH_09.jpg
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SUBDIVISION APPLICATION MAPS FEB 28TH_10.jpg
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SUBDIVISION APPLICATION MAPS FEB 28TH_11.jpg
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SUBDIVISION APPLICATION MAPS FEB 28TH_12.jpg
154K



 **report.pdf**
96K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: nobaanderson@gmail.com

Thu, Mar 5, 2020 at 11:18 AM



Message too large

Your message couldn't be delivered to **Mia.Sonnenburg@viha.ca** because it exceeds the size limit. Try reducing the message size and resending.

The response from the remote server was:

550 5.7.2 Message Size Violation - Message Exceeds 15MB Limit

Final-Recipient: rfc822; Mia.Sonnenburg@viha.ca
Action: failed
Status: 5.7.2
Remote-MTA: dns; smtp1.viha.ca. (207.194.132.144, the server for the domain viha.ca.)
Diagnostic-Code: smtp; 550 5.7.2 Message Size Violation - Message Exceeds 15MB Limit
Last-Attempt-Date: Thu, 05 Mar 2020 11:18:54 -0800 (PST)

----- Forwarded message -----

From: Noba Anderson <nobaanderson@gmail.com>
To: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>
Cc: Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>
Bcc:
Date: Thu, 5 Mar 2020 11:18:20 -0800
Subject: Re: Subdivision Standards and information and Water System information
Mia
Well... we finally have a subdivision application submitted to MoTI - it took a good bit of site planning and hole digging etc. But I am happy here now to submit to you an initial application - please see the multiple documents attached. And please advise how we can submit payment.

You had said that you would be able to come assess in this March weather window, which would be so excellent so that we could fill in the 60 or so holes littering our property before too long.
 Please call me at your earliest convenience. I am also copying Ryan Harvey, my land partner, who would also be available to walk the property with you if I am unable. In an unimaginably perfect world you would come this coming Tuesday... otherwise I may be away for a while at which point Ryan can walk it with you. Our ROWP Rob Driediger would also like to be present.
 Thanks, Noba

On Tue, Feb 4, 2020 at 2:21 PM Sonnenburg, Mia <Mia.Sonnenburg@viha.ca> wrote:

> Hi Noba,
 >
 > Please see attached the Subdivision Standards, as per our phone call. My
 > apologies, I had quoted the Island Health subdivision fee incorrectly to
 > you. The non-refundable base fee is \$250, plus \$100 per each lot. I realize
 > you aren't sure how many lots you'll be subdividing the parcel into, but I
 > think we should be able to figure out the final fee as we go along.
 >
 >
 >
 > Here are a couple of links to Island Health's Sewerage and Subdivision
 > information and to information on the drinking water system approval
 > process (if you go about half way down the page, you'll see the Water
 > System Approval Process heading).
 >
 >
 >
 > <https://www.islandhealth.ca/learn-about-health/environment/sewerage-subdivision>
 >
 >
 >
 > <https://www.islandhealth.ca/learn-about-health/drinking-water/drinking-water-legislation-approval>
 >
 >
 >
 > I hope this is helpful - please let me know if you have any questions.
 >
 >
 >
 > Cheers,
 >
 > Mia
 >
 >
 > *Mia Sonnenburg, B. Tech, CPHI(C)*
 >
 > *Environmental Health Officer*
 >
 > Health Protection and Environmental Services
 >
 > #200-1100 Island Highway, Campbell River, BC V9W 8C6
 >
 > E: Mia.Sonnenburg@viha.ca | T: 250.850.2108 | F: 250.850.2455
 >
 >
 >
 > [image:
 > <https://intranet.viha.ca/departments/communications/PublishingImages/island-health-email.gif>]

- > <http://www.viha.ca/> [image:
- > https://intranet.viha.ca/departments/communications/PublishingImages/fb.png]
- > <http://www.facebook.com/pages/Vancouver-Island-Health-Authority/135150073228437>
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- > https://intranet.viha.ca/departments/communications/PublishingImages/vimeo2.png]
- > <http://vimeo.com/islandhealth>

> P Please consider the environment before printing this email

>

> *This e-mail and attachments are only for the use of the intended

> recipient and must not be distributed, disclosed, used or copied by or to

> anyone else. This e-mail and any attachments may be confidential,

> privileged or subject to the provisions of the Freedom of Information and

> Protection of Privacy Act. If you receive this in error, please contact me

> immediately and delete all copies of this e-mail and any attachments.*

--

Noba Anderson
250-935-0320

--000000000
----- Message truncated -----

Noba Anderson <nobaanderson@gmail.com> Thu, Mar 5, 2020 at 11:20 AM
 To: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>
 Cc: Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>

Mia
 Well... we finally have a subdivision application submitted to MoTI - it took a good bit of site planning and hole digging etc.
 But I am happy here now to submit to you an initial application - please see the multiple documents attached. **I will send this in two separate emails because of the size.** And please advise how we can submit payment.

You had said that you would be able to come assess in this March weather window, which would be so excellent so that we could fill in the 60 or so holes littering our property before too long.
 Please call me at your earliest convenience. I am also copying Ryan Harvey, my land partner, who would also be available to walk the property with you if I am unable. In an unimaginably perfect world you would come this coming Tuesday... otherwise I may be away for a while at which point Ryan can walk it with you. Our ROWP Rob Driediger would also like to be present.
 Thanks, Noba

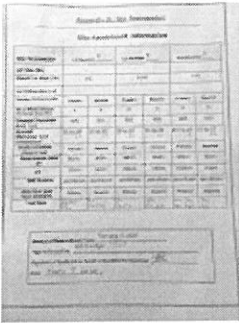
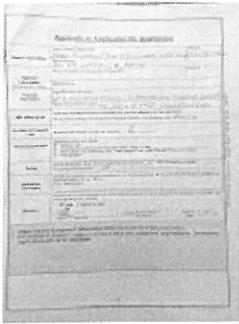
On Tue, Feb 4, 2020 at 2:21 PM Sonnenburg, Mia <Mia.Sonnenburg@viha.ca> wrote:
 [Quoted text hidden]

--

Noba Anderson
250-935-0320

5 attachments

IMG_4309.JPG
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IMG_4310.JPG
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IMG_4311.JPG
2177K

IMG_4312.JPG
2105K

IMG_4313.JPG
1994K

Noba Anderson <nobaanderson@gmail.com>
To: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>
Cc: Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>

Thu, Mar 5, 2020 at 11:22 AM

Mia
Here is the material I submitted to MoTI - including maps

I may update some of these maps... but this is certainly all the basics to get us started.
Thanks, Noba

On Tue, Feb 4, 2020 at 2:21 PM Sonnenburg, Mia <Mia.Sonnenburg@viha.ca> wrote:
[Quoted text hidden]

--
Noba Anderson
250-935-0320

9 attachments

SUBDIVISION APPLICATION MAPS FEB 28TH_04.jpg
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SUBDIVISION APPLICATION MAPS FEB 28TH_06.jpg
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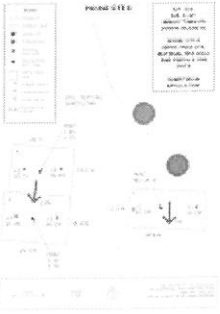
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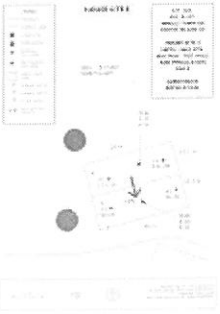
SUBDIVISION APPLICATION MAPS FEB 28TH_08.jpg
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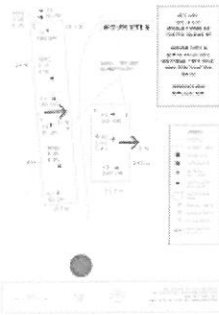
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SUBDIVISION APPLICATION MAPS FEB 28TH_10.jpg
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SUBDIVISION APPLICATION MAPS FEB 28TH_11.jpg
146K



SUBDIVISION APPLICATION MAPS FEB 28TH_12.jpg
154K



report.pdf
96K

Lovena Harvey <lovena@gatheringplacetrading.com>

Thu, Mar 5, 2020 at 11:32 AM

To: Noba Anderson <nobaanderson@gmail.com>

Cc: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>, Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>

Hi Mia,

Ryan will be available from March 16th onward. Sounds like neither Noba or Ryan are available for March 11 to 13th.

Thank you!

Lovena Harvey
(Ryan's partner)

[Quoted text hidden]

Sonnenburg, Mia <Mia.Sonnenburg@viha.ca>

Mon, Mar 9, 2020 at 10:11 AM

To: Noba Anderson <nobaanderson@gmail.com>

Cc: Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>

Hi Noba,

I've had a look at the paperwork you sent last week. Please call Diane, our admin, to arrange for payment. She's at 250.850.2111. Since you're subdividing into two lots, the total would be \$450 I believe (\$250 base fee plus \$100 per lot). If things change and the parent lot is subdivided into more than two lots, it will be \$100 per additional lot.

I'll be in touch regarding a site visit. As I had mentioned in my message to you last week, I won't be able to attend this week.

Thanks,

Mia

[Quoted text hidden]

Noba Anderson <nobaanderson@gmail.com>

Tue, Mar 10, 2020 at 3:44 PM

To: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>

Cc: Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>, Lovena Harvey <lovena@gatheringplacetrading.com>

Thanks Mia

It will be Ryan that will do the site visit with you as I will be off island until the end of the month. Robbie, our waste water guy also wants to be present.

Ryan- Jacob is very familiar with all the sites and ian also available to walk with you.

Lovena, would you please make the required payment as noted above from the common account?

Thanks, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Sonnenburg, Mia <Mia.Sonnenburg@viha.ca>

Wed, Mar 11, 2020 at 11:16 AM

To: Noba Anderson <nobaanderson@gmail.com>

Cc: Ryan Harvey <ryguyharvey@gmail.com>, Ryan Harvey <ryan@gatheringplacetrading.com>, Lovena Harvey <lovena@gatheringplacetrading.com>

Hi Noba,

Thanks for your email. I'll be in touch with Ryan, then.

Enjoy your travels,

[Quoted text hidden]



Noba Anderson <nobaanderson@gmail.com>

photos of test and perc holes

2 messages

Noba Anderson <nobaanderson@gmail.com>
To: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Tue, Mar 31, 2020 at 1:19 PM

Hello Mia

We took photos a couple days ago of all test holes and perc test holes... but I have not yet labeled them all - wont get to it today as I had hoped. ASAP.

I understand that having taken these in the winter wet weather window may be of assistance in the processing of our application. We certainly would like to be able to fill in the holes before next winter.

We also have a professional note of observation of the holes from January and February that Lovena will also be submitting to you.

Many thanks, Noba

--

Noba Anderson
250-935-0320

Sonnenburg, Mia <Mia.Sonnenburg@viha.ca>
To: Noba Anderson <nobaanderson@gmail.com>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Thu, Apr 2, 2020 at 12:01 PM

Hi Noba,

Thanks for update. The thought behind the photos was just to show a snapshot of the conditions at the time the photos were taken, as we're getting into the drier season again. I'm not sure if they will indicate much given that the wetter weather had ended prior, but I figured it wouldn't hurt. I hope to conduct the site assessment as soon as I'm able to conduct our routine work again.

Occasionally we'll hold a subdivision proposal application in abeyance so that we can observe it during a different time of year, but I hope to be able to get a good sense of the overall conditions during the upcoming site visit.

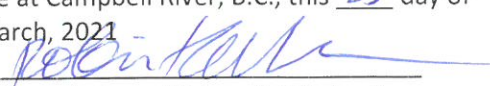
Are you able to cover the holes in the interim with wood or other removable material, as a safety measure?

Regards,

Mia

[Quoted text hidden]

This is Exhibit " BB " to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 5 day of
March, 2021


A Commissioner/Notary Public for the
Province of British Columbia



Noba Anderson <nobaanderson@gmail.com>

Checking in

3 messages

Sonnenburg, Mia <Mia.Sonnenburg@viha.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Mon, Jun 8, 2020 at 10:56 AM

Hi Noba,

Just checking in to see if you've connected with the Authorized Person that you hired for your subdivision application. I think you were going to find out about his availability for June 18th. He can connect with me directly if that's easiest.

Also, you'd mentioned that you could be along for the site visit. I think it's best that we just keep it to three people as my colleague, Nancy, will be accompanying me. If we have any questions, it should be easy enough to connect with you over the phone afterwards.

Hope you enjoyed your weekend,

Mia

Mia Sonnenburg, BTech, CPHI(C)

Environmental Health Officer

Health Protection and Environmental Services

#200-1100 Island Highway, Campbell River, BC V9W 8C6

E: Mia.Sonnenburg@viha.ca | T: 250.850.2108 | F: 250.850.2455

This is Exhibit " CC " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

A Commissioner/Notary Public for the Province of British Columbia



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Noba Anderson <nobaanderson@gmail.com>
To: "Sonnenburg, Mia" <Mia.Sonnenburg@viha.ca>

Mon, Jun 8, 2020 at 12:32 PM

Yes the 18th works for Rob Driediger, ROWP is available on the 18th to spend the day, or a part thereof, with you. Please find attached the statement that he wrote in early March. Rob will call you.

1/24/2021

Gmail - Checking in

298

I would strongly advise that I join you as the land is expansive, there are many fences and private areas to navigate and many, many holes. I am far more familiar with the land... and Rob I find can get disoriented a little with the multitude of it all on the ground. I am happy to keep my distance and simply be there to make sure you are finding what you need. It would otherwise be quite likely that the day's trip for you and your colleague would not result in all you need. Please let me know if the 18th is confirmed and what time you would arrive as I will also advise the other 4 households involved.

Thanks, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320



Driediger statement re test holes.pdf

237K

Sonnenburg, Mia <Mia.Sonnenburg@viha.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Mon, Jun 8, 2020 at 3:42 PM

Hi Noba,

Sure, that's fine, I understand, thanks.

We'll plan to take the 9:00 ferry to Cortes, so should be at the property by around 10:00.

Enjoy your week.

Mia

[Quoted text hidden]



Noba Anderson <nobaanderson@gmail.com>

Proposed subdivision 00947 B 20 Anderson

9 messages

John Neill <JNeill@srd.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Tue, Oct 27, 2020 at 3:11 PM

Hi Noba,

We are in receipt of your subdivision application. Please find attached the SRD invoice for our referral response to the Ministry of Transportation and Infrastructure.

Yours sincerely,

John

This is Exhibit " DD " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021

A Commissioner/Notary Public for the Province of British Columbia



John W. Neill MCIP MRTPI
Planner



301-990 Cedar Street, Campbell River, BC V9W 7Z8
t. 250.830.6706 | 1877.830.2990

00947B20_Invoice Letter_Anderson.pdf
129K

Noba Anderson <nobaanderson@gmail.com>
To: John Neill <JNeill@srd.ca>, Lovena Harvey <lovena@gatheringplacetrading.com>

Tue, Oct 27, 2020 at 8:48 PM

Thanks John

Can you please give me any estimate of the anticipated process or timeline on your end? Will this need to go to the Board for a road frontage variance? If so, I think it would be appropriate to advise Lovena of such so that she could write a letter or make a presentation.

Also, I noticed when you were here on the 15th that you took photos of my house. My other land partners advised that you did not take photos of their homes, just mine. Is that true?

Lovena, would you please make this payment from our common account?

Thanks, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Lovena Harvey <lovena@gatheringplacetrading.com>
To: Noba Anderson <nobaanderson@gmail.com>

Tue, Oct 27, 2020 at 10:01 PM

Hi Noba,
I don't see the attached invoice.
Can you re-send?

Lovena

[Quoted text hidden]

--

Lovena Harvey
CEO / Co-founder
Gathering Place Trading
www.gatheringplacetrading.com
250 287 7571

John Neill <JNeill@srd.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Wed, Oct 28, 2020 at 9:52 AM

Hi Noba,

Yes, frontage relief would be required for both parcels, so we would need an accurate measurement of the proposed lot boundaries. The fee is \$500, payable to the Strathcona Regional District and I attach an application form. The application would need to go to EASC and then the Board for approval. I don't know if such a proposal would also be considered by the APC? An option to avoid frontage relief would be to dedicate the panhandle as a 15m wide strata road, which could extend sufficiently into Lot 2 to provide 10% road frontage. I expect there would be no need to build the road, only to dedicate it as such, its actual use remaining as a driveway.

I was asked to photograph all the dwellings on the property, which I did, with the possible exception of Shae and Lucas's.

Best regards,

John

From: Noba Anderson <nobaanderson@gmail.com>
Sent: Tuesday, October 27, 2020 20:48
To: John Neill <JNeill@srd.ca>; Lovena Harvey <lovena@gatheringplacetrading.com>
Subject: Re: Proposed subdivision 00947 B 20 Anderson

Thanks John

Can you please give me any estimate of the anticipated process or timeline on your end? Will this need to go to the Board for a road frontage variance? If so, I think it would be appropriate to advise Lovena of such so that she could write a letter or make a presentation.

Also, I noticed when you were here on the 15th that you took photos of my house. My other land partners advised that you did not take photos of their homes, just mine. Is that true?

Lovena, would you please make this payment from our common account?

Thanks, Noba

On Tuesday, October 27, 2020, John Neill <JNeill@srd.ca> wrote:

Hi Noba,

We are in receipt of your subdivision application. Please find attached the SRD invoice for our referral response to the Ministry of Transportation and Infrastructure.

Yours sincerely,

John



John W. Neill MCIP MRTPI

Planner

301-990 Cedar Street, Campbell River, BC V9W 7Z8

t. 250.830.6706 | 1877.830.2990



--

Noba Anderson

250-935-0320

Frontage Relief application package.pdf
124K

Noba Anderson <nobaanderson@gmail.com>
To: John Neill <JNeill@srd.ca>, Lovena Harvey <lovena@gatheringplacetrading.com>

Wed, Oct 28, 2020 at 11:17 AM

Thanks John for your thoughts and clarity.

I had thought that we would be getting a site visit from MoTI before the referrals went out because after their site visit the application may change depending on their input. But I guess that was a poor assumption.

We proactively self referred to VIHA in the spring after all our perc tests and material test holes were dug in January so that they could come in the wet weather window - which then was delayed given Covid, but which was then completed later in the spring. Anyway, that to say that we paid the VIHA referral fee at that time.... wanting to get that info to inform any needed alterations to the proposal. Based on their assessment we don't anticipate any concern from them.

Likewise, I would like MOTI's input before finalizing our proposal, perhaps even to alter it as you have payed out with a strata panhandle. We would just like the referral that you look at and take the few for to be our best version- and we would like to not pay the referral fee multiple times if the application changes based on information learned as we go. Any advise very welcomed.

Thanks, Noba
[Quoted text hidden]

--
Noba Anderson
250-935-0320

John Neill <JNeill@srd.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Tue, Nov 3, 2020 at 11:51 AM

Thanks Noba – it would be better if an early decision could be made regarding the inclusion or not of a strata road, as this will impact our response back to MoTI.

Regards,
[Quoted text hidden]

Noba Anderson <nobaanderson@gmail.com>
To: Lovena Harvey <lovena@gatheringplacetrading.com>

Tue, Nov 3, 2020 at 12:30 PM

Lovena
I need a sounding board on this... feeling stuck. I will call our MoTI file holder to discuss...

Noba
[Quoted text hidden]
--
Noba Anderson
250-935-0320

Noba Anderson <nobaanderson@gmail.com>
To: John Neill <JNeill@srd.ca>, Lovena Harvey <lovena@gatheringplacetrading.com>

Tue, Nov 3, 2020 at 3:21 PM

Thanks John
I spoke today with MoTI and Jennifer is going to speak with her approving officer about options.
We will get back to you as we have more information and clarity of direction.

Warmly, Noba
[Quoted text hidden]
--
Noba Anderson
250-935-0320

John Neill <JNeill@srd.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Tue, Nov 3, 2020 at 4:03 PM

Thanks, Noba.
[Quoted text hidden]



Noba Anderson <nobaanderson@gmail.com>

Question

17 messages

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.dyer@gov.bc.ca>

Thu, Oct 29, 2020 at 9:43 PM

Hello Jennifer

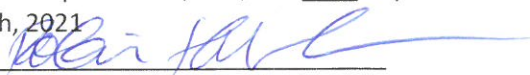
I see referrals have gone out on our Whaletown Road proposes subdivision. Thanks for working on this file.

I had erroneously thought that you would be conducting a site visit before making the referrals... in the case of the SRD referral it may be advantageous. They have asked for the referral fee, but based on your site visit I wonder if our application might change to some degree... For instance the SRD staff suggested that if the panhandle was to be a strata Road that might not require full build out that we would be able to avoid the political process associated with a road frontage exemption.... or who knows what else you might suggest. I would also like to inquire with you on site what the difference would be to create any more lots. Would that require road build out etc...? I just don't want to pay the SRD multiple referral fees if the application changes.

Please advise.
Thanks, Noba

--
Noba Anderson
250-935-0320

This is Exhibit " EE " to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021


A Commissioner/Notary Public for the
Province of British Columbia

Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Mon, Nov 2, 2020 at 2:59 PM

Hi Noba,

We typically send out referrals first before conducting a site visit. If your proposal changes based on suggestions from the SRD, we would want to see those changes before we make the trip over to inspect the property.

I'm not sure what you mean about the political process associated with a road frontage exemption. If you want to change your proposal to a strata, the road within the panhandle would have to be constructed to a good engineering standard.

Thank you,

Jennifer Dyer
Development Officer
Ministry of Transportation and Infrastructure
Vancouver Island District – Courtenay
(778) 576-1109

From: Noba Anderson <nobaanderson@gmail.com>
Sent: October 29, 2020 9:43 PM
To: Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
Subject: Question

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

[Quoted text hidden]

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.Dyer@gov.bc.ca>

Tue, Nov 3, 2020 at 3:20 PM

Thank-you Jennifer for the talk today. I appreciate being able to give you the larger context behind this application and brainstorm possibilities. I also appreciate that you will reach out to your approving officer to consider options and get back to me with any that you might find. I look forward to hearing back from you and, as I said on the call, would warmly welcome a site visit from you so that we can have as much information as we can as early as we can going forward so as to make this process as smooth as possible.

Warmly, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Wed, Nov 4, 2020 at 9:23 AM

Hi Noba,

I had a chance to speak with my Provincial Approving Officer about your proposal. Since your subdivision is quite complex, we do highly recommend hiring a consultant to help you configure the lot lines. There are lots of surveyors in the north island that are familiar with the subdivision process, such as JE Anderson & Associates, McElhanney, and Bazett Land Surveying (to name a few). They are usually really knowledgeable about MoTI requirements and can look at different options with you.

Based off of our conversation yesterday, some things for you and your consultant to consider:

- We understand that your current proposal does not meet the 10% minimum frontage rule and you are not confident that you would be granted frontage relief. Like suggested by the SRD planner, if the subdivision was changed to a bare land strata, the panhandle could become strata road and minimum frontage would not be required. However, please keep in mind that with a bare land strata, all lots need to have their access off of the strata road. The strata road would have to be constructed to a good engineering standard, not driveway standard.
- Public road dedication of the panhandle to meet minimum frontage would require upgrading of the road to MoTI standard since so many homes would be accessing off of the newly dedicated road.

It sounds like your proposal may change based on certain requirements needing to be met. We are happy to keep your application open and can revisit it once you have solidified a plan. Once a formalized plan is resubmitted, we will send out referrals to Island Health and the SRD again and begin preliminary review of the application.

[Quoted text hidden]

1/23/2021

Gmail - Question

305

Mon, Nov 9, 2020 at 11:48 AM

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.Dyer@gov.bc.ca>

received - thanks

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.Dyer@gov.bc.ca>

Thu, Nov 12, 2020 at 2:54 PM

At your recommendation we have engaged Colin Burrige of JE Anderson, sent him all of our info and will meet with him soon. In that review, it has become again so clear that the biggest unknown in our whole planning is what MoTI will accept for road requirements and I just do t see being able to much advance without a site visit from yourself. The two roads that touch our property are both anomalous- the one that touches the corner of our property is narrower than you would like a road or panhandle to be... so we just don't know what you are going to accept. The other road is a narrow and steep unmaintained road, and I don't know if you will allow new lots to be accessed from it... so all of our layout options really hinge on this knowledge.

So, I am writing to formally request that you do a site visit before we get any further along in our proposal development. As all our considerations hang on your determination as best as I can tell.

Thanks for considering this request.

Warmly, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Noba Anderson <nobaanderson@gmail.com>
To: Lovena Harvey <lovena@gatheringplacetrading.com>

Thu, Nov 12, 2020 at 2:55 PM

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Mon, Nov 16, 2020 at 3:22 PM

Hi Noba,

When it comes to road construction, our requirements are entirely dependent on what you are proposing. If you propose public road dedication, we will likely require the road be built to MoTI spec. If a strata road is proposed, the road will be required to be built to a good engineering standard (slightly varied from MoTI standard). If you are proposing no road dedication, no road construction will be required, however you will need to meet the minimum frontage requirement or be granted relief. All of these options and their viability can be discussed with your consultant.

As for the voicemail you left last week, we have everything we need right now for your subdivision if the proposal remains unchanged. We would wait for a response from the SRD before conducting a site visit.

[Quoted text hidden]

Noba Anderson <nobaanderson@gmail.com>

Mon, Nov 16, 2020 at 3:38 PM

To: Colin Burridge <cburridge@jeanderson.com>

FYI

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.Dyer@gov.bc.ca>

Mon, Nov 16, 2020 at 3:40 PM

OK thanks

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Colin Burridge <cburridge@jeanderson.com>
To: Noba Anderson <nobaanderson@gmail.com>

Thu, Nov 19, 2020 at 3:26 PM

Hi Noba, I have now had a chance to review all the information you have provided. I agree it would be best to sit down and go over this in person and I may be able to provide some useful suggestions and answer your questions. At the moment, next week would work for a meeting at my Campbell River office, with the exception of Wednesday. However I am very busy and the sooner you could provide me with a day and time to meet the better it would be for my scheduling.

Regards;

Colin Burridge, P.Eng., CLS, BCLS

J.E. Anderson and Associates

F – 1250 Cedar Street

Campbell River, BC V9W 2W5

Ph: 250-287-4865

Email: cburridge@jeanderson.com

Web: www.jeanderson.com



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Noba Anderson <nobaanderson@gmail.com>
To: Colin Burridge <cburridge@jeanderson.com>, Lovena Harvey <lovena@gatheringplacetrading.com>

Thu, Nov 19, 2020 at 10:35 PM

Thanks Colin

1/23/2021

Gmail - Question

307

Lovena Harvey, one of my land partners, and the one I most speak to about this all, would like to be in on the meeting. She is in town already most of next week and given today's lock-down if she can join you in person then I will consider coming or perhaps we should zoom.

I have asked her for her availability

Will sort this out Friday I trust

Thanks, Noba

[Quoted text hidden]

--

Noba Anderson

250-935-0320

Colin Burrige <cburridge@jeanderson.com>

Fri, Nov 20, 2020 at 10:25 AM

To: Noba Anderson <nobaanderson@gmail.com>, Lovena Harvey <lovena@gatheringplacetrading.com>

Hi Noba, yes we could try a zoom meeting as well. Colin

[Quoted text hidden]

Lovena Harvey <lovena@gatheringplacetrading.com>

Fri, Nov 20, 2020 at 11:04 AM

To: Noba Anderson <nobaanderson@gmail.com>

Hi Noba,

Next week I have an appt on Thursday at 3:15, and a meeting on Wednesday at 2pm. Otherwise I am open to schedule a call.

Thanks!

Lovena

Lovena Harvey

CEO / Co-founder

Gathering Place Trading

www.gatheringplacetrading.com

250 287 7571

[Quoted text hidden]

Noba Anderson <nobaanderson@gmail.com>

Sat, Nov 21, 2020 at 4:22 PM

To: Colin Burrige <cburridge@jeanderson.com>

Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Hello Colin and Lovena

Lovena and I could meet I think any time on Monday the 23rd. I would prefer afternoon and have set up a zoom meeting invitation for the three of us at 3.

<https://us02web.zoom.us/j/81342342764?pwd=aGwwZXVEWUc0WjV2S1VxcXd1NzF2dz09>

I'm not sure if Lovena will join you in person or not. I will be zooming in.

Please let us know if that will work.

I may be in court any other day of the week... and will not know until the day before... so Monday is our best bet.

Thanks, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.Dyer@gov.bc.ca>

Tue, Dec 15, 2020 at 3:08 PM

Jennifer

After conferring at length with development consultant Colin Burrige, although he was able to provide some valuable feedback, the core questions that we have about what MoTI will accept given the roads that currently touch our property, he was unable to answer. He really did say that would be up to you to determine. So, although I wish I had greater confidence in our application at this time, we have paid the referral fee to the SRD to review the application that we submitted to you back in February. We are trusting then that during your site visit that we can discuss what will be acceptable to MoTI and possibly revise our application thereafter.

What Colin did confirm is that the road that touches the north west portion of our property, although steep and unmaintained, is still a road and that MoTI will then be required to regard it as a road sufficient to provide access to one or more lots. He said a road is a road. That was reassuring, although I would like your confirmation of this as it is critical to every other lay-out consideration.

What we are still unsure of is this:

1. Will you allow a panhandle lot to access off the north east corner even though the road frontage is less than your ideal road allowance width? The current panhandle width can be whatever the Ministry needs. If not, we could then approach a neighbour to move our lot line over by a few feet or find some other mechanism for an easement.
2. Would you allow turn-arounds to be constructed at the two places where our property touches the roads thereby allowing two lots to gain access to each of these turn-arounds?

Colin will be surveying the eastern property line in January and we have determined that the RAR does not apply to us as the wetland does not connect to a fish bearing stream.

So, we are trusting that you will be able to come conduct a site visit based on the current application and at that time we can show you another couple lay-out options and we can discuss what MoTI will allow. If we can coordinate the site visit, perhaps Colin could even be present. I acknowledge that this is not ideal, but it is truly the best we can do at this time. I trust we will see you in the new year.
All the best of the season to you.

Warmly, Noba

[Quoted text hidden]

--

Noba Anderson
250-935-0320

Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Thu, Dec 17, 2020 at 11:02 AM

Hi Noba,

Thanks for following up with more information. I believe a call with Colin and the PAO will be helpful to answer any questions and help you with your subdivision planning process. I've taken a look at our calendars and we are available anytime in the afternoon between January 11-13. We have some availability in the mornings on those days as well if that works better for you. Please let me know what date and time works best for you and I can send out a meeting invite.

[Quoted text hidden]



Noba Anderson <nobaanderson@gmail.com>

Frontage question

3 messages

Noba Anderson <nobaanderson@gmail.com>
To: John Neill <JNeill@srd.ca>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Tue, Nov 24, 2020 at 8:23 AM

Hello John


Lovena and I met yesterday with Colin Buggidge who we have engaged to help us think a few subdivision options through. One question that has arisen is this.

If we proceed with the subdivision as submitted and are successful in obtaining road frontage relief from the SRD, what happens if, after the MoTI site visit, our internal lot line lay-out changes but there is no change to road frontage? Would we need to re-apply to the SRD for the frontage relief or would the relief still be valid?

Thanks, Noba

--
Noba Anderson
250-935-0320

This is Exhibit " FF " to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021


A Commissioner/Notary Public for the
Province of British Columbia

Tue, Nov 24, 2020 at 9:19 AM

John Neill <JNeill@srd.ca>
To: Noba Anderson <nobaanderson@gmail.com>

Hi Noba – no, so long as the road frontage remains as approved by the SRD Board, a lot line change would be acceptable.

Regards,

John

[Quoted text hidden]

Noba Anderson <nobaanderson@gmail.com>
To: John Neill <JNeill@srd.ca>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Tue, Nov 24, 2020 at 9:36 AM

Thank-you

[Quoted text hidden]

--
Noba Anderson
250-935-0320

This is Exhibit "GG" to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021



A Commissioner/Notary Public for the
Province of British Columbia



Noba Anderson <nobaanderson@gmail.com>

Call with MoTI tomorrow

2 messages

Noba Anderson <nobaanderson@gmail.com>

Mon, Jan 11, 2021 at 2:24 PM

To: Colin Burridge <cburridge@jeanderson.com>, Lovena Harvey <lovena@gatheringplacetrading.com>

Hello Colin and Lovena

In preparation for our call tomorrow with MoTI here is the last email of substance that I sent to Jennifer at MoTI that lays out our key questions.

Colin then suggested that Kevin could be approached to do a road dedication of a few feet of his triangle property next to our driveway to get the width that MoTI would want.

I will send out an email reminder tonight to you both and Jennifer with the zoom details again and I think I will also include one of the 4 lot subdivision maps we had made that she just two small turn-around a built, each with two lots accessing the turn around, so we can also discuss this option with them in concept.

Colin, what other questions do we need to clarify at this time?

ALSO- I will be in court tomorrow with the SRD and will do my very best to step out for this. If I fail to be able to do so, I will make sure that the zoom meeting can go forward without me.

All the best, Noba

----- Forwarded message -----

From: **Noba Anderson** <nobaanderson@gmail.com>

Date: Tuesday, December 15, 2020

Subject: Question

To: "Dyer, Jennifer TRAN:EX" <Jennifer.Dyer@gov.bc.ca>

Jennifer

After conferring at length with development consultant Colin Burridge, although he was able to provide some valuable feedback, the core questions that we have about what MoTI will accept given the roads that currently touch our property, he was unable to answer. He really did say that would be up to you to determine. So, although I wish I had greater confidence in our application at this time, we have paid the referral fee to the SRD to review the application that we submitted to you back in February. We are trusting then that during your site visit that we can discuss what will be acceptable to MoTI and possibly revise our application thereafter.

What Colin did confirm is that the road that touches the north west portion of our property, although steep and unmaintained, is still a road and that MoTI will then be required to regard it as a road sufficient to provide access to one or more lots. He said a road is a road. That was reassuring, although I would like your confirmation of this as it is critical to every other lay-out consideration.

What we are still unsure of is this:

1. Will you allow a panhandle lot to access off the north east corner even though the road frontage is less than your ideal road allowance width? The current panhandle width can be whatever the Ministry needs. If not, we could then approach a neighbour to move our lot line over by a few feet or find some other mechanism for an easement.
2. Would you allow turn-arounds to be constructed at the two places where our property touches the roads thereby allowing two lots to gain access to each of these turn-arounds?

Colin will be surveying the eastern property line in January and we have determined that the RAR does not apply to us as the wetland does not connect to a fish bearing stream.

So, we are trusting that you will be able to come conduct a site visit based on the current application and at that time we can show you another couple lay-out options and we can discuss what MoTI will allow. If we can coordinate the site visit, perhaps Colin could even be present. I acknowledge that this is not ideal, but it is truly the best we can do at this time.

I trust we will see you in the new year.

All the best of the season to you.

Warmly, Noba

On Mon, Nov 16, 2020 at 3:22 PM Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca> wrote:

Hi Noba,

When it comes to road construction, our requirements are entirely dependent on what you are proposing. If you propose public road dedication, we will likely require the road be built to MoTI spec. If a strata road is proposed, the road will be required to be built to a good engineering standard (slightly varied from MoTI standard). If you are proposing no road dedication, no road construction will be required, however you will need to meet the minimum frontage requirement or be granted relief. All of these options and their viability can be discussed with your consultant.

As for the voicemail you left last week, we have everything we need right now for your subdivision if the proposal remains unchanged. We would wait for a response from the SRD before conducting a site visit.

Thank you,

Jennifer Dyer

Development Officer

Ministry of Transportation and Infrastructure

Vancouver Island District – Courtenay

(778) 576-1109

From: Noba Anderson <nobaanderson@gmail.com>
Sent: November 12, 2020 2:55 PM
To: Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
Subject: Re: Question

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

At your recommendation we have engaged Colin Burrridge of JE Anderson, sent him all of our info and will meet with him soon. In that review, it has become again so clear that the biggest unknown in our whole planning is what MoTI will accept for road requirements and I just do t see being able to much advance without a site visit from yourself. The two roads that touch our property are both anomalous- the one that touches the corner of our property is narrower than you would like a road or panhandle to be... so we just don't know what you are going to accept. The other road is a narrow and steep unmaintained road, and I don't know if you will allow new lots to be accessed from it... so all of our layout options really hinge on this knowledge.

So, I am writing to formally request that you do a site visit before we get any further along in our proposal development. As all our considerations hang on your determination as best as I can tell.

Thanks for considering this request.

Warmly, Noba

On Wednesday, November 4, 2020, Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca> wrote:

Hi Noba,

I had a chance to speak with my Provincial Approving Officer about your proposal. Since your subdivision is quite complex, we do highly recommend hiring a consultant to help you configure the lot lines. There are lots of surveyors in the north island that are familiar with the subdivision process, such as JE Anderson & Associates, McElhanney, and Bazett Land Surveying (to name a few). They are usually really knowledgeable about MoTI requirements and can look at different options with you.

Based off of our conversation yesterday, some things for you and your consultant to consider:

- We understand that your current proposal does not meet the 10% minimum frontage rule and you are not confident that you would be granted frontage relief. Like suggested by the SRD planner, if the subdivision was changed to a bare land strata, the panhandle could become strata road and minimum frontage would not be required. However, please keep in mind that with a bare land strata, all lots need to have their access off of the strata road. The strata road would have to be constructed to a good engineering standard, not driveway standard.
- Public road dedication of the panhandle to meet minimum frontage would require upgrading of the road to MoTI standard since so many homes would be accessing off of the newly dedicated road.

It sounds like your proposal may change based on certain requirements needing to be met. We are happy to keep your application open and can revisit it once you have solidified a plan. Once a formalized plan is resubmitted, we will send out referrals to Island Health and the SRD again and begin preliminary review of the application.

Thank you,

Jennifer Dyer

Development Officer

Ministry of Transportation and Infrastructure

Vancouver Island District – Courtenay

(778) 576-1109

From: Noba Anderson <nobaanderson@gmail.com>
Sent: November 3, 2020 3:20 PM
To: Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
Subject: Re: Question

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Thank-you Jennifer for the talk today. I appreciate being able to give you the larger context behind this application and brainstorm possibilities. I also appreciate that you will reach out to your approving officer to consider options and get back to me with any that you might find. I look forward to hearing back from you and, as I said on the call, would warmly welcome a site visit from you so that we can have as much information as we can as early as we can going forward so as to make this process as smooth as possible.

Warmly, Noba

On Mon, Nov 2, 2020 at 2:59 PM Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca> wrote:

Hi Noba,

We typically send out referrals first before conducting a site visit. If your proposal changes based on suggestions from the SRD, we would want to see those changes before we make the trip over to inspect the property.

I'm not sure what you mean about the political process associated with a road frontage exemption. If you want to change your proposal to a strata, the road within the panhandle would have to be constructed to a good engineering standard.

Thank you,

Jennifer Dyer
Development Officer
Ministry of Transportation and Infrastructure
Vancouver Island District – Courtenay
(778) 576-1109

From: Noba Anderson <nobaanderson@gmail.com>
Sent: October 29, 2020 9:43 PM
To: Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
Subject: Question

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello Jennifer

I see referrals have gone out on our Whaletown Road proposes subdivision. Thanks for working on this file.

I had erroneously thought that you would be conducting a site visit before making the referrals... in the case of the SRD referral it may be advantageous. They have asked for the referral fee, but based on your site visit I wonder if our application might change to some degree... For instance the SRD staff suggested that if the panhandle was to

1/23/2021

Gmail - Call with MoTI tomorrow

315

be a strata Road that might not require full build out that we would be able to avoid the political process associated with a road frontage exemption.... or who knows what else you might suggest. I would also like to inquire with you on site what the difference would be to create any more lots. Would that require road build out etc...? I just don't want to pay the SRD multiple referral fees if the application changes.

Please advise.

Thanks, Noba

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Noba Anderson

250-935-0320

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Noba Anderson

250-935-0320

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Noba Anderson

250-935-0320

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Noba Anderson
250-935-0320

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Noba Anderson
250-935-0320

Colin Burrige <cburridge@jeanderson.com>


Mon, Jan 11, 2021 at 2:40 PM

To: Noba Anderson <nobaanderson@gmail.com>, Lovena Harvey <lovena@gatheringplacetrading.com>

Ok, sounds fine. Colin

[Quoted text hidden]

This is Exhibit "HH" to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 25 day of
March, 2021


A Commissioner/Notary Public for the
Province of British Columbia



Noba Anderson <nobaanderson@gmail.com>

Cortes land question

4 messages

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.dyer@gov.bc.ca>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Sun, Feb 14, 2021 at 4:44 PM

Jennifer

I just found this in my draft folder which I thought I had sent to you on January 28th. See below email from then and then below it a short update.

.....

Hello Jennifer

I so appreciate the call you set up for us a couple weeks ago with the provincial approving officer. She shared an idea that has opened a whole new train of thought not previously considered by us or our consultant. That idea was the notion of a common access lot, touching on the main road as well as multiple strata lots, that would then preclude the need for internal road construction. Her idea was revolutionary to us - a way of having multiple strata lots without internal road construction. It has naturally led to an extension of that idea, for which I would greatly appreciate clarity.

I well understand that this kind of back and forth with MoTI is highly unusual and I am so grateful for it, given that what MoTI will accept for roads is totally pivotal to everything else.

So, here is the question in concept only - clearly not asking for any commitment prior to a site visit - but in CONCEPT could this common access lot concept be stretched to apply to the attached sketch where the common lot surrounds all lots and thereby provides access in that way, WITHOUT internal road building, but rather continuing to use the existing driveways? Is this a question that you would be able to run by the PAO.

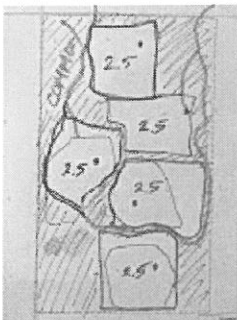
.....

Update as of February 14

The concept outlined above is ALWAYS what we have wanted - how we live on the land now - and I am stunned that after speaking with professionals about this land situation for YEARS, that this concept has never come forward. We have always thought that we would need to build so much road to make a strata work, but the PAO's idea was truly revolutionary! I am so grateful to you for connecting us directly with her for the call. Colin, our development consultant, thinks this is a very feasible approach. We as a land group has made the decision to re-submit our application to you as a 5 lot bare land strata based on the attached sketch. To that end, Colin has begun to do the survey work to get you a more professional map proposal.

So, please if you or the POA think this approach to not be a viable one, please do advise ASAP.

Many thanks for all your help.
Warmly, Noba



5 small strata lots 2.jpeg
3000K

Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
To: Noba Anderson <nobaanderson@gmail.com>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Mon, Feb 22, 2021 at 2:57 PM

Hi Noba,

I have shared your proposal with my PAO and she thinks conceptually it could work. You will need to prove that the existing driveways are in safe condition in order to avoid road construction/upgrades. That will be discussed more at the time of site visit.

Thank you,

Jennifer Dyer
Development Officer
Ministry of Transportation and Infrastructure
Vancouver Island District – Courtenay
(778) 576-1109

From: Noba Anderson <nobaanderson@gmail.com>
Sent: February 14, 2021 4:45 PM
To: Dyer, Jennifer TRAN:EX <Jennifer.Dyer@gov.bc.ca>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>
Subject: Cortes land question

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

[Quoted text hidden]

Noba Anderson <nobaanderson@gmail.com>
To: Colin Burridge <cburridge@jeanderson.com>

Mon, Feb 22, 2021 at 8:22 PM

FYI
[Quoted text hidden]
--
Noba Anderson
250-935-0320

Noba Anderson <nobaanderson@gmail.com>
To: "Dyer, Jennifer TRAN:EX" <Jennifer.Dyer@gov.bc.ca>
Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Mon, Feb 22, 2021 at 8:22 PM

Thank-you
[Quoted text hidden]
--
Noba Anderson
250-935-0320

Application Summary

eDAS File Number: 2021-01433

Subdivision Application:

Subdivision Type: Bare Land Strata **No. of Lots:** 6
Selected Office: Courtenay Area Office
Applicant File Number:

Land Use:

Local Government: Strathcona Regional District
Property Zoning: Rural 1
Existing Land Use: residential **Intended Land Use:** residential

Surrounding Land Use:

North:
residential
South:
residential
East:
residential
West:
residential

This is Exhibit " II " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 25 day of March, 2021



A Commissioner/Notary Public for the Province of British Columbia

Services:

Proposed Sewage Disposal: Septic Tank (if other)
Proposed Water Supply: Well (if other)

Location:

Order Location

Legal Description: Lot 1, Plan VIP4570, Section 21, Sayward Land District, Except Plan PCL A DD 184186I, CORTES ISLAND

Map: 1068444,565544

Property Address: 423 Whaletown Road, Whaletown

Subdivision Application Details:

Required items include:

- An authorization letter from the owner if someone else, such as an agent, is applying on the owner's behalf
- Original plus five copies of a scaleable sketch plan of proposed layout.
The sketch must include the approximate grades and widths of roads and a design profile, preferably including a cross-section of the proposed road.
Properly engineered drawings will be required for final approval. The sketch should contain:
 - The date it was drawn
 - The scale
 - North arrow
 - Legal description of the property being subdivided, and its adjacent properties
 - Outline of the subdivision in red or heavy black line
 - All proposed lots, remainders, parks, rights of way, easements and roads showing dimensions and areas
 - Any existing property lines or roads proposed to be removed, closed or relocated
 - All steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposal area
 - Location of existing buildings and structures on the property and adjacent properties within 30m of property boundaries
 - Location of any onsite water sources to be developed
 - Approximate location of all existing and proposed utility services
 - Existing access roads and other roads and trails on the property (state names of roads)
 - Site locations of the soil inspection test holes and the percolation tests on each parcel
 - Approximate extent of area available for sewage disposal surrounding the test holes
 - Location of sewage disposal system and wells on adjacent properties within 30 m of property boundaries

Application Summary

eDAS File Number: 2021-01433

- One copy of the current State of Title Certificate so that property encumbrances can be checked
 - Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the Land Title Office
 - A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed
- Include these items as well, where applicable**
- A copy of the Provincial Agricultural Land Commission application (if located within ALR). While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only give approval if the property has cleared the Land Commission process in the meantime.
 - One copy of any test required by the Regional Health Authority
 - A Development Permit and plan where applicable.
 - A copy of BC Assessment Authority Tax Notice showing property tax classification.

Attachments:

Filename	File Description	Classification
Allison.jpg	agent consent form from Allison	Document
Connie.jpg	agent consent form from Connie	Document
Lovena.jpg	agent consent form from Lovena	Document
Luka.jpg	agent consent form from Luka	Document
Ryan.jpg	agent consent form from Ryan	Document
327SP.pdf	subdivision layout map	Map
State of Title Certificate STS	State of Title Certificate	Document
contaminated site waiver.JPG	contaminated sites waiver	Document
SUBDIVISION APPLICATIO	old house site A is now SL1	Map
SUBDIVISION APPLICATIO	old house site D is now SL3	Map
SUBDIVISION APPLICATIO	old house site E is now SL4	Map
SUBDIVISION APPLICATIO	old house site F is now SL5	Map
SUBDIVISION APPLICATIO	old house site G is now SL2	Map

Subdivision Application Project Details:

Project Description: We, the co-owners of a 21.86 acre property, are applying for a five lot bare land strata subdivision. Our existing lot allows 4 dwellings and is currently zoned for a 2 to 2.5 acre density which would allow the creation of up to 10 lots. We aim to keep as much land common as possible, including the property entrances, driveway, garden, orchard and forest lands. We want to avoid building strata road, while providing individual strata lots to all current land partners, plus one extra.

Other Information: Last year, we submitted a 2 lot standard subdivision for this property - file # : 2020-00947. For that application we did all the material test holes and perc test holes required for VIHA's septic application, and they responded positively to your referral. We have re-submitted the same information here. The agent consent forms, state of title certificate, and contaminated sites waiver are all from that earlier application. The only new piece of information here is the bare land strata map. Also, due to the fact that the parcel is a remainder, and because we want to dedicate a park and a small amount of road, a reference plan would proceed the bare land strata plan.

Subdivision Application Parties:

Type	Name/Company	Address	Role
Applicant	Anderson, Noba		



Noba Anderson <nobaanderson@gmail.com>

Strata Subdivision application submitted

2 messages

Noba Anderson <nobaanderson@gmail.com>
 To: "Dyer, Jennifer TRAN:EX" <Jennifer.dyer@gov.bc.ca>
 Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Mon, Mar 15, 2021 at 5:12 PM

Hello Jennifer

I want to thank-you again for setting up that call with your PAO in January. It was the call that we had been trying to get for nearly two years from MoTI and, as expected, it gave us all the information and confidence that we needed to submit the application that we really wanted, and in which we have full confidence; as opposed to the 'place-holder' two lot version that we had submitted in order to get the good information from MoTI. THANK-YOU!

As you know, we engaged Colin Burrige late last year and he joined us on the January call you arranged with the PAO. He has been on site twice since mapping and surveying and we quite like what is before you know.



Just today, I submitted a new application, a bare land strata application, through the website. Because last time you needed directly from me everything I submitted through that site, I am proactively sending you everything now. Please find attached here the application confirmation that I just received - file number 2021-01433 and the new mapping. In the next email, I will attach the rest of the files I submitted, all of which are from last year's application, and therefore known to you... just so you have everything fresh and in one spot.

Please let us know what the application fee will be, as the website did not generate the amount for us, and we will put a check in the mail straight away.


Thanks for all your help.

--
 Noba Anderson
 250-935-0320

4 attachments

-  **Doc23135395.pdf**
76K
-  **327SP.pdf**
193K
-  **327 PARK.pdf**
189K
-  **120-327.pdf**
57K

This is Exhibit " JJ " to the Affidavit of
 Noba Anderson, sworn (or affirmed) before
 me at Campbell River, B.C., this 25 day of
 March, 2021


 A Commissioner/Notary Public for the
 Province of British Columbia

Noba Anderson <nobaanderson@gmail.com>
 To: "Dyer, Jennifer TRAN:EX" <Jennifer.dyer@gov.bc.ca>
 Cc: Lovena Harvey <lovena@gatheringplacetrading.com>

Mon, Mar 15, 2021 at 5:25 PM

Jennifer

Please find attached all the old pieces of our subdivision application just now resubmitted including:

- contaminated site waiver
- 5 Agent consent forms
- state of title certificate
- map for old housesite A - now SL1
- map for old housesite D - now SL3

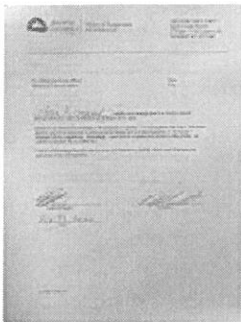
- map for old housesite E - now SL4
- map for old housesite F - now SL5
- map for old housesite G - now SL2

The maps were the ones that we submitted to Island Health last spring that they approved. Will we need to re-refer to them? If so, would that be through you or us? And clearly the SRD will also need to be referred. We know from them that we have the appropriate zoning and that we will need road relief from them. We will clearly also need their acceptance of our proposed park dedication.

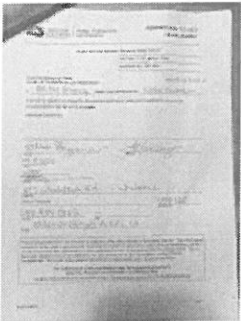
If there is anything else that I can get you in support of this application please advise. I look forward to your site visit at your earliest convenience.

Warmly, Noba
 [Quoted text hidden]
 --
 Noba Anderson
 250-935-0320

12 attachments



contaminated site waiver.JPG
2466K

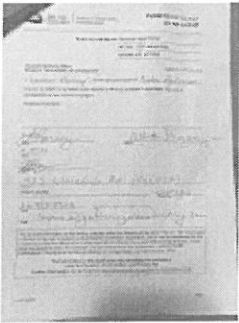
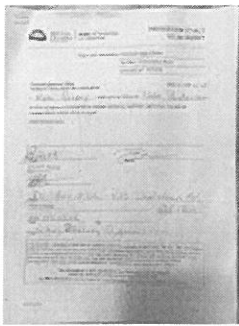


Allison.jpg
564K

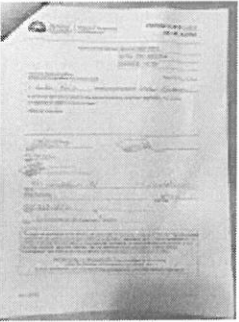


Connie.jpg
60K

Ryan.jpg
571K



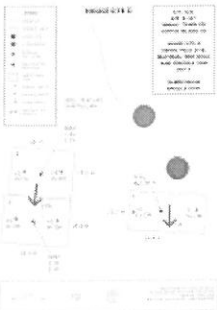
Lovena.jpg
558K



Luka.jpg
553K



SUBDIVISION APPLICATION MAPS FEB 28TH_06.jpg
135K



SUBDIVISION APPLICATION MAPS FEB 28TH_09.jpg
145K

SUBDIVISION APPLICATION MAPS FEB 28TH_10.jpg
138K



SUBDIVISION APPLICATION MAPS FEB 28TH_11.jpg
146K



SUBDIVISION APPLICATION MAPS FEB 28TH_12.jpg
154K

 **State of Title Certificate STSR3119881.pdf**
92K